

2025 Dec 18/11/11

THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II - PROCEEDINGS OTHER THAN QUESTIONS AND
ANSWERS)

Official Report

Volume 1, 1949

(1st February, 1949 to 23rd February, 1949)

Fourth Session
OF THE
CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE)

1949



सत्यमेव जयते



CONTENTS

Volume I.—1st February, 1949 to 23rd February, 1949.

PAGES

TUESDAY, 1ST FEBRUARY, 1949—

Deaths of Dr. Tej Bahadur Sapru, Mr. Akbar Hydari, Shri G.A. Natesan, Mr. M. Shafi Daudi, Mr. Vellingiri Gounder and Mr. Abdul Matin Chaudhuri.	1—3
H.E. the Governor General's Assent to Bills	3
Statement <i>re</i> Loans from International Monetary Fund	4—6
Papers laid on the Table	6—24
Public Companies (Limitation of Dividends) Bill—Introduced	24
Tea Committee for India Bill—Introduced	24
Indian Emigration (Amendment) Bill—Introduced	24
Seaward Artillery Practice Bill—Introduced	24
Mangrol and Manavadar (Administration of Property) Bill—Introduced	24
United Provinces Provincial Armed Constabulary (Extension of Laws) Bill—Introduced	25
Protective Duties (Amendment) Bill—Introduced	25
Banking Companies Bill—Presentation of Report of Select Committee	25
Ajmer-Merwara Tenancy and Land Records Bill—Extension of time for presentation of Report of Select Committee.. . . .	25
Chartered Accountants Bill—Referred to Select Committee	25—27
Payment of Taxes (Transfer of Property) Bill—Referred to Select Committee	27—56
Indian Tariff (Second Amendment) Bill—Discussion on motion to consider—not concluded.	56—65.

WEDNESDAY, 2ND FEBRUARY, 1949—

Statement on Disturbances in Durban, South Africa	67—69
Indian Tariff (Second Amendment) Bill—Passed as amended	69—97
Public Companies (Limitation of Dividends) Bill—Discussion on motions to consider and to refer to Select Committee—not concluded.	97—106.

THURSDAY, 3RD FEBRUARY, 1949—

Committee to examine rules of Procedure and Conduct of Business	107
Resolution <i>re</i> Community-wise Census of Assam, West Bengal and East Punjab—Withdrawn	107—11
Resolution <i>re</i> (i) Failure of Grow More Food Campaign (ii) Serving of Rice in Non-Vegetarian Hotels—Discussion not concluded.	111—53

FRIDAY, 4TH FEBRUARY, 1949—

Scheduled Securities (Hyderabad) Bill—Introduced	157
Public Debt (Central Government) Amendment Bill—Introduced	157
Estate Duty Bill—Extension of time for Presentation of Report of Select Committee	157—58
Child Marriage Restraint (Amendment) Bill—Extension of time for presentation of Report of Select Committee	158
Resolutions <i>re</i> (i) Failure of Grow More Food Campaign (ii) Serving of Rice in Non-Vegetarian Hotels—Withdrawn	159—209

MONDAY, 7th FEBRUARY, 1949—

Papers laid on the Table	211—12
Election to National Food and Agriculture Organisation Liaison Committee—Postponed	212—13
Election to Committee on Public Accounts	213—14
Public Companies (Limitation of Dividends) Bill—Referred to Select Committee	214—16

60351

V2, 31 N4-9

N4.9.1/04.2

MONDAY, 7TH FEBRUARY, 1949—*contd.*

Tea Committee for India Bill—Referred to Select Committee	216—27
Mangrol and Manavadar (Administration of Property) Bill—Passed as amended	227—43
United Provinces Provincial Armed Constabulary (Extension of Laws) Bill—Passed	243—48
Seaward Artillery Practice Bill—Passed as amended	248—58
India Emigration (Amendment) Bill—Passed	258—60
Protective Duties (Amendment) Bill—Discussion on motion to consider—not concluded	260—62

TUESDAY, 8TH FEBRUARY, 1949—

Death of Mr. C. N. Muthuranga Mudaliar	263
Protective Duties (Amendment) Bill—Passed	263—66
Scheduled Securities (Hyderabad) Bill—Passed	266—73
Public Debt (Central Government) Amendment Bill—Passed	273—75
Banking Companies Bill—Discussion on the motion to consider as reported by Select Committee—not concluded	275—306

WEDNESDAY, 9TH FEBRUARY, 1949—

Banking Companies Bill—Discussion on motion to consider as reported by Select Committee—not concluded	307—45
---	--------

THURSDAY, 10TH FEBRUARY, 1949—

Election to Committee on Public Accounts	347
Code of Civil Procedure (Amendment) Bill (Amendment of Section 82)—Introduced	347
Indian Tea Control (Amendment) Bill—Introduced	347
Payment of Taxes (Transfer of Property) Bill—Presentation of Report of Select Committee	347
Banking Companies Bill—Consideration of clauses—continued	347—87

FRIDAY, 11TH FEBRUARY, 1949—

Indian Penal Code and the Code of Criminal Procedure (Amendment) Bill—Referred to Select Committee	389—91
Workers' Provident Fund Bill—Circulated	392—95
Prevention of Free or Forced or Compulsory Labour Bill—Circulated	395—407
Indian Judicial Procedure Bill—Referred to Select Committee	408—14
Criminal Tribes (Repeal) Bill—Discussion on motion to consider—Allowed to stand over	414—15
Indian Bar Councils and the Legal Practitioners (Amendment) Bill—Motion to consider—Not moved	415
Motor Vehicles (Amendment) Bill—Motion to consider—Withdrawn	415—19
Hindu Marriages Validity Bill—Referred to Select Committee	419—23
Code of Criminal Procedure (Amendment) Bill (Amendment of Sections 4, 29 (A), etc.)—Motion to refer to Select Committee—Not moved	428
Code of Criminal Procedure (Amendment) Bill (Amendment of Section 488)—Passed	429—30
Dentists (Amendment) Bill—Motion to consider—Not Moved	430
Societies Registration (Amendment) Bill—Introduced	430

MONDAY, 14TH FEBRUARY, 1949—

Papers laid on the Table	431—33
Rubber (Production and Marketing) Amendment Bill—Introduced	434
Banking Companies Bill—Consideration of Clauses—continued	434—75

TUESDAY, 15TH FEBRUARY, 1949—

Time Table for the day's business	477
Panel of Chairmen	477
Committee on Petitions	477
Public Companies (Limitation of Dividends) Bill—Extension of time for presentation of Report of Select Committee	478
Banking Companies Bill—Consideration of clauses—continued	478—513
Presentation of Railway Budget for 1949-50	513—30

WEDNESDAY, 16TH FEBRUARY, 1949—

Papers laid on the Table	531—33
Coal Mines Labour Welfare Fund (Amendment) Bill—Introduced	533
Banking Companies Bill—Consideration of clauses—continued	533—76

THURSDAY, 17TH FEBRUARY, 1949—

Railways (Transport of Goods) Amendment Bill—Introduced	577
Banking Companies Bill—Passed as amended	577—613
Hindu Code—Point of order on the motion to consider as reported by Select Committee—Ruled out	614—21

FRIDAY, 18TH FEBRUARY, 1949—

Railway Budget—General Discussion	623—74
---	--------

MONDAY, 21ST FEBRUARY, 1949—

Motion for Adjournment <i>re</i> Fast by Prof. Shibban Lal Saksena—Disallowed	675
Death of Shri Kiran Shankar Roy	675
Papers laid on the Table	675
Public Companies (Limitation of Dividends) Bill—Presentation of Report of Select Committee	675
Railway Budget—General Discussion	676—717

TUESDAY, 22ND FEBRUARY, 1949—

Governor General's Salary (Exemption from Taxation) Bill—Introduced	719
Dock Workers (Regulation of Employment) Amendment Bill—Introduced	719
Railway Budget—List of Demands	719—71
Demand No. 1—Railway Board	720—71
General Corruption on Railways	720—48
Insufficient Provision of amenities to passengers	748—71

WEDNESDAY, 23RD FEBRUARY, 1949—

Essential Supplies (Temporary Powers) Amendment Bill—Introduced	773
Railway Budget—List of Demands	773—820
Demand No. 1—Railway Board	774—820
General Administration with particular reference to Economy	774—818
Demands Nos. 1—12; 15—19	818—20

THE
CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE) DEBATES
OFFICIAL REPORT OF THE FOURTH SESSION OF THE CONSTITUENT
ASSEMBLY (LEGISLATIVE)

Volume I—1949

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Tuesday, 1st February, 1949

The Assembly met in the Assembly Chamber of the Council House at New Delhi, at a Quarter to Eleven of the Clock, being the First Day of the Fourth Session of the Constituent Assembly of India (Legislative), pursuant to sub-section (2) (a) of Section 19 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Orders, 1947. Mr. Speaker (The Honourable Mr. G. V. Mavalankar) was in the Chair.

QUESTIONS AND ANSWERS

(See Part I).

11-45 A.M.

DEATHS OF DR. TEJ BAHADUR SAPRU, MR. AKBAR HYDARI, SHRI G. A. NATESAN, MR. M. SHAFI DAUDI, MR. VELLINGIRI GOUNDER AND MR. ABDUL MATIN CHAUDHURI.

The Honourable Shri Jawaharlal Nehru: (Prime Minister and Leader of the House): Sir, by your leave, may I refer to the passing away, since this House last met, of some eminent members of this House and the Assembly that preceded it. Among those who have passed away are Dr. Tej Bahadur Sapru, Mr. Akbar Hydari, Sri G. A. Natesan of Madras, Mr. M. Shafi Daudi of Bihar, Mr. Vellingiri Gounder of Madras and Mr. Abdul Matin Chaudhuri of Assam.

In particular, may I say a few words more about a very distinguished son of India, Dr. Tej Bahadur Sapru, probably who is known well to almost every individual member of this House. Because he is so well known and because he was so well liked and loved by all of us, it is not necessary for me to recount the long tale of his activities in the public service. It is a long and distinguished record, a record of a great lawyer, of a great scholar

[Shri Jawaharlal Nehru]

and a great friend, a record of a man who throughout his life, so far as I know and I can remember, hardly ever made any enemies; who, in spite of coming into conflict on the political plane with many of us and many others, always retained our love and affection. And so we have this man of high integrity, of high character, representing something that unfortunately is not so evident, representing a certain high culture, suavity, a certain gentleness of manner in public life as well as in private life which endeared him to all.

His death means the passing away not only of a man of great ability, a man who has served the country greatly, a man who was beloved by a very large number of persons and a man who will be missed as a friend by vast numbers in this country; it is something more than the passing away of an individual; it is almost the passing away of a generation that he represented, and some of us who belong to that generation to some extent must necessarily feel sad at his passing away as we feel sad when anything to which we have been greatly attached passes away.

We have been passing through, in this country, great changes and from day to day other changes come. No doubt many of the changes are for the good; but also, perhaps, some of the changes are not so good and anything that takes away from the graciousness of life surely cannot be for the good. There is a tendency today and there has been, perhaps, owing to hard facts and conflicts of existence, for that graciousness to disappear from our public life, and even perhaps, to some extent, from our private lives. I feel sad when I think of this, because, after all, life may be a continuous struggle and a conflict, nevertheless, if there is no graciousness left in it, then, one wonders what the conflict aims at, what kind of good life is our objective. So, when a person like Dr. Tej Bahadur Sapru passes away, who represented in ample measure that graciousness in life which somehow bypassed conflicts and everything and won for him the goodwill of all, we feel sadder than even otherwise.

Dr. Tej Bahadur Sapru represented peculiarly that mixed culture which has arisen in Northern India during the last many generations. What is going to happen to it in the future, I do not know, because there are attacks on it from various sides. But, whatever one may feel about the merits of a particular question, I do submit to this House that any culture of any type is always a rich possession and a desirable thing to have. It enriches a nation. Undoubtedly the type of culture that Dr. Tej Bahadur Sapru particularly represented enriched, and would enrich any country that possessed it. So, in saying a few words about Dr. Tej Bahadur Sapru, while I feel sad at the passing of a very dear friend, I feel almost sadder still at the passing of a generation which had much good in it, though it may also have had much that was essential to be put an end to.

May I also say a few words about a very distinguished public servant, Mr. Akbar Hydari. As the House knows, he was functioning as the Governor of Assam, after a long career of public service in other fields. He was there before the present Government came into power. He was appointed nearly about two years or more ago. We have come into close contact with him during this period and I express not my own opinion only, but the unanimous opinion of my Government that we could not have had an abler public servant. A man not only of high ability, high integrity and high efficiency, he had to deal with a province which has peculiar problems of its own, which has been even in the past a frontier province, which is much more so today, and where the problems that arise are not only the common problems of an Indian province or many of them, but peculiar problems which require extreme care. Mr. Akbar Hydari faced these problems with tact and ability. He was of great assistance to the Provincial Ministry and his death was really a great

blow, apart from the personal aspect, from the public aspect, a great blow not only to the Government of Assam, but to the Government of India.

I am sure this House would like to convey its sorrow and regret to Dr. Tej Bahadur Sapru's family, Mr. Akbar Hydari's family, and the families of the other gentlemen whose names I have mentioned.

Mr. Speaker: I fully associate myself with all that has fallen from the Honourable the Leader of the House and I do not think I need add anything more.

I would request the House to adopt this reference by standing in silence for about a minute.

Mr. Speaker: I have received notice of an adjournment motion from Mr. Sidhva. Is he moving it?

Shri R. K. Sidhva: (C.P. and Berar: General): Sir, in view of the statement that the Honourable the Prime Minister is going to make tomorrow, I do not propose to move the adjournment motion.

H.E. THE GOVERNOR GENERALS ASSENT TO BILLS.

Secretary of the Assembly: Sir, I lay on the Table a statement showing the Bills which were passed by the Dominion Legislature (Constituent Assembly of India—Legislative) during the August-September Session, 1948, and which have been assented to by His Excellency the Governor General.

STATEMENT

- (1) The Gandhi National Memorial Fund Donations (Companies) Act, 1948.
- (2) The Bombay, Calcutta and Madras Port Trusts (Constitution) (Amendment) Act, 1948.
- (3) The Census Act, 1948.
- (4) The Continuance of Legal Proceedings Act, 1948.
- (5) The Indian Registration (Amendment) Act, 1948.
- (6) The Indian Matrimonial Causes (War Marriages) Act, 1948.
- (7) The Diplomatic and Consular Officers (Oaths and Fees) Act, 1948.
- (8) The Indian Merchant Shipping (Amendment) Act, 1948.
- (9) The Indian Army (Amendment) Act, 1948.
- (10) The Durgah Khawaja Sahib (Amendment) Act, 1948.
- (11) The Indian Telegraph (Amendment) Act, 1948.
- (12) The Coal Mines Provident Fund and Bonus Schemes Act, 1948.
- (13) The Displaced Persons (Institution of Suits) Act, 1948.
- (14) The Income-tax and Business Profits Tax (Amendment) Act, 1948.
- (15) The Taxation on Income (Investigation Commission) (Second Amendment) Act, 1948.
- (16) The Cantonments (Amendment) Act, 1948.
- (17) The Imperial Library (Change of Name) Act, 1948.
- (18) The Bombay Public Security Measures (Delhi Amendment) Act, 1948.
- (19) The Mines and Minerals (Regulation and Development) Act, 1948.
- (20) The Electricity (Supply) Act, 1948.
- (21) The Indian Income-tax (Amendment) Act, 1948.
- (22) The Territorial Army Act, 1948.
- (23) The Indian Navy (Discipline) Amendment Act, 1948.
- (24) The Exchange of Prisoners Act, 1948.
- (25) The Indian Cotton Cess (Amendment) Act, 1948.
- (26) The Resettlement of Displaced Persons (Land Acquisition) Act, 1948.
- (27) The Central Silk Board Act, 1948.
- (28) The Reserve Bank (Transfer to Public Ownership) Act, 1948.
- (29) The Factories Act, 1948.
- (30) The Essential Supplies (Temporary Powers) (Amendment) Act, 1948.
- (31) The Indian Railways (Second Amendment) Act, 1948.
- (32) The Delhi and Ajmer-Merwara Land Development Act, 1948.
- (33) The Indian Tariff (Amendment) Act, 1948.

STATEMENT RE LOANS FROM INTERNATIONAL MONETARY FUND

The Honourable Dr. John Matthai (Minister for Finance): As considerable interest has been evinced in the country and by honourable members regarding the subject of India taking loans from the International Monetary Fund and the International Bank, I should like, Sir, with your permission, to make a full statement dealing with this matter.

The International Monetary Fund and the International Bank for Reconstruction and Development are two connected, but independent organisations which were established by international agreement in the year 1944. India is a Founder Member of both these institutions, and has a permanent seat on the Board of Directors of both. I lay on the table of the House a statement showing the membership of these institutions, the quota of each member in the International Monetary Fund and the Share capital owned by each member in the International Bank for Reconstruction and Development. India's quota in the Fund is 400 million dollars and so is her share capital in the Bank.

The functions of these two institutions are entirely different in character. The International Monetary Fund is an organisation which lends currency to its members for short terms to meet temporary disequilibria in their balances of payments. The International Bank for Reconstruction and Development on the other hand lends money on a long-term basis either for particular projects needing to be financed or generally for the reconstruction and development of a particular country's economy. India has been taking advantage of her membership of the International Monetary Fund to meet her dollar deficits. She started borrowing from the funds in March 1948 and has hitherto borrowed 80 million dollars. This money has been used for current purposes, but it is not possible to say that any particular class or category of goods was purchased from this money. This, however, is short-term finance and is not suitable for the provision of funds for capital and developmental projects which take a longer period to attain productivity. To provide for an exchange for such projects is the function of the International Bank. It is the practice of this bank to send out a technical mission to countries who feel that they will require a loan with the object of both assessing their economy and financial situation and of helping the country concerned to make out its case for a loan in the form decided by the bank.

The Government of India feel that many of their developmental projects have now reached a stage at which work might be started on them or accelerated, if arrangements could be made for making available the necessary foreign exchange. They therefore invited the bank to send out a mission with a view to acquainting themselves at firsthand with the Indian situation and its requirements, and for discussing with Government the projects which might qualify for a loan from the Bank. Accordingly, a mission headed by Mr. A. S. G. Hoare, Assistant Loan Director of the Bank arrived in New Delhi the 24th January 1949 and has been engaged in conversations with officials of the Government of India ever since. This Mission will shortly proceed on tour to see for themselves the works which are in progress in various parts of the country, as also to acquaint themselves with the existing industrial potential of the country. They expect to stay in India for about six weeks, and it is after their departure that India will put in a formal loan application to the Bank.

The Government of India are examining with the help of the Bank Mission all their developmental projects with a view to determining which of them may be suitable for being financed by a loan from the Bank. These plans include projects for bringing under cultivation the waste and weed infested lands, for

the sinking of tubewells, for the development of fisheries and for the purchase of locomotives, ships and for hydro-electric development. As these matters are still under discussion, I cannot obviously at this stage give any indication to honourable members either for the amount for which we might ultimately apply for a loan or the terms or conditions on which the loan might ultimately be granted.

Prof. N. G. Ranga (Madras: General): May I know whether it will be possible for the Honourable Minister to give us an indication of the projects which are being placed before these people and whether this Ramapadasagar project is one of them?

The Honourable Dr. John Matthai: They are making a general survey of all the projects in which we are interested and of which we have been able to work up all the details. But whether this particular project will be included specifically I cannot answer at present.

Shri R. K. Sidhva (C. P. and Berar: General): What is being done as regards the interest that is being charged by this Bank for loans?

The Honourable Dr. John Matthai: That will be a matter for negotiation at a later stage.

Shri B. Das (Orissa: General): Why did not the Government of India ask the International Bank to visit India earlier so that we could have utilised their funds earliest?

The Honourable Dr. John Matthai: We did not discuss this matter at an earlier stage because we could not raise this question with them until our projects had been developed to a sufficient extent.

Shri K. Hanumanthaiya (Mysore State): Is the benefit of the loan to be extended to Indian States?

The Honourable Dr. John Matthai: Many of these projects which we are considering are projects which cover the States also.

Shri M. Ananthasayanam Ayyangar (Madras: General): If any tour programme has been arranged, then by whom has it been arranged? Is this Ramapadasagar project also, included in it?

The Honourable Dr. John Matthai: This tour programme has been arranged by the Mission in consultation with the Government of India.

Shri M. Ananthasayanam Ayyangar: Is this project included in it? Have not Rs. 55 lakhs already been spent on investigation and is it not time for execution?

The Honourable Dr. John Matthai: As a matter of fact the tour has not been planned with a view to visiting the site of every project under consideration. The object of the tour is that the members of the Mission may be enabled to acquaint themselves with the general Indian situation and re-requirements.

Shri B. Das: Do I understand that the Government of India had no definite project last year and that is the reason why they could not approach the Bank earlier for the development of their projects and plans?

The Honourable Dr. John Matthai: Obviously the honourable member does not realise the amount of labour involved in working out projects in sufficient detail. It is one thing to have projects and quite another thing to be able to present them in a detailed and concrete form.

Shri M. Ananthasayanam Ayyangar: May I know if care is taken to utilise whatever has been arranged that we should get from the sterling balances before monies are drawn upon either from the Bank or the Monetary Fund?

The Honourable Dr. John Matthai: I take it that the Honourable Member's point is that plant and machinery of a kind which would be available only in hard currency areas should be met from funds raised from the World Bank! That is so.....

Shri Gopikrishna Vijayavargiya (Madhya Bharat): May I know if any large-scale industries are to be started out of these funds which may be run by the Government?

The Honourable Dr. John Matthai: I do not know what the honourable member means by large-scale industries.

Shri S. V. Krishnamoorthy Rao (Mysore State): May I know if this House will have an opportunity to express its opinion before any final decision is taken?

The Honourable Dr. John Matthai: As a matter of fact, this is a preliminary examination. The final details will not be settled for a considerable time yet.

Shri B. Das: Has the Honourable Minister's attention been drawn to the statement by one of the Bank's officials of the International Bank that their first duty was to develop Europe, and now that Europe has been developed, they have come to India to examine Indian conditions?

The Honourable Dr. John Matthai: I have seen no such statement.

Shri B. Das: I have seen it in the press.

Mr. Homi Mody (Bombay: General): Is it the function of the International Bank to decide on priorities or will it be their business merely to satisfy themselves that the projects for which loans are being asked are sound and are well under way?

The Honourable Dr. John Matthai: I expect Mr. Homi Mody as the head of one of the biggest banks in this country to know that all these aspects of a loan problem would be taken into consideration by the Bank.

Shri H. V. Kamath (C. P. and Berar: General): Before the scheme is finally worked out, will the UNECAFE be consulted, as it is intimately connected with the development of the Asian Region?

The Honourable Dr. John Matthai: It is not necessary at all.

Shri M. Ananthasayanam Ayyangar: Has any tentative figure been arrived at of the amount, if approved by the International Bank, that may be drawn by way of a loan?

The Honourable Dr. John Matthai: That stage has not arrived yet.

Shrimati G. Durgabai (Madras: General): May I know whether this House will be consulted before an agreement is concluded?

The Honourable Dr. John Matthai: I hardly think that is necessary.

PAPERS LAID ON THE TABLE

REVISED INSTRUMENTS OF ACCESSION EXECUTED BY RAJ PRAMUKH OF STATE UNIONS.

The Honourable Sardar Vallabhbhai Patel (Minister for Home Affairs and the States): Sir, I lay on the Table a copy of each of the Revised Instruments

of Accession executed by the Raj Pramukhs of the six State Unions and of the Governor General's acceptance thereof in accordance with sub-section (6) of Section 6 of the Government of India Act, 1935.

WHEREAS by Instruments of Accession executed in August, 1947, the Rulers of the States specified in the Schedule hereto have acceded to the Dominion of India;

AND WHEREAS by Covenant entered into January and February 1948, the Rulers of the said States have with the consent of the Government of India agreed to the integration of their respective territories into a single State known as the United State of Kathiawar in this Instrument referred to as "the United State";

AND WHEREAS it is expedient that a fresh Instrument of Accession should be executed on behalf of the United State replacing the Instruments of Accession executed in August, 1947, by the Rulers of the said States and accepting as matters with respect to which the Dominion Legislature may make laws for the United State all matters mentioned in List I and List III of the Seventh Schedule to the Government of India Act, 1935, except matters relating to taxation;

NOW, THEREFORE, I Digvijaya Sinjhi Ranjiti Sinjhi Jedeja of Nawanagar, Raj Pramukh of the United State of Kathiawar do hereby execute this Instrument of Accession for and on behalf of the United State; and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the United State such functions as may be vested in them by or under the Government of India Act, 1935, as for the time being in force in the Dominion of India (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within the United State so far as they are applicable therein by virtue of this Instrument of Accession.

3. I accept all matters enumerated in List I and List III of the Seventh Schedule to the Act as matters in respect of which the Dominion Legislature may make laws for the United State:

Provided that nothing contained in the said Lists or in any other provision of the Act shall be deemed to empower the Dominion Legislature to impose any tax or duty in the territories of the United State or to prohibit the imposition of any duty or tax by the Legislature of the United State in the said territories:

Provided further that where a law of the United State with respect to one of the matters enumerated in the said List III contains any provision repugnant to the provisions of an earlier Dominion Law or an existing law with respect to that matter, then, if the law of the United State having been reserved for the consideration of the Governor General of India has received the assent of the Governor General, the law of the United State shall prevail in the United State but nevertheless the Dominion Legislature may at any time enact further legislation with respect to the same matter:

Provided further that no Bill or amendment for making any provision repugnant to any law of the United State, which, having been so reserved, has received the assent of the Governor General, shall be introduced or moved in the Dominion Legislature without the previous sanction of the Governor General.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Raj Pramukh of the United State whereby any functions in relation to the administration in the United State of any law of the Dominion Legislature shall be exercised by the Raj Pramukh then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. I further declare that the provisions contained in Part VI of the Act with respect to interference with water supplies shall apply in relation to the United State.

6. The terms of this Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by the Raj Pramukh of the United State by an Instrument supplementary to this Instrument.

7. Nothing in this Instrument shall empower the Dominion Legislature to make any law for the United State authorising the compulsory acquisition of land for any purpose, but should the Dominion for the purposes of a Dominion Law which applies in the United State deem it necessary to acquire any land the Raj Pramukh of the United State shall at the request and at the expense of the Dominion Government acquire the land or if the land belongs to the United State transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

8. Nothing in this Instrument shall be deemed to commit the United State in any way to acceptance of any future constitution of India or to fetter the discretion of the Government of the United State to enter into arrangements with the Government of India under any such future constitution.

9. Save as provided by or under this Instrument nothing contained in this Instrument shall affect the exercise of any powers, authority and rights enjoyed by the Raj Pramukh or the validity of any law for the time being in force in the United State or any part thereof.

10. The Instruments of Accession executed in August, 1947, by the Rulers of the States specified in the Schedule hereto are hereby cancelled.

Given under my hand this twenty-second day of May, 1948.

DIGVIJAYSINJHI OF NAWANAGAR,
Raj Pramukh of Saurashtra.

I do hereby accept this Instrument of Accession.

Dated this thirteenth day of September, Nineteen hundred and forty-eight.

C. RAJAGOPALACHARI,
Governor-General of India.

SCHEDULE

- | | |
|-----------------|-----------------------------|
| 1. Nawanagar. | 17. Vala. |
| 2. Bhavnagar. | 18. Jasdan. |
| 3. Porbandar. | 19. Amarnagar, Thana Devli. |
| 4. Dhrangadhra. | 20. Vadia. |
| 5. Morvi. | 21. Lathi. |
| 6. Gondal. | 22. Muli. |
| 7. Jafrabad. | 23. Bajana. |
| 8. Wankaner. | 24. Virpur. |
| 9. Palitana. | 25. Maliya. |
| 10. Dhrol. | 26. Kotda-Sangani. |
| 11. Limbdi. | 27. Jetpur. |
| 12. Rajkot. | 28. Bilkha. |
| 13. Wadhwan. | 29. Patdi. |
| 14. Lakhtar. | 30. Khirasra. |
| 15. Sayla. | 31. Vanod. |
| 16. Chuda. | |

WHEREAS by Instruments of Accession executed in August, 1947, the Rulers of the States specified in the Schedule hereto have acceded to the Dominion of India;

AND WHEREAS by Covenant entered into in April 1948, the Rulers of the said States have with the consent of the Government of India agreed to the integration of the respective territories into a single State known as the United State of Rajasthan in this Instrument referred to as "the United State";

AND WHEREAS by Article VIII of the said Covenant it is provided that the Raj Pramukh of the United State shall, as soon as practicable, execute on behalf of the United

State a fresh Instrument of Accession in accordance with the provisions of section 6 of the Government of India Act, 1935, whereby he may accept as matters with respect to which the Dominion Legislature may make laws for the United State any matters in addition to those specified in the Instrument of Accession of any of the Covenanted States;

NOW, THEREFORE, I Maharajadhirajah Maharana Shri Sir Bhupal Singh of Udaipur, Raj Pramukh of the United State of Rajasthan, do hereby execute this Instrument of Accession for and on behalf of the United State and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the United State such functions as may be vested in them by or under the Government of India Act, 1935, as for the time being in force in the Dominion of India (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within the United State so far as they are applicable therein by virtue of this Instrument of Accession.

3. I accept all matters enumerated in List I and List III of the Seventh Schedule to the Act as matters in respect of which the Dominion Legislature may make laws for the United State:

Provided that nothing contained in the said Lists or in any other provisions of the Act shall be deemed to empower the Dominion Legislature to impose any tax or duty in the territories of the United State or to prohibit the imposition of any duty or tax by the Legislature of the United State in the said territories:

Provided further that where a law of the United State with respect to one of the matters enumerated in the said List III contains any provision repugnant to the provisions of an earlier Dominion Law or an existing law with respect to that matter then, if the law of the United State having been reserved for the consideration of the Governor-General of India has received the assent of the Governor-General, the law of the United State shall prevail in the United State but nevertheless the Dominion Legislature may at any time enact further legislation with respect to the same matter:

Provided further that no Bill or amendment for making any provision repugnant to any law of the United State, which, having been so reserved, has received the assent of the Governor-General, shall be introduced or moved in the Dominion Legislature without the previous sanction of the Governor-General.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Raj Pramukh of the United State whereby any functions in relation to the administration in the United State of any law of the Dominion Legislature shall be exercised by the Raj Pramukh, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. I further declare that the provisions contained in Part VI of the Act with respect to interference with water supplies shall apply in relation to the United State.

6. The terms of this Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by the Raj Pramukh of the United State by an Instrument supplementary to this Instrument.

7. Nothing in this Instrument shall empower the Dominion Legislature to make any law for the United State authorising the compulsory acquisition of land for any purpose, but should the Dominion for the purposes of a Dominion Law which applies in the United State deem it necessary to acquire any land the Raj Pramukh of the United State shall at the request and at the expense of the Dominion Government acquire the land or if the land belongs to the United State transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

8. Nothing in this Instrument shall be deemed to commit the United State in any way to acceptance of any future constitution of India or to fetter the discretion of the Government of the United State to enter into arrangements with the Government of India under any such future constitution.

9. Save as provided by or under this Instrument nothing contained in this Instrument shall affect the exercise of any powers, authority and rights enjoyed by the Raj Pramukh or the validity of any law for the time being in force in the United State or any part thereof.

10. The Instruments of Accession executed in August, 1947 by the Rulers of the states specified in the Schedule hereto are hereby cancelled.

Given under my hand this thirty-first day of May, 1948.

M. R. BHUPAL SINGH,
Raj Pramukh of Rajasthan.

I do hereby accept this Instrument of Accession.

Dated this thirteenth day of September, Nineteen hundred and forty-eight.

C. RAJAGOPALACHARI,
Governor-General of India.

SCHEDULE

- | | |
|----------------|-----------------------|
| 1. Partabgarh. | 6. Tonk. |
| 2. Kotah. | 7. Banswara. |
| 3. Kishengarh. | 8. Shahpura. |
| 4. Jhalawar. | 9. Dungarpur. |
| 5. Bundi. | 10. Udaipur (Merwar). |

WHEREAS by Instruments of Accession executed in August, November and December, 1947, and February 1948, the Rulers of the States specified in the Schedule hereto have acceded to the Dominion of India;

AND WHEREAS by Covenant entered into in April, 1948, the Rulers of the said States have with the consent of the Government of India agreed to the integration of the respective territories into a single State known as the United State of Gwalior, Indore and Malwa (Madhya-Bharat) in this Instrument referred to as "the United State";

AND WHEREAS by Article VIII of the said Covenant it is provided that the Raj Pramukh of the United State shall, as soon as practicable, execute on behalf of the United State a fresh Instrument of Accession in accordance with the provisions of section 6 of the Government of India Act, 1935, accepting as matters with respect to which the Dominion Legislature may make laws for the United State all matters mentioned in List I and List III of the Seventh Schedule to the said Act, except matters relating to taxation;

NOW, THEREFORE, I Maharajadhiraja Sir, George Jivaji Rao Scindia Bahadur of Gwalior, Raj Pramukh of the United State of Gwalior, Indore and Malwa (Madhya-Bharat) do hereby execute this Instrument of Accession for and on behalf of the United State; and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the United State such functions as may be vested in them by or under the Government of India Act, 1935, as for the time being in force in the Dominion of India (which Act as so in force in hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within the United State so far as they are applicable therein by virtue of this Instrument of Accession.

3. I accept all matters enumerated in List I and List III of the Seventh Schedule to the Act as matters in respect of which the Dominion Legislature may make laws for the United State:

Provided that nothing contained in the said Lists or in any other provision of the Act shall be deemed to empower the Dominion Legislature to impose any tax or duty in the territories of the United State or to prohibit the imposition of any duty or tax by the Legislature of the United State in the said territories:

Provided further that where a law of the United State with respect to one of the matters enumerated in the said List III contains any provision repugnant to the provisions of an earlier Dominion Law or an existing law with respect to that matter, then, if the law of the United State having been reserved for the consideration of the Governor-General of India has received the assent of the Governor-General, the law of the United State shall prevail in the United State but nevertheless the Dominion Legislature may at any time enact further legislation with respect to the same matter:

Provided further that no Bill or amendment for making any provision repugnant to any law of the United State, which, having been so reserved, has received the assent of the Governor-General, shall be introduced or moved in the Dominion Legislature without the previous sanction of the Governor-General.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Raj Pramukh of the United State whereby any functions in relation to the administration in the United State of any law of the Dominion Legislature shall be exercised by the Raj Pramukh then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. I further declare that the provisions contained in Part VI of the Act with respect to interference with water supplies shall apply in relation to the United State.

6. The terms of this Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by the Raj Pramukh of the United State by an Instrument supplementary to this Instrument.

7. Nothing in this Instrument shall empower the Dominion Legislature to make any law for the United State authorising the compulsory acquisition of land for any purpose, but should the Dominion for the purposes of a Dominion Law which applies in the United State deem it necessary to acquire any land the Raj Pramukh of the United State shall at the request and at the expense of the Dominion Government acquire the land or if the land belongs to the United State transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

8. Nothing in this Instrument shall be deemed to commit the United State in any way to acceptance of any future constitution of India or to fetter the discretion of the Government of the United State to enter into arrangements with the Government of India under any such future constitution.

9. Save as provided by or under this Instrument nothing contained in this Instrument shall affect the exercise of any powers, authority and rights enjoyed by the Raj Pramukh or the validity of any law for the time being in force in the United State or any part thereof.

10. The Instruments of Accession executed in August, November and December, 1947 and February, 1948, by the Rulers of the States specified in the Schedule hereto are hereby cancelled.

Given under my hand this 19th day of July, 1948.

G. J. R. SCINDIA,

I do hereby accept this Instrument of Accession.

Dated this 13th day of September, Nineteen hundred and forty-eight.

C. RAJAGOPALACHARI,
Governor-General of India.

SCHEDULE

- | | |
|--------------------|-------------------|
| 1. Alirajpur. | 13. Ratlam. |
| 2. Barwani. | 14. Sailana. |
| 3. Dewas (Junior). | 15. Sitamau. |
| 4. Dewas (Senior). | 16. Jobat. |
| 5. Dhar. | 17. Kathiwara. |
| 6. Gwalior. | 18. Kurwai. |
| 7. Indore. | 19. Mathwar. |
| 8. Jaora. | 20. Piploda. |
| 9. Jhabua. | 21. Nimbhera. |
| 10. Khilchipur. | 22. Pathari. |
| 11. Narsingarh. | 23. Mufammadgarh. |
| 12. Rajgarh. | |

WHEREAS by Instruments of Accession executed in August, September, October and November, 1947, the Rulers of the States specified in the Schedule hereto have acceded to the Dominion of India;

AND WHEREAS by Covenant entered into in March, 1948, the Rulers of the said States have with the consent of the Government of India agreed to the integration of their respective territories into a single State known as the United State of Vindhya Pradesh in this Instrument referred to as "the United State";

AND WHEREAS it is expedient that a fresh Instrument of Accession should be executed on behalf of the United State replacing the Instruments of Accession executed in August, September, October and November, 1947, by the Rulers of the said States and accepting as matters with respect to which the Dominion Legislature may make laws for the United State all matters mentioned in List I and List III of the Seventh Schedule to the Government of India Act, 1935, except matters relating to taxation;

Now, THEREFORE, I Mahāradjadhiraja Martand Singh Bahadur of Rewa, Raj Pramukh of the United State of Vindhya Pradesh do hereby execute this Instrument of Accession for and on behalf of the United State; and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the United State such functions as may be vested in them by or under the Government of India Act, 1935, as for the time being in force in the Dominion of India (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within the United State so far as they are applicable therein by virtue of this Instrument of Accession.

3. I accept all matters enumerated in List I and List III of the Seventh Schedule to the Act as matters in respect of which the Dominion Legislature may make laws for the United State:

Provided that nothing contained in the said Lists or in any other provision of the Act shall be deemed to empower the Dominion Legislature to impose any tax or duty in the territories of the United State or to prohibit the imposition of any duty or tax by the Legislature of the United State in the said territories:

Provided further that where a law of the United State with respect to one of the matters enumerated in the said List III contains any provision repugnant to the provisions of an

earlier Dominion Law or an existing law with respect to that matter, then, if the law of the United State having been reserved for the consideration of the Governor-General of India has received the assent of the Governor-General, the law of the United State shall prevail in the United State but nevertheless the Dominion Legislature may at any time enact further legislation with respect to the same matter:

Provided further that no Bill or amendment for making any provision repugnant to any law of the United State, which, having been so reserved, has received the assent of the Governor-General, shall be introduced or moved in the Dominion Legislature without the previous sanction of the Governor-General.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Raj Pramukh of the United State whereby any functions in relation to the administration in the United State of any law of the Dominion Legislature shall be exercised by the Raj Pramukh, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. I further declare that the provisions contained in Part VI of the Act with respect to interference with water supplies shall apply in relation to the United State.

6. The terms of this Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by the Raj Pramukh of the United State by an Instrument supplementary to this Instrument.

7. Nothing in this Instrument shall empower the Dominion Legislature to make any law for the United State authorising the compulsory acquisition of land for any purpose, but should the Dominion for the purposes of a Dominion Law which applies in the United State deem it necessary to acquire any land the Raj Pramukh of the United State shall at the request and at the expense of the Dominion Government acquire the land or if the land belongs to the United State transfer it to them on such terms as may be agreed or in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

8. Nothing in this Instrument shall be deemed to commit the United State in any way to acceptance of any future constitution of India or to fetter the discretion of the Government of the United State to enter into arrangements with the Government of India under any such future constitution.

9. Save as provided by or under this Instrument nothing contained in this Instrument shall affect the exercise of any powers, authority and rights enjoyed by the Raj Pramukh or the validity of any law for the time being in force in the United State or any part thereof.

10. The Instruments of Accession executed in August, September, October and November, 1947, by the Rulers of the State specified in the Schedule hereto are hereby cancelled.

Given under my hand this 20th day of July, 1948.

MARTAND SINGH.

I do hereby accept this Instrument of Accession.

Dated this 13th day of September, Nineteen hundred and forty-eight.

C. RAJAGOPALACHARI,
Governor-General of India.

SCHEDULE

1. Ajaigarh.
2. Bansi.
3. Baraundha.
4. Bijawar.
5. Chhatarpur.
6. Charkhari.
7. Datia.
8. Mailhar.
9. Nagod.

SCHEDULE—*contd.*

10. Orchha.
11. Panna.
12. Rewa.
13. Samthar.
14. Alipura.
15. Banka Pahar.
16. Beri.
17. Bhaisaundha.
18. Bihat.
19. Bijna.
20. Dhurwai.
21. Garrauli.
22. Gaurihar.
23. Jaso.
24. Jigni.
25. Kamta-Rajaula.
26. Khaniadhana.
27. Kothi.
28. Lugasi.
29. Naigawan-Rebai.
30. Palna.
31. Paldeo.
32. Sarila.
33. Sohawal.
34. Taraon.
35. Tori-Fatehpur.

WHEREAS by Instruments of Accession executed in August, 1947, the Rulers of the States specified in the Schedule hereto have acceded to the Dominion of India;

AND WHEREAS by Covenant entered into in May, 1948, the Rulers of the said States, have with the consent of the Government of India agreed to the integration of the respective territories into a single State known as the Patiala and East Punjab States Union in this Instrument referred to as "the Union";

AND WHEREAS by Article VIII of the said Covenant it is provided that the Raj Pramukh of the Union shall, as soon as practicable, execute on behalf of the Union a fresh Instrument of Accession in accordance with the provisions of section 6 of the Government of India Act, 1935, accepting as matters with respect to which the Dominion Legislature may make laws for the Union all matters mentioned in Part I and List III of the Seventh Schedule to the said Act, except matters relating to taxation;

NOW THEREFORE, I Maharajadhiraja Rajeshwar Sri, Sir Yadavindra Singh Mahindar Bahadar of Patiala Raj Pramukh of the Patiala and East Punjab States Union, do hereby execute this Instrument of Accession for and on behalf of the Union: and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this Instrument of Accession but subject always to the terms thereof, and for the purpose only of the Dominion, exercise in relation to the Union such functions as may be vested in them by or under the Government of India Act, 1935, as for the time being in force in the Dominion of India (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within the Union so far as they are applicable therein by virtue of this Instrument of Accession.

3. I accept all matters enumerated in List I and List III of the Seventh Schedule to the Act as matters in respect of which the Dominion Legislature may make laws for the Union:

Provided that nothing contained in the said Lists or in any other provision of the Act shall be deemed to empower the Dominion Legislature to impose any tax or duty in the territories of the Union or to prohibit the imposition of any duty or tax by the Legislature of the Union in the said territories:

Provided further that where a law of the Union with respect to one of the matters enumerated in the said List III contains any provision repugnant to the provisions of an earlier Dominion Law or an existing law with respect to that matter, then, if the law of the Union having been reserved for the consideration of the Governor-General of India has received the assent of the Governor-General, the law of the Union shall prevail in the Union but nevertheless the Dominion Legislature may at any time enact further legislation with respect to the same matter:

Provided further that no Bill or amendment for making any provision repugnant to any law of the Union, which, having been so reserved, has received the assent of the Governor-General, shall be introduced or moved in the Dominion Legislature without the previous sanction of the Governor-General.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Raj Pramukh of the Union whereby any functions in relation to the administration in the Union of any law of the Dominion Legislature shall be exercised by the Raj Pramukh, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. I further declare that the provisions contained in Part VI of the Act with respect to interference with water supplies shall apply in relation to the Union.

6. The terms of this Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by the Raj Pramukh of the Union by an Instrument supplementary to this Instrument.

7. Nothing in this Instrument shall empower the Dominion Legislature to make any law for the Union authorising the compulsory acquisition of land for any purpose, but should the Dominion for the purposes of a Dominion Law which applies in the Union deem it necessary to acquire any land the Raj Pramukh of the Union shall at the request and at the expense of the Dominion Government acquire the land or if the land belongs to the Union transfer it to them on such terms as may be agreed or in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

8. Nothing in this Instrument shall be deemed to commit the Union in any way to acceptance of any future constitution of India or to fetter the discretion of the Government of the Union to enter into arrangements with the Government of India under any such future constitution.

9. Save as provided by or under this Instrument nothing contained in this Instrument shall affect the exercise of any powers, authority and rights enjoyed by the Raj Pramukh or the validity of any law for the time being in force in the Union or any part thereof.

10. The Instruments of Accession executed in August, 1947, by the Rulers of the States specified in the Schedule hereto are hereby cancelled.

Given under my hand this 7th day of August, 1948.

YADAVINDRA SINGH,

Rajpramukh,

Patiala and the East Punjab States Union

I do hereby accept this Instrument of Accession.

Dated this 13th day of September, Nineteen hundred and forty-eight.

C. RAJAGOPALACHARI,
Governor-General of India.

SCHEDULE

1. Faridkot.
2. Jind.
3. Kapurthala.
4. Malerkotla.
5. Nabha.
6. Patiala.
7. Kalsia.
8. Nalagarh.

WHEREAS by Instruments of Accession executed in August, 1947, the Rulers of the States specified in the Schedule hereto have acceded to the Dominion of India;

AND WHEREAS by Covenant entered into in February, 1949, the Rulers of the said States have with the consent of the Government of India agreed to the integration of their respective territories into a single State known as the United State of Matsya in this Instrument referred to as "the United State";

AND WHEREAS it is expedient that a fresh Instrument of Accession should be executed on behalf of the United State replacing the Instruments of Accession executed in August, 1947, by the Rulers of the said States and accepting as matters with respect to which the Dominion Legislature may make laws for the United State all matters mentioned in List I and List III of the Seventh Schedule to the Government of India Act, 1935, except matters relating to taxation;

NOW, THEREFORE, I Lt.-Col. His Highness Sir Udai Bhan Singh Maharaja Rana, G.C.I.E., K.C.S.I., K.C.V.O., Raj Pramukh of the United State of Matsya do hereby execute this Instrument of Accession for and on behalf of the United State and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the United State such functions as may be vested in them by or under the Government of India Act, 1935, as for the time being in force in the Dominion of India (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within the United State so far as they are applicable therein by virtue of this Instrument of Accession.

3. I accept all matters enumerated in List I and List III of the Seventh Schedule to the Act as matters in respect of which the Dominion Legislature may make laws for the United State:

Provided that nothing contained in the said Lists or in any other provision of the Act shall be deemed to empower the Dominion Legislature to impose any tax or duty in the territories of the United State or to prohibit the imposition of any duty or tax by the Legislature of the United State in the said territories:

Provided further that where a law of the United State with respect to one of the matters enumerated in the said List III contains any provision repugnant to the provisions of an earlier Dominion Law or an existing law with respect to that matter, then, if the law of the United State having been reserved for the consideration of the Governor-General of India has received the assent of the Governor General, the law of the United State shall prevail in the United State but nevertheless the Dominion Legislature may at any time enact further legislation with respect to the same matter:

Provided further that no Bill or amendment for making any provision repugnant to any law of the United State, which, having been so reserved, has received the assent of the Governor-General, shall be introduced or moved in the Dominion Legislature without the previous sanction of the Governor-General.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Raj Pramukh of the United State whereby any functions in relation to the administration in the United State of any law of the Dominion Legislature shall be exercised by the Raj Pramukh, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. I further declare that the provisions contained in Part VI of the Act with respect to interference with water supplies shall apply in relation to the United State.

6. The terms of this Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by the Raj Pramukh of the United State by an Instrument supplementary to this Instrument.

7. Nothing in this Instrument shall empower the Dominion Legislature to make any law for the United State authorising the compulsory acquisition of land for any purpose but should the Dominion for the purposes of a Dominion Law which applies in the United State deem it necessary to acquire any land the Raj Pramukh of the United State shall at the request and at the expense of the Dominion Government acquire the land or if the land belongs to the United State transfer it to them on such terms as may be agreed or in default of agreement determined by an arbitrator to be appointed by the Chief Justice of India.

8. Nothing in this Instrument shall be deemed to commit the United State in any way to acceptance of any future constitution of India or to fetter the discretion of the Government of the United State to enter into arrangements with the Government of India under any such future constitution.

9. Save as provided by or under this Instrument nothing contained in this Instrument shall affect the exercise of any powers, authority and rights enjoyed by the Raj Pramukh or the validity of any law for the time being in force in the United State or any part thereof.

10. The Instruments of Accession executed in August, 1947, by the Rulers of the States specified in the Schedule hereto are hereby cancelled.

Give under my hand this seventh day of October, 1948.

UDAIBHAN SINGH,
Raj Pramukh, Matsya Union,

I do hereby accept this Instrument of Accession.

Dated this twentieth day of October, Nineteen hundred and forty-eight.

C. RAJAGOPALACHARI,
Governor-General of India.

SCHEDULE

1. Alwar.
2. Bharatpur.
3. Dholpur.
4. Karauli.

Shri Gopikrishna Vijayavargiya (Madhya Bharat): May I know, Sir, if this will be circulated to honourable members here?

Mr. Speaker; Is it really so necessary or urgent?

Shri Gopikrishna Vijayavargiya: Yes, it is, Sir.

Mr. Speaker: We will consider the matter.

ADDITIONAL REGULATIONS OF INDUSTRIAL FINANCE CORPORATION OF INDIA

The Honourable Dr. John Matthai (Minister for Finance): Sir, I lay on the table a copy of the additional Regulations of the Industrial Finance Corporation of India made under sub-section (3) of Section 43 of the Industrial Finance Corporation Act, 1948.

INDUSTRIAL FINANCE CORPORATION OF INDIA

NOTIFICATION

New Delhi, the 25th October 1948.

No. 3/48.—In pursuance of the Industrial Finance Corporation Act, 1948 (XV of 1948), the Board of the Corporation after consultation with the Reserve Bank of India and with the previous sanction of the Central Government has framed the following Regulations to be added to the General Regulations of the Corporation:

CHAPTER VIII

Manner in which the accommodation granted by the Corporation will be secured.

53. No accommodation shall be given by the Corporation under clauses (a) and (c) of sub-section (1) of section 23, unless sufficient security to the satisfaction of the Executive Committee is taken as specified in sub-section (2) thereof.

54. The security to be taken for accommodation granted by the Corporation under Regulation 53 shall, in each case, require the approval of the Executive Committee and the instruments to be taken as evidence of such security shall be in such form as may be approved by the Committee.

55. For purposes of determining the amount of the accommodation to be granted, such margins shall be retained in the valuation of the assets pledged, mortgaged, hypothecated or assigned to the Corporation as may be considered reasonable by the Executive Committee.

56. For the purposes of Regulation 55, the Committee shall require adequate margin having regard to the earning capacity and prospects of the industrial concern, the competence of its management and other similar considerations.

57. In the instruments evidencing the security taken by the Corporation, there may be a stipulation that in the event of a fall occurring in the value of the assets pledged, mortgaged, hypothecated, or assigned to the Corporation, the industrial concern obtaining accommodation from it may be required to furnish such additional security as may be considered reasonable by the Executive Committee.

RAM NATH,
Managing Director.

FURTHER AMENDMENTS TO INSURANCE RULES, 1939

The Honourable Shri K. C. Neogy (Minister for Commerce): Sir, I lay on the Table a copy each of certain further amendments to the Insurance Rules 1939, published in Notifications No. 597-I (1)/46, dated the 19th April, 1947, and No. 597-I (1)/48, dated the 31st July, 1948, under sub-section (3) of Section 114 of the Insurance Act, 1938.

DEPARTMENT OF COMMERCE

NOTIFICATION

New Delhi, the 19th April 1947.

INSURANCE

No. 597-I(1)/46.— In exercise of the powers conferred by sub-sections (1) and (2) of section 114 of the Insurance Act, 1938 (IV of 1938), the Central Government is pleased to direct that the following further amendments shall be made in the Insurance Rules, 1939, the same having been previously published as required by sub-section (1) of the said section, namely :—

I. In the said Rules—

I. In rule 24—

(i) for the proviso to sub-rule (1), the following provisos shall be substituted, namely :—

“Provided that where the business done or to be done is marine insurance only and relates exclusively to country craft or cargo of country craft or both the fee for registration shall be two hundred and fifty rupees :

Provided further that where an insurer who is already registered for carrying on marine insurance business relating exclusively to country craft or cargo of country craft or both and no other class of insurance business, subsequently, applies for registration for carrying on the entire class of marine insurance or any other class of insurance business specified above, the fee for the such registration shall be two hundred and fifty rupees plus the fee for registration of the class if any, of insurance business other than marine insurance business for which registration is sought.”

(ii) after sub-rule (1) the following sub-rule shall be inserted, namely :—

“(1A) The fee for issue of a duplicate certificate of registration under sub-section (7) of section 3 shall be ten rupees”.

(iii) after sub-rule (3) the following sub-rule shall be inserted, namely—

“(3A) The fee for issue of a duplicate certificate of registration under sub-section (7) of section 70 shall be three rupees.”

(iv) in sub-rule (5) after the word “page” the words “or part of a page” shall be inserted.

PAPERS LAID ON THE TABLE

2. For clause (b) of rule 25, the following clause shall be substituted namely :—

“(b) the proportion of renewal premium income spent in payment of commission and other expenses in each year during the period since the last investigation after allowing, as the cost of the new business of the year, seven and a half per cent, of single premiums including consideration for annuities granted and seven and half per cent. for each year of the maximum premiums—paying period, but not exceeding ninety per cent. in all, of first year's premium falling due in the year after deduction of those unpaid under policies allowed to lapse in the year :

Provided that in respect of any year of accounting period ending on a date earlier than the 31st day of December, 1946, the allowance out of first year's premiums as the cost of the new business shall be ninety per cent. irrespective of the premium-paying period.

Explanation 1.—Where the maximum premiums-paying period includes a fraction of a year, such fraction shall be ignored.

Explanation 2.—In the case of a whole life policy with premium payable throughout the duration of the policy the maximum premiums-paying period shall be assumed to be twelve years.”

3. After rule 25 the following rule shall be inserted, namely :—

“25A. The conditions with which a Mutual Insurance Company shall comply for the purposes of sub-section (2) of section 4 are that such company shall confine its activities to members of any one profession only or to employees under one employer only and that if any question arises whether or not a particular group of persons belongs to any one profession or is employed under any one employer, the Superintendent of Insurance shall decide the question and his decision shall be final”.

II. In the Forms set forth in the Schedule annexed to the said Rules—

(a) In Form VI-D.—

(i) in column 6 for the words “the dates on which the respective notices were received” the words “the date of registration of each nomination and of receipt notice of cancellation or charge thereof, if any” shall substituted;

(ii) after column 9 the following columns shall be inserted, namely :—

** The percentages of the first year and renewal premiums prescribed in the society's rules for expenses.	** Amount that can be expended on the basis of columns 9 and 10.
10	11

(iii) columns 10 and 11 shall be renumbered as columns 12 and 13 respectively.

(iv) to the Notes the following Note shall be added, namely :—

“***If a uniform percentage (irrespective of the tables and premium terms of policies) is fixed for expenses of management or if a separate register of premium receipts for each group of premiums having the same percentage allowance for expenses is maintained this column need not be filled in”.

(b) In Form VI-E.—

(i) column 5 shall be renumbered as column 7 and after column 4 the following columns shall be inserted, namely :—

Amount of premium	Amount out of the premium stated in column 5 that can be spent as expenses of management as per rules of the society (to the nearest anna).
5	6

(ii) Note 3 shall be renumbered as Note 5 and in Note 5 as so renumbered, for the brackets and figure “(5)” the brackets and figure “(7)” shall be substituted.

(iii) after Note 2 the following Notes shall be inserted, namely :—

“3. Particulars relating to a new policy shall be entered in the month in which the first premium is received. Particulars relating to a revived policy shall be entered in the month in which the policy is revived.

4. If a uniform percentage is fixed for expenses of management, irrespective of the tables and premium terms of policies or if a separate register of premium receipts for each group of premiums having the same percentage allowance for expenses is maintained, column 6 need not be filled in."

(c) In Form VII-A.—

(i) for the columns headed "Policies insuring money to be paid on death" and "Policies insuring money to be paid only on survival", and the sub-headings thereto, the following columns shall be substituted, namely:—

Policies insuring money to be paid on death only			Policies insuring money to be paid on survival or earlier death		
No.	Sum Assured	Reversionary bonus	No.	Sum Assured	Reversionary bonus additions

(ii) in the first column for item (6), the following item shall be substituted, namely:—

"(6) *By death—

(a) amount payable,

(b) amount not payable".

(iii) the following note shall be added, namely—

"NOTE.—*For sum assured and bonuses, the amount actually payable as per Rules of the society should be shown against item (6) (a), while the difference between the total sum assured and the actual amount payable on policies subject to lien becoming claims by death should be shown against (6) (b). The columns for number of policies should be left blank against item (6) (b)."

K. K. CHETTUR, Joint Secy.

GENERAL ORDERS

as issued in the Gazette of India, dated 31st July 1948.

Section 1

MINISTRY OF COMMERCE

NOTIFICATIONS

INSURANCE

New Delhi, the 31st July 1948.

No. 591 (1)/48.—In exercise of the powers conferred by sub-sections (1) and (2) of section 114 of the Insurance Act, 1938 (IV of 1938), the Central Government is pleased to direct that the following further amendments shall be made in the Insurance Rules, 1939, the same having been previously published as required by sub-section (1) of the said section, namely:—

1. In the said Rules, in sub-rule (3) of rule 16-A for the words and figures 'in Form VP' at the end the following shall be substituted namely:—

"to him. The Licence shall be in Form VI as attached to the application form in Form V or V-A as the case may be. No application shall be considered by the Superintendent of Insurance unless the particulars marked with an asterisk in the Form VI attached thereto have been filled in by the applicant".

II. In the Forms set forth in the Schedule annexed to the said Rules, for Forms V, V-A and VI the following forms shall be substituted, namely:—

APPLICATION FOR A LICENCE TO ACT AS AN INSURANCE AGENT.

(FORM V—See Rule 16-A of the Insurance Rules, 1939).

To

THE SUPERINTENDENT OF INSURANCE,
DEPARTMENT OF INSURANCE, SIMLA.

DEAR SIR,

I request that a licence to act as an insurance agent may be granted to me.

* I hereby declare that—

I have not been found to be of unsound mind by a court of competent jurisdiction:

(ii) I have not been found guilty of criminal misappropriation or criminal breach of trust or cheating or forgery or an abetment of or attempt to commit any such offence by a court of competent jurisdiction; and

(iii) I have not been found guilty of or to have knowingly participated in or connived at any fraud, dishonesty or misrepresentation against an insurer or an insured in the course of any judicial proceeding relating to any policy of insurance or the winding up of an insurance company or in the course of an investigation of the affairs of an insurer; and

3. I also declare that the particulars given below are true and that the licence for which I hereby apply will be used only by myself for soliciting or procuring insurance business.

(IN BLOCK LETTERS)	
(1) Full name	Mr
(2) *Father's/Husband's name	(1) Mrs.*
(3) Full address	Miss*
(4) Date of birth of the applicant in Christian Era.	(2)
(5) If you ever held a Licence, state number otherwise say 'Nil'.	(3)
	(4)
	(5)

*Strike out portion not required.

Yours faithfully,
(Signature of applicant.)

Dated the

19

Government of India Insurance
Agent Licence Fee' stamp for
Rs. 1-8-0

(See Notes below)

NOT TRANSFERABLE.

GOVERNMENT OF INDIA
DEPARTMENT OF INSURANCE
LICENCE No.....

FORM VI

(See Rule 16-A of the Insurance Rules, 1939).

Licence to act as an Insurance Agent under Part II of the Insurance Act, 1938.

To be filled in by the applicant in Block Letters.	Mr.
	Mrs.
	Miss
	Address.....

having paid the prescribed fee and having made the necessary declaration is hereby authorised to act as an Insurance Agent for one year from

Simla, dated the

19

Superintendent of Insurance;

Signature of Licence-holder.....

This licence is not valid unless it bears a facsimile of the signature of the Superintendent of Insurance and the initial of a person authorised by him in this behalf and the signature of the licence holder. The latter should put his signature as soon as the licence is received. (See Notes below)

NOTES

1. The attention of the applicant is drawn to section 104 of the Insurance Act, 1938, which provides that whoever in any document required for the purposes of any of the provisions of that Act, wilfully makes a statement false in any material particular, knowing it to be false, shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one thousand rupees or with both.

2. A licence can be granted to an individual only and not to a firm or a corporate or unincorporate body.

3. An individual can apply for only one licence which will entitle him to solicit or procure insurance business of any class and to act as an insurance agent for any registered insurer.

4. The application should be filled in, as far as possible, in English language.

5. Any correction or alteration made in any answer to the questions in the application be initialled by the applicant.

6. An applicant must be at least 18 years of age on the date of submission of the application. In the case of an applicant declaring his age as 18 years the exact date of birth should be given and in all other cases either the exact date of birth or failing that the year of birth should be stated against item (4) of the application.

7. Payment in cash or by money order, cheque, postal order, postage stamp or bank draft is not accepted, and will be returned at applicant's cost.

8. No acknowledgement of this application will be sent. If one is required, the application should be sent by registered post (acknowledgement due).

NOTES

1. If it is desired to renew this licence for a further period the procedure laid down in rules 16 and 16-A of the Insurance Rules, 1939 shall be followed and an application for renewal should reach the Superintendent of Insurance not more than three months before, but within 12 months after the licence expires.

2. This licence authorises the licence holder to act as an agent for any registered insurer and for any class of insurance business and therefore no identifying mark or note of any description by which the identity of an insurer might be established should be placed on the licence.

3. No correction in this licence will be valid unless intialled by the Superintendent of Insurance or a person authorised by him in this behalf.

APPLICATION FOR RENEWAL OF A LICENCE TO ACT AS AN INSURANCE AGENT

FORM V A

(See Rule 16-A of the Insurance Rules, 1939)

FROM

(IN BLOCK LETTERS)

To

THE SUPERINTENDENT OF INSURANCE.

DEPARTMENT OF INSURANCE, SIMLA.

DEAR SIR,

I request that the above licence may be renewed for a further period of one year.

*2. I declare that since the date of my last application for a licence—

(i) I have not been found to be of unsound mind by a court of competent jurisdiction;

(ii) I have not been found guilty of criminal misappropriation or criminal breach of trust or cheating or forgery or an abetment of or attempt to commit any such offence by a court of competent jurisdiction;

(iii) I have not been found guilty of or to have knowingly participated in or connived at any fraud, dishonesty or misrepresentation against an insurer or an insured in the course of any judicial proceeding relating to any policy of insurance or the winding up of a insurance company or in the course of an investigation of the affairs of an insurer; and

(iv) my licence has not been cancelled at any time by the Superintendent of Insurance

3. I hereby declare that the facts stated herein are true and that the licence for which I hereby apply will be used only by myself for soliciting or procuring insurance business.

*Strike out portion not required.

Yours faithfully,
Signature of applicant.

Dated the 19

'Government of India Insurance Agent
Licence Fee' stamp(s) vide note 5.

Please see Notes below

NOT TRANSFERABLE.

GOVERNMENT OF INDIA

DEPARTMENT OF INSURANCE

To be filled
in by the
applicant

LICENCE No.

FORM VI

(See Rule 16-A of the Insurance Rules, 1939).

Licence to act as an Insurance Agent under of the Insurance Act, 1938.

To be filled in by the applicant in Block letters.

Mr.
Mrs.
Miss.
Address

Having paid the prescribed fee and having made the necessary declaration is hereby authorised to act as an Insurance Agent for one year from

Simla, dated the 19

Superintendent of Insurance.

Signature of Licence-holder.

This licence is not valid unless it bears a facsimile of the signature of the Superintendent of Insurance and the initial of a person authorised by him in this behalf and the signature of the licence holder. The latter should put his signature as soon as the licence is received. (See notes below).

NOTES

1. The attention of the applicant is drawn to section 104 of the Insurance Act 1938, which provides that whoever in any document required for the purposes of any of the provisions of that Act, wilfully makes a statement false in any material particular, knowing it to be false shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees, or with both.

2. The name and the licence No. given in the application are identical with those shown in the last licence held. If there is any subsequent change in the name, the reasons for the same should be stated furnishing documentary evidence for the same.

3. Any correction or alteration made in the application should be intialled by the applicant.

4. The application should be filled in as far as possible in the English language.

5. The application should reach the Superintendent of Insurance not more than three months before the date of expiry of the last licence held by the applicant and a 'Government of India Insurance Agent Licence Fee' stamp for Rs. 1-8-0 should be affixed to it.

An additional stamp for Rs. 1 must be affixed if the application reaches the Superintendent of Insurance on or after the date on which the last licence held by the applicant ceases to be in force. Any application reaching the Superintendent of Insurance after a period of twelve months from that date, will be treated as an application for a fresh licence.

6. Payment in cash or by money order, cheque, postal order, postage stamp or bank draft is not accepted, and will be returned at applicants cost.

7. No acknowledgement of this application will be sent. If one is required, the application should be sent by registered post (acknowledgement due).

NOTES

1. If it is desired to renew this licence for a further period the procedure laid down in rules 16 and 16-A of the Insurance Rules, 1939, shall be followed, and an application for renewal should reach the Superintendent of Insurance not more than three months before, but within 12 months after, the licence expires.

2. This licence authorises the licence holder to act as an agent for any registered insurer and for any class of insurance business, and there for no identifying mark or note of any description by which the identity of an insurer might be established should be placed on the licence.

3. No correction in this licence will be valid unless initiated by the Superintendent of Insurance or a person authorised by him in this behalf.

S. RANGANATHAN, *Joint Secy.*

PUBLIC COMPANIES (LIMITATION OF DIVIDENDS) BILL

The Honourable Dr. John Matthai (Minister for Finance): Sir, I introduce the Bill to limit the dividends which may be paid by public companies.

TEA COMMITTEE FOR INDIA BILL

The Honourable Shri K. C. Neogy (Minister for Commerce): Sir, I beg to introduce the Bill to provide for the development of the tea industry under Central Control, and for that purpose to establish a Tea Committee for India and levy a customs duty on tea produced in, and exported from India.

INDIAN EMIGRATION (AMENDMENT) BILL

The Honourable Shri Jawaharlal Nehru (Prime Minister and Minister for External Affairs and Commonwealth Relations): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Emigration Act, 1922.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Emigration Act, 1922."

The motion was adopted.

The Honourable Shri Jawaharlal Nehru: Sir, I introduce the Bill.

SEAWARD ARTILLERY PRACTICE BILL

The Honourable Shri N. V. Gadgil (Minister for Works, Mines and Power): (on behalf of **The Honourable Sardar Baldev Singh**): Sir, I beg to move for leave to introduce a Bill to provide facilities for carrying out seaward artillery practice.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide facilities for carrying out seaward artillery practice."

The motion was adopted.

The Honourable Shri N. V. Gadgil: Sir, I introduce the Bill.

MANGROL AND MANAVADAR (ADMINISTRATION OF PROPERTY) BILL

The Honourable Sardar Vallabhbhai Patel (Minister for Home Affairs and the States): Sir, I move for leave to introduce a Bill to provide for the vesting of certain properties belonging to the States of Mangrol and Manavadar in Kathiawar in the Managers of the said States.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the vesting of certain properties belonging to the States of Mangrol and Manavadar in Kathiawar in the Manager of the said States."

The motion was adopted.

The Honourable Sardar Vallabhbhai Patel: Sir, I introduce the Bill.

UNITED PROVINCES PROVINCIAL ARMED CONSTABULARY
(EXTENSION OF LAWS) BILL.

The Honourable Sardar Vallabhbhai Patel (Minister for Home Affairs and the State): Sir, I move for leave to introduce a Bill to apply the law in force in the United Provinces relating to the United Provinces Provincial Armed Constabulary to members of the said Constabulary when serving outside the United Provinces.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to apply the law in force in the United Provinces relating to the United Provincial Armed Constabulary to members of the said Constabulary when serving outside the United Provinces."

The motion was adopted.

The Honourable Sardar Vallabhbhai Patel: Sir, I introduce the Bill.

PROTECTIVE DUTIES (AMENDMENT) BILL

The Honourable Shri K. C. Neogy (Minister for Commerce): Sir, I move for leave to introduce a Bill to amend the Protective Duties Act, 1946.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Protective Duties Act, 1946."

The motion was adopted.

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

BANKING COMPANIES BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Dr. John Matthai (Minister for Finance): Sir, I beg to present the report of the Select Committee on the Bill to consolidate and amend the law relating to banking companies.

AJMER-MERWARA TENANCY AND LAND RECORDS BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Shri Jairamdas Doulatram (Minister for Food and Agriculture): Sir, I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to declare and amend the law relating to agricultural tenancies, record of rights and other matters connected therewith in Ajmer-Merwara, be extended up to the 21st March, 1949."

In this case the Committee has covered most of the ground but a few important provisions remain to be discussed. Hence the need for extending the time.

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to declare and amend the law relating to agricultural tenancies, record of rights and other matters connected therewith in Ajmer-Merwara, be extended up to the 21st March, 1949."

The motion was adopted.

CHARTERED ACCOUNTANTS BILL

The Honourable Shri K. C. Neogy (Minister for Commerce): Sir, I beg to move:

"That the Bill to make provision for the regulation of the profession of accountants be referred to a Select Committee consisting of Mr. Homi Mody, the Honourable Shri K. Santhanam, Shri M. Ananthasayanam Ayyangar, Shri Mahavir Tyagi, Shri T. T. Krishnamachari, Pandit Thakur Das Bhargava, Mr. Frank Anthony, Shri Arun Chandra Guha, Shri Mihir Lal Chattopadhyay, Shri Jaspat Roy Kapoor, Kazi Syed Karimuddin, Shri M. Tirumala Rao and the Mover, with instructions to report on or before the 1st March, 1949, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

[Shri K. C. Neogy]

Sir, the House may recollect that the Bill was introduced in this House on the 4th September, 1948. Immediately thereafter we had the Bill circulated by executive action as widely as possible so as to afford an opportunity to all the various interests concerned to express their opinions on the provisions of the Bill. We have as a result obtained opinions from the provincial governments, from Chambers of Commerce, professional associations of accountants, societies and individuals generally interested in this question and I am happy to tell the House that the opinion so far elicited is overwhelmingly in favour of the principles underlying this measure.

Sir, if a brief historical review were to be attempted about the profession of accountancy with particular reference to its regulation in India one has to go back to 1918 as the year when, for the first time, an important step was taken in this matter and the credit for that step goes to the Government of Bombay, which had instituted a diploma in accountancy going under the popular name of G. D. A. From 1918 up to the year 1930 we saw an accession of strength in the ranks of the accountants mostly under the provisions of the Bombay Government measure as also otherwise. In 1930 it was felt that the time had come for the purpose of setting up a machinery to assist the Government in controlling and regulating this profession. So in that year an amendment of Section 144 of the Indian Companies Act was undertaken for the purpose of providing for the grant of certificates to auditors entitling them to practice throughout India. Provision was also made in the Rules issued under this amended provision of the law for the establishment of an Indian Accountancy Board to advise Government in all matters relating to this profession.

Then we come to the year 1936 when the Indian Companies Act came up for a comprehensive amendment in the Central Legislature. On that occasion, as far as I have been able to find, for the first time a demand was put forward that the profession of accountancy should have an autonomous body of its own to regulate and control the profession. The atmosphere then prevailing does not appear to have been quite suitable for a serious consideration of this issue, but I have a feeling that even Sir Nripendranath Sircar, who turned down the proposals that were made with a view to liberalising the provisions relating to the practising and the enrolment of accountants in India, in the course of a speech on the 6th October held out a hope that some of the questions that we are dealing with in this Bill would come up for consideration at the hands of Government in the near future. That was in October 1936. But nothing appears to have been done in pursuance of that assurance by the then Government. Due to the pre-occupations of the war undoubtedly it was not possible perhaps to give adequate attention to the various problems that arose in this connection. In the year 1946 the Accountancy Board made the recommendation that the question should now be reopened, and they supported the creation of an autonomous body of the charter that we envisage in this Bill. Thereupon a tentative scheme was prepared by Government and circulated for eliciting public opinion to the Provincial Governments, to Chambers of Commerce, Associations of Accountants and others. While my honourable friend Mr. Gadgil held charge of the Commerce portfolio he committed the examination of the whole question to what was described as an expert committee which included my honourable friend Shri Santhanam whose interest in this matter is well known. It is largely due to the expeditious way and the thoroughness with which this Committee did its work that it has been possible for Government to bring forward this measure which is largely based upon the recommendations of that Committee.

Sir, I should now briefly refer to the main features of this Bill. We propose to establish an Institute of Chartered Accountants of India and create a Council thereof to manage its affairs. The Council will be composed of persons elected by the members of the Institute on a regional basis and some nominees of the Central Government and of the organised commercial interests in the country. Having regard to their responsibility in the healthy development of the profession which, in a sense, will act as the watch-dogs of ordinary investors in joint stock companies, Government consider it necessary to have some representation in the Council. The Council will be autonomous and free from external control except in a few specified matters. All the functions in regard to the profession so far performed by the Government will be carried out in future by this Council which will also have the power to recognize foreign qualifications on a basis of reciprocity.

As I have already stated, the Bill has been widely circulated and has been welcomed by the different interests concerned, more or less. There might be a few questions in which some of my honourable friends would be interested, but I submit that all such questions could very conveniently be discussed and examined in the Select Committee. The principle to which I invite the House to agree is that an Institute of Accountants be established as an autonomous body and that, as regards the rest, all questions would be considered to be matters of detail which would be within the purview of the Select Committee to consider. Sir, I move.

Mr. Speaker: The question is:

"That the Bill to make provision for the regulation of the profession of accountants be referred to a Select Committee consisting of Mr. Homi Mody, the Honourable Shri K. Santhanam, Shri M. Ananthasayanam Ayyangar, Shri Mahavir Tyagi, Shri T. T. Krishnamachari, Pandit Thakur Das Bhargava, Mr. Frank Anthony, Shri Arun Chandra Guha, Shri Mihir Lal Chattopadhyay, Shri Jaspat Roy Kapoor, Kazi Syed Karimuddin Shri M. Tirumala Rao, and the Mover, with instructions to report on or before the 1st March, 1949, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

PAYMENT OF TAXES (TRANSFER OF PROPERTY) BILL

The Honourable Dr. John Matthai (Minister for Finance): Sir, I beg to move:

"That the Bill to make provision for the payment of taxes before transfers of property are recognised in certain cases, be taken into consideration."

Sir, this Bill embodies the provisions which have been in force in the form of an Ordinance since the 7th February 1948. I may say incidentally that this Ordinance was enacted by the Government of India partly in view of the fact that a similar Ordinance had previously been enacted by the Government of Pakistan. The object of the Bill before the House is to safeguard loss of revenue arising in the case of assessee who intend to leave the country and who dispose of their properties before paying taxes due from them. The provisions are very simple ones. There are really two provisions in the Bill. One is that in regard to immovable property other than agricultural land, no transfer can be registered unless a tax clearance certificate is produced, namely, a certificate to the effect that either taxes due have been paid or that satisfactory provision has been made for the payment of such dues.

The other provision is that in regard to immovable property other than agricultural land and in regard to movable property other than stocks, shares and securities, if any transfer has taken place since the 14th of August 1947, the Income-tax Officer can call for a tax clearance certificate and if such a certificate is not produced he can require the Collector of the area concerned to recover the tax, and for the purpose of recovering this tax the property would be regarded as still belonging to the transferor.

[Dr. John Matthai]

The reasons why this provision for exemption is made in respect of agricultural land and in respect of shares, stocks and securities are briefly these. As far as agricultural land is concerned, the income on that does not come within the purview of the Central Government. With regard to stocks, shares and securities, a restriction of this kind is likely to place impediments in the way of free negotiability and it was felt that it would probably do more harm than good to place any restriction upon this form of property.

A certain amount of concern has been expressed, Sir, that the provisions of this Bill might create general hardship. I should like to tell the House that ever since the Ordinance was enacted we have issued strict instructions to the officers of the Income-Tax Department that the tax clearance certificate required in these cases should be promptly issued except in cases where there are special reasons to believe that the party in question intends to leave the country. I have some assurance that these instructions have been carefully and strictly carried out, (Prof. N. G. Ranga: "Some assurance, is it?") and that is based on the fact that although this Ordinance has been in force now for a considerable period of months we have received hardly any complaint that these provisions have been implemented as to cause hardship.

There is one direction in which possibly hardship might be caused and that is that there is no provision in the Bill as it stands for an appeal from the Assistant Income-Tax Commissioner to any higher authority. That is to say, where a tax clearance certificate has been refused, there is no scope for an appeal as the law stands at present as the House knows, on the Order Paper I have given notice of an amendment providing for appeals from the Assistant Income-tax Commissioner to the Income-tax Commissioner. The enactment of this amendment would remove what I consider to be the chief disability in regard to the Bill as it stands at present.

I see from the list of amendments on the Order Paper that my honourable friend Pandit Thakur Das Bhargava has a motion for referring this matter to a Select Committee. If he does so and if the House feels that the matter should be examined in detail by a Select Committee, I want to say that as far as Government are concerned, we would have no objection. With these words, I move.

Mr. Speaker: Motion moved:

"That the Bill to make provision for the payment of taxes before transfers of property are recognised in certain cases, be taken into consideration."

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

"That the Bill be referred to a Select Committee consisting of the Honourable Dr. John Matthai, Shri T. T. Krishnamachari, Dr. Bakshi Tek Chand, Shri L. Krishnaswami Bharathi, Shri K. Hanumanthaiya, Shri Jainarayan Vyas, Pandit Lakshmi Kanta Maitra; Shrimati Renuka Ray, Sardar Hukam Singh, Mr. Tajamul Husain, Prof. N. G. Ranga, Shri B. Das, Shri B. L. Sondhi, Shri Deshbandhu Gupta, Shri M. Ananthasayanam Ayyangar, Shri Mahavir Tyagi and the Mover, with instructions to report by the 5th February, 1949, and that the number of persons whose presence shall be necessary to constitute a meeting of the Committee be five."

Sir, the ways of Government are curious. The Pakistan Government while it was fully conscious that the Sikhs and Hindus who were going away from Pakistan had no property of their own except the few clothes on their

person, yet were anxious to recover their dues of income-tax from them, and in December, 1947, they passed an Ordinance the provisions of which were perhaps similar to those which were copied by us in February 1948. Now, I understand that the Pakistan Government has gone a step further and they have passed an Ordinance of which some of the provisions are given in a letter which appears in the *Hindustan Times* of today. They read as follows:

"Any person not domiciled in Pakistan shall not be entitled to leave any province of Pakistan by air, sea or land until he produces before the permitting authorities a certificate indicating that (a) he has cleared his income-tax liability (b) or he has secured exemption from the payment of such liability and (c) or that he has made sufficient arrangements for such payment."

It appears that those persons who according to Pakistan law are liable to the payment of income-tax will not be allowed even to come to India under this Ordinance. Our Government has so far done nothing of the sort, but all the same, the provisions which are the subject matter of this Bill are of such a nature that they require scrutiny at the hands of the legislature.

In the first place, this Ordinance of February 1948 which is to be repealed and replaced by this Bill contained provisions which were too wide and this Bill also, though designed to safeguard the loss of revenue in the case of persons who dispose of their properties with the intention of leaving India and settling somewhere else, yet is very extensive and all inclusive in its scope. It does not indicate that this Bill only applies to persons who answer this particular description. On the contrary, complaints have been made and instances are not few in which many persons have been debarred from transferring their properties who did not intend to leave India and settle somewhere else. As a matter of fact, the provisions of the nature contained in this Bill are of too drastic nature and they unduly fetter the right and the liberty to transfer properties. When we look at the provisions of Section 3 it appears that the net has been spread rather much too wide.

A perusal of this provision would show that even the transactions of moveable property and even which took place after 14th August 1947 are to be scrutinised. Then, such immovable property, the ownership of which according to the general law passes by delivery may even come within the purview of section 3, though it may have changed hands several times during the interval. All those parties shall be called upon by the Income-tax Assistant Commissioner and given notice. After that, in para 2, the provisions are that if no requisite certificate is produced, then the Collector can be notified and recovery ordered and the property can be treated as if it belonged to any of the parties at the sweet will of the Collector. These provisions are too drastic and should receive scrutiny at the hands of the legislature. They cannot be allowed to be passed in this manner.

Again, so far as appeal is concerned, the honourable mover himself has accepted that there is a lacuna in the Bill. Even in regard to the provision for appeal there is dispute about the scope of the appeal. I for one maintain that unless and until the Bill contains provisions for appeal in respect of the acts of the Collector and the Assistant Commissioner as given in 3(2), it will not be helpful. Therefore the scope of the Bill has to be decided as well as the question whether the Act should be allowed to have retrospective effect. For these reasons it is absolutely necessary that such a complicated measure should be referred to a select committee. Moreover the position of the Government of India has to be reviewed in the light of the recent Ordinance passed by the Pakistan Government and in the light of the recent agreement entered

[Pandit Thakur Das Bhargava]

into between the Pakistan and the Indian Government. For all these reasons I beg the House to agree to the reference of this Bill to a select committee.

Mr. Speaker: Amendment moved:

"That the Bill be referred to a Select Committee consisting of the Honourable Dr. John Matthai, Shri T. T. Krishnamachari, Dr. Bakshi Tek Chand, Shri L. Krishnaswami Bharathi, Shri K. Hanumanthaiya, Shri Jainarayan Vyas, Pandit Lakshmi Kanta Maitra, Shrimati Renuka Ray, Sardar Hukam Singh, Mr. Tajamul Husain, Prof. N. G. Ranga, Shri B. Das, Shri B. L. Sondhi, Shri Deshbandhu Gupta, Shri M. Ananthasayanam Ayyangar, Shri Mahavir Tyagi and the Mover, with instructions.

The Honourable Dr. John Matthai: The Ordinance expires on the 6th. If it will be possible for the committee to meet and complete their report on the 4th and present it on the 5th it will be all right. Probably it would be difficult to get this done within that date. In that case I am prepared to take the risk of the Ordinance lapsing for a few days. The Ordinance expires on the 6th. But if the House comes to a decision about the matter in the course of a few days after the 6th, I do not think it will practically make any great difference. But I would prefer the 4th if the House would agree to it.

Mr. Speaker: What is the date which the Mover wants?

Pandit Thakur Das Bhargava: Before the 6th it may be difficult. But I would place myself in the hands of Dr. John Matthai. Any date, he fixed would suit all.

The Honourable Dr. John Matthai: We may accept the 4th.

Mr. Speaker: Then I will finish the sentence thus:

".....to report by the 4th February 1949, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Naziruddin Ahmad (West Bengal: Muslim): I beg to support the motion for Select Committee. I suggest for the Select Committee two considerations. The Honourable the Finance Minister has tabled an amendment by which he wants to introduce clause 4 to the Bill. I suggest that there should be consequential amendments in sub-clause (1) of clause 3 which I have suggested in an amendment. I suggest that it may be taken into consideration by the Select Committee.

The other point to which I wish to draw the attention of the Select Committee is contained in sub-clause (2) of clause 3. I quite agree with my Honourable friend Pt. Bhargava that clause 3 is very drastic. In fact, there may already have been honest transfers. The Government are going to be empowered to pounce upon *bona-fide* transferees. It may be that a transferee may be the second or third or later transferee in a chain of transfers. It is always against sound principles to affect a *bona-fide* transferee. We should consult all the scattered provisions meant for giving protection to the *bona-fide* transferee. I suggest that clause 3 should be remodelled to provide that in case only of fraudulent or collusive transfers these provisions should apply. Otherwise it would cause unnecessary hardship to *bona-fide* transferees if the taxes are ordered to be paid out of the property. The property to be transferred might be a small one and may not bear the levy of a large sum. I suggest that these points should be taken into consideration by the Select Committee.

Prof. N. G. Ranga (Madras: General): Mr. Speaker, I have only two facts to place before the House for its consideration. I am in favour of this motion for Select Committee. I am rather surprised at the statement made by the Honourable the Finance Minister that he did not receive any complaint as to the hardship caused by this Ordinance. I wonder how this Government works in

order to ascertain the effect of any of its Ordinances or Acts. I was touring in the rural areas of the South and I was shocked to be told one day by an ordinary peasant that it became impossible for him to transfer his very small piece of property of one acre, because the Sub-Registrar refused to register the deed unless and until he went over to the nearest town about 40 or 50 miles away and then consulted the income-tax officer and obtained a certificate from him as suggested or as imposed by this Ordinance. Therefore he sought my assistance. I said that I was not aware of any such Act at all. He said, 'No, Sir, it is a Central Act'. I was not quite sure whether any such Bill had been brought before the House. This was an Ordinance published in the papers and there it was. It did the mischief. In three other places also ordinary peasants came and told me that there was this hardship. Does my Honourable friend suggest that the ordinary peasants should go to their Kisan Congress and send their complaints to him? This is a hardship which is being experienced all over the country. You want to get hold of those people who wish to leave our country and go over to Pakistan, in order to make sure that the income-tax that they have to pay is actually paid; but instead of that you now have got an ordinance and you are going to have legislation also, which would make it practically impossible for millions and millions of people in this country, who necessarily have got to deal in transfer of property for their own family purposes. I think it is hardly fair. Therefore, there is considerable force in what my honourable friend, Mr. Thakurdas Bhargava has said that the net has been spread too far and too wide and you have got to take special steps in order to see that the ordinary people who have nothing to do with inter-dominion relations are effectively protected. Sir, when an ordinary person whose annual income is certainly much less than Rs. 3,000, who cannot be said to come anywhere near an Income-tax Officer when he goes to him, how is he to assure him that he has nothing to pay by way of income-tax? He has got to produce various accounts and certificates from the village officers, the local tahsildars and other people before he can satisfy that authority. It is not at all an easy process and what is more, as my honourable friend, Dr. Matthai had admitted, there is no appeal at all from the Assistant Income-tax Officer. The Honourable Minister now offers to make some amends in this particular matter. But even then to go to the District Headquarters, obtain the certificate from the Income-tax Officer and if that officer should misbehave, then to go to the Assistant Income-tax Officer and then afterwards to go to another officer to whom an appeal will hereafter lie, is a process of trouble and tribulation which we should save the millions of our people from. (Interruption) It is not the assesses, it is the ordinary man and if my honourable friend were to go with him to a Sub-Registrar's Office, in any mofussil town, he will now find to his very great surprise that there is not enough work there because the Registration Officer adopts the line of least resistance; he simply says: "You produce a certificate from the Income-tax Officer; otherwise, I am not going to register it". From whom does my Honourable friend expect a complaint? Surely not from every Registration Officer and Sub-Registrar. It may possibly come only from the Provincial Governments and I do not know why the Provincial Governments have not taken the trouble to inform my honourable friend about all these troubles that are being experienced by the ordinary folk and also about the loss of revenue that they are themselves sustaining.

Just now I came to know of one case in the Ministry itself. My friend had gone to the Registration office; he wanted to register a deed on behalf of a trust. He was only one of the trustees; he went there and he found the office practically empty. All these people generally go to get their deeds registered. It must be within everybody's experience that generally these registration offices are overcrowded with people who wish to get their deeds

[Prof. N. G. Ranga.]

registered, and yet this office was more or less empty, and the Registration Officers themselves pleaded of loss of revenue and my friend himself was requested or rather demanded to produce this certificate for the transfer of property on behalf of a trust. On the face of it anybody could see that it was not to transfer the property to Pakistan, but still a certificate was demanded and my friend was put to the difficulty of having to go to an Income-tax Officer, obtain the certificate, go back again to the Registration Officer. Therefore, Sir, this gives us a warning against any of those laws that we ourselves are passing here and that we cannot be too careful in scrutinising the Bills that are emanating from the Central Government in order to protect the interests of the ordinary folk in this country.

Secondly, Sir, I suggest to my honourable friend to go a long way indeed in meeting the wishes of the Select Committee in making necessary amendments in this Bill so that the mischief of this Bill is not spread out over the whole of the country and does not touch the interests of any one and every-one, but is confined only to those people, may be a few more than those who ought to be touched and from whom any income-tax can possibly be expected to be paid.

Thirdly, Sir, and lastly, there must be some sort of exemption limit for the sale value of any particular property, so that even small properties whose transfer has got to be registered need not have to be brought within the mischief of this Bill that is placed before us.

شری دیش بندھو گپتا ! جناب صدر ! مجھے بھی یہ جان کر حیرت ہوئی کہ فائڈینس منسٹر صاحب کو کوئی ایسی شکایت نہیں مائی جو اس آرڈینینس کے خلاف پبلک کی جانب سے ظاہر کی گئی ہو۔ میرے خیال میں اگر آپ نے دہلی کے ایک منسٹریشن کو inform کیا ہوتا تو آپ کے نوٹس میں ایک نہیں بلکہ پچاسوں ایسی شکایتیں آتی جن سے یہ معلوم ہوتا کہ جس وقت سے یہ آرڈینینس جاری ہوا ہے اس وقت سے نہ صرف یہ ہوا کہ بہت سے لوگوں کو تکلیف ہوتی ہے بلکہ property کی value شہر میں بہت گر گئی ہے اور اس کی وجہ سے بہت سی لوکل فرمیں فیل ہو گئی ہیں۔ ایسی instances میرے نوٹس میں ہیں جہاں پر کہ کئی لوگوں کو Bank obligation کو meet کرنے کے لئے اپنی property کو sell کرنی پڑی ہے۔ اور سرٹیفیکریٹ نہ ہونے کی وجہ سے وہ sale نہ ہوسکیں جس کا نتیجہ یہ ہوا کہ وہ فرمیں fail ہو گئیں۔ مزید سمجھ میں نہیں آتا کہ کس طریقے پر فائڈینس منسٹر صاحب نے یہ کہہ دیا کہ اس کے خلاف ان کو کوئی شکایت موصول نہیں ہوئی۔ حقیقت یہ ہے کہ اس آرڈینینس کو جاری کرنے کا جو منشا تھا وہ صرف اتنا ہی تھا کہ یہاں سے جو لوگ جارہے ہیں وہ اپنے قرضے pay کئے بغیر نہ چاسکیں۔ لیکن اس کا اتنا wider application کو دیا گیا جس کی وجہ سے لوگوں کی properties کی value بہت کم ہو گئی اور لوگوں کو بہت سی زرعی زمینیں مصیبتوں کا سامنا کرنا پڑا۔

جناب صدر ! میں سمجھتا ہوں کہ ایک رہ وقت تھا جب کہ اس طرح کا protection گورنمنٹ کی طرف سے دوسرے مانا چاہئے تھا۔ لیکن آج حالت بدل گئی

ہیں اور میں سمجھتا ہوں کہ شاید اس طرح کے قانون سے کام چل جائے جیسا کہ امریکہ اور دوسرے countries میں ہوتا ہے۔ وہاں پر جس وقت کوئی آدمی اپنے country کو چھوڑتا ہے تو اسے وہاں کے Treasury Department سے یہ سرٹیفیکریٹ لینا پڑتا ہے کہ اس کو کچھ انکم ٹیکس وغیرہ وہاں نہیں دینا ہے۔ میں سمجھتا ہوں کہ اگر اس طرح سے یہاں بھی کر دیا جائے تو ٹھیک ہے۔ اب ہندو پاسپورٹ کے دنوں ڈومینین میں لوگ آج نہیں آتے ہیں میں سمجھتا ہوں کہ گورنمنٹ کی requirements اس طرح سے پوری ہو سکتی ہیں کہ obligatory کر دیا جائے کہ جو لوگ پاسپورٹ لینا چاہتے ہیں وہ اس سے پہلے Treasury Department سے یا انکم ٹیکس پارٹمنٹ سے ایک Declaration لے آویں کہ وہ گورنمنٹ کے taxes کے سلسلہ میں کوئی obligation گورنمنٹ کو owe نہیں کرتے ہیں۔ اگر اتنا کر دیا جائے تو گورنمنٹ کا جو purpose ہے کہ کوئی شخص ٹیکس evade کر کے یہاں سے نہ جاوے وہ پورا ہو سکتا ہے۔ اسلئے میں فائڈینس منسٹر صاحب سے عرض کروں گا کہ جس وقت یہ بل سائیکٹ کمری میں جائے تو وہ اس point of view سے بھی اس چیز کو دیکھیں۔ تھوڑی سی بچت کے لئے اس کو اتنا wide کر دیا گیا ہے اور میں چاہتا ہوں کہ یہ اس Comprehensive شکل میں پاس نہیں ہونا چاہئے۔ میں اُمید کرتا ہوں کہ فائڈینس منسٹر صاحب! جس وقت یہ بل سائیکٹ کمری میں جائے گا open mind سے اس پر غور کریں گے اور اپنے ماتحت لوگوں سے یہ بھی دریافت کریں گے کہ اس کے خلاف کتنی شکایتیں لوگوں کی ہیں۔ اگر ان Complaints کو دیکھنے کی وہ کوشش کریں گے تو معلوم ہوگا کہ بہت سے hard cases ہوتے ہیں اور جو لوگ property کا کام کرتے تھے ان کا سب کام upset ہو گیا ہے۔

(English translation of the above speech)

Shri Deshbandhu Gupta (Delhi): Mr. Speaker, Sir, I am also surprised to know that the Honourable the Finance Minister has not received any such complaint which might have been made by the public against this Ordinance. In my opinion, if he had informed the Administration of Delhi, not only one but as much as fifty complaints would have been brought to his notice from which it could be observed that apart from the fact that a very large number of people have been embarrassed since the promulgation of this Ordinance, the value of the property in the city has also considerably gone down and this has consequently resulted in the failure of many local firms. I know of many such instances where people were obliged to sell their property in order to meet with their bank obligations and these could not be sold for want of a certificate. This ultimately led to the failure of many firms. I fail to understand how the Honourable the Finance Minister has stated that he had not received any complaint against this. In fact the sole object of the issue of this Ordinance was to ensure payment of taxes by persons who were leaving India. But its scope of application has been so much widened that it had resulted in the depreciation of the value of the properties held by the people and they had to face a good deal of fresh hardships.

Sir, I feel that there was a time when the Government ought to have extended such protection. But to-day the conditions have changed and I think

[Shri Deshbandhu Gupta]

such legislation might serve the purpose. Just like America and other countries, when any person leaves his country, he has got to obtain from the Treasury Department a certificate to the effect that he does not owe any Income-tax to the Government of that country. I think it would be quite in order if we introduce a similar procedure here as well. At present people cannot enter any of the Dominions without a passport. According to my mind the requirements of the Government can be fulfilled by making it obligatory on the persons applying for a Passport to obtain in the first instance from the Treasury or Income Tax Department a declaration to the effect that they do not owe any obligation to the Government in the nature of payment of its taxes. If this is done, the Government can achieve its purpose that no body should leave this country by evading the payment of tax.

I would, therefore, request the Honourable the Finance Minister that when this Bill is referred to the Select Committee he should also look at it from this point of view. For the sake of a small amount of saving its scope has been widened to such an extent and I would urge that it should not be passed in such a comprehensive form. I hope that when this Bill is referred to the Select Committee, the Honourable the Finance Minister will consider over this suggestion and also enquire from his subordinate authorities as to the number of complaints made against it by the public. If he tries to look at these complaints, he would no doubt find that there had been many hard cases and the entire business of the property dealers has been upset.

Mr. Homi Mody (Bombay: General): Sir, I am altogether opposed to this measure. I am surprised that members of this House, who, judging from their speeches, seem equally opposed to it should have suggested a Select Committee. A very interesting question arises, whether the Select Committee could so alter the measure as to completely neutralise and negative it and whether it will be open to this House after the report of the Select Committee has been received to reject the Bill altogether. My suggestion is that this matter be postponed for a little while, particularly as the Honourable the Finance Minister is prepared to take the risk of allowing the Ordinance to expire and there being a time lag between its expiry and the enactment of the measure.

The measure was really enacted for meeting an emergency which no longer exists. When people were fleeing to Pakistan, and disposing of properties and evading payment of taxes, I could have understood the urgency of the measure and its utility. These conditions no longer exist. What is the position today? In order to be able to catch a very few individuals, you are jeopardising the interests of tens of thousands of people.

An Honourable Member: What about Mr. Ispahani?

Mr. Homi Mody: In reply to a supplementary question, the Honourable the Finance Minister referred to my being the head of a Bank in this country. Speaking as a Banker, I would say that Banks have found it extremely difficult to advance moneys either against immovable properties or against commodities. The position is reduced to an absurdity. Not only have you got to make all sorts of enquiries, and obtain Income Tax certificates, which on account of congestion in the Income-tax office, are not readily to be had, but even when properties are to be retransferred, after the mortgagers pay back the money, the same difficulties arise. In one case, my Bank was actually asked whether it had paid the Income-tax. Somebody, who had mortgaged

his property to the Bank, repaid the amount, and as the Bank was retransferring the property, it came under the mischief of this Ordinance, and the Bank was asked to produce a certificate.

Shri B. L. Sondhi (East Punjab: General): They make no distinction between A and B.

Mr. Homi Mody: Except that we pay our taxes whereas some people may not.

This much is a fact that business is being rendered impossible. Take, for instance the large classes of people who want advances from Banks or private parties against commodities. Unless they produce an Income-tax certificate that they have paid up all their dues, it would be unsafe on the part of the lender to advance any money. What do the Banks do in the circumstances? In order to accommodate parties who they know are respectable, they take a risk which, in my opinion, is not a sound procedure at all. Looking at it from the point of view of almost any interest concerned, I think this Bill ought not to be allowed to be passed. I am against the appointment of the Select Committee. I would rather that an outright opinion was expressed in this House that this measure is no longer required.

I am not sure whether the Honourable the Finance Minister has applied his mind to all the implications of the Bill. He seemed to suggest that, because very few complaints had been received, there was no legitimate ground for apprehension. The position is entirely the other way about, and there are number of instances on record of business being paralysed. I, therefore, suggest that either the Government drop the Bill or delay its consideration, so that, some opportunity may be given to members of this House to consider what should be done.

Mr. Speaker: It is now time for us to adjourn for Lunch. We meet at 2.30 P.M. after Lunch. In the meanwhile, discussion may go on, as to whether the motion for reference of the Bill to the Select Committee is to be proceeded with or the matter is to be postponed, and then, considered again after two days. I am merely making a suggestion. I was thinking as to whether it would be proper for the Chair to import its own knowledge into the working of certain legislations, or ordinances. I was anxiously considering this point. But for the fact that this Bill is going to affect millions of people, I should not have said anything about this measure, but merely taken the vote of the House and allowed the debate to proceed. I do not want to say anything more at the present stage; but I think, the Bill is a matter of very serious consequences to the general public, and it will be better if the matter is considered coolly and dispassionately and then certain conclusions reached. I may just also inform the Honourable the Finance Minister that there has been a history about this Bill. If this history is looked into, I think, the suggestion which I am making for having some time to coolly consider this Bill, will be considered a proper suggestion, apart from the fact that it is coming from the Chair. Ordinarily I should not have made this suggestion. I think I have two alternatives before me: One to out-step a little the limitations of a Speaker in the Chair; or, if I do not do it, to allow very serious consequences, inconvenience and the fullest chance to corruption in the administration of a measure of this type. If I have said anything which I really ought not to say from the Chair, I hope honourable members will take a generous view of my act. But, it is equally my duty to serve my countrymen and save them from troubles. (Hear hear). That makes me say this; otherwise, I should not have said that. It pains me to

[Mr. Speaker]

be a silent spectator to what I believe to be a thing, which requires very serious consideration. The matter may be considered as to whether the reference to the Select Committee has to be gone through, or whether the matter is to be postponed for further consideration and discussion amongst the members informally. Particularly, when the Honourable, the Finance Minister is willing to allow some interim period between the lapsing of the ordinance and the enactment of a new measure, there seems to be no special hurry about it. That is why I have made this suggestion.

Mr. Homi Mody: Would you permit, Sir, the postponement of consideration of this Bill till tomorrow so that members may be able to meet informally?

Mr. Speaker: If there is substantial agreement, if the Honourable the Finance Minister agrees, I am entirely in the hands of the house. Whatever my personal view may be about any measure or proceeding, I am entirely in the hands of the House.

Shri L. Krishnaswami Bharathi: (Madras: General): The right may be given to the Select Committee to completely negative it.

Honourable Members: No, no.

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): That cannot be done.

Mr. Speaker: We need not go into that hypothetical proposition at present.

The Honourable Dr. John Matthai: If the House is in favour of a postponement of consideration, as far as I am concerned, I would not stand in the way.

Mr. Speaker: In the meanwhile, the matter may be discussed informally and if the members are informally agreed that the motion for reference to the Select Committee may be proceeded with, they may do so; if they come to the conclusion that the motion may be dropped altogether, we may not revive the matter and the motion may not be proceeded with at all.

Shri L. Krishnaswami Bharathi: Sir, I suggest this matter may be taken up the day after tomorrow. There must be some time for us to meet informally and discuss.

The Honourable Dr. John Matthai: Day after tomorrow is a non-official day.

Mr. Speaker: Whatever it may be, if it is not be taken up and finished before the 5th, the date on which the ordinance expires, it may be taken up after three or four days. There is no particular sanctity in having it before the 5th.

The Honourable Dr. John Matthai: So far as I am concerned, I am prepared to have this considered as fully as the House would like.

Shri M. Ananthasayanam Ayyangar (Madras: General): When we meet after lunch, we may make representation as to what our attitude is.

Mr. Speaker: In the meanwhile, this discussion will go on. I think Mr. Mody will continue his speech.

Mr. Homi Mody: I have finished, Sir.

Mr. Speaker: We adjourn now; we shall meet at 2-30 p.m.

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

The Assembly re-assembled after lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Shri M. Ananthasayanam Ayyangar: I was not surprised when my honourable friend Mr. Homi Mody spoke. It is natural. I have known him for twelve years. He has always been a capitalist

and he is anxious to save his property against taxation. But my friend, Prof. Ranga also joined hands with him. Now clause 2 of the Bill says: "No registering officer.....shall register, recognise or give effect to any document relating to property, other than agricultural land....." He said that when he went on a lecturing tour, some ryots came to him and said that they could not sell Rs. 100 worth of their property. I think Prof. Ranga hastily made this remark. In the villages houses are huts. No one there will go in for beautiful mansions. Agricultural land does not come within the purview of this Bill.

So far as Mr. Mody is concerned, certainly this affects non-agricultural property. It is natural that he should say so and it is equally natural that we should oppose it.

Let us see who are the persons who come within the purview of this Bill. After all, freedom in a civilised world is the product of limitations and I do want this restriction in the interest and safety of our country and in the interests of proper taxation.

In the first instance, to what provinces does this apply? It is largely applicable to people belonging in large numbers to East Punjab, Delhi, West Bengal and to some extent to Bombay.

Shri T. T. Krishnamachari (Madras: General): It also applies to Madras. I can say categorically for the information of the House that it has been made applicable to Madras.

Shri L. Krishnaswami Bharathi: It is in operation in Madras under an Ordinance.

Shri M. Ananthasayanam Ayyangar: My friend puts me one question and a second desires me to answer another question. My honourable friend, Shri T. T. Krishnamachari tells me that this applies to the province of Madras but I may tell him that it does not. To-day the Ordinance is going to lapse on the 6th and might have been made applicable to Madras. It applies specifically to the provinces where refugees have come and settled and so far, who are the persons who have gone to Pakistan?

Shri R. K. Sidhva (C.P. and Berar: General): Read clause 3.

Shri M. Ananthasayanam Ayyangar: My friend is always one step in advance of me. Clause 3 says:

"(1) Where any right, title or interest in any immovable property, other than agricultural land,is, or has been transferred.....after the 14th day of August, 1947, the Income-tax Officer.....may at any time issue a notice to all or any of the parties to the transaction requiring them or him to produce within one month from the date of service of the notice....."

When the matter comes up there is time enough. The Honourable Minister is always in our hands!

Shri T. T. Krishnamachari: Question!

Shri M. Ananthasayanam Ayyangar: Yes, Sir, when it comes to the Province of Madras, my friend, Mr. T. T. Krishnamachari has not an inch of land but houses: I have a house but not an inch of land! Houses in Madras should not be so easily sold away. You are trying to save a man who is not prepared to pay tax to sell away his property. My friend asked how many cases did we get of tax-dodgers. Let me tell him that a Minister lost his post because we over-emphasized the importance of not allowing tax-dodgers to get away. So when his successor brings forward legislation, we are equally anxious to catch the tax-dodgers. I was glad and happy so long as Mr. Homi Mody was not in this House. But the moment

[Shri M. Ananthasayanam Ayyangar]

he came all the people who have been talking of socialism have been capitalized overnight!

Let us see what we are trying to do. Have we not known instances where persons who have come from Pakistan over here have got house and property and that in India they are safe. They move about from place to place anywhere in India. Their motor cars are preserved in the Constitution Club. Every small article of theirs is preserved for them. What about us? What about the Rs. 800 crores worth of property left by our people who fled from Lahore leaving all their belongings there and came here? Do you know what is happening? We cannot go to Pakistan and we cannot sell any of our property. We can have big advertisements in the papers, but there is not a single Muslim who will purchase a single item from a Hindu. Some friend, who is now representing the Muslim League or the Pakistan Government in Egypt said, when I was speaking sometime ago that we were not making any communal differences like Pakistan. (Shri I. Krishnaswami Bharathi: "What has that to do with this?") What I am submitting is this. If I were a refugee from Lahore where I had property and I come to India I cannot go back to Lahore and sell my property. I won't be allowed. Besides nobody will purchase it. Take the reverse case. There was a gentleman here who was sitting in the front seat. Overnight he flies to Karachi, where he has his wife and children. He tries to be a good citizen of India. Often he adorns the Chair on account of your generosity Sir, for he is even on the Panel of Chairmen.....

Shri B. Das (Orissa: General): He is a zamindar of Gaya.

Shri M. Ananthasayanam Ayyangar: So his property is here but his heart is there in Pakistan. So they can sell away their property and evade taxation and the next morning they can fly away to Pakistan. Do you want to help such people? Any piece of legislation even if passed after great deliberation may make for hardship in certain cases but that is not a ground for letting off tax-dodgers get away with it. My friend Pandit Thakur Das Bhargava quoted instances how it was impossible for a man who has property in Pakistan to come away here. Let alone selling his property he will not be given a passage to get to India by plane unless he produced a certificate that he has paid all the taxes which are legitimately due from him. We are not going so far as that. We are trying to recover these taxes. On one side we are insisting that the Honourable Minister should present a balanced budget and on the other we are pleading for tax-dodgers. We are preaching one thing and acting in another way.

What if this Bill goes to the Select Committee? I do not want that this Bill should be rushed through. If the Ordinance lapses and there is a gap the heavens will not fall down. If not on the 4th let the Select Committee submit its report by the 10th. As regards the question of inconvenience to some people I will suggest in the Select Committee that we should take a certificate from any person who sells his property. These classes of properties do not come within the purview of agricultural lands. The persons need not be asked to swear. Who are the persons affected? They are persons who are able to pay income-tax and whose property is not agricultural land. A man who pays income-tax earns more than Rs. 3,000 a year. Do you say that that man is illiterate? Whom are we trying to help? The man who wants to evade taxation? I am rather surprised that we should become partisans to help the rich get richer and the poor get poorer. The rich are not only rich but are absolute blackguards

and what to get away without paying their taxes. Let an affidavit be sworn before the Registrar. When the document is presented he can get a certificate. The complaint is that the Incometax Officer does not easily give a certificate. The Incometax Officer assesses the tax.....

Shri T. T. Krishnamachari: Give Rs. 100. That is the way.

Shri M. Ananthasayanam Ayyangar: What I would suggest in the Select Committee is that the Income-tax Officer shall send lists of all assesses to every district officer, every sub-registrar within his jurisdiction. Let there be a list week by week. Once an assessment is made, let him compare with the list and whatever name does not find a place let him immediately allow the man. Let those documents be registered. If the purchaser is an incometax assessee or not does not come into the picture. Only the seller comes into the picture. If his name does not find a place in the list let him go.

The second thing is that an affidavit may be sworn before the Registrar, saying that he does not owe any tax or has paid his taxes. These are all qualifications to be imposed. The inconveniences we can remove without losing the tax in proper cases. My friend suggested that a man might sell a property worth Rs. 100. All right. In that case instead of the inspecting Incometax Assistant Commissioner the Incometax officer himself may say so. There is an Incometax Officer in every district. The Assistant Commissioner may be for a couple of districts. Let us therefore give power to the Income-tax Officer himself. My honourable friend the Finance Minister himself said that in proper cases appeals must be allowed. Let us find out ways and means of catching hold of the tax-dodger, prevent him from getting away with the sale of his property and at the same time let us see to it that this Bill does not work hardship on innocent persons.

My friend from Madras said that what I have said may apply to the North but what about Madras. Do they know that there is a city there by name Coimbatore which is equal to Ahmedabad. There are there 25 and odd mills. One person there was running a fleet of buses all over the district. He evaded tax five times and when the Incometax Commissioner came he sold away all the buses and ran them in the name of one of his son-in-law every time. God has given him quite a number of sons-in-law. When the Honourable Minister goes there he is the first man to put a garland round his neck. This is intended for such tax-dodgers also. We will now say "Yes, have it extended to the province of Madras". Does any honourable friend wish that such tax-dodgers must get away?

An Honourable Member: Not at all.

Shri M. Ananthasayanam Ayyangar: If a man sold away his property there must be some registration office in the place. The registrar must be able to get hold of the man. What my friend says is equivalent to saying 'Do not have policeman but have only magistrates, who will deal with the offender only after the offence has been committed.' I want to have both prevention and punishment. Why should we stand in the way of a piece of legislation which does not make hardship except in certain cases. There is no perfect piece of legislation which does not cause hardship to somebody or other. Is it for an exception that you have to make a rule or is it for the rule that you have to make an exception. If necessary do not make this a permanent measure on the statute book. Confine it for three years. Also give power not to extend it over an entire province but a district all that

[Shri M. Ananthasayanam Ayyangar].

can be done in the Select Committee. Let us take sufficient time. In the Select Committee there will be our friends. Our friend Mr. Mody will be there. I will walk out of this picture.....

An Honourable Member: We would not let you.

Shri M. Ananthasayanam Ayyangar: This is a wholesome measure. Let us make it good, so that it may not work hardship on the innocent. I am bowing to your experience, Sir. I feel that this is a measure worth considering and I am appealing to you, Sir. In some cases it may work hardship. Possibly the Income-tax Officer may delay and a man may have to give Rs. 2 to the clerk who is there.....

An Honourable Member: Two rupees is not much.

Shri M. Ananthasayanam Ayyangar: It may not be much to my honourable friend but each man judges it according to his capacity. It may involve possibly Rs. 1,000 in another case. So corruption is possible. Therefore without giving room for corruption and without at the same time letting people away with the sale proceeds of their property let us try to safeguard the interests of both the Government and the citizens. Let the legislation be not too oppressive nor too lenient. All this can be done in the select committee. Even in the third reading the Bill can be thrown out if it is not acceptable and Democracy is so designed that even at the last minute we can throw the Bill out. It is not a matter of principle but one of procedure. Let us therefore work harmoniously and not divide on a small matter. With your permission, Sir, I would like to make an amendment that instead of the Select Committee report being presented to the House on the 4th it may be presented on the 10th.

Mr. Speaker: Is that date agreeable?

The Honourable Dr. Jhon Matthai: Yes.

Mr. Speaker: While placing the motion before the House I shall give that date.

Shri T. T. Krishnamachari: Mr. Speaker, may I at the outset congratulate the Honourable the Finance Minister on the excellent support that he has received from my honourable friend from Madras, Mr. Ananthasayanam Ayyangar. At the same time I would like to tell the House the history behind this particular measure. I do not know if the honourable members of this House remember that this particular Bill figured in the Order Paper for two weeks before the close of the last session. Did any honourable member ask for the reason why it was not taken up then? Some of us approached the Finance Minister at the time, my honourable friend Mr. Neogy, and represented to him the difficulties that would entail if this Ordinance was to be made a permanent measure on the statute book. After considerable amount of hesitation and after consulting his experts Mr. Neogy was convinced at that time, as it seemed to us, that the Bill need not be extended beyond the period of the 6th February when it will expire automatically, because the Ordinance was renewed only for another six months. I was therefore surprised yesterday when I found that this Bill has been put back on the Order Paper. Either it must have been due to an oversight on the part of my honourable friend Mr. Neogy in not communicating his own decision to his secretariat or because of the confusion that naturally arises when one person hands over charge to another and is not able to tell his successor all that had

taken place during the period he was acting as *locum tenens* which he had to carry in his memory. Therefore there is no particular virtue in this measure which my honourable friend from Madras, Mr. Ananthasayanam Ayyangar, seeks to invest it with at the moment.

I would invite a reference to the Statement of Objects and Reasons. For the sake of clarification let me read it. It says:

"The object of the Bill is to safeguard the loss of revenue in the case of persons who dispose of their properties with the intention of leaving India and settling somewhere else. Following the issue of an Ordinance in Pakistan in December 1947, a corresponding Ordinance was promulgated in India in February 1948. This Ordinance was due to expire on the 6th August 1948 and was renewed on that date by another Ordinance called the Payment of Taxes (Transfer of Property) Ordinance, 1948, which is now being repealed by this Bill."

This is signed by Mr. Neogy and dated the 17th August 1948. The House will therefore understand that the object envisaged in this particular measure is not something which embraces all tax-dodgers but is only limited to those people who seek to emigrate from India to Pakistan and incidentally dodge the taxes they owe to this Government. In a sense it is also a retaliatory measure because Pakistan had first started with a measure of this nature. I do not know if my honourable friends in this House want this House to enact a measure similar to what has been enacted a few days back in Pakistan in regard to refugees returning to Pakistan and staying for a short time in that country. Imitation is certainly the best form of flattery and I do hope that this House is not going to flatter the Pakistan Government by copying the other measure that they have put on the statute book in order to prevent a few refugees that have left Pakistan from returning to that area after realising their assets in this country.

There is a lot of sentiment now being evoked by reason of the present discussion. I think people in the East Punjab and Delhi feel that if this measure is not passed Muslims will profit by it and they will be able to sell their properties here and not pay the taxes due. I do not think so. The Ordinance have worked for a year. What is actually the achievement during the year? In bringing forward a measure of this sort before the House with the experience of its working for one year I do expect the Honourable the Finance Minister normally to give facts and figures for the continuance of the measure. Will my honourable friend disarm all opposition by.....

Shri M. Ananthasayanam Ayyangar: May I ask my honourable friend one question? Could it not be that on account of this measure there were no sales, because they had first to get a certificate?

Shri Deshbandhu Gupta: There were no sales by those who had no intention of leaving India.

Shri T. T. Krishnamachari: My honourable friend makes a very pertinent point. How could he get facts and figures when there have been no sales? Nevertheless, in the working of this measure during the past one year information could have been gathered about the number of certificates granted after realisation of taxes due, and my honourable friend would have been able to assess how exactly it worked. There is no use my honourable friend from Madras saying that it affects only a few rich persons. After all, the rich are not affected by this measure. And there is no use his being glad or sorry that Sir Homi Mody is here. I rather wish he had been here all the time so that we can tell him face to face the delinquencies of his particular community. The rich people can always have the ear of the Honourable Minister, and a number of other Ministers to boot. It is only the poor man who has no such opportunity, like my honourable friend Mr. Ananthasayanam Ayyangar has,

[Shri T. T. Krishnamachari]

that suffers in the bargain. It does happen that even a Minister of this Government who is not enterprising has also to suffer, because, as my honourable friend Prof. Ranga pointed out, a Minister takes a document to the registration office and he is not aware of the existence of these provisions, and the man of the registration office says "you have not brought the quitance certificate for the incometax returns and I cannot register your document." What has happened is that this measure, though it was originally intended only for those Provinces from which refugees are likely to emigrate, has been made applicable to Madras. It may be that the Bill does not specifically mention it, but it enables the Government to extend the measure to any Province. In the meantime, unaware completely of the intention of the Finance Minister, and when he has been replaced by another Minister, the Department goes on extending it to a Province where there are no refugees at all, merely because the Income-tax Commissioner of the area wants it. Mr. Ananthasayanam Ayyangar who has been a doughty champion of individual liberties in the past has suddenly changed over because Government wants to safeguard loss of revenue. Let me tell him my own experience. It has been mentioned to me that there is a long queue outside the income-tax office in Madras. An auditor friend took me there and I did see it. But subsequently it was explained to me that the queue was not made up entirely of those people who wanted a quitance certificate in regard to transfer of property but also in regard to those wanting a certificate so that they could apply for import licences. All this is not perhaps germane to the Bill before the House, but I am mentioning it for the sake of telling the house how government *Hukums* work. Why should the Government say that anybody who applied for import licence must take out a certificate that they do not owe any money to the Income-tax authority? Why should not people who want import licences be chased by Income-tax officers in a different manner instead of getting them to make a queue outside the Income-tax office? Is it the idea of the Government to enable its subordinates to earn some money in this way. Does it really mean that the Central Government, not being in a position to pay increased dearness allowance to its subordinates wants to help them to augment their revenue in a different manner. If that is the position I have no objection. Probably a clerk might get Rs. 20, an officer might get Rs. 100 and the Assistant Commissioner Rs. 1,000 by way of additional income on each certificate. It may be according to the value of the import licence or the value of the property sought to be transferred. If that is the idea, it can even be justified as after all there are other Governments doing the same. The Chinese Government is going on in this way, being supported by such *bakshish* to its employees and this Government can follow suit. But I do believe that, apart from the intrinsic defects in it, to bring a measure of this kind before the House after its having been allowed to run for twelve months without let or hindrance and now to ask the Select Committee to devise ways and means to make this measure more innocuous than what the Department considers it now to be, is putting an onus on the members of this House which they are not in a position to shoulder.

I think it is highly unfair. If my honourable friend the Finance Minister feels that the Select Committee can improve the Bill, why does he not say here and now: "These are the ways in which I am going to ask the Select Committee to improve it". If he does that, that is another matter. It is said that the Select Committee may reject this measure. How could it? I would ask your guidance as being the Custodian of the privileges and the precedents of legislative houses, "How can a Select Committee, the members of which are more or less committed to the principle of the Bill when they accept to serve on that Committee?"

Pandit Thakur Das Bhargava: May I know what is the principle of this Bill except of safeguarding the loss of revenue from those people who intend to leave India and settle in Pakistan?

Shri T. T. Krishnamachari: There you are. It only serves to confirm my view that this Bill has no principle and therefore there is nothing that the Select Committee can reject. I do not suppose it is all quite so easy. After all, the principle of the Bill is that there is a particular categorical aim attempted by this Bill and if you are going to deny that categorical aim you are denying the principle of the Bill. It may be that the Honourable the Finance Minister might, in his goodness, say "No. A number of members of the Select Committee seem to be averse to the Bill. So I will withdraw it." If he gives an assurance like that on the floor of the House, it is a different matter, but I cannot see how the Select Committee can say, "The Bill should be rejected".

I personally feel with you, Sir, that the original decision of the Finance Ministry—I hope I won't be contradicted—was correct, that the Bill should have been dropped, and if the Government had found a necessity for some sort of Bill of this nature they should come forward with a new Bill in an altered form. Supposing it is a matter of Government losing revenues, where what is involved is only in regard to property of the value of say a lakh of rupees or something like that, they could have brought a Bill to cover such cases. They could have said that all transfer of property involving sums of not less than ten, five or one if you like, lakh of rupees only should be done when a certificate is produced from the income-tax authorities. If they do that, it would be something different. You may even make it universally applicable or you may bring in another measure and say that notwithstanding the fact that a property is transferred the rights of the Income-Tax Department over that property is not extinguished, so that the buyer will have always to beware of the possibility of the Income-Tax Department coming on him later on, which, Sir, as you will understand is a matter which we will have to limit to a period of time. These are the various ways and means in which the income-tax structure of the country can be altered. There may be an amendment to the Income-Tax Act to offset this kind of evasion. But to use a temporary contingency that has occurred and make the remedy against it a permanent part of the Statute of this country is, I think, wholly iniquitous and notwithstanding the fact that a lawyer of the eminence of my honourable friend the Deputy Speaker is supporting it, I feel that the measure, solely on the merits of it, cannot be supported.

I would like to mention one or two other reasons for the position taken up by me before I sit down. The question really is that the number of people that are affected is out of all proportion to the revenue that Government gets. The amount of work involved on the Department is out of all proportion to the amount of revenue that Government can possibly get. Unless the area of the Bill is to be limited very drastically, proceeding with the Bill will be very unwise. Secondly, the Bill is so loosely worded that "interest" might mean anything. For instance, the interest of a trustee in a property or the limited interest similar to what one of my honourable friends mentioned about usufructuary mortgages. Thirdly, this Bill wants a certificate from the Inspecting Assistant Commissioner. May I ask the Honourable the Finance Minister to tell us how many Assistant Commissioners there are in each province. How could people go to the Assistant Commissioner excepting through these Departmental channels and the mere fact that he has issued instructions that all these applicants must be straightaway disposed of and there should be no delay

[Shri T. T. Krishnamachari]

does not vouchsafe the compliance with those instructions. If all the instructions issued by the Ministers of the Government of India were scrupulously observed by their subordinates, I think there would be no interpolations in this House. The Government of this country will then run on oiled-wheels. The only thing is the number of breaches of these instructions are far more than the number of cases where observance can possibly be found to be true.

The Honourable Shri N. V. Gadgil (Minister for Works, Mines and Power): Nobody prevents you from asking questions.

Shri T. T. Krishnamachari: My honourable friend does not give me a chance to ask. As a rule I do not ask questions at all. As a matter of fact, I have refrained from asking any questions, because I do not see how I can make use of the answer to those questions, being a member of the party in power. Even this limited opposition that I have to voice, the opposition of the man-in-the street, has only got to be done by sufferance because my honourable friend is smiling at me all the time; if he just frowns on me, I will sit down because my intention is not to put the Government in an embarrassing position.

These are the factors against the measure and there are certain absolute facts which my honourable friend Mr. Ananthasayanam Ayyangar might go and verify; the number of people who have to go to the income-tax office to ask for a certificate of this nature and the over-riding factor that my honourable friend Prof. Ranga mentioned, namely, that in urban areas the number of documents registered has dropped enormously and the effect of it will be seen in the stamp revenue of the Provinces in due course. It may be that the provincial ministers are not alert enough, because nobody knows of how much a measure would affect provincial revenues. It is difficult to keep trace of Central Governments emergency legislation. The Central Government passes a number of Ordinances. Here I have a list of Ordinances in my pocket passed by the Finance Ministry since the House dispersed on the last occasion and somebody was asking me to day, "What has the Finance Minister done to control inflation?" He has been producing Ordinances,—one, two, three, four, five—and we are now more or less coming to the state of governing by Ordinances which used to be the practice during the war. Of course, there is an emergency, there is inflation; there are the refugees; there are all other problems. But the Ordinances that my honourable friend merely issues because the Department wants it often times produce nothing at all by way of results except inconvenience to the public. I might mention provisional assessment of income-tax ordinance. Assessments of income-tax will be only provisional thereafter there will be no final assessments at all, and if my honourable friend goes on with his practice of issuing Ordinances whenever the Department wants them, I can tell him the whole work of Govt. will have to be done, the whole work of the Finance Ministry and the finance administration will have to be done by Ordinances. There it is. The House is the watchdog of the privileges of the people. We will have to see that this method of ruling by ordinances must be kept down to a minimum absolutely and even as it is there is no excuse for the particular Ministry not having tabled a Bill early enough in the last session and got it through or got it rejected. They just let it go merely because it was renewed just before the session started, and lasted for another six months.

Notwithstanding the eloquence of my honourable friend Mr. Ananthasayanam Ayyangar, I would personally advise my honourable friend the Finance Minister to drop this measure and if he feels that there is need for safeguarding revenues due to Government from those are likely to owe large sums by way of taxes, he could do that by way of bringing a new Bill or an amendment to the Income-Tax Act, and put it as a permanent thing on the Statute Book. That can be done within the next month or fortnight, as the case may be, but as it is I see no useful purpose can possibly be served by referring this Bill to a Select Committee and the Select Committee coming to a decision in which Mr. Ayyangar will be of one view and somebody else will be of another view, and naturally they will say, "We are not able to come to a definite decision" and the Minister will probably say, "Let us go through the thing" or if we say we do not like it, we cannot reject it but depend upon the mercy of the Minister to withdraw it. I do say that he ought to withdraw this Bill and bring upon another measure of a restrictive character which might even become a part of the permanent income-tax structure of this country. That is my respectful submission to the Honourable the Finance Minister and I am naturally in the hands of the House whether the House intends to support the measure in its original form or in its amended form as amended by my honourable friend Pandit Thakurdas Bhargava's motion.

Shri R. K. Sidhva: Sir, my task has been made much easier by the reply given by my friend Mr. T. T. Krishnamachari to the Honourable the Deputy Speaker. In his enthusiasm to see that tax is not dodged by the tax-dodgers, he has in his arguments imported many irrelevant remarks which are not germane to this Bill at all.

Shri B. Das: Why do you not say, irrelevant?

Shri R. K. Sidhva: He has referred to the refugees who have come away from Pakistan and, in a pathetic manner, said that they have suffered immensely leaving their properties there and that they dare not go there to sell them. All that is perfectly true and I endorse every word of what he said. But this Bill has nothing to do with that. I know myself how our people who have come from Pakistan are suffering having left all their belongings there. A recent order issued by Pakistan, after the Delhi and Karachi negotiations, caused me to wonder whether those negotiations were genuine on the part of Pakistan. My friend the Deputy Speaker said.....

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar).]

Mr. Deputy Speaker: It is open to the honourable member to go on with his remarks.

Shri R. K. Sidhva: No, Sir. Now that you are in the Chair I shall only say this: that you were good enough to state that I may have many properties in Karachi. Let me tell you that I own no property and I do not hope to have any during my lifetime. Therefore, today while I associate myself with the remarks offered by Mr. Modi, I hold my views very strongly about this measure. I have seen in Bombay some of the small people who own property suffering great hardship. This Bill will hit them hard. They have come and asked me what kind of legislation the Dominion legislature is passing. They say that they should not be made to pay the penalty for others. They are perfectly right. The Bill, as Shri T. T. Krishnamachari pointed out, refers only to those provinces where people would like to run away from and avoid the taxation. The original idea was to have a restricted measure. Now one and a half years have passed and they want to run away from Pakistan and come and do business here. But our people cannot go there. During the recess I asked the Honourable the Finance Minister to what extent the Government have sustained

[Shri R. K. Sidhva]

loss in the absence of a measure of this kind. He said that he has no information available on this matter. Though that is also my view, in view of the difficulties of the small people, I asked the Honourable Minister to give me an indication of the extent of the loss to the State. He does not know and he was unable to tell me this. I concede that there may be loss of a few thousands of rupees. To avoid that small loss, are we going to impose hardships on the people involved in having to register their properties? On account of this measure, many transfers have been stopped. Mr. Mody, who is a banker and chairman of a big bank, told us how difficult it is for him to lend money on mortgages, in view of the restrictions imposed. Sir, big people can raise money when they want. What will poor people, who have property worth Rs. 10,000 or Rs. 5,000, do to get the required certificate and so on?

Sir, the amendments of Pandit Bhargava really aim at killing this Bill indirectly. He himself does not want it. One logical result of our sending this Bill to a Select Committee will be that we accept the principle of it. Once you accept the principle of it, I do not know what you are going to do in the Select Committee. While our own people are cursing the Government for bringing forward a measure of this kind which, though aimed at others, really causes hardship to them, how can we accept the principle of it?

Pandit Thakur Das Bhargava: On account of the recent agreement, many people will go away from here to Pakistan. It is a necessary measure but it should be limited to those people only.

Shri R. K. Sidhva: I do not know whether in any law you can make that distinction. I am sure it will affect every one. If you say that it is going to affect only a particular class of people I am prepared to consider the position. I believe the measure will affect every one. I wonder whether as pointed out by my friend Pandit Bhargava, one can make such a distinction.

Pandit Thakur Das Bhargava: Certainly.

Shri R. K. Sidhva: Then let me know how you are going to make that distinction.

Pandit Thakur Das Bhargava: See my amendments.

Shri R. K. Sidhva: As a layman I think the law will not permit you to do so. It is said that unless we have this measure passed into law, we may be losing some money. I want to know the correct position. For my part I would advise losing a small sum rather than creating hardship to the people. You have to look into both sides of a question. A few thousands would not matter much to the Government. If the Honourable Minister tells us that the State would, in the absence of this law, lose large sums, I am prepared to agree. But we have not been told how much they will suffer. We are told that people have left India for Pakistan. I want to know how much you are going to gain by placing this Act on the Statute Book permanently. This matter has till now been governed by an Ordinance. We do not mind it. The Legislature in my opinion should not be a party to this. If the Honourable Minister gives me an assurance that it is possible to make distinctions in the matter of the levy of this tax, I will consider it.

Shri B. Das: Sir, I oppose the reference of this Bill to a Select Committee. I was surprised to find my ex-capitalist friend Mr. Sidhva speaking in that subdued tone. He says he has no property now. He has left everything in Pakistan.

Shri R. K. Sidhva: I never had any.

Shri B. Das: You were a member of the Committee of the Federation of Indian Chambers of Commerce like me in those days. If you had no properties you could not have become a member.

Sir, before I heard the plaintive voice of my friend Shri T. T. Krishnamachari, I was under the impression that Madras was the most intellectual province in India. But now I find that Madras is finding difficulty in getting certificates from the income-tax officials in the matter of Transfer of property. For import licences if such certificates are called for, I approve of it. Why should Madras have large number of applicants for more and more import licences? I cannot follow but any applicant must show he has money to trade. I have been always against tax dodgers. The situation Mr. Sidhva has pictured to himself is interesting. The Bill aims at stopping the sale of property by those who want to run away to Pakistan.

Let us meet the first situation. Those are the provinces to which it is being applied from where people have run away and as the Honourable the Deputy Speaker insinuated while speaking, some of the people from Gaya are trying to go away with their property to Karachi. Of course we must safeguard our wealth and see that it is not being taken away illicitly to Pakistan. What has the Government done in the case of Rajah Akbar Ali, who was one of the biggest contractors of the Government of India and who did not pay even a few rupees to the Government of India and who had gone away to Pakistan. I ask my honourable friend, Mr. H. P. Mody—he is a very old friend of mine, I welcome him and I am glad that we are again participating in a debate on the floor of this House—if Mr. Habib Rahimtoola, who is Pakistan Ambassador today in London, if he by connivance with my honourable friends in Bombay, sells away his property and dodges paying the taxes to the Government, what is the Government going to do? India before the partition was ruled by Tatas, Birlas, Ispahanis and Dalmias and I do not know how far the truth is and what is the internal combination of these four great houses but it is well known on the eastern side of India that the Ispahanis are transferring crores of their wealth into Eastern Pakistan, and I do not know whether a part of that property has come to the banks and various other organisations with which my honourable friend, Mr. Mody is associated with, but I wish to know whether there may not be tax dodging by big firms like Ispahanis, who have made crores and crores of rupees by being the suppliers of the then Government of India and the Government of Bengal rice and other foodstuff and the inhuman tragedy in Bengal—that are too well known to everyone of us and I hope such things will never be allowed.

If injustice had been done to property sellers in Madras, it is a very small matter. It can be removed in the Select Committee, but we should not do away with this legislation or with this Ordinance. Such an eventuality will permit tax dodgers sell their property illicitly and evade payment of taxes by running away to Pakistan. I would be a traitor to my country if I permit them to part with their property without paying State taxes before they run away to Pakistan. That one principle alone makes me support this measure wholeheartedly and I do not think that Mr. Sidhva was right when he said that the Finance Ministry is after every little transfer of property transferred in Madras or Bombay and trying to catch and harass people unnecessarily. I think it is an exaggeration and it had better not be repeated on the floor of the House. Sir, I wholeheartedly support the motion.

Shri Mahavir Tyagi (U. P. General): Sir, I have great sympathy with my honourable friend, Dr. John Matthai, for before he came to the office, he was

[Shri Mahavir Tyagi.]

known to be a very great philanthropist but unfortunately he was selected to be on the portfolio in which everybody becomes a Shylock and becomes very miserly—I mean he has got the portfolio where he naturally has to take care after every pie, and therefore, he has come with such an unpopular measure. I do not agree with those friends who say that this Bill should be thrown out, for after all no State can proceed on sentiments alone. Only recently the Government has arrived at some sort of agreement with regard to transfer of property and when that thing comes into action, the properties shall either be transferred or sold or some other arrangement shall be made and naturally the question will soon become important, because all those whose properties had been left here will get their compensation and all those men who have come from Pakistan will get their compensation. It is all but clear when such a huge exchange of property or adjustment of property takes place, the Governmental accounts must also be cleared off. So I do not totally oppose the Bill, but there is a part of the Bill, which I am wholly opposed to. Firstly, because it emanates from a spirit of retaliation. Pakistan committed an error and we followed the error. It is a bad spirit. In fact when the people who came over to this side from Pakistan had been rummaged, robbed, beaten and looted on the way and their belongings were either stolen or destroyed. And even the ornaments of women were forcible taken away. Now, after all that was done the Pakistan Government came out with an ordinance that even if they had gone away penniless, even then their taxes would be realised and they would not be allowed to sell their property without paying these taxes.

Sir, a tax, so far as I understand—I do not know about the income-tax and fortunately or unfortunately I have never been an income-tax payer not that I have evaded it but I never had any income to the level of income-tax payment—is paid in advance. Although the previous accounts are taken into account but taxes are always paid in advance to enable the State to proceed on with its business. When one has left the State for good, why should he pay a tax? I pay my tax only because in exchange the State will give me protection, will feed me during famine, will protect my children and protect my honour and my liberty. But now those persons who are scared away from here, who have gone helter skelter, all hungry and starving, beaten, robbed and rummaged and in fear of getting murdered, such persons as have gone away from India and in the same manner people who have come to India from Pakistan as refugees who will never go to Pakistan to claim protection for their children or ask for their looted property or seek protection for their honour are not morally liable to pay any tax. What for should Pakistan demand from them income or any other tax, they are no more the citizens of that territory. The same applies here. I submit, Sir, on moral grounds if not on legal or political grounds, we have no claim to realise taxes from persons who are no more our citizens and whom we are not going to guard or give any protection or safety. I therefore, submit, I am not attacking the Bill altogether wholesale, but what I am condemning is the spirit to realize taxes while a man is running away for safety of his life. It is like that Hindustani saying: "*Bhagte Bhut Ki Langote Bhati*" which means to just seize the loin cloth of a running ghost. When a man is running, you just catch the little langoti and you get satisfied. Although I am in the Select Committee, I do not know what will happen to my suggestions because the Honourable Dr. John Matthai is being advised by my Madrassi friend who was sitting in that corner (I can't name you Sir) to behave in a manner in which even John Bull did not dare behave. The Honourable Dr. John Matthai who is such a great philanthropist and who has been reputed to be generous, is being advised to realize his dues from the property which was sold in distress. I know, in my town there have been

disturbances, and when Mohemmedans went away to Pakistan, it was only in rare cases that a few lucky ones could perhaps dispose of their property. In one of the clauses it is mentioned that the properties which had been transferred after the 14th August 1947 would be taxed. The Masters have gone; they have taken full money. Now you will not realize the balance from those who have sold off their property and gone to Pakistan. According to your proposal, you will be realising this money not from the man who has run away, but from the man who has already been rummaged, robbed and beaten on the way while he was coming here helter skelter, and from the one who could just managed to acquire some property. You are going to attach his property and realise the tax. It is unnatural and immoral to realise the tax from the property of those refugees who have come from the Punjab, out of the refugees who had little money, who had no protection, who are still in the roads. You are trying to realise the tax from those few of the refugees who could manage to bring some money and who purchased some property in India. And the tax not due on him but on the man whom you can't now apprehend. I therefore submit that the Bill must go to the Select Committee to be corrected. State must have the right to realise the tax from those who now come from Pakistan to sell away their properties, only if the demand pertains to past areas. We had already given them protection in the past, for which service they owe the tax to this State. Because of the peace and order we gave them without which they could not earn a taxable income. They must pay to the State when they come to exchange their property. The Bill must be there. I do not therefore, oppose the Bill *in toto*. But, to give it a retrospective effect, to those days of misery, is something which does, Dr. John Matthai, neither suit your old position, nor new. Please send the Bill to the Select Committee and be prepared to curtail it wherever our friends advise you to do so curtail that pernicious part and make the Bill look fair. I submit that the Bill must go to the Select Committee. We must get the best out of it. With these words, Sir, I resume my seat.

Shri L. Krishnaswami Bharathi: Mr. Deputy Speaker, Sir, if some of the honourable members register their protest against this Bill, it is certainly not because they want to help the tax dodgers; most certainly not. Every member of this House wants to help the Government to realise their just dues. The opposition is because, if some people are dodging the taxes, the hardships should not be made to fall on a large number of persons.

Sir, I come from Madras. Recently, I happened to be in Madura. I know of a number of cases where poor people were hard put to it. I know of an old lady who wanted a loan of Rs. 200 on the mortgage of her property in distant Ettayapuram. She engaged a lawyer, and the lawyer advised many things. A true copy had to be made out; the Assistant Inspecting Commissioner was not there; she was waiting for long; I do not know if she has got the Certificate now. There are many many cases of this sort. Therefore, it is only because of those difficulties that we wanted to mitigate the rigour of this measure. I have some suggestions and you Mr. Deputy Speaker, have made also some suggestions.

Why should it be made that every one who has to deal with property should get this clearance certificate? In Madras, there are fifty two million people and I think the assesses will be about 10,000 or somewhere there. In order that the Income-tax authorities may realise their dues, should every one of them be asked to get this certificate from distant places? In Ramnad, Madura and Tinnevely, three extensive areas, there is one Assistant Inspecting Commissioner. It would be well if the Honourable the Finance Minister has given us some figures as to the number of applications that are pending with the Commissioner. Therefore, I would suggest, there is no reason why it

[Shri L. Krishnaswami Bharathi]

could not be done—a list of all the Income-tax assesses may be sent to the Registration officers so that whenever there is a document coming up for registration, he can refer to the list and register those documents if the names are not found in the list. Better still, I would suggest that the concerned Income-tax offices might send a list of arrears of income-tax assesses at the end of every month, to the Registration officers, so that, on a particular date, they may be able to know what are the arrears outstanding against a particular person. Any person, if his name is not found in the list of arrears, may get his document registered. All these things are possible.

I have given notice of an amendment which is much better still. I do not know why it should not be that the property of an assessee, other than agricultural property, should be made subject to the first charge for payment of taxes. That must be the simplest way. Instead of asking these poor people to run about the Income-tax officers for getting a clearance certificate, we may have a simple law by which all the properties, of course, other than agricultural property, are declared first charge for the payment of taxes. They are all matters, no doubt, for the Select Committee. But, what is most important is that all these instructions have not been complied with, I know that as a matter of fact. Therefore, these rigours ought to be mitigated as far as it is possible.

I see no reason why, Sir, this Bill should be made applicable to Madras. Obviously, the Bill is intended to cover cases where a person sells away property with the object of settling elsewhere. The ordinance in Madras was promulgated only very recently. I would like to know whether there was a single case brought to the notice of the Government—you referred to some cases in Coimbatore—where there was an attempt on the part of any one in Madras to sell away his property and run away to any other place. In the absence of any data to that effect, I feel there is no justification for introducing this rigorous piece of legislation to all the provinces. Therefore, Sir, I would very much like—though it is not so stated in this Bill, it is just possible because they have already introduced the ordinance, that the next day after the Bill is passed, they may extend it by a notification to Madras—to have an assurance from the Honourable the Finance Minister that this Bill will not be extended to a province where there is no need at all. If the real object of the Bill is only collection of revenue by the Income-tax authorities, I can understand that. The Central Board of Revenue must have thought, here is a very good thing; we can easily realise the amounts without much difficulty. Incidentally not realising the difficulties and hardships to which large numbers of millions of innocent people are put to, they have thought it handy to extend it to all provinces.

I hope all these suggestions will be considered by the Select Committee and the rigours of the Bill mitigated as far as possible so that non-assesses who constitute a very large number of people may not be put to these hardships of going to the Income-tax officers and spending lots of money for the certificate.

Sardar Hukam Singh (East Punjab: Sikh): Mr. Deputy Speaker, Sir, at the outset, I must confess that I did not know that there was an ordinance to that effect. I can give that explanation because I was a refugee myself, I had no property and I had no occasion to come across such an ordinance. I can understand the opposition that is being offered to this Bill by honourable members who are not refugees; but I fail to understand the opposition coming from my refugee friends as well. Mr. Sidhva tried to make out a case, perhaps he has given the explanation that he owns no property.

Shri B. L. Sondhi: Now?

Shri R. K. Sidhva: No; never during my life time.

Sardar Hukam Singh: What I am submitting is that Mr. Sidhva said he had no property; I can understand opposition on other grounds also.

But the feelings of those of us who have some property in Pakistan are quite different. I was wondering rather (Interruption)

Mr. Deputy Speaker: Let the honourable member proceed.

Sardar Hukam Singh:that the Government did not come up with such a Bill earlier because I did not know that the Ordinance was there. I have heard with rapt attention all the speeches that have been made on the floor of this House and what I have been able to grasp of the position is this. As I understand it, this legislation is born of retaliation. I admit that retaliation is very bad and reprehensible. We have explained to honourable members our feelings in the matter. My friend, Mr. T. T. Krishnamachari has just explained that India would try not to imitate Pakistan by not allowing the refugees who have come to India to return to that country. I would request my friend to realize what would be the situation if all those persons who have gone to Pakistan were to come back to this territory and we were not allowed to go back to our homes. We understand that a large number has returned and I could quote examples of Gurgaon and Ambala districts. There the refugees were given land and when the real owners returned they were turned out. Undoubtedly, retaliation is a bad thing but what are you going to do with the refugees if the traffic has to go on only in one way and all those persons come up here?

I can give you my own example. I have tried to sell my own property. Several agencies have been set up there and I can show you the written answers that I have received. There are no buyers. Our men cannot sell the property that they have left behind while the others are coming here and freely selling away their property without paying taxes that they owe to this Government. Naturally the Government loses the money that is legitimately due to them.

It was argued that if we go there we will not be able to sell the land. But the fact is that we are detained there and we are not allowed to leave until we pay up the taxes. I do not know whether any of my friends would come to my rescue and pay my taxes and release me from that place.

I admit this is a strong measure but it has worked so far. We have not been able to sell property and likewise the Pakistanis. It was applicable to other owners as well. But the real object has not yet been achieved. The Inter-Dominion agreement is that sales and exchanges will take place so that the object can be achieved after this agreement.

One of my friends has asked the Finance Minister to give him figures showing how this Ordinance has worked. But only those cases can be cited that are here shown as instances of hardship. The object is quite all right but we do not wish to bring in those citizens who are already residing here and who want to sell property. These defects can be remedied in the Select Committee. The rigours can be modified and the measure can be brought to such a state that it could be accepted by all members. But when we totally oppose this measure I fail to understand the object behind this opposition. As far as I can judge, I can only attribute this opposition to the fact that during this one year only the hardships have been noticeable. The real object could not be achieved as the property could not be transferred during that period.

So I appeal to the House to divorce this measure of its ills and hardships. It is a very necessary measure and it should be referred to a Select Committee so that it can emerge in a more popular form.

Srījūt Rohini Kumar Chaudhuri (Assam: General): Mr. Deputy Speaker; I am speaking rather in an apprehensive mood. There was a cat in this House just before the quorum bell rang and I am not certain which way the cat actually left the House. My friend, Mr. Kamath gave an assurance but the House very well knows what a risk it runs whenever it acts on such assurances. Being in that apprehensive mood, I hope, Sir, you will excuse me if I cannot accept the assurance which you so kindly gave during your speech as a Member of this House. You have assured us that this Bill will not affect a poor province like Assam or Orissa. I had gone to slumber on this assurance. Waking up I looked through the Bill and I found that there was nothing there to prevent the people of Assam being affected by the provisions of this Bill.

If I may disclose a personal matter, as an instance of being directly hit by this Bill, one of the Insurance Companies in which I am interested has purchased property from a respectable Muslim gentleman who has since migrated to Western Punjab. Now, who is going to be punished by this Bill? Will the gentleman who has sold all his belongings and gone to Western Punjab, be affected by the provisions of this Bill? When this Bill comes into operation, the officer concerned will refuse to register my name because that gentleman had been successful in dodging taxation and has left the province. Whom are you going to punish now and whom should you punish? By having this Bill in operation you will be punishing the people of this province—say Delhi. Some of these people are refugees and others have come here after having fled from their own places. With the generosity of their friends they might have been able to purchase a plot or two of land or a house. If you do not recognise these sales, whom are you going to punish? And after all, why should you stand in the way of those who out of well-grounded fear at the time sold their property and left the place? Why should you rake up past history and try to go about enquiring with the object of punishing those people.

It is a very bad precedent always to pass legislation and give it retrospective effect. Why all this year has been allowed to elapse before making the legislation? No sensible House would do it nor would go to the length of encouraging such a kind of legislation. This encourages idleness, it encourages want of foresight and it encourages a spirit of vindictiveness and it is always an accepted principle in the parliaments of civilised countries not to resort to any retrospective measure, unless there is a clear case of emergency. There is no question of a case of emergency now. No case of emergency there was in the year 1948 so far as the disposal of properties is concerned. Will it be within the scope of this Bill to make any invidious distinction or to make any amendment to say that this Bill will only apply to those people who had left India for certain reasons? It would not be within the scope of the Bill and it would look very invidious if we introduced such a provision in this Bill. When you are making legislation for Independent India, when we are going to claim practically the leadership of all the Asiatic nations should you set an example by making a legislation of this kind which seeks to rake the past and which seeks to make an invidious distinction between man and man. After all, the assurance which will be given by the Honourable the Finance Minister in the course of his reply might be a mere trap, a trap which all Finance Ministers always like to employ. He might assure the House and say whatever might be the straightforward meaning of this legislation he will administer it in such a way that it does not affect anyone badly. He may say so now but what will ultimately happen nobody knows. Would he be able to control the Income-tax Department? My honourable friend Mr. Tyagi cited his case. It seems to me that Mr. Tyagi has been a very fortunate man. He must have given a very heavy and substantial retainer fee to the Department so as to keep himself free from assessment for all time. Looking at it from every point of view

I respectfully submit to the House for their consideration whether it would be worth while to proceed further with this legislation. You want to catch only a particular kind of offenders through the Income-tax Department. Come forward in a straightforward manner. Tell the public that you want to punish a certain kind of people in a certain way. There might be an understanding between the dominions of India and Pakistan. We might be able to tell the Pakistan Government that these are the people who have dodged taxes from our dominion and let us say that they should get the taxes realised from them. Similarly we may agree or give an undertaking to the Pakistan Government that we shall take steps to realise the money due to the Pakistan Government from such persons as fled from that country without paying. Surely of all those inter-dominion agreements of which you boast, is it possible to give effect to this agreement? In the case of criminals who have fled from one dominion to the other both governments are bound to hand them over mutually. It is a matter of inter-dominion courtesy to hand over the offenders. Would you do that in the case of these income-tax dodgers? If you can do that why have this legislation which will only blacken your face? On account of the exigencies of circumstances our own men have been persuaded to purchase properties from those who have sold their properties and run away. Why should you punish them now? Why should you have this fatal legislation and expropriate property which was purchased after spending a good lot of money, which might be the entire capital of a man. I would therefore ask the Finance Minister to reconsider the whole question in the light of the observations I have made and also observations which others have made and see if it would not be wiser, more proper and more to the benefit of the people of India itself to stop this legislation at this stage.

The Honourable Dr. John Matthai: Sir, the main issues involved in this Bill have been debated sufficiently and I do not think it is necessary for me to reply in detail to the criticisms which have been made, because I find, on the whole, that criticisms from one quarter have been answered by criticisms from other quarters. Generally I think the criticisms have cancelled one another out. If I may sum up the sense of the House, so far as I was able to judge it in the course of the discussion, I think the sense of the House is that there is a case for examining this Bill in some more detail and with greater care, that on the whole the case for examining it in detail is stronger than the case for dropping it. When I decided to come forward with this Bill I did so, because I myself had a feeling that there was a *prima facie* case, to put it at its lowest, for proceeding with this Bill.

My honourable friend Shri T. T. Krishnamachari said that at a certain stage during the session of the House last August there was an undertaking given by my predecessor, Mr. Neogy, that this Bill would be dropped altogether. Of course I was not in charge of the Bill at that time and so, I am not in a position to speak from firsthand knowledge. But as far as I have been able to gather the position was that there was a considerable body of opinion in this House that the Bill should be dropped altogether and on the basis of that opinion from certain sections of the House a representation was made to my colleague, Mr. Neogy, who was then in charge of the Ministry. What he felt was that on those representations which were made to him it was not wise to proceed with the Bill straightaway but that it was necessary to give the House a little more time for considering the provisions of the Bill. Government also felt that it was necessary that this matter should be examined by them further. When it was necessary that this matter should be examined by them further. When proceed with this Bill or not what we did was to sense the opinion of representative sections of the House and as far as I could judge I felt that opinion was in favour of proceeding with the Bill, not necessarily in the form in which it was introduced. Therefore I felt on the whole that the right course for me to

[Dr. John Matthai].

take as minister in charge was not to drop the Bill but to give the House another opportunity of examining it and judging for itself whether it is worthwhile to proceed with it.

The motion before the House at present is a motion for referring to a Select Committee.

Shri T. T. Krishnamachari: On a point of order, may I appeal to the Chair if it is permissible for the Honourable Minister to mention here conversations which he has had with individuals or groups of individuals which are basically wrong, and a member of the House is not having an opportunity to contradict him.

The Honourable Dr. John Matthai: I was not referring at all to the group of opinion that Mr. Krishnamachari consulted.

Shri T. T. Krishnamachari: I think, Sir, in decency the Honourable Minister must permit an explanation. There is no use his standing on dignity and saying 'I am not yielding'. I look to the Chair.

Shri Mahavir Tyagi: The Honourable Minister has not mentioned anybody's name. He has merely said that he consulted some persons. Why should Mr. Krishnamachari object to that?

Shri T. T. Krishnamachari: The honourable member is not cognizant of all the facts.

Mr. Deputy Speaker: The Honourable Minister will yield or give room after concluding his speech.

Shri R. K. Sidhva: Where does the objection come so long as no names are mentioned?

Shri T. T. Krishnamachari: When contradictions are made I think a member is perfectly entitled to an explanation.

Mr. Deputy Speaker: It is open to the honourable member to yield or not to yield. But such a remark against an Honourable Minister is not right. It is better to wait till the end of his speech; it is also necessary sometimes to take directions from the Chair. (*Interruption by Mr. T. T. Krishnamachari.*) Order order. The honourable member will have an opportunity to speak, if necessary. Let us hear what the Honourable Minister has to say. First of all the Minister is responsible and he knows if it is necessary to yield. If he does not then it is time for the honourable member to appeal to the Chair and the Chair will intervene then.

The Honourable Dr. John Matthai: I had not the slightest intention of creating an emotional scene like this. What I intended to say was that my honourable friend Mr. Krishnamachari in perfect good faith made the suggestion that owing to certain representations made by honourable members my predecessor, Mr. Neogy, agreed to drop the Bill altogether. If Government had agreed to drop the Bill then it was not open to me to bring the Bill up again and I therefore owed an explanation to the House why I decided to bring the Bill up. And my explanation is simply this that Government having ascertained, again quite informally, what opinion generally on this matter was, felt that there was a *prima facie* case for bringing the matter up before the House again and give the House another opportunity of expressing its views on it. That is all that I have done and personally I think it is the most democratic way of dealing with a question of this kind. But I am sorry.....

Mr. Deputy Speaker: May I ask if there is any recorded statement that the Honourable Minister's predecessor gave an assurance to the House, or made a statement that he would not bring this Bill?

The Honourable Shri K. C. Neogy (Minister for Commerce): No such statement was made. May I seek your permission to say a few words by way of personal explanation? It was definitely represented to me while I held charge of the Finance portfolio that the consensus of opinion in this House was against the continuation of this measure. I was particularly influenced by certain letters which the Speaker himself had addressed to me on the subject and which are on the relevant file of the Ministry. I therefore decided that the best course was to drop the Bill. But unfortunately for me I did not record my decision on the relevant file. But in coming to that decision it was not my intention that the door should be for ever closed to the revival of this measure but that I felt that there was definitely ground for an enquiry into the practical operation of the Ordinance which was sought to be replaced by this Bill. But I, as the House knows, had to give up charge of the Finance portfolio shortly after that and I am afraid I am responsible for causing a good deal of misunderstanding, it seems, in the House on this particular point. I think I have sufficiently explained myself. I apologize once again to the House for not having taken any decisive action on that occasion which might have helped my colleague Dr. Matthai to appreciate the circumstances in which I agreed to drop the Bill on that occasion.

Shri Mahavir Tyagi: In the circumstances I would request you, Sir, to please permit Mr. T. T. Krishnamachari to have his say because now we understand that there has been something substantial—the coming to of some understanding or giving some undertaking.

Mr. Deputy Speaker: After the Minister concludes his speech Mr. Krishnamachari will have the opportunity to say a word by way of personal explanation.

The Honourable Dr. John Matthai: As far as I am concerned there is no need at all for anybody to apologize to me because I felt that the best way of dealing with a matter about which there was no final decision recorded in the proceedings of this House was to get the opinion of the House on the matter. That is my sole explanation for bringing the Bill up.

Now, Sir, it was pointed out that in explaining the scope and purposes of the Bill this morning I should have given the House a clearer statement of the actual manner in which the ordinances have worked. I failed to do that. I confess. I failed to do that for the reason that in regard to a measure the purpose of which is more preventive than positive it is very difficult to produce quantitative evidence. The main purpose of this Bill is preventive: it is not punitive or positive. Therefore, in the very nature of things it is difficult to produce evidence of a kind which would be tangible.

Reference has been made, I think by more than one speaker, to the hardship that certain provisions in this Bill have caused. In my introductory statement I said that having looked carefully through such reports as we have received I did not get that impression. Now I am prepared in the light of statements made in the course of the debate today, to alter my opinion. I would certainly look to the Select Committee to make such changes in the provisions of this Bill as would ensure that the Bill is not worked in a vindictive or in a retaliatory spirit but in such a manner that the main purpose of this Bill, which is to prevent loss of revenue, is adequately fulfilled—and nothing more.

I think my honourable friend Mr. Rohini Kumar Chaudhury said that when people propose to leave the country it is not altogether right that you should put in operation a measure of this kind against them. As a matter of fact a measure of this kind is not without precedent. There are other countries where to prevent the loss of revenue which is likely to arise from people leaving the country and disposing of their property before doing so, a measure more or less

[Dr. John Matthai]

on these lines is on the statute book. From the public point of view I think it is a measure which we might well consider.

I do not think I ought to say anything more at present in view of the fact that a Select Committee will be considering the provisions of this Bill. And if the House so desires I am quite prepared to have the time for the submission of the report extended to a later date than the 4th as you have suggested. I hope the motion for reference to Select Committee will be accepted.

Prof. N. G. Ranga: May I ask for clarification that the principle and the Bill as such, both, will be open for discussion by the Select Committee? Otherwise, it will be really very difficult for the Select Committee first of all to accept the principle and afterwards to go into the clauses.

Pandit Thakur Das Bhargava: The principle is quite clear, which is protection against loss of revenue from persons who are leaving for Pakistan. That is the only point.

Mr. Deputy Speaker: It is open to the Select Committee to look into all the amendments, modify and also after doing that, recommend to the House, if it considers that the modifications are so many, and add a remark but it cannot itself throw out the Bill. The business of the Select Committee is to recommend to the House in the form in which it has been sent without absolutely modifying the principle but touching it here and there.

Prof. N. G. Ranga: But would it not be open to it to recommend that it be dropped altogether?

Mr. Deputy Speaker: Yes.

Shri T. T. Krishnamachari: I am very grateful to you for this opportunity, but I think my honourable friend Mr. Neogy has cleared the air. He has more or less explained the position as it was, with this difference that when we heard him agree to dropping the Bill we thought that he dropped the Bill for ever and I think it was clearly understood that the Ordinance was to run out and of course in regard to any subsequent legislation Government will not be estopped from bringing forward. So far as the modification of Mr. Neogy's statement made by the Honourable the Finance Minister is concerned, I will leave the House to draw its own conclusion, except only to make one remark that he has been drawing largely from his imagination.

Mr. Deputy Speaker: The question is:

"That the Bill be referred to a Select Committee consisting of the Honourable Dr. John Matthai, Shri T. T. Krishnamachari, Dr. Bakshi Tek Chand, Shri L. Krishnaswami Bharati, Shri K. Hanumanthaiya, Shri Jainarayan Vyas, Pandit Lakshmi Kanta Maitra, Shrimati Renuka Ray, Sardar Hukam Singh, Mr. Tajamul Hussain, Prof. N. G. Ranga, Shri B. Das, Shri B. L. Sondhi, Shri Deshbandu Gupta, Shri M. Ananthasayanam Ayyangar, Shri Mahavir Tyagi and the Mover, with instructions to report on or before the 10th February, 1949, and that the number of persons whose presence shall be necessary to constitute a meeting of the Committee be five."

The motion was adopted.

INDIAN TARIFF (SECOND AMENDMENT) BILL

The Honourable Shri K. C. Neogy Minister for Commerce): Sir, I move:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

As mentioned in the Statement of Objects and Reasons of this Bill, this is designed to give effect to the tariff concessions that India has undertaken by signing the Protocol of Provisional Application to give to the other countries that are parties to the General Agreement on Tariffs and Trade that was negotiated at Geneva in 1947. There has been considerable publicity in regard to this Agreement and the various Governments of this country in office from time

to time prior to the actual formulation of the Agreement had done their best to call into consultation informed, and in many cases, expert opinion available in this country. A fairly comprehensive Press Note was issued on the 18th of November, 1947, summarising the main concessions and exchanges involved in the negotiations at Geneva. On the 21st of May, 1948, the proposals of the Ministry of Commerce for the acceptance of this Agreement were placed before the Standing Advisory Committee of the Legislature for that Ministry and the Standing Advisory Committee agreed that the Ministry's proposals reproduced below were sound and acceptable to the Committee. I am reading from the proceedings of the Advisory Committee itself:-

"(1) That India's permanent representative to the United Nations be instructed to sign on behalf of India at the earliest practicable date the Protocol of Provisional Application of the General Agreement on Tariffs and Trade with the following reservations,—

(a) that the Government of India withhold their consent under Article 35 to the Agreement being applied as between India and South Africa if and when South Africa becomes a contracting party; and

(b) that the Government of India shall give effect to the agreed tariff concessions in respect of a few items in Schedule XII as soon as they have obtained the approval of their legislature.

(2) That on the expiry of 30 days from the date of signature of the Protocol a notification be issued under Section 23 of the Sea Customs Act giving effect to that part of Schedule XII which involves tariff reductions only.

(3) That steps be taken to obtain legislative approval to all the concessions referred to in Schedule XII at the next session of the legislature."

Now, Sir, a summary of these recommendations of the Advisory Committee was circulated to all the members of this House under the usual practice, and in due course these recommendations of the Standing Advisory Committee were placed before the Cabinet and the Cabinet, in agreement with the Standing Advisory Committee, instructed India's representative to sign the Protocol of Provisional Application.

Now, a word as to the necessity for early action in this matter would perhaps be due. I have already said that the Advisory Committee considered this matter on the 21st of May, 1948. Just about a week earlier or so, doubts began to be increasingly entertained as to whether the United States was going to extend the Reciprocal Trade Agreement Act without which she would have found herself unable to grant tariff concessions to countries that had not joined the Agreement before the expiry of that Act in June of that year. Further, while certain parties to the Agreement like Australia unilaterally and without waiting for reciprocal reductions in tariff rates reduced their rates, certain others like the U. S. A. could not find it possible to do so and were withholding concessions which they had agreed to give to India until India was in a position to give concessions which she had promised in exchange to them. For these reasons, it became necessary to avoid delay and Government were placed in the position of having to authorise the signature of the Protocol of Provisional Application in anticipation of the approval of the House. But, as I have already said, the Standing Advisory Committee had authorised Government to take whatever action was possible under notification powers to reduce the tariffs as required under the Agreement and in regard to the rest where legislation was absolutely essential, no action could obviously be taken.

Now, during the last session of the Assembly it was our intention to place this measure for consideration before the House. As a matter of fact, it was included in the agenda of the last session, but unfortunately it was crowded out by other measures of greater importance. The Government took care, however, to circulate during the last session an elaborate memorandum explaining the provisions of the Agreement and all the implications that followed from the various provisions of that Agreement.

[Shri K. C. Neogy]

Sir, in view of the great importance which the House will attach to this Agreement, the Memorandum covers in great detail the background, the provisions of the Agreement and the actual tariff concessions involved and it has been circulated to the honourable members. In view of this, an elaborate speech from me in explanation of the various details involved in this measure may be unnecessary.

The General Agreement on Tariffs and Trade is in a sense closely related to the Charter for an International Trade Organisation the draft of which was discussed simultaneously with the Agreement at Geneva and again further discussed at a world Conference at Havana from November 1947 to March 1948. Nevertheless, the two documents are distinct and it is desirable to stress this point here to avoid discussions of the Charter provisions on economic development and reconstruction including the treatment of foreign capital which do not find a place in the Agreement.

Before dealing with the actual tariff negotiations, I shall attempt to summarise the main provisions of the Agreement itself, although this may not be strictly relevant to the actual Bill before the House which deals only with the tariff concessions.

The Agreement consists of three parts. Part I provides for the general 'most favoured nation treatment', the rates of duty being only one of the items involved in such treatment. Part II reproduces in substance the chief commercial provisions contained in the Charter for an International Trade Organisation which are essential to safeguard the value of the tariff concessions. And Part III deals with procedural and ancillary matters.

The nature of the provisions will be clear from a perusal of pages 26 to 33 of the Memorandum that has been circulated. In the discussions preceding the final formulation of the General Agreement if there is one point more than another that was discussed in the greatest detail, it was provision relating to what has come to be known as Quantitative Restriction or Q. R. for short. Experience during the inter-war period, of the use of this weapon by various countries has not led to the development of any faith in the wisdom of nations using this protective weapon with the discretion that is necessary. While, therefore, the more developed countries would have preferred the absolute elimination of Q. R., countries like India and others which are even less economically developed than India were naturally averse to the absolute elimination of this mechanism which they felt may become vital for their economic development. The provisions that have been included in the General Agreement in regard to this are, therefore, a compromise between these extreme views and Government are satisfied that taking the provisions of the Agreement as a whole, no particular harm would result to the economy of this country by accepting the provisions contained in the Agreement. In arriving at this conclusion, Government have naturally taken into account the special provisions relating to the difficulties in the balance of payments, critical shortage of foodstuffs and other necessities and also, comparatively speaking, the short duration of the Agreement itself from which, according to its present terms, a country can withdraw after the end of December 1950. It might be explained that the Agreement contemplates a preliminary stage when it will be only provisionally implemented and a later stage when it will be applied definitively. The Government of India have, as will be apparent from the definition of the General Agreement in Clause 2 of the Bill, signed the Protocol for the Provisional Application of the Agreement on the 8th of June 1948. In signing this Protocol, we have undertaken to apply provisionally Parts I and III of the General Agreement and Part II of the agreement to the fullest extent not inconsistent with the existing legislation. In

actual practice, however, we can claim with pride that other relevant legislation in this country, such as the Sea Customs Act, is in such general consonance with acceptable international practice and ideals that even if we were to apply the Agreement definitively, hardly any change in our existing legislation would be required to fully comply with Part II of the Agreement.

As I have stated earlier, the Protocol for the Provisional Application of this Agreement was signed on the 8th of June 1948, and it has begun to apply to India a month after that date, i.e., from the 8th of July 1948. Technically, therefore, Government had to implement all the tariff reductions from that date, but in the absence of the Legislature being in session, they have only implemented their obligations to a limited extent and without final commitment (as the notifications are capable of cancellation) by the issue of a notification under section 23 of the Sea Customs Act under which the executive has power to lower the rates of duty leviable under the law for specified goods in specified circumstances. Where, however, the implementation of the Agreement could not appropriately be effected by the reduction of the existing rates of duty, as in cases where preferential margins had to be reduced, Government have so far not done anything until the recent promulgation of the Ordinance in November 1948 with reference to the inflationary situation in the country, when it suited our revenue purposes also. And the other countries, which are parties to the Agreement, have borne with us in the delay that they recognise, is inevitable in terms of the law of this land in the full implementation of our part of the Agreement. The necessity to get this legislation through without delay need, therefore, hardly be stressed. Much as I wished to get the House to consider this Bill at the last session, pressure of other business did not enable it to do so.

I will now proceed to deal with the actual tariff negotiations. Although the negotiations were ultimately to result in the generalisation of benefits on a multilateral basis, for practical convenience the negotiations were conducted on selected commodity by commodity basis with countries which happen to be the principal suppliers of the same. In selecting items for the grant of concessions to other countries and determining the nature of the concessions to be granted, the Indian Delegation was guided by three main principles: (1) concession should be such as are demonstrably in the interest of the national economy or are not injurious to the national economy; (2) concessions should not relate to products which are protected or in respect of which a claim to protection is likely to be made during the next three years; and (3) concessions should not result in an excessive loss of revenue. The commodities on which concessions have been granted, the countries with which such concessions were initially negotiated, and the concessions which we have received in return from those countries are all detailed in the Memorandum. The nature of the concessions is of three main kinds: (1) Reduction in the existing rates of duty, (2) Bindings against future increase of duty and (3) Reduction or elimination of the margins of preference which India has granted to other countries. The House will appreciate that the nature of these concessions is such as would, given increasing production in the participating countries result not only in the general increase in the volume of international trade, but also in the elimination of grouping of countries involved in the trade for reasons other than purely economic or commercial.

The principal commodities in respect of which concessions have been offered are food products such as butter, milk, fresh fruit, etc.; raw products like tallow, wool, zinc, lead, etc.; chemicals, machinery, motor cars and optical instruments, etc. In return for these, concessions have been obtained mainly on jute and jute manufactures, cashewnuts, shellac, sports goods, spices and condiments, tea, cotton manufactures, mica, coir matting, carpets, essential oils and tobacco.

[Shri K. C. Neogy]

I must here explain the manner in which the tariff concessions negotiated have been implemented. In those cases where a positive reduction in the rates of duty has been agreed upon, such duties whether standard or preferential have been substituted for the existing rates. In cases where, however, only a reduction in the margin has been negotiated, the reduction has been secured invariably by leaving the standard rate untouched and by raising to the required extent the preferential rate.

The scheme of the Bill is such that it is open to Government, should the General Agreement cease to apply to India for whatever reason, to alter the rates of duty resulting from this Bill in such a manner that they would be what would have been leviable had this Act not come into force. Also there is an absolute limit to the period of validity of the Act and none of the concessions accruing under this Bill will, without further specific legislation, be available beyond 31st March 1951. As I have mentioned earlier, the General Agreement is open to revision or termination after the end of December 1950. Taking an optimistic view, if the Agreement is continued, there may be difficulties in continuing the concessions without a break, as would be necessary, as the Legislature may not be in session in December. This is the reason why the period of validity of the concessions is not fixed as 1st January 1951. On the other hand, as I have mentioned earlier, if there is no need to extend the concessions beyond the 31st December 1950, Government could, if necessary, withdraw the concessions by executive notification.

I might in passing mention that, although the various figures are given in the memorandum circulated to honourable members, the countries signatory to the Agreement cover 70 per cent. of the world trade. I mention this only to emphasise that although certain important countries like Russia are not party to the Agreement, the scope of the Agreement from an international aspect is sufficiently wide.

Now looking at India's own international trade, it will be noticed that the value of the trade on which India has obtained concessions, i.e., on her exports, is of the order of 28.62 crores if we took the figures of the year 1938-39 and 49.78 crores if we took the figures of the year 1944-45 and 60.4 crores if we took the figures of the year 1945-46. As a matter of fact it was on the basis of the figures for the years 1938-39 and 1944-45 that the Agreement was concluded and we now find on the basis of the figures for the year 1944-45 that the volume of trade has considerably gone up as measured in rupees, and in return for this the value of the trade on which she has given concessions both direct and indirect are of the order of 8.44 crores in 1938-39, Rs. 15.82 crores in 1944-45 and Rs. 23.14 crores in 1945-46. I have mentioned these figures of actual trade. I would not, however take these figures as accurate beyond a degree as our trade statistics are by no means maintained in the requisite detail.

I might draw special attention to the fact that in piloting this Agreement special consideration has been paid to India, as it existed when the negotiations at Geneva first started in April 1947, and to Pakistan and India, as they now are. In fact when partition intervened, during the progress of negotiations, although the actual signatures to the Final Act were separately appended by the representatives of India and Pakistan, the original Indian Delegation deprived of those that might have become representatives of Pakistan, had to continue the negotiations on behalf both of India and Pakistan. In the hope and expectation that the relationship between India and Pakistan not only in politics, but more so in trade and commerce, would

continue to be not only passively cordial, but enthusiastically co-operative, the other parties to the Agreement very readily agreed to the introduction of a special provision in paragraph 5 of Article XXIV of the Agreement which reads as follows:

"Taking into account the exceptional circumstances arising out of the establishment of India and Pakistan as independent states and recognising the fact that they have long constituted an economic unit the contracting parties agree that the provisions of this Agreement shall not prevent the two countries from entering into special arrangements with respect to the trade between them, pending the establishment of their mutual trade relations on a definitive basis."

I am not entirely without hope that these two countries may still take advantage of the vision with which the parties to the Agreement inserted this special provision.

Before concluding, I shall have to make special mention of a provision that did not originally exist in the text of the Agreement as authenticated at Geneva, but which was, with the unanimous approval of all other parties except the Union of South Africa, introduced at Havana at the first meeting of the contracting parties. Occasions arise in the relations between nations, as of individuals, when trade between the parties cannot subsist on any self-respecting basis. This provision reads as follows:

"1. Without prejudice to the provisions of paragraph 5(b) of Article XXV or to the obligations of a contracting party pursuant to paragraph 1 of Article XXIX, this Agreement, or alternatively Article II of this Agreement, shall not apply as between any contracting party and any other contracting party if:

- (a) the two contracting parties have not entered into tariff negotiations with each other, and
- (b) either of the contracting parties, at the time either become a contracting party, does not consent to such application.

2. The contracting parties may at any time before the Havana Charter enters into force, review the operation of this Article in particular cases at the request of any contracting party and make appropriate recommendations."

It is well known that for reasons entirely unconnected with trade or commerce, India has been forced by the attitude which South Africa has taken in regard to the Indian Settlers in that country, to cease trade relations with her. If this Article had not been introduced into the Agreement and if India had not signed the Protocol of Provisional Application subject to the reservation against South Africa in terms of this Article, it would be open to South Africa to accuse India before the contracting parties of violating the terms of the Agreement to which both were parties along with the others. India could not under any circumstances place herself in such a situation. In fact, part of the delay between October 30, 1947 when she authenticated the text of the Agreement at Geneva, and June 8, 1948 when she finally decided to sign the Protocol of Provisional Application is due to this lacuna in the text as finalised at Geneva. It was not as though this problem was not considered even then, but the parties had hoped that by the time the Agreement was ready for signature, the problem about Africa and India would have been satisfactorily solved, or in the alternative the two countries would agree on making special exceptions in each other's favour in the application of the Agreement. Neither of these alternatives finally materialised, but this is hardly the occasion when the reasons behind it need be discussed.

I believe I have dealt with all the salient points that I consider necessary to draw special attention to in this particular measure.

Before I sit down, I would only say that the time that has elapsed since the Bill was introduced and the alterations in some of the Customs duties that have been made, render it necessary to make a few minor modifications.

[Shri K. C. Neogy]

in this Bill. Formal amendments to secure these will be moved by me and I have already given notice of those amendments.

Shri B. K. Sidhva: (C.P. and Berar: General): May I put one question, Sir?

Mr. Deputy Speaker: Not now. I will put the motion to the House. Motion moved:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

Shri R. K. Sidhva: Sir, the Honourable Minister stated that after the Agreement was signed, he had issued an executive order revising certain duties on certain articles. May I know what would be the loss to the State as a result of such reduction in the duty? May I also request him to explain, from the copy of the Agreement that has been circulated to members, page 5, the concessions received by India and the concessions given by India, and what benefit India has derived. Although the amount mentioned on the concessions receipt side is 66.39 lakhs, the concessions given is shown as 32.15 lakhs. I would like to have more elucidation on this matter, so that we may be able to express our views.

The Honourable Shri K. C. Neogy: I presume my honourable friend does not want me to reply to these questions straightaway.

Mr. Deputy Speaker: I am sure the Honourable Minister will reply after the general debate is over.

Shri R. K. Sidhva: I wanted this information in order to facilitate the discussion.

Mr. Deputy Speaker: He prefers to wait till the end.

Shri R. K. Sidhva: I would like to speak tomorrow, if you could postpone the general discussion. There are only fifteen minutes more. Certain information which I wanted is not available from the library.

Prof. N. G. Ranga (Madras: General): Mr. Deputy Speaker, I thought our task would be made easier by the Honourable Minister himself giving us some relevant information. Evidently, he is anxious to wait until we finish.....

The Honourable Shri K. C. Neogy: Do you want the same information?

Prof. N. G. Ranga:our own criticisms before he could begin giving his answers.

Sir, so far as I can see, I think we have done very well in these negotiations. I had the opportunity.....

Shri Mahavir Tyagi (U.P.: General): Were you in the Delegation?

Prof. N. G. Ranga: No; I had the opportunity of being present in Geneva at the time when these negotiations were carried on. I can say how anxious our delegation was to drive a hard bargain with other nations. There was a time, there was a stage when our delegation was seriously considering whether it would be in our interests at all to put their signature to the Charter, the agreement that was being negotiated. In the end, they came to the conclusion that we had better sign it. But, why is it that they were hesitant: that is very important for us. They were hesitant because there were certain restrictions that were being placed upon all those countries which were to become parties to this agreement. One such is the Quantitative Restriction. In the inter-war period, certain countries led by Germany invented certain methods of safeguarding their own home industries: by licencing of imports, by controlling of exports, by resorting to the earlier method of barter, by negotiating bilateral agreements and in that way safeguarding

their own national interests and forcing other countries to make concessions which they were otherwise not to make. In order to implement these restrictions, they saw to it that they could have two levels of prices, one domestic level of prices, and another an export level of prices. That means, while in the earlier stages there was no such restriction at all, and the domestic level of prices was expected to be on a par with the international price parity, Hitler and Nazi Germany introduced this new system of making this distinction between the two levels of prices. America and other countries were hard hit by this and they wanted to ensure that no such thing would be repeated again after the last world war. So, they wanted to make sure that other countries would agree not to resort to what are known as trade restriction methods. Was India to agree to this or not was the question that our delegation had to answer.

They knew that India was one of the least developed countries in the world and so, they were badly in need of giving protection to her own industries and would be unable to deal with America and other industrially highly developed countries in the same way as they would like. Therefore, they wanted to have the power impose these restrictions if and when they found them to be necessary. But, America was unwilling. America had the whip hand. That is exactly where I found myself in disagreement with the leader of the delegation at that time. I pleaded that we should be able to reserve our right to go back to our own country and consult our own legislature and thereafter alone to agree to put our signature with such modifications or conditions to the agreement as would be found necessary in the interests of our country by our own legislature. The American delegation insisted that if India wanted to be a Founder Member at all,—what is it, Founder Member or Foundation Member? (*An Honourable Member:* "Founder Member.") A Founder Member—and enjoy the privileges coming therefrom, India should affix her signature then and there alone. Supposing we did not affix our signature then and there alone, then, it would be open to America and her supporters who would join in that agreement and who would like to bring into existence the I.T.O., to impose whatever restrictions they wanted upon India when India sought this membership. This is the sort of whip hand which America has utilised not only in regard to this particular thing, but also in regard to, as is well known to this House or those members who were then present, in regard to the World Monetary Fund as well as the World Bank. Our Delegation had to balance the advantages and the disadvantages. They came to the conclusion that we should sign that agreement.

Why is it, even though I had known all these facts, I have come to the conclusion that we have done very well by this agreement? It is because I have found that the concessions we have made or we have had to make to other countries were, after all, not so substantial when compared to the concessions that they were making to us. Secondly, we are badly in need of more and more imports into our country, especially machinery, basic machinery, prime movers and other things for developing our own industrial system in this country. If we are to encourage those people to export these various essential commodities to our country, including machinery, certainly we should be willing to be more than generous to them. As we know today, all over the world, it is not a buyers' market; on the other hand, it is a sellers' market. It is necessary for us, within the short period of three or four years for which this agreement is to run, that we should try our best to encourage the sellers to be willing to place their goods at our disposal in preference to the other markets that are also competing for these goods. It is for these reasons, Sir, I thought that we have done well in having agreed to this agreement.

But, I would have liked the Honourable Minister to give us information in regard to some of these figures. He has now given figures up to 1945-46,

[Prof. N. G. Ranga]

both in regard to exports and imports of the commodities under discussion. Naturally, at that time, these figures related to the whole of India including Pakistan. What would be the position today if Pakistan's side of the figures were separated from these figures and statistics for India as we have her today are collected? Unless we are able to look at those figures, it would not be possible for us to know exactly how we stand today.

Secondly, Sir, in regard to these multi-lateral agreements and bi-lateral agreements, everything depends upon how and with what countries we have to deal. It is true that Soviet Russia is not a signatory to this agreement. I also agree that after all it does not very much matter if Soviet Russia is not a party to this because 70 per cent. of the total world trade comes within the purview of this agreement, and therefore we have quite a wide field in which we can manoeuvre; but even then what are the countries with which we have come to these agreements, in regard to whom we have to make these concessions, and from whom we have to get concessions? That is a very important matter. So far as America is concerned. I am afraid she does not figure so very largely either in our exports or in our imports so far as these commodities are concerned. I speak of course subject to correction, and unless we take care to develop our trade, both import and export, with the United States of America, I do not think really India is going to gain very much indeed in the near future at least during the period when this agreement continues to function, because as everyone knows, we are very badly in need of dollar exchange, and it is only America that can supply that facility.

Thirdly, I was at that time under the impression that Argentine was trying to drive a very hard bargain with us. I would like to know whether we have struck any sort of favourable agreement or bargain with Argentine and other countries which are also on very good terms with the United States of America and from whom we can get dollar exchange.

Lastly, it is important to know now that we are giving up the earlier preferences known as Imperial preferences, how this agreement squares with that? Are we under this agreement going to gain anything more than what we were supposed to be gaining by exporting tobacco and other things to England under the Imperial preferences? Unless a case is made out that we stand to gain much more under this agreement than what we were gaining under the earlier Imperial preferences so far as our own exports were concerned to England, it would not be possible in this House to congratulate this Government upon the details of the agreement that they have agreed to.

I am not quite sure whether I would be in keeping with the sense of the House if I say that I would have very much preferred that this Bill should have been referred to Select Committee instead of simply being placed before us in this fashion and ourselves being asked to agree to it without that much consideration being given to it as it really deserves.

Shri T. T. Krishnamachari (Madras: General): It is rather a difficult matter at this stage to comment on what my honourable friend, Mr. Ranga has represented as being more or less a *fait accompli*. But I do think some good would undoubtedly come out of a discussion of some of the provisions of this agreement as the criticisms made thereon which would not merely focus public attention but also help the Government to ascertain the views of the Members of this House in regard to these provisions.

One handicap we have in this House—in regard to most of us at any rate—is the absence of intimate knowledge of the trade that comes into this country and that which goes out of the country. To a certain extent, I believe that our representatives in the Geneva and Havana Conferences were also labouring under the same limitation, a limitation which, my honourable friend,

Mr. K. C. Neogy has avowed as being ever present. Our statistics are wholly imperfect and for a large country like this it is very difficult for us to envisage the position of the trade that comes in and goes out over a period of years, with the state of our statistics as they are today. But undoubtedly, subject to the limitations under which they were operating, our representatives at Geneva and Havana have done their very best for this country. As my honourable friend, the mover of this motion has mentioned: what they have given away, by way of concessions they have given with very great care. Likewise, it was not quite easy for them to obtain as part of the reciprocal arrangement more than what other countries were willing to give.

One important limitation in this regard is that we are not primarily a manufacturing country and we are importing manufactured goods from other countries. We are only exporting raw materials and our position so far as having any monopoly in raw material is concerned is limited, and one that is getting progressively more and more limited. Added to the difficulties we are labouring as a result of the hang-over of the past. This country has been exploited by a foreign nation which came to trade and remained to rule, and practically until the twenty's of this century the whole fiscal policy of this country was such as to benefit the ruling country and not this country. That background persisted in that agreement conceding Imperial preferences that this country entered into in the early thirty's. In actual fact it does transpire that the preferences have not worked adversely to this country whatever our feelings with respect to the very idea of giving preferences to a country which has been ruling over us might have been.

The hang-over of the past always obtrudes into our vision in any consideration of the present, and it is therefore difficult for an independent sovereign Legislature to say "Let our Ministers and Secretaries make up their minds as to what is best for the country in these international conferences: if the arrangement is unsuitable we will revoke it; otherwise we will work it wholeheartedly." We are always feeling that all imports are wrong and that only export is right. Undoubtedly we have to export more only for the reason that we have to import more. My honourable friend the mover who wants to stimulate exports has to do it only for the reason that we have not merely to export capital goods but also foodgrains for a long time to come. Therefore once we get out of the idea that we are not a subject nation any longer it is easier to comprehend that no country can afford to be entirely self-sufficient, as has been amply demonstrated by the fact that this country needs food products from other countries and we can get reconciled to the idea of an international trade agreement more easily.

My honourable friend, Mr. Ranga says it would have been better if the Select Committee examined the provisions of this Bill. I have been trying to grapple with the various details not out of this Bill. Actually the numbering of the articles vary between that of the Geneva draft and that of the Havana Final Act. For one thing that causes confusion and any question of comparison between the conditions that are stated in the Bill before the House and as they are in the tariff Schedules is also not an easy matter, and the figures are such as will confuse any brain, and they have really confused mine to the state in which it is today!

Therefore, it seems to me that any appreciation of the agreement can only be in a very general way.

Mr. Deputy Speaker: The honourable member can continue his speech tomorrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Wednesday, the 2nd February, 1949.

CONSTITUENT ASSEMBLY OF INDIA LEGISLATIVE DEBATES

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

Wednesday, 2nd February, 1949.

11-45 A.M.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

STATEMENT ON DISTURBANCES IN DURBAN, SOUTH AFRICA.

The Honourable Shri Jawaharlal Nehru (Leader of the House, Prime Minister and Minister for External Affairs and Commonwealth Relations): With the permission of the Chair, I should like to make a brief statement on the recent racial riots in Durban in South Africa. Honourable Members must have read the reports in newspapers of these tragic happenings. They must also have seen the two Press notes which Government have issued on the subject. I am placing copies of these notes on the table of the House.

The Prime Minister of the Union of South Africa has stated that the casualties were as follows:

Indians killed 53 and injured 768. Africans killed 83 and injured 1,085. Europeans killed 1 and injured 30.

The Secretary to the High Commissioner for India in the Union of South Africa who was at Cape Town at the time, went immediately to Durban on learning of the disturbances which were in fact continuing when he arrived there. He made some inquiry then and later returned to Cape Town. He paid a second visit to Durban from January 25th to 31st and visited most of the affected areas and refugee camps and had discussions with leaders of the Natal Indian Congress and the Natal Indian Organisation at Durban and Maritzburg, and also with the Natal Administrator, the Mayor of Durban and other officials and non-officials.

He has reported to us that there has been a considerable destruction of dwelling houses and shops owned by Indians. About 250 dwelling houses and 53 shops have been destroyed and according to a conservative estimate the damage to property is £ 300,000.

At one time about twenty thousand Indians were in refugee camps. The position on the 31st January was as follows:

About 300 Indian families numbering two thousand persons, whose homes were burnt down, are collected at seven Indian Schools which have been recognised as camps by the authorities. Reopening of these schools has been postponed by one week to February seventh and meanwhile other suitable temporary shelter is being sought as it will take some time to find permanent accommodation for them. Food is being supplied through the Municipal City store and camps are run efficiently with Indian Volunteer committees. Others have returned to what remains of their original homes. These consist of about 2,000 families numbering 15,000 persons. Besides these, 1,000 persons are

[Shri Jawaharlal Nehru]

sheltering in a former Cattle Shed at Cato Manor Sub-division. Indian volunteers are supplying food to these people pending their gradual return to homes. For those who have returned to their homes the authorities are considering the issue of kitchen equipment and mattress, as homes are only empty shells having been completely looted. Assistance with rations is being supplied by Indian voluntary efforts.

Although there is still tension, shops have opened again and Durban life is returning to normal.

The official Natal Relief Fund has so far received £ 14,000, mostly from Indian donations. This Fund has no Indian or African representative. Two committees have been formed to deal with the homeless and those whose homes were looted but not burnt. These committees have representatives of the Natal Indian Congress and Organisation. So far as the relief of Africans is concerned, this is the responsibility of the Native Affairs Department of the Municipality. About 1,200 Africans have also left their homes situated in certain areas.

The Government of the Union of South Africa has appointed an Inquiry Commission consisting of three persons, namely Mr. Justice F. P. Van Heever, Judge of Appeal Court, as Chairman and Mr. Ryle Masson, Chief Magistrate of Johannesburg and Mr. H. F. W. Schultz, Chief Magistrate of Durban, as Members. This Commission is expected to start work soon. The exact terms of reference have not yet been announced.

The Government of India are seriously exercised at this sudden deterioration in the relations between Indians and Africans in South Africa. It is obvious that so violent a rupture of peaceful relations could not have taken place because of a stray incident and there must have been other causes. As, however, the Commission of Inquiry appointed by the Union Government is expected to investigate the cause and course of the riots, Government prefer to withhold any comment on the origin and course of the disturbances.

In a message to the Prime Minister of the Union of South Africa, I expressed the hope that not only will the Commission of Inquiry ascertain the basic causes of the riots, but that steps will also be taken by the Union Government to prevent a repetition of such incidents in future. I added that we are instructing the Secretary to the Indian High Commissioner in South Africa to do whatever he can in promoting good relations between the Indians and other sections of the population in South Africa. To this message I have had a reply from Dr. Malan saying that he has noted our request to Mr. Chari and is placing at his disposal all available information.

The Government of India's policy, not only in South Africa but all over the Continent of Africa, has been to promote close friendship and co-operation between Indians and Africans. While earnestly desiring the security and wellbeing of Indians abroad, Government do not look with sympathy on the establishment of any vested interests which may retard the advancement of the African people in their own homelands. This view has been frequently communicated to our representatives in the Continent of Africa.

Government have placed Rs. 50,000 at the disposal of the Secretary to India's High Commissioner in South Africa for use of relief at his discretion, and further sums will be placed at his disposal as required. It has been

made clear that relief should be given to all those who stand in need of it and should not be confined to the relief of any particular community.

PRESS NOTE

DATED 18TH JANUARY 1949

News of the rioting in Durban in South Africa with its loss of life and extensive damage to property has been received by the Government of India with great concern and has created deep anxiety throughout India. The Secretary to India's High Commissioner in South Africa has been instructed to visit Durban immediately and to submit a full report. It is clear that these happenings are of the gravest character and a heavy responsibility lies on those who are responsible for maintaining peace and order. The Government of India wish to assure Indians in South Africa that they are deeply concerned at this tragic development and will do all in their power to help them.

DATED 23RD JANUARY 1949.

In a recent press note the Government of India expressed their grave concern at the tragic happenings in Durban and its neighbourhood in South Africa. It is clear that without some basic causes such serious rioting could NOT have started and spread in such a short time. Various allegations have been made as to the causes and the course of the riots, but as the Union Government are appointing a Commission of Enquiry to investigate these, the Government of India withhold their opinion at this stage. Government regret, however, the serious deterioration of relations between the Indians and the Africans in South Africa. Government's policy has been and is to promote good relations between Indians and Africans NOT only in South Africa but all over the continent of Africa and they do NOT wish that any vested interests should come in the way of the advancement of the African people in their own homelands. The immediate task is the restoration of relations of mutual confidence and friendship between the two communities and the organisation of adequate relief to victims of the riots. The Government of India have placed a sum of Rs. 50,000 at the disposal of the Secretary to the High Commissioner for relief and have instructed him to co-operate with all others who may be engaged in this task. Further sums will be placed at his disposal as they are required.

Shri H. V. Kamath (C.P. and Berar: General): May I ask a question?

Mr. Speaker: No questions on the statement can be put now.

Shri H. V. Kamath: But yesterday questions were asked of the Honourable the Finance Minister after he had made a statement.

Mr. Speaker: Yesterday, instead of replying to certain questions put to him, the Honourable Minister said he would reply by way of explanatory statement.

INDIAN TARIFF (SECOND AMENDMENT) BILL

Mr. Speaker: The House will now proceed with the further consideration of the motion that the Bill further to amend the Indian Tariff Act, 1934 be taken into consideration.

Shri T. T. Krishnamachari (Madras: General): Mr. Speaker, before the House arose yesterday I was drawing the attention of the House to the fact that in judging this measure before the House we should seek to free ourselves from the hang-over of the past.

If I am permitted, I would like to deal with some of the provisions of the Havana Agreement as a sequel to which this measure has been brought before the House. The House will recollect that during the war, notwithstanding the fact that the then Government had perpetrated many deeds which put this country into difficulties, they sought to steer clear of one particular pitfall, namely, they refused to become parties to the Lease Lend Agreement of the United States of America, which also meant subscribing to Article 7 of that Agreement. Article 7 of the Lease Lend Agreement is really the provocation for the Geneva and the Havana Conferences, because by reason of that Agreement, the United Kingdom and other countries who were the beneficiaries under that Agreement had to take steps to bring down the barriers that tariffs imposed by them on multi-lateral trade. It must be said to the credit

[Shri T. T. Krishnamachari]

of the then Government in India that they scrupulously avoided all indications of any participation in that Agreement, and although we were actually the beneficiaries under the lease-lend scheme and also contributed reciprocal aid to U.S.A. there was not even any exchange of notes which committed us in any manner. The House will understand that if the Government of India participated in the Geneva and Havana Conferences, they did so as free agents and not compelled by the force of circumstances resulting from any prior agreement that their predecessors were parties to. That makes our position in judging the agreement a little more easy than it would otherwise have been.

Another factor which I would like this House to note before either accepting or rejecting the agreement is that the object of the Havana Conference and its predecessor at Geneva was not merely to make multilateral trading activity easier but also to aim at a higher level of employment in the various participating countries as well as a higher level of economic status for the people of the participating countries. That has certainly put India in a better position in these conferences than it would otherwise be, for the reason that though we are not a manufacturing country—we are not a country which has really flourished in the past to any material extent under a barrier of tariffs—we are still a backward country and as such can take advantage of all the exceptions that have been provided in this particular charter.

Sir, the basis of the agreement is what is called the most-favoured nation treatment clause, which has a very long history in commercial treaties. Actually I understand that the first time when this type of clause was mentioned was in commercial treaties between the Mediterranean cities in the 12th or 13th Century and the Arab Princes of North Africa, with whom those City States were in trading relationship. Since then the connotation of this clause has fluctuated considerably and its introduction in this particular agreement makes it extremely wide rather than limited, for the most-favoured nation treatment is going to be extended to 35 nations and one can very well understand that it has to be watered down to a very considerable extent when applied so to say in the mass. If it also means that when other countries come into the agreement later on by whatever manner that has been permitted to them, the connotation of the clause will, to that extent, also become more general and the effect of it would no longer be a particularly special relationship as between one country and another but one that has a more or less generalised significance.

My honourable friend Mr. Neogy very rightly pointed out that not merely existing conditions as between India and other countries have been safeguarded but we have also been safeguarded in regard to the special relationship that subsists between Pakistan and ourselves, though such special exceptions are more or less of a universal character, because there are similar exceptions in the Charter in regard to the United States and other countries as well. But Sir, I would like to point out one particular aspect of this charter to my friends who now feel that Imperial Preference is a thing which should be done away with as quickly as possible. Actually this Charter indirectly limits the extent of the preference that we are giving.....

Shri B. Das (Orissa: General): The charter of Imperial Preference continues.

Shri T. T. Krishnamachari: I do not know what my friend means. However, it is not very pertinent to what I have to say. The Bill before the House is the result of an agreement which is more or less covered by the Charter and therefore my reference to the Charter is perfectly right. What

I was proceeding to say was this. In effect the quantum of imperial preference that has been conceded is being reduced as a result of this agreement. For one thing we cannot give any new preferences. Secondly, by the various adjustments there has been a substantial reduction in the quantum of preference that has been given in the past. An examination will reveal that the objective that we have in view, viz., doing away with Imperial Preference at some stage or other, has been begun and that one particular stage in this process has been reached if we agree to the motion before the House.

My honourable friend Mr. Neogy quite correctly pointed out that we have some kind of freedom so far as internal taxation is concerned and the only thing is that if we raise the internal taxes then we can also *pro rata* raise our duties. But there has been, I believe, some kind of discussion on this particular aspect in a negotiation between this country and Pakistan recently, namely how far this international agreement and the fact of our being signatories to it and Pakistan also being signatories likewise to it would entitle the latter to ask for a refund of internal taxation that has been levied on goods the exchange of which form part of the agreement between Pakistan and India. I do not know what ultimately would happen but it seems to me that even there we have a perfect right to deny the privileges claimed unless we feel inclined to grant them to any country which wants the benefit of exemption from the scope of the levy of internal taxation so far as the goods exported to that country are concerned.

The crux of the point is really this: that though actually there has been reduction in the matter of duty in certain respects (5 per cent. in most cases and 10 per cent. in a few) this reduction is coming on the top of what we might well consider a period during which our import duties have reached the peak. I do not think it is going to be possible for this country or for that matter for any other country, with deflationary conditions in the offing, with consumption propensity definitely dropping, as we see even now (though it may seem a paradox that propensity to consume should drop at a time when the country is still in the full grip of inflation) to raise to any appreciable extent our import duties; it is a fact that the duties that have been imposed by this country have more or less reached the peak and there will be no justification for a general increase in duties without adequate and careful examination.

Therefore any small reduction of five or ten per cent. in the standard rate of duty will not affect the revenue position very much and we are not really giving away a great deal by way of concessions. But that is not all. The real point is that the balance of payment position of this country being extremely nebulous, with our being so short of dollars and foreign currency, we are permitted to so arrange our foreign trade in such a manner that some kind of control or some kind of shutting out of goods becomes inevitable. This is true of most countries. It can be said therefore, without fear of contradiction that if this agreement should rise to its full stature it must take many many more years before the various countries can adjust themselves and shape their economy to suit the terms of this agreement. For the time being, not only India but many other countries besides must take advantage of these exceptions and continue the existing state of things in the matter of tariffs or other restrictions and perhaps impose certain additional duties without seriously infringing any provisions of this Charter.

There is one point on which I think there may be room for some amount of criticism and that is with regard to our ability to impose Quantitative Restrictions on the goods that come into this country. It may be that we will not do it *ad hoc* straightaway without any particular reference to what has

[Shri T. T. Krishnamachari]

been happening in the past. But it must also be conceded that it is a whole-some principle if it is accepted by other countries in the world as well that they will not use quantitative limitation on import of goods or export of goods without any reference to the country's economy as a whole, a type of restriction which will inevitably tend to favouring certain local interests to the detriment of the interests of the large mass of people. My own view has been that we should not allow our import restrictions or the granting of import licences to operate as a sort of protective wall, which might be done for a time but not for all time. So long as we have a body for examining whether a particular industry deserves protection or not, we should allow that body to decide the matter rather than use any indirect method of giving protection to the more clamorous amongst our industries. Therefore any universal application of a ban against quantitative limitation of goods coming in will have to be welcomed but even here I think the interim or special conditions that exist in this country will according to the Havana Charter allow some kind of limitation so long as there is no undue discrimination.

I now come to the end of my remarks on the motion before the House but I would like to say before closing that this agreement imposes one very great responsibility on this government. I do feel grateful to the Honourable the Mover of the Bill who has accepted openly the imperfect state of our statistics. The operation of this agreement either adversely or to our benefit will largely depend upon how we are able to watch the trends of trade as and when they develop and for this purpose I think we have got a governmental organisation here which is singularly inadequate. It must also be said that even private trading in the country is so ill developed that we can hardly get any statistics from private importers or exporters. People are only interested in getting goods and in selling them for profit, and there is no idea even in big firms of organising the business in a proper way and maintaining some figures about their transactions also of fitting into the general scheme of imports and exports in the country. The Government will do well to set up an example and build up a strong statistical organisation. There is no use the Government thinking of exhuming somebody who has been noted to have some kind of proclivities in making up some kind of statistics in the past or who has been a pioneer in the field. The effort of decrepit out of date people will not help this Government to build up a decent statistical organisation. I would like to make this clear that the ill effects of any such Agreement on this country will result in our inability to size up the movement of goods into the country and out of it all the time and to take remedial action when necessary because of the want of adequate statistical information. Actually this Agreement provides enough room for backward countries like ourselves to seek protection of the organisation, should it be necessary. But that may not come for some time to come. At the same time we have to be alert. The main obligation on the Government by accepting an Agreement of this sort and placing it on the statute book by means of this legislation is that they should build up a strong statistical organisation that will keep track of all trade movements both to and fro. That mainly is what I wanted to say. I would also like to assure my honourable friends in the House not to entertain any serious doubts about this particular measure: there is nothing very seriously wrong about it and it can be given a trial. There is always the saving clause—the clause which has been altered in the Havana conference—that enables us, by giving six months notice and to get out of the whole business, should it operate adversely on us. But I do not think, with all the exemptions that have been allowed for backward countries with all the facilities provided for maintaining existing trade relationship for the maintenance of existing agreements and for making such adjustment as are necessary to meet the overall

factor of the balance of payments, that we would be unduly oppressed by being parties to the Agreement. It might only result in some good. No harm will result out of this if the Government is sufficiently watchful and if they have an organisation to watch the working of the Agreement. Sir, I support the motion before the House.

Shri R. K. Sidhva (C.P. and Berar: General): Sir, under article 17 of the Havana Charter of the I.T.O. it is stated that Tariff duties should be on a reciprocal basis. I share that view, but I do not agree with my friend Mr. Krishnamachari that the loss in revenue by means of import duty on account of the concessions granted by us would be negligible. He is not in a position to give the figures; nor am I in a position to do so. But yesterday I had requested the Honourable Mover to let me know to what extent our revenue would suffer in the import duty by such concessions. We have undoubtedly given concessions as shown on page 5 of this Memorandum of General Agreement on Tariffs and Trade. It says that the concessions received by India in 1945-46 were Rs. 66,39,000 and odd whereas the concessions given by India were Rs. 32,43,000. Comparatively it certainly looks as if we are in a favourable position. But the point is how much we have lost in our revenue. That is a pertinent point which has to be considered but which in the whole report of 50 pages is not forthcoming. I would have preferred the Government to have given us some idea of this matter. It is stated that for our export trade we ought to give better concession as we are industrially very backward. I accept that proposition, but there are certain articles of export in respect of which foreign countries cannot do without importing those articles from India. Take mica, jute, chilly or spices. These are essential articles which, even if we do not make some concession in the duties, foreign countries which are industrially advanced have to import from this country. Having made concessions in the export to these countries I do not know whether we have in any way increased our export trade. If we go into the statistics of import and export and customs revenue it will be found that for the last nearly three decades the export of the articles which I have mentioned has always been on the increase even without this kind of concession being given. Because we want to increase our export trade, which I do admit we should for balancing our trade, we must not forget that there are certain articles in respect of which the foreign countries have to depend upon imports from India. So much Indian piecegoods have gone to Australia; 64 per cent. of cotton piecegoods has been exported to Australia, apart from certain quantity having gone to Africa. Africa I am not mentioning because it is not in the picture. I do not know what the Honourable Minister has to state on this point whether it was considered during the discussions at Geneva or at Havana where the Agreement was signed.

There is another factor. Import duties have been reduced, and my honourable friend Mr. Krishnamachari said that they have been reduced by 5 per cent. and sometimes by 10 per cent. But it is a high figure if you take the figures. For instance, in respect of Ham and Bacon a very large quantity of which comes from the Netherlands, the duty had been 30 per cent. *ad valorem*, and now it has been reduced to 25 per cent. In regard to Ham and Bacon, surely if it has to come it has to come, and if comes. There was no justification for the loss of revenue by decreasing the customs duty on such articles. If you take Butter, Ghee and Cheese these are imported in very large quantities. At the same time you know that butter is manufactured in India to a very large extent. On that also variation has been made and the duty has been reduced from 25 per cent. to 20 per cent. My point was this, namely, that I do not know whether our industry has been taken into consideration while we are giving concession for foreign trade.

[Shri R. K. Sidhva]

There is a big market for provisions in India—vegetables, fruits. Fruits are actually tinned now in India. In Simla there is a large factory, so also in Bombay and in Calcutta, for canned foods. The quantity of these articles which are being imported is being reduced on account of our own manufacture. And on that article I find a reduction of 5 per cent. duty. I would like to know whether Government have taken into consideration whether our industry would be affected by this preferential treatment.

If you refer to page 7 of the Bill, there is item No. 22 "Wines". At present the revenue duty on wines which contain a particular percentage of alcohol is Rs. 10/11 per gallon and on other sorts of wines Rs. 11. We have agreed to reduce this to Rs. 16/8 against Rs. 19/11 and Rs. 9/8 against Rs. 11/4. I do not know on this question of wines whether we have a policy. Yesterday there were questions whether Government would consider levying a larger import duty so that we may avoid even importing of wines in large quantities. Today we find a concession has been given by way of decrease of the import duty. I do not know how on this matter our Minister has yielded. We should have stated strongly, on the contrary, that we want to impose a higher duty in order to do away with this obnoxious drink. We should have stated that we would levy 25 per cent. duty more rather than reduce it by 25 per cent. I do not know what will be the total amount of revenue that we would be losing by this concession. I am not mentioning many other such spirits. There are a large number of items under this "Wine"—spirits which contain alcohol—and we have given concession in respect of all of them. I want to draw the attention of the Honourable Minister to the fact that if this agreement is a settled fact he must bear in mind that as he stated yesterday, within sixty days we should give notice on this matter and re-open the agreement in its own terms, and not necessarily wait till the 1951 period, which is supposed to be the termination of the agreement.

Then, Sir, I find that even in respect of cod liver oil which is now manufactured in India—there are many factories—concession has been given. I could point out a series of articles here in which we have made very fine concessions, but I do not know how India has benefited from them. I want to know from the Honourable Minister whether he is going to prove that in regard to jute, mica, spices, groundnut, seeds, ginger and other articles there has been an increase in exportation as compared with other goods between now and the time before the agreement came into force. We must have some statistics.

France has had a concession of Rs. 34.50 lakhs, again on the question of spirit which is consumed in the manufacture of perfumery. In respect of perfumery and toilet requisites which come from France we have given a very good concession. But as you know, toilet requisites and perfumery are being manufactured in this country on a large scale, and if facilities were provided to this industry, automatically their import would stop. There are first-class factories today which can compete with any kind of soap or toilet requisite which is being imported and compete with France which is known for the best perfumery in the whole world. If facilities were forthcoming, that would be possible; on the contrary, concessions have been given for their import, with the result that I do not know how far the soap and toilet industry would be affected.

Again, Sir, I find from this report that we have given a preferential rate of duty to articles manufactured in U.K. and British Colonies. I have not been able to find any information in this Agreement as far as import and

export to and from the United Kingdom is concerned. Probably there is a separate agreement covering that, but I want to know the reasons why this preferential duty is given to U.K. and British Colonies. I find on several articles the duty has been reduced, the percentage varying from 10 to 15. What are the reciprocal advantages that India has gained? As we know, the preference that was given was the subject matter of great criticism. I am referring to the very well known Ottawa Agreement. I want to know whether that continues still, and if it continues, what are the reasons for its continuance. The House would like to be enlightened on this matter.

Then, there is a duty of ten per cent. less on ribbons. I do not know what these "ribbons" are. If they are typewriter ribbons, then I might say that there are in Calcutta and Bombay factories manufacturing typewriter ribbons which are self-supporting. But if they are ribbons of haberdashery, for the wearing apparel, then I have nothing to say, although even these ribbons,—laces—are manufactured in Ludhiana in large quantities. The item merely says "ribbons" and ribbons are of many kinds. I would like to know whether it is really our own industry of type-writer ribbons and why he has given a concession of five per cent. on this duty.

The very report which I had mentioned about the advantages given to France says, "items on which concessions have been granted by direct negotiations with France are champagne and other wines, bitters, perfumed spirits, rum, chemical drugs and medicine...." so that except on chemical drugs and medicines the duties have been reduced. Thus on drugs and medicines which we wanted they have not allowed the duty to be reduced whereas the other articles which we do not want and which we want to prohibit, in respect of them the duty has been considerably reduced. I do not know whether the Honourable Minister has studied this report page by page. He was not in charge of this agreement when this delegation was led, so that I do not know if he has made an exhaustive study of this report before he made the exhaustive speech that he read. The House would like to be enlightened on the discrepancies that I have pointed out.

I would also submit that the Honourable Minister should give us an assurance that this kind of excuse at all times that the House cannot be consulted, that there is no time to take the House into confidence and so on will not be put forward. That kind of excuse will not stand good a moment any further. We are here responsible, as they are responsible. The Honourable Ministers have been telling us that we are part and parcel of the Government. If they really mean it they must consult us. But what happens is that they ask us to be responsible, and at the same time do not consult us. Of course when it suits them, they consult us. I feel that in this case when the agreement expires in December, 1951, and before any new Agreement is negotiated, they should consult the House. If they had done so in this case, they would not have granted concessions in regard to some of the items mentioned by me. The Ministers are guided by Secretaries. They are not supposed to know everything. We are three hundred here holding a variety of views on all matters. If we had an opportunity we would have expressed our views on these matters. Though the Government accepts our views or not, we should have an opportunity to express them, before they decide one way or another. With these words, I support the motion, as I have no alternative.

Shri B. Das: I wish I was half as sanguine as my honourable friend Prof. Ranga and Shri T. T. Krishnamachari in support of this measure. I understand that Prof. Ranga had the advantage of being present at Geneva at an early stage of the negotiations for this Agreement. As for Mr. T. T. Krishnamachari he has developed an international mind and naturally he thinks from that angle. Sir, anything connected with the UNO or the United

[Shri B. Das]

Nations causes forebodings within me. I have come to that conclusion and I expect that the House too will sooner or later come to that same conclusion that the United Nations Organisation is a farce and no dignity, no honour and no status is to be associated with it. That Organisation has had very little say in larger issues and at an early stage of its existence it caught India in its net. India was represented at Havana and at Geneva. Before I accept my friend Mr. Krishnamachari's verdict in regard to the five per cent. reduction in certain items of revenue, I must know the repercussions of this Agreement from my honourable friend the Finance Minister.

Sir, as a critic on public finance I have always wanted that the Government of India should derive much more revenue from spirits and wine and cigars and cigarettes. As pointed out by my honourable friend Mr. Sidhwa, it is most unfortunate that the duties on these items have been reduced. I am sorry that this little reserve pocket money in the hands of the Finance Minister has been taken away from him in the name of the UNO through this multilateral agreement. Not to touch cigars and cigarettes for revenue purposes was the policy of the old Imperialist masters of India before we attained Independence. That policy was intended to benefit the British manufacturers of those articles. Now, when we got freedom to examine this question, our delegates went to Havana and to Geneva and committed themselves to an agreement from which we cannot extricate ourselves. We have either to accept the whole agreement or not. I wish there were ways, as my friend Mr. Sidhwa suggested, of repudiating certain items in the agreement. Unfortunately there is no way to do that.

My honourable friend Shri T. T. Krishnamachari and Mr. Sidhwa both referred to Imperial preferences. To me it is an irony and a tragic fate that I should be discussing, even after achieving independence, multilateral trade agreements and the like as if we are still in bondage to the former British Empire. That British Empire is dead and yet, in the new draft agreement, we find preferences to British Colonies and the United Kingdom. I quite see that the Independence Act of 1947 authorises, in clause 22, that a trade agreement should be negotiated at an early stage. Why is it that my Government is silent over it? Why have they not yet begun the discussion of such a treaty? They take pity for them and do not discuss it. Thus you condemn us to the bondage of the United Kingdom and to Imperial preference. I hardly thought it likely that Imperial preference would again be mentioned in this House. Sir, to me there is no necessity of our entering into this multilateral trade agreement as we will soon see, when the Honourable the Finance Minister speaks now or on 28th of this month, that this multilateral trade agreement has ended disastrously to the poor finances of India.

Sir, I cannot think freely while my rupee is tied to the sterling at 18 pence. My Government have not seen fit to discuss the ratio question and I am tied down to the chariot-wheel of sterling, while I talk like a free man.

Another thing to which I should now refer is that the 600 million sterling debt due to India has been frozen by the United Kingdom. Call it what you like. How can I feel free when my 600 million sterling is in other hands and it is open to the free-booters, the looters—the Britishers to say that we cannot touch it. Sir, I read in the newspapers that a British Treasury Delegation is negotiating with our Finance Ministry over the sterling balance. I do not anticipate the results, but as long as the slave mentality persists, call it Commonwealth mentality or Dominion mentality—India will have no freedom of thought and India will not demand, even in her very bad financial condition, that this sum of 600 million sterling should be returned to us. Sir, with all these handicaps how can I have a multilateral trade agreement over which my friends Messrs. Krishnamachari and Ranga waxed eloquent?

I wish that the House does not pass this Bill. The passing of this bill envisages that upto December 1950 Imperial Preference in one name or other must continue. Is that the intention of the Congress? Is that the intention of every member of this House that upto December 1950 Imperial Preference cannot be terminated? Sir, questions have been asked many times about this. Our Cabinet and our Ministers have been silent all the time on that most demoralising issue—the Imperial Preference. England is dead. By that Imperial Preference it had been reducing us to slavery. I do hope my honourable friend Mr. K. C. Neogy than whom I recognize no better authority on the tariff policy of India and who denounced from this side of the House the Ottawa Trade Agreement in 1931 to make it clear as to what is the view of the Government of India on this question of Imperial Preference. The question of balancing budget does not occur when by this Trade Agreement you are giving away probably a crore or two. What will be the result of this, let the statisticians of the Finance Ministry say. Some people wax eloquent about our international position. We are exploited at every stage by every foreigner. I wish to know how our delegates—at that time there was no conception of Commonwealth relations or the new idea of Commonwealth that we are trying to envisage in our minds recently in the last couple of months—agreed to this. Did they envisage a pocket combined of Commonwealth nations within the bigger United Nations—a group trade agreement within this multilateral trade agreement whereby the Commonwealth Nations—barring of course South Africa, must enjoy special benefits—not so much for the benefit of India and not at all for the benefit of India but deliberately for the benefit of the British traders, merchants and capitalists that had built up the Commonwealth Empire or the former British Empire. That state of things is intolerable.

I do hope before other speakers rise, the Finance Minister will give us some idea as to the effect of this agreement. I am not happy as I have already said. I wish Government spokesmen should clearly state whether if the U.K. Trade Agreement is signed say by the middle of 1949, India can do away with the Imperial Preferences that colonial countries and the various Dominions of the former British Empire are enjoying at the cost of India.

Shri M. Ananthasayanam Ayyangar (Madras: General): While I agree that hitherto the two wars that waged and engulfed the whole world were wars on account of economic difficulties and economic rivalries, I am not very happy about the manner in which we have approached this problem. We must review the economic position of India after the 15th August 1947 when the partition of India took place. Before that it was in the interest of the British who were our rulers to continuously keep us as producers of raw materials for their industries abroad but after the partition even that privilege has disappeared. The monopolies we had in oilseeds, hides and skins, cotton to some extent, have practically disappeared because they have become the products of and continue to be the products of Pakistan—that portion which was an integral part of India. Jute is grown in East Bengal and cotton which we require—the long-staple cotton—was being produced in Punjab. Hides and Skins which we were exporting, skins to America and hides to European Continent, are to come from West Pakistan. Now therefore we have lost the whip hand and we have only the oilseeds and oil-seeds are being produced by large concerns and corporations in South Africa. Brazil has also entered the list of competitors and Argentine also. Thus our favourable balance of trade that we were enjoying for over 50 years before the war has dwindled and today with some of the most important countries our trade balance is adverse. In addition on account of seasonal conditions which have persisted to be adverse to us during the past five years, we have been put to the necessity of drawing

[Shri M. Ananthasayanain Ayyangar]

up on our accumulated resources for purchase of essentials like foodgrains. We are spending about 150 and odd crores on that and so let us therefore study the situation closely. Are we in a position to have any monopoly in raw materials which we can produce and dictate terms to the rest of the world? Are we industrially advanced even to make this country self-sufficient, though we may not earn in a foreign export so that at least we may not be forced to the necessity of importing our requirements? Who are the people that can at least stop the drain of 150 and odd crores spent for food grains. There are our neighbours like Burma, Indonesia, Ceylon and the rest of those countries in the Pacific and we can easily sell our products from our mills and also from our handloom products to the West, the Mid-East and to Pakistan, Burma and other countries in the East. We have for instance entered into various arrangements with some parts of Asia to whom we can supply whatever we can produce. But we have no capital goods and we have not started many industries. So we should first address ourselves to this question. I find, Sir, that none of these countries except Burma and Ceylon have entered as parties to this agreement. Australia cannot be considered as an Asiatic country. This is the reason why we attended the ECAFE meetings both at Ooty and Australia and there we found that the Western Countries on whom hitherto we were banking for support and particularly the U.S.A. and U.K. that when we were face to face, we found they expressed that we must produce a Marshall or Nehru plan to help India and Asia. Therefore it is useless to depend on foreign countries and America particularly to supply us any of these materials.

I have not much hope that even this International Bank proposal will help us to put us up industrially. They are all more anxious to develop our raw materials for the purpose of their exporting them to foreign countries, they are not anxious to advance us industrially. There does not appear to be any hope of our industrial advancement unless there is free flow of capital goods into our country. And so far as agriculture is concerned, we have not been able to make India self-sufficient even in the matter of cereals and foodgrains and cloth. Therefore, the prospect does not appear to be very cheerful. It is definitely gloomy. In these conditions, how far are any of these agreements going to be helpful to us? The object of the agreement, as it is stated in the Preamble, is to increase the wealth of the countries, raising the standard of living, ensuring full employment, to have a steadily increasing volume of real income, development of full resources of the world, etc. Sir, these are closely allied to the International Trade Charter now in the course of formation. We have already got a draft of that Charter. It started from America saying that there should be freedom for all countries in the world to have access to raw products. That was the first item. When it came to England, it said that in addition to that, there must be full employment to all persons within a State and we should not interfere with that aspect of any particular nation's life. But nowhere in the Charter, till to-day is it stated that capital goods as much as raw products should be available to all countries. Capital goods, at the present time, thanks to the researches that are being conducted, have become the monopoly of America, and to some extent, of England, after the fall of Germany and Japan. But there is no provision in the Charter that whichever country is undeveloped industrially, should get a free flow of capital goods. Just as the other countries which are industrially advanced are expected to have raw products from other countries.

This, Sir, is an ancillary agreement on the lines of the Ottawa Agreement. It is an enlarged Ottawa Agreement. The Ottawa Agreement was restricted

to countries within the British Commonwealth, but this one is a bigger Ottawa agreement, excluding the Asiatic countries, though it is a fact that Asiatic countries alone can supply us for a long time to come what we so badly want.

Now, if we have the monopoly in any particular product, then we need not bargain with any other country. But we have no monopoly. What can we export? We cannot export even jute, because jute you have to buy from Pakistan. All the rest you are sending to America and as there is nothing in a large quantity which you can send, therefore, you have an adverse trade balance. (Prof. N. G. Ranga: "What about tea?") You may know that Brazil is manufacturing tea and in course of time, we may have to drink our own tea, and we will have to drown ourselves in our tea. (Prof. N. G. Ranga: "What is your inference? Have we become bankrupt?") I only want you to recognise that we are bankrupt. I am not trying to create an alarm. Nor do I say that with so many millions of our population, with such a fertile land, and with so many large rivers, we cannot do anything. We have got everything in our land. But we have to develop them on the proper lines, and not rush to foreign countries for help. I do not believe we can get help from America or England for the industrialisation of our country immediately. The only way in which you can make our country self-sufficient in food and cloth is by cottage industries. If every one of us were to take to spinning, we would be able to clothe the rest of the world even. But we do not do that. Our mills will not produce what we want, they will not let others also to produce. We started as socialists and we have become (Mr. Homi Modi: "Capitalists.") There is no escaping from the fact that if you want to check communism in this country, you must take the wind from their sails. I would like to confine my friend Mr. Modi to this bench. He has grievously failed in the attempt to clothe the country. He wants to sit on the top of a hundred-storey building in America, leaving the country to desolation and pestilence.

Now, let us see what we are trying to get. We have come to the stage of getting even powdered milk. Can we not produce milk in our country? What are the concessions that we are getting? There are three classes of goods. Some of the articles have been freely allowed to come in. On another set at present the tax has not been increased. And for the third set, the present rates of tariff have been reduced and for a period of two years, they shall not be increased unless the other contracting party has violated the contract, in which case, it is open to this Government by notification to say that the other contracting party has broken this agreement, and therefore we will go back. These are the ways in which we are trying to placate the rest of the world for the purpose of rehabilitating ourselves.

What are the articles that we are to get? The present position is that we must export more and receive less. How far are we going to be helped by these concessions? Why should we have bacon and ham? We are trying to be absolutely non-violent in spirit. Vanilla beans, Cassia lignea—I don't know what it means—rosin. For these the duty has been reduced from 30 per cent. to 25 per cent. five per cent. is big enough for the foreign countries, but here in his magnanimity, my friend Mr. Krishnamachari has said that after all, it is only 5 per cent. Five pies to one who gets only ten pies is a very big sum, though five rupees to one who has five millions is nothing. The high contracting parties at Geneva found that five per cent. was big enough. After all it has to be judged in relation to something else, and I think the reduction from 30 to 25 per cent. is sufficiently big. But for what are we making this reduction? What do we get in return? We get condensed milk, bacon and ham. I can dispense with every one of them. And then

[Shri M. Ananthasayanam Ayyangar]

why go in for fish oil and such things? We have deep sea fish in the Arabian set and also in the Bay of Bengal. (Shri B. Das: "The capitalists may use it to adulterate your ghee"). I have not come to the stage of having my ghee adulterated by fish oil. The thing has reached only the stage of adulteration by vegetable ghee or vegetable oil. But my friend Mr. Dass being a non-vegetarian, probably knows better.

Then we come to the other set—the spirits, rum, Acetic acid, Boric acid, asphalt, paint, solutions ribbon. I had no occasion to look into this before the Women's Conference at Gwalior, otherwise I would have requested them not to use a single ribbon that comes from a foreign country. (Prof. N. G. Ranga: "It is not that ribbon but typewriter ribbon.") Let it be even typewriter ribbon. I would appeal to the House to survey the position of England. The war did not devastate us so much as it did England or Germany. (Shri R. K. Sidhva: "Do you suggest a deputation?") I do not want any deputation. I only want a deputation to our own inner hearts; to our own minds and to our limbs. Let us not become absolutely pessimistic. Why should we rush to others from time to time, even for such things as can be grown or produced in our own country? Britain and other countries deny us even capital goods. We have agricultural goods enough, and I am not enamoured of these agreements. The agreements should be with Asiatic countries before we go to other countries. Yes, possibly, it may be typewriter ribbons. But how long are you going to depend on them? Typewriter ribbons which I have been able to purchase in my part of the province fade almost every second day. I myself can produce similar fading typewriter ribbons.

Then let me come to the duties on fruit juices and squashes, tobacco unmanufactured, chemicals, drugs and medicines. I agree that by way of raising the revenue itself, indirect preference could be given so as to help those industries that are trying to keep on their legs. But they have allowed it only to fruit juice and squashes and such like things. After all our people have opened their eyes to these things. There is no increase in toilet requisites like talcum powder, soap and shaving cream. Why cannot we take steps to prevent the entry of at least 95 per cent. of these products? In England motor cars were more heavily taxed recently and the same is the case with articles for locomotion and traction, etc. Why should we not prevent toilets altogether? (Mr. Homi Mody: "Why not use chalks?") I can. I was wondering how this power is made from ordinary gravel with just an addition of sand. There are certain industries in my part of the province.

Shri B. L. Sondhi (East Punjab: General): What an industry.

Mr. Speaker: I think the honourable member will take some time more. So he can continue his speech after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Shri M. Ananthasayanam Ayyangar: Sir, when I was referring to the word ribbon I did not want to make an important matter of it. My honourable friend said that we are not able to manufacture ribbons in our country which are necessary for typewriters. The Honourable Member will kindly turn to page 17 item 49 (2), where ribbon is mentioned. Ribbon comes after textiles

and subsequently, apparel, hosiery, haberdashery, millinery, etc. So this is that type of ribbon which is used for children's toilet. These may be essential materials with which to beautify people. Why are we trying to give some concession to this? However, I will not dilate upon these matters. I would rather put these concessions under three categories. Canned fish, canned meat, fish oils, wines and spirits, drugs, etc. go under one category. With respect to these not less than five per cent has been the reduction. My complaint is that these are not articles with respect to which any reduction ought to be shown. We must make ourselves self-sufficient in those articles and in respect to the other articles we should show concession. On the other hand, far from reducing they must have increased the duty upon those articles. Item 2 is jewellery, etc. Even with respect to them they need not have reduced the tariffs. So far as electric machinery is concerned I find that the tariff has been reduced from 60 to 50 per cent. We need electric bulbs which we are not able to manufacture sufficiently. Agricultural machinery is free and there is no alteration. The old 10 per cent. upon machinery other than agricultural machinery still continues. I would like that they should have made this agreement to be in force for a period of two years and during this period we might have allowed a lot of machinery to come in. I know that a number of applications were made by industrialists to import machinery without duty. An agreement could have been made in that direction. My complaint is that with respect to articles which we can manufacture here or are available we are reducing the tariff. With respect to articles which we want in this country such as plant and machinery we have not reduced the duty. With respect to some other articles which are shown in Schedule C to this Bill we have said that they are free. If you look at page 33 you will find articles like tallow, wool, raw and wool tops. Clause 5 says:

"It is hereby declared that, until the 31st day of March 1951,

(a) no duty shall be levied on the articles to which the first five items in Schedule C relate,....."

Why should we not impose duty on wool and wool tops; which we import from foreign countries. Wool is available in plenty in this country and in the absence of wool we have cotton. With respect to what we need let us get free. With respect to what the other countries need let us try to explore possibilities of sending them. The Honourable Minister should have satisfied us before he introduced the Bill or at least during the consideration stage told us what are the ways in which these concessions that we have granted will lead to the objectives of this agreement—the raising of the standard of life, ensuring full employment, steadily growing volume of revenue and effective income development, the full use of the articles of the world, extending the production and exchange of goods, developing to the full the resources of the country, etc. He must have said how all these objects are achieved by showing these concessions. What are the return concessions that we have got? Why should we allow free import of those articles which can be manufactured in plenty in this country and how are we going to be benefitted in the shape of a real increase of wealth. The Honourable Minister should have placed before us facts regarding the exports and imports hitherto, how the balance of trade would be affected and how it will be made more favourable. The Honourable Minister was also here at the time of Ottawa Agreement was placed before this House. There was a lively debate and I do not remember but I believe the agreement was ratified by one vote. During that period volumes of papers were circulated to members of the House showing how each item would increase or decrease our wealth and what are the corresponding benefits to the country and so on. Such materials have not been provided in the course of this debate.

[Shri M. Ananthasayanam Ayyangar]

It might be said that I am trying to destroy an edifice which has been built up with very great ability and skill by our officers who went to foreign countries. I will give a constructive suggestion. This is not one agreement but a bundle of agreements put together. All the nations were parties to the agreement. After a period we can revoke the agreement. I would urge on the Minister to have a Standing Committee of this House to watch the progress from time to time to find out how the agreement benefits us. I am aware that such a committee was appointed to find out if it is desirable for India to continue to be a member of the International Monetary Fund. Likewise there may be a standing committee to watch the working of this agreement to see how far these concessions that we have given are useful or beneficial and in what respect they require modification, sooner or later. That will certainly soften matters. Having entered into the agreement I am not suggesting that we ought not to accept the motion for consideration. I would have liked that this should have been sent to the Select Committee where greater attention could have possibly been paid to it. We could have sat together across the table and discussed it. There is no particular hurry to pass it during the course of this session. It is not as if on this day it lapses as any Ordinance. We have to ratify the Agreement. I do not know whether the other signatories to the Agreement have got it ratified by the various Assemblies. No such material has been placed before us. It is not as if all the other countries in the world have accepted the Agreement. Under the circumstances we could have spent some more time over this examining in what particulars the Agreement is not so useful to us and things like that. I give my general support to this with one suggestion that the occasion should be taken to bring into existence a Standing Committee to keep a watch over the working of these agreements with a direction to report to the Assembly at the end of every six months, so that the Assembly might give instructions or advise the Minister as to what action ought to be taken.

Prof. K. T. Shah (Bihar: General): Mr. Speaker, Sir, I had not much intention to intervene in this debate, but following the debate as it has proceeded so far, I find that there are certain misconceptions or misapprehensions prevailing in the House regarding the nature and consequences of this proposal, which I think ought to be carefully considered, and, if possible, dispelled. It is with that view in mind that I propose to offer a few remarks regarding the scope, nature and consequences of this Bill.

The statement of objects and reasons mentions the "barriers" to trade which brought about considerable international tension in the years between the two world wars, and which have led to the origin of this Bill and the Agreement on which this Bill is founded. I think there are two questions arising out of this Statement, which perhaps are not as fully grasped by the House as they ought to have been. In the first place, are all measures which a country adopts for protecting, safeguarding or developing its own industry, or, in the larger sense, its own national economy, to be regarded necessarily as "barriers"? I for one think that it is a misuse of the term, which perhaps the experience of small European nations in the last thirty years or so might justify, but which will not be fully justified when applied to a country of the size, population, and resources of India.

I have always held that the ideal of 'national self-sufficiency', if it at all can be attained by any country and that much more fully, advantageously and without harm to anybody, it can be attained in this country because of its area, its population and resources. I repeat this can be done advantageously to ourselves and without harm to any other people. In the second place, we should realize that those people who have originated, stimulated and advanced an Agreement of this kind, and roped us—if I may use that term without any offence—to accept this somewhat confused statement of objectives, have not

quite appreciated the true importance of trade in a country's economy *vis-a-vis* its larger, fuller economic development. Even granting that the measures that we take for the safeguarding of our industries and developing our all round economy, are so many "barriers", which I do not grant—but even assuming that—those who have led us into this Agreement, and sought to promote free flow of international trade, have misunderstood the importance of trade in a country's economy, like ours. Trade is of vital consideration to a country like England, which produces a good deal that it cannot consume itself, and which must import a good deal which it cannot produce itself. It is, therefore, of an importance to England which to a country that can meet all its requirements from its own resources as we can has not the same significance.

Take again the example of the United States. It is most vitally interested in foreign trade today, because the large amounts that it has invested abroad by way of loans require to be realized, both principal and interest. Anybody who is familiar with the economic history of the past thirty years or so, ever since the end of World War I, will realize that in this matter America has been on the horns of a dilemma ever since World War I. That is to say, if it were to allow free imports of goods from its debtor countries it would run the risk of jeopardizing its own industrial position, though by that means it may be able to obtain part, if not the whole, of the amount of the interest or principal which it has invested abroad. But it would then run the risk also of either weakening the standard of living for its large employed masses, or, alternatively, of jeopardizing the industrial success or position that it had obtained. And if it wants to maintain its high industrial level and standard of living, it cannot realise its investment abroad as free imports would not be permissible. Nevertheless America talks of freedom of Trade partly because it has no fear of effective competition from the War-wasted regions of Europe; and partly also because of its realisation that the bulk of its loans or investment cannot be increased. Under these circumstances, throughout the period between the end of World War I and the beginning of World War II, American policy was constantly fluctuating. On the one hand you had tariff measures of the utmost stringency; on the other, and particularly since the advent of the New Deal, you had attempts at modification, which, however, were very ingeniously evaded. Now, for us in this country—though, I am afraid statistics are not available as fully as they should be—foreign trade occupies a relatively very small portion of the total trade of this country. The Foreign trade of India had no doubt received a very great importance in the past, because of the needs of the former ruler, in this country and the necessity of that government to maintain its own economy at the expense of ours.

It is a common and old complaint of ours, to which I hope no one in this House will take exception, that the industrial possibilities of this country had been neglected, and allowed to run waste because the economic position and requirements of Great Britain, which dominated in this country, were not compatible with the possibility of India realizing all her latent resources and potentialities. Now, however, that this country and the people of this country have come to their own, now however that the policy of this country has to be determined with sole regard to the interests of this country, I do not see why we should continue the old policy, and hasten to go into such agreements, which after all are a heritage from the past, to which we need not regard ourselves as morally or legally committed, and which, therefore, we are bound to follow irrespective of the consequences that may follow to our country.

Trade again—if you will permit my indulgence in some theorising—is generally believed to be the result of Comparative differences in costs, the costs being measured in money. That I submit is a most illusive method of measuring real costs. Real costs involved in the sacrifice of men and material involved in foreign trade are hardly ever measured by money costs.

[Prof. K. T. Shah.]

Money costs in themselves, again, are the creation of a long complicated series of advertisement, connection, goodwill, enterprise and the quality and quantity of the goods available for trades into which we cannot enter at this moment. A backward country is bound to suffer in trading with a more developed, more enterprising, and perhaps politically and militarily more powerful country. At the instance and at the inspiration of such countries, if you are going to modify the basic policy of this country, for however short a period, I fear that the permanent interests of this country, the interests of future generation may be jeopardized.

I realize, Sir, that this Agreement is for a short period only, and that the legislation now proposed is intended to be in force only for a short period. Nevertheless, the basic principle of the Agreement and of the Bill founded thereon seems to me not at all consistent with the basic interests of this country in the long run, and for the fullest possible development of our foreign economy.

I am not going to waste the time of the House by discussing the items on which concessions have been made by India or some benefit received, nor am I in a position to tell the House what will be the sacrifice of revenue, for instance, which is very badly needed in this country, by the concessions that have been agreed to. But taking the Bill as it stands, and looking at the spirit which motives that Bill, I am bound to say that if this country desires, within a measurable future, to attain National Self-sufficiency, if this country desires, within a measurable future, to develop all her latent resources and realize all her known potentialities, whether by large-scale industrialisation or by an active development of local industries—the so-called Rural and Cottage industries—where what is wanted is more organisation, better credit, larger marketing and more scientific appliances the lack of which impedes their proper growth more effectively than any inherent defect of their own,—then, I think, before we get entangled into international agreements and commitments of the kind that this Bill proposes, we ought to think twice.

I would, therefore, suggest that if it is possible, a suggestion like the one made by the Honourable the Deputy Speaker with regard to some kind of machinery that would watch the working and progress of this legislation, as it were, or even a close and careful scrutiny of the measures through and by means of a Select Committee, would be very much to the advantage of not only the fullness, the propriety and the sufficiency of the legislation itself, but also to the interests of the House.

Sir, there is no denying the fact—and the critics of this country's demands themselves have admitted—that if only India was properly organised and minded to achieve it, there is nothing on earth that we cannot produce from our own resources. That has been an argument once upon a time against any protective measure in this country. Rather it was an argument used by those who were in power in those days to throw our resources to the wolves so to say. But now that you are in power in your own country, now that it is in the hands of our own people to shape the policy that is to guide the development of our national resources, I say, at this moment, for us to overlook the fact that, within a measurable time, within a given time, we are able to and can develop our own resources so as to meet our own minimum standards of our requirements all right, at that time to be tied down to the chariot wheel in the name of international cooperation, in the name of freedom of trade, and so on, to those who have ulterior motives, who have, I venture to say, their own axe to grind in securing or seeking to obtain free markets all over the world, I say that would be an act of folly which I trust this House will not be a party to. Both leaders in the United States and the United Kingdom

have quite frankly admitted their own particular outlook. It requires no very deep research to find that the interests of those countries are not always consonant with the interests of relatively undeveloped countries, or countries which have future possibilities like ours.

Under those circumstances, Sir,—seeing that this Agreement has been inspired by those who have their own motives, seeing that this Agreement specifically refers to “barriers” to international trade and wants to demolish them, seeing that this Agreement lays extraordinary stress upon the development of the freedom of trade, and does not quite equally stress the need for each country to develop its own latent resources,—I say seeing all this, it is necessary, it is important, for our own safety and for our own prosperity to think twice before legislation can be implemented on a basis like this. No country can really exchange, or trade, in terms of equality, no country can trade with any hope of substantial benefit to itself from such trade, if its own economic development is on a lower basis than that of the country with which it trades. It may be that here and there, in one article or another, you may get some benefit. It may be that in one place or another, you may appear to have obtained a concession. But in the long run, and with an eye to the ultimate development of all our potentialities, I venture to submit that if you get tied down to any degree to freedom of exchange such as this Agreement demands and the Bill founded upon it requires, when we have yet to develop our resources, we have yet to meet our own requirements at home,—in that case, and under those circumstances, I think that this Agreement and this Bill requires to be very much more thoroughly scrutinised than has been the case so far. I, therefore, suggest that at the proper time appropriate amendments should be moved to the various clauses to make the Bill less likely to hurt the long range interests of this country, or perhaps it might even be advisable for those in charge of the Bill to demand time for further consideration.

The Honourable Shri K. C. Neogy (Minister for Commerce): I am afraid I will have to inflict another long speech on the House. The very importance of this Bill as also the interest evinced by my honourable friends who have already spoken would justify such an infliction.

In the very first instance, I should like to give some more details relating to the background of this Agreement. Reference has already been made by my honourable friend Mr. Krishnamachari that it originates in a sense from an Article in the Lend-Lease Agreement to which India was never a party. If he were to go a little further backwards, he could have traced it even to the Atlantic Charter. But let us not be prejudiced by these considerations.

I should like to tell the House from what stage and in what manner the specific proposals that are now before the House came to be placed before the world. In November 1945, a scheme was prepared by a technical staff of the Government of the United States embodying proposals for expansion of world trade and employment, and it is this scheme that formed the basis for the consideration of the matter that we are debating here today. It did not profess to be anything more than a mere basis for the consideration of the subject matter.

So far as India is concerned, that particular scheme was subjected to a careful scrutiny by the then Government and elaborate notes covering all the various aspects of the question were drawn up, in which all the very important points that have been raised of a fundamental character, particularly by my friend Prof. Shah, were fully considered and those points were put forward with as much emphasis in those official notes as Prof. Shah himself has done.

[Shri K. C. Neogy.]

Subsequently, in August 1946 these Departmental notes and proposals and criticisms were placed before a Consultative Committee of Economists. I find that apart from the various officials representing the different Departments of the Government, there were present at this meeting a large number of non-official economists. I do not find, unfortunately, the name of my honourable friend Prof. Shah, though he participated in similar discussions at a later stage—I will be coming to that. (Shri B. Das: "He was not a *persona grata* with that Government.") I do not know. There are names here, but whether they are to be described by that expression, I do not know. However, all these proposals were carefully discussed and we have this official document embodying the substance of the very many criticisms that were levelled against this scheme.

Later, the matter came up before a Sub-Committee relating to Trade and Tariffs which that particular Committee of Economists had appointed. There again all these various aspects of the question were discussed at length.

A month later, in September 1946, all these papers were placed before the Trade Policy Committee. This Committee, I find, apart from including a large number of officers, included my honourable friend Dr. John Matthai, who was then the Finance Member. That was the first meeting of the Trade Policy

Committee. I find among the names of non-officials, very many distinguished persons and I find also the name of Prof. K. T. Shah as a participant in the discussions of that Committee. There again all the various aspects of the matter were very carefully considered. (Shri T. T. Krishnamachari: "Was there a dissenting minute?" Dissenting speeches were made. I do not mean any disrespect to my honourable friend Prof. K. T. Shah when I mention that he also participated and, perhaps he differed from the majority of the members of that committee who were present on that occasion. (Prof N. G. Ranga: "What was the decision of that body?") The decision was that, on the whole, it was to India's interest to participate in an international organisation of that kind, because it would not do for India to pursue an isolationist policy in the economic field. That was the general decision arrived at by all the various bodies who had ever anything to do with this subject matter.

Shri T. A. Ramalingam Chettiar: (Madras: General): Did not that committee also say that the particular interests of India.....

The Honourable Shri K. C. Neogy: The interests of India had to be safeguarded and, whoever was to represent the interests of India at the subsequent discussions that took place in London, at Geneva, at New York or at Havana, was expected to bear in mind certain fundamental questions for the purpose of safeguarding India's interests. Those, broadly, were the expressions of opinion that are found recorded in all these publications. Shri R. K. Sidhva: "Did they bear it all in mind?" Do not be impatient. My honourable friend Mr. Sidhva challenged me this morning as to whether I had read everything on the subject. He should have patience while. I tell him what all literature there is on the subject. ('Hear, hear').

Then we come to the First Session of the Preparatory Committee at which these proposals were considered and put in the shape of a draft. Later, in February 1947, the matter was considered by the Consultative Committee of Economists again. They reviewed the progress made. They reviewed the draft that was then available and which, let me tell honourable members, marks a considerable improvement over the original American draft. So far even as countries like India are concerned, these matters were considered by all

the economists. But I do not find my honourable friend Prof. K. T. Shah's name there. Perhaps he was a member of the other body, and not of this. Shortly after that,—actually this meeting took place on 24th February 1947 and the other meeting took place on 26th February or two days later—a joint meeting of the consultative committee of economists and of the trade policy committee was held for the purpose of reviewing the whole situation. And there were as many as 66 persons present representing the Government in various Departments, non-officials economists representatives of Indian States, representatives of industrial and commercial interests and so on. Sir, I find my honourable friend Prof. Shah was present on that occasion and he did put forward his own views to which we have just now listened. Shri R. K. Sidhva: "Will you mention the names of all members?" What is it? Does my honourable friend want to hear all the names of the 66 persons present read out now on this occasion? Well, I am prepared to place a statement on the table showing all the names. (Shri R. K. Sidhva: "I am not interested in the names. I want only the decisions.") (Prof. N. G. Ranga: The House may be interested in the names. I do not know why any objection should be taken to reading out the names"). The only live issue over which some dissatisfaction was expressed on that occasion concerned the question as to how far Quantitative Restrictions on trade could be utilised for the purpose of safeguarding the industrial development of this country. That was the only issue, as far as I can see, of any importance over which there was any misgiving on that occasion.

Sir, later the Indian Delegation went to Geneva to consider the report of the Preparatory Committee, and at Geneva it was that the matter progressed in a more definite manner than ever before, so far as this particular issue regarding Quantitative Restrictions was concerned. Sir, it must be said to the credit of the Indian Delegation that they did their best to influence the opinion of the Conference at Geneva on this point. Unfortunately, however, even at this stage, the position relating to Quantitative Restriction was not found to be satisfactory from the point of view of India. At that stage the report of the Indian Delegation, so to say, was considered by this joint meeting. Here again, I find that Prof. Shah indicated his opinion that the Charter had not been drawn so as to meet the requirements of countries like India and that India would be morally bound by the provisions in the Charter once it was signed, and suggested a cautious approach to the subject, although he put his objection in a general form. I find that very few others who participated in that conference shared this general apprehension with him. The real point again was as to how far provisions relating to Quantitative Restrictions were to the best interests of India. I find that the Chairman, in summarising the discussions said this: "As regards Quantitative Restrictions, the Indian Delegation will take up the line that each country should have freedom to impose Quantitative Restrictions subject to certain limitations. Although the Delegation may find itself in a small minority, it will take up that line. This is the definite instruction given to the Indian Delegation for further negotiation. Then the Chairman added: "If this suggestion is out-voted, the Delegation will accept the Charter as it stands." In regard to the remaining Articles of the Charter, he said that there would not be much difficulty.

Now, this was the final instruction given to the Indian Delegation that considered the matter at Havana. It must be said to the credit of the Indian Delegation that they did succeed to a considerable extent in getting the position relating to Quantitative Restrictions modified. I will presently place before the House the relevant provisions of the Havana Charter which have, by a subsequent Protocol, been incorporated into a general agreement on tariff and trade which is just now before the House.

[Shri K. C. Neogy.]

Sir, originally, resort to Quantitative Restrictions apart from certain specific commodities like agricultural products and so on, was expected to be confined only to countries faced with balance of payment difficulties. That was the position more or less then. Now, as a result of the discussions at Havana, the scope for the application of Quantitative Restrictions was widened so as to cover, in the first instance, industries that had been established between 1st January, 1939, and 24th March, 1948, in respect of which Quantitative Restrictions could be resorted to without much difficulty. This would cover those categories of our industry mostly in regard to which it may be necessary in terms of the provisions of the Charter to apply this particular method in certain special circumstances without the requirement of prior approval of all the contracting parties. Such approval will be automatic more or less. But then, there is a further provision which is of importance from our present point of view because it enables a country to resort to Quantitative Restriction in the case of any industry established at any time on certain conditions. Now here it is that the requirement of approval is laid down and one has to prove in this category of cases that if having regard to the provisions of this Article, it is established in the course of examination that the measure is unlikely, that is to say, if we impose a measure of restriction of this kind, we have to prove that it is unlikely to be more restrictive of international trade than any other practicable and reasonable measure permitted under this Agreement which could be imposed without undue difficulty and is the one most suitable for the purpose having regard to the economics of the industry or branch of agriculture concerned and to the applicant contracting party's need for economic development or reconstruction. The Charter leaves us absolutely free to protect our industries in the straightforward manner, viz., by the imposition of a tariff or by the grant of a subsidy. That liberty of action is not taken away and our delegation from time to time took care to assure itself that no concessions of a binding character had been allowed in favour of any country that may have any unfavourable effect upon an industry that already enjoys protection or upon an industry that was likely to come up for protection in the usual manner. So, the normal type of protection is, I maintain, virtually outside the scope of interference of this Charter. But in the special circumstances of the case as I have read out from the particular article 18, even the resort to Quantitative Restrictions would be permitted provided we were to satisfy the contracting parties that in practice it would not amount to anything more than what would be the case had we resorted to the normal methods of protection. I am merely giving my own version of the thing but I have read out the exact text. I take it therefore that the bulk of Indian opinion that interests itself in this particular question would be perfectly satisfied by the provisions of the General Agreement as they stand at present particularly with regard to the application of Quantitative Restrictions for the purpose of safeguarding the interests of indigenous industry.

Sir, I should now come to another general issue before I refer to some of the specific points raised by my honourable friends. It has been assumed that the General Agreement and the policy that underlies it is unsuited to a country like India and it has been assumed that in so far as India's exports of articles that must necessarily be in demand in the importing countries, any concession that India may have received in respect of those articles were not to India's own interests. Sir, I should therefore like to tell the House that the pattern of trade has been changing and has already changed in India. As my honourable friend Mr. Ayyangar said that due particularly to the partition of the country, India has lost her position, her dominating position in the markets of the world in respect of some of the principal raw materials that used to constitute the principal commodities of her trade. Sir, take the case of jute and cotton. As has been rightly pointed out, we instead of being an exporter

of raw cotton, are now a net importer of cotton to-day. Not merely that, we had to ban the export of certain varieties of cotton in the interests of Indian industry. So also in regard to jute. Instead of holding a sort of monopoly in respect of the raw materials which used to be exported apart from the jute-manufactured goods, we have to depend upon another country for the supply of raw materials for the use of the jute mills. In the case of oils and oilseeds again, our position has been very much affected by reason of the partition as also in the case of hides as pointed out by Mr. Ayyangar. What is happening to-day is that India is virtually emerging from the position of an exporter of raw materials to that of an exporter of finished products. Take jute. We yet hold the market for the jute manufactures. In regard to cotton instead of being an exporter of raw cotton during the war period, we established our markets for our cotton textiles in quite a number of countries. It is true that we have not succeeded in maintaining our position in all those various markets near about but even now even in spite of the comparative shortage of production of cotton textiles, we do have an export market for the manufactured cotton textiles. Take the case of oilseeds again. Gradually as a matter of policy we are encouraging the exportation of oils rather than oilseeds. That involves a slight process of manufacture. Even in the case of oils, I am hopeful that we are shortly going to have an export trade in soaps for instance for which there is a considerable demand from some of the neighbouring countries. Even to-day we have two delegations from two friendly neighbouring countries, Afghanistan and Iraq who are here at Delhi who have come to negotiate for the importation of some of the manufactured goods. I know it as a fact that even in regard to certain types of machinery made in India there have been enquiries received from some of the Asiatic countries. So, we are gradually emerging from the position of a country whose exportation consisted in mere raw materials to the position of a country which is likely to export consumer goods and other manufactured articles particularly to the neighbouring countries.

Sir, I would admit that from the point of view of a country whose export market relates to articles which are of an essential character from the point of view of the importing countries, perhaps the importance of such an agreement is not very great. But I maintain that from the point of view of a country that is emerging into a manufacturing country, the restrictions that used to prevail in the inter-war period over trade would be most harmful, because if quotas of a restrictive kind with which we are familiar during the inter-war period and which spell disaster for world trade, if these can be imposed by other countries, it would definitely be detrimental to the interests of India to have anything to do with the policy that might leave such a loop-hole.

[At this stage, Mr. Speaker vacated the Chair which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar).]

From that point of view, Sir, I have not the least doubt in my mind that to-day the general agreement on tariffs and trade is of greater importance and significance to India than it was on the day that we initiated discussions at the instance of the American Government.

Sir, it has been asked why should we not take steps for the facilitating of importation of capital goods, and why should we at all agree to facilitating the import trade, in respect of any other commodity? I do not know whether it is the opinion of those honourable friends who have put forward this point of view that India is in a position to command supplies of capital goods from all over the world, and that we can say, "Here, you must supply us with capital goods and machinery, and also as we are going short of food, you are under a definite obligation to supply us food also. But we are not going to negotiate

[Shri K. C. Neogy.]

with you in regard to any matter in which you might be interested. It may be of interest to the House to know that in the course of our negotiations with the Czechoslovakia, from which country we expect some capital goods, some steel and some machinery, in the course of the negotiations with that country, a demand was put forward by them that we should agree to take a supply of glass bangles because that industry was at one time established in Czechoslovakia on the strength of the demand from India. We should not delude ourselves into the belief that we are in a position to command the rest of the World for the supply of just those things which are most essential from our own point of view. It simply cannot be done.

Sir, I should like briefly to touch upon a few of the points that have been specifically raised by honourable members in the course of this debate.

First of all, a complaint was made by Mr. Sidhva that he has not been told as to what the financial effect of the reductions that we have allowed would be. Now, may I in all humility, request him to turn to page 5 of the Memorandum that was circulated a few months back, and where the following sentence occurs:

"Taking all these factors into account, the loss of revenue likely to result from the concessions given by India is estimated at a little over 24 lakhs on the basis of figures for 1938-39, and about 34 lakhs on the basis of those for 1945-46."

Let me tell you that it has not been possible to separate—because that would be only a theoretical process—these figures into the share of Pakistan and of India. And so far as the present period is concerned, it must be remembered that the present agreement came into operation just nine months ago, and not even a year has been completed. It would be extremely difficult to give any estimate of the loss of revenue during this period entailed by the concessions that we have granted to the various contracting countries. But then, even if we calculate on the basis of the trade for a particular period, the loss that would be entailed by reduction in the duty, it would, I submit, be entirely a theoretical calculation, because the underlying object of this agreement, the underlying object of these various concessions that we have negotiated with other countries, is expansion of our foreign trade. Now, it is quite expected that as a result of such concessions, the volume of trade would increase; and therefore, whatever we may lose by reduction of rate of duty may even be more than made up by the amount collected on a particular item. That certainly would depend upon the actual expansion that takes place in the trade with regard to any particular item.

Sir, my honourable friend Mr. Sidhva mentioned mica, jute, chillies, spices, and he wanted to know in the name of goodness why at all we agreed to any concessions. Let me tell him that so far as mica is concerned, it has got to face competition from substitutes. So far as jute is concerned, the other day, I placed before the members of the Advisory Committee of this House attached to my Ministry, samples which have been sent down from America of paper bags, and bags made of other stuffs that have been substituted for jute bags in that country. As regards chillies and spices, I do not know whether in the case of those countries in whose favour we have made concessions, they form such an important and essential part as in the diet of our South Indian friends. If for instance, the prices were to go up, it is quite imaginable that they might do with a little less of these stuffs, but not certainly in the case of my South Indian friends. So we should not be misled by the appearances of things.

As regards cotton piece-goods to which my honourable friends made a reference, I may tell him that in the case of cotton piece-goods we have made a very good bargain with a country like Australia where the preference in respect of cotton piece-goods enjoyed by even the United Kingdom has been lowered and we are definitely benefiting by the lowered preferential tariff which operates now in favour of India.

Sir, a reference was made to certain concessions in point of duty granted in respect of certain French wines. My complaint against my honourable friend—I mean Mr. Sidhva—is that while he was looking at one column of one page he altogether overlooked the parallel column. He was all the time looking at the column indicating the concessions that we have agreed to in favour of France, but did not look at the column indicating the preferences that France, in return has granted us (Shri R. K. Sidhva: "My question was why we gave that concession for wine"). We have to grant a concession in respect of a commodity which is produced in France, if we really want a concession to be given by that country. Now, France for one reason or other, stressed the importance of champaign in this context, and it might even have pleased French delegates to find that the rate of duty on champaign has been reduced from Rs. 19-11-0 per gallon to Rs. 16-8-0. Now, Sir, I must confess that my knowledge about the merits or demerits of the various types of spirituous liquor is very very limited. It seems that the more potent are not champaign and other wines which we find in this list and it will be observed that there has been no concession granted in respect of either brandy or whisky. Whisky of course is not made there. They tried their best to secure some concession in respect of Brandy.

Shri R. K. Sidhva: Is there no alcohol in champaign?

An Honourable Member: No.

Shri R. K. Sidhva: If I had not drunk it I would certainly not have known that it contains alcohol!

The Honourable Shri K. C. Neogy: I did not say it was a non-alcoholic drink. What I said was, judged from the volume of trade in champaign and other wines this trade is negligible if you compare the volume of trade in the case of say brandy or whisky. That was my point. Therefore, we had to grant certain concessions in respect of some articles with regard to which they wanted to have these concessions.

Here again, I should like to dwell on another aspect of the matter. It has been stated that it is inconsistent with our policy of Prohibition. I am not aware of any policy which has so far been adopted by the Government of India with which this is absolutely inconsistent. As a matter of fact we are merely making certain amendments in the Tariff Schedule which is already in operation. We are not doing anything which is contrary to any declared policy of the Government of India. Even if we were to adopt a policy of that kind which would not be consistent with the importation of any spirituous liquor at all, then there is an Article to which I would like to refer in this General Agreement, which could easily be availed of for the purpose of shutting down the importation of such articles altogether, notwithstanding any agreement that we may have arrived at. That is Article 20, which says:

"That nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures necessary to protect public morals or necessary to protect human, animal, or plant life or health."

I take it that it would be quite feasible to justify such an absolute prohibition if we were to adopt it as a policy under that particular Article. At least that is what I have been advised by those who ought to know.

[Shri K. C. Neogy.]

My honourable friend, Mr. Sidhwa, wanted to be enlightened on very many matters. (Mr. Naziruddin Ahmad: Including spirituous liquor.) The other points that he raised have been dealt with by the many speakers who followed him so I will not touch on any of the other points that he raised.

Shri B. Das dwelt on the inequities of the Imperial preference rather from a sentimental point of view. Now let me assure him and the House that we are not seeking to do anything in this proposed Bill which will make it impossible for the Government to put an end, an absolute end, to Imperial preference, the moment we come to a decision to do so. It merely takes into account a policy that for good or ill is in operation at the moment and this House as a sovereign Legislature is perfectly entitled to demand the abolition of Imperial preference, and the moment that is agreed to nothing in this Bill will stand in the way of its being given effect to.

Apart from that, I would draw the attention of the House to a particular Schedule of the Bill. It is Schedule B. If you refer to the explanation to Clause 4 you find these words:

"Nothing contained in this section shall be deemed to limit in any way the duration of the amendment relating to the items, or portions of the items, specified in Schedule B."

This contains items in respect of Imperial preference and we have kept our hands entirely free to do just as we like and just when we like with regard to Imperial preference in respect of these specific items. (Shri B. Das: "Thank you, but when?") As I say, I am conscious I am addressing a sovereign Parliament. It is for that Parliament to decide when Imperial preference shall come to an end. But I think that it is not quite relevant to the present issue because we have to take into account the particular policy that is already in operation. But we are not doing anything either to form that policy or to approve it afresh. That is what I mean to suggest.

Srijut Rohini Kumar Chaudhuri (Assam: General): What is your opinion?

Mr. Deputy Speaker: Does not that explanation mean that the two year rule does not apply to Schedule B items? Therefore, Schedule B preferences will continue forever!

The Honourable Shri K. C. Neogy: It is the other way about. It does not affect Schedule B. We are at liberty to do whatever we like with the items in that Schedule and whenever we like. (Shri R. K. Sidhwa: "The point is whether you have suggested it to the Cabinet.") Let the House express its opinion in the manner that it is open to it to express its views and then it will be for the Government to take full note of it.

Let us not be altogether misled by slogans. It is true that the history of Imperial preference has a political taint which makes it difficult for us to reconcile ourselves to it. But at the same time now that we have attained independence, can we not be expected to take a dispassionate view of things and examine the practical effects of the preferences that we have enjoyed? Have we in any instance in respect of any commodity and in respect of any country benefitted in any manner under this system of preference? I suggest that it is up to us to give a dispassionate thought to this issue from this angle. The political sting is no longer existing.

Shri T. T. Krishnamachari: May I ask the Honourable Minister if it is possible for him to produce before this House at some later date a comparative statement showing the good and mal-effects of imperial preference?

The Honourable Shri K. C. Neogy: I shall do my best to comply with the suggestion of my honourable friend but he will realize that apart from other

difficulties in the way of producing an exact picture in this matter the partition of the country has made the task rather complicated. I am afraid we may have to wait for a little while yet before we can be in a position to produce anything like an accurate picture on this subject.

Shri Biswanath Das (Orissa: General): May I know why no picture at all was given to us to form some idea of this? When the Ottawa Pact was placed before the Assembly for discussion, they supplied a lot of information and literature. But nothing has been done in this case.

The Honourable Shri K. C. Neogy: For the very good reason that Imperial preference is not directly an issue in this agreement.

If anything, we have reduced the preferential margin in respect of certain items and in certain items we have altogether abolished it as a result of the agreement between the countries concerned and India. So, if anything, this agreement has reduced the quantum of Imperial preference and that is fully explained in this memorandum which was circulated a few months ago.

I think I have taken up a lot of time of the House. I would only like to say a few words particularly with reference to the remarks made by my honourable friend Prof. Shah. We cannot afford to adopt an isolationist policy. India has already gained an honourable place in the councils of the Nations of the world. We have participated in numerous organisations that have been set up for the purpose of international cooperation, not merely in the field of politics but also in the field of economic and social activities. I have in my hand a chart indicating the very many bodies, agencies and other organisations that have been set up under the aegis of the United Nations for the social and economic welfare of the nations of the world. When I go through that list I find that India has participated and has made a contribution worthy of her to almost each and every one of these organisations.....

Shri T. A. Ramalingam Chettiar: Mainly monetary contribution.

The Honourable Shri K. C. Neogy: I differ from my honourable friend. But what about the monetary contribution that you expect today from one of these very organisations? (Shri H. V. Kamath: "May I request the Honourable Minister to circulate this lovely picture among the members of this House?") I will lend my copy to the honourable member and that will give an idea of the array of those organisations, because that might stimulate the memory of some of my honourable friends as to how we already stand committed to a policy of international co-operation in both the political and economic fields.

The International Labour Organisation, I take it, is one in which some of my honourable friends are interested. The Food and Agricultural Organisation (called F.A.O. for short) is another. I need not remind the House of the importance of our adherence to this organisation at the present day. There is the United Nations Educational, Scientific and Cultural Organisation popularly called the UNESCO. Then there is the International Civil Aviation Organisation, the International Bank for Reconstruction and Development. My honourable friend was talking about monetary contributions. What monetary contribution are we not getting from this institution today—the International Monetary Fund which we have utilised to the fullest extent possible for the purpose of meeting our balance of payment difficulties and so on and so forth.

Among these organisations is the new proposed organisation to deal with international trade. Should it be said that it is with regard to this organisation alone that India will withhold her co-operation? I would humbly submit to the House that it would not serve India's best interests to hold aloof from this field of international co-operation and that it would not do for her

[Shri K. C. Neogy.]

to follow an isolationist policy as advocated by my honourable friend Prof. Shah.

This is all that I have to say. Several honourable members made the suggestion that the Bill had better be taken to a Select Committee. For what purpose? The agreement is an international document. You cannot change a coma or a semi-colon even. It is not open to you unilaterally to change any provision of the agreement. So far as the concessions are concerned they are negotiated concessions and all the concessions have to be judged together, because although they may have been negotiated between India and any specific country because of the multi-lateral character of the agreement all the concessions are claimable by all the parties to the agreement. Therefore we are not at liberty to change any of the concessions without reopening the whole matter. In other words, the House has got only two choices—either to accept the measure as it stands or to reject it.

Mr. Deputy Speaker: The question is:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

The motion was adopted.

Mr. Naziruddin Ahmad (West Bengal: Muslim): I beg to move:

"That in part (c) of clause 2 of the Bill, for the words "official Gazette", the words "Official Gazette" be substituted."

With regard to this amendment it has come before the House several times and I shall take my chance once again.

Shri T. T. Krishnamachari: Sir, it is a convention that such amendments are merely given to the Draftsman for his consideration. It is a convention which the House has been following all along.

Mr. Deputy Speaker: The Honourable Speaker has already given an assurance to the honourable member and to the House that such amendments will certainly be taken note of by the Draftsman and considered. I therefore hope that my honourable friend will not press the amendment.

Mr. Naziruddin Ahmad: I would only submit that such amendments have often been accepted and at other times ignored. Otherwise I would not have passed it.

Mr. Deputy Speaker: The question is:

"That clause 2 stand part of the Bill"

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Mr. Deputy Speaker: Amendment No. 4 in the name of Mr. Naziruddin Ahmad is only a verbal amendment and is a matter of form, which the Draftsman will take note of.

Mr. Naziruddin Ahmad: Sir, I beg to move:

"That the *Explanation* to clause 4 of the Bill be omitted."

It seems to me that this explanation has already been provided for in the Proviso. The *Explanation* says:

"Nothing contained in this section shall be deemed to limit in any way the duration of the amendments relating to the items, or portions of the items, specified in Schedule B."

That seems to have already been provided for in the proviso. The proviso says:

"Provided that in case the General Agreement ceases to apply to India, the Central Government may, by notification, modify any such amendment not relating to any item or portion of an item in Schedule B."

So the Central Government is not allowed to affect Schedule B in any way. That is clearly stated in the proviso and the *Explanation* is merely repeating the same that we cannot touch Schedule B at all. It is only a drafting point, and I hope the Honourable Minister will consider it.

Mr. Deputy Speaker: Amendment moved:

"That the *Explanation* to clause 4 of the Bill be omitted."

The Honourable Shri K. C. Neogy: I am told that even if my honourable friend's contention were accepted as correct, a repetition of this kind would be justified by way of abundant precaution. That is all I have to say.

Mr. Naziruddin Ahmad: In that case I do not press it.

Mr. Deputy Speaker: Has the honourable member the leave of the House to withdraw the amendment?

The amendment was by leave of the Assembly withdrawn.

Mr. Deputy Speaker: I find that amendments Nos. 6, 7 and 8 are all of a verbal nature.

The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Mr. Deputy Speaker: I think amendment No. 9 is also of a verbal nature.

Mr. Naziruddin Ahmad: It is something better than a verbal amendment. Sir, I beg to move:

"That in the Proviso to clause 5 of the Bill; for the word 'when', the words 'if and when' be substituted."

The word 'when' would be appropriate when it comes in as a matter of course. But it is not coming in here as a matter of course. That is why the words "if and when" would be more appropriate.

Mr. Deputy Speaker: Amendment moved:

"That in the Proviso to clause 5 of the Bill, for the word 'when', the words 'if and when' be substituted."

What is the reaction of the Honourable Minister?

The Honourable Shri K. C. Neogy: I would leave it to the judgement of the House. But if you will permit me I now remember that I did not reply to a point that was made by you in your speech, and that was with reference to the first five items in schedule C which are imported duty free. You said that you did not know why raw wool should enjoy that concession. As a matter of fact I am told that we are doing nothing new and these are essential raw materials for certain Indian industries.

Mr. Deputy Speaker: The question is:

"That in the Proviso to clause 5 of the Bill; for the word 'when', the words 'if and when' be substituted."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clauses 6 and 7 were added to the Bill.

Mr. Deputy Speaker: The amendment by Mr. Naziruddin Ahmed to clause 8 is also a verbal amendment, I find.

The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

The Honourable Shri K. C. Neogy: I might explain to the House that all the three amendments that I propose to move to the Schedule are necessitated by certain increases in the duty that have already been effected by an Ordinance. The rates mentioned in the Schedule will have to be increased as indicated in these three amendments. I beg to move:

"That in Schedule A to the Bill, in Item 24(3), as proposed to be substituted, in the sixth column, for the words and figures 'Rs. 7-8 per lb.', the words and figures 'Rs. 9-6 per lb.' be substituted."

This is to be found at page 9 of the Bill.

Mr. Deputy Speaker: The question is:

"That in Schedule A to the Bill, in Item 24(3), as proposed to be substituted, in the sixth column, for the words and figures 'Rs. 7-8 per lb.', the words and figures 'Rs. 9-6 per lb.' be substituted."

The motion was adopted.

The Honourable Shri K. C. Neogy: Sir, I move:

(i) "That in Schedule A to the Bill, in Item 75(1), as proposed to be substituted, in the fifth column, for the figures '44' the figures '54' be substituted."

(ii) "That in Schedule A to the Bill, in Item 84, as proposed to be substituted, in the fourth column, for the figures '60', the figures '75' be substituted."

Mr. Deputy Speaker: The question is:

(i) "That in Schedule A to the Bill, in Item 75(1), as proposed to be substituted, in the fifth column, for the figures '44', the figures '54' be substituted."

The motion was adopted.

Mr. Deputy Speaker: The question is:

(ii) "That in Schedule A to the Bill, in Item 84, as proposed to be substituted, in the fourth column, for the figures '60', the figures '75' be substituted."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That Schedule A, as amended, stand part of the Bill."

The motion was adopted.

Schedule A, as amended, was added to the Bill.

Schedules B and C were added to the Bill.

The Honourable Shri K. C. Neogy: Sir, I move:

"That in clause 1 of the Bill,—

(i) the word 'Second' be omitted; and

(ii) for the figures '1948', the figures '1949' be substituted."

These changes have become necessary because the Bill was originally intended to be considered by this House during the last session. It is a verbal amendment which has been necessitated by the fact that it could not be considered during the last session.

Mr. Deputy Speaker: Amendment moved:

"That in clause 1 of the Bill,—

(i) the word 'Second' be omitted; and

(ii) for the figures '1948', the figures '1949' be substituted."

Mr. Naziruddin Ahmad: May I suggest that these are drafting amendments which should be left to the Draftsman? They are so formal that they do not require to be moved at all.

Mr. Deputy Speaker: Anyhow, I have put one of the formal amendments of the honourable member to vote and this would now follow suit.

The question is:

"That in clause 1 of the Bill,—

(i) the word 'Second' be omitted; and

(ii) for the figures '1948', the figures '1949' be substituted."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri K. C. Neogy: Sir, I move:

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

Mr. Deputy Speaker: The question is:

"That the Bill, as amended be passed."

The motion was adopted.

PUBLIC COMPANIES (LIMITATION OF DIVIDENDS) BILL

The Honourable Dr. John Matthai (Minister for Finance): Sir, I move:

"That the Bill to limit the dividends which may be paid by Public Companies be taken into consideration."

I do not think, Sir, that it is necessary for me to explain in any detail the provisions of this Bill, because in the form of an Ordinance these provisions have been before the country now for some months and I think the House is generally familiar with the lines on which this particular restriction has been worked.

I should like, in the first instance, to point out—in view of the variety of amendments of which notice has been given—that the idea of limiting dividends in this manner was announced by us in the Statement of Policy that we issued on the 4th October last, and it was only on the 29th of October—that is, three weeks after the Statement of Policy was issued—that the Ordinance was enacted. During this interval of three weeks I received a large number of representations from the interests affected by this Ordinance suggesting the lines on which the limitation of dividends should be formulated and we took a great deal of care and went to great pains in order to see that the manner in which this principle was given effect to was such as would cause least detriment to the interests concerned, and I have some reason for thinking that after the Ordinance was issued there has been,

[Dr. John Matthai]

on the whole, only a relatively small amount of criticism, making allowance for the fact that some kind of limitation was called for and had to be put into force.

The main object with which Government decided to issue this Ordinance was to provide a certain anti-inflationary force in the country. To the extent that a measure for limiting dividends would restrict the flow of purchasing power into the hands of the community, it would be an anti-inflationary measure. That therefore was the primary purpose with which this Ordinance was introduced.

But we had also an incidental object in view, and that was that by a measure of this kind it would be possible to help industrial and business concerns to build up their internal finance, so that in view of the difficult conditions prevailing in the money market all reasonable expansion could be financed by funds built up by business concerns internally. The limit which is proposed for dividends in this Bill is either six per cent. on the paid-up capital or the average dividend distributed by the particular concern during the two years ending the 31st of March 1948, whichever happens to be higher. Practically, the way it works out is that existing concerns would generally pay whatever average dividend was distributed by the concern during the two-year period in question, but as far as the new businesses are concerned, they would be subject to a limitation of six per cent. on the paid-up capital. That is how it would work generally.

While that is the limit imposed upon dividends which may be distributed, this limitation is subject to certain qualifications. One is that if during the period in question, that is to say the two years ending the 31st of March 1948, any bonus shares have been distributed to shareholders, the amount distributed as bonus shares would not be taken into account in calculating the average dividend on the assumption—and I submit to the House that it is a sound assumption—that bonus shares are by and large distribution rather of capital than of profit.

The second qualification is that if, since March 1948, there has been any variation in the amount of the paid up capital of any particular concern, there is provision in the Bill for making a *pro rata* adjustment of the average amount of dividend, that is to say, the same rate as was payable on paid-up capital during this two-year period would be payable also on the additional paid-up capital. (Prof. N. G. Ranga: "That point is not quite clear.") If the paid up capital of a particular concern as distinct from bonus shares has been increased since the termination of this two-year period ending the 31st of March 1948, then the additional paid-up capital issue will be eligible for the same return as the paid-up capital which the Company held during the two-year period.

The third qualification is that as far as preference shares are concerned, provision is made in the Bill for the payment of whatever rate has been fixed in respect of preference shares, but all future preference shares issues would be subject to a limit of six per cent.

Sir, I have examined with some care the various amendments of which notice has been given and I find, on running through these various amendments, that there is a certain assumption which is not altogether correct. The assumption is in certain of these amendments, that this measure is a measure which fixes what may be called a "fair return on capital". This

measure is not intended to fix a fair return on capital. This measure is simply a disinflationary measure, that is to say, the principal point behind this measure is that there should be no increase in the amount of purchasing power that is likely to pass into the hands of the community in the form of distributed profits. There are certain amendments, for example, whose object appears to be to lower or raise the rate of six per cent. I would like to tell the House that amendments of that character are not relevant to the main and primary purpose of this measure.

I may also draw the attention of the House to the fact that this measure is an emergency measure. We are faced with difficult inflationary conditions. It is in order to meet this particular situation that this measure has been introduced. The duration of the measure, therefore, is restricted to the period ending 31st December 1950. It is not intended, that this measure would continue beyond that unless inflationary conditions also continue. That is to say, this measure is not going to be extended unless the conditions which called it into being persist. But it is not going to be renewed as a measure for embodying in the legislation of this country the principle of fixation of dividend limits.

There is one more feature of the Bill to which I should like to invite the attention of the House and that is that this Bill is applicable only to public companies. It is not applicable to private companies. I want to state quite briefly what the intention is behind this particular provision. It is perfectly true, looking at the problem from one point of view, that it is important in the case of private companies also, that profits should not be allowed to pass in any excessive measure into the hands of the community because, where profits of that kind are derived, whether from private companies or public companies, they would have the same effect as far as inflationary conditions are concerned. Also, it is perhaps of equal importance in the case of private companies that they should be helped to build up internal finance in the same way as public companies are expected to build up internal finance under these provisions. But there is a very important consideration in respect of private companies which we cannot overlook and that is: that under our Income-tax law, the major part of the profits of a private company is expected to be distributed as dividend in order that there may be no evasion of super-tax. If we introduce a limitation of the kind that we propose for public companies, the result is likely to be—from such experience as we have—evasion on a very extensive scale of payment of super-tax. It is for that reason that we have left private companies outside the scope of this measure. It is a question of balancing public interests from two points of view. And on a careful consideration of all the factors bearing upon this, we have come to the conclusion that the public interest would be better met by leaving private companies out of the scope of this measure. It is very difficult in the case of a measure of this kind to make exhaustive provisions for meeting all sorts of contingencies which may arise. As we examined the application of this measure and thought of the possible cases which may come under review in the implementation of this measure, we felt there were cases which were likely to occur for which it would not be possible in advance to make specific provision. In fact, various cases have come to our notice, since the Ordinance was issued, which it would not be possible to deal with on a fair, just and equitable basis in accordance with the strict letter of the Ordinance. Therefore we decided that, in order to make the administration of this Ordinance convenient and just, it would be necessary for Government to take power to grant exemptions in cases which present exceptional features. That therefore is one of the definite provisions in this Bill. I think I have summarised the scope and content of this measure.

[Dr. John Matthai.]

Since the Bill come before the House, I have received notices of quite a number of amendments seeking to modify important features of this Bill. And, apart from these amendments that I have received from honourable members, ever since the introduction of this Bill was announced, I have received representations from several quarters calling my attention to one feature or another of this Bill and asking that I should give special consideration to them. In view, therefore, of the criticisms which have been made in respect of the provisions of this Bill, I have come to the conclusion that it would be in the public interest not to rush the Bill through, but to give the House adequate opportunities for examining its provisions. Therefore, as far as I am concerned, if the House is inclined to accept the motion which has been given notice of by my friend Mr. Naziruddin Ahmad that the Bill be referred to a select committee, the Government would not stand in the way. Sir, I commend the Bill.

Mr. Deputy Speaker: Motion moved:

"That the Bill to limit the dividends which may be paid by public companies be taken into consideration."

Mr. Naziruddin Ahmad: (West Bengal: Muslim): I beg to move:

"That the Bill be referred to a Select Committee consisting of The Honourable Dr. John Matthai, Shri T. T. Krishnamachari, Shri M. Ananthasayanam Ayyangar, Shri Arun Chandra Guha, Shri B. P. Jhunjhunwala, Mr. Homi Mody, Shri Khandubhai K. Desai, Shri S. K. Patil, Shrimati G. Durgabai, Shri Biswanath Das, Shri L. Krishnaswami Bhargava, Shri Sita Ram S. Jajoo, Shri R. Sankar, Shri B. L. Sondhi and the Mover, with instructions to report by the 15th February 1949, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, the reasons for making this motion for sending the Bill to a select committee have been already furnished by the Honourable the Minister in charge of the Bill.

We have found that for some reason or other, or a combination of reasons, the investment market is completely stagnant. In fact it is very noticeable that very well-organised and well-supported flotations have not been subscribed to the extent they are expected to be subscribed. The result is that a good flotation even is not likely to be successful. I submit that industrialisation is largely dependent on the success of well-organized flotations. It is already the policy of the Government that it would proceed to nationalization of all the industries at once and for a long time to come private enterprise would be allowed to have full play. Taking all these into consideration it seems to follow that we should encourage flotations of companies so as to give full scope of employment of money. It is however felt in certain quarters that the investment market is controlled by the so called capitalists and there was a desire in certain quarters to book them and it was felt that if they could be controlled, the investment market would improve. But it seems to me there is a factor in the investment market, viz. the middle-class poor investors. It seems to me that their number is very large and capital from those quarters has become very shy. In spite of this Ordinance which is a very liberal Ordinance, capital is not coming into the market. Everybody is nervous as to what would happen. I do not want to go into the merits of these questions. In fact the dividend limitation to six per cent. is understood to give rise to certain misgivings. If we say, though even for a temporary period that the maximum dividend payable on flotations would be six per cent. you do not guarantee the minimum, so that the poor middle class investor will know that he will never get more than six per cent. but he does not know that his capital will be guaranteed. The risk of loss is very great but the chance of gain is not very decent. In view of the risks involved this limitation of dividend to six per cent. is a discouraging circumstance. Although it is tax-free as has been suggested, still the investor is a very cautious man and possibly not very courageous as in other fields.

I submit that these are matters which require and deserve careful consideration. In fact I believe the Finance Department was preparing figures as to how many middle-class investors are really shareholders in big companies. I believe if a census of that kind is made and published, it would throw some light as to how far the capitalists are controlling the markets and how far the middle-class investors play their part in that field. I submit these require careful consideration in the hands of the Select Committee.

With regard to the personnel of the Select Committee I submit that it represents the different sections of the House and I am given to understand that the names are acceptable to Government. If the proposal for Select Committee is acceptable and if the names are acceptable, I think the House would have the advantage of a full and detailed consideration of the various points arising so that the report of the Committee would rather help the House in coming to a proper conclusion. Though the term of the Bill is very limited, still it may have a psychological effect on the market and though it is anti-inflationary in intention, it has, as a practical effect, acted as a deterrent to people coming to the market. With these few words, I submit my motion and hope the House will accept it.

Mr. Deputy-Speaker: Amendment moved:

"That the Bill be referred to a Select Committee consisting of The Honourable Dr. John Matthai, Shri T. T. Krishnamachari, Shri M. Ananthasayanam Ayyangar, Shri Arun Chandra Guha, Shri B. P. Jhunjhunwala, Mr. Homi Mody, Shri Khandubhai K. Desai, Shri S. K. Patil, Shrimati G. Durgabai, Shri Biswanath Das, Shri L. Krishnaswami Bhargava, Shri Sita Ram S. Jajoo, Shri R. Sankar, Shri B. L. Sondhi, and the Mover, with instructions to report by the 15th February, 1949, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Both the consideration motion and the amendment are under consideration. It is open for discussion. Mr. Das.

Shri B. Das (Orissa: General): Sir, I support the motion. I do not wish to express any opinion about reference to the Select Committee. I do not think the time has come to discuss the bigger question that this House will have to face some day at a later stage. The first measure of socialisation was brought by the Minister of Works, Mines and Power and though my honourable friend the Finance Minister, I know, is not a socialist minded gentleman, I am glad he has brought the second Socialization Bill before this House. I Sir, had the misfortune to fight with you on the floor of this House and with my honourable friend Mr. Santhanam on the question of socialisation and nationalization. I now feel the time has come, inevitable circumstances compel my own Government to introduce socialistic measures and I accept it. I bow to it. Though my honourable friend informed that some of us have tabled amendments to lower the dividends, I think we need not give six per cent. and the Honourable the Finance Minister had forgotten the precedent that was laid down in the Electricity Act, 1948. There it has been laid down that in all utility concerns the basic earning should be five per cent. that means my honourable friend Mr. Mody will not get even five per cent. in his Electric shares and he will get only three and a half per cent. If that has been the desire of this House and we have agreed to it in the Electricity Act, let us go a step further and give five per cent. tax free and nothing more.

Sir a subject germane to this Bill under consideration arises in my mind. The Honourable the Finance Minister's predecessor told the House that he would introduce Bills to control gamblers—that means controlling Stock Exchanges of India. Nothing has been heard of it since March 1948. What has happened? We know of the panic which my honourable friend Mr. Naziruddin Ahmad referred to. All these are created by those gamblers in the Stock Exchanges which are not controlled by Government, who evade all taxes by certain system known as *badla* or something. My honourable friend Shri. Mody

[Shri B. Das.]

will describe it better because he knows it better. I do not understand it. However I think before we take the problem of socialisation and rationalisation which is bound to come, let us also try and control those panic-mongers—I mean those who control the Stock Exchanges in India.

A welcome feature of this Bill which I very much like is that it is going to control the Imperial Bank. Today and yesterday we have been discussing the inequity of tariffs and we talked of Imperial preferences. I am glad to be assured by my friend the Commerce Minister that the moment the House demands Imperial preference will be done away with. May I just ask him as a Member of the Cabinet, why the Cabinet has not brought forward a motion here, or in the other sovereign House to do away with Imperial preference?

Sir, this Imperial Bank of India has a sorry tale. When the Honourable Finance Minister's predecessor made his announcement last year, we all felt happy that we will not allow a few European employees of the Imperial Bank to boss over a very few old, old men of our capitalist society who happen to be the Directors of the Imperial Bank. But they were the Directors under the British regime, and they still continue under the regime of my own Finance Minister. And what happens? All the wealth of the Reserve Bank has to pass through the sieve of the Imperial Bank and the credit goes to the English men or the English subsidised companies or a few favourite companies. Sir, the story was gossipped last year that Pakistan was the bee in the bonnet. "How can we get out of it?" We were asked. My honourable friend the Finance Minister is a great economist and a great financier. Let him examine this question. Does the Pakistan branches of the Imperial Bank pay anything towards the huge rates that the Imperial Bank pays, something like sixteen per cent?

Mr. Homi Mody (Bombay: General): I think 14 per cent.

Shri B. Das: Think of the huge sums of money that are passing!

Mr. Homi Mody: But at to-day's market rate the dividend is only about four per cent.

Shri B. Das: But what about the heavy bonuses which have inflated the shares by ten times? Well, that is not the point I am on. The Imperial Bank takes all the credit and it does not develop or encourage Indian industries. If this had been clear last year, we would not have promoted that State owned company with a capital of ten crores, I mean the Industrial Banking Corporation. I remember his predecessor declaring that the shares of the Reserve Bank should be limited to 113 or so, and that they should not be gambled upon by the gambling dens in the various stock exchanges. But what has happened in the case of the Imperial Bank? Shares have been gambled because there was no standstill order. (**Prof. N. G. Ranga:** "Are they your bankers?") They are not my bankers, I may have an account with them.

My national government declared its intention of taking over the Imperial Bank from April, but they have only Europeanised that bank more and more. Here I have this well authenticated document which shows that the number of Europeans in the First Grade under that Bank has risen from 2 to 22 since April 1948. Their grades have been revised and also twenty appointments from lower-grade officials to higher grades have been made and they all are Europeans. Still people blithely talk here that we have got independence! Seven senior appointments on Rs. 2,500 have been made and their occupants confirmed. They all are Europeans. Sir, there are so many other items here, and I think I will hand over the whole paper to the Finance Minister so that the working of this Imperial Bank of alien swindlers, may be examined. Here

is another item—entertainment allowance of Rs. 400 granted to Europeans mostly. And then pensions are guaranteed by the revised rules, at the rate of 1s. 6d. and not at the current rates. Sir, this reminds me of the Sterling Balance Deputation on which my friend Shri T. T. Krishnamachari participated in London and where the Europeans proposed taking all their pensions from the Sterling Balance in one lump sum and U. K. debited our Sterling Balances to the tune of 200 millions.

Well, Sir, I am glad my Government has had the courage to bring down the Imperial Bank a peg down. But that is not enough. We have to remove all iniquities whether sanctioned by my own friends, the old industrialists or others. We should not be responsible for this kind of inflated staff, and when we do nationalise the Imperial Bank, every Englishman in its employ must go. Sir, I am sorry to say that since independence has been gained by India, no Englishman employed by India has been loyal. I make this declaration on my own experience. The experience of members of Government may be otherwise. But my experience has been and my information has been that no Englishman has been loyal to India, and the misfortunes that we have gone through since August 15th 1947 were engineered and abetted by Englishmen under our employ.

Sir, to a question put by my friend Shri Ananthasayanam Ayyangar the Finance Minister replied yesterday though it could not be replied on the floor of the House, that the Imperial Bank cannot be nationalised at present. But, Sir, if we are to exist as an independent nation, we have to see that the Imperial Bank is nationalised. It should not remain as the only scheduled bank that carries the wealth of the nation. The Reserve Bank is now the national bank and it should see that every scheduled bank carries the government resources and not a bank controlled by Europeans and managed by a few friends. Before the session expires, we must reach that conclusion.

Shri Khandubhai K. Desai (Bombay: General): Why all this reference to the Imperial bank? The shadow is too big for the picture.

Mr. Deputy Speaker: There is reference to the Imperial Bank in the Bill.

Shri B. Das: Mr. Desai has converted me and I have to-day advocated the policy of socialisation and nationalisation, but if he in his generosity wants not to socialise the Imperial Bank, well, then I will have nothing to say.

I do hope that the two objectives with which this Ordinance and this Bill were drafted, will be achieved. As regards combatting inflation, it is no use raising this issue here. A date will be fixed, I hope, when the Honourable the Finance Minister and his colleagues will account to us how they have combatted inflation and if I am to believe the statisticians of his Department responsible for the issue of the index prices, I find that the index price has gone up and it has not gone down. Rather it is three to four per cent. more than last year's, somewhere in the level of four hundred per cent.

As regards the finances available for industrial development, I think this will lead to the amendment of the Companies Act. When we amended the Insurance Act we compelled the insurance companies' managers to invest their money in government stocks and shares. They will have to introduce in the Companies Act some such clause, so that if the Managing Agents of the company do not utilise surplus dividend in the capital programme of industrial development, then all that money should be invested in stocks and shares of the Government of India and not be quietly sent away to Australia or England so that some nest can be built up for my capitalist friends to live there on retirement.

[Shri B. Das]

With these observations I welcome the Bill and I hope the Ministry of Finance will pay special attention to the points I have raised and will have them examined properly.

Shri Khandubhai K. Desai: I accord my very mild support to a very very mild measure to fight inflation. The Finance Minister requires some support, because he has been flooded, it appears, with a lot of representations from vested interests. I do not think there is any necessity of referring this emergency measure to Select Committee. If opposition and objections are raised against such a mild measure, I do not know what the vested interests will do when we will take stricter measures to fight inflation.

My friend, Mr. Das, took up a lot of time in discussing the Imperial Bank. Though the name Imperial Bank is mentioned, the Bill has very deliberately been devised in such a way that the Imperial Bank would not be affected at all. (Shri B. Das: "Oh, yes: six per cent. and not 14 per cent.!") It has been laid down that the dividend that can be paid at six per cent or the average of two years, whichever is higher. (Shri B. L. Sondhi: "It means 14!") So the Imperial Bank will be paying 14 per cent. according to this Bill. What I would suggest is that it should be 'whichever is lower' and not 'whichever is higher'. That is my suggestion to the Select Committee and if it is accepted, the Bank cannot pay more than 6 per cent.

Then there is another point—the interest of six per cent. is too high if the purpose is to fight inflation. The six per cent. may for the time being be considered adequate, for giving an impetus and an encouragement if you want to consider it in relation to expansion of industry. For any other purpose and particularly the present one, I think the rate is high enough and it should be four per cent. only on paid up capital.

My friend, Mr. Naziruddin Ahmed stated that capital is very shy, very coy, very nervous. As our Honourable the Prime Minister had an opportunity to say on some other occasion, if capital is so coy, so nervous and is not able to come out, or does not want to come out, it does not deserve any protection or assistance at our hands. It must die a natural death. Why should it require protection when it has no buoyancy, no cheer, no strength as the Prime Minister then stated. I do not believe that my friend, Mr. Naziruddin Ahmed, has got in mind the purpose of whittling down this Bill. If it is so, then I think the Honourable the Finance Minister should not have brought in this Bill at all. It is a very very mild dose to fight inflation and nobody should object to it. Even that is being objected to. (Prof. N. G. Ranga: "Whittle down!") I would like to know whether those who are interested in making only more money, are still desirous of making more profits, paying more dividends in order to keep up the high prices and inflation and starve the common man? If that is their policy, if that is what they want to bring about in this country, then woe betide them. Sir, I would very strongly urge that the Bill be passed into law here and now, as it is an emergency measure and I think it is the first of its kind in a series of other measures which will follow in order to see that the common man in the country does not suffer. If the prices are not brought down during the next three or four months, I do not know what is in store for us?

With these words, Sir, I give my support, with this reservation, that it should be only four per cent. and the words "whichever is higher" should be removed and it should be substituted by "whichever is lower" in clause 3(b) of the Bill.

Shri R. K. Sidhva: (C.P. and Berar: General): I was rather surprised at the concluding remarks of my honourable friend, the Finance Minister, to the effect that he would have no objection if the House agreed to Mr. Naziruddin Ahmed's amendment for sending this Bill to the Select Committee. He had

made out a very good case. I was very attentively listening to him and I agreed that this Ordinance which he promulgated was in the fitness of things one of the Bills that would really reduce inflation. We are all anxious to bring down prices and so is the Honourable the Finance Minister. He has made public statements to that regard. Therefore, I am the more surprised that he should agree to send this bill to Select Committee, unless it is the idea that dividends should be enhanced. There can be no other reason if he feels as he says he feels. He has said that he has received many representations. He was not prepared to disclose it. May I know what kind of representations they were which we are not entitled to know? This House is being asked to send this matter to the Select Committee and we must certainly know before we are asked to commit ourselves to a certain motion, unless it is in the public interest that we should not know. But that is not in the public interest. In moving the amendment Mr. Naziruddin Ahmad said.....

Shri Khandubhai K. Desai: He did not say it.

Shri R. K. Sidhva: He definitely said it.

Shri Khandubhai K. Desai: The Finance Minister never stated it.

Shri R. K. Sidhva: Mr. Naziruddin Ahmad definitely stated that no money is forthcoming because the dividend is limited to six per cent. He made no secret of it. He may be right as also those friends who hold similar views. But I would like to know the views of the Honourable the Finance Minister as to why he is inclined to send the Bill to the Select Committee. He simply left it to the House. That shows that he is inclined to make amendments. This is an emergent measure. He made an Ordinance.....

Mr. Deputy Speaker: The Ordinance will continue till the Bill is passed.

Shri R. K. Sidhva: My point is that when he promulgated the Ordinance these views were ignored. He honestly feels that this is one of the methods and if he feels strong enough why is he surrendering? (Shri Khandubhai K. Desai: "He is not surrendering.") I do not know what has happened to send this matter to the Select Committee. (An Honourable Member: "It is usual")

No. You are on the Select Committee and some of you want to have the dividends increased. I do not mean Mr. Khandubhai Desai. He was quite definite in supporting the measure. I wish him all success in the Select Committee. He said that he would not allow a single comma or full stop to be amended in this Bill. I wish him all success. I thought that before we dispersed for the day this Bill will be made into law. To my great surprise something seems to have developed and this Bill is going to the Select Committee. If the House is anxious to get it discussed in the Select Committee by all means have it. I might tell you that we consider this Bill from this angle *viz.*, the prices and inflation. You have no idea as to what people say about them. There is no idea as to how long you are going to give dearness allowance, and what amount. Leave aside the labourers the poor servants also legitimately claim it. Naturally they will say that the index prices are going up and with what face can we tell them that they are not entitled. We are devising measures to bring down the prices. I am not in favour of giving more dearness allowance. I am in favour of bringing down prices, so that automatically everybody will be benefited. Every man is affected by the inflation. So we are trying to bring down the dividends by this Bill but it is now going to the Select Committee. I would like to know from the Honourable Minister what his own personal views are on the matter. I will support him if he states them. I will not support Mr. Naziruddin Ahmed because he has made it clear that he is not satisfied with six per cent. The Honourable Minister has been a party to the promulgation of the Ordinance and I would like to know from him as to what he feels about the measure and what are his reasons for sending it to the Select Committee.

The Honourable Dr. John Matthai: I can very briefly reply to the point raised by my honourable friend Mr. Sidhva. My views and the views of my colleagues are set out in the Bill before the House but because I have a great deal of confidence in the judgment of honourable members I would like to have our views examined by them.

Prof. N. G. Ranga (Madras: General): Sir, the Honourable Dr. John Matthai has excelled himself by reeling out before us that these are his views and those of his colleagues and he stands by them and at the same time he is quite prepared to allow them to be whittled down. Therefore he takes the risk of sending this baby into the bottomless bath. He is really not doing himself any justice at all. From one end it is being said that this limit is rather too low and therefore it should be raised to seven or eight or nine. But from other end Dr. Matthai ought to remember there was the complaint that the average of the past two years profits, it was feared, would reach up to a figure which would be considerably higher than six per cent. and therefore it is expected that some of the big profit-making concerns like the Tatas would be able hereafter to distribute profits exceeding six per cent. Even when this distinction was made between the older and new concerns this advantage was kept in mind by those who were in power. I do not know how far it is true but that was being said and I think sometime ago a memorandum was submitted to Dr. Matthai, the private individual as distinct from Dr. Matthai, the Finance Minister, in which this particular fear was expressed. That is one complaint.

The second complaint is why should this distinction between new and old companies be drawn at all. Once you make this distinction you necessarily create lot of prejudices against old concerns in the minds of those of us who do not want any such distinction and you also create a sort of disadvantage for those new concerns which today to weather all sorts of risks, make a profit and at the end of it they find themselves discriminated as against older concerns with whom they have to compete. Therefore we are anxious that this discrimination should either be completely done away with or it should be minimised as far as possible.

Thirdly I am personally not in favour of sending this Bill to the Select Committee. As Mr. Sidhva put it so powerfully there are interests in the country which are watching very carefully as to how we are trying to tackle this menace of inflation. You have tried to tackle it with the peasants by bringing in controls, compulsory procurement of their food grains at controlled prices and by failing to supply them the various controlled commodities that they themselves are very badly in need of. You are also trying to prevent any rise in wages and dearness allowance. As you all know from various quarters demands are being put forward by different sections of workers on the plea that while you ask them to accept certain sacrifices in the name of deflationary policy of the Government you are not doing anything else at all.

Mr. Deputy Speaker: How long more does the honourable member wish to speak?

Prof. N. G. Ranga: I would take only a few minutes more.

Mr. Deputy Speaker: The honourable member can continue his speech day after tomorrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Thursday, the 3rd February, 1949

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES (PART II--PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Thursday, 3rd February, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-45 A. M.

COMMITTEE TO EXAMINE RULES OF PROCEDURE AND CONDUCT OF BUSINESS

Mr. Speaker: I might invite the attention of honourable members to the fact that a Committee was appointed by me last session to examine the Rules of Procedure and to suggest such amendments as the Committee might deem proper for the consideration of this House. It was then the idea that the Committee might meet sometime in the third week of January, that is last month. But we were unable to keep up to that timetable. Before I invite a meeting of the Committee and proceed to discuss the amendments that they might like to suggest, I would again remind honourable members that those who wish to make any suggestions may do so by about the 10th or 12th February. On the last occasion there was a time limit fixed; and suggestions were called up to the 1st November and some suggestions have been received. But as the Committee will now be meeting later, this will be another opportunity for honourable members to send in their suggestions on the Rules of Procedure if they so desire.

RESOLUTION RE COMMUNITY-WISE CENSUS OF ASSAM, WEST BENGAL AND EAST PUNJAB

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, I beg to move:

"This Assembly is of opinion that Government of India should take steps for taking census of the figures of population community-wise of the provinces of Assam, West Bengal and East Punjab so as to determine the number of seats to be allotted to each of these provinces and also to facilitate delimitation of constituencies thereof."

There is nothing new in this resolution. A resolution of a similar nature was ballotted in the last Budget Session which stood in the name of my honourable friend Mr. Basanta Kumar Das and it read as follows:

"This Assembly is of opinion that census be taken as early as possible with a view to utilising its results for the purpose of elections to be held under the New Constitution that will be framed by the Constituent Assembly and having reliable statistics for nation-building work."

[Srijut Rohini Kumar Chaudhuri]

This resolution was not moved at that time. A short notice question was, however, answered on the floor of this House and the question was put by the same honourable member, Mr. Basanta Kumar Das and it ran as follows:

"Will Government please state:

Whether Government propose to take a census earlier than the decennial census due in 1951 with a view to utilising its results in the elections to be held according to the New Constitution to be framed by the Constituent Assembly?

If the answer to the first part be in the negative, do Government propose to consider the desirability of having a special enumeration of the population of East Punjab and West Bengal before the next elections to the legislatures are held?"

The Honourable Deputy Minister's reply to the first part of the question was in the negative and to the latter part of the question he said:

"It is proposed to undertake some preliminary operations which are likely to be helpful in the preparation of electoral rolls. The question requires careful consideration in consultation with the provincial governments which have been approached."

This was the reply given in the last Budget Session and I presume that some steps have already been taken in the matter. The only addition that I have made to this resolution is to include the province of Assam along with West Bengal and East Punjab. Also I have stated in my resolution that the figures may be taken community-wise for obvious reasons, because I would like those figures to be ready for the purpose of holding the elections under the new constitution.

Since then the matter has been discussed in the constitution-making body of the Constituent Assembly. At first an amendment was moved by my friend Mr. Naziruddin Ahmad and thus the ball was set rolling. Afterwards my honourable friend Pandit Thakur Das Bhargava brought forward a specific amendment seeking to have a new census at least in the provinces of West Bengal and East Punjab. Of course as usual Assam was not mentioned in that resolution. My honourable friend Dr. Ambedkar in replying to that amendment, which was ultimately accepted by the House, said that he would ask the Government of India to take some measures in this behalf. He promised to speak about Assam in his speech but by the time he came to the end of it Assam entirely slipped out of his memory. So the position has become urgent in view of a direction which has been given by the Constituent Assembly to hold the next elections now under the new constitution as early as possible in the year 1950 and therefore it has become necessary to bring this matter to the pointed notice of the Government.

So far as Assam is concerned the census of 1941 proved very unsatisfactory: firstly in view of the fact that in 1941 the world war was almost at the gates of that province and secondly, the whole census figures and the subsequent compilation were done haphazardly. Furthermore, in view of the fact that a large number of East Bengal refugees have taken shelter in Assam, of which we have no correct figures, the whole arrangement so far as communities are concerned will be very different from what it was in the old census figures.

As regards East Punjab it is well known to the House that a large number of Muslim inhabitants of that province had migrated to West Punjab and correspondingly a much larger non-Muslim population have migrated to East Punjab. So if a new census is not taken the result will be that the Muslim population in East Punjab will get much more seats than they will be entitled to on the population basis and the non-Muslim population of East Punjab will get much less number of seats than they are entitled to get according to population figures. The same argument applies to West Bengal.

Pandit Lakshmi Kanta Maitra in speaking about this amendment in the other House said that the West Bengal Census was very unsatisfactory so far

as the non-Muslim population was concerned, because power was at that time in the hands of Muslims and the census was practically carried out to satisfy the party in power in the province. So taking every thing into consideration it is highly desirable that the census of the population should be taken as early as possible and no time should be lost in doing it. I have seen suggestions made by certain Members of this House that there should be some verbal alterations in my resolution. My honourable friend Pandit Thakur Das Bhargava suggested the insertion of the article 'the' in some places. I have no objection to put in the article as he suggests. He also suggested that the words 'figures of population' should be dropped. I have no objection to that also. But what I would like the House to carefully consider is whether we should accept the suggestion which has been made that if census is not practicable some other method ought to be found in order to carry out the desired objective. I first of all question why it should not be practicable to hold a census for the purpose of this election. Here it is not necessary to find out how many men there are and how many women there are because all would come under the category of 'adults'. All that we need is information about the adult population and the community to which a particular person belongs. I submit that can be very easily and quickly done since according to the reply which was given to the short notice question some steps must have already been taken. Furthermore, I might remind the House that a Bill was sought to be moved by my honourable friend the Minister in charge of Relief and Rehabilitation last year, but he did not proceed with that Bill, and I have it on his authority that he has been able to complete the census of the figures of refugees in all the Provinces without any resort to legal measures. If that is correct and if the census of the refugee population has been already properly and correctly taken there should be no difficulty in having a census for the purpose of this election. In census I know that you have got to describe a person's occupation, the caste, exact age and so forth. We need not have all those details for the purpose of the election. They may be done subsequently while they are doing the compilation. All that we need now is the exact population and the community to which these people belong in these three Provinces. Sir, I hope the Honourable the Deputy Prime Minister will agree to accept this resolution. If not, I am sure he will be able to enlighten us and show a better and quicker device whereby the object of this resolution can be carried out.

It is needless for me to say that the entire House or the entire country is in sympathy with the object of this resolution, namely that there should be proper allocation of seats, there should not be any prejudice done to any community so that at the time when we usher in fresh elections we can join there with a cheerful and clear mind and not labour under any sense of grievance that our population were not properly taken into account. Sir, I move.

Mr. Speaker: Resolution moved:

"This Assembly is of opinion that Government of India should take steps for taking census of the figures of population community-wise of the provinces of Assam, West Bengal and East Punjab so as to determine the number of seats to be allotted to each of these provinces and also facilitate delimitation of constituencies thereof."

The Honourable Sardar Vallabhbhai Patel (Minister for Home Affairs and the States): Sir, I wish to assure the House, and more especially the representatives of the three Provinces affected, that no one is more anxious than the Government to ensure that the distribution of constituencies and of the seats between the general and reserved categories proceeds on a sound and statistical basis. Government are also equally keen that elections under the New Constitution take place as early as possible. I would, however, like honourable members to realize and appreciate

[Sardar Vallabhbhai Patel]

the position and the difficulties involved in the task, and not to rush hastily to conclusions in favour of one or the other alternative in this matter. Honourable members may probably be aware that with a view to making preparations for holding early elections as soon as the Constitution is passed by the Constituent Assembly, Government have issued instructions as early as March last to all the Provinces to take steps for the preparation of the electoral rolls in their respective Provinces. With reference to the position in the Provinces we find that the electoral rolls in some Provinces are completed, and on examining these rolls we find that the adult population as brought on the rolls is about 50 per cent. of the population as registered in the 1941 census. On this basis we can compute the percentage of the various communities in the total population or apply reservations on the basis of proportion in the electoral rolls. That is one way of solving this difficulty.

I shall now turn to the alternative suggested in the resolution moved by the Honourable Member, namely of taking the census. Our calculation is that we will take about one year or more to print the slips and to train the enumerators for the purpose of taking the census. Then we have to complete the numbering of the houses before we can proceed to the enumeration and the recording of necessary details. In none of these three Provinces has administrative action proceeded any step towards making numbering of houses, possible in the near future. We have also to realize that the whole administrative fabric of the Provinces affected has been seriously damaged as a result of partition. The administrations of these provinces are engaged in setting right their own administrative machine, apart from their being engaged in the serious problems resulting from the aftermath of partition. They have still to deal with a large number of refugee rehabilitation problems and other questions of similar importance resulting from partition. If we now start administrative action or direct them to take administrative action in regard to census, it will easily take us near enough to the normal census of 1951 and would be an unnecessary duplication. In these circumstances, I fear I must request the House to reject this alternative.

Now, I come to the other alternative—the sampling system. No sampling system can be relied on for accurate results to the same extent as the actual counting of heads. We can achieve a fairly reasonable approximation to strict accuracy, but sampling must be based on satisfactory ground units, which again require correct house numbering. The fundamental of a sound sample is the possibility theory, which means that every item in the universe—which is a technical word—must have a chance of entering in the sample. The only other possible unit is a village. We asked the three provinces to give us a numbered lay-out of their areas, districts, tehsils within the districts, and the villages within the tehsils, but the work has not progressed beyond districts. Other possibilities of area sampling could be devised, but they would be intricate and again would require careful costing, conduct and check. Results from sampling would have to be scrutinised in the light of fuller records before we can say anything certain about the accuracy. In all these circumstances, I personally am inclined in favour of accepting the basis which is practicable and comparatively easy, namely, electoral rolls to which I have already referred in the earlier part of my speech.

There is another method suggested, namely, that of taking the ration cards. This, however, is very imperfect and perhaps very inaccurate and therefore we cannot safely rely upon ration cards. But I would be prepared to examine the possibilities of sampling and we would try to see what other method could be devised to meet the requirements of the case.

FAILURE OF GROW MORE FOOD CAMPAIGN AND SERVING OF RICE IN NON-VEGETARIAN HOTELS 111

I can assure the Honourable Mover of the Resolution and the representatives of the Provinces affected that we shall explore all possibilities of bringing about a proper distribution and allocation of seats and a proper basing of the constituencies on a statistical basis. We are not in a position to commit ourselves to any specific method. All methods will be properly scrutinised and examined and everything possible will be done to arrive at a proper conclusion which would be fair to all concerned. There would be no injustice caused to any community concerned or to any area concerned. I therefore request the Honourable Mover to withdraw his Resolution and take the assurance of the Government to do everything possible in this matter.

Srijut Rohini Kumar Chaudhuri: Sir, people in my province as well as the other two provinces will be grateful for the assurance given by the Honourable the Deputy Prime Minister, and I beg leave of the House to withdraw my Resolution.

Shri Deshbandhu Gupta (Delhi): Before you put the motion, Sir, may I draw the attention of the Honourable the Deputy Prime Minister to the fact that when he considers other areas, he may also consider Delhi, because Delhi is equally affected in this respect as the population of Delhi has gone up by about five lakhs only on account of refugees' influx. I hope he will bear it in mind and Delhi will also be included in the list of provinces the ascertainment of whose population he may be thinking of.

The Honourable Sardar Vallabhbhai Patel: Certainly, Sir, Delhi is one of the most affected areas.

Shri R. K. Sidhva (C. P. and Berar: General): May I also submit that as far as Sindhis are concerned, there are about four and a half lakhs of them in Bombay and according to the Constitution which is going to be passed they would be entitled to four seats. Punjabis have got at least some portion of Punjab; Bengalis have got some portion at least of Bengal; Sindhis have lost their cultural language absolutely; they have no place, and therefore while Assam is being considered for two lakhs of people, I hope the Honourable the Deputy Prime Minister will bear in mind the four and a half lakhs of Sindhis and add also the province of Bombay.

The Honourable Sardar Vallabhbhai Patel: While I have great sympathy for the honourable member's views, I am afraid there is no province of Sind in any of the constituencies in the census.

Mr. Speaker: The honourable member wishes to have leave of the House to withdraw. Has he the leave?

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

RESOLUTIONS RE (i) FAILURE OF GROW MORE FOOD CAMPAIGN (ii) SERVING OF RICE IN NON-VEGETARIAN HOTELS.

Dr. Mono Mohan Das (West Bengal: General): I beg to move:

"This Assembly is of opinion that Government should appoint a committee to investigate the reasons leading to the failure of the 'grow more food campaign', to ascertain the defects in our organisation for planning and executing programme of increasing food production and to make recommendations for improvement of the organisations and to outline an immediate programme."

The most difficult and dominating problem that our National Government has got to face today is how to feed the teeming millions of India. It is a problem of ever-increasing magnitude for the simple reason that every day, every month, every year, our population is increasing by leaps and bounds.

[Dr. Mono Mohan Das]

The British official statistics show that the population of India increased from 338 million in 1931 to 388 million in 1941—an increase of 50 million, that is, five crores of people. It means, Sir, five crores more mouths to feed and five crores more bodies to clothe and shelter. The sponsors of the Grow More Food Campaign would have done better had they added a few words more to their slogan. The words to be added are, I think, "Produce less children", so that the complete slogan will be "Grow more food and produce less children".

The scarcity of food that is prevailing in our country today may be ascribed to four principal causes. First, the rate of increase in our food production is not able to keep pace with the rate of increase in our population. Secondly, West Punjab and Sind—the two surplus provinces where the irrigation system is very near to perfection and where agriculture is completely free from the vagaries of nature—have gone out of the Indian Union leaving behind a large percentage of their population in this country. Thirdly, Burma, Malaya and other neighbouring countries which provided our sources of supply of rice at a cheap price, in pre-war days, are not in a position now to supply us the requisite amount of our food grains for reasons best known to everybody. Fourthly, Sir, with the advent of freedom the conditions of the poor people of our country have improved and the half-starved millions of our country are now getting not only more food, but better food. Large sections of the people who formerly used to live on millets, jowar, bajra, and other similar kinds of food grains are now demanding rice and wheat and to my great satisfaction, I may say, Sir, that they are getting it to a large extent. It must be said to the great credit of our National Government that if our National Government have failed in so many spheres, if our National Government have failed to give us so many boons, so many blessings of freedom that the people of other countries enjoy, our National Government have at least been able to improve the condition of the under-dog, the poor masses of the country.

Whatever may be the reasons, Sir, for the food shortage that we find in our country to-day, nobody can deny, Sir, that this food shortage if not tackled properly will cause great hardships. This problem of food shortage, which appeared at first to be a temporary one has proved to be a permanent problem and if we cannot solve it now and if we go on buying food grains from abroad worth crores of rupees every year, there is no doubt, Sir, that it will lead within a very short time to very deplorable consequences. The present Government of the country as well as its predecessor Government have been leading this campaign of 'Grow More Food' for more than eight years, but in spite of that, we find today that 200 crores of rupees have silently slipped into the treasuries of foreign countries from our national exchequer.

Sir, for the next year or two, what our Honourable Food Minister's Department tells us is not at all encouraging. Though our Government has made arrangements for import of 40 lakh tons of foodgrains from abroad, our food position during the next year is not going to be very happy. The object behind my Resolution is not an attempt to find fault with our Honourable the Food Minister's Department, because we know under what great handicaps he has achieved quite a commendable amount of success in this direction. Without any sufficient heavy machinery, he has brought under the plough more than four lakhs of acres of fallow land and has been able to produce lakhs of tons of more food than in the previous years. What my resolution aims at is to place before the House the great urgency and importance in this matter and the Herculean efforts that this problem demands for its solution. No one can say that our Grow More Food Campaign has achieved nothing, but the success, which has been achieved by this Campaign is far below the mark and is far below our requirements. The success achieved by the Government in these

directions is inadequate, is insufficient to cope with the situation. Therefore, Sir, tremendous efforts must be made by the Government after due deliberation and planning by the experts on modern scientific lines, so that India, the land of our birth may become self-sufficient within the shortest possible time and so that our Food Minister will not have to go from one country to the other with a begging bowl in his hand.

It is true, Sir, that much depends upon the completion of the huge multi-purpose schemes like the Damodar Valley Corporation, the Tungabhadra Project, the Hirakud Dam and other similar projects, but these are all long term irrigation projects and they are not going to help us in our present difficulties and some of them will take at least ten years to be completed. We must look, Sir, to the short term irrigation works for immediate results. We must look to the proper manuring of our fields; we must look to the proper qualities of our seeds we sow and we must equip ourselves in every possible way to fight the vagaries of nature, which often play a havoc in the agriculture of this country.

There is one point more which I beg to mention here, Sir. Some of our Provincial Governments have imposed agricultural Income-tax. This agricultural income-tax is quite justifiable in the case of farms which employ labour and in the case of people who take agriculture as a profitable business, but to the millions of peasants and cultivators of moderate means, this tax is nothing but a burden and it prevents them from making an all-out effort to produce more food. We tell the people, Sir, to grow more food and when they grow more, we impose a tax upon them. I do not find any sense in it. We cannot create an urge in the hearts of the people, we cannot create any enthusiasm, we cannot exhort the people to produce more by telling them: "Grow more food and pay more taxes." So, I think, Sir, this agricultural income-tax has a very great crippling effect on the efforts of the middle-class peasants to grow more food. If we want to increase our food production honestly and effectively, we must devise some means by which we can relax the grip of the agricultural income-tax upon the cultivators and peasants of moderate and poor means, who form the bulk of the agricultural community in India. With these words, Sir, I beg to place my Resolution before the House for consideration.

Mr. Speaker: Resolution moved:

"This Assembly is of opinion that Government should appoint a Committee to investigate the reasons leading to the failure of the 'grow more food campaign', to ascertain the defects in our organisation for planning and executing programme of increasing food production and to make recommendations for improvement of the organisations and to outline an immediate programme."

I find that there is another Resolution standing in the name of Mr. R. K. Sidhva, which deals with an allied subject. Perhaps some of the ground will be common; so that may be moved and then the amendments might be moved, and then we will proceed with the discussion. I think it will be better that after this resolution and amendments are moved, and if the Honourable Minister is so inclined, he should make a statement, so that the House will be in possession of facts to proceed with the debate.

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

"This Assembly is of opinion that with a view to minimise the import of cereals from foreign countries, steps be taken to issue orders on hotels, restaurants, messes, and public boarding houses which cater for non-vegetarian food, preventing them from serving rice to occupants, guests and visitors."

Mr. Speaker: After this, the amendments also might now be moved only without speeches. Then the Honourable the Food Minister will make a statement.

Shri R. K. Sidhva: My submission is this. The Honourable Minister will take a long time and we would like to express our views and he should give his view at the end of all the speeches.

Mr. Speaker: The Honourable Minister will have a chance of speaking twice. He will intervene in the debate and give the position of Government over the contents of the Resolution and the honourable members then, being in possession of the facts on which the Government is proceeding, perhaps might be in a better position to discuss.

Shri L. Krishnaswami Bharathi (Madras: General): That is so; we welcome that suggestion.

Shri M. Tirumala Rao (Madras: General): Will an honourable member have the right to speak twice?

Mr. Speaker: The rules are very clear on the point. If the honourable member refers to the rules, he will raise no difficulties. As for the honourable member Mr. Sidhva, if he is anxious to speak before the Honourable the Food Minister intervenes, I shall have no objection at all.

The Honourable Shri Jairamdas Doulatram (Minister for Food and Agriculture): I would like to speak after the movers of the resolution and the amendments have made their speeches.

Mr. Speaker: That would be to the advantage of the Honourable the Food Minister; but the difficulty is this. These gentlemen will have no other chance to speak after they have heard the Honourable the Food Minister; while, on the other hand, he will have the right of replying to the whole debate. I am however entirely in the hands of the House and the Honourable Food Minister.

The Honourable Shri Jairamdas Doulatram: I leave it to you, Sir.

Mr. Speaker: I think instead of the movers of the amendments, the movers of the resolution might speak.

Shri R. K. Sidhva: Sir, my resolution is a simple and practicable one. I have submitted a very restricted resolution so that there may not be any difficulty in its acceptance to the Honourable the Food Minister and putting it into practice.

Sir, I have tried to find out what will be the saying on this account. I of people who are popularly known as non-vegetarians and who take meat, fish and eggs, rice should not be supplied. It is an admitted fact, that meat, fish and eggs contain a larger proportion of protein than vegetable food and it is scientifically accepted that the protein content in one egg is equal to the protein content in one pound of milk. There is protein in milk and butter; but you will kindly see the difference between the protein content of one egg and the protein content of one pound of milk. Therefore, those who take this class of food will not have any complaint to make that they will be deficient in vitamins or protein if they are not supplied rice in those hotels. I have restricted this resolution to hotels which serve non-vegetarian food; hotels which serve vegetarian food should be entitled to the supply of rice as in the ordinary course.

Sir, I have tried to find out what will be the saving on this account. I must admit that I am not in a position to give any correct figure, because it is nowhere available. I have tried myself to calculate figures from the 1931

census, because the 1941 census does not contain anything about hotels etc, and I have come to the conclusion that—it may be an over-estimate, it may be an under-estimate—in one year, we shall be saving something like nearly two and three fourths lakhs tons of rice of the value of two crores of rupees. It may be a very small sum as compared with the value of the total imports, namely 130 crores of Rupees; but 130 crores is the value of all cereals. We have to make some start somewhere. Who is to make that start? Why should not we, who take this class of food? If we are not prepared to do that, let me tell you we shall not be in a position to do anything, in the near future.

An argument may be advanced, and I am prepared to accept that argument, that an average person, if he takes meat, fish and eggs as a substitute for rice, does not feel that his appetite is fulfilled; for, rice is such a kind of food that although it contains very little vitamin, still when a person takes it, he feels that his appetite is satisfied. There is no doubt about that. But, I would submit that the upper middle classes or the middle class people who generally take non-vegetarian food should confine to this food and the lower class people should be allowed to eat rice because they cannot get any other substitute, and even if you give bananas or tapioca or any other thing, they will not be satisfied unless you give them rice. Therefore, I admit that that class of people who will not be satisfied that they are free from hunger unless they get rice, should be allowed to have rice. A start has to be made somewhere. If anybody has got a better solution, I have no objection. If anybody can make a start anywhere else, I have no objection. Only I want that some start should be made. A saving of two and three fourths lakhs of tons of the value of two crores of rupees is a good start, and if a start could be made through this legislature by an order, I can assuredly say that it will have a direct effect upon the country.

In this matter, I would like to cite the suggestions made by the Food Grains Policy Committee appointed by this Government. They have made an observation not only an observation, but stated that this matter of alternative and supplementary food stuffs requires the serious consideration of the Government. I will read for the benefit of the House the whole of the paragraph which is very small so that the House may know what this Committee has felt in this matter

"Though there is no specific mention in our terms of reference, we believe that the whole question of production, prices, distribution and consumption of supplementary foods is closely related to the problem of meeting the shortage in cereals. The first suggestion is that arrangement should be instituted for ensuring that some part of the cereal ration is surrendered by a consumer who buys meat in proportion to the quantity of meat purchased by him. The purpose underlying this suggestion is to secure a greater equality among consumers and to save cereals. It has not been possible for us within the short time at our disposal to examine the suggestion in detail, particularly as regards the nature of the arrangements which will have to be made, their feasibility and the amount of cereals likely to be saved. We commend the suggestions to the provincial Governments for their examination with reference to these aspects".

This is signed by Messrs Purshotamdas Thakurdas, Birla, Sri Ram, Ram Manohar Lohia—I am reading all the names for the benefit of the House so that they may know the members who were of this view—Phool Singh, Dip Narain Sinha, Hossain Imam, Babu Purshotam, R. L. Gupta, S. Y. Krishnaswami, Sethi, R. A. Gopalaswami (*An Honourable Member*: "All wheat eaters; there are no rice eaters.") I do not know whether they are rice eaters or wheat eaters. I am only putting forward the propositions of the Committee.

Then, Sir, it is recommended by them in their final report as well that this matter does require consideration of the Provincial Governments. I do not know what steps have been taken by our Government to consider this recommendation which I have just now read. I do not know whether Provincial Governments ever considered this matter. It is really a year ago that this

[Shri R. K. Sidhva]

recommendation was made and we would like to know from the Honourable Minister as to whether any steps have been taken or he has simply ignored this matter because it is a very small matter which is not going to give any requisite benefit. But as I stated that unless Government makes up its mind and makes a start and not merely depend on a long term policy, they are not going to do anything in the near future and continue to import large quantities of cereals as they have been doing year to year. Every year I have noticed that instead of curtailing the quantity of import of foreign food grains, they are increasing. I would like to state that we are importing this year 28.4 lakh of tons valued at Rs. 130 crores and after payment of this, we are going to lose 30 crores after recovering from the sale of this wheat. We are going to lose a substantial sum of public money of 30 crores. Last year it was 23 crores. You can see that every year we are losing more and in 1949—The Honourable Minister has supplied us statements this morning at 9 and I doubt whether any member could have had time to study and the Minister knows very well that the subject was going to come up and so he could have supplied us earlier—and that is not fair. His Department is an efficient Department as I am told and I don't understand why this information is not supplied to the Members in time—I had a cursory glance at this statement that has been supplied and some of them is useful and some require study and some require to be questioned and I have no time even to question from his Ministry for want of time. The Agriculture Ministry has no agriculture of its own barring some lands in Delhi and Ajmer-Merwara as the Provincial Governments have. Still they are spending 2 crores of rupees as against 58 lakhs of rupees in 1939. Can you understand a Department which has no land of its own, for the purpose of research and guidance to provincial governments is spending four times more than what it used to do before the war. May I know whether the Honourable Minister has given any consideration to this matter. I do not want to request that there should be retrenchment in this Department just now but I say the expenses are piling up for the purpose of guiding the provincial governments as to what should be the right steps. What I say is beyond calling every month—as I read in the newspapers—Conferences of Ministers and Secretaries from various provinces, the Members are not enlightened as to what are the practical results of these Conferences. Direct approach, I admit, is a good thing. I myself advocate it rather than sending circulars and letters but what are the results of direct approach. The other day I asked in my question the result of these approaches and I admit the reply was not satisfactory. I put a supplementary question as to whether the Honourable Minister has any short-term policy in view and to my great surprise, the reply was: "There can be no short term plan to make up a very large deficit". I am very astonished to hear from the Honourable Minister that there cannot be a short term policy. He ought to understand what we meant by short term policy—the sinking of wells, supply of manures so that food can be grown more. The short term policy is discussed in this Report of the Policy Committee and the Mover of the Resolution also just now stated and Government has also stated the short term policy but the Honourable Minister tells me that there cannot be a short term policy. Now with that angle of vision, how can an improvement be made? I quite appreciate that agriculture is a provincial subject and therefore there may be many handicaps for the Ministry to go ahead as they like to do but it is not made clear to us what they are doing day to day beyond giving some views, somewhat indirectly official news and some like direct official news in the newspapers. It is true as the Honourable Minister only last week stated in a public statement that due to loss of Sind and Punjab which is the best irrigated place, 60 per cent of our supply has been lost. But is that to be told after 18 months of partition. This was known

when partition took place and why that argument is put before the public now. What have they done during 18 months that is what we want to know. It is no consolation to anybody to state that Punjab and Sind were the best irrigated provinces and all the world knows that we have lost it. I know the five year schemes that are being prepared. It is a large scheme and we all want that the Government should go ahead with these schemes whatever the economic condition of the country because the schemes which have been passed, when they are completed, I am confident that we shall be self-sufficient in our food grains but that will not be for nearly ten years to come. But within ten years my object and the object of everyone in this House is to stop this import from foreign countries. That is the main point. Every year due to acts of Nature as it has been shown to us, unfavourable monsoon or many other factors over which we have no control, this will go on. Where is the harm in the cultivable area where they have cultivated—from the statement that has been given to us—by sinking more wells and tube-wells or surface wells to increase the crops of whatever nature which is eatable, wheat, gram, rice, barley, Jawar, etc. We are not informed about that. There are detailed figures of importation and also of production but what we want is during the last two years how many areas have been cultivated, in what part, freshly virgin soil. How much new fresh crops have been grown from that? Let us have a statement from which we can at a glance say what has been produced and a comparative statement to give us an idea that really something substantial has been done by this Ministry in conjunction with the Provincial Governments. Then we shall be able to know which Government has failed to carry out the instructions from the Centre. We are giving grants to the Provincial Governments and even then I do not think the results are satisfactory. Considering all these factors, I would suggest to the Honourable Minister to leave the long-term schemes to themselves. They will take their natural course and although they may be of five years, their actual benefits will not be felt till about ten years hence. Let him therefore, concentrate his attention on the short-term policy. He must be able to see what is being done. I want the Government of India to say that within six months this part of a certain land will be cultivated, that certain number of wells will be sunk and that so much crops will be produced. If that line of action is taken by the Ministry, I am positively certain that the Provincial Governments will respond and if they have any difficulty in that respect they will present it to the Honourable Minister.

I hope I am making healthy remarks and criticisms. Let me state that while I am making strong comments, the Honourable Minister must not take them adversely. I am doing in for the good of the country. He is in charge of the portfolio. I am also responsible to the people and I do submit that when I make these remarks he should take it in the same spirit in which I am making them and that he will not believe that I am criticising simply for the sake of criticising. That has not been my habit in life. When I criticise I do so with the best of intentions and it is healthy criticism.

Mr. Speaker: The honourable member has almost reached his time limit.

Shri R. K. Sidhva: I have thirty minutes!

Mr. Speaker: Yes, the thirty minutes are almost up!

Shri R. K. Sidhva: Then with regard to the long-term period, I think Government should come to a decision that in such and such a year there shall not be any foreign import. Today the Provincial Governments are encouraged despite all the help we give them. They say the Centre is coming to our rescue and it is an All-India matter. The Government of India cannot afford to see our people die and there is no point by trying to frighten people in the name of death. But the Government must make a declaration. Let Provincial Gov-

[Shri R. K. Sidhva]

ernments be told that from 1950 or 1951 there shall be no importation of foreign food grains. If for the purpose of grow more food campaign monetary help is needed, let them have it from the loss of Rs. 30 crores every year sustained by us. If we build up our own production it will be a national wealth for all time to come. There is no drive and no enthusiasm about this matter. The Provincial Governments are adopting the attitude of:

"Chalnedeo, chalta hail"

when the war was on the same secretariat functioned and even things that could not be produced before were produced in a twinkling of an eye. That same staff is there. Why cannot they do now what was done then? It is a shame to us to have to import food grains when there are crores of waste-lands and there are refugees and unemployment is there. Why is it that we must have always to run to foreign countries? We must tell the officials that they must change their outlook because the national wealth is being lost.

What is happening with regard to the foreign imported goods? Nearly two per cent. of the total amount goes towards the loss in weight of these food grains. In the Standing Committee, according to my own calculation I pointed out that this loss comes to nearly rupees two crores. But the Honourable Minister in the Food Standing Committee has accepted the amount of rupees one crore as the loss of food. In other words, they are paid for full weight whereas actually we get much less in weight of food grains. According to my estimates, we lose about 4½ per cent. in weight for rice; according to the Food Ministry it is three per cent. The Ministry are aware of this situation but they say that they are helpless because the country badly wants rice and hence we have to surrender to these defrauding methods. Can we bear this any more?

May I submit with all humility to the Honourable Minister that does he not feel about it that this money is being stolen from us and consolation is taken that because we want food, we have no alternative. But this is a serious matter. I will not at the moment go into the figures supplied by the Honourable Minister. I shall however ask him to look into it and get the Government to fix a dead line and also to see that the short term plan is taken up.

Now about the amendment of Srijut Rohini Kumar Chaudhuri. He says that "more than one pound per diem of" he inserted after the word "serving" in my motion. That is to say that in the hotel if the man wants less than one pound, he may be given rice. If this amendment is accepted it would nullify the very object of my resolution. My friend contends "How can I eat fish without rice?" But we have to make a little sacrifice. I eat fish curry with bread and that has a good taste.

Srijut Rohini Kumar Chaudhuri (Assam: General): May I ask if the honourable Mover has ever taken rice and fish curry together?

Shri R. K. Sidhva: In my young days it was my cherished dish. I am not taking rice now. Well, he is not being generous enough when he gets fish not to allow more rice to those who are not getting fish. My friend Shri Brajeshwar Prasad says that wheat must be added. I will straightaway accept the amendment but I wanted to be cautious. If House is going to restrict both wheat and rice for non-vegetarian in the hotel I shall have no objection.

I may say that during the war one of the largest hotels in India, the Taj Mahal Hotel, rarely supplied any bread. They supplied boiled potatoes instead and nobody complained. This was done for four years. We should try and understand these things and not say that because we have a taste for a particular thing we must have it. Then why say to the world that we are going to do something when we are not prepared to make the sacrifice ourselves.

Mr. Speaker: Resolution moved:

"This Assembly is of opinion that with a view to minimise the import of cereals from foreign countries, steps be taken to issue orders on hotels, restaurants, messes and public boarding houses which cater for non-vegetarian food, preventing them from serving rice to occupants, guests and visitors."

Now I will call upon the various Members who have tabled amendments to move them if they so choose.

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

"That in the Resolution moved by Dr. Mono Mohan Das, for all the words occurring after the words 'Government should' the following be substituted:

'among other matters as a part of the 'grow more food campaign' take immediate steps—

- (1) to bring home to every cultivator and land-owner that it is their patriotic duty of topmost priority to increase the production of food grains as far as possible and to grow food crops instead of other crops;
- (2) to insist on the realisation by every provincial government that it is its own duty to provide food for the inhabitants of the province under its charge;
- (3) to provide good incentive to the producer by fixing fair prices of food stuffs so that the producer may get fair remuneration for his labour and the consumer may get food at fair rates;
- (4) to enable the producer to get his own requirements at fair price;
- (5) to expedite as far as possible the rehabilitation on a permanent basis of refugees and adopt a certain and definite policy in regard to zamindaris and tenures of land so that the incentive to keep lands uncultivated may be altogether eliminated; and
- (6) to provide—
 - (a) means for breaking of waste lands;
 - (b) all sorts of water facilities for irrigation by opening new canals, constructing wells, tube-wells and bunds; and
 - (c) good and cheap manures, fertilisers, cattle, seeds and implements of cultivation including improved ploughs and tractors".

Mr. Speaker: Regarding parts (2) and (5) of the amendment I have to make a few observations. As regards (2) it does not seem to me to be clear as to what the honourable member means by saying "to insist on the realisation of every Provincial Government". What he means is "to bring home to every Provincial Government".

Pandit Thakur Das Bhargava: Yes, Sir, that would be better.

Mr. Speaker: So that part may be amended in that way. As regards part (5) I may draw attention to the portion which says: "to expedite as far as possible the rehabilitation on a permanent basis of refugees". This goes beyond the scope of the original resolution and it may not be in order. As regards the other part in which the Honourable member says "adopt a certain and definite policy in regard to Zamindaris and tenures", I am afraid this will be a provincial subject and the Central Government cannot be expected to adopt a definite policy. All that the honourable member means is to recommend to the Provincial Governments to adopt a definite policy in regard to zamindaris and tenures. If that is so.....

Pandit Thakur Das Bhargava: So far as rehabilitation is concerned my submission is that unless the refugees are settled on land on a permanent basis they will not be interested in cultivation, for if land is given to them on a temporary basis it happens that they do not cultivate them. It is a responsibility of the Government of India to rehabilitate the refugees and not that of the provincial governments. If they insist that the settlement be made on a permanent basis it is certainly the primary concern of the Government of India and they could direct the local governments in this matter.

[Pandit Thakur Das Bhargava]

As regards the second point which relates to the question about the policy in regard to zamindaris and tenures, Ajmer-Merwara and Delhi are definitely under the charge of the Central Government. As regards the other provinces they have only to make recommendations. In regard to the abolition of the zamindari the Central Government is expected to provide the money whereby it can be carried out and ultimately it is the Government of India which can direct not only the policy but also effectively control it.

Mr. Speaker: As regards the first, the connection seems to be remote. Is it not covered by what the honourable member says in the first para, viz., "bring home to the cultivators, etc."?

Pandit Thakur Das Bhargava: I do not want that the Centre should encroach upon the province of the provinces.

Mr. Speaker: Does it follow that he drops or wishes to amend para (5)?

Pandit Thakur Das Bhargava: I wish to amend it. I maintain that a good part of land in East Punjab is lying uncultivated on account of the wrong policy of the government.

Mr. Speaker: So he may make a recommendation to the provincial government.

Amendment moved:

"That in the Resolution moved by Dr. Mono Mohan Das, for all the words occurring after the words 'Government should', the following be substituted:

'among other matters as a part of the 'grow more food campaign' take immediate steps—

- (1) to bring home to every cultivator and land owner that it is their patriotic duty of topmost priority to increase the production of food grains as far as possible and to grow food crops instead of other crops;
- (2) to bring home to every provincial government that it is its own duty to provide food for the inhabitants of the province under its charge;
- (3) to provide good incentive to the producer by fixing fair prices of foodstuffs so that the producer may get fair remuneration for his labour and the consumer may get food at fair rates;
- (4) to enable the producer to get his own requirements at fair price;
- (5) to recommend to the provincial governments to adopt a certain and definite policy in regard to zamindaris and tenures of land so that the incentive to keep lands uncultivated may be altogether eliminated; and
- (6) to provide—
 - (a) means for breaking of waste lands;
 - (b) all sorts of water facilities for irrigation by opening new canals, constructing wells, tubewells and bunds; and
 - (c) good and cheap manures, fertilisers, cattle, seeds and implements of cultivation including improved ploughs and tractors."

Srijut Rohini Kumar Chaudhuri: I beg to move:

"That in the Resolution moved by Dr. Mono Mohan Das, for the words 'the failure', the words 'unsatisfactory results', be substituted."

Mr. Speaker: Amendment moved:

"That in the Resolution moved by Dr. Mono Mohan Das, for the words 'the failure', the words 'unsatisfactory results', be substituted."

Shri Basanta Kumar Das (West Bengal: General): Sir, I beg to move:

"That in the Resolution moved by Dr. Mono Mohan Das, the following be added at the end:

'and the method of its implementation within a specified time-limit.' "

Mr. Speaker: Amendment moved:

"That in the Resolution moved by Dr. Mono Mohan Das, the following be added at the end:

'and the method of its implementation within a specified time-limit.' "

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

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

Shri Brajeshwar Prasad (Bihar: General): Sir, I beg to move:

"That in the Resolution moved by Mr. R. K. Sidhva, after the word 'rice', the words 'and wheat' be inserted."

Mr. Deputy Speaker: Amendment moved:

"That in the Resolution moved by Mr. R. K. Sidhva, after the word 'rice', the words 'and wheat' be inserted."

Srijut Rohini Kumar Chaudhuri: Sir, I beg to move:

(i) "That in the Resolution moved by Mr. R. K. Sidhva, after the word 'serving', the words 'more than one pound per diem of' be inserted."

(ii) "That in the Resolution moved by Mr. R. K. Sidhva, before the word 'occupants', the words 'each of' be inserted."

Mr. Deputy Speaker: Amendments moved:

(i) "That in the Resolution moved by Mr. R. K. Sidhva, after the word 'serving', the words 'more than one pound per diem of' be inserted."

(ii) "That in the Resolution moved by Mr. R. K. Sidhva, before the word 'occupants', the words 'each of' be inserted."

The Honourable Shri Jairamdas Doulatram: Sir, I have welcomed this opportunity from more than one point of view. First of all because I feel that it enables me to give to the House a little fuller picture, and more directly than might have been otherwise possible, of what has so far been done and why more has not been done. But I have welcomed it even more from another point of view that it gives to the House an opportunity which I feel is being fully taken advantage of to consider the larger issues involved in regard not only to our food problem but also in regard to agricultural development generally. Before, however, I go further into these matters I wish to express my regret at the inconvenience felt by some of the Members of the House who received such material as could be got together, only this morning. I understand that this inconvenience was felt particularly by those who reside in the Constitution House. (Honourable Members: "By others also; by everybody"). Well, so far as the Department was concerned, we issued the material last evening, and I understand that the Assembly Department also issued the material last night.

Shri R. K. Sidhva: At what time? The man came at midnight.

The Honourable Shri Jairamdas Doulatram: I am stating the facts as I have come to know of them. It is not usual when non-official resolutions are moved, for the Department to place any material before the Members. What has been now placed before the Members is almost entirely the same material as has come before them on many earlier occasions either directly or through the press. Most of it is therefore not new to them. It has been collated for convenience of reference except one table of the actual results of the Grow More Food effort which we are receiving, as a result of repeated telegraphic reminders, from the Provinces—and one Province, namely, Orissa has not yet been able to supply us the information we require.

Shri H. V. Kamath (C.P. and Berar: General): May I submit that at least the brochure regarding the proceedings of the Conference of Ministers of Agriculture of Provinces and States called by the Government of India on the 8th and 9th September—that is, six months ago—could have been supplied to us two or three months earlier? It came to us only this morning.

The Honourable Shri Jairamdas Doulatram: The full text of the speech delivered in September 1948 and the full text of the Resolutions passed at the Conference were published in the papers. That is why I say there is no new material that is being put before you, except that it is put together for convenience of reference.

[Shri Jairamdas Doulatram]

Sir, before I take up the first Resolution I would like to say a few words with regard to the second one moved by Shri Sidhva. I may inform him that the suggestion made by the Food Grains Policy Committee that the Provinces should examine the question of cereals being surrendered in the case of meat-eaters was sent to all the Provincial Governments, and almost all of them have stated that it is impracticable and that they would not be able to enforce it. I do not, however, know how much saving would be caused if rice were surrendered in the case of meat-eaters. I do not know on what basis exactly Shri Sidhva gave us the figure of 2½ lakh tons. He referred to the census of 1931. I would like to know how he has calculated the figure of 2½ lakh tons from the census of 1931.

Shri R. K. Sidhva: I said it was all vague and that I calculated it myself from the various aspects—the number of hotels.

The Honourable Shri Jairamdas Doulatram: It is difficult to put the number of workers.....

Shri R. K. Sidhva: I said number of hotels because my resolution refers only to hotels and restaurants. I calculated it on the basis of 50 persons attending a hotel.

The Honourable Shri Jairamdas Doulatram: As we know, hotels are scattered throughout the country. There are many hotels in the non-rationed areas and it will be difficult to calculate how much saving is going to be made if the restriction applies only to the hotels in the rationed areas. Then there are certain other aspects of the question. In the case of hotels like the Taj Mahal hotel I can easily understand restrictions being placed. But if these restrictions are going to be extended to a large number of those hotels which the lower middle classes and the poor classes visit, then I do not know whether Government will not be inviting curses upon itself if it removes from the diet of these poor people the major item of food and force them to satisfy their appetite by a greater intake of meat or fish or other more costly foods. I do not know what would be the reaction in the Constitution House itself if both rice and wheat were eliminated and the Caterer came in for fresh terms of contract because vegetable, meat and fish has to be increased to satisfy appetite. All that, I think, is practicable is that in most of the European type or restaurants, possibly at the railway stations, possibly in some of the big cities, some amount of restraint may be possible, but in the case of the majority of the hotels where the meat eaters go, an increased intake of the more costly potatoes or the more costly meat diet, will not be a solution at all, and I have no doubt it will become an exceedingly unpopular measure.

Shri R. K. Sidhva: My resolution meant only non-vegetarians, not vegetarians.

The Honourable Shri Jairamdas Doulatram: I am also talking of non-vegetarians, because when rice is eliminated, people will have to take instead of rice potatoes, meat or fish or fruits, which are more costly. That is why I said I doubt if it will be popular except in the case of a certain number of restaurants conducted in European style. (Shri V. C. Kesava Rao: Is it not possible to reduce the wheat and rice quota proportionately?) That is a possibility which can be considered, but as I said I am prepared to go into this matter so far as a certain section of the hotels are concerned, but if it is extended to all the hotels where non-vegetarians go, then I think it will lead to a serious difficulty.

Shri B. L. Sondhi (East Punjab: General): Do make a start somewhere.

Shri R. K. Sidhva: Start it in the Constitution House.

The Honourable Shri Jairamdas Doulatram: In the course of Mr. Sidhva's remarks, it was said that there were certain losses in the course of food stuffs being received in India from outside. There is a certain amount of loss in the course of this operation and we are appointing a Committee to go into the question how this loss could be saved or diminished to the maximum extent possible. But there are certain inherent difficulties which we cannot ignore. When crores of maunds are shipped from distant places and they take weeks to arrive, it is not impossible that there are certain leakages. All that I can say is that so far as the shipments from some of the western countries are concerned, the risk of such loss is very little.

So far as Burma is concerned, we are facing special difficulties. After all, where the Governmental control is not very exact and where trade action is comparatively free and unrestricted, many things happen as we in this country also know. We know of what is called the short length or short breadth in the case of cloth. Foreign merchants have complained of the manner in which our trade sends out certain goods and how quantity and quality suffers. Therefore, in the case of Burma we have been feeling special difficulty because of certain laxities in trade which are not within our control, but with regard to that also, the matter will be examined and we shall see what is possible to reduce our losses so far as Burma is concerned.

The difficulty is that on account of our allocation of rice being fixed by the International Emergency Food Council, the places from where we have to import are also fixed by them, so that we have no alternative left except to secure all that we need from certain countries, and the difficulties with regard to those countries have somehow to be put up with by us. But, as I said, in any case, this matter will also be examined and we will try and reduce the loss to the country.

I may mention that soon after I took charge, I discovered that in regard to one important port where the arrangements were in the hands of local authorities, we were suffering very heavy losses in regard to weight after unloading from the steamer. This matter also was gone into fully and we provided in the new contracts that there must be cent per cent. weight of the lakhs of tons that used to come in bulk in the ships. That means, unbagged food was simply put into the hold and we had to re-weigh it; and therefore this new system or re-weighing every maund of foodgrains was provided for in the new contracts and we have been able to save a very large amount on that account.

Coming to the main question, I am anxious that in this debate I should derive the maximum benefit from the constructive suggestions of the members of this House. It is possible to discuss this question in a manner which may, at the end of it, leave no tangible, concrete result, but as I sense it, the desire of the House is to conduct the discussion in a manner which leaves us with definite, tangible proposals with regard to one of the most difficult problems of the country. I have a feeling that we have not been able, all of us, to consider the difficulties inherent in the situation and we expect certain results from small measures and therefore our disappointment is the greater.

Taking first the smaller problem of our increase in imports this year, it is inherent in the situation that this year we have to import more than we did last year. Not that we desire to import even a single maund or ton, but the present situation is such that there is no other remedy at present possible, unless the provinces rise to the occasion even during this year. I will explain briefly what I mean. We have just re-imposed control. During 1948 when we imported round about 28 or 30 lakh tons, we were progressing gradually towards de-control. Government was giving up its responsibilities for rationing the people and so Government's need for imports was diminished. Need of local procurement was diminished. But we have to re-impose control during this year, that means Government has to hold within its own possession larger quantities of

[Shri Jairamdas Doulatram]

food to feed a larger proportion of population. In these circumstances, it was inevitable that we should have to import more. In 1948 we came down to one-fourth of the persons whom Government was feeding directly through its own ration shops in January 1947 but gradually, in September-October-November 1948 this number began to increase so that today in January the number is double of what it was in the middle of 1948. And the policy of re-control, that by October 1947 we should reach the same extent of rationing, that is cover the same proportion of population as we covered in October 1947; that means directly and indirectly round about 15 crores of men. At present Government is rationing or indirectly supplying or through controlled distribution feeding about seven Crores of men. Six months ago, it was three crores of men. At the end of October 1949, Government has to take the responsibility of feeding directly or indirectly and distributing directly or indirectly to 14 crores of men. Obviously this means that the Government must procure more or import more.

Now with regard to this particular matter of importing and procuring, I want to give you a few more facts. What has happened in the course of these two years 1947-48, 1948-49? Surely our population has increased. Forty lakhs a year is the annual addition to our population. Therefore in the course of these two years—the last year of control and the end of next year of re-control, the population will have increased by about 80 lakhs. What else has happened is that there is progressive urbanisation in our country. More and more people every year are getting drawn to towns for various economic and other reasons. Prof. N. G. Ranga. "Assured rations at controlled prices in towns.") Yes, may be. What I am saying is that it is therefore the responsibility of Government for feeding more people than before.

Shrimati G. Durgabai (Madras: General): May I know within what period this increase of population was effected, from three crores to seven crores.

The Honourable Shri Jairamdas Doulatram: During 1948. In two or three provinces rationing has been re-imposed gradually. More and more towns are being included in that control system. Therefore, the responsibility of the Government is increasing. This is visualized and we are planning to cover 1949. (Shrimati G. Durgabai: "It is a period of two years.") During the period of two years, there has been an increase in population. Forty lakhs a year is the natural increase in population. Then there is more urbanisation and then the direct responsibility of refugees.

Then with regard to procurement, since members of the House belong to Provinces and have some influence on the Provinces, I would wish to give you some idea of our procurement. If our local procurement increases, our imports naturally decrease. One method of decreasing imports is to try to procure as much as possible within the country. All the crores that we are sending out would then be paid to our own people. Now, it is here that we come across some amount of difficulty. The procurement also differs from province to province. I will give you the figures, percentages of procurement, to the total production in each province, for this year of 1949 and you will see how different and how varying is the effort to be put forth by the provinces. Madras will procure 20.8 per cent. of its total production and thereby assume control of one fifth of the product of the fields with a view again to redistribute to people. Bengal will procure 14.9 per cent. of the provincial production. Bombay will procure 6.5 per cent. of its total yield C.P. will procure 8.7 per cent. Assam will procure 15 per cent. Orissa will procure 6.4 per cent. The United Provinces 4.8 per cent. and Bihar 2.6 per cent. Now from this, you will find that there are some provinces which are procuring a much smaller proportion of the total yield of their fields than others. If rationing and control are to be a success and if our imports are to be further reduced, it is only possible when there is a greater uniformity of sacrifice and a much larger proportion is

procured in certain regions of our country. (Shri Sitaram S. Jajoo: "What about the Indian States?") I have not got the figures of the Indian States. With regard to the States, it has been our experience that except a few of the bigger states, it is very difficult to get definite statistics. Their administrative machinery has not yet been tuned to the requirements of the present situation and both with regard to production and procurement, we are always in difficulty with regard to a number of states. But I know that there are some states, for instance, Cochin is procuring 33 per cent. and Travancore round about 20 per cent. (Prof. N. G. Ranga: "They produce so little!") I have tried to explain and give reasons why the scale of our imports need not surprise us until our production has increased and why we are importing more this year than we had to do last year. As I said, it is inherent in the situation.

Pandit Hirday Nath Kunzru (U.P.: General): Can the Honourable Minister tell us what proportion of the food grains produced in the U.P. was procured in 1946-47?

The Honourable Shri Jairamdas Doulatram: It is round about the same figure, four per cent. or there about all these four years—1946, 1947, 1948 and 1949.

Prof. N. G. Ranga (Madras: General): That is for export from U.P.

The Honourable Shri Jairamdas Doulatram: It is procured by the Provincial Government for the purpose of rationing in the province.

Shri L. Krishnaswami Bharathi: May I know how is it possible to ration with a total procurement of 4 per cent. of the total production, Sir?

The Honourable Shri Jairamdas Doulatram: Each province calculates the maximum it could procure and then comes up to us for the deficit.

Shrimati Dakshayani Velayudhan (Madras: General): Can not the Government insist on the provinces and say that they should procure a certain percentage?

The Honourable Shri Jairamdas Doulatram: It is difficult to be ordering about the Provincial Governments; we discuss with them; they explain to us their difficulties and they say this is the utmost that is possible.

Shrimati G. Durgabai: What was procured, was it procured uniformly or are there variations?

The Honourable Shri Jairamdas Doulatram: There is no variation within the provinces; they try to procure from all the surplus regions.

Shrimati G. Durgabai: I think there are variations in the procurements so far as the provinces are concerned, variations in procurement from month to month even within the provinces.

The Honourable Shri Jairamdas Doulatram: The amount which may be procured in a particular month differs from what may be procured in another month. It depends on how near you are the harvesting time; when the crops come to the market and sometimes the Provincial Governments also adjust their amount of procurement to the prices prevailing and there are a number of other factors which govern the total procurement.

I have tried to explain the reasons why larger imports are inherent in the situation so far as we are concerned this year.

Now I come to the major question—permanent schemes of production. As I have said recently and as was referred to by my honourable friend Mr. Sidhn, if we are not seized of the basic factors in the Indian agricultural situation and they do not compel us to try and deal with them, then I am afraid the present nature of complaint will continue. What I mean to say is that a big economic change has taken place since the middle of 1947, and that big economic change has thrown our country to a much larger extent than before on the

[Shri Jairamdas Doulatram]

uncertainties of the monsoon. We may say that we knew it in 1947 as we know it today; but what I feel is that we have got to deal with the situation and understand the implications of that situation. It may surprise you if I tell you that one implication of that situation has been that not only with regard to food, but with regard to jute and cotton, the attempt to make India self-sufficient and not to have to depend on Pakistan is making those who are interested in jute and cotton to ask for roundabout forty six lakhs of acres from the existing food acreage. That means, if we are to be self-sufficient in the matter of both jute and cotton, we must hand over from the food area about forty six lakhs of acres. Now here we are compelled to face a deficit in food. We are planning to reclaim land and increase the area under food crops; we are confronted with the problem of increasing the acreage for jute and cotton by handing over acreage from food. Therefore, what I am anxious this House should seriously consider is that the implication of this economic change should be fully discussed and its remedies for the situation implemented.

I will read out to you a few basic figures which though they are merely figures, their full economic import is vastly greater. After the partition, India has to maintain 80 per cent. of the original population; but the rice production on which to sustain this 80 per cent. of the population is only 69 per cent. Here we have got a definite big shortage due simply to the fact of partition. Wheat production is only 66 per cent. as against 80 per cent. of population. The irrigated area under wheat is still less, it is 54 per cent. All this has certain inherent consequences in the sphere of food production. (Shrimati Benudha Ray: "What is the acreage under tobacco cultivation?") When you realise that the acreage under food is sixteen crores of acres, you will see that even if tobacco is given up, it will make a difference of only a few lakhs of acres.

Shrimati G. Durgabai: I think that introduces a material change.

Prof. N. G. Ranga: You must prohibit smoking then, or import cigarettes.

The Honourable Shri Jairamdas Doulatram: Out of sixteen crores of acres under food grains, about 25 per cent. only is under permanently dependable perennial irrigation. So that 75 per cent. of our food has to weather the vagaries of monsoon. We have seen what has happened this year. Portions of Bombay province, Saurashtra and Cutch suffered from lack of rains; excess of rain resulted in damage in the United Provinces and Bihar; Cyclone affected both Bombay and indirectly the Central Provinces. Therefore, the difficulties of a country which is basically agricultural and which has to depend on the monsoons to such a large extent, have to be specially considered and dealt with.

The Food Grains Committee tried to deal with this situation. They made three broad recommendations. When we talk of the failure of the Grow More Food Campaign, the unsatisfactory results of the Grow More Food Campaign, or when we naturally express disappointment when we find that even this year we are short of food, not only with regard to the Government's food budget which is separate from the country's food budget—the Government's food budget is the requirement of the rationed areas, procurement made by the provincial Governments and imports by the Central Government, whereas the country's food budget is entirely different and much vaster, because the entire population is fed and all these sixteen crores of acres under foodgrains feed them—when we talk of the unsatisfactory results of the grow more food Campaign, we should realise what is this Grow More Food Campaign. The Grow More Food Campaign is only one of the three measures, and in a way the smallest measure recommended by the Food Grains Policy Committee. The Grow More Food Campaign is sustained by three or four crores of rupees

of loans or grants from the Centre and three or four crores of rupees spent by the provinces, covering last year about eighty lakhs of acres. Eighty lakhs of acres out of sixteen crores under food grains makes round about five per cent. It is five per cent. of our food grains area which has been dealt with last year by this one recommendation of the Food Grains Policy Committee, which is called the Grow More Food Campaign. When my honourable friend Shri Sidhva suggested that we must have some short term policy, the short term policy is this policy recommended by the Food Grains Policy Committee. A short term policy cannot give you in a short period big results. There is no short-cut to get over our basic difficulty. (Shri R. K. Sidhva: "It will give small results, if not big results.") Coming to the small results, I would request the members to dispassionately consider what has been done. Under the Grow More Food Campaign, as visualised by the Food Grains Policy Committee, a target of nine lakhs of tons of extra production was planned for 1947-48, nine lakhs of tons to be produced by about eight or nine provinces. How was this extra production to be put up? Through wells and tanks, through seed, through fertilisers, through other manure. It is not possible for the Agriculture Department to function without the fullest co-operation of many other departments, and many other bodies outside the Agriculture Department. Take the simple question of fertilisers. When we planned for nine lakhs of tons for the various provinces, we planned that we will be able to give so much of fertilisers to the various provinces. Fertilisers are to some extent produced in this country; but a greater proportion has to be imported from outside. How much we should give to our country is not to be determined by us. It is the International Emergency Food Council which makes the allocation of these fertilisers for India. In making this allocation, they include also the local production in this country. Having included the local production in this country, they fix the quota. We asked for a certain quantity; we were allocated only 50 per cent. When we tried to purchase and import, on account of various difficulties and factors, we were able to give to our provinces only one-third of the quantity of fertilisers on the basis of which we had planned the increased production of nine lakhs of tons. You may criticise any provincial Government or the Central Government; here is a basic fact; we planned on the basis of a certain quantity of fertilisers and two-thirds of that quantity did not become available. Naturally, this will affect the quantum of results. It may be that other factors may come to the rescue; but so far as fertilisers are concerned, naturally, the result could be only one-third. Then, take another factor, steel. Steel is wanted for the ploughs; ploughs break; they go out of repair. I know a number of provinces complaining against their own Department of Industries that it does not give an adequate share of steel for the agricultural implements. (Shri Mihir Lal Chattopadhyay: "That is being sold in the black market for building cinema houses.") I am talking of the allocation by the Central Government to the provinces. The Agriculture Departments in the provinces received only 40 per cent. of the quantity of steel on the basis of which they had planned this target of 9 lakh tons. Take another difficulty. I was discussing with a Minister of Agriculture in one of our provinces only the other day and asking why the wells programme had not come off properly, and he said that he tried hard for certain facility for transport. We know how vigorously the transport authorities are trying to help and there is no doubt that progress has been achieved during the last six months but yet the strain on the transport system is so great that though 800 wagons were promised to one of our big provinces to carry coal dust for bricks for 6000 wells, only 10 wagons could be made available. The result was though other transport was somehow secured and even then, instead of 6000 wells, only 1800 wells could be constructed and many of them after the actual season for irrigating crops had passed. Now

[Shri Jairamdas Daulatram]
all these various difficulties cannot be made to disappear by a wave of the hand. (Shri B. L. Sondhi: "What is the position of the new tube-wells?") I hope to give you information in the course of the discussion later on. In spite of these difficulties, according to the latest reports sent to us by the provinces which we have put in one of the appendices given to you, you will find that nearly seven lakh tons has been the extra production in the provinces towards the target of nine lakhs. Now when you say that the Grow More Food Campaign has not been satisfactory, it has not been satisfactory to the extent that instead of nine lakhs we have been able to produce only seven lakh tons. But I have given you many causes which are our handicaps. Suppose we had achieved the target of nine lakhs through these various methods of wells and fertilisers etc., after all what is nine lakh tons as against this huge demand for feeding well over 34 crores of men. The G.M.F. campaign affects only five per cent. of the area under foodgrains. We must realise that though this campaign will go on to increase the yield for the next three to five years, the major effort is to be on the rest of the area which is under foodgrains and unless as I say we realize that new irrigation schemes must place the fields of this country on a more dependable source of supply or unless thousands upon thousands of tube-wells give greater abundance of water supply to our fields, and unless many lakhs of acres of new land are put under the plough, it is not easy to meet the requirements of a growing population which increases at the rate of forty lakhs a year. Therefore I would very respectfully venture to suggest that apart from any criticism which may be perfectly justified to some extent and here and there the administration may not have functioned whether in the Centre or in the provinces satisfactorily, and I do not want to dispute that point—but I really want that we should place our emphasis on the broader issues which are facing the country and not only in the context of food production but in regard to general agricultural production as well. As I said in the case of jute and cotton, both these crops have to grow if India is to become self-sufficient. So also in the case of food, if we are to feed our country properly. As in the case of other countries we ought to produce sufficiently not merely for satisfying ourselves with the minimum requirements but we should have plenty. But I feel there are certain remedies which somehow we are not at present desirous of using or we are not at present decided upon using them and I feel strongly that the situation being what it is, it is in India's economic interest and it is in the interest of India's Industrial development also that we must spare more resources for the development of agriculture, whether it is food or other things. To-day most of our man-power, and money power is going in other directions and we retain the old prejudice which we entertained when the British wanted to place agriculture in the front as against industry—we suspected them—but to-day I realize that unless our country first develops agriculturally it can not progress industrially. Take our provinces. With the best of intentions they are sponsoring various industrial plans. For those plans the provinces need money, technical skill, engineers and dollars for the plant which is necessary and the same deficit provinces come again to the Centre for importing food from outside for which we have no dollars because the provinces want the dollars for the provincial industrial plans. In this country alone some of our friends feel, more money is being spent by the agriculture Department in the Centre than it should. I feel that is not a correct criticism. At least that is not a conception of things which is in consonance with our big developmental plans. Take a country like America where the Federal Government has not an inch of land of its own and yet the Federal Government in U.S.A. is spending Rs. 78 per man for Agriculture. I am not even saying per agriculturist or rural person—but per man—and only 50 per cent. of the population are rural but taking the whole population, U.S.A. is spending Rs. 80/- per man per year. We are spending only one anna per man. The

Federal Government of America though not having any land of its own has taken some responsibility in regard to agriculture and need about 400 Agricultural Officers of the Central authority for every ten million persons. Even Britain—industrially so highly developed—has under the Central Government 20 Agricultural Officers for every 10 million persons, apart from Provincial. (Shri R. K. Sidhva: "There are no Provincial Governments in U.K.") Those who have been to America will be able to give more definite information. The Provincial Governments there have representatives in every country. In India the Central Government has for every ten million people six agricultural officers. It is not easy to shape things effectively, rapidly satisfactorily with very inadequate staff. I am not talking of the Centre alone but also of the Provinces. Agriculture in the Centre has eight per cent. share only of the budget. I feel that in the interest of this country agricultural production ought to be given the topmost priority and it is inherently in the interest even of the industrial development of the country. Unless agricultural wealth increases, there is no foundation for full industrial progress. Therefore what I feel is that unless opinion is cultivated in favour of giving to agricultural development its proper place both in the counsels of the people and of the legislatures and all co-operate, we will not be able to reach the goal that we are anxious to reach. There is need of reconsideration of the situation. There is need of co-ordination, and re-direction in this matter and there is need of, if you like, of fresh planning at the top in this matter but I do think that something ought to be done so as to improve the situation in a brief time. It may be, as I said, there is plenty to criticise but I think we should deal with the very important issues in a deliberative and well considered manner.

Shri L. Krishnaswami Bharathi: What is the quota for every province? There is some quota fixed of so much tonnage to respective provinces with regard to actual quantity that may be allotted to provinces from the Centre. I want actual quota of food grains.

The Honourable Shri Jairamdas Daulatram: It depends on their needs. There is no fixed quota except in relation to needs. Take Madras last time. We knew at the last budget session what the situation was. We thought there was to be a famine there. So we gave more. Take Bombay. We will be forced to give more this time to Bombay. It depends on the local procurement and yield and the extent of rationing necessary, existence of the labour population, and railwaymen and several other factors.

Shri L. Krishnaswami Bharathi: I thought a quota was fixed. The Central Government fixes a quota for every province.

The Honourable Shri Jairamdas Daulatram: Yes, it does after knowing how much is procured locally. (Shri Jaspal Roy Kapoor: "What quota has been allotted to the United Provinces?") I could not tell straight off. I will try and give you the information in the course of the debate.

Prof. N. G. Ranga: I am sure the House is indeed very grateful to the Honourable Minister, Shri Jairamdas Daulatram for having put in such an eloquent plea in favour of agricultural development. I am whole-heartedly in agreement with what he has said this afternoon. I think it is necessary for this House to concentrate more on the essentials of the situation than on the details of this Grow More Food campaign. It is true, Sir, as he said, that our country has now become dependent too much upon rain-fed cultivation and rain-fed cultivation is fitful, is undependable, and has become extremely risky. I am sorry my honourable friend did not mention the fact that large portions of Madras also are today in the grip of conditions verging on famine because of the failure of rains and also by the visitation of pests. Now such con-

[Prof. N. G. Ranga]

ditions are present in large areas of our country because large extents of irrigated areas have been lost to us by the division of our country into Pakistan and Hindustan; also secondly because the irrigation projects have not been developed. I have been most extremely anxious, Sir, that irrigation projects ought not to be postponed but most unfortunately for us, some of the important irrigation projects, I am afraid are likely to be postponed for some years to come. A year lost is not going to come back again. A statesman can have only a number of years to serve his country, and our statesmen, who are today providing the national leadership in such a strong and stable Government, should be enabled to achieve these irrigation projects before it is time for them to lay down their reins of office and retire into private life, as otherwise it may become possible for those destructive social and economic forces which are only waiting for a chance to disrupt this country's social and economic order to establish Fascism on the one hand or to totalitarian Sovietism on the other. This is all the more reason why this country should go ahead with all possible irrigation and flood control scheme and projects that can be developed within the next four or five years and that can be completed within the next ten or fifteen years.

I agree with my honourable friend when he said that we spend so little on agriculture. Some of my friends were wondering whether he was really correct to lay so much stress on the number of officers that America employs for every ten million people and when he was deploring that we were unable to employ as many officers. It is true that we have come to be prejudiced against these officers because many of them have not been able to give us as much service as we would have expected. But nevertheless we cannot get on without officers and we must have more and more of them too, especially in these nation-building departments.

I would remind the House and my honourable friend, Mr. Das that not so long ago Maulana Abul Kalam Azad himself had to come to this House and deplore the paucity of funds placed at the disposal of the Education Department, so that various educational institutions could be developed. It is no use going to the other extreme and starving our own nation-building departments. The very first department that ought to be given first priority so far as nation-building is concerned is Agriculture, and we have been giving it step-motherly attention in the Provinces and in the Centre.

Then, Sir, we want more and more food. But how are we going to get it? You have to see to it that your agricultural labour is properly fed and clothed. Are our people taking sufficient care about it? We should also see that our own peasants are properly fed and clothed. We have been neglecting these people. It has been stated here in report after report that unless a direct link is established between the Government on the one side and the producers on the other, it would not be possible for us to have greater production; and secondly to move more and more of it into our markets. Until now very little has been done in establishing that link between peasants on the one side and the producers and the Government on the other. I am glad to notice that in the recent September Conference of Provincial Ministers the conference was able to realise this need and therefore it was suggested that some sort of link should be established. In Madras an experiment has been made for establishing food councils. I submitted a note to the Minister here suggesting that similar Food Councils should be established all over India. Unfortunately for us, even in Madras these councils were given the go-bye and now today there is no real direct link between the producers on the one side and the Government on the other. I wish to reiterate that suggestion, namely, that these food

councils should be established in a democratic manner from the village upwards, right up to the Central Government, tier by tier so that it would be possible for the Government, to depend on reliable sources with experience, coming directly from the peasants themselves, and sources of contact between the Government and the peasants on the other. Secondly, I am sorry to know that this Conference of Ministers, although it realized the need and importance of the development of co-operatives for the increased production of food, did not realise, or sufficiently stress, the need for organising co-operative marketing societies. If you were to look into these facts, both in regard to the procurement price and issue price, you will find that in several of these provinces there is as great difference as Rs. 2 per maund in the amount between procurement price and the issue price. This terrible difference of Rs. 2/- has been allowed not for the advantage of the consumer, nor for the advantage of the producer, but for the advantage of these middlemen. Surely this could have been avoided if co-operative marketing societies were organised all over India. An experiment was sought to be made in Madras in this direction to have co-operative producers with monopoly power of procurement and then supplying the consumers. But unfortunately vested interests came in and these societies were given the go-bye. I want similar experiments to be made and indeed a drive should be made in this connection so that you can give sufficient inducement to the producers by way of a higher price without at the same time making the consumers suffer in any way.

Then Sir, comes the vexed question of price. Many a time I have had to refer to it. I wish only to mention it and then proceed further. Until and unless this House and this Government make up their minds and offer a remunerative price, a price that will induce the peasants to place more and more of their land under foodcrops and grow more and more food also on their own land, it will not be possible for you to make this country at any time self-sufficient in regard to food. Secondly, even after offering a remunerative price it is most necessary that you adopt the other suggestion that I had made sometime ago, viz., that the Government should come forward to purchase in advance of the harvest 50 per cent. of the produce that the peasants are prepared to put into the market. The Government have not been willing to do so. I have had occasions to bring to the notice of the Honourable Minister the complaints of the peasants in the South, for their produce is now being purchased by merchants at a considerably lower rate than the controlled price itself. It is a fact that more than 40 per cent. of the peasants are prepared to sell their produce within two weeks after the crop is harvested in order to be able to pay the taxes, rents, interest on loans and to purchase in the new year his requirements in clothing and other articles.

Shri M. Tirumala Rao (Madras: General): Is it also a fact that people are not able to buy at the ceiling price fixed by the Government and so the peasants are prepared to sell at something less than the ceiling price?

Prof. N. G. Ranga: My honourable friend seems to be inverting all the facts. The fact is that there is a ceiling price fixed by the Government itself to the consumer. The consumer is being made to pay that ceiling price. Even today, unfortunately, the middleman goes to the peasant, takes advantage of the need of the peasant to place all his produce in the market, buys the produce at a lower price and obtains from him a receipt to the effect that he has been paid the ceiling price and then pockets all the difference. Who is benefited?

Shri B. L. Sondhi: That may be so in Madras but not in our province.

Prof. N. G. Ranga: That only shows to you that more than 40 per cent. of our peasants are not able to keep the grains even in their houses for a fort-

[Prof. N. G. Ranga.]

night. There is a merchant to my back and a landlord in front of me and to them these things cannot be apparent. I know where the shoe pinches and it pinches me also because I am one of the producers. (Shri B. L. Sondhi: What do you produce?) Therefore it is most necessary that these middlemen should be eliminated.

There is the question of the inducement to the peasants. There was one suggestion made sometime ago, when there was a full-dress debate in this House, by my honourable friend Mr. Santhanam, that prizes should be offered to all those peasants who show better and better results of production from their own fields. I have submitted a memorandum to the Government on that particular point and till now we have not had either a proper response or any result of that suggestion.

We must also take sufficient steps to persuade our peasants to shift from non-food crops to food crops. It is very easy for some of my honourable friends to suggest 'why not force them to change to non-food crops.' It is very easy to say so but not in actual practice. First of all, it may be impossible for provincial governments to coerce the peasants. It is not going to be easy, it is not going to be wise or even in the interest of the country itself. On the other hand it is much better to adopt the policy that the American Government has adopted of starting what is known as the 'Agricultural Finance Corporation' and then financing from it only the production of certain crops and in that manner induce the peasants to take to those crops which are desired instead of going on producing non-food crops. Similar steps should be taken in this country. Sometime ago we suggested in this House also that there should be something corresponding to the Industrial Finance Corporation for agriculture also, that there should be an Agricultural Finance Corporation. Till now no steps have been taken in that direction.

It should also be possible for the Government to compensate the peasant to some extent by saying that for every acre of land that they shift to food production from non-food products they would be willing to give a certain amount of subsidy. They did so during the war when they wanted the peasant to give up cotton cultivation and take up some other crop. Similar steps should be taken in order to induce our peasants to place more and more of their land under food. I want to sound a warning that there has been a flight of land from food production to production of non-food crops. Let us also remember one other fact. There are places where food crops cannot be grown, because of their entire and exclusive dependence upon rains and hence only non-food crops can be grown. We should consider how we can prevent this by pursuing the present Grow More Food Campaign in the way of advancing money to peasants in order to enable them to sink more and more wells, tubewells, dig small tanks, or place small anicuts across small rivulets and thus bring more land under food. In these directions some progress has been made and that must be said to the credit of the Grow More Food Campaign. It is true that there has been a certain amount of corruption, there has been a certain amount of leakage and waste of money also. The Government also admits it and the only way in which you can prevent it is by what the Government itself at last has come to realise, namely by establishing direct contact with the peasant through their own organisations and also individual *ad hoc* organisations that have come into existence such as food committee.

The Centre must induce provinces like the United Provinces and Bihar who are placing only ten or twelve per cent. of their total estimated production at the disposal of your procurement officers, to place more and more of their food at their disposal. What you ought to do is to give them every possible

encouragement by way of consumer goods and also producer goods. Very little has been done in this direction. We have been asking for these things again and again but with very little effect. Therefore I suggest that it is most necessary that at the Centre anyhow, as well as in the provinces, the Industries Minister, the Agriculture Minister and here is my friend the biggest transport bottleneck, the Transport Minister, these three ministers should go into a sort of special committee and they should make it their job to see for themselves, once in every three months, how much of iron they have been able to supply to the peasants and not merely iron in the form of iron ploughs, sickles and other implements that the peasants want, but how much of building material they have been able to make available to the peasants, also clothing, kerosene and other essentials, in regard to which there is today a shortage and control and which they are unable to get normally even in towns with ration cards in their possession. Unless such steps are taken in order to induce our peasants and through the peasants our provincial governments, it will not be possible for us to maximise our total procurement.

When you impose this compulsory procurement, do not take away from the peasants even that portion of grain which they themselves need for their own consumption and for the consumption of their labourers as also for their use as seeds and for other agricultural purposes. Secondly, when you reserve a certain portion for the local agricultural labour, do not keep it with the peasant himself. He may not behave himself properly. Take it away from him and keep in charge of the local village store and make it incumbent upon the store to distribute this grain at controlled price to the local agricultural labourers as well as non-agricultural labourers in that area. That is the only way in which you can protect the rural non-agricultural population from any kind of black-marketing or very high prices.

I wish to add in conclusion my high sense of appreciation not of the speech of my honourable friend Shri Jairamdas Doulatram (anybody can make a speech like that) but of the sentiments that he has expressed and of his realisation of the fact that agriculture should be given the first place in our national economy and agricultural development and agricultural schemes should be considered to be of as high importance as the development of industrial concerns in our country.

Shrimati Renuka Ray (West Bengal: General): Mr. Deputy Speaker, Sir, I think that all Members in this House and people outside in the country will agree, as Prof. Ranga has just pointed out, with what the Food Minister has said, that in these times when the food situation of the country is so extremely grave, it is essential that agriculture and agricultural production should be given prior consideration. We may not be facing the spectacular days of the Bengal famine when before our eyes hundreds and thousands died on the streets of a city. Nonetheless malnutrition is taking its toll and is seriously affecting the efficiency of the race. As a result of this it is really impossible for any scheme of national development to be fruitful in other sphere either. In pre-war days it was a well-known fact that the people of this country lived on a diet which, to quote an eminent foreign dietitian, Sir John Magaw was not fit for rats to survive for more than a certain number of weeks. Since war-time we know how much worse it has become. In spite of this Grow More Food campaign which, according to the reports that the Honourable Minister has placed before us, has been intensified since 1947, we cannot say that we see the slightest signs of a returning—self-sufficiency. The amount of food grains, as he has acknowledged, imported within the year is greater than before and at abnormal prices. This cannot but affect our national economy very adversely. For increased production India needs machine and machine tools, but it is quite impossible for us to concentrate on this aspect.

[Shrimati Renuka Ray.]

if the money of this country is drained in bringing in food grains—and this in a predominantly agricultural country.

Long term schemes we have, like multi-purpose, river valley projects and development schemes, which will within ten or fifteen years perhaps bring an increasing measure of prosperity and smiling plenty to this country, but we have got to face the situation as it is now. We have to do this effectively and well and I do feel very strongly that whatever has been done by this

Government and the Provincial Governments so far in the direction of bringing in quick returns has not been achieved on any widespread scale. I would even say, in all humility, that the report would be creditable if it were the work achieved by non-official agencies who have not all the facilities at their command than that of a Government which has every facility and is able to Command all resources to encourage and implement such work.

I will not go into all the details of what should be done to bring in schemes whereby we can get quick returns, but I should merely like to stress one or two aspects. With regard to small scale irrigation schemes, though we have seen in the report that a certain number of schemes are being implemented and more schemes are on paper, I do feel that much greater strides could be taken if proper attention is focussed in this direction. I have no desire in particular to make any special criticism of Provincial Governments as such, but I do feel that Provincial Governments as well have not given as much thought to the problem of implementation of schemes as they should have; and I do not think, apart from the large number of committees, Commissions, Paper reports, and such things, the Central Government too has achieved anything worth while. If we really want to reclaim land it can be done by small irrigation projects if they are launched and implemented immediately.

Turning to the question of co-operatives, I see from the report that near Delhi a small number of schemes of co-operative farming at Chatarpur and other places have been started which are already showing signs of success. We are all aware that in an increasing measure fragmentation of land is going on. Some years ago forty per cent. of holdings in this country were less than one acre holdings. Today that has increased much—and this, I might say for those who are particularly interested in the matter, in spite of the fact that daughters have no rights of inheritance! We are faced with this very grave situation in this country and the question of fragmentation of land must be taken up immediately if we intend that scientific methods of agriculture should succeed in any big way, or even in the smallest way. You cannot increase tractor production, you cannot eliminate pests or any of these things unless these things are done on a fairly large scale. You cannot do it in farms which are less than one acre holdings. I would therefore say that co-operative methods of farming must be introduced immediately, and both by legislative action, and by implementation of such schemes Government must go ahead with the work. I notice that in the East Punjab some legislation is going on on these lines, but a good deal more has to be done and I would suggest that the Government of India should focus its attention in those directions.

I do not want to go into a great deal of detail, nor do I wish to reiterate what other speakers have said, nor again do I wish to discuss all the acts of omission and commission which are formidable. I would rather like to make one concrete suggestion for the future. I do feel that the administrative machinery, both in the Centre and in the Provinces, which has to deal with these agricultural schemes has not been adequate as for the purpose. By this I do not mean to cast any personal reflection on any particular person but I feel that it is so in all Departments to some extent. This is a vital point if we should go ahead. We must find some other machinery by which we can go ahead. We must cut red tape. We must cut out the fact that there is

no inter-departmental cooperation as has been pointed out in some of the speeches. Prof. Ranga said that we should get the Agriculture Minister, the Transport Minister and other Ministers' departments to meet together; but all these things mean to some extent, delay. I would therefore humbly suggest that it would be much better if we could have some kind of a department dealing in particular, say, with reclamation of waste lands, irrigation and co-operatives, which would be somewhat like a Development Board. It would be somewhat on the lines perhaps of the Boards of these long term river valley projects, where you have an Administrator with certain technical staff to help him who are given full powers to go ahead, and there should be proper financial check from the Finance Department. There should be such a Board or department under the Agriculture Ministry in the Centre and similarly in the Provinces. There should be co-ordination between the Centre and the provinces in this way. It shall be the function of the members of this Board in the Centre not to sit over files in Delhi, but to go round in the districts and the provinces and see that plans are actually implemented. We can have the finest of plans. The last Government had fine plans also, but they were lying in the archives of the Secretariat, and I do think that if we are to go ahead this is the only way.

I would make a further suggestion. There are many things that it is for the public to do and without proper co-operation between Government and the people, we cannot go ahead. The public also must play its part. For instance, they may get used to a different diet. Then there is the other very important point which the Honourable Minister raised,—the question of the increasing pressure of population on land. I do think that it is very essential that family spacing should take place in this country. It is needed for improving the efficiency of the race itself, and for relieving the very grave situation that faces us. In order that people understand the very great necessity for changing the diet, for family spacing, etc., I think that non-official Boards may be attached to these Development Boards, who will advise the latter as well as put before the country the programme that needs their active co-operation. (Shri B. Das: "Why do not associations like the All-India Women's Conference advocate these things?") One of the Resolutions of the All-India Women's Conference held this year at Gwalior did stress this subject of family spacing.

I would like to say that certainly an association like the All-India Women's Conference and various social welfare associations and other economic organisations should be represented on this non-official body which will help the Development Boards to go ahead with the schemes. There should be experts also on these non-official Boards. With the help of such non-official organisations, the Development Boards would be able to go ahead much more quickly and make much greater strides than any Department of Government which is so overwhelmed with red tape can possibly do.

This question of food is a very important question for this country. We are now faced with the question of maintaining minimum standards—these minimum standards which were considered below the minimum in pre-war days. But surely, today we have not only got to see that people get that amount of food that they got in pre-war days, but we have to improve the nutritional level of the country as a whole. I would say that this should be given prior consideration by the Government today, and I would request the Honourable Minister to accept this suggestion of these non-official bodies being helpful and to set up development Boards for these particular matters, where we must have quick returns at once. When all the big schemes of River Valley Projects and Multi-purpose schemes which have been stated or are going to be launched in the future do come to bear fruit India will again become a land of plenty and prosperity, but until such time we must focus our attention on this problem, because without food we cannot get on in any other aspect, and India cannot advance in any sphere of national life.

Shri Biswanath Das (Orissa: General): I am very sorry that a question of this magnitude should have been relegated to a half-day out of one non-official day.

Shri B. L. Sondhi: No, no. We can continue tomorrow.

Shri Biswanath Das: May be, but my complaint is and is bound to be that the Government of the day should make it its responsibility and its duty to come before this House year after year and at least once in six months and lay before it the steps that have been taken in this direction. We clearly and fully realise that you are spending Rs. 150 crores, as it is stated to be the case this year, on the purchase of food grains. This is not a joke. As a result of 150 years of British rule, what have we got? We got two things, namely, one—extensive cultivation of lands, hills, dales and vales, and the other is—a progressive deterioration of soil and yield. In the result, Grow More Food or Perish is the only slogan with which we approach the country. I quite understand this. Having had shaken off British rule and we have to go on with this slogan. But I do not quite realise why my honourable friend the Minister for Agriculture comes before us with a big bill for over five million tons of cereals for the coming year. To me it looks strange. Before me, I have got two reports, namely, the Bengal Famine Enquiry Committee which gives the imports of a decennial period. Nowhere do I see in that report more than 16 and odd lakhs of tons being imported into this country.

The Honourable Shri Jairamdas Doulatram: That was undivided India when Punjab was in India.

Shri Biswanath Das: I am coming to it. I have it in view. There, the maximum that I could see is 19 lakhs and 60 thousand. Even here you have got what is called "re-exports", that is, export to other countries from India. Therefore, the net result is that in no year were we under the necessity of importing more than 17 lakhs of tons. That being the position, we have today to our credit more lands being brought under cultivation, more fertilizers being used for extensive cultivation and so on. The result of all this, as Government state, is an increase of seven lakhs of tons of cereals. I thank my Honourable friend and his activities for all that. But why on earth should you require more than five million tons of cereals?

My honourable friend says "Pakistan". Well, Pakistan has taken from us very good areas, namely, the barrage area of Sind and certain areas of Punjab. True it is. But it has also taken away with it...

Pandit Thakur Das Bhargava: Only two districts of Western Punjab produced more than the whole of present East Punjab.

Shri Biswanath Das: I know, but it has taken along with it also quite a big area, namely, Frontier Province and East Bengal, which was always a deficit area and a hanger-on on India. Therefore, both these put together, I do not think, we lose very much in the adjustment.

Added to it, you have also snatched away land from other cultivation. Looking at the Cotton Committee report, you find that there is a call and a need for extended cotton cultivation. Similar is the case over all other money crops. All these put together should, I think, entitle you not to need five million tons of cereals. My complaint is, and has been, that you have not got a proper statistical department. You are not publishing your statistics. How on earth can we be useful or helpful to you? I know that provinces like Madras and Bombay have got fairly reliable statistical organisation, but other

Provinces and States have none. Under these circumstances, I would not stand on the statistics and I would appeal to my honourable friend, the Minister in charge of the Department to see personally to these things and see that these unnecessary swelling of figures are not published without necessary scrutiny, because they themselves give scope for black marketeers to store up paddy and create a situation and bring about an artificial rise in prices.

Sir, having stated so far, I come to the other question, namely: What else are we to do? Britain has gone. Well, we have to think for ourselves. Sir, looking to the Agricultural Commission's report, I see that Lord Linlithgow, the Chairman of the Committee has stated that for proper organisation of agriculture, agriculture animal husbandry and forestry are necessary to be kept under a unified control. The Centre has all these activities together under one Ministry. Why then do I not see the desired result? The reason, as has been pointedly stated by my honourable friend, Prof. Ranga, is that there is very little coordination worth the name among the ministries. For myself I feel that the ministries are responsible; they have to put their heads together if they want to save India from this unnecessary and artificial trouble. (An Honourable Member: "The whole Government.") I say the four Ministries. They are the Ministry for Agriculture, the Ministry for Finance, the Ministry for Railways and Transport and the Ministry for Industries and Supplies. Unless and until these four ministries put their heads together, I for myself would never believe any results can be achieved. I was also in charge of administration and I know the difficulties and benefits of Co-ordination. (Shri B. L. Sondhi: "What about the Commerce Ministry?") You can have your say when you get your chance. You are entitled to supplement. Sir, these four ministries have to put their heads together. I will explain how it is necessary. Of these four, Finance is very important. When I say Finance, I mean the banks including the Reserve and the Imperial Bank and they are no help to agriculturists and agriculture. You have to make the Finance Ministry to change its tools and to change its ways and be helpful and useful to the Agriculture Ministry and the agriculturists.

Sir, there is no use going in for the foreign useless stuff of Ammonium Sulphate and the like, throwing away your good oil-cakes and bones to the winds. I was appealing to the Honourable Minister for Finance to levy heavy taxation on the export of oil seeds, oil cake and bone. There is no country in the world which would think of throwing away their oil-seeds into the Bay of Bengal as India does today and without sending manufactured goods to outside countries. Sir, why on earth are you sending your oil cakes? How do you expect that that would improve the milk production of your country by sending away the cotton seeds out of your country? It is absurd to talk of more milk production? I will catch hold of the tongue of one who talks of more milk production and at the same time sells away the oil seeds out of my country. (An Honourable Member: "Non-violence?") I agree in a non-violent manner. Sir, my honourable friend talks of milk production. The milch cow requires salt. Are you producing salt? My province would have given you at least ten or fifteen lakh maunds of salt, but unfortunately the machinery is such, the tools of my ministers and the Ministry are such, that instead of Orissa exporting salt, it is itself importing. I have been begging the Ministry and the Minister for the last two years to extend cultivation of the waste salt lands and they have not done so. When the agriculturist does not get salt for himself, how could you expect agricultural husbandry to get salt and how could you expect the agricultural husbandry to utilise salt for agriculture. All these tools, which my honourable friends have in their hands, must either be sharpened or be thrown out. We have reached a time when we will have

[Shri Biswanath Das.]
to decide one way or the other. There are limitations and we have reached the limitations.

Having stated so far, Sir, I will come to the spending capacity of the Government. True it is that the Government of India is spending little. It is not even a step-motherly treatment, because a step mother has some affection, comparing what little has been allotted for Agriculture by my honourable friend, it is not even a step motherly treatment. Sir, England has gone; we do not want to learn much from England but are we not to learn, what England has done in England herself. England was always a food deficit country; they were purchasing food from outside and what did England do during the hard war years? The British Cabinet thought it necessary to invest over 100 crores of rupees (calculated in Indian money) and the result was today you have in England production more than 50 per cent. even during the war years. Is not India capable of doing these things? You are spending at least 100 crores annually. Why not you spend about an equal amount for Agriculture and extend the activities of agriculture? I for myself would be a dog and bay at the Moon than to ask my honourable friend to throw this money into the hands of the black marketeers. I have great respect for honest officials, but I must say it is no use throwing the money into the hands of these wild animals to improve black marketing. Therefore unless state organisation is changed and unless the conditions are changed, and unless as my honourable friend, Prof. Ranga stated, direct relationship through some medium, which the Ministry has to choose, is established between the producer and the Government there is not going to be tangible improvement. (Interruption). Some of the agriculturists are also blackmarketeers. They are worst black-marketeers. But how on earth could you improve? I have appealed to a number of producers and they say, "With what face do you approach us. You are not able to supply us the necessities, even the ordinary requirements in iron. I have not got a rim for my ploughshare, but there is enough iron for putting big buildings". Has the Honourable Minister or the Ministry in the Government of India enquired how many buildings are being constructed in every town and every city? Give me the money. I will give you any quantity of iron that you require on two conditions. Firstly, I should not be asked to state the source from which I purchased; secondly, I should not be asked to tell you the price that I had to pay. Given these two things, I will get you any quantity. Where is all this steel coming from, it is for the Supply Minister to tell us. Therefore, I say, and I repeat that unless there is coordination, nothing will be possible and all this talk will be of no avail. With these conditions being fulfilled, I demand and I do assert that the utmost effort should be made, without caring for inflation, to spend money on agriculture.

Sir, Mr. Guntherstein, writing in 1947, gives you certain prices ruling in the American markets. Butter, Eggs, are cheapest in America, the richest country in the world compared with the Indian prices. How on earth could society subsist under these hard conditions, how can you expect these poor labourers to get on under these hard conditions? Therefore, you have either to bring down prices thoroughly controlling the black-marketeers and producers or you have always to increase the wages of labour and the pay roll of the subordinate officials and the like. These conditions are impossible to be tolerated and I want you, Sir—I am sorry that I do not find the other Ministers also except one—to realise the gravity of the situation and to gauge our feelings in the matter. I call for priority to the needs of agriculture. The Agriculture Minister must make it clear to the Honourable Minister for Supply that this quantity of iron and steel and other things are required for agricultural implements and unless this is done, let him tell him—you go your way and I go my

way. I feel sure the Cabinet constituted though it is of Congress and non-Congress men, the leadership is that of the Congress. There is no friend greater than the Honourable Sardar Patel and Pandit Nehru of agriculture and agriculturists. Therefore, you are safe in their hands. I appeal to you who have nothing but sacrifice on your side, not to be worried over these things, to fight hard and impress upon the concerned gentlemen that either you go with me or go your way.

I am thankful to you, Sir, for having given me time. I have got lots of things to say; but I do not want to trespass on others' time.

سردار بھوپندر سنگھ مان : صاحب صدر ! خوراک کا مسئلہ ایک بہت بڑا اہم مسئلہ ہے۔ اس چیز کو مدنظر رکھتے ہوئے وزیر خوراک نے یہ سوچا کہ اس چیز کو تیزی نہ پایا جا سکتا ہے جب کہ پہلے فوڈ سکریتاریٹ کی تمام مشنری کو خوب تیار کیا جائے۔ چنانچہ انہوں نے grow more food campaign کے لئے ایک بڑی اچھی تجویز نکالی اور وہ یہ کہ انہوں نے grow more food کے لئے grow more secretaries کی ایک بڑی اچھی چیز پیدا کی۔ اور اس طرح سے grow more food کی انہوں نے پہلی منزل کامیابی سے طے کی۔ ساتھ ساتھ یہ چلا کہ grow more secretaries تو ہے۔ لیکن سندھ کی زرخیز زمینیں نہیں ہیں۔ partition کی وجہ سے وہ چلی گئی اور اب ان کا اس پر کوئی بس نہیں رہا۔ زمین تو گئی لیکن آدمی تو نہیں گئے اس لئے grow more secretaries کے ساتھ ساتھ انہوں نے enlist sindhis کا فارمولا بھی چلایا۔ اور میں انہیں اس بات کی مبارک باد دیتا ہوں کہ اس طرح سے انہوں نے grow more food کی دوسری منزل طے کی۔ انہوں نے سندھی دماغ کا دل کھول کر استعمال کیا اور فائدہ اُٹھایا ہے۔ لیکن وہ ایک بات میں چونک گئے کہ جب انہوں نے یہ enlist more sindhis کا campaign شروع کیا تو وہ بھول گئے اس بات کو کہ جو آدمی انہوں نے enlist کئے وہ بیوپاری اور نوکر پیشہ تھے۔ اور بیوپاریوں کی ذہنیت رکھتے تھے۔ وہ صرف خریدنے اور فروخت کرنے میں ہی کامیاب ہو سکتے ہیں۔ ارجنٹائن اور آسٹریلیا سے مکئی، باجرا اور دیگر چیزوں کی قیمت تھہرا سکتے ہیں۔ لیکن جہاں خوراک پیدا کرنے کی بات آتی ہے تو وہ اُن کے بس کی نہیں۔ ان کا دماغ Agriculture میں نہیں چلتا۔ لیکن جہاں تک کہ grow more food کا لگاؤ Commercial پہلو سے ہوتا ہے یہ کامیاب ہوتے ہیں۔ آپ بڑے بڑے ریلوے سٹیشنوں کو دیکھئے۔ کلات سرکس کے بازار میں دیواروں پر دیکھئے تو آپ کو بہت بڑے بڑے اور خوبصورت اور رنگدار اور شاندار پوسٹر grow more food کے متعلق دکھائی دیں گے۔ اور ان کو دیکھ کر کلات سرکس کے دوکان دار لوگ یہ سوچتے ہیں کہ کیا یہی grow more food campaign ہے اور کیا اسی سے لوگ مستفید ہو سکتے ہیں۔

Shri Deshbandhu Gupta: Mr. Deputy Speaker, Sir on a point of order. Are we discussing the merits and demerits of the different people belonging to the different provinces.

Sardar Bhopinder Singh Man: We are discussing the efforts made by the Food Minister to implement the Grow More Food policy.

Mr. Deputy Speaker: The honourable member will confine himself to the subject and not refer to personalities.

سردار بھوپندر سنگھ مان: اب دوسرا پہلو سوچا جائے وہ یہ ہے کہ خوراک کو پیدا کرنے کے لئے اور کیا چیزیں ضروری ہوتی ہیں۔ انہوں نے Central Tractor Organization بنائی ہے۔ موجودہ اور نئے دور میں ٹریکٹرز ایک بہت ہی ضروری چیز ہیں۔ اب حالات یوں ہیں کہ یہ ایک ہی Central tractor Organization ہے اور تمام tractors اسی میں جاتے ہیں۔ اور اسی سے تمام صوبوں کو tractors بعد میں دئے جاتے ہیں۔ اور اگر کسی جگہ جہاں پر کہ پرائیویٹ آدمیوں نے یا کسانوں نے کوئی کوآپریٹو سوسائٹی بنائی ہو اور وہ درخواست کریں کہ انہیں tractors کی ضرورت ہے تو ان کو یہ کہا جاتا ہے کہ یہ سب Central Organization سے ہر صوبے کو ملتی ہے۔ تاکہ وہ زیادہ خوراک پیدا کرے۔ اور پراونسوں کو وہی سنٹرل Organization ہی supply کرتا ہے۔ اور اگر Central Organization کو apply کیا جائے تو وہ یہ کہتے ہیں کہ یہ provinces کو grow more food campaign کے بارے میں دئے جاتے ہیں۔ اس لئے آپ اپنے پراونس والوں سے درخواست کریں۔ چنانچہ وہ کسان لوگ اسی دور دھوپ میں پریشان رہتے ہیں اور ان کو کہی بھی یہ tractors نہیں ملتے۔ جناب عالی! آپ کو دعوت دی گئی ہے۔ کہ آپ ہسٹنیاپور، یو۔ پی۔ گورنمنٹ کے ایک سکیم کے بارے میں تشریف لویں۔ اور آپ وہاں جا بھی رہے ہونگے۔ میں بھی ہسٹنیاپور بہت دفعہ گیا ہوں۔ چونکہ ہم refugees ہیں اس لئے ہم نے وہاں پر co-operative کے طور پر farming شروع کی ہے۔ اور اس وجہ سے ہم کو وہاں کے اصلی حالات کا پورا پورا علم ہے۔ جب آپ وہاں جائینگے تو آپ کو وہ لوگ وہاں لے جائینگے جہاں sugar cane کے اُونچے اُونچے کھیت ہوں۔ اور جن کھیتوں میں اچھی اچھی فصلیں لگی ہوں اور کھیتیاں لہلہاتی ہوں۔ لیکن آپ کو وہ یہ نہیں بتائینگے کہ tractor کی کیا average ہے۔ اور ایک ایک پر کتنا خرچ آتا ہے۔ میں آپ کی توجہ خاص طور پر اس طرف دلاتا ہوں کہ جب آپ وہاں جائیں تو آپ یہ دیکھیں کہ وہاں پر کتنے tractor ہیں اور ان کی average کیا ہے۔ آپ کو معلوم ہوگا کہ یہ دو ایک سے لے کر پانچ ایک سے زیادہ نہیں ہے۔ حالانکہ D. 4 ٹریکٹر کا average پندرہ سے بیس ایک ہے۔ مجھے یاد ہے کہ ہمیں بتی مشکلوں سے چھ مہینے کی جدوجہد کے بعد دو ٹریکٹر ملے تھے اور صرف پندرہ دن کے بعد وہ ہم سے چھینے گئے۔ کیونکہ ان کو یہ پتہ چلا تھا کہ ہمارا کام ان سے بہتر ہے اور ہماری average پچیس ایک ہے اور گورنمنٹ کی average صرف پانچ ایک ہے۔ تو اس بات سے پتہ چل سکتا ہے کہ جہاں پر ریفیوجی محنت کا معاملہ تھا وہاں پر کیا average رہا ہے۔ اور گورنمنٹ کا کیا ہا ہے۔ اس کے ساتھ ہی میں

آپ سے یہ درخواست کروں گا کہ جس طرح سے آپ نے مختلف industries کے لئے قرضے رکھے ہیں اسی طرح سے آپ agriculture کے لئے بھی قرضے رکھیں۔ ہم کو tube wells یا tractors اور دوسری چیزوں کے لئے روپیہ کی ضرورت پڑتی ہے مثلاً tube wells کے لئے بیس ہزار کی ضرورت ہے اور tractors کے لئے پچیس ہزار کی ضرورت ہے۔ یعنی کل بیسٹالیس ہزار کی ضرورت ہے۔ اگر آپ اس کے لئے قرضہ نہ رکھیں تو آپ ہی بتائیں کہ یہ قرضہ ہم کو کہاں سے ملے گا۔ جس طرح سے آپ نے اور دستکاریوں کے لئے بجٹ میں قرضہ دینے کا provision رکھا ہے اس طرح سے میری گزارش ہے کہ Agriculture کے لئے بھی اپنے بجٹ میں قرضہ کا provision رکھیں۔ میں یہ سمجھتا ہوں کہ وزیر خوراک کو خوش ہونا چاہیے کہ جو دوسرا ریزولوشن مسٹر سدھوا نے پیش کیا ہے۔ اس میں انہوں نے بتایا ہے کہ restaurants میں non-vegetarians کو چاول نہیں ملنے چاہئے ایک اور صاحب نے کہا ہے کہ ان کو wheat بھی نہیں ملنا چاہئے۔ میری تجویز یہ ہے کہ جو لوگ دودھ۔ دہی کھاتے ہیں ان کو سبزیاں نہیں ملنی چاہئے۔ اور جو دو دو اور تین تین سبزیاں کھاتے ہیں ان کو wheat اور چاول دونوں نہیں ملنے چاہئے۔ ایسا کرنے سے نہ رہے گا انس اور نہ بچے گی بانسری اور خوراک کا مسئلہ حل ہو جائیگا۔

(English translation of the above speech)

Sardar Bhopinder Singh Man (East Punjab: Sikh): Sir, the food problem is a very important one. Keeping the importance of this problem in view the Honourable Minister of Food thought that this importance can be maintained only when the whole machinery of Food Secretariat be made tiptop. So he devised a very nice scheme for 'Grow More Food Campaign', and that scheme is to grow more secretaries for the Grow More Food, and thus he very successfully crossed one stage in the Grow More Food Campaign. The scheme of grow more secretaries is quite nice but we are not in possession of the fertile lands of Sind. Due to partition they have gone out of our control and so he is helpless in this respect. But though the fertile lands have gone out of control yet the people have not. So he worked out the formula of enlist more Sindhis side by side with the scheme of grow more secretaries. And I congratulate him on his crossing the second stage of his grow more food scheme in such a way. He utilized the Sindhi brain most advantageously but he fell short in one respect namely that when he started his enlist more Sindhis Campaign he completely forgot the fact that the persons he enlisted were tradesmen and clerks and possessed tradesmen's mentality. They can be a success only in business. They can negotiate the prices of maize, millets and other commodities with Argentine and Australia but as far as the question of grow more food is concerned it is beyond their capacity. They cannot comprehend the question of agriculture. But as far as the commercial aspect of the grow more food is concerned they are a success. If you visit the big Railway stations, or look up the walls of the shopping side of Connaught Circus you would see huge, beautiful multicoloured and gorgeous posters concerning grow more food, and after seeing those posters the shopkeepers of Connaught Circus think over if this was 'Grow More Food Campaign' and can the people be benefited by this.

[Shri Biswanath Das.]
to decide one way or the other. There are limitations and we have reached the limitations.

Having stated so far, Sir, I will come to the spending capacity of the Government. True it is that the Government of India is spending little. It is not even a step-motherly treatment, because a step mother has some affection, comparing what little has been allotted for Agriculture by my honourable friend, it is not even a step motherly treatment. Sir, England has gone; we do not want to learn much from England but are we not to learn, what England has done in England herself. England was always a food deficit country; they were purchasing food from outside and what did England do during the hard war years? The British Cabinet thought it necessary to invest over 100 crores of rupees (calculated in Indian money) and the result was today you have in England production more than 50 per cent. even during the war years. Is not India capable of doing these things? You are spending at least 100 crores annually. Why not you spend about an equal amount for Agriculture and extend the activities of agriculture? I for myself would be a dog and bay at the Moon than to ask my honourable friend to throw this money into the hands of the black marketeers. I have great respect for honest officials, but I must say it is no use throwing the money into the hands of these wild animals to improve black marketing. Therefore unless state organisation is changed and unless the conditions are changed, and unless as my honourable friend, Prof. Ranga stated, direct relationship through some medium, which the Ministry has to choose, is established between the producer and the Government there is not going to be tangible improvement. (Interruption). Some of the agriculturists are also blackmarketeers. They are worst black-marketeers. But how on earth could you improve? I have appealed to a number of producers and they say: "With what face do you approach us. You are not able to supply us the necessities, even the ordinary requirements in iron. I have not got a rim for my ploughshare, but there is enough iron for putting big buildings". Has the Honourable Minister or the Ministry in the Government of India enquired how many buildings are being constructed in every town and every city? Give me the money. I will give you any quantity of iron that you require on two conditions. Firstly, I should not be asked to state the source from which I purchased; secondly, I should not be asked to tell you the price that I had to pay. Given these two things, I will get you any quantity. Where is all this steel coming from, it is for the Supply Minister to tell us. Therefore, I say, and I repeat that unless there is coordination, nothing will be possible and all this talk will be of no avail. With these conditions being fulfilled, I demand and I do assert that the utmost effort should be made, without caring for inflation, to spend money on agriculture.

Sir, Mr. Guntherstein, writing in 1947, gives you certain prices ruling in the American markets. Butter, Eggs, are cheapest in America, the richest country in the world compared with the Indian prices. How on earth could society subsist under these hard conditions, how can you expect these poor labourers to get on under these hard conditions? Therefore, you have either to bring down prices thoroughly controlling the black-marketeers and producers or you have always to increase the wages of labour and the pay roll of the subordinate officials and the like. These conditions are impossible to be tolerated and I want you, Sir—I am sorry that I do not find the other Ministers also except one—to realise the gravity of the situation and to gauge our feelings in the matter. I call for priority to the needs of agriculture. The Agriculture Minister must make it clear to the Honourable Minister for Supply that this quantity of iron and steel and other things are required for agricultural implements and unless this is done, let him tell him—you go your way and I go my

VEGETARIAN HOTELS

way. I feel sure the Cabinet constituted though it is of Congress and non-Congress men, the leadership is that of the Congress. There is no friend greater than the Honourable Sardar Patel and Pandit Nehru of agriculture and agriculturists. Therefore, you are safe in their hands. I appeal to you who have nothing but sacrifice on your side, not to be worried over these things, to fight hard and impress upon the concerned gentlemen that either you go with me or go your way.

I am thankful to you, Sir, for having given me time. I have got lots of things to say; but I do not want to trespass on others' time.

سردار بھوپندر سنگھ مان : صاحب صدر ! خوراک کا مسئلہ ایک بہت بڑا اہم مسئلہ ہے۔ اس چیز کو مدنظر رکھتے ہوئے وزیر خوراک نے یہ سوچا کہ اس چیز کو تبھی نبھایا جا سکتا ہے جب کہ پہلے فوڈ سکریتیوریت کی تمام مشنری کو خوب ٹیپ ٹاپ کیا جائے۔ چنانچہ انہوں نے grow more food campaign کے لئے ایک بڑی اچھی تجویز نکالی اور وہ یہ کہ انہوں نے grow more food کے لئے grow more secretaries کی ایک بڑی اچھی چیز پیدا کی۔ اور اس طرح سے grow more food کی انہوں نے پہلی منزل کامیابی سے طے کی۔ ساتھ ساتھ یہ چلا کہ grow more secretaries تو ہے۔ لیکن سندھ کی زرخیز زمین نہیں ہے۔ partition کی وجہ سے وہ چلی گئی اور اب ان کا اس پر کوئی بس نہیں رہا۔ زمین تو گئی لیکن آدمی تو نہیں گئے اس لئے grow more secretaries کے ساتھ ساتھ انہوں نے enlist sindhis کا فارمولا بھی چلایا۔ اور میں انہیں اس بات کی مبارک باد دیتا ہوں کہ اس طرح سے انہوں نے grow more food کی دوسری منزل طے کی۔ انہوں نے سندھی دماغ کا دل کھول کر استعمال کیا اور فائدہ اُٹھایا ہے۔ لیکن وہ ایک بات میں چونک گئے کہ جب انہوں نے یہ enlist more sindhis کا campaign شروع کیا تو وہ بھول گئے اس بات کو کہ جو آدمی انہوں نے enlist کئے وہ بیوپاری اور نوکر پیشہ تھے۔ اور بیوپاریوں کی ذہنیت رکھتے تھے۔ وہ صرف خریدنے اور فروخت کرنے میں ہی کامیاب ہو سکتے ہیں۔ ارجنٹائن اور آسٹریلیا سے مکئی، باجرا اور دیگر چیزوں کی قیمت تھہرا سکتے ہیں۔ لیکن جہاں خوراک پیدا کرنے کی بات آتی ہے تو وہ اُن کے بس کی نہیں۔ ان کا دماغ Agriculture میں نہیں چلتا۔ لیکن جہاں تک کہ grow more food کا لگاؤ Commercial پہلو سے ہوتا ہے یہ کامیاب ہوتے ہیں۔ آپ بڑے بڑے ریلوے سٹیشنوں کو دیکھئے۔ کلات سرکس کے بازار میں دیواروں پر دیکھئے تو آپ کو بہت بڑے بڑے اور خوبصورت اور رنگدار اور شاندار پوسٹر grow more food کے متعلق دکھائی دیں گے۔ اور ان کو دیکھکر کلات سرکس کے دوکان دار لوگ یہ سوچتے ہیں کہ کیا یہی grow more food campaign ہے اور کیا اسی سے لوگ مستفید ہو سکتے ہیں۔

Shri Deshbandhu Gupta (Delhi): Mr. Deputy Speaker, Sir, on a point of order, are we discussing the merits and demerits of the different people belonging to different provinces?

Sardar Bhopinder Singh Man: We are discussing the efforts made by the Food Minister to implement the grow more food policy.

Mr. Deputy Speaker: The honourable member will confine himself to the subject and not refer to personalities.

Sardar Bhopinder Singh Man: Now let us consider the other aspect, namely what other things are necessary for growing more food. He has set up Central Tractor Organisation. In the present times the tractors are very very important. Now the present position is that there is only one Central Tractor Organisation and all the tractors are given over to this organisation, and from this organisation all the provinces receive tractors afterwards. If at any place private individuals, Pakistanis, start a co-operative society and if they put in an application that they stand in need of tractors then they are told that the Central Organisation gives tractors to the provinces so that they may grow food; and all the provinces are supplied by this very Central Organisation. But if an application is placed before Central Organisation then the reply given is that the tractors are supplied to provinces for grow more food campaign, so the provincial authorities may be approached. The result is that these farmers get fed up with this running here and there and they do not get these tractors also.

Sir, you have been invited to visit the U. P. Government scheme at Hastinapur and I hope you might be going there. I have also been to Hastinapur many times. As we are refugees so there we have started farming on co-operative basis and for this reason we are in the know of the real state of affairs there. When you would go there the people would take you to those places where luxurious sugar cane crops stand, and to those fields where other rich crops may be flourishing. But they would not tell you the average work of a tractor nor would they tell you the expenditure incurred per acre. I want to draw your attention particularly towards this point that when you go there you must see how many tractors are there and what is their average. You would come to know that the average is not more than 2 to 5 acres, although the average of D4 tractor is about 15 to 20 acres. I remember that with great difficulty we got two tractors after a strenuous struggle of 2 months and they also were taken back from us after only fifteen days, because they came to know that our work is better than theirs and our average is twenty five acres while the average of the Government is only five acres. From this it can be ascertained that as far as the work put up by refugees was concerned what the average has been and what has been the Government average. Besides this I would request you that as you have made provision for loans to different industries in the same way loans must be provided for agriculture also. We need money for tube-wells, tractors and other things. For example for tube-wells we need Rs. 20,000 and for tractors Rs. 25,000 i.e., we need Rs. 45,000 in all. If you are not to provide loans for this then kindly tell us from where are we to get this loan. I request you Sir, to make provision in the Budget for agricultural loans as well, in the same manner as you have made provision in the Budget for giving loans to other industries.

I think the Honourable the Food Minister must feel happy about the second resolution moved by Mr. Sidhva wherein he has demanded that in restaurants rice must not be served to non-vegetarians, and one other gentleman has suggested that wheat also must not be served to them. I suggest that vegetables must not be served to those persons who take milk and curds and those who take two or three vegetables must not be served wheat and rice both. By acting on these suggestions there will neither be fire nor smoke and food problem will be solved.

चौधरी रनबीर सिंह : सभापति महोदय, मैं आनरेबिल जैरामदास जी और प्रोफेसर रंगा से १६ आने सहमत हूँ। मेरे कई एक दोस्तों ने जोर दिया है कि "Grow More Food" के अन्दर कोई खातिरखाह तरक्की नहीं हुई है। मेरे साथी सरदार भूपेन्द्र सिंह मान तो कुछ हद से भी बाहर चले गए। मैं कुछ आंकड़े आपको देना चाहता हूँ और यह बताना चाहता हूँ कि जितना आपने गुड़ डाला है या जितना आपने मीठा डाला है, आपका शरबत उससे ज्यादा मीठा हुआ है। जब कोई घबराया हुआ इस हाउस से कहता है कि यह जो रुपया खर्च हुआ है उसका हमें पूरा बदला नहीं मिला है, तो मैं इसको दूसरे ढंग से समझता हूँ। इस हाउस के अन्दर बहुत से दोस्त बैठे हुए हैं जिनका खेती करने वालों से कोई वास्ता नहीं है। खेती पर जब उन्हें कोई रुपया जाता दिखाई देता है तो वह उन्हें भाता नहीं, चूँकि वह पढ़े-लिखे लोग हैं और उन्हें अच्छे ढंग से बोलना आता है और वह उस रुपये को किसी दूसरी तरफ डालना चाहते हैं, इसलिये वह कह देते हैं कि खर्च फजूल किया है। मैं आपको आंकड़ों के द्वारा यह बतलाऊंगा कि आपने कितना कम रुपया खर्च किया और आपको उसके बदले में कितना (Return) मिला। गवर्नमेंट की रिपोर्ट के बारे में सिधवा साहब ने यह शिकायत की है कि यह रिपोर्ट देर से मिली। यह दुस्त है कि देर से मिली, लेकिन चूँकि मुझे इस चीज से प्रेम है इसलिए मैंने उसका एक एक शब्द पढ़ा। अगर उन्हें भी इस चीज से प्रेम होता तो वे शिकायत तो बेशक करते लेकिन यह नहीं कह सकते थे कि वह पढ़ कर नहीं आये हैं। जो शहर के रहने वाले हैं, उन्हें खेती से न कोई प्रेम है और न कोई वास्ता। वह बहाने बना सकते हैं और अच्छे ढंग से बोल सकते हैं, अंग्रेजी के (bombastic) शब्द इस्तेमाल कर सकते हैं, और कह सकते हैं कि रुपया फजूल खर्च हुआ है, तो मैं आपको यह बतलाना चाहता था कि थोड़े से रुपया के अन्दर हमने कितनी तरक्की की है। आप वह नक्शा उठाएँ जो आपने सन् ४७ व ४८ का दिया है। उससे आपको पता चलेगा कि मद्रास के अन्दर एक साल में ८१४१ कुवें बने। अब देखिये कि मद्रास को आखिर आपने रुपया कितना दिया था।

श्री महावीर त्यागी : मद्रास के पास इसके अलावा और भी रुपया है।

चौधरी रनबीर सिंह : गवर्नमेंट ने कुल चार लाख रुपया इसके लिए दिया है। मैं जानता हूँ कि मेरे दोस्त त्यागी जी एक किसान हैं और मेरी तरह से किसानों के लिए उनके दिल में हमदर्दी है। लेकिन उन्हें (criticism) का शौक है और कुछ और भी खयाल है। मैं मानता हूँ कि यह जो कुवें बने वह सब सरकार के खर्च से नहीं बने हैं, पर इस चार लाख से कुछ (propaganda) तो

[चौधरी रतबीर सिंह]

ज़रूर हुआ होगा और लोगों को उस तरफ़ रागिब किया गया होगा कि वह कुवें बनावें। मद्रास के अन्दर तकरीबन आठ हजार से कुछ ऊपर कुवें बने हैं और सरकार का चार लाख रुपया खर्च हुआ है। इसी तरह सी० पी० में ५६०० कुवें बने और आपकी सरकार ने कितना रुपया दिया? सी० पी० और बरार के लिए जो आपने ग्रांट (grant) दी खेती करने वाले के लिए वह १.२ लाख रुपया थी, और जो (criticism) त्यागी जी ने किया उसका भी जवाब मौजूद है कि आपने ४९.७ लाख कर्जा भी दिया। तो इस तरह से आप सारा हिसाब लगायेंगे तो आपको मालूम होगा कि सारा रुपया जो दिया गया वह १.७ करोड़ था और उसके बदले में २३ हजार कुवें बने। या तो हम यह मान लें कि यह आंकड़े तमाम ग़लत हैं और अगर हम ऐसा नहीं मानते हैं तो हमें मानना होगा कि हमें काफ़ी (Return) मिला। मैं समझता हूँ कि हमारी (Provincial) सरकारों की जो (agency) आंकड़े इकट्ठा करने की है अगर उस पर रुपये में दस आना बारह आना भी ऐतबार किया जाये तो भी मैं समझता हूँ कि यह आंकड़े बहुत ज़्यादा हिम्मत दिलाने वाले आंकड़े हैं। इसी तरीके से पीछे की बात कही जाती है कि सन् ४३ से ४६ तक इस सिलसिले में १६,१६,८४,१५९ रुपया खर्च हुआ है। तो इस रुपये में उनको और भी चीज़ें जैसे खाद वगैरह भी दी गई थी। लेकिन एक चीज़ जो हमेशा के लिए रहेगी चाहे उसे देने वाली गवर्नमेंट रहे या न रहे वह ५०००० कुवें हैं जो कि बनाये गये। इस सिलसिले में मैं आपसे एक प्रार्थना करना चाहता हूँ। पिछले साल हमने देश के लिए दूसरे देशों से १२९ करोड़ रुपये का अनाज मंगाया, मुझे ठीक आंकड़े याद नहीं हैं, और वह अनाज हमारे वकील भाइयों और शहरी भाइयों को और पढ़े लिखे आदमियों को सस्ता बेचा जिससे हमारी सरकार ने २८ या २९ करोड़ का एक साल के अन्दर घाटा खाया। तो मैं आपसे यह पूछता हूँ कि सरकार हर साल २८ या २९ करोड़ का घाटा महंगा अनाज दूसरे देशों से ख़रीद कर सस्ता बेच रही है तो उसपर तो कोई ऐतराज नहीं किया जाता बल्कि दूसरी किस्म की बातें कही जाती हैं। दूसरी तरफ़ जहाँ आपने तीन साल के अन्दर सिर्फ़ १६ करोड़ रुपया दिया उसके लिए इतना शोर है। मैं तो इसका अर्थ बिल्कुल दूसरे ढंग से समझता हूँ जैसा कि मैंने पहले आपसे कहा था कि यहाँ बहुत सारे ऐसे भाई बैठे हुए हैं जिनका खेती करने वालों से न कोई ताल मेल है और न वह उनकी तकलीफ़ें समझते हैं। एक बात मैं भी कहना चाहता हूँ कि मैं यह तो नहीं मानता कि तरक्की बिल्कुल नहीं हुई, लेकिन मैं मानता हूँ कि मुश्किलता है और उन्हें बहुत अच्छे ढंग से हमें सोचना होगा। हमारी गवर्नमेंट को, सरदार वल्लभभाई पटेल

को, पंडित जवाहर लाल नेहरू को और हमारे जैराम दास जी को उनका हल निकालना होगा। आप चाहते हैं कि देश को ज़्यादा अनाज मिले। देश के लिए ज़्यादा अनाज हासिल करने के लिए आपको यह देखना होगा कि जो लोग अनाज पैदा करते हैं उनको आप कहां तक खुश करते हैं, उनकी (psychology) को आप कहां तक बदलते हैं। जिस वक़्त जैराम दास जी बोल रहे थे उस वक़्त मेरी वहिन रेनुका ने तम्बाकू के बारे में कहा था। कोई पहले का वक़्त होगा, १०० या २०० वर्ष पहले का, जब कि किसान को अपने नुकसान का पता नहीं होता था। आज बहुत सारे किसान पूरे नहीं तो आधे परधे जागे हुए हैं। अगर कोई आदमी यह चाहता है कि जिस फ़सल से उनको ज़्यादा रुपया मिलता है उसको वह एकदम बन्द कर दे तो यह आसान काम नहीं है। हमारे रंगा साहब ने कहा कि शायद कोई गवर्नमेंट मजबूर कर देगी। मैं तो उससे भी ज़्यादा कहता हूँ।

मैं कहता हूँ कि पिछली दफ़ा यह अख़बार नवीस और दूसरे भाई बड़े जोर से यह बात कहा करते थे कि हिन्दुस्तान के अन्दर बलवा हो जायगा यदि शहर वालों के लिये सस्ता अनाज नहीं मुहय्या हुआ, तो मैं तो यह कहता हूँ कि उन बलवा करने वालों के हाथ में न दम है और न तलवार है। और जिन आदमियों को आप मजबूर करना चाहते हैं या जिन को आप दवाना चाहते हैं उनके हाथ मजबूत हैं और उनके हाथ में तलवार है, बलवा हुआ तो ऐसी चीज़ों से होगा। इस लिये आप को अपने किसानों को ऐसी बातों के लिये मजबूर न करना चाहिये जिसमें उनका कुछ फ़ायदा न हो। अगर आप चाहते हैं कि किसान आपके लिये अनाज पैदा करे, अगर आप चाहते हैं कि हिन्दुस्तान दूसरे देशों पर अनाज के लिये मुनहसिर न रहे तो आपको किसानों के दुखों को सुनना ही पड़ेगा। और उनका इलाज भी करना पड़ेगा। आप बेशक कितने ही हथियार रखें, कितने अच्छे ढंग से पढ़ायें लिखायें, कितना ही यह कहें कि "Grow More Food Campaign" फ़ेल होगया इस लिये हम रुपया नहीं देना चाहते हैं, पर इससे कुछ काम नहीं चलेगा। कितने ही देहात के लोग अनपढ़ हों लेकिन वह आज जागृत ज़रूर हैं। मेरे भाई सिधवा साहब तो मजदूरों की बात करते हैं। मैं उनसे कहता हूँ कि यह हिन्दुस्तान किसानों का देश है, अब किसान सोये हुए नहीं हैं, अगर आप चाहते हैं और हमारी सरकार और पार्टी चाहती है कि वह राज्य करें, वह ज़िन्दा रहें, तो उनको किसानों की बात सुननी होगी।

मैं कुछ एक बातें आपको इस सिलसिले में कहना चाहता हूँ कि किस तरह से हम किसानों को रागिब कर सकते हैं जिससे वह ज़्यादा अनाज पैदा करें।

[चौधरी रणवीर सिंह]

उन को क्या (incentive) हम दे सकते हैं कि उनको हौसला मिले। वह दो चार बातें जो रंगा साहव ने कहीं उनके अलावा में कहना चाहता हूँ। आज जब हम देहात में जाते हैं तो हर एक देहात वाला हम से कहता है कि ज़रा सोचिये और बताइये, रोहतक ज़िला यहां से ४४ मील के फ़ासले पर है वहां चना का भाव इस वक़्त आठ रु० है। उसके मुकाबले में दिल्ली है जो ४४ मील पर है, लेकिन यहां १४ रु० का भाव है। तो आखिर इस से किसको आप खुश कर सकते हैं, किसके दम पर हुकूमत चला सकते हैं। अगर आप चाहते हैं

Shri Deshbandhu Gupta: East Punjab Government is responsible for it.

चौधरी रणवीर सिंह: यह तो मुझे पता नहीं कि कौन सी गवर्नमेंट इस में (responsible) है। लेकिन एक बात मैं जानता हूँ कि ईस्ट पंजाब की गवर्नमेंट का यह हुकूम नहीं हो सकता क्योंकि उसके अन्दर कम से कम पांच आदमी ऐसे हैं जो किसान घरानों में पैदा हुए हैं जिनको उनके भाई और रिश्तेदार मजबूर कर सकते हैं कि वह किसानों के नुकसान में न रहें। मैं इसको इस ढंग से समझता हूँ कि उनके ऊपर दबाव से करवाया जाता है, या वे दूसरे अखबार वालों के दबाव से करने पर मजबूर हो जाते हैं

पं० ठाकुरदास भार्गव: ईस्ट पंजाब की गवर्नमेंट की ज़िम्मेदारी है।

चौधरी रणवीर सिंह: मैं दो एक बातें और कहना चाहता था क्योंकि मसला भी ऐसा था लेकिन कुछ तो घंटी भी बज चुकी है। मेरा दिल तो था कि कम से कम दस पंद्रह मिनट और भी बोलूँ पर इस बात को ख़त्म करके मैं वह बातें कहना चाहता हूँ और मुझे आशा है कि सभापति जी, क्योंकि यह किसानों का मसला है, इस लिये मुझे थोड़ा समय देंगे।

आज खास तौर से नौ बजे कागज़ात मिलने के बावजूद मैं दावा करता हूँ कि मैंने इसका एक एक हरफ़ पढ़ा है, इस लिये मुझे और भी आशा है कि कुछ सुविधा सभापति जी जरूर देंगे।

मैं आप को बता रहा था कि अगर आप चाहते हैं कि अनाज किसान ज्यादा पैदा करे, तो आपको यह चीज़ हटानी पड़ेगी। आपको जो आंकड़े दिये गये हैं उसमें से देख लीजिये। आप चावल को ले लीजिये। सी० पी० गवर्नमेंट (Rice) ११ रु० ६ आना फी मन के हिसाब से हासिल करेगी। इसी तरह मदरास के अन्दर चावल ७ रु० १४ आ० ३ पा० के हिसाब से किसानों

से हासिल किया जायेगा। लेकिन जो गवर्नमेंट देगी, मेरा मतलब यह नहीं कि उन्हीं सूबों की बल्कि आखिर हिन्दुस्तान एक देश है हिन्दुस्तान की कोई न कोई गवर्नमेंट जो लोगों को देगी उस भाव का भी आप अंदाज़ा लगाइये। यू० पी० के अन्दर (Issue Price) ३० रु० मन होगी चावल की। बम्बई के अन्दर ३४ रु० २ आ० ८ पा० फी मन के हिसाब से चावल दिया जायगा। इसी तरह से आप (wheat) का हिसाब ले लीजिये। (Wheat) राजस्थान के अन्दर १० रु० फी मन के हिसाब से हासिल किया जायगा। (Procurement scheme) के तहत में और दिल्ली के अन्दर १४ रु० ८ आ० के हिसाब से हासिल किया जायगा। और दिल्ली के अन्दर एक और अजीब बात है कि दिल्ली में जो लोगों को दिया जायगा वह १२ रु० कुछ आने फी मन होगा। लेकिन दूसरे सूबों में (Issue price) जिस पर गवर्नमेंट देगी वह भी आप अंदाज़ा करके देखिये। हैदराबाद के अन्दर २५ रु० ३ आ० फी मन के हिसाब से गवर्नमेंट देगी। सी० पी० के अन्दर २० रु० ३ आ० के हिसाब से दिया जायगा। इसी तरह से दूसरी चीज़ें ले लीजिये। चना लीजिये। वह जैपूर के अन्दर ६ रु० ३ आ० मन के हिसाब से हासिल किया जायगा। ईस्ट पंजाब के अन्दर ८ रु० मन के हिसाब से हासिल किया जायगा। राजस्थान में सिर्फ़ ५ रु० मन के हिसाब से हासिल किया जायगा। लेकिन सौराष्ट्र के अन्दर १६ रु० ११ आ० में और यू० पी० के अन्दर १२ रु० १० आने में बेचा जायगा। आप ज़रा सोचें यह देश किसानों का है और किसान भी वह लोग हैं जो पढ़े लिखे नहीं, जो आपकी इस बात को नहीं समझ सकते कि यह ईस्ट पंजाब सरकार का कसूर है, या सेंट्रल गवर्नमेंट का या दूसरी सरकार का कसूर है, या अखबार वालों का है। वह समझते हैं कि उनके साथ अन्याय होता है। अगर आप चाहते हैं कि वह ज्यादा अनाज पैदा करें तो आप यह कीजिये कि (highest procurement price) और इश्यू प्राइस (Issue Price) जो हिन्दुस्तान में हो उसमें ज्यादा फर्क नहीं होना चाहिये। इतना फर्क हो जितना कि किराया लगे। इससे ज्यादा होगा तो आप याद रखिये आपकी गवर्नमेंट के पास चाहे जितनी मंज़ूत पुलिस हो, कितनी ही ताकत आपके पास हो (Black-market) नहीं रोक सकेंगे। (Black-market) का बज़ार गर्म रहेगा।

एक और दूसरी चीज़ मैं आप से कहना चाहता हूँ कि यह जो आपको आंकड़े मिले हैं इससे आप देखें; कभी कभी कहा जाता है कि किसान जो है वह ब्लैक मार्केट (Black-market) करता है, लेकिन आप इन आंकड़ों को देखेंगे तो आपको पता चलेगा कि बात कुछ हद तक दुरुस्त नहीं है और करता भी है तो इसकी ज़िम्मेदारी हमारी समाज, हुकूमत और हमारे ढंग पर है। क्योंकि जब फसल आती है उस वक़्त अनाज का भ

चौधरी रनबीर सिंह]

लेकिन जब फसल के बोनो का वक्त आता है तो वह भाव दूना और तिगुना होता है। अगर आप यह चीज कर सकते हैं कि फसल के वक्त में और बोनो के वक्त में तकरीबन एक आध रुपये का ज्यादा से ज्यादा फर्क हो और इससे ज्यादा फर्क न होने दें तो किसान जितना उसके पास फालतू अनाज होगा वह कभी अपने पास न रख छोड़ेगा। दिसम्बर के पहले सप्ताह में हिन्दुस्तान में अनाज के १९४७ के भाव का (Index) १०० था तो आपको पता लगेगा कि अप्रैल १९४८ के अन्दर पूर्वी पंजाब (Wheat) की कीमत का (Index) नम्बर १३० था और फिर नवम्बर के अन्दर २३४ था। यह फसल और बोनो के वक्त का फर्क है। अगर इसको आप ठीक कर सकते हैं तो किसान किसी हद तक राजी हो सकते हैं।

एक चीज मैं पंजाबी होने के नाते कहना चाहता हूँ। हमारे पंजाब को तकरीबन ५४ लाख रु० कुओं के लिये दिया गया था लेकिन चूँकि पंजाब के अन्दर पिछले साल उथल पुथल हुई, एक तरफ के लोग दूसरी तरफ गए, अमन नहीं रहा, वहाँ कुएं नहीं बन सके। मैं अपने आनरेबिल मिनिस्टर साहब से प्रार्थना करता हूँ कि वह रुपया पंजाब को जरूर दें। और इससे जो आगे का हिस्सा है उसमें कोई कमी नहीं होने दें क्योंकि पंजाब ही एक ऐसा इलाका है जिसमें कुएं खोद कर ज्यादा से ज्यादा आपके लिये अनाज पैदा किया जा सकता है। मैं अब ज्यादा हाउस का समय नहीं लेना चाहता और इसके साथ साथ मैं आनरेबिल मिनिस्टर साहब को मुबारकवाद पेश करता हूँ और कहता हूँ कि उनका जो (Criticism) किया गया है वह सोलह आने गलत है, और जो उन्होंने कहा है कि हिन्दुस्तान अगर चाहता है कि उसकी तरक्की हो तो उसको खेती की तरक्की पहिले करनी होगी, १६ आने सही हैं।

(English translation of the above speech)

Ch. Ranbir Singh (East Punjab: General): Mr. Deputy Speaker: I am whole heartedly in agreement with what has been said by the Honourable Shri Jairamdas Doulatram and Prof. Ranga. Many of my friends have emphasized that no satisfactory progress has been made in the 'Grow More Food Campaign'. My Honourable friend Sardar Bhopinder Singh Man even went somewhat beyond the limits. I would like to place before you some statistics and explain to you that the syrup prepared is relatively more sweet as compared to the quantity of sugar put in by you. When anyone in a confused state complains to this House that we have not been able to get proper return on the money spent on this account, I take it in the different way. Many of my honourable friends in this House have got no concern with the peasants. They do not approve of any amount being spent for the development of agriculture because they are educated people and know how to speak in a discreet manner. They want to

utilize that money in some other way. Therefore they say that the money has been wasted. I will quote the statistics to prove that how much money we spent and the comparative return we got for that. Mr. Sidhva has complained against the belated receipt of the Government's report. It is a fact that it was received late, but as I have got love for this, I read its every word. Had they also got any attachment for this, they might have complained against the delay but could not say that they have not read it. These people live in the cities. They have neither any attachment nor any connection with agriculture. They can mince matters, speak glibly, use bombastic words in English and can even go to the length of saying that the money has been wasted. I, therefore, wanted to explain to you the extent of the progress made by us with the meagre resources at our disposal. I would invite your attention to the conditions existing during the year 1948 from which you would find that 8,141 wells were constructed in the Madras province during one year. Now you may see as to what amount was ultimately allotted by you to Madras.

Shri Mahavir Tyagi (U.P.: General): Besides this, Madras was also given some additional money.

Ch. Ranbir Singh: Government have allotted Rs. 4 lacs in all for this purpose. I know my honourable friend Mr. Tyagi is an agriculturist and like myself his heart is full of solicitude for the peasants. But he is very much fond of indulging in criticism and has got some other notions as well. I agree that all these wells were not constructed at Government expense, but the amount of Rs. four lacs would have been surely utilized for some propaganda. In Madras approximately little over 8,000 wells were constructed and Government spent Rs. 4 lacs over it. Similarly 5,600 wells were constructed in the Central Provinces and may I know how much money was allotted by your Government? The grant sanctioned by you for the benefit of the peasants in the U.P. amounted to Rs. 1.2 lacs and the criticism levelled by Mr. Tyagi can be counteracted by the fact that you also gave a loan of Rs. 49.7 lacs. So if you take all this into account, you will find that the aggregate amount given by you was Rs. 1.7 crores and against which 23,000 wells were constructed. Either we should admit that all these figures are wrong and in case we do not see eye to eye with this, we shall have to say that we got adequate return. Personally I feel that even if we believe to some extent in the accuracy of the statistics collected by the agencies set up by our Provincial Governments, the figures appear to be very much encouraging. The same can be said in regard to the expenditure amounting to Rs. 16,16,84,156 incurred previously during the years 1943 to 1946. This amount also includes the cost of other articles such as manure etc. supplied to the peasants. But one thing which will last for ever irrespective of the fact whether the Government responsible for taking such steps remains in office or not is that 50,000 wells have been constructed. In this connection I would like to tell you further that during the past year we imported from abroad foodgrains worth Rs. 126 crores for the use of our country. I do not remember the exact figures. These foodgrains were sold at cheap rates to our brethren lawyers, persons living in the cities and the intelligentsia and as a result of this the Government sustained a loss of about Rs. 28 or 29 crores during the course of one year. May I know why no objection has ever been raised to the loss of Rs. 28 or 29 crores annually sustained by the Government on the purchase of foodgrains from foreign countries and its subsequent sale at cheap rates? On the contrary things are viewed from a different angle, and so much hue and cry has been raised against the allotment of Rs. 16 crores made by you during the past three years. Personally I take it in the other way. Just as I have already stated before many of my honourable friends sitting in this House have got neither any contact with the peasants nor can they realize their difficulties. I would also like to say one thing, i.e., I do not quite agree with this that there has been absolutely no progress. But I do realize that there are difficulties and we shall have to tackle these tactfully. A solution for this shall have to be found by our

[Ch. Ranbir Singh]

Government, the Honourable Sardar Vallabhbhai Patel, the Honourable Pandit Jawaharlal Nehru, and the Honourable Shri Jairamdas Doulatram. You want to make this country self-sufficient in regard to food. In order to provide more foodgrains to the country, you shall have to see that how far you can please those who are the producers and how far you can change their psychology. While the Honourable Shri Jairamdas Doulatram was speaking, my honourable sister Shrimati Renuka Ray made some observations in regard to tobacco. It might be sometime in the past *viz.*, 100 or 200 years ago when the peasant was no wary of his loss. To-day, if not the entire agriculturist community but at least a great majority of them have been awakened. If any body wants that they should at once cease to grow crops which yield huge money, that would not be an easy job. My honourable friend Prof. Ranga pointed out that perhaps some Government might resort to coercion. I would go one step farther than that even. Last time the Pressmen and our other brethren used to say emphatically that riots would break throughout India if arrangements were not made to supply foodgrains at cheap rates to the people living in the cities. I dare say that those agitators have got neither guts nor sword in their hands. On the contrary the hands of those persons whom you want to coerce or suppress are comparatively much stronger and they have got swords. These factors will contribute to the out-break of riots, if at all such a contingency arises. Therefore you should not compel the peasants to adopt such a line of action which will not benefit them in the least. If you want that the peasant should produce foodgrains for you; if you are anxious to see that India should no longer remain dependent on other countries for the supply of foodgrains, you shall have to accord sympathetic hearing to the hardships experienced by the peasants and find a solution to redress these. You might possess any number of weapons, conduct any sort of subtle propaganda that the 'Grow More Food Campaign' has failed and thus refuse to sanction funds. But this will not obviously serve any useful purpose. How much illiterate might be the people living in the rural areas, they are certainly awakened to-day. My honourable friend Mr. Sidhva talks about the labourers. I would tell him that India is the land of agriculturists. The peasants to-day are no longer sleeping. If our Government and our party want that they should continue to hold the reins of administration in their hands, they shall have to listen to the demands of the peasants. I would like to tell you something more in this connection than what Prof. Ranga stated as to how we can induce the peasants to grow more food products and what incentive can we give to encourage them? To-day when we go to the rural areas every villager asks us just to think over and tell him: How is it that in Rohtak which is situated at a distance of 44 miles from Delhi, grams are sold there at present @Rs. 8/-; whereas here these are sold @Rs. 14/-? In this way whom can you please? On whose support can you run the Government? If you want.....

Shri Deshbandhu Gupta: East Punjab Government is responsible for this.

Cn. Ranbir Singh: I am not aware as to which particular Government is responsible for this. But one thing which I know is that this cannot be the order of the East Punjab Government, because this consists of at least five such persons who have been born in agriculturist families—who can be forced by their brethren and relations not to act in a manner prejudicial to the interests of the peasants. I take it in the other way, *i.e.*, either some pressure is put on them from above or they are compelled to do so under the influence of the Press.

Pandit Thakur Das Bhargava: This is the responsibility of the East Punjab Government.

Ch. Ranbir Singh: I wanted to say a few things more because an important issue is involved. But the bell has rung. I had a mind to speak at least

for another 10 or 15 minutes. But after saying this, I would like to refer to those things and I hope, Mr. Deputy Speaker, you will give me a little more time as this matter vitally affects the agriculturists. In spite of the fact that I received the papers today at Nine O'clock, I aver to have read every word of it, and for this reason I have a fervent hope that you will surely accord some consideration. I was just telling you that if you want that the peasants should grow more food-products, you shall have to waive this. You can refer to the figures quoted by me. For instance, you may take the case of rice. The Government of Central Provinces shall procure this @Rs. 11/6/- per maund. Similarly in the Madras Province, rice shall be procured from the peasants @ Rs. 7/14/3 per maund. But what my submission is that you should not only estimate the price that would be paid by the Governments of these Provinces but that also which would be paid to the people by the Government of India, as after all India is one country. The issue price of rice in U.P. will be Rs. 30/- per maund. In Bombay it shall be sold @Rs. 34/2/8 per maund. Similarly you may take the case of wheat. In Rajasthan wheat shall be procured @Rs. 10/- per maund. In Delhi Province it shall be procured @Rs. 14/8/- per maund under the Procurement Scheme. In the case of Delhi, there is something peculiar *i.e.*, the rice will be sold to the people @Rs. 12/- and some annas per maund. But you may just imagine the issue price at which it will be sold by the Government in other Provinces. The Government shall sell it @ Rs. 25/3 per maund in Hyderabad. In C.P. it will be sold @Rs. 20/3/-. Similarly take the case of other commodities *viz.*, gram which will be procured @Rs. 6/3/- and 8/- per maund in Jaipur and East Punjab respectively. In Rajasthan it will be procured at the rate of Rs. 5/- per maund only. But it will be sold @Rs. 16/11/- and 12/10/- in Saurashtra and U.P. respectively. You may just imagine that this is an agricultural country and the agriculturists too are not even literate who can understand the implications of your remarks whether this is the fault of the East Punjab Government or Central Government or any other Government is to be blamed or the blame rests on the shoulders of the Press. They feel that injustice is being done to them. If you want that they should produce more food you should see that there is not any appreciable difference between the highest procurement price *vis-a-vis* the issue price. The difference should only be limited to the extent of freight payable. In case this exceeds this limit, you should remember that you cannot check the black-market—however strong Police force might be at the disposal of your Government and whatever power you might have. The black-market will go on flourishing.

I would also like to tell you another thing. You may see the figures which have been supplied to you. Sometimes it is said that the peasant indulges in black-marketing. But if you see these figures you will know that this is not correct to some extent, and if at all he does so, the responsibility for this devolves on our society, Government and the methods employed by us. Because when the crop is harvested, the foodgrains are available at cheap rates. But when the time for sowing of the crop comes, then that price is doubled or even trebled. If you can manage to regulate the difference between the prices prevailing at the time of sowing and harvesting to the extent of Re. 1/- or so at the most, then the peasant will not withhold any part of his surplus stock of foodgrains.

During the first week of December, the index of the price of foodgrains ruling in India in 1947 was 100. From this you will also find that in April '48 the index price of wheat in the East Punjab rose upto 130 and later on in November it shot up to 234. This is the difference between the rates prevailing at the time of sowing and harvesting of the crop. If you are capable of reconciling this difference, then of course the peasants could be appeased to some extent.

[Ch. Ranbir Singh]

One thing more I would like to say as a Punjabi. Our Province was allotted approximately Rs. 54 lacs for the sinking of wells. But as you are aware, Punjab had to pass through a topsy turvey state during the last year resulting in the mass migration of people from one corner to the other and coupled with the unsettled conditions, wells could not be constructed there. I would request the Honourable Minister to allot funds to Punjab as well and not to reduce its share in the amount previously allocated, because Punjab is the only place where more foodgrains can be produced for you by the sinking of wells. I do not now want to take any more time of the House and would congratulate the Honourable Minister. I would also like to say that the criticism levelled against him is quite unjust and I perfectly agree with him that if India wants to make its headway it should first of all develop its agricultural resources.

Shri M. Tirumala Rao: Sir, the food problem is one of the most serious problems that confront the Government today. Food for the stomach is the source of life and all the activities of life and so all other human activities are dependent on this problem and its solution. We see that the agricultural economy of this country is at a standstill and I may tell the Government that if it goes on like this for sometime more it is bound to break down. I see from the figures that during the last five or six years since 1943 till today, the Government of India have spent about 20 crores of rupees on the Grow More Food Campaign. Out of this nearly 16 crores were spent by the previous Government and how was it spent? Mostly on advertisements. Every department of the Government in those days was utilised for the sole and single purpose of winning the war and getting as much support as possible from all sections of the people. I refer to the advertisement of the Grow More Food Campaign which was carried on in advertisements through wall posters in hotels, railway station and in all other places where people have never grown a single blade of grass and it was done in English just like the "Travel Less" Campaign, which was carried on through wall posters in places where the bulk of the people were uneducated and in English language which they did not know. Also very many newspapers got subsidies by way of advertisement during those days.

Coming to the present situation, whatever the excuse might have been to a foreign government there is now a government of our own. If you see the figures of production that have been given here the largest amount of production that our country has had was in 1942-43 and 1943-44. It was 106 for 100, and there was the famous Bengal famine (**Shri H. V. Kamath:** Infamous) which the country faced during that year. There was no co-ordination between the people in the country and the quantity of food that was grown during the previous regime. Claiming as we do to be a responsible government and the Ministers being the natural leaders of the people with the backing of the people behind them, the people look to them to at least to give them a square meal a day. How far have we fared in this respect is a matter that we have to see with a little circumspection. Let it not be misunderstood when some of us offer you some suggestions with a little heat or emotion. If we say any unkind thing to you it is because we strongly feel about them and we do not want to conceal them from you, because he is no friend of yours who conceals the truth from the Government. We are not satisfied with the progress not only of this Department but also in other departments as well. Your department is not an isolated department in this respect. There is the Industries and Supplies, the Commerce, Finance and Transport. Unless there is co-ordination between the four departments you cannot achieve your object of improving the agricultural production of this country. As long as the supply of agricultural commodities, as my friend said, rests with the provincial government and the distribution of important commodities like iron and cement rests with the Industries Department of the Provincial Governments you will not be able

to do anything. Whether he be a *kisan* or non-*kisan* human nature is the same. Corruption has permeated every department of society and every section of our people without let or hindrance. I know how our Industries Minister in the province is pestered for a little iron. Whether it be for building a cow shed, or alterations to his house or some other purpose if a man gets two tons of iron the major portion of it goes into the black market. I want to ask the provincial ministers who are in charge of the Industries Department how this nefarious thing goes on? Is it in the interest of the party or by recommendation? I do not charge the ministers themselves to be corrupt but they are helpless against the state of affairs which sweep them away even if they want to stem the tide of corruption. Therefore what I say is that if you are able to give the necessary commodities which the primary or agricultural producer wants at controlled prices then the problem of inflation will be resolved. My friend Prof. Ranga said that the spiral of prices of primary products should rise. They rise or fall equally with the other I understand that argument, though I am unable to sympathise with it. I want to know from my friend what is the definition of a *kisan*? Who is the *kisan*? What is the minimum quantity of acreage which a *kisan* must hold under the definition of the Professor? Is he a man who has 50,100 or more acres? I know people who have sold 4,000 bags of paddy produced in their fields at the rate of Rs. 25 a bag when the controlled rate was Rs. 13.

Shri L. Krishnaswami Bharathi: Did you bring it to the notice of the Government?

Shri M. Tirumala Rao: My source of information was the Government itself.

Shri L. Krishnaswami Bharathi: Did the Government take any action on that?

Shri M. Tirumala Rao: You put the question to the Government. This gentleman who sold 4,000 bags in the black-market, on the next day he wants to build a cinema hall and comes for iron and cement to the Industries Minister.

Shri L. Krishnaswami Bharathi: And perhaps it was sanctioned by the Government!

Shri M. Tirumala Rao: This is democracy in excelsis. In democracy we always go by slogans and shibboleths. There should be a revolutionary set up in the Central Government where we have to rule with an iron hand, even if it smacks a little of dictatorship it does not matter. I know what we have done so far. I am anxious that the prestige of the Congress and the life of this Government should be ensured and secured, because it must fulfil the purpose for which they have come into power. That is the only thing that I want. If the Congress goes into wilderness and is discredited there is no future for this country. That is my fear and it is that which impels me to express very strongly about these matters. Let not the Transport Department go its own leisurely way. Let them explore all possible avenues of transport—bullock cart, canal boat transport, road transport and the like. Let seafaring and ordinary country craft come into play. Let the railways come into full use. Let all modes of transport be fully utilised for removing the bottleneck and for enabling further production of food.

I am sorry about the procurement figures which my honourable friend has given. The relative efficiency of these Governments can be read from their procurement figures. The figure for Bihar is 2:7 per cent, for Madras 20:8 per cent., for Bengal 14:9 per cent. What is this? Why are they so slack? It is because if they have less food they are under a sense of security in that they can always come for a dole to the Central Government and the Central

[Shri M. Tirumala Rao]

Government is prepared to send its representatives to buy food from abroad and supply it to these deficit areas. A sum of Rs. 135 or Rs. 150 crores is spent on food imports and Rs. 30 crores on subsidising food. Are you apportioning to the Provinces that are remiss in procurement, the amount of money that we are losing from the Central exchequer on this account? I am very much surprised that the United Provinces, one of the most forward Provinces for everything and for patriotism in this country, comes with 4.8 per cent of procurement. (An Honourable Member: It is a surplus Province). It is not a surplus Province I am told. C.P. is surplus, and it has procured only 3.7 per cent. It has to supply to other Provinces. I do not understand why the Provincial Governments should be so remiss in the matter of procurement. There is a fundamental defect in our very set up. If the Central Government undertakes and assumes the responsibility of feeding all the 35 crores population in this country, let them also assume the responsibility of administering the Food Department, in all the Provinces from here. Have you not integrated India to a single homogeneous unit? Have you not amended the Government of India Act by a motion moved by the Honourable the Home Minister in the other House, in the Constituent Assembly, to see that all the States are integrated and greater powers are taken by the Centre? I know that the Agriculture Departments in the Provinces are the most indifferent Departments. Agriculture, Jails, Law, Registration and all miscellaneous items are put under the charge of one Minister. What can he do? Even a single Minister assigned the portfolio of Agriculture is not able to do much. I entirely agree that the Agriculture Department is woefully under-manned. We want very many more technical and trained people—at least one officer for every taluk of a lakh of population, to go and do the job of inculcating new methods among our population and see that production is augmented in this country.

I want to deal with one or two more points. With regard to statistics, from the top, from the Prime Minister downwards everyone of us has agreed that our statistics are more empirical than real. The Honourable Minister himself has in his latest presidential address to the Provincial Ministers stated that our statistical reports are based on absolutely empirical and ignorant data, given by the village *kulkarni*, the *karnam*. You get in the Provincial gazettes every week a weather forecast, a rain forecast, a crop forecast. Where from does it come? It comes from the village *karnam* in a routine way. If he has put a little less last week he will put a little more this week so that the average may be like the same as last year. Does he go to the field? You get the same crop forecast which he is accustomed to give for years. From him it goes to the Revenue Inspector, then to the Tahsildar, then to the Deputy Collector, to the Collector, to the Secretary of the Revenue Board and then it is passed on to the Government press. It becomes sacrosanct when it is printed. Where is the data? The price of paddy is fixed in my Province at Rs. 17. Let alone the middleman—I am not a supporter of the middleman. There is same agency through which the village ryot, who has no means of transport, is obliged to reach the marketing centre, and the middleman comes that way. The Government cannot supplant the middleman unless by a cooperative marketing society. But today the ryots say "there is nobody who asks paddy for Rs. 17/4" which is the ceiling price fixed by Government. Government is not able to buy it up. Therefore he is prepared to offer it for something less. You must have proper statistics of how much each village produces and how much each village consumes and how much can be got by way of procurement from each village. If these statistics approximate to truth as much as possible then procurement will be easy.

Shrimati G. Durgabai: May I know whether this debate will be carried over to the other day?

Mr. Deputy Speaker: It will be carried on as long as there are speakers to speak. It automatically stands over to the other non-official day—not tomorrow but the next non-official day.

Shrimati G. Durgabai: I suggest that another day—an official day—might be given for this. The request may be conveyed to the Leader of the House.

Mr. Deputy Speaker: Under the rules it automatically stands over to the next non-official day. The honourable member can move Government to fix an official day.

Honourable Members: We want you, Sir, to convey that to Government.

Shri M. Tirumala Rao: With regard to small holdings I want to say that it is time that the Government of India makes a beginning and see that large scale co-operative farming is compulsorily introduced and that the waste involved in the small units is eliminated. You can ask Provinces to introduce them and take land where it is reclaimed. This has got to be done on a large scale.

Then I would refer to the question of starting a Commodity Credit Corporation. If you start a big Commodity Credit Corporation which will deal entirely with the villages like cooperative societies, you will be creating an agency wherefrom the agriculturist will get all his needs at controlled prices. There should not be any black-marketing about it. When you control the prices of his requirements you can impose a control price upon the produce he produces.

There is another thing I want to suggest. If there is the possibility the State should enter into trading itself and buy up the whole produce in the villages, build their own warehouses, store them there and ultimately eliminate the middleman as much as possible. You will then be able to secure and guarantee a decent minimum earning to the primary producer.

I want to suggest one more thing and that is that the restoration of small tanks and wells and minor irrigation schemes must be pursued with energy. There is a scheme in Madras run by the Public Works Department, but it follows the same old routine of files and formalities before a thing is done. You must give a tempo and drive from the Centre and see that a certain amount of money is spent on these schemes and the schemes are augmented.

Sir, I am coming to a close. I want the Central Government to encourage community-eating. I mean that you should try to organise as many eating houses as possible in industrial areas and in places where agricultural labour also is concentrated during agricultural seasons. And you should ensure a standard diet for a minimum price, that is balance its nutrition value as well as its cost, and discourage people as much as possible from private cooking and make them go to eating houses and have their food. If you see that eating houses are started in industrial areas and in agricultural areas and enable people to go there and take their food, wastage of food will be greatly minimized.

With these remarks and hoping that a new set-up will come about—I mean with the same personnel at the head a new life will be infused—and that Government will take it up in a centralised way by giving a strong drive and in seeing that food is produced in sufficient quantity the crisis is averted.

Mr. Deputy Speaker: I have conveyed the wish of the House—if that is the wish of the House—to the Chief Whip, that we ought not to lose the thread of the discussion and therefore we might carry on this discussion tomorrow. I understand it may be arranged if we forego the other non-official day, that is the sixteenth.

Pandit Thakur Das Bhargava: Every session a day is allotted for discussion of the food problem and it is an official day. Therefore, tomorrow 5 P.M. it may be taken up and the other non-official day may remain as it is.

Mr. Deputy Speaker: I will make the suggestion to the Leader of the House that we shall have this continued tomorrow, and if the Leader agrees we will have another non-official day also. If it is not possible, we will have tomorrow substituted for that day.

The Honourable Shri Satyanarayana Sinha (Minister of State): If the House foregoes the non-official day on the 16th, we can very well have it tomorrow.

Mr. Deputy Speaker: The debate will continue tomorrow with the consent of the Chief Whip. He speaks on behalf of the Government. The question as to whether we shall have the other non-official day or not, will be negotiated later on.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Friday the 4th February, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE). DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Friday, 4th February, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS (See Part I)

11-35 A.M.

SCHEDULED SECURITIES (HYDERABAD) BILL

The Honourable Sardar Vallabhbhai Patel (Minister for Home Affairs and the States): Sir, I beg to move for leave to introduce a Bill to provide for the control of the transfer of certain securities and for the issue of duplicate securities in respect thereof.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the control of the transfer of certain securities and for the issue of duplicate securities in respect thereof."

The motion was adopted.

The Honourable Sardar Vallabhbhai Patel: Sir, I introduce the Bill.

PUBLIC DEBT (CENTRAL GOVERNMENT) AMENDMENT BILL

The Honourable Dr. John Matthai (Minister for Finance): Sir, I beg to move for leave to introduce a Bill to amend the Public Debt (Central Government) Act, 1944.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Public Debt (Central Government) Act, 1944."

The motion was adopted.

The Honourable Dr. John Matthai: Sir, I introduce the Bill.

ESTATE DUTY BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Dr. John Matthai (Minister for Finance): Sir, I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the levy and collection of an estate duty in the provinces of India, be extended upto the last day of the first week of March, 1949."

(157)

[Dr. John Matthai]

Sir, the time which was appointed for the presentation of this Committee's Report was the last day of the first week of the Budget Session. We had several meetings of the Committee, but we found that the issues involved in the Bill were such that it would require more time for consideration and final disposal. I must also point out that the Members of the Select Committee were occupied with the work of the Constituent Assembly which was sitting all this time. I am hoping to get the work of the Committee completed sometime in the course of this month, and I would, therefore, ask the House to give us time until the last day of the first week of March when I hope to be able to present the report of the Committee.

Mr. Speaker: I am afraid the last day of the first week of March will be Sunday. Instead of saying 'the last day' I think a date may be given.

The Honourable Dr. John Matthai: May I suggest the 4th of March?

Mr. Speaker: Yes. I shall put the motion in an amended form.

The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the levy and collection of an estate duty in the provinces of India, be extended upto the 4th March 1949."

The motion was adopted.

CHILD MARRIAGE RESTRAINT (AMENDMENT) BILLS

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Child Marriage Restraint Act, 1929 (*Amendment of Sections 3, 4, 5, 6 and 10*), the Bill further to amend the Child Marriage Restraint Act, 1929 (*Amendment of Sections 2 and 4*) and the Bill further to amend the Child Marriage Restraint Act, 1929 (*Amendment of Sections 2, 10, 11 and 13*), be extended upto the 21st March 1949."

The House will remember that for presentation for Select Committee's report the date fixed was the first week of February. But it is so unfortunate that the Select Committee meetings could not be held on account of the Honourable the Law Minister being very busy. I had requested the Law Minister to arrange a meeting of the Select Committee as early as possible. But in reply I have received a communication that he can only agree to an extension of time—which is the subject matter of the present motion—and the date may be extended upto the 21st March. I have no objection to that. I only hope that the Select Committee meeting will be held before this date. I am, however, glad to say that the Honourable the Law Minister has practically assured me that it will be held before the 21st March to enable me to proceed with the further motions on the Bill on the next date for Bills. I therefore, make this motion.

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Child Marriage Restraint Act, 1929 (*Amendment of Sections 3, 4, 5, 6 and 10*), the Bill further to amend the Child Marriage Restraint Act, 1929 (*Amendment of Sections 2 and 4*) and the Bill further to amend the Child Marriage Restraint Act, 1929 (*Amendment of Sections 2, 10, 11 and 13*), be extended upto the 21st March 1949."

The motion was adopted.

RESOLUTIONS re, (i) FAILURE OF GROW MORE FOOD CAMPAIGN, (ii) SERVING OF RICE IN NON-VEGETARIAN HOTELS

Mr. Speaker: The House will now proceed with further discussion of the Resolutions moved yesterday.

Shri Upendranath Barman (West Bengal: General): On a point of order, Sir. In the revised list of business the Resolutions that were due on the 16th February have been transferred to today's order paper. My Resolution, which is No. 3 in the revised list, relates almost to the same subject—it is closely and intricately allied with Grow More Food. May I have your ruling whether I can move my resolution also so that all the three Resolutions may be discussed?

Mr. Speaker: The subject seems to be allied and as we have allotted today instead of the 16th for private business, I do not think there is any technical objection. But I should like to know what the Honourable the Food Minister has to say about it.

The Honourable Shri Jairamdas Doulatram (Minister for Food and Agriculture): I think the purpose would be served by making a speech on this main Resolution. The honourable member may bring out his point of view.

Mr. Speaker: Instead of taking up the Resolution now, the honourable member may advance his arguments when he speaks on the present Resolutions.

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, discussions and debates on food have almost become a regular feature every year. But rains have also been continuously failing and wherever there are rivers there has been overmuch of rain and floods. There is no use accusing our Government or the present Minister for all the evils that nature has thrown against us. Particularly during the past year, in the south of India there has been want of rain and consequently failure of crops. Similarly, in the north of India it is common knowledge that all the rivers were in floods and consequently we have not been able to produce sufficient quantities due to flood damage. This has necessitated a larger import to the tune of 150 and odd crores. The 'Grow More Food Campaign' was not started by this Government. It was started by the previous Government. It is a legacy from the past. Therefore, instead of entering into the various ways in which the Grow More Food Campaign has failed, let us draw upon it for the purpose of improving the position and trying to get the best by united effort in the future. That is how I would like to approach this problem.

First of all, there is no proper agency for pushing on with this programme correctly. The previous Government during the course of 150 and odd years made the Collector the most important personage in every district. He was also the District Magistrate and the Superintendent of Police was his subordinate. The previous Government was merely a tax-gatherer. It attended to only policing inside and prevention of aggression from outside. It never cared to improve the wealth of the nation, either agriculturally or industrially. It was pretended by them that they were improving agriculture and that aspect of our economy, but even that was not correct. They never did anything for the purpose of improving agriculture. Otherwise, we would not be in this predicament of having to go about to the various corners of the world, stretching out our hands, taking our begging bowl, for getting grain to sustain our body and soul together. Therefore, it is time for us to find what the causes are or have been; what the set-up was which did not conduce even to improve our agricultural economy.

[Shri M. Ananthasayanam Ayyangar]

I would suggest, as I have suggested already on a prior occasion when moved a Resolution for developing undeveloped areas and for preventing famine conditions that a Famine Commission or Agricultural Commission—permanent Commission—ought to be set up in this country with branches in the provinces and even extending to districts. They must have a regular five-year programme or even a shorter programme and they must pursue relentlessly the execution of that programme. Week after week the Minister or the person in charge of the Commission both here at the headquarters and also in the provincial branches must address the population on the various kinds of activities they must embark upon in order to push the programme through, and also report on the results that have been achieved during the previous week. I wanted somebody in the nature of Sir Stafford Cripps—a Minister with not merely powers of one Department, but a Super-Minister with all powers of commanding the services of other Ministers in the Centre as well as in the various provinces. The Honourable Minister gave us an assurance of a sort, but to this day he has not moved in that direction. I hope the Cabinet as a whole will very soon make a resolve to appoint a Commission of that kind for improving agriculture in this country.

The Honourable Shri Jairamdas Doulatram. That suggestion was made in the provinces and the provinces disagreed with it.

Shri M. Ananthasayanam Ayyangar: If the Honourable Minister finds that the provinces are not falling in line with the Centre, then the Centre with its enormous resources must set up its own machinery for the purpose of bringing waste lands into cultivation? (**Shri L. Krishnaswami Bharati:** "He can that be done?") If it is not so, we cannot be merely looking on. We have got to get a move on. When the provinces come here for subsidies and grants we can insist upon their falling in line with us. Above all, in the provinces as well as in the Centre, is it not the same Congress Government in force? Can we understand the previous Government saying, whenever any inconvenient questions were put, "Provincial autonomy is there". Whenever they want to suppress the legitimate sentiments and the patriotic instincts of the people the whole of India was one and Home Department at the Centre was ruling. That was the previous Government. But I am sorry that the same note continues even now. Is it not the same Congress Government ruling all the provinces? What is the good of the Honourable Minister coming again and again and telling us that the provinces are different from the Centre? To the uncrowned king of India is Pandit Jawaharlal Nehru with his Deputy, Sardar Vallabhbhai Patel. If they say "Yes" the Congress Governments certainly carry out and nobody will go against them, whether inside the Government or outside the Government. Therefore it is wrong to say that the provinces are not alive to the situation. The truth is this. The Agriculture Minister is the least respected one in a province. The old set-up continued even today. In the district, it is the Collector and District Magistrate who is feared, not the District Agriculture Officer or the District Co-operative Officer or the District Industries Officer. My respectful submission to the Honourable Minister and to the Minister in charge is, "Push the Collector back into the background. Push the Agriculture Officer, the Industries Officer and the Co-operative Officer—all these three—to the forefront". The previous Government was merely to gather taxes irrespective of the question as to whether the person from whom the revenue was collected was capable of paying or not. If he was not able to earn that year, it was no concern of the previous Government. The man had to sell his ancestral property and pay the taxes. That procedure must be reversed. We must first address ourselves to the nation-building

economic and wealth-growing aspects and push them to the front and put more money into the pockets of the agriculturists. The State can then easily take the revenue that is due to it. Therefore, give prominence to the agriculturists. Formerly, it used to be said that the District Educational Officer was a man who was least respected—or, he commanded respect but he had no influence at all in a village, because the Revenue Department was all supreme. The *patel* would stand and tell the Collector or Revenue Inspector, but the Educational Officer who was concerned with a very serious nation-building service would not be attended to. That is the position today too. (**An Honourable Member:** "Perhaps Educational Officers were the least educated.") Not that they were the least educated, but education was a bug-bear to the previous Government. They did not want anybody to be educated.

Now, Sir, the Agriculture Minister is in the same position. Instead of his going round and commanding influence, the Collector goes round from place to place and has control over all other Departments in the district.

The Honourable Sardar Vallabhbhai Patel (Minister for Home Affairs and the States): It is Madras experience you are quoting perhaps?

Shri M. Ananthasayanam Ayyangar: I am quoting Madras experience because I have no other experience. I would be glad if Madras alone does not constitute the whole of India; if Madras suffers, the rest of India might, with better influence in the hands of those Ministers elsewhere, may have another experience. Therefore, judging from the result of Agriculture Ministers in Madras, I believe the same to be the position in respect of Ministers all over India, whether Madras or elsewhere. And I am seeing it here in the Centre. The Minister in the Centre, with all his anxiety to increase production in this country, feels helpless as against *chhota* Ministers in the provinces and even against the bigger Ministers in the Centre. Therefore I am not quarrelling with any Minister. But we are confining ourselves with policing. And also whichever Minister holds the portfolio of Police commands greater respect, whether it is the Deputy Prime Minister or any other Minister of a lesser intellect. But we must see that the time has come for other things. We have settled our difficulties abroad. We have no aggression from elsewhere to consider, or disturbances from within. But hunger and starvation should not be allowed to kill our people gradually and as it were, inch by inch. That is a more dangerous thing. We must wipe out starvation and hunger out of existence. I am no pessimist. There is enormous energy in our Ministry. I would urge upon the Minister—and fortunately the Deputy Prime Minister is here present and I am sure he will attend to this aspect—I would urge upon the Ministry to set up a sort of commission or some other mechanism ere long, by which the Ministers in all the Provinces in charge of the Department should be given greater powers. I would not even stop with the Minister, but go even further. We are trying to fight communism and I am dead afraid of communism for the reason that I do not want any kind of class-warfare in our country, and ultimately dictatorship. Politically that will be committing suicide, and it will be the negation of democracy. But then, so far as the economic aspects are concerned, there may be certain things to be learnt from them also. So we must try to understand the problem and see how many kinds of programmes have been started in the various countries of the world and with what results. The villager to-day in our country is callous. If he is a small man with a little land, he only produces for himself and he eats what he produces. If it is a bigger man, he goes on clamouring for more and more price for his produce, and thus the country at large, is not able to pay. If we pay higher prices, the spiral of prices increases. And when he does not get higher prices, he cultivates only for himself. We must make the whole village responsible to grow more and we must make it an economic unit, and tell them that they should either cultivate and produce or perish. They must produce all the necessary cereals in their own area.

[Shri M. Ananthasayanam Ayyangar]

And then, Sir, some kind of crop planning is very necessary. We are growing tobacco, and other commercial crops which fetch good prices. Cosmetics, cigarettes and the like fetch larger prices though the amount of labour spent on them is much less than on the production of agricultural products. Therefore, there must be some change in the administration, and a commission or some other mechanism must be appointed to organise this.

As regards extensive and intensive cultivation, extensive cultivation is being attended to by the Minister in charge. He is sending out tractors; and he has given us a report that about 20,000 acres have been brought under cultivation. Therefore, so far as extensive cultivation is concerned, that can be attended to and is being attended to by means of the tractors and the organisation at the Centre. But so far as intensive cultivation is concerned, we are very backward. We are producing 900 lbs. per acre in this land, whereas in Japan and countries on the east coast of the Pacific, Indo-China, Siam and other countries, they produce 3,000 lbs. per acre. Therefore it is very necessary that instead of addressing ourselves to places where there are no irrigation facilities, and where the soil is not very rich, we must give more attention to places where there are irrigation facilities so that the yield per acre may be more. Where there are no irrigation facilities, but the soil is rich, there we must give irrigation facilities. I know subsidies for sinking wells and such things are being given. But there must be the introduction of co-operative farming in every village and the subsidies should be given to these co-operative societies. In my part of the country, subsidies were given for sinking wells. If a sum of Rs. 500 was given, actually Rs. 1,000 was necessary and so the man had to apply for a loan of another Rs. 500. But before that could come in, he had utilised the first Rs. 500 in sinking a pit and there is no water there, and he satisfies the authorities that he has sunk a well. Therefore, to avoid such a thing, my submission is that the co-operative societies must take charge of the work and receive the subsidies, and with the help of the minor irrigation department in the various provinces they must sink wells, irrespective of whether a particular agriculturist or ryot is able to do so or not. A proper survey of the land should be conducted to see what areas could be brought under such cultivation by better irrigational facilities, and wells sunk accordingly. Let the subsidies be spread over 30 years or so and let the recoveries be made whenever the season is favourable.

Next, we must give electricity wherever it is possible. I am speaking about my province about which I have more intimate knowledge. It is possible to install electric pumps for deep wells with great advantage and saving in cost, especially as bullocks are becoming more and more costly.

And then, Sir, I recently read an article in a paper and there was also a statement by an American to the effect that they in America are producing much more than we do, because of better and healthy seeds. If you use healthy seeds, you will save about 50 per cent. you will get about 50 per cent. more than what you are able to get today. Therefore sufficient attention should be paid to the proper distribution of healthy seeds.

As regards implements, a suggestion was made that agriculture must be the first charge on the iron and steel we have in the land. That has also not been done. In my province, a subsidy was given for sinking a thousand wells, and only 25 crow-bars and about 100 pick-axes were given. How can these one thousand wells be sunk with the aid of only 25 crow-bars and 100 pick-axes? If the necessary implements are not given, the wells cannot be sunk.

Lastly, better marketing facilities are very necessary. After the agriculturist has produced, he is unable to sell what he has with him, and so he does not produce any more. (Shri L. Krishnaswami Bharathi: Food grains he is

able to sell all right"). No, there are places where even food grains he is not able to sell, as was pointed out yesterday by my friend Mr. Tirumala Rao. Therefore, my suggestion is that legislation should be undertaken to see that all the grain is sold to the co-operative society and these societies sell them out in their turn. Sir, this is no new thing I am suggesting. Even in Kautily's Artha Shastra says that no grain should be allowed to be sold and bought from one individual to another individual, but all the grain should be sold in the open markets. The necessary legislation should be brought in. Therefore, there must be legislation to impose restrictions on the nature of crops to be raised, to carry out a crop planning. We have crop planning for tea, we have said that the acreage under tea should be only such and such. But we must have such crop planning for food grains also.

There is no need to be pessimistic. Let us not lose hope. With more interest given to the subject, I am sure we can make our country flow with milk and honey.

Mr. Speaker: Mr. Shiva Rao.

list that you are calling out the names?

Dr. P. S. Deshmukh (C. P. and Berar: General): Sir, is it according to any

Mr. Speaker: Not at all. I would like to make one suggestion. I find a very large number of honourable members are anxious to speak. Ordinarily, as the members know, under the rules, no speech should exceed fifteen minutes. But if that much time is allowed, only a very few number of persons will be able to speak during the course of the whole day. So, it will be better if we restrict the remarks to ten minutes, and make specific suggestions which the members may have in mind, so that the Honourable Minister also may be able to consider them.

Shri B. Shiva Rao (Madras: General): Even before you gave this ruling, when I was trying to catch your eye, I had decided to be as brief as possible.

Sir, I propose to deal with two or three points which arose at the meeting of the Governing Body of the I.C.A.R. which held its annual meeting earlier this week.

The first point that struck me attending the meeting first time was the extremely inadequate amount of money spent on agricultural research during the last twenty years. The total amount spent did not even reach two and a half crores of rupees. This works out at an average of about 10 lakhs a year. That, I think the House will agree, is an extremely small amount to spend on research in respect of our biggest industry. Since this point was touched both by the Honourable Minister for Agriculture yesterday and other speakers, I need not do more than refer to it.

The second thing which struck me was that no real effort has been made so far to bring the results of agricultural research to the notice of the cultivator. Last year, at the time of the Railway Budget, I had made the suggestion that the railways could play a very important part in fostering what I called mass education in the widest sense of the term, and that at important railway stations, especially at pilgrim centres, there should be small cinema houses for demonstrating documentary films on topics like agriculture, public health and the like, so that those who travel would have opportunities of benefiting by such shows. Another suggestion I had made, for exhibition trains was turned down for the reason, I understood at the time, that the Railway Board pleaded shortage of rolling-stock. I do not know if that difficulty still persists; but if it does, I would suggest, in view of the importance of this instrument of mass education, that the saloons which are used by Cabinet Ministers and Members of the Railway Board could be put to far greater use by their conversion into exhibition trains. Such exhibition trains play a very important part even in advanced countries like the United States.

[Shri B. Shiva Rao]

The third suggestion I want to make is in regard to crop-cutting surveys in respect of which there is at the present moment a five-year plan costing I think about 60 lakhs of rupees to be distributed equally between the Centre, the Provinces and the States. I do not know whether the Honourable the Finance Minister will be able to find funds for such a scheme. But even if he could, I would like the Honourable Minister for Agriculture to consider whether quicker and reasonably satisfactory results could not be achieved by adopting the technique which was followed by the Director-General of Medical Services about ten or fifteen years ago. Sir John Megay, who was then the head of the Medical Services, was dissatisfied with the results of public health statistics and evolved a technique of his own. He sent out a questionnaire to about 600 village doctors. The questionnaire included a certain number of questions which were intended not so much to elicit information as to test the sense of precision of those village doctors. When he got the results he discarded a certain amount of the data as unreliable evidence. With the rest of the material thus collected, he produced a report on public health conditions at that time which I think has remained a classic up to the present. I want to suggest to the Honourable Minister for Agriculture whether he could not evolve a similar technique and seek the assistance of the universities. There are hundreds and even thousands of undergraduates who I think could be trained in the art of collecting statistics. That, I would suggest, would be a more economical method, and probably the results, though not so satisfactory as by the method suggested now through a series of crop-cutting surveys, would sufficiently answer the purpose that we have in view. As he pointed out yesterday, in his opening speech, one of the most serious handicaps at the present moment is the lack of accurate statistics. Rather than wait for five years and undertake an elaborate and costly scheme, I think he would get quicker returns through the method I am suggesting.

I am suggesting it also for another reason. I think it is very necessary that there should be established, between our educated young men and the rural areas, an intimate connection. The Ministry of Labour has, at the present moment, a more popularly conceived scheme for an enquiry into the conditions of agricultural labour. I would therefore suggest to the Honourable Minister for Agriculture to consider whether these two enquiries could not be instituted on almost parallel lines.

Sir, a good deal of reference has been made to co-operative farming. I had the advantage, about 10 or 12 years ago, of spending two weeks in Palestine, where cooperative farming has reached a greater pitch of efficiency than in almost any other country in the world. Both last year in Paris and the year before in New York at the sessions of the General Assembly of the United Nations representatives of the Jewish Movement for Agriculture in Palestine expressed to me their willingness to send out one or more men who have had practical experience in running co-operative farming in Palestine. I have conveyed that suggestion both to the Honourable the Prime Minister and to the Honourable Minister for Agriculture. I think we would benefit largely by having expert guidance of a few of such men in starting co-operative demonstration farms in different parts of the country.

Then, yesterday, Mrs. Ray made a suggestion which I think deserves careful consideration. She urged the necessity for a Development Board which would take quick decisions and carry them out without needless red-tape and ensure the co-operation of the Provinces and the Centre. I think she had in mind particularly small-scale irrigation schemes and cooperative farms and the like. I hope the Honourable Minister for Agriculture will give his careful attention to this suggestion by Mrs. Ray. At the meeting of the Governing Body of the I.C.A.R. this week I felt that one of the most serious difficulties

at the present moment is a lack of adequate understanding between the Provinces and the Centre. It seemed to me, watching the proceedings of the Governing Body, that while the representatives of the Provinces, whether they are ministers or directors of Agriculture, are willing to attend conferences convened by the Centre largely in the hope of securing financial assistance for their various schemes, they had not the same confidence in nor respect for the judgment of the Central Government, as the Central Government would like to have. (Shri B. Das: "Right, you are".) In Particular, I think there is an impression, whether it is justified or not, I do not know, but there is certainly an impression that officers of the Central Government—I am not referring in particular to the Ministry of Agriculture—but there is an impression amongst the provincial representatives that the officers of the Central Government are inclined to throw their weight about when they visit the provinces, though they know very little about the realities of the problems with which Provincial Governments have to deal. Sir, I would suggest that when Central officers go on tours, they should cultivate a little more of the spirit of humility in order to prove more effective.

There is only one more suggestion, I would like to make. In the Ministry of Agriculture, there is a nutrition section. In the Ministry of Health too, I believe, there is a nutrition section and at Coonoor there is run an admirable nutrition research institute. Especially at a time like this, when the country is faced with a serious shortage of food, I think that these nutrition sections should display greater activity than we have had evidence of so far. I hope that when the Minister speaks at the end of the debate, he would indicate to us precisely the scope and the nature of the activities undertaken by the Nutrition section in his Department.

Lastly, Sir, I would like to say a word about the speech with which he opened the debate yesterday. He referred more than once to what he called the inherent difficulties of the situation. With all respect to him, and not meaning to be in any sense critical of what he said, because it was a lucid and comprehensive account of the present position, with all respect to him, I would suggest that not all the difficulties of the situation were inherent when he took charge of the portfolio of Agriculture and Food. At least one of the difficulties, and perhaps the most serious difficulty at the present moment, is the abolition of controls which was a self-inflicted difficulty last year. And now that the Government has realised the blunder it committed last year by abolishing controls, I hope that any policy that is enunciated at the present moment will be clear cut; that there will be no vacillation in carrying it out, and more than everything else, that it would be entrusted to a body of competent and able officers, some of whom are still in the Ministry, some of whom have left the Ministry and have been sent to other posts, that the carrying out of such a policy would be entrusted to a body of competent and able officers who would not hesitate to take quick decisions without any intervention or interference from outside.

پنڈت تھاکر داس بھارگو: جناب ماننڈیہ سپیکر صاحب! میں نے جو amendment

بھیجا ہے اس سے صاف ظاہر ہے کہ میں کسی نئی کمیٹی کے قائم ہونے کے سخت خلاف ہوں۔ اب سے پہلے یہ معاملہ بہت سی کمیٹیوں کے سامنے آچکا ہے۔ ہر session میں ایک آدھ روز اس معاملہ کی بحث کے واسطے دیا جاتا ہے۔ پہلے کرشنا چاری کمیٹی۔ اس سلسلہ میں رپورٹ کر چکی ہے اس کے علاوہ ایک اور کانفرنس ۸-۹ ستمبر کو ہوئی تھی جس کی رپورٹ ہمارے پاس بھیجی گئی ہے۔ اور بہت سی کانفرنس ہائے ہو چکے ہیں۔ جہاں تک Grow More Food کا تعلق ہے بہت ساری تجاویز پیس کی گئیں تھیں۔ جن میں سے سب پر عمل نہیں ہوا۔ اب ایک

[پلڈت تھاکر داس بھارگو]

نئی کمیٹی اس واسطے مقرر کرنے سے کہ وہ دریافت کرے کہ Grow More Food Organisation میں اور کیا کرنے کی ضرورت ہے۔ سوائے روپیہ اور energy خراب کرنے کے اور کوئی نتیجہ نہیں نکلیگا۔ جو معاملہ دراصل ہمارے سامنے پیش ہے وہ Grow More Food سے زیادہ اہمیت کا ہے۔ جیسا کہ کل جناب منسٹر صاحب نے فرمایا تھا کہ دراصل Grow More Food کا معاملہ تو اس سوال کا صرف ۵ فی صدی جز ہے کہ جو بڑا سوال ہمارے سامنے پیش ہے۔ اگر ۹ لاکھ تین خوراک پیدا کرنے کا target رکھا گیا تھا اور اس میں سے سات لاکھ تین خوراک پیدا ہو گئی جیسا کہ ان کاغذات سے معلوم ہوتا ہے۔ تو میں عرض کروں گا کہ آنریبل فوڈ منسٹر ہمارے مبارک باد کے مستحق ہیں۔ جو کچھ کام ہوا ہے وہ target کے تقریباً برابر ہے۔ لیکن جو اصل سوال ہے اور جسے سارے ہندوستان کو پریشان کر رکھا ہے اس کا حل نظر نہیں آتا ہے۔ میں یہ بھی نہیں جانتا کہ یہ سوال جس طرح ہمارے سامنے پیش کیا جاتا ہے وہ تھیک طریقے سے بھی پیش کیا جاتا ہے یا نہیں۔ میں ابھی تک اس بات کا قائل نہیں ہوں کہ ہندوستان میں اس قدر اناج اور دوسری چیزیں پیدا نہیں ہوتیں کہ ہندوستانیوں کی ضرورت کو پورا کر سکیں۔ میں statistics کو reliable نہیں مانتا لیکن جو سرکاری اعداد و شمار ہیں انکی دو سے پچھلے ۱۲ - ۱۰ سالوں میں کم سے کم ۵ سالوں میں ہم نے اس اناج سے زیادہ اناج پیدا کیا جو ہندوستان کی ضرورت کے واسطے کافی اوسطاً ہوتا ہے اس نقطہ خیال سے کہ statistics غلط ہیں۔ جیسا کہ عام طور پر بیان کیا جاتا ہے۔ ہمارے ماننے کے لئے کوئی چیز نہیں ہے جس سے کہ ہم اس نتیجے پر پہنچ سکیں کہ کنٹرول بالکل ضروری ہے۔ یا کنٹرول اچھا ہے۔ میں فوراً کنٹرول کو ہٹا دینے کے حق میں نہیں ہوں کیونکہ جو پالیسی گورنمنٹ نے سوچ بچار کر اختیار کر لی ہے اس کو چلانا چاہئے۔ لیکن میں intellectually مطمئن نہیں ہوں کہ دیش کے لئے کنٹرول کی اتنی ضرورت ہے۔ ہمیں کروڑوں روپیہ دوسرے ماکوں کو بھیجنا پوتا ہے اور یہ سلسلہ ختم نہیں ہوا۔ بلکہ کنٹرول کرنے سے زیادہ اور روپیہ خرچ کرنا پڑیگا۔ میں کنٹرول کے اوپر زیادہ نہیں کہنا چاہتا۔ لیکن میں ہاؤس کی توجہ ایک اور بات کی طرف دلانا چاہتا ہوں اور وہ یہ ہے کہ آخری لوائی سے پہلے دنیا کے اندر بہت زیادہ خوراک پیدا ہوتی تھی۔ بہت سارے ملک تو اپنی خوراک کو جلا یا کرتے تھے۔ مثلاً روس کے اندر گھوہوں کو آگ لگائی جاتی تھی۔ تو پہلے یہ problem تھا کہ اتنی خوراک پیدا ہوتی ہے اس کا کیا کیا جائے۔ دوسرے ماکوں میں وہ بھیجی نہیں جا سکتی تھی۔ ہندوستان میں بھی کوئی کمی نہیں تھی اس وقت agriculture provincial subject تھا اور یہاں پر سنٹرل گورنمنٹ میں فوڈ منسٹر نہیں تھا۔

صرف Education Health and Lands کا ایک Member ہوتا تھا۔ جونہی لوائی شروع ہوئی خوراک کی کمی محسوس ہونے لگی۔ آہستہ آہستہ ایک Food Secretary ہوا اور اسکے بعد سنہ ۲۶/۲۵ کے قریب Food Member صاحب کی الگ پوسٹ پیدا ہو گئی۔ لیکن دقت جو ہوئی وہ اس وجہ سے کہ سینٹر کے فوڈ منسٹر کی اور صوبہ کے منسٹر فوڈ کی کوئی clear cut ذمہ داری علیحدہ علیحدہ نہیں تھی۔ اس کی وجہ سے آج ہم نہیں جانتے کہ فوڈ منسٹر صاحب کی کیا responsibility ہے اور Provincial Agriculture Minister کی کیا responsibility ہے۔ میں عرض کرنا چاہتا ہوں کہ آدھی خرابی تو اس وجہ سے ہے کہ procurement کرتے ہیں پراونشیل منسٹر اور باہر سے خوراک منگواتے ہیں ہمارے سنٹرل منسٹر صاحب۔ معلوم ایسا ہوتا ہے کہ پراونسیز جنکو کہ powers ہیں وہ ذمہ داری محسوس نہیں کرتے کہ کل اشخاص باشندگان صوبہ کو خوراک پہنچانا ان کا فرض ہے سنٹرل گورنمنٹ منسٹر کے پاس powers نہیں ہیں کیونکہ ایک inch بھی زمین انکے پاس نہیں ہے۔ Conferences بلائی جاتی ہیں محض discussion کے لئے کیونکہ provincial autonomy ہے۔ لیکن ساری ذمہ داری خوراک بہم پہنچانے کی سنٹرل منسٹر صاحب کی ہے۔ یہ جو responsibility کا haphazard adjustment ہو گیا ہے یہ نہایت نقصان دہ ہے۔ ہمیں یہ صاف کرنا چاہئے کہ ہر Province اپنے باشندگان کے لئے خوراک بہم پہنچانے کی اپنی ذمہ داری کو محسوس کرے اور اگر وہ ایسا نہیں کرتا ہے تو خوراک کی قیمت Province کو دینی چاہئے تاکہ پراونس محسوس کریں کہ دراصل یہ انکا اپنا فرض ہے۔ ہمارے فوڈ منسٹر صاحب اتنے شریف ہیں کہ پراونشیل منسٹر صاحبان کے سامنے apology سی کرتے رہتے ہیں۔ میں انکی اس speech کی طرف توجہ دلانا چاہتا ہوں جو انہوں نے ۹ - ۸ ستمبر کو دی ہے۔

"As a matter of fact you may even consider whether the provinces should not so plan their food production programme as to independent of any aid from the centre by 1952, except in the circumstances of unexpected natural calamity. I do not know how far such a proposal appeals to you, but I submit it to you for your discussion".

میں ادب سے عرض کروں گا کہ جب میں ان کو دفتر میں بیٹھے رات دن کام کرتے دیکھتا ہوں تو مجھے ان پر رحم آتا ہے۔ میں سمجھتا ہوں کہ Provincial Ministers کو اپنی ذمہ داری محسوس کرنی چاہئے۔ Federal Constitution جو اب بنایا جا رہا ہے۔ اس میں سنٹر کو یا تو پورا اختیار دیا جائے تاکہ اسکی ذمہ داری ہو ورنہ اگر ایسا نہیں ہوتا تو provinces کے منسٹر کی ذمہ داری ہی ہونی چاہئے کہ وہ صوبہ کے سب مردمان کے لئے خوراک کا ذمہ دار ہو۔

میں ادب سے یہ گزارش کروں گا کہ اس طرح کی جو موجودہ پالیسی ہے اس سے یہ معاملہ حل نہیں کیا جا سکتا ہے۔ ہوتا کیا ہے کہ پراونشیل منسٹری انکو لکھتی ہے کہ

[پیدت تھاکر داس بھارگو]

ہمیں خود کو کی ضرورت ہے اور یہ فوراً ہی امریکہ سے کارروائی کر کے ان کے لئے انتظام کرتے ہیں۔ اصل میں پروان شیل منسٹری کو چاہیئے کہ وہ اگر کنٹرول رکھنا چاہتے ہیں تو خود پورا کام procurement کا کریں۔ ہمارے سنٹرل فوڈ منسٹر صاحب کو چاہیئے کہ ہر ایک پروان شیل منسٹری کو بتا دیں کہ انصافاً مانوٹا و اخلاقاً صوبہ جات کے لوگوں کی خوراک مہیا کرنے کی responsibility صوبہ کے وزیروں پر ہے اور وہ خود ہی procurement کے ذمہ دار ہیں اور جب فوڈ منسٹر صاحب انکو اس بات کا ذمہ دار تھہرائیں گے تو وہ اپنی ذمہ داری کو محسوس کر کے انتظام کریں گے۔

میں مثال کے طور پر عرض کروں گا کہ پچھلے سال حصار میں دھائی کروڑ من چنا پیدا ہوا تھا۔ اور ہم کو یہ خیال ہوا کہ کئی برس کے بعد اتنی پیداوار یہاں پر ہوئی ہے اس لئے اب کاشتکار کو بھی فائدہ ہوگا اور عام لوگ بھی اس سے فائدہ اٹھا سکیں گے۔ لیکن ہوا کیا کہ حصار میں چنا کی قیمت کاشتکار کو پانچ یا ساڑھے پانچ روپیہ فی من ملتی رہی۔ حالانکہ یہاں دھالی میں دس بارہ روپیہ فی من بھاو تھا۔ اور مدراس اور کاکتہ میں ۲۲ روپیہ بھاو تھا۔ روہاک میں بھی سات آٹھ روپیہ فی من چنا کا بھاو تھا۔ چنانچہ میں نے پنجاب گورنمنٹ کو لکھا کہ کیا بات ہے کہ بھارے cultivator کو حصار میں چنے کی پوری قیمت نہیں ملتی ہے۔ اور میں اس سلسلے میں شری جیپرام داس دولت رام جی سے بھی ملا۔ اور انکو کہا کہ اگر کاکتہ اور مدراس میں چنے کا اتنا زیادہ بھاو ہے اور وہاں پر چنا نہیں ملتا ہے۔ تو اب حصار سے وہاں پر کیوں نہیں بھیجتے تاکہ یہاں کے کاشتکار کو پوری قیمت ملے اور کاکتہ اور مدراس والوں کو بھی اس چیز کی قیمت محسوس نہ ہو۔ اور جو یہاں کے لوگوں کی یہ شکایت ہے کہ ان کو پوری قیمت نہیں ملتی وہ دور ہو جائیگی۔ میں نے ان سے کہا کہ آپ نے جو پابندیاں اور restrictions اس بارے میں لگائی ہیں ان کو آپ اٹھا لیں۔ لیکن اس ساری دوز دھوپ کا کوئی نتیجہ نہیں نکلا۔

دراصل اس میں بات یہ ہے کہ پروان شیل منسٹری اس پالیسی کو اختیار کرنے کے لئے تیار نہیں ہیں۔ اور نہ ہی سنٹر اس بات کو سنبھالنے کی کوشش کرتی ہے۔ ایسٹ پنجاب گورنمنٹ سے جب اس بارے میں بات چیت ہوئی تو انہوں نے کہا کہ اگر سب Provincial Governments سے یہ پالیسی ہٹوا دے تو وہ تیار ہیں کہ وہ restrictions کو ہٹا لیں چنانچہ اس معاملہ کا کوئی فیصلہ نہیں ہو سکا۔ میں آپ سے یہ گزارش کروں گا کہ وہ کاشتکار لوگ بالکل ان پتہ ہیں۔ اور کچھ بولنے کے قابل نہیں ہیں۔ وہ گاؤں میں رہتے ہیں۔ شہروں سے اور ریل سے اور سڑکوں سے بہت دور رہتے ہیں۔ اور اگر کچھ پیداوار ان کے یہاں ہوتی ہے تو یہ دیو تک بیچنے سے باز نہیں آسکتے ہیں اس لئے اچھی پیداوار کا کچھ فائدہ نہیں اٹھا

سکتے ہیں۔ بلکہ اس کے برعکس اس کا فائدہ وہ لوگ اٹھاتے ہیں جو دولت مند ہیں اور middlemen ہوشیار ہیں اگر غریب کاشتکاروں کے یہاں ریل نہیں ہے یا سڑکیں نہیں ہیں۔ تو یہ ان کا قصور نہیں ہے۔ بلکہ یہ سابقہ Provincial Government کا قصور ہے۔ جنہوں نے ان کے لئے یہ facilities مہیا نہیں کیں۔ ان لوگوں کا اس میں کوئی قصور نہیں ہے۔ آخر اسکا کچھ نہ کچھ حل تو ہے۔ اس کا کچھ نہ کچھ علاج ہو سکتا ہے۔ اور وہ علاج کیا ہے۔ وہ وہی علاج ہے جو کہ ہر سال اس ہاؤس میں پیش کیا جاتا ہے۔ لیکن اس پر کوئی عمل نہیں ہوتا۔ سیدھا حل یہ ہے کہ سرکار مناسب قیمت پر ایسے غریب کاشتکاروں کا غلہ مول لیوے اور خود پھر فروخت کر دے جب تک کہ پروان شیل اس بات کے لئے responsible نہ ہو جائیں اور ساتھ ہی ساتھ Centre کی بھی responsibility صاف اور واضح نہ ہو تب تک اس بات کا حل ہرگز نہیں ہو سکتا ہے۔

سب سے پہلے ضرورت اس بات کی ہے کہ اس خوراک کے معاملہ میں پروان شیل منسٹریوں کو پوری طرح سے ذمہ دار کیا جائے۔ اور وہ اپنی اس ذمہ داری کو اچھی طرح محسوس کریں۔ اس کے علاوہ میری یہ گزارش ہے کہ جس ضلع میں جو پیداوار ہوتی ہے وہ عام طور پر اس ضلع کی staple خوراک ہوتی ہے۔ مثلاً میرے ضلع میں لوگ باجرا اور چنا کھاتے ہیں۔ لیکن اب وہ پنجاب گورنمنٹ کی پالیسی کی وجہ سے سب لوگ گہیوں کھاتے ہیں۔ مدراس میں لوگ چاول کھانا چاہتے ہیں۔ اور پنجاب کے لوگ گہیوں کھاتے ہیں۔ لیکن جو کچھ اب ہر رہا ہے۔ وہ یہ ہے کہ مدراس میں بھی گہیوں دیا جاتا ہے اور پنجاب میں چاول دئے جاتے ہیں۔ اس طرح سے لوگوں کو تکلیف بھی ہوتی ہے اور بے چینی بھی بڑھتی ہے۔ اس لئے اگر آپ کسی ایک ضلع کو وہی خوراک دیں جو وہاں پیدا ہوتی ہے تو اس سے کوئی نقص نہیں آئیگی۔

میں نے Eastern Economist کے صفحہ ۱۱۲ پر پڑھا ہے کہ پچھلے پانچ سال میں average جو Food-grains کی رہی ہے۔ وہ $\frac{513}{500}$ تھی۔ اس کے معنی یہ ہیں کہ اگر ساری قسم کے غلہ کو ایک جگہ پر اکٹھا کیا جائے تو کل غلہ کی پیداوار ہندوستان کی اپنی ضروریات سے زیادہ تھی۔

[At this stage Mr. Speaker vacated the Chair which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar).]

لیکن موجودہ وقت میں پالیسی یہی ہے کہ سب لوگ صرف گہیوں کھائیں۔ یا Rice کھائیں۔ ان کو دیکھنا چاہئے کہ گہیوں کہاں پر پکھاتے ہیں اور Rice کہاں پر کھاتے ہیں اور اسی کے مطابق ویسا ہی وہاں پر Supply کریں۔ ایسا کرنے سے غلہ کی قلت نہیں رہیگی۔

[پلڈت تھاکر داس بھارگو]

میں مثال کے طور پر یہ عرض کروں گا کہ ضلع حصار میں کافی چلے کی پیداوار ہوئی تھی۔ اس لئے اور اب تک کافی حصہ اس پیداوار کا ضلع حصار میں موجود ہے اور لوگوں کے کوٹھوں میں بڑا ہے۔ لیکن سنٹر و صوبجات کی غلط پولیسی کی وجہ سے وہ ضرورت کے وقت بھی کام میں نہیں آ رہا۔ اس کی یہ وجہ ہے کہ Provincial گورنمنٹ provincial restrictions کی غلط پولیسی پر عمل کرتی ہے اور سنٹرل گورنمنٹ بھی اس غلط پالیسی میں co-operate کرتی ہے۔ جس سے دیش کی ساری economy کو نقصان پہنچتا ہے۔ انسوس کا مقام ہے کہ نہ ہی تو پہلی گورنمنٹ اس بات کو پہنچاتی رہی اور نہ ہی اب کی گورنمنٹ اس بارے میں کچھ مفید تجویز نکالتی ہے۔ سوائے Grow More Food کے slogan لگانے کے دوسرے ضروری کوائف پر کوئی گورنمنٹ دھیان نہیں دیتی۔ اور اسلئے یہ مسئلہ حل نہیں ہوتا۔

دوسری بات جو میں عرض کرنا چاہتا ہوں وہ یہ ہے کہ چنے بھی تجاویز grow more food campaign کے بارے میں تجویز ہوئے ہیں ان کو پروانیشنل منسٹری execute کر سکتی ہے۔ سنٹر نہیں کر سکتا۔ آنریبل فورڈ منسٹر صاحب نے بھی یہ خیال اپنی تقریر میں ظاہر فرمایا ہے اور میں اس خیال پر زور دے رہا ہوں تو ان حالات میں میری یہی گزارش ہوگی کہ آپ کو چاہئے کہ آپ پروانیشنل منسٹری کو اس بات کے لئے responsible کریں اور ان کو اپنی اس ذمہ داری کو محسوس کرنے پر مجبور کریں۔ اور جو پیداوار کاشتکار پیدا کرتا ہے اس کو اس کی پوری قیمت دی جائے۔ اور کاشتکار کو encourage کیا جائے کہ وہ زیادہ پیداوار کرے۔

پوری خوراک مہیا کرنے کی ذمہ داری پروانیشنل منسٹری پر ہوتی ہے۔ اور یہ جو موجودہ پالیسی ہے کہ وہ آپ سے درخواست کریں کہ ان کو خوراک کی ضرورت ہے اور آپ امریکہ وغیرہ سے کارروائی کر کے خوراک کا انتظام کریں۔ یہ نامناسب ہے۔ اور اس سے آخری صحیح حل موجودہ مشکلات کا نہیں ہو سکتا ہے۔ پروانیشنل منسٹریوں کو دیکھنا چاہئے کہ زیادہ پیداوار کے لئے کسانوں کو کیا کیا چیزیں ضرورت ہیں اور کس طرح صوبہ جاتی گورنمنٹ اس بارے میں مدد کر سکتی ہیں۔ فی الحال صوبہ کی گورنمنٹ ایسا کرنے کی پرواہ نہیں کرتی ہیں۔ میں جناب کے سامنے اس کی دلیل میں ایک مثال پیش کروں گا۔ سنہ ۴۷ کے ستمبر میں حصار میں کافی بارشیں ہوئیں اور ہم آنریبل راجندر پرشاد کے پاس گئے اور ان سے گزارش کی کہ حصار کے لئے ہیکٹریں tractors کی ضرورت ہے۔ چنانچہ انہوں نے حکم دیا کہ ہم کو tractors دئے جائیں۔ اس وقت ایسٹ پنجاب گورنمنٹ اچھی طرح سے قائم نہیں ہوئی تھی۔ وہ function کرتی تھی۔ اور اس لئے ہم کو گورنمنٹ آف انڈیا کے پاس جانا پڑا۔

باجورد ڈاکٹر راجندر پرشاد صاحب کے حکم کے محکمہ جات گورنمنٹ آف انڈیا نے ۱۵ دن تو ویسے ہی گزار دیئے۔ اور کہا کہ گاڑیاں نہیں تھیں اور یہ مشکلات ہیں وہ مشکلات ہیں۔ اور اس طرح سے پندرہ دن نکل دیئے۔ اور بعد میں Tractors دیئے۔ جتنی دیر یہاں پر Tractors لینے میں لگی اتنی دیر میں زمین سے آل نکل گئی۔ کیونکہ قدرت کسی کے لئے نہیں تھہرتی ہے۔ چنانچہ جب ہم کو Tractors دے گئے تو اس وقت موقع گزرنے کی وجہ سے ان کا کوئی فائدہ نہیں اٹھایا جاسکا۔ اور وہ Tractors اب بھی ضلع حصار کے حصہ جات کے بازاروں میں پڑے پڑے سو رہے ہیں۔ پروانیشنل گورنمنٹ راجندر پرشاد نے اتنی بھی تکلیف گوارہ نہیں کی کہ وہ یہ دریافت کرتے کہ ان ٹریکٹروں کا کیا ہوا۔ آپ خود اندازہ لگا سکتے ہیں کہ اس کا کیا مطلب ہے اسکا مطلب یہ ہے کہ یہ جو پروانیشنل agriculture منسٹری ہے وہ اپنے فرض کو محسوس نہیں کرتی ہے۔ آنریبل جیرام داس دولتنام کی خوبصورت شکل یہاں پر بیٹھے بیٹھے سارا ہندوستان نہیں دیکھ سکتا۔ ان کا invisible hand ہندوستان نہیں دیکھ سکتا۔ صوبہ جات میں پروانیشنل منسٹر کا ہاتھ دکھائی دیتا ہے۔ میں نے ابھی ابھی سنا کہ شریمنٹی ریلوکارڈیو نے اپنی تجویز پیش کی اور دوسری طرف سے منسٹر شیوا رائے نے اپنی تجویز پیش کی ہے۔ انہوں نے یہ تجویز کی ہے کہ ایک سنٹرل Development Board مقرر کیا جائے۔ جناب نے بھی ایک تقریر فرمائی اور اس میں فرمایا کہ ایک سنٹرل کمیشن مقرر کیا جائے تو کیا میں بھی نہایت ادب سے ایک تجویز پیش کر سکتا ہوں۔ میری تجویز یہ ہے کہ ہر ایک ضلع میں ایک Development Board مقرر کیا جائے اور اس کا چارج Development Commissioner کو دیا جائے جو اس ضلع کے پورے و مکمل حالات سے واقفیت رکھتا ہو وہ ضرورت کے مطابق Food اور Agriculture میں ترقی کرانا رہے۔

اجمیر میرواز اور دہلی کے متعلق جو Development Act بنایا گیا ہے اور دامودر وہلی سکیم جو کہ اس بارے میں ترقی کرنے کے لئے بنائی گئی ہیں اسکا اصول ہر ایک ضلع ہندوستان پر لاگو کیا جاوے۔ آپ جب ہی کامیاب ہونگے جب کہ آپ یہ Development Boards ضلع وار بنا دیں گے اور انکو متعلقہ قیامی کمشنر یا کلکٹر کے ماتحت رکھیں جو کہ اس بارے میں لوکل حالات کے مطابق ترقی کرانا رہے۔ اس طرح کرنے سے ہر ایک ضلع کا قیامی کمشنر - تھانہ دار اور پتواری کا یہ فرض ہوگا کہ وہ دیکھ کہ کن کن چیزوں کی کاشتکار کو اس بڑھانے پیداوار میں ضرورت رہتی ہے تاکہ وہ مہیا کی جائیں۔ اور زمینوں کو اچھی طرح کاشت کیا جاوے اور کافی پیداوار ہو۔ اور اس کاشت سے خالی نہ رہیں۔

میں آجکل حصار میں یہ دیکھتا ہوں کہ وہاں پر لوگ پوری زمینیں کاشت کرتے ہیں۔ جو چھوٹے چھوٹے زمیندار ہیں وہ ایک ہل کی اراضی کاشت کرتے ہیں۔ اور باقی کاشت نہیں کرتے ہیں۔ جتنی زمین وہ خود کاشت کر سکتے

[زبانت گھاکر داس بھارگو]

ہیں انہی ہی کاشت ہوتی ہے اگر وہ اس سے زیادہ زمین کے مالک ہیں تو وہ زمین خالی پڑی رہتی ہے وہ اس واسطے کہ ان کو "قر" ہے کہ اگر ہم یہ زمین کسی کو کاشت کرنے کے لئے دیں تو وہ کاشتکار بعد میں اس زمین کا مالک بن جائیگا انکو یہ قر ہے کہ اگر کسی کاشتکار کے قبضہ میں کوئی زمین کاشت کے لئے چلی جاوے تو بعد میں وہ اسکا مالک قرار دیا جائیگا اسلئے وہ تمام زمین کاشت نہیں کراتے ہیں۔ اسلئے میں بڑے ادب سے عرض کرونگا موجودہ خوراک کی جو مشکلات ہیں وہ اسوجہ سے بھی پیش آ رہی ہیں کہ ہندوستان کی ساری زمین اسوقت کاشت نہیں ہوتی ہے۔

اگر ہندوستان کے تمام حصوں کی زمین پر کاشت ہو تو ہرگز کسی خوراک نہ دے گورنمنٹ کا فرض ہے کہ وہ اپنی پالیسی فرم بلائے۔ میں روز دیکھتا ہوں کہ روز گورنمنٹ کی پالیسی تبدیل ہوتی ہے یہ بہت نامناسب بات ہے مثال کے طور پر اگر آپ کو زمینداری اہالیں کرنا ہے تو ایک مرتبہ حکم دے دیجئے کہ زمینداری اہالیں کر دی گئی۔ اگر زمینداری فی الحال اہالیں کرنا نہیں تو یہ اعلان کر دیجئے کہ دس برس کے لئے یا اس سے زیادہ یا کم کے لئے زمینداری برقرار رہیگی آپکی اس پالیسی سے کاشتکار بڑی مصیبت میں ہیں اور چھوٹے چھوٹے زمیندار بھی جو دو دو سو یا تیرہ تیرہ سو بیگھے کے مالک ہیں وہ تھوڑے حصہ پر کاشت کرتے ہیں اور باقی زمینیں وہ کاشتکاروں کو دینا نہیں چاہتے ہیں۔

جناب والا! جتنی باتوں کی طرف میں توجہ دلانا چاہتا تھا ان کے اوپر بہت سارا کہا جا چکا ہے میں زیادہ وقت نہیں لینا چاہتا ہوں اس لئے کہ بہت سے اصحاب کو تقریر کرنا ہے لیکن آپکی اجازت سے تھوڑا سا عرض کرنا چاہتا ہوں اور وہ یہ ہے کہ ہم نے Cow Slaughter کو روکنے کا ایک قانون گذار کانسٹیویشن میں پاس کیا تھا میں ابھی بمبئی سے ہو کر آیا ہوں اور کلکتہ بھی گیا تھا لیکن میں نہایت ادب سے عرض کرونگا کہ بمبئی اور کلکتہ میں Cow اور Bullocks سینکڑوں کی تعداد میں سلاٹر کیجانی ہیں اور انکا سلاٹر ہونا ابھی تک بند نہیں ہوا ہے تقریباً پندرہ بیس سال سے گورنمنٹ کے سامنے بھی یہ سوال پیش ہے کہ ضلع حصار اور دھتک سے گائے بیلنسیں بمبئی اور کلکتہ لیجائی جاتی ہیں اور وہ پہلے lactation کے بعد ہی سلاٹر کی جاتی ہیں وہاں کے لوگ بہت مالدار ہیں اور وہ گائے اور اس قسم کے دوسرے جانور یہاں سے اچھی قیمت دیکر لیجاتے ہیں اور ایک lactation سے انکو قیمت اور منافع وصول ہو جاتا ہے اور پھر وہ اس جانور کو مرودیتے ہیں اس لئے ضروری ہے کہ اس خرابی کا سدباب کیا جاوے تاکہ نسل ستیاناش نہ

ہو گورنمنٹ آف انڈیا کا حکم صرف یہاں لگنڈ پر ہوتا ہے خورد آنریبل منسٹر صاحب نے اپنے لفظوں میں فرمایا ہے کہ بغیر پروانسی کے کوآپریشن کے یہ معاملہ طے نہیں ہو سکتا استیبل اگر کسی ایک غرض کے لئے دیا جاتا ہے تو وہ دوسری غرض کے لئے استعمال ہوتا ہے ان حالات کی وجہ سے ان کمیٹیوں کے بنانے کی ضرورت نہیں ہے ضرورت اس بات کی ہے کہ ان پروانشل گورنمنٹوں کو صاف طور سے نوٹس دے دیا جائے کہ جب تک وہ خود صوبہ کی self-sufficiency کے کام میں ترقی نہیں کرینگے منسٹر کوئی مدد نہیں دینا میں چاہتا ہوں کہ اگر ایسا ہو جائے تو ہمارے ملک میں اس قدر پیداوار ہو سکتی ہے کہ وہ ہم سے کھائی نہ جائیگی لیکن یہ اسی وقت ہو سکتا ہے کہ جب ہر شخص زیادہ غلہ پیدا کرنا اپنی patriotic duty سمجھ لے اور اس ہی سے دیہے کا ہت ہے۔

(English translation of the above speech).

Pandit Thakur Das Bhargava (East Punjab: General): Mr. Speaker, Sir, It would be quite apparent from the amendment of which I have given notice that I am utterly opposed to the appointment of any new Committee. Hitherto this question has already been discussed time and again by many committees. During each session a day or two are allotted for holding a discussion on this subject. Before this, Krishnamachari Committee has already submitted a report in this connection. In addition to this, another Conference was convened on the 8th and 9th September, the report of which has been supplied to us. Many other conferences have already been held. So far as the 'grow more food' is concerned many suggestions were put forth all of which could not be implemented. Now the appointment of another committee with a view to investigate and make recommendations for improvement of the 'grow more food organization' would be nothing short of wastage of money and energy. The matter which is under our consideration carries more importance than the 'grow more food'. Just as the Honourable Minister had stated yesterday that in reality the problem of 'grow more food' comprises of only 5 per cent of the major issue involved and which confronts us. If the target of production of nine lakhs of tons of foodgrains was planned and out of this seven lakh tons were produced as would be observed from these papers, then the Honourable Minister deserves to be congratulated. Whatever result has been achieved, it is near-about reaching the target. But no solution of the real issue which has perplexed the whole of India is in sight. I am also not aware of the fact whether or not this question which has been put before us is being handled in a proper manner. I am not as yet convinced about the veracity of the statement that India does not produce sufficient quantity of foodgrains and other commodities which can cater to the needs of the Indians. I do not, therefore, believe in the reliability of the statistics. But according to the statistics collected by the Government for the last 10-12 years, I find that at least during the five years, the quantity of foodgrains produced by us is more than sufficient to meet the average requirements of India. Viewing from this aspect that the statistics are generally said to be incorrect, there is no other data before us from which we could conclude that control is not altogether essential, or control is a healthy measure. I am not in favour of immediate decontrol because the policy which the Government have adopted after careful consideration should be implemented. But I do not intellectually feel complacent that the control is so badly needed for the country. We have to remit crores of rupees to the foreign countries and there will not be any end to it. On the contrary the imposition of control will entail more expenditure. I do not want to make any more comments on the subject of control. But I would like to draw

[Pandit Thakur Das Bhargava]

the attention of the House to the fact that before the last war, a very large quantity of foodgrains was produced in the world. Many of the countries used to burn their food products *e.g.*, in Russia wheat was burnt. Formerly the problem was as to how to dispose of such a huge quantity of foodgrains. It could not be exported to foreign countries. India also did not feel any deficiency. At that time Agriculture was a provincial subject and here in the Central Government there did not exist any separate portfolio of a Food Minister. There used to be only one Member who was in charge of the Department of Education, Health and Lands. Immediately after the outbreak of war, shortage of food was felt. Gradually a Food Secretary was appointed and after this about the years 1945-46, a separate portfolio of a Food Minister was created. But the difficulty which arose was due to the fact that no clear-cut enunciation of the responsibilities of the Central *vis-a-vis* Provincial Food Minister could be made, and on account of this very reason we do not know even to-day what is the responsibility of the Honourable Minister for Food and of the Provincial Agriculture Minister. My submission is that partly the defect lies in the fact that the procurement is made by Provincial Minister while the foodgrains are imported from abroad by our Honourable Minister for Food. It appears that the Provinces which have got the powers do not at all realize that the onus to provide food to all the inhabitants of the Province devolves on them. The Minister in the Central Government has got no powers because he has not even an inch of land under his control. The conferences are called simply for holding discussion because provinces are autonomous. But the sole responsibility for the provision of food rests with the Central Food Minister. This haphazard adjustment of responsibility is quite detrimental to the country. We should explicitly lay down that each Province should realize its responsibility for providing food to its inhabitants, and in case it does not do so, it should be called upon to bear the cost incurred so that the Provinces should feel that in reality this is their duty. Our Food Minister is too noble that he even goes to the extent of expressing an apology to the Provincial Ministers. I would like to draw his attention to the speech delivered by him on the 8th and 9th September:

"As a matter of fact you may even consider whether the provinces should not so plan their food production programme as to be independent of any aid from the centre by 1952, except in the circumstances of unexpected natural calamity. I do not know how far such a proposal appeals to you, but I submit it to you for your discussion."

With all due respects, I would submit that when I see him sitting in the office day and night, I take pity on him. I feel that the Provincial Ministers should realize their responsibility. In the federal constitution which is being framed the Centre should be vested with full powers so that it should feel its responsibility. In case it is not done so, responsibility should be fixed on the Provincial Minister to provide food to all the inhabitants of the Province.

Sir, very respectfully I beg to submit that this problem cannot be solved by the present day policy. What happens is that the Provincial Ministries inform the Centre that they stand in dire need of foodstuffs and at once the Centre manages to procure for them foodstuffs from America. In fact the Provincial Ministries, if they want to have controls etc., should themselves make arrangements for full and complete procurement. Our Honourable Food Minister should inform all the Provincial Ministries that the Provincial Ministers are right-fully, morally and legally responsible for procuring food for the people of their provinces and they themselves are responsible for procurement of food and when the Honourable Food Minister would hold them responsible for this, then only will they realize their responsibility and will act accordingly.

For example, I would like to inform you that last year 2½ crore mds. of grams were produced in Hissar and we thought that as such a bumper crop has been produced after many years so the cultivators would reap good profits and

the people in general would also be benefitted. But what actually happened was that in Hissar the cultivators went on getting Rs. 5 to Rs. 5/8/- per md. although the market price at Delhi was Rs. 10 to Rs. 12 per md. and at Madras and Calcutta Rs. 22 per md. Even at Rohtak the market price of gram was Rs. 7 to Rs. 8 per md. Therefore I asked the Punjab Government the reason of the cultivators of Hissar district not getting the full price of their commodity. I saw Honourable Jairamdas Doulatram also in this connection and requested him that if at Calcutta and Madras the market price of gram was so high and the commodity was not available then why grams from Hissar is not being sold there so that the cultivators here may get the rightful price of their commodity and also the people living in Calcutta and Madras may not experience the scarcity; and in this way the complaint of the Hissar cultivators, that they do not get the full price, will be met. I requested him to lift all restrictions and controls that have been imposed in this respect. But all my efforts proved a wild goose chase.

The real fact is that the Provincial Ministries are not prepared to adopt this policy and the Centre also does not make efforts to instruct them in this respect. When I discussed this matter with East Punjab Government, the Government informed me that if all the provinces do away with these restrictions or else the Centre compel the Provincial Ministries to do so then the East Punjab Government is prepared to withdraw all such restrictions. The result was that no decision could be arrived at. I would like to submit that these cultivators are quite illiterate and are not able to voice their grievances. They live in villages far away from towns, railways and roads, and what ever they produce they are incapable of withholding it for long. So they cannot gain any profits from a good harvest. But on the contrary those people reap profits who are more clever and have more money *i.e.* middlemen. If the poor villagers live far away from railways or roads it is not their fault, but of the former Provincial Government which did not provide these facilities to them. These villagers are not at all at fault in this respect. But after all there is a way out of all these troubles. A solution can be found out. And what is that solution? The solution and way out is the same that has been suggested to this House year after year and has not been acted upon at all. An easy solution of this problem is that the Government should purchase the entire crop from the poor cultivators at a reasonable price and resell it afterwards. Until the provinces are made responsible for this and the responsibility of the Centre clearly defined, no solution can be found out of this problem.

The first and the foremost necessity is that the Provincial Ministries be made entirely responsible for procuring food and they should feel their responsibility. Besides this I beg to submit that the crops grown in a particular district generally form the staple food of the people of that district. For example, in my home district millets and gram form the staple food, but now due to the policy of the Punjab Government all of them eat wheat. In Madras people want to eat rice and in Punjab wheat. But what is being done to-day is that wheat too is given to the people in Madras and rice is given in Punjab. In this way the difficulties of the people are aggravated and uneasiness is produced. Therefore if the local produce of a district is given to people of the same district then there would be no such difficulty.

On page 1120 of Eastern Economist I have read that the average production of food grains for the last five years was 500; meaning thereby that if food grains of all kinds were to be pooled together then the total crop exceeded the total necessity of the whole of India.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar)].

But in the present times the policy is that all the people should eat only wheat or only rice. It should be ascertained where wheat is generally taken

[Pandit Thakur Das Bhargava]

and where rice and food grains may be supplied accordingly. By doing so there would be no scarcity of food grains. For example, I would like to submit that in District Hissar a bumper crop of grains was raised and so a major portion of this crop is still at Hissar and is lying in the barns. But due to the wrong policy of the Centre as well as Provincial Ministry that crop is not being utilized even in these times of want and necessity. The reason is that the Provincial Governments are acting upon the wrong policy of Provincial restrictions and the Central Government also co-operates with this wrong policy with the result that the whole economic condition of the country suffers. It is matter of great regret that neither the former Governments recognised this defect nor the present Government puts forward any useful proposals. Except raising "Grow More Food" slogans none of the Governments pay any attention towards other necessary matters and thus this problem is not solved.

The second thing that I wish to submit is that the Provincial Ministries can execute all the schemes that have been proposed for Grow More Food Campaign, the Centre can not execute them. The Honourable Food Minister has also expressed this opinion in his speech and I am supporting this opinion of him. So in these circumstances I would request that the Provincial Governments should be made responsible for this and they should be compelled to acknowledge their responsibility. And secondly the cultivators should be given the full price of the crops they raise and the cultivators be encouraged to grow more Food. The responsibility of procuring all the foodstuffs should rest with the Provincial Ministries.

This present policy of procuring food grains from America etc. on requests being made by provinces that they stand in need of food grains is not proper. This policy cannot lead us to the ultimate and proper solution of the present difficulty. The Provincial Minister should see what things the cultivators need for growing more food grains and how for the Provincial Governments can help them in their difficulties. So far the Provincial Governments do not care to do so. I would submit an example before you Sir, in support of my argument. In September 1947 Hissar district got a copious rainfall. We approached Honourable Dr. Rajendra Prasad and requested him that we needed tractors for Hissar district. He very kindly passed orders that we may be given tractors. At that time East Punjab Government had not been properly established and was not functioning, and so we had to approach the Government of India. In spite of the fact that the Honourable Dr. Rajendra Prasad had passed orders yet the various Departments of the Government of India wasted fifteen days in this or that on pleas that wagons are not available, there is this difficulty or that and thus fifteen days were wiled away and then tractors were given. During the time wasted in obtaining the tractors the fields lost their moisture, because time waits for none. So when we are given tractors no useful purpose could be served as the proper time had passed. These tractors are still lying and rusting in the fields of the various villages of Hissar District. The Provincial and the Central Governments did not even take the trouble of enquiring about the fate of these tractors. You yourself can well estimate the significance of all this. The point is that the Provincial Agricultural Ministry does not at all realise its duty. While sitting here the handsome face of the Honourable Jairamdas Doulatram cannot be seen by the whole of India. India cannot see his invisible hands even. In the provinces the work done by Provincial Ministers is apparent to the people. I just heard Shrimati Renuka Ray putting forward her proposals and on the other hand Mr. Shiva Rao has also submitted his proposals. They have suggested that a Central Development Board be constituted. You yourself Sir, in your speech have suggested the formation of a Central Commission.

Then can I also very humbly submit a proposal? My proposal is that in every district a Development Board be established. This board should be in the charge of a Development Commissioner who should have complete and full knowledge of the conditions in the district and who should get the necessary developments being made in respect of agriculture and foodstuffs.

The principles of Ajmer-Merwara, Delhi Development Act and Damodar Valley Scheme, which have been drawn for the all round development, should be applied to each and every district of India. You will attain success only when these Development Boards will be formed district wise and placed under the charge of Deputy Commissioner or Collector of the district who should see due progress being maintained in accordance with local conditions. By doing so the Deputy Commissioner, Tehsildar and Patwari of every district will be duty bound to find out what the cultivators require for increased production, so that these may be obtained with the result that the fields be properly cultivated, the production increased and the land may not be left fallow.

I see that in Hissar District many cultivators do not cultivate their entire holdings. The petty zamindars cultivate as much land as can be tilled with one plough and leave the remaining land fallow. They cultivate only as much land as they themselves can cultivate, and if they own more land then the remaining land is left fallow. The reason is that they are afraid of the fact that if they were to lease out the land to someone for cultivation then ultimately that cultivator would become its owner. They fear that if any lands are leased to some cultivator for cultivation then afterwards he will be declared its owner. So they do not get the whole land put under plough. Therefore I would very humbly submit that the present shortage of food is due to this fact also that the entire arable land of India is not put under cultivation. If the entire arable land in every part of our country is put under cultivation then there would surely be no shortage of food. It is the duty of the Government to make its policy firm. I every day see that the Government policy changes from day to day. This is very improper. For example, if the Government intends to abolish the zamindari system then issue orders once and for all that zamindari system has been abolished, but if for the present the Government does not intend to abolish zamindari then an announcement may be made that zamindari system will last for ten years or more or less. The cultivators are put to loss by this policy of the Government with the result that petty zamindars owing 200-150 bighas of land put under cultivation only a portion of their holdings and do not wish to lease out the remaining portions of their lands to any cultivators.

Sir, much has been said on the points on which I had wanted to draw your attention. I do not intend to take more of your time as other honourable members have to speak on the subject. But with your permission Sir, I beg to submit that we had passed a directive in the constitution banning cow slaughter. I have just returned from Bombay and had also gone to Calcutta, but very humbly I would beg to submit that in Calcutta and Bombay thousands of cows and bullocks are slaughtered and their slaughtering has not stopped as yet. Since 15-20 years it has been in the knowledge of the Government that cows and buffaloes from Hissar and Rohtak District are being taken to Calcutta and Bombay where they are slaughtered just after first lactation. The people living there are very wealthy and so they take away from here cows and other milch cattle after paying heavy prices and on first lactation they not only get their money back put even profits also. Then afterwards they get these animals slaughtered. Therefore it is essential that this evil may be rooted out so that the breed may not be exterminated. The orders of the Government of India are passed only on paper. The Honourable Minister has admitted in his speech that this matter cannot be settled without the co-operation of the provinces. If steel is given for a particular purpose it is utilized for some other purpose. Under these circumstances there is no necessity of setting up these

[Pandit Thakur Das Bhargava]

committees. The necessity is that a clear notice should be given to provinces that till the time they themselves do not make definite progress towards the self-sufficiency of the provinces, the Centre will not give them any help. I know that if it were to happen so then our country could produce food much more than our necessity. But this can be done only when every cultivator were to think it to be his patriotic duty to produce more food grains and in this only lies the well being of the country.

Pandit Hirday Nath Kunzra (U. P.: General): Sir, I am afraid that this resolution will be withdrawn. But I have no doubt whatsoever that it is necessary to appoint a committee to investigate the reasons for the failure of the Grow More Food Campaign and to suggest remedial measures. The Grow More Food Campaign has been going on for six years but the intensity of the public dissatisfaction with its results is well known. The Department of Agriculture have often claimed substantial results but they have never yet been able to satisfy the public that the expenditure has been commensurate with the results obtained. If the opinion of the Food Secretariat were asked for I have little doubt that it would be found that it was as dissatisfied as the general public. I may go further and say that it appears that even the Ministry of Agriculture themselves are dissatisfied with the results that have so far been achieved.

In the memorandum that has been supplied to us by the Ministry of Agriculture it has been pointed out that between 1943 and 1946 an expenditure of about 16 crores by way of grants and loans was incurred on the production of more food. As regards the results of this expenditure the memorandum says: "It is difficult to say in quantitative terms what exactly were the results achieved during the period." My honourable friend the Minister of Agriculture expressed a similar opinion during the conference of Ministers of Agriculture from the provinces and States that was held in September last. This being the state of things it is obvious that if Government want to inspire public confidence and to win the support of the public a committee should be appointed to go into the whole matter and if possible reassure the public that whatever mistakes might have been committed in the past we might expect more systematic and beneficial measures in the future.

The memorandum to which I have referred claims that while the system that existed up to the beginning of 1947 was unsatisfactory, the method that has been introduced to judge the results of the measures adopted or to be adopted in connection with the 1947-48 to 1951-52 plan are such as to enable Government to know accurately the return from the expenditure incurred in future. I am glad to know that the Ministry of Agriculture have at last seen the necessity of finding more accurate methods of determining the increase in the yield of food crops in consequence of the increase in expenditure. But there are two or three things that the House should bear in mind in this connection.

It is very necessary that the production of food in this country should be increased but it is no less necessary that the loss owing to various kinds of pests should be reduced to the utmost extent possible. The question of wheat rust has received a fair amount of attention in this country.

The research work carried on by Mr. K. C. Mehta, Principal of the Agra College has shown that disease germs are brought to the plains from the hills and that if wheat cultivation there were stopped, adequate compensation being given to the growers of wheat, a great deal of avoidable waste could be prevented. His work has secured recognition abroad, and I believe that the method recommended by him has been tried successfully in one or two countries. But for some reason our Ministry of Agriculture have held that

either the method suggested is not sound or that it is not suitable to India. In 1946-47 the loss from wheat rust was as much as 2½ million tons. It is necessary in my opinion that the matter should be reconsidered. No prejudices and jealousies, if they exist, should be allowed to stand in the way of the adoption of methods that will greatly increase the quantity of food available to the public without any expenditure comparable to that already incurred.

There is another question also that demands attention in this connection. The Famine Inquiry Commission of 1943 have pointed out in their Report which was published in 1945 that in rice lands adequate water being available and no new irrigation facilities consequently being needed the production could be increased considerably if more manure could be used. The Report of this Commission has been before Government for about four years and before the present Government for two years. I should like to know what attention this question has received at their hands. My honourable friend the Minister of Agriculture told us yesterday that in spite of the best efforts put forth by them they could not secure an adequate supply of fertilisers from abroad. If the supply of fertilisers is limited I think its distribution between the various objects for which it is required should be carefully considered. Will it be more paying to use fertilisers in rice lands or not? Fertilisers can be used there without waiting for the construction of new tanks or canals. My honourable friend the Minister of Agriculture made an interesting and exhaustive speech yesterday, but unfortunately he made no reference whatsoever to this question to which the Famine Inquiry Commission attached no little importance and which has been before the Legislature ever since its Report was published.

I may, I think, usefully draw the attention of the House to another recommendation of the Famine Inquiry Commission. The Commission realised that if the production of cereals was to be increased to such an extent as to do away with the need for their importation, Government would have to shoulder a colossal responsibility. It therefore suggested that the production of tubers, that is root crops, should be regarded as a matter of great importance. It drew particular attention of the Government to the great need for increasing the production of potatoes, sweet potatoes, tapioca and bananas, and it pointed out that in energy value they were superior to the cereals though inferior in their protein content. If we could increase the production of such things, then the Commission felt that a smaller amount of cereals would enable the Government to provide the country with adequate and balanced food. In the Memorandum that has been supplied to us all that is stated is that greater concentration is aimed at in the future on the production of cereals and root crops. Surely, the matter being of fundamental importance, we should be supplied with far more information on the subject than what Government have done.

Lastly, I come to the question of the urgent need for making a proper approach to the cultivator on whom alone the success of the Grow More Food will depend. I do not know what efforts have been made in this connection. But so far as I have been able to ascertain, the importance of obtaining the co-operation of the cultivator has not received adequate attention so far and I venture to think that this question received the attention of the Conference of Ministers of Agriculture that was held in September last. But I think, Sir, that it should receive much more attention than it has yet received or is likely to receive if the Governments in India continue to follow their routine, hum-drum and hope-killing methods.

Sir, if you will permit me, I should like to refer to the question of the accuracy of our statistics before I sit down. It has been known for years that the character of the machinery employed for the collection of statistics of

[Pandit Hirday Nath Kunzru]

crop yields is very unsatisfactory. The Famine Enquiry Commission discussed this matter at some length. We are now asked to believe that as a result of the new method of calculating the increase in the yield adopted by the Ministry of Agriculture, the old errors would be avoided and that the calculations made in future would be more reliable. I do not know how we are going to obtain statistics not of what the yield should be but what it is. We have, in the past, been frequently told unofficially that the information received on this subject from the provincial governments was more or less unreliable. I do not want to be hard on the provincial governments. I do not accuse them of deliberate attempts to mislead the Government of India, but if it is felt that accurate information is not being received from the provinces, it is necessary for the Government of India to devise some method that would enable them to be more in touch with the cultivator than they are at present.

I do not propose to deal with any other points, though I should have liked to controvert some of the observations made by the Minister of Agriculture. He said yesterday, in pointing out the importance of agriculture, that its development was necessary for our industrial development. I heartily agree with him there, but I hope that he will not forget that the success of agriculture will depend not merely on its increased yield in future but also on the provision of alternative employments that would draw off the surplus population on land and reduce the pressure on it. Industrial development and agricultural development must proceed together. Unless our standard of living rises, there is no hope that we shall be able to solve the problem before us. If the Honourable Minister of Agriculture needs money for the development of agriculture, let him come before us and ask for it. Have we ever stood in his way? Have we said to him that if the Ministry of Agriculture can inspire public confidence the House will not be prepared to grant the money needed for its schemes and make this country not merely self-sufficient in regard to food crops but also to put it in a better position in regard to the growing of non-food cash crops. One result, I think, of the appointment of a Committee will be that it will be in a position to go into the whole question of agricultural production and ask Government so to plan it as to provide for all our needs. For these reasons, Sir, I repeat that I am heartily in favour of the appointment of such a Committee as is suggested in the Resolution before us.

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

The Assembly re-assembled after Lunch, at Half Past Two of the Clock.

The Assembly the growing of Lunch, at Half Past Two of the Clock.
Mr. Speaker (The Honourable Mr. G. V. Maralankar) in the Chair.

Begum Aizaz Rasul (U.P.; Muslim): Sir, there can be no two opinions about the wishes expressed by the Honourable Minister for Agriculture yesterday, that more attention should be given to agriculture and more money should be spent on the development of agriculture in this country. Sir, in a country where 85 per cent. of the people live in rural areas, in a country where the main source of livelihood and income is agriculture, I think it is very necessary that every effort should be made in order to develop agriculture to the fullest extent. But, Sir, the resolution that is under consideration to-day brings home to the Government the fact that the Grow More Food Campaign instituted by the Government from the Centre and from the Provinces has been an utter failure; and I think I am voicing the opinion of the common man that this campaign has been an utter failure as far as the Provinces are concerned. We find from the figures given by the Agriculture Ministry that the Centre is giving large sums of money to the Provinces for this campaign, which includes

boring of tube wells, supply of improved seed etc. We find that the Provinces are also spending large amounts of money in this respect. But, Sir, the results do not justify the spending of these big sums. There has been hardly any corresponding return for the money that has been spent by the Provinces and the Centre. Sir, just as education, clothing and other necessities of life are essential for the people of a country, of far greater necessity is the providing of food to the people in order to save them from starvation and to enable them to keep body and soul together. Therefore, Government cannot ignore its responsibility. There is no doubt that there is a world shortage of food. We all admit that. There is also no doubt that there are many factors that go to create this shortage of food in our own country, and the Honourable Minister mentioned some of those reasons yesterday. We are entirely in agreement with him as regards those reasons. But at the same time, it is the duty of the Government to devise ways and means in order to make up that shortage, and in order to do away with those reasons which cause this deficit and shortage, and try to provide for the people food that is necessary for their existence, by increasing production in the country itself.

It is said that about Rs. 130 crores were spent in one year in purchasing food stuffs from outside, and the amount that will stand as a dead loss to the Government will be about Rs. 30 crores. Sir, that is not a small amount for a poor country like India which is called by the statesmen of our country as the richest country in resources, but the poorest as regards its standards of living. It is, therefore, very necessary that such large amounts that are spent in the procurement of food from outside should be done away with, and this very much needed money should be utilised for nation-building activities, and for buying implements of agriculture for the development of our own agriculture.

Yesterday, amongst other reasons, the Honourable Minister, mentioned the fact that there has been an increase in the population in our country at the rate of about 40 lakhs a year. Sir, this a matter which should not be mentioned just in passing, but should certainly engage our serious attention, and I feel that when so much is being done to develop our country educationally, economically and in other respects this very necessary item of social education should also be taken up seriously. I am sorry that the Honourable Minister for Health is not present in the House at this moment, but I really should like to invite her attention to the fact that family planning and the limitation of families is a very great need in our country, and this matter should be taken up by the Ministry of Health, and with the concurrence and help of other social bodies our people should be made to realise the importance of this, not only from the point of view of health but from the economic and social point of view also. In every civilized country in the world these problems are being taken up and tackled in all seriousness and I do not see why we should not do so also. Much attention is being directed to the rural areas and educational and other facilities are being provided to them, therefore, this very necessary side of social education should also be taken up seriously and developed on the lines that it has been done in other countries of the world as soon as possible.

Sir, the Honourable the Mover of this resolution yesterday, amongst other things mentioned the Agricultural Income-Tax which will, to a great extent, discourage the Grow-More Food Campaign in the provinces. I am entirely in agreement with him, because I know from experience in my own province, that because the agricultural income-tax has been imposed, ordinary people, not only landlords and zamindars but big tenants and farmers who had started developing their lands on scientific lines and started farming on a

[Begun Aizaz Rasul]

large-scale, they are being greatly discouraged because they feel that the returns to them for the money spent will hardly justify their taking all this trouble. This is a thing which Government has to consider, and to see whether it is in the interests of the country as a whole, to impose this agricultural income-tax at a moment when every effort should be made to help the people to produce more, and when every avenue should be explored in order to increase production.

From the figures of procurement furnished by the Honourable Minister I am sorry to see that the United Provinces procured only four per cent. of its food requirements from the agriculturists. This is a very small percentage and should be increased. I think that a good way of procuring more food would be to fix rent in kind, instead of as at present in cash. If the tenant could give the rent in kind to his landlord, the latter could in turn pay his revenues to Government also in kind. This would in a great measure help the Government in its procurement policy. No policy of rationing or control can succeed unless there is a sound procurement policy. If, in the United Provinces, only four per cent. of the food could be procured, there must be something wrong with the system enforced. I am afraid I may again be displeasing Professor Ranga when I say that the agriculturist is not coming forward with his produce. I assure him that I am not saying this in any spirit of rancour, ill will or ill feeling, but the fact remains that on account of the high prices of foodgrains the financial condition of the tenant today is such that it is not necessary for him to sell out a very large part of his produce in order to pay his rent. I do not know the conditions in Madras and in the South. But I can say that in my province the tenant has only to sell a very small part of his produce in order to pay the rent due to the landlord, and hoards the greater part of his produce to sell when the prices go up. For this reason also, I say that if rents are collected in kind it will help the policy of procurement.

I am afraid I have not got more time to refer to other points. I hope that something will be done soon and that the very serious question of shortage of food will be dealt with in the proper manner. We cannot afford to let this policy of drift continue any longer. There should be far more co-ordination between the Centre and the Provinces as regards the agricultural policy. When the Centre pays large amounts to the provinces for pushing forward agricultural schemes, it is up to the Centre to ask for yearly or half-yearly returns of reports to enable them to judge the results and also to find out what the provinces are doing in order to improve their agricultural output. I suggest that it is necessary that the Centre should be more firm with the provinces in the matter of this agricultural policy.

Mr. Speaker: I propose to allot not more than ten minutes to each speaker. I am trying to adjust the speakers, but it is impossible to do that when members, in spite of requests, exceed their time and reduce the time available to others. I intend to call upon those members who have moved amendments to speak first. At my instance they have just moved their amendments, intending to speak later on.

Srijut Rohini Kumar Chaudhuri (Assam: General): I have moved an amendment in which I sought to substitute the words 'unsatisfactory results' for the words 'the failure'. I submit, Sir, this amendment is not a mere verbal amendment. The speech which was delivered yesterday by my friend from the right Mr. Ranbir Singh Chaudhuri goes to show what has been done as a result of the Grow More Food Campaign. He wants, of course for his province got a large grant of 54 lakhs from the Honourable Minister. Nevertheless I think the facts and figures which he showed demonstrated that

the Grow More Food Campaign has not been a total failure, though it has not been as satisfactory as it should have been. I should be very careful in criticising his action, so long as I cannot suggest a better method than his. The Honourable Minister himself admits that the results were not as satisfactory as he wished. He has not held out any dogmatic assertion that his method is the best and that he would not accept any advice or suggestion. That being so, we have followed a programme which has unfortunately not been as successful as we expected. The result has not been commensurate with the urgency of the situation. It has not been commensurate with the hopes it has raised in our minds; it has not been commensurate with the expenditure which we have incurred and more than that, Sir, I would not say. I therefore suggest the Honourable Minister should be willing to accept the amendment, which I have proposed, because I would not like to say to the world that our National Government has failed in its attempt on a vital matter but that the result has yet to be seen. I feel we must not accept that we have failed before we have gone to the final end of the goal. This suggestion, which I have put forward, I submit should be accepted by the House as well as by the Honourable Minister.

As regards the specific suggestions which you, Sir, have asked us to submit, I would make some in the light of experience which I have obtained from my own province but these suggestions should not be carried out if it is not compatible with the condition of the provinces.

First of all, Sir, I would point out that Assam has been a surplus province so far as production of rice was concerned and yet unfortunately it so happened last year that there was a scarcity of rice in the two most important towns of the province, namely, Shillong and Gauhati, and in these two towns there were deaths from starvation. The position was most ludicrous. The Government had said that there was a bumper crop in that area; the Government had also asserted that not a single grain had gone out of the province by illicit means to Pakistan and yet even on the top of it, there was scarcity in the town and there were deaths also. The position was so desperate that even the Honourable Minister for Food had to go on fast. He felt for the people who had died from scarcity, and he himself went on a fast till he was able to improve the position. And it was not difficult to improve the position either. As soon as controlled prices were given up and as soon as greater attention was given to the transport system, the scarcity in these two towns disappeared. The fact of the matter was that the whole procurement policy was conceived in a wrong manner. There was a rise in paddy production, but there was no method of transport to bring them from the villages to the towns. The procurement officer instead of taking the trouble to go into the interior villages during dry season to procure rice when the crops are harvested, he spent his time in getting the supply from the places which are easily accessible, with the result that when the rains set in, it was impossible to get the crops from the interior villages and so the crops in the hands of the villagers could not be procured in time. Furthermore, I do not understand why there should be a control of the price of crops which are raised by the people of the provinces themselves? Our peasants ought to have the best price for the produce which they make. I do not accept the suggestion, which has been made by some, and which seems reasonable to many, that if we reduce the price of the crops, there would be an incentive to greater production to make up the loss in money. I think that suggestion is entirely wrong. In our own province, I found that because agriculture did not produce sufficient income, people, brothers and families had to go out of the town in order to earn living as labourers, but the moment the price was raised in our province and the moment the agriculturist was able to get more price for the produce, those people who had gone to the towns to serve as domestic servants

[Srijut Rohini Kumar Chaudhuri]

or mill labourers, they returned back to the village and helped their brothers in getting more produce by cultivation. I would therefore request the Honourable Minister not to listen to those who suggest that there should be a reduction of price in order to compel the people to get more production. That will be a very suicidal policy.

Then, Sir, the specific suggestion which I wish to make in this matter is that the procurement policy ought to be revised. I should think that the control price should be removed; there need not be any control price because so long as the province is self-supporting, they should be allowed to get as much price as they can and the only condition which should be laid down is to see that no export is made from the province, without the consent of the Government. That is the only thing on which Government ought to pay attention and for that purpose if we are to spend the money which they are now incurring in the procurement policy to watch that the crops do not go out of the province without the permission or a permit of the Government then that expenditure would be much better utilised.

Then, Sir, I fully endorse what my honourable friend, the Begum Sahiba has said just now that we should now think of revising the assessable amount of the Agricultural Income-tax. The agricultural income-tax in some provinces are assessable on an income of Rs. 2,000. Considering the price level now-a-days, Sir, Rs. 2,000 is not very much, nor is this agricultural income-tax going to be a source of greater income on inasmuch as those people—the zamindars and the middle-class land-owners—who might have been producing more, they are now very much reluctant to increase the produce, because they would have to pay the agricultural income-tax. Therefore, Sir, I would suggest that the whole question of reducing the amount of the assessable income of the Agricultural income-tax should be reconsidered by different Government.

About another matter to which my honourable friend Pandit Thakur Das Bhargava referred, I can say with greater emphasis in respect of my own province. There is a system of land tenure by which annual leases are issued to cultivators and different persons. These annual leases are given on the strictest condition that if that land is found in possession of somebody other than the lease-holder, then the lease will be transferred in the name of that person who is in possession. This is No. 1 limitation. The No. 2 limitation is that no sub-letting is allowed in respect of those leases. What happens is this: A man who is in possession of land, more than he can cultivate, he keeps it fallow or he does the cultivation in a very indifferent manner, but if, on the other hand, he was allowed to sub-let his land or to employ all classes of labourers to cultivate for him, the land might have yielded more produce and that would greatly help in the Campaign of Grow More Food. This is a defect which has been pointed out by my honourable friend, Pandit Thakur Das in respect of his own province and I say this is acting very adversely against the desire to grow more food because of this system there. There in Assam, you cannot even employ a tenant, who belongs to a particular class. If there are areas which are meant for one class of people and areas which are meant for another class of people and if for one area of one class of people they utilise the labour of a person who belonged to another class, then his lease is liable to be cancelled. So that system of land tenure wherever it exists should be done away with.

Sir, my honourable friend, Shri Biswanath Das yesterday spoke of co-ordination of different heads of Ministries. He had, in his infinite, but inexplicable regard for the lady members of this House refrained from mentioning the name of the Honourable Minister for Health in this connection. I would submit, that the Honourable Department of which the Honourable Minister of Health is in charge is greatly responsible for lesser production of

food in the country. I will show how in our part of the province, generally during the cultivation season large percentage of cultivators are laid up in bed on account of malarial fever. Just in the height of the cultivation season malaria breaks out in an epidemic form and if at that time you could only distribute quinine amongst them, you could have saved a lot of lives and at the same time would have contributed to much larger production of crops during the season. But today we do not get enough quinine for purposes of distribution among the cultivators. During that season dysentery also breaks out in almost every village. Nothing has been practically done to save these villages and this scarcity could be removed. These are preventable diseases and we should be ashamed that we are not able to tackle these preventable diseases even. These diseases take away a lot of human lives and they are largely responsible for lesser production of food in this country.

Mr. Speaker: Order, order. The honourable member has already taken fifteen minutes, which is his full quota and he has exceeded that by another ten minutes.

Srijut Rohini Kumar Chaudhuri: I will now speak on my other amendments.

Mr. Speaker: I cannot allow that. He may just mention his points in a sentence or two.

Srijut Rohini Kumar Chaudhuri: I will just refer to the other more mischievous resolution moved by Mr. Sidhva. I take him seriously. I do not know if he has moved the resolution in a spirit of a joke or on account of spitefulness. I ask him if there is any other creature other than a carnivorous one who can live solely on meat and fish. Do human beings live on meat and fish without rice? Of course, I understand that dogs can do it; tigers can do it; jackals can do it. Can human beings in any country live merely on fish and meat? If this resolution has to be carried out.....

Shri R. K. Sidhva (C.P. and Berar: General): May I point out that the honourable member is misinterpreting my resolution. It is meant for hotels. He is talking jocularly!

Srijut Rohini Kumar Chaudhuri: I am not. Supposing his resolution is accepted by the Honourable Minister, which God forbid he does! Then all the messes in Calcutta, where students live, and the restaurants and hotels will have to close down. (Shrimati Renuka Ray. "And in Shillong!") Quite so. My friend has however not provided for the ordinary household. Rice is a staple food. No one can give up rice. One can give up fish and meat but not rice. If I take to rice instead of taking to fish and meat, I shall then consume more rice than the Mover of this resolution contemplates in his motion. I shall consume more than I am consuming today. When I have other foods to take, if the alternative is between rice and fish, then I shall take to rice and the result will be a greater consumption of rice.

The whole thing has been conceived in a spirit of a joke, because my friend who takes more to wheat has failed to include wheat here. He wanted to have his parata and gosht, which he takes. If my friend wants economy in this direction, he should show the example and he should tell his friends in Northern India that they must not take sweetened rice and "pulao". Why do they take so much of sweetened rice? If they wish that they can give up these luxuries, and then there in Madras and Bengal get more rice!

Mr. Speaker: The honourable member need not search for points.

Shri Basanta Kumar Das (West Bengal: General): The amendment that I moved was to the effect that the methods of implementation of the programme by a specified time limit should be taken into consideration by the Committee that has been suggested by the mover of the resolution. Sir, the points that have been raised during this debate have given us a picture of how the food production programme has been wanting. The defects that we find is in the method of implementation. I will just read a few lines from the memorandum that has been given to us:

"It cannot be over-emphasized that the success of the food production places depends primarily on the enthusiasm of the cultivators, the public and the Provincial Governments. Every effort is being made to create this enthusiasm. Food production work has to be built from below more than directed from above and here it is that the cooperation of the public is of paramount importance."

Sir, to my mind the crux of the problem is here. Up till now this problem has not been tackled on a nation-wide scale. There is no sign of a national emergency in our minds. I have practical and personal experience of the rural areas and we over there do not feel that we are in the midst of a national emergency. We do not know that our nation is heading towards a crisis. Our people do not know. Our public men do not feel that and they do not give expression to it by their action. Sir, if a national emergency is there, it must be tackled in that way. When there was a war, and when there were other national emergencies, it was tackled in that fashion and the people were aware of it. This memorandum says:

"More than all these difficulties, the major problem confronting those who are in charge of this work is how to prove to the public that for a certain amount of expenditure and effort, a certain result has been achieved."

The cultivator who has to produce is quite ignorant that his effort will produce some good results.

There is not a single farm conducted by the Government in the rural areas. I can venture to say that there is not a single farm in many districts of our province, and if the people can see with their own eyes that some good results can be produced by taking to some such methods, they will follow them. There are, I think, agricultural officers in every part of the country, but they are quite ignorant of their work. Generally they are fresh from college and school and they do not know what agriculture is. I know in Bengal we have at least 1,500 workers who were in the work of the Jute Department and they have now been taken to the Agricultural Department for working in the rural areas. But they are quite ignorant and they must be trained.

In this memorandum also we find amongst the difficulties that the want of training of workers is one. "Strenuous efforts are being made to train men in the provinces but this anyhow is a matter of time." I think unless and until some training is given to them and those workers actually in the field are trained in their work, they will be as useless as they are now. They can be taken by batches and given this training and within six months they will become useful. If model farms are started in the mofussil areas the cultivators will be able to understand what they have to do.

There is an other point which I would like to deal with. In many parts of the country only a single crop is produced on the land. We should taken to double-cropping and choose the lands which will yield two crops in a year. If that is done production will go up. There are some difficulties in this respect. Water has to be found and the crops have to be chosen for double-cropping purposes. If the Agriculture Department take it to their heart as to how this can be done I think good results will be produced by planned double-cropping.

Then, Sir, manure is unknown in many parts of the country. Cultivators do not generally use manure. Large quantities of cowdung and farmyard

manure are being wasted. The fuel problem is such that the agriculturists generally use cowdung for fuel purposes. This has to be conserved by all means. Oil cake, cowdung and other manure can easily be procured and come handy to the agriculturists. They can be utilised for purposes of manure. We cannot procure chemical manure very easily and it is a question of money also. Besides the agriculturists also do not always know how to use that manure for agricultural purposes. All that we have got to do is to find a substitute fuel for cowdung which they can easily use.

Also they do not know how to keep proper seeds for their next cropping. These officers to whom I have already referred also do not know what seed to procure for the cultivators. I have personal experience of the procurement of seeds. Some agricultural officers procured thousands of maunds of seed which did not produce any results. Those seeds were thrown away, because they themselves did not know whether those seeds were useful or not. Therefore if we want intensive agriculture some intensive programme has to be taken in hand. We should not only look to the long term or permanent methods which we are adopting now. Of course the long term and short term processes must be simultaneous; otherwise we cannot cope with the situation that is before us. But the Grow More Food Campaign is a short term programme and we must have a specified time limit for that. If we fix up a programme for a specified time and apply ourselves strenuously to it we shall be able to have the desired result. For that purpose the man behind the plough should occupy our mind more. If we apply our minds to the difficulties that are before him we can solve them and we can induce him to produce more and more.

There are several difficulties that confront the actual man behind the plough and if we try to solve those problems we will be able to see the desired result. The first and foremost step is that all public men and public institutions should take it to their heart that we are in a national emergency and we should actively take up a programme in hand to solve the difficulties.

Shri Brajeshwar Prasad (Bihar: General): Sir, I have to offer a few concrete suggestions to the Honourable Minister for Food and Agriculture. I am not very sure how far the present food shortage in the country can be solved by improved methods of agriculture in the country. I feel that unless the Department of Food and Agriculture is vested with powers over agricultural lands it will not be possible for any Food Minister to solve the problems which confront us. Agricultural land must be brought under central jurisdiction. An amendment of the Government of India Act is necessary before anything can be done to improve the food position in the country.

The second suggestion which I have to offer is that division and fragmentation of land must be stopped and if this is to be done, then our laws of inheritance must be changed. I do not know how far these things are practicable at present but I do not see any other way of doing things.

To come to some concrete suggestions I have one suggestion in view, that the burning of cowdung cakes is a very wasteful practice and the Government must stop it if they want to use this natural fertiliser instead of depending upon foreign chemical fertilisers. I need not elaborate on this point because it is very well known and quite obvious that this natural fertiliser is far superior in value and in result to chemical fertilisers that come to us from abroad.

The other suggestion I have to make is that all the rice mills must be closed down. I do not know whether the Central Government have power to do it but if the present Ministry feels that it has no such power it can come before the House with some specific Bill to that effect. The real problem is that the peasant is not in a position to plough the field and as my friend Mr. Rohini Kumar Chaudhuri pointed out the peasant is disease-ridden

[Shri Brajeshwar Prasad]

The Ministry of Health must wake up to its responsibilities and duties before any improvement can be shown in this direction. Moreover the peasant suffers from lack of protein. He is therefore not in a position to plough the field. He has not got the strength to do it. He requires milk and eggs. I do not know from where those things will come. (An Honourable Member: "From cows and hens!") and how he is going to be fed. But I am sure that unless his welfare is attended to he will not be able to plough his land and we cannot grow more food. We are moving in a vicious circle. Unless the farmer is well fed he cannot plough his land and produce more food and unless there is more food he cannot plough his land.

There is one thing to which I would like to draw the attention of the Honourable Minister, I have been told on the authority of the Government Chief Whip that the East Punjab Government allowed more than one lakh maunds of gram to rot. This could have been distributed to the other provinces which stood in need of it. The whole thing rotted and went to waste and the Government of Pandit Gopichand Bhargava did not move its little finger to solve the difficulty which confronted the local population. Sir, I have nothing more to add.

Shri Upendranath Barman: Sir, this problem of food is such a hydra-headed problem that members have spoken on various aspects of it. Before I come to my own amendment which is No. 3 in the agenda, I shall make some observations which are of a general nature as regards the main purpose of the debate today. To my mind the main purpose of the debate on this Grow More Food Campaign is only to judge whether the Central Government with all its paraphernalia and machinery has taken up in right earnest the real problem that faces the country today. From the statement of the Honourable Minister yesterday we come to learn that so far as this Grow More Food undertaking of the Central Government is concerned it extends only to five per cent of the cultivated land in this country. Even as regards that he states that the real responsibility of making it a success lies with the Provinces and the public at large. I judge from that statement that it is a kind of plaintive tone; as if the Central Government has got some idea of making our country self-sufficient in food but that idea is not being imbibed by the public, or the Provincial Governments are not acting up to that idea. May I ask the Honourable Minister and his Departments whether they have drawn up any elaborate scheme for the purpose and whether they have given those schemes to the provinces, province by province giving definite suggestions for working it up; and may I know whether they have judged, from the conduct or action of the different provinces, as to which provinces have acted up to it and which have not? If it is the case of the Central Government that they are lacking in powers under the present Government of India Act, has the Minister in charge ever consulted with his colleagues in the Central Cabinet that such and such powers are needed for the purpose of making this food problem a success, and if so what is the result? There is no denying the fact that the Central Government today enjoys the unqualified support and confidence of the country as a whole, and if in their undertaking, which is of the gravest nature today, they find that the Government of India Act as it is at present is deficient and that they cannot act up to their methods or what seems to be their ideal, then they can easily amend the Government of India Act so that the country may live. There is absolutely no difficulty about that. But if they have not done that, simply to complain before the public who have entire and full confidence in them, is not acting up to the confidence that the public have in them.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker. (Shri M. Ananthasayanam Ayyangar)].

From the statistics that are available to us I find that the present position of the food problem in India is that we have to import from outside crores and crores worth of food grains. Recently difficulties have arisen as regards payment for this purpose. We find that up to 1947 the balance of payments was being met from the Sterling Fund. But since 1947 these sterling balances were of no avail so far as our purchases in dollar countries were concerned. So since that time it was the International Monetary Fund that was being availed of for the purpose of meeting that balance. And we come to learn that even that International Monetary Fund has recently warned us that that Fund is only for temporary assistance and not for permanent assistance. They have therefore warned us that we should make our own arrangements and not rely upon that Fund. I think that as a result of that we shall not be able to import even that quantity of food which we require to meet our country's requirements even though it might be available in dollar countries. Then what would be the position? I think no more crisis can be imagined than this food crisis where almost thirty four crores of people have to depend upon Government for their daily bread. Once there is a crisis of food in India I do not know to what position we shall come to. There cannot be a greater national emergency than this food emergency in India as at present. And in order to meet that emergency, if the Central Government think that they should assume such powers as are necessary for this so that they can make the policy successful throughout the length and breadth of India, irrespective of Provinces or States, I think they can easily assume the power. The House will be quite willing to give them that power.

Now I shall come to my own amendment in which I have asked the Honourable Minister to consider whether, in order to make our Grow More Food Campaign or our food policy a success, it is necessary to fix a minimum as well as a maximum price for principal food grains in India. My reasons are these. First of all, as I have already stated, the Honourable Minister said that the present Grow More Food undertaking covers only five per cent. of the cultivable land in this country. Then what about the remaining 95 per cent. We are practically not tackling it. What are the means so that we can tackle all the hundred per cent of the cultivable lands in India? That is the problem of problems. Unless every inch of land in India that can produce some more food can be utilised for the purpose I think this huge problem cannot be solved. My own suggestion is that for that purpose huge amounts of money are not required and they are not also available. But it is necessary to bring about a psychological change in the minds of the agriculturists. What is that? Previous to me Chaudhuri Ranbir Singh and Pandit Bhargava have stated on the floor of this House that agriculturists have sometimes to part with their produce at a much lesser price than the market price. Sometimes huge quantities of food grains are also wasted because of want of procurement by Government at the fair price. What is the result? If the agriculturist does not know that he is assured of a certain price for his produce, he will not devote that much energy nor show that much initiative which is required to grow more.

In addition to this, it is to my mind necessary that in order that agriculture may be considered as a paying proposition in its relationship to industrial or other pursuits every able-bodied man who knows about agriculture must be encouraged to continue in it. Otherwise, they would try to find out jobs elsewhere. This will also take away the initiative and energy required for growing more. If the agriculturist knows that Government is ready to pay him a certain price for his produce, if not more, then he will calculate in his mind and stick to agriculture and produce more. Whatever the percentage,—I think it is five per cent—it will be sufficient, because India is five per cent deficit by its requirements or it may be more. In that case,

[Shri Upendranath Barman]

the agriculturists will devote all his energy in producing more than he produces usually. That will not require tractors or dollar balance for purchase of tube-well machinery. It requires merely incentive in the mind of the people. That can only come about by the awareness that he will not have to depend on the vagaries of the market but the State is there and if he offers his produce to the State it will take it at that price.

I want also a maximum price to be fixed, because there is the question of consumers too. If we give more price to the agriculturists, that necessarily means that the consumers will have to pay more for it. But what is the actual state of things? As Chaudhuri Ranbir Singh has pointed out, we find that the agriculturist does not really get the price at which the consumer purchases. I recently had some experience of the rural area and I can say that the Government procurement price is not at all encouraging to the agriculturist for parting with his produce. Government have stipulated a price, a reduced price. There are certain agriculturists who have to sell more than they ought to, and in their case, after a few months they have to purchase again. The agriculturist who sells his produce at a reduced price has to buy after a few months at more than double the price. I say more than double, because that is the actual state of things in many parts of the country—at any rate, in my part of the country. Necessarily, therefore, the agriculturist is reluctant to part with part of his produce because he knows that he may be landed in difficulty by this Government which is taking away his food from him. The consumers also have to pay much greater price than should be paid according to the purchase price. It is the middleman that really enjoys the full benefit of the labour of the agriculturists and the consumers suffer. If there be a ceiling price fixed by Government from year to year before the agricultural season commences, if there be a minimum and maximum price, then the agriculturist will know that he will get the minimum price at least and the traders and profiteers will know that they cannot sell above the maximum price. Thus there will be no grumbling about this food grain trade. If you do not fix the maximum price, then this grumbling will go on and the consumers will suffer. It will not also ensure to the benefit of the growers. To my mind, one of the duties of Government is to ascertain the minimum price that it is prepared to pay to the agriculturist for his produce. In England, in Australia, in America, Government assures the agriculturist a certain price and the agriculturists take to their profession with great zeal and produce more. I submit, Sir, the time has come for Government to consider this matter.

As regards the fixation of price, I will not submit elaborately because it is an extensive problem, but I may suggest that the agriculturists have to invest some capital in their profession. The family unit of five—that is the unit generally accepted—works in its field; there are other costs such as bullocks and manures. All these factors should be taken into consideration and the agriculturist's family should be given a remunerative price which will enable them to lead a decent life. If all these things are assured, the other problems will also solve themselves to some extent and instead of dealing with five per cent. of agricultural land we shall be able to deal with cent per cent of it.

Dr. P. S. Deshmukh: Mr. Deputy Speaker, Sir, the Resolution we are discussing refers to the policy with regard to growing more food, and there have been very many speeches made on the various aspects of this Resolution. Nobody will quarrel with the plan which is intended to grow more food, although I found it difficult to follow you, Sir, when you mentioned that this was one of the worst legacies which the Ministers had inherited from the past. If there was anything good in the legacy, to which we succeeded I should have thought that it was the scheme of "Grow More Food". There is nothing wrong in the scheme or in the idea just as there is nothing wrong in the basic idea of

controls. The whole question turns on how far it has been possible to make it practicable and economical and whether Government has been able to get from the scheme the benefits that were expected to accrue from it. Similarly about controls. I for one dislike controls. Not that controls are totally bad or are to be wholly abolished, but because of the abominable situation to which they give rise. It was this that created abhorrence in the mind of Mahatma Gandhi who thought that the disappearance of controls at all costs would be a far lesser evil than the evils flowing from the controls when they were operating. We have had several members of this House—including some very old ones—who went to the extent of criticising the idea of Mahatma Gandhi in their zeal for controls. I am not a control-wala myself. If anything, I am a anti-control-wala and for very good reasons too, because I think that those who are in favour of controls, in their anxiety for the happiness and welfare of a very small fraction of the community, forget that there is a larger mass of people living in the villages—agriculturists and agricultural labourers—for whom controls can never be effective and if controls are worked in the way in which they have been worked in the past, then we will find ourselves in a much worse position every where. So far as grow more food campaign is concerned two important points have already been made. One of them was by Chaudhuri Ranbir Singh and the other by Shri Barman. The whole question of growing more food turns on what you are prepared to pay the agriculturists. Unless you are in a position to make the growing of more food attractive, there is no possibility of increase of production from the land. And unless we do that, there is no possibility of increased production from the land. And here, Sir, I would like to refer more particularly to the part of the country I come from. I come from the Marathi part of C.P. and Berar, and though we hear so much of famine in Gujrat, conditions in my part of the country are not any better. The present-day situation is this, that unless there is some substantial assistance given to the agriculturists, there would be hundreds of acres of land lying fallow during the next season, and nothing will be grown on it. So we have the paradox of the Government spending crores of rupees on bringing under cultivation waste-land and on the other hand we have got the problem of cultivable land lying fallow. My intention in interfering in this debate is merely to point out the gravity of the situation. I am not prepared to blame the Central Government or the Provincial Government. But there is great discontent amongst the people at not getting a proper opportunity to voice their grievances. Conditions in this House, to my mind, are unsatisfactory. There is no proper opportunity to tell the Government and the world and the people of India where exactly the shoe pinches, what is happening under our very eyes and before our very eyes. We have Congress Governments everywhere, and most of them are functioning fairly efficiently. But the dead weight of the majority that we so fortunately have is itself a handicap for many people to speak the truth and to speak it boldly and honestly. And that is the reason why we have a terrible amount of content in the whole country, and I would be very glad if people in responsible positions pay a little more attention to this than before. There has been talk of Communism and everyone wants that India should not suffer in the same manner as many other larger countries which were like India essentially agricultural. But if we do not pay more attention to the people and to the many handicaps and privations from which they suffer, we might be caught napping and we may have to rue the day.

You, Sir, while speaking on the Resolution said that formerly the District Magistrate or the Collector was merely a tax gathering and policing officer. But unfortunately Sir, we are compelled to say that he was doing it far better and discharging even these functions that we do at present. If you examine the figures of expenditure of the Police Department in the various provinces you will find that we are now spending probably five times as much as before. I

[Dr. P. S. Deshmukh]

do not think that is proper. Secondly, on the one hand we spend so much money on Grow More Food, but we are allowing good land to be fallow. Of course we cannot give up the whole scheme of grow more food all at once. That will be suicidal and a waste. But we must take stock of the position and see whether we get the return that we expect. We are told that we have 700,000 tons more of grain and probably at a cost of about Rs. 16 crores. If we work out the interest on this amount and the recurring cost, it will be possible for the Honourable Minister to see whether this is an economic proposition or not. Wherever the Grow More Food Campaign is working effectively, by all means, let it be continued. But wherever waste has been found, it should be discontinued, and money should be found to help the agriculturist to till the land which has not yet fallen waste, but which is likely to fall waste very soon if he is not given substantial assistance.

श्री दीप नारायण सिद्ध : सभापति जी, मुल्क के लिये बड़ी खुशी की बात है कि हम लोगों का ध्यान अब कृषि के महत्व की ओर जा रहा है। मैं पिछले कामों की आलोचना नहीं करूंगा। मेरे पहले जो लोग बोल चुके हैं वह इस बारे में काफी कह चुके हैं। मैं एक बात की ओर सरकार का ध्यान ले जाना चाहता हूँ। स्कीमें बनाई जाती हैं और बनती रहेंगी लेकिन काम करने में जो तेजी और डाइव चाहिए उसकी हमेशा कमी रह जाती है। उपायों को निकालना चाहिये ताकि काम करने में डाइव हो। मैं दो चार सुझाव सरकार के सामने रखना चाहता हूँ। अगर ये सुझाव काम में लाये जायें तो काम में जरूर तेजी आ जायेगी। मेरा अपना ख्याल है कि काम में तेजी आयेगी और खाने के सामानों में अभी जो कमी है उसकी पूर्ति हो जायेगी। इतना ही नहीं, आगे भी हमारे मुल्क में खाने के सामानों की कमी नहीं होगी। मेरे सुझाव इस प्रकार हैं—

१. हमारा देश एक कृषि प्रधान देश है। हमारी जनता बहुत तादाद में कृषि के ऊपर निर्भर रहती है। लेकिन यह एक बड़े खेद की बात है कि कृषि को हम वह महत्व अभी तक नहीं दे सके हैं जिसकी जरूरत है। मैं चाहता हूँ कि हमारी सरकार दुनिया को और हिन्दुस्तान के किसानों को साफ शब्दों में बता दे कि उसकी दृष्टि में कृषि का सवाल एक बुनियादी सवाल है, और सरकार उसे एक बड़े महत्व का सवाल समझती है। इसका ऐलान साफ साफ होना चाहिये। जहां तक मुझे ज्ञान है इस तरह का ऐलान न हमारी सरकार की ओर से अभी तक हुआ है और न हमारे नेताओं की ओर से, जिनके लिये हमारे हृदयों में काफी इज्जत है और मुल्क में जिनके लिये काफी प्रेम है। बराबर यह कहा जाता है कि कृषि के कामों को ऊंचा स्थान मिलना चाहिये। फ़ाइनंस मिनिस्टर, रेल्वे मिनिस्टर और दूसरे लोगों से कहा जाता है कि वे कृषि के सम्बन्ध के जितने काम या जितने सवाल हों उनको बहुत ऊंचा स्थान

दें। अगर हमारी सरकार कृषि को बुनियादी सवाल करार कर देगी तो कृषि के मिनिस्टर को दूसरे मिनिस्टरों के दरवाजे पर बराबर जाने की जरूरत नहीं होगी।

दूसरा सुझाव मैं बहुत अदब के साथ सरकार के सामने रखना चाहता हूँ। कृषि एक प्रधान सवाल है। मैं उसकी प्रधानता को मानता हूँ। इसलिए मैं चाहता हूँ कि हमारे मिनिस्टर जो कृषि विभाग के चार्ज में हों उनके हाथों में केवल कृषि विभाग ही हो। दूसरा काम उनके हाथों में न दिया जाय। अब खरीदने या अब बांटने का काम भी एक बहुत बड़ा काम है। मैं चाहता हूँ कि यह काम किसी दूसरे मिनिस्टर के हाथों में हो। जिस मिनिस्टर के हाथ में कृषि विभाग हो उन्हें अपना पूरा पूरा समय कृषि विभाग को ही देना चाहिये। मैं यह भी चाहूंगा कि हमारे नेता सूत्रों की सरकारों को भी समझाये कि वहां भी जो मिनिस्टर कृषि विभाग के चार्ज में हों वे केवल कृषि का ही काम करें। उनके हाथ में दूसरी तरह का काम न दिया जाय। अगर ऐसा होगा तो काम में जरूर तेजी होगी और कृषि के सवाल का महत्व बहुत ज्यादा लोगों के भीतर बढ़ जायगा।

तीसरा सुझाव जो मैं सरकार के सामने रखता हूँ वह बड़े ही महत्व का है। कल बोलते बोलते श्रीमती रेनुका रे ने बताया कि एक सेंट्रल बोर्ड का निर्माण होना चाहिये। मैं उनकी बातों का समर्थन करता हूँ और मैं चाहता हूँ कि यह सेंट्रल बोर्ड जल्दी से जल्दी बनाया जाय। सेंट्रल बोर्ड बहुत बड़ा नहीं हो ऐसा मैं चाहता हूँ। इसके मेम्बरों की तादाद ११ से ज्यादा न होनी चाहिये। सेंट्रल बोर्ड का काम होना चाहिये स्कीमों को मंजूर करना और यह देखना कि स्कीमों के मुताबिक काम होता है या नहीं। स्कीमों को चलाने में जितनी अड़चनें हों उन्हें ठीक ठीक जानने की कोशिश करना और उनके हल को निकालने का काम सेंट्रल बोर्ड का होना चाहिये। मैं चाहता हूँ कि इस सेंट्रल बोर्ड की प्रतिष्ठा मुल्क में बहुत ज्यादा हो और उसकी धाक बहुत बड़ी हो। इसलिये मेरी राय है कि इस सेंट्रल बोर्ड के सभापति का स्थान हिन्दुस्तान के प्राइम-मिनिस्टर को दिया जाय। जो कृषि के मिनिस्टर होंगे उनको इस सेंट्रल बोर्ड का उप सभापति होना चाहिये।

प्रधान को छोड़कर सेंट्रल बोर्ड के जितने मेम्बर हों उनको पूरा पूरा समय सेंट्रल बोर्ड के कामों में देना चाहिये। इस तरह के बोर्ड सूत्रों में भी बनने चाहिये। मैं समझता हूँ कि अगर हमारी सरकार सूत्रों की सरकारों को इस तरह

[श्री दीप नारायण सिंह]

के बोर्डों को बनाने के लिये कहेगी तो सूबे की सरकारें जरूर बोर्ड बनायेंगी। सूब की बोर्डों को सेंट्रल बोर्ड के मातहत काम करना चाहिये।

चौथा सुझाव जिसे मैं सरकार के सामने रखना चाहता हूं वह इस तरह का है। गैर आबाद जमीन को आबाद करना जरूरी है। मैं जमीन को आबाद करने के तरीके पर नहीं जाना चाहता। कहीं कहीं छिटपुट ढंग से यह काम किया जा रहा है, इस काम के लिए एक सेंट्रल कारपोरेशन बनाना चाहिये। इस सेंट्रल कारपोरेशन को सब तरह के साधन मिलने चाहिये। यह सेंट्रल कारपोरेशन जमीन को आबाद करे और जमीन को आबाद रखने के जितने नये तरीके हों उन्हें किसानों को बतलाये। मैं यह भी चाहूंगा कि इस तरह के गैर आबाद जमीन के आबाद करने के कारपोरेशन सूबों में भी बनाये जायें। सूबों के कारपोरेशनों को सेंट्रल कारपोरेशन के सलाह और विचार से काम करना चाहिये। अगर इस तरह काम होगा तो गैर आबाद जमीन आसानी से आबाद हो जायेगी।

पांचवा सुझाव जिसे मैं सरकार के सामने रखना चाहता हूं इस प्रकार है। मैं जानता हूं कि कृषि विभाग के मिनिस्टर के मातहत कौंसिल आफ एग्रीकल्चर और अनेकों कमोडिटी (commodity committees) कमेटियां हैं। इन कमेटियों का निर्माण बहुत पहले हुआ था। जब उनका निर्माण हुआ था उस समय की परिस्थिति और आज की परिस्थिति में बहुत हेर फेर हो गया है। जरूरत इस बात की है कि इन कमेटियों का फिर से संगठन हो और उनको इस तरह से ठोस बनाया जाय ताकि अपने कामों को आसानी से समय के अनुकूल वे कर सकें। उनको अपने काम को करने के लिए पूरा अधिकार होना चाहिये। उनके काम की परीक्षा होनी चाहिये, फल से, न कि उनकी रिपोर्टों से और लम्बे लम्बे नोटों से। इसलिये मैं चाहता हू कि इन कमेटियों का संगठन फिर से हो और उनको ठोस बनाया जाय। एक और भी सुझाव मैं सरकार के सामने रखना चाहता हू। मुल्क में कोआपरेटिव सोसाइटियों की संख्या काफी है। लेकिन अभी भी सभी गांवों में सोसाइटियां नहीं हैं। मैं चाहूंगा कि इस बात पर हमारी सरकार जोर दे कि तमाम गांवों में कोआपरेटिव सोसाइटियां बनें। कोआपरेटिव सोसाइटियों को कृषि के सम्बन्ध के सभी कामों के लिए इस्तेमाल करना चाहिये। मैं चाहूंगा कि कोआपरेटिव सोसाइटियों के मारफ्त ही कृषि का सारा काम गांवों में होना चाहिये। अगर ऐसा किया जायगा तो काम में बहुत तेजी होगी और काम होगा। लोग इस बात को जानते होंगे कि अमेरिका में एक एक्सटेन्शन सर्विस (Extension Service) है। इस सर्विस का काम किसानों की जरूरत को जानना और उनकी जरूरतों को पूरा करने का है। किसानों और कृषि के

विशेषज्ञों के बीच सम्बन्ध कायम कराने का काम भी इस सर्विस का है। यह सर्विस बड़े मोल की है।

हमारे यहां ऐसी सर्विस तुरन्त नहीं कायम हो सकती है, लेकिन अगर कोआपरेटिव सोसाइटियों से काम लिया जाय तो इनके द्वारा एक्सटेन्शन सर्विस का काम बहुत अच्छी तरह से हमारे मुल्क में हो सकता है और हमारा काम आगे बढ़ेगा। मैं अब अधिक कुछ न कह कर यह चाहता हूं कि हमारी सरकार मेरे सुझावों पर और और भी जो सुझाव सरकार के सामने रखे गये हैं उन पर विचार करे, लेकिन विचार करने में देर न लगायें। मूल प्रस्ताव में एक इक्वायरी कमेट्री बनाने की बात कही गयी है। मैं इक्वायरी कमेट्री से डरता नहीं हू। लेकिन मुझे ऐसा प्रतीत होता है कि इक्वायरी कमेट्री अगर बनेगी तो स्वभावतः उसके काम में बहुत समय लग जायगा। सारा मुल्क इक्वायरी कमेट्री की रिपोर्ट की इन्तज़ारी करने लगेगा और जब तक इक्वायरी कमेट्री की रिपोर्ट नहीं आयेगी, तब तक चाहने पर भी कोई काम नहीं होगा। इसलिये मैं चाहता हू कि इक्वायरी कमेट्री नहीं बनाई जाय।

(English translation of the above speech)

Shri Dip Narayan Sinha (Bihar: General): Sir, It is a matter of great pride for our country that the people are realising the importance of agriculture. I will not review the actions done in the past. The honourable members who have spoken before me have commented upon it a lot. I wish to draw the attention of the Government towards one point. Schemes are chalked out and will be chalked out but the initiative and drive required for the working of these schemes is always wanting. Methods must be found out to give proper drive. I beg to place before the Government few suggestions. If these suggestions are followed then the work will certainly be intensified. I do believe that the work will be intensified and the present shortage of food materials will be made up. Not only this but in future also our country will not face food shortage. My suggestions are as follows:

Ours is mainly an agricultural country. A majority of the population depend upon agriculture. But it is a matter of great regret that till now we did not give agriculture the proper importance required. I wish that our Government should declare to the world outside and to the peasants of India that in the eyes of Government the question of agriculture as a question of basic importance, and the Government do consider it an important one. This declaration must be made in clear terms. As far as I know such declaration has not been made either by the Government or by our leaders, for whom we and the people of our country have great respect and love. Since long it has been said that the question of agriculture must get top priority. The honourable Finance Minister, the honourable Railway Minister and other people are requested to give top priority to every thing concerning agriculture. If our Government would declare agriculture to be a basic problem then the Honourable Minister for Agriculture will not have to request the other Ministers again and again.

Very humbly. I beg to put my second suggestion before the Government. Agriculture is a basic problem. I acknowledge its importance. Therefore I wish that the Minister incharge of Agriculture must hold the portfolio of agriculture only. He must not be given any other work. Purchase of

[Shri Dip Narayan Sinha]

foodstuffs or its distribution is also a major task. I wish that this work may be entrusted to some other minister. The ministry incharge of agriculture should devote his entire time towards agriculture. I would also like that our leaders should suggest to the Provincial Governments also that the ministers incharge of agriculture should devote their entire time towards agriculture. They should not be entrusted with any other work. If this suggestion is acted upon then the work of agriculture will certainly be intensified and the importance of the question of agriculture will clearly be brought home to the people.

The third suggestion that I like to place before the Government is of still more importance. Yesterday Srimati Renuka Ray had suggested the creation of a Central Board. Supporting the suggestion made by her I wish that the Central Board be constituted at the earliest. I wish that the Central Board need not be a very big one. The number of members may not exceed 11. The work of the Central Board must be to approve schemes for the development of agriculture and to see whether work is being carried out accordingly or not. Another work of the Central Board must be to try and find out practical difficulties in the working of these schemes and also to find out the way outs. I wish that the Central Board must be highly honoured and accredited throughout the country. I, therefore, suggest that the Honourable Prime Minister of India be appointed Chairman of this Central Board and the Agriculture Minister, its Vice-Chairman.

Except the Chairman of Central Board every other member should devote his entire time in the interest of the Board. Such Boards should be organised in provinces also. I think that if our Government would ask the provinces to constitute such Boards the Provincial Governments will surely organise them. The Provincial Boards should be under the Central Board.

The fourth suggestion that I beg to place before the Government is as follows. It is essential to reclaim waste land. I do not want to discuss the methods of reclamation. At scattered places this work of reclamation is being done. A Central Corporation should be instituted to deal with the question of land reclamation. This Central Corporation should be provided with every possible means to deal with the question. This Central Corporation should reclaim the waste lands and inform the peasants of all the new methods of permanently rehabilitating the land. I would like that such corporations be constituted in provinces also. The Provincial Corporations should act on the suggestion given by the Central Board. If work is done in this manner then the waste lands would easily be reclaimed.

The fifth suggestion that I wish to place before the Government is as follows. I know that the Council of Agriculture and many Commodity Committees work under the Honourable Minister of Agriculture. These committees were constituted long long ago. A great deal of change has taken place in the setting since they were constituted. Hence it is essential that these should be re-organised and be made substantial so that they may fulfil their task in the light of the changed circumstances. They should be given complete authority to carry on their work. The work done by these committees should be judged by the effects and not by reports or long notes. Therefore, I wish that these committees should be re-organised and be made substantial.

One more suggestion I like to place before the Government. The number of Co-operative Societies in our country is quite sufficient, but still in some villages there are no such societies. I would like that the Government should stress up the fact that all the villages should have Co-operative societies. These co-operative societies should be utilized for every work connected with agriculture. I would like that in villages the entire work connected with

IN NON-VEGETARIAN HOTELS

agriculture be carried out by these societies. If this is done then the work will certainly be intensified and substantial work will be accomplished. The people might be knowing that there is an Extension Service in America.

The main duty of this service is to ascertain the requirements of the peasants and to carry them out. This service also serves as a connecting link between the peasants and the agricultural experts. This service is very important there. Such service cannot be established in our country at once, but if co-operative societies be utilized then through them work of this Extension Service can be accomplished very successfully in our country and definite progress will be made. Without saying anything more I wish the Government to consider over the suggestions given by me and those given by others, but the Government must not lose time over considerations. In the original resolution a demand has been made for an Enquiry Committee. I am not afraid of any Enquiry Committee. But I believe that if an enquiry committee is set up then naturally it would take much time to do its work. The whole country would wait for the report of the Enquiry Committee and till the time the Report is not out no work will be done however wished. Therefore I wish that the Enquiry Committee may not be set up.

Shri B. P. Jhunjhunwala (Bihar: General): Mr. Deputy Speaker, Sir, I had no intention of participating in this debate on the subject. We have discussed this matter every year for the last four or five years and the only result has been the appointment of some committee to tell us something which we have to do. Every year we appoint a committee. If during the last five years these committees have not given us data on which we have to work, I am doubtful whether this latest committee is going to do anything better in the matter of giving us data for producing more food. As such, I am not enthusiastic about proposals for appointing Central Boards or high-power committees and the like. If our Ministers who are the best chosen people in the country have not been able to do much, where is the likelihood of any Board, which my honourable friend Mr. Dip Narayan Sinha wants to appoint, succeeding in doing anything? People who have to work are all there. If we want to produce more we should start the work in earnest.

There is one statement in the speech delivered by the Honourable Minister to which I should like to refer. The Honourable the Food Minister said yesterday that the Grow More Food Campaign has not been so unsuccessful as people think it to be, and in support of that he has said that the target of Grow More Food Campaign was five per cent. that is nine lakhs of additional food grains and in place of that nine lakh tons of food grains, we have produced 7 lakh tons of foodgrains. If that is the thing, I say that it is not only not unsatisfactory, but it has attained a good success. But then the whole question is how far these figures are reliable I would request the Honourable the Food Minister, what was the basis on which this target of increase in five per cent. for Grow More Food Campaign was arrived at and how this statistic has been prepared? Sir, what I say, I am saying it from my personal experience. Leave aside the question of big programmes, of having big dams and all those things. When we are connected with the whole world, we have to take up those things in our hands and we have to produce more, so that we do not only meet the requirements only of our country, but we can export outside also. But Sir, so far as meeting the present emergency situation is concerned, I can say that even with the available materials we can have an increase, at least of 20 per cent. Give us any field and have all the operations in that field according to the method in which our people used to do before and you will find, if not 20 per cent. there will at least be additional production of ten to fifteen per cent. My honourable friend, sitting on the other side, Mr. Dip Narayan Sinha was telling me that he has been able to get 50 per cent. more produce only with

[Shri B. P. Jhunjhunwala]

available resources and that I myself, as I have said, have tried these methods. I have taken few pieces of land and on which I have seen that the cultivators have got all the facilities of putting in all the operations, of ploughing, weeding and putting in ordinary manure etc. and the yield in that plot of land was fifteen per cent. more than the adjoining plot where there was no proper timely operation either for want only of this ordinary plough, bullock etc. which they have not got at present. (Shri Dip Narayan Sinha: "Fifty per cent. and not fifteen per cent"). I am telling of my experience and my friend, Mr. Dip Narayan Sinha says that he has tried these things only with the available material and that he has been able to show an increase of fifty per cent. production. Sir, the only defect in us is that we are looking only to the big schemes; we do not see as to what the immediate requirements of the cultivators are and whether those requirements can be met by us or not with available resources. If we go for those requirements to our Provincial ministers and to the Director of Agriculture and others, they think that these are things which are not to be taken notice of, because we cannot get anything out of it. Either they think like that or they have not the mind and they have not the approach to take those things into consideration. They are simply accustomed to do file work, and at the end of the year give explanations that because of this thing or that they could not do anything. Sir, in a most humble way, I want to tell the House that if these opportunities are given to the cultivators and if the officers who are there, if they take into their head to meet the needs of the people there, you will find that there is an increase at least of ten or fifteen per cent. if not fifty per cent. as my honourable friend, Shri Dip Narayan Sinha says. (Shri L. Krishnaswami Bharathi: "Short supply of most of the materials.") Take the ordinary ploughs. They are broken. They cannot get even a small piece of iron to put that plough right, with the result that they cannot plough their land: they have got no bullocks. We have been crying hoarse that the slaughter of cows and bullocks must be stopped but in vain. (Interruption). We put questions in the Assembly whether the Government is aware that so many bullocks are being slaughtered and so many cows are being slaughtered. The reply we get is that these are the functions of the Provincial Governments. Sir, if these things are disposed of in this way, then we do not know where we shall stand. We are importing food, as has been said so many times and I need not repeat at about 130 crores per year. If we import this for four or five years, I do not know and our Finance Minister will know it better as to where we shall stand. Mahatma Gandhi had said that it is criminal to import this food. If we cannot grow and if we cannot produce ourselves, it is better that we die rather than import food from outside and make our country bankrupt.

Sir, the other point which I wanted to bring to the notice of the House is about what my honourable friend, Pandit Thakur Das Bhargava has said. He has said very rightly that the Provincial Governments should be made responsible to produce their requirements if they have got sufficient land and sufficient facilities with them to produce them. As I have said that even with the land and the facilities which are available to them, they are not taking steps to produce. They think that if there is less food in their province, they will go to the Centre and take their quota; and if the quota is less, they will demand more. Sir, to what my honourable friend, Pandit Thakur Das Bhargava has said, I wish to add a few things more. I would say that there should be a direction from the Centre to the Provincial Governments, not in the tone in which the Honourable the Agriculture Minister has addressed the meeting of the Ministers in a begging tone as to whether it will appeal to them or not to produce sufficient food in their province, I will just leave it for the purpose of their policy. They should send strict instructions to the provinces that they

must produce so much and the officers under them, their service will depend upon the result they show for the work which has been entrusted to them. (Shri L. Krishnaswami Bharathi: "They will produce it only on paper"). You give one crore of rupees to one province for distribution among the cultivators, for seeds, iron, for digging wells, this, that and all these things. I do not want to quote instances as to what happens with this money. The only thing that I want to tell the Honourable Minister is—I do not know whether he has got power or not to tell the provinces—those officers whom you entrust with this money, you just ask them to show the result as to what has happened with this money and what is the cutturn we have got by investing that money either with the cultivator in the form of seeds, in the form of Iron, in the form of ploughs, in the form of cows, in the form of bullocks, etc. and if they cannot give the result, those officers must go. Unless those things are taken in hand very strictly there is no chance of producing more. These are the only two points which I wanted to bring to the notice of this House.

Shri B. L. Sondhi (East Punjab: General): What happens to the Minister? Will he also have to resign?

Shri L. Krishnaswami Bharathi (Madras: General): And the members concerned in the constituency!

Shri B. P. Jhunjhunwala: My honourable friend says that the Minister and the members should also be responsible. I would only say that they should have that much self-imposed discipline on themselves that if they find that they cannot do this work properly they should make room for others.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Mr. Deputy Speaker, Sir, at this fag end of the day, there is hardly any time to deal with this enormous subject. What the country wants today is something to eat, but in response, it is getting commissions, committees, resolutions, amendments, speeches, reports and all sorts of things except food. The whole problem is a question of management. As it has been pointed out already, the Food Ministry has been undermanned. It has not got sufficient strength and push and neither is sufficient attention of the Government as a whole paid to it. I believe, food production should be made a top priority. The entire strength of the Government should be concentrated on it, and I believe that Sardar Patel, who has shown ample capacity for managing big affairs, should have a hand in this. The provinces cannot be controlled, they cannot be integrated. Sardar Patel has integrated so many unmanageable Princes and States and he is the obvious man. I think a man with a whip, a man with drive is what is wanted.

Sir, in the Grow More Food Campaign there are two adverse circumstances which go against growing more food. In fact, the cultivator is not given his proper price. In their procurement policy, the Governments in the Provinces are only willing to pay most inadequate prices—prices much below the market rates—for procurement, and the result is that the cultivator is discouraged and he is not encouraged to produce more. The high cost of cultivation and the rising cost of living leave him no margin to encourage him to produce more. They are in effect asked to grow less food.

The other circumstance is that Provincial Governments are talking of expropriation of big estates as well as those of the poor middle classes. The result is that landed persons—agriculturists—do not allow others to cultivate their lands. They let their lands remain fallow rather than allow them to be cultivated by others so as to prevent them from acquiring rights. (Begum Aizaz Rasul: "No, no"). This is happening to my knowledge. In West Bengal there is the talk that the actual tiller will get two-thirds of the produce and the owner only one-third. It is also said that lands would be redistributed without any compensation. In these circumstances there has been much difficulty in inducing agriculturists to utilise

[Mr. Naziruddin Ahmad]

their lands to the fullest extent. There has been a considerable amount of activity by the Communists to work up agitation among the peasants. The harmonious relations between the peasants and the proprietors are being totally shattered. The Government is playing into the hands of the Communists. In times of danger like this, we should not talk of expropriation. We should in this emergency, cease to talk of expropriations. The whole nation should be encouraged to make a total all out effort to produce food.

The problem, as I have submitted, requires a strong hand and iron management, and then alone a solution will be reached. In fact, it is a question of push and drive and of getting things done. All the Provinces should be made to produce adequately or suffer because unless we do so, unless we can manage it with a strong hand, the country will soon be faced with a dangerous situation. The electorate is getting restive. People want food. Instead, they are getting resolutions. I submit, this state of affairs, which is picturesquely said to be the legacy of the past Government should stop. This can be stopped just now if we have the practical mind. I submit, that the full strength of the Government should be put to the job and the thing must be resolutely carried through. These are some of the few suggestions that I wished to make.

Mr. Frank Anthony (C.P. and Berar: General): I shall submit to the impatience of my friend and not speak for any length of time. As a matter of fact I had no intention of speaking on this subject except that one of my friends from the Congress Party suggested that perhaps there was some need, on a vital subject of this kind, for some frank speaking; and after I had listened to some of the speeches I felt, as my honourable friend, Dr. Deshmukh put it, the result of a dead-weight majority, and the fact that the Whip is usually present in the House has tended to make speeches more apologetic than they should have been.

Shri L. Krishnaswami Bharathi: We are entitled freely to speak out our minds.

Mr. Frank Anthony: As I listened to some back chat from some the back benchers, I felt that there would have been much more plain-speaking if the members felt that they could have said what was in their minds. As a matter of fact, most of the members feel that this resolution itself is colourless in character.

Mr. Deputy Speaker: The honourable member may confine himself to speaking out his own mind!

Mr. Frank Anthony: I myself feel that this resolution is inclined to be pointless. The subject has tended, like the railway administration, to become a hardy annual. Every year we have had a spate of suggestions, a plethora of plans. The food policy has not failed because of lack of suggestions or for lack of beautiful plans laid down on paper. My own feeling is that the food policy, both in the Centre and the Provinces has failed because of lack of execution. The appointment of another committee, the investigation, the making of recommendations, and the time taken for the Central and Provincial Governments to apply their minds to these recommendations will take so much time that we might be facing either famine conditions or near famine conditions, or even bankruptcy. (*Shri L. Krishnaswami Bharathi*: "That does not mean that we cannot do anything by investigation?"). If my friend will permit me to develop my arguments, I may succeed in convincing him.

To my mind this food problem is the greatest single problem which the Government is facing today. I also believe it is the greatest single menace to the stability and economy of the country. I am not pointing a finger at the Honourable Minister of Food and Agriculture. As my friend, Thakur Das Bhargava pointed out he is one of those very *shareef* individuals but he has

inherited this legacy of inefficiency and inertia in the Food Department. I have sat here for many years and this food policy has become today a sorry story of platitudes, of excuses, of miscalculations and of over-statements. If we are honest, we will admit that the food position today is worse than it has ever been before. In 1948 the Food Minister set as his target of imports two million tons. That was an over-statement on one side on the side of optimism, it was an under-statement. As a matter of fact, we had to import almost three million tons of foodgrains at a cost of Rs. 116 crores. Today the position is much worse. I believe that for the first half of 1949 the Food Department has set itself the target of two million tons of imports. That means that on this basis we shall have to import for the whole of 1949 about four million tons. If we allow for the miscalculation which occurred in 1948, we may have to import as much as six to seven million tons of food grains.

Sir, my friends in the front benches opposite will have to face this question. Where is the money to come from? The food grains imported in 1948 came predominantly from hard currency areas. It is an accepted fact today that what we are earning from exports to hard currency areas is being poured into this bottomless pit of importing more and more food grains. In 1949 where are we going to get sufficient hard currency to import six or seven million tons of food grains? I was an economist when I was a student. I still read papers and journals by economists and I read the other day that this dollar gap is widening to an alarming extent on account of the import of food grains and that in 1949 we are likely to have a minimum gap of 200 million dollars. My own feeling is that it is a rather conservative estimate, because today we are getting some of our imports from Burma and Siam. Conditions have supervened there which will wipe those countries out as potential sources of supply and this will make it inevitable for us to fall back entirely for our food grains imports on hard currency areas. We all know that because we are pouring this money out of our earnings of hard currency to import food grains we are retarding our development in other vital and urgent directions.

There is another consideration which I would like to bring to the notice of the House. It is not a grotesque consideration. What will happen if this present cold war develops? It may develop in Spring into a shooting war. Where then are we going to import our food grains from? This policy of drift, this policy of inertia, this policy of a hand to mouth existence, of importing more and more food grains to feed a predominantly agricultural country like ours, does it mean that if a shooting war started and we are unable to import our food grains from the North American Continent, millions of our people will have to die of starvation? My own feeling is that the problem is much too frightful to allow the present policy of drift to continue. I want to make it clear, I have the greatest respect for my honourable friend the Food Minister but the problem is too urgent for us to be able to get behind a wall of personal pleasantries or to constitute ourselves in this House into a sort of mutual admiration society. I believe in this figure, which I read somewhere, that we have spent more than 31 crores in this Grow More Food Campaign and it was also stated that the results of that Campaign in terms of the statistics of the Government were not acceptable. In the same article I read that because provincial governments are allowed to carry out their own halting and incompetent policies we are falling down in many of the provinces in the Grow More Food Campaign. I read an article recently. I do not know whether it was correct but it was in an authoritative journal and it said that Bombay faces the loss of 85 to 90 per cent. of its whole wheat crop because of damage from rust. And then this article went on to say in caustic terms that in spite of loud assertions from different provincial governments that they have evolved rust-proof varieties of wheat that is happening in Bombay. It went on further to assert on a fairly authoritative basis that this year we are facing damage from rust all over the

[Mr. Frank Anthony]

country to the tune of over ten million tons of food grains. (Shri T. T. Krishnamachari: "It was 2½ million tons this morning and it has become ten!"). I head this about three weeks ago. Perhaps we are in a state of decline. My friend on my right has suggested that the problem is a radical one. I say that the suggestions that we have heard in the past two days have been suggestions which we have heard for the past six years. There have been no new plans. We have had plans for the reclamation of cultivable waste-land, we have had plans for sinking more and more tubewells, plans for importing chemicals and fertilisers, plans for getting alternative forms of food. But the stark fact is that our food policy is in a definite state of decline, that it is in a worse position today than it ever has been in the past and I am one of those who also feel that the problem is a radical one. As my honourable friend has said there is something of a conflict of authority between the Centre and the Provinces, that there is overlapping of authority. As my friend on my right has said it is not an ordinary matter. It has assumed proportions of an emergency and a crisis. The Central Government cannot get behind the excuse of intransigence on the part of the provincial governments, the excuse of unwillingness or reluctance on their part to play the game. It has assumed such serious proportions as to menace the very stability of our whole economy. The Central Government has ample powers under the Government of India Act to assume emergency powers. My friend made a suggestion (which is not one to laugh at) that a person of the stature of Sardar Patel should assume control of this Department. We all know that our Prime Minister and Deputy Prime Minister are persons who are over-worked and over-burdened but this is an immediate problem, and a vital problem and without casting any reflection on the present incumbent it has been suggested and suggested with all sobriety and respect that perhaps the only immediate answer to this is to ask either a person of the stature of our Prime Minister or of our Deputy Prime Minister to assume immediate control. They alone have the necessary stature, they alone have the necessary prestige and influence to bring the halting, incompetent and intransigent provincial governments to heel. I feel strongly that they alone have the necessary authority and the necessary prestige to give reality and form to all the plans. Our plans do not need any elaboration. They are among the most beautifully conceived plans that have ever been evolved in any part of the world. We want drive, we want prestige and we want coordination. It is only one of these two persons who has the necessary drive, prestige and intransigent.") If my honourable friend had listened to the Honourable Minister (honourable member may be asked to explain, Sir, how the provinces are intransigent.) If my honourable friend had listened to the Honourable Minister's speech he would have heard one long wail that his hands were tied, because of the lack of response from the different provinces. It is tragic that this country which is nothing if it is not an agricultural country should lead a hand to mouth existence, dependent on imports of food grains from abroad which are menacing the whole fabric of our economy.

The Honourable Shri Jai Ramdas Doulatram: Sir, I think it will be conceded that when I said at the commencement of my speech yesterday that I hoped that the larger issues involved in the problem, (which is being spoken of as the Grow More Food Campaign) of the place of agriculture in the country's economy would be properly considered the two days discussions, I think, has proved I was right. Apart from any personal aspect of this question I want to state as frankly as possible that if we have not reorientated our attitude as to the place of agriculture in our national economy, testified by the resources placed at the disposal of agriculture both at the Centre and in the Provinces, any other action that you may contemplate will not lead to the success desired. I have tried to show by certain figures (and behind those cold figures there are real facts) that the amount of effort put forth in the other countries, to which we look in

regard to our agricultural development, would indicate that we are exceedingly behind those countries. I will develop this point a little further later on. I will now deal with some of the other preliminary points. I am sure I will not be able to cover all the points that were referred to; still I will make the attempt.

My honourable friend Mr. Anthony gave certain figures. He said that in 1947 we imported 20 lakh tons, later this was increased to 30 lakh tons, and this year still more. But I expected that when we deal with these figures we would deal with them in the actual concrete situation of our country. What happened in 1947 was the fact that from 20 lakh tons we increased it to 30 lakh tons. Was that the only event in the country? We know of the failure of the monsoon in Madras. The fact that Madras produced round about 15 lakh tons less than it needed was the other event. Was Government to say "We shall not import more"? Since Government had maintained its responsibility for rationing, either completely or partially, a part of the population, Government action in importing more was not due to any other factors that were referred to. It was due to the fact, which I have been trying to emphasize and which will have to be considered by the Government now and in the coming years, that large parts of our country—much larger than before 1947—have become dependent upon the uncertainties of the monsoon. It is a fact which we cannot get away from. It is the same fact which has created difficulties for us in this year. This year also, as everybody knows—and I need not repeat—large areas of our country have suffered on account of these uncertainties. The result is that, according to the Provincial reports, the country may produce 52 lakh tons less than last year. On the other hand last year three Provinces, U.P., Bombay and C.P., showed marked increases. C.P. showed as large an increase as 34 per cent in a single year, and Bombay and U.P. round about eight and ten per cent. But in the other Provinces where the monsoon was unfavourable there were deficits, large and small, which shows that when you are dealing with forces of nature, unless you have planned to make your agriculture independent of these vagaries as is being done progressively in other countries you cannot assure results. The entire rice area in Japan is under irrigation. It receives regular supply of water every year. The nation is assured of results and yields. And I will suggest to the House, all personal considerations apart, that these are facts which the country has to face and to deal with. I am trying to emphasize that it is because agricultural development has not been given the attention which it deserves that some of these things are happening.

I have been told that the Grow More Food Campaign has been an utter failure and figures have been quoted from 1943 to 1946 of Rs. 16 crores spent by the Central Government. My honourable friend Mr. Anthony spoke of Rs. 31 crores, which means only the remaining Rs. 15 crores were spent by the Provinces. All of us have criticized the efforts of those years when Section 93 Governments ruled the Provinces and our predecessor Government ruled the Centre. All the propaganda and all the comments of that time have somehow remained in our minds, and we are associating with a new situation, which happens to have the same appellation and name, the characteristics to which we were accustomed in those years. What happened after 1946? Or may I first explain what used to happen before 1946 when Section 93 Governments were ruling the Provinces? The Provinces used to ask for some amount on the ground that they wanted "to grow more food". Food was a very wide and expansive term in those days. And the Centre gave them money without any assurance as to what was the area involved what was the yield expected, how exactly was it going to give us what we want, what was going to be the outturn. It was only later on in 1947, when the new Government took charge that we began to put up what may be called "definite targets". The Food Grains Policy Committee, which had on it able men both of business and agricultural experience, decided upon this as one of the items that is the 'Grow

[Shri Jairamdas Doulatram]

More Food Campaign' and fixed up targets for each year. For the first year, 1947-48, the target, as I said, was nine lakh tons. This covered only five per cent. of the area under food grains in this country. I was asked what about the remaining 95 per cent. With regard to the remaining 95 per cent., large irrigation works were one solution. Progressive development of this Grow More Food Campaign from year to year for the next five years was another step. That means in the next year an additional quantity of land was to come under cultivation under the special effort which was supported by the Centre. Besides that, as I will refer to later on, dealing with 95 per cent of our land is impossible unless we make one fundamental change—and that is in our outlook on this question of agricultural production. I was told that as against the target of nine lakh tons only seven lakh tons was produced and that this was not commensurate with the expenditure. We from the Centre granted three crores of rupees and more, but the actual amount which could be utilised by the Provinces, because of numerous handicaps to which I have referred, was only one crore of rupees and the Provinces spent another one crore of rupees. In the Provinces there are responsible Legislatures and the Ministers function under the Legislatures. They equally risked their one crore of rupees and out of the investment of two crores of rupees, seven lakh tons were produced. Even at the rate of ten rupees a maund it will be Rs. 20 crores worth of additional grain produced. Even if these figures were undependable and wrong by 50 per cent. still ten crores of rupees worth of additional grain was produced by the expenditure of these two crores of rupees. What I wish to suggest is let us not, in dealing with the Grow More Food Campaign, be under the delusion that the Grow More Food Campaign, based on one crore of rupees aid from the Centre, dealing with five per cent. of the area, was to overcome the entire food deficit of the country. It is because of the association somehow of the idea that the Grow More Food Campaign is going to solve our entire food problem that this feeling that we have not achieved enough has arisen. If on the contrary we deal with it realistically there would not be that feeling of pessimism that there has been failure of this effort. Apart from the actual results of this effort it was never intended to deal with the whole problem. It is no use my paying a few rupees to go to Bombay if the train will only take me twenty miles. It is clear that the problem of food with regard to the whole of the country cannot be handled by this effort.

A number of suggestions have been made and I will briefly deal with them. The Deputy Speaker made a suggestion that in India we are producing only 300 lbs. per acre whereas they are producing 3,000 lbs. in Japan and elsewhere. This is a fact which I think is fairly well known and this is a fact which everybody regrets and this is a fact which everybody likes to remedy, but the question is "How."

Take another matter, that subsidies which were being given were not being properly utilised and that we should use them through cooperatives. That means that there should be cooperatives all over the country reaching the villages, through which we should carry on not only the work of giving subsidies but if we want to achieve any results, we should also do other things, e.g., marketing.

Suggestions were made that we should see that healthy seeds are distributed. Everybody would agree, but distribution of healthy seeds over lakhs of villages is really a problem.

Then it was suggested that we should carry on research and see that the results of research reach the villages. That means that the results of research have to reach all these lakhs of villages scattered all over the country. In a country like Japan they have as many as 400 stations scattered throughout the country. It is these 400 stations which supply the link between the Govern-

ment, the research institutes and the cultivator.

I had valuable suggestions from my honourable friend Shri Shiva Rao. He also suggested that we must secure the cooperation of the cultivators. It was the same note struck by my honourable friend Pandit Kunzru. Government has to secure the cooperation of the cultivators. The cultivators are scattered in lakhs of villages. Unlike industrial production which is centred in a few hundred factories controlled by a few hundred people dealing with men who are handling automatic machines, agriculture is an industry which is scattered far and wide into the villages of the country.

I was given an illustration by my honourable friend Mr. Jhunjhunwala that the experience of one particular farmer was that he was able to secure 50 per cent. extra yield. How was it? It was the result of the coupling of intellect with land. That means, men who understood what exactly had to be done to deal with an agricultural problem.

Shri B. P. Jhunjhunwala: No, Sir. The intellect was also there. The thing was that the other cultivator who was ploughing the same kind of land had not the same facilities. His plough was broken. He had no bullocks. He had no fertilizers. If that could be supplied, then....

The Honourable Shri Jairamdas Doulatram: I am coming to that. That means that all the operations were performed. Now, the performing of operations means the provision in each field or most fields of our country of all these facilities. I want to suggest to you that the one missing link which came in the way of agricultural development in America and England and which was supplied later has yet to be supplied in our country. It was what was called the "extension service". Numerous men trained in agriculture were placed at the disposal of the agriculturists; numerous non official organisations in America and England created the link between the Agriculture Department and the cultivator, understanding his difficulties, helping to supply him all that he wants and needs, carrying to him the results of research. It was this fundamental missing link which when supplied gave in America and the United Kingdom the results which we are seeing today, whereas in this country the man power necessary is not available. One of the main things that was discussed at the Conference in September was to supply this link which will connect the Government and the agriculturists, whether through non-official organisations or through official organisations. But I am certain of the fact, having dealt with the problem for a year, that unless in the provinces and also in the Centre we place far more man power for the development of agriculture, we are up against serious difficulties. No one has pictured more definitely and emphatically the urgency of development of agriculture of the urgency of solving the food problem than myself, and I fully realise the need for emergent action. That is why in my speech at the commencement also I said that it will give the House an opportunity of dealing with some of the larger issues which are behind this problem.

A few other suggestions were made which I think I must refer to. One was about the Board for Reclamation. I have no doubt that whether for reclamation or other agricultural operations some kind of special quick-acting machinery is necessary and I want to assure Shrimati Renuka Ray that this would be one of the points that would have to be considered and some solution found.

Suggestions were made by Prof. Ranga with regard to Agricultural Finance Corporation. I do not know how far the tremendous amount of funds necessary for this kind of organisation would be available, but I can understand the development of the cooperative credit organisation and through it trying to improve the needs of the situation.

Reference was made to the wheat rust scheme by my honourable friend Mr. Kunzru. I want to inform him that probably the information on which

[Shri Jairamdas Doulatram]

he was relying was old, because last year we have actually sanctioned Mr. Mehta's scheme and at Nilgiris, Simla and two other places in the hillsides the wheat rust proposals of Mr. Mehta are being tried and a large scheme is before the Standing Finance Committee for its sanction.

Pandit Hirday Nath Kunzru: Are all the hill areas going to be controlled or not?

The Honourable Shri Jairamdas Doulatram: Those areas are going to be controlled and the peasants have been given compensation and they have been asked not to cultivate those areas.

Suggestions have been made with regard to accuracy of statistics. It was proposed that we might follow the scheme which the Director-General of Health followed in regard to health statistics. I think there is a fundamental difference between health statistics and agricultural statistics for this reason, that when university students are sent to the agriculturists to ask as to what the yield is this year and what it was last year, it is a question which is entirely different from any question relating to health. Some how the traditions of the old government have made our people suspicious as to enquiries into their economic condition, and unless the workers are very familiar with the peasants, and unless they have lived among them and won their confidence it is not easy to secure from the cultivators any data with regard to their production, and financial positions. Somehow they fear procurement or some extra taxation or some other move on the part of the authorities. Therefore, it is not possible to send university students down to lakhs of our villages and stay there long enough to secure adequate data in regard to agricultural production. (*Shri B. L. Sondhi:* "Are Government servants more reliable in this respect?") No. What being devised is to have the method known as the random sample survey. That is a method based on statistical science and it has been used in many countries and has been in use in Bengal for the last four years. That is the method which the Agricultural Department has been using with regard to one or two crops in one or two selected districts in each Province, and the proposal is to extend this system to all the crops and to the States and Provinces also. And this matter is also being discussed with the Finance Ministry. The expenditure involved is about Rs. 30 lakhs, as far as the Centre is concerned. It covers the entire country and all the crops and is considered to be a great necessity if we have to base any of our planning on scientific lines.

What I was wishing to place before the House is that unless two or three fundamental things happen, we will not be able to solve our problem of either food production or adequate agricultural production. One of these things is the availability of resources in men and money, to be placed at the disposal of agriculture, whether in the provinces or in the Centre. I do not suggest that there is any conflict between the Centre and the provinces. If there is any impression that there is any conflict, I am afraid that it is a wrong impression. But the fact is that agriculture being a provincial subject, naturally the functioning in regard to agriculture takes place in the provincial field; and all of us who have experience of dealing with various questions know that we must secure the willing cooperation of the provinces in any plan that the Centre may have, and without that willing cooperation nothing is possible. The question is how to deal with a situation in which public opinion somehow, and the House here also, hold the Centre responsible, where the functioning almost entirely is in the provincial sphere. That is the problem that has to be seen to. There is no question of conflict between the Centre and the Provinces. (*Shri Deshbandhu Gupta:* "What about the Centrally Administered Areas?") There it is comparatively easy because the Provincial authorities there are a little more subordinate to the centre, i.e., Delhi and Ajmer.

The other point that I was trying to make out is that unless this living extension service between the cultivator and the government is set up, we will not at all be able to make any progress. Whatever schemes, whatever steps or whatever measures may be adopted, unless this link which was supplied in America, in England and in Japan, unless this link is supplied in this country, there is no possibility of our overcoming our deficits. (*Shri L. Krishnaswami Bharathi:* "We have it in Madras".) Yes there is something in Madras, but even there it is not adequate enough, as we have seen from the speeches of some Honourable Members here.

There is one other point which I wish to place before the House, in support of what I have said. (*Shri Mahavir Tyagi:* "Have you got some scheme to supply this link?") That is what I am suggesting. Unless there is the supply of more men and more money, unless there are thousands of workers either official or non-official, linking these research centres and the government headquarters with the villages, which means that unless our budgets are re-oriented and revised, unless in the Provinces and in the Centre we allot much more funds for agricultural development, it is not possible to make any advance.

Shri Mahavir Tyagi (U.P.: General): But we want to know whether you have made up your mind to do it now during this year.

The Honourable Shri Jairamdas Doulatram: Well, I am coming to that also. Unless opinion both in the Provincial and the Central Legislature feels the urgency of re-orientating its attitude towards agriculture and agricultural development it is going to be difficult. My Honourable friend Mr. Kunzru made a reference to industrial development and agricultural development. I wish to say that in the present situation in India, even industrial development....

Babu Ramnarayan Singh (Bihar: General): May I know whether you are going to submit a scheme in the budget which we are required to support, and which we can now say we shall support?

Shri L. Krishnaswami Bharathi: Sir, is the honourable member in order in addressing the Minister direct?

The Honourable Shri Jairamdas Doulatram: I am at present only trying to say that we should have a certain attitude towards the problem of agricultural production and many of the difficulties that we face to-day will be solved when that attitude comes to be adopted. I would say that in the present situation in the country, agricultural production may have to be attended to as a matter of even greater priority than industrial development. After all industrial development will progress only to the extent that there are purchasers for the industrial products. Unless it is suggested that industrial products must find purchasers largely in the urban areas, it is inevitable that industrial production if it is to be continuously progressing must find purchasers in the large mass of our people who are in the rural areas. Secondly, if our standard of living is to be increased, it is the standard of living also of the agricultural masses, and their standard of life and their purchasing power are linked up with much greater agricultural wealth being available to the rural people. Therefore, unless we give greater priority to agricultural development, it is not possible to go beyond a certain limit with regard to industrial development (Hear, hear).

Shri T. T. Krishnamachari: There has been no industrial development.

The Honourable Shri Jairamdas Doulatram: What I am saying is that a much larger amount of money and men are necessary for agriculture than are available at present.

Prof. N. G. Ranga (Madras: General): You must increase the purchasing

power of the peasants in order to purchase your industrial goods.

The Honourable Shri Jairamdas Doulatram: I find, Sir, that it is nearly time, and I will not be able to refer to numerous suggestions that have been made in the House.

Mr. Deputy Speaker: If the Honourable Minister can finish in ten minutes, we may sit longer.

Shri B.L. Sondhi: If the Honourable Minister has to announce any good policy of Government, we are here.

Mr. Deputy Speaker: Honourable members want to know, perhaps what the policy of the Government is.

The Honourable Shri Jairamdas Doulatram: I find that there is a feeling that I should state exactly what the Government's policy is with regard to the main demand. I wish to inform the House that the discussions during these two days have clearly pointed out that the coordination of more than one Department is necessary for a proper and early solution of this important problem. Government, therefore, intend to have this whole problem reviewed at a very high level and consider what measures and machinery should be set up so as to lead to speedy and effective action. The Grow More Food Campaign 5 P. M. will also come in this review. So also will the other suggestions made by the honourable members here.

Shri H. V. Kamath (C.P. and Berar: General): How long will the examination take?

The Honourable Shri Jairamdas Doulatram: I do not think it will take more than a few weeks.

Pandit Hirday Nath Kunzru: What is the precise meaning of the words 'high level'?

The Honourable Shri Jairamdas Doulatram: The question would be considered by Members of the Cabinet, or a Cabinet Committee.

Srijut Rohini Kumar Chaudhuri: Next time it will be 'higher' level. Why not go the highest level now?

The Honourable Shri Jairamdas Doulatram: If it is felt that the announcement I have made is not satisfactory, I should like to know.

Shri Mahabir Tyagi: It is quite satisfactory.

The Honourable Shri Jairamdas Doulatram: I hope therefore that the resolutions would be withdrawn.

To one point I have not made any reference. One honourable member suggested that we should have an arrangement whereby the prices of foodgrains could be fixed. What I feel is that if we go deeper into this proposal, we shall have to take the responsibility on behalf of the Government for purchasing huge quantities and storing and preserving them. That is a suggestion which was made by some Members of the Krishnamachari Committee. That may be considered. In principle it is quite sound. But with regard to its practical implications, I do not think it is possible to make any commitments at present.

Mr. Deputy Speaker: May I take it that the general sense of the House is that both the resolutions will be withdrawn?

Honourable Members: Yes, Sir. Ask the Movers, Sir.

Mr. Deputy Speaker: I am asking them. What about the first resolution. Is Dr. Mono Mohan Das withdrawing it?

Dr. Mono Mohan Das (West Bengal: General): I think myself fortunate that my resolution has been able to draw such a great amount of attention from the Honourable the Food Minister as well as from the honourable members of this House. I also thank the Chair as well as the House for devoting two days to its discussion.

Shri L. Krishnaswami Bharathi: Is the honourable member in order in making a speech at this stage when he is withdrawing his resolution?

Dr. Mono Mohan Das: As the Whip of the Government party who is also the Honourable the Deputy Minister. . . I stand corrected.

Mr. Deputy Speaker: A speech is not permitted when a motion is being withdrawn.

Pandit Hirday Nath Kunzru: I rise to a point of order. The Chair observed that the Mover is not allowed to make a speech. I want to know whether he is entitled to give a reply or not.

Shri T. T. Krishnamachari (Madras: General): He is absolutely entitled to give a reply.

Prof. N. G. Ranga: Any member who has moved a resolution is entitled to make a reply either for withdrawal or for acceptance.

Mr. Deputy Speaker: I have heard both the point of order and the explanations.

Shri M. Tirumala Rao (Madras: General): I want to draw your attention to a ruling given yesterday that the mover of a resolution is not entitled to make a second speech.

Mr. Deputy Speaker: I am obliged to honourable members for their advice. I find that any person who is the mover of a resolution and wants to withdraw it, can make a brief explanatory statement as to why he withdraws. There is no meaning in a member moving a resolution and then without assigning reasons saying 'I am withdrawing'. It is open to the House not to give him leave to withdraw. Therefore the House has to be satisfied if the withdrawal is to be allowed. Therefore I would request the honourable member to be very brief.

Dr. Mono Mohan Das: As the Chief Whip of the party who is also our State Minister has informed me that this problem of food shortage is going to be considered and discussed at Cabinet level, I beg leave to withdraw my resolution.

Mr. Deputy Speaker: Has the honourable member leave of the House to withdraw the resolution?

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

Mr. Deputy Speaker: As the resolution has been withdrawn the amendments relating to it lapse.

Honourable Members: There is Mr. Sidhva's resolution.

Mr. Deputy Speaker: I cannot ignore Mr. Sidhva.

Shri R. K. Sidhva: I am not at all satisfied with the reply of the Honourable Minister. I only wanted a dead line to be fixed for stopping the import of food worth 130 crores at a loss of 30 crores to the State every year. No indication of it has been given by the Honourable Minister. This is not a short-term policy. I am not satisfied. But, as he says that there is going to be high-level consultation and that something substantial may be done, I beg leave to withdraw my resolution.

Mr. Deputy Speaker: Has the honourable member leave of the House to withdraw his resolution?

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

Mr. Deputy Speaker: The amendments relating to it also lapse.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Monday, the 7th February, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Monday, 7th February, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-40 A.M.

PAPERS LAID ON THE TABLE

ANNUAL REPORT OF INDIAN STANDARDS INSTITUTION

The Honourable Dr. Syama Prasad Mookerjee (Minister for Industry and Supply): Sir, I beg to lay on the table a copy of the Annual Report* of the Indian Standards Institution for the year ending 31st March, 1948.

NOTIFICATION UNDER DESTRUCTIVE INSECTS AND PESTS ACT, 1914

The Honourable Shri Jalramdas Doulatram (Minister for Food and Agriculture): Sir, I beg to lay on the table a copy of Notification No. F-3-5(2)/46-PPS dated the 27th December, 1948, under Section 4D of the Destructive Insects and Pests Act, 1914.

No. F. 3-5 (2)/46-PPS.

GOVERNMENT OF INDIA

MINISTRY OF AGRICULTURE

New Delhi, the 27th December, 1948

NOTIFICATION

In exercise of the powers conferred by sections 4A and 4D of the Destructive Insects and Pests Act, 1914 (II of 1914), the Central Government is pleased to direct that the following further amendments shall be made in the Notification of the Government of India in the late Department of Education, Health and Lands No. F. 16-3/48-A, dated the 28th March, 1944, namely :—

I. In the said notification :

1. In the Preamble, for the words and figures 'to prohibit, with effect from the 1st May, 1944, the transport from the Province of Madras' the words and figures 'to prohibit the transport, with effect from the 1st of May, 1944 from the Province of Madras and from the 1st of February, 1949, from the Province of Coorg,' shall be substituted.

2. For clause (c) the following clause shall be substituted, namely :—

"(c) by rail or inland steam vessel unless the consignment is accompanied by a certificate in the form set forth in the Second Schedule hereto annexed and signed by the authority specified therein."

* Not printed in these Debates. Copy placed in the Library of the House.—Ed. of D.

II. In the Second Schedule to the said notification, for the words "The above certificate should be signed by the Entomologist to Government Madras, Coimbatore, or such other officer as may be authorised by the Director of Agriculture, Madras, in this behalf" the following Note shall be substituted, namely :—

"Note : The above certificate should be signed (a) in Madras, by the Entomologist to the Government of Madras, or such other officer as may be authorised by the Director of Agriculture, Madras, in this behalf.

(b) in Coorg, by the Director of Agriculture, Coorg, or such other officer as may be authorised by the Chief Commissioner, Coorg, in this behalf."

S. BASU, Joint Secy.

ELECTION TO NATIONAL FOOD AND AGRICULTURE ORGANISATION LIAISON COMMITTEE

The Honourable Shri Jairamdas Doulatram (Minister for Food and Agriculture): Sir I beg to move:

"That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct five members to serve for a period of three years on the National Food and Agriculture Organisation Liaison Committee constituted under the Resolution of the Government of India in the Ministry of Agriculture, No. F. 16-72/47-Policy, dated the 8th November, 1948."

Mr. Speaker: Motion moved:

"That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct five members to serve for a period of three years on the National Food and Agriculture Organisation Liaison Committee constituted under the Resolution of the Government of India in the Ministry of Agriculture, No. F. 16-72/47-Policy, dated the 8th November, 1948."

Shri K. Hanumanthaiya (Mysore State): Sir, we have great pleasure in welcoming the motion made by the Honourable Shri Jairamdas Doulatram, because it is a very important matter which affects not India only. This Committee is expected to work in close co-operation with the world organisation which has made up its mind to improve the condition of nutrition and standard of living throughout the world.

In welcoming this motion, I want to make a few suggestions. The personnel of the Committee is printed in the Government Resolution supplied to us. The Chairman happens to be the Secretary to the Government of India in the Ministry of Agriculture. My first suggestion is that having regard to the importance of this Committee, the Honourable Minister himself should preside over this Committee. Secondly, in the matter of representation also, having regard to the importance of the Committee, we should have a little change in the personnel of the Committee. If the Honourable Minister agrees to serve as the Chairman of the Committee, the Secretary of the Department may be the Secretary of the Committee. One representative from the Ministry of Agriculture may then be omitted. One representative from the Ministry of Health also, I suppose, is unnecessary. Similarly, one representative of the Ministry of External Affairs and Commonwealth Relations may also be omitted. Two seats have been given to the Federation of Indian Chambers of Commerce and Industry. That representation may be reduced to one. I have suggested these omissions because Agriculture happens to be, for the time being, a provincial subject. The people directly concerned with the matter are the Ministers of Agriculture in the various provinces. I would like that in the place of those representatives, at least four or five Ministers of Agriculture from the provinces may be appointed on this Committee.

Mr. Speaker: I presume the honourable member is discussing the merits of the Government Resolution, under which this Committee is constituted and is making suggestions in respect of that Government Resolution. I am afraid it will be beyond the scope of this motion at this stage. The present motion is to proceed with the election in pursuance of the Government Resolution as it stands.

Shri H. V. Kamath (C.P. and Berar: General): On a point of order, Sir. May I submit that as this Government Resolution never came before the Assembly on any previous occasion and this motion pertains to that and arises out of that Resolution, you may kindly allow us to discuss the merits of both. This motion has been sprung upon us more or less as a surprise today.

Shri K. Hanumanthaiya: There is also this difficulty, Sir, that after the election of the members of the Committee, we will have no opportunity to discuss the personnel of the Committee. This matter was never brought before the House, as my honourable friend just now rightly pointed out.

Mr. Speaker: But to my mind, the difficulty is the Government Resolution is not before us to-day.

Shri H. V. Kamath: We have a copy here.

Shri T. T. Krishnamachari (Madras: General): There is one particular point with regard to this Government Resolution which I have to point out. It is stated that the Secretary will be presiding over the Committee, and this House is asked to send five representatives to this Committee. Sir, it is iniquitous to ask a non-official of this House to participate in a committee over which a Secretary of a Ministry presides. Therefore fundamentally the Government Resolution is wrong and it is an insult to this House to be asked to nominate five members to go on a Committee over which a Secretary presides. If the Honourable Minister does not think it his duty to preside over this Committee, or to appoint a non-official to preside over it, we are quite right in taking exception to this procedure. And the only way we can register our protest against such a procedure is to discuss the Government Resolution and reject the motion because of the contents of the Government Resolution.

The Honourable Shri Jairamdas Doulatram: The F. A. Organization sent out to all the countries which are party to that organization model rules for the purpose of setting up local Committee for liaison. The desire is to find out how far the governments which are members of the organization have been able to carry out the resolutions which had been agreed upon. These model rules have been adopted by the countries which are members of the organization—I mean most of these rules have been adopted. The resolution containing the constitution of the Indian Committee was put before our Standing Committee of the Legislature. But I have not the least objection to make some of the changes proposed here, and I will put them up before the Standing Committee for Agriculture. If it is felt that the Secretary should not preside over the Committee, I will myself preside over it. Any other suggestions that may be made by this House will also be considered by the Standing Committee.

Mr. Speaker: Instead of taking up this matter for discussion now, I think it better that this matter be postponed. The matter may be discussed with the Honourable Minister and he may submit fresh proposals.

(Honourable members indicated assent).

So this matter is now put off. We pass on to the next item.

ELECTION TO COMMITTEE ON PUBLIC ACCOUNTS

The Honourable Dr. John Matthai (Minister for Finance): Sir, I move:

"That the members of the Assembly do proceed to elect, in the manner required by sub-rule (3) of rule 100 of the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business, one member to be a member of the Committee on Public Accounts in place of the Honourable Shri K. Santhanam who has resigned his seat on the Committee."

Mr. Speaker: The question is:

"That the members of the Assembly do proceed to elect, in the manner required by sub-rule (3) of rule 100 of the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business, one member to be a member of the Committee on Public Accounts in place of the Honourable Shri K. Santhanam who has resigned his seat on the Committee."

The motion was adopted.

Mr. Speaker: I may inform the honourable members that I fix the 9th February as the date for receiving nominations for holding election, if necessary, to the Committee on Public Accounts. The date for election will be the 11th February, 1949. Nominations for the Committee will be received in the Notice Office up to 12 Noon on the date mentioned for the purpose. The election which will be conducted by means of the single transferable vote will be held in the Assistant Secretary's room No. 21, Council House, between the hours of 10-30 A.M. and 1 P.M.

PUBLIC COMPANIES (LIMITATION OF DIVIDENDS) BILL

Mr. Speaker: We will now proceed with the consideration of the Bill—The Public Companies (Limitation of Dividends) Bill.

Shri S. V. Krishnamoorthy Rao (Mysore State): Sir, I rise to support the amendment for referring this Bill to a Select Committee. Sir, the object of this measure is to check inflation, and I wish the Honourable Minister and told us how the Ordinance to check inflation has worked. In fact, Mr. Khandubhai Desai has told us earlier in the debate that this is but a small measure to fight inflation, and I may invite the attention of members in this connection to the remarks of the Director of the Reserve Bank. Sir, there are very few people in this country who depend mainly upon dividends. There are a large number of persons whose investments are very small. Persons who get fabulous incomes from dividends are very few. This apart, there is already surplus money in the hands of a few people who have made large profits during the time of the war, and also on account of the black-markets. In fact, Mr. C. R. Srinivasan, Chairman of the Board of Directors, Reserve Bank, says, "Money that is kept in the black-market still resists all attempts to be shepherded back into the straight and narrow path." I feel that unless measures are adopted to freeze this extra money and also to impose compulsory savings, this measure, by itself, will not help us much in checking inflation. Clause 3 gives two alternatives, i.e., (a) declaring the dividend at six per cent. and the other is (b) that they may declare the dividend on the average of 1946-47 and 1947-48. These two years are the peak years, and if this alternative is allowed, a monopoly will be given to certain companies, and this will act against new companies. I submit that this difference should not be perpetrated in this Act, and I wish the Select Committee would consider this question and make only one rule for all. Let it be five per cent. or six per cent. or seven per cent. it does not matter, but there should be one rate for all the companies, whether they are old or new.

The other point is that this Bill does not say how the extra profit is to be invested, whether it will flow back into the industry and thus help in the industrialisation of the country, or in what method it is to be utilised. I wish this Bill would make some provision for the utilisation of the extra profits also.

I also feel that there is the risk of wasteful managerial expenses. This also should be looked into by the Select Committee.

For all these reasons, Sir, I think it better that this Bill is considered in the Select Committee and then brought before this House.

Prof. K. T. Shah (Bihar: General): Mr. Speaker, Sir, I am not against the principle of this Bill, which I very much support. But I find that the principal reason advanced for this proposal is that it will check inflation that is now

growing in our country. But I fear that the Bill, as it stands, will not very much help us in achieving that object.

While it is impossible to give any precise figures as to the amount of money which this Bill will stop from going into the hands of the public, for the public to spend just as it likes, it seems to me, that by the provisions of this Bill, we would not be stopping more than, say five or six crores per annum from going into the hands of the public. My calculation is founded on assumptions which, however, are not utterly unwarranted by the figures available, though they are somewhat old.

It is said here that, "the amount distributed as dividend should be limited to the average annual amount distributed in cash during the two years ending 31st March, 1948, or six per cent of the paid-up capital of the company, whichever is higher." If you take into consideration the older companies which are long established, and which have, during the war, distributed fairly large dividends, this Bill will provide no limitation on them worth the name. These old companies can distribute such dividends as they may feel called upon to, or as their resources permit them to distribute, upto the average of the past two years' dividend rate. The average dividend, declared during the last two years will not be restricted by this Bill and can go in some cases to over 200 per cent. of the nominal paid-up value of a share like the Tata Iron and Steel Company's deferred share.

In fact, if the intention was that the possibility of distributing large profits into the proprietors' pocket, resulting either from the momentum of the last war, or from the excellent business done, are to be checked and conserved for more directly productive purposes, then really it is the older established companies that ought to have been restricted and restricted much more than the present Bill proposes to do.

As regards new companies, it seems unlikely that there will be very large profits in the period through which the industrial enterprise is passing today. In spite of the high prices prevailing, an air of depression prevails in the money market or industrial field. It seems to me that so far as new companies are concerned, there would not be any great prospect of their earning over six per cent. and therefore it is unlikely that they will be able to distribute much in the shape of dividend. I take it that in the established concerns, the aggregate amount invested is not over a thousand crores. If these have distributed on an average of ten per cent for the last two years, that will not be stopped. For the new enterprises with anything more than perhaps five or seven crores, paying to the limit of six per cent. would be too much to expect. Again I offer an explanation that the figures are not up to date and venture to submit that you will not be able to save more than five or seven crores. While saving this, you are at the same time, as the recent announcement declared, adding either to the allowances to be given to Government servants or railway or post office employees or wage-earners. So that what you save in one way, you are likely to dissipate or more than spend away in those other directions. That does not mean for a moment that I am against the basic principle of the Bill, viz., to impose restrictions on dividends made available for expenditure leading to higher prices of commodities.

What I would like to bring to the notice of the Mover of the Bill is this: that unless steps are taken which will not only save the amount distributable and distributed as dividends, but also to see to it that that amount is utilised in some productive purposes either by Government or by the company concerned in its own expansion,—in the Bill there is no such provision—you will not be really helping the process of productive effort.

[Prof. K. T. Shah]

The Bill as it stands makes no provision which would go to conserve this extra profit and see to it that it is made available for utilization in productive purposes; nor does the Bill make any attempt to see that other sources of income are similarly retrenched or at any rate any excess in them put an end to, that is to say, for productive expenditure even if it is productive in the long run. But at the present time, in the high prices it is disproportionately high, and necessarily leads to further addition to the note issue in wasteful expenditure such as for instance we may have with regard to any expedition or war, for suppressing local disturbances or for fighting the communist menace. If this kind of thing goes on and if there are not equal resources by way of income, then your process of inflation is not likely to be checked by a measure like this.

I realise that it is not within the scope of this Bill to include restrictions on expenditure and, I take it that the Honourable the Finance Minister is perfectly aware of this side of the question, so that when the Budget is presented, he would inform the House about the measures he is taking to restrict the unproductive expenditure. But, as far as this Bill goes, unless and until provision is made not only in respect of dividends but also for conserving the amount saved thereby for productive purposes, whether by Government in their great undertakings or by the concern itself, and unless every effort is made to restrict unproductive or excess expenditure, I am afraid the principal objective of the Bill, namely to put an end to further growth of inflation, will not be attained.

Mr. Speaker: I think the Honourable Minister is going to accept the motion for reference to Select Committee.

The Honourable Dr. John Matthai (Minister for Finance): Yes, Sir.

Mr. Speaker: Then the Honourable Minister may reply.

The Honourable Dr. John Matthai: I think most of the points raised in the course of the debate are points which might more conveniently be considered during the deliberations of the Select Committee. So I would reserve my comments till the Committee meets.

Mr. Speaker: I will now put the amendment to the vote.

The question is:

"That the Bill be referred to a Select Committee consisting of the Honourable Dr. John Matthai, Shri T. T. Krishnamachari, Shri M. Ananthasayanam Ayyangar, Shri Arun Chandra Guha, Shri B. P. Jhunjhunwala, Mr. Homi Mody, Shri Khandubhai K. Desai, Shri S. K. Patil, Shrimati G. Durgabai, Shri Biswanath Das, Shri L. Krishnaswami Bharathi, Shri Sita Ram S. Jajoo, Shri R. Sankar, Shri B. L. Sondhi, and the Mover, with instructions to report by the 15th February, 1949, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

TEA COMMITTEE FOR INDIA BILL

The Honourable Shri K. C. Neogy (Minister for Commerce): I beg to move:

"That the Bill to provide for the development of the tea industry under Central control, and for that purpose to establish a Tea Committee for India, and levy a customs-duty on tea produced in, and exported from, India, be referred to a Select Committee consisting of Srijut Rohini Kumar Choudhuri, Shri G. S. Guha, Shri Upendranath Barman, Shri Ari Bahadur Gurung, Shri S. V. Krishnamoorthy Rao, Shri K. Hanumanthaiya, Shri R. K. Sidhva, Mr. Naziruddin Ahmad, Shri H. V. Kamath, Shri M. Ananthasayanam Ayyangar, Shri T. A. Ramalingam Chettiar, Shri S. M. Ghose, Mr. K. A. Mohamed and the Mover, with instructions to report on or before the 1st March, 1949, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five".

Sir, this measure is intended to promote the development of a very important industry in this country whose significance, particularly from the point

of view of foreign trade, cannot be overestimated. The tea industry employs in the Union of India about one million labourers, and 775 lakhs of acres of land are under tea. From the point of view of foreign trade, the House will realise the importance of this industry when I mention that in the year 1947-48, our tea exports from India earned about 50 crores of rupees out of which seven crores came from hard currency areas. Now, efforts have been made in the past to provide a self-governing organisation for this industry with a view to promoting its general interests.

In 1903 the Tea Cess Act was passed by which a body representative of trade and industry was set up for the purpose of looking after certain interests of this industry and a cess was imposed upon exports of tea which worked roughly at about two annas per 100 lbs. and later from time to time by way of amendment of this Act, the maximum rate of duty came to be fixed at Rs. 1-8-0 per 100 lbs. Actually at the present day, the cess which is now levied amounts to Rs. 1-6-0 per 100 lbs. Incidentally, about 12 years ago, the original body which went by the name of Tea Cess Committee was given the name of Tea Market Expansion Board. A reference to the Tea Cess Committee Act will enable honourable members to realise the scope of that Act and to compare the rather restricted scope of that measure with the measure, which I have now placed before this House.

Sir, the principal object of the Tea Cess Committee Act was to enable the Tea Market Expansion Board to utilise the funds that they derived from the cess for the purpose of expanding the consumption of tea mainly in India. So far as propaganda in countries outside India was concerned, the Board made a contribution to an International Body called the International Tea Market Expansion Board out of the proceeds of this cess, and the International Tea Market Expansion Board carried on propaganda on behalf of the three principal countries that produced tea, India, Netherlands East Indies and Ceylon. The contribution was based upon the production in each country, but in carrying on the propaganda, the International Body used to carry on the propaganda on behalf of tea generally, that is to say, the object was to see that the consumption of tea as such and not tea from any particular producing country was expanded in the different foreign countries.

Taking the estimated figures for the year 1948-49, the cess that is estimated to be levied on exports of tea, the total amount is estimated at Rs. 56 lakhs in India, and out of this 26 lakhs is expected to be spent by the Tea Market Expansion Board of India on propaganda within the country and to make a contribution of Rs. 25 lakhs, or very nearly an equal amount, towards the expenses of the International Tea Market Expansion Board. At the present moment, in spite of the efforts of the International Body in the direction of expansion of the consumption of tea in countries outside India, it has to be regretfully admitted that there is a tendency for the export market of India to get reduced, that is to say, Indian tea is facing severe competition from its competitors, principally Ceylon, and East Africa is also coming into the picture gradually. Sir, there are two reasons why Indian tea is getting gradually replaced by other tea. In the first instance, the price of Indian tea stands rather high, and in the second, the quality of Indian tea appears to have gone down of late.

So far as the activities of the Indian Tea Cess Committee which came to be later known as the Tea Market Expansion Board, are concerned, they did not comprise any research being undertaken for the purpose of improving the position of the industry.

The principal feature of this Bill is that the proceeds of the cess would be available not merely for carrying on propaganda for the expansion of the use of tea, but also, as honourable members will find on a reference to clause 12, to supply technical advice to growers, manufacturers and dealers, encourag-

[Shri K. C. Neogy]

ing the adoption of improved methods by them and undertaking or promoting research in that behalf. This is indeed the most important provision of this Bill, although reference is made to other important activities, which we contemplate the new Body to undertake, one of which is the collection of statistics. As in many other branches of the administration, statistical information in regard to the Tea industry is very unsatisfactory.

Sir, the research that will be undertaken under the proposed measure, will, I hope, enable the industry to improve the quality of the tea, as also lead to the adoption of improved methods of cultivation and other connected processes, which would ultimately result in an appreciable reduction in the price of the manufactured tea.

Sir, all these objects were explained on behalf of Government to a Conference that was held in December 1947 in Calcutta, which was attended by representatives of all the tea interests in the country, and there was a general measure of agreement about the necessity of a measure of the kind which I have placed before the House.

Soon after the Conference, a tentative scheme was prepared by Government, which was circulated to everybody concerned, and opinions were collected on that tentative scheme, and the present Bill is the result of such consultations.

Sir, a word about the composition of the Body, which is contemplated under the present measure. I claim that the proposed composition of the Committee is an improvement upon the Composition of the Tea Market Expansion Board in so far as the new proposals contemplate the representation of regional interests, but the most important feature of the Bill in this regard is the representation of Government and the previous measure did not provide for any Government control worth the name. Now having regard to the importance of this industry and the connected trade, Government have decided to take a hand in the control which would be provided through this particular measure.

Sir, I do not think I need take up any more time of the House and I very much hope that any points which honourable members have to raise with regard to the details of the measure would be duly considered in the Select Committee and the House perhaps need not occupy itself with a consideration of the various detailed provision of this measure. Sir, I move.

Mr. Speaker: Motion moved.

"That the Bill to provide for the development of the tea industry under Central control, and for that purpose to establish a Tea Committee for India and levy a customs-duty on tea produced in, and exported from, India, be referred to a Select Committee consisting of Srijut Rohini Kumar Choudhuri, Shri G. S. Guha, Shri Upendranath Barman, Shri Ari Bahadur Gurung, Shri S. V. Krishnamoorthy Rao, Shri K. Hanumanthaiya, Shri R. K. Sidhva, Mr. Naziruddin Ahmad, Shri H. V. Kamath, Shri M. Ananthasayanam Ayyangar, Shri T. A. Ramalingam Chettiar, Shri S. M. Ghose, Mr. K. A. Mohamed and the Mover, with instructions to report on or before the 1st March, 1949, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Shri H. V. Kamath (C. P. and Berar: General): On a point of information, may I ask whether you propose to rigidly enforce the rule of silence against members of the Select Committee? If you are not, then I am going to speak.

Mr. Speaker: I have already explained my views on this. When a Select Committee is appointed, it is better for the proposed members to hear what others have to say and then to consider the matter in the Select Committee because they will have full opportunity of discussing the points in Committee. Unless, therefore, there are exceptional reasons to the contrary, I do not propose to call upon those members whose names have been put down for the Select Committee.

Shri T. T. Krishnamachari (Madras: General): May I suggest, even if it is presumed that I am questioning **your** ruling, that there are certain matters in which the Select Committee will not be able to go beyond the scope of the Bill, unless a direction is expressly given. We have no method of giving any express direction to a Select Committee to go beyond a particular stage. What is done to take up the gist of the discussion on the floor of the House, so that if a member of a Select Committee wants to raise a particular point, which does not fit in with the four corners of the discussion, he will be precluded from doing so unless he raises this question here. I have considered this point at some length and I have also studied the proceedings of the House of Commons and have also referred to May's Parliamentary Practice and I find that if a member wants to express a particular point which he wishes to be taken up in the Select Committee and which is not within the four corners of the Bill, he is precluded from doing so unless he makes mention of it in the House and unless there is no categorical vote against that particular point which he wants to raise. These are I humbly suggest points which you may consider at your leisure. So that the convention might be suitably modified.

Mr. Speaker: I have already stated that, that rule was not an inflexible rule, applicable in each and every case. I, therefore, said that in exceptional cases I might consider the case but my fear is that the exception may be turned into a rule! Anyhow, for the present, what I have explained stands.

Shri V. S. Sarwate (Madhya Bharat): I have very carefully listened to the speech made by the Honourable Minister in putting up this motion. I am afraid that he has in his speech mainly devoted his attention to the economic aspect of the question. But there is also another aspect which has to be considered in dealing with this motion. I am not sure whether tea is conducive to the health of society and of the persons who drink it. We need not of course go by the advertisements which we find at railway stations:

Chae garmi ke dinon men

thandak lati hai:

Aur thand ke dinon men

garmi lati hai.

But it is an admitted fact that eminent doctors are divided on the question whether tea is healthy to drink and there may be many a member here who may share my experience that tea generally adversely affects hunger and digestion. If after taking tea you take dinner it is not easily digested. Therefore, it has to be considered from this aspect whether it would be proper for a Government thus directly to take part in making propaganda for the expansion of tea. It may as well be said that there are so many persons who smoke, there are millions of labourers who are working in the cigar industry, etc., therefore Government may take an interest in doing propaganda to encourage smoking. The main thing that has to be considered is whether it is necessary or essential and in the interests of health and the good of society.

I may further say that in this country of ours, where the income is calculated to be Rs. 30 per annum—the average may be a little lower or higher—it should be considered whether it is desirable that people should be encouraged to take tea, which as every householder knows has become an item of great expenditure. I am afraid that as medical opinion is divided on this point, the Government should not be committed to this propaganda and therefore it is in the interests of society that this Bill be dropped.

Shri Prabhu Dayal Himatsingka (West Bengal: General): I wholeheartedly support the Bill introduced by the Honourable Minister. I am a person who does not drink tea. In fact I have taken two cups only in my life. But still I feel that this Bill is a necessary one. This is one of the important industries of the country and as the Honourable Minister said it brings in a large amount of money from foreign countries. I am afraid, unless it is carefully looked into and guarded against foreign competition, Indian tea runs the risk of losing its place in foreign countries. A large number of British owners of tea-gardens have been disposing of their tea interests in the country and trying to put up new gardens in East Africa and other places. Brazil is already competing with Indian tea and Ceylon is also there. Therefore it is very necessary that the quality of the tea which this country produces is improved, the prices are such that they stand foreign competition, and that it can be sold in other countries at a competitive price. Therefore the Committee that will be set up can go into all these questions and devise ways and means whereby the quality can be improved, the cost can be reduced and other measures for the protection of the industry can be taken. If it is injurious for people to take tea that committee can also take steps to give information to people asking them not to take tea but there is no reason why when the industry is there and such a vast amount of capital is invested in it, steps should not be taken to bring in measures which will protect the industry as also bring in improvements.

Shri Khandubhai K. Desai (Bombay: General): Sir, while according my wholehearted support to the motion before the House I would like to make three observations for the consideration of the Select Committee. The Honourable the Commerce Minister said that this is one of the most important national industries and the amount of export of tea to foreign countries is considerable and it earns for us hard currency for the purpose of imports. It also gives, as he has said, employment to no less than one million labourers. It is well known that the tea interests in this country are more or less foreign and they have not treated the labourers as they should have and it has been found that the workers working in the plantations are half-starved and not cared for properly. Sir, I have studied the constitution of the Committee and I find that there is a serious omission. The whole structure of the committee is laid on three planks—the planters, the traders and the State as representing the consumer—but the fourth party is missing. Therefore my submission to the Select Committee is that they must at least include in the composition of the Committee five labour representatives representing the five tea-growing regions of the country, if they really want to make the structure of the Committee a stable one and it will go a long way to develop the tea industry which, as has been stated, is one of the most necessary industries in the land.

There is one other omission in regard to the functions of the committee. The functions of the committee as have been laid down do not include according to me the function of considering whether the foreign interests which are working here should be bought over by the State. Most of these interests are British interests and particularly therefore it is a good thing to buy them over in lieu of our sterling debts, if necessary, so that a beginning may be made to work this industry in the national interest and we could nationalise at least a part of the tea planting industry in the country. These are the viewpoints which I place before this House and I very strongly urge the Select Committee to take them into consideration. Particularly the representation of labour is essential if you really want to develop the industry on the proper basis.

It has been said that the function of the Committee is also to see that proper grading is made, that proper production is achieved and that the quality of the tea is improved. How are you going to improve the quality, unless the proper representatives of the labourers (those who are half-starved and working under great difficulties) are taken into confidence and their grievances, their representations and even their technical knowledge which is there, are taken into consideration. However much you may say that technicians are the only people who can advise, the people who actually work know better what difficulties there are in actual production. So I would strongly urge that at least five representatives representing the labour organisations in these five regions must be taken on the committee so that the committee may be full and it will stand on four legs properly and not on three legs as at present. Otherwise the whole structure will fall down.

Dr. V. Subramaniam (Madras: General): Sir, I want to make a few observations. No doubt we want to export large quantities of tea to earn more money for our imports but at the same time, to make up the food shortage in our country, investigations should also be made whether at high altitudes rice could not be grown as in Dehra Dun. In Dehra Dun we are producing very good rice also. Much of the land given to tea-growing can also be utilised for growing rice. If that is done it will be very useful because instead of importing foreign rice and other grains and paying money to other countries we can also directly grow our own food also in those lands. Moreover from the health point of view I have no objection to export as much tea as possible for financial considerations and it is better for our people from the health point of view to drink less tea and take more coffee.

Shri T. T. Krishnamachari: Sir, I have a few observations to make on this Bill. In the first place the constitution of the committee does not find room for representatives of this House, not that I want the Committee to be unduly loaded with consumer representation but it is a common feature in similar committees (particularly for instance the Coconut Committee and the Oilseeds Committee) to have representatives of this House. I do not see why the draftsman of this particular measure has chosen to ignore the members of this House.

The second point I would like to mention is that it often happens that in the constitution of a committee of this nature the interests of the consumer is given the go-by. One pregnant example of how the consumers' interests are affected is the Coffee Expansion Board, where the price of coffee is going up by leaps and bounds irrespective of the price paid to the producer and the quality of the coffee that is being supplied to the consumer in this country is very poor. Apparently good quality coffee is exported. I do hope that this Committee will not share the same fate, so that the Committee will seek to export the more valuable and the better quality of tea abroad and give us only tea dust. That is a position which is quite conceivable.

Another point which I would like to make is this. The Tea Market Expansion Board is a non-official organisation. It has its defects. It is top-heavy. The top rungs of the Board are now manned by Europeans receiving very fat salaries but it is undoubtedly doing very good work, for the reason that control is very resilient. They are permitted to take part in many schemes which perhaps a Government body like this Tea Cess Committee would not permit. For instance, in Madras, during a recent exhibition which was held under the auspices of the Congress Committee, the Tea Market Expansion Board not merely did propaganda for their tea but undertook the entire catering on a non-profit basis, which is the only way in which they could get people to know of their work and their efficiency. A thing like that might probably be impossible in a quasi-governmental concern such as the

222

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [7TH FEB. 1949]

[Shri T. T. Krishnamachari]

one that is contemplated at the present moment. I do hope that the resilience that a non-official organisation has will be maintained in the working of the new Committee and adequate provision will be made either by rules or otherwise so that Government will give the Committee a free hand.

I would like to endorse and heavily underline the suggestion made by my honourable friend Shri Khandubhai Desai. I do feel that whether or not the interests of labour is going to be safeguarded by the work of this committee it is essential that it should recognise that labour has a place in a body like this and the sooner we recognise it in this House the better it will be for all concerned. I do hope the Select Committee will make the necessary alterations to see that labour representation in this Committee is secured.

One final word before I sit down. There is another point which my friend Mr. Khandubhai Desai mentioned but I would like to approach it from a different point of view altogether. I look at the thing from the organisation side of it or the better run side of the industry, which is now being controlled by the European element in the industry. We might say that disturbing it will be wrong, but some kind of disturbance of the existing state of things is bound to occur before long. Very many of the foreign planters have sold their estates during war-time at high prices and have gone away; some of them have remained as managers; some of them are trying to come back. But we must put this particular industry on a stable basis. So long as its direction and control are mainly in the hands of the European who has really no interest in India's earning hard currency by export of tea, the difficulty of making the industry suit itself to the country's needs will always be there, unless the Committee is going to have some powers in regard to the internal management of the estates as well, which might result in what Mr. Khandubhai Desai wants, namely in these people selling out and going away or unless they fit into the organisation of the industry as it might be and work as nationals of this country. I do not want to expropriate British interests so long as the basic interest of such are identical with the interests of this country. But it may not be possible in actual practice. It would be worth while therefore for this Government to keep this in view that British interests which are there and which will have to be safeguarded for more than one reason—for diplomatic reasons mainly—may not be interests that will stay permanently for all time. Probably they would not have any permanent interests in this country. I am sure my honourable friend the Commerce Minister when he receives the deputation of tea interests will bear this particular point of view in mind, namely that any concession he concedes to them does not affect the permanent interests that India has in this industry.

Babu Ramnarayan Singh (Bihar: General): Sir, the Bill under consideration advocates the taking of tea. In times of yore there was a sage of the name of Raja Barthrihari. In one of his *Slokas*, talking of the world, the sage said:

न जाने संसारः किममृतमयः किम् विषमयः

which means nobody knows whether the world is full of nectar or full of poison. Exactly the same thing can be said of anything and everything in the world. Tea is a thing which cannot be unanimously and universally supported. In such matters we have to consider whether there would be great harm to the nation without this. It is said that it is a national industry and all that. Will the heavens fall if this industry is not there? It is said that it will fetch dollars and a large income to Government. There was opium which used to bring more than six crores of rupees of income a year to this Government. But why is it discouraged? Because it is not a thing which improves the morale and the health of the people. Similarly with regard to tea it may be said by those who

are accustomed and habituated to it that it helps them. But it is a thing which goes against the health of the people and it is not a proper thing to be encouraged.

Shri R. K. Sidhva (C. P. and Berar: General): Should it all be exported?

Mr. Speaker: Let him proceed in his own way.

Babu Ramnarayan Singh: I also have got my own experience. It is a very nasty thing. What I have observed in this if once you begin taking it, it becomes a habit. Once people have got into the habit of taking tea, if they do not get tea they will be upset. (Shri R. K. Sidhva: "Does not the taking of rice also become a habit?") Besides that, when there is Grow More Food Campaign, 7,000 acres are devoted to this industry. People are dying for want of food; there is no food; there is cry throughout the country; and there is the 'Grow More Food Campaign'? Under such circumstances why should this industry be developed at the cost of food? As my friend was whispering, let them do whatever they like. But why do they encourage and make propaganda throughout the country? If they want to export it and derive income, well, let them send it to the foreign countries. But for God's sake let them not make any propaganda in the country. With these words, Sir, I strongly oppose the motion.

پذت تھاکر داس بھارگو : جناب سپیکر صاحب ! میں چند یہی باتیں عرض کرنا چاہتا تھا جو میرے دوست شری سروتے اور بابو رام ناراین سنگھ نے اس معاملہ میں اس ہاؤس کے سامنے رکھی ہیں۔

Shri K. Hanumanthaiya: Sir, cannot the honourable member speak in English?

پذت تھاکر داس بھارگو : جہاں تک اس بل کا تعلق ہے وہاں تک اس کے industrial aspect پر میں سوائے اس کے کہ میں اس کو support کروں اور کچھ نہیں کہہ سکتا۔ یہ بھی تو ثابت نہیں ہوا ہے کہ tea سے بہت زیادہ نقصان ہوتا ہے اگر ایسا ہوتا تو میں اس کو ہرگز support نہ کرتا۔ اور یہ کہنا بھی مشکل ہے کہ چائے کے استعمال سے تندرستی کو فائدہ پہنچتا ہے۔ جہاں تک health کا سوال ہے وہ لوگ جو اس بات کو نہیں مانتے کہ tea سے فائدہ ہوتا ہے۔ وہ اس بل کی مخالفت ضرور کریں گے۔ اور اس کے حق میں نہیں دھینگے۔

انڈین tea کا جہاں تک سوال ہے۔ اس بل کا سیکشن (a) 12(1) یہ کہتا

ہے۔

"Promoting the sale, and increasing the consumption, in India and elsewhere, of Indian tea or of tea generally; carrying on propaganda for those purposes;"

میں نہایت ادب سے عرض کرنا چاہتا ہوں کہ اسکا جو یہ حصہ ہے یہ سخت قابل اعتراض ہے۔ حالانکہ میں اس بات کا قائل نہیں ہوں کہ tea سے ضرور نقصان ہوتا ہے۔

جناب عالی! میں نے ایک دفعہ اسپرین کے متعلق ایک پکچر دیکھا تھا۔ جس پر کہ اُس کے بنانے والوں نے بہت سا روپیہ اس دیش میں اس کے propaganda کے لئے خرچ کیا تھا۔

[پلڈت تھاکر داس بھارگو]

لیپٹن ٹی کا propaganda سٹیشنوں پر ہوتا ہے۔ کہ یہ گرمی میں تھلڈک پہنچاتی ہے اور سردیوں میں گرمی پہنچاتی ہے۔ یہ میں مانتا ہوں کہ اسکی عادت اس طرح خراب ہے جس طرح کہ افیم کی عادت خراب ہے مجھے ایک کیس کے متعلق معلوم ہے کہ ایک ساتھ برس کا آدمی جسکو افیم کھانے کی عادت تھی اور جس کا تعاقب ایک معزز گھرانے سے تھا اُسکو جب سزا ماری تو اُسکے وارث میرے پاس آئے اور مجھکو کہا اس کی ضمانت کراؤ نہیں تو یہ افیم نہ ملنے کی وجہ سے مر جائیگا۔ بعد میں اسکو افیم جیل خانے میں کھانے کے لئے اسکے وارثان نے smuggle کرا کر بہم پہنچائی۔

میں آپ کو اپنے شوگر کی بات بتاؤں گا۔ اُسکو اگر آپ تین دن تک کھانا نہ دیں تو اُسکو اس کی کچھ بھی پروا نہیں ہے۔ لیکن اگر اس کو آدھ گھنٹہ کے لئے چائے نہ ملے تو وہ کام کرنے کے قابل نہیں رہتا ہے۔ اسکی عادت اسی طرح سے پڑتی ہے جس طرح کہ دوسری بد عادتیں پڑتی ہیں۔

میرے دوست مسٹر سدھوا نے کہا کہ آپ چاول کیوں کھاتے ہیں۔ میرے خیال میں مجھے اسکا جواب دینے کی کوئی ضرورت نہیں ہے۔ وہ اپنے دل میں سوچیں اور دیکھیں کہ tea ایک luxury ہے اور چاول ایک ضروری چیز ہے۔ آپ یہاں پر ہر روز grow more food کے قصے سنتے ہیں۔ اور آپ نے tea کے لئے زمین مخصوص کی ہیں اگر آپ اسکی industry قائم کر کے آپ اسکو بڑھائیں تو میں یہ نہیں کہوں گا یہ بات خراب ہے۔ لیکن آپ جو یہ کہتے ہیں کہ ہندوستان میں اس کا propaganda کریں میں اسکے خلاف ہوں۔ tea کا دودھ کے ساتھ کوئی مقابلہ نہیں ہے۔ میرے علاقہ میں خصوصاً جالندھر میں لوگ گھی اور دودھ کھایا کرتے تھے اور اب وہاں پر وہ لوگ tea بہت زیادہ استعمال کرتے ہیں انکو اب اس کا بہت شوق پیدا ہو گیا ہے۔ پھر یہی وہاں پر لوگ چائے کے ساتھ butter ملا کر پیتے ہیں لیکن سارے ہندوستان میں butter ڈال کر چائے نہیں پیتے ہیں پھر بھی یہ بات غلط ہے کہ چائے کا مقابلہ دودھ کے ساتھ ہو سکتا ہے۔ اور نہ ہی اسکو دودھ کی جگہ substitute کیا جا سکتا ہے نیشنل point of view سے یہ ایک آفت ہے۔ یورپ میں آپ دیکھینگے کہ وہاں جب آپ کافی پینے جائیں تو وہ آپ سے پوچھینگے کہ white کافی چاہئے یا black کافی۔ اس طرح سے جو لوگ چائے پیتے ہیں وہ اس میں دودھ ملا کر نہیں پیتے ہیں بلکہ دور سے ہی ذرا سا دودھ دکھاتے ہیں اور دودھ نہیں ڈالتے اسلئے بہت سے لوگ Black tea پیلے لگے ہیں اور ایسے لوگوں کے لئے دودھ دوائی کی حیثیت رکھتا ہے۔

در اصل دودھ پینے والے جو لوگ ہیں وہ پھر تکی کی طرف راغب ہو جائیں گے اور ان کی طاقت میں اضافہ نہیں ہوگا۔ دیش کے اندر دودھ کی ضرورت کم محسوس کی جائیگی اور اس طرح health کے لحاظ سے دیش کے لئے نقصان ہوگا اس لئے میں اس حصہ کی مخالفت کرتا ہوں۔ باقی چٹلی چیزیں جو آپ کے روبرو آئی ہیں کہ cultivators of tea کو فائدہ پہنچایا جائے ان کی میں تائید کرتا ہوں۔ تکی کے بارے میں میں ایک چیز اور عرض کر دینا چاہتا ہوں۔ وہ یہ ہے کہ آسام کے اندر اور دوسری جگہوں پر cultivators پر جو مظالم ڈھائے گئے ہیں وہ عام طور پر روشن نہیں ہیں۔ اسلئے میں عرض کروں گا کہ ان کا protection ضروری ہے اور ان کے لئے جتنی بھی رعایت کی جائے وہ کم ہے ان الفاظ کے ساتھ میں اس کی تائید کرتا ہوں

(English translation of the above speech)

Pandit Thakur Das Bhargava (East Punjab: General): Mr. Speaker, Sir, I have nothing more to add to the observations already made in the House by my honourable friends Shri V. S. Sarwate and Babu Ramnarayan Singh.

Shri K. Hanumanthaiya (Mysore State): Sir, cannot the honourable member speak in English?

Pandit Thakur Das Bhargava: So far as this measure is concerned, I have nothing else to say except to support its industrial aspect. This has also not been proved that tea is very injurious. If this had been so, I would never have supported it and it is also difficult to say whether tea is conducive to the health of persons who take it. So far as the question of health is concerned, those persons who do not admit the fact that tea is conducive will surely oppose this Bill and will not support it.

So far as the question of Indian tea is concerned, Section 12(1) (a) of the Bill lays down:

"Promoting the sale, and increasing the consumption, in India and elsewhere, of Indian tea or of tea generally; carrying on propaganda for those purposes;"

With all due respect, I would like to submit that this portion of the Bill is highly objectionable although personally I am not convinced of the fact that tea is invariably harmful. Sir, once I happened to see a picture about Aspirin over which its manufacturers had spent a huge amount for conducting its propaganda in this country.

The propaganda of Lipton Tea is generally carried on at Railway Stations viz., it keeps warm during the winter and has a soothing effect in the summer. I do agree that the habit to take this is as bad as that of opium. I know of a certain case of a gentleman of sixty coming of a respectable family habituated to take opium. When he was awarded punishment his relatives approached me for getting him released on bail, as they apprehended lest he may not collapse in jail for want of opium. Later on his relations were able to smuggle and provide him with opium in the jail.

I will tell you the case of my own chauffeur. He does not mind going without meals for 3 days even, but if he is not provided with tea after half an hour he is unable to work. The tea-drinking habit is a concomitant to other evil habits. My honourable friend Mr. Sidhva asked us as to why you take rice? In my opinion it is hardly necessary for me to give any reply to this. He should himself think over the matter and find out whether tea is a luxury, and rice an essential commodity.

[Pandit Thakur Das Bhargava]

Every day you listen in this House to the stories about 'Grow More Food', and you have earmarked land for the production of tea. If you develop its industry, I do not find any defect in it; but I am opposed to its propaganda being carried on throughout India. Tea is no match for milk.

On my side especially in Jullundur, people were accustomed to take milk, and ghee, whereas at present they are very much habituated to the use of tea. Now they have become very much enamoured of it. Even then the people there drink tea after mixing up butter in it. But in the whole of India tea is not taken with butter.

Even then it would be absurd to say that tea is as good as milk. Neither can it be substituted for milk. From the national point of view it is a calamity. You will find in Europe that when you go to any place for drinking coffee, they will enquire from you whether you require white or black coffee. Similarly those people who drink tea do not take it after putting milk in it, but show a little milk from a distance and do not pour it.

Therefore, many of the people have been accustomed to drink black tea and to them milk appears to be like a medicine. As a matter of fact the people who are in the habit of drinking milk will again be persuaded to take tea and their strength will not increase. There will be little demand for milk in the country and this will prove harmful to the interests of the nation from the health point of view. Therefore, I oppose this part of the Bill. I support the other things which have been brought up before you inasmuch as these relate to the encouragement of the cultivators.

In regard to tea, I would like to mention another thing viz., the tortures that have been inflicted upon the cultivators in Assam and other places and which have not been generally exposed. Therefore, I would submit that there protection is most essential and they should be granted the maximum possible concessions.

With these words, I support this measure.

The Honourable Shri K. C. Neogy: Sir, I may state for the information of the House that I am not a habitual tea drinker. Therefore, I think I can claim to approach some of the points that have been made by some of my honourable friends with an unbiased mind.

This is not the first time that the question of protecting or promoting the interest of tea as an industry has come up for the consideration of the Legislature and I do think that having regard to the limited scope of the present measure, this wide question should not be raised but if we were to take a straight vote in this House I have not the least doubt that tea drinking would be supported by an overwhelming majority.

Sir, apart from anything else I think a propaganda for the expansion of the tea-drinking habit should be carried on as a concomitant to the prohibition drive. As a matter of fact, you should give some substitute for the spirituous drinks which you are going to deny to the people. It would be quite justified from many points of view.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Pandit Thakur Das Bhargava (one of the Panel of Chairmen)].

As a matter of fact, as is well-known, tea has been described as a drink that cheers but does not inebriate. I hope the House will not refuse this slight amount of cheer to those people who are going to be deprived of their spirituous drinks.

MANGROL AND MANAVADAR (ADMINISTRATION OF PROPERTY) BILL 227

Sir, several points have been raised which can very usefully be considered in the Select Committee, points regarding the composition of the contemplated Committee. But there again, I should like to remind the House that the object of this measure is a very limited one. Much as I sympathise with the object which my honourable friend Shri Khandubhai Desai has in putting forward the claims of labour to representation on this body, I very much doubt whether representation of labour is likely to advance the purposes of this measure as laid down in clause 12 of the Bill. However, Sir, this question is a point which can certainly be gone into in the Select Committee.

One point which was made and which to my mind is entirely outside the scope of this measure, was the question of buying up or acquiring the interests of the foreign investor in the tea industry. Sir, I am not expected to make any statement on this issue, but at the same time I should like to remind the House that as a matter of policy we may not perhaps bar out foreign capital. As a matter of fact, there is a desire that more of foreign capital should be forthcoming for investment in India and I do not know whether this is an opportune moment for raising the issue which has been raised by my honourable friend Mr. Khandubhai Desai. In any case, it is definitely beyond the scope of a Committee of the character contemplated to do anything to bring about the result which my honourable friend has in view.

My honourable friend Shri Krishnamachari raised the question of representation of the consumer. He also criticised the composition of the body in so far as the official element is concerned. Well, I have already indicated that Government feel that the control in so far as this body is in a position to control the industry, should not vest exclusively in the industry and trade, but because of the importance of the industry and the trade to the Government and the country as a whole, the Government should take a hand in that control. I am perfectly willing to consider the claims of representation of consumers and from that point of view to have the House represented on this Body, but that again is a matter which will have to be considered by the Select Committee.

I do not think that I need refer to any other point that has been made. I hope, Sir, the House will accept the motion.

Mr. Chairman: The question is:

"That the Bill to provide for the development of the tea industry under Central control, and for that purpose to establish a Tea Committee for India and levy a customs-duty on tea produced in, and exported from, India, be referred to a Select Committee consisting of Srijut Rohini Kumar Chaudhuri, Shri G. S. Guha, Shri Upendranath Barman, Shri Ari Bahadur Gurung, Shri S. V. Krishnamoorthy Rao, Shri K. Hanumanthaiya, Shri R. K. Sidhva, Mr. Naziruddin Ahmad, Shri H. V. Kamath, Shri M. Ananthacayanam Ayyangar, Shri T. A. Ramalingam Chettiar, Shri S. M. Ghose, Mr. K. A. Mohamed and the Mover, with instructions to report on or before the 1st March, 1949, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

MANGROL AND MANAVADAR (ADMINISTRATION OF PROPERTY) BILL

The Honourable Sardar Vallabhbhai Patel (Minister for Home Affairs and the States): I move:

"That the Bill to provide for the vesting of certain properties belonging to the States of Mangrol and Manavadar in Kathiawar in the Managers of the said States, be taken into consideration."

[Sardar Vallabhbhai Patel]

The administration of Manavadar and Mangrol States in Kathiawar was taken over on the 22nd October and 1st November respectively. The Ruler of Mangrol had signed an accession which he subsequently repudiated under pressure from Junagadh. The Ruler of Manavadar had no separate existence as a Ruler and Manavadar was merged at one time in Junagadh. Subsequently it was detached and like all the detached States was taken over by us afterwards in accordance with our Notification issued on the 14th August 1947, this State was also taken over. Subsequently, the Rulers were won over by Pakistan and are reported to have signed some sort of an agreement of political relationship with Pakistan. Having regard to our earlier claim, however, we took possession of these States and the Rulers were taken over under our protective custody. The States were placed under Managers who work directly under the supervision and control of our Regional Commissioner stationed at Rajkot, the old headquarters of the Residency of the Political Department in Kathiawar. Both these have properties consisting of Government securities, stocks, industrial shares etc., in the name of Chiefs or Rulers or Karbaris or other officials of the State. It was therefore thought best to vest these properties by law in the Managers, so that they could be safe and be operated on by the Managers in the interests of the State. Government of India therefore issued an Ordinance to that effect on the 16th August 1948. That Ordinance is likely to expire on the 15th of February 1949. It is therefore necessary to continue the arrangements by an Act of the Legislature. Accordingly this Bill has been introduced. It is a very short and non-controversial measure which I hope the House will have no difficulty in passing.

Mr. Chairman: Motion moved:

"That the Bill to provide for the vesting of certain properties belonging to the States of Mangrol and Manavadar in Kathiawar in the Managers of the said States, be taken into consideration."

Shri R. K. Sidhva (C. P. and Berar: General): On a point of information, Sir, may I know what is the total amount of all these securities? In Schedule Part I in the column of 'amounts' carries figures in respect of investments (a) only, whereas in respect of (b) (c), (d) and (e) and also Part II the amounts are not mentioned. I only want to know the total amount.

مولانا حسرت موہانی: جناب والا! ابھی ہمارے دوست سردار پٹیل نے جو یہ ریزولوشن منگروں اور منادوار کے متعلق پیش کیا ہے میں اس کی پوری زور کے ساتھ مخالفت کرتا ہوں۔ دراصل یہ ایک بہت بڑی پالیسی ہے جو کہ ہماری انڈین گورنمنٹ نے اختیار کی ہے اور انڈین رولرس میں سے خصوصاً چھوٹے چھوٹے رولرس کے ساتھ اختیار کی ہے میں اس کی شدت کے ساتھ مخالفت کرتا ہوں۔ اس پالیسی کے کیا معنی ہیں جو کہ آپ ان رولرس کے لئے اختیار کرتے جا رہے ہیں۔ یہ آپ کا برتاؤ کیا ہے ہم اور سردار پٹیل اور تمام کانگریس کے ممبر سب کے سب برٹش گورنمنٹ کے زمانہ میں جو یہاں رولرس تھے یعنی کیڈنگ، ڈلہوزی، ہیسٹنگز اور گلابو۔ ان کے اوپر لعنت کرتے تھے انہوں نے کیا کیا۔ کہ تمام ریاستوں کو ہڑپ لیا اور رولرس کو کہہ دیا کہ جاؤ مانگ کھاؤ۔ یا کسی کے ساتھ یہ کیا کہ تھوڑا سا وظیفہ مقرر کر دیا۔ کیا آپ کو یاد نہیں ہے کہ ٹھور اور پنجاب کی پوری ریاست وہ ہڑپ کر گئے اور ان کو یہ کہہ کر کہ تمہارا انتظام ٹھیک نہیں

ہے نکل کر پھینک دیا۔ اور مہاراجہ رنجیت سنگھ کے پوتے دلپت سنگھ کو عیسائی بنا کر ولایت بھیج دیا۔ انہوں نے اودھ میں کیا کیا۔ کہ انتظام ٹھیک نہیں ہے یہ بہانہ نکل کر واجد علی شاہ کو وہاں بھیج دیا اور ان کو ایک رقم دے دی۔ خیر انہوں نے یہاں تک تو کیا کہ کچھ وظیفہ دے دیا۔ لیکن آپ کیا کر رہے ہیں۔ بہت سی جو چھوٹی ریاستیں تھیں ان میں سے یہ دو ریاستیں منگروں اور منادوار کی ریاستیں ہیں۔ پہلے تو ان کی مرضی تھی کہ وہ پاکستان میں شریک ہوں۔ میں کوئی پاکستان کا موافق نہیں ہوں۔ لیکن انصاف کی بات یہ ہے کہ ہر شخص کو یہ اجازت تھی کہ وہ جس میں چاہے شریک ہو تو انہوں نے پاکستان میں شریک ہونے کی خواہش ظاہر کی تو آپ کو اس میں کیا اعتراض ہو سکتا تھا۔ لیکن آپ نے اول تو ان کو یہ سزا دی کہ ان کو زبردستی اپنے میں شامل کر لیا اور پھر شامل کرنے کے بعد اور ریاستوں کے ساتھ آپ نے جو کیا تھا وہ بھی ان کے ساتھ نہیں کیا۔ یعنی ان کو کوئی حصہ نہیں دیا۔ اور حصہ ہی نہیں دیا

بلکہ ان کو کوئی پلشن وغیرہ بھی نہیں دی

Mr. Chairman: May I remind the honourable member that the question involved in this Bill is not the taking over of these States but only relates to the question of vesting of properties? The States have already been taken over.

Maulana Hasrat Mohani: I am speaking only on properties.

Mr. Chairman: It is now 1 O'clock. The honourable member may resume after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock.
Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Mr. Speaker: The House was considering the Honourable the Home Minister's Bill to provide for the vesting of certain properties belonging to the States of Mangrol and Manavadar in Kathiawar. We may resume the discussion.

مولانا حسرت موہانی: جناب عالی! میں سب سے پہلے ایک غلط فہمی کو دور کر لینا چاہتا ہوں۔ میں نے جو اس بل کو اپوز کیا تو اس لئے کہ بہت سے دوستوں نے مجھ سے پوچھا کہ تم کہاں سے ریاستوں سے وکیل بن کر کھڑے ہو گئے۔ میں تو ایک کمیونسٹ خیال کا آدمی ہوں ایسے آدمی سے یہ کہنا کہ وہ ریاستوں کی وکالت کرے ایک عجیب سی بات معلوم ہوتی ہے۔ میں جلد الفاظ میں اپنی پوزیشن صاف کر لینا چاہتا ہوں۔ میں تو ریاستوں کا سب سے بڑا دشمن اور مخالف ہوں جو ایتھٹیٹیوڈ (attitude) ہمارے جواہر لال کا تھا کہ تمام ریاستوں کو فنا کر دینا چاہئے۔ وہی میڈیو ہے، دائے ہے۔

[مولانا حسرت موہانی]

(آنریبل سردار ولہ بھائی پتیل : میری نہیں ہے) ہمیشہ سے میری یہی رائے ہے - آپ کہیں ایک بھی پروانٹ دکھلا دیں کہ میں نے اس کے خلاف کہا ہو - میں یہ کہنا چاہتا ہوں کہ اگر ریاستوں کو مٹا دیا جائے تو ان کی بجائے کیا چیز ہو - میں اپنے دوست پتیل صاحب کی بڑی قدر کرتا ہوں اور میرے دل میں ان کی بڑی عزت ہے - یہ جو انہوں نے کیا کہ ریاستوں کو کسی نہ کسی طرح ختم کر دیا یہ بہت اچھا کیا کہ یہ تو میری رائے کے موافق ہے لیکن سوال یہ ہے کہ مرجر کرنے کے بعد آپ نے کیا کیا - چاہئے تو یہ تھا کہ چھوٹی چھوٹی ریاستوں کو مرجر کر کے آپ بڑے گروپ بناتے - اس گروپ کو بنا کر آپ اس کو ایک پروانٹس قرار دیتے اور اس پروانٹس کو بھی اس طرح سے آزاد کرتے جیسے کہ اور پروانٹس پہلے سے موجود ہیں - اور میری تو ہمیشہ سے یہی رائے رہی ہے کہ ہندوستان کا کانسٹیٹیوشن بھی ایسا بنے کہ یہاں ایک "socialists republics of India" "Federation of independent" ہو - آپ چاہے جتنے گروپ بناویں اور چاہے جتنی ریاستوں کو فنا کریں - لیکن جو آپ کا گروپ بنے اسے پروانٹس کا درجہ دیجئے اور اس کو سوویت سوشلسٹ سسٹم بنا کر لاگو رکھئے اور پھر ایسا فیڈریشن بنائیں تب تو ٹھیک ہو سکتا ہے - تب تو میں آپ کی تائید کروں گا کہ آپ بہت اچھا کر رہے ہیں - لیکن آپ ایسا نہیں کر رہے ہیں - آپ تو چھوٹی چھوٹی ریاستوں کو حذف کر کے ایک یونٹری نازی اسٹیٹ قائم کر رہے ہیں - میں اس کے سخت خلاف ہوں کوئی وجہ نہیں کہ آپ چھوٹی چھوٹی ریاستوں کو فنا کر دیں اور انکو ملانے کے بعد کوئی سو شلسٹ اسٹیٹ قائم نہ کریں بلکہ اپنی ایک یونٹری گورنمنٹ قائم کریں اور وہ بھی نازی ٹائپ کی - یہ ویسا ہی ہوا ہے جیسا کہ جرمنی میں سب ریاستوں کو ملا کر ایک نازی اسٹیٹ قائم کی گئی تھی - میں اس کے سخت خلاف ہوں - اور میں اپنے دوست پتیل صاحب سے اپیل کرتا ہوں کہ وہ اس کا لحاظ کریں - کیا فائدہ رہا کہ تاریخ میں آریکا نام کلايو - ہیسٹنگز اور ڈلہوزی کے ساتھ لیا گیا کیونکہ انہوں نے بھی چھوٹی چھوٹی ریاستوں کو فنا کر کے ایک انگریزی ریاست قائم کی اور وہ بھی نازی ٹائپ کی - آپ بھی اس کی تائید اور اسکی پیروی کرنا چاہتے ہیں - اگر آپ یہ سمجھتے ہیں کہ جو آپ نے کیا ہے وہ ٹھیک کیا ہے تو آپ اسکا اعلان کیجئے کہ جتنے گروپ آپ بناتے ہیں.....

Mr. Speaker: Is the honourable member discussing Government's policy with regard to States?

Maulana Hasrat Mohani: No, no. I was only removing some doubt. Some friends objected to my taking up the cause of the States. So I said this.

Mr. Speaker: Honourable member might say anything that he has to say about Mangrol and Manavadar; he can make general remarks, but cannot go into details.

مولانا حسرت موہانی : میں نے یہ اپنے ذاتی ایکسپلینیشن کے طور پر کہہ دیا - مجھکو اس میں کچھ زیادہ کہنے کی ضرورت نہیں ہے -

اب میں یہ عرض کرنا چاہتا ہوں کہ میں اس وجہ سے اس بل کی مخالفت کرتا ہوں کیونکہ اس میں پہلے پری امبل میں لکھا ہے

"And whereas it is expedient to provide for the vesting of certain properties belonging to the said states"

اس میں تو آپ لکھتے ہیں کہ یہ چیزیں اسٹیٹ کی ملکیت ہیں - لیکن جو آپ نے بعد میں فہرست دی ہے - اس میں یہ اسٹیٹ کی ملکیت نہیں ہیں بلکہ وہاں کے لوگوں کی ذاتی ملکیت ہیں - اس میں شیخ عبدالخلیق کا نام ہے اور دوسروں کے نام ہیں - مطلب یہ ہے کہ یہ چیزیں ان کی پرائیویٹ ملکیت میں ہیں آپ کہتے ہیں کہ انہوں نے یہ نالائق حرکت کی کہ پاکستان کا نام لیا - میں اس بحث میں نہیں پڑنا چاہتا - اگر آپ ان کو سزا دینا چاہتے ہیں تو دیجئے - لیکن دنیا میں آج تک یہ ظلم کہیں نہیں کیا گیا جو آپ کر رہے ہیں - آپ نے یہی جونا گڑھ میں کیا اور یہی آپ یہاں ریپٹ کر رہے ہیں - میں نے اس وقت بھی آپ سے کہا تھا اور پھر کہتا ہوں کہ جو سب سے بڑے امپیریلسٹ ترکی کے خلیفہ تھے - ان کی بھی خلافت جب ترکوں نے ختم کی تو جو رویہ سلطان عبدالعزیز کے نام سے بینکوں میں جمع تھا یا جو شہرس تھے ان کو تپ نہیں کیا - بلکہ وہ اُن کو ہی دیا اور اُن کے بعد اُن کے لڑکوں اور پوتوں کو ملا - وہاں پر آپ کی طرح نہیں کیا گیا کہ کھڑے ہو کر کہہ دیا کہ وہ اسٹیٹ تھی اس لئے ہم اس کو جتنا چاہیں دے لیں - میں کہتا ہوں کہ آپ کا یہ دعویٰ یہیں غلط ثابت ہوتا ہے - آپ نے سیکشن 9 میں لکھا ہے کہ کوئی معاملہ عدالت کے سامنے پیش نہیں ہو سکتا - کیوں آپ خوف زدہ ہیں اس سے - اگر آپ کو اپنے پر اعتبار ہے کہ یہ اسٹیٹ کی ملکیت ہے پرائیویٹ نہیں ہے تو اگر کوئی شخص دعویٰ کرے تو آپ کو اُس کا جواب دینا چاہئے آپ جو کہتے ہیں کہ کوئی معاملہ عدالت میں نہ پیش ہو اس سے یہ معلوم ہوتا ہے کہ آپ کے دل میں چور ہے کہ اگر یہ عدالت میں جائیگا تو ہم ہار جائیں گے - میں یہ ایک ثبوت پیش کرتا ہوں کہ جس سے معلوم ہوا کہ یہ پرائیویٹ ہیں - یہ ہرگز اسٹیٹ کے نہیں ہیں - میں آپ سے یہ پوچھتا ہوں کہ جتنے شہرس اور باندس جن جن لوگوں کے نام ہیں کیا وہ اب تک ایسے ہی پڑے ہوئے تھے - میں کہتا ہوں کہ آپ معلوم کر لیجئے کہ اُن سے جو فائدہ ہوتا تھا وہ اسٹیٹ کے خزانے میں جاتا تھا یا عبدالخلیق اور نصیر الدین کی جیب میں جاتا تھا اگر یہ ان کے پاس جاتا تھا تو یہ انہیں کا ہے اور اسٹیٹ کے حساب میں جاتا تھا تو اسٹیٹ کا کہا جا سکتا ہے - ایک اور ثبوت

[مولانا حسرت موہانی]

یہ ہے کہ اس میں باز چیزیں ایسی ہیں جو وقف کے طور پر ہوئی ہیں۔ یہ جو آپ نے کہا ہے کہ یہ منگروں اسلامی چیز تبدیل ترست ہے۔ تو اس میں کیا ہے۔ اس میں ان کی حیثیت پرائیویٹ ہے مگر وہ متولی ہیں۔ یعنی وہ رقم انہیں کو ملیگی مگر وہ اس کو اپنے پاس نہیں رکھیں گے لیکن جن چیزوں کے لئے وقف ہے ان کو دے دینگے میں کہتا ہوں کہ کم سے کم جتنی پرائیویٹ وقف شدہ ہے اس پر قبضہ کرنے کا آپ کو کوئی حق نہیں ہے۔ اس پر آپ کوئی مینیجر مقرر نہیں کر سکتے۔ کیا آپ مینیجر کو متولی بنا دینگے۔ متولی وہی رہیں گے شیخ منگروں اور جو وقف شدہ جائداد ہے وہ انہیں کو ملیگی کسی کو حق نہیں ہے کہ وہ وقف شدہ پرائیویٹ کو کسی اور کے نام منتقل کر لے۔ اور اگر آپ یہ ہی کہتے ہیں تو پہلے اپنا وقف کے متعلق قانون پاس کیجیئے ابھی وہ یہاں کے کانستٹی ٹیوشن میں نہیں آیا ہے۔ جب آئے گا تب ہم دیکھیں گے کہ آیا آپ وقف شدہ پرائیویٹ کو غصب کر سکتے ہیں یا نہیں۔

میں اس بل کی اس لئے مخالفت کرتا ہوں کہ inconsistent ہے آپ کہتی کہتے ہیں کہ اسٹیٹ کی ہیں کبھی ان کی پرائیویٹ ہیں۔ اگر آپ یہ کہتے ہیں کہ کبھی اسکو کوئی بیچ نہ سکے تو اس سے آپ کی کمزوری معلوم ہوتی ہے۔ اس کے بعد آپ کبھی کسی کی خوشامد کرتے ہیں کبھی کبھی پولیس ایکشن لیتے ہیں کبھی کسی کو قہراً ہیں اور پھر next step یہ ہے کہ bribery سے آپ سب کو شامل کرنے کی کوشش کرتے ہیں۔

The Honourable Sardar Vallabhbhai Patel: I protest against the allegation of bribery and corruption. He said that the Instrument of Accession was obtained by giving bribes. The honourable member must withdraw the allegation.

Mr. Speaker: Has the honourable member made those allegations?

Maulana Hasrat Mohani: Unless I explain.....

Honourable Members: Withdraw.

Maulana Hasrat Mohani: I withdraw the word.

میں bribery کو جو کہہ رہا تھا تو اس کے Actual معنوں میں نہیں کہہ رہا تھا۔ میں یہ کہنا چاہتا تھا کہ بعض لوگوں کو آپ یہ لالچ دیکر کہ راج پر مکہ بنا دینگے۔

Mr. Speaker: The honourable member is going into irrelevant matters, matters with which we are not concerned. He has to restrict his remarks to the Bill.

مولانا حسرت موہانی: میں یہ عرض کر رہا تھا کہ یہ Dangerous پالیسی ہے کہ کسی چیز پر قبضہ کر کے اور اسکے بعد یہاں پر بل پیش کر کے پاس کرتے ہیں اور اس کو قرار دیتے ہیں کہ وہ جائز ہو گیا۔ میں کہتا ہوں کہ اگر یہ طرز عمل قائم رکھیں گے تو خدا کا خوف بھی کیجئے۔ کہ آپ کہیں خود ہی اس مصیبت میں نہ مبتلا ہو جائیں اور آپ پر کوئی مصیبت نازل نہ ہو جائے۔ یہ آپ کو اختیار ہے کہ

جو بل چاہیں آپ پاس کریں سوائے میرے اور کوئی اس کی یہاں مخالفت کرنے والا نہیں ہے۔

Shri Brajeshwar Prasad: I wish to raise a point of order. I wish to know whether the honourable member is relevant in saying that the curse of God will fall on our heads.

Mr. Speaker: Let him speak. Order, order.

مولانا حسرت موہانی: میں یہ عرض کر رہا تھا کہ انڈین پارلیمنٹ آپکے قبضے میں ہے آپ جو کچھ چاہیں پاس کر لیں اس خیال پر کہ مناسب غیر مناسب جائز ناجائز سب کچھ پاس ہو جائیگا۔

میں مثال دیتا ہوں کہ یہاں پر جو Securities ہیں اسکو برٹس پارلیمنٹ میں پاس کر دیا جائے کہ اب ہندوستان کو نہ دو تو چونکہ برٹس پارلیمنٹ پر ان کا قبضہ ہے وہ فوراً ہی پاس ہو جائیگا۔ اور عربوں روپیہ کا آپ جو مطالبہ کر رہے ہیں جس کے لئے چرچل بھی کہہ رہا ہے کہ اب ہندوستان کو کچھ نہ دو اس لحاظ سے مجھکو بہت خطرہ ہے کہ کہیں کوئی وقت ایسا نہ آ جائے کہ خدانخواستہ آپکو یہ جو کمیونسٹ پارو پھیل رہی ہے چترال کی طرف سے دبانا چاہے اور وہ یہ کہے کہ سویت گورنمنٹ بھی پولیس ایکشن کر رہی ہے۔

They cannot tolerate any hostile forces on their side.

Mr. Speaker: Order, order. The honourable member is going beyond the limit.

مولانا حسرت موہانی: یہ دلیل جو آپ نے حیدرآباد کے لئے پیش کی تھی (interruption).

خیر میرا مطلب یہ ہے کہ جو جو بل آپ پاس کرنا چاہیں پاس کر لیں لیکن آپکو یاد رکھنا چاہئے۔

You will have to regret for all this.

(English Translation of the above speech)

Maulana Hasrat Mohani (U.P.: Muslim): Sir, with all the emphasis at my command I oppose the motion just moved by my friend Sardar Patel about Mangrol and Manavadar. The policy, that has been adopted by the Indian Government, is in fact very bad. I strongly oppose the policy adopted about the Rulers of Indian States and specially about smaller states. What is the meaning of this policy that you are going to adopt about these Rulers? What does your behaviour show? In the times of the British Government I myself, Sardar Patel and all the other followers of Congress used to censure rulers of India like Canning, Dalhausie, Hastings and Clive. What they did was that they annexed all the states and told the rulers to go and beg for their living, or else they fixed for some of them small pensions. Do you not remember that they annexed the whole of the State of Lahore and Punjab and member that they annexed the ruler on the plea that his administration was not proper. They turned out the ruler on the plea that his administration was not proper. They baptized Dalip Singh the grand son of Maharaja Ranjit Singh and later sent him to Europe. What they did in Oudh? They dethroned and pensioned off Wajid Ali Shah on the pretext that his administration was not good. But they at least did so much as to grant them pensions. But what you are doing?

[Maulana Hasrat Mohani]

Out of the numerous smaller states Mangrol and Manavadar are two of them. At first they wished to accede to Pakistan. I am not a supporter of Pakistan. But as far as justice goes everybody was allowed to opt to any Dominion he liked and these states expressed their desire of acceding to Pakistan, then what objection could you have on their choice. But you first of all inflicted upon them a penalty by forcibly annexing the states and after annexation you did not meet out to them the same treatment as you meted out to other states, i.e., you did not allocate to them any share of the income, and what to say of share you did not even grant them any pensions, etc.

Mr. Chairman: May I remind the honourable member that the question involved in this Bill is not taking over of these states but only relates to the question of vesting of properties. The states have already been taken over.

Maulana Hasrat Mohani: I am speaking only on properties.

Mr. Chairman: It is now 1 O'clock. The honourable member may resume after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Mr. Speaker: The House was considering the Honourable the Home Minister's Bill to provide for the vesting of certain properties belonging to the States of Mangrol and Manavadar in Kathiawar. We may resume the discussion.

Maulana Hasrat Mohani: Sir, first of all I wish to clear a misunderstanding. As I opposed this Bill a number of my friends have asked me as to why I stood up to plead the cause of the states. I am a man of Communist leanings. It seems quite strange for such a person to take up the cause of the states. In a few words I like to clear my position. I am the greatest enemy and adversary of the states. I also maintain the same attitude as Jawaharlal maintained that all the states should be liquidated. (*The Honourable Sardar Vallabhbhai Patel:* "I do not hold this view.") Ever since I have been holding this view. I ask you to quote a single instance where I may have said to the contrary. But what I want to say is that ~~the~~ states are liquidated then what should take their place. I have a great esteem for my friend Sardar Patel and I highly honour him. His action that by one way or the other states have been liquidated, is praiseworthy. This action is in accordance with the views I hold. But the question is what have you done after the merger? The proper action would have been to merge smaller states to form big groups, the group would have been declared Provinces and Provincial Autonomy granted to these also as is in existence in other provinces. I have held this view since long that the constitution of India be so drafted as to incorporate a federation of independent socialistic republics of India. You may form as many groups as you like and liquidate as many states as you desire. But you must give these groups the status of a Province and instal them on the lines of the Soviet Socialistic System and then constitute your federation, and then only can it be proper. Then only will I support you and say that you are doing something very good. But you are not doing so. You are creating a Unitary Nazi State by merging these smaller states. I strongly oppose this move. There is no reason why you should not establish a Socialist System after liquidating these smaller states instead of establishing a Unitary Government of your own and that also of the Nazi type. This all has been done on the same lines as was done in Germany where

all the states were merged and a Nazi State established. I am strongly against such a move and I appeal to my friend Sardar Patel to have regard for this. What is the fun if in history your name is mentioned along with Clive, Hastings and Dalhausie because after liquidating smaller states they too established the British Empire, an Empire also of the Nazi type. You also want to support the action and step into their shoes. If you think that whatever you have done is right then make an announcement that the groups that you form

Mr. Speaker: Is the honourable member discussing Government's policy with regard to states?

Maulana Hasrat Mohani: No, no. I was only removing some doubt. Some friend objected to my taking up the cause of the states. So I said this.

Mr. Speaker: Honourable member might say anything that he has to say about Mangrol and Manavadar; he can make general remarks, but cannot go into details.

Maulana Hasrat Mohani: I mentioned all this as my personal explanation. I do not think it necessary to mention anything more in this connection.

Now I beg to submit that I want to oppose this Bill for the reasons that in its preamble it is mentioned:

"And whereas it is expedient to provide for the vesting of certain properties belonging to the said states."

Herein you mention that these properties belong to the State but in the list that you have submitted in the end these are not mentioned as State property but the personal property of the people of those states. Besides other names the name of Sheikh Abdul Khaliq is also there, meaning thereby that these are their private properties. You say that they did an improper act by acceding to Pakistan. I do not want to discuss this point. If you want to punish them for this do punish them, but throughout the whole world you did in Junagadh also and the same you are repeating here. I warned you then also and today I tell you again that when the Trucks ended the Caliphate of the greatest Imperialist of the day the Caliph of Turkey even then the sums of money that were in Banks against the personal name of Sultan Abdul Hamid or the shares held by him were not touched. But instead these were left with him and subsequently inherited by his sons and grandsons. There it was not done as you have done that you make an announcement that as all the property belonged to the State so you are authorized to give as much as you like. I say that your declaration proves to be incorrect on merits. In Section 9, you have laid down that no matter can be referred to a law court for the reason that you are afraid of the legality of the point. If you are confident that these properties belong to State and are not private then you should be prepared to give an answer if anyone lays a claim for them. Your allegation that no matter can be referred to a law court clearly shows that you have a skeleton in the cupboard and that if the matter is taken to a law court you will lose the case. I quote a proof that would show that these are private properties and do not belong to State. I want to ask of you whether the shares and bonds standing in the names of the various persons were lying as such giving no profit to them. I ask you to enquire if the profits were credited to the State Treasury or went to fill the pockets of Abdul Khaliq and Nasiruddin. If the profits were credited to their personal accounts then these shares and bonds belong to them and if to the State Treasury then these can be taken to be State property. Another proof is the fact that there

[Maulana Hasrat Mohani]

are some such things which are Waqf properties. Your allegation that Mangrol is an Islamic Charitable Trust has no force. The status in private but they are *Mutawallis* meaning thereby that the profits will go to them but they will not utilize the money for personal use but will spend it over those items for which *Waqf* has been created. I declare that you have no right to take possession at least of the *Waqf* property. You cannot appoint any manager for this property. Will you make the Manager the *Mutawalli*? Sheikh Mangrol only will remain as *Mutawalli* and the *Waqf* property will be vested only in him. No one has got the right to transfer the *Waqf* property to any one else, and if you insist then first pass an act concerning *Waqfs*. Such an Act has not yet been incorporated in the constitution. When such a Bill will come before us then we will see whether you can misappropriate *Waqf* properties or not.

I oppose this Bill for it is inconsistent as sometimes you hold them to be state properties and sometimes private. If you say that this is to prevent the sale of these properties then it shows your weakness. Then afterwards you flatter some and sometimes resort to police action against others, you sometimes intimidate them and the next step is that you try to merge others by giving bribes.

The Honourable Sardar Vallabhbhai Patel: I protest against the allegation of bribery and corruption. He said that the Instrument of Accession was obtained by giving bribes. The honourable member must withdraw the allegation.

Mr. Speaker: Has the honourable member made those allegations?

Maulana Hasrat Mohani: Unless I explain.....

Honourable Members: Withdraw.

Maulana Hasrat Mohani: I withdraw the word. I was not referring bribery and corruption in the actual sense of the words.

I wanted to say that you by allowing some people that you would make them *Rajpramukhs*.....

Mr. Speaker: The honourable member is going into irrelevant matters, matters with which we are not concerned. He has to restrict his remarks to the Bill.

Maulana Hasrat Mohani: I was submitting that this is a dangerous policy that a thing is usurped first and then afterwards a Bill is presented here to declare that the action is legalized. I say that if you will continue to adopt this practice then you should also be afraid of the wrath of God so that you yourself may not be involved in some difficulty, and some misfortune may not befall you. You are empowered to pass any Bill you like as here there is none except I to oppose it.

Shri Brajeshwar Prasad: (Bihar: General): I wish to raise a point of order. I wish to know whether the honourable member is relevant in saying that the curse of God will fall on our heads.

Mr. Speaker: Let him speak. Order, order.

Maulana Hasrat Mohani: I was saying that the Indian Parliament is in your control so you may get whatever you like passed, thinking that everything whether proper or improper legal or illegal will be passed. For example if the British desire that India may not be given the securities held by her then as the British Parliament is under their control the motion will readily be

passed. Then what will happen of those thousands of millions of rupees that are claimed by you and about which Churchill has declared that it must not be given to India. For this reason I am much afraid that God forbidding such a time may not come when the Communist power that is fast spreading may wish to smother you from chitral side saying that the Soviet Government also is resorting to police action. They cannot tolerate any hostile forces on their side.

Mr. Speaker: Order, order. The honourable member is going beyond the limit.

Maulana Hasrat Mohani: The argument advanced in the case of Hyderabad (*Interruption*).....In the end I mean to say that you may pass whatever Bills you like but you should remember that you will have to regret for all this.

Shri Biswanath Das (Orissa: General): Sir, the discussion in this House, especially the speech of my honourable friend Maulana Hasrat Mohani has come as a shocking surprise to us. We have found Maulana Hasrat Mohani in an absolutely different garb from what he was wearing when he was in the Congress. The years have changed him, and for the worse. He has showered his curses not only on our heads, humble beings, but in the head of one whom we love and revere. Let me tell the Maulana plainly that if any Ministry has acted with capacity, patience and magnanimity, it is the States Ministry: ('Hear hear').

Sir, Britain took away the idea of a divided India. Britain divided India into two, Pakistan and India. Not being satisfied with this, she had created 600 different Indias, big and small. May the States Ministry and the Deputy Prime Minister be blessed and may God shower His blessings on him and his activities in giving us an United India within the short space of fourteen or fifteen months. I should have expected the Maulana that with his experience and with his wisdom, he should come to bless the activities of the Ministry. (*Interruption*). Well, you would not and that is all the more glory to you. What are we hearing here, all curses after 25 years' association with the Congress. Why this change? Heaven knows and he, the Moulana, himself knows. It is difficult for me to explain. Sir, Not only this, I thank my honourable leader for having foiled the mischievous machinations of Pakistan against India, although India always declared at the top of its voice: "We are your friends; we are your brothers". What is that machination? That machination was to take away from us areas which are justly our own. We could have taken Bahawalpur; we refused to do that; we knew the people are mainly Muslims and it was their right to decide for themselves and we left them at that. That was not done by Pakistan. So instead of cursing Pakistan as a national of India, does it come from his mouth to say now: "I curse you and the Deputy Prime Minister".

Mr. Speaker: Let not this dwindle into a controversy any longer. Let us come to the subject of the Bill.

Shri Biswanath Das: I am coming to it. I am discussing the subject-matter. I will invite the attention of my honourable friend even to a reactionary report like that of the Butler Committee. Sir, I refer him to page 15, paragraph 21. What is said there? The Butler Committee recommends that the paramountcy could be exercised by the Government of India itself in the interests of the people of India. British paramountcy has gone, but it has reverted to the people, to the people of the States and to the people of India and this is recognized even in so reactionary a report as the Butler Committee's Report. Sir, if the Government of India had not done what they did, they would have been cursed by the people of India, you and myself, and even my lady friend, who has the honour to represent the United Provinces here.

Maulana Hasrat Mohani: On a point personal explanation, I never agreed to any separate Pakistan. I opposed it up to the last moment, even when Sardar Patel and Pandit Jawaharlal Nehru accepted the partition. I never accepted it. Everybody knows that. My honourable friend is saying that I have been advocating Pakistan.....

Shri Biswanath Das: I did not say.

Mr. Speaker: Honourable members should restrict themselves only to the Bill and not deal with the general aspects of the Bill.

Shri R. K. Sidhva: Mr. Speaker, I rise to support the principle of this Bill. Before the recess, Sir, the honourable Maulana Hasrat Mohani stated that the rulers of the Mangrol and Manavadar were only willing to accede to Pakistan, but by a forcible method the extraction was obtained by the States Ministry to accede to India. Sir, this is a most mischievous statement. Both these rulers had agreed and actually signed the document without anybody's insistence to accede to the Union of India. It is quite the reverse and at the pressure of the Pakistan Government, whosoever individuals they may be, the ruler backed out from it later on and stated that he wanted to accede to Pakistan. Who pressed it? At whose instigation this was done? Originally the ruler willingly accepted and signed the document, Sir, which is in the possession of the States Ministry. It has been proclaimed times out of number that they have acceded to India and subsequently, it was withdrawn, and to come and state here, Sir, that the States Ministry forcibly extracted this document is most mischievous and most objectionable, knowing fully well that it was quite the reverse. I do not want, Sir, as you stated, to refute all the arguments that have been advanced by my honourable friend about the feudal state and his own view about these various states and what he thought of them. I do not want to say anything on this because you stated that you do not want to have any controversy in this matter. However, I cannot refrain from stating that if he really believed that these mergers and these feudal states have been really a blessing, then he would have welcomed all what has happened today in the 600 states that have merged or acceded to India. It was really a miracle and the whole nation and the whole world is so jubilant that within a twinkling of an eye, all the states have come to the real position, and if my honourable friend really believes in the socialism, as he states, I am really surprised at what he believes in. I have been following him for the last 25 years. (Interruption) It is therefore I said, Sir, that some of the remarks could not go unnoticed in that House when they were most mischievously made. Sir, I do not want to say anything further, but I do state he has deliberately made a mischievous statement and I understand he is a person who has been drawing a pension from the various states.

Shri Jainarain Vyas (Jodhpur State): When Maulana Hasrat Mohani stood on his legs, it struck me that he with his Communist tendencies, would speak in favour of liquidating the properties and liquidating the Princely Order itself, but I was wonder-struck Sir, when I heard the Maulana pleading the cause of Sheikhs and Khans in the name of God. Although I am not a Communist, I hear that the Communists are in favour of a God-less and class-less society and here the Maulana is pleading both for God and for a particular class of people, who are called the Rulers. I cannot congratulate the Maulana for this, but I must congratulate the rulers of those blessed States for getting an advocate in him.

Sir, I would not go into the details of the task which the Maulana has given to us about the Socialist Republic, Nazi State, *Khuda ka Khof* and so many other things, but I must draw the attention of our esteemed Maulana that this Bill is to provide for the vesting of certain properties belonging to the States of Mangrol and Manavadar and not for confiscating the properties of these

States. Let the Maulana rest assured that these properties are not being confiscated, but we are going to have some management and that management will vest in the hands of a Manager who will manage the States. Now the Maulana may say: "Leave the States to their own fate. Let the Nawabs and Sheikhs who are far off manage it by a magic wand". But that is an impossible thing and I cannot understand why the Maulana is asking for an impossible thing. The Maulana says that some of the properties have been ear-marked for *Wakf* or charitable purposes. The Manager would see to it that if they are for charitable purposes, they will be used for charitable purposes; they will not be squandered away. I object to his saying that by managing the estates we are acting as Nazis and this Parliament which is under the Sardar Sahib would not have raised its voice because it is under him. This Parliament is a sovereign body and even if the Sardar Sahib is opposed to the Parliament, Parliament would remove the Sardar Sahib, with due regard which we have for Sardar Sahib and in spite of all that the Sardar Sahib has done for us. To say and speak in this manner about Parliament is just belittling one's own self.

3 P.M. Parliament includes a lot of people like the Maulana and I cannot understand the Maulana saying that we are acting just like the Nazis. With all the powers I have got I tried to find out how we are acting as Nazis when we are doing so much good for the States.

Maulana Hasrat Mohani: Are you not establishing a bigger Federal State?

Shri Jainarain Vyas: The only sin that Sardar Sahib has committed is that in place of so many hundreds of States he has brought into existence only a few States, and instead of handing over the management of these States to absentee landlords, he has given it over to managers who are working under the supervision of Parliament and if they do anything wrong they will be questioned and removed. I do not know what is the sense in opposing an innocent Bill like this. Of course, Maulana Sahib is a Communist and therefore he opposes this. If anti-Communist action was the charge of the Maulana I would not say anything. Now, in spite of his Communist tendencies, in spite of his past advocacy of a godless and classless society, he is advocating for the property for Princes. Instead of taking things by force, we are managing by law and as such I do not see where the harm is. I hope the Maulana Sahib will withdraw his opposition and let the Bill pass unanimously.

The Honourable Shri Satyanarayan Sinha (Minister of State): The question is now put.

Mr. Speaker: The question is:

"That the question be now put."

The motion was adopted.

The Honourable Sardar Vallabhbhai Patel: I would not have said anything in reply to a lot of irrelevant matter that has been introduced in the debate. Maulana is an old friend, and I was under the impression that he believed in God. But when he himself says that he is a Communist, then to him religion is the opium of mankind.

Maulana Hasrat Mohani: Is there any difference between communalism and religion?

The Honourable Sardar Vallabhbhai Patel: I would have been frightened by his invocation of the Divinity for a course, but when I find he is ungodly, it does not frighten me at all.

I will not try to answer the irrelevant matter that has been introduced in the debate. It is unfortunate that in a simple, uncontroversial measure of this kind, any irrelevant matter likely to be misunderstood, or to create an

[Sardar Vallabhbhai Patel]

atmosphere of hatred should be introduced. We are a responsible House, a sovereign Legislature. It is not a meeting of *Ulemas*, or *Maulanas* or Congress Committees or the Pakistan League, or anything of that kind. Here we are discussing a serious matter in which frivolities have no place. I am sorry to say that this is not the first time that the Maulana who introduced this irrelevant matter has strayed outside his path. The real fact is that he has not really understood what the Bill means. He is carried away by his prejudices, when he says that I am responsible for partition, or Pandit Jawaharlal is responsible, God knows whether those who were not for Partition were not really responsible for this. It is difficult to say whether those who advocated against partition did not want this country to be partitioned, not in two parts but in many parts. Therefore it is very difficult to understand such people. They say one thing but mean another.

In the morning session he spoke about Dalhousie and Dalip Singh and all sorts of irrelevant things. Last week or ten days ago Dalip Singh's granddaughter came to me and said "What are you going to do about Lahore. It belongs to me? Are you going to deliver it to me?" I said it is beyond my power to do anything. If Dalip Singh had not been taken away, there would have been no partition.

All this irrelevant talk, I am unable to understand. Therefore, I would only confine myself to the measure about which one or two things have been said and which I would like to answer. As I have said he has not understood it. He thinks I am going to appropriate the property referred to in the Bill for my own benefit or for that of the Government of India. It is not so. This property belongs to the States of Manavadar and Mangrol, namely, to the people of those States. That is to say, if this money is misappropriated or allowed to be misappropriated, the responsibility falls on the Government of India, and I as the representative, of the Government of India am bound to protect the interests of these people. Therefore this is not a Nazi measure: this is an anti-Nazi measure. It protects the interests of the people. What I have done up to now, so far as the States are concerned, has been done with the agreement of the Princes and the people. Not a single step up to now has been taken in which either the people or the Princes have complained, except the Maulana and that too without a case! He complained about Junagadh: now he complains about Manavadar and Mangrol: and he complained, in the case of Hyderabad, but never about any other State! As he is unable to defend his position he puts all the States in a lump and make an irrelevant argument. Therefore it is not proper for this House at this stage to introduce such a debate as would create misunderstanding outside. I have willingly agreed to partition and I wish well to both partitioned countries. I have no ill-will towards either of the parts. At least for this side I can have no ill-will. For the other part I have every good wish. I have not been accustomed to talk with my tongue in my cheeks, or to say one thing and mean another. It is no use charging the Government of India with any evil designs in such paltry things. The property involved, as my honourable friend, Mr. Sidhva wanted to know is this: in the case of Mangrol the total property is worth Rs. 19.9 lakhs and in the case of Manavadar it is worth Rs. 14.8 lakhs. In the affairs of the administration of the Government of India, what is this property that we want and for whose benefit? The property is to be administered for the benefit of the people of the Manavadar and Mangrol States, and as a humble servant of the State, I am bound to protect these interests. Therefore the real point in this Bill is whether there is anything against the interests of the people.

He has suggested one matter that deserves consideration. There are some securities which relate to *Waqf* property. It is not our intention to touch his

property for any other purpose than the purpose for which it is earmarked or intended.

One of my honourable friends has given notice of an amendment. I have myself drafted an amendment or a proviso to meet the purpose contemplated by the honourable member's amendment.

I never thought that this measure would take more than five minutes. It is a sheer waste of the time of the house, I should say a criminal waste of the time of the house, to have conducted the debate in the manner in which it has been. I am sorry to use this strong language but I cannot absolve the honourable member of his very serious responsibility and the serious abuse of the position that he is enjoying in this House.....

Maulana Hasrat Mohani: I take the fullest responsibility.

The Honourable Sardar Vallabhbhai Patel:by raising issues in the debate of a very controversial nature, which are likely to do harm and no good.

Mr. Speaker: The question is:

"That the Bill to provide for the vesting of certain properties belonging to the States of Mangrol and Manavadar in Kathiawar in the Managers of the said States, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I have an amendment to this clause. But if the Honourable Minister moves his own amendment that would suffice as it is on the same line.

The Honourable Sardar Vallabhbhai Patel: Sir, I move:

"That to clause 4 of the Bill, the following proviso be added:

"Provided that where any of the said properties was, immediately before the first day of November 1947, subject to any trust lawfully created, the Manager shall, in the exercise of his powers in relation to such property be bound by the terms of that trust."

Mr. Speaker: Amendment moved:

"That to clause 4 of the Bill, the following proviso be added:

"Provided that where any of the said properties was, immediately before the first day of November 1947, subject to any trust lawfully created, the Manager shall, in the exercise of his powers in relation to such property be bound by the terms of that trust."

Mr. Naziruddin Ahmad: With regard to the amendment moved by the Honourable Minister himself I fully support it, because it is on the lines of my own amendment. The only thing that I desire the Honourable Minister to do is to carefully inquire into the matter as to whether the *Waqf* was really effected and if that is so the whole thing will be all right.

The Honourable Sardar Vallabhbhai Patel: Oh, yes. I have no doubt about it.

Mr. Speaker: The question is:

"That to clause 4 of the Bill, the following proviso be added:
Provided that where any of the said properties was, immediately before the first day of November 1947, subject to any trust lawfully created, the Manager shall, in the exercise of his powers in relation to such property be bound by the terms of that trust."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5, was added to the Bill.

Mr. Naziruddin Ahmad: Sir, I have an amendment to this clause but it is only a drafting amendment and not a substantial one and I hope it would be accepted by the Honourable Minister.

The Honourable Sardar Vallabhbhai Patel: I am not prepared to accept any more amendments to the Bill.

Mr. Speaker: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 to 12 were added to the Bill.

Mr. Speaker: Except amendment No. 5 the others are for the insertion of commas.

Mr. Naziruddin Ahmad: Sir, I beg to move:

"That in Part I of the Schedule to the Bill, in the heading of column 5 for the words 'in whose name standing', the words 'Person in whose name the properties stand' be substituted."

Or,

"That in Part I of the Schedule to the Bill, in the heading of column 5 for the words 'in whose name standing' the words 'Standing in whose name' be substituted."

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, the honourable member must have pursued it by another amendment saying "in whose custody."

Mr. Speaker: The Honourable Minister is not inclined to accept the amendment.

The question is:

"That the Schedule stand part of the Bill."

The motion was adopted.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

Mr. Naziruddin Ahmad: Sir, I have only one comment to make. With regard to the misunderstanding that has been created I have a duty to explain my position. In fact much irrelevant discussion, (has already taken place. The question is not accession,) because it is already an accomplished fact and it is not in dispute. The only question is where the property should be vested. As was clearly explained by the Honourable Minister on a previous occasion, vesting does not really destroy the right of anyone. It is only a formal legal matter. If there is any man who is interested in it his title will remain unaffected. It is only the administrator or manager that has been given the power to administer. In these circum-

tances I seek a clarification whether it is so. Where the title is clearly investigated by the Department and if the property really belonged to the person in whose name it stands his case should be considered. The effect of this Bill is not to destroy the title but to provide a machinery by which the property can be properly administered.

Mr. Speaker: The question is:

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

The Honourable Sardar Vallabhbhai Patel: Sir, I move:

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

Mr. Speaker: The question is:

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

The motion was adopted.

UNITED PROVINCES PROVINCIAL ARMED CONSTABULARY (EXTENSION OF LAWS) BILL.

The Honourable Sardar Vallabhbhai Patel (Minister for Home Affairs and the States): Sir, I move.

"That the Bill to apply the law in force in the United Provinces relating to the United Provinces Provincial Armed Constabulary to members of the said Constabulary when serving outside the United Provinces, be taken into consideration."

This is a simple measure which has been necessitated from the fact that some of the U.P. Armed Constabulary have been brought to Delhi, and occasions have arisen when they have had to be moved for assistance in other areas outside the Province. Normally, the Act operates within the Provinces, and therefore when this Constabulary is taken out of the Province that Act does not apply for ordinary disciplinary purposes. For that purpose it becomes necessary that provision should be made of the nature contemplated in this small measure. I do not think any explanation or any debate is necessary on this. It is only intended for the purpose of giving disciplinary powers in respect of the forces that have been brought into areas outside the Provinces with the consent of the Provincial Government, during the period they are serving outside. Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill to apply the law in force in the United Provinces relating to the United Provinces Provincial Armed Constabulary to members of the said Constabulary when serving outside the United Provinces, be taken into consideration."

Shri H. V. Kamath (C. P. and Berar: General): Mr. Speaker, this Bill which the Honourable the Home Minister has just moved before the House seeks to accord statutory validation or recognition to an Ordinance which in its turn arose out of the employment of the United Provinces Provincial Armed Constabulary in Delhi or outside the Province during the last few months. If I remember aright, some units of the Central Provinces police force also were sent to Delhi during the disturbed months after the partition of India on 15th August 1947, and I believe some of them served in Delhi for a number of months. To my mind a cardinal principle arises in connection with this Bill and that is this. In the Statement of Objects and Reasons, the second sentence reads: "It was considered that the law applicable to the members of this force in the United Provinces in respect of their disciplinary control should be applicable to them when they are serving outside the United Provinces." May I ask the Honourable the Home Minister whether he does not consider that the time is ripe now for having one law, despite the

[Shri H. V. Kamath]

fact that police is a provincial subject, so far as disciplinary control is concerned, to be applicable to all the police forces all over India? The other day the Honourable the Home Minister himself in a speech—I do not remember whether it was at Baroda or Kathiawar or somewhere else, but the Press reported it—stated that he was, I believe, opposing or castigating those who were propagating very sedulously fissiparous and disruptive tendencies of various kinds in India,—he said that he was looking forward to the day when the whole of India would be administered as one unit. I welcome this idea propounded in his speech very recently and I whole-heartedly hope that that idea will be realised in his own life-time and that the whole of India will be administered as one unit ere long. I would say that we should take the first step in this regard and that is this, that so far as the security services are concerned, that is to say police and the army—there is one law for the whole Indian army—with the integration of the Indian States and with the fast developing and evolving unity of India it is high time we had laws which were common to all the police forces all over India in all the Provinces, especially so far as their discipline is concerned. To my mind in the future many contingencies and emergencies may arise when we may have to send police forces from one Province to another, and it is necessary for the integration of India also. Just as since a few years ago all the so-called Imperial Services used to be regarded as all-India services for matters of appointments and transfers and general control, so I think we must make a beginning with the security—law and order—services that they should be governed by uniform laws so far as their discipline and control are concerned, all over India. I would therefore request the Honourable the Home Minister to throw light on these two points: firstly, whether any of the units of the C.P. Police which were sent to Delhi during the disturbed months following the partition of India, are still working in Delhi or in any outside Province, and if that be so by what law their disciplinary control is governed. As the Bill refers only to the U.P. Provincial Armed Constabulary I want to know whether any of the other Provinces have sent their police to Delhi or outside their Provinces to function in times of emergency which arose recently, and if that be the case what law is to be applied in regard to their disciplinary control. Secondly, I would very much like that he should tell the House how he proposes to proceed in the matter of integrating these security services, the law and order services. Just as the Army is one and governed by one law I would very much welcome his move, if he intends to take it at an early date, to integrate the police which is another key service or security service. If there had been a uniform law governing the disciplinary control of the police in India, there would not have been any necessity for a Bill of this nature. If there is no such law now, and if there is going to be no such law in the future, then in future when another Province sends a few units to Delhi or to an outside Province it may be necessary to bring a new Bill before the House and get it passed into law so as to make it applicable to that particular force sent to operate outside the Province. Therefore, is it not necessary to have a uniform law applicable to the disciplinary control of the police forces all over India? And therefore I would request him to throw light on this point: whether he intends to go ahead with the unification of the administration of the Indian police force—an idea which he propounded in one of his recent speeches—and if he does so, whether he will take action, so far as this matter is concerned, at an early date. I support the Bill.

Srijut Robini Kumar Chaudhuri (Assam: General): I have no intention Sir, of inflicting any speech on the House; I rise only to seek certain clarifications. I am sure, Sir, everybody now realises that after the independence of India Delhi has become a City of very supreme importance, and it is also clear that the Delhi police force has to be largely augmented in order

to maintain peace in the capital. That being so, I do not understand why instead of raising the necessary police strength, a position is being envisaged for the future where we have to borrow the police from the neighbouring Provinces.

Then, I have noticed in the papers that the United Provinces Government have decided to disband some of their Constabulary. If there is any truth in that information I would much rather prefer that instead of having a legislation of this kind the Delhi Police ought to absorb in their force the constables who were borrowed either from the C.P. or from the U.P.

Furthermore, if there is any necessity of borrowing police from anywhere, I suppose the best place from where they can be borrowed is Bihar. In our own Province we have recruited a fairly large number of them. Their general build, their upturned moustaches, their whiskers, are sufficient to create terror in the minds of any mischief-mongers. (An Honourable Member: Is that personal experience?). My honourable friend the Honourable the Deputy Prime Minister must have noticed these constables while on his tour in Assam. They are, of course, unable to catch any thieves because thieves run away even at their sight. But they are very polite, they are very gentle. I have noticed that before they make any *lathi* charge—mild *lathi* charge—they always caution the crowd by saying “*Rana jara se hat juyige*”; they say, “Gentlemen, please move a little”. That sort of police, I submit, Sir, both for the purpose of ornamentation as well as for competent service should be preferred to the general U.P. Constabulary whose members I have noticed are generally thin and slender-looking because of the food which they take i.e., the vegetarian food which they generally take. In Bihar there is no such scruple; the constables there are very strong and well-built and their general outlook is very good. That being so, they can be treated as well as the Army and I would respectfully request the honourable author of this Bill to take that view of the matter into consideration.

Prof. Shibban Lal Saksena (U.P.: General): I had no intention of interfering in the debate, but my friend Mr. Rohini Kumar Chaudhuri has cast a reflection on the manhood of the U. P. and he thinks that the Bihar people are more formidable looking. I personally think that if he had borrowed some U. P. people in Assam he would probably not have got this impression. I think he tell us all this because the Bill gives a sort of a special praise to the U. P.

The point made by him that the Central Government should keep its own police force in Delhi is, I think, not proper. Delhi is a small Province and if it is to have a special police force it will probably have to spend much. It requires a big police force only on occasions, and therefore it is natural that it should draw on the U. P. which is so near and which can supply its requirements. I therefore think that the proposition of a standing police force in Delhi is not feasible. We do not require it here always—we require it only on occasions; therefore this Bill which only extends the U. P. Act to the police when they are used in Delhi also, is quite fair and proper.

The other point raised by my friend Mr. Kamath, of having a uniform law for police all over India, is one which we should consider. It is an important point, but I think it is a bigger question and this Bill does not raise it.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar)].

I hope when the Honourable Minister makes his speech he will give us some idea of his own intention of having a uniform law all over India about the police. I think it will be much better, but it is a thorny question: the question of provincial autonomy will come in and other question will come in. But still I do agree that we do want it as soon as possible uniformity is always good.

[Prof. Shibban Lal Saksena]

I support this Bill and hope that my friend Mr. Robini Kumar Chaudhury will not be jealous because U.P. has been given this privilege.

The Honourable Shri Satyanarayan Sinha (Minister of State): Sir, I move:

"That the question be now put."

Mr. Deputy Speaker: The question is:

"That the question be now put."

The motion was adopted.

The Honourable Sardar Vallabhbhai Patel: Sir, as one or two points have been raised I should like to answer them. My honourable friend Mr. Kamath has raised a question whether it would not be advisable to have one unified law for and control of the police all over India, or over the security measures. It is a very big question and I do not know that the Provinces would approve of it. But certainly so far as the Army is concerned, the attempt in that direction to have uniform command and control all over the forces including the forces in the States, is under consideration and steps are being taken towards that end. But so far as the police is concerned it is a different matter.

I have no recollection of my having made any reference of that kind in any of my speeches. It is true that I am advising uniformity of law so far as the police are concerned, or unification as far as possible in the direction of police laws, but to have the police under one discipline and one command all over India is a matter on which those who are advocates of provincial autonomy will dissent and probably it may not be advisable.

But this measure is a simple one. Whether we should enrol police from a particular province or not is not the question. I had instructed the Provinces some time back, long before the police action was taken in Hyderabad, asking the Provinces to enrol, train, discipline and have a good police force so that they may not have to depend upon military assistance in their Provinces, and that for internal law and order they must rely on their own police. I am glad to say that all the provinces took that action in the matter and U. P. was in the forefront. They have raised a very large police force. Unfortunately, in the city of Delhi conditions are different. Delhi suffers from various difficulties. One is that after the partition of Punjab and Sind, a large evacuee population has come to Delhi and among them a large number of restless and resourceless people have come here. In addition, some undesirables who left Punjab in those days have also found place here, where it is comparatively easy to commit robbery and pick-pocketing and other resources are available for making easy money. The Police force was also completely disrupted in those days and a large number, or perhaps a majority of them, were in a mood to desert and actually deserted; they have gone. So we have to begin from the scratch. If we enrol new police from the refugees, they are not easily disciplined and during occasions of communal troubles, to use refugee police to suppress them is a difficult matter. When we found that attempts were made in Delhi to start campaigns of disruption we were in need of police, which could not be trained immediately. To have a disciplined police was a necessity and therefore during those periods of trouble we asked the C. P. Government to come to our help and they readily gave us help. In two or three months' time, when the trouble was over that force was returned to the C. P. Government with thanks and we acknowledged our gratitude for the help they gave. Now, at this stage, we did not want to trouble the province again, and as the U. P. Government have trained a very large police force—indeed to such an extent that the reports are that they want to disband some of it—we asked for some armed companies and they readily gave us this assistance. We found by

experience that the officer in command who comes from U. P. could take no disciplinary action against his own men, because the law governing the U. P. Police in the province of U. P., so far as disciplinary action in that force here is concerned, does not apply outside U. P. Therefore, as an emergency measure some action was necessary and it is only for this purpose that this Bill has been introduced. It may be necessary to send another batch of police to Ajmer, because we have these two or three Centrally Administered Areas. We are recruiting our Police but it takes a good long time to train and discipline this force. It must be remembered that this is armed constabulary, it is not the ordinary police which is used for patrolling or lathi charge or such "gentlemanly" purposes. This is a different kind of police. Therefore we have to take special care, and it takes a long time to train such police. This measure does not affect all the provinces. It is only for a small area where these police are that this measure has been brought. So I move that the Bill be taken into consideration.

Shri H. V. Kamath: With regard to the important question of the national integration of the police forces to which the Honourable Minister averted in his speech, does he think that the provinces will be so refractory as not to accept common rules for even the discipline and training of these forces. I do not think that the provinces will be so perverse as not to accept a common code for discipline and training. I think the House would be very grateful to the Honourable Minister if he took an early step in this direction.

The Honourable Sardar Vallabhbhai Patel: It is not a question of the provinces being refractory. I do not contemplate that any province would go against the wishes of the Central Government. (*Shri H. V. Kamath:* "Hear, hear."). The question is whether the Central Government would be prepared to encroach upon the autonomy of the provinces.

Mr. Deputy Speaker: The question is:

"That the Bill to apply the law in force in the United Provinces relating to the United Provinces Provincial Armed Constabulary to members of the said Constabulary when serving outside the United Provinces, be taken into consideration."

The motion was adopted.

Mr. Deputy Speaker: We shall now take the Bill clause by clause. There is no amendment to clause 2 or 3. I shall therefore put them both together.

The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sardar Vallabhbhai Patel: Sir, I move:

"That the Bill be passed."

Mr. Deputy Speaker: Motion moved:

"That the Bill be passed."

Shri H. V. Kamath: Sir, I would only say this by your leave, that with due deference to the statement made by the Honourable the Home Minister, I do not think that the provinces would regard any move in the direction of national integration of the police forces—which is a very important matter in present day India—as an encroachment on their field of autonomy. I do not think that the provinces would regard it as an encroachment, but whether the Centre is prepared to move in that direction or not, is a different matter,

[Shri H. V. Kamath]

but as far as the provinces are concerned, I do not think they will look upon it in that light. I would only request the Honourable the Home Minister at least to ascertain the views of the provinces in this matter, and if the provinces are amenable to such control, to proceed in that direction, and I am sure the nation will be grateful to him for this essential development of integration of important security forces.

The Honourable Sardar Vallabhbhai Patel: I do not think I have any thing to add to what I have already said. I have no doubt that the provinces would not appreciate the idea at present, nor would the Central Government appreciate the idea of asking the provinces to have uniform disciplinary rules and regulations and also to have one uniform police all over the country. The provinces have a certain amount of latitude, each province has different circumstances and different conditions, and must be able to decide what is good for it. As I have already said, so far as the military is concerned, we are moving in that direction, but so far as the police is concerned, it is better to leave that latitude to the provinces as it is.

Mr. Deputy Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

SEAWARD ARTILLERY PRACTICE BILL

The Honourable Sardar Baldev Singh (Minister for Defence): Sir, I move:

"That the Bill to provide facilities for carrying out seaward artillery practice, be taken into consideration."

Sir, as stated in the 'Statement of Objects and Reasons', in order to maintain the efficiency of the armed forces, it is necessary to provide artillery practice to them. At present such facilities are provided for in the Manoeuvres, Field Firing and Artillery Practice Act, 1938, only for clearing ranges for field firing and artillery practice on land; such facilities do not exist as far as seaward practice is concerned. During the war, this difficulty was overcome by rules framed under the Defence of India Rules. But with the lapse of the Defence of India Act, these rules do not exist now, and it has therefore, become necessary to bring forward this measure in order to maintain the efficiency of the forces.

Sir, this is a non-controversial measure and it was placed before the Standing Committee of the Legislature, and some of that Committee's suggestions have also been considered and incorporated in this Bill which is now before the House.

Notice has been given of some amendments and I propose to accept some of them which do not go contrary to the Bill. Others I am afraid, I will not be able to accept. I do not think it is necessary for me to take the time of the House any more, as this is a simple measure which is absolutely non-controversial.

Mr. Deputy Speaker: The question is:

"That the Bill to provide facilities for carrying out seaward artillery practice, be taken into consideration."

The motion was adopted.

Mr. Deputy Speaker: Clause 2 of the Bill. Is there any amendment which the Honourable Minister accepts?

The Honourable Sardar Baldev Singh: No.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Yes, I have an amendment. The word 'publication' in part (b) of sub-clause (2) seems to be an interloper and it seems to me that it should be omitted.

The Honourable Sardar Baldev Singh: I am not in a position to accept this amendment, because on examination I find that it is not acceptable.

Mr. Naziruddin Ahmad: I may be permitted to move the amendment, and then the House can consider it. Sir, I move:

"That in part (b) of sub-clause (2) of clause 2 of the Bill, the word 'publication' be omitted".

Sir, Sub-clause (2) runs thus:

(2) In the application of this Act to any Acceding State—

(a) * * * *

(b) all references to the Collector or other authority entrusted with any functions by or under this Act or to the official Gazette shall be construed as references to such appropriate officer, authority or official publication as may be specified in this behalf by the Government of the Acceding State."

Mr. Deputy Speaker: But if you omit the word 'publication' you leave behind only 'official' coming after 'officer, authority'. Official there will be duplication. What is the difference between officer, authority and official.

Mr. Naziruddin Ahmad: Then does it mean an official Gazette? Is it a reference to an official publication?

The Honourable Sardar Baldev Singh: Yes.

Mr. Naziruddin Ahmad: Then I do not press it.

Shri S. V. Krishnamoorthy Rao (Mysore State): Sir, sub-clause (1) (d) states: "vessel" includes any ship, boat, country craft or any other description of vessel. I move:

"That in part (d) of sub-clause (1) of clause 2 of the Bill, for the words 'any other description of vessel', the words 'any other sea-faring vessel or similar description' be substituted."

The Honourable Sardar Baldev Singh: No, this amendment is not acceptable.

Mr. Deputy Speaker: The question is:

"That Clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Deputy Speaker: Then we come to clause 3.

Shri S. V. Krishnamoorthy Rao: Sir, I move:

"That in part (b) of sub-clause (3) of clause 3 of the Bill, for the words 'some newspaper circulating in and in the language commonly understood', the words 'local vernacular newspapers having the largest circulation' be substituted."

Sir, the object of the clause is to give the widest publicity to the notification and for this it is necessary that it should be published in the vernacular papers.

The Honourable Sardar Baldev Singh: We propose to give the widest publicity, and so this notification will be published in the newspapers which are read in those areas also. There is no intention of publishing it only in English papers. It will be published in vernacular papers also.

Shri S. V. Krishnamoorthy Rao: But in the clause it is in the singular. It speaks of publication, "in some newspaper".

Mr. Deputy Speaker: But singular always means plural also. Newspaper means also newspapers. I suppose the honourable member does not intend to press his motion.

I find notice of these amendments was received only just now. Notice was received only to-day at 11 A.M.

The Honourable Sardar Baldev Singh: And so I could not get them examined at all. As I said, I propose to accept two or three amendments and they will cover the points made out in their amendments by other Members.

लाला अचिन्त राम : मैं यह तरमीम पेश करना चाहता हूँ :

Lala Achint Ram (East Punjab: General): I beg to move the following amendment:]

"That in part (b) of sub-clause (3) of clause 3 of the Bill, after the word 'specified', the words 'and also by beat of drums' be inserted."

यह बड़ी सदी तरमीम है और अगर मोहतरम वजीर साहब इस को कबूल कर लें, तो मैं इस पर कोई तकरीर न करूँ ।

(This is a very simple amendment. In case the Honourable Minister accepts it I shall make no speech in its support.)

The Honourable Sardar Baldev Singh: I accept this amendment.

Pandit Thakur Das Bhargava (East Punjab: General): If this amendment is accepted, then the word 'either' at the very beginning of sub-clause (b) cannot stand there, because you have the word 'also' coming on later on. If you want to retain 'either' at the beginning, then you have to drop out 'also' coming in the words 'and also by beat of drums'.

The Honourable Sardar Baldev Singh: If by accepting this amendment, 'either' becomes unnecessary, it will be removed.

Mr. Deputy Speaker: The word 'either' occurring at the start may be omitted, if the amendment of Lala Achint Ram is accepted. That will be an ancillary change.

Shri R. K. Sidhva (C. P. and Berar: General): And for the word 'or' at the end, we may have to use the word 'and'.

Mr. Deputy Speaker: Yes. Then shall I put the amendment to vote? The question is:

"That in part (b) of sub-clause (3) of clause 3 of the Bill, after the word 'specified', the words 'and also by beat of drums' be inserted".

And I also take it that Lala Achint Ram would like that the word 'either' occurring in the beginning be omitted, and also that the word 'or' occurring after the word "specified" be changed to "and".

The Honourable Sardar Baldev Singh: If it is a consequential change, I accept it.

Mr. Deputy Speaker: Or I would suggest the words "by beat of drum or in any other manner"

Pandit Thakur Das Bhargava: But the mover wants all the three methods, publication in the Gazette, publication in the papers and also by beat of drum.

Mr. Deputy Speaker: No. He says it may be done by beat of drum "or in such other manner as may be prescribed." But I think we can have "and" or "or" in the sentence.

Shri C. Subramaniam (Madras: General): Sir, the words "and in such other manner as may be prescribed" will include beat of drum and tom-toms also.

Mr. Deputy Speaker: The Minister accepts it.

The question is:

"That in part (b) of sub-clause (3) of clause 3 of the Bill, after the word 'specified', the words 'and also by beat of drums' be inserted".

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That in part (b) of sub-clause (3) of clause 3 of the Bill, the word 'either' be omitted".

The motion was adopted.

Prof. Shibhan Lal Saksena (U.P.: General): I have not given notice of any amendment. But this clause gives power to the provincial Government to do certain things. As this concerns the army, I think it necessary that the Centre also should have this power. There may be occasions when things may have to be done by the Central Government itself. Provinces may not always be amenable to the Centre. To guard against such a contingency, in a matter concerning the army, it is necessary that the Centre also should have this power under clause 3.

The Honourable Sardar Baldev Singh: Sir, I think the form in which the clause stands is clear. The provincial Governments, by themselves will not take any action. It is only when we move them that they will take action.

Prof. Shibhan Lal Saksena: As this is an army question, I think the Central Government should have power for itself also in this matter of the artillery practice.

The Honourable Sardar Baldev Singh: Sir, the clause may be allowed to stand as it is.

Pandit Thakur Das Bhargava: Sir, the position is clear. If the Central Government wants, the Provincial Government concerned will notify. No conflict between them will arise. All that the Government has to do is to send a notification and ask the Collector of the place to give it publicity. The people will then vacate the place and there will be no danger. The Central Government authorises the artillery practice and the provincial Government will notify it. I do not see how a possible conflict can arise.

Mr. Deputy Speaker: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Shri S. V. Krishnamoorthy Rao: I move:

"That in sub-clause (1) of clause 4 of the Bill, for the word 'Where', occurring in line 1, the word 'After' be substituted."

I think the artillery practice should be begun only after the notification is issued.

The Honourable Sardar Baldev Singh: I accept the amendment.

Mr. Deputy Speaker: Shri Krishnamoorthy Rao may move his next amendment also. The word 'and' at the end of sub-clause (1)(a) has to be removed and inserted after the word 'practices' in sub-clause (1)(b).

Shri S. V. Krishnamoorthy Rao: Sir, I move:

"That in sub-clause (1) of clause 4 of the Bill,—

(i) the word 'and' occurring at the end of part (a) be omitted and part (a) be re-lettered as part (b); and

(ii) part (b) be re-lettered as part (a) and the word 'and' be added at the end."

[Shri S. V. Krishnamoorthy Rao]

Sir, I think the provision for the prohibition of entry and restricting the use of a notified area as found in part (b) should be made first and then only orders mentioned in (a) to carry out the artillery practice should issue and as such shown in the clause.

The Honourable Sardar Baldev Singh: I accept this amendment also.

Mr. Deputy Speaker: I will now put the amendments to the House. The question is—

"That in sub-clause (1) of clause 4 of the Bill,—

- (i) for the word 'When', occurring in line 1, the word 'After' be substituted;
- (ii) the word 'and' occurring at the end of part (a) be omitted and part (a) be re-lettered as part (b); and
- (iii) part (b) be re-lettered as part (a) and the word 'and' be added at the end."

The motion was adopted.

Mr. Naziruddin Ahmad: Sir, I have an amendment to this clause. I move:

"That in part (b), re-lettered as part (a), of sub-clause (1) of clause 4 of the Bill, for the word 'practices', occurring at the end, the word 'practice', be substituted."

In part (1) (a) of this clause the singular has been used. Here therefore we need not have the plural. The provision in the General Clauses Act will supply the plural if there is need for it in any case. The Honourable Minister is willing to accept this amendment.

Mr. Deputy Speaker: The question is:

"That in part (b), re-lettered as part (a), of sub-clause (1) of clause 4 of the Bill, for the word 'practices', occurring at the end, the word 'practice', be substituted."

The motion was adopted.

Pandit Thakur Das Bhargava: Sir, I move:

"That in part (b), re-lettered as part (a), of sub-clause (1) of clause 4 of the Bill, for the word 'is' occurring in line 4, the word 'remain', be substituted."

In 4(1) (b) it is said: "give directions prohibiting or restricting the use of the notified area or any part thereof including the use of any part of the area of the sea by any vessel, and take such further measures as may be necessary to ensure that no unauthorised person enters, passes over or is in the notified area." I want that this word 'is' is substituted by the word "remains", because the requisite thing is that no person should be allowed to remain.

With your permission, I will suggest one amendment more, which is in clause 4(2). "The Officer Commanding the forces engaged in any such practice may declare any portion of the notified area as a danger zone, ..." I want that the word "as" be substituted by the words "to be" as you will find similar words are used in clause 6(3): "Compensation payable under sub-section (2) shall include compensation for the removal from any portion of a notified area declared to be a danger zone ..." I think it would read better if the word "as" be substituted by "to be". I move:

I move:

"That in sub-clause (2) of clause 4 of the Bill, for the word 'as', occurring in line 2, the words 'to be' be substituted."

The Honourable Sardar Baldev Singh: I see no objection.

Mr. Deputy Speaker: The question is:

"That in part (b) re-lettered as part (a) of sub-clause (1) of clause 4 of the Bill, for the word 'is' occurring in line four, the word 'remain' be substituted."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That in sub-clause (2) of clause 4 of the Bill, for the word 'as' occurring in line two, the words 'to be' be substituted."

The motion was adopted.

Lala Achint Ram: Sir I move:

"That in sub-clause (2) of clause 4 of the Bill, for the word 'Commanding', wherever it occurs, the word 'commanding' be substituted."

Mr. Deputy Speaker: This would not be allowed to be moved.

लाला अचिन्त राम : इसमें मैं यह कहना चाहता हूँ कि जहाँ कमांडिंग कैपिटल "C" से लिखा है वहाँ स्माल के साथ होना चाहिये । अगर यह मंजूर न हो तो ऐसे ही कर लीजिये । मेरे बड़े अंगरेजीखान होने का दावा नहीं है लेकिन आप चाहें तो छोटा कर लें । अगर हिन्दी में होता तो मुझे कोई शिकायत नहीं होती । लेकिन यह अंगरेजी में है इस लिये आप इसे छोटा बड़ी रखना मान लीजिये । लेकिन अगर आप Commanding का "C" छोटा करना नहीं चाहते तो Commar.ding के पीछे "of" लगा दीजिये ताकि फिकरा साफ और ठीक हो जावे ।

(English translation of the above speech.)

Lala Achint Ram: Sir, I beg to submit that wherever the word "Commanding" is written with a capital "C" there small "c" may be substituted. If you disagree then the change may not be made. I donot claim to be an authority on English language, but if you agree then small "c" may be substituted. Had it been in Hindi I would not have any objection, but as the Bill is in English so you may agree to make the change from capital to small. But if you disagree to substitute small "c" in "Commanding" then kindly add the word "of" after it so that the sentence may become clear and intelligible.

Mr. Deputy Speaker: There was a ruling by Mr. Speaker that all these amendments will be carried out by the draftsman, i.e., regarding the capital, comma and so on. I hope the honourable member is not anxious to press it.

Lala Achint Ram: I have moved my amendment. The Honourable Minister promised to accept my amendment and he is going back on his word.

The Honourable Sardar Baldev Singh: No, Sir.

Mr. Deputy Speaker: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Shri O. V. Alagesan (Madras: General): I desire to have a clarification from the Honourable Minister with regard to payment of compensation. The entire coast line is dotted with small villages of fishermen who go out in country craft into the sea for fishing purposes and make out their livelihood. Under clause 3 they will be prohibited from doing so for a day or some days consecutively, it may be even for a week and that means they will be deprived of their livelihood and it will be interference with their rights and privileges within the meaning of section 5. In such cases it is but just and necessary that compensation should be paid. I should like to know whether compensation in such a case is contemplated and I should like to have the assurance of the Honourable Minister that these poor people would be paid compensation.

The Honourable Sardar Baldev Singh: It has been made quite clear that wherever these fishermen or other people have to vacate their places, they will be given compensation, but it will be for the local authorities to decide whether they have suffered any loss or not. It is very difficult for me to say, but as far as we are concerned, our intention is to compensate them adequately.

Shri T. T. Krishnamachari (Madras: General): Not for loss of livelihood?

Shri O. V. Alagesan: It is interference of rights.

Mr. Deputy Speaker: It is evidently covered by the words "or interference with rights or privileges". Interference with the avocation also come under compensation.

Shri O. V. Alagesan: It is better if it is made clear and instructions given to Provincial Governments that compensation in such cases ought to be given; otherwise they may interpret it in a different way and the poor people will be left without anything.

Mr. Deputy Speaker: It is the intention of the Mover of the Bill to make it so.

The Honourable Sardar Baldev Singh: That is why we have kept this absolutely open and wherever the compensation is due, we want to give them due compensation, but it is very difficult, to say, for instance, the cases which the honourable member has made.

Shri S. V. Krishnamoorthy Rao: Amendments Nos. 13 and 14 are verbal amendments and I have tabled them to bring the phraseology in tune with the earlier phraseology.

The Honourable Sardar Baldev Singh: I accept amendments Nos. 13 and 14.

Shri S. V. Krishnamoorthy Rao: Sir, I move:

- (i) "That in clause 5 of the Bill, for the word 'practices' occurring in line 4, the word 'practice' be substituted".
- (ii) "That in clause 5 of the Bill, for the word 'and' occurring in line 5, the word 'or' be substituted".

Mr. Deputy Speaker: The question is:

- (i) "That in clause 5 of the Bill, for the word 'practices' occurring in line 4, the word 'practice' be substituted".
- (ii) "That in clause 5 of the Bill, for the word 'and' occurring in line 5, the word 'or' be substituted".

The motion was adopted.

Shri C. Subramaniam: Clause 5 as it reads like this: interference with rights or privileges "arising from such practices" and it would appear as if "arising from such practices" qualifies the words, "rights or privileges." In my opinion it is not right.

Mr. Deputy Speaker: It refers to any damage to person or property.

Shri C. Subramaniam: It should be so but as it is, it would read as if "arising from such practices," governs "rights or privileges."

Mr. Deputy Speaker: Possibly a comma may be necessary.

Shri C. Subramaniam: That may be considered as some alteration is necessary, to make the meaning clear.

Pandit Thakur Das Bhargava: Two points have been brought forward. The first speaker said that it may happen that the fishermen etc., who live there may not be given compensation as a result of notification and the other thing which has been pointed out by Shri Subramaniam is that there can be two interpretations. I sent amendment No. 9 and I beg to submit that supposing the practice does not take place, what happens. As a matter of fact a notification is issued and the rights of people are interfered with; they have to remove their effects and the practice must take place thereafter. Some damage or some interference with the rights and privileges may arise without the actual practice having taken place. I have not moved the amendment so far as I was assured that usually when a notification is issued practice does take place, but if there are difficulties as pointed out by other members, I submit that notice of this amendment be taken, and if the Honourable Minister is agreeable, that these words would mean that even after the issue of notification there is no practice in fact, but some damage or interference with the rights has taken place, then such a case will be covered and those poor people will be protected; I would ask that these words "consequent upon such notification of practice" be accepted for the words 'arising of such practices'.

The Honourable Sardar Baldev Singh: As I explained to my honourable friend, it is not possible to accept the amendment. I explained to him that we give notice only when we want to carry out practices. Once the notice is given the practice is carried out. It may be that instead of five to six days, the practice is cut down to one or two days.

Pandit Thakur Das Bhargava: I have not yet moved my amendment. I have only pointed out the difficulties.

Mr. Deputy Speaker: The notification may be issued and practice may be started fifteen or twenty days later. The damages, however, will be calculated from the date on which the practices start. But what about the notification. From that day there will be loss of occupation of profession. For fifteen days no one will be able to enter that area.

The Honourable Sardar Baldev Singh: I am not quite sure, but I think it is covered.

Mr. Deputy Speaker: I leave it to the Honourable Minister and the House.

Pandit Thakur Das Bhargava: In my opinion it is quite all right. "Arising from such practices" means as a result of the proposed practice. If there is any damage it will be paid for. I only fear that a practice may not take place. But the Honourable Minister has assured me that no such contingency will take place.

Mr. Deputy Speaker: The question is:

"That Clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Shri S. V. Krishnamoorthy Rao: Sir, I move:

"That in sub-clause (1) of clause 6 of the Bill, for the words 'area utilised for the purpose of seaward artillery practice', the words 'notified area' be substituted."

The Honourable Sardar Baldev Singh: I accept it.

Mr. Deputy Speaker: The question is:

"That in sub-clause (1) of clause 6 of the Bill, for the word 'area utilised for the purpose of seaward artillery practice', the words 'notified area' be substituted."

The motion was adopted.

Lala Achint Ram: Sir, I move.

"That in sub-clause (4) of clause 6 of the Bill, for the words 'fifteen days', the words 'one month' be substituted."

The Honourable Sardar Baldev Singh: I accept it.

Mr. Deputy Speaker: The question is:

"That in sub-clause (4) of clause 6 of the Bill, for the words 'fifteen days', the words 'one month' be substituted."

The motion was adopted.

Shri S. V. Krishnamoorthy Rao: Sir, move:

"That for sub-clause (4) of clause 6 of the Bill, the following be substituted:

"(4) Any claimant aggrieved by the decision of the Revenue Officer either on the ground of refusal to award compensation or its inadequacy may within one month of the communication of the decision to him, prefer an appeal to the Collector of the district against such decision."

Mr. Deputy Speaker: Amendment moved:

"That for sub-clause (4) of clause 6 of the Bill, the following be substituted:

"(4) Any claimant aggrieved by the decision of the Revenue Officer either on the ground of refusal to award compensation or its inadequacy may within one month of the communication of the decision to him, prefer an appeal to the Collector of the district against such decision."

The Honourable Sardar Baldev Singh: I am not in a position to accept it.

Shri S. V. Krishnamoorthy Rao: In that case I ask leave of the House to withdraw.

Mr. Deputy Speaker: Has the honourable member the leave of the House to withdraw?

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

Pandit Thakur Das Bhargava: I would draw your attention to clause 6 (2) which reads:

"The Revenue Officer so deputed shall consider all claims for compensation under section 5 and determine, on local investigation and after affording the claimant an opportunity of being heard, the amount of compensation, if any, which shall be awarded in each case; and shall disburse on the spot to the claimant compensation so determined as payable."

For the words "shall be awarded" I would like that the words 'should be, awarded' be substituted because disbursement follows. The word "awarded" does not mean any disbursement in fact.

The other thing is that in Clause 6(3) two kinds of compensation are mentioned: one "removal from any portion of a notified area declared to be a danger zone of any person, property or vessel." The other is "for any damage sustained in the course of any such removal." If you read a little further on it says: "such compensation to be disbursed on the spot at not less than the minimum prescribed rates before the removal is enforced. My submission is that in so far as the question of compensation for removal is concerned, it can be given before the removal is enforced according to the minimum prescribed rates. So far as the question of damage sustained in the course of any such removal is concerned, that amount of damage can be known when a person has been removed. So this cannot be given beforehand. Therefore, the phrase "such compensation" should be amended as I have indicated in my amendment. Then it would mean that this part would be governed by the minimum prescribed rates so far as removal is concerned, and so far as the damage in the course of such movement goes, it will be a matter of enquiry and subsequently it will be payable.

The Honourable Sardar Baldev Singh: I think the honourable member is referring to the amendment from the new list. But I am not accepting it.

Pandit Thakur Das Bhargava: But the point still remains and it is really putting the cart before the horse.

Mr. Deputy Speaker: It is a matter of substance. The Honourable Minister might consider it. I am anxious to see that the proper phraseology is used.

The Honourable Sardar Baldev Singh: As far as the phraseology is concerned, I have no objection to adjustment. But with regard to the difficulty pointed out by Pandit Bhargava, I want to say that we have agreed in this Bill to pay compensation. That means that part of the compensation will be paid before the removal: the other part will be paid after enquiring as to what the extent of damage is.

Mr. Deputy Speaker: As things stand, the fact remains that any such compensation has to be disbursed on the spot both in sub-clauses (2) and (3) of Clause 6. This compensation will not be paid at less than the minimum prescribed rates before the removal is enforced.

This compensation is both for removal and damage during removal. The latter compensation refers to payment before removal.

Mr. Bhargava wants to modify the clause so that compensation for removal shall be paid in advance, leaving the other thing damage to be determined later on. This will be an improvement in language and would make it clearer. I think the Honourable Minister might consider the amendment.

The Honourable Sardar Baldev Singh: I have no objection that for 'removal', compensation should be paid in advance.

Pandit Thakur Das Bhargava: Sir, I move:

"That in sub-clause (3) of clause 6 of the Bill, for the words 'such compensation to the words 'the compensation for removal will' be substituted."

Mr. Deputy Speaker: The question is:

"That in sub-clause (3) of clause 6 of the Bill, for the words 'such compensation to the words 'the compensation for removal will' be substituted."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clauses 7 and 8 were added to the Bill.

Shri S. V. Krishnamoorthy Rao: Sir, I submit that the notifications are made by the Government and published in the Official Gazette for the information of the public. I have tabled some amendments according to the phraseology used in other Bills.

The Honourable Sardar Baldev Singh: I am sorry I cannot accept them.

Shri S. V. Krishnamoorthy Rao: In that case I do not want to move them.

Mr. Deputy Speaker: The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sardar Baldev Singh: Sir, I move:

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

Mr. Naziruddin Ahmad: Sir, the long title does not contain any punctuation.

Mr. Deputy Speaker: That will be considered by the draftsman. The question is:

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

The motion was adopted.

INDIAN EMIGRATION (AMENDMENT) BILL

The Honourable Shri Jawaharlal Nehru (Prime Minister and Minister for External Affairs and Commonwealth Relations): Sir, I beg to move.

"That the Bill further to amend the Indian Emigration Act, 1922, be taken into consideration."

This Act originally dealt with what used to be called British India. Thereafter the words "British India" were changed and gave place to "the Provinces of India". Now the words 'Provinces of India' are not sufficient, because of the acceding States and there are a number of ports in these maritime states—Okah, Cochin and a number of others—and it has become necessary that the benefits conferred by this Bill on emigrants be extended to the emigrants proceeding through those ports.

The Bill is a very short one proposing to change the language. Section 1 is amended to read "It extends to the whole of India". There is a consequential change in section 31 and in other sections for the words 'the Provinces' wherever they occur the word 'India' is to be substituted.

Mr. Deputy Speaker: Motion moved:

"That the Bill further to amend the Indian Emigration Act, 1922, be taken into consideration."

Shri H. V. Kamath (C. P. and Berar: General): Sir, while welcoming this measure may I request the Honourable the Prime Minister to enlighten the House upon a matter which though not strictly germane to the Bill, itself, yet, to my mind, arises out of the issue which has necessitated this measure? The Indian Emigration Act, 1922, was enacted at a time when emigration was confined to movement by sea, so far at least as India was concerned. Now we are living in the air age when emigration by air is no less common and no less frequent than emigration by sea. It may be that in the present day all emigrants by air, though embarking at an air port in an acceding state, have got to touch at a port in an Indian Province and so the control will be ultimately exercised at the air port in the Indian province but it is not at all unlikely that in the very near future it will be possible for emigrants to embark at an air port of an acceding state and proceed straight out of India. There are many big aerodromes and air ports in the States that have acceded to India. Baroda is one of them, which has expanded in recent times considerably and as regards control at these air ports it will become a very important subject in the near future. I am constrained to say, and with the deepest regret, that the control exercised at some of the ports is not what it should be or might be. There are serious allegations of lack of efficient control at some of the air ports in India, for instance, with regard to passengers migrating from India to Pakistan. Serious allegations have been made even in the very recent past that people emigrating from India to Pakistan manage to smuggle a lot of property in gold and silver, if not other material too. I would therefore request the

Honourable the Prime Minister to tell us, when this subject of emigration from an airport in an acceding State becomes a live issue, whether it will be necessary to bring yet another Bill to amend this Indian Emigration Act of 1922 of whether it will not be desirable, and even salutary, here and now, to place on the statute book a new Emigration Act to apply to all kinds of emigration. Emigration by land is perhaps not very common, and perhaps there is enough control already being exercised in that regard, but as regards emigration by air, no less than emigration by sea, I would seriously suggest to the Honourable the Prime Minister to place on the statute book a comprehensive measure, scrapping the old Indian Emigration Act, because we are now legislating in the year 1949 which is a generation later than 1922 when the last Act was passed. It would be far more desirable to have on the statute book a measure which will control emigration by sea as well as by air—from a maritime port as well as from airports in the Provinces and in the acceding States. This will again, be conducive to the integration and unification of India which we all have so much at heart. Sir, I support the Bill.

The Honourable Shri Jawaharlal Nehru: Well, Sir, I confess that my limited mind and vision had not given thought to the wide vistas which my honourable friend has pointed out that arise from this Bill. This Bill simply seeks to get in all the States and put them on a par with the rest of India in regard to emigration. When this Act was originally passed in 1922 it was meant for the protection of emigrants because a large number of people wanted to exploit emigrants by making promises to them or otherwise inducing them to go abroad. They made some money, I suppose, from the people who wanted skilled or unskilled workers. So the Act was meant to protect these workers. It was not to prevent people from going, but to protect emigrants who were going out in large numbers, normally for work, outside India. That was the object of it. Now Mr. Kamath has brought in all manner of other considerations, of people going to Pakistan carrying gold and silver and other things. Those points may be considered in their proper context, but they have nothing to do with this Bill at all. Nor does air travel come into the picture. No emigrant of that type goes by air.

I agree with Mr. Kamath that it may be desirable for us to recast the whole Emigration law sometime or other. In fact the time has come when it is difficult to encourage or even to accept the fact of Indian labour or emigrants going abroad, because they are not received with open arms or treated well outside. Therefore we should not encourage this thing. This Bill was not intended to encourage but to discourage it. As for other methods of stopping people from going or coming, I suppose sometimes we are forced to do that. But I hope the time may come soon when there will be free movement between countries. We have had enough of passports, visas, police and other officers functioning, and it is becoming almost impossible for people to move about from one place to another. The wrong kind of person always manages to go. It is the right kind of person who is troubled by all these restrictions and the like. I hope honourable members will remember—perhaps Mr. Kamath is too young to know that—that there were no visas and passports necessary previously. It is only about thirty years ago or a little more that they came in. I hope that time will come again. Anyhow, so far as this Bill is concerned I submit that all these points do not arise.

Shri H. V. Kamath: On a point of information only, may I ask whether there was no visa or passport necessary when the Honourable the Prime Minister went to England first?

The Honourable Shri Jawaharlal Nehru: None.

Mr. Deputy Speaker: The question is:

"That the Bill further to amend the Indian Emigration Act, 1922 be taken into consideration."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That clauses 2 to 4 stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Clause 1 was added to the Bill.

Mr. Deputy Speaker: There is an amendment by Mr. Naziruddin Ahmad to the long title that a full-stop be added at the end. It is a drafting one.

Mr. Naziruddin Ahmad (West Bengal: Muslim): As it is, it is a non-stop long title.

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, I want to speak on this. My honourable friend Mr. Naziruddin Ahmad, is taking it in a very light fashion. But it is not as light a matter as it looks at the first sight. For instance we have got to send drafts of Bills, and we ought to know what is exactly the correct form. In the Bill which has been moved by the Prime Minister he has not used the full-stop, but in the Bill which is being introduced by the Deputy Prime Minister, that is the Bill to provide for the control of the transfer of certain securities and for the issue of duplicate certificates in respect thereof, he has used the full-stop. When there is this difference of opinion between the Honourable the Prime Minister and the Honourable the Deputy Prime Minister we are bewildered, and I hope that it will be generally agreed that we must follow the Prime Minister. If you ask us to do that, we shall henceforward not use any full-stop at all.

Mr. Deputy Speaker: The question is:

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

The Honourable Shri Jawaharlal Nehru: Sir, I move:

"That the Bill be passed."

Mr. Deputy Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

PROTECTIVE DUTIES (AMENDMENT) BILL

The Honourable Shri K. C. Neogy (Minister for Commerce): Sir, I move:

"That the Bill to amend the Protective Duties Act, 1946, be taken into consideration."

I venture to claim that this is the shortest Bill of this session and the least controversial. It merely seeks to extend the life of an Act from three years to five years. I wonder if honourable members found time to refer to the Act itself. This is an Act which was passed in April 1946 and it was given a life up to the 31st March 1949. It sought to give Government certain special powers to be exercised, if I may say so, in emergent circumstances for the protection of an industry where such protection has been recommended by the Tariff Board.

There are further certain conditions which should be fulfilled in any particular case before this special power can be used. First of all, an industry must be recommended for protection by the Tariff Board. Secondly, the Government must accept that recommendation. Thirdly, the next Legislative Session should not be near at hand, that is to say a long time will otherwise elapse before the decision of the Government to give effect to the recommendation of the Tariff Board, could be implemented by the summoning of the Legislative Session where that recommendation could be taken up for consideration. If, in such circumstances, Government came to think that the interests of the industry concerned would be seriously jeopardised unless immediate action were taken on the lines of the recommendation of the Tariff Board with which they agree, then only action could be taken by a notification under this Act; the notification binds, could prescribe no greater increase in the duty than any that may be recommended by the Tariff Board. Then an obligation is cast upon the Government to bring forward a measure at the earliest possible opportunity when the next Legislative Session begins and if no such measure is brought forward then the notification automatically lapses after two months of the cessation of the Legislative Session.

Now, I may tell the House that during all these three years or so when this particular Act has been in operation, there arose only one case in which action had to be taken under the Act by way of notification. It is not a provision that is likely to be used in every case, but having regard to the fact that a large number of applications are now pending with the Tariff Board and a larger number still are coming in for reference to the Tariff Board we do think that as a measure of precaution we should seek to extend the life of this measure for another two years so as to correspond more or less with the extended life of the Tariff Board itself. Sir, that is the object of this measure.

Mr. Deputy Speaker: Motion moved:

"That the Bill to amend the Protective Duties Act, 1946, be taken into consideration."

Shri R. K. Sidhva (C. P. and Berar: General): Sir, this Bill, as the Honourable Minister has stated, is a very simple one, simple in the sense that it only wants to change the figure from 1949 to 1951. But what are the implications of the original Bill for which an extension is sought to be made? At one stage it was certainly desirable, under the British rule, that our industries should be fully protected and we advocated for it from the housetops despite the higher prices and the very large protection given by the State from the tax-payers' money, because we did not want the foreign goods to be imported into this country.

But the times are now changed. I do not know whether Government have considered whether the question of protective duties and the reference to the Tariff Board should be revised. I know of industries, Sir, which are tottering and yet they are referred to the Tariff Board for protection. In the last Session a reference was made that small industries which could not stand on their own legs should not be given protection. This protection has an indirect and sometimes a direct bearing on inflation. The consumer goods imported from foreign countries, though they may be foreign, at times are cheaper than our own articles made in this country. Therefore, Government should give serious thought to this matter and see whether under the changed conditions and the inflationary position, it is desirable that industries should be given protection at the cost of the consumers and the State money.

This Bill says that the period should be extended up to 1951 so that the Tariff Board whose life has been extended by a period of two years, should get an opportunity to consider all the applications that may have been placed before the Board. I only contend that although the principle of the Bill is only

[Shri R. K. Sidhva]

to extend the period, I do hope that the Government will consider the points that I have brought to the notice of the Honourable Minister.

Prof. Shibban Lal Saksena (U. P.: General): Sir, I have been surprised at Mr. Sidhva's speech. Probably he has not properly understood the purpose of this Bill. This Bill merely gives to our Government the power which we gave to the foreign Government. In fact, it does not give protection to anybody or take out protection from anybody. It only authorises the Government to give protection when it sees that it is necessary in national interests. I am myself against indiscriminate protection and have enquired from the Honourable Minister just now whether he would give protection to certain industries like the sugar industry which I think no longer should have any protection in the old form.

But this Bill does not do any such thing. It does not give protection to any industry or extend protection. It only gives the Government power that for two years they shall have the authority that if they think that in national interests it is necessary to give protection to some industry, they can give it. I think we should arm our Government with this power especially when they will give protection only on recommendation from the Tariff Board and only when this Assembly is not in session—if it is in session then they will bring it before us. Besides, there are so many safeguards. Therefore I think Mr. Sidhva's speech was misconceived. Probably he never understood the implications of this Bill. I support the motion moved by Mr. Neogy and hope that the Bill will be passed unanimously and that my friend Mr. Sidhva will withdraw his opposition to it.

Babu Ramnarayan Singh (Bihar: General): Sir, my honourable friend Mr. Neogy says that the Bill is the shortest of all Bills to be submitted. To me it seems the most extraordinary Bill. To give protection to industries is not always profitable, especially to consumers. The Bill is intended to give powers to the Government to grant protection. It is rather to give protection by way of Ordinance. I can understand that in matters of law and order and such other emergencies, Government can get any amount of power to issue Ordinances, but in matters of protection for Government to get these powers, I cannot understand it. (An Honourable Member: "It is emergent protection".) Professor Shibban Lal Saksena says that this Bill is intended to give powers to our own Government, the powers which we gave to the foreign Government. Well, Sir, it is our own Government all right, but are we to give the Government all the powers? Then in one sentence we may give all the powers to the Government to do anything and we may go home.

In the matter of giving protection to industries I do not think such powers should be given to the Government. It was given up to 1949; let it be up to 1949. Every time the Government should come to the Assembly for such protection. They do not require such powers in such matters.

With these words, Sir, I hope my honourable friend will consider the matter in a more serious manner and will allow the Assembly to have powers to give protection. My friend says the Assembly will not be in

5 P.M. Session throughout but it will be in session at least twice a year. So in the interval of two or three months, if any industry does not get protection and if it fails—such industry ought to fail.

Honourable Members: It is past five. Let us adjourn now.

Babu Ramnarayan Singh: I shall resume my seat, but, Sir . . .

Mr. Deputy Speaker: The honourable member may continue tomorrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Tuesday, the 8th February, 1949.

GIPD—NS—S7 LADebate—6:7-49—911.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

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

Tuesday, 8th February, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS (See Part I)

11-50 a.m.

DEATH OF MR. C. N. MUTHURANGA MUDALIAR.

Mr. Speaker: Before the House proceeds now to further business, I have to invite its attention to the sad demise of Mr. C. N. Muthuranga Mudaliar, who was an ex-Member of the old Central Assembly. He died at Madras on the 5th February. He was a Member of the old Central Assembly from November 22, 1934, to March 30, 1940 when he resigned. He was a prominent leader of the Congress in Madras, a President of the Tamil Nad Congress Committee, and a Member of the A.I.C.C. I request the House to stand in silence to respect the memory of the deceased.

PROTECTIVE DUTIES (AMENDMENT) BILL—concl'd.

Mr. Speaker: The House may now proceed with the further consideration of the following motion moved by the Honourable Shri K. C. Neogy yesterday:

"That the Bill to amend the Protective Duties Act, 1946, be taken into consideration."

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, I agree with the Honourable Minister that this Bill is necessary. There was a misunderstanding regarding the scope of the Bill. As the Honourable Minister himself explained the Bill intends to clothe the Government with power which power has already been given under the Act of 1946, to give protection for such industries as have been recommended to be protected by the Tariff Board, and at a time when the Assembly is not in session and a regular Bill could not be introduced and an Act passed by the Legislature. Instead of resorting to an Ordinance power is given under the previous Act to the Government to impose, by a notification protective duties for such industries as have been recommended by the Tariff Board. I welcome this measure for the reason that the power to pass Ordinances is not being invoked and after such a notification is issued, at the next session of the Assembly the matter should be placed before the Legislature for its acceptance and enactment. There are all these safeguards.

In addition, I would like to suggest some more power to enable the House, though not in Session, through its Standing Committee of the Department to which this matters relates—I mean the Standing Committee for Commerce—to go into the matter to see if the Tariff Board's recommendation in any particular case ought to be accepted or not. It may be that to convene a special Session of the Assembly may not be practicable before action is taken on the recommendation of the Tariff Board, but to convene a meeting of the Standing Committee relating to the Commerce Ministry may not be difficult as the Standing Committee does not consist of more than ten or eleven Members. So, this suggestion I would make for consideration by the Honourable Minister before action is taken in regard to any particular matter by way of imposing a protective duty.

I would also like that the previous precedents should be followed in regard to the printing and circulation of all reports sent by the Tariff Board in connection

[Shri M. Ananthasayanam Ayyangar.]

with recommendations as to whether particular protective duties are to be imposed or not. That was a constant feature in the previous Assembly under the previous Government, but on account of various difficulties that have arisen, like these constant strikes in the printing press, such reports have not been printed in recent times. Normal conditions have been restored and I do not see why these reports ought not to be printed and circulated before even the matter is placed before the Standing Committee or at any rate before the Government makes up its mind to impose protective duties or act upon the recommendations of the Tariff Board.

Thirdly, I would like that the Tariff Board should be asked to submit half-yearly reports regarding its work, the number of cases that were placed before the Board for its consideration and what action was taken on those matters. Many bodies have been brought into existence to assist the Government from day to day with respect to various matters where expert opinion is necessary, but those matters are not placed before the Assembly and the Assembly is very often denied opportunities to discuss them. No doubt when a Bill is introduced recommending the imposition of any protective duty we have an opportunity to discuss the recommendation of the Tariff Board; but whether a Bill is introduced or not we should generally like to have a record or statement made to the House regarding the work of the Tariff Board inasmuch as it is a very important function that the Tariff Board is performing.

I would also like to know in this connection as to how many industries are waiting for consideration before the Tariff Board, how many have been disposed of during the past year, how many are under consideration by Government. If any, have been considered, and why those matters are not now being placed before us. We have yet two and a half months during this Session if Government contemplate bringing forward any Bill for the purpose for which Government is seeking to have power extended by this amending Bill by a couple of years more than was provided under Act XVII of 1946. Otherwise I support the motion for consideration.

Shri B. Das (Orissa: General): Sir, I endorse the observations of the Honourable the Deputy Speaker that the Honourable the Minister for Commerce should instruct the Tariff Board to submit yearly a report on its activities. The Tariff Board is a Statutory Board now and it has to do certain regular revision and examination of the tariff question from time to time. Up to now, apart from the reports which the Tariff Board submits, we have not had a review of its work and also an opportunity of examining whether the statutory power we have given to it are ample or not. I do hope that the Honourable the Minister for Commerce will accept the suggestion made by the Honourable the Deputy Speaker.

Sir, I have no objection to the Bill. Government will have to have some time to examine the recommendations of the Tariff Board and I do not mind the time being extended to April 1951. On the last occasion we granted extension; I referred to the anomaly that the Tariff Board has no power to examine the Imperial Preferences included in the system of protective tariff. The question was again recently debated on the floor of this House and my honourable friend said that if the House gives a mandate to the Government that Imperial Preference should end, Government will accept it. I thought, Sir, that Government and we on this side are all one. Our visage must be reflected by the governmental action. Government is the executive of the House and we are from one party. Why is it that Government has had no time to make a reference to the Tariff Board to examine the problems or any other body whether the obnoxious Imperial Preference should end? It is pertinent for me to ask,—and the Honourable the Minister for

Commerce may enlighten the House—whether the Tariff Board has any such idea in its mind or whether it is tied down to the chariot-wheel of old recommendations of the predecessors of the present Tariff Board who did not touch the issue of Imperial Preference which vitiates our protective tariff system. How can protective tariff work when England and certain British colonies and Dominions enjoy advantages simply because we were formerly part of the Empire known as the "British Empire" which is now ended? I hope, Sir, that the Honourable the Minister for Commerce will take this occasion to clarify the position of his Government whether they are alive to the great desire of the members of this House that Government should proceed in the matter and examine it from the point of view of a new agreement between Free India and Free England and whether for our national dignity such type of Imperial Preferences should not end at the earliest.

Pandit Thakur Das Bhargava (East Punjab: General): Sir, when the original Bill which is sought to be extended for two years more was before the House in 1946, an amendment was moved by me to the effect that the Government of the day, i.e. the then Government, should be obliged to take action on the report of the Tariff Board if the Standing Committee for Commerce concurs with the Government and that no discretion should be given to the Government not to give immediate effect to the report of the Tariff Board if the Standing Committee wanted it. In case the Standing Committee did not concur, then also the Government according to my amendment, was to be given powers to give effect to the Tariff Board in regard to any particular industry. Now, the situation is changed.

I am very glad to give my wholehearted support to the measure, but all the same, I would like to support the proposal of Mr. Ananthasayanam Ayyangar that in every case in which the Executive takes action, it should consult the Standing Committee for Commerce. I may just read out the assurance given by the then Member for Commerce, Sir Azizul Haque, in this respect. He said:

"I have no hesitation in giving an assurance that such matters will be placed before the Standing Committee for Commerce. But I certainly feel that an amendment of this character is one which should not be on the Statute-Book. I give this assurance that every case will be placed before the Standing Committee for Commerce for their advice and I do hope that on that assurance my honourable friend (referring to myself) will find reasons not to press his amendment."

On the basis of this assurance, I said: "I beg leave to withdraw the amendment." This was in 1946 when the original Bill was passed. So I beg the Honourable Minister for Commerce to kindly agree that when our Government takes action, they will consult the Standing Committee for Commerce. This is all I have to submit.

The Honourable Shri K. C. Neogy (Minister for Commerce): I am very sorry that my honourable friend, Mr. Ramnarayan Singh, could not be present here to finish his unfinished speech. Now, I do not know—I hope he is not indisposed—but on looking through the proceedings of 1946 when this measure was under discussion in the then Legislature, I find that Mr. Ramnarayan Singh was one of the earliest speakers to give his unconditional support to this measure. I wonder whether he had forgotten what attitude he had taken up on the previous occasion, because his speech yesterday gave me the impression that he was wholly opposed to the present measure which is merely one to extend the operations of the measure with which he was in full agreement. I am very glad Mr. Ananthasayanam Ayyangar who also participated in the discussion in 1946 has again repeated his support of this measure. The point to which reference was made both by him and also by Pandit Thakur Das came under careful consideration and I should like to point out certain practical difficulties. When a measure for protection is recommended by the Tariff

[Shri K. C. Neogy].

Board, that recommendation is examined not merely by the Ministry of Commerce, but actually action on the recommendation of the Tariff Board is decided upon as a result of discussions of three Ministries—'Commerce', 'Industry and Supply' and 'Finance'. Now, I do not know whether it would be proper to consult merely the Standing Committee attached to the Commerce Ministry before taking action upon the question of issuing a notification under this measure. But at the same time, I should not like to say that the Standing Committee should not at all be consulted on this account. I have pointed out one difficulty. There are several other difficulties also to which I need not refer at the present moment. However, my intention is to place this very issue before a meeting of the Standing Advisory Committee attached to the Ministry of Commerce. I should like to place all the various considerations before that body, and then decide upon the appropriate course of action.

Sir, several suggestions were made by my honourable friend Mr. Ananthasayanam Ayyangar and also by Mr. Das as regards the supply of information about the activities of the Tariff Board and other connected matters. I am in sympathy with much of what has been said on this particular subject, and I will take the earliest opportunity of furnishing such information as can be collected at an early date, for the information of this House. I should not, therefore, like to give any off-hand replies to the various points raised. I hope to be able to circulate a statement to the members of this House, covering as many of those points as possible before the present session terminates.

Mr. Speaker: The question is:—

"That the Bill to amend the Protective Duties Act, 1946, be taken into consideration." The motion was adopted.

Mr. Speaker: The question is:—

"That clause 2 stand part of the Bill." The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri K. C. Neogy: Sir, I move:—

"That the Bill be passed."

Mr. Speaker: The question is:—

"That the Bill be passed." The motion was adopted.

SCHEDULED SECURITIES (HYDERABAD) BILL

The Honourable Sardar Vallabhbhai Patel (Minister for Home Affairs and the States): Sir I move:—

"That the Bill to provide for the control of the transfer of certain securities and for the issue of duplicate securities in respect thereof, be taken into consideration."

The House is, I think aware of the history of the loan of rupees twenty crores which was made by the Hyderabad Government in December 1947. This loan was negotiated at a time when the Standstill Agreement between the Hyderabad Government and the Government of India was in existence, and when negotiations were going on for settling the future relationship between the Government of India and the Hyderabad Government after the termination of the Standstill Agreement. Without a word to us, or any kind of intimation to the Government of India, the Hyderabad Delegation—the Leader of the Hyderabad Delegation who was the Prime Minister of the Government of Hyderabad, was at that time negotiating for a loan of rupees

SCHEDULED SECURITIES (HYDERABAD) BILL.

twenty crores to be given to the Pakistan Government. Now, he entered into this financial transaction concealing these facts from us and transferred securities to the extent of rupees twenty crores which were held by the Hyderabad Government, to Pakistan. As soon as we came to know of it, we made our attitude quite clear to the then Hyderabad Government or Prime Minister that this was a clear breach of the Standstill Agreement between the Government of India and the Government of Hyderabad, and that the Government of Hyderabad would be responsible for all the consequences. As a result of that, he, the Prime Minister of Hyderabad negotiated with the Pakistan Government and came to an arrangement that the securities will not be cashed and that they will not be negotiated in any manner during the time the Standstill Agreement was in force.

After this it was brought to the notice of the Government of India that an application was made to the Reserve Bank for the conversion of some of these securities into promissory notes of small denominations. Such a conversion was obviously intended for the purpose of disposing of the securities. That was, therefore, a fresh breach of the undertaking given by the Hyderabad Government.

In lieu of these securities, the Hyderabad Government were to receive securities of the Pakistan Government. We had evidence that the Hyderabad Government were making frantic efforts to purchase warlike materials, obviously with a view to prepare the Hyderabad Government militarily. Large blocks of Hyderabad Government's holdings of India Government's securities were also being sold. This could not but have a detrimental effect on the Indian market. To protect our interests, therefore, it became necessary to promulgate an Ordinance on the 1st of July, 1948 so as to prevent the sale or transfer of Government of India's securities held by, or on behalf of the Hyderabad Government, in the Hyderabad State Bank, including the securities worth rupees twenty crores which had been transferred to Pakistan.

Till, then, of course, we were not in full possession of facts leading to the negotiations of the transfer and of the part which was played by the various parties in this transaction. We have now irrefutable evidence to show that the then Prime Minister of the Hyderabad Government, Mr. Laik Ali, exceeded the instructions of His Exalted Highness the Nizam and the Council in regard to this transaction and concluded an agreement which was quite different from the one originally contemplated by the Nizam and his Council. I am saying this not in order to excuse or mitigate the breach of the Standstill Agreement, but only to bring out clearly the close and intimate relationship which then existed between the leading personalities in Hyderabad Government and the Pakistan Government whose Finance Minister is, of course, an ex-employee of the Nizam, and subsequently became his pensioner. In November, 1948, His Exalted Highness the Nizam declared that the transfer of securities worth rupees twenty crores to the Pakistan Government was beyond the competence of the Hyderabad Government and therefore, invalid. The Government of Hyderabad thereupon wrote to the Pakistan Government through us requesting them to return those securities. The Pakistan Government refused to do so on various grounds which were found to be quite untenable. The Hyderabad Government then wrote to the Government of India to authorise the Reserve Bank of India to cancel these securities and issue duplicate to them. We felt that the request was reasonable and, therefore, in order to protect the interests of the Government of Hyderabad as well as those of the Government of India, issued an Ordinance on 31st December, 1948, giving such authority to the Reserve Bank. This Ordinance would expire on the 30th June, 1949. At

[Sardar Vallabhbhai Patel]

the same time, it is necessary to protect the interests of the Government of Hyderabad as well as of the Indian Government and so we think that the provisions of this Ordinance should now be incorporated in a short piece of legislation. This is now brought before the House. The provisions of this Ordinance have, therefore, been included in this Bill, and I hope it will be passed.

Mr. Speaker: Motion moved:

"That the Bill to provide for the control of the transfer of certain securities and for the issue of duplicate securities in respect thereof be taken into consideration."

Maulana Hasrat Mohani (U. P.: Muslim): This is a Bill which seeks to make legal something that has been quite illegally done by introducing a Bill in the Indian Parliament. It says in the Statement of Objects and Reasons:

"It was brought to the notice of the Government of India in December 1947 that notwithstanding the Standstill Agreement with H.E.H. the Nizam of Hyderabad, the Hyderabad Government had decided to transfer Government of India Securities worth Rs. 20 crores to the Pakistan Government. The Government of India considered that this decision of the Hyderabad Government was in clear breach of the Standstill Agreement."

So the main basis of our demand is that we consider that this is done against the Standstill Agreement. I have got a copy of the Standstill Agreement. That Agreement was not unilateral. It was binding on both the parties and I submit that once the majority of the sections in that Agreement was most flagrantly broken by the Indian Government, I think that Agreement was no more. The second article of the Agreement runs thus:

"Nothing herein contained shall impose any obligation or confer any right on the Dominion to send troops to assist the Nizam in maintenance of internal order or to station troops in the Hyderabad territory except in time of war and with the consent of the Nizam which will not be unreasonably withheld. Any troops so stationed to be withdrawn from Hyderabad territory within six months of the termination of the hostilities etc."

Mr. Speaker: Order, order. Will the honourable member resume his seat? I must make it plain to the honourable member that while it may be perfectly competent for him to allege or advance that this particular conduct in transferring the Securities was not a breach of the Standstill Agreement, it will not be permissible for him to proceed on the other line of argument that, because of certain alleged breaches by the Government of India, the Standstill Agreement did not exist. That will open a very wide question which is not relevant at all for the present discussion. He may, therefore, restrict himself accordingly.

Maulana Hasrat Mohani: I am not going to other fields. Even supposing that it was done against that Standstill Agreement, I submit that the transaction which was entered into between the Reserve Bank of India and the Nizam's Government has been completed. There was no objection at that time and it is no use now for the Indian Government to come forward and say that the Nizam has now said that all those transactions are invalid because the Hyderabad Council had no power to enter into or transfer any of its assets to Pakistan. There was no objection at that time. Now nobody pays any attention to whatever the Nizam says. (Honourable Member: "Why?") Nobody would believe—not even the United Nations Council when you said that the Nizam withdraws all these things. It is in duress and we need not take them into consideration. I suggest that we should not take into consideration anything that has been said by the Nizam now. We should see what was done at the time when this transaction was completed between the Reserve Bank of India and Pakistan. Those people who were responsible and who had the right and authority to transfer the funds belonging to Nizam to any other

Government, they did it and they were perfectly justified in transferring it and the Reserve Bank had no objection at that time. Of course there was some suggestion on the part of the Indian Government but they clearly said that they were helpless. The transaction had been completed and there is no legal flaw and now we could not rescind that. You now come forward and say make it illegal by introducing a Bill in this Parliament. I submitted yesterday and I will submit again to-day that you are introducing a very dangerous precedent. You may do anything which is illegal, immoral and present a Bill and get it passed in any House. You may say night is day and get it passed.....

Mr. Speaker: Order, order.

Shri Biswanath Das (Orissa: General): May I request you to call upon the honourable member to withdraw what he said just now?

Maulana Hasrat Mohani: I am not going to withdraw at all. This is a very dangerous principle. I mentioned it yesterday also but you took advantage of my speech being in Urdu.....

Mr. Speaker: Let him not bring in yesterday's speech. That is irrelevant.

Maulana Hasrat Mohani: Supposing the Labour Government or supposing Mr. Churchill's party takes it into its head and gets a Bill passed from the British Parliament to repudiate all the Sterling Balances as he has already been suggesting that this whole thing should be done away with because India has been saved from the trouble of being involved in the Great War and therefore the whole thing should be wiped out and suppose the British Parliament passes it, will that justify their action of repudiating all your Sterling Balances because a Bill has been passed in the English Parliament. So I say you are making a very dangerous precedent. By introducing any Bill and getting it passed and by passing that Bill if you want to make whatever is illegal or immoral as legal, it will not help you. Besides that, if you go on like this you are creating a precedent and people will take you to task as they have already taken. You introduced this system....

Mr. Speaker: Order, order; let the honourable member address the Chair.

Maulana Hasrat Mohani: By you, I mean the members responsible for this Bill (An Honourable Member: "He means the Government). I mean the Congress party; it is on the basis of one party that they are sitting here.

Mr. Speaker: The honourable member need not go beyond the scope of the Bill. What are the arguments he has got to advance?

Maulana Hasrat Mohani: This is a very dangerous thing. You introduce something and you take advantage of your strong position in this House. (An Honourable Member: "Again, 'you'.") It makes your position ridiculous. You first introduce a thing. Take for example, you adopted this principle of police action. You copied it.....

Mr. Speaker: Order, order. The honourable member is going into irrelevancies. I cannot allow this speech to go on. Has he any points to make in respect of the Bill?

Maulana Hasrat Mohani: So I say you are creating a precedent. I oppose this Bill because it introduces something very dangerous which may prove very harmful to you afterwards. It will be used against you. (An Honourable Member: "Against the Speaker?") All right. There are two things here which are inconsistent. In one place you say that you.....(An Honourable Member: "Who says?")

Mr. Speaker: Order, order; let him proceed.

Maulana Hasrat Mohani: The Bill says. Those who are responsible for presenting this Bill. I ask them to see and consider their ridiculous position. Here the Bill says,—it is a controversial matter—that there will be no appeal and no court of law can say anything in respect of this matter; courts are precluded. Why so? Supposing there is a party which says that you are not justified in framing this Bill and in introducing this Bill and go to a court; are you afraid? Why should you say that no court can hear anything against you. This shows that your position is weak; this shows that you are doing something against your very conscience. I submit therefore that there are so many inconsistencies in this Bill. You are taking advantage of your majority.

Mr. Speaker: Order, order. The honourable member will now discontinue his speech. He is repeating the same thing.

सेठ गोविन्द दास : सभापतिजी, मैं इस बिल का स्वागत करता हूँ और माननीय सरदार वल्लभ भाई पटेल को इस बिल के यहां पर लाने पर बधाई देता हूँ। मुझे वे दिन याद आ जाते हैं जबकि इस सम्बन्ध में दो (Ordinances) जारी हुए थे। यदि वे (Ordinances) जारी न होने तो आज हमारे देश का कितना नुकसान हो जाता यह हम साफ तौर से समझ सकते हैं।

यहां पर जनाव हसरत मोहानी साहब ने जो कुछ कहा उस पर मुझे बड़ा ताज्जुब हुआ है। पहले तो मैं आपसे, सभापति जी, यह कहना चाहता हूँ कि इस प्रकार के शब्द कि हम यहां पर रात को दिन बना सकते हैं और दिन को रात, केवल जिन्होंने बिल उपस्थित किया है उन्हीं के खिलाफ नहीं जाते पर हमारी पूरी इस धारा सभा के खिलाफ जाते हैं और मैं तो आपसे हम लोगों के अधिकारों की रक्षा की दृष्टि से यह निवेदन करना चाहता हूँ कि आइन्दा इस प्रकार की बातें, जहां तक हमारी धारा सभा का सम्बन्ध है, न कही जानी चाहियें। यदि कोई सदस्य इस प्रकार की बातें इस धारा सभा में कहता है कि हम इस धारा सभा में रात को दिन और दिन को रात बना सकते हैं तो मैं आपसे कहता हूँ कि उन सदस्यों को अपने इन शब्दों को फौरन वापस लेना चाहिये और अगर वह सदस्य वापस लेने के लिये तैयार न हों तो आपको अपने अधिकारों का उपयोग करके उन्हें House के बाहर निकाल देना चाहिये।

Mr. Speaker: I have already expressed my disapproval and called the member to order when he said so. I do not think the matter need be pursued any further and his argument need not be taken very serious notice of. (*Interruption by Maulana Hasrat Mohani*) Order, order. Our time is more valuable and we may apply it to the quick disposal of the Bill before us which is a non-controversial matter and a measure of a formal character. I do not see why any further arguments are necessary. For those who want to oppose, the matter stands differently.

सेठ गोविन्द दास : मुझे तो ज्यादातर उन्हीं बातों के उत्तर देने की जरूरत थी जो कि यहां पर इस प्रकार के विवादास्पद बिल के न होते हुए भी कही गईं, और मैं समझता हूँ कि उनका जवाब दिये जाने की बहुत आवश्यकता है। परन्तु जैसा कि आपने कहा कि इस बिल में कोई ऐसी चीज नहीं जो कि विवादास्पद हो, इस लिये मैं अब और अधिक न कहूंगा।

अन्त में मैं फिर सरदार वल्लभ भाई पटेल को इस बिल के लाने के लिये बधाई देता हूँ जो उन्होंने इस देश को करोड़ों रुपये की हानि से बचाया है। उसके लिये हमारे सारे हाउस को उनका अनुगृहीत होना चाहिये। मैं इस बिल का समर्थन करता हूँ।

(English translation of the above speech)

Seth Govind Das (C. P. and Berar: General): Mr. Speaker, Sir, I welcome this Bill and congratulate the Honourable Sardar Vallabhbhai Patel for having brought it before this House. I am reminded of the days when two Ordinances were promulgated in this connection. We can very well realize what loss our country would have sustained had not these two Ordinances been issued.

I have been really very much surprised to hear what the Honourable Maulana Hasrat Mohani has said. First of all I would like to tell you, Sir, that such words as we make night a day and the day a night do not only go against those who have presented this Bill, but against the whole of the Legislature. I would at least request you with a view to ensure protection of the rights and privileges of the members of this House that so far as our Legislature is concerned such things should not be allowed in future. If any member says such things in this House that we can make night a day then I would submit that those members should at once withdraw their words. And in case they are not prepared to withdraw them, you should, Sir, exercise your powers and call upon them to leave the House.

Mr. Speaker: I have already expressed my disapproval and called the member to order when he said so. I do not think the matter need be pursued any further and his argument need not be taken very serious notice of. (*Interruption by Maulana Hasrat Mohani*) Order, order. Our time is more valuable and we may apply it to the quick disposal of the Bill before us which is a non-controversial matter and a measure of a formal character. I do not see why any further arguments are necessary. For those who want to oppose, the matter stands differently.

Seth Govind Das: I was more concerned to reply to the arguments which have been advanced here against the non-controversial measure of this kind, and I feel it absolutely necessary to have replied to it. But as you have pointed out that this Bill does not contain anything which is controversial, I would not like to say anything more.

To conclude, I will again congratulate the Honourable Sardar Vallabhbhai Patel for his having brought forth this Bill, and served this country from sustaining a loss of several crores of rupees. For this the whole House should be grateful to him.

I support this Bill.

The Honourable Sardar Vallabhbhai Patel: Sir, I do not think I would be justified in taking serious notice of the irrelevant ramblings, the substance of which, really, I must confess, I have not been able to follow at all, except the repetitions of "you say", "this is dangerous", "that is dangerous". I do not know whether the honourable member himself has understood what he is saying.

Maulana Hasrat Mohani: You will understand some time later.

Mr. Speaker: Order, order.

The Honourable Sardar Vallabhbhai Patel: I would only say that this is a simple measure on which I did not anticipate any debate or controversy. I thought it was five minutes work. For the assurance of the House, I may say this much. If this Bill had not been brought forward in this House, I would have failed in my duty to protect the interests of the people of Hyderabad.

I move that the Bill be taken into consideration.

Mr. Speaker: The question is:

"That the Bill to provide for the control of the transfer of certain securities and for the issue of duplicate securities in respect thereof, be taken into consideration."

The motion was adopted.

Mr. Speaker: I will now take up the Bill clause by clause. May I know if Mr. Naziruddin Ahmad proposes to move the amendments?

Mr. Naziruddin Ahmad (West Bengal: Muslim): My amendments are of a drafting nature. If they are acceptable, I shall move them. Otherwise.....

Mr. Speaker: I shall send them to the draftsmen for consideration.

Mr. Naziruddin Ahmad: Except amendment number 5 to clause 5.

Mr. Speaker: Then, I shall put clauses 2, 3 and 4 together.

The question is:

"That clauses 2, 3 and 4 stand part of the Bill."

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Mr. Naziruddin Ahmad: Sir, I beg to move:

"That in clause 5 of the Bill, for the words 'shall be instituted', the words 'shall lie' be substituted."

Sir, clause 5 says:

"No suit or other legal proceeding for the enforcement of any rights or remedies in respect of any scheduled security shall be instituted....."

This is an injunction against a party asking him not to institute the suit or proceeding. It is no direction to the Court to refuse to recognise such as suit. The better way would be that no suit would lie. It would prevent the jurisdiction of the Court from taking notice of it unless with the previous consent of the Central Government.

The question is whether we should tell the litigants that no suit should be instituted. Supposing anybody in disregard of the injunction institutes this suit: the Court will be in a difficult position. Section 9 of the Civil Procedure Code lays down that any suit of a civil nature may be entertained and taken notice of by the Court. In these circumstances the Court may take notice of a suit or proceeding even in contravention of this clause. If we say no suit "shall lie" that makes the suit absolutely illegal. It is from this point of view that I have submitted this amendment.

The Honourable Sardar Vallabhbhai Patel: I do not accept the amendment. I believe that the words "shall be instituted" will not be interpreted by any litigant as an injunction for which he will be liable to be hauled up: nor will the Court interpret it in any other manner than in the proper manner.

Mr. Speaker: So I need not put the amendment to the House.

The section is now open to discussion.

Srijut Rohini Kumar Chaudhuri (Assam: General): What I wanted to say is that Mr. Ahmad's.....

Mr. Speaker: That is not before the House now.

Srijut Rohini Kumar Chaudhuri: Then that is all right.

Mr. Naziruddin Ahmad: May I draw your attention to Clause 6? There is the analogy: "No prosecution shall lie." That is the language in Clause 6.

Mr. Speaker: Should I put all the clauses together, or should I put them one by one?

Honourable Members: All together!

Mr. Speaker: The question is:

"That Clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 and 7 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sardar Vallabhbhai Patel: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

PUBLIC DEBT (CENTRAL GOVERNMENT) AMENDMENT BILL

The Honourable Dr. John Matthai (Minister for Finance): I beg to move:

"That the Bill to amend the Public Debt, (Central Government) Act, 1944, be taken into consideration."

This, Sir, is a simple and straight forward measure. The Public Debt Act of 1944 seeks to regulate the Public Debt of the Central Government. The intention of the Government was to undertake a fairly comprehensive legislation regarding the public debt of the Country not merely of the Centre but also of the Provinces. But it so happens that under the Constitution Act, the public debt of the provinces is a matter for legislation by the Provincial Legislatures. Therefore, the Act as it stands at present governs only the public debt of the Central Government. That has created an anomalous position, because the money market of the country is the same and the authority which regulates the public debt both of the Central Government and the Provincial Governments is the same authority, namely, the Reserve Bank. It therefore stands to reason that our policy regarding the public debt and our administration of the public debt, should both be on uniform lines.

Now this matter was put to the Provincial Governments and the Provincial Governments have readily agreed to the Centre legislating also for the

[Dr. John Matthai.]

regulation of the provincial public debts and the Provincial Legislatures have passed legislation agreeing to the Central Legislature legislating for their public debts. Therefore, the matter is purely a formal one, and I ask the House to accept my motion.

Mr. Speaker: Motion moved:

"That the Bill to amend the Public Debt (Central Government) Act, 1944, be taken into consideration."

Shri B. Das (Orissa: General): I welcome the Bill. I am glad to learn from the Honourable the Finance Minister that the various Provincial Governments have agreed to this measure. Some how the general impression all over the country is that these various Provincial Government can borrow any amount of money and play with it as they like! A case in point is the controversy that is agitating the country over the acquisition of zamindari rights by the Provincial Governments. I am not referring only to the impression among those who are in the know: but among the public the impression is that a Provincial Government can borrow hundreds of crores, issue bonds and acquire zamindari rights, coal-mines and even steel works.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar)].

This kind of loose talk in certain quarters, whether amongst politicians or amongst responsible Ministers in the provinces has not helped the country, the stock exchanges and the money markets to have any confidence in the Government.

I therefore welcome this Bill and I am glad that the Provincial Governments have agreed to it and I hope that confidence will be restored in the financial markets and that there will be no vacillation or fear among any class of people.

Prof. N. G. Ranga (Madras: General): I had no intention in the beginning to speak on this Bill at all, but my honourable friend, Mr. B. Das, provokes one to speak. I entertain fears from the other end. I certainly have no objection that the Central Government should be made aware of the public debt policy and programmes of the Provincial Governments so long as they can sit together and place their demands in the share market in a concerted manner. At the same time, I certainly cannot be a party to the Central Government getting the power to dictate to the Provincial Governments whether they could approach the share market at all, and when, for what sums and for what objects. If the Central Government were to take power into its own hands to dictate to the Provincial Governments; then these Governments would be reduced to the same status as Municipal Councils and Local Boards and they would not have the initiative for taking up any large and important policies or programmes for the social and economic development of the Country. As it happens my honourable friend, Mr. Das, has special objection to the policy relating to the zamindari system. He does not want the Provincial Governments to go to the market and raise loans and pay compensation to the zamindars. Tomorrow someone else will say "I do not want such and such a Provincial Government to nationalise and take over such and such a local industry, purchase such and such mills or factories. Therefore I do not want the Provincial Government to be able to go to the share market and borrow money. I would like that it should come to the Central Government." In this way the decisions of the Provincial Government would be set at naught.

The House remembers what happened sometime ago when the Madras Government wanted to pursue a particular policy, in regard to textile mills and the textile industry. The Central Government came in the way and said that the Madras Government could not pursue that policy and the Government

was in the horns of a dilemma whether it should pursue its policy and afterwards take its chance in the Federal Court or accept this advice coming from the Central Government, which nevertheless amounted, under the circumstances, to a mandate. We do not want a similar experience to be repeated again and again in different provinces. Therefore I want a categorical assurance from the Honourable Finance Minister that the Government of India certainly does not have any such intention whatsoever, by getting this Bill now passed of controlling the provincial governments in their policies and programmes even in regard to their raising loans in the public market. Unless they give such an assurance I am afraid it will become necessary for the provincial governments to revise their own views and approach the Central Government for a suitable amendment of this Bill.

The Honourable Dr. John Matthai: Sir, with regard to the question raised by my honourable friend Prof. Ranga it is not the purpose of this Bill in any manner to limit the discretion of provincial governments as regards the purposes or objects for which they want to raise funds. All that this Act does is to regulate what I may call the technical and administrative aspects of public debt. But what the provincial government would like to spend their funds on is a matter which under our present set up is for the provincial government to decide and the kind of tradition that we have established is this that the Central Government gives consideration to proposals which are made by the provincial government. At the same time, although it has nothing whatever to do with this matter, there ought to be of course a certain amount of co-ordination between the Centre and the provincial government—co-ordination which would be brought about entirely on a basis of mutual agreement and settlement. This Bill does not at all affect the main issue raised by my friend Prof. Ranga and I have no hesitation in giving him the kind of assurance that he wants.

Mr. Deputy Speaker: The question is:

"That the Bill to amend the Public Debt (Central Government) Act, 1944, be taken into consideration."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That clauses 2 to 7 stand part of the Bill."

The motion was adopted.

Clauses 2 to 7 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. John Matthai: Sir, I move:

"That the Bill be passed."

Mr. Deputy Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

BANKING COMPANIES BILL—contd.

The Honourable Dr. John Matthai (Minister for Finance): Sir, I move:

"That the Bill to consolidate and amend the law relating to banking companies, as reported by the Select Committee, be taken into consideration."

Sir, the Banking Bill, as the House is aware, has been before the country for a fairly long period of years and both the public and honourable members are familiar with the main provisions of this Bill. This Bill also has had the experience of being subjected to careful scrutiny by more than one Select Committee and therefore I submit that the Bill as it has emerged from the

[Dr. John Matthai]

Select Committee after this long process of careful scrutiny deserves respectful consideration.

Sir, the matters in regard to which changes have been made by the Select Committee in the original Bill have been set out in the report of the Select Committee. That report is a clear and concise document which sets forth the main matters covered by the Select Committee's proceedings with, if I may say so, commendable clarity. I do not think, therefore, it is necessary that I should go over the whole ground again; which would be wasting the time of the House. What I propose to do in the few remarks that I want to make to the House is to call attention to some of the more salient matters, in regard to which changes have been proposed by the Select Committee.

The first matter to which I would like to refer is the definition of a banking company, which is set out in the Select Committee's report. There has been a considerable amount of controversy as regards the definition to be adopted in the Bill of banking companies. The point regarding which most of this controversy has occurred is whether a business concern which accepts deposits which are repayable on demand could be excluded by a formula of the kind which was embodied in the original Bill. There was a good deal of discussion on this question with reference to the practice of accepting demand deposits for the purpose of financing trade or manufacture—a practice which having been in vogue for a considerable period and at any rate in those parts of the country where it is in vogue has not led to any serious financial dislocation. There was general agreement that it was not necessary that the scope of this Bill should be extended to such concerns. On the other hand, the feeling of the Committee was, and I think rightly, that the distinguishing feature of a banking company is that it accepts demand deposits which are repayable by means of a cheque. That is the outstanding, if I may say so, characteristic feature of a bank and the problem before the Select Committee was how exactly to reconcile these points of view. The formula which is suggested by the Select Committee is that any company which is engaged in trade or manufacture and accepts deposits for the purpose of financing such trade or manufacture would not be a banking company within the framework of this Bill, and if that is so, such a concern would not be brought under the regulation and control provided in this Bill.

In order to make the position absolutely clear from the legal point of view I propose to make an amendment of which I have given notice to say that the acceptance of deposits is merely for the purpose of financing trade or manufacture.

Another point regarding which there has been a good deal of discussion is the limitation regarding employment of persons by a banking company. The controversy arose from the provision contained in the original Bill that no person who is engaged in any other business or vocation could be employed by a banking company. That is rather a sweeping proposal and it certainly would make it impossible for example for a banking company to have on its staff a part-time person as Legal Advisor. If a person who is engaged in any other business or vocation is not to be employed, that class of person would be completely shut out. The Select Committee thought that was a point regarding which a suitable change should be made. What has happened now is that it is only with regard to the management of a bank that people engaged in any other business or vocation would be ruled out. That is to say, there is nothing to prevent a banking company from employing such a person. All that is prohibited is that such a person cannot be engaged for the management of the banking company.

Another point regarding employment which created some controversy was this. In the original Bill there is a provision that when there is a contract for management of a banking company beyond a period of five years that matter should be subject to the approval of the shareholders in a general meeting. The Select Committee went into this matter with some care, and on the whole they felt that from the point of view of good administration, from the point of view of preventing such things as canvassing for votes, it is better to leave out this provision: so that as the Bill has emerged from the Select Committee the question of extending a contract for management beyond a period of five years is a matter which would be settled by the Directors of the banking company. Apart from the fact that in matters of this kind it is of some importance that canvassing of votes should as far as possible be prevented, there is a further consideration in the case of banking companies which is this, that shareholders might also be borrowers from the banking company. It is therefore of special importance in the case of banking companies that the approval of the shareholders as an essential condition for the extension of contract of management should be avoided.

The next question is the question of limitation of dividends. The provision in the original Bill is that the dividend payable by new banking companies should be restricted to 9 per cent.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Narayan) in the Chair.

The Honourable Dr. John Matthai: Sir, when the House adjourned I was on the subject of limitation of dividends. The provision in the original Bill before the Select Committee revised it was that the dividends payable on capital by new banking companies should be limited to 9 per cent. that provision has been omitted by the Select Committee so that, as the Bill before the House now stands, there is no limitation at all on dividends payable by banking companies. The reasons for which the Select Committee took this decision are, if I may say so, sound reasons. They are mainly these. In the first place it is not a sound thing to have one kind of regulation in the matter of dividends of new companies and another in respect of old or existing companies. The result of such discrimination is that when it came to arranging for expansion of business, old or existing companies would be placed in an unduly favourable position and new companies would be placed at a disadvantage. (Interruption). I was saying that it was not a reasonable kind of provision to make that there should be distinction in the matter of the rate of dividends payable between new companies and old companies because it places new companies in an unfavourable position. The provision which existed in the Bill before the Select Committee revised it was that there should be a limitation on dividends to 9 per cent. in respect of new banking companies.

The second objection to that provision is this that there is really no reason why a distinction should be made between business concerns engaged in one line of business and business concerns engaged in other lines of business, that is to say, if you are going to tackle this problem of dividend limitation the problem must be considered with respect to the general practices in the country—it must be handled as a general problem, not as a problem relating to one particular class of concerns.

The third objection is, if the House is going to accept the Bill for limitation of dividends which is now under its consideration, then this question would be covered for a period of two years after the 31st December, 1950.

[Dr. John Matthai].

by the Bill which is already before the House, and during this period, therefore, it is somewhat unreasonable that there should be a special provision in regard to banking companies.

That, therefore, is the position regarding limitation of dividends.

The next important question is with regard to investment by banking companies in shares of business concerns. When I say "investment", what it really means, when you apply it to banking concerns, is not direct investment but loans or advances made against the security of industrial shares; the provision in the original Bill was that such investment should be limited to twenty per cent. of the issued share capital of the company or twenty per cent. of the share capital *plus* the reserve of the banking company. The Select Committee has restored the original provision of forty per cent. Now, forty per cent. is the limit laid down in the Companies Act with regard to banking companies. The provision in the Companies Act is that such investment should not be more than forty per cent. of the issued share capital of the company concerned. What the Bill does is to limit it to forty per cent. of the paid up share capital of the company, or forty per cent. of the banking company's paid up share capital *plus* reserve, whichever is less.

It is necessary to look at this question of limiting investments of this character from two points of view. From the point of view of a banking company it is an essentially sound thing that there should be some limitation of this character. I say it is a reasonable thing from the point of view of banking companies because otherwise you might find that where a banking company invests an unduly large part of its resources in a single industrial concern it is likely to affect, under certain circumstances, the stability of the banking company. So, from the banking company's point of view, there is no sound reason for a limitation of this character.

The question must be looked at also from the public point of view because if you do not have a limitation of this character then a position may arise where a banking company would be able to acquire almost a position of monopolistic control in regard to industrial concerns. Both in this country and in other countries we have had experience of the adverse consequences that might arise when merely financial interests acquire an undue degree of control over the industrial concerns of a country.

The reason why the Select Committee decided to restore the original limit of forty per cent. is this. In regard to the bigger banking companies, that is to say banking companies which have a very large number of branches scattered all about the country, from a purely administrative point of view it is a matter of very considerable difficulty to see that this limitation is adhered to in the day to day administration of the company. From a purely administrative point of view a limitation of that kind would be difficult to work. That is one objection.

Another objection is this, that if you have an unduly low and rigid limitation, then a banking company may quite conceivably find that although there are shares of first-class industrial concerns in which they may invest their funds, this limitation would compel them to leave these first-class industrial concerns out and invest in concerns of inferior standing.

Prof. N. G. Ranga (Madras: General): Supposing it is the other way about, and they go on investing in concerns of doubtful validity?

The Honourable Dr. John Matthai: Well, all that I can say in reply to that is this, that if you are going to have banking companies in the country under the present economic set-up you must assume that the people who are responsible for managing these companies know something of their business. Unless you make a certain assumption, it would be impossible for us to work through the existing economic machinery.

The next point to which I would like to refer is the prohibition of the granting of unsecured loans in cases where there is a common Director between the banking company and a company which asks for a loan from the banking company. The provision in the original Bill was that where there was a common Director between a private company and a banking company, the banking company would be prohibited from granting an unsecured loan to the private company. That question was considered by the Select Committee and they decided that that kind of prohibition would be unduly restrictive in its character. The result of that would be that the business of the private company in question would necessarily be diverted to other quarters. That objection applies equally to public companies. I may tell the House that at a certain stage in the history of this Bill a similar prohibition was sought to be enforced in respect of public companies also. It was left out, and it was considered then that the restriction should be limited to private companies. The Select Committee considers that even in respect of private companies the restriction would be unduly rigid. The provision now in the Bill as it has been revised by the Select Committee is that that kind of prohibition would now apply in cases where the Director in question is a managing agent or a partner or where the Director is himself a guarantor of the loan. In other cases, the prohibition would not apply.

There is a consideration of general importance which I think it is necessary for us to bear in mind in the present circumstances of the country, that is to say, if you are going to place restrictions of this kind on people accepting Directorships in banking companies, the result is likely to be that you would find it difficult to secure people of the necessary qualifications and experience for accepting the Directorship of banking companies. As a matter of fact, in the brief experience of industrial concerns that I have had, it has not been an easy matter to find people of requisite qualifications and experience of appointment as Directors of companies, and in view of the fact that there is a paucity, in the present stage of economic development, of men of that kind, a restriction of this kind, I suggest, in the public interest, would be undesirable.

Another question of an important character which is raised in the Select Committee's report is with regard to the Reserve Bank. Originally, there was a provision that whenever a banking company was to be liquidated, when there were winding up proceedings, there was a provision that invariably the Reserve Bank should be the official liquidator. That has now been dropped and the provision as it stands now is simply this, that it is only in cases where the Reserve Bank applies for appointment as official liquidator that the Reserve Bank would be called upon to undertake these duties. The reason for it is that at present there is not enough staff available to the Reserve Bank to undertake the functions of liquidator in all cases where winding up proceedings are started.

Similarly there was a suggestion, in the course of the discussions on this Bill, that in regard to the inspection of banks by the Reserve Bank these inspections should be of a regular character, that is to say, instead of simply applying this provision for inspection to banks when they are in trouble, the Reserve Bank should arrange for a regular inspection from time to time. The reason for that suggestion is that if the Reserve Bank arranges for the inspection of a bank only when the bank is in trouble, then it is likely to create panic. There is a feeling produced that the particular banks is in trouble and panic arises among the depositors. So the suggestion was made that the inspection should be a regular inspection. There again, the difficulty of staff arises and under present conditions, however much an arrangement of that kind may be considered desirable, it was found for practical reasons difficult to arrange for it.

[Dr. John Matthai]

There is just one more point to which I want to refer. I have given notice of an amendment that in all cases where the Government or the Reserve Bank or their officers take action in pursuance of the provisions of this Bill in good faith, they should be granted protection in respect of such action. That, of course, is a provision which occurs in many Acts of this kind. We have considered it necessary to introduce a provision of this kind into this Bill, because cases have arisen recently where legal proceedings have been started against Government and the Reserve Bank and some of their officers in respect of action which they have taken in good faith in pursuance of the duties which they are called upon to perform in matters of this kind, and personally I think it is a matter of great importance that that kind of protection should be afforded to Government and the Reserve Bank and their officers.

I think, Sir, I have covered the more important points which are set out in the report of the Select Committee and I have no doubt in the course of the general discussion and the discussion on the various amendments that there would be opportunities of discussing other aspects of the Bill which I have not been able to mention in the course of this brief introduction.

Mr. Speaker: Motion moved:

"That the Bill to consolidate and amend the law relating to banking companies, as reported by the Select Committee, be taken into consideration."

Shri T. T. Krishnamachari (Madras: General): Mr. Speaker, in supporting the motion made by my honourable friend the Finance Minister, I would like to make a few remarks on the report of the Select Committee. The House knows that I was a member of the Select Committee, and I am well aware of the fact that any criticism that I have now to offer on the Bill as it has emerged from the Select Committee should be related to suggestions made in the Select Committee which were either accepted or rejected. Sir, in his opening remarks, the honourable the Mover referred to the age of this particular measure. I would like to remind the House that the proposal for a banking legislation emanated in 1939 from the then Governor of the Reserve Bank, Sir James Taylor, and substantially, except perhaps with reference to the provisions which give larger power to the Reserve Bank to interfere in the monetary set-up of the country, the Bill to-day represents the suggestions that were embodied in the original proposals of the late Sir James Taylor. I am laying emphasis on this particular fact because I want the House to realise that while the world has moved very very fast during these ten years, and ideas in regard to monetary control by government and the type of machinery required by it to be at its disposal have undergone revolutionary changes, we are here considering a Bill which, in the main, was the product of an emergency that occurred in 1938, namely, the failure of a few banks which prompted the Reserve Bank to bring forward draft proposals for banking legislation. That I think is at once an apology and an explanation for bringing before this House a Bill which is, in my opinion, a measure which falls far short of the needs of the moment, and that is a point which I would like to develop a little further as I go on.

Sir, it has been my good fortune or misfortune, perhaps, to have been able to speak in this very House on more than one occasion in regard to proposals for banking legislation. I remember some time in the fall of 1944, a measure of this sort was circulated for eliciting public opinion. Again some time in April 1945 a measure of this nature was referred to a Select Committee, and on both occasions I participated in the debate. Certain suggestions were made by me; a few of which were incorporated in the Bill that was brought up later.

As the honourable the Mover rightly pointed out, this measure has gone through two select committees—something unique for any piece of legislation—before it came before this House. And honourable members will note that in many respects, or in some important respects, the Bill as it has now emerged from the Select Committee is perhaps a little more retrograde than what it was at the time it emerged from the last select committee, whose report, however, was not taken into consideration by the House.

Sir, if the House will pardon me for introducing a personal note, I would like to say that I am neither a person who has interests in banks, nor am I one of those persons who have large vested interests at stake. My only reason for trying to speaking on this measure is that I am a student of banking and allied economic matters and I thought I would be failing in my duty if I did not place my own views before this House and before the wider public, while a measure of this nature is under consideration.

Sir, after this preamble, I must say that I am not perfectly satisfied with the measure as it has emerged from the Select Committee. I have taken up a few points from the Select Committee's Report to indicate my disapproval and I have incorporated them in my minute of dissent; and if I am permitted, I shall be moving a few amendments in support of those points that I have made out in my minute of dissent. But now at this stage I propose to touch only on certain general aspects of this measure.

One important aspect of this measure which I would like to touch on is the question of liquidity demands made by this Bill as it has emerged from the Select Committee. In essence it has not changed in shape or form from what it was in the original draft which the House committed to the Select Committee. This question of liquidity of the assets of a bank is now being decided under conditions which will not obtain for all time to come. We are now supposed to be in a period of inflation when there is plenty of money, though it now seems to have come to a stage that the people who need the money are not able to obtain it and most of all, one institution which needs money—the Government—is not able to obtain any money. But at the time when this proposal originally saw the light of day, it was brought out because of a banking crisis, because of a definite difficulty felt by a particular bank which though it ultimately paid twelve annas in the rupee had to go into liquidation for the one sole reason that the Reserve Bank was not able to come to its rescue, partly because of the working of Section 17 of the Reserve Bank Act, and partly because the elasticity afforded by the provisions of Section 18 of the Reserve Bank Act was not made available to that institution.

Sir, normally the position of good small banks in this country is that they do not have enough money to advance to their customers at the time when it is necessary when seasonal demands are high. One might very well ask, "Why should we have good small banks?" In fact, this particular fact was brought to my notice very forcibly when the Select Committee received a deputation of bankers. I asked one of the members of that deputation whether he was satisfied that the percentage of liquidity that is sought to be enforced by this Bill was not on the high side so far as the smaller Banks are concerned as I thought he was aware of the position of the smaller banks, but he said, "It is all right". But the real fact is—I do not know what has happened in the previous select committee—this Select Committee has not called up representatives of the smaller banks to come before it and testify as to what they would like the liquidity conditions to be fixed at. Sir, undoubtedly friends in this House will speak about nationalisation and I shall have a few words about it before I sit down. But I do feel that the common man, the people in the country who need money during seasons for financing agricultural

[Shri T. T. Krishnamachari]

business and the marketing of agricultural produce, depend largely on the smaller banks and I do not know whether this banking Bill should not have been preceded by another banking enquiry committee which should have decided for us what type of banks we should encourage in this country whether we should encourage the unit type of bank or whether we should encourage banks with a large number of branches. Here in this country we have a very mixed system. The smaller banks, banks which more or less approximate to the unit type of banks have no part or lot in this particular measure and only the bigger banks are able to represent their cases before the Select Committee and before the Honourable Minister and they have a certain amount of say in the ultimate formation or shaping of the measure before the House. I think this is a matter which we should consider before long, as I believe the Honourable Minister thinks that the inflation has started going down the curve and we might very well be in the midst of a depression before long.

The Honourable Dr. John Matthai: May I explain? I do not think I have ever stated anywhere, even in conversation with my honourable friend that we are in sight of depression. It has never been my opinion.

Shri T. T. Krishnamachari: I stand corrected. I apparently read far too much from one or two remarks which my honourable friend was good enough to let fall. But that at any rate is the opinion of the Honourable Minister's economic advisers, I mean the advisers of the Finance Department. I find Dr. Thomas almost Cassandra like prophesying that before long there will be depression.

Prof. N. G. Ranga: There is economic depression in the countryside. Go and see it.

Shri T. T. Krishnamachari: My own feeling is we will probably have to consider before long whether the interest of the agriculturists, of the small man or small business will not be best served by encouragement of unit banking to which no encouragement of any sort is being offered in this particular measure. I have in fact suggested at one stage that the question of fixing the percentage of the liquidity of assets must be a matter which should be elastic and must be left to the Reserve Bank to settle and even vary in accordance with the needs of the time within the particular limits that we might fix in the Statute. In harping on that point of view I have this in mind that most of the agricultural operations which demand financing are seasonal and such business is of a self-liquidating nature because of the reason that the security offered must before long be sold and the money returned to the bank. So some such consideration would probably have been more suited to the requirements of the rural countryside. I do hope that some time may come that the Government of India, alert and alive as it is, will perhaps use its Ordinance making powers to make this alteration in the present measure to suit circumstances as and when they arise.

Sir, one other matter to which my honourable friend the mover referred and it is in regard to limitation of dividends. My honourable friend referred to another measure which this House has committed to Select Committee viz., the Limitation of Dividends Bill. I would ask for forgiveness if I make a reference to the content of that Bill which I think is very necessary in order to meet a particular argument which I have sought to import in my Minute of Dissent. My feeling was that the original Ordinance which the Bill that has gone to the Select Committee seeks to put on the Statute Book on a semi-permanent basis hardly fitted in with our own ideas in regard to limitation of dividends to be paid by banking companies. I refer to the Ordinance and not to the

Bill. The Ordinance merely crystallised the existing practice. It crystallises the *status quo*. I wanted to find arguments against this particular idea as being a check against that somehow crept into the authorities and I borrowed from the Library 'The Investor's Year Book' issued by Place Siddon and Cough one of the most prominent Brokers in this country and I went through the payment of dividends over a period of years for some selected companies. I found that in the main what the Ordinance sought to do was merely to crystallise the payment of dividends because if you take the Imperial Bank, the dividend for a period of years in the past has been 14 per cent. If you take the Central Bank after the war—they were very conservative before the war—I know I am speaking in the presence of the Chairman of its Board of Directors—before the war they were paying 9 per cent. and after the war they started increasing the dividend, and in any event even the quantum of dividend to be paid by the Central Bank even after the application of the Ordinance will not vary. So it seems to me that except in the case of Tata Deffereds which for a capital outlay of Rs. 30 often pays a dividend of five times that amount, if not more, where the variations have been phenomenal from 130 rupees and odd to 64, even where the present Limitation of Dividend Ordinance which now rules will afford the recipient of dividend a possibility of obtaining somewhere about Rs. 85 on a capital outlay of Rs. 30, I do not see that this Dividend Limitation is worth anything as an anti-inflationary measure. As I have great respect not merely for the experience but also for the wisdom and moderation of my honourable friend, the Mover, I felt that in justifying the elimination of the dividend limitation clause from the Bill my honourable friend was emphasising a fact which is not merely unsustainable but also unnecessary.

Sir, coming to this particular matter of whether dividends of banks should be limited or not, I think banking companies stand on a different footing from other companies. For other type or companies we allow large amount of freedom but for banks we don't allow. Why? One reason for interference by Government was said to be the protection of the interest of depositors. But, Sir, with the acceptance of the idea of monetary management which is the basis of Keynes's idea all the time—which he further elaborated in his monumental work on the General Theory, Governments have now come to accept the position that monetary management happens to be the primary duty of Government and I think that is perhaps the main justification for our having as Finance Minister a person of the type of Dr. Matthai with his considerable experience of economics and of management in business. This Government have accepted more or less the duty that has devolved on them of monetary management and we cannot have banks in the future, whether we nationalise them or not, which can do what they want, whatever might be the strength and influence of the vested interests who control them. It is not merely for the protection of depositors that control of Banks is needed which is an erroneous idea which has been given the go-by long time back. The banks have got to be controlled either by the Government or by its agent—the Reserve Bank—in various ways as a corollary to Governments monetary Policy which is the only justification for this elaborate measure before this House and it would be idle to-day to say that we are going to treat the banks on the same footing as any other companies and we are not going to permit banks to pay such dividends as we are permitting other companies to do because the foundation of the monetary policy of the Government will have to, to some extent, depend upon the interest paid by the banks for deposits and which again has some connection with the rate of dividend they pay to shareholders. Sir my honourable friend the Finance Minister will say—supposing I accept your suggestion and limit the dividend of banks to 9 per cent. what will happen to the share market? The price of the shares will drop. I say the price of the shares of the Imperial Bank,

[Shri T. T. Krishnamachari.]

Sir, dropped from Rs. 2265 last February to Rs. 1700 and odd this February. Was the Finance Minister of that time or the *locum tenens* who occupied that position during the middle period or the present incumbent able to defend and safeguard the interest of these share-holders? And I do not think any great disaster would have overtaken us if by our limiting the dividend to 9 per cent. the share value of the Imperial Bank the paid up value of which is about Rs. 500 has been brought to Rs. 1350 or Rs. 1400. Some people will suffer for the sake of large number of people. Any salutary measure of this nature where it fixes the dividend of semi-public organizations like a bank for reason of its stability and also particularly to discourage bankers from giving a larger rate of interest to depositors than what they ought to do so as to keep their income a little lower than what it otherwise will be, I think all these conditions require that limitation of dividend of banks must be undertaken, if not to-day at least to-morrow or the day after and I don't think it is any use saying that here is a Dividend Limiting Ordinance which is in operation and let us hear nothing more about dividend limitation. Let us consider the whole scheme in relation to private companies where risks are of a very much larger nature than that of banks where there is no Bill similar to the one that we are now considering which ensures stability and security of banks and where there is a perfect justification for limitation of dividends. Sir, one other point in relation to the body of the Bill to which I would like to refer is in regard to clause 19. Sir, I have had the advantage of hearing my honourable friend, the mover, explain why the recommendation of the previous Select Committee in regard to the fixation of the percentage of possible advances on shares of an institution was given up and why we have gone back to the original provisions of the Companies Act with the difference that he has indicated that exists between the provisions of the Companies Act and the provisions of this Bill. I do not think it is a very proper change. I would like to link this up with my criticism of voting rights.

Voting rights as they are conceded by this measure are: a person can have 10 per cent. of the total voting rights in so far as newer banks are concerned. We have known for a long time, in four or five years now, a number of Insurance Companies have changed hands and in every case where an Insurance Company has changed hands, it is linked to a Bank. (Shri B. E. Sondhi: "In every case?") "Practically in every case. I am not afraid of my honourable friend's challenge because I think I am a little better informed in this matter. (Shri B. L. Sondhi: "That is what you think a very much mistaken impression.") "Wherever an Insurance company changed hands, it was linked to a Bank. Whenever control of an Insurance company was sought to be obtained, the person who attempted to control had some kind of link with a Bank. In every case where an Insurance company came a cropper, there is a Bank somewhere there in the offing. I can tell him of an exception; I do not like to mention names; I know of two Insurance companies that changed hands without the aid of a Bank helping in the process. But that is an evil which this House is aware of which this House was made aware of times without number. A committee was appointed with an honourable member of this House, as he then was, Sir Cowasji Jehangir as Chairman to recommend ways and means of preventing this kind of fraudulent transfers and manipulation of other peoples' assets. Voting rights form an import part in this operation. You might ask me, supposing you reduce the voting rights from ten to two and a half per cent, what do you achieve? Cannot the owner of these shares get 20 dummies in order to achieve his object? I agree, Sir, that every provision that we make in this particular measure can be got over somehow by the introduction of some type of dummies. That does not mean that you should not make the business of

obtaining dummies more difficult. That is what we can possibly do; that is what human ingenuity can do. If people thieve, we prevent that by putting policemen to watch for them and we put the thieves in jail when they are caught. We will put a different type of policemen in this manner by limiting the opportunities for these people to manipulate the intersets of depositors and thereby interfere with the monetary mechanism of this country. I find no justification at all for the rejection of the idea that those people who seek to use the Bank's funds for purposes of their own, for disturbing the economy of the country, their opportunities must be limited. I do feel that it will probably be more proper for me to say that no person should have more than one per cent. of the voting rights. I am amazed at my own moderation in that I have suggested it ought to be two and a half per cent. and not one per cent.

That again links up with the proposition in clause 19 whether any restriction in the investment in the shares of any one company by a Bank is a wholesome restriction. I do not think it is going to unduly affect the business of this country by accepting the suggestion of the original Select Committee instead of changing it to what it was prior to that committee's report.

I now propose to deal with one or two matters of general interests before I sit down. The basis of this measure is that we are throwing an enormous amount of responsibility on the Reserve Bank. Oftentimes when we had asked for some more restrictions, some more enquiry, some more statistics, it was urged and the argument was appreciated by some of us that the Reserve Bank as it now is, is not in a position to undertake an enormous amount of responsibility all at once. Even so, the amount of work that we are saddling on the Reserve Bank, the amount of responsibility that we are asking the Reserve Bank to undertake in this Bill is something very immense. I would ask the House to remember that when we shove this responsibility on the Reserve Bank, we are shoving it on an institution which has been nationalised. The Reserve Bank has been nationalised in order to meet a cry that existed right from the day when the Reserve Bank was brought into being. I will ask my honourable friends who have been urging for the nationalisation of the Reserve Bank, if they have found any visible change in either the character of that institution or in its personnel or in its outlook. I do hope that in the future the Reserve Bank would have more influence than what it has been having on the Government of India. Reverting for a moment to the question of limitation of dividends, I would like to refer to a Book produced by the Reserve Bank, Report on Currency and Finance for 1947-48, where the Reserve Bank has referred to at length to the Banking legislation and has said; "The main features of the new Bill are as follows:" Item 5 in these main features is limitation on payment of dividends. I did hope that the nationalised Reserve Bank will have a little more control, a little more pull over the Government and over us who are either controllers of this Government or are being controlled by the Government, whichever way you take it, in implementing what it thinks as most wholesome. I revert again to the composition of the Reserve Bank and the responsibility that we cast upon it. Nationalisation has not made any change in the personnel; the personnel remains the same; naturally, it will remain the same. I am not, Sir, for one moment, referring to the appointment of the successor to the present Governor of the Reserve Bank. Perhaps, I might make some reference to it on the proper occasion. The successor of the present Governor will be judged by his performance. I would make a reference to a fact which has come into being. I am referring to the Constitution of the Board. My honourable friend the mover has constituted the new Board taking advantage of the powers conferred on him. To some extent he has preserved the old set up in order to provide continuity. He has also provided new blood. Sir, in order to make the

[Shri T. T. Krishnamachari.]

institution a live institution more alive to the needs of the country, to bring in more expert assistance to the Government which a shareholders Bank cannot provide. What is the type of new blood that is brought in? Old blood which will coagulate and ultimately produce thrombosis. I do not find a single economist of any standing, a single public man.

An Honourable Member: There is Shri Gadgil.

Shri T. T. Krishnamachari: Shri Gadgil is not in the Central Board, let me tell my honourable friend who interrupts. He is in the local Board of Bombay which has absolutely no powers whatsoever. The power of the local Boards have not yet been defined; as at present they have no powers at all. There is no economist, no man of any catholic outlook, not even labour leader. The new blood is in the form of old people whose arteries are getting thickened through which blood is running very slow, who are very near being affected by thrombosis. My honourable friends want nationalisation; here it is on a silver platter; take it.

Prof. N. G. Ranga: At least we are able to say this in regard to a nationalised institution. About his own institution, we can say nothing.

Shri T. T. Krishnamachari: I have one more word to say about the Reserve Bank as it is at present constituted. The functions that are cast on it are far more than I can bear. What is to be the type of Reserve Bank in order that it may shoulder those functions and more functions that we would seek to put on it? I am not a conservative. As I said, I do not believe in theories propounded by vested interests. I believe in change and I believe in experiment. I do not believe in what my honourable friend says who is sitting in the front opposition Bench who asks this Government not to experiment with new sociological ideas.

I want this Government not to experiment with sociological ideas. I want them to embark on them. And therefore, Sir.....(Mr. Homy Mody: "Heading towards insolvency!") If my honourable friend will be audible enough I will be able to convey my own reply to whatever remarks he has to make. But he is not audible.

The point I want to urge is this. We are either committed to an enormous expansion of the Reserve Bank so that it might fulfil its functions properly not only in so far as this Bill lays on it but also take up the monetary responsibility that will be cast on it, or to make it take over an institution which is performing some of the functions that the Reserve Bank has to undertake and seek to integrate it into its own so as to provide a very necessary apparatus in the hands of the Honourable the Finance Minister in order to control the monetary mechanism of this country. Though my honourable friend might hold other views, when the Government made that slip, that false step in rationalising the Reserve Bank, which we all know means nothing, which we all knew would mean the appointment of another civilian as a Governor and which we all knew meant the continuing presence of vested interests in the Directorate, when the Government made that false step, it committed itself irrevocably to the principle of enlarging that particular bank and also making it imperative for the Reserve Bank to absorb the Imperial Bank either today or tomorrow and make it a nationalised institution. To say to-day that the State should not interfere with commercial banking is saying something that is entirely out of date. The State has to interfere in commercial banking. In certain respects it does and this very Bill seeks to enlarge the scope of that particular type of interference. If my honourable friend will to-morrow seek to expand the Reserve Bank so that it may have 400 or 500 branches undertaking the Treasury duties of the various Provincial Governments, seeking to provide transfer of monies where necessary, and undertaking the full responsibility that

this Bill and other Bills that will come later on will impose on it, well I am perfectly willing that the Imperial Bank be left out of ken and I am even willing for it to go out of existence. The alternative is for the Government to shake off its present inertia where the question of the Imperial Bank is concerned and make it an adjunct of the Reserve Bank or make it an allied institution so that the Reserve Bank work may become more efficient, so that the Government's policy in regard to monetary control can be more effectively implemented and so that this Banking Bill can become something very real.

I would like to mention a particular lacuna in this Bill, which is partly due to the fact of the constitutional set-up, and partly due to the fact that we have not courage enough to expand. Sir, the so-called non-Scheduled Banks have been left out of the orbit of this Bill more or less, except the control that the Reserve Bank may impose on it and the general provisions regarding banking business contained in this measure. We have one of two methods open to us in dealing with such institutions. Either we make all joint stock banks raise themselves to the level of a Scheduled Bank, namely that they shall have as their capital and reserves something to the tune of Rs. 5 lakhs—and this is not an impossibility—so that we shall not have the non-Scheduled Banks; or we must perhaps change the scope of this measure later on.

The other type of institution which wholly goes out of this measure are the private moneylenders. Sir, we cannot legislate for moneylenders because money-lending and moneylenders happens to be a provincial subject. But I do wish that the Government in consultation with the Reserve Bank would formulate a draft Bill for the use of the Provincial Governments—a draft Bill that is capable of uniform application in all provinces—which will provide a sort of adjunct to this measure which we have before the House today, which will seek to control private money-lending and moneylenders. My own view is that private money-lending must be put an end to. But it may not be very wise to do it because we might be withholding from those people, who are otherwise not supposed to be credit worthy the only type of credit that they get.

The compromise that is open to us is what I have mentioned. I would request the honourable the mover to get in touch with the Provincial Governments, seek their permission, and then get a move on with the Reserve Bank and put out a draft Bill for controlling money-lending and moneylenders.

I am laying stress on this particular aspect of the work we have to do in an advisory capacity, because of the influence the Central Government has because I see that interest rates are rising for those people who need money badly for their seasonal operations. There is no point in the Government saying that we are going to stick to our cheap money policy while they allow the moneylenders to lend at twelve per cent. or more as it might be if the present conditions persist in the rural areas. So the Government of India have willy-nilly to exercise some control over private lending and the rate of interest at which they lend if they are going to maintain a cheap money policy. We cannot have control at one end and absolute freedom to do what people like at the other end. So action in this direction has to be taken before long. If necessary, the Government of India must arm itself with powers in order to interfere in an emergency, because we cannot control one aspect of the monetary mechanism and at the other end leave quite a lot of it out of the scope of our control.

An old story which I would like to repeat here is this. Here this Bill gives a lot of powers and lays a lot of duties on the Reserve Bank. But it is not helping the Reserve Bank to go easily to the aid of institutions that need aid. I remember, Sir, in September 1947, due to the conditions obtaining in the

[Shri T. T. Krishnamachari.]

Punjab, where banking has developed to a very large extent, the Government of India promulgated an ordinance using the provisions of Section 18 of the Reserve Bank Act to allow the Reserve Bank to come to the aid of the small banks and here their report on Currency and Finance for 1947-48 says that the ordinance lapsed because it was felt that no one took advantage of it. Very possibly, the ordinance was there in the Statute Book and no one knew anything about it. Nobody was encouraged to take advantage of it. I would rather incomplete that the Government took steps to amend the provisions of Sections 17 and 18 of the Reserve Bank Act and make a thing like that ordinance an ordinary feature of the Reserve Bank Act rather than make it a temporary feature. The present provisions of Section 17 of the Reserve Bank Act make it difficult for the Reserve Bank to go to the aid of particular banks unless the Bill habit develops in this country to an appreciable extent. But it has not, even though it is more than twelve years that the Reserve Bank had come into being. So the provisions of Section 17 are virtually a dead letter. So long as the Bill habit is not developed, the provisions of that section cannot be taken advantage of. It was thought some years back—because I do believe the Governor of the Reserve Bank sent out a draft Bill for approval in regard to public warehousing—that people could deposit their local produce in such warehouse and the receipts granted by the warehouse keeper would be a negotiable security which would help to develop the Bill habit. Nothing has been done in this direction. We have no public warehouses today. The Bill habit has not developed in this country and therefore the provisions of section 17 are a dead-letter. If we lay certain obligations on a particular type of banks, we must lay some obligation on the Reserve Bank to go to their aid in the time of need. The position of the banks in Bengal during the last six or seven months has been highly deplorable. They are in a terrible condition and it may be that if we ask the Reserve Bank of India to interfere and go to their aid now we will probably be asking it to throw away some money. It may be that if the provisions of Section 17 are liberalised the Reserve Bank of India might be able to help. If the bill habit is not there, what has this Government done to foster the habit? They have not even started the warehousing scheme. I feel that as a sequel to the passing of this measure the members of the House will become alive to the necessity on the part of the Government amending the Reserve Bank of India Act and in fact stream-lining it.

We passed a measure the other day tinkering with a few provisions of the Reserve Bank of India Act, so as to make it a nationalised bank. We have not studied the working of the bank, we have not taken into account all the limitations operating in the working of the bank, we have not taken into consideration all the failures of the bank nor sought to amend the Act in the light of experience gained. I feel that an enquiry can now be instituted (and it would be very useful) not only into the working of the bank but also into the working of the general banking system of the country. I do not say that it should be something of the nature of a royal commission that sat about 18 years ago but a smaller enquiry committee at an expert level would perhaps help us not merely to revise the Reserve Bank Act but replace the measure that is now before the House, which within the limitations of my own capacity I have sought to make out as being highly imperfect.

There are many other matters relevant to the motion before the House that I could say. I know I have exhausted the patience of this House by trying to speak on a very very dull subject which would interest very few and having in mind my own limitations in regard to my powers of exposition. But before I sit down I should like to mention only one matter and that is with regard to bank employees. We are here enacting a banking Bill but what about those people who serve in those banks? I am not a labour leader but I have times without number come across cases where employees of banks have protested against the conditions under which they have to serve. Bank strikes are not un-

known. I believe there was a strike sometime back in the bank that is controlled by my honourable friend, Mr. Mody. There was also either a strike or a threatened strike in the Reserve Bank of India. The Reserve Bank was able to lay down certain terms and conditions in regard to the wages to be paid to its employees. These may not have been very liberal but in comparison with the type of wages that exist all over the country I think the Reserve Bank's fixation of wages is fairly reasonable. I feel that that ought to be made the model for all banks. If anyone says that the smaller banks cannot afford to pay the same rates then there is no reason for them to exist. Let them hand over their business to bigger banks and go out.

There is another aspect of the matter which I would like to bring to the notice of the House. Whenever there is a dispute between the bank's employees and employers the provincial governments interfere. I believe there is some such thing now in the offing so far as the U.P. Government is concerned. They try to fix the wages often times in an arbitrary manner. Banking is a central subject. We legislate in regard to the very many provisions of ordinary banking. Should we not tell the banks what they ought to do in the matter of the wages paid to its employees? I think it is only fair that we should also tell the banks what they ought to pay to their servants. I do feel, though we need not put it in this particular measure, that the Central Government should use its enormous influence to bring to bear on banks generally through the medium of the Reserve Bank the necessity of their providing decent living conditions for their employees and also intimate to the provincial government that the Reserve Bank's advice might be sought in any arbitration of this nature. The final say in the matter of fixation of wages should be left to the Central Government or to such agency as the Central Government might employ to advise the provincial government in this matter. Some kind of coordination is necessary, because banking has developed to an enormous measure. What is paid to an employee by the Central Bank in Bombay I do not see why it should be refused to the Central Bank's employee in Madras or in Cawnpore? (An Honourable Member: "because of the difference in the cost of living.") The difference in the cost of living in urban areas all over the country is practically next to nothing. The urban cost of living in Bombay, Madras and Calcutta is more or less alike today; thanks to our policy of price control the cost of living is more or less alike. With perhaps a little variation here and there in regard to the dearness allowance, the basic wages in all types of bank employment should be made practically the same to all bank employees all over India. I do hope that the Government would move in this matter.

I have given notice of one or two amendments and if I am permitted to move them I shall make a few comments in addition to what I have already made while speaking to these amendments. As it is I feel that this is undoubtedly a good measure so far as it goes but it does not go very far. Sir, I support the motion before the House.

Prof. K. T. Shah (Bihar: General): Sir, while congratulating the Honourable Minister for the lucid exposition that he has given us of the various changes made in the original Bill by the Select Committee, and also his references to the purpose which the Bill is intended to serve, I regret that I am not able to take the view of the fullness and comprehensiveness of the measure that the Honourable Minister would like us to take.

Difference of opinion with the powers that he has become so characteristic of me, and minutes of dissent have become unfortunately so common, that it has almost become a standing joke with those who happen not to agree with me or who even agreeing are unable to support me openly. As, however, I have not developed any very considerable hump of modesty, I am not discouraged by the open or concealed innuendo sort of ridicule that has been showered upon me or thrown at me from time to time. (Shri H. V. Kamath: "Not ridicule.") Thank you very much. I am however inclined to remind the House that it is

[Prof. K. T. Shah]

the fate of those (and I may say it in all humility) who are somewhat in advance of their time, or who have the misfortune to differ from a majority of the fellows, to suffer misunderstanding, if not ridicule. But as my back is broad enough to bear all that I have never been deterred by ridicule or misrepresentation.

Sir, it is a word of wisdom, or at least world's wisdom which says:

यद्यपि बहु लोकविहृदं नाचरणीयं नादरणीयम्

I feel that even if, for the time being the majority is not with me, there is no reason to fear that in course of time perhaps the eyes even of the majority may be opened. I for one feel that though I am unable to carry my colleagues, whether in the Select Committee or in this House, with me on important matters, and though I have no means of judging at this moment the majority sentiment in the country at large, may I assure the House that the majority will be with me ultimately, if it is not so today. I have therefore no hesitation in placing before the House some of the salient points on which I have been compelled to disagree with the majority in the Select Committee, and in which perhaps I may have the misfortune of finding even this House not quite sympathetic on those issues.

Sir, My task has been rendered very much easier and simpler by the very comprehensive review that my honourable friend, Mr. Krishnamachari, has placed before you, of the measure as a whole. And if one may offer a compliment without being presumptions, I do feel that Mr. Krishnamachari's review touching on the salient features, and even the weak points of the measure was far more searching and comprehensive than was done by the Honourable Dr. Matthai, without meaning any offence to the sponsor of the Bill. I may have to repeat some of his arguments, though I will try to do so from a different point of view so that the House may not be wearied by mere repetition.

I have also to offer an excuse of the kind that Mr. Krishnamachari himself has offered, that is to say, I am not myself concerned directly with banking. I am not a banker—thank God—and I am not accustomed to seek favours of bankers. Sir, it has been very aptly said that if you wish to misunderstand a country entirely go to the man who has been twenty-five years in it. That was with regard to the foreign bureaucracy which ruled in this country, and the remark was made by one who was a life-long critic of it. May I say that those who are directly and daily concerned with the routine of a business like banking are bound to take, unavoidably, without the least *mala fide*, a narrow or restrictive view, a routine view, of their operation—may I say, a purely traditional view—which may not be in the wider or long-term interests of the community they intend to serve. I am not at all challenging or impugning the *bona fides* of our banker friends in this House, or those who have had some interest in shaping the Select Committee's Report. Unavoidably they take a view of the purpose of the institution, of the functions of the institution, of the eventual objective that the institution is intended to serve, which is really not always in consonance with the long range interests of the country as a whole. Accordingly, those who have made it a life-time study of the business of banking, or viewed it from a somewhat detached standpoint considering the root, the theory, as well as a examining the practice, may claim to have a broader and wider outlook than those immersed in the daily routine of the business narrowly conducted.

Sir, I claim a certain advantage in this respect, not only because I have been a life-long student of such problems; but also because, in the last ten years or so, I have been connected with the National Planning Committee, whose function had been to plan for the country its economic life in all its items, all its aspects and stages. That has compelled me, even if I did not want, to take a comprehensive and co-ordinated view of the entire economic life of the country which those who specialise and who confine themselves to single objectives

may not have. It is no very great merit I admit; but it does compel me to place before you the matters from that angle which those who consider our banks and banking by themselves are perhaps unable to do.

With this apology, Sir, I would now proceed to the specific points which I would like to place before the House, from the particular angle from which I think they ought to have been viewed by the sponsors of this measure, and by this House. In the first place, this Bill claims to be a consolidating and an amending measure. But I fail to see what it consolidates and what it amends. So far, at any rate, as the various types of banking are concerned, this Bill gives a cold shoulder to most of them, confining itself almost entirely to the commercial type of banking. This, may I say, is not necessarily quite the indigenous, the native or the natural type of banking which we should want to have, which we should develop, and encourage.

As regards the various improvements necessary in the law for making banking serve the deeper purpose that all banks, and, for the matter of that, all Utility services should aim at,—I am afraid the Bill as it has emerged from the Select Committee leaves me entirely cold. In a few moments I will try to place before you the reasons why I consider that the Bill has failed in its own claim in the very title and preamble with which it comes before this House. The Bill neither consolidates nor amends the law as it should have done and as it claims to do in the title and the preamble.

In the first place the remark has already been made by my honourable friend Mr. T. T. Krishnamachari, with regard to private money-lenders, and with regard to those private bankers, who, without calling themselves banks, or who without being organised as joint stock companies, are still carrying on the business of banks, who are not included in this Bill. I for one do not see why that part of the banking business of the country, involving such a very considerable amount, should have been left out of the purview of this legislation.

If the proposed legislation is to safeguard as it claims . . . (Shri B. L. Soudhi: Is that not a provincial matter?) If you have a little patience I will give an answer to all those points. The question with regard to the constitutional difficulty appears to me to be over-ridden and exaggerated. After all what is the Constitution? We are making it for our country now. If at that time, this kind of objections are thrown at us as so many reasons for not doing something, the proper thing, then we are not discharging our duty in the matter of the Constitution.

If it is a veritable or genuine difficulty, which is found in the basis of our life as a nation, then the Constitution-makers should take note of it, and try to devise ways and means to overcome it. But if your difficulty is only a formal one, a mere obstruction, then I will not take any notice of it. My honourable friend Mr. T. T. Krishnamachari has suggested that it is possible to circularise the Provincial Governments to make an arrangement and by agreement *suo motu* as it were by our own authority as the Central Government in this country for having a comprehensive co-ordinated legislation of the type this Bill pretends to be. The argument, therefore, about its being constitutionally barred does not prevent such an arrangement. Even though they may perhaps be left out simply as mere money-lenders, I do not see why, for instance, the so-called shroffs who do a good deal of banking business proper, banking business as defined in this Bill, banking business as it should be done, and which was natural and indigenous to this country, are left out, and must be left out. What is more, if the provisions of this Bill are hedged in, with so many controlling, supervising, checking by way of amendment or improvement in the measure, then it would be to the interests of those who want to take the cream out of this business without running the risk of being brought under control, of being brought to book by the Reserve Bank or by Government. It would be the simplest thing for them to say that they will not organise as a banking company so that they may escape the which those who specialise and who confine themselves to single objectives

[Prof. K. T. Shah].

operation of the law, and yet get all the benefits of the banking business for themselves. I feel very strongly that banking, which is a great public utility and social service, should not be left at the mercy of predatory beasts of prey and private entrepreneurs who think more of their own interests, and not of the interests of the community they serve.

Even the pretence of helping the depositor is only a pretence as I shall show a little while later. Those who think, therefore, of banking as the preserve,—the exclusive preserve,—the close preserve,—of private proprietors, or the shareholders as they are called in companies, do not appear to me to be really serving the interests of the country. They do not seem even to understand the true nature and the real function of a bank, if it is to be a real social utility service and not a predatory trade which many banks are doing. I, therefore, think the shroff and the private banker should be brought under control, if you really have the interests either of the depositor, or what I think is still more sacrosanct, the interest of the community and the unborn generation of the country, at heart. This Bill does not do so.

This Bill is therefore radically defective, and untrue to its very title, preamble and pretension with which it has come before the House seeking support. In the past a good deal of legislation was passed by the Central Legislature which affected not merely Provinces, but States which were outside the competence, theoretically speaking, of the then Government of India. Nevertheless, very often the same object was achieved by agreement. Why should it not be done now? If that was the real objection. Tell me that this is not an objection but an obstruction, and I will accept it. But don't raise obstacles, and make bogies out of things of the very nature of which you are ignorant, and try to prevent the progress of the country, the development of our unknown resources, the realization of our potentialities which a bank is supposed to help in achieving and which this legislation will not allow the bank to achieve. I am, therefore, placing before you some of the items on which this legislation is, to my mind, fundamentally defective, and as such the matter should be referred back to the Select Committee or some other Select Committee.

Incidentally, Sir, may I take one remark of my honourable friend Mr. Krishnamachari, as regards a previous survey by an expert Committee of people familiar with the business and its nature and purpose, to advise us before such a legislation as this could be brought up. While agreeing in principle with him, I am afraid his own remarks in another connection in the same speech will show if not the futility, at least the inadvisability of a suggestion like this. While speaking about the nationalised Reserve Bank, and the Directorates he asked for incorporation of some new blood in it; and gave before the House some very interesting examples of the type of new blood and the type of new objectives a nationalised banking institution should have. It is, of course, not the fault of nationalisation as a principle—which I guess my honourable friend realises and accepts;—it is the fault of those who have power in their hands but who may not have perhaps the appreciation of the nature and the purpose of a nationalised Bank Directorate, that they cannot see the ways and means of choosing the proper personnel if the institution is to have really new blood and a new orientation. If this be true the Committee also may run the same risk. After all, it would not be for Mr. Krishnamachari to suggest either his own name or mine for composing the Committee. Therefore, he will have to be refuted by his own words. "After all", they would tell him, "you asked for a Committee, and we have given you one". And as a friend of mine told me on another occasion while we were having the food debate recently, a committee is the surest means to postpone, to defer and shelve very important issues. If that is the objective of my friend—and I am sure it is not—then I cannot agree with him. But if a genuine committee of people who really can

serve or are competent to do so, is appointed, then I do think a suggestion of this kind for vetting the measure is necessary for preparing the material, and placing it before the House if all the aspects of the proposal and of the objective with which it is brought are to be properly carried out.

Sir, I look upon this proposal not merely as an incident in our daily routine, I look upon this proposal as a great, organic measure of national development, which it would be really a pity if we were to scamp, if we were just to pass through in a hurry, and if we were merely to consider matters of party loyalty and discipline alone not of the greater loyalty to the country and its unborn generation as well. From that point of view, Sir, I offer no further apology for the arguments I am going to advance against the report of the Select Committee, and in support of the view I hold that the matter should be referred back and the report be rejected.

Our Constitution has provided, and that clause I believe has been passed, that "untouchability" in every form is abolished, and the practice of it in any respect is to be made a crime. Now, Sir, I fear that we are developing a new type of untouchability or even an "unspeakability", and that is against the Socialists and much worse the Communists. If any measure is to be even in the remotest degree thought likely to be socialistic, or if any speech is thought likely to be socialistic, you just say, "That fellow is a Socialist, and no more consideration should be given to whatever he says". That is precisely the type of argument of those who are bankrupt otherwise, and therefore they need not be listened to with any greater respect than they would like to show to those who have the misfortune of differing from them.....(Interruption) Wait worse is coming.

I would now like to pass on to not only the objectives of the Bill, but the object of banking in general. What is banking intended to do? I put it forward—and you can laugh me out if you like as a mere student, as a mere theoretician—that there must be at least four cardinal objectives that a proper banking organisation of the country should try and achieve. I shall place them before you in, so to say, the reverse order or the order of ascending merit. There is in the first place the economy in ordinary currency, I mean metallic currency, the mere barren money material. The more we lock up the capital resources of the country in the barren money materials, the worse it is for us. A bank is an instrument, the bank is an institution which tries to help you to economise money. In fact, in the previous century the greatest possible emphasis was laid upon the bank's function to economise money material, to devise methods, to devise instruments, to devise ways and means, by which excessive use of metallic money could be avoided. Its function as a store of value, the miser's hoards which used to be piled up in days before banking came should be avoided, and the lifeblood of national economy should be available for better use.

Now, I find nothing in this Bill which would justify the pretension, or support the claim that this consolidating measure spoken of in such high sounding terms, is going in any way to assist us to economise money. I realise the fault now lies not with the Bank. I hasten to add, that this function of economising metallic currency, is not now left with the banker, or left in a very small measure. It is the Government who have taken over the function of regulating metallic money in circulation,—and, with what success you know, regulating prices of commodities or the prices of money in terms of commodities. That, however, may have in course of time become a somewhat minor function. But a second function which is no less important is that of organising mobilising, and utilising credit.

[Prof. K. T. Shah]

Credit, Sir, is the undeveloped wealth of the country, which the bank anticipates and provides as ready cash or capital to those who will use it in a more productive, more constructive manner, so that the process of production may not only continue, but that process may intensify, and new wealth may be introduced in the body economic, which, without the assistance of such new blood, so to say, may be lacking.

Now, here again, I find that any kind of new ground being broken is lacking in this Bill. Any kind of an impetus, of a spur to new devices, new ways, new methods of anticipating future wealth, utilising it in advance, so to say, so that before you feel the need this wealth is available. The sinews of war—if I may use a somewhat discordant phrase in this connection—must be made available and the economic machine may be kept functioning most smoothly.

This, Sir, is a tragedy due to the fact that banking is in private hands. Banking being in private hands, either the Banks try to be unduly conservative and go only in those places where they are sure of the cream for themselves and the other substances that arise from banking. But what is more, they are afraid; they are cowards, who will not tread the unbeaten path and therefore new developments, new directions in which the country's future lies, will not be tried by them.

Shri B. Das (Orissa: General): Can you give us a concrete example?

Prof. K. T. Shah: I am not confined to tradition or convention; and therefore, if I cannot give any example to satisfy you just now, it isn't that I do not know them, it is that they are not worth quoting.

My stalwart friend, Mr. Das, in his fervent support of the private enterprise is, of course, very willing (*Shri B. Das:* "For the nationalisation of the Reserve Bank I wanted all credit to myself.") Thank you, very much. You are an unexpected ally, and I am very grateful. I hope you will also support the nationalisation of all other industries, all other utilities all other services in the country, so that we shall all be socially happy, no one to prey upon his fellows, none to exploit them. I am glad about the conversion of my honourable friend Mr. Das to a noble purpose, namely, Socialisation, and I hope that all Insurance companies, all shipping companies, all transport companies, and all electric companies will be nationalised.

If we confine ourselves to the proper purposes and real functions of banking, or the service which the banks are intended to render, then the most important thing the Government should not overlook is that function of the Banks which pertains to the development of future resources. We have, Sir, received banking as a heritage from the British regime. That regime was very much more concerned with commerce, export and taking away the life-blood of this country, as it were, rather than the development of its resources. The greatest aim or purpose for which the British in the last sixty or seventy years ruled and dominated this country was to get the utmost advantage for his own strength, and ignore or neglect the economic possibilities of this country, itself.

This could be achieved only through trade. Trade and commerce was made by them the essence of banking, forgetting that a much more important role of Banking lies in a far more constructive direction than a mere exchange of commodities. National economy, unfortunately under influence of British rule and the peculiar exigencies of British economic life, had been made to appear as though it was always operating for exchange. I unfortunately hold heretical views on the subject namely, that national economy should be for use, production should be for use and not for exchange primarily. To take the view that the purpose of Banking is merely commercial, that is to say, taking the money of the public and investing it in short-term securities, not producing therefrom anything by way of new wealth, but just facilitating transfer from

the producer to the consumer, and to think that that is the only type of banking, I say this is a view which I am unable to endorse. That is a view which has come to us from the British owners of this country; and because of that we have been so obsessed with it that our entire out-look has been dimmed, our vision itself has been clouded; and after fifteen months of national independence we are unable to get out of the mould which they had prescribed for our thought. I know our education has been inspired, dominated, and guided by their own objectives; and our very mentality itself is such that any kind of new thought is regarded as something terrible, something untouchable, something that should be avoided. Therefore, my respectful submission is that, although the Chairman of a great banking corporation of this country may regard it as very much revolutionary, I think sooner or later it will have to be dealt with, and I suggest that it be dealt with sooner rather than later.

The next function, apart from mobilisation and utilisation of credit, is the mobilisation of the available capital resources, and their employment or proper utilisation. Deposits are supposed to be so much savings; in the last analysis, surplus of production over consumption, which those who own them are able to bring forward and try to secure safety with some productivity, productivity not coming by the mere fact of deposit but arising because of accepted or implied utilisation of these deposits in productive channels of new wealth. That is a function again which this Bill seems to be utterly innocent of. It does not try to devise and develop the wage and means by which you can utilise, mobilise and intensify savings, the utilisation of which in productive channels would be one of the greatest services to the community. But, as I have said, the whole business is conceived in the spirit of the beast of prey; it is not the philosophy of service, of being useful to the fellows. Naturally, therefore, they do not want to go into these paths, which may quite possibly be dangerous. In fact, they would like to have a totally different corporation. Take the Industrial Finance Corporation, which will do nothing beyond endorsing those securities or helping industrial securities of a particular type or what the court may approve. Neither in agriculture nor in new or developing industry will the ordinary commercial banker dare to go; and, not going there, he naturally leaves those channels barren, unproductive and unused, and we are perpetuating that system by this Bill.

We are also not doing anything to make this unused capital not only available in a very full measure, but make it available so that it is really useful. Whether or not there is a depression on the horizon, whether or not the Finance Minister has that in the back-ground of his mind or on the tip of his lips, I do not know; but I do know this that as long as your business will not utilise the available capital resources of the country in the shape of savings or deposits, as long as your legislation does not enable them to do so, as long as your legislation does not spur, as it were, the process, you will have always the danger, and the risk of falling into periodical depressions. Today you may be carried with the tide in an upward swing, and go into shares or stocks or securities ten times their ordinary value. Tomorrow you may find that, by some trick of the turn of the wheel, or by some mischance of the management perhaps, also sometimes by some fault of the Finance Minister in proposing tax-enhancements, your securities going down five times or four times or one time, whatever it may be. That ought not to be the case in, may I say, a properly planned and organised society? These ups and downs, these vicissitudes, these risks of ordinary business should not occur if your society is scientifically planned, if your legislation is properly framed and if your entire industrial system is working in a coordinated manner.

And that brings me, Sir, to a little diversion.

Mr. Deputy Speaker: Has there not been sufficient diversion already?

Prof. K. T. Shah: Diversion not on my speech; diversion may be amongst the members. But so far as I am concerned, I am innocent of any diversion. I won't call it diversion; I may call it a lecture, if you like, a professorial lecture, and if that entertains you, I shall be most highly rewarded.

Now, the purpose of legislation is using that which is, that is to say to conserve it and also to protect and maintain it on proper lines, upto a proper standard so that, by legislative protection, help is given to that which conserves in the best manner possible. Then there is another kind of legislation which indicates the line of progress, which is a sort of guide-post for the road we have to travel. Without being dynamic or revolutionary, it may nevertheless be progressive, so that not only does it give a protection or safeguard to that which is, but also indicates that which should be. And the third kind of legislation is frankly reforming if not revolutionary. Now, there is a legislation which I am afraid is not merely protective or safeguarding that which is or even indicating that which should be, the promotion of that which ought to be. I have my doubts if it is also sufficiently conservative of that which is. All that it does is keep to the beaten track. Here and there it makes a patch; work of change, and calls it a consolidating and amending Bill. I regret I am not able to see the utility or justification for that title. Lastly Sir, I come to that function of banking, which is the consequence of all the three that I have mentioned, the active, direct assistance for promoting the economic life of the country, both in production and distribution, as well as in the organisation of the normal life of society. Here again, this Bill is surprisingly—and I advisedly use the word surprisingly—lacking in any kind of hint or note for the progressive utilisation and realisation of our potentialities. Sir, in all these respects the Bill fails. In none of these respects does the Bill do anything by way of consolidating the law, or co-ordinating the various types of banking. And I for one do not see how we can justly regard this as a consolidating and amending measure.

Let me now come to certain individual provisions of this measure, to which also reference must be made in this general discussion. It is intended to confine this measure to a particular type of banking. But in that type will be included, and I think included with a certain degree of immunity, the so-called Exchange Banks which are of foreign origin, and which are taking the best business of the country even to-day, and which have been in the past the source of the utmost possible denial of the possibilities in this country. These Banks had a monopoly of exchange business, and they thrived on our resources, and nevertheless insulted us by not accepting as collateral the insurance policies of Indian insurance companies. These Exchange Banks, I am aware, will have to come under what is called the "Licensing" system. But I for one at the risk of being called very narrow-minded or parochial in my outlook, do not see why banking business of this country which is a great public utility service, should not be confined only to those companies or organisations registered in this country. I do not see why we should continue to have this soft corner, this indulgence—to call it nothing worse—that this Bill shows to foreign enterprise, and which perhaps many of its sponsors feel for the foreign capitalists. I have never concealed my view that the foreign capital as such may not be objectionable. But the foreign capitalist, and the influence he brings with him, are very objectionable.

I object to capitalists of every nationality, including our own but a foreign capitalist is still worse. Your own capitalists you may declare as

offenders against the public safety, and deal with them prescribing any punishment from a sentence of detention till the court rises, to the ultimate penalty of the law. But the foreign capitalist coming to us is a very dangerous commodity. As such, I feel that the Exchange Banks which are the head and front, as it were, of the foreign capitalist in India should be brought in one form or another within the scope of a consolidating legislation of the type that we are bringing in.

Exchange Banks, Sir, do a lot of business with Indian resources; they do not bring such capital from outside. I do not have here with me exact statistics to tell you what proportion of our trade is done by the foreign Exchange Banks in our midst. But I believe from the statistics that I have got that quite a fair proportion of their resources are collected here, comparatively very little being brought from outside; and they do the greater proportion of their business from those resources. Yet, under the terms of this Act, we are not able to control and supervise their working, except in connection with this licensing? Sir, the conditions under which the Licence may be granted can easily be satisfied, without the business of the foreign Exchange Bank being in any way prejudiced. And the Indian bank cannot get the share of the business that it is by right entitled to have.

Sir, there was a time, and not so very long ago, but in the memory of many of us here in this House, when it was regarded as a cardinal principle of policy that Coastal Shipping at least should be reserved to Indian ship-owners. And if I am not mistaken, Mahatma Gandhi in his celebrated Eleven Points, at the time of the Salt Satyagraha, made this as one of the cardinal demands—I mean the reservation of Coastal Shipping for the ship-owners of this country. Foreign Exchange banks are on a par. In my opinion, Sir, Exchange Banking should be reserved exclusively for the banks owned, and manned, and controlled in this country by its citizens.

That being my view, I find one of the biggest defects in this Bill is in regard to its reserving or confining itself only to commercial banks registered in this country, with only a mild dose of Licensing. It is thought that this particular clause relating to Licensing is likely to help to control business of a certain kind among the Exchange Banks.

But that is not enough. Sir, if exchange banks are genuinely working in the interest of this country—which I do not believe, but many foreigners say that they are here for our good—then why don't they register themselves in this country? There are many other industrial concerns which have done this. There is the Imperial Chemicals (India) Ltd., which, for securing tariff protection, passes off as Indian. What is the reason, what is the Exchange Banks superiority over Indian that they should remain outside the control of the law, that they should refuse to be registered in this country. Why should we be obliged to make an exception from our consolidating and comprehensive legislation in regard to banking in general? Why we should make an exception of them, I fail to understand. When the proper time comes, I will table an amendment that this law should apply to all types of banks in this country, amongst them being included Exchange Banks.

Another omission is—and that also was referred to by Mr. Krishnamachari—in regard to limitation of dividends. One of the least satisfactory arguments, if I may say so without offence, is in that paragraph of the Select Committee's Report which relates to this matter. All that it says is that because some other piece of legislation is being thought of let us not touch it just now even though the original Bill had included this principle of limiting dividends.

[Prof. K. T. Shah.]

I do not want just now to go into what the exact limits should be. I am now on the principle of the thing, that the dividends to be distributed by banking companies should be limited.

This, Sir, stands on a totally different footing from the dividends of other companies. I had occasion to say at an earlier stage that that particular measure, as it stands, is not likely to achieve its professed object of checking inflation. But over granting that it does, special treatment must be given to Banks. Whereas the other companies have some claim to say that they have earned their dividends or profits by their enterprise, bankers, I venture to submit to the House, have the least claim to say so, because they are dealing in other people's money. All shareholders are, Sir, parasites; shareholders of banks are peculiarly parasitical who do nothing and yet claim to have earned a dividend.

On an earlier occasion, a wholly irrelevant argument was advanced that they had contributed so much income-tax. As if it was an obligation they have conferred on us that they get something from other people's money and contribute a part of it to the State. Another argument used was that they have tried to help the commercial community or the banking business in general. I personally do not see that they have, even so, done any service so that any special reward should be given to them; and whether there is not a case for excluding them from the operation of a law such as the one that we are now thinking of.

But the greatest objection to this omission is that, admittedly, that particular measure now under consideration by a Select Committee is intended only for the emergency. It has a restricted objective, whether it is achieved or not, of checking inflation.

I take, however, my stand on the limitation of dividend in banking companies on a totally different proposition. That is to say, banking concerns are making their profits from other people's money. And since Banking companies have to play such an important role in the development of the country's economy and in the realization of its potentialities, it is more than necessary, just and proper, that the Bank proprietors, who contribute nothing beyond their capital should not demand unlimited dividend. Accordingly, I don't see why a definite limit should not be fixed upon that claim of sharing the profit that the Bank may earn.

My friend Mr. T. T. Krishnamachari mentioned his amazing modesty in suggesting a certain figure as the limit of distributable dividend. I complement him on his modesty but I am not following him just now, because I may have a still different figure to suggest. But even assuming that, those of us who are very modest, those of us who are very reasonable, those of us who are willing to compromise at every point merely because we find they have a slightly different principle in view, would be regarded as extremists, revolutionaries, or still worse Communists. That is not the intention. The intention is that according to every principle that one can think of, the banking profit must not be judged by the amount of dividend distributed, or the size of the reserve fund built up out of the profits. The success of banking must be judged by the amount of service to community in the various forms that I have indicated but if it is judged by the dividends earned from the most safest business, with almost loaded dice in its favour, then, however high the dividend, I cannot say that it has discharged its primary function. As such, therefore, Sir, not for the emergency purpose only of checking inflation, not for two or three years only, but permanently; so long as banking remains in private

hands, so long as it is the concern of private proprietors, so long as it is preying upon the community, so long as it demands a disproportionately fat return for whatever service is rendered, we must impose a very rigid limit on the dividends that can be distributed, or the profit can be even carried on into reserve and is made available to the proprietor at a later time, or be made available for redistribution on a more favourable occasion.

I take my stand unhesitatingly on the principle that banking, being a public utility concern, must not be in private hand. So long as you are unavoidably obliged to do so and tolerate them in private hands, so long at least you must take this precaution that they do not run away with all the profits and that they discharge their function in full. They think they are great makers of charity to the country because an income-tax or corporation-tax is charged on their profit. They are nothing of the sort.

In this view of the omission or the defective provision in this Bill I may also add another, that in regard to the Directors. It is interesting to know the views they have about the Directors, and the way the Directors are to be elected. Here and there a slight restriction or amendment is added in the Bill to make one think that the Bill is strict. It is only nicely sugar-coated, but the real sense of the matter is not there.

The main objective of the Bill is said to be to safeguard the interest of the depositors. I question that the depositors are the only persons to be protected. But assuming that is the objective, I am surprised that no Director is provided in the arrangement to safeguard the interests of the depositors. The Directors are all to represent the shareholders. You have the analogy of the Insurance Companies where you have a Director of Policyholders. You have even the analogy of the Ordinary companies in which there are debentures you have debenture Directors or Trustees. Why should you not say that there shall be some Directors whose special function it would be to look after the interest of the Depositors, if your guiding principle is really to safeguard the interests of Depositors? Or is it only a verbal profession a lip loyalty that you want to use for throwing dust in our eyes? Is it your intention that you use high-sounding words and carry on the business in the same unrepentant incorrigible manner of bankers who live upon other people's sweat?

The Bible says: "Thou shalt earn thy bread with the sweat of thy brow." The bank says: "Earn thy bread with other people's sweat of the brow." That being the intention and practice, naturally these people come forward, and profess to render all services to the community; and say to you: "we are guarding the interests of the depositors". But in fact we are enabling bankers to deal in other people's money and we are thinking all the time only of proprietors' interests. Our provisions in this Bill secure the safest investment and we want the Reserve Bank to help the Bankers in hour of need, which is of their own making, and so allow them to distribute all that we have earned. That being the case, I do not think this Bill can be called a really amending Bill, if it omits, and as long as it omits, to safeguard the interest of the depositors, which is its professed objective. This safeguard must be properly secured by the presence of the Directors safeguarding their interests particularly.

There is still another omission, that is with regard to the success of the bank. For the success of the bank it is not the shareholder who is responsible. His is probably the least contribution. It is not even the depositor who is also a merely passive agent or a sleeping partner in the undertaking. The real-effective contribution is that of the operative staff that is responsible; and you say nothing with regard to the interest of the overworked staff. We are professing very great desire to seek cooperation from the workers. Time and

[Prof. K. T. Shah].

again, on occasion or without occasion, from every platform by the highest authority in the State, we hear demands that there must be cooperation by the workers. Labour must cooperate; labour must come and join hands with the proprietors in increasing production. "Produce or perish" is the slogan. I am afraid "produce and perish" is the more correct expression that ought to be the slogan justly to be adopted by these who commonly use it.

Here is a most glaring example that the worker is not even thought of in the entire system of this Bill. It is not, if I may say so, a mere question of giving a few more crumbs to the employees, if the workers threaten to strike, as a barking dog gets a few crumbs, and then say: 'if you don't do the work, there is the authority of Government who will declare banking to be an essential services, and so stop all strikes'. As you have the power, you can do it; but remember this that by this kind of policy you will not solve the social problem. You are building up a great heritage of distrust and resentment in the country in the masses that are going to rule the country in time to come whether you like it or not. This is a country that is going to be ruled by workers and peasants. This is not going to be a country of mere middle-classes who also have their sympathies with the moneyed interests, because they think if we are beggars to day, we may have money to-morrow. This is going to be a country of workers and peasants. As such, do not, I beg, give them any ground, any solid reason to believe that they don't count for anything in your social system or legislation, in the basic principles of the legislation that we enact in this House. The workers must be regarded as an integral part of the community. The workers must, in my opinion, be regarded as the principal partner or contributory in earning the bankers profits, and adding to the production of this country. It is not useful, it is not proper to think of them only as so many barking dogs. It may be all right for Sir Samuel Hoare to say, "let the dogs bark, the caravan will pass on" you cannot say that. In this House, we who claim to be the representatives of the people, we cannot say that; we must not say that. We must not allow the slightest hint to attach to our legislation, and to our speeches that the workers do not count.

Here is another instance in which I have put forward an amendment which I hope will be properly dealt with at the proper time that the workers' representative sit on terms of equality on the Board of Directors of Banks. And the reason for that demand is not of one sentiment only. Unless and until you associate them, you will not have trained personnel for one thing. I am putting it at the lowest ground. You will not have the experienced manager which you may need when you want to take over the entire banking system. I am not thinking of this Bank or that Bank. I do look forward to the day when the entire productive process of this country, and all the several aspects of its national life, will be fully in the hands of the workers or producers, and not in the hands of drones and parasites, that the bankers are.

The Bankers, Sir, may look perfectly innocent when they come to you and say. If there is a threat of strike in the Central Bank, or in the Imperial Bank, or in any other Bank, we are willing to give what the Government gives. The Government is a national service. The Government may or may not be able to give much; but who are you who are making private profits from other people's money for yourselves, and getting fat dividends absolutely unearned. to come and say: we have given dearness allowance, we have given housing allowance, we have given transport allowance; and therefore we must not be asked to share the profits with them? I am asking that the workers should

be associated fully as equal partners in your business. I am asking that they should sit on terms of equality on the Committees of management and in the Boards of Directors, so that they shall be trained, they shall be educated, they shall be experienced in the conduct of the business; so that when the day comes, when the banking business in its entirety is taken over by the country, they shall be available for such public service; and we shall not be exposed to the threats that the capitalist holds out today that capital is shy, and that it will run away. Where will it run away? to hell? Where will it go? What country is there in the world today which is going to welcome, entertain and accept the capitalists unless they are also workers. Don't you imagine that there remains a day for you when you can threaten the country that you would pack up and go away with your bags of money and belongings. ~~Don't you see to it that you take away nothing; we shall examine what you take with you.~~ We shall see that nothing of value and importance, that ~~can be of service to the~~ country is allowed to be taken away, free of charge. And if you attempt to smuggle, you shall have to pay dearly for it; let me tell you, however much I may sound a prophet of woe today, you will have to remember my words.

Mr. Deputy Speaker: I believe you are not addressing the Chair.

Prof. K. T. Shah: I am addressing the Chair, Sir. I am not addressing you personally, Sir, I know you are not a parasite. You are the most useful and productive member of society. When I am addressing the Chair, Sir, I view it as an impersonal institution, which is to guide the debate, to help up the light, and to give us rulings in case of difficulty. I do not regard you as an individual, with all respect, in the Chair. When I said you meant it to be impersonal. Please, therefore, if I have offended you, do forgive me. It was farthest from my intention to offend perhaps the most respected person on this House.

I was developing the various defects in this legislation. I have spoken about the depositor, of the operative in a Bank who goes unnoticed. Last but not the least, I come to what I may call the customer. The customer may, of course, be the shareholder also. The biggest customer is often a shareholder also. A great banker told me not many years ago that when a run was organised on his bank, he had the courage to say he knew who had organised the run. He had the courage to say, well, gentlemen, I will keep the bank open for twenty four hours; next time, beware. That is the device that customers who are interested as shareholders may adopt, and it may be dangerous to Banks and to their prosperity.

But, there is a wider world of customers who are particularly innocent, who are not aware of your various manoeuvres, all your various devices by which you carry on your business and make it a moneyed success. This customer that I am speaking of is the country as a whole. It is not individual customer; it is not even perhaps the living customer of today; it is the customer, the country as a whole and its unborn generations. I mean the immense reserve potentialities that you as bankers are expected to, or are in a position to, help and develop, but which you, or your predecessors of the same agency used to neglect, to despise, and to leave undeveloped, so that the country should remain in the depth of poverty in which we are. Therefore, I say these customers should also be attended to. Since no one is so unorganised as the customer in order to be able to make their voices felt, the customers must be represented or nominated so to say by the Government. I think that in the various provisions of this Bill there are other omissions, not the least of which is the absence of a direct control, a living control by the Government except a few provisions that are there enabling the Reserve Bank to step in at a time when it has reason to believe that the affairs of a Bank are

[Prof. K. T. Shah]

going wrong. That is my next point. The control provisions are extremely misleading. The Reserve Bank is supposed to intervene; but it intervenes after the mischief is done, not before. That is to say, after a bank manager or director or the whole board has cooked the goose, and after all the mischief has been done, risky business undertaken, losses incurred and the serval interest concerned sabotaged. Then, somehow, you spread the rumour that things are not as best as they can be; the Reserve Bank sends somebody who looks into the affairs and then makes a report. This report may be acted upon or not. I should like the Inspectors whom the Reserve Bank may appoint not to be not some blood brother of the capitalists. They should be really some independent agency; they should be—I am only giving this as an illustration, I am not pinning my faith on it. I am quite prepared to accept a better suggestion—they should be let us say, from the accountants, from the Finance Department of the Government of India, even if the Finance Minister happens to be an industrialist or a businessman.

The point that I wish to make is this. If you are to have proper Inspectors, if you are to have Inspectors and auditors who are to act, not merely as the nominees of the proprietors of the Banks, but to be the real watch dogs on behalf of the public, then I take it that your auditor, Inspector should go not only when an emergency arises. He should be in a position to be constantly on the watch, and go at any time without notice and inspect a bank. Then only you will be able to keep the people in the right line. Then only you may have some guarantee that even the professed objective of your banking legislation, namely the safeguarding of the interests of the depositor, will be achieved to some extent. Otherwise, I for one, do not see how you will be able to achieve any of the objectives that you have set out.

The next point that I would like to place before you, Sir, arises out of some comparison of the previous legislation with this. The previous legislation had made a very considerable distinction between banks registered or licensed in one province, and having branches in another, and banks registered and licensed in a province of India as against those in the States of India. Luckily that distinction is going. The States having ceased to exist as a separate entity, we are having a chance of a uniform, comprehensive legislation in a matter so vital as this.

But some restriction, limitation on branchification still survives. The conditions and regulations under which a Bank can open branches, provide capital, maintain deposits, and so on are still there in essence though not in the same words. I put it to the House, that, if banking is to serve successfully and satisfactorily the various purposes, the various aims and objects of a proper banking system, then, you have to choose between one of two systems:— Either the centralised system that prevails in the United Kingdom, where a few big banks have a large number of branches that serve the interests of the community; or as in the United States, a number of decentralised banks, each serving the peculiar interests or requirements of the given community. This Bill, as another respected friend said a few minutes back, is neither fish, flesh nor good red herring. I do not know how a fish will taste or flesh will taste or a red herring will taste. But, I should like to use the idiom only to say that this Bill does not go either towards what I might call the Centralised banking of the British type or the Decentralised banking of the American type. It tries to sit between two stools, and it is likely that it may come a cropper between them. It may not succeed.

Then there are the provisions relating to the various kinds of registration of Banks in one province operating in another province, or more than one province, or in the two capital cities of Bombay and Calcutta. Why not in any

other city I cannot understand? The special selection of these two cities appears to me to be assuming an obsession against the proper development and wide diffusion of the banking service in the country. Once more I join issue on the fundamentals: Do you or do you not wish the banking service to be available to all the country as much as possible, and in all its various requirements? Do you or do you not wish the banking facility to be available and utilised in the productive and distributive side by the entire community as it is constituted today? If you wish this, then you must take some measure by which either the branches may grow fully, and be spread to the farthest limits of the country; or you must encourage each unit to develop its own banking system, and see that the machinery you have devised is really useful, helpful and encouraging to all of them.

I am personally not in favour of the British system, because it gives undue powers to the Managers or Directors of a few big banks, who will see to it that the sacred circle of the banking cousinhood is justly and properly safeguarded, and therefore, the economic life of the community may be at the mercy of a small, close clique of the capitalist order that I for one am always fighting. I do not wish, I hope it will never be a fact, that the economy of this country, or the conduct of its banking system will be in the hands of a clique or a class, and through a caucus, of the kind that the Boards of Directors generally are.

That being so, I feel that some amendment should be made whereby either a system of branches—even though I may not like it—of some great bank is extended throughout the country, with due association of the depositors and the workers in each branch being included: or, alternatively, a method of decentralised banking, so that every important centre of population has a bank of its own. Let it be either this or that, but do not legislate so that you can develop neither.

Sir, if I may be permitted to mention it, in the report of the Planning Committee we have suggested a standard by which we should judge the success of the spread of the banking habit. I am not going to impose upon you that this should be accepted by you. What I am going to say is that you should have some means some standard or norm by which you could judge the success or otherwise of the spread of the banking habit, so that many of the criticisms against our people and our economic system may be remedied.

Sir, most of the points on which I had intended to address you have been covered. But good specific alternatives will hereafter be put forward in the form of amendments. I have been charged with having nothing but destructive criticism. That was a fate that I used to meet with under the previous Government. I am not surprised to find that even now, the honourable occupants of the Treasury Benches (without a Treasury) always throw that at me. I do not mind that because I am suffering from a hardened back. But I warn you, Sir, that if you do not listen to the voice of moderation, if you will not listen to the voice of reason and goodwill, if you will not listen to that which justice demands: if you will not listen to your own claims being properly justified: all that I can say is that you are not discharging truly the trust placed in you.

Shri B. Das: Sir, I feel rather diffident to make the few observations in support of the Bill that I wanted to make after the two redoubtable speakers that preceded me.

When I was listening to my friend Mr. T. T. Krishnamachari I rather got a cold spell. There is a cold spell outside but the hall here is rather warm. He was condemning the nationalization of the Reserve Bank but he did not say how that nationalized bank had not worked properly and he even appears to condemn the House over the proposed nationalization of the Imperial Bank.

[Shri B. Das.]

When I heard my esteemed friend Prof. Shah I felt my head in the upper air! When I closed my eyes I felt I was really listening to a seer and a savant, whose days are coming ten years hence and not today. I was for nationalization of the Reserve Bank from 1927 when the Blackett Reserve Bank Bill was thrown out. I was for nationalization in 1933 at the time of Sir George Schuster when people like my friend Mr. Mody and others conceded to the form of its set up at the Round Table Conference because its acceptance was a condition precedent before the 1935 Act could come into action. At that time the Congress had boycotted the Legislature of the time and those of us Congressmen who were there, thought it was wise on our part to accept the Reserve Bank as it was conceived then. We had no other alternative. But from 1934, in season and out of season I have demanded the nationalization of the Reserve Bank and it has come at last. It is not the fault of this National Government of ours that it did not improve the Reserve Bank. The Reserve Bank belongs to the Government as much as it belongs to the member of this House. It is high time that my friend Mr. T. T. Krishnamachari and others like him sit down and formulate a Bill to amend the Reserve Bank Act as to how it should function as a proper national bank and not be a slave of the Bank of England as it was so long. Whether it is that still now, I cannot say because I have not yet examined its functions since it became a national bank.

I stated it last year on two occasions, and I repeat it now, that the National Reserve Bank Act should see to it that there is no favourite mistress. The Imperial Bank happens to be the favourite mistress of the former Reserve Bank. A national bank should distribute all its assets to most of the Scheduled Banks, but knowing the history of Banking in India, I can say that the banks in India previously existed for British exploitation. The three Presidency Banks that combined into the Imperial Bank—the very name Imperial Bank showed that it is a hateful thing—exploited India for the former British raj. Unfortunately our national government has had no opportunity to exploit the Imperial Bank. What was the policy of the former government and its slave, the old Reserve Bank? The past had been that its favourite mistress, the Imperial Bank, should be pampered. That must go and should go and I hope the Honourable the Finance Minister will give an opportunity to the House to express their opinion on the nationalisation of the Imperial Bank, so that the Imperial Bank not only gets nationalised but does not enjoy any advantageous position over other scheduled banks like the Central Bank, the United Commercial Bank or the Bank of India and the other scheduled banks registered in India, which are meant for the development of trade and industry in this country, though they may be owned by people of the capitalist school of thought.

So there is this knotty question of the Imperial Bank and our national government seem to be silent and do not want to take an early decision. On the question of the advantageous position of the favourite mistress of the former Reserve Bank a decision must be taken at an early date. That is the reason why I support the Bill.

My honourable friend Prof. Shah is a barrister and he knows law better than I know. The banking laws have been till now here and there,—in the companies Act and elsewhere. It was not codified and it was felt even by those who were opposed to Sir James Taylor and his school of thought that there should be a banking bill. The insurance act was codified and certain provisions were enacted laying the obligation on insurance managers to invest their money in government stocks and securities. At that time it was

the law of the alien government but at present the national government could easily control insurance, banking and shipping. This is a principle which I have expounded on the floor of the Indian legislature for the last 20 years. Insurance has been controlled but whether it will be nationalised in the way Prof. Shah wants it I do not know. I will leave it at that but perhaps ten years hence when he and his school of thought will form the Government they will lay down how they will nationalise the insurance companies. As for shipping we hear that Government is going to have three companies and they are going to own 51 per cent. of the shares. Our difficulties are that we do not possess the experienced personnel in this country to run national shipping.

Prof. Shah just now said that his slogan to the workers was "Produce and perish". I will not go so far. I would say to the workers "Produce and prosper". I would request him to use his great scholastic eminence amongst the working classes and tell them to produce and prosper. These are days of strikes. Every one is alarmed whether he would be able to go back to his home and I am afraid if I can go to Cuttack. One feels afraid whether his letter to his wife or children would ever reach the family. Those socialist leaders here and outside should bear in mind that they cannot succeed the Government that is ruling today, if they only think of strikes and workers' unions and if they plead in season and out of season for a socialist state of the working classes of India. You cannot govern the country by advocating the cause of two million or may be twenty million workers in the country. But what about the rest of the people of India? If the Congress have attained the eminent position of governing the country it is because they advocated every body's cause—the working classes, the poorer classes and the *kisans*, over whom Prof. Ranga Presides. (Prof. N. G. Ranga: "He is a portable platform"). After he takes stock of this Bill as it emerges from this House I hope the Finance Minister will see that he brings in an amending Bill to the Reserve Bank Act: Though the Reserve Bank Bill was approved by the House at the time, (1934) it did not record the consensus of desire of the people. It was meant to bride the British Government for that was the time when the 1935 constitution came. Last year we nationalised the management of the Reserve Bank, but we have yet to nationalise it in its objectives. Last year both Messrs. Chetty and Neogy gave promises that they will bring such an amending bill.

With one passage in the minute of dissent of Prof. Shah I agree, viz., that agricultural credit must be given. Now that the Government is going to control all banks through the instrument of the Reserve Bank I hope this will be done. The Reserve Bank has been sleeping since 1934 without doing anything towards agricultural credit, although at that time we fought for days and days to introduce a particular clause, so that the Reserve Bank may finance agricultural credit.

My honourable friend Mr. T. T. Krishnamachari suggested that the dividends of the banks should not be limited. I understand that it is going to be limited by a Bill which has been referred to a select committee. But banking also includes Co-operative banks. I would like to know if my honourable friend wishes that all banks should be converted into co-operative banks. In fact all banks are co-operative banks, perhaps co-operation between the "Haves", and not the "Have-nots": (Shri L. Krishnaswami Bharathi: "That is not the way of co-operation.") It is a form of co-operation. I was surprised that an astute friend like Mr. T. T. Krishnamachari does not want to limit bank dividends. I do hope that the House will sooner come to the decision, in order to meet the criticism of our friends who ten years hence are going to form the Government of the country, that the dividend should be 5 or 6 per cent. in all industrial and banking concerns and anything extra should go towards national industrial development.

[Shri. B. Das.]

I hope my honourable friend Professor Dr. Matthai will not give the House a dissertation on the principles of banking for that will be unbearable. Let us digest one speech. When I support the present banking Bill it is because I feel that this is a start we are making in the direction of control of banking and nationalisation of banking in the country. Thereafter we shall have to discuss not the question of the Reserve Bank, not the question of saving a liquidated or going to be liquidated bank but the relation of the Reserve Bank as a national bank with the different banks, how national credit will go to millions and multi-millions. I am not interested in the trade of the capitalist cities like Bombay, Delhi, Calcutta and Madras. There are private owned banks and joint stock companies which will look after these industrial concerns. But I am very much concerned as to how sufficient credit will be available to the people, whether through co-operative principles or through some other system of agricultural credit. That should be investigated and explored.

Mr. Deputy Speaker: The honourable member may continue his speech tomorrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Wednesday, the 9th February, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Wednesday, 9th February, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

BANKING COMPANIES BILL—*contd.*

(11.50 A.M.)

Shri B. Das (Orissa: General): Sir, when we adjourned last evening I gave my support to the present Banking Bill as a step in the right direction—as the starting point to deal with the banking structure of India and for the maintenance of sound finance. I expressed my disappointment that the Government of India have taken no steps to bring forward an amending Bill to the Reserve Bank of India Act, so that the bank could be a properly nationalised bank. If we go over the debates that took place last September, member after member all over the House expressed the view that we have only nationalised the shareholders and the Government of India has yet to lay before the House a proper Bill to amend the Reserve Bank Act, so that it will function as a nationalised bank. In that debate the case of the Imperial Bank of India (which I characterised last evening as the favourite mistress of the former Reserve Bank) was also raised. The other day I pointed out that since the Government of India through the predecessor of my honourable friend Dr. John Matthai announced that the Imperial Bank of India will also be nationalised the management of that Bank has taken steps to Europeanise the higher staff to an abnormal extent. My mind goes back to the debate in 1934 when my late lamented friend Mr. S. C. Mitra quoted on the floor of the House that when the first Imperial Bank of India came into existence Sir Malcolm Hailey announced that steps should be taken to Indianise the Imperial Bank. In 1934 while we were discussing this question Mr. S. C. Mitra read out a statement in the House to show that the Bengal circle of the Bank had 110 Europeans and 19 Indians, the Bombay Circle had 68 Europeans and 8 Indians, Madras Circle had 50 Europeans and 9 Indians and the Central Office had 9 Europeans. During the debate last September I read out a passage from the speech of the Indian Chairman of the Board of Directors of the Imperial Bank. Parenthetically I might say that I entirely agree with my honourable friend Mr. T. T. Krishnamachari that the Board of Directors of the Reserve Bank are fossilised. Even so, the Directors of the Imperial Bank are mostly fossilised people who helped the British Government to maintain their rule over us and they are still helping the United Kingdom tradition to continue by their administration of the Imperial Bank. The Chairman of the Bank read out in his annual report that there are only 67 Europeans in the employment of the Imperial Bank. If that statement was correct, how is it that the bank has managed to increase the employment of Europeans to such an abnormal extent, which I pointed out the

(367)

[Shri B. Das]

other day. That is a minor point but I do not want fifth columnists and Quislings in the management of banks in India. I do not mind if the Imperial Bank was a public bank having nothing to do with my *State*. Unfortunately today it is carrying on the old tradition. From every sub-district treasury the money flows into the district Imperial Bank or the Provincial Imperial Bank and the Reserve Bank merely sits at the apex and asks the Imperial Bank to carry out its transactions. Today there are in every district and provincial town scheduled banks of very high status. Call it the United Commercial Bank, call it the Punjab National Bank or call it the Central Bank, over which my honourable friend Sir Homi Mody presides, they are discharging their national obligations and I do not think that the three banks I mentioned has any alien or Englishman to give them advice as to how to play treacherously with the national credit, so that England would prosper. Why is it that the Government is so chary as not to think of the transfer of national credit to itself. Why is it that they are still tied to their old exploiting mistress, the Imperial Bank of India? That is a point that must be solved. In fact that assurance was given by my friend Shri Shammukham Chetty, the previous Finance Minister. My honourable friend Mr. Neogy while closing the debate in the last session said that the subject is fraught with certain difficulties. But we have to solve those difficulties. We have kicked out the Englishman from India. We have solved our problems and we are controlling the destinies of our nation. But today the Imperial Bank is my Enemy Number One. Unless it is properly nationalised and Indianised it will continue to be my Enemy Number One. It is no use the Finance Minister rising and strutting out that it is working for the good of India and for the good of Indians.

Sir, in the last session my honourable friend Mr. Ramalingam Chettiar raised the issue of the failure of the Reserve Bank in the matter of rural credit—in the matter of giving assistance to co-operative societies. We had a debate but we did not reach conclusions. Today I am surprised that my honourable friend the Finance Minister has tabled an amendment for raising the status of the officers of the Reserve Bank to the status of the I.C.S. bureaucrats that ruled us under the foreign regime and that still rule us under my own national Ministers. Today it has been a fashion with the Honourable Ministers to include in every Bill a provision that any mistakes done by the officers or the Ministry will be condoned. Today my honourable friend has gone to the extent of tabling an amendment that similar grace will be given to the Reserve Bank officers. Why should it be given? In what way has the Reserve Bank official—be he the Governor, the Deputy Governor or a senior officer—done more work than the private subscribed banks, for the development of trade, commerce and industry in India? The antecedents of the Reserve Bank have been discreditable. It helped to perpetuate British rule, during the war. It helped to freeze the whole Indian wealth and transfer it to England as sterling balance. That is its past. I have excused it. I am ready to condone it. But I am not going to allow the Reserve Bank official to seek privilege because he is identified with the bureaucratic service, the old Civil Service or the Indian Administrative Service, that he must be excused for all his mistakes committed in the past or hereafter. I do not think my friend Prof. Shah will agree to that. Yesterday he was saying that the employees of the other scheduled banks should have similar amelioration as the Reserve Bank employees. Why should the Reserve Bank officials get a special privilege simply because we have nationalised the Bank. We have nationalised the Bank, we do not want it to be bureaucratized.

I do hope that my honourable friend the Finance Minister will rectify an error of his Ministry committed last March that no warning was issued to the

Imperial Bank on going its merry way of becoming fifth-columnist and quisling in employing more Europeans so that the secrets of Indian national credit and Indian financing structure are always available to our enemies in the United Kingdom and elsewhere. Let me hope he will do that immediately.

I would give another warning. I do not want the Reserve Bank officials trying to be another bureaucratic structure within the structure of the Government of India, following the chariot-wheel of the Grow More Food Ministry which spent Rs. 31 crores with no results, which believes in employment of more officials and incurring more national obligations for keeping hunger away from our doors. If the Reserve Bank is to function as a real national bank it must devote fifty per cent of its thought and action to the development of rural credit so that prosperity will grow in our countryside and not merely in a few cities.

At present I do not think the Reserve Bank has got the brain, the 12 noon knowledge, the nucleus, the staff to think of these. They are thinking only of how to maintain the credit of the Government of India in the present unwholesome position that we find ourselves in after gaining freedom. If the Reserve Bank derives its precedents and knowledge from the maintenance of capitalist structure of national Banks or Reserve Banks in America, Germany (of course the German Reich Bank is no more) or U.K. that is not the tradition we want them to build up. We want them to understand the spirit of the times, the spirit of the nation, and to pursue a policy that will bring prosperity and happiness throughout the country.

My honourable friend Prof. Shah made certain remarks that the Reserve Bank does not control the activities of exchange banks. We must have our connections with other nations and there must be exchange banks. The Imperial Bank, managed completely by Europeans, did not develop exchange bank activities in the past because it was not to the interest of U.K. and the exchange banks were exploiting us. I may be wrong. I was under the impression that the Income Tax Act, the Indian Companies Act and this Banking Bill give sufficient control. I wish to be explained if the present Banking Bill will give sufficient handle to the Reserve Bank and my honourable friend the Finance Minister to control and restrict the activities of these exchange banks. If that be not so I would tell the Minister of Finance that the House will help him in any measure that he will introduce to control the unholy activities of exchange banks in India. I do hope that my honourable friend the Minister for Finance would call for an explanation from the Reserve Bank as to its policy and decision about the control of exchange banks today and hereafter if the Bank really wants to perform national functions.

My honourable friend Mr. T. T. Krishnamachari referred to the appointment of an I.C.S. Governor for the Reserve Bank. If any I.C.S. person forgets his old place under the former Government and does not demand a special reserved place and special salaries and emoluments because he was recruited by the former British Government, he is an Indian national. I will give him my confidence, provided he does not want both the advantages of having been employed under the former British Government and the advantage of being an Indian national, and riding the high horse as a bureaucrat, as the knowledgeable man who knows the past and who helps my present Government because we have not the necessary man power at command to control our own destinies. That is a warning. I do not mean any particular I.C.S. man that will control the Reserve Bank. That is a warning to all I.C.S. people who are riding the high horse demanding their Rs. 4,000 salary per month because they were recruited under the British regime. They must either prove to be our nationals, or else let them be paid off as we have paid off many English I.C.S.'s and India has not lost anything nor is our future ruined as was predicted by these English officers before August 15th, 1947.

[Shri B. Das]

Sir, I will conclude my speech. I saw a particular passage in the editorial of the *Hindustan Times* today, which is relevant to the subject under discussion, as the point of prosperity and production was brought in yesterday partly by me and partly by my honourable friend Prof. K. T. Shah. It says:

"Prosperity can come only by way of production of more wealth by hard and sustained work. It cannot come by the easy way of go-slow methods, strikes, higher wages, hoarding, perpetuation of scarcity and high prices."

Sir, I make a present of this to my socialist friends in the House and outside. My friend Prof. Shah demands more salaries for all bank employees in India. It is mere obstruction, go-slow movement in banking organisations as it is the go-slow movement in the industries all over India at present engineered by the dissidents in the Socialist group. I hope they will completely co-operate and remove that condition whereby India's national credit is at a challengeable position and whereby the Honourable the Finance Minister cannot really say that India has at present sound financial administration and that India's public finances are sound.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar).]

Mr. Homi Mody (Bombay: General): Sir, I desire to say a few words in support of the motion before the House. The Bill has been necessitated by the defects and also the malpractices which the operation of banking in this country in the last few years has brought to light, and it is natural, therefore, that it should be restrictive in character. It is inevitable that when we legislate for the few, the many suffer, and so it is that we find the Bill providing for a number of restrictions which banking did not have before. All the same, banking interests have accepted the necessity of the measure and have also, agreed to most of the provisions that have been made. It is necessary in the public interest that banking should be conducted not only on sound lines, but should also be free from any frauds or malpractices that are apt to creep into business and industry.

The Select Committee set about the task in a spirit of realism and I endorse the tribute which my honourable friend the Finance Minister paid to its work. I would also like to add my own expression of gratitude for the opportunity the Select Committee gave to banking interests to put their point of view forward. My friends and I who appeared before the Select Committee, placed before them a number of practical considerations and I am happy to find that they were given serious thoughts, and a number of changes made. This shows the value of consultation on all such occasions with the interests which are concerned and which are able to bring to bear upon the problems under consideration a sort of expert scrutiny.

From the Minutes of Dissent which have been appended to the Report and from some of the speeches which have been made in the course of the debate, it would appear that a number of my friends here are anxious to make the provisions of the Bill even more restrictive. I readily grant that it is possible to make the protection which we seek to give the investor, the depositor and the public more adequate by imposing more stringent conditions upon the day to day operation of banking, but I put it to the House whether it would serve the larger interests of the public if banking were cribbed, cabined and confined by a number of provisions which, while they may help in safeguarding the public against the malpractices of a few, might render banking transactions extremely difficult.

Banking in this country has emerged from its infancy and, has grown into a vigorous boyhood; but it has still a very large way to go before it can be said

to subserve the full needs of the country. The record of the Indian banks since they came into existence—barring a few black sheep—is one which I think is extremely creditable. Banks have grown in strength from year to year, public confidence in them has been increasingly manifested, and today, deposits placed with Indian banks record a very imposing figure and are a testimony to the manner in which Indian banks as a whole have been conducting their business. Banks have passed through many vicissitudes and as I have said the record is not altogether free from blemish, but, by and large, the country has been served very well, particularly by a development which has been of recent years, that is, branch-banking. Indian banks are trying to reach out to as many places as possible in this vast continent and I think they are doing a very considerable service in the financing of agricultural commodities and the products of industry. (An Honourable Member: "Agricultural finance! Where is it?").

That being the position, an ill-conceived piece of legislation would have very serious consequences on the growth of banking in this country. The cry of nationalization is of the market-place and so long as it is confined to the market place, I do not think it can do much harm. The Government of India have last year defined their attitude towards nationalization of industry and have subsequently clarified their intentions. They are not likely to be deflected by irresponsible utterances outside this House. (Prof. N. G. Ranga: "Hear, hear.") But it is very difficult story when members of this legislature indulge in this parrot cry that is apt to create a considerable amount of apprehension in the minds of those who do not appreciate the implications of the position which people occupy as members of the legislature, (Shri T. T. Krishnamachari: "The impotence of the members of the legislature?"). Impotence or importance?

My honourable friend Mr. Krishnamachari, to whom I have listened with interest criticised various features of the Bill. One of his criticisms was that there should be dividend limitation imposed, and he does not agree with the Select Committee in this respect. I put it to him whether it is right and fair that, before the national policy has been defined, he should single out one particular sector of the economy of this country for imposing a limitation of this character. I say, Sir, it would be grossly unfair, before the national policy was defined, to single out any industry and to incorporate in the control of that industry provisions for limitation of dividends. We have an Ordinance which is now being sought to be translated into a Statute; that Ordinance was designed purely to meet an emergency and its duration is limited to two years. When this Bill which replaces it runs out its course, it will be time to consider whether, as a matter of policy applicable to the whole field of industry, it is at all necessary to limit dividends. I personally feel, without seeking to anticipate the occasion when such a development may come about, that it would be a very disastrous thing if, without any special emergency, dividend limitation—became the law of the land.

My honourable friend, Prof. Shah,—I am sorry not to find him in his seat, as I will have to forego the pleasure of much of what I was going to say (Shri B. L. Sondhi: "Let us have it.") Well, my honourable friend spoke for well over an hour and raved and ranted, called us "drones and parasites", and he stated that that was not enough. I suppose he did not go further, merely because he was out of breath. I do not know where Prof. Shah got his particular brand of political economy from.

Mr. Deputy Speaker: Order, order. Will the honourable Member kindly resume his seat? I do not know if it is right for him to say that another honourable member "raved". It is open to any honourable member to say

[Mr. Deputy Speaker]

what a particular set of people think is good for the country, but to point out to another honourable member's speech and say that that honourable member "raved" is not right.

Mr. Homi Mody: Sir, I accept it and I withdraw "raved", but I hope I can keep "ranted". My honourable friend ranted for well over an hour and I am wondering from where and under whose tuition he got his peculiar brand of political economy. (Shri B. L. Sondhi: "From your province.") I am sorry for my province; it does sometimes very peculiar things. If Prof. Shah's professors are still alive, they must be feeling very depressed over some of his recent performances, and if they are in the other world they must be violently turning in their graves. (Shri H. V. Kamath: "Are there graves in the other world?") Well, I do not know. One of the things that Prof. Shah was insistent on was about the qualifications of Directors. I do not know why he should single out banks for laying down qualifications for Directors. Are qualifications laid down for any other thing? Is there any qualification, for instance, for membership of this legislature, except that one must not be of unsound mind, and if the members of this legislature who are discharging very responsible functions and who can make or mar the future of the country—if no qualifications are required for them, why single out the Director of a bank for any particular set of qualifications? And who is going to examine the qualifications? Prof. Shah? I hope not.

Prof. Shah would like anything and everything to be nationalised. I wish our first experiment in nationalisation would be to nationalise professors, bring them under regulation and control and see what can be done with them.

Prof. N. G. Ranga (Madras: General): He will have no objection.

Mr. Homi Mody: I am afraid another professor is going to be on his legs presently.

Prof. N. G. Ranga: Yes, we have no objection to be nationalised.

Shri B. L. Sondhi (East Punjab: General): Prof. Ranga says he has no objection.

Mr. Homi Mody: I have known Prof. Ranga for many years and from recent utterances it looks as if he was as vigorous as ever. I would have liked to have followed him, but he made no move; he sat quiet and I thought that I had to get up and intervene, at an early stage of the debate. (Shri B. L. Sondhi: "Prof. Shah is just coming.") I am sorry that whatever little I had to say about Prof. Shah had to be said in his absence. Since he has come now, the only other thing that I will say is this, that at the end of his speech he expressed the hope that, some day, the majority would be with him. I have no doubt that if we are in this House for another thirty, forty years and get into our dotage, we may agree with him some time, but until then, I do not think there will be any section in the country which he will be able to carry with him.

I wish very much that members of this House would realize their responsibilities before they talk in terms of nationalisation. Already, a great deal of harm has been done by the irresponsible talk—I am not accusing the honourable members of this House—which has been heard in many places. It serves no purpose. We all know that whatever our opinion may be on the policy of nationalisation, nationalisation cannot come about with our present resources, with the present industrial development of the country. Therefore, why talk about it? Why create confusion and apprehension in the popular mind by talking in season and out of season about nationalisation? It will be a particular disservice to the trade and industry of the country, not merely to banks, if anybody sought to nationalise banking institutions in the country. All over the world, where democratic institutions flourish, banks have been excluded

from schemes of nationalization, and I hope that, in this country, whatever our policy may be in regard to nationalisation in the next ten or fifteen years, at any rate, banks will be kept out. A Bank is a credit institution. It is a delicate plant and its sensitivity to any untoward development is considerable, and I hope, Sir, that whatever we may do in order to strengthen the banking structure of the country, in order to protect the investor, the depositor and the trade and commerce of the country against inefficiency or frauds or malpractices, we shall at least allow banking to remain as a private enterprise, which it is pre-eminently fitted to be.

Shri T. A. Ramalingam Chettiar (Madras: General): Coming, Sir, immediately after Sir Homi Mody, I should like to pursue one or two points that he raised. He raised the question that banking is a very delicate plant and we should not interfere with it and we should not talk of nationalisation and all that. After all, the purpose which any institution serves is the main consideration in ordering its constitution and its control. He forgets, when he talks in this strain, that there are institutions in this country which undertake at least in a small way the functions which these banks which he represents are performing at the present moment, which are able to get on with the controls and with what one may consider something going farther than nationalisation. I refer to the co-operative societies. Co-operative societies are institutions which are formed by the borrowers. My honourable friend (Mr. Mody) will shudder at a thing like that if any one proposes that the borrowers should form part of the directorate of the Bank which he represents. But, as a matter of fact, the borrowers form the co-operative societies. They are able to manage them. They are able to look after themselves and the interests which are near and dear to them. All this at a time when the bigger banks would not come to their help. They (the bigger banks) would not move their little finger to help them. Not only that: the constitution of these co-operative banks is exactly on the lines suggested by my honourable friend Professor Shah. Two-thirds of the directorate of the co-operative societies consist of borrowers and one-third consists of shareholders and depositors. That is how the Board of Management of the Central Banks all over India is constituted. Still, they carry on. They are able not only to manage the banks, but they get all the deposits they want. The present times are an exception. But, ordinarily, at any rate in Madras and Bombay, we have been able to get all the money we want for our transactions from the depositors. There has been no difficulty in getting the necessary sums from deposits. We are able to manage with all the restrictions.

Now, Sir, my friend shuddered at the idea of restricting dividends. Dividends have been restricted in co-operative societies. The Central Bank can give a maximum dividend of only 5 per cent in my own province. The Central Bank at Coimbatore has got transactions to the extent of nearly a crore of rupees, and the smaller banks deal with 20 to 30 or 40 lakhs. There is a restriction that no Central Bank can give dividend higher than 5 per cent to the shareholders. Not only that. We are able to manage by lending at a very low rate of interest. The Provincial Banks get deposits and lend to the Central Bank to be utilised for lending at 2½ per cent. interest. Again, I am sure Mr. Mody will be very much surprised when I tell him that these banks finance the transactions of agriculturists and industrialists at something lower than 4½ per cent. We lend at low rates of 2½ per cent. for cultivation purposes and for marketing, and at 3 per cent. for other purposes. These are the rates in Madras. Probably in Bombay the rates are a little higher. This is how we are doing our business. The ultimate borrower in all societies gets money at 6½ per cent. That is the maximum that we have fixed for lending to the ultimate borrower. With these restrictions, we are able to carry on.

[Shri T. A. Ramalingam Chettiar]

The question of liquid assets was raised both in the select committee and here. We are able to manage things with a little more control and higher rates of liquidity than what are imposed in this Bill for the banks. Mr. Mody complimented the Select Committee by saying that they accepted his contention that the dividend should not be fixed in the Bill. The reason for the Select Committee deciding that way was, however, different. It is not because we wanted to allow them to give large dividends. At least some of us thought 9 per cent was too high. When we in the co-operative movement are giving 5 per cent and we are satisfied with it, I do not see any reason why we should fix it at 9 per cent. for new companies. That was the reason why I agreed that that clause ought to be deleted. When the Government are thinking of fixing the return for the capital invested in business generally, I do not see any reason why there should be a special provision in this Bill alone. I wanted that it ought to be a general provision applying to everybody.

Sir, in the Ordinance that was published, the rate fixed for new companies was 3 per cent. Here in the Bill it is 9 per cent. I thought there was no justification whatever for it. If after two years the Government are going to fix the rate of interest of dividend in every business, they will have to treat everything alike. The only consideration that was urged was that there were people who purchased the shares at very high rates and that they should not be let down. Of course I do not agree with Mr. Krishnamachari that we need not bother about them, that they lost heavily last year and can afford to lose heavily again. That is not an argument which ought to be accepted. But there is no objection to gradually reducing the dividend that is going to be paid. It is in that way that we agreed to the deletion of the particular clause.

Sir, after all, this Bill touches only a very small portion of the banking that is actually going on in the country. The great industry of agriculture is not very much helped by these banks which are coming under this banking law. Of course Mr. Mody was talking about marketing and about the help that these banks are giving for agricultural marketing. It is true that they do this business to a small extent. The major part of the internal marketing—it may be for export purposes or higher for classes of goods like cotton and ground-nuts.....

Mr. Homi Mody: All sorts of food-grains.

Shri T. A. Ramalingam Chettiar: They may be helping to a certain extent. But, for cultivation purposes, for improvement of land and for internal marketing, these big banks are of no help whatever. That is the sort of banking which we require most. Well, Sir, to the extent these concerns go, the only agencies that are in existence at the present moment are the indigenous bankers—the co-operative societies. To a considerable extent these societies have succeeded in replacing both the indigenous bankers and also the landlord who used to finance these people, and the traders who used to advance money and take the produce at very low prices.

Sir, one service at least the co-operative societies can claim to have done, viz., that they have brought down the rate of interest in the mufassal to a large extent. That is a distinct service which the co-operative societies have performed.

Now the question arises: how are we going to meet the demands of the countryside, the rural banking? I am sure the big banks for which we are enacting this legislation will not be in a position to do that work. It can

only be by smaller institutions. In this, Sir, I differ very much from my honourable friend, Mr. T. T. Krishnamachari. He said yesterday that the small banks should all combine together; they should become big banks; they should be able to employ large agencies and they should function; otherwise, they should cease to exist. But he forgets, Sir, that in the case of agriculture, in the case of cottage industries and in the case of other small matters, it is these small banks and the co-operative societies, which even today are financing. It is these bodies that are performing the functions, which, he hopes, probably the larger banks will undertake hereafter. Sir, the larger banks with their branches will not be able to satisfactorily meet the requirements of these small concerns. It will be impossible, Sir. In many cases we have to depend on the personal security. There is very little security for a man employed in a cottage industry to give. Is the big bank represented by my honourable friend, Mr. Mody, going to advance to the small industrialist, who has got one loom in his cottage or a small cultivator with three acres of land? It is absolutely impossible. For these purposes, Sir, it is necessary that we should have smaller institutions, which will be in touch with the people, which will know the requirements of the people, their character and advance money when and where they require it. Sir, for that purpose, it is only the co-operative societies that can possibly take the place of the indigenous money-lender and the other agencies which are there at the present moment.

Sir, I should like to say a word about the indigenous money-lender. My honourable friend, Mr. Krishnamachari as well as Prof. Shah, both said that the indigenous money-lender is left out of this Bill. Of course, there is the legal objection that money lending is a Provincial subject, but apart from that, supposing we pass a law, how are you going to enforce against the indigenous money-lender? There are so many ways of evading anything, any law that you can pass. We have got, for instance, a Money Lenders' Act in the Madras Province which says that when a money lender goes to the court, he will not be allowed more than 15 per cent. on his lending. How much of that is really enforced? Well, a man who lends money can always take a document for double the amount. He can add the interest beforehand; so many things are done, and even if he takes the money privately and there is no account of it, how is it going to be proved. There are so many difficulties, Sir, in dealing with the indigenous banker. It is only by altogether taking him away and introducing some other institution to take his place, that the question of finance can be satisfactorily solved, and as I said, the only way in which it can be done is by very largely increasing the number of co-operative societies, strengthening them and giving them financial backing, so that they can meet all the needs of the rural population. That is the only course open.

Sir, the number of institutions now is no doubt increasing, but that is not enough. There ought to be better banking both financially and by proper supervision and otherwise to make these bodies really help the rural population and meet all their needs. In the Madras Province, for instance, there are 13,000 rural societies and there are 70,000 villages. They cater for about 20,000 villages at the present moment. There are still about 50,000 villages left out. A large number of co-operative societies will be necessary. But in addition to it the co-operative societies now working are dealing with only some small credit, such as meeting cultivation expenses. We are trying to extend the scope of the lending. Even with that, Sir, it may not be possible to meet all the needs of both the agriculturist and the small artisan who are in the village. What is required is a strengthening of the co-operative societies and also putting them on a proper basis for working these. We have been hearing quite a lot about multi-purpose projects and one thing or another, but what exactly has been done? I am very sorry to say very little indeed has been done so far. I can speak with some authority about the co-operative movement in some parts of India both in Madras, some parts of Bombay and elsewhere. I can say that

[Shri T. A. Ramalingam Chettiar]

we have not even touched the fringe of the problem. No serious attempt has been made to place these co-operative societies on a proper basis with regard to finance that ought to be given to them and the method of work and the supervision. These are things which require very urgent and very careful consideration, if we are really going to solve this question of banking this question of financial assistance to the biggest industry of agriculture and the next biggest industry of the cottage industries. Leaving those aside, if we come to the bigger industries, to the commercial interests, there alone, the bigger banks come in and this banking law is going to apply only with reference to those matters. Even with reference to those matters, a serious flaw was shown by my honourable friend, Mr. Krishnamachari yesterday. The practice of the banks to ask for bills and to ask for warehouse certificates have stood in the way of much progress. I am glad Mr. Krishnamachari has changed today. When I asked, Sir, last year, that some representation should be given to co-operative societies on the boards of the Reserve Bank, I especially mentioned this difficulty and I said in view of this difficulty that has been felt by the co-operative societies, the Reserve Bank did not care to help us, then he was of a different view. Now at least he has changed. He finds the difficulty, Sir, that the practices that are followed by these big banks, including the Imperial Bank and the Reserve Bank have stood in the way of our getting the requisite finance for even the bigger bodies. Sir, we have been fighting the Reserve Bank for the last two years on this matter and only last week, we had a long discussion with the Agricultural Department of the Reserve Bank in Bombay. With reference to the question of the demand bills and the warehouse certificates, it is not possible for the co-operative societies and others to give them. In the old days when the Imperial Bank was not there, we had only the Provincial banks and they were satisfied with the co-operative paper. The Central Bank or the provincial bank were given accommodation on the security of the co-operative paper, but now the Imperial Bank has come in and they decline to look at the agricultural paper; the Reserve Bank came in afterwards and it was specially asked to help the agricultural operations and they also say: "We won't look at this co-operative paper." (Prof. N. G. Ranga: "Why?") Because it is not supported by any security. They want the warehouse certificates to support these bills. They want 'two good names', as they call it. We are prepared to give two names, namely, the two banks, both the Central Bank and the Provincial Bank, which are approved by them. But they are not satisfied. They say: "Section 17 of the Reserve Bank Act stands in the way and we cannot proceed with this." We are going to ask the Honourable the Finance Minister to introduce legislation without delay to remove some of the difficulties which the Reserve Bank is feeling with reference to accommodation they can give to the co-operative societies especially in these matters. We have suggested already with the concurrence of the Agriculture Department of the Reserve Bank that they should move the Government to make some alterations in section 17 of the Reserve Bank Act. (Shri B. Das: "But, they are so very slow"). Sir, so far with reference to the finances for co-operative societies.

Coming to industries, they are at the mercy of these bigger banks. I do not know whether it is known to the members of this House that we the industrialists in the Coimbatore District, textile mills, depended on the Imperial Bank of India for our finances. One fine morning, they sent notices that within two months we will have to clear all dues and that they will not advance money any further because they were told by their legal advisers that the security was not good. We found ourselves in a fix. Fortunately for us, the P. and O. Bank and the Central Bank of India came to our help and we were able to carry on. The P. and O. Bank and the Central Bank of India were satisfied with the security that we were able to give and we are carrying on even to the present day with the same sort of arrangement. But, the Imperial Bank of

India would not agree to the same terms and they said that we should clear all the dues. Such treatment is the reason, Sir, why there is so much demand for nationalisation of the Imperial Bank of India. When the Banking Enquiry Committee went into the country, there was so much evidence placed before it about the vagaries of the Imperial Bank of India, about the way in which they were financing our industries and our commercial transactions on the one hand and the way in which they were financing the transactions in which our European friends were concerned. Companies like Messrs. Spencer and Co. would be given lakhs and crores of Rupees without any security, for one signature; but the textile mills with large block capital will not be given working capital. Nobody went to them for block capital. That is the state of affairs. So, it is not at all surprising that from every side there is demand for the nationalisation of the Imperial Bank of India. I am very sorry that even within this Bill the Imperial Bank of India is not brought; it is outside this Bill altogether. I do not see any reason why it should not be placed in the same category as Scheduled Banks. Also I would like to ask the Finance Minister to consider and revise his opinion with reference to the nationalisation of the Imperial Bank. The sooner he can do that, it will be better for everybody concerned. (Hear, hear). I would also say even from the administrative side, there will be a great advantage, because the Reserve Bank of India and the Imperial Bank of India have got branches in different places, and the Imperial Bank is the agent of the Reserve Bank, and all this duplication of machinery, of agency and everything else can go if the Imperial Bank is also nationalised and amalgamated with the Reserve Bank. It would lead to saving of money; it would lead to some sort of control by the Government and it will ease the situation to a very large extent.

As I said, we should have a clear idea of what we want and what we are going to do. With reference to the agricultural operations, with reference to cottage industries, with reference to small trading, internal trading, these banks cannot perform the functions. We will have to recognise this fact. We will have to bring into existence co-operative societies with powers, functions and financial backing so that they can do this work. Then, Sir, the bigger banks will come and the larger issues will have to be taken up by banks with which we are dealing. These banks will be able to function with the restrictions that are mentioned in the Bill. As I said, provincial Banks and Central Banks of the co-operative service are able to carry on with very much minuter control and stricter conditions than those embodied in the Bill and I do not see any reason whatever why they should in any way be restricted further.

I would like only to add one more restriction if my honourable friend Mr. Mody may consider, namely, that the present auditing is only a joke. Sir, the auditors are appointed by the managing director or (Mr. Homi Modi: "Appointed by the share-holders.") I am coming to that; I know what is being done, The managing Director or somebody in management go through the farce of having him elected by the general body. What is the general body? Has it ever gone against the wishes of the managing director or the manager? I do not agree with what my friend Mr. T. T. Krishnamachari said yesterday. We are finding it very difficult in the companies to get the requisite quorum for the meetings. Very few people come there. It is only by getting proxies that we are able to make up the quorum. Such being the case, to say that the general body is appointing the auditor and that the auditor is responsible to the general body is something which I cannot call real. Of course, Mr. Mody wanted to take a realistic view of things; the realistic view is that the auditor is not appointed by anybody but the managing director. I would very strongly urge that the auditor should be appointed by the Reserve Bank or if that is considered too much of a change, at least from a penal given by the Reserve Bank, that at least should be done. With that change, I think it ought to be possible to approve of this Bill.

With reference to what my honourable friend Mr. T. T. Krishnamachari said yesterday, with regard to voting rights, I said how we are managing our

[Shri T. A. Ramalingam Chettiar]

general bodies now. Except when there are two parties interested, when there is a factious fight in the company itself, it is very difficult to get even a quorum. Proxies are obtained. How does it matter whether the shares stand in the name of one person or in the name of a person and his relations or he goes about getting proxies? That is the real state of affairs. I hope he will not press his objection in this matter very much.

With these words, Sir, I support the motion that is before the House.

Prof. N. G. Ranga: Mr. Deputy Speaker, Sir, I am glad my honourable friend Mr. Mody has spoken before me. I know now the mind of the hard boiled capitalist; I also know where his studies had begun and where they are likely to end or land him. I wish to assure my honourable friend Mr. Mody that whatever may happen to my honourable friend Professor K. T. Shah, who, I can assure him, to be a professor of professors in this country, I know certainly where Mr. Mody is going to land. He is going to land in the same place where Chiang Kai Sheik has landed today. The studies which he seems to be making, if accepted by our country, are likely to lead us also into the same unfortunate plight as that of China.

I am very glad that this House is not going to accept the advice of Mr. Mody. It means unfortunate that Mr. Mody seems to have somehow acquired some additional gumption during the last few months. It may be because of the comparative success of the non-co-operation movement which he himself and his confederates are carrying on in this country with our own Government by blocking all the stocks and share markets and playing all sorts of tricks there. Sir, my honourable friend, Mr. Ramalingam Chettiar, has given a devastating reply. (Mr. Homi Mody: "Very much better than what you are giving!") to the few serious arguments that Mr. Mody advanced to-day. What is more, he gives serious advice to people: 'For God's sake, do not talk of nationalization because you are going to frighten away people!' If these capitalists are such shy birds, then I am afraid they are going to be frightened not only by nationalization but by very much less than that, and that is the solution offered by Mr. Ramalingam Chettiar namely the co-operation of banking and various other industries also.

Mr. Ramalingam Chettiar has shown to this House—I for one am very grateful for what he has said—how co-operative banking in this country has been successful in serving the agriculturist to a much greater extent than all the Scheduled banks put together. Mr. Ramalingam Chettiar has been very modest in his claims, but I can assure the House that he has been the President of one of the largest and biggest co-operative banks in this country, being the President of the Madras Co-operative Bank, and he knows what he has been talking about. This co-operative bank has been a success in this country and it is a bank of the borrowers and not of the lenders. Therefore the future of this country really lies not with these bankers but with the co-operative bankers, and it is the duty of the Government to go out of its way and render every possible assistance to co-operative banking as a whole. Every one knows that these so-called Scheduled Banks have so far touched only the fringe of the problem, and they have not been able to help our agriculturists: nor have they been able to help even the cottage industries. Have they at least helped the small industries, leave alone some of the bigger industries? If they had succeeded in that, there would not have been any need for any Industrial Finance Corporation, for which we passed legislation only some time ago, and for all the industrial finance corporations that are being brought into existence in all these various provinces. It shows that this private enterprise of banking which till now has been playing only a role of the dog in the manger has not been able to serve our country as well as it was expected to do. It may be a delicate plant. It certainly is but most unfortunately this does not seem to attain any sort of

maturity at all! I read when I was a student in Oxford that Indian banking was a very very delicate plant, which is sprouting and finding its way. It seems to be in the same position today, although my friend, Mr. Mody has now got the satisfaction of being the head of one of the biggest banks in this country! And what is its bigness? Its bigness is lost in oblivion. It is of no consequence. Its utility is not felt in the industrial economy of this country nor is it of advantage to its agricultural economy. He can feel proud of his position as the head of the Bank, but certainly this country cannot be proud not only of that bank but of the whole lot of the banks in this country because of the sorry figure that they cut in our industrial economy. (Shri B. L. Sondhi: "Question!") So far as nationalization is concerned, Mr. Ramalingam Chettiar, who besides being a prominent co-operator is also an important industrialist as my friend Mr. Mody, has given the answer namely that he is in favour of the nationalization of the Imperial Bank. I said that my friend has not come forward and said that the Imperial Bank should be at least nationalised. I can understand that attitude because it is a sort of an *esprit de corps*.

Shri K. Hanumanthaiya (Mysore State): Why not ask Dr. John Matthai?

Prof. N. G. Ranga: I can understand that.

Mr. Deputy Speaker: The honourable Member may continue his speech after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Prof. N. G. Ranga: Sir, before the House rose for Lunch I was referring to the remarks made by my honourable friend Mr. Ramalingam Chettiar regarding the Imperial Bank. I am really glad that such an experienced businessman and banker like Mr. Chettiar has himself demanded the nationalisation of the Imperial Bank of India. That ought to be a good enough answer to my honourable friend Sir Homi Mody, that the talk of nationalisation is not to be restricted to the markets but it could come into this House and that too from very sound and responsible quarters just like those of himself. I wonder why the Finance Minister has come to the decision not to nationalise the Imperial Bank at all. I would like to remind him that his own predecessor, himself a businessman and an industrialist, Mr. Shanmukham Chetty, was himself in favour of nationalisation of the Imperial Bank and more than once gave the assurance in this House that the Government were keen on nationalisation of that bank and that they were only waiting until it would be possible for the Imperial Bank to get clear of its own liabilities and assets and other responsibilities in Pakistan and then make it possible for our Government to nationalise it. This House has every right to demand a full explanation from the Finance Minister for this decision and I can assure him that it is a very very unpopular decision so far as the people and this House are concerned.

Sir, it is well known how antinationalistic and anti-Indian this Imperial Bank has been and it is, as everybody knows, the biggest bank in this country with the largest number of branches all over India. Naturally it has in its hands the power either for mischief or for good and it has been using this power not in the interests of the people, at any rate certainly not in the interest of the people away from the three or four cities of this country. Sir, in every other direction we have been having complete Indianisation but have we been able to achieve this Indianisation at least in the Imperial Bank of India? We have not achieved anything at all till now. We have been talking

[Prof. N. G. Ranga.]

about it for years and years and that is another reason why I am angry with the Finance Minister for not having given us any assurance that he would be bringing forward a Bill for the amendment of the Imperial Bank of India Act in order to nationalise it or at least to better control it and see that it becomes a national institution, if not completely nationalised. Even that will not satisfy us. We want the complete nationalisation of the Imperial Bank and I wish to sound a note of warning to the Finance Minister. Have we been able to control these banks and bankers even during the time when banking is not nationalised in this country or prevent them from playing at any time any sort of mischief at all with our finances in this country? The most important thing for the Government to do is to get the control of this biggest bank in this country and thus have a kind of safeguard against any sort of strike on the part of the bankers. Therefore looked at from any point of view you like it is most necessary that the Imperial Bank should be brought under nationalisation.

My friend Mr. T. T. Krishnamachari was rather unhappy about the results of the nationalisation of the Reserve Bank. I do not know why. I thought he was himself a party along with all of us to the nationalisation of the Reserve Bank. I thought he was also enthusiastic about this demand of the country that the Reserve Bank should be nationalised. Now that it has been nationalised he comes and says "Look at the manner in which the Government of India and its Finance Minister have appointed these various Directors to the Reserve Bank Board." Well, it is quite possible that Mr. Krishnamachari's complaint is quite correct when he says that labour, economists and other people have not been represented on this Board. But it is because the Bank has been nationalised that it has become possible for my honourable friend to make this complaint. Is it possible for anyone of us to find fault with Mr. Mody or any other Chairman of any of these big banks about the appointments that they themselves make? We cannot. We have no hold over them we have no control over those people. Therefore to that extent at least we should be glad that the Reserve Bank has been nationalised so that this House has come to have the right and any one of the members of this House has now the right to complain whenever anything goes wrong with the Reserve Bank and whenever the Finance Minister makes a bad choice in any appointments that he himself makes concerning this particular Bank.

Shri B. Das: He is not against nationalisation. He is against its present method of working.

Prof. N. G. Ranga: He did not express that much approval of the nationalisation of the Reserve Bank as one would have expected from him. I wish to warn my friend Mr. Mody that these bankers cannot continue to have their monopoly for ever. Co-operative banks are coming up to compete with them and what is more the ordinary people themselves are beginning to take things into their own hands. Let me remind him of the fact that in South India in a period of only 2½ months in five districts alone it was possible for the ordinary peasants to organise 125 producers-cum-consumers co-operative societies and place at their disposal as much as 1½ crores of paid up share capital. I want to know how much any one of these big banks in this country has got as its paid up share capital and whether any one of them has as much as 1½ crores of paid up share capital. (Mr. Homi Mody: "Many.") When was it been paid in? Was it within a period of 2½ months and in a small area of five districts alone and confined to the producers? (An Honourable Member: "There is the money.") There is the money but what is it that the banks have been doing till now? If the banks have been so very efficient and capable why did not they win the confidence of the people? Why is it that they have failed to draw into their coffers all the money there is in the country. That

Is why I say that if the provincial governments were to pursue the policy of co-operation, which I hope they would, and if my honourable friend were to pursue a more popular policy of canvassing for the national savings certificates, it would be possible for them to develop many co-operative societies and to draw into the Industrial and Finance Corporation as much money as they want independently and in spite of these bankers and banks and in that way help our people to finance agriculture, industry as well as commerce.

I am glad my honourable friend Mr. Krishnamachari has raised this point of bills. Mr. Ramalingam Chettiar has rightly complained how the Imperial Bank and the Reserve Bank have been non-co-operating in the development of this Bill habit as an important means of financing our agriculture. I have known a number of loan and sale co-operative societies, and co-operative marketing federations also, which have advanced money on the collateral security of grain stores to our peasants. These stores are all ordinary structures put up by the peasants without any pucca building or anything like it and they have been insured against fire. It is against these stores that the loans have been advanced. I do not see any reason why the bills that can come into existence as a result of these loans should not be treated as negotiable bonds by the banks, and especially the Imperial Bank and the Reserve Bank. Till now it has not been complained anywhere that the stores have gone out of existence because of theft. It is true sometimes they have been destroyed by fire. But they have been insured against fire, and the insurance companies that have insured them against fire have not gone broke. Therefore it can be seen that so far as the stores are concerned they are generally safe, they are properly kept, and whatever money has been advanced against these stores has been realised by the co-operative organisations as well as the local banks. Therefore I think the Honourable the Finance Minister should take an early occasion to bring forward the necessary Bill or take any administrative action necessary in order to make at least the Reserve Bank of India, and if possible the other banks also, to issue these bills against these collateral securities so that it would be possible for them to finance agriculture much more efficiently than they have been able to do till now.

There are a few good features in this Bill to which I would like to draw the attention of this House. There is the Explanation to clause 5 which permits any company which is engaged in the manufacture of goods or carries on any trade to accept deposits of money from the public for the purpose of financing its business. This is a very important thing and I hope many such companies will take advantage of this provision.

Then there is item (j) of sub-clause (1) of clause 6 where these banks will be empowered to establish or support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences etc. This is likely to help a number of such organisations with the aid of the banks.

Then there is item (a) of sub-clause (1) of clause 10. It is a very short provision, but it is indeed very good. It reads "No banking company shall employ or be managed by a managing agent". It is just here I think my honourable friend Mr. Mody will admit that at long last an important reform like this has come to be adopted by the Select Committee itself, a reform against which his class has fought terribly about twelve years ago when this question was being discussed while the Companies Act Amendment Bill was on the anvil. (An Honourable Member: "It is not a new thing"). It is not a new thing but twelve years ago it was achieved. And how was it achieved? In spite of these people. There were people even in those days like my honourable friend Prof. K. T. Shah. They wanted a reform like this and they were treated in the same shabby manner in which my honourable friend tried to treat Prof. Shah this morning. Nevertheless even when my honourable friend Mr. Mody is still in the full possession of all his faculties this has come to be such an established thing that he has actually swallowed it without a tremour whatsoever and allowed it to be incorporated in this Bill, and I do not

[Prof. N. G. Ranga]

see any amendment in his name to the effect that this provision should be deleted. Similarly I shall not be surprised that within the next five or ten years—on this side of ten years—this national business of banking might become a serious as well as practical proposition.

Then there is clause 13 which deals with restriction on commission, brokerage, discount etc., on sale of shares. I welcome this.

Also clause 15 which deals with restrictions as to payment of dividend. This clause has had a very unfortunate history. At one time they wanted to put a restriction. Now my honourable friend says that such a restriction need not be put in at all. He tried to convince us, at another place, and I thought with some success. The only thing I can say is I have yielded to his pleading, not because I am convinced but because I find that the limit of 9 per cent. which was suggested by the earlier Select Committee is too high—there I agree with my friend Mr. Ramalingam Chettiyar—also because this is not just the time when we should be going into it and there is plenty of time for us to come back to this matter and deal with these gentlemen so far as the maximum limit of their profits is concerned.

Shri B. L. Sondhi: By 'these gentlemen' do you mean Mody and Company?

Prof. N. G. Ranga: Well, yourself also included.

Then there is clause 35 which is about inspection. In regard to this my honourable friend Dr. Matthai was trying to say that periodical inspection is not such a good thing. I cannot agree with him. This is likely to do more harm. The moment the Reserve Bank of India or the Government of India were to take into their head that this sort of inspection is necessary in the case of any bank, well, the credit of that bank will go down and it is quite possible that there may be a run on its resources. Even if there is no run if the credit of the bank were to go down and in the share market its stock also were to come down, certainly it will deal a woeful blow to that bank, if not a death blow. What ought to be done is to provide for an annual inspection, a regular inspection, and in addition to that if at any time in the course of the next year the Reserve Bank of India or the Government of India were to find that the affairs of any particular bank are in a very bad state then it is open to them to order a special inspection if they are so minded.

Lastly they have taken to themselves a very large power to exempt in certain cases. Clause 53 reads thus: "The Central Government may, of course, on the recommendation of the Reserve Bank, declare by notification in the Official Gazette that any or all of the provisions of this Act shall not apply to any banking company or to any class of banking companies either generally or for such period as may be specified." I take very strong objection to this. This is a sort of sweeping power that the Government of India has taken for themselves, and on the recommendation of the Reserve Bank of India. The Reserve Bank of India may decide in favour of exempting any one bank or any class of banks or any group of banks in any particular area or the whole of India. Is that any reason why the Government of India should exempt those banks from any provision or all the provisions of this Bill? I do not think really it is a very desirable demand to make on this House. It is also quite possible that unnecessarily the Central Government may come into bore with this House as well as the public for any sort of exemption that they may give to this or that persons or group of persons interested in one or two or group of banks. Therefore it is only right that they should not ask for such a sweeping

power to exempt. If they want to have any such safeguard at all they should really take care to restrict the scope of this clause 53.

Sir, I have done. I only wish to say one thing more and that is I certainly cannot feel very happy at the hesitation that the Government of India is showing from time to time to give effect to their own policies. This nationalisation has been made into a sort of fearful bogey by our own businessmen and our own leaders have come to be very nervous about it. They do not want anybody to talk about it with the result that my friend Mr. Mody was bold enough to say, and give a sort of exhortation "Never talk about nationalisation at all". Well, he has learnt his lesson in those days and in those universities—either in England or in India—which have gone out of date. Let me remind him of a book called "Economics of Welfare" by Prof. Pigot—not Prof. Shah who seems to be such a bugbear to my friend—of Cambridge University. It is a very respectable University I may tell him, much more respectable than any University that my friend can conjure up. He has written that book and on Economics and Welfare—that is the most important thing.

Secondly, the idea of economics of the world is changing every day. The economics of Dewey has been dismissed by the American electorate and it is the economics of the New Deal and of Truman which is ruling in Wall Street. It will also very soon be the economics of Pandit Nehru which will be ruling here in this country and not the economics of Mr. Mody. And Pandit Nehru's economics will demand that everyone of these concerns should make the public welfare at their primary concern, not making profits for their shareholders. It is from that view-point that I give my general consent to this Bill and also say that I am certainly glad that this Bill is being brought forward, not to give any more powers to these banks but to control those powers, to trim them, to keep them under proper control and to make them behave in the interests of their shareholders, depositors and the general public. I sincerely hope that once this Bill comes to be passed into an Act our State will come to have sufficient information in regard to the activities of these banks and sufficient experience also in controlling these banks so that it would be possible for them within the next five or ten years to seriously consider the nationalisation of groups or blocs or the whole of the banks in our country.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, after some experts have spoken on a technical subject like this, it would perhaps be proper for a layman like me to say a few things which may not be very much appreciated by the experts but which would probably be appreciated by some laymen in the House. I submit that the Bill aims at curing a large number of vicious practices which have grown up amongst our indigenous banks. There has been a plethora of mushroom small banks many of which have gone into liquidation having done an enormous amount of mischief to people, and a very large number of middle class depositors have been ruined. It is therefore just fit and proper that the Honourable the Finance Minister should come in and try to tighten up banking procedure, though in that process some big and soundly run banks also have to suffer some little inconvenience. But there is the power with the Government to exempt any bank from the operation of the provisions of the Act. It is therefore in the larger interest of sound banking that this Bill has been brought. We have the experience of a large number of banks failing, particularly in West Bengal, and coming from that Province I have to submit that the law should be tightened to the maximum extent to prevent any kind of mismanagement by the banks.

With regard to the limitation of dividends, the experts have differed. But the plain commonsense point of view will be that dividends should not be limited. Somehow or other it is felt that high dividends naturally imply some kind of exploitation. But I do not think that is so. The dividend of a bank

[Mr. Naziruddin Ahmad]

depends upon the efficiency and the policy of sound expansion with which the bank runs. A bank may charge very small interests for the advances in the course of its business, thereby increasing its efficiency and thereby again securing large business and make a good marginal profit. If you limit the dividend, the incentive to improve and deserve more business would to a certain extent be taken away. What is after all the harm if a bank makes a large profit? A large part of this profit comes to the exchequer by way of taxes, and a large part of this profit goes to shareholders who are our very people by way of dividends which encourage them. These investors become more and more solvent, spend more and enrich the country by helping circulation by increasing the buying power of the people. I do not see anything inherently wrong in an undertaking making profits so long as they do not use unlawful or questionable means or exploit the people. That is a different thing all together. But the mere fact of a bank or a concern making a profit should not be a matter for concern at all. It should rather be highly encouraging in view of the fact that the exchequer as well as the country are profited thereby.

But a very distinguished member of this House has cited the example of co-operative banks paying very small dividends. That is due to the fact that a co-operative organisation is run for mutual benefit and the members are given concession rates. If co-operative banks try to pay more dividends then the very cheap rates at which the members would be entitled to get loans or buy goods or enjoy the benefits will be curtailed. The very fact that the dividend is limited makes it possible for the co-operative banks to offer their services and sell their goods to members at specially cheap rates. So the members profit in two ways. First of all they are getting things cheap and cheap money-credit; and secondly by way of dividend. So the limitation of dividend in their case does not go against them but rather benefits them indirectly. There should therefore be no comparison between the limitation of dividends in co-operative organisations and the limitation of dividends in banking concerns. I think from these points of view there should be no attempt to limit the dividends. That would be limiting the efficiency of the banks. In these circumstances they should be allowed to make the profit. Of course, as I have already submitted, if they use any wrongful means or means which are injurious to the public, it is a different matter and should require correction. But efficiency and expansion and consequent profit should never be discouraged.

With regard to nationalisation much has been said by experts and they have criticized each other mercilessly, and each side has tried to show that their opponents are hopelessly wrong. It would therefore perhaps be not out of place to place before the House a layman's point of view. I submit, Sir, that nationalisation should not be made a slogan. It should not be asked for simply for its own sake. Nationalisation or no nationalisation must depend upon one simple practical formula and that is efficiency. If it is possible for a private business house to run a bank, a business or producing concern more efficiently and cheaply and therefore in the better interests of the people, then it should not be nationalised. If on the other hand, the taking over of a business concern by Government will lead to better and cheaper and more efficient production and ultimate good of the country by way of sound and efficient management, then it should be nationalised. Nationalisation should be considered with respect to each industry and concern on its own merits. By the very fact that we talk of nationalisation, it creates wonder and bewilderment and creates nervousness in the money market. I shall explain how. Perhaps it is not realised in the House that it is not the capitalists alone but a very large number of the middle classes who supply the capital to industrial undertakings. Now any nervousness on their part would be extremely undesirable.

The result of this is that sound floatations are not subscribed to the fullest extent; consequently industrialisation is suffering. We do not gain anything by mere talk of nationalisation, expropriation or limitation of dividends. If it is to be done, it should not be merely talked of. Talking like this in season and out of season really creates much confusion in the market. Of course, I talk as a layman. I have not the responsibility of experts or even that of people like Prof. Ranga who is the leader of the Kisan movement. But I think I have the right to express the onlooker's point of view as a layman. If nationalisation is to be accepted, it should not be accepted indiscriminately as a principle. The matter should be carefully considered. It is initially a matter of financing. Government has to find the money to buy up the Imperial Bank and other concerns. Then the most crucial question is whether the Government should be able to run its business on a sound basis as a business concern would do. The largest business which Government has undertaken is the Indian Railways. It is badly managed. During the war another business was taken by the Government—the Civil Supplies Department. It was run badly and is still run badly. Government management is not necessarily very effective. The authorities who run Government business or offices are trained on a different line altogether. They are accustomed to red-tapism. Notes and counter notes, sanctions and approvals from their machinery. They are accustomed to look to rules more than to efficiency. In fact, a Government official who sticks to the letter of the rules even ignoring the substance and causing much loss to Government, will be regarded as an ideal officer. A man of least resistance, a man who does not come into clash with anything but who just goes on lubricating his way up is a successful government official in fact, flattering high people, mixing with them, pampering to their wishes and fancies—this is what I mean. There are some government officials who have a way of lubricating themselves into high positions. These are the best Government servants. But in a business concern a man who does not break the rule to save a profit or to prevent a loss, would be chucked out at once. His training has been from the point of view of efficiency. Government training has been from the point of view of subservience to rules. So Government machinery, unless trained particularly to run properly on business lines, would for the time being fail to run business undertakings. So we shall have to consider the financial implications, the efficiency and other things and not merely talk of nationalisation for its own sake. That I believe is the middle view between the two extreme expert views. I think we should approach the question from that commonsense point of view.

With regard to the general principles of the Bill, I am in full agreement except that I want to tighten the procedure and the machinery here and there. I have submitted some drafting amendments. With regard to these, we have the perpetual grievance that drafting of Bills is very badly done. Somehow or other, any kind of English is considered to be good enough. If any amendment is moved, it is always said "Let us have the original; what is the good of a change?" If there is anything bad in a Bill, it is said "What is the harm?" But I believe that when a Bill has to be passed by the House the House has a right to be better served in this respect. It may be that the draftsmen are put to very hard test because they have a very large number of Bills to deal with. In fact, last year we have put on the statute book a record number of 67 Acts. I believe at the rapid rate we are proceeding, we may break our own record in 1949. I submit that the Banking Companies Bill is being rushed through. After it has come from the Select Committee, very little time has been given to us to consider the matter. It is not enough that the Bill is conceived on right lines. We have to see how the machinery fits in with facts, how the language is suitable to the idea, how anomalies, dead-locks and difficulties are avoided. I have had to submit a very large number of amendments both of a drafting nature and others which are known as

[Mr. Naziruddin Ahmad]

"substantial" amendments as if drafting amendments cannot be substantial amendments. I submit they should be a little carefully considered by the Department.

In the course of two or three days I have had to submit a large number of amendments. Honourable members may easily see the difficulty of drafting so many amendments, copying them, presenting them to the Department and of course putting them to so much more work and then being ignored by the House as being so much nonsensical mischief. I am not speaking by way of complaint. I believe that the members of the Select Committee and the members of this House have a right to be better served by the Draftsmen. It is in fact not the business of members to look to drafting. They give the idea and it is for the draftsmen to put them in proper shape. In this case, honourable members. They seem to feel that the interests of the depositors are somewhat, but the clauses have not been redrafted in the light of the amendments but the clauses were amended by a kind of scrappy patch work. I believe many of our Bills will give rise to large number of litigations and the very lawyers who are somewhat in disfavour in the House will benefit by bad drafting. It has already been said that our Draft Constitution is a lawyer's paradise and many lawyers are likely to make very good business out of it. On the whole, I heartily support the principles of the Bill and I thank the Honourable Minister for agreeing to be rather very strict in tackling the banking problems. The interests of the depositors should be safeguarded. In this matter also there is some kind of fallacy lurking in the minds of some honourable members. They seem to feel that the interests of the depositors are something antagonistic to the interests of the nation. But, are not the depositors our own nationals? By safeguarding the interests of the depositors, shall we not be safeguarding the interests of the nation? If we destroy the interests of the depositors and constituents of the banks, would we not be shaking the credit of the people in our banking system?

There is also noticeable in the House a tendency to ignore and criticise the bankers as if they have no part to play in the economy of the country. I may assure honourable members that I am neither an industrialist nor a banker. I am only a constituent of a bank with a minus balance. But I believe constituents of banks form a very large part of the country and therefore their interests cannot be ignored on the supposition that their interests are antagonistic to the interests of the country. I submit that the interest of all must be looked into. The industrialist has his part to play, the capitalist has his part to play, the middle classes have their part to play and the labourers and the kisans, who are the beloved of some sections of the House, have their part to play. But, I believe, somehow or other, the capitalist and the industrialists know how to take care of themselves. Nobody can really touch them. As regards the labourers and the kisans, they are the object of special care of some and have somehow or other many friends. The class of people who require protection are the middle classes. They are hard hit everywhere. The Honourable the Prime Minister said a few days ago that the middle classes are the hardest hit. They are the object of ridicule and criticism and are often looked upon with some kind of animosity as if they are parasites of society. Under one measure or another, you always hit the middle classes. Under these circumstances we should take a balanced view and create harmonious relations between all sections of the people. We should approach this Bill from that point of view. With these few words I support the first reading of the Bill.

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, the debate on the whole has been very favourable to the report of the Select Committee. I find two extreme views given expression to. Naturally, on a matter of such importance, as the banking system is the soul of the economic life in any country, much interest is evinced by honourable members. Two friends, two important members of this House come from the same province. One is a theorist and the other is too much of a practical banker. One is a Rightist and the other is too much of a Leftist. One of them was a member of the Select Committee and the other appeared before that body as a witness and gave evidence. They have both spoken on this measure this morning. The Select Committee tried to steer a middle course between the opposing views held by these gentlemen. I think it was right that it did so.

Sir, honourable members should know the previous history of this legislation. Before the Company Act was amended in 1937, there was no separate banking law at all for this country. For the first time a Chapter was introduced as 10-A in the Company law. It was, before that time, holding the same position as any other joint stock company in this country. Now, the need was felt to put separate restrictions regarding the maintenance of reserves and so on. The considerations regarding banking business are in many cases different from those relating to industrial concerns though all these concerns can be registered as joint stock companies under the Companies Act. Therefore it was that a separate Chapter was introduced. Even then, the late lamented Sir N. Sircar, who piloted the Bill, gave an assurance that soon after, he would introduce a regular banking Bill devoted purely to commercial banking and, if possible, to other kinds of banking in this country. Thirteen years thereafter, we have got this for consideration before the House. On a prior occasion a Bill was referred to a Select Committee and that body went through the matter carefully. The Assembly was then prorogued necessitating that measure coming before another Select Committee. We have now got its report before us. It is now as if this matter has not been considered fully and all shades of opinions consulted.

Sir, an observation was made by a member yesterday that the smaller banks were not allowed to appear before the Select Committee, where as by some fortuitous circumstance or indirect method Mr. Mody tried to submit a memorandum to the Committee and also gave his evidence. The correct position is not that. On a prior occasion we went from day to day into this matter and a number of witnesses came representing all shades of opinion in this continent. There came before us small rats, big rats, puny rats, white rats and also black rats. The Exchange Banks were represented, the Imperial Bank was represented, the National Bank was represented, the Central Bank was represented and the Allahabad Bank was represented. The small banks of Calcutta and the smaller banks of Madras were also represented. No shade of opinion was allowed to go by default. Mr. Mody who did not appear before the Committee on that occasion, gave us the benefit of his advice on this occasion. We are not going to be too much in his pocket, nor are we going to throw away the volume of experience he has gathered and placed before us. After all what did he say? He does not want to go against the interests of the country. You cannot say he has become a white man. He is a dark man and continues to be darker in colour. A good deal of material was placed before the Select Committee on behalf of the middle classes also. Even the Secretary of the Shareholders' Association of Madras—nobody knows that Secretary and none can impute any partiality to him for the industrialists of Bombay. The best of opinions we had from Bombay and other parts of the country. Now, I agree in some respects with the advice given to us by Professor Shah and I agree with the manner in which Mr. Krishnamachari tried to improve this Bill. Professor Shah wanted this Bill to be enlarged so as to cover private money

[Shri M. Ananthasayanam Ayyangar.]

lending by individuals also. That matter was considered by the Select Committee. I am not giving away any secret when I say that the reason why we did not go into that matter was this: we did not want a comprehensive legislation, nor did we stand by the technical objection that the Centre has no right in this matter. If it were necessary we may provide for this in the Constitution that with the consent of the provinces we can introduce comprehensive legislation. But some of the Provinces, as honourable members know, have already introduced and passed various pieces of legislation differing one from the other according to the necessities of each province regarding money lending. Also, the Reserve Bank of India, three years ago, said in its report that, for sometime to come, we cannot do away with the money lenders in the villages. Until we are able to introduce multi-purpose co-operative societies or other financial corporations to help agriculture and also supply the necessities, we will have to get on with this system. There was one point which we considered and that was whether we are to wait until there is another committee or commission to bring this matter also within the purview of this Bill or we may proceed with the Bill as it was, at any rate regulating the joint stock companies which were not being regulated properly. Apart from other considerations, we thought that immediately it was necessary to bring into existence a comprehensive legislation dealing at least with the major problems of the major banks. Therefore, Sir, it is not our intention to exclude this aspect. I am sure the Provinces will follow suit and bring in comprehensive legislation on the lines of scrutiny by bankers who are individuals, partnerships or *nidhis*, and so on.

As regards the object of the Bill, it is natural to expect that this banking legislation over which so much thought has been bestowed should not merely safeguard the interests of the depositors. I agree safeguarding the interests of the depositors must be one of the primary objects, but if it is merely to keep the surplus money of the depositors, an iron safe may be built in the centre of the heart of Delhi, the entire money may be kept there and the key may be deposited with the Honourable Minister for Finance. It is the money of the masses. The money that goes into the banks should not stagnate, but flow back to the masses, so that the industrial and agricultural economy of this country may grow and ultimately the wealth of the nation may grow. Lots of money are here rotting in the Imperial Bank and people are prepared to place their money there even without interest as deposits and without giving a pie to the villager. Those people who have surpluses cannot live or sustain their existence without the help of those millions of the masses who are rotting. Anybody who has the interests of the country at heart would certainly ponder—for whose benefit are we making this legislation? It is for the middleman. Is it for making Mr. Mody the richer that we are spending 2-1/2 to 3 months here? Naturally the question arises as to whether we ought to make sure that this money will flow. The bigger banks are trying to swallow the smaller banks, because they cannot lend by themselves. As it was said, the Central Bank cannot go to a village and themselves lend, to a man who has got three acres of land or a sheep farmer or one who has goats. Such are the persons who will encourage such things. I make a reference to China and my honourable friend, Prof. Ranga referred to the unfortunate position in which the leader is, but I do not look to this system of banking by this statute. Though it has not progressed, they have had the apex bank, the industrial bank and the commercial bank and so on. Therefore it is up to the Co-operative Societies or the Government to have an All-India Co-operative Society with a number of provincial banks with an apex bank at the Centre, really attending itself to the needs of the population, to the financing of agricultural operations. The Reserve Bank in this regard has so far not addressed itself to that and had shown a cold face to it. I say now that it has become a State Bank. I am sure that the co-operative enterprise in the provinces will be enlarged and real

help will be given to the villages. Let us not be carried away by the course of another State and see which particular community or group of interests have been safeguarded. From the interests of the country as a whole it is not quite relevant to say that agriculture also must be brought within the scope of this Bill. It is enough we thought that the co-operative societies ought not to be brought within its purview, because it is likely that the Reserve Bank Act which has so many sections has not done anything towards agriculture. If therefore power is given to the Reserve Bank to impose its own terms and conditions, I am not sure whether the co-operative societies will flourish in these conditions and we allowed these co-operative societies not to come within the purview of these banks.

So far as commercial banking is concerned, we have really appointed the Reserve Bank as the Superintendent of all Banks. As honourable members may know this legislature has appointed a Superintendent of Insurance Companies. It is his job to check and supervise. Likewise the Reserve Bank is the watch-dog of our interests, but today we have a right to say that it is our own Government and it is our own Reserve Bank which is now the watch-dog of the interests of all banks and the community at large. Unless I become a Minister myself, I may not be satisfied with the appointment made by any other minister. That very often happens. Even if it is possible, I have to do a number of things, not according to my own choice, but according to the advice that I have to receive. Therefore, if any directors have been chosen from the old set and new blood has also been infused, there can be honest differences of opinion and the Honourable Minister can have no motive except the best interests of this country. We will wait and see if the present directorate does not change its attitude towards the public. It is our property and we have control. We can dismiss those people whom we have appointed. Therefore, let us not say that it is a wrong step that was taken. (Shri T. T. Krishnamachari: They are tenure appointments.) We can have an amendment tomorrow. We sometimes feel that we are a sovereign body and the next moment we are absolutely so depressed that we have no powers at all. I am not a pessimist. I believe we have taken the right step, when we nationalised the Reserve Bank deliberately. We did want, as a second step that the Imperial Bank should also be nationalised. We convinced the previous Minister and he agreed. Our present Minister has always been noted for his socialist views, but I feel we must not attribute motives. I and Prof. Ranga are good friends, but when he refused to speak to me tomorrow, it is not right to impute motives and if I turn the search-light in the mind, I will find the cause of his change of attitude. Therefore, I am not prepared to accuse the Honourable Minister and I know he has always taken the line that we must go on towards socialism. I don't see why he should change. I tried to ascertain from him. He says that in the nervous state in which we find ourselves, after we have assumed charge of this administration of ours—it is no doubt a triumph—let us wait and see. There are two ways of taking his money, immediately we will distribute or allow him to grow fat. There is a Telugu proverb: The ram is allowed to grow fatter and fatter, for whose benefit? For the man to eat it.

Therefore, he is not going to go away with this money. If not ourselves, at least the future generations will get hold of him. It is not even a long range policy. Two years is the time that the Honourable Minister wanted and if possible, it will be earlier and in this troubled state of affairs and the nervousness in the market, we do want to produce much more by way of agricultural produce and industrial produce from end to end. But unfortunately we have not progressed in that line. There is some justification for it; not that I am trying to justify it. On account of the 14 per cent dividends, the price of the five hundred Rupees share has gone up to Rs. 2,500; now it has come down to Rs. 1,800. The middle class men have invested their money in the shares. Are we to say, I am going to reduce it immediately so that it

[Shri M. Ananthasayanam Ayyangar.]

may come to a very low figure. There is another point. On the strength of these securities, banks have lent. If suddenly the dividend drops down, the banks will ask for further securities. That is the way in which small banks fail. In Calcutta, a number of small banks, 130 or so, —I do not exactly remember the number— they all collapsed for this reason. Suppose I want to draw money from a bank. I pledge with the bank the securities with me. If the securities are gilt edge securities, the banks lend up to 90 per cent. of the value. If the value is falling down, they will say it is not even worth 40 per cent. and demand of me additional security. I am at my wits end to get the additional security and therefore I collapse. This is a point which we have to keep in view. I have been accustomed to argue for both sides and that is why I am pointing this out (*An Honourable Member*: Whose case are you arguing?) I am only warning my friend Mr. Mody, let him not be happy before he is out of the wood. These are the considerations for which our Finance Minister thought that it is too early to embark upon the nationalisation of the Imperial Bank. Honourable members will also see that it is in reply to my question—I do not claim any credit for it—only I put the question—it did not come before the House as the question time was over—I got the written answer and I am satisfied with that—that the Honourable the Finance Minister said so. I am anxious that the Imperial Bank should be nationalised on account of the fact that the Europeans are still ruling. During the war time they had all the benefits of us. The money was ours; but the enjoyment was theirs. The Exchange Banks do the same thing. It is like this. I build a house, but somebody else occupies it. At least I wanted a change now. The Honourable the Finance Minister assured us outside this House that he would try to see that it is completely in the management of Indians as early as possible. Any way, Professor Ranga suggested that for the present we will be satisfied with Indianisation and so on.

Prof. N. G. Ranga: I did not say so. I want the nationalisation of the Imperial Bank; you are watering it down.

Shri M. Ananthasayanam Ayyangar: I am sorry if I have understood him otherwise. I do want nationalisation of the Imperial Bank; I do not want to get out of that position. But, I am satisfied if the Honourable the Finance Minister, who has to pilot us through these troubled years, says, wait and see, and I am prepared to accept it. That is my position.

Now, let me proceed to the other point. Apart from nationalisation, we have practically given enormous powers to the Reserve Bank under this Bill. Without going into details, we have given enormous powers at every stage regarding policy, regarding programme, and we have made the Reserve Bank the guardian of all interests, whosoever it may be, depositors, shareholders, and the people at large. We have added a new clause, clause 21, in the Select Committee which says:

"Where the Reserve Bank is satisfied that it is necessary or expedient in the public interest to do so, it may determine the policy in relation to advances to be followed by banking companies generally or by any banking company in particular and when the policy has been so determined, all banking companies or the banking company concerned, as the case may be, shall be bound to follow the policy as so determined."

Further on, the clause says:

"The Reserve Bank may give directions to banking companies, either generally or to any banking company or group of banking companies in particular, as to the purposes for which advances may or may not be made, the margin to be maintained in respect of secured advances and the rates of interest to be charged on advances, and each banking company shall be bound to comply with any directions so given."

As regards formation, even at the formation stage, the Reserve Bank can insist on certain capital; but we have tried to make it easy for smaller companies to come into existence. There are the licensing provisions. I believe Professor Shah wants that so far as the foreign companies are concerned, they must be registered under this Bill. I will also agree to their registration; but we thought that the licensing provisions are quite sufficient. We have made a provision that no company shall carry on banking business unless it holds a licence granted by the Reserve Bank, that every banking company in existence on the commencement of this Act before the expiry of six months from such commencement and every other company before commencing banking business shall apply in writing to the Reserve Bank for a licence. We thought these provisions were sufficient to see that the foreign companies would behave properly and not walk away with our funds to our detriment. There are also many other provisions regarding the reserves. There is nothing to prevent us from changing the provision and insisting upon their registration in this country. I myself have appended a minute of dissent on two matters. I want that our auditors must audit those banks. The English Banks or foreign companies who have not registered themselves here must also be made subject to the licensing rules and so far as auditing is concerned, our men should audit their accounts. As at present, there is no knowing as to how their accounts are being manipulated and whether they are kept properly or not. If the Honourable the Finance Minister agrees to our own auditors looking into their accounts and reporting to us so that we may have sufficient information to see whether the licensing provision is enough or if a more stringent provision is required, I think it is all right. I hope the Honourable the Finance Minister will accept the amendment. As regards opening branches also, power has been given to the Reserve Bank. Where one company has worked as a pioneer, another also tries to start a company there. That is the case in the case of Transport also. Power has been given to the Reserve Bank to see that Banks do not overlap. Where there is a branch of a Bank catering to the needs of the people in that locality, let there not be another branch also, to compete with the other. Power has been given to the Reserve Bank to spread the various branches of the Banks over this continent so that they may be really useful to industry and commerce, (*Shri B. Das*: "And show partiality to the Imperial Bank!") A dark man would never show partiality unless he changes his colour; but the colour often changes.

As regards administration, there is a provision which says that the Reserve Bank can fix the remuneration of the managing agents. We cannot fix a remuneration. In our parts there is a saying which goes thus: A man who draws the honey. (*An Honourable Member*: "After the sting." Yes, after the sting. Big companies will have to pay more on account of the huge resources; a small company cannot pay so much. Therefore, you cannot fix a definite percentage. One per cent of a crore would be more than ten per cent. of Rs. 1,000. Percentage by itself, out of its context may not mean anything. We therefore found it inconvenient to lay down a hard and fast percentage, and have left it to the Reserve Bank to see that the amount charged over the management is in keeping with the resources of that company. That is what we have done. But Professor Shah says there must be something for employees. I agree. We have come to a position, and Mr. Mody will accept it, in the industrial policy that is laid down, where all the interests are represented. We said that hereafter employees or labour must be made partners in business along with capital. I agree that this must be done also in banking concerns. But it must not be left to their selection. The Government may nominate in the first instance and there is some force in my friend

[Shri M. Ananthasayanam Ayyangar]

saying that the depositors contribute the largest amount of money. A banking concern does not run its business on account of the paid-up capital it receives but it depends more on deposits. These deposits are more than ten times the share capital. Therefore we should not leave it entirely in the hands of people who originally purchased the shares and who actually have nothing to do with the management except that they brought the concern into existence and that they meet once a year and pass a vote of confidence in the Directors. Therefore, there is justification for the claim that the depositors who are the main contributors to the concern must also be represented on the Bank directorate. But I would say, if the Honourable Minister finds it convenient that the Government may nominate one or two on behalf of the depositors.

Shri B. L. Sondhi: And immediately he takes away his deposit he can go!

Shri M. Ananthasayanam Ayyangar: Many a man, once appointed a director will continue to be so for the period that he is appointed.

Shri B. L. Sondhi: You mean that his deposit is locked up?

Shri M. Ananthasayanam Ayyangar: That is all right. There is always some convenience in any human institution. We are, however, trying to protect his interests. At any rate there will be a man there to find out if all the things are going right or if something is going wrong. The depositors must be represented in the directorate, and in the first instance that loose body may not be given the right to elect but may be nominated by the Government. There may be an employee director on the bank and a director nominated for and on behalf of the depositors. In that case, there is a case for going on with it.

The next point is about the dividend. However temporary a measure it might be, the Dividend Control Ordinance, which it is now sought to continue by a Bill, has been placed before this House and has been referred to the Select Committee. It is intended to deal with inflation for the time being. Its aim is six per cent. or the average of past two years, whichever is higher. If that is so, it does not touch our nine per cent. The Imperial Bank paid the last time 14 per cent. dividend and it will again probably pay another 14 per cent.: so 14 and 14 will be the same 14 per cent.! My friend, Mr. Ramalingam Chettiar gave his support to this under the expectation that it will go down. With his experience in this field, he thought that persons who were capitalists would reduce the nine per cent. to six per cent. It is a wrong step. All the same, if by that we are.....

Shri T. A. Ramalingam Chettiar: He has misunderstood me. I said the Ordinance fixed six per cent. whereas we proposed to fix it at nine per cent. here. I thought it was incongruous. It ought to be less than nine per cent. So I agreed to the deletion of the clause.

Shri M. Ananthasayanam Ayyangar: The Ordinance does not fix merely six per cent. but six per cent. or the average of the previous two years, whichever is higher, not less. Therefore, I have no objection. My honest friend was honestly misled!

If my friend, Mr. Mody feels that the business in this country will revive and the country will flow with milk and honey, I have no objection to put myself personally speaking, to that inconvenience for some time. But in the Select Committee we can make certain changes and not confine it for one or two years. Inflation is not going to come down. The last time during the war when a similar measure was introduced, do you know how it was circumvented? Even the business of reducing the inflation was not achieved.

because whatever was not paid to the shareholder was done away with. A clerk drawing Rs. 60 began to draw Rs. 600. Once again the shareholder does not get the money and throw it into the market: the clerk gets Rs. 600 and he throws it into the market. Otherwise, the Managing Agent will take it. It is up to our friends who are running this whole show to feel that they are also guardians of our liberty and the freedom of this country. I was vexed to hear that a manager of a particular factory who for performing *Lakshmi Vrittha* in the premises of his factory charged Rs. 4,000 but had the same performed by his wife in his house for Rs. 40. This is discreditable. Gandhiji's photo is there because he discarded wealth: the other man's photo is not there because he is the man who grasps wealth! If I had trained myself or my boy to run a bank I would run it with the ideal of service as my motto. I would be happy if I could by my service put one more morsel of food into another's mouth.

If my friend says, how can nationalization be effected, I would first nationalise him and leave him to manage the affairs. He should be able to say to himself that I have done my best and enough for my wife and my children. Hereafter I will place all my resources for the good of my country. What else is nationalization? It is not out of place to say when the late Pandit Motilal Nehru was asked to draw up a constitution for this country he was told: "And you want the Englishman to go? If they go what about the Army?" He said: "Certainly I am going to have an army." "Then how?" came the query. "This army is mine" said Nehru.

Therefore, Mr. Mody is mine. I will ask him to take charge of this. Instead of saying I will not work for less than Rs. 10,000, he will say: I have earned enough for my wife and children. I will now do service to my country. I do expect my own men to say this. They have to change their attitude. Whether from a socialistic point of view, or a communist point of view, or a religious point of view, there comes a stage in a man's life when he says: I have done enough for my wife and children. I now place myself at the service of my country. If anyone says this cannot work because of profit I bend my head in shame and say: profit is not my motive: service and sacrifice to the community is my motive. Whatever concessions I attain they have been drawn from the blood of millions of this country. If I have a surplus it is so much surplus taken away from the mouths of other mouths. If I have a surplus of milk I am taking away milk from the millions of other children in this country. If I have one more room in my house I am throwing out so many refugees into the streets in this cold weather. Let every one, who wants to justify himself as the citizen of this country come forward and say that I am not frightened of nationalization. Let him not sell himself for a mess of pottage. That change of attitude is expected. All the same I for my part am prepared to say, have 6 per cent. or take 8 per cent., I have no objection. But if he still persists in this I am afraid he and I may not be able to avoid the cataclysm that is going to come. It has already started in his province, which is a fertile field for all kinds of movements—communism started there, socialism started there, extremism starts there and also hard-boiled conservatism starts there. (Prof. N. G. Ranga: "Also R.S.S.") I may also say to the House that what has been done is all right.

Lastly, my friend Mr. T. T. Krishnamachari made a very beautiful speech yesterday. He spoke very well indeed. I wanted to oppose him as far as possible but I was converted. So far as the two points are concerned I am extremely obliged to the Honourable Minister for his being prepared to compromise on them. (Prof. N. G. Ranga: "Let him speak on his concessions.") So far as the concessions are concerned why don't you allow me to thank the

[Shri M. Ananthasayanam Ayyangar]

Minister in advance? The concession is this that hitherto in the banking Bill a person ought not to have voting rights of more than 10 per cent. and if ten persons have charge of a banking administration those ten become the rulers. Five plus one, six persons will control the destinies of any bank. All that my friend Mr. Krishnamachari wanted was that $2\frac{1}{2}$ per cent. would be the maximum voting right of any man. Thus at least you guarantee that 40 persons will be in charge of the administration. Forty persons mean that the majority would be a matter of 21 persons. Instead of $2\frac{1}{2}$ per cent. the Minister, I think, has agreed to five per cent. It will take time for him to feel that five per cent. is not enough. Anyhow I am satisfied with this assurance.

Looking at our banking assets in individual concerns. Originally in the Select Committee it was 20 per cent. No bank shall advance on the shares of any other concern or hold shares more than 20 per cent. either of its capital or of the capital of the other bank, because by five such companies the whole banking concern will be locked up. In the Select Committee it was raised to 40. Mr. Krishnamachari opposed it. Between 20 and 40 I would put the compromise at 30 per cent. The Honourable Minister is able I think to agree on the compromise. I thank him in advance. Sir I support the Bill as reported by the Select Committee subject to these modifications which may be accepted.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar.)]

Shri T. Prakasam (Madras: General): I thank the previous speaker who has now taken the place of the Speaker in the Chair. He has enlightened me, who is a day too late in this debate, on both sides of the case. I thank him very much.

I was wondering why the Honourable the Finance Minister introduced this Bill at this stage and at this period of inflation and other monetary troubles. I was so glad to hear that this was a Bill that was drafted during the time of my good old friend Sir N. N. Sircar when he was the Law Member here. Eleven years have elapsed and during these eleven years the whole world has changed, the whole of our country has changed and even our position in the world has changed. This Bill is introduced to amend on the lines suggested 11 years ago. If the Honourable the Finance Minister had waited perhaps for another 12 months he would not have found it right to introduce a Bill of this kind to suit the present conditions.

Mr. Ayyangar spoke very nicely on both sides and tried to reconcile irreconcilable position. Let me tell the House that the inflation trouble started in our country more than 120 years ago when the English people began to establish their banking system in our country. Our people had then their own banking system in an excellent manner. They resisted very much and tried to prevent the establishment of the banking system on the British lines. I may tell you how inflation started at the very beginning of the establishment of this English banking system in our country.

In the three capital cities of India the English people established their banks, which the East India Company wanted to support, so that they might be enabled to carry on their trade and business in this country. The Government itself did all that they could to strengthen these banks and also make them the authorised banks. The reason was that the Government itself was in a tottering condition at the beginning. They were in need of 74

lakhs of rupees at one time. They could not get the money and they asked the Bank of Bengal to lend them this sum. But where would the bank get it. The Bank had no money. So notes were printed for 74 lakhs and this 74 lakhs was lent to the Government. This forging of currency notes without any backing or support behind it started then. That was the beginning of our inflation. Before the war inflation went up to more than 1,200 million rupees. We are in the throes of that inflation now. We do not know how we are going to get out of it or whether we are really in a position to get out of it. At this time this Banking Amendment Bill has been introduced and what is to happen now with these amendments? Sir Homi Mody got up and thundered and called upon Prof. Shah to explain wherefrom he got his knowledge of economics. I do not know what Prof. Shah would reply but we got every thing from Great Britain. When British banks were established inflation started and now even after 150 years of British rule here and after their having gone away we are still in the throes of inflation and we are not in a position to know how we are going to get out of it. To get out of it what is it that we should have done? What should we have done immediately after we sent away the Englishmen, their soldiers and their armies from here? When we took charge of the administration the first thing that should have been done was the nationalisation of the Reserve Bank, the nationalisation of the Imperial Bank and the nationalisation of every thing which would immediately give us relief. We have not taken that step. You were trying to explain how you members of the Select Committee were induced to take up this view. You 4 P.M. tried to explain by saying that you did not wish to thrust the whole thing all of a sudden upon the country or upon the capitalists or upon the old bankers. I agree it is not possible to thrust anything all of a sudden and bring about a reform in a month or two or even in 12 months, but still we ought to have been on that road and not on a different road which has been taking us lower and lower into the ditch so far as the finances and the banking business are concerned.

Now, Sir, after the British banking had been established and after the British people's influence had waned after some time, our own friends came forward. They established their own banks. They suffered and they grumbled. So long as the British were exercising their full influence in this country, their grievance was that they were not favoured by the Government. It was a matter of jealousy to drive away the English banking system and the Englishman from the top; it was in the interest of our own bankers—it was natural. In this world we are governed today only by competition and profiteering and nothing more and nothing less.

In that way our people got the upper hand in the banking system. They established their banks and they have been doing business in their own way exactly following the lines laid down by the English people so long as they were here. They became jealous of our banks, they became jealous of any other banking system that was introduced in this country. My honourable friend Mr. Ramalingam Chetty had been labouring for some time, whether here or elsewhere, to introduce something on a co-operative basis. But he was finding it somewhat difficult. These banks that had been taken charge of by our own people mostly, were jealous of these co-operatives. This co-operative banking system had continued successfully in many places and also worked successfully. Long ago it was in Baroda that these rural multi-purpose societies were started—started not merely in theory but also worked up and they showed how they would benefit the ordinary villager, the ordinary cultivator, the ordinary coolies even. Even after that experience, we had not been able to make sufficient progress with regard to the establishment of multi-purpose societies.

We, Sir, in Madras established a Committee over which our esteemed friend Mr. Vijayaraghavachariar was the President. They struggled hard to

[Shri T. Prakasam]

evolve a system out of which the co-operative society system could be established and spread for the benefit of those rural classes who are the real millions of the country and for whose benefit everyone professes that he has started this bank and that bank; everyone says that it is all in the interests of the millions; you also said, Sir, "For whose sake are we doing all these things?" You are sitting there, we are all sitting here, we are all functioning for their benefit. Of course we must show that in action also.

Even the Preamble of the new Constitution says that the co-operative basis should be adopted in this country. The co-operative system is the one system that must be established in this country. You yourself were good enough to say, "Do bring this matter separately under the new constitution of the altered Reserve Bank Act". Why should they bring it? Why should any member of this Assembly be asked to bring such a thing? Is it not the duty of the Government? It is the duty of the Government that is struggling hard now to supply food, to supply cloth, to supply all the necessities. I would ask the Finance Minister to tell us the amount he has been spending in the importing of the food-stuffs from outside countries. Rs. 110 crores to be spent for one year? Why not that amount be spent here for the better purpose of improving cultivation, growing more food and all that? You exhort through appeals and say, "Grow more food, grow more food, grow more food". Where do they grow it? You say that you are not able to give them the implements and you say you are not able to get the implements and to undertake collective farming. It is the duty of the Government. During the last three years of the food famine, it was the duty of the Government to have taken hold of lands that were available for cultivation and brought them under cultivation to grow more food. That was what was done in other countries when similar troubles arose, long time ago. Nothing of the sort has been going on here.

We have now been told that these amendments and small things would help industry in this and that way. God forbid, Sir, but let us save the country from these troubles. Why are not the Government advocating a clear and bold policy? If you wish to give food to the people, if you wish to give cloth to the people, you have to undertake a different policy altogether from the one which the Government have been undertaking until now. I am very sorry that we have been going on the wrong side of the road until now.

Mr. Ramalingam Chetty who has been working in the co-operative system, out of experience, pointed out how the co-operative societies or the co-operative banks had not been able to get real support from the Imperial Bank or even other Banks. They have been shifting for themselves. The co-operative system solves all the problems. The Honourable Dr. Matthai might understand it. The co-operative societies solve all the troubles of any Government which has got a responsibility to serve the millions of the masses of this country because the money is coming from the masses and not from a few capitalists in the capital cities of this country. In that way it was that the co-operative system had been struggling hard to raise its head during the last 50 years. Let me tell you, Sir, for forty years in the Madras Province where the co-operative system is very popular, it could not succeed because during the 40 years of its existence it could not get a collective share money of more than one crore. We have passed that stage also. The English days are gone, the Indian banking days are gone. I am advising the honourable Mr. Mody to look ahead, not to go under any wrong impression that this country is standing in the same old condition. Conditions have changed. Sometimes we cannot see with our physical eyes; you have to see with a vision which is not confined to the physical examination only. You have to change everything. The present banks must change of their own accord. If they had been studying

everything, they should have come forward saying that in this very measure they should have proposed a method by which the accumulated money, if I can call it money at all, is to go down to the masses from whom you have collected it in all the banks and which is standing to your credit.

With regard to this famine, I may say that three years ago when I took charge of the administration in Madras, there was worse famine and we were asked to shift for ourselves and we had to face the trouble although the Government had been spending crores of rupees before I came into office. Something was suggested to me by some wiser friends whom I had with me, "Start co-operative producers-cum-consumers societies. You will get money from the people; from the masses you will get money and with that you can convert those very fellows to give you all that you want and also supply other people's need." Let me tell you, Sir, and let the honourable members also understand, within four or five weeks, we could collect two crores of rupees in four or five districts on the East Coast; we could collect another crore in the West Coast. We could start those societies and they were paying dividends from the second month or the third month. If they had continued until now there would have been no famine in the whole of the Madras Province. But circumstances changed, the Government was overthrown, those who came into office had no sympathy with those societies. Those societies are not dead; they are still kept there without life, without functioning. My honourable friend Mr. Ramalingam Chetty was one of those who at first expressed himself against the working of these co-operative consumer societies. Luckily, later on, the honourable Ramalingam Chetty was appointed chairman of a small sub-committee to tour the whole area to examine the working of these societies. As an honest and good man, although he had expressed his opinion at one time to the contrary, he changed his view and he said that everything was good with regard to these societies and that they should continue. Such is the value of experience and work.

Leaving the people to themselves is no good; attempting to amend the Bills here is no good; no food would come out of it, no cloth would come, no distribution would take place. Let me tell the Union Government and the Finance Minister that fact. That is why I say all this is besides the point as it were. So far as the Bill is concerned or the amendments are concerned or your exposition is concerned and the way in which you are going to give protection from this side and that side, all this is more zero because they will not give us any relief in this country. You must change. Of course you are such a clever man, Sir,—I am addressing you although you are sitting in the Chair, for which you may please excuse me—you give a fight for everyone, in any direction as it were, "In course of time this will come, that will go". But we shall not wait, Sir. The present situation in the country should be handled immediately. I made a special application to the Leader to permit me to come and take part in the Budget debate at this time of the year. I have come with that object. The Budget will come at the appropriate time, but the Banking Bill has come.

This is the crux of the whole situation: the whole of the banking system must change. Whether we change it or not, the people are bound to change it; they will change it to make it serviceable all over the country. The millions have to be served, not a handful of persons here and there—the capitalists or the middle managers. That is the position in which we are placed. The Banking Amendment Bill is no doubt there. I have no voice—I had no voice in my own Province. People there had been suffering for two years now and the time has not come even for them to say whether they are alive or dying or whether they are dead. The time will come, if it comes at all. That is a thing which applies to all the Provinces, although it may be a bit worse in my

[Shri T. Prakasam]

own Province. That is the position in every province in every area; people are the same; they are suffering in the same manner. What are you doing in order to checkmate the inflation? You may carry out the amendments, you may pass this Bill which ought to have been passed 11 years ago, but all these amendments and other amendments will not, however, help the people, they will not help the country, nor will they help the Government either. The Government must take serious note of the situation—they have been taking serious note, I cannot accuse them of indifference—they have been telling the people how the country is coming into trouble financially. The other day in Gujarat the Home Minister, my friend Sardar Vallabhbhai was telling the people how the food famine had come upon them, how the cloth famine had come upon them and how they should have recourse to the old methods pointed out by the departed great leader of this country. Now, we are in that condition, and I thought I would express myself a bit to enable the honourable members and the Honourable the Finance Minister to understand exactly where we are and what is the effect of this Amending Bill and for whose benefit it is. I am afraid it is for the benefit of nobody. We are not able to see how we have to deal with the matter.

Sir, the question of the nationalization of the Imperial Bank, it was reported recently, has been postponed. Why was it postponed? Does the Government know the effect of the postponement of the nationalization of the Imperial Bank? It is very serious; it should not be postponed, it should be undertaken immediately. Sir, you have tried to explain it by saying that there would be difficulties in adjusting deposits and that there would be other difficulties. We have been witnessing these difficulties during the last half a century here in this country and even in this City of ours. Twenty years ago it was in this very hall—18 or 19 years ago—there was a very big debate on the Currency Bills and the increase of exchange ratio from 1s. 4d. to 1s. 6d. We fought to the end; by one vote they got the other way. What is it even if we had succeeded by that one vote? They had the power to say, "No, we don't care for your majority or for your voting". That was the thing that was done then. By increasing the exchange ratio from 1s. 4d. to 1s. 6d., by merely adjusting the accounts, Rs. 50 crores was the loss sustained by us. We have been ruined in this country through the legislation and the Currency Bill of Great Britain. Even after the arms and soldiers of Great Britain have left here, we are still in the throes of the same old Currency Bill, not yet come to any definite point.

I am very sorry that I am forced to say all these things on this Banking Bill debate. But this Bill is altogether out of place. We could have waited and seen. The Finance Minister could have waited and seen after another 12 months or two years to what condition we would be reduced. I have always been an optimist fighting against all odds everywhere and I do not strike any discordant note. But the Government should be aware of the forces that are gathering against us both inside and outside. If you want to prevent some disaster in this country you have to be ever more careful than until now in order to prevent it. If you want to prevent the communist menace, for the matter of that you have no alternative but to adopt the nationalistic programme of, having village co-operative societies and banks. It ought to have been the basis of our Constitution; as a matter of fact when we started our Constitution in the other House, co-operation should have been the basis of it. We have stated that in the Preamble; we have not cared to go to the root of it. I hope co-operation will become the basis.

It is only in that way that we can survive in this world. So long as we adopt the capitalistic monetary system and we continue to work under it, so long as we adopt the British oath, the British this, the British that and the

British everything including the adaptation of the 1935 Act, we shall have no salvation.

With these remarks, I resume my seat.

Shri Prabhu Dayal Himatsingka (West Bengal: General): Mr. Deputy Speaker, Sir, I wholeheartedly support the motion for the consideration of the Bill. Some honourable members have pointed out certain lacunae in the Bill.

One was that it does not make provision for operations of money-lending and money lenders and does not provide for agricultural banks and so on. You, Sir, in your speech have met those points and have pointed out that this Bill seeks to make provision for what are known as "commercial banks" and seeks to consolidate the law relating to such banks. At the present moment, these are the more important banks functioning in big and smaller towns and helping commerce and industry and the present Bill seeks to consolidate the law and provide for the supporting of different interests involved in such banking.

My friend Mr. Krishnamachari who was a member of the Select Committee was pleased to say that in some instances, this Bill is a retrograde measure. I have not been able to follow in what respect and why he thinks so. It has sought to meet different points of view, and it has almost met in all respects the considered view placed before the Select Committee by the persons who know banking and who are running the more important banks in the different parts of the country. It was said that certain provisions regarding advances to be made by the banks and other provisions might be misused. As you pointed out, Sir, Section 21 has made ample provision for putting a check in any particular case or in a group of cases or by Banks generally if such action be found to be necessary at any stage. The Reserve Bank has been given power to issue directions as to the extent to which advances can be made to a particular company or any particular shares and at what rate of interest etc. There are other provisions about inspection and report. Some of us in the Select Committee wanted the Reserve Bank to be given further powers to carry out annual inspection and also in cases where any bank came into difficulty the Reserve Bank was suggested to take up the liquidation work. It was however pointed out that the Reserve Bank do not have the necessary staff and also the necessary equipment to discharge the obligations that would be cast on it if this provision was made in the Bill. That was the only reason why the Select Committee had to give up the idea. We from Bengal know that in cases when banks go into liquidation or when certain schemes of settlement are put through by orders of the High Court, the Directors who put forward such schemes manage to carry on in the old way, because there is no proper supervision and it is not possible for the court, unless some litigant or some party brings it to its notice, to intervene. So if it had been possible for the Reserve Bank to take up this work it would have certainly helped in a number of ways to safeguard the interests of a large number of shareholders and depositors.

Prof. K. T. Shah pointed out that the Bill has not made provision for Directors, advances on agricultural commodities and various other things. No doubt, co-operative societies have been doing useful work wherever they have been functioning properly. Where they are not, they are in a moribund condition. It all depends on who is in charge and how the particular institution is run. The charm is not in the word "co-operative society" but in how it is run. A few years ago, the banking habit was very much wanting. Now there is what might be called the banking-mindedness in the country, thanks to these banks, and the more the banks spread out, the greater the tendency will be to take to banking and that will go a long way in helping to start co-operative societies in different places. Therefore this Bill which seeks to consolidate the provisions relating to banking should have the support of the House.

[Shri Prabhu Dayal Himatsingka]

As you will notice, the present Bill seeks to regulate capital and has made provision for reserves. It has also laid down the cash reserves that must be kept by every bank. A licence system has also been introduced whereby control can be exercised on banks. If any bank acts in a manner detrimental to the interests of the country, the Reserve Bank will have power to cancel the licence and stop such a bank from functioning. Similarly, there is provision to inspect and make a report and on the basis of such report power is given to Government to take action.

I am afraid some of the provisions have not been properly understood which accounts for Prof. Ranga taking exception to Section 53. As you will see from the Select Committee report, this Section has been introduced as a matter of caution. Exemptions may be needed in the case of industrial finance corporations, land mortgage banks, housing societies and other like institutions which obtain deposits from the public. This provision will enable Government in suitable cases to exempt such institutions from the operation of the Banking Act or some of the provisions which may stand in the way of the proper working of such institutions. That is why power has been given to Government on the recommendation of the Reserve Bank to exempt such institutions. The Reserve Bank is a nationalised Bank. The Government is a national government. If we cannot trust our own government, if we cannot trust the Reserve Bank, then I do not know whom we should trust.

The Bill is definitely an improvement on the existing law and it has tried to meet different points of view. As regards auditing, you will remember that a suggestion was made that at least the Indian portion of the business done by a foreign bank doing business here should be audited by an auditor, and so far as I remember, the suggestion was made that the Chartered Accountants Bill that has already been introduced will meet the requirements.

If need be, the Honourable Minister should consider whether or not he should make a provision for making it compulsory for the Indian portion of the business being audited by an auditor registered in India. With these remarks I wholeheartedly support the Bill.

Shri Moturi Satyanarayana (Madras: General): Mr. Deputy Speaker, Sir, I had no intention of making any speech at the fag end of this debate. But I have a duty to perform in associating myself with this debate, especially in congratulating the Honourable the Finance Minister who has brought forward this Bill.

I have no pretension to speak either on the theory of banking or on the practice of it. All the experience I have in life is confined to approaching people who have money and who are bankers favoured by fortune to help me discharge my duties as guardian of public institutions. I have done a good deal of collection work on behalf of public institutions. During my experience all these thirty years I have had revelations as to the manner in which the country's money and the country's enthusiasm can be misused and abused and exploited.

In the year 1946 when I was going about collecting funds, I visited Bombay on the advice of a friend of mine who said that that place was the best for collecting donations. While on that mission I was going from one locality to another, I fell into friendly hands and was directed to go to Dalal Street where I was told that there was plenty of money and that I could collect in five minutes thousands and lakhs of rupees. I accordingly walked into that street and met a friend who was a sharebroker. I found there hundreds of people howling without any kind of intelligibility in a language which I could not follow. This sharebroker friend came to my rescue and informed me that they were all

doing business in lakhs and crores worth of shares. He explained to me how he himself was doing business with the shares of a particular industrialist or moneyed man. I heard all the details of the business from him and ultimately came to the conclusion that that was a place where sane people could not live even for a few minutes. I was not a little surprised to know that those brokers were getting money from the banks, though it all belonged to the depositors. On the credit supplied by the depositors those brokers were either making fortunes or getting ruined. I thought to myself then that if the banks are doing such mischief, why should not Government take action against those who were responsible for it. I had a faint idea that the Reserve Bank had some control over those banks and so I tried to contact the Governor of the Reserve Bank and sent in my card. He, however, refused the interview because I had no credentials. I got disgusted with the affair. My idea in seeking that interview was to ask him whether he could stop the banks from advancing money to the share-brokers and enquire how he could encourage people in gambling in that manner. Subsequently I met him and he told that he had sent a circular authorising a restriction on such advances to the share-brokers. A few days later I met my share-broker friend and asked him why they did business in that manner. He felt very enthusiastic about my question and asserted that unless and until we had a share market and a stock market it would not be possible for our country to flourish. In his view the liquidity of the money and the circulation of the money was to be judged in terms of what was happening in the stock market which was the nerve centre. I could not appreciate what he said, but a number of people seemed to appreciate it hoping to make lots of money without doing any work or using any kind of labour. That is the theory on which the stock market is built up. Now I am glad to see that this kind of gambling with other people's money is going to be stopped to some extent by this Bill. It is for this I thought I should congratulate the Honourable the Finance Minister and thank the Select Committee for its useful labours.

I was watching with great interest the part played by Professor Suman in the consideration of this measure. His reputation for academic theories is known throughout India. I watched also the efforts at explaining his point of view by the honourable member Mr. Mody. His great sympathies and talents for building up capitalist institutions are very well known. I must say that I was very much disappointed with his speech. I have every sympathy for the capitalists to whom I very often go for collecting donations. But I was very much disappointed by his pleading. Capitalist institutions are good and therefore we must encourage them if we could get an assurance from them that they would do some public service. It is true that there is still room for hope. But we only see wealthy people using their wealth for increasing their own comforts and pleasures. That is the reason why there is so much reaction and antagonism against the moneyed people. If they had used their wealth for the purpose of serving the people whose care they have to take, probably so much of antagonism would not have been aroused in this country and the capitalists would not be sitting solitarily here.

I was just watching as to how this debate which is now being carried on here will finally help me in understanding what exactly was the banking position in this country going to be. My own feeling is that much has been said about the co-operative societies. My own experience tells me—I also come from the province from which Shri Ramalingam Chettiar comes and who is a veteran co-operator and who has built up a very great co-operative movement, especially a province which has been very well known for its co-operative movement, but between the co-operative societies and the banking societies today, there are money lenders and probably the money lenders are not at all touched by this

[Shri Moturi Satyanarayana]

Bill, but banking that is supposed to serve the commercial interests today probably is dealt with in this Banking Bill. This commercial banking, though they are supposed to be very antagonistic to the ordinary common man's interests, they have also their own competitors, namely, the foreign exchange banks. My close touch with those people who have banking experience tells me that the foreign companies compete very severely with the local banking and they are able to lend at much cheaper rates and they also take away a lot of money from the indigenous banks. I see that this foreign banking has not come within the purview of this Banking Bill. They also get help and support from the foreign business men and also from the Government and therefore, they are able to give at a cheaper interests a lot of money which they are able to gather in this country itself. It has also to be checked and it has also to be brought under control.

Another point which I want to mention in this connection is that the Reserve Bank was nationalised. Every day its functions and its duties are being increased. Now this banking control also is made a part and parcel of this Reserve Bank, but I do not know whether it will be possible for the Reserve Bank to expand itself in such a fashion as to take complete care of all the indigenous banks in this country and put itself in the position of a care-taker and watch-dog of all the interests of the depositors of the banks and shareholders and the trade interests and the business interests and the industrialists. Is it not possible for the Government to create a separate department for the banking development, so that the banking in this country may have exclusively a separate entity of its own and have its deep seat in this country without any question of mutual competition with each other, so that all the liquidity of the money, of the monetary organisations of this country and all the money that is necessary to be put in the market for the purpose of making the distribution of the goods easier and for the purpose of creating the necessary incentive for work more possible, and organisation, which would be different from the Reserve Bank? This is the suggestion that I want to make before this House for the consideration of the Honourable the Finance Minister, so that a separate department may be built for the purpose of organising the indigenous banking, for the purpose of organizing the banking, for the purpose of seeing that money lending in this country is put on a proper, legal, more fruitful and productive basis, so that it may ultimately take hold of the whole monetary organisation of this country. With these words, Sir, I want to support and I want to congratulate again, the Honourable the Finance Minister for having brought out this Bill and if I have got to say anything, I would like to participate in the debate at a time when the amendments are moved and debated.

Shri Arun Chandra Guha (West Bengal: General): Mr. Deputy Speaker, Sir, I give my support to this Bill as it has come out from the Select Committee, and I congratulate the Honourable the Finance Minister on his having been able to go through the Bill to a final stage. This Bill, as has been pointed out, has a chequered career and it has been pending in some way or other for about ten years or more. There has been some criticism to some of the provisions of the Bill and I can say that no Bill or no human work can claim perfection.

Sir, coming from a province which has some special banking problems, I feel that I must place before the House and before the Government those problems. Particularly, I want to draw the attention of the Honourable the Finance Minister to the banking problems of West Bengal. In addition to some political and natural calamities that have been fallen my province, it has recently experienced a serious financial crisis through the failure of about 50 banks including 5 or 6 scheduled banks. Sir, I feel that the Government and the Reserve Bank have not acted properly and promptly; if they had taken

proper precautions in time, my province would have been saved from such a huge calamity. Lakhs of middle-class people have been practically ruined. Bengal being a middle-class province, its economic life rests primarily on middle-class. Even in this Bill, I would have liked some more provisions added particularly for the Reserve Bank taking some more responsibilities and some more obligations. I would have liked to see the Reserve Bank provided with the responsibility of having regular inspections of all the banks. It might be annual, triennial or biennial; or some other periodical inspection should have been provided. But as the Reserve Bank has not sufficient staff, the provision has been made that the Reserve Bank can inspect any bank whenever it likes or whenever the Government of India directs it to do so. In that case, I want to point out to the Government and to the Honourable the Finance Minister that such inspection is mostly interpreted as something like a danger signal. Even though regular and normal inspections have not been provided in this Bill, I would ask the Honourable the Finance Minister and the Reserve Bank authorities that they may so conduct the inspections that any inspection may not create panic among the depositors. They may inspect the banks so that not only the banks which are unsound and which are in danger would be inspected by the Reserve Bank. Even sound banks should also be inspected occasionally, so that the depositors may feel that inspection by the Reserve Bank is not really a danger signal.

Another point, Sir, particularly from my experience in West Bengal, is that in all cases of liquidation, the Reserve Bank ought to have been made the official liquidator. Here also the objection has been that the Reserve Bank has not sufficient staff; but I feel that the Reserve Bank should have taken this responsibility; at least for Bengal, the Reserve Bank should take greater responsibility. I know of several cases where the liquidation process has taken years to complete and in this long process of liquidation, depositors have lost heavily and they would have saved a great deal if the liquidation proceedings were expedited.

There is another point, Sir. I feel that the smaller banks should be saved; particularly in the case of Bengal, these smaller banks have a duty, an obligation and some useful purpose to fulfil. At the present time, most of the banks in Bengal are merely doing savings bank business. But a bank is not a safe deposit vault; it has some economic function also. It has got some industrial and commercial function to perform. As far as I can understand, the Congress point of view is to encourage small scale industries, cottage industries and agricultural products. The economic need of the country is also to encourage small scale industries, cottage industries and agricultural production. At least in the case of Bengal I can say, these big banks are of little help in that respect; and the small banks have a very useful function to perform—I cannot say for other provinces. The smaller banks of Bengal are now in a very precarious condition. I do not know if the provisions embodied in this Bill would be sufficient to give them protection and keep them alive. If not, I would request the Honourable the Finance Minister to look into the matter and see that the smaller banks of Bengal may be saved so that they may fulfil a very useful purpose in the national economy.

In this connection, though not quite germane to the debate, I must mention another thing. The banks that have closed their doors or suspended their business, have ruined thousands of middle-class families who deposited their money in those banks. But, those persons who were in charge of those banks, those managing directors, managers, none of them has become poorer; every one of them has become richer. They are guilty of bungling if not of deliberate dishonesty and deliberate corruption. There ought to have been a public enquiry as to why so many banks have failed. About 25 or 30 crores of poor men's money have gone to some bottomless pit, and those men who

[Shri Arun Chandra Guha]

have been responsible for this disaster, are now rich men; and they are flourishing and doing other business. I would request the Reserve Bank authorities to hold an enquiry into this affair.

As regards the provisions of this Bill, some of the items have been already dealt with. I do not claim to be an expert in banking and therefore it is not proper for me to discuss all these things in detail. I would like to touch two or three items, particularly one. The Reserve Bank has been given authority to supervise, inspect, give directions and also it has been given certain obligations. This I hope is the first step towards the nationalisation of banking concerns. Ultimately we shall have to go to that. Banking is an important and vital factor in national economy. Unless we can nationalise all banking concerns, it will be very difficult for us to develop a nationalised economy. The Reserve Bank has been nationalised. Government and Congress have accepted the policy of the nationalisation of the Imperial Bank. It may be deferred by a few months, but ultimately, it will be given effect to. I hope these obligations and responsibilities that have been put on the Reserve Bank under this Bill will ultimately lead to the nationalisation of all banking concerns.

Some restrictions have been put on the opening of new branches. From my experience of Bengal, I can say this is a very healthy restriction and a very healthy provision. All sorts of branches are being opened simply in a competitive spirit without due care and precaution. The Reserve Bank has now been given authority to give licences for opening new branches. With these few remarks or points which particularly concern Bengal, I commend this Bill to the House and I congratulate the Honourable the Finance Minister on his having been able to complete this very useful piece of legislation which has been dragging on for the last eleven years. I support the Bill.

Shri R. K. Sidhva (C. P. and Berar: General): Sir, as regards this Bill, much has been said about nationalisation of Banks and my honourable friend Professor K. T. Shah has very ably advocated the cause of nationalisation. I shall not therefore deal at great length with this matter. However, I will be failing in my duty if I do not express very briefly my views about the nationalisation of banks.

Sir, it is not correct to say that money will not be forthcoming from the country if the banks are nationalised. The country has enough wealth in the Banks; I mean the scheduled banks; I am not talking of those small banks. There are eight hundred crores of cash money in deposit with these banks. Apart from this, there is individual wealth not deposited in the public banks. You can therefore see that this 800 crores belongs to the public and it is national wealth and if it is properly utilised, it can increase our national wealth. The other day, I had been to Jaipur to attend the Indian National Congress session. While I was strolling in the compound of the bazar, I found four boards of banks, the Jaipur Bank, United Commercial Bank, The Udaipur Bank and one or two more. As a curiosity as to why in Jaipur, a small city, there were so many banks—whether it is merely for the purpose of advertising the banks or whether there were really so many banks—I made enquiries and I found that Jaipur is doing the largest banking business, and largest bullion banking business in the whole of India. I made further enquiries whether it was merely speculation or it was really business. I was told that every day, train loads, plane loads of silver bars actually come from Bombay to Jaipur and actual business is done in silver and also speculation. I was convinced that there was so much wealth in Jaipur, cash money, that the residents of Jaipur who are businessmen generally do not put the money in the banks, for the purpose of gaining interest, but they put it in some trade or some industry. There is so much money in Jaipur city itself that in one bank the Jaipur Bank. I was

able to find that there were seven and a half crores of Rupees as deposits. You can very well understand the money power with the people of this country. If one Jaipur city can have seven and a half crores in one bank, it is all bunkum to say that we cannot run national institutions on national lines. It surpasses my comprehension to believe such a thing. We are rich in minerals; we are rich in material wealth, that is money.

Mr. Deputy Speaker: The honourable member will continue his speech tomorrow. The House is adjourned till 10.45 A.M. tomorrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Thursday, the 10th February, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS
AND ANSWERS)

Thursday, 10th February, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

12 Noon.

ELECTION TO COMMITTEE ON PUBLIC ACCOUNTS

Mr. Speaker: I have to inform the Assembly that up to 12 Noon on Wednesday, the 9th February 1949, the time fixed for receiving nominations for the purpose of election of one member to the Committee on Public Accounts in the vacancy caused by the resignation of the Honourable Shri K. Santhanam only one nomination was received. As there is only one candidate for the vacancy, I declare Prof. K. T. Shah to be duly elected to the Committee.

CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 82)

The Honourable Dr. B. R. Ambedkar (Minister for Law): Sir, I move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Code of Civil Procedure, 1908."

The motion was adopted.

The Honourable Dr. B. R. Ambedkar: I introduce the Bill.

INDIAN TEA CONTROL (AMENDMENT) BILL.

The Honourable Shri K. C. Neogy (Minister for Commerce): I move for leave to introduce a Bill further to amend the Indian Tea Control Act, 1938.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the India Tea Control Act, 1938."

The motion was adopted.

The Honourable Shri K. C. Neogy: I introduce the Bill.

BANKING COMPANIES BILL.—*contd.*

PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Dr. John Matthai (Minister for Finance): I beg to present the report of the Select Committee on the Bill to make provision for the payment of taxes before transfers of property are recognised in certain cases.

BANKING COMPANIES BILL.—*contd.*

Mr. Speaker: The House will now proceed with the further consideration of the motion that the Bill to consolidate and amend the law relating to banking companies as reported by the Select Committee be taken into consideration.

Shri R. K. Sidhva (C.P. and Bearar: General): Before we dispersed last evening, I was developing my point that the banks with which this Bill is concerned have about Rs. 800 crores of deposit money. I also singled out one bank for the purpose of showing what an amount of material wealth the Country possesses. I said that in Jaipur during my visit to attend the Congress Session I found that the small State bank had 7-1/2 crores of deposit money. It is not therefore proper to state that for the purposes of nationalisation of banks or other industries, sufficient material wealth is not available in the country. We have sufficient wealth, but the point is how to get this money for the welfare of the country and its nationals. That is the point to which proper attention has not been paid. It has been stated, Sir, that money is shy because this Government from time to time proclaims its policy of nationalisation of banks or other industries. Therefore the money that is required by the State is not forthcoming. Sir, this Government has times out of number proclaimed that they want to restore confidence amongst the general public, amongst the industrialists, amongst the investors, amongst all people and even amongst labour, and they have by practical steps shown what their future policy will be as regards nationalising all industries, so that there may be no difficulty as far as the forthcoming of money is concerned. But such is the state of affairs, despite the above fact and despite the assurance given by the Honourable the Finance Minister last year during the budget debate that with regard to his policy of taxation—for which there were certain questions at the time—he had suggested this after consultation with some of the big industries, so that our economy may not in any way suffer: and the House, although reluctant, at once agreed to his proposal.

In spite of all these facts, what do we find? We find that neither the big capitalists nor labour, for whom also we have made some concessions, are prepared to come forward and help the Government. The Government went to the length of reducing the amount of import duty for any new industry that was going to be started. There also the response which was expected was not forthcoming and I do not therefore understand what else Government should do.

It is the industrialists who have been frightening the middle class people who invest their money in the banks. It is not the Government that is frightening them by their national policy and that therefore their money is not coming forward. These big capitalists, who have been enjoying privileges and concessions, fear that by the introduction of nationalization they might be deprived of their profits, and they spread such kind of fears among the middle class of people. I mentioned about the investment of Rs. 800 crores in certain banks. Let me tell you that the predecessor of the present Honourable Minister stated that 75 per cent. of the money by way of loans and deposits come from the middle class people. That is true. These big capitalists do not put their money as fixed deposits into the banks for getting interest. They borrow money. It is the small class of people who invest the money and the advantage is taken by the capitalists and yet they are not prepared to help the State. When an emergency has arisen and when they must subscribe to the loans, a greater number of these people should help the State in industry and banking. I therefore feel that when Government are making concessions after concessions this policy of theirs will not pay. We are prepared to wait even for another 15 years provided they are prepared to co-operate. But I am sure that from the trend of things and manner in which the capitalists are proceeding, they are not prepared to help the Government. Either we must go the whole hog for nationalisation or let time take its own course. There can be no *via media*. We have done our best. I admit that Mr. Mody has wholeheartedly supported this Bill. I also support it for whatever it is worth. But I do feel, Sir, that instead of blaming the Government that because of their policy money is not forthcoming, persons like Mr. Mody who are at the head

of banking concerns, should change their outlook and mentality and see that the money which is really invested by the middle class of people is used in the right direction.

My friend, Mr. Ramalingam Chettiar spoke about co-operative banks. I had the honour and privilege of being the President of two co-operative banks with a running capital in one case of Rs. 1 crore and in the other case of Rs. 18 lakhs; and I can assure you that these co-operative banks and societies do wonderful work. These big banks to whom the small man goes for a loan for industry do not give any help. I certainly do not want to minimise the great part our Indian banking has played in the past when these European concerns were committed to demolish these banks. I know the Central Bank of which Mr. Homi Mody is the Chairman has met with so many odds, but it has faced all of them. I know of an instance where there was a rush on the bank, but the bank stood firm and paid every one up to 11 o'clock in the night. At that time the English Banks and the Imperial Bank were not prepared to help our Indian banks. I must give credit to them for maintaining the credit of Indian banking. But times have changed and they must under these circumstances bear in mind that if they do not change their outlook neither they, nor the country, nor the small investors are going to benefit, and that confidence in the banks and the Government will drift somewhere else. Therefore instead of the industrialists blaming the Government, they must blame themselves. Their big Federation of Chambers of Industry must try to understand what is the position, and then if they change their outlook I am quite sure the affairs of the State will be very much better than what they are now. I have no fear about our own position. We have ample money.

Without fear of any contradiction, I say if money is to be collected, it will come spontaneously. The point is how it is to be planned and collected. That is the conclusion I have come to in this matter of nationalization. The Imperial Bank has Rs. 281 crores as deposits and the Central Bank also has got Rs. 123 crores. Where is that money? That money is lying somewhere utilised in shares. The poor depositor gets not more than one per cent. on his money; if it is for a long period, he gets one and a half per cent. That is the position of banking. I want that the banking system in India be revolutionized so that small and big industries can prosper and not only one class of people.

This Bill is being brought for the prosperity of one class of people in this country. I would have preferred a banking measure of a very far-reaching importance, so that under the new set-up, as you rightly have been stating all along, there should have been better types of Acts so that small people, the middle class people and the big people could be benefitted by them. In this Bill I do not find such a provision.

Now one important point which I want in the provisions of this Bill is the representation of the depositors. It has been argued that if the depositor has the right to vote, it will be impracticable. I fail to understand such an argument and I can only come to this conclusion that it is not the intention of the bankers to give any kind of right to the depositors who really contribute three-fourths of the money in banks.

This is only for a few banks. But there are many other small banks and if you include all of them it may come to Rs. 1,000 crores. In the Insurance Company you have given a right to the policy-holders. It was argued then also, when the question of the right of the policy-holders came up, that it was not feasible. I have been reading the debate on that occasion. Ultimately the Government of those days had to yield and give representation to the policy-holders and today that system is functioning so very well that the companies are very vigilant. Policy-holders' associations have been created and they send their representatives to safeguard their interests. May I ask the

[Shri R. K. Sidhva]

Honourable Minister why a similar proposition could not be evolved in this case also? Why could it not be stated that those who have money for six months as fixed deposits at the time when the election takes place should have the right of voting. Under the Companies Act on a particular date the books are closed to the shareholders and after the closing of the books nobody has a right of voting. Similarly such a plan could be devised. Is there any point in stating that it could not be devised? Where there is a will there is always a way but if there is no will obstacles will be found. I do contend, Sir, that this matter requires the serious consideration of the Honourable Minister, for it has been very lightly treated and the argument has been advanced that it is not feasible. If the Government want more money from this class of investors they must give them this right also. They invest crores of rupees. I shall be glad to hear if my statement is incorrect, that a larger portion does not come from the middle and lower middle classes. I also know that in many banks it is the middle classes that keep their little savings. Some depend on the interest they receive on their deposits. The Tatas, Dalmias and Birlas do not invest for the sake of interest. They borrow money. So with what logic can you refuse representation to them? It passes my comprehension.

I was discussing with a member of the Select Committee and he told me that this matter was ruled out, (although it was quite correct that they should have been given the right) because they thought it was not practicable. Why? You may put down six months or one year or any other restriction that you want. But why deny that right to the class of people which is giving ample money? The Government ought to encourage such a motion. But they do not want any depositors' representatives to be sent. Thirty crores are the unsecured advances given by all these banks. Under the Indian Companies' Act a statement of unsecured advances has to be given by each bank. So they fear the depositors may form their association and send their representation and the benefit which they are enjoying now, which is not due to them, will be lost. I therefore lay great stress on this and I would request the Honourable Minister to reconsider this matter and let him not state that it is not feasible. It is the big Directors who do not want it. I do not agree that the Government should say that it is not possible. These bankers will certainly say so. They would avoid such a right being given to the people. They want to confine their right to a coterie of people who have been enjoying all these benefits so long.

Section 27 of the Bill permits the Reserve Bank to inspect the working of all the scheduled banks. A similar clause was there already and even now the Reserve Bank under instructions from the Government of India from time to time used to get statements from these banks. As my friend Mr. T. T. Krishnamachari rightly stated I do feel that the laws are sometimes very good but they are not implemented. Why should not a surprise visit be made by the representative of the Reserve Bank periodically to any bank, not with any malice but with the best of intentions, to safeguard the interest of the depositors and find out if the bank is working satisfactorily. I will give the House an illustration.

After the enactment of the Reserve Bank Act all along depositors were so confident that they took it into their head that the scheduled banks were gilt-edge banks and thought that to invest their money in a scheduled bank was the safest. I will give you the illustration of the Jwala Bank. For 25 years this bank was running its business. I do not know in what manner. I have gone into the details of this Bank. The directors were a family affair and they probably went on investing in shares and one morning the Reserve Bank issued an order that the Jwala Bank should take no more deposits. That was a

public notice. The result was that there was panic. Many small depositors who had invested their money (many widows have come to me to represent) have lost lakhs of rupees. The chairman of the bank was a very clever man and somehow for a certain period managed to give them 90 per cent. and took a receipt for 100 per cent. Then he came down to 80 and later on to 75 per cent. in full settlement of the deposits. The people thinking that their money is going away even accepted 75 per cent. Now they are offering 50 per cent. That was about five months ago and it has been accepted. I do not know today how much they will be in a position to pay. Where is the supervision of such a bank I am asking? You are enacting this Act for the benefit of depositors and if you cannot protect their money better say so. The rule for the inspection by the Reserve Bank is merely on paper but is not to be put into operation. That is the position.

I know of another bank in Bombay and in regard to that also a similar notice was issued. It so happens that some banks are not solid, then the Reserve Bank must go to their aid. If they found that the Jwala Bank was rotten what were they doing? It was a 25 year old Bank. Why did they not detect its condition long ago and save the money of the depositors. The Government lost nothing, the directors lost nothing but it is the depositors who have lost their lives' savings. That is the point to which I want to draw the attention of the Honourable Minister.

My friend yesterday mentioned in detail about the Calcutta Bank. I have no knowledge except that I read in the newspapers. But I know of these other instances personally, for those depositors have been coming to me. I know also the sums of money deposited and I know in what condition the families affected are. Therefore I desire that some improvement has to be made in clause 27, so that such a thing could not be repeated.

Sir, I have not much to say. Many of the points have been dealt with by various speakers who have spoken before me. I have only to state in the end that banking must always be considered as one of the great keystones for the expansion of industry and the economy of this country and it is a policy accepted by everyone. Therefore I am rather surprised to find that the Imperial Bank which has been catering for Government before the Reserve Bank came into existence, has been accepting deposits without giving a single pie of interest. The House may be aware that crores of rupees are in the current account of the Imperial Bank even today where there are no issue offices and they are operated upon by the Imperial Bank, although there is no interest paid on the current account to the State.

The Imperial Bank with crores of rupees of the State gives hardly one or two per cent. on loans to depositors but advances to the other concerns and earns about five, six or eight per cent. We were so delighted when we were told that the Imperial Bank was going to be nationalised. We must take some step in some direction and we were happy. After all, in the House of Commons, under the present Labour Government the Bank of England has been nationalised. We are always quoting the House of Commons here and saying that we are now functioning as the House of Commons. If that is so I want to know why we cannot function one-hundredth of what they are functioning like. Why should we not nationalise the Imperial Bank where our money is invested? Europeanisation is still there. I know of certain branches where the Managers and even the Accountants are Europeans. But I was glad to learn from the Deputy Speaker—which the Honourable Minister has still to corroborate and make a statement—that he is going to bring a proposal to nationalise the bank soon and at the same time say that all the staff is Indianised. I therefore commend this Bill. It may be defective in many ways. But I feel that the provisions there will be of some benefit to some people though not to all classes of people as I have already stated. I

[Shri R. K. Sidhva]

therefore accept the principle of this Bill with a suggestion that the Honourable Minister will be good enough to see that the representation of the depositors is there.

The Honourable Shri Satyanarayan Sinha (Minister of State): Sir, the question may now be put.

Mr. Speaker: The question is:

That the question be now put.

The motion was adopted.

The Honourable Dr. John Matthai (Minister for Finance). Mr. Speaker, it is difficult for me to know after so prolonged a debate which has covered so wide a range of matters at what point to begin in making my reply to the debate. I would like first of all to point out that the object of this Bill is a somewhat limited one. It is to prevent some of the more serious kinds of abuses in the working and management of banks of which we have had experience in recent years. I think it was my honourable friend Mr. Krishnamachari who pointed out that this Bill was born as long ago as 1939 and therefore the kind of problems that it tries to meet are problems which have on the whole little relation to those with which banking as a whole is faced today.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar.)]

I do not want to dispute the essential correctness of that statement, but I think it is necessary for me to point out that this Bill has greatly expanded in scope since the original Bill of 1939. Taking purely the physical dimensions of the Bill I should say it is at least three or four times the size of the Bill introduced in 1939. As regards the main provisions regarding control, inspection and supervision I think the provisions as they stand in the Bill today are more extensive in character than the provisions of the first Bill. I say this with a clear conscience because as far as this Bill is concerned I came into the picture only very recently—to be quite precise a couple of months ago. Therefore I think there is very little in the way of contribution which I have been able to make the build-up of this Bill. Whatever provision is contained in this Bill for tackling the problems of banking has been made by my predecessors. I think it is but fair to them that I should point out that the Bill is not quite so inconsequential in character as has been suggested.

Various problems of an important character concerning the structure, organisation and management of banking in this country have been mentioned in the course of this discussion. For example my honourable friend Mr. Krishnamachari raised the problem of the precise lines on which banking should develop in this country. The particular point that he had in mind was whether we should aim at developing our banking on the lines of big banks with branches all over the country or whether we should attempt to develop it in the direction of what he called unit banks, catering for relatively small local areas. I think that raises a really important problem of banking organisation. My personal view is that we should be prepared to develop our banking organisation in both directions at the same time. As far as these big banks with branches in every part of the country are concerned I think there is a very important service that banks of that class perform. They are able to pool the resources of the country as a whole and on the whole, with rare exceptions, they make for the general stability of our banking structure. As regards unit banks they perform this essential service that by reason of the local contacts that they establish they are able to tap local resources more effectively than big banks can. That in the present circumstances, of the country is a matter of great importance, because money is passing increasingly into the hands of people who have not been used to investment

and the only way in which we can make use of these resources which are available in the country is by the establishment of what may be called unit banks with local contacts. From the point of view of Government and of the administration the problem that this particular question raises is that if you want to develop these on parallel lines you will some day be faced with a conflict between the two. That is to say, when you want to develop unit banks for the purpose of tapping local resources, then a big bank with its branches comes along and makes it difficult by competition for the unit bank, to survive. That is the practical problem that we have to face in this matter and which certainly deserves consideration. That problem is not essentially different from the problem that arises in industries. In the textile industry you are faced with this question of the conflict between large scale industry and the handloom industry. Both of them render services of an essential character. Sometimes conflicts do arise. How that conflict is to be resolved when it arises is a question of considerable importance. All therefore that I am prepared to say at present is that while I am definitely in favour of unit banks being started in increasing numbers I think at the same time it is necessary in order to implement our objective in this matter that any unfair competition that may arise between the big bank and the small bank must be prevented by such measures as may suitably be devised.

Sir, the next question that was raised is the provision required for industry and agriculture. That is a long-standing problem. I believe the Banking Enquiry Committee gave a great deal of attention to this. I think most or a very large part of the criticism which was directed by my friend Professor Shah against this Bill is that the Bill as it stands at present makes no attempt to meet this essential need. That is a problem which is important but the solution of which is not so easy to find because this Bill covers only commercial banks and commercial banks are essentially based upon the principle of short-term finance. These commercial banks cannot undertake to meet the long-term requirements involved in the provision of industrial and agricultural finance. It seems to me that this class of finance has to be provided for by legislation of a different character. You cannot combine the two without creating confusion.

An important point again was raised by Shri Krishnamachari with regard to the question of liquidity. I take it what he had in mind when he raised the question of liquidity was that in fixing the level at which the ratio of the liquid resources of a bank to its deposit liabilities should stand, the level should not be such as would prevent the bank from making the fullest use of such resources as it has. That again is a difficult question to which to give a clear-cut answer because after all when it comes to fixing these percentage limits a great deal depends on individual judgment. The percentage provided in this Bill is 20 per cent. Whether that is on the high side or on the low side is a matter very largely of opinion and of circumstances. The point that we have to bear in mind is this. While it is of great importance that banking resources should be available in sufficient measure and that they should possess a sufficient degree of elasticity, it is necessary at the same time that the solvency of the bank is maintained and the interests of the depositor are properly safeguarded. Therefore, it is a difficult matter on which to come to a conclusion of final validity. Twenty per cent. has received the approval of the Select Committee and I think it is as good a figure as we can adopt for the time being.

The next question that was raised was the position of money lenders. That there is constitutional difficulty in providing for money lenders by Central legislation, is admitted. There is also another consideration that arises and that is, that if a Banking Bill is going to provide for due control and supervision of money lenders, it raises the question of providing administrative resources on an enormous scale. It is difficult for the Central Government to provide for the kind

[Dr. John Matthai.]

of administrative organisation that would be required for the supervision and control of money lenders and I think the suggestion was properly made in the course of this discussion that as far as this matter is concerned we must try and find a solution on the basis of co-ordination between the Centre and the Provinces and that is the direction in which I personally would approach this problem.

I think Shri Krishnamachari suggested that it was time that we had a comprehensive examination of the banking position in this country. He made the valid point that the Bill as it stands before the House today, containing provisions the beginning of which has to be traced back to 1939, is a Bill which in many respects is out of date. If we had a banking enquiry today, an enquiry into all the problems relating to banking in India, and the Committee made its recommendations in a year from now, it is quite conceivable that when the report comes up before this House for consideration, the recommendations might equally be found to be out of date. I say that specifically for this reason because just at present in regard to monetary and financial matters we are passing through a critical time, a period of difficult transition. While we are all aware of the many problems which have arisen as the result of the inflationary conditions which prevail in the country, we cannot altogether ignore the signs which are gradually visible on the horizon of a tendency in a different direction. I think we would be wise to proceed on the assumption that in the matter of inflation we have now reached, so to speak, the cross-roads. On one side is this mountain of inflation, on the other side is the chasm of approaching deflation and whoever is responsible for guiding the financial and monetary policy of the country, in my opinion must act with more than ordinary care and with more than ordinary circumspection in steering the wheels of the country's financial machinery. Personally, therefore, I take the view that if we are to have a comprehensive examination of the financial and banking position of the country it would be well for us to wait a little.

Sir, the point was raised that in view of the very large powers which we are conferring on the Reserve Bank in this Bill and in view also of the fact that the Reserve Bank is now a nationalised institution it is necessary that the staff and other equipment of the Reserve Bank should be suitably modified. I am aware of the importance of that problem and the distinguished Governor of the Reserve Bank is equally alive to that problem, and we shall see to it that the Reserve Bank is fully equipped for meeting these important responsibilities which are being placed upon it.

Then, Sir, the question of nationalisation has been raised. (Shri Mahavir Tyagi: "Nationalisation of the Imperial Bank.") The question of nationalising not merely the Imperial Bank, but also all the banks of the country, particularly commercial banks, has I think been raised. As far as I am concerned, I am a believer in the doctrine of the State as a positive instrument of social and economic progress, but I believe at the same time that it is not a doctrine of universal application. There are certain matters in which the State is not a suitable instrument for securing progress. There are other matters in which the State is eminently suitable for that purpose, and therefore I think in judging problems that arise in connection with nationalisation we have to keep in mind the importance of drawing a distinction between the two spheres. In the matter of nationalising the Imperial Bank, I am of course in the hands of the House.

But I do want to say this, that as far as my personal observation and examination go, I have some doubt in my mind whether the management of commercial banks is a suitable field for nationalisation. I say that for this reason, that in the matter of commercial banks, the day to day activities of the

concern depend largely on the personal contacts and relationships that you build up between the bank and its customers. The activities in which a commercial bank is engaged are activities which require, in the first place, a certain elasticity in the mental outlook of those who manage it. It requires also a capacity for readily sizing up practical situations as they arise from time to time. It involves also a capacity for arriving at quick and sound decisions in the light of changing circumstances. I have had some experience of Governmental machinery and I have doubts in my mind, which I cannot altogether get rid of, that the kind of machinery with which Government works is machinery which will not rise to problems of this character. But as I said I am in the hands of the House in this matter.

But since the question has been raised, particularly in regard to the Imperial Bank of India, I want to say this. I have listened carefully to that part of the discussion which related to the position of the Imperial Bank and I would say that I am not satisfied myself with the organisation and working of the Imperial Bank under the present set-up. What I would like to do, in the light of the criticism to which I have listened, is to see whether without nationalising the Imperial Bank of India it is not possible for us to secure the objects which honourable members have in mind by undertaking a suitable revision of the Imperial Bank of India Act. I think my honourable friend Mr. Das pointed out that this Act which was enacted in 1920 has not been revised since, although conditions have changed vastly. I think he is perfectly right and what I want to do is to take in hand immediately the question of examining the provisions of the Imperial Bank of India Act in the light of the actual experience of its working and the points made in the course of this discussion and to see whether by revising that Act we could not put the Imperial Bank of India on a basis which would enable it to render the fullest possible service in the most suitable manner.

I listened with great interest to the speech which my dear friend Prof. Shah made, and when I listened to him I was naturally thrown into a reminiscent mood, because most of the things that he said used to be my stock-in-trade when I was a professor of Economics nearly a quarter of a century ago, and although Prof. Shah and myself have kept in contact with each other all this period of years it was a surprise to me that he had advanced so little since twenty five years ago. (Mr. Naziruddin Ahmad: "Out of date or just in advance of our time?") Perhaps both, Prof. Shah raised some very important questions and I do not want to make light of them. It has been my experience ever since I left the chair of Economics in Madras and fate put me into positions where administrative problems of an economic character were my special concern, that it is not possible to handle these problems effectively unless we view them against the background of the real things that are happening all about us. I sometimes wonder, when the time comes for me to retire from this political arena if I were asked to revert to my old vocation as a teacher of economics, whether I would ever be able to expound economic theory with any thing approaching conviction. Now that we are trying to put Prof. Shah on the Standing Committees of the Legislature—and I am glad to find that he has been put on the Public Accounts Committee—I hope when he has had more experience of these Committees Prof. Shah and I might find ourselves approximating a little more closely to each other.

My friend Mr. Ramalingam Chettiar very rightly raised the question of co-operative banks. With many things that he said in connection with co-operation, I am fully in agreement. I have had a certain amount of experience of the working of the co-operative movement myself, because one of the first jobs that I ever held was that of Deputy Registrar of Co-operative Societies in the very province to which my friend Mr. Ramalingam Chettiar belongs, and I

[Dr. John Matthai]

also once had the rare experience of working off and on for nearly a year under Sir Horace Plunkett, the great founder of the agricultural movement in Ireland. There was a time when I used to think that practically every economic problem in this country would find its solution in terms of the co-operative movement. I am still a believer in the co-operative movement, I cannot altogether conceal from myself that compared with the high hopes with which we started the co-operative movement in this country, going back to the days when Frederick Nicholson wrote his monumental report in the nineties of the last century and going back to the days when Lord Curzon passed the Co-operative Societies Act of 1904, and going back to the early reports produced by the pioneers who were Registrars of Co-operative Societies in those days, you cannot altogether escape the feeling that the results which we have achieved by means of co-operation fall not merely short but far short of the hopes with which we started. It is a depressing thought. I am glad to hear from Mr. Ramalingam Chettiar that things have improved in his province. I have no doubt they have but I do want to say that there is a big gulf between the expectations with which we started the co-operative movement more than 40 years ago and the results which the movement has so far achieved. (Prof. N. G. Ranga. "That is the case with everybody and every movement all over the world and in all ages"). In spite of Prof. Ranga, I propose to say what I think. I have given a good deal of thought to the co-operative movement—at one time I perpetrated a book on it which fortunately is out of print altogether—and I have kept myself in fairly close touch with the development of the Co-operative movement through the Annual Administration Reports which I read with some care. I want to tell my friend Mr. Ramalingam Chettiar—because he is one of those few people who believe in the movement and bring to bear upon it a great deal of public spirit. I want to tell him what in my opinion are the reasons which have prevented the co-operative movement from fulfilling the expectations of its early founders. I trace the relative failure of it to two things—first of all it is the lack of skilled and trained executive staff. No democracy can work without a first-class permanent service and the real reason why the Co-operative movement in spite of the enthusiasm and the public spirit of leading workers like Mr. Ramalingam Chettiar has not risen to the heights of our expectation is that it lacks that kind of service.

Secondly, I think among the rank and file of those who work in the co-operative movement, there is a lack of that sustained enterprise and spirit of initiative which alone can keep a movement of this kind at the highest level of efficiency. What I am trying to suggest is this, that if we are going to depend on the Co-operative movement entirely for fulfilling the requirements of agricultural finance, we shall not be able to solve in a measurable time that problem. I do not for a moment decry the Co-operative movement—I am as much a believer in it as Mr. Chettiar—but I do see the practical difficulties which are hindering the efficient working of the movement. It is necessary that the Co-operative movement must be supplemented by other type of finance if we are to be able, in a measurable time, to meet the problem with which we are faced in the agricultural field. A suggestion was made that the Reserve Bank has not done all that it was expected to do in regard to helping the Co-operative movement. It is a subject with which I am not sufficiently familiar and therefore I do not want to make any definite suggestion at the present. But I want to point out that it was in view of the importance of linking up the Reserve Bank in some way with the Co-operative movement that I decided, in appointing the Directors of the Central Board of the Reserve Bank this time, to put on it so distinguished a Co-operator as Sir, Manilal Nanavati. In point of experience and knowledge he is as distinguished a Co-operator as we can find in this country to-day and I hope as a result of his efforts and advice it will

be possible for us to make the services of the Reserve Bank available in increasing measure for providing the finance required by our agriculturists.

Sir, reference has been made more than once to the controlling of foreign banks. It is not accurate to say that there is no provision in this Bill for bringing foreign banks under control. The definition of a company in this Bill is at first sight a queer definition. The definition of a company which has been adopted for the purpose of this Bill is a company which may be wound up under the Indian Companies Act. It is a queer thing that an institution should be defined with reference to its funeral rites but the reason is that under the winding up provisions of the Companies Act, not merely registered but also unregistered companies may be brought in. Therefore we adopted that definition specifically for the purpose of bringing foreign banks within the ambit of this Bill. May I also draw attention to the fact that among the provisions regarding licensing, we have included an important provision in regard to banks which are incorporated in countries which discriminate against Indian Banking Companies. So far as the limited purpose of this Bill is concerned, I think due provision has been made for the control and supervision of foreign banks.

The only other point that I would like to refer to is the point to which my friend the Deputy Speaker referred to yesterday. There are various amendments before the House but I want to say in advance that it is my intention on behalf of Government to accept the amendment of which my friend Mr. Krishnamachari has given notice reducing the percentage limit for investment from 40 per cent. to 30 per cent. and also the amendment of which my friend Professor Shah has given notice for reducing the limit of voting rights which may be held by any one person from ten per cent. to five per cent. I hope with these major amendments, the Bill will find general acceptance at the hands of the House.

Mr. Deputy Speaker: The question is:

"That the Bill to consolidate and amend the law relating to banking companies, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

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

The Assembly then adjourned for Lunch till Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Mr. Speaker: The House will now proceed with the clause by clause consideration of the Bill to consolidate and amend the law relating to banking companies.

Will it not be better if we clarify the position as regards the drafting amendments first?

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, the position regarding these amendments is this. There are some of them which need not be moved at all, I mean those relating to punctuation and other formal matters. But with regard to others, I think I should move them. But in any case, it would be better if I could know from the Honourable Minister what amendments are acceptable and what are not.

The Honourable Dr. John Matthai: I am afraid such a selection of the amendments is not possible.

Mr. Speaker: What he wants is this. If all his amendments are scrutinised and if he is informed that such and such amendments are going to be accepted, then he may not move the others.

358

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [10TH FEB. 1949]

The Honourable Dr. John Matthai: The only reply I can give to that is that, after scrutinising the various amendments, the conclusion that I have come to is that I am prepared to accept some of his amendments relating to commas, but I reject all his amendments relating to full-stops, and all his other verbal amendments, also, I reject.

Mr. Naziruddin Ahmad: But the difficulty is that we have not had sufficient time to consider these points, and the Government also does not have the time to consider and decide which are the good amendments and which are not.

Mr. Speaker: We do not know the case of the Government, at least so long as they do not admit it. But on his own admission, the honourable member has not considered his amendments sufficiently.

Now what is the position as regards clause 2?

Does he move his amendment?

Mr. Naziruddin Ahmad: I propose to move it, Sir.

Shri T. T. Krishnamachari (Madras: General): This particular amendment of my honourable friend is merely a re-casting of the clause as it is to-day. The same is the case regarding his amendment to clause 4. If we are going to consider all these re-casting amendments, I am afraid we will require a whole week for it.

Mr. Speaker: That is what I was putting to the honourable member, but it is for the member himself to decide, for it is a matter of his right. If he thinks that this particular clause is not properly worded, he has the right to move his amendment to it. But having known the mind of the honourable Minister, that none of his amendments will be accepted, the question is whether he will not be interested in saving the time of the House, by not moving the amendments.

Mr. Naziruddin Ahmad: Sir, as a matter of protest, they should be moved and kept on record for future generations to see. I beg to move:

"That for clause 2 of the Bill, the following be substituted:

"2. The provisions of this Act shall, save as hereinafter expressly provided, be in addition to, and not in derogation of, the Indian Companies Act, 1913 (VII of 1913), and any other law for the time being in force."

Sir, I frankly confess that this is a rearranging of the clause. The question is: where are we to put the conditional clause—"save as hereinafter expressly provided". Sir, after all, the language should be absolutely free from any objection, and here I find there is room for improvement.

Mr. Speaker: I do not think I need put the amendment to the House, in view of the honourable Minister's unwillingness to accept it. But if the mover is keen, I shall put it to vote.

Mr. Naziruddin Ahmad: No, I am not.

Mr. Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Prof. K. T. Shah (Bihar: General): Sir, I beg to move:

"That in clause 3 of the Bill, before the words 'or any other law,' the following be inserted:

'or land mortgage banks, or the Industrial Finance Corporation; but, unless otherwise provided to the contrary, shall apply to any municipal or State Government bank which may be established by special Charter or Statute hereafter'."

My reasons for submitting this amendment for the consideration of the House are three. But before I proceed to enumerate them, there is one slight verbal alteration which, with your permission, I would like to indicate. The word 'state' is used as the equivalent of Government. But I think it would improve matters if you are to add 'or' between 'State' and 'Government'.

Mr. Speaker: Does the honourable member want to add the word 'or' between the words 'State' and 'Government' in his amendment?

Prof. K. T. Shah: Yes, Sir. I have put forward this amendment because in the first place the law has been described in the title as a consolidating Bill. It has been a misleading phrase to me, and, though explanations have been vouchsafed from several quarters of the House, including one by the sponsor of the Bill himself, that this law relates only to commercial banking, I confess what my limited intelligence does not grasp this fine distinction between a Bill confined to one class of banking being also called "consolidating."

If, however, that is the intention, my suggestion to the Honourable Minister is that he might be kind enough to amend the position when the Title and the Preamble come before the House by adding a clear expression that the Bill relates to commercial banking. I would then be satisfied. If that is not done, I fear that the matter would not be as clear as the Honourable Minister has in his imagination or in his mind.

Another argument I would like to advance is: Here is one suggestion—that unless it is clarified it would give room to disturbances and difference of opinion. A Municipal Bank is still unknown, or practically unknown, in this country. And yet it has developed to very considerable proportions in other countries where banking had a wider significance than we are prepared to accept in this country. A Municipal Bank was one of the great contributions of the late Mr. Joseph Chamberlain in the city of Birmingham. Today it is one of the most flourishing municipal banks, that combines the principle of co-operation as well collective enterprise in an eminent degree. Now if this law is to apply to a Municipal Bank then I think, since the sponsors declare the law to relate only to commercial banking, it is quite possible that an institution like that may not come within the purview of any law.

I have, therefore, added in my amendment the words: unless the statute or Charter may otherwise provide. I suppose a statute that establishes Government Bank or municipal bank will do so. In a Municipal Bank there are many advantages which those who refuse to progress with the times do not recognise. It is for them to say that, whereas 25 years ago they had the same arguments and ideas which I put forward yesterday, today, under the force of responsibilities thrust upon them and in view of the changed circumstances, they have revised their opinions, with the consequence that they find themselves wiser in these days. I confess guilty to that charge of not having "progressed" in that sense. Though I have my own opinion as to the direction in which progress takes place, whether backwards or forwards.

Apart from that, I would say that this type of banking this country very badly needs, especially if you are sincere in your desire that this sort of banking should be encouraged and that the law should help to develop it.

[Prof. K. T. Shah]

I come next to the question of the possibility of different states forming part of the union of India. Each province or state should have its own banking organisations, so that any particular interest of a given region may be served much more suitably and effectively, by the appropriate public banking institution of that region, than would be the case if you do not provide for that. It is for these reasons that I have ventured to move this amendment.

Mr. Speaker: Amendment moved:

"That in clause 3 of the Bill, before the words 'or any other law', the following be inserted:

'or land mortgage banks, or the Industrial Finance Corporation; but, unless otherwise provided to the contrary, shall apply to any municipal or State or Government bank which may be established by special Charter or Statute hereafter'."

Shri M. Ananthasayanam Ayyangar (Madras: General): Mr. Speaker, I find that this amendment is not necessary. It seeks to exclude the land mortgage banks from the operations of this Act. Land Mortgage Banks are also banks registered as co-operative societies. No land mortgage bank is to be registered under the Indian companies Act. Therefore it is unnecessary to add the words 'land mortgage banks'.

The other category of banks which Professor Shah wants to exempt is the Industrial Finance Corporation. The Corporation is not a bank which can be wound up under the Indian Companies Act. A company as defined here means any company which may be wound up under the Indian Companies Act. This applies only to companies. The Indian Finance corporation came into existence as the creation of a Statute and can be wound up only in a particular manner. Hence in this respect also this amendment is unnecessary.

As regards the suggestion to include the words 'unless otherwise provided to the contrary', I may say that if a municipal bank is established by a charter, the charter will also provide for its winding up. If it is municipal bank it will be governed by this Act without any particular mention regarding it.

The State Banks were included because in the Select Committee it was considered necessary to do so in so far as the States concerned agree to accept the law passed by the Dominion Legislature in regard to banking also. If the accession is not confined only to three items, but is extended to banking also, automatically the Indian laws relating to banking will apply to that State also. Therefore this amendment does not seem to be necessary.

The Honourable Dr. John Matthai: I agree with my honourable friend the Deputy Speaker, Sir.

Mr. Speaker: I will now put the amendment to vote.

Prof. K. T. Shah: Yes, Sir.

Mr. Speaker: The question is:

"That in clause 3 of the Bill, before the words 'or any other law', the following be inserted:

'or land mortgage banks, or the Industrial Finance Corporation; but, unless otherwise provided to the contrary, shall apply to any municipal or State or Government bank which may be established by special Charter or Statute hereafter'."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Mr. Naziruddin Ahmad: I move:

"That in sub-clause (1) of clause 4 of the Bill, for all the words beginning with the words 'The Central Government' and ending with the words 'by notification', the following be substituted:

'If on a representation made by the Reserve Bank in this behalf, the Central Government is satisfied that it is expedient so to do, it may by notification'."

This is also a re-arrangement of words in order to conform to the usual standard.

The Honourable Dr. John Matthai: I do not think it improves the draft. I do not accept it.

Mr. Speaker: According to our convention, I do not put it to the House.

Mr. Naziruddin Ahmad: Sir, I move:

"That in sub-clause (2) of clause 4 of the Bill, for the words 'where he does so', the words 'where the Governor or the Deputy Governor, as the case may be, does so' be substituted."

In this case there is the provision of some acts by the Governor and also under certain circumstances of acts, in the absence of the Governor, by the Deputy Governor. It is provided in line 5 where "he" does so. 'It is difficult to say whether the word "he" refers to the Governor or the Deputy Governor.' I want to clarify the position—'where the Governor or the Deputy Governor, as the case may be.' It is purely drafting.

Mr. Speaker: Is it not clear as it is? Whosoever exercises the power, he has to do it!

Mr. Naziruddin Ahmad: It all depends as to who will interpret it.

The Honourable Dr. John Matthai: I have no objection to it.

Mr. Speaker: So the amendment is acceptable.

The question is:

"That in sub-clause (2) of clause 4 of the Bill, for the words 'where he does so', the words 'where the Governor or the Deputy Governor, as the case may be, does so' be substituted."

The motion was adopted.

Mr. Naziruddin Ahmad: With regard to amendment No. 18, if it is acceptable, I shall move it. Otherwise I shall not move it.

The Honourable Dr. John Matthai: No, I do not accept it.

Mr. Speaker: Therefore it is not moved.

Prof. K. T. Shah: Sir, I move:

"That to sub-clause (3) of clause 4 of the Bill, the following proviso be added:

'Provided that any such notification suspending the operation of the Act, exceeding ninety days in all, shall be placed before the Legislature as soon as it meets after the issue of the notification: and, unless approved by the Legislature by a resolution or by an amending Act, shall cease to operate from the date the Legislature is adjourned, after the issue of the notification, for a period exceeding three months without approving the suspension'."

Sir, this is more from a constitutional, than from a purely technical banking point of view, that I have brought forward this amendment. I want an extraordinary action of this kind,—namely, the suspension of an organic Act,—to be approved at the earliest opportunity by the Legislature, either in the form of a resolution or in the form of an amending Act. It may be, and I recognise it

[Prof. K. T. Shah]

fully, that emergencies may arise, or situations may develop, in which it is necessary to suspend the operation of this Act, either as a whole or some specific parts thereof. While admitting that, I would also secure the right of the Legislature to review the action of the Government in this behalf. And for that purpose I suggest that if such a suspension is, in the aggregate, for a period longer than ninety days, then that notification must be placed before the Legislature, to be approved or rejected, either by means of a resolution approving specifically or disapproving of the action of the Government, or even making it a part of the normal Legislature by an amending Act.

As I started by saying, Sir, this is more of a constitutional than of a purely technical banking character. But I trust the reason behind it will commend itself to the honourable Minister, that the House must have an opportunity to look into the propriety, the necessity and the working of such a suspension. For that reason, while allowing such sufficient period, namely ninety days or more, I require by this amendment that the matter be reviewed and approved or disapproved by the Legislature. If the Legislature does nothing, and is adjourned after the issue and submission of such a notification for a period longer than three months without doing anything, then I think the notification should cease to operate.

I think there is nothing offensive in it and may be accepted. I commend it to the House.

Mr. Speaker: Amendment moved:

"That to sub-clause (3) of clause 4 of the Bill, the following Proviso be added.

"Provided that any such notification suspending the operation of the Act, exceeding ninety days in all, shall be placed before the Legislature as soon as it meets after the issue of the notification; and, unless approved by the Legislature by a resolution or by an amending Act, shall cease to operate from the date the Legislature is adjourned, after the issue of the notification, for a period exceeding three months without approving the suspension."

Shri M. Ananthasayanam Ayyangar: I do not know what the honourable Minister has to say about this. But personally speaking, in an emergency the period of suspension is more than ninety days, that is three months. I would like, if the suspension continues and the House is in session, that this matter must be brought to the notice of the House: that is, the notification may be placed on the table of the House for such action as the House may consider proper. But the latter clause—"unless approved by the Legislature by a resolution or by an amending Act, shall cease to operate from the date the Legislature is adjourned..." is restrictive. In such cases, there may be some matters where we cannot be ready with a Legislature as a whole to analyse and scan the position in respect of a bank or a series of banks. The Government is competent on representation to the Reserve Bank, which means not only Governor but the general body or the Governing Body of the Reserve Bank. Therefore, normally, it ought not to be open to the House to scan, unless it is to give publicity and destroy the whole banking structure. Therefore the latter clause saying "unless approved..." seems to be very restrictive. A popular Government should be entrusted with the task of deciding it by itself. I do not see any objection to the earlier provision. If the provisions of the Act are suspended, and the Assembly is in session, and the suspension continues, it must be brought to the notice of the Assembly.

If the honourable Minister has no objection, I will support the earlier portion but not the latter.

Shri T. T. Krishnamachari: I do not think it is at all necessary to accept the earlier portion, because sub-clause (4) deals with this:

"A copy of any notification issued under sub-section (3) shall be laid on the table of the Dominion Legislature as soon as may be after it is issued."

Then the point really is that I suppose the practice that now exists of sending a copy of a Government notification to Members of the Assembly will continue even later on, and surely any Member who is interested is bound to ask questions and raise a debate if the situation is really of such a serious character. I think the precaution that my honourable friend, Prof. Shah has in mind would come into being and would be exercised by Members of the Legislature 4 P. M. and there is no need to fetter either the discretion of the Legislature or the Government by putting a precise provision in the body of the Bill.

The Honourable Dr. John Matthai: I agree with my honourable friend Shri T. T. Krishnamachari. I think sufficient provision is made for publicity and as far as the rest of the amendment is concerned it is a matter of administration and I do not think the House is concerned with it.

Mr. Speaker: The question is:

"That to sub-clause (3) of clause 4 of the Bill, the following Proviso be added:

"Provided that any such notification suspending the operation of the Act, exceeding ninety days in all, shall be placed before the Legislature as soon as it meets after the issue of the notification; and, unless approved by the Legislature by a resolution or by an amending Act, shall cease to operate from the date the Legislature is adjourned, after the issue of the notification, for a period exceeding three months without approving the suspension."

The motion was negatived.

Prof. K. T. Shah: Sir, I beg to move:

"That after sub-clause (4) of clause 4 of the Bill, the following new sub-clause be added:

"(5) The Central Government may in the event of a financial crisis or national emergency, as reported by the Reserve Bank of India, declare a general moratorium if it is satisfied that it is expedient so to do, by notification in the Official Gazette of the Government for such period not exceeding sixty days as may be specified in the notification; and during the period of such moratorium, the operation of any or of all the provisions of this Act, either generally or in relation to any specified bank or banking business, shall be suspended."

Sir, this amendment stands on a different footing from my previous amendment. Had it been on the same lines with verdict of the House on the previous amendment I should not have ventured to submit it to the House. As this amendment is conceived in a different spirit, and tries to guard against a really different emergency. I hope the House will be indulgent enough if I briefly put the case before it.

The situation contemplated in this amendment has occurred in the past, and it may occur again. Not only that in normal peaceful times such an emergency has arisen in the U.S.A. in 1933, when the President was compelled to declare, by his executive authority, a sort of closure of all banks for a certain period; but in abnormal times, like those of war, it may become quite necessary to suspend a bank's dealings or obligations statutorily within one's own country, or even to those abroad. Such a situation did arise in 1914, for example, when the then Chancellor of the Exchequer had to authorise the Bank of England to guarantee the foreign obligations of the British banks at the time operating all over the world; and pending ascertainment of those obligations, declare a moratorium, subject to certain exceptions. That saved the banking situation of England from a threatened disaster which would otherwise have befallen it.

In the days in which we are living, with the growth of international commerce, and our own country taking its place in international trade on a growing scale, when we are standing as it were on our own legs without anyone else to think of as supporters or backers, I think it but right that the Executive Government should be armed with powers, not only to suspend operation of any particular clause, not only to suspend the activities of any particular bank or any kind of banking business; but declare a wholesale moratorium suspending all obligations as between debtors and creditors, so that the emergency may

[Prof. K. T. Shah].

not take us by surprise, and the country may pass through it unscathed after the critical moment has been successfully weathered.

From this point of view, therefore, I suggested the amendment, that the right be given, and it be given by Act, not exercised by the inherent executive or prerogative power, so to say, of Government, the right being given by law expressly, that Government may suspend by declaring a general moratorium of obligations between debtors and creditors, particularly between banks and customers, so that the emergency may be met without any great dislocation and the country weather through the crisis without any untoward happening.

I do not know whether the Honourable the Finance Minister would agree to consider this point at all. It may be that we live in times when perhaps we may sleep in peace and may not worry as to what will happen even though the volcano may be about to erupt at our very foot. That is a kind of self-assurance, that is a kind of self-complacency or self-satisfaction which I am afraid I am not quite accustomed to, even though I have no practical or business experience. That being so, in all humility and modesty I commend the proposal to the House.

Mr. Speaker: Amendment moved:

"That after sub-clause (4) of clause (4) of the Bill, the following new sub-clause be added:

"(5) The Central Government may, in the event of a financial crisis or national emergency, as reported by the Reserve Bank of India, declare a general moratorium if it is satisfied that it is expedient so to do, by notification in the Official Gazette of the Government for such period not exceeding sixty days as may be specified in the notification; and during the period of such moratorium, the operation of any or of all the provisions of this Act, either generally or in relation to any specified bank or banking business, shall be suspended."

Shri T. T. Krishnamachari: I am afraid the first part of my honourable friend's amendment is not germane to the Bill which we are now considering. Powers to Government for declaring a general moratorium cannot be put in a banking Bill because as my honourable friend himself recognises it the whole thing is meant to cover the entire relationship between the debtor and creditor of all kinds. Here we are dealing with a specific issue. So far as powers in regard to moratorium for banks are concerned I think that can be achieved even by means of the provisions of the Bill as they are today apart from the other means available. I do not see where this particular amendment fits in though I agree with my friend Prof. Shah that a contingency might conceivably arise but that contingency has to be met by other legislative powers which the Government of the day will have, and not by means of a clause of this nature put in a specific Bill relating to banking companies. I think the amendment does not fit into the Bill and it should be rejected.

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, I am speaking subject to correction. I believe this amendment would be useful in helping the smaller banks and particularly helping the indigenous banks which have now been started in undeveloped provinces. At present if you want to have a moratorium you have to send a petition before the High Court and that takes a lot of time. Sometimes the bankers do not feel inclined to take the trouble of going to a court of law. If this amendment of Prof. Shah is accepted you will save a lot of inconvenience and it will enable the banks to get expeditious remedy. After all the banks getting this expeditious remedy means that the depositors will be helped. We have seen during the last Noakhali trouble in Bengal how a number of banks, which were otherwise well managed, had to close their doors, because there was a lot of exodus from those districts and

the neighbouring districts on account of fear and how banks which were established in Eastern Bengal, even before the Partition had to collapse on account of the fact that there was a sudden rush on the banks. Recently also we have seen that some banks, including scheduled banks, in Bengal which had branches in Assam suddenly closed their doors, because there was a rush on account of misapprehension of facts, on account of unfounded rumours having gone about. So if in such cases it was possible for the Reserve Bank to step in immediately and if it was possible for the Central Government to grant moratorium immediately there would not have been any necessity for closing the doors of so many banks and so many poor depositors would not have suffered. Therefore I would ask the Honourable the Finance Minister to be somewhat affectionate not to the mover of the amendment but to the depositors and accept it in the interests of the depositors.

Mr. Naziruddin Ahmad: I would also like to support the amendment.

Prof. Shibban Lal Saksena (U.P.: General): When I heard carefully the speech of my honourable friend Mr. Krishnamachari I thought he was pointing out some provision in the Bill which would meet the contingency referred to by Prof. Shah. But he has only said that the amendment proposed by Prof. Shah is not germane to the Bill. But the contention of my honourable friend Prof. Shah is a real one and he has also sketched instances in the past elsewhere, and such a one may arise in our country. I do not see any harm in accepting the amendment unless it be for the reason, as our friend Mr. Chaudhuri has said, that it has been moved by Prof. Shah and therefore should not be accepted. I think it is a very useful amendment and should be accepted. I hope the Honourable the Finance Minister will either tell us how he will meet the contingency pointed out by the mover of the amendment or accept it.

The Honourable Dr. John Matthai: I regret I cannot accept this amendment because in case there is a crisis of sufficient magnitude for a declaration of a general moratorium Government can take action either under the Negotiable Instruments Act or if necessary by an Ordinance. I do not think a provision in the Bill is necessary.

Mr. Naziruddin Ahmad: Ordinance may take time.

Mr. Speaker: The question is:

"That after sub-clause (4) of clause (4) of the Bill, the following new sub-clause be added:

"(5) The Central Government may, in the event of a financial crisis or national emergency, as reported by the Reserve Bank of India, declare a general moratorium, if it is satisfied that it is expedient so to do, by notification in the Official Gazette of the Government for such period not exceeding sixty days as may be specified in the notification; and during the period of such moratorium, the operation of any or of all the provisions of this Act, either generally or in relation to any specified bank or banking business, shall be suspended."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Mr. Naziruddin Ahmad: Sir, I move:

"That in part (a) of sub-clause (1) of clause 5 of the Bill, for the words 'and such securities', the words 'and includes such securities' be substituted."

This occurs in the definition of 'approved securities' in item (a) of sub-clause (1) of clause 5. 'Approved securities' is clearly defined there. An addition has

[Mr. Naziruddin Ahmad]

been made by way of clarification. In such cases it is the practice to say that it 'includes' such and such things. The definition in the earlier part of the sub-clause is already complete. It is only some additional explanation that has been attempted in the latter part. So the word 'includes' is proper.

The Honourable Dr. John Matthai: I do not think it improves the draft. I am advised by my legal adviser not to accept it.

Mr. Naziruddin Ahmad: Then I am not pressing it. I move:

"That in part (c) of sub-clause (1) of clause 5 of the Bill,—

(i) the following be added at the end:

'but does not include a company which is engaged in the manufacture of goods or carries on any trade and which accepts deposits of money from the public for the purpose of financing its own business'; and

(ii) the *Explanation* be omitted."

Sir, the real purpose of this amendment is to delete the *Explanation*. If the *Explanation* is deleted the first part of my amendment does not at all arise. My object is to delete it altogether, and in the alternative, if it is not deleted, to incorporate this in the definition of a "banking company". The real reason for the deletion of this *Explanation* is that it is absolutely unnecessary—it is clearly unnecessary. "Banking company" means, according to the definition, any company which transacts the *business of banking*. The meaning of "business of banking" is well known. But an *Explanation* has been attempted to be added on account of certain misgivings by certain companies—millowners and others. There is the practice of these companies borrowing money from the public on interest and paying them off when the necessity is over. It is feared by some of them that unless this *Explanation* is added, they may be regarded as banking companies because they were borrowing money from the public and therefore this *Explanation* has been added purporting to exclude them. But the word "banking" is well known. Stroud's judicial dictionary, which is an acknowledged authority, says that the business of a banker is "the lending of money on security of goods used in the ordinary business of the bank." The ordinary business of the bank is therefore the lending of money. A cloth dealer or any other manufacturer in the proposed *Explanation* does not lend money—he borrows money. The most important characteristic of banking business is lending money on the security of goods. These concerns borrow money as debtors and do not lend money to others as an ordinary business of the concern.

The other definition of "banking" is to be found in Halsbury, Vol. I. It says that a banker is "an individual or partnership or a corporation whose sole or predominating business is banking, that is receipt of money on current deposit account and the payment and collection of cheques drawn by or paid in by customers." These are the two points which give us an idea of the business of banking, namely to accept current deposits and the payment of cheques and the collection of cheques and cashing them, and again lending the money to constituents as part of its ordinary course of the business concerns which borrow monies for running their own business are not banks in any sense of the term. If we go on explaining things which do not arise there will be no end of *Explanations*. The fears are absolutely unjustified. The business of banking is well known even in ordinary parlance and a textile millowner does not in the least come in. So I should ask for the deletion of the *Explanation*. In case the House does not accept it, the earlier part may be accepted—that a banking company does not include such and such thing. An *Explanation* does

not arise; it is rather by way of exception. Therefore, to say it does not include such and such thing would be quite enough. But I should think that the *Explanation* is wholly unnecessary.

Mr. Speaker: Amendment moved:

"That in part (c) of sub-clause (1) of clause 5 of the Bill,—

(i) the following be added at the end:

'but does not include a company which is engaged in the manufacture of goods or carries on any trade and which accepts deposits of money from the public for the purpose of financing its own business'; and

(ii) the *Explanation* be omitted."

The Honourable Dr. John Matthai: This particular point was discussed at great length in the Select Committee and considered repeatedly. It presented a great deal of difficulty and it was after prolonged consideration that we reached this formula. I would therefore earnestly appeal to the mover of the amendment not to press it.

Shri M. Ananthasayanam Ayyangar: May I speak a few words on this?

Shri T. T. Krishnamachari: I would like to explain to my honourable friend the Mover of the amendment the genesis of this *Explanation* being put in. I do not know if he attended the meeting of the Select Committee. As he will remember clause 8 of the original Bill has been omitted from the Select Committee's Report, and it is really to link up clause 8 with this definition that this *Explanation* has been put in.

As the Honourable the Finance Minister has stated, it is a matter on which the Select Committee spent a lot of time to arrive at a proper type of definition in which we could afford protection to those people who are entitled to protection, at the same time giving an adequate definition. My only feeling is—particularly as I am now reminded that the Mover was also in the Select Committee—that he will understand that this is a sequel to our having given up clause 8 in the original Bill as it first appeared in the House, and, therefore, if the *Explanation* is deleted I am afraid the mischief that will be caused, notwithstanding what is found in Stroud's definitions, would be of enormous consequence to business generally. Sir, I think the interests of safety demand that the *Explanation* should be retained.

Shri M. Ananthasayanam Ayyangar: Mr. Naziruddin Ahmad was not a Member of the Select Committee. Now, Mr. Naziruddin Ahmad wants that the *Explanation* be omitted. Instead of an *Explanation* he wants to make it a part of the definition itself. It is not as if we consider this category which is provided for by the *Explanation* to be a "banking company" at all, in which case we will exempt it deliberately saying, "This applies to this but in our view we must accept it and give exemption". Then that case will not be included.

We wanted to offer a word of explanation. Take the definition of the word "banking". "Banking" means acceptance for the purpose of lending or investment. If we merely accept Selisbury then here it is not for the purpose of lending—lending is not there. It is merely accepting deposits to be repayable on cheques etc. Stroud no doubt says "acceptance for the purpose of lending".

But we have included another word, "investment". Those companies who came before us said "investment" must mean investment not outside but it must mean investment for their own trade or business. Therefore, we did not want to create that kind of a misinterpretation when they have absolutely no idea of lending it to others but utilising it for themselves. We did not want to bring in others because it might militate against themselves. They may not

[Shri M. Ananthasayanam Ayyangar]

receive deposits but can always borrow on promissory notes and there is nothing to prevent them from utilising the money themselves. A promissory note is equally payable on demand. There were a large number of companies in Ahmedabad and other places which were receiving deposits. The Managing Agents and Directors who had surplus money kept it by way of deposits and withdrew it whenever they required it; but in the meanwhile the money was available for use by the trading company. It was merely an industry or a trading company and never intended as a bank which would draw surplus money from the general public and give loans to others. Investment may mean in its own field or outside. To avoid a misunderstanding on that score we added the *Explanation*. We did not want to create an exception. Here it does not normally come under the definition, and therefore we chose the better form of having it as an explanation and not as part and parcel of the definition.

Srijut Rohini Kumar Chaudhuri: Sir, so far as this Amendment of my honourable friend Mr. Naziruddin Ahmad is concerned, I am in an absolute quandary. It seems to me I am almost placed in a position 'to be or not to be': whether I should oppose it or whether I should accept it.

In the Select Committee's Report we find this mention:

"The mere acceptance of deposits by companies, like textile mills, etc., for the purpose of financing their own businesses should not be regarded as 'banking' within the meaning of this Act, and although we are given to understand that this would be so even under the existing definition of 'banking', we have thought it advisable to make the legal position clear by adding an *Explanation* to this effect in the definition of banking company."

So, even if this amendment of my honourable friend is accepted, the position so far as he is concerned does not improve at all unless he can have the House to agree to the other earlier part of his amendment.

As far as I am concerned, in days gone by, when in our Province there was none of these modern banks, a lot of banking used to be done by the Marwari traders of the Province. They used to accept deposit without giving any promissory notes, from different persons who were able to afford it and give them interests money from time to time, or some day he would show his back and all the money would be lost.

This, I would submit, is a very dangerous clause in this sense. Supposing there is a jute mill, as we all know the millowner has to buy a lot of jute for the purpose of running the mill. They can, under this explanation, accept any amount of deposit from the public. Having accepted that deposit they can also advance money out of that deposit to the agriculturists who actually deal in jute, because it will be in his own business. The millowner is taking money from the public for the *bona fide* purpose of carrying on the jute mill and then after having got all that money, he could lend it out to the so-called growers of jute. As a matter of fact this system has been invoked in some parts of the country, particularly in Bengal and Assam where the mill orders on those persons interested in jute. The millowners used to advance money to the jute growers and take from them an agreement that they will supply jute, when it is harvested, to these persons at a very nominal price. They advance the money on the consideration that they would supply the jute and they fix the price at a much lower rate, which is almost nominal, and the cultivators who have not ready cash agree to take such advances. This system became so pernicious that in our Province during the war time it became necessary to pass a legislation to prohibit any such merchant to make any forward agreement with the cultivators.

Sir, whether you accept this *Explanation* or whether you do not accept it, I only want this to be made clear by the Honourable the Finance Minister, that

there is provision in this legislation to prevent these people who take money ostensibly for the purpose of carrying on the manufacture of goods or for their trade from advancing this money to agriculturists at a very spurious rate, so to say, because he gets the produce almost for half or one-fourth of the market price. We should prevent that sort of a thing which is injurious to the agriculturists as a whole and prevent also these millowners or other traders from advancing this money on a pretext to other persons who are in need of money. That should be made clear, and if that has been made clear by this clause, well and good, let it remain. I would not spend one minute for consideration of a Banking Bill, I think the average Member in this House will not spend one minute for the consideration of a Banking Bill; we can let the banks and bankers do as they like and go as they like, happily or miserably, we do not care. But I would always intervene in a debate of this kind in the interests of the agriculturists and the poorer sections of the people. Unless there is some modification of this provision and unless a clear statement is made by the Honourable Minister himself in exposition of the policy, that this exemption will not be misutilised for the purpose of carrying on banking in another form and enable the capitalists—after all, who borrows? The capitalists borrow large sums of money—to feed on the growers and other poorer sections of the people.

Shri S. V. Krishnamoorthy Rao (Mysore State): If I understand the *Explanation* correctly, it applies only to the business of banking. It excludes certain types of business such as manufacturing companies which accept deposits for the purpose of financing their business. I think the *Explanation* is necessary and the amendment should be dropped.

The Honourable Dr. John Matthai: With regard to the point raised by my honourable friend, Shri Rohini Chaudhuri, that is a point which I do not think it is possible to cover by means of a banking law. Of course, in the particular case that he mentioned, the advances I take it are made for the purpose of the business itself. The class of cases that we are trying to exclude is the cases of those companies who accept deposits for the purpose of financing the particular type of business in which they are engaged, and if the kind of transaction that Shri Rohini Kumar Chaudhuri referred to is part of the business of that company, it is not possible to prevent it under this Bill. The whole point is this, that if we want to regulate that class of cases, you have got to regulate them under a separate law.

Srijut Rohini Kumar Chaudhuri: Is there any provision in this Bill which can prevent the mischief which I am referring to?

Shri B. L. Sondhi (East Punjab: General): He has said 'No'.

Mr. Speaker: I am putting the amendment to the House.

The question is:

"That in part (c) of sub-clause (1) of clause 5 of the Bill.—

(i) the following be added at the end:

"but does not include a company which is engaged in the manufacture of goods or carries on any trade which accepts deposits of money from the public for the purpose of financing its own business"; and

(ii) the *Explanation* be omitted."

The motion was negatived.

The Honourable Dr. John Matthai: Sir, I move:

"That in the *Explanation* to part (c) of sub-clause (1) of clause 5 of the Bill, after the words 'from the public', the word 'merely' be inserted."

It is in order to make it absolutely clear that the class of companies which are excluded from the scope of this Bill are companies which accept deposits for the purpose of financing the business in which they are engaged.

Mr. Speaker: The question is:

"That in the *Explanation* to part (c) of sub-clause (1) of clause 5 of the Bill, after the words 'from the public', the word 'merely' be inserted."

The motion was adopted.

Prof. K. T. Shah: Sir, I beg to move:

"That in part (d) of sub-clause (1) of clause 5 of the Bill, after the word 'which' the words 'is registered in India and', be inserted."

This is one of the structural and very important amendments of principle, which I must move, and I trust the House will be with me at least in spirit if not in the letter.

This relates, I need hardly point out, to the Exchange Banks which have long preyed upon this country, which have insulted its leading merchants, its entire commercial community, which have deliberately neglected its industry, which have in every possible manner tried to monopolise the banking business of the modern type in their own hands. It is time that Free India should remove these vestiges, these remnants, these reminders of the imperialist exploitation to which we have been subjected in the past.

Speaking for myself, I do not see why any institution of the type of a bank or an insurance company should continue to operate in this country, without registering itself under the laws of this country. We have, I think, passed some legislation in regard to Insurance, for instance, which makes it obligatory on all foreign insurance companies operating in this country to register themselves here.

I also remember that there are other countries in the world, no less civilised or claiming to be more civilised than ours, which nevertheless reserve certain types of business for the nationals of their own country. I had occasion to refer to that question on an earlier occasion. There has been considerable agitation in the past in this country, and I think rightly, that, for instance, the Coastal Shipping of this country should be confined to the nationals of this country and be reserved for them. We have not yet succeeded. Now that we are free, when we find instances in which we are still undergoing drain at the hands of these exploiters of this country, we should take steps to end such exploitation.

I have no statistics to tell you how much tribute in an invisible form is levied by the Exchange Banks in financing the trade of this country, both export and import. I have no definite idea as to what proportion of the new wealth in the country is drained away in the shape of shipping and banking commission. It used to be quite a considerable proportion of the so-called invisible exports of England; and I know also that it is quite a fair proportion of our wealth that is now being drained away without any kind of account being taken, without even any knowledge of the members of this House, or perhaps the public at large.

If the bankers are to levy a tax upon us for their own benefit, if private enterprise is to levy a tax upon us in this form, let it be by our own nationals at least; and I see no reason why these exchange banks should not be stopped altogether from operating.

Even if you do not go so far, even if you regard that as a sign of isolationism and isolationism for which I was rebuked the other day, I would certainly say that by simply requiring them to be registered in this country we are not asking too much. The claim or demand of anybody to say that they will not be registered in this country sounds to me an impertinence which ought not to be tolerated. I certainly feel,—I am speaking without any repentance of the matter—whether you call me an Isolationist or any other aprobrious epithet, I do feel that if you desire that the banking business of this country is to remain with the children of the soil then it is up to us now in this consolidating Bill,—even though it may be a consolidating Bill of only commercial banks,—to provide that these foreign institutions shall be registered. And if they do not they shall not be allowed to operate in this country.

I am told that there is such a provision as licensing in this Bill. I have studied that particular clause, and speaking for myself, I find that it is utterly insufficient to guard against the operations of these institutions which have for a hundred years exploited us, and which will continue to exploit us. Unless some very powerful interests are openly or secretly allied with them and have their own interests in these Banks continuing to operate here, I see no reason why this Assembly, at this time of the day, should permit that standing insult to our national independence being continued in the shape of foreign bodies exploiting our resources. I make no apology, however, for putting forward this amendment; and I trust the good sense of the House will accept, as I said before, at least the spirit of it, if not the letter, and leave it to the Honourable the Finance Minister to provide a more appropriate and more suitable and more appropriate amendment than mine.

Mr. Speaker: Amendment moved:

"That in part (d) of sub-clause (1) of clause 5 of the Bill, after the word 'which' the words 'is registered in India, and', be inserted."

Srijut Rohini Kumar Chaudhuri: Sir, I do not know if I am doing an injustice to my honourable friend the mover of this amendment. But I think that I should rather run the risk of not having any sense at all than support this amendment.

Sir, my objection is based on the observation which my honourable friend has made in his Minute of Dissent. It is stated in para. 2 of his Minute of Dissent as follows:

"The Bill is styled to be 'A Bill to consolidate and amend the law relating to banking companies.' Notwithstanding this title and preamble, considerable sectors of the banking business are left out of the purview of the proposed legislation. The Bill does not pay any attention to the entire system of private banking, including money-lending, which is not conducted by a joint-stock company. This seems to be an arbitrary distinction, and needlessly restricts the scope of the legislation, which cannot therefore, be correctly described as a consolidating Bill."

Now if that is the correct position of the bill, I heave a sigh of relief and say 'Thank God'. Sir, as banks stand at present, they do not very much help the poorer sections of the people or people who only have landed property. Go to any bank and they will ask you to furnish security of Government Papers, National Savings Certificates etc. If I have a big insurance policy or a Government Security, etc. I need not approach any bank. So it is only to help the richer section of the people, the more clever section of the people that the banks stand at present. To an ordinary person who owns a little land, the bank does not afford any relief. Go to any bank and say you are prepared to mortgage your land and they say we do not advance money on lands, garden, etc., with the result that the poor man who has no Government Securities or Insurance Policy is driven to the position of transferring or selling his land.

[Srijut Rohini Kumar Chaudhuri]

If the banks could advance some money to these people, he could invest a portion of it in other business and get some return.

Mr. Speaker: I have not been able to follow really how his speech is relevant to the issue before the House. The question is about amendment of the definition of 'Company' and whether the definition should be enlarged. I do not know whether the proposed amendment really enlarges it or curtails it. Probably it is restricting but that is the issue before the House.

Srijut Rohini Kumar Chaudhuri: It is never too late to learn!

Mr. Speaker: I can assure him that he has not run the risk feared by him at the beginning of his speech.

Srijut Rohini Kumar Chaudhuri: I thought this amendment wanted to include the private banking system also under banking.

Mr. Speaker: There is nothing of that kind. So he need not continue his speech on that.

Srijut Rohini Kumar Chaudhuri: Then I apologize to Professor Shah.

Shri M. Ananthasayanam Ayyangar: Sir, I agree in principle with my learned professor regarding the object of his amendment. This is a very vital point and so long as we were governed by the previous Government of India Act, 1935, there were discriminatory clauses 111 and 115 under which we cannot discriminate against any foreign company. They were taking away the cream of our foreign business and also encroaching upon our business inside. But I do not know how the amendment moved by my friend would meet the situation apart from the restriction here that a number of companies whether registered in this country or not could be wound up under the Indian Companies Act. That way even foreign companies can come in but if we put the word registered, you will restrict the scope. Even apart from that what the learned Professor desires is that we must put those restrictions even under the Companies Act insisting upon 75 per cent. of the Directors being Indian Nationals or the entire management can be in our hands and would not like as far as possible to exclude them from encroaching upon the fields in which our banks are earning their business. That will not be served at all by merely introducing the clause that they must also be registered. The Government must make up its mind as to what it should do regarding foreign companies which had very favourable atmosphere here in the previous regime and they continue to do the same business now also. I was told the other day that when a number of small banks in Calcutta were in bad circumstances there was a long queue of a number of persons trying to invest their monies in the Lloyds' Bank. But for the existence of foreign banks like Lloyds, people would go to important Indian banks like the Central Bank and others which will come to the help of the smaller banks. So I am one with the Professor that we ought not to allow the foreign banks to function at our expense. For that we have to bring in other legislations which would put restrictions upon foreign banks and industrialists from taking away the major part of our income which would otherwise flow into our industries or by putting restrictions that there must be 75 to 80 per cent. of Indian Directors in charge of management or share-capital must belong to us or that the business must be transacted for our benefit and so on. But as it is in spite of this amendment requiring that they must be registered, this would not meet the situation. Under those circumstances, I should think that this amendment is not necessary.

Shri T. T. Krishnamachari: I must confess that if at all I am in a position to speak with some kind of experience and knowledge, perhaps it is upon this particular aspect of banking business. Having had considerable experience of the working of exchange banks, I can quite understand Professor Shah's chagrin because there was a time when exchange banks did try to stifle Indian business if it was possible for them to do so. But we cannot altogether rule out the possibility of exchange banks operating in this country for the reason that so long as we want international trade, so long as movements of goods from and out of this country exist it would not be possible to say that no bank which is registered somewhere else should operate in this country unless they fit into some conditions which are very difficult for them to comply with excepting those conditions that we have in this bill before us.

It may be that at present the reason for us to be afraid of the Exchange Banks doing harm to our trade no longer exists because the political pressure that they could exert and the influence they had in the past do not exist. It may be that they might help a few European firms now and again but it is a thing which will gradually disappear as and when we regulate our business in a different way. Therefore the presence of Exchange Banks might do a bit of good rather than harm to our economy for one thing that they are able to get money fairly cheaply and I do think that where they operate—and as they do operate notwithstanding my honourable friend Mr. Ramalingam Chettiar's remarks about Banks generally not doing any thing for agriculture they do operate even in the market for agricultural goods and in my experience they have sought to bring down the interest rates because they are a competitive element in the field. So if you remove the element of competition which will bring down the interest rates, you might be doing more harm to our own people.

Of course, if the whole banking system in this country is nationalized, then automatically the Exchange Banks will have no place as Exchange banking will be done as between one Government and another. But now as private banks exist in this country I see no sense in excluding the Exchange banks provided they shake off their previous predilections and their antipathy to Indian interests which they are bound to do under the present conditions. I do not want to steal the Finance Minister's thunder but he has already explained the reason why he did not want to put any more control or check over the Exchange Banks than what is now provided in this bill and I feel that this amendment, if it is accepted, would probably act exactly the other way about. Unless we have a complete ban on exchange banks coming in, the exchange banks will be outside the purview of this Bill. I think the intention the mover has in mind, will not be served by accepting this amendment.

The Honourable Dr. John Matthai: I entirely agree with Shri Krishnamachari that this amendment not merely does not secure Professor Shah's purpose, but it actually defeats it. I am sorry I cannot accept it.

Mr. Speaker: The question is:

"That in part (d) of sub-clause (1) of clause 5 of the Bill, after the word 'which' the words 'is registered in India, and', be inserted."

The motion was negatived.

[At this stage Mr. Speaker vacated the Chair which was then occupied by Mr. Deputy Speaker Shri M. Ananthasayanam Ayyangar.]

Mr. Naziruddin Ahmad: Sir, I move:

"That in part (h) of sub-clause (1) of clause 5 of the Bill, for the words 'entitled to', the words 'entrusted with' be substituted."

Sir, this passage occurs in the definition of "managing agent" as "a person, firm or company entitled to the management of the whole affairs of a company." I want to make it read, "a person, firm or company entrusted with

[Mr. Naziruddin Ahmad].

the management..." In fact, the real test is the entrustment and not the legality of the appointment. If a man is entrusted with the management, though not strictly legally, he should be regarded as the managing agent. The word "entitled" gives a man the legal right to the management, and "entrusted with" does not necessarily do so. In the circumstances, my amendment is making the definition wider, and agents who are legally appointed will also come in.

Shri T. T. Krishnamachari: Mr. Naziruddin Ahmad himself has argued the case against his amendment.

Mr. Deputy Speaker: Shall I put the amendment to vote?

Mr. Naziruddin Ahmad: No. I shall now move my next amendment. Sir, I move:

"That in part (h) of sub-clause (1) of clause 5 of the Bill, for the words 'affairs of a company', the words 'affairs of a banking company' be substituted."

Sir, throughout the Bill, nowhere is the word 'company' used meaning a banking company. Wherever it occurs, we have the words "banking company". Here there is an exception. I want the language to be uniform throughout.

The Honourable Dr. John Matthai: I accept the amendment.

Mr. Deputy Speaker: The question is:

"That in part (h) of sub-clause (1) of clause 5 of the Bill, for the words 'affairs of a company', the words 'affairs of a banking company' be substituted."

The motion was adopted.

Mr. Naziruddin Ahmad: Sir, I move:

"That in part (h) of sub-clause (1) of clause 5 of the Bill, for the words 'by virtue of the memorandum', the words 'under the memorandum' be substituted."

The Honourable Dr. John Matthai: This amendment is not accepted.

Mr. Naziruddin Ahmad: It need not be put to vote. Sir, I move my next amendment:

The Honourable Dr. John Matthai: This amendment is not accepted.

Mr. Naziruddin Ahmad: It need not be put to vote. Sir, I move my next amendment:

"That in part (h) of sub-clause (1) of clause 5 of the Bill, for the words 'by whatever name called', the words 'under whatever name or designation' be substituted."

The Honourable Dr. John Matthai: This amendment too is not accepted.

Mr. Deputy Speaker: The honourable member may himself move only such of the amendments as are likely to be accepted.

Mr. Naziruddin Ahmad: Sir, here the Member proposes and the Minister disposes. Sir, I move:

"That for the *Explanation* to part (h) of sub-clause (1) of clause 5 of the Bill the following be substituted:

Explanation.—Any person who actually occupies the position of a managing agent though under the designation of a manager or managing director, shall, for the purposes of this Act, be deemed to be a managing agent."

Shri T. T. Krishnamachari: This is only a consequential amendment.

The Honourable Dr. John Matthai: That means, instead of the word "regarded", you want to put in the word "deemed".

Mr. Naziruddin Ahmad: Yes, and also put in the word "designation".

The Honourable Dr. John Matthai: That has already gone. I accept the word "deemed" for "regarded."

Mr. Deputy Speaker: Then does it mean that the amendment confines itself to this: that for the words "regarded as", you want the words "deemed to be a", to be substituted?

Mr. Naziruddin Ahmad: Yes.

Prof. K. T. Shah: What is the difference between "deemed" and "regarded"?

Mr. Deputy Speaker: The word "deemed" seems to be more legal language than the word "regarded".

Prof. K. T. Shah: I see.

Mr. Deputy Speaker: The question is:

"That in the *Explanation* to part (h) of sub-clause (1) of clause 5 of the Bill, for the words 'regarded as', the words 'deemed to be a' be substituted."

The motion was adopted.

Mr. Naziruddin Ahmad: Sir, I move:

"That in the *Explanation* to part (h) of sub-clause (1) of clause 5 of the Bill, the word 'nevertheless' be omitted."

The Honourable Dr. John Matthai: This amendment is not accepted.

Mr. Naziruddin Ahmad: Sir, the word "nevertheless" only lays more emphasis. It is used in a declamation or in business language by way of assurance or reassurance. But in Statute if we add this word, we would be overemphasising things unnecessarily. If we say, "shall be regarded as managing agent" that would be quite enough. Every word in a legislative enactment is emphatic and if we use the word "nevertheless" it would be only needlessly over-emphasising a point.

Mr. Deputy Speaker: The Honourable Minister thinks that the objection to the word is over-emphasised. May I put it to vote?

Mr. Naziruddin Ahmad: No, Sir. I beg to move:

"That in the *Explanation* to part (h) of sub-clause (1) of clause 5 of the Bill, for the words 'regarded as managing agent', the words 'deemed to be a managing agent' be substituted."

Mr. Deputy Speaker: In accepting amendment No. 41, the House has adopted this change. So that, instead of having that amendment, we will take it that this amendment has been moved and adopted. I take it that that is the sense of the House.

Mr. Naziruddin Ahmad: I beg to move:

"That sub-clause (2) of clause 5 of the Bill be omitted."

Sub-clause (2) states: 'In the application of this Act to acceding States all references to the Provinces of India shall be construed as including references to the Acceding States to which this Act extends'. I submit that I do not oppose the principle. But this is not the place for its insertion. Its proper place would be the one indicated in my amendment to clause 1. In clause 1 sub-clause (2) it is said that it extends to all the Provinces of India. We should add there that it should extend also to Acceding States. That is the reason why I want to delete it here.

The Honourable Dr. John Matthai: I do not propose to accept it.

Mr. Naziruddin Ahmad: I do not want it to be put to vote.

Mr. Deputy Speaker: The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Mr. Naziruddin Ahmad: I move:

"That in the Bill, for the word and figures 'Part II', the word and figures 'Chapter II', be substituted."

Sir, it is an important drafting point. You will be pleased to note that important Acts are divided initially into Chapters which are also, if necessary, divided into Parts. This is the case with the Civil Procedure Code, the Penal Code, the Evidence Act and so on. This Bill has four Parts which should be described as Chapters.

The Honourable Dr. John Matthai: This Bill has followed the model of the Companies Act.

Mr. Deputy Speaker: The question is:

"That in the Bill, for the word and figures 'Part II', the word and figures 'Chapter II' be substituted."

The motion was negatived.

Mr. Naziruddin Ahmad: I move:

"That in part (a) of sub-clause (1) of clause 6 of the Bill, the word 'the', wherever it occurs, be omitted."

This word 'the' here has a long history. In connection with this clause this word has been used freely, liberally and indiscriminately. In part (a) this word has been used freely and in clause (b) very sparingly or not at all. Throughout the clause it occurs in 13 places and is omitted in 13 places. I desire in another amendment, either to have 'the' as much as you like, or not have it at all. This is jarring to the ear and unnecessary.

Mr. Deputy Speaker: Shall we not relegate this to the draftsman?

The Honourable Dr. John Matthai: Wherever 'the' occurs, it is perfectly in its place and wherever its insertion is suggested by my honourable friend, it would be out of place.

Mr. Naziruddin Ahmad: I suggest it would be out of place everywhere. I simply pointed out the absurdity of using this word everywhere, in appropriate and in inappropriate places. This should be further considered.

Mr. Deputy Speaker: I do not think the honourable member would like me to put it to the House. We could leave it to the draftsman.

Mr. Naziruddin Ahmad: Yes, leave it to the draftsman.

Mr. Deputy Speaker: So the amendment is not put to the House.

Mr. Naziruddin Ahmad: I may state here that the clause in the Bill does not seem to be correct.

The Honourable Dr. John Matthai: It is taken straight from the Companies Act.

Mr. Deputy Speaker: If it is wrong there it is wrong here! Does the honourable member want to move it?

Mr. Naziruddin Ahmad: No, Sir. But what is the meaning of "taking up"? We are familiar with cattle lifting but we do not know of money lifting! Those things were under the British Government. But we are living now under changed conditions. So I had better move it and leave it to its fate. Sir, I move:

"That in part (a) of sub-clause (1) of clause 6 of the Bill, for the words 'borrowing, raising or taking up', occurring in line 1, the words 'borrowing or raising' be substituted."

The illustrious precedent of the Companies Act has been cited. But it is always a weak argument to cite precedents. The question is one of first impression. We should rather read the clause as it is and see whether the words "taking up" is really appropriate and can be supported in the context. It may be that in the other context it may have been proper or it may have been a misprint or an error. But we have to consider the matter once again.

Mr. Deputy Speaker: Amendment moved:

"That in part (a) of sub-clause (1) of clause 6 of the Bill, for the words 'borrowing, raising or taking up', occurring in line 1, the words 'borrowing or raising' be substituted."

The Honourable Dr. John Matthai: I am not an authority on drafting but I should like to say quite off-hand that a distinction of this kind might probably be contemplated here. When capital has been subscribed it is raised; and when actually called up or paid up it is taken up.

Mr. Deputy Speaker: Money goes into a bank here and a draft is taken on some other bank. It is not borrowing or raising or accepting a deposit. It must come only in the "taking up". I deposit money in the Imperial Bank and at the other end I want this to be paid by way of a draft.

The Honourable Dr. John Matthai: In a matter like this we might accept the authority of the Companies Act.

Mr. Deputy Speaker: Will I put this amendment to the House?

Mr. Naziruddin Ahmad: Yes.

Mr. Deputy Speaker: The question is:

"That in part (a) of sub-clause (1) of clause 6 of the Bill, for the words 'borrowing, raising or taking up', occurring in line 1, the words 'borrowing or raising' be substituted."

The motion was negatived.

Mr. Naziruddin Ahmad: Sir, I move:

"That in part (a) of sub-clause (1) of clause 6 of the Bill, the words 'or not' occurring in line six, be omitted."

The words "or not" seem to me to be absolutely unnecessary. Anything unnecessary should be avoided.

Mr. Deputy Speaker: There may be a third category—transferable, negotiable or not.

The Honourable Dr. John Matthai: I cannot accept it.

Mr. Deputy-Speaker: The Honourable Minister does not accept it. So, I presume the honourable member does not wish to press it.

Mr. Naziruddin Ahmad: I do not press it.

Mr. Deputy Speaker: Generally, in all matters when the honourable member does not press his motion, we take it that the leave of the House is granted for the withdrawal. That will be a convention.

Mr. Naziruddin Ahmad: The Honourable the Speaker ruled that unless it is put to the House it is not before the House. So the question of withdrawal in such a case does not arise.

Prof. K. T. Shah: I move:

"That in part (a) of sub-clause (1) of clause 6 of the Bill, after the words 'kinds', occurring in line twelve, the words 'except their own' be inserted."

This is intended to prevent banks from acquiring, holding, dealing in their own shares; and, therefore, directly becoming instrumental in promoting speculations in dealing in their own shares. I think it is a very salutary and necessary addition, and I trust the good sense of the Finance Minister will enable him to accept this amendment also.

The Honourable Dr. John Matthai: This point is covered by the Companies Act. I have taken legal advice on this point. I understand that the particular matter that Prof. Shah has in view is covered already by the Companies Act.

Shri Prabhu Dayal Himatsingka (West Bengal: General): There is section 54 of the Companies Act which prevents a company from purchasing its own shares or lending money on its own shares. It is not necessary to put it here. The bank can purchase its own debenture bonds if any.

Mr. Deputy Speaker: Need I put this to the vote?

Honourable Members: No.

Mr. Naziruddin Ahmad: The expression is "purchasing and selling". In such transactions it is usually called 'buying and selling'.

Shri T. T. Krishnamachari: It makes no difference at all.

Mr. Deputy Speaker: "Purchasing" seems to be a more dignified word.

Mr. Naziruddin Ahmad: But "selling" is not a really suitable consort of "purchasing"! Sir, I beg to move:

"That in part (a) of sub-clause (1) of clause 6 of the Bill, for the word 'purchasing', occurring in line twelve, the word 'buying', be substituted."

The Honourable Dr. John Matthai: I do not accept it.

Mr. Deputy Speaker: If the honourable member wants I will put it to the House.

Mr. Naziruddin Ahmad: I am not pressing it.

Mr. Deputy Speaker: We come now to amendment No. 63. I think "part" includes the "whole".

Mr. Naziruddin Ahmad: Sir, as my friend Pandit Thakur Das Bhargava points out the whole includes the part and not that the part includes the whole. Sir, I beg to move:

"That in part (g) of sub-clause (1) of clause 6 of the Bill for the words 'form part of the security' the words 'from the security or part of the security' be substituted."

The Honourable Dr. John Matthai: Sir, I accept it.

Mr. Deputy Speaker: The question is:

"That in part (g) of sub-clause (1) of clause 6 of the Bill for the words 'form part of the security' the words 'from the security or part of the security' be substituted."

The motion was adopted.

Mr. Naziruddin Ahmad: Sir, I beg to move:

"That in part (j) of sub-clause (1) of clause 6 of the Bill, all the words beginning with the words 'subscribing to' to the end, be omitted."

I have the authority of Shri T. T. Krishnamachari himself as being a co-author with me of this amendment and I leave it to him to explain the reason.

The Honourable Dr. John Matthai: Sir, this occurs also in the Companies Act and it does not seem to me to be necessary to make this omission.

Mr. Naziruddin Ahmad: It was referred to in his dissentient note to the Select Committee report by Shri T. T. Krishnamachari. However, I do not want it to be put to the House.

Prof. K. T. Shah: Sir, I beg to move:

"That after part (j) of sub-clause (1) of clause 6 of the Bill, the following new parts (k) and (l) be inserted and the subsequent parts be re-lettered accordingly:—

(k) assisting in financing new industries to be established, or expansion of existing industries by subscribing for or taking up any shares, bonds, or debentures of any company if guaranteed by the Industrial Finance Corporation, or the bonds or debentures issued by the Industrial Finance Corporation on its own account, so, however, that the total investment made in any single concern shall not exceed five per cent of the fixed deposits in the bank making such investment;

(l) developing such system, methods, or facilities of making payments between customers of the same bank, or of a different bank in the same place, or in another place, as would eliminate the cost of remittance within the country, and popularise the habit of banking among all classes of the population, provided that such customers maintain a minimum balance in each such bank or branch of the bank, as may be prescribed by the Reserve Bank; "

Sir, these are amendments suggesting two types of business that might be specifically mentioned in the Act as open to a bank to carry on. The former I recognise is perhaps partly covered in part (a), if it is liberally interpreted, and may be said to have been included. I however was, and still am, under the impression that, as this is a consolidating legislation specific mention must be made, if it is not through the ingenuity of some profound lawyer to be misinterpreted, that banks may assist in the development of industries, and the realisation or development of our resources and potentialities, which under the traditional methods of banking followed under the inspiration of the English banking system, is not being done.

The specific way in which I feel that the Bank should do this business is by guaranteeing and safe-guarding the interests of depositors and shareholders; so that, I think, on that score, there shall be no objection to include specifically this provision in the Act. The argument, if it is urged, that this only relates to short term finance of commercial banking, and not to any industrial banking of the type implied in this amendment, would be met, I think, by saying that these investments are so specifically guaranteed, so assured and safe that there ought to be no very great risk in the investment of the kind contemplated.

As proof of my desire to be reasonable, I have tried further to restrict it to a percentage of the fixed deposits which are for a longer term, than the call money of the bank which is making such an investment. I trust that if the Honourable the Finance Minister will realise the spirit behind it, and understand the necessity of some such provision being inserted, he would be agreeable to considering it.

As regards the second addition about the cost of inland remittances, I have always held that the cost of remittance in this country is prohibitive, particularly to the smaller man. The ordinary remittance ought not to be costly at all beyond the postal stamp that would suffice to send a cheque from one place to another. If it is a crossed cheque it would be perfectly safe, so that none but the payee would be able to cash it and obtain the proceeds thereof. In countries where the cheque habit has been developed, the charge for remittance is in effect abolished. I do not see why, in a country of the size of India, we should allow this kind of needless taxation to be levied by Banks, on not only the business community, but progressively on the poorer community, also by permitting a tax to be levied in this indirect manner.

[Prof. K. T. Shah].

The banks particularly which have branches in different places, and are required to facilitate remittances between those branches of their own, or for customers of their own, should not, I think, take any objection to this requirement, that they shall make no charge on a cheque drawn in one place being payable without charge in another of their own branches, and from one of their own customers in one branch to another in another branch. It seems to me very simple. I feel that there should be no rational objection to the acceptance of a provision like this, except of course the invincible might of vested interests, that can always find some loophole, some objection some imaginary or real grievance which would not be solved by this method.

Apart from the objection that the mover is a *persona non grata* to the powers that be, I think the subject is such (and I will bring it up in another connection) that it should receive a very sympathetic consideration from my honourable friend the Finance Minister, who may have lost all his convictions or illusions, (let me call it by a more charitable name) but who nevertheless was sufficiently a student of economics to realise that here is a consideration which I am bringing which is real economics, even if it be not sound a *la* Matthai?

Sir, the actual position is that if a millowner has his own funds in another place and wants to remit the money to another place in large sums, he can do so at a cost perhaps of two annas per cent, or lower if he has any special arrangement. But if a poor man wants to remit Rs. 10 or Rs. 25 he will be charged 800 per cent. the amount the millionaire has to pay. That is to say eight times of that, by way of Money Order charge of annas four on a remittance of Rs. 25. That I think is a very unfair system.

The postal remittance system of Money Orders was intentionally made so difficult and so costly, that the poor man might not avail, or at any rate that there should be no competition with the established vested interests of banks. I trust we have come to a time when this should not be permitted, and banks should be required,—at least for the customers of their own, and at least as between places where they have branches or agencies of their own, not to make any such charge as is customary nowadays. I hope that in this case at least the interest of economy will prevail over the power of vested interests, and the amendment would be accepted.

The Honourable Dr. John Matthai: This Bill has a very limited scope and the issues raised by Prof. Shah, however important, are outside the scope of this Bill. I appreciate the spirit of the suggestion but must reject the amendment moved by my honourable friend.

Mr. Deputy-Speaker: Amendment moved:

"That after part (j) of sub-clause (1) of clause 6 of the Bill, the following new parts (k) and (l) be inserted and the subsequent parts be re-lettered accordingly:

(k) assisting in financing new industries to be established, or expansion of existing industries by subscribing for or taking up any shares, bonds, or debentures of any company if guaranteed by the Industrial Finance Corporation, or the bonds or debentures issued by the Industrial Finance Corporation on its own account, so, however, that the total investment made in any single concern shall not exceed five per cent of the fixed deposits in the bank making such investment;

(l) developing such system, methods, or facilities of making payments between customers of the same bank, or of a different bank in the same place, or in another place, as would eliminate the cost of remittance within the country, and popularise the habit of banking among all classes of the population, provided that such customers maintain a minimum balance in each such bank or branch of the bank, as may be prescribed by the Reserve Bank; "

Prof. Shibban Lal Saksena: I have great pleasure in associating myself with all that my honourable friend Prof. Shah has said in regard to this amendment. I feel that he has pleaded the case of the poor man in whom we are

trying to develop the habit of keeping his money in banks. He has taken the trouble of pointing out this which though a very small thing will yet go a lot to help the banking habit. I personally feel that the present system of charging an amount for the transfer of money from here to Kanpur or Lucknow is really very high and this should not be permitted any longer, as Prof. Shah has pointed out. Although the Honourable Minister has stated that he will not accept the amendment, I think that in the interests of the poor man and as it will not cost much he should accept this amendment at least.

Shri Prabhu Dayal Himatsingka: Sir, I have not been able to follow how the acceptance of these two additional sub-clauses will serve the purpose that my honourable friend Prof. Shah has in view. He has himself stated that the other parts cover part (k) that he has proposed, and I dare say they do. As a matter of fact this kind of business is one of the ordinary businesses that banks do.

As regards remitting money from one place to another that also is being done everyday. I do not know how the addition of this part (l) will compel any bank to remit money at no charge or at a nominal charge. I do not know about Lucknow but even now we know that in Calcutta and other places the charge levied is so nominal that there should be no difficulty in sending money. As a matter of fact for remittances of a thousand rupees or more most of the banks charge 2 pice or at the most the highest charge is one anna per cent. If a man wants to send rupees ten why should he go to a bank? There are the postal money order facilities. In fact if he wants to send a small sum of Rs. 10 or 15 he will have to go to the bank, they will issue a draft, it has to be taken to the other bank on which the draft is issued and the whole thing will be a troublesome process. A person who does not know these things will in fact find it impossible to have the money cashed from one branch to another. Simply because this clause will be there no bank will be compelled to accept such remittances. They will have to look to their expenses, and so on. Therefore I do not think that there is any occasion or necessity for adding these two sub-clauses in the Bill, nor will they help in achieving the object that the Professor has in view.

Shri T. T. Krishnamachari: I am afraid I feel that Prof. Shah's amendment does not materially improve the position particularly as we have in view that the banking business must be conducted under certain rigid rules. If for instance Prof. Shah has in mind that a bank, if it is willing, should take up debentures of some firm, they can do so or alternatively invest money in debentures of that sort if they wish to do so. But in regard to operating in the same manner like an industrial bank I am afraid the honourable Mover of the Bill has very clearly explained that though it is a very desirable expansion of banking business which we should contemplate in the future this Bill does not allow any room for any such expansion of its scope.

So far as the other part of his amendment is concerned, namely the provision of remittance facilities, this can be done easily by the Reserve Bank. The Reserve Bank offers remittance facilities to many banks without any charge and it can also dictate that such bankers who take advantage of the Reserve Bank's remittance facilities should only charge a nominal fee to their customers. The effect can be achieved administratively which the additional sub-clauses to this Bill proposed by the mover will not ensure. I think the purpose is undoubtedly very well meant and one that is desirable, but we cannot achieve this by means of the addition of the sub-clauses to clause 6. Therefore I would ask the House to reject the amendment.

Shri B. P. Jhunjhunwala (Bihar: General): The amendment which has been moved by my honourable friend Prof. Shah enlarges the scope of this Bill. My

[Shri B. P. Jhunjhunwala].

honourable friend Mr. Himatsingka has said that this business which is contemplated in the proposed part (k) the bank always does. If this business is ordinarily done by the banks as is made out by my honourable friend Mr. Himatsingka, I wish to say there are so many other things which have been incorporated in this clause which the Bank already does. But still they are there. So if it is necessary at present to develop the industries and help small industries and new industries it is very necessary that the proposed sub-clause should be there. My honourable friend Mr. T. T. Krishnamachari has said that the Honourable Minister has explained in his opening speech that though such things are necessary there should be separate legislation for this. But if there is no other such legislation at present it is very necessary that this sub-clause should be there and the bank while advancing money on such projects may carefully see that the money is safe.

Mr. Deputy Speaker: The question is:

"That after part (j) of sub-clause (1) of clause 6 of the Bill, the following new parts (k) and (l) be inserted and the subsequent parts be re-lettered accordingly:

- (k) assisting in financing new industries to be established, or expansion of existing industries by subscribing for or taking up any shares, bonds, or debentures of any company if guaranteed by the Industrial Finance Corporation, or the bonds or debentures issued by the Industrial Finance Corporation on its own account, so, however, that the total investment made in any single concern shall not exceed five per cent of the fixed deposits in the bank making such investment;
- (l) developing such system, methods, or facilities of making payments between customers of the same bank, or of a different bank in the same place, or in another place, as would eliminate the cost of remittance within the country, and popularise the habit of banking among all classes of the population, provided that such customers maintain a minimum balance in each such bank or branch of the bank, as may be prescribed by the Reserve Bank; "

The motion was negatived.

Prof. K. T. Shah: Sir, I beg to move:

"That after sub-clause (2) of clause 6 of the Bill, the following new sub-clause be added:

"That after sub-clause (2) of clause 6 of the Bill, the following new sub-clauses be added:

- (3) Unless the Reserve Bank otherwise prescribes, no charges shall be levied by any bank for any remittance on account of any customer of that bank from one place to another in India.
- (4) No company, firm or individual shall be allowed to engage in banking business without being registered as a bank or banker and licensed to carry on any banking business."

Mr. Deputy Speaker: May I ask the honourable member whether both these points are not covered, the earlier one by his last amendment, and the latter one by the amendment regarding registration which were negatived?

Prof. K. T. Shah: Sir, if I may submit, the first one is not quite covered by the last amendment I had moved, in the sense that now I bring in the authority of the Reserve Bank, and therefore, by implication, necessarily the facility should be given by the Reserve Bank so that the banks need not be permitted any charge. In that extent it is different whereas in the previous amendment I had suggested that the bank of its own accord, without reference to the Reserve Bank, should for its customer, make no charge as between two places where the bank has its branches. Here it is a little different.

In the second place, also it is different because, whereas the previous amendment of mine on registration referred specifically to those operating in India but not registered here, and now I make it categorical for all banking

businesses or rather for everybody carrying on the business of a bank that the concern must be registered and licensed to carry on the banking business. To that extent this is much wider in both cases than the previous ones that I had submitted to the House. So, unless you rule that this point has already been disposed of and the House cannot stultify itself by considering this thing. I would beg permission to move them.

Mr. Deputy Speaker: Sub-clause (3) in the amendment may be all right, because power is given to the Reserve Bank. But in sub-clause (4) in addition to registration he has added the word "licensed". Registration is equally compulsory. I believe sub-clause (4) is out of order subject to what the Honourable Minister might have to say.

The Honourable Dr. John Matthai: Sir, as regard sub-clause (4), the amendment as proposed by Prof. Shah covers firms, individuals and so on, which are outside the scope of this Bill. As far as licensing is concerned, there is already provision in the Bill.

As regards his other sub-clause in the amendment, I do not think it is a satisfactory thing to place a wholesale restriction of this kind. If the distance between the two places is not very much it may be that the Bank will not be put to any expense, but where one place is very far away from the other place, there ought to be some provision for the bank to meet its expenses. It is a matter to be left to the discretion of the bank.

Shri T. T. Krishnamachari: Sir, if the point raised by the Chair was whether the Chair could rule the amendment out of order, I am afraid not, because the question of registration which was rejected does not apply to a bank as such—it was only in relation to firms which have been registered in this country under the Companies Act. So, the honourable member is perfectly entitled to bring in an amendment to say that every bank should be registered as a bank. The fact that licensing is covered by Clause 22 later on, does not make it out of order to put licensing here though it might be perfectly redundant. On the merits, it is a different matter and; on the merits I agree with the remarks of the honourable the mover of the Bill. But whether the amendment could be allowed in its present form or not ultimately I think there is a case for allowing the honourable member for moving his amendment.

Mr. Deputy Speaker: The honourable member will kindly go on with his speech.

Prof. K. T. Shah: Am I allowed to move both sub-clauses (3) and (4), Sir?

Mr. Deputy Speaker: Yes.

Prof. K. T. Shah: Sir, sub-clause (3) I was informed is already in practice done, namely, that the Reserve Bank can offer facilities, and those banks which avail themselves of the facilities may be able to make remittances free of charge, or at a very nominal charge. I would point out that having admitted the authority of the Reserve Bank, I am entrusting to that central national banking institution in the country the discretion and the power to make rules, so that if the Reserve Bank—which is the bank of all banks—is of the opinion that some charge is desirable and necessary, it will not make the rule to that effect. If, however, the Reserve Bank does not provide to the contrary, then the law should say that subject to that it is desirable that there should be no charge for remittance to anybody who can have a banking account and has occasion to remit money from one place to another.

[Prof. K. T. Shah]

I place this matter on a slightly higher ground than that of mere convenience to the remitter. I think, Sir, if you desire in this country—it is a question, in the last analysis, of your objectives—if you desire to have as wide-spread a banking habit and banking facilities as possible, then you should accept my amendment. That is to say, the poor people who have to make small payments, let us say their insurance premium, or their electric charges, or their newspaper subscriptions, or anything of that kind which is a recurrent periodical payment, including also their taxes, if they are allowed to make payment from one place to another free of charge by a cheque then you will help the spread of the banking habit if you remove the obstacle which for the poor man stands very seriously in this way.

One pice per cent. or two pice or one anna per cent. may be nothing to millionaires; but one per cent. even to a man whose income is perhaps Rs. 10 a month or Rs. 15 a month, is on a remittance of Rs. 5 equal to $1\frac{1}{4}$ per cent. This is too much. If a domestic servant working in a capital city like Bombay has his monthly wages of only Rs. 5, say Rs. 15, and out of that he has to remit and he has no alternative but to go to the post office he would have to pay four annas on Rs. 5. I submit that this is very burdensome on the poor man; and as such you should not be a party to permitting, for the sake of these millionaire Bankers, to continue this kind of a charge.

The penalty on the poor man is that he cannot have a banking account and has not thousands to remit. Such remittances that he has to make must be done through the Post Office, which charges a considerable sum, and that makes taxation very inversely with inability.

Well, we are told that the poor man will have to incur the trouble of going to the bank, then on the other hand the remitter through the Post Office has to go to cash it. The poor man has to face these troubles because it is necessary for him to consider every single pie that he spends.

Those of my friends who are millionaires, and to whom thousands do not matter or millions do not matter, to them these small things do not matter. They do not come into their mind at all. I quite understand their outlook, and I fully understand their general reasoning on this matter. While appreciating such points I can only be reminded of that unhappy French Queen, who, in the days of the Revolution, when the mobs went shouting "Bread, bread" around the palace, asked her attendant, "Why are they shouting? What are they shouting for?" and the attendant said, "Your Majesty, they are shouting for bread". The Queen replied, "Why are they shouting for bread? If they have not got bread, why don't they eat cakes?"

This is an attitude which I can understand from Marie Antoinette, Queen of France, I can understand it also from some millionaire friends in this House. But I must say I cannot understand it from the representatives of the poor man.

I have given you an example which happens every day in a city like Bombay, and I expect it happens also in other cities. When we come to domestic servants or even wage-earners in small employments, who have very small savings to remit to their parents or to their families at home a few miles away, some distance away, they find this charge very hard. Believe me, Sir, if you wish to safeguard the interests of the bankers' profits, and do not provide for this charge to be removed or dispensed with, you will not be serving the interests of the masses. If you wish that banking business should take a line which will give facilities to prevent this charge disappearing, then I am afraid you are thinking more of the interests of the big business rather than of the small man. I know the small man is only to be talked about. But when the question of his interest is concerned, then of course so many difficulties and objections arise

that we ignore it altogether. But I for one feel that at least once in a way some small evidence may concretely be given about our resolve to try and safeguard or promote his interest.

I know I am in a hopeless minority—not hopeless myself,—but in a hopeless minority. * * * But at the same time I feel that there will be a few people at least, a very few people, whose voice would be powerful enough to allow me to obtain an "Aye" in this case, and make one division on this subject, at least to record the names of those who refused to give even this small facility to the poor.

As regards the second amendment, Sir, I am very grateful to my friend Mr. Krishnamachari for pointing out that this is a totally different matter from the one on which I spoke earlier. The proposed sub-clause (4) deals with any individual firm or company, and not only company. By this method, you may say that it goes beyond the scope of this Bill. You may say that it is not our intention to think of any but banking companies, and not of those who do banking business I can understand that argument. But to say that because I, on a previous occasion, moved an amendment relating to the registration of companies in India, meaning clearly especially those Exchange Bank companies which operate and take a heavy toll from India, with headquarters, registration and capital in foreign countries, unamenable to our legislation, that they need not be required to be registered in India—I must accept the decision of the House, and say nothing more about it. But when I spoke of others who also get into this honourable fraternity of parasites, by their usual activity to require them that they at least be registered and subject to certain conditions of registration, and licensing, especially when they want to do banking business, is I think a proposal which I think the House should accept.

I commend my amendment to the House. I do not know, Sir, if you will put them together and condemn, in fact, the poison of one as well as the reactor of the other, but I am in your hands, you may put them as you like.

Shri H. V. Kamath (C. P. and Berar: General): On a point of order. Is not the remark of my dear friend Prof. Shah against the House far too sweeping and objectionable?

Mr. Deputy Speaker: I thought so. I thought that such a remark in respect of the House—of course, he has been charitable to say "except a few"—but a general remark does not seem to be appropriate.

Prof. K. T. Shah: Sir, I apologise.

Seth Govind Das (C. P. and Berar: General): There is no question of apology. He must take back those words. Otherwise, such remarks will be made by one member or other every now and then and they will go into our proceedings. They should be taken back. They should be removed from the proceedings.

Shrimati Renuka Ray (West Bengal: General): Mr. Deputy Speaker, an apology should be good enough.

Seth Govind Das: I would request you Sir, that these remarks should be removed from our proceedings.

Mr. Naziruddin Ahmad: With due respect to you, Sir, we are men after all. A mere remark need not hurt anybody. The fact that the honourable member regrets is quite enough. After all, we are not sentimental bodies that would be afflicted by small remarks.

Srijut Rohini Kumar Chaudhuri: On a point of order, Sir. My friend Mr. Naziruddin Ahmad said that we are all of us men here. Are all of us men here? He has simply ignored a very important section of the House.

* Expunged as ordered by the Deputy Speaker in the House.

Shri H. V. Kamath: But men includes women, Sir.

Seth Govind Das: The other day certain remarks were made by Maulana Hasrat Mohani. I raised some objection to it. Today Mr. Shah has done it. On the third day, some other member will make such a remark on this House and this House will not have any honour.

Mr. Deputy Speaker: I think Prof. K. T. Shah has made sufficient amends to the House. The House must be satisfied with this. But lest this should appear in the paper and in the official report that one member made a remark I do not think Prof. K. T. Shah would require that these words should continue in his name, particularly when he has said that he is sorry for having said those words. I do not think he will have any objection to having those words to be expunged.

Prof. K. T. Shah: If you will permit, Sir, I would even say, "I withdraw".

Mr. Deputy Speaker: So the words will stand expunged.

Now, we will proceed. These two amendments will be put separately according to the wishes of the mover. I will put the amendments to the House; then discussion may go on.

Amendment moved:

"That after sub-clause (2) of clause 6 of the Bill, the following new sub-clauses be added:

(3) Unless the Reserve Bank otherwise prescribes, no charges shall be levied by any bank for any remittance on account of any customer of that bank from one place to another in India.

(4) No company, firm or individual shall be allowed to engage in banking business without being registered as a bank or banker and licensed to carry on any banking business."

Shri Prabhu Dayal Himatsingka: I rise on a point of order, Sir. With due respect, can we legislate for a firm or individual?

Shri T. T. Krishnamachari: That is irrelevant. It is inapplicable. If you put something into it which cannot be enforced, it is useless.

Shri Prabhu Dayal Himatsingka: But can we legislate here for a firm or individual as money-lending is a Provincial subject? It is all right so far as companies are concerned. Firm or individual ought not to be included.

Shri T. T. Krishnamachari: May I suggest that discussion may be allowed on this and before voting the Chair might give a decision on whether to allow the words "firm or individual".

Mr. Deputy Speaker: So far as we have proceeded, we have done only clauses 2 to 5. We are on clause 6. Clause 2 says the provisions of this Act shall be in addition to, and not, save hereinafter provided, in derogation of the Indian Companies Act. There is nothing preventing a reference to a firm or individual. Clause 3—Act not to apply to cooperative banks. It does not say, to a firm or individual. Clause 4 relates to power to suspend operation of Act. The next clause—interpretation clause cannot be substantial portion. Therefore, as it stands I cannot see any objection to this amendment, whatever may happen later.

Shri T. T. Krishnamachari: If I may submit, firm or individual could not come within the scope of the control of the Central Government. A partnership or an individual will come under money-lending and could not come within

banking. That is the real point. That is why we have steered clear right through this Bill from roping anybody who is a partnership firm or an individual moneylender.

Mr. Deputy Speaker: It has been held on a prior occasion by the Speaker from the rulings that it is not open to the Chair to decide as to whether this comes in or not. It is left to the House. The House may vote against it.

As it is already five o' clock, the House may now adjourn.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Friday, the 11th February 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Friday, 11th February, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

INDIAN PENAL CODE AND THE CODE OF CRIMINAL
PROCEDURE (AMENDMENT) BILL

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

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, be continued."

Mr. Speaker: The question is:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, be continued."

The motion was adopted.

Pandit Thakur Das Bhargava: Sir, I beg to move:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, be referred to a Select Committee consisting of the same personnel as that of the Committee to whom the three Bills in respect of the Child Marriage Restraint (Amendment) Act have been committed, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, with your permission I may add that the Committee should be asked to send their Report by March 21, 1949.

Sir, these three Bills relating to the Child Marriage Restraint (Amendment) Act have already been sent by this House to a Committee. As the subject matter of these three Bills and the subject matter of the present Bill is the same, I propose that the same Select Committee be authorised to deal with this Bill also.

As regards the question whether this Bill should be sent to a Select Committee or not, I may remind the House that this Bill was sent for eliciting public opinion on December 3, 1947, and on that date I submitted before the House my reasons *in extenso* why this Bill was necessary. I do not want to go into the same reasons again as on that occasion also the House was pleased to support this measure; the only question that troubled the minds of some of the gentlemen was whether public opinion was in favour of such a Bill or not. Now that public opinions have been received, I would content myself by only just giving the House a *resume* of the opinions received.

Papers have been circulated to us in regard to those opinions and about 133 people or associations have given their opinions, out of which 130 are in favour and three are against. I may just make one remark about those three whose opinions are against. They have not considered the merits of the Bill; they have refused to consider the merits of the Bill on the plea that a House like this is not competent to make any legislation about marital rights and that it is a religious matter and therefore there should be no legislation about it. Now, this piece of argument was demolished very long ago. In 1860, 1891 and 1928 these Bills relating to this religious affair were passed and the reason given by them, therefore, is not sound. Therefore, if we exclude these three,

[Pandit Thakur Das Bhargava]

I can claim that the entire country supports this measure as all the opinions that have been received support this measure.

It may be that the measure is not supported in its entirety. The two ages, that is, the age of 18 for extra-marital and 15 for intra-marital, have not been endorsed by all the people, but there is none among these opinions which does not say that an extra-marital increase should not be made or that an intra-marital age increase should not be made. Most of the opinions are about the fact that if you enact a law relating to age of consent, without having a proper marriage law for the same age, then in practice such a contingency might cause very great hardship. I fully agree with this proposition. My humble submission is that unless and until you raise the marriage age, the raising of the age of consent might inflict more hardship than is necessary. Since these three Bills and this Bill go to the Select Committee, I hope that the required change will be effected simultaneously and that there will be no such trouble.

I do not propose to go through all these opinions which have been received nor do I propose to read the opinions before the House as it will take a very long time. I have got a small *resumé* made but this *resumé* also covers eleven pages, so I do not want to read even that. I would only content myself with saying something about the opinions received from the major Provinces, and even a cursory glance at those opinions will be enough to satisfy everybody that the entire country is in favour of this Bill, and if the House is so pleased—I do not want to waste the time of the House, Members must have already read these opinions—I may not trouble them at all with these opinions because we have got other important business to do. It will, therefore, suffice to read from the opinions from Bombay, Madras, the United Provinces and East Punjab. In regard to them also, Sir, I do not propose to read all the opinions but only just to state how representative these individuals and associations are who have supported this measure.

In regard to the United Provinces, the Government of U. P. regard this measure favourably. Similarly, the High Court: Justice Raghubar Dayal; Justice Sapru; Justice Bindbasini Prasad; the District Judges of Agra, Allahabad, Aligarh, Azamgarh, Banaras, Bareilly, Naini Tal, Meerut, and Shahjahanpur; the Chief Court of Oudh: Justice Kidwai; Justice Chandramani; the District and Sessions Judge, Lucknow; the District and Sessions Judges, Sitapur, Hardoi and Faizabad; the Advocate-General, U. P.; Government Advocate, Allahabad; Government Advocate, Chief Court, Allahabad; and many others—I do not propose to read other names—have expressed opinions in favour of the principle of the Bill.

In Madras, the Government of Madras; the High Court; the Government Solicitor; Public Prosecutor; District Magistrate, Chingleput; District Magistrates, Salem, Arcot, Cuddalore; and many other people including Retired Judges of the High Court, Mr. Sundaram Chettiar, Mr. Venkatarama Shastri; Mr. Ratnaswami of the Annamalai University and Mr. Venkataraman have supported it. Sir Alladi Krishnaswami is not favourably disposed towards the Bill. This is a solitary exception. But what he says is this, that marriages below the age of 14 should be prevented. It means that there is qualified support given by him also. Similarly, in East Punjab the Punjab Government, Judges of the High Court, Bar Associations and very distinguished persons have supported it. Similarly in Bombay and West Bengal. So I would not like to read their opinions, but suffice it to say that the opinions are unanimously in favour of the Bill.

On the last occasion I spoke I took great pains to show to the House the evil effects of child marriage and I quoted authorities to show that speaking physically; psychologically and economically this institution of child marriage is very harmful for us, and the way in which we could cope with the situation

was to raise the marriageable age and to supplement this age by having recourse to the age of consent law which gives the age of consent in married life as 13 today, which I want to be changed to 15. As regards extra marital age, I want that it may be changed from 14 to 18. It is not necessary for me to go through all these reasons over again. Last time, when the Bill was before this House on the 3rd December, 1947, Dr. Pattabhi supported it, Mrs. Durgabai supported it, Mr. Karimuddin supported it. There was no voice in opposition, and last of all, our beloved Sardar supported it. He said that he was in full sympathy with the provisions of this Bill and this measure was overdue. He only wanted it to be referred to the public for ascertaining their opinion. Now, Sir, I want to reiterate the words with which I closed my speech then. The last sentence was as follows: "I bow again to Sardar Patel though not without a gnawing of the heart which will cease not until the Bill is passed". That was on the 3rd December, 1947, and now it is the 11th February, 1949, and the Bill may take still more time. Meanwhile, the result is that lakhs of marriages may have been celebrated during this interval and pre-puberty consummation and early consummation may have inflicted such great suffering on the community that we cannot conceive of it. In fact, this is an invisible hardship. Physical hardship is also there. It can also be seen in some cases, but as a matter of fact, the hardship is more invisible than visible. Therefore it is not realised. But hardship is inflicted, and it has been inflicted on the country by waiting for two years. I humbly submit now for the consideration of the House that the House will be pleased to pass this measure as soon as possible in this session, because I regard that even a single case of early consummation or pre-puberty consummation is a sin and we are committing sins in fact we are committing suicide by withholding our sanction from this Bill and giving it full effect as soon as possible. The only way in which this Bill will fructify and be successful in its operation will be by raising the age of marriage; otherwise, it would not be successful. I know that. This is a measure which is directly connected with the then other measures. While moving another motion two days ago, I submitted to the House that the report should be called from that committee by 21st March. Early in April there will be another day for this business and I hope that these Bills will be passed on that day. I beseech the House to agree and to see that these Bills are passed in this session.

With these words, I beg to submit the motion for the consideration of the House.

Mr. Speaker: Before I put the motion to the House, I might just make a casual remark, that it will be more desirable if the names of members for the present Select Committee were to be included in the motion itself rather than have them put in, by reference to some other Select Committee and so on. Of course, I have got the names from the office.

Pandit Thakur Das Bhargava: With your permission, Sir, I will read the names

Mr. Speaker: I have got them, but I am making this remark, so that next time, members will put their motions in a proper form and completely instead of leaving it to the office or to myself to search them out.

The question is:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, be referred to a Select Committee consisting of Dr. Bakshi Tek Chand, Shri Prabhudayal Himatsingka, Shrimati G. Durgabai, Begum Aizaz Rasul, Shrimati Dakshyani Velayudhan, Shri M. Ananthasayanam Ayyangar, Pandit Krishna Chandra Sharma, Sardar Hukum Singh, Shri Ajit Prasad Jain, Shri P. Kumbharam, Shri Deshbandhu Gupta, Shri Upendranath Barman, Dr. B. Pattabhi Sitaramayya, Shrimati Renuka Ray and the Mover, with instructions to report on or before the 21st of March, 1949, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

WORKERS' PROVIDENT FUND BILL

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

"That the Bill to provide for the establishment and grant of Provident Fund to certain classes of workers by their employers be referred to a Select Committee consisting of the Honourable Shri Jagjivan Ram, Shri M. Ananthasayanam Ayyangar, Shri Khandubhai K. Desai, Shri Mohan Lal Gautam, Shrimati G. Durgabai, Shrimati Renuka Ray, Prof. K. T. Shah, Prof. Shibban Lal Saksena, Prof. N. G. Ranga, Shri L. Krishnaswami Bharathi, Mr. K. A. Mohamed, and the Mover, with instructions to report on or before the last day of first week of the next Session and that the number of members, whose presence shall be necessary to constitute a meeting of the Committee shall be five."

This is a Bill of a very important character, and it should have been brought in this legislature long long years ago. The Bill envisages the grant of Provident Fund to a certain class of workers in this country. Provident Fund means that an employee during his hard service sets aside a certain portion of his hard-earned money to which a certain portion is added by the employer, so that after retirement the employee gets some relief, some morsel, some protection for himself, his wife and children. That has been an accepted policy all throughout the world, and it has been accepted in India and also by the Government of India. But in this country those who have been in power and those who could protect themselves and those who were already protected introduced the system of Provident Fund ever since they were employed in the service.

But that class of people for whom there was no person to protect their interests or who are the least protected or who go without any protection, they go without the benefit of this Provident Fund. It is for this class of workers for whom this Bill seeks to provide a Provident Fund. A distinction has been made, Sir, all along and on going through the proceedings of the Assembly of the previous twenty years, I find that this subject has been discussed from time to time, and particularly in every Budget session, that for the Provident Fund of the labourers, an Act should be made, but the then Government refused to come to the aid of the legislators of those days, until in 1925, when it was made too hot for the treasury benches, they enacted an Act, which is now in existence, which is known as the Provident Act of 1925. This Act is, however, greatly restricted in scope, in which this class of people, for whom this Bill envisages, do not come in.

Sir, as far back as 1921, when the Labour Commission came to India, as you are all aware, they recommended that the rules regarding the Provident Fund should be changed immediately and that those who get Rs. 20 and over and those who have put in one year's service should get Provident Fund compulsorily. Now Sir, as I said, a distinction has been made between a class of people who are already deriving the benefit of this Provident Fund and a class of people, a very large number of them, who do not get the benefit of the Provident Fund. Sir, this is a discrimination, and it is very unfair that between human beings there should be a distinction and a discrimination made by the previous Governments. After all, the persons who can protect themselves and who are benefited by the Provident Fund today, have to live after the retirement in the same way as these poor fellows have to remain. On the contrary, they have to remain under very extraordinary conditions. Those big people who are protected under the Provident Fund, may have built up some reserve for their period after retirement, whereas these poor fellows, who draw Rs. 20 and onwards, have no reserve and they have no protection from the State or from their employers. Of course, I must give credit to our Honourable Minister in charge of Labour, who is taking very keen interest for the welfare of labour. As I have stated before, in every session, there has been one Bill that he has presented in one form or the other, and today the Factory Act has been changed considerably in the last two sessions, so as to give some kind of benefit to the labourers.

(392)

This is the result of the changed conditions and our Government have been alive to that and I thought, Sir, to assist our Minister, I must also contribute and such a Bill should be enacted at a very early date. I submit this Bill with this object in view and although the Honourable Minister is not here, I am sure he would have welcomed it, knowing his views as I do about the welfare of the labourers.

It might be argued that in the present Income-tax Act of 1922, under section 58B, there is a provision that if an employer asks the Income-tax Officer to recognize any Provident Fund, that could be taken into consideration, but that clause in the Income-tax Act is not comprehensive; it says the employer can make an application. I have yet to see an employer voluntarily coming out for the Provident Fund and making an application to the Government stating: "Please see that these Provident Fund Rules are admitted and this relief should be given to the employees." There has been no such instance, Sir, despite this rule existing, no application has been made. Therefore, it may be argued by anybody that rules are there and anybody could have done it, but the very fact that this rule exists for the last 26 years and no advantage has been taken by the employers to voluntarily come forward and give this relief, goes to show that this kind of attitude on the part of the employers is very undesirable. I would have really welcomed that if the employers of their own choice make the Provident Funds for their employees; it would have pleased nobody more than myself or anybody who has the welfare of the workers at heart, but, Sir, that not being so, we have no other alternative but to enact law to say that there should be a compulsory Provident Fund, whereby the employee gives a share and the employer contributes towards it. It is regrettable that the employers themselves have not realized the workers' condition long, long ago, with whom I have been advocating wherever occasions had arisen. In the new set up they must change their outlook and provide two things, houses for the labourer and the Provident Fund. They have never risen to the occasion. Some employers to their credit, I might say, have built up some houses for their employees; some have introduced some beneficial measures, but that is very negligible. There are good employers who have taken this initiative of their own accord. I have seen that, Sir, wherever the houses are provided, the workers are happy and the strikes do not take place. These two things I have always felt as an essential factor in the life of a worker. If an employer when establishing his own industry sets aside from his initial capital amount simultaneously with the erection of a factory a provision for the houses of the workers, I am sure the present trouble of these workers and the strikes could have been considerably avoided. At the same time the workers would be really happy if they feel that something is reserved for them after their retirement from the service. I would certainly welcome that once an employee is confirmed in the Service, he should be entitled to the benefit of the Provident Fund Act; if he is dismissed or does not behave as he is required to behave, then he loses the share of the employer. So he will be always eager to see that he performs his duties loyally and faithfully to the State and to the employer, so that he may have the full benefit of the fund, that may have been kept aside for him. It is also very necessary to cement the good relations between the employer and the employed. It is highly essential that these things which are needed should be provided by the employers.

I have therefore a very simple Bill and the one object with which I have brought it, I have stated in this Bill, i.e., that the subscription that has to be deducted from the employee's salary should be compulsory. You can imagine, Sir, a man drawing Rs. 30 or 40 a month has hardly sufficient for his maintenance yet he is prepared to spare a rupee from that every month, so that at the time of his retirement, he might get something with a consolation: "That this is my money and my master has also given some money." He

will bless that master who is cursed by him today. I want to avoid all that by this kind of enactment, which is overdue. I feel, Sir, in presenting this Bill I have absolutely no hesitation in stating that this Bill will find the fullest support at the hands of the Government.

[Shri R. K. Sidhva]

I have stated, Sir, that the provisions of this Bill should come into operation for employees who draw salaries of Rs. 20 and over. It may be argued: "Why not Rs. 20 and under?" I know there are employees who are getting less than Rs. 20; I know in some provinces there are yet persons who draw a salary of Rs. 15 and if I mistake it not, it is in the United Provinces.

An Honourable Member: They are mostly Government servants.

Shri R. K. Sidhva: I have, Sir, in this Bill defined the term 'employer'. "Employer" includes any body of persons whether incorporated or not and any managing agent of the employer and the legal representative of the deceased employer. As far as the Government is concerned, my friend has put the question; they are not included here. During recent years, the Government have provided by executive order for a provident fund system for these people and therefore, I have not included them. What I want is that though a certain class of labourers, a very negligible proportion, enjoy these benefits, there are large number of them, tramway workers, dock, wharf, jetty workers, all these people do not enjoy these benefits, and they should be given all these benefits.

In conclusion, Sir, I submit that my Bill seeks to promote a spirit of confidence and co-ordination among the employees and the employers, with the object of producing better results in the production of manufactured goods. Today, we know, that our country is suffering from less production; our Government has been advising the labourers and employers to step up production. I entirely share the view that production must be increased at any cost. At the present juncture, I oppose any kind of strike. At one time, during the previous Government, I had myself led many strikes. Under the existing conditions, I do not want, despite the difficulties that are created for the labourers, to initiate a strike. But, Sir, that does not mean that we should overlook the future betterment of the labourers, which is already overdue. If we compulsorily ask these employers to really change their outlook and create this fund, it will strengthen our hands and immediately, the country's wealth will be increased by increased production. Today, we are handicapped by the arguments advanced by some of the labour leaders—you ask us to step up production, but what have the employers done for us? Some of the arguments are right and some are wrong. Those arguments which are right should be borne in mind and this House must show to the workers, as we have always done, that we are in entire sympathy with them and that the employers will be made to give this benefit to the workers.

Sir, an amendment has been proposed by the honourable the Chief Whip that this Bill should be sent for circulation. I have no hesitation to have the Bill circulated. A measure of this kind is a very simple one and should have been sent to the Select Committee and passed in this session. However, if the honourable the Chief Whip feels that this Bill should be circulated for eliciting public opinion, I do not mind. I do not know what is the public opinion to be sought on a measure of this kind. The employers will all come with all sorts of stories and will present a memorandum. As the period mentioned by him is 30th June, I would be inclined to accept if the House so desires to accept the amendment. I however hope the object of the amendment is not to shelve the Bill. The intention of the Government has been sympathetic; I want them to be a little quicker so that we can repudiate the arguments advanced by the labour leaders and show that this House which has shown much sympathy all along towards the welfare of the labourers would

also see that this benefit is provided and in the next session whenever we meet, in July, August or September, this Bill is passed into law.

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

Mr. Speaker: Motion moved:

"That the Bill to provide for the establishment and grant of Provident Fund to certain classes of workers by their employers, be referred to a Select Committee consisting of the Honourable Shri Jagjivan Ram, Shri M. Ananthasayanam Ayyangar, Shri Khandubhai K. Desai, Shri Mohan Lal Gautam, Shrimati G. Durgabai, Shrimati Renuka Ray, Prof. K. T. Shah, Prof. Shibban Lal Saksena, Prof. N. G. Ranga, Shri L. Krishnaswami Bharathi, Mr. K. A. Mohamed and the Mover, with instructions to report on or before the last day of the first week of the next Session and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Honourable Shri Satyanarayan Sinha (Minister of State): Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1949."

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

Shri R. K. Sidhva: In view of the assurance given, I agree to the amendment.

Mr. Speaker: I shall put the amendment to the House.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1949."

The motion was adopted.

PREVENTION OF FREE OR FORCED OR COMPULSORY LABOUR BILL

Shri R. K. Sidhva (C.P. and Berar: General): With your permission, Sir, I move:

"That the Bill to provide punishment for free or forced or compulsory labour, be referred to a Select Committee consisting of the Honourable Shri Jagjivan Ram, Shri A. V. Thakkar, Shri H. V. Kamath, Dr. V. Subramaniam, Begum Aizaz Rasul, Shrimati Annie Mascarene, Shri S. Sanker, Shri P. S. Nataraja Pillai, Shri K. Hanumanthaiya, Srijut Robini Kumar Chaudhuri, Shri Jaipal Singh, Shrimati Dakshayani Velayudhan, and the Mover, with instructions to report on or before the last day of the first week of the next Session and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, the ugly instances that are coming from time to time, of extracting forced labour from the poorer classes of people, are well known to everybody. This kind of forced labour was considered by the International Labour Conference in 1930 at great length and it was decided that this kind of forced labour is an evil and it must be eradicated from all the countries. Article I of that decision says:

"Each Member of the International Labour Organization which ratifies the present Convention undertakes to suppress the use of forced or compulsory labour in all its forms."

[Shri R. K. Sidhva]

This is the clause to which the Government of India is a party. It further goes on to say in Article 5 that—

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

We were a party to this but the then Government which was a party to the article did nothing to eradicate this evil which is existent in this country for so many years. I might state that now with the vigilant civic conscience that has arisen even among that class of people from whom this forced labour is extracted, they have in some cases refused to render this kind of labour. But I know from personal knowledge that this kind of forced labour is extracted sometimes by Government servants also. They charge the Government for the false payments of having secured labour and misappropriate the wages to themselves and do not pay these people their wages. It is an established fact and some Provinces have appointed committees and it was admitted that this was so. Despite this, the previous Government did nothing. There are hill tribes in this country—of a population of 2-1/2 crores—and among this class of people this evil exists to a great extent. My friend Shri Amritlal Thakkar who is an expert in this has travelled extensively these areas and he has submitted a report to the Constituent Assembly for the Constitution making and he has given reasons as to what are the conditions of this class of people and the Constitution is going to provide some kind of relief to these people. That in itself would satisfy and prove as to what kind of conditions prevail today among these people. But that is not sufficient. The Constitution is going to provide general rules as far as their welfare is concerned but I want by this Bill to put a stop to this in those places particularly in Bihar, Orissa—it is in Madras also to a certain extent—where this exists to a very great extent.

Now, Sir, in my Bill I have excluded the services of persons who are required for public emergencies. Because when Government employ they do pay. Sometimes there are many irrigation works and the Zamindar wants his land to be cultivated and he calls some people round by and asks them to dig the canal, etc., and he gives them only a little morsel and no cash money. These are the class of people who suffer today immensely. I submit that under Section 374 of the I.P.C. any kind of labour is prohibited but nobody has taken cognizance of this section. This has remained a dead letter and, therefore, I feel that unless a separate Act is made for this purpose this kind of hardship could not be removed, leave aside, eliminated. I do not think anybody would like this to continue which is against the society and everybody would be too pleased to see that such evil which exists today is immediately stopped. Somehow in the past no efforts were made in this direction probably under the impression that it is not possible to remove it. If under those arguments and presumptions we work, we are not going to do any good to anybody at any time. It is our duty to see that such a thing which is a stigma on the society should be immediately removed and efforts should be made accordingly. If this Bill is passed into Act, then Government has to be alert and see that through various agencies the provisions of this Act are carried out and then I am confident that within a short period this kind of labour which is forcibly taken by the interested class of people will be removed.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar.)]

I have defined that—Free labour means labour without providing remuneration in cash at the prevailing market rates in the locality for that kind of labour;

Forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

Prof. N. G. Ranga (Madras: General): Without a *quid pro quo*.

Shri R. K. Sidhva: Then I have made a proviso that under the Indian Forest Act, 1927 and the Bombay Irrigation Act, 1879 where certain services are required for the interest of the State, should be exempted from the operation of this Bill. I have also been careful in saying that this Bill when it is passed into law should not come into conflict with the requirements of the State in an emergency. Therefore, with these words I am confident that the House will accept my motion. In this matter also I find that the Honourable the Chief Whip has tabled an amendment stating that this should go under circulation and the opinions should be invited by September. As I stated at the earlier stage this Bill is of a far greater importance—although both are equally important—I should have felt that this Bill which is really a stigma to society should have been passed without any reference or circulation. I want to know who is going to state that this condition should remain. There is no question of any employer saying that this should remain unless they want to make out a false case. However if the Bill has to be sent for circulation I wish that he will reduce the period for eliciting opinion from September to June so that in the next session when we meet the reports will be available and the House may be in a position, to dispose it of in the next session. I only make an appeal to him and if that is acceptable to the House, namely, that this Bill be circulated for eliciting opinion thereon by the 30th June, then I will have no objection. With these words, I commend this motion for the acceptance of the House.

Mr. Deputy Speaker: Motion moved:

"That the Bill to provide punishment for free or forced or compulsory labour, be referred to a Select Committee consisting of the Honourable Shri Jagjivan Ram, Shri A. V. Thakkar, Shri H. V. Kamath, Dr. V. Subramaniam, Begum Aizaz Rasul, Shrimati Annie Mascarene, Shri S. Sankar, Shri P. S. Nataraja Pillai, Shri K. Hanumanthaiya, Srijut Rohini Kumar Chaudhuri, Shri Jaipal Singh, Shrimati Dakshayani Velayudhan, and the Mover, with instructions to report on or before the last day of the first week of the next Session and that the number of members whose presence shall be necessary to constitute a meeting of the committee shall be five."

The Honourable Shri Satyanarayan Sinha (Minister of State): Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st September, 1949."

I have again to request the honourable the Mover to agree to my amendment in view of the fact that it is already engaging the attention of Government and Government has appointed a Special Officer to investigate the whole thing. The report is awaited very keenly and there is every likelihood that the report might be submitted to Government in the course of a month or two. As I have stated with regard to the other Bill, so in respect to this Bill also I may inform the House that it is quite likely that the Government might sponsor a Bill itself. If Mr. Sidhva wants this date to be changed to the 30th June, I have no objection. I will very gladly accept that as an amendment to my amendment.

Mr. Deputy Speaker: In view of the statement by the Honourable Minister of State, the amendment now before the House is as follows:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June 1949."

Shri H. V. Kamath (C.P. and Berar: General): I welcome with all my heart the Bill that has been brought before the House by my honourable friend, Mr. Sidhva. I am sure there can be no two opinions on this point, that that Bill represents a move in the right direction, the direction of the social and economic emancipation of the vast masses of our country in conformity with the spirit of the Constitution on which we are all engaged. The House is very well aware that in the last session of the Constituent Assembly we adopted unanimously Article 17 of the Constitution which reads thus:

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

My friend, Mr. Sidhva has detailed to the House the international convention on this subject, and I do not therefore propose to go into it all over again. As he remarked, this usage of *begar* has been rampant in this country. I do not presume to say since when: but ever since perhaps our country passed into the gloom and the night of slavery, this custom must have taken a firm foothold in our country. Ever since the vast masses of our country began to be exploited, not merely by the foreigner, but by the indigenous feudal landlords, this custom has taken a heavy toll in India. It is high time, now when we have emerged from the night of slavery into the light of freedom, that we put an end to all the vestiges of slavery which may still exist in our social structure. This custom of *begar* is one such, and in my judgment this Bill has been brought not a day too soon.

My friend, Shri Satyanarayan Sinha moved an amendment seeking to circulate the Bill for eliciting public opinion thereon. I see no rhyme or reason for such a move with regard to the amendment that has been brought before the House by the Honourable Shri Sinha. The reasons that he advanced for the amendment are by no means convincing, and I have no hesitation in opposing the amendment that he has moved before the House.

What is Government's view in this matter? Does it or does it not accept the spirit and the letter of Article 17 of the Constitution which we have adopted already? I have read the Article to the House already and there is no doubt whatever that the spirit of the Bill is absolutely in conformity with and not at all at variance with Article 17 of the Constitution which we unanimously adopted at the last session of the Constituent Assembly. I see no reason whatever for circulating this Bill for eliciting public opinion thereon. The very reason which my friend, Mr. Sinha, adduces for circulation of the Bill is in my view a reason for not circulating it. He has said that Government is very sympathetic and that Government is very keen about it. We are very glad to hear that from the Honourable Minister of State. He has said that Government is not only keen but has appointed a Special Officer to investigate the whole problem. If that is so, then his report will be before us; and so what is the point, when we have adopted the Article, in further circulating it among the people of India? We, Sir, are functioning in the Constituent Assembly as representatives, as plenipotentiary representatives of the people of India. And did we not adopt the Article as representatives of the people of India? Why again go to the people of India and ask them for their opinion? If that is the case, then perhaps it cannot be gainsaid that every article that we have passed in the last session of the Constituent Assembly, and which we are going to adopt in the Assembly in future, will have to be brought before the people for a referendum or plebiscite. I cannot accept this proposition and I hope that this sovereign House not stultify itself by accepting this amendment moved by Mr. Sinha because that will be against the spirit of the Constitution which we are busy framing.

Therefore, Sir, I strongly oppose the amendment moved by my honourable friend, Shri Sinha and support the Bill wholeheartedly for the abolition of *begar* and all kinds of forced and compulsory labour that has been moved today by my friend, Shri Sidhva, and I think, Sir, that the House will see its way to accepting the reference by Shri Sidhva to a Select Committee for its report. After all, when the Constituent Assembly has adopted the article and the Select Committee of this House is going to consider the Bill, there is no reason, no purpose served in my judgment, by circulating this measure again for public opinion. Public opinion of the vast mass of this country, the poorest, the lowliest and the lowest, I am sure, will wholeheartedly welcome every provision of this Bill and if at all there will be any opposition to this measure it will come from the vested interests, the feudal landlords and zamindars who unfortunately, still stalk the land.

I therefore have great pleasure in welcoming Shri Sidhva's Bill and supporting it wholeheartedly and opposing the motion of my friend Shri Satyanarayan Sinha.

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

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

Apart from that, there is one more important point. This *begar* is a relic of the past. As far as I can see, it has been brought in not by the British Government but by the previous Moghul rulers or at the time of the dark period through which the country passed after the fall of the Moghul Empire. It has been existing there for the last 200 or even 300 years. Therefore let us put an end to this custom as soon as we can. No time should be lost. We have lost, as I said, already 89 years after enacting that section 374. Let us not lose any more time. We are now independent. Let even the poorest and humblest people in the country feel independence.

[Shri A. V. Thakkar]

One last point before I sit down. Until the mass illiteracy of this country is removed this *begar* is not going to stop and I see no signs of this mass illiteracy being removed by the introduction of primary compulsory education. We are giving adult franchise to people without the benefits of primary education. How can that go on? Until the villager knows that he is entitled not to render any free service or even compulsory service, the poor fellow cannot understand this. Therefore the sooner we teach him how to read and write and to enforce his own right and see that he is not under any necessity to undertake any labour for anyone, even the highest in the land, until that time this *begar* will continue to a certain measure. At present almost universally it is there in villages, let me tell you that. At present the villager does not know that he need not do the forced labour and that he is entitled not to do it. Sir, with these words I support the motion moved by my friend, the honourable member Shri Sidhva.

The Honourable Dr. B. R. Ambedkar (Minister for Law): Mr. Deputy Speaker, I have no justification for intervening in this debate, because the subject matter of the Bill does not by the remotest stretch of imagination pertain to the department of which I am the head. But if my past experience as a Labour Member is sufficient to justify my intervention I am prepared to do so.

When I was the Labour Member I had taken up this matter of putting a stop to forced labour and, if I may say so, I spent practically about six months to study the different forms of forced labour that prevailed in this particular country. The subject appeared to me to be assuming so many different forms in different parts of India that I could not come to the conclusion that a simple measure applying generally to all parts of the country would solve this problem. Consequently when I was a Labour Member I had decided to appoint a small committee of four or five people to go round different parts of the country to examine the problem and to report on the different forms of forced labour which prevailed, so that having had the fullest knowledge of the various forms of forced labour it would be possible for Government to frame a measure which may be fool-proof and knave-proof. Unfortunately for me my proposal to appoint a committee to investigate into this question was negated at the highest quarters on the representation of interested parties. In fact I was accused that I was rushing too fast in the field of labour legislation. Consequently the whole of the proposals which I had put forth remained in abeyance. I now understand that my successor has appointed an officer to deal with that matter. Whether an officer is better than a committee is not a matter on which I propose to express any opinion but I should very strongly impress on the House the necessity of knowing the different forms of forced labour before the House undertakes any piece of legislation. (*Babu Ramnarayan Singh*: "Not necessarily.") It is on that ground that I support the motion of my friend the Honourable Shri Satyanarayan Sinha that the House should be in possession of the fullest information before any legislation is adumbrated.

The second thing that I should like to refer to is that the question of forced labour, as my friend Mr. Kamath just now said, is really now regulated not so much by the Penal Code but by the Constitution itself. But Mr. Kamath, I think, forgot to realize what are the incidental powers which go with the provision relating to forced labour embodied in the Constitution. I think he forgot to realize that the power to legislate with regard to forced labour will now pertain to the Central Parliament. It would not be in the concurrent field as such. Today if you want to legislate on forced labour it will be either for the Central Government or the Provincial Government.

The second difficulty would be that even if Parliament was to legislate with regard to forced labour under the entry 'labour welfare' contained in the Concurrent Legislative List, the power of administration of such law would vest in the Provinces. It has been my firm conviction that if a large number of welfare measures which have been passed by the Centre have come to nought it is because the Centre itself has had no power to administer the laws that they have made, and I am firmly convinced that even if you pass one hundred laws preventing forced labour, if the administration of these laws remained with the Provinces, persons who are victimized by forced labour would never be able to get the benefit of such laws. Fortunately for us we propose to provide in the New Constitution that whenever any law is made in the concurrent field it would be open for Parliament to reserve to itself the right to administer any particular law. I am quite satisfied within myself that if any legislation dealing with forced labour is to be effective so as to completely eradicate the evil, such a law would have to be administered by the Centre and not by the Provinces. As I submitted, these are matters which would come into operation only when the Constitution is passed and not before that. I therefore submit that having regard to the considerations that I have placed before the House the most appropriate motion for the House for the present time to pass is the motion of my friend Shri Sinha. It would give us the time we need for the Constitution to come into operation and the information we so badly want for the purpose of framing a proper legislation.

Shri H. V. Kamath: On a point of information only, will not the purpose, that my honourable friend Dr. Ambedkar has in view, of collecting information on this subject be adequately served by a two or three member sub-committee of the Select Committee either summoning witnesses or touring the country and getting the information themselves instead of leaving it to a third person?

The Honourable Dr. B. R. Ambedkar: No. As I said it is much better if this legislation came after the Constitution was passed because we could then get the power to administer the law that we make.

Shri H. V. Kamath: Even then the report of the Select Committee can be awaited. Why should we leave it to public opinion? That is my point, especially when we have adopted the article in the Constitution. Such a course will do violence to the spirit of our constitution.

Mr. Deputy Speaker: Shri Mahavir Tyagi.

Honourable Members: It is one o'clock.

Mr. Deputy Speaker: Shri Mahavir Tyagi has been called. He will speak after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Shri Mahavir Tyagi rose—

Mr. Speaker: I see no Ministers on the Treasury Benches!

Shri Mahavir Tyagi (U.P.: General): Will it be proper for me to address the House without any Member present on the Treasury Benches, Sir?

Shri T. T. Krishnamachari (Madras: General): It is a non-official day!

Shri H. V. Kamath: But a motion has been made by the Honourable the Minister of State and certainly some Member must be present on the Treasury Benches.

Mr. Speaker: Somebody must be present. I am taking steps to see that somebody is present.

The Honourable Shri K. Santhanam entered—

Shri Mahavir Tyagi: Well, I welcome my Railway friend, Sir.

Sir, I am glad Shri Sidhva has brought before the House a question which is the unanimous demand of the whole country. It has been before the country for the last thirty years as far as I know—because I took to politics thirty years ago—and since then we have always been shouting and protesting against this custom of compulsory and forced labour. Shri Sidhva has brought a Bill which expresses practically the unanimous desire of the whole country. I do not exactly agree with what is said in it because it requires a lot of changes and needs consideration. But in the past there has been a custom that whenever non-official Bills were brought before the House they were not taken care of by the Treasury Benches or not taken due notice of, and they were looked upon and discussed carelessly and things were left as they were. Now, Sir, since the popular Government is in power I hope this non-official Bill will receive due consideration at the hands of the Treasury Benches.

In clause 5 of the Bill, Shri Sidhva says:

"The normal working hours of any person from whom forced or compulsory labour is exacted shall be the same as those prevailing in the case of voluntary labour and the hours worked in excess of the normal working hours shall be remunerated at the rates prevailing in the case of overtime for voluntary labour."

I want to point out this clause 5 just to say that it requires a change because after all, if we keep clauses like this it means that even after passing the Bill there may be a possibility of forced labour still going on and we will be recognising forced labour even after the Bill is passed. It is only a verbal change that is required which Shri Sidhva will be able to accommodate.

Then it is not the only question. As Shri Sidhva has said, the root of this forced labour was in the feudal form of society. In fact, as I see it, it goes far beyond. It has its origin in the old golden past, because in those days in the villages nobody was paid and everybody worked for the society. They were the golden days of the rural areas when agriculture was the main profession and everybody worked for agriculture. Those who were peasants used to reap the crops and those who were artisans got a share of the produce. The washermen got a percentage of the produce of every field and so did the weaver. They never got any compensation for the services they rendered to individuals; in fact, they were doing all the service free; the peasants were tilling the land free and the artisans were doing all the service free. Everybody had a fixed proportion in the crop produced in the village. It was then that people were working free and it was a sort of a corporate society which was everybody's lot and everybody's good fortune to work for. It was then that people got, instead of their wages, their shares.

Then came the feudal system in which the good points were lost sight of and then this voluntary labour became forced labour; and since then people are being forced to work against their liberties. I come from the village and I know how this forced labour is practised. It is not by force of weapon or by physical force that a man is put to forced labour or has to work against his will. It is in fact the circumstances there, the economic circumstances, that force a man to work free for another. In the villages practically half the population is such that it has no house of its own—no person in the village has a house. People who live in the cities cannot realise the conditions that obtain in the rural areas. In my side, in the rural areas—and in many other provinces—people, especially the artisans, the labour class and the scheduled classes, have houses in which they live. They have been living in houses for generations past but they have no ownership over those houses. They are

there at the free will of the landlord. If they refuse to work for the landlord, they are ejected out of the house. In fact, a very big number of the citizens of India are without houses. Therefore, it is under the stress of that threat of ejection that those people have to render labour. They have no grazing lands of their own and they have no right to graze their cattle. The landlord says that because of his grace he allows these labour class people to graze their cattle and therefore in exchange of that privilege which is given them, they do forced labour whenever the Zamindar wants them to render forced labour.

This forced labour is prevalent only in the rural areas. In the cities I do not think there is anything as forced labour. This forced labour exists and a man does it not because he is punished or beaten; he does it because the economic conditions that obtain in the villages are such that a man has to put in forced labour. So, by law alone forced labour cannot be wiped out. You cannot do away with it by passing an Act only. In my side, in Jaunsar Bawar in the Dehra Dun area, in the hilly tracts, some hundred years ago a feudal lord had advanced some ten, twenty, fifty or one hundred rupees to a person for his marriage. Since then the family has always given one man to serve the feudal lord because though the loan was advanced long ago—centuries or generations ago—it still stands. There is no interest charged on such loans but a man of the family must serve the landlord because he had helped his forefathers in getting married, out of which marriage these people were the issues. They have to pay for their birth because they were born of a family which was indebted and therefore they have to render forced labour.

There was a Committee appointed to report on this—our honourable friend Thakkar Bapa knows it. In that area which I have already mentioned there are thousands of such people who go under this sort of slavery. They practically, from their birth had come over to the family of the landlord and they worked for the landlord. When we went there and enquired from them as to whether they were willing to leave, they said they had no other alternative but to stay because the landlord had fed them, he clothed them, and therefore they were his slaves. Slaves are naturally to be fed. In olden days even in Europe slaves were fed, and sometimes better fed than our countrymen are fed today. Those slaves are not willing to leave, and will we not call them as subjected to forced labour? It is forced labour, forced by circumstances of long ago in the past, and those people are labouring. They are practically slaves. This Bill alone, as it is, will not do. Some drastic action and executive action of the Government is necessary to wipe out this slur on India—the "forced labour". Because, if the man who is working as slave in Jaunsar Bawar leaves today, where will he go? There is no other land or profession for him. The State has not yet thought it fit to start cottage industries in the villages. It seems as if the State were being run for urban areas only, and as if rural areas in India did not exist. No attention has been paid to conditions of rural areas. Those persons have no home, have no house, no land on which to build a house, *kutcha* or *pucca*. Those who do not have an alternative means of living, can not resist forced labour. Under these circumstances, those people are naturally forced under stress of conditions to render forced labour. So, by law alone this forced labour cannot go. They must have some thing to fall back upon which they may call their own. I therefore submit that as Dr. Ambedkar has just now pointed out, this question requires a thorough enquiry. But an officer of the type which he mentioned cannot do the job. They say, an officer has been appointed to enquire. What does an officer know? He may be an England-returned officer. He generally knows only about the system of red-tape in Government. Those persons who have been in the villages, they are not recognised to be officers, because they are

[Shri Mahavir Tyagi]

of no use to this Government. Only England-returned officers, highly graduated officers, are needed. (*An Honourable Member*: "Is that a disqualification?") Yes, it is. They are still sticking on to the old British ways when a man who came from England or had an Oxford accent would be taken as a superman. I speak wrong English. But, I think I am quite all right in spite of it. What do I care for this blessed accent or grammar? I must have knowledge and experience. Sir, I submit that these officers are of no use. They are for the use of the Secretariat all right, and that too from 11 to 5 O'clock. I submit they cannot have any idea of the villages. I therefore press, I hope our friend Shri Satyanarayana will see to it, that an officer alone is not enough, to depend upon his reports alone will not do. The situation is grave. It is really very serious in the country-side. An officer therefore will not do. I would suggest, and I hope Shri Sidhva might perhaps also agree, that if the Government appoints a committee to enquire into the situation in the country and that committee goes about and finds out what kinds of forced labour or forced service is taken from the people then alone you may be in a position to come out with a good Bill or enactment.

I understand and I confess that non-official Bills are mostly criticised on the basis that they are incomplete. We have no data. We have no statistics. It is those benches alone under whose orders statistics can come. Our business in bringing forward non-official Bills is mostly to point out the direction in which the trends of public thought and the demands of the public are. The real Bill which should take the shape of law should come from that side. I therefore submit if they appoint a committee and come out with a complete Bill the House will always co-operate with them.

One thing more, and that is, that in the case of official Bills we always, the non-officials, put ourselves on Committees; offer ourselves and work for them. We give the best co-operation to them. I hope the Government also in reciprocity lend their best co-operation in the matter of Bills that come from this side.

Mr. Naziruddin Ahmad (West Bengal: General): Sir, I rise to support the Bill. I am against circulation. It is a common joke in the country that whenever a certain thing is not wanted it is relegated to a committee, and whenever a Bill is not wanted it is sent for circulation. It is to circulate. Perhaps it is to revolve round its own axis and then come to a dead stop. One of the Honourable Ministers, Dr. Ambedkar, said—not representing the Department concerned but in his individual capacity—that it is absolutely necessary for us to know the various kinds of forced labour that are current in the country. I submit any classification is absolutely unnecessary. Our object is absolutely to prohibit all kinds of forced labour, no matter what different kinds of forced labour are in vogue in the country. If we want to stop corruption, it has to be stopped altogether without classification. It would be unnecessary to send some officer to find out what are the different types of corruptions that prevail in the country. When the Penal Code was enacted, I believe, they did not send people to find out what were the different kinds of thefts that were then in fashion in the country—by pick-pocketing, by sneak theft, in fact thefts of different kinds. Theft is always theft and it must be stopped. Take the case of misappropriation or cheating. The point is you must stop it. It is not necessary to tabulate the different classes of these offences. The question is whether forced labour should be stopped. The common determination throughout the House as well as outside the House is that forced labour must be stopped. There is no point in asking for public

opinion. Public opinion is fully represented in the House. There is no question that it should continue.

I submit that the Bill should be taken into consideration. Of course, as has been pointed out by Shri Tyagi, if non-official Bills are defective—that is perhaps so in some cases—it is for the draftsmen of the Government to look to them and supply the gaps. The great idea behind the Bill is that forced labour must stop, and unless Government wants to oppose it, there is no point in sending the Bill for circulation. I therefore support the original motion of Shri Sidhva.

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, I am told that when the King or any person in sovereign authority requests anybody to do anything that request is not to be treated as a request but it should be treated as a command. When an Honourable Minister who has to himself a Chief Whip of the majority party of this House wants a certain thing to be done it has to be done. There is no option. There are one or two persons in the House who want to support Shri Sidhva's motion. These honourable members will find that the pillar which they are supporting will collapse before their support comes in and there will be no necessity at all to support him. But it is not merely from a sense of compulsion that I am supporting the motion for circulation. I think there are certain kinds of labour which is unknown to many members of this House, and if this Bill of Mr. Sidhva is going to be accepted, then the first person or body of persons who will have to be prosecuted will be the Prime Minister of Assam and the Government of Assam because in Assam there is a sort of labour, which is recognised by rules themselves. There are forest villages, that is to say, villages declared to be forest reserve. If any one wants to live in the forest reserve, he is not allowed to live on mere payment of rent in cash. He has got to perform work for certain days in the year; he has got to do it; he has to carry out that labour when the Forest Department wants his work and sometimes they are also taken to construct latrines. They have got to do it; they may be respectable men or they may be Brahmins; still they have got to go and work there and to construct latrines. Of course, there is no harm in constructing latrines, which are not used. They are not asked to repair latrines; they are not paid anything, but they are allowed to live in the forest area. They cultivate the land for which they do not pay any rent to the Government, but they have to work for 12 days in the year. Wherever the Government wants them to go, they have to go and do this forced labour. Now I want to know whether this forced labour will come under the definition of labour here. (*Prof. N. G. Ranga*: "There is exemption.") There is a consideration, but that consideration the labourers themselves like and, if they are allowed to pay a rent instead of being asked to work, they would have been thankful. At the same time you might consider it as a sort of exchange, because they are working for 12 days as labourers and that would come to Rs. 24 or something but the rent itself would not come to more than Rs. 5 or at the most Rs. 6. Is that not forced labour? That is the question which has to be considered. On the one hand it will be difficult for those people to work and the Government will never allow or give permission to get the land on payment, because they would not get labour in that part of the country. I would like to know what definition would you give for this kind of labour. I suppose this system is not so much in vogue in any other part of India. This has got to be investigated and some specific recommendation has to be made. Mr. Sidhva with his vast knowledge of things in India was not acquainted with the state of affairs in Assam, and therefore, after having heard me, I hope he will agree with me that this Bill ought to be circulated.

[Srijut Rohini Kumar Chaudhuri]

Then, Sir, I wanted to say they have fixed the number of hours which usually some labourers perform in the towns. The factory labourers have certain hours in which they work but in the villages or in out-of-the-way places, this cannot apply. I have seen in villages that sometimes the clocks show 12 o'clock when it is actually about 3 o'clock. So this fixation of hours is not so much to be considered. I am speaking from my knowledge of the villages. The difficulty may be that the clock has not been working properly; there may be differences in the timings. That is why I say, Sir, that this Bill has to be considered thoroughly.

We have waited long enough and it will not matter if we wait till September 1949. We have now, at least seen the beginning of things. The Committee which my honourable friend, Dr. Ambedkar set up ended in nothing, because he did not follow it up. Now I suppose September is quite near and September will be time enough if the Bill is to be circulated.

The Honourable Shri Satyanarayan Sinha: I have agreed to the 30th of June.

Srijut Rohini Kumar Chaudhuri: We may have a session in September and we may pass this Bill and in the meantime, we must have patience.

Shri M. Ananthasayanam Ayyangar (Madras: General): I rise to speak a few words in support of the motion for circulation of the Bill. I entirely agree with what all has been said. It is an unfortunate recrudescence of the past, the Britisher who was here never wanted to raise the economic level of the masses and they have left us in a much worse condition. Therefore, every word and the earnestness and the enthusiasm with which this matter has been pressed before the Assembly does ample justice to the members' interests in the masses at large. Now, we heard from the Honourable Dr. Ambedkar that when he was the Labour Member here, he appointed a committee to thoroughly go into this matter, but unfortunately.....

Shri R. K. Sidhva: He only said that he wanted to do so.

Shri M. Ananthasayanam Ayyangar: I am sorry for the error. He only wished to. It was during the previous Government and unfortunately after this Government came in, he changed his portfolio; his successor did not also take the necessary steps in the manner we would like. We shall have a committee appointed with experts non-officials where the officials will only be the Secretary, whose job will be to gather evidence. If that is the view, we can certainly get the help of independent workers like Thakkar Bapa who has worked all his life and for that matter other interested persons in various provinces who have been taking a keen interest in this matter. If this reform had not been already placed in the statute book, it is not for want of enthusiasm of Dr. Ambedkar, but it is exactly because the previous regime was not keen about it. Now it is only a year since we came into office. Honourable members know how much trouble there has been all along and as soon as the Government was taken by our people, we have passed the fundamental rights. The Fundamental Rights Committee was appointed long ago and one of the important article says that forced labour in any form or shape is prohibited and there is penalty under another clause. Thus nothing has been wanting so far as we are concerned. The time has been too short. Even in the previous regime such friends as Dr. Ambedkar and others have been pressing, but the problem is a very serious one. Free labour means labour without profit. The labourer must be paid in cash. Now I will not talk of the absurd limits, but the solution may not be the same thing for all kinds of free labour. Free labour may have to be allowed in particular cases. In Section 374 the Indian Penal Code refers to unlawful free labour. (Mr. Naziruddin Ahmad: "Labour of love") Labour of love or affection? Therefore, Sir, if this Bill straightaway goes to the Select Committee, it would frustrate the very purpose we have in view and therefore we may have to wait some more time, say till the 30th of June. In the

meantime there is nothing lost. But there is one regret that this official may not carry the confidence that the experts and members from various parts of this House may have. Therefore, I suggest that there must be a committee of non-officials with some person like Thakkar Bapa to be the Chairman with an official who has made some survey as Secretary to go round from place to place and collect the experiences and talk to individuals and place it before the House and I am sure that will be really useful and effective. This motion for Select Committee need not be pressed. I would urge upon the Mover himself to accept reference to circulation. After all, it is not a long period and it will come back to us before the 30th of June.

Shri H. V. Kamath: Will my honourable friend accept the appointment of a non-official committee consisting of some members of the Select Committee?

Shri M. Ananthasayanam Ayyangar: I am only making a suggestion and I am as much a member as the honourable member.

The Honourable Shri Satyanarayan Sinha: Mr. Speaker, Sir, I have nothing more to add to what I have said while moving the amendment, but I can assure again this House that there is no intention on the part of the Government to shelve this Bill as remarked by one honourable member. I have accepted the amendment of Shri Sidhva to my amendment that the date should be reduced to the 30th of June. As regards the appointment of a Committee, I think the Government will consider it—and this is all that I can say now and most likely a committee will be appointed. What will be the composition of the Committee. I cannot tell you here, but certainly the non-officials will be associated with that Committee. I will again appeal to the Mover, he has already accepted my motion, but there are other friends who are more loyal than the King and I think they should not stand in the way of the Mover accepting the amendment which I have moved.

Shrimati Dakshayani Velayudhan (Madras: General): On a point of information, Sir, at the recent Conference of Labour Ministers in Delhi, I think they passed a resolution saying that a Committee will be constituted to investigate into agricultural labour and that the Committee is expected to submit its report within one year. We were also told that an officer is appointed on special duty to study the labour problem. I would like to know whether this special officer will leave out agricultural labour, what the Committee will be doing, what the Government is proposing to do and whether they are going to appoint a separate committee altogether to investigate into the various kinds of labour in this country.

Shri M. Ananthasayanam Ayyangar: If it is open to any other member to answer, I can only say that this morning I received a questionnaire from the Labour Department, on the question of wages of agricultural labour, their conditions of service, etc., and whether they ought to be improved or modified in this country.

Mr. Speaker: That will be a different proposition. All that the honourable member is naturally entitled to know is whether that Committee is going to look into the question of free, or forced or compulsory labour. That is the point of enquiry.

I think the matter has been sufficiently debated. I shall put the amendment to the House.

Shri R. K. Sidhva: Have I a right of reply?

Mr. Speaker: No.

The question is:

That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1949."

The motion was adopted.

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

"That the Bill to clarify and modify the law in practice hitherto followed in Criminal applications for special leave to appeal to His Majesty in Council for Criminal cases decided by the Indian Courts, be referred to a Select Committee consisting of the Honourable Dr. B. R. Ambedkar, Shri M. Ananthasayanam Ayyangar, Shrimati G. Durgabai, Dr. Bakshi Tek Chand, Shri C. Subramaniam, Pandit Mukut Bihari Lal Bhargava, Shri L. Krishna-swami Bharathi, Shri Upendranath Barman, Mr. Naziruddin Ahmad, Shri Brajeshwar Prasad, Mr. Frank Anthony and the Mover, with instructions to report by the 1st of March, 1949, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Today, we were informed by the Honourable the Law Member that there are 187 appeals pending before the Privy Council. They include civil appeals, probably criminal appeals and perhaps applications also. Under the present circumstances persons who are given death sentences by the High Court, or whose sentences have been confirmed by the High Court in regard to transportation for life or death having got no other venue of appeal or making applications rush to the Privy Council.

The Honourable Dr. B. R. Ambedkar (Minister for Law): For appeal?

Pandit Thakur Das Bhargava: For appeals as well as for making applications for leave to appeal. This is a sort of revisional jurisdiction as well as appellate jurisdiction. Appeals also are heard. In some cases, the Privy Council does not grant leave; in other cases, leave is granted on a question of law. It is not a clear and defined jurisdiction. I have known very hard cases in which leave has not been granted. In the Martial Law days of 1919, Kalinath Roy and others sentenced to transportation for life and death, preferred applications. Though ultimately the sentences were withdrawn by the Government in respect of some persons, the Privy Council did not interfere. I know of other cases in which some points of law have been clarified by the Privy Council, especially in regard to confessions etc., and they have laid down the law.

As a matter of fact, today, every Indian feels that it is quite unnatural to have a court six thousand miles away from India for deciding and giving final decisions in regard to criminal cases. Moreover, Sir, it is galling to our self-respect that even now, when all connection with Great Britain is broken off, we are still under the Privy Council in regard to judicial matters. Apart from that, the economic drain on the country is also not insignificant. Every person who has to make an application or to go for an appeal, has to at least spend Rs. 5,000. He has to deposit a large sum with the High Court before the death sentence is stayed and a convict is allowed to make an application for leave to appeal. Then, again, there is no dearth of Judges here in India. India can very well provide Judges who can dispose of these appeals and applications. Moreover, Sir, as far as I am aware, and as far as I have been able to see the judgments, I must say that they proceed more or less on such lines as can be called legalistic and technical and substantially, they do not give us good justice according to our notions and according to our ideas. So that, taken from whatever standpoint, the average man in India does not like that this Privy Council should exercise this sort of jurisdiction. What we want today is that our Federal Court should be given this jurisdiction.

At present, after a death sentence has been awarded or confirmed, there is no right of appeal whereas a convict for the ordinary crimes has got two appeals. He can go to the Sessions Court and the High Court. A person convicted by the Sessions Judge and sentenced to death has got one appeal to the High Court and if the High Court confirms the sentence or sentences a man to transportation for life in revision, that person has got no right of

appeal. Similarly in regard to acquittals also, if in an appeal by the Government under section 417, Criminal Procedure Code, the High Court acquits a person, then the other Party has got no right of appeal. Therefore, my submission is that it is high time that we invested the Federal Court with all this jurisdiction. At present, what it is proposed to do is that the jurisdiction at present exercised by the Privy Council be conferred on the Federal Court. If this is done, we shall get speedy justice in an Indian manner by Indian Judges, without great cost.

It may be asked whether it is competent for this legislature to confer this jurisdiction. In regard to this perhaps the matter may not be quite free from difficulty. I say this because I know that there is a certain amount of influential and adverse opinion which I respect very much and therefore, I say it may not be free from difficulty. But, so far as I am concerned, I am convinced that this legislature has got full powers in the matter and can certainly take away that jurisdiction and confer the same on the Federal Court. According to section 6 of the Indian Independence Act, this Dominion legislature has got absolutely full powers, almost sovereign powers and it can do anything it likes. According to section 8(1), the jurisdiction to make a constitution for India lies with the Constituent Assembly. In regard to other laws, and other jurisdictions, I understand that this Dominion legislature has got a perfect right to make any law. In regard to the Government of India Act, I must say that the Government of India Act does not deal with this jurisdiction at all. If you kindly look at the provisions of the Government of India Act, section 206 speaks of civil jurisdiction; it does not speak of criminal jurisdiction at all. It is not under the Government of India Act that the Privy Council exercises this criminal jurisdiction; it is under an Order in Council which has nothing to do with the Government of India Act. Section 8(2), of the Independence Act which speaks of India being governed by the Government of India Act, 1935, as adapted, only relates to matters which come within the purview of the Government of India Act. Otherwise, this legislature has the inherent right to confer any jurisdiction. If you kindly see section 8(2) (b) of the Indian Independence Act, it says like this:

"Provided that

(b) nothing in this sub-section shall be construed as continuing in force on or after the appointed day any form of control by His Majesty's Government in the United Kingdom over the affairs of the new Dominions or of any province or other part thereof."

It appears, Sir, that the Government of Great Britain was anxious to wash its hands off and there is no reason why we should cling to the Privy Council when the intentions of this Government and the British Government are quite clear. I feel that India remains judicially a slave to another country if we maintain this jurisdiction.

I therefore submit with all the emphasis at my command that we should refer this Bill to the Select Committee so that it may be passed as soon as possible. If this matter is deferred and is not passed in this session, it may happen that many people will go to the Privy Council and they may have to spend lakhs of rupees which money can be better utilized in this country. May I therefore humbly ask, if the matter goes to the Federal Court, who would object to it. So my submission is from all these standpoints we will be well advised in referring this matter to a Select Committee. I therefore submit to this House that it may be pleased to refer this to the Select Committee.

Mr. Speaker: Motion moved:

"That the Bill to clarify and modify the law in practice hitherto followed in Criminal applications for special leave to appeal to His Majesty in Council for Criminal cases decided by the Indian Courts, be referred to a Select Committee consisting of the Honourable Dr. B. R. Ambedkar, Shri M. Ananthasayanam Ayyangar, Shrimati G. Durgabai, Dr. Bakhshi Tek Chand, Shri C. Subramaniam, Pandit Mukut Bihari Lal Bhargava, Shri L. Krishnaswami Bharathi, Shri Upendranath Barman, Mr. Naziruddin Ahmad, Shri Brajeshwar Prasad, Mr. Frank Anthony, and the Mover, with instructions to report by the 1st of March, 1949, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Shrimati G. Durgabai (Madras: General): Mr. Speaker, I have very great pleasure in lending my whole hearted support to the Bill brought by my friend Pandit Thakur Das Bhargava. Sir, not only myself but as far as I know there is a large section of the public which is in favour of this Bill to invest the Federal Court with the power of criminal jurisdiction also in some form or other at an early date. Sir, the object of this Bill as already stated by the Mover of the Bill is to make the Federal Court self-sufficient to the extent the Judicial Committee of the Privy Council had been in regard to criminal matters which Their Lordships have admitted from the Official Judgments and Orders of the High Courts in India.

Sir, this Parliament some time ago passed an Act, viz., Federal Court Enlargement of Jurisdiction Act. By virtue of section 206 of the Government of India Act this Dominion Legislature has passed that Act. Sir, the House is aware that that Act is very much limited in its scope and limited only to the civil matters. The Act that is passed, only related to civil matters and the criminal matters are kept entirely out of its purview. Therefore the object of this Bill is to empower the Federal Court with the jurisdiction of the Court of Criminal appeals in England and this Bill removes that kind of lacunae which we found in the Federal Court Enlargement of Jurisdiction Act. The Mover of the Bill wants by this to confer jurisdiction upon the Federal Court to entertain applications for special leave to appeal to that Court in criminal matters and a power which the Federal Court does not possess today and this would be in keeping with the status of our Free India. Otherwise I ask where is the independence of judiciary?

It would also enable us to take the criminal matters to this Court and it would check the further flow of criminal matters going to the Privy Council which as the Mover of the Bill has already stated, involve enormous expenditure, delay and inconvenience to the parties. I am told today there are nearly 187 or more appeals pending in the Privy Council. I am sure and my information is that about 25 to 30 per cent. of the appeals are criminal matters. Therefore it is necessary that we should take immediate steps to see that our Federal Court is invested with the power of entertaining applications in criminal matters. The position today is that in criminal matters the special leave is granted by the King in the exercise of his Prerogative Right and of course the position is a bit relaxed when an amendment to section 411 of the Cr. P.C. was made in the year 1913 when the matter arose in Thiagaraja Bhaghavathar's case. It says:

"Subject to such rules as may from time to time be made by His Majesty in Council in this behalf, and to such conditions as the High Court may establish or require, an appeal shall lie to His Majesty in Council from any order made on appeal under sub-section (1) by a Division Court of the High Court in respect of which order the High Court declares that the matter is a fit one for such appeal."

So the appeal could straight go to the Privy Council and there the Prerogative Right of the King is not required and directly with the certificate of the Division Court the appeal could be taken. But now if we invest the Federal Court

with this power by this Bill it would enable us to take the criminal appeal to the Federal Court and that should be done immediately.

I know what may be said on the other side by Dr. Ambedkar that this Federal Court is the creature of the Government of India Act and there is section 206. This Parliament is not competent to take up this legislation and also whatever powers are to be exercised by the Federal Court, they must be exercised within the limits of the Statutory Provisions of the Government of India Act and it would be *ultra vires* otherwise. But my friend has already answered all those points. Therefore I do not want to take the time of the House in answering them. They might also say, wait, till the Constitution is passed and then automatically it will enable us to take up these matters but we do not know when this Constitution is going to be passed. It may be some years or it may be one year or some months but we need not wait because already sufficient number of appeals are pending and many more are going. Therefore it is high time that we should take this matter up without waiting for the constitution to be passed and enable ourselves in this matter. Amendment to section 206 can be taken. As it is 206 runs thus:

"The Dominion Legislature may by Act provide that in such civil cases as may be specified in the Act an appeal shall lie to the Federal Court from a judgment, decree or final order of a High Court without any such certificate as aforesaid."

In the amending Bill which we may consider we might delete the word "civil" or add the words "criminal also" in which case it would apply to all civil and criminal cases. So by taking some kind of immediate steps the spirit of this Bill which Mr. Bhargava has brought could be given effect to.

I am told there are certain things going on and there is a move that a Commonwealth Judicial Committee is going to be set up and some people have come to visit India. It is said that a wing of the Commonwealth Judicial Committee will sit in India which may involve a great expenditure. We do not know what kind of proposal they would make and what kind of arrangement we may be obliged to accept. Therefore without waiting for anything I think we can easily adopt without any difficulty the spirit of the Bill which Mr. Bhargava has brought and I appeal to Dr. Ambedkar to see that some immediate remedy is provided and the Federal Court is invested with the jurisdiction in criminal matters also.

Shri C. Subramaniam (Madras: General): I am in full sympathy with the objects of the Bill but I am afraid there is a certain lacuna in the Bill. The Privy Council as far as it acts as a Court of Appeal it might be alright for us to invest the Federal Court with those powers but the Privy Council apart from being a Court of Appeal, acts also as the King's Representative in the exercise of the Sovereign's Prerogative Rights. We are still a Dominion and the King of England is also the King of India. As a Sovereign he has got those Prerogative Rights and the Privy Council in certain matters acts as the representative of the King in the exercise of those Prerogative Rights. In criminal appeals, it is not as if the Privy Council is acting as a Court of Appeal. In exercise of the Sovereign's Right of Prerogative, the Privy Council used to interfere, not in all cases but only in cases where there was a gross miscarriage of justice. It is not even in cases where there is a mistake on a point of law that the Privy Council interferes; but it is only in cases where there was a gross miscarriage of justice that the Privy Council interfered with decisions of the High Courts in India in criminal cases. The section in the Bill reads that "it is hereby declared that all applications of the kind and character made to His Majesty's Judicial Committee of the Privy Council shall hereafter be made to

[Shri C. Subramaniam]

and heard by the Federal Court" certainly the Federal Court cannot be invested by this Assembly with the powers which the Privy Council exercises as the King's representative. So it might be all right that we invest the Federal Court with certain appellate powers or powers of revision in criminal cases. But I do not see how we can invest the Federal Court with all the powers that the Privy Council now exercises. So there is a lacuna which could be, if necessary, rectified in the Select Committee. At this stage I wanted to point out that, we cannot invest the Federal Court with all the powers that the Privy Council now exercises, and that is the point that I wish to make.

The Honourable Dr. B. R. Ambedkar: There is no difference of opinion between myself and the honourable the mover of the Bill that the jurisdiction of the Privy Council should be done away with. In fact, we have as early as possible taken the opportunity of passing an Act of this House by which the jurisdiction of the Federal Court has been considerably enlarged in the matter of civil appeal. But with all the sympathy that I have with the mover of this Bill, I am afraid he has not taken sufficient trouble to consider the difficulties that lie in the way of carrying out his aims and objects.

First of all, in order to carry out the purposes we have set out in the Bill, it would be necessary to pass an Act to amend the present Government of India Act which forms the Constitution of this country. Under the Government of India Act, which I said forms the Constitution of this country and under which this Legislature must work within its ambit, we have no power to invest the Federal Court with criminal jurisdiction. That matter will have to be dealt with in another Assembly sitting as a Constituent Assembly. The first thing that we have to do is to get the Government of India Act amended so as to enlarge the power of this House to confer criminal jurisdiction upon the Federal Court, which this House under the existing law does not possess. After having done that, we have to consider what criminal jurisdiction shall be conferred upon the Federal Court: whether the Federal Court will act as a Court of appeal in criminal matters, hearing cases from the various High Courts: whether instead of conferring appellate powers on the Federal Court we shall confer merely revisional jurisdiction upon the High Court: or lastly, whether we shall confer the same powers upon the Federal Court which are at present possessed by the Privy Council, namely, appeal by special leave. All these matters have to be considered very carefully before any such Bill is taken in hand.

The second thing which my friend does not seem to have considered is this. We have on the anvil the draft Constitution, sections 110 to 113 or 114—I forget for the moment—deal completely and exhaustively with this matter relating to the appellate jurisdiction of the Federal Court. One thing any one can see by reading those sections is that the powers of the Privy Council have been completely eliminated. Now, although my honourable colleague, Mrs. Durgabai stated that she did not see any prospect of the Constitution being passed at an early date, I venture to hope that when the Constituent Assembly meets on the 16th May next, it will try its level best to carry through the Constitution at any rate before the 15th August, 1949. If that happens, I do not understand why we should hurry with this particular measure. As I said, with all the difficulties with which it is presented, and which difficulties will have to be overcome if this Bill is to be carried through, I want to know whether my friend, Mr. Thakur Das Bhargava, cannot exercise a little patience so as to wait for two or three months when the whole matter will be set right by the law of the Constitution. If however members of the House think that this is a matter which must be taken in hand at once, I have no particular objection

to his motion for referring the matter to Select Committee, although I must make it quite clear that I cannot help in not being able to hasten the work of the Select Committee in view of the fact that my hands are completely tied up by other work both in this House and outside. If on that footing he is prepared to put the motion to the House and insist that the Committee be appointed, I shall raise no objection.

Mr. Naziruddin Ahmad (West Bengal: Muslim): I would like to know what is the provision in the Government of India Act which prohibits the jurisdiction of this House. The point before the House now is whether the acceptance of the Bill involves the amendment of the Government of India Act.

The Honourable Dr. B. R. Ambedkar: My friend seems to forget the fact that when positive powers are conferred, you cannot say that powers which are not referred to are also conferred. If nothing had been said in the Government of India Act, it would be open to argument that this Legislature would be able to confer any power upon the Federal Court: but when the law has gone to the length of conferring certain specific powers, the inference is that other powers are not conferred.

Mr. Naziruddin Ahmad: May I speak on this point of law?

Mr. Speaker: That is not germane to the issue now. He has only made it, a point in his speech, with regard to the difficulties in the way. But that is not the ultimate point for discussion here.

Shri R. K. Sidhva (C. P. and Berar: General): Has he consulted the Advocate General and found out that his views are identical to his own?

The Honourable Dr. B. R. Ambedkar: It is quite unnecessary to consult the Advocate General.

Mr. Naziruddin Ahmad: This point of law is one of the reasons which may stand in the way.

Mr. Speaker: We cannot have a fresh discussion making that point a principal point. That is one of the points which has given the Honourable Minister grounds to oppose.

Mr. Naziruddin Ahmad: But no provision has been referred to.

Mr. Speaker: That is again arguing the point!

Pandit Thakur Das Bhargava: Sir, with your permission, I would like to make a reply. In the first place I do not accept for a moment as a matter of argument that any positive powers if they are not conferred then by implication the legislature is debarred from exercising its jurisdiction in respect of conferring those powers, because if you would kindly see section 8(3) of the Indian Independence Act.....

Mr. Speaker: The honourable member is again going into the same argument.

Pandit Thakur Das Bhargava: Barring that, if this is conceded, the only question is whether it will be useful to have such a measure at this stage and that is the only question to which I shall address myself now.

In the first place, this measure was originally introduced by Sir Hari Singh Gour and with your permission I have introduced the Bill. I think I should be allowed to go on with this measure and I do not want to take the responsibility of withdrawing this measure.

Secondly, I know that the people of the Indian Dominion are at the moment anxious to do away with the Jurisdiction of the Privy Council much more

[Pandit Thakur Das Bhargava]

than perhaps the Ministers themselves. We had the law passed here for the enlargement of the jurisdiction of the Federal Court in 1947. I even then gave notice of an amendment that Ajmer-Merwara should be included but so far as Ajmer-Merwara is concerned it is not included so far. So even now appeals go to the Privy Council. We are very anxious and we want to have the jurisdiction of the Privy Council taken away as soon as possible and I do not want to brook even a moment's delay. I know the adage "make friends with the allegator if you have to live in the pond." I would, therefore earnestly beseech Dr. Ambedkar not to obstruct the passage of this Bill, and to enable us on the coming date for Bills in April to put it through. Unless this jurisdiction is taken away, lakhs of rupees will have gone to Great Britain on account of these appeals which are sure to be made. I further want that 187 appeals now pending should also be transferred to India.

My friend should know that I sent many amendments to the sections of the Constitution Act relating to the Jurisdiction of the Federal Court in which I had sought to enlarge the jurisdiction of the Federal Court. Those things are not germane now. I want the jurisdiction which is exercised by the Privy Council to be made over to the Federal Court today. What the constitution of the Federal Court would be is a matter which we shall discuss at the proper time. In between this period those powers which are exercised by the Privy Council can very well be transferred to the Federal Court, if we accept the motion and pass the Bill.

Mr. Speaker: The question is:

"That the Bill to clarify and modify the law in practice hitherto followed in Criminal applications for special leave to appeal to His Majesty in Council for criminal cases decided by the Indian Courts, be referred to a Select Committee consisting of the Honourable Dr. B. R. Ambedkar, Shri M. Ananthasayanam Ayyangar, Shrimati G. Durgabai, Dr. Bakshi Tek Chand, Shri C. Subramaniam, Pandit Mukut Bihari Lal Bhargava, Shri L. Krishnaswami Bharathi, Shri Upendranath Barman, Mr. Naziruddin Ahmad, Shri Brajeshwar Prasad, Mr. Frank Anthony and the Mover, with instructions to report by the 1st of March, 1949, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted

CRIMINAL TRIBES (REPEAL) BILL

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, I beg to move:

"That the Bill to repeal the Criminal Tribes Act, 1924, be taken into consideration."

Sir, this Act has been repealed so far as the Province of Madras is concerned and with respect to the other provinces they are not of the same view. At any rate it is a blot on our statute book and I do not want any tribes to be called Criminal Tribes. No doubt originally the intention was that there should be settlements where they will be reclaimed within a particular period. It is also true that provincial governments have been establishing some settlements but they have not gone to the full length and by the manner in which the settlements are working today it may take a century before the criminal tribes can become civil tribes. I do not want them to continue perpetually like this. I therefore thought that this Act ought to be repealed and introduced the Bill subject to what the Deputy Prime Minister might say

in this regard. I understand that he would like to have this matter thoroughly examined by a committee. However, I will await what he says before I proceed further.

Mr. Speaker: Motion moved:

"That the Bill to repeal the Criminal Tribes Act, 1924, be taken into consideration."

The Honourable Sardar Vallabhbhai Patel (Minister for Home Affairs and the States): Sir, Government propose to appoint a committee to inquire into the working of the Criminal Tribes Act in the Provinces. It is true that we had made enquiries about this from all the provinces and some of the provinces are strongly opposed to the repeal of the Act altogether. The province of Madras has already repealed it but a sudden break altogether from the present position in several provinces, where the problem is more or less chronic is thought to be undesirable. Yet, in view of the desire from several quarters that it is inconsistent with the dignity of free India to have such a measure on the statute book classifying a particular class of people as criminal tribes, we propose to appoint a committee to inquire into the working of this Act in the provinces where the problem is acute and to see how far it can be modified or whether the time is ripe for the repeal of it altogether. Therefore we have agreed to appoint a committee which will investigate this matter.

the Honourable Minister I do not want to proceed with the Bill further at the Honourable Minister I do not want to proceed with the Bill further at this stage.

Mr. Speaker: So the motion will stand over.

INDIAN BAR COUNCILS AND THE LEGAL PRACTITIONERS (AMENDMENT) BILL

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, before I formally move my motion I might say that I had a talk with the Honourable the Law Minister and I ascertained from him that he is trying to institute a committee of certain judges to go into the whole matter of revising the Bar Councils Act as also the Civil Courts Act. If he makes that clear I will not pursue the matter.

The Honourable Dr. B. R. Ambedkar (Minister for Law): I have said so last time.

Shri M. Ananthasayanam Ayyangar: So I do not want to move the motion now

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar)].

MOTOR VEHICLES (AMENDMENT) BILL

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

"That the Bill further to amend the Motor Vehicles Act, 1939, be taken into consideration."

Sir, before 1939 every province had a separate Motor Vehicles Act and the result was that from province to province the provisions of the Act differed immensely; so that it affected not only the vehicle owners but the passengers and the consignees of goods through those motor vehicles. So there was a great deal of agitation. Take for instance licensing and registration. One province made one rule and another province made another rule. Similarly in regard to the control of transport and also regional transport authorities.

[Shri R. K. Sidhva.]

Every province had separate rules with the result that they did not conduce to the smooth working of the motor vehicles on the roads. From that point of view in 1939 the Government of India enacted a comprehensive Motor Vehicles Act and that is the Act which is now in existence.

My Bill does not seek to do anything except to amend the clause relating to the speed at which these motor vehicles ply on public roads and that has a bearing on the accidents that occur on the public roads both in cities and elsewhere. Frequent complaints have been made that these accidents by motor vehicles be checked and reduced. Notwithstanding the vigilance of the police authorities and the fixing of sign boards that in particular roads the speed limit will be 20 or 25 miles per hour, the drivers take no cognisance of them with the result they drive fast and there have been a number of instances where without the slightest fault on the part of the pedestrian accidents have been caused and people have been killed.

As you know, Sir, footpaths are meant for pedestrians to walk. But I can cite a number of illustrations where the pedestrians were walking on the footpaths and motor vehicles have gone over on the footpaths and killed them. In Delhi City itself only a few months ago a poor pedestrian was standing on the brink of the footpath and a motor vehicle knocked him down and killed him. It happened similarly in Calcutta five months ago. I am giving you specific instances within my own knowledge. There will be many many others. A pedestrian was standing in Chowringhee on the footpath and a military truck came and killed him with the result that his widow and children are without any maintenance. At the prime of their life persons are being killed without any consideration by the drivers, neglecting their duty as to what their speed should be on the roads. The police are not able to check and control each vehicle. Very rarely, once in a hundred times, if a motor vehicle runs rapidly they note down the number and call the driver to the police station, or at the most he is prosecuted and fined with a paltry sum.

I have given thought over this matter and after going through the literature in other countries I have thought that after Section 27 of the Motor Vehicles Act there should be an additional section 27A. Section 27 reads thus:

"The registering authority may refuse to register any motor vehicle if the vehicle is mechanically defective or fails to comply with the requirements of Chapter V or of the rules made thereunder, or if the applicant fails to furnish particulars of any previous registration of the vehicle, and it shall furnish the applicant whose vehicle is refused registration with the reasons in writing for such refusal."

That Section will stand. I consider this as the appropriate place for adding the new section 27A which will read:

"27A. *Governors to be fixed on Carburetter.*—(1) No motor vehicle, carrying capacity of which is half a ton or in excess thereof used for carrying loads or passengers, shall be registered, unless its carburetter has governors fixed thereon.

(2) Such governors shall be sealed by such a Police Officer as the Superintendent of Police of the District may appoint in this behalf and shall be open to inspection by a Police Officer, not below the rank of a Sub-Inspector, in the area in which it plies."

What the carburetter is those who own and have seen cars know. It provides petrol for igniting purposes. Carburetter is the place through which speed is increased. If the driver puts his foot on to the accelerator the speed increases and upto sixty miles the car goes if it is in a position to have that speed. And nobody could check it. Therefore there is a governor fitted. Governor is a kind of an instrument which is provided in some countries. I have read it is provided in Italy and in some parts of France.

The governor is fitted and sealed with the carburetter in such a manner that howsoever the driver should press the accelerator with his foot the car cannot go beyond the speed fixed in the governor by the police authorities. That is the sum and substance of this amendment which is the only solution. If a better solution is offered by the Government I shall gladly accept it. I have considered this matter over and I thought that for ensuring the safety of the passengers travelling and the pedestrians the only course is that compulsory governors should be fixed to the carburetters.

I have also tried to add a clause 114A which is a penal clause for infringement of the earlier clause. In this clause I say that "whoever drives or causes to be driven a motor vehicle in contravention of section 27A (which I have just now read) shall be punished with imprisonment for a term which may extend to six months and shall also be liable to fine not exceeding one thousand rupees." I do not think the House will say that the penalty which I seek to impose is serious having regard to the fact that the life of a person is concerned. Six months is nothing. If we have some consideration for the life of a human being, whosoever he or she may be, it is our duty to enact a law whereby in whatever way our intelligence could be applied we should see that these kinds of things are stopped. If human agency and police action cannot prevent these things then we have to invent some mechanical method for this purpose. This is the mechanical method which exists. These governors have been produced for this purpose.

The Honourable Dr. B. R. Ambedkar (Minister for Law): How many governors are there now?

Shri R. K. Sidhva: None. If it exists in any part of India my purpose would be easy. It would be so easy that honourable members could have seen for themselves how far it is successful. I am seeking to introduce this method.

Sir, my Bill is a very simple one and I hope the Honourable Minister will kindly see to it that it is accepted. I do not think any further comment is necessary on this matter. It speaks for itself. I only wish to say that if we have consideration for human beings we should accept this Bill or else find out any other remedy if the Honourable Minister feels in that way.

Shri Mahavir Tyagi (U. P.: General): What is the speed you would prescribe?

Shri R. K. Sidhva: Any speed that the police officer considers proper. If the vehicle is going in, say, Connaught Circus it may be fifteen miles or so. The driver cannot go beyond that speed when once it is regulated at fifteen. *(Interruption)* Let me tell my honourable friends that there are licences issued for particular areas. If the car has to run in the City of Delhi, between New Delhi and Old Delhi, the police officer will regulate it accordingly. On the other hand if the car has to run far off in the suburban area the police will increase the speed limit consistent with the traffic in that area. Honourable friends have not seen these governors. They must apply their mind and ask themselves who has invented these governors, what has been the result of the invention of governors. Let them apply their mind and think over this. The governor is an instrument which has been manufactured for this purpose. If they do that then the difficulty will be over. Unfortunately nobody has seen these governors and therefore the difficulty arises as to how it would be regulated. Leave it to the police authorities. Sir, with these words I move the motion and I hope the Honourable Minister will be good enough to accept it.

Mr. Deputy Speaker: Motion moved:

"That the Bill further to amend the Motor Vehicles Act, 1939, be taken into consideration."

The Honourable Shri N. Gopalaswami Ayyangar (Minister for Railways and Transport): Sir, I am in full sympathy with the objects which the honourable the mover has in view. But my trouble is in the first place that we cannot, as we do in the political or constitutional field, have merely ornamental Governors who do not exercise powers or who are not sufficiently effective. If we are going to have governors fitted on to carburettors in a motor engine those governors have to be perfectly effective. They are to do their duty. Unfortunately all the expert advice that we have had up to now is that the governors now available are such that you cannot depend upon them. Not only that. We have not got sufficient governors available in this country. We have no doubt nine of them in different Provinces, but I am afraid if we have to fit governors on to carburettors we shall probably require nine lakhs of them. I am afraid that so far as my information goes these governors are not available in the market. Let me read to you the opinion of a Technical Committee which reported.....

Mr. Naziruddin Ahmad (West Bengal: Muslim): One Governor-General for all the motor vehicles in India?

The Honourable Shri N. Gopalaswami Ayyangar: Unfortunately even a Governor-General is becoming more and more ornamental. I shall read to you the opinion expressed by the Technical Committee of the Transport Advisory Council which reviewed the question only in 1947. It said:

"We feel strongly that the use of speed-governors should not be made compulsory. They are easily tampered with unless sealed, in which case an element of corruption is introduced. They frequently go out of order and there is an unfortunate tendency to govern vehicles at speeds at which the maximum output is not developed in top gear. We were interested to learn from Whitfield, Provincial Transport Controller, Bombay, that the compulsory fitting of speed governors in the Bombay Province, suspended during the war, is unlikely to be re-introduced."

Let me say that in the Bombay Province there is a rule which enables the Provincial Government to notify a provision of the kind that my honourable friend has in view—they did issue a rule to that effect—but since 1942 when that rule was issued they have been postponing the bringing into force of that rule because of lack of governors and, at that, lack of reliable governors.

I wish also to point this out. I do not think the country is going to suffer, not even the pedestrian on the roads, by the fact that an amendment of this kind is not introduced into the Indian Motor Vehicles Act. As the honourable mover has pointed out, Section 27 does say that the Registering Authority may refuse to register any motor vehicle if the vehicle fails to comply with the requirements of Chapter V or of the rules made thereunder. And if you look at the rule-making section 70 of the Indian Motor Vehicles Act, sub-section (2), clause (g) of that section permits a Provincial Government to make rules as regards speed governors.

Shri R. K. Sidhva: That rule is an all-India rule?

The Honourable Shri N. Gopalaswami Ayyangar: I will explain the position to you. The Government of India have issued model rules for adoption by Provincial Governments and one of the rules that they have suggested, which Provincial Governments might adopt, is in the following terms:

"Model rule 176. With effect from.....every transport vehicle other than a motor cab and a delivery van shall be fitted with a speed governor of one of the makes specified in the Eighth Schedule of these rules, in such a manner that the speed governor can be sealed with an official seal in such a way that it cannot be removed or tampered with without the seal being broken."

The speed governor of every transport vehicle as aforesaid shall be so set that the vehicle is incapable of being driven at a speed in excess of the maximum lawful speed of the vehicle except down an incline."

That model rule is in the hands of the Provincial Governments and if a Provincial Government adopts it then it has got to be complied with and any person who does not comply with it will be liable to a penalty under the provisions of the Act itself. As a matter of fact, the majority of the Provincial Governments have not adopted this rule. The Bombay Government adopted it and tried it, I think in the Poona area, but it subsequently suspended it and now we have had a report from the Bombay Government to the effect that though they have postponed the coming into force of this rule till April 1, 1949, their difficulty is that these governors are not available. You will be interested to know that though this rule refers to the Eighth Schedule in which the particulars of these governors were to be mentioned, including make, etc., that particular Schedule even in these model rules is blank! That shows that very few people really can get at a governor of this sort in this country.

All I ask my honourable friend Shri Sidhva to do is this. We have got all the powers necessary for bringing into force a rule of the kind he has in contemplation, when the conditions are ripe for doing so. It would not require his Bill being passed into law for Provincial Governments to take this power; we have enough power under the Indian Motor Vehicles Act and the Rules that could be framed under it by a Provincial Government. I therefore think that this particular Bill is altogether unnecessary and I would appeal to him not to press his motion.

Shri R. K. Sidhva: Sir, I have heard with interest the reply given by the Honourable Minister and I find he has quoted a model rule. It seems to me from the rule quoted that if it were applied, it is really effective and that it would serve my purpose. But the answer that he advanced that the governors are not available or that the Provincial Governments have not thought it fit, is not appealable to me for the reason that probably they are unaware of these rules; probably the Provincial Governments excepting Bombay have not seen this rule. I would request the Government of India to make enquiries in foreign countries whether these governors are available, and, secondly, to write to the Provincial Governments drawing their attention that such a rule exists and that in order to avoid accidents, if they find it desirable, to see that this rule is adopted.

I therefore beg leave to withdraw my motion.

Mr. Deputy Speaker: Has the honourable member leave of the House to withdraw his motion?

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

HINDU MARRIAGES VALIDITY BILL

Pandit Thakur Das Bhargava (East Punjab: General): I move:

"That the Bill to provide that marriages between Hindus, Sikhs, Jains and their different castes and sub-castes are valid, be referred to a Select Committee consisting of Giani Gurmukh Singh Musafir, Sardar Hukum Singh, Shri M. Ananthasayanam Ayyangar, Shri Deshbandhu Gupta, Shrimati G. Durgabai, Shrimati Renuka Ray, Shri Banmali Goenka, Dr. Bakhshi Tek Chand, Lala Achint Ram, Ch. Ranbir Singh, Shri Mahabir Tyagi, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, in making this motion, with your permission, I will just state what the present condition of the law is. At present, in all matters, Hindus, Sikhs and Jains are bound by the Hindu Law. In regard to marriage today according to the terms of the Hindu Law, a marriage between a man and a woman

[Pandit Thakur Das Bhargava.]

belonging to different castes is not valid except in Bombay where *anuloma* marriages are allowed but the *pratiloma* marriages are not allowed. In Allahabad, Madras and Calcutta, the High Courts have been pleased to hold that even the *anuloma* marriages are not valid.

As regards persons belonging to different religions, I should say here also the position is very indefinite. According to custom any marriage is allowed which may not be allowed according to the strict principles of the Hindu Law. For instance, in the Punjab even *karrari* and *chandravari* marriages are allowed, and though according to strict Hindu Law marriages between members of different Hindu communities are not allowed, by custom in many places such marriages are allowed. For instance, in Nepal such marriages are held to be valid. In the Punjab, which is not a caste-ridden Province, marriages between the Sikhs and Hindus have been held to be valid not by the courts but by the society in general. Their children have been allowed to inherit and they have been treated just as though the marriages have taken place according to law. As between Jains and Hindus previously no marriages used to take place, but at present the pendulum has swung the other way and marriages take place between Jains and Hindus, especially Jain Aggarwals and Hindu Aggarwals, but it is very doubtful if a Jain Aggarwal could marry validly a Shudra or a Brahman. As regards sub-divisions and sub-castes also, before the Act of 1946 was passed marriages between sub-divisions of the Hindu community were declared legal in some places and in others illegal. But that is beside the point here. If sub-division and sub-caste is the same, then I am sorry to have used the word "sub-caste" here. The marriage between the members of the sub-divisions of the principal caste have already been legalised. In regard to the rest, for instance, if persons belonging to different religions and different castes want to marry, my humble submission is that according to the present law such marriages are not legal. At present, public opinion clearly demands that this must go and the marriage between persons of different faiths as well as of different castes should be made legal. At present there are many young men and women who want to marry beyond their castes. So far as public opinion goes, I am on sure ground that we are on a solid rock of foundation for this measure.

Taking it from a national standpoint, may I humbly submit to the House that to resolve the present friction between Hindus and Sikhs in the Punjab and to make them one solidified people if hundred girls of Sikhs and Hindus were married to hundred boys of Hindus and Sikhs, the whole trouble would have gone. In fact, I believe that if the Hindus and Muslims had married with each other, this Pakistan would not have been brought about. If we adopt this inter-marriage as a system among ourselves, I am perfectly sure that all the bitterness between the castes and the bitterness between persons of different faiths would go away. I do not understand why we should not adopt this measure. It may be said that the true principles of Hindu Dharma stand in our way, we are not well advised in adopting contrary measures. May I humbly submit that the first *sloka* in Mahabharata begins in this manner that because there are not many Kshatriyas in the land, therefore some Brahmins may be brought and asked to procreate Kshatriyas. All our religion and our Vedic lore do tell us that among Hindus such marriages were not infrequent. As a matter of fact, before the caste system became stereotyped, it can very well be imagined that there was no prohibition among the Hindus for inter-marriage so far as caste was concerned. Therefore taking it from the radical point of view, I should understand that there is no special difficulty with regard to this measure.

But all the same, the point that I wish to make is that it is an enabling measure. It does no force any person to marry outside his caste. If a person so wishes, if a young man and a woman are so minded, if their parents are so minded, all I want is that the couple should be enabled to marry and their offsprings should be legitimate. At present, if a Hindu wants to marry outside his caste, it is not as if he cannot effect his purpose by resort to falsehood. According to the Arya Marriage Validation Act he can very well marry any Hindu outside his caste. Supposing a person does not belong to Arya Samaj, why should he have recourse to falsehood to effect his purpose? Therefore, the thing which the law should care about is that persons be enabled to do things in a legal manner. I also know that according to the provisions of the Special Marriage Act (Act III of 1872) it was possible for a Hindu to contract a marriage under its unamended provisions provided he declared that he was a non-Hindu while continuing to be a Hindu. A very nice paradox is given in the Hindu Code by H. S. Gour in para 457. This is what it says:

"It will thus be seen that the Special Marriage (Amendment) Act has created a paradox. If the Hindu declares himself to be a non-Hindu and marries, he remains subject to Hindu Law. If he does not so declare, he ceases to be subject to Hindu Law, giving rise to a conundrum: When is a Hindu a non-Hindu? The answer is: When he marries as a Hindu under the Special Marriage (Amendment) Act."

When the Act of 1923 was passed—I have read the proceedings of that time—it appears that Dr. Gour was driven to a corner and he had to accept a situation which would never have been accepted had he been free. According to the Special Marriage (Amendment) Act, the situation is very strange. If a person wants to marry outside his religion, say, a Hindu wants to marry a non-Hindu, then under the Amendment Act, "their previous rights are unaffected to the extent provided in the Caste Disabilities Removal Act." But yet what happens if they marry? The disability which they will suffer from, I am going to describe from Gour's Hindu Law. Their previous rights are unaffected to the extent provided in the Caste Disabilities Removal Act. "They no longer possess the right of adoption. And if the person so marrying is an adopted son, his adoptive father may, if he so chooses, make another adoption." So that the poor man who wants to marry, his rights as an adopted son go away and his father is competent to have another adoption. Then, "such marriage has the effect of dissolving the joint family." This is another very great disability. If a person wants to marry a non-Hindu, he must cease to be a Hindu so far as the joint family is concerned. Then, "succession to their property and to the property of their issue is regulated by the Indian Succession Act." My humble submission is that there is no reason why we should undergo these disabilities. Why should a man wants to marry a non-Hindu suffer from these things, which go to show that as a matter of fact he must renounce all the laws which are dear to him and which he has inherited from generations. This is a wrong provision and leads to fraud and many other evils. There is no doubt that from the old position the present position is a bit better. I know of cases in which Arya Samajists married before the Arya Marriage Validation Act was passed and for years together they did not declare themselves as husband and wife. They were afraid of declaring, and what would happen to their off-spring? It may be said that at present the Hindu Code Bill is on the anvil, so where is the necessity for this measure at this stage? I would beg of you to allow me to meet this point.

In the first place, my submission is, I do not know when the Hindu Code Bill will be passed. It is doubtful if it will be passed in this session, next session or some other session. We do not know. Secondly, if this Bill is accepted, it would pave the way for such of the provisions of the Hindu Law as are given there and so it will be a help to passing that law. What would

[Pandit Thakur Das Bhargava]

happen to many people who would not marry on account of this law not being there? Or if a person dies will his rights to property not be affected? At the same time, if this Bill is not allowed to be passed into law, many cases which could be governed by this law will be governed by the present law and people will suffer. The whole nation shall suffer in so far as we will not be able to make for conditions which would go to solidify the nation and make it homogeneous.

It may be said, it is a case of piecemeal legislation. We all know many instances of such piecemeal legislation. We know that we passed in 1946 the Act relating to validity of marriages between subsection of castes and then we passed in Bombay, the Prevention of Bigamous Marriages Act; and many other laws have been passed. I do not know of any other objections that may be raised to this Bill. It is a very small measure and this is a one-class Bill. All that it says is that previous marriages will be regarded as valid and in future such marriages will be valid. It does not propose to do anything else. I did not, as a matter of fact, venture to come before the House with a straight motion that it be passed into law because I am afraid it is a convention of this House that all these measures should be taken to the Select Committee.

I am anxious that in this session, we should be able to pass this measure into law, so that so far as the public is concerned, they will feel convinced that we mean business and we want to evolve a class-less society. I know what I am saying may not be liked. I was taken to task for expressing such an opinion in the papers an opinion which I read today to the House but in this vital matter. We are not to fear anybody. Mahatma Gandhi has told us we must have a class-less society. This is the right way to have a classless society. All differences between those people who are opposed to each other from the point of view of social rights, economic rights and political rights, will disappear and we will have one class-less society, if we adopt a measure like this. I would beseech the House to kindly pass this measure in this session after referring it to the Select Committee today.

Mr. Deputy Speaker: Motion moved:

"That the Bill to provide that marriages between Hindus, Sikhs, Jains and their different castes and sub-castes are valid, be referred to a Select Committee consisting of Giani Gurmukh Singh Musafir, Sardar Hukum Singh, Shri M. Ananthasayanam Ayyangar, Shri Deshbandhu Gupta, Shrimati G. Durgabai, Shrimati Renuka Ray, Shri Ramnath Goenka, Dr. Bakhshi Tek Chand, Lala Achint Ram, Ch. Ranbir Singh, Shri Mahavir Tyagi and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The usual practice is to fix a date by which the report may be submitted to the House. With instructions to report by what date?

Pandit Thakur Das Bhargava: By the end of this month, say the 28th of February

Mr. Deputy Speaker: With instructions to report by the 28th of February, 1949.

Shri K. Hanumanthaiya (Mysore State): Sir, I have great pleasure in welcoming this Bill. Pandit Thakur Das Bhargava has advanced very good reasons in support of it. They hardly need any support or addition. Before August 1947, our watch-word was 'freedom' and Mahatma Gandhi gave us the phrase 'quit India' and after the attainment of freedom, Sardar Patel has given us the word consolidation. He is doing it on the political front and that

is the greatest achievement that this country can boast of. (*Interruption*). And we have to do it also—may I say humbly with all sincerity and not with any levity—on the social front also. The great danger to India is 'disruptive tendencies', which are called communal tendencies and the marriage institution is the bastion which keeps these various differences intact and in perpetuity. This measure in a very humble fashion makes a beginning to abolish those distinctions in times to come and consolidate the Hindu society to begin with. I heartily welcome this measure and I suggest to the mover of this motion that he can take another Member into the Select Committee and I suggest Shrimati Annie Mascarene, M.A.B.L. being taken into the Select Committee.

Pandit Thakur Das Bhargava: I have no objection to add the name.

Shri K. M. Munshi (Bombay: General): I beg to support this motion. My honourable friend, Pandit Thakur Das Bhargava was pleased to describe this measure as a small measure. I beg to differ from him. It is a very big measure and a very important one. It should have been passed not now, but forty years ago. When the question was first raised before the courts and when the courts held in different provinces that marriage between the Hindus of different castes were invalid for one reason or the other. But in those days the Government benches were not prepared to allow the Hindu community to be dynamic and wanted to perpetuate the old customs which were enshrined in text books composed 700 or 800 years ago. I remember a case, Sir, I think it was some 40 years ago, when the validity of the marriage of a widow, whose husband had died several years ago was raised before the Bombay High Court and the High Court held that after long years of married life and leading case where I tried for four years to establish that the marriage between having grand children, her marriage was invalid because she happened to belong to a higher caste than her husband. I was concerned in another leading case where I tried for four years to establish that the marriage between a Hindu of higher caste with a wife of a lower caste was invalid. But for the fact that Sir LaLubhai Shaw was a judge of catholicity, perhaps I would have won the case, but even then the validity of *anuloma* marriage as we call them,—between the husband of a superior Hindu caste and the wife of an inferior Hindu caste—is not accepted as valid in some of the provinces. The question has also risen with regard to Hindus and Jains in part of the country. Hindus and Jains marry freely, but the point has always come before the lawyers for opinion whether a marriage between a Hindu and a Jain was valid. Now these are questions which ought to have been solved, as I said, years and years ago. But we have reached a stage when this must be solved immediately.

My honourable friend, Pandit Thakur Das Bhargava referred to the special case of the Punjab. It is not a special case of any particular province; it affects the whole of the country. On account of education, on account of freedom marriages between members of different castes take place. But they find themselves in great difficulty on account of this doctrine of Hindu Law I know, not one or two, but dozens of cases where the parties merely profess to marry under the Civil Marriage Act, though they do not want to do it; they hated doing it; they do not want to disturb the joint family; they do not want that the succession Act should apply to them; they do not want to separate themselves from their parents; but because of the unfortunate state of the law, they have to marry under the Civil Marriage Act. Therefore, I submit, Sir, this a crying grievance which requires to be remedied as early as possible. I am glad that the mover has accepted your suggestion about the 28th of February and this Bill should be passed as early as possible.

[Shri K. M. Munshi]

There is one little point which I should like to mention and I am sure this defect will be duly rectified in the Select Committee. The words as they stand are: Notwithstanding any text, rule, interpretation of Hindu Law, or any custom or usage to the contrary, no marriage among Hindus is or will be deemed to be invalid by reason of the fact that the parties thereto belong to different religious castes or sub-castes. This might lead possibly to a construction that this provision only applies to marriages between parties who are alive. I think it should be made perfectly clear that even marriages of this character which have taken place in the past and in respect of which the question of succession arises should be deemed valid hereafter. I am sure proper rectification will be made in the Select Committee. I therefore, Sir, heartily support this motion.

Shri Deshbandhu Gupta (Delhi): I rise to support the motion which is before the House just as my honourable friend, Shri Munshi has pointed out, I also feel that it is a really very important measure. For many years one thing which has been standing in the way of Hindu solidarity and also in the way of our national solidarity is this division of the Hindu society in castes. I feel the time has come when we should pass a measure like this which seeks to abolish these artificial barriers without any further delay. I know of instances where some of my close friends who did not believe in civil marriages had to resort to civil marriages, simply because they happened to choose a mate which belonged to a different caste. You are aware, Sir, that the Arya Samaj has always been a believer in caste system by 'Guna and Karma'. In spite of the fact that the founder of the Arya Samaj preached that cult and from the very beginning they advocated that there was no caste by birth. Arya Samajists also had to suffer from the same disability from which other people are suffering today.

It was after many years of struggle that the Arya Marriage Validation Act was passed. But, I find public opinion amongst Hindu has also advanced sufficiently and not only Arya Samajists but today many more Hindus do not recognise the artificial barriers placed by the caste system based on birth. Therefore, there is no reason why they should be forced to have recourse to the Arya Marriage Validation Act or to the Civil Marriage Act. Today, when public opinion has advanced, and when the caste barriers that have stood in the way of the solidarity of the Hindus and in the way of creating a national feeling, have gone, I feel the passage of a measure like this should not be delayed.

There may of course be some point in saying that the Hindu Code is coming and therefore we should not have any piecemeal legislation. But along with many of my friends I too believe that a measure of this nature, which is in no way opposed to the reformist ideas contained in the Hindu Code, should not be delayed. Although, my honourable friend Dr. Ambedkar would like the Hindu Code to be passed into law this very session, many of us do not share that view. It may take time. After all, that is a very important measure and has got many controversial clauses. Therefore, I would urge that this measure should be welcomed by us and its passage should not be delayed.

I wholeheartedly support the motion moved by my honourable friend Pandit Thakur Das Bhargava and I hope Dr. Ambedkar will also accept it and that the House will pass this small measure which is of great importance to Hindu Society, in this very session.

Dr. Bakhshi Tek Chand (East Punjab: General): I wholeheartedly support the motion which Pandit Thakur Das Bhargava has made for referring this Bill to the Select Committee. The Bill has so far received support from various quarters of the House and I do hope that not a single discordant note will be raised against it.

The Bill, if I may say so, is no new measure. A Bill almost on identical terms was introduced in the old Imperial Legislative Council as it was then called, in 1919 by the late Mr. Vitthalbhai Patel. That Bill was circulated for opinion. Of course, different opinions were expressed, the orthodox element opposing it, officials opposing it and a number of persons and societies supporting it. But, before the Bill could come up for consideration before the Council, the Montagu Chelmsford Reforms came into operation the council was dissolved and the Bill lapsed. After that, Dr. Gour attempted in 1923 to modify the old Bill of 1872 but then also, there was opposition and the Bill had to be modified in several particulars. It was only in the form of a civil marriage that persons of different castes or different sub-castes of Hindus could marry; sacramental marriages are not permitted. With regard to sacramental marriages under the Hindu Law, the position is different in the different provinces. Some provinces, as has been pointed out, permit what are called *Anuloma* marriages; other provinces do not allow that. In the latter provinces, the courts have held that though in some of the *Smritis*, *Anuloma* marriages were permitted, they have become obsolete and they are not now recognised. In almost all Provinces, it is held that *Pratiloma* marriages are invalid. In the Punjab and in some other provinces, where custom is the rule of decision, marriages between certain castes are allowed, but between certain other castes are not allowed. I think the time has now come when a bold step should be taken and this measure should be placed on the Statute book. No doubt, under the Hindu Code which is now before us, provisions to this effect have been made. The Hindu Code Bill is however a very comprehensive measure dealing with different subjects and covers a very much wider field. There is much opposition to some portions of it. We do not know how long it will take for the Bill to pass, in what form it will be passed, or whether it will be passed at all. (*Shri L. Krishnaswami Bharathi*: "It will be passed.") It will certainly take time. There is no reason therefore, so far as this matter is concerned, to delay the passage of this simple measure, with which I think most people are agreed. I therefore support the motion.

Shri Mahavir Tyagi (U.P.: General): I do also want to have the honour of recording my support to this Bill of great reform as my honourable friend Mr. Munshi has said.

It is long since India has suffered on account of communal differences. Marriages are the root cause and elections the 'fruit-cause' for all these differences; because, it is primarily at the time of the marriage that one enquires into the caste of the other. Every time when marriages are held, castes are enquired into. The next occasion, when the caste of a person is enquired into, is when one stands for election. Now that we have decided to have joint electorates, we have to a great extent done away with the 'fruit-cause' of the communal evil. Thus politically we have put ourselves on the right track. And, as my friend Mr. Hanumanthaiah has just now said, the credit goes to the Honourable Sardar Patel for giving us political consolidation in the country. After this political consolidation, our next immediate need is to have social consolidation. This Bill will provide this need. I am sure, if this Bill is passed into law, marriages will be free. I am a believer in free marriages. Now that India is free, marriages must also be free and there should be no restrictions. I am sorry that the Bill has come at a very late stage in our lives; but let us pass this Bill for our future generations to practice it. I hope that the country will enjoy the freedom given by this Act. I wholeheartedly support the motion.

Shri Upendranath Barman (West Bengal: General): I also beg to accord my whole hearted support to the Bill and its reference to the Select Committee. In my mind, I am convinced of one thing. The circumstance that stands in the way of our national sense is the caste barrier. So long as it lasts, the different sections of the Hindu community and other non-Muslim communities cannot unite together and imbibe a sense of nationality in its true sense. So long as one knows that he cannot marry his son or daughter with the son or daughter of his neighbour, the true sense that they are one cannot come. I think that by passing this measure that barrier will be won. It is the sense of kinship that is the real basis of national sense and I wholeheartedly support this Bill and I hope that it will be passed into law as soon as possible.

The Honourable Dr. B. R. Ambedkar (Minister for Law): With regard to this Bill, there cannot be any difference of opinion between myself and my honourable friend the mover for the simple reason that the Bill is merely a part of the Hindu Code which I am sponsoring. My only objection to the Bill is that the Legislature having accepted the principle that the Hindu Law ought to be codified, it is wrong now to proceed piece-meal with the legislation. I have no objection, as I said, to the principles underlying the Bill. In fact those are the very principles which are embodied in the Hindu Code and therefore what I will suggest to my honourable friend is that either he should withdraw this Bill or postpone the consideration of the Bill so that we may know exactly what happens to the Hindu Code.

I am afraid having regard to the fact that I am sponsoring the Hindu Code and having regard to the fact that there being the motion before the House for consideration of the Bill as reported by the Select Committee, I am afraid I cannot take any other attitude than the one I have taken.

Ch. Ranbir Singh *rose*—

Shri L. Krishnaswami Bharathi (Madras: General): How can he be allowed to speak?

The closure motion has been put.

Mr. Deputy Speaker: I allowed Dr. Ambedkar to speak and he is not the sponsor. The question was not put.

चौधरी रनवीर सिंह: सभापति महोदय, इस बिल का समर्थन करते हुए मुझे बड़ी खुशी है क्योंकि मैं हिन्दुओं की उस Community से ताल्लुक रखता हूँ जो आज से नहीं बल्कि शुरू से ही इस बिल के Principle को मानती चली आ रही है। अगर हिन्दुओं के अन्दर कोई कम्युनिटी थी जिसके अन्दर कि किसी दूसरी कौम के साथ रिश्ता हो सकता था और उस रिश्ते के बावजूद कोई बहुत ज्यादा भेदभाव नहीं होता था, तो वह जाट Community थी। यह ठीक है कि थोड़ा बहुत भेदभाव था, कुछ परहेज भी था, लेकिन वह बहुत मामूली था। तो इसलिए भी कि इस बिल से एक वह चीज़ जिसको हम सदियों से मानते चले आये हैं वह सारे देश के अन्दर हो जायगी, मुझे इसके समर्थन करने में बड़ी खुशी है।

दूसरी बात, जैसा कि त्यागी जी ने बताया, इसमें यह है कि इससे हमारे आपस के भेदभाव दूर होंगे, जिन की वजह से हम गुलाम हुए। हमारे नेता सरदार बल्लभभाई पटेल ने छोटी छोटी रियासतों को मिला कर देश को एक बना दिया और वह प्राबल्य सुलझ गया। यह बिल आपस की सामाजिक गुलियों को सुलझाने के लिए बहुत अच्छी चीज़ है।

जहां तक हिन्दू कोड बिल का ताल्लुक है वह एक बहुत बड़ी चीज़ है। पता नहीं देश या यह सभा उसको मानती है या नहीं। उसमें कई चीज़ें ऐसी हैं जिनके बारे में हमारे देश के नेताओं ने मतभेद प्रकट किया है। तो मैं नहीं समझता कि सिर्फ यह समझ कर कि यह चीज़ एक बिल का part and parcel है इस को ठुकरा देना या उसको न आने देना कहां तक ठीक है। क्योंकि अगर हिन्दू कोड बिल पास हो जाता है तो कुदरती तौर पर यह चीज़ उसके अन्दर शामिल हो जायगी। अगर वह पास नहीं होता है तो कम से कम इसको तो पास होने का मौका मिलेगा। यह बात कहते हुए मैं हार्दिक तौर पर इसका समर्थन करता हूँ।

(English translation of the above speech.)

Ch. Ranbir Singh (East Punjab: General): Mr. Deputy Speaker, Sir, I have great pleasure in supporting this measure because I belong to that community amongst the Hindus who have always believed in the principle of this Bill from the very outset. If there was any community amongst the Hindus which ever established relations outside its own sphere and that there existed no differences, it was the Jat community. It is true that there did exist some such element of difference and social ostracism but that was negligible. The very fact that this Bill will go a long way to establish throughout our country a principle in which we have believed since centuries past, affords me great pleasure to support this.

Secondly, just as my honourable friend Mr. Tyagi has stated, this will banish our mutual differences which were responsible for our slavery. By the integration of small states our leader the Honourable Sardar Vallabhbhai Patel has consolidated our country into one and that problem has been well solved. This Bill is a very good measure for solving our social problems.

So far as the Hindu Code Bill is concerned that is a big thing. It is not yet known whether or not the country or this House accepts it. It contains some provisions over which our leaders have expressed some sort of difference. I, therefore, fail to understand how far it is correct to shelve or reject this Bill simply for the reason that it forms part and parcel of that Bill, because if the Hindu Code Bill is passed, this measure will naturally be incorporated in it. If that is not passed, this Bill will at least have chances of being passed.

With these words I wholeheartedly support this.

Shri K. M. Munshi: Is it permissible for me to answer a point made by Dr. Ambedkar?

An Honourable Member: Pandit Bhargava can deal with it.

Pandit Thakur Das Bhargava: Sir, I am very glad that all sections of the House have supported this measure. It is a measure of such a kind that I could not foresee with the highest flight of imagination that any sort of objection could be raised and I am very glad that this measure is liked by everybody. One objection has been raised and that is that since the Hindu Code Bill is on the anvil therefore, we should not proceed with this Bill. If the principles of this Bill and the principles which are the subject matter of the Hindu Code were antagonistic to each other, I could understand the objection, but where this measure proceeds on the same basis as the Hindu Code Bill, if we pass it in advance, it will really pave the way for the passing of the Hindu Code. I cannot understand how the passing of this will obstruct the passing of the Hindu Code—really it will accelerate its passage. May I enquire where is the law or rule or convention that if a Bill like the comprehensive Hindu Code Bill is on the anvil therefore another Bill cannot be

[Pandit Thakur Das Bhargava]

passed. There is no such convention. I cannot understand that if a measure is there which covers one of the points covered by another measure, therefore the second measure should not be passed.

Bakhshi Tek Chand has pointed out that this measure was a subject matter of a Bill in 1919 and this measure is associated with the name of our revered President V. J. Patel. Now in point of time I think so far as Hindu Code is concerned, this kind of measure is much anterior. In a matter of this kind, these technicalities even if they be valid, should not be allowed to stand. What would happen to those thousands of men and women if this Hindu Code Bill is not passed and I think it is not going to be taken clause by clause this session and it may go on to September or October and not passed in this Session because it is a controversial measure and it may take a year; what would happen to those young men and women who desire to marry according to the provisions of this Bill and our activities which certainly conduce to the formation and consolidation of one nation?

Sir, it is not a matter of joke. I am only helping Dr. Ambedkar whose marriage also will be legalised by this Bill. Why should he laugh at this? This may or may not be applicable to him yet the disabilities if any will be removed. I know hundreds of people want to marry under this and is it wrong to marry under this rule? I for one deprecate that anyone should place any obstacle to this Bill being passed in this session. If this measure is not passed in this Session all our efforts and Gandhiji's efforts will be futile. So my submission is this and I beg Dr. Ambedkar to kindly withdraw his objection and agree to the passage of this Bill as soon as possible because this would also help him in getting this relevant portion of the Hindu Code passed.

Shri K. Hanumanthiya: Has the honourable member accepted the name of Shrimati Annie Mascarene which I have suggested?

Mr. Deputy Speaker: Yes, I suppose the Honourable the Law Minister wants to know the number of men on the waiting list.

The question is:

"That the Bill to provide that marriages between Hindus, Sikhs, Jains and their different castes and sub-castes are valid, be referred to a Select Committee consisting of Giani Gurmukh Singh Musafir, Sardar Hukum Singh, Shri M. Ananthasayanam Ayyangar, Shri Deshbandhu Gupta, Shrimati G. Durgabai, Shrimati Renuka Ray, Shri Ramnath Goenka, Dr. Bakhshi Tek Chand, Lala Achint Ram, Ch. Ranbir Singh, Shri Mahavir Tyagi, Shrimati Annie Mascarene, and the Mover, with instructions to report by the 28th February 1949, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

(AMENDMENT OF SECTIONS 4, 29A, ETC.)

Pandit Thakur Das Bhargava (East Punjab: General): I have come to know that the Government intend to bring a comprehensive measure which will embody all the provisions of this Bill also along with other provisions. So I do not think it necessary to proceed with this measure. I hope it will be brought in this session. So we must await it

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

(AMENDMENT OF SECTION 488)

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

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 488*), be taken into consideration."

This is a very simple Bill. The statement of objects and reasons which are attached with this Bill are self-explanatory. For the benefit of the House I will read those objects so that Members will understand the purpose of this Bill.

"Section 488 of the Criminal Procedure Code provides for a summary remedy for the wife to claim maintenance from her husband who neglects to maintain her. But in the event of her refusal to live with the husband without sufficient ground, she is not entitled to a separate maintenance. Several High Courts have given different rulings on this point and therefore the wife under the circumstances is found to be at a disadvantage. In one of the High Courts it was ruled that even if a husband has got a mistress it is not sufficient ground for a wife's refusal to live with her husband. This is a great hardship upon her. It is therefore necessary to make it quite clear and amend the law as stated to be so that the wife will be able to refuse to live with her husband under any extraordinary circumstances and yet claim the separate maintenance."

It is therefore sought in this Bill that an additional clause be added to Section 488 and I desire that the following clause be added:

"If a husband has contracted marriage with another wife or keeps a mistress it shall be considered to be just ground for his wife's refusal to live with him."

Section 488 undoubtedly provides *in extenso* the provisions mentioned by me. But there is a lacuna and therefore the Courts have so far been reluctant to give maintenance to the wife. Section 488 says:

"If any person having sufficient means neglects or refuses to maintain his wife or his legitimate or illegitimate child unable to maintain itself, the District Magistrate, a Presidency Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class may upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, at such monthly rate, not exceeding one hundred rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate from time to time directs."

And there are other clauses in regard to this. I, therefore, submit that it is in fairness to the wife of a husband who has married another wife, or kept a mistress, that the original wife should have the right of maintenance. It is not proper that the husband who marries a second wife and enjoys the benefit of it should refuse to give a maintenance allowance to the first wife, who is the recognised wife. Therefore, I contend that this is a simple measure dealing only with the issue of maintenance. Three instances have come to my knowledge where the Court refused to give, even under section 488, a maintenance allowance. These cases were so just and pitiable, that I thought that, since despite my representation to the authorities under the present Act as framed it was not possible to give any relief, the only course was to add another clause to section 488 of the Act. I hope my Bill will be acceptable in the circumstances that I have mentioned.

Mr. Deputy Speaker: Motion moved:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 488*), be taken into consideration."

The Honourable Sardar Vallabhbhai Patel (Minister for Home Affairs and the States): I have no objection to this.

Mr. Deputy Speaker: The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 488*), be taken into consideration."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That Clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Shri R. K. Sidhva: Sir, 1 move:

"That the Bill be passed."

Mr. Deputy Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

DENTISTS (AMENDMENT) BILL

Shri R. K. Sidhva (C. P. and Berar: General): I do not want to move, but I want to keep it alive because the Honourable Minister for Health is considering this matter.

Mr. Deputy Speaker: The honourable member may make a motion later.

SOCIETIES REGISTRATION (AMENDMENT) BILL

Shri R. K. Sidhva (C.P. and Berar: General): Sir, I beg for leave to introduce a Bill further to amend the Societies Registration Act, 1860.

Mr. Deputy Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Societies Registration Act, 1860."

The motion was adopted.

Shri R. K. Sidhva: Sir, I introduce the Bill.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Monday, the 14th February, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES (PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Monday, 14th February, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable **Mr. G. V. Mavalankar**) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-50 A.M.

PAPERS LAID ON THE TABLE

DECLARATIONS OF EXEMPTIONS UNDER THE REGISTRATION OF FOREIGNER'S ACT, 1939

The Honourable Sardar Vallabhbhai Patel (Minister for Home Affairs and the States): Sir, I lay on the table a copy of each of the following Declarations of Exemption issued under the Registration of Foreigners Act, 1939, namely:

- (1) No. 1/15/48-Poll (E), dated the 6th September, 1948.
- (2) No. 1/7/48-Poll (E), dated the 8th October, 1948.
- (3) No. 1/32/48-Poll (E), dated the 1st December, 1948.
- (4) No. 1/34/48-Poll (E), dated the 13th December, 1948.
- (5) No. 1/35/48-F.1., dated the 29th December, 1948.
- (6) No. 1/3/49-F.1., dated the 14th January, 1949. (2 Declarations).
- (7) No. 1/4/49-F.1., dated the 5th February, 1949 (2 Declarations).

No. 1/15/48-F.1.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi—3; 6th September, 1948

Declaration of Exemption

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939 except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners shall not apply to, or in relation to, Mr. HEINZE. SUTER, a Swiss National for so long as he is employed as Chancellor to the Swiss Legation in New Delhi.

FATEH SINGH

Under Secretary to the Government of India.

No. 1/7/48-Poll(E)

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi—3; the 8th October, 1948

Declaration of Exemption

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners, shall not apply to, or in relation to, Mr. J. L. SAVAGE, a United States national, for so long as he is working for the Ministry of Works, Mines and Power, Government of India.

FATEH SINGH,

Under Secretary to the Government of India.

No. 1/32/48-Poll(E)

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi—3; the 1st December, 1948

Declaration of Exemption

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners, shall not apply to, or in relation to, Dr. RICHMOND K. ANDERSON, an American national for so long as he is employed as Field Director of the International Health Division of the Rockefeller Foundation in India.

FATEH SINGH,

Under Secretary to the Government of India.

No. 1/34/48-Poll(E)

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi—3; the 13th December, 1948

Declaration of Exemption

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners, shall not apply to, or in relation to, Mr. GIUSEPPE TATANGELO, an Italian national, for so long as he is employed as Personal Assistant to the Apostolic Internuncio in India.

FATEH SINGH,

Under Secretary to the Government of India.

No. 1/35/48-F. I.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi—3; the 29th December 1948

Declaration of Exemption

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners, shall not apply to, or in relation to, Dr. ALEXANDER WOLSKY, for so long as he remains in India as the Head of the Science Co-operation office for South Asia (Delhi) of the United Nations Educational Scientific and Cultural Organization (UNESCO).

FATEH SINGH,

Under Secretary to the Government of India.

No. 1/3/49-F.I.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi—3; the 14th January, 1949

Declaration of Exemption

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners, shall not apply to, or in relation to, Mr. T. CHEIN HOE an officer of the State Timber Board of the Government of the Union of Burma, for so long as he remains in India on official duty.

FATEH SINGH,

Under Secretary to the Government of India.

No. 1/3/49-F.I.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi—3; the 14th January 1949

Declaration of Exemption

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners, shall not apply to, or in relation to, Mr. U. TIN GYI an officer of the State Timber Board of the Government of the Union of Burma, for so long as he remains in India on official duty.

FATEH SINGH,

Under Secretary to the Government of India.

No. 1/4/49-F.I.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi—3, the 5th February, 1949

Declaration of Exemption

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners, shall not apply to, or in relation to, Dr. ROLAND MARTI, a Swiss national for so long as he is working as Delegate of the International Committee of the Red Cross in India.

FATEH SINGH,

Under Secretary to the Government of India.

No. 1/4/49-F.I.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi—3; the 5th February, 1949

Declaration of Exemption

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors, who are not foreigners, shall not apply to, or in relation to, Mr. NICOLAS BURCKHARDT, a Swiss national, for so long as he is working as Delegate of the International Committee of the Red Cross in India.

FATEH SINGH,

Under Secretary to the Government of India.

RUBBER (PRODUCTION AND MARKETING) AMENDMENT BILL

The Honourable Dr. Syama Prasad Mookerjee (Minister for Industry and Supply): Sir, I beg to move for leave to introduce a Bill to amend the Rubber (Production and Marketing) Act, 1947.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Rubber (Production and Marketing) Act, 1947."

The motion was adopted.

The Honourable Dr. Syama Prasad Mookerjee: Sir, I introduce the Bill.

BANKING COMPANIES BILL—contd.

Mr. Speaker: The House will now proceed with the consideration of the motion that the Bill to consolidate and amend the law relating to banking companies, as reported by the Select Committee be taken into consideration. The House is resuming discussion on clause 6.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar)]

Shri T. T. Krishnamachari (Madras: General): The House adjourned the other day while considering the amendment moved by my honourable friend, Prof. K. T. Shah. Sir, I wish to oppose this amendment, the first part of the amendment which says: "Unless the Reserve Bank otherwise prescribes, no charges shall be levied by any bank for any remittance on account of any customer of that bank from one place to another in India". This is wholly outside the purview of the present legislation for the reason that this is purely a business matter. The ability of particular banks to accept monies for remittance to somewhere else depends upon a number of factors. It may be that the physical factor might be there. Actually money will have to be transferred from one place to another. There is also the other factor that a branch might be a branch which would be sending out money in a particular season. So any remittance to that branch can be taken up by another branch without perhaps any charge, but that season might come to an end. It might be that that branch would want to collect its advances and send the monies to the Head Office. When the reverse process is in action, then the possibility of any other branch taking monies for that branch will be difficult. These are all matters which cannot be decided by a fiat in a piece of legislation which compels a bank to accept monies for a remittance to any of its branches.

In discussing this particular matter in regard to a previous amendment, I suggested that since the Reserve Bank was in a position to confer favours on banks by giving slight advance remittance facilities at a nominal or no cost, the Reserve Bank may be able to dictate the terms on which these people should transfer monies within their branches so far as their customers are concerned.

Srijut Rohini Kumar Chaudhuri (Assam: General): On a point of information, Sir, are we considering both the amendments of Prof. Shah together?

Mr. Deputy Speaker: Both the Amendments are being considered, but they will be put to vote separately.

Shri T. T. Krishnamachari: My suggestion was that the Reserve Bank might use its influence to generally lower the remittance charges, but it must depend on a number of other circumstances, whether a bank is able to accept a particular charge, high or low as the case may be, for transfer to some other branch of that particular bank. Therefore, I think it would be throwing a burden on branch banking out of all proportion to what it could bear, if we put in a provision of this sort in a Bill. Again, there is the other factor. Often times a bank might accept from a particular customer at a nominal charge an order

for remittance somewhere else. That is because the bank gets from that particular customer a lot of other facilities; it gets a lot of money or income. These incomes vary with individual customers as also the other matters I have mentioned before. So it would be highly improper to put in this particular amendment in the body of the Bill.

In regard to suggested sub-clause (4), it again deals with "No company, firm or individual shall be allowed..." Firms or individuals do not come within the scope of this legislation. So far as no company being allowed to engage in banking business without being registered as a bank or banker and licensed to carry on any banking business is concerned, that is provided for in clause 22, and clause 23 also operates as a restriction in regard to opening up of new and transfer of existing places of business. So the Reserve Bank will be fully posted with all developments of new offices or new banks being opened. Then there is the licensing clause and there is another clause 23, which gives ample powers to the Reserve Bank to control these operations. So the present amendment is not only unnecessary but is inadvisable and as such I suggest that, the House should reject them.

Srijut Rohini Kumar Chaudhuri: I am divided in my opinion so far as this amendment of Prof. Shah is concerned. I am inclined to support the proposed sub-clause (3) and not sub-clause (4). However, this is a novel way of putting an amendment.

I support sub-clause (3) because it is to help needy persons. Men who are in urgent need of money would like to have their expenditure saved so far as telegraphic remittances are concerned. An ordinary remittance by way of sending a draft or a cheque is not much of an expense. But when a large amount has to be sent by telegram, then the expense involved is somewhat substantial. So if that expense can be saved, this may be welcomed by many persons who are in urgent need of money.

So far as the second part of the amendment is concerned, I do not see eye to eye with my honourable friend Prof. Shah. Sir, I think the only saving grace of this Banking Bill, so far as poorer constituents are concerned is that it still leaves much room for private banking, and as I said the other day, the present-day banks do not wish to advance any money on the security of landed property or of a house, etc. They do not want to block up capital by lending money on such securities, because banks are afraid that if they do so a large amount of money will be involved and this will result in blocking up capital. The result is that those people who have not large amounts of money are always in difficulties in the matter of raising funds for their immediate needs.

I do not see why my honourable friend wants this particular amendment because in every province, I think, by now, the Moneylenders' Act has been enforced, and one of the provisions of the Moneylenders' Act is that even private bankers have to register their names: they have to submit certain returns. They cannot escape that. Therefore it is not necessary for any purpose to have this kind of provision, that is, no firm and no individual can advance any money unless they are registered as a bank. Some sort of private banking should be left under the present circumstances, otherwise the poorer people will not be able to raise any loans when difficulties arise. I therefore oppose sub-clause (4).

Pandit Thakur Das Bhargava (East Punjab: General): These two sub-clauses have no relationship with one another. They are quite independent. In regard to the first amendment, there is much to be said. If a person goes to a bank and puts his money there and he becomes a customer of the bank, it is but fair that the bank should extend to him this facility of transferring his remittances from one branch to another. After all, in this process, entries are only to be made in the corresponding books of the two branches so far as the bank

[Pandit Thakur Das Bhargava]

is concerned, and the bank need not incur any expense in this matter. As a result the banking habit will be encouraged. If this is accepted, many people will be benefited thereby.

I do not know what the effect on the income of the banks will be by this change being made. At the same time every bank should look forward to income from customers from other sources other than that of transferring remittances from one branch to another. Anyhow, if this wide remission or concession was not available, it would be a very good thing if at least in regard to remittances below Rs. 100 this concession was allowed. This would give relief to many poor people.

As regards the other question, which is the subject matter of sub-clause (4), I beg to submit that so far as I have been able to see this Bill, it is beyond its scope. This Bill only deals with companies and banking companies. As a matter of fact, the report of the Select Committee is on the Banking Companies Bill. No other individual or firm is mentioned anywhere in this Bill. I therefore submit that in this Bill the words "firm or individual" should not be included. Moreover, the equities relating to firms or individuals are different from those relating to banks. There is no knowing how the "firm or individual" would be controlled if these words were included.

So far as giving loans to agriculturists are concerned, I hope that the mover of the amendment fully knows that there are forms supplied to individuals financiers and others who advance loans to cultivators, etc. They have to fill up those forms and they are bound by regulations and laws. So there is already control so far as this form of banking is concerned. Consequently, I do not see how "firm or individual" can be included.

Therefore, I oppose the amendment regarding sub-clause (4) and I support amendment regarding sub-clause (3).

The Honourable Dr. John Matthai (Minister for Finance): I am entirely in agreement with my friend, Shri T. T. Krishnamachari, who explained very clearly the position of the Select Committee in this matter. I cannot usefully add to what he has said. I am not in a position to accept either of these sub-clauses.

As regards remittances, I think it is a recognised banking practice, and further I do not think the poorest class of people, to whom references were made, are affected by this, because they have hardly any banking account and I do not think it is necessary for us to introduce a change in this matter.

As regards sub-clause (4), Pandit Thakur Das Bhargava has rightly said that it is entirely outside the scope of this Bill.

Mr. Deputy Speaker: The question is:

"That after sub-clause (2) of clause 6 of the Bill, the following new sub-clause be added:

(3) Unless the Reserve Bank otherwise prescribes, no charges shall be levied by any bank for any remittance on account of any customer of that bank from one place to another in India."

The motion was negatived.

Mr. Deputy Speaker: The question is:

"That after sub-clause (2) of clause 6 of the Bill, the following new sub-clause be added:

(3) No company, firm or individual shall be allowed to engage in banking business without being registered as a bank or banker and licensed to carry on any banking business."

The motion was negatived.

Mr. Deputy Speaker: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I beg to move:

"That in clause 7 of the Bill, for the words 'one of such names' occurring in line 5, the words 'one of such words' be substituted."

The Honourable Dr. John Matthai: Sir, I accept it.

Mr. Deputy Speaker: The question is:

"That in clause 7 of the Bill, for the words 'one of such names' occurring in line 5, the words 'one of such words' be substituted."

The motion was adopted.

Mr. Naziruddin Ahmad: Sir, I move:

"That in the Proviso to clause 7 of the Bill, for the words 'association of banks', the words 'association of banking companies' be substituted."

The Honourable Dr. John Matthai: Sir, I do not accept it.

Mr. Naziruddin Ahmad: Sir, with regard to this, the Proviso to section 7 says: "nothing in this section shall apply to any association of banks formed for the protection of their mutual interests." So far as this Bill is concerned it has always used the expression "banking companies" and not "banks". Banks are institutions but we are concerned with companies. If banks combine into an association they do so as banking companies and not banks as such. Throughout the Bill we have never used the word "bank" in such context. It is for this reason that it should be said that the association is of banking companies.

Shri T. T. Krishnamachari: The position is that any association of bankers might be in it. We are not legislating here regarding association of persons. Individuals might be in it. Why should we prevent them from entering into an association?

The Honourable Dr. John Matthai: Sir, the reference is to section 26 of the Companies Act and the kind of purpose for which these associations might be formed are purposes like promoting commerce, science or religion, charity or any other useful object. In regard to the promotion of these objects banks or banking companies may come together. There is no reason why for this purpose we should exclude banks which are not companies.

Mr. Naziruddin Ahmad: Sir, I do not press my amendment.

Mr. Deputy Speaker: The question is:

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

The motion was adopted.

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

Mr. Naziruddin Ahmad: I move:

"That for clause 8 of the Bill, the following be substituted:

8. (1) A banking company may deal in the buying or selling or bartering of all actionable claims, stocks, shares, money, bullion and specie, and all instruments mentioned in clause (a) of sub-section (1) of section 6.

(2) Notwithstanding anything contained in section 6 or in any contract, no banking company shall—

(a) directly or indirectly deal in the buying or selling or bartering of any goods other than those mentioned in sub-section (1);

[Mr. Naziruddin Ahmad]

Exception.—Clause (a) shall not apply to dealings in goods in connection with the realisation of any security given or held by a banking company.

(b) buy, sell or barter such goods for others otherwise than in connection with bills of exchange received for collection or negotiation or with such of its business as is referred to in clause (a) of sub-section (1) of section 6 :

Provided that sub-section (2) shall not apply to any such business as aforesaid which was in the course of being transacted at the commencement of the Act so however that the said business shall be completed within one year from such commencement or within such extended time as the Reserve Bank may from time to time allow not exceeding five years from such commencement."

The amendment, in order to be appreciated, will require an analysis of clause 8. The clause which this amendment seeks to replace reads:

"Notwithstanding anything contained in section 6 or in any contract, no banking company shall directly or indirectly deal in the buying or selling or bartering of goods, except in connection with the realisation of security given to or held by it, or engage in any trade, or buy or sell or barter goods for others otherwise than in connection with bills of exchange received for collection or negotiation or with such of its business as is referred to in clause (i) of sub-section (1) of section 6."

There are two prohibitions in this clause. The first is that no banking company shall deal in the buying or selling or bartering of certain goods. To this there is an exception that if there are goods which are made over to banks for realisation and held by them as such, then the prohibition does not apply. The second prohibition is that the banks cannot engage in trade or buy or sell or barter goods for others otherwise than in connection with certain exceptions.....

Mr. Deputy Speaker: What is the difference in substance between the honourable Member's amendment and the existing provision in the clause?

Mr. Naziruddin Ahmad: That is what I am going to show. The real purpose.....

Shri T. T. Krishnamachari: One is positive and the other is negative.

Mr. Naziruddin Ahmad: The real substance of the whole clause is imbedded in the last part of the section in the *Explanation*.

Shri T. T. Krishnamachari: The sting is in the tail.

Mr. Naziruddin Ahmad: Yes, the sting is in the tail. In fact at the tail there are certain exceptions to that exception and there are again exceptions to that exception. In the last *Explanation* it is said:

" 'goods' means every kind of movable property, other than actionable claims, stocks, shares, money, bullion and specie and all instruments referred to in clause (a) of sub-section (1) of section 6."

It would appear therefore that this exception to this *Explanation* is the real operative part of the section. That is that a banking company may deal with actionable claims, stocks, shares, money, bullion and specie and all instruments referred to in clause (a) of sub-section (1) of section 6. That is expressed in the amendment as a positive declaration instead of allowing a banking company to roam about and find out what is the provision, what is the exception, what is the *Explanation* to that exception and what is the exception to the *Explanation*. I have attempted to state this precisely at the very commencement of my amendment that "a banking company may deal in the buying or selling or bartering of all actionable claims, stocks, shares, money, bullion and specie, and all instruments mentioned in clause (a) of sub-section (1) of section 6." This is a clear unconditional power which is meant to be

given, but it is given in the Bill in an extremely qualified, indirect and circum-spect manner. I submit that this power should be given to banks clearly and positively instead of putting it into so many negatives with exceptions. This power, again, is not conditional upon "notwithstanding anything contained....". This warning applies to other parts of the clause.

The second part of the amendment is sub-clause (2) of clause 8. This is controlled by the clause "notwithstanding anything contained in section 6 or in any contract,". This safeguard, as I have explained does not apply to sub-clause (1) of my amendment. That power, that is, the power of banks to deal in the buying or selling or bartering of shares, money and other things is absolute. It is not controlled by the safeguarding clause "notwithstanding anything contained in section 6 or in any contract" and so on which is applicable only to the second part. Part (a) of sub-clause (2), as I have suggested, says "no banking company shall directly or indirectly deal in the buying or selling or bartering of any goods other than those mentioned in sub-section (1)". As I have already said, sub-section (1) mentions certain things which are specifically given. Sub-section (2) mentions things in which the banks cannot deal in. There is an exception to this also. It is mentioned specifically as an exception in my amendment. In part (b) of the sub-clause there is a prohibition that it should not buy or sell certain things for others. And there is a Proviso to that. This Proviso is also specifically set out as such in the amendment.

In these circumstances I submit that the real power which is given to banking companies, instead of being obscurely embedded at the end with a sting at the tail, as Mr. Krishnamachari happily pointed out, should be definitely and positively given without any condition. In fact it would be difficult for a banking company to find out what is really given to them and what is prohibited. It is equally necessary to positively and clearly define what they are prohibited from doing. And the exception to the prohibition should also be specifically stated. If this way of a positive statement is acceptable to the Honourable Minister, well and good. Otherwise there are in the subsequent amendments some alternative amendments dealing with particular parts which I shall submit later on. But I submit that my amendment suggests a positive way of stating for powers which are given to banking companies, a positive way of preventing them from doing what they should not do, and again a positive exception or qualification to this negative power, definitely and clearly stated. This is the way they should be stated. With these few words I would ask the Honourable Minister to consider the points and if possible to accept the amendment.

The Honourable Dr. John Matthai: I have had the amendment carefully examined by my legal advisers and they are of opinion that my honourable friend's amendment is no improvement at all. In cases where there is no particular improvement provided in the amendment I suggest respectfully, Sir, that for the sake of facilitating printing we might leave the matter there.

Mr. Deputy Speaker: So the honourable member does not wish to press his amendment, I take it.

Mr. Naziruddin Ahmad: No, Sir.

Prof. K. T. Shah (Bihar: General): Sir, I beg to move.

"That in clause 8 of the Bill, after the word 'goods' occurring in line three, the words 'land, forests, mines or houses' be inserted."

The amended clause will then read:

"Notwithstanding anything contained in section 6 or in any contract, no banking company shall directly or indirectly deal in the buying or selling or bartering of goods, land, forests, mines or houses....."

[Prof. K. T. Shah]

I have tried to understand the intention behind this provision as it stands, and I find that, in all likelihood, it is intended to secure the liquidity of the assets of a bank; and therefore a prohibition is imposed, subject to certain exceptions, upon its engaging in direct trade in movable goods.

I think, however, that if it is important to lay down such a prohibition in regard to goods which are the subject matter of ordinary trade or exchange. It ought to be for the same reason much more important and necessary to lay down an equally strong prohibition against banking companies engaging in buying or selling or bartering of immovable property, like those which I have mentioned. I would like to be enlightened why this should not be done, if the Honourable Minister is against accepting this amendment.

So far, however, as my knowledge of banking theory goes, I am free to say that it has always been emphasised, particularly in regard to commercial banking, that their funds shall not be locked up in securities or in investments which it will be very difficult to realize at a moment of need. Particularly is this the case in regard to landed property, or immovable property, where a number of unknown claims may be in operation so that in the event of it becoming necessary for the bank to realise such securities, people other than those who originally offered to deal as their property in such material may come forward and prevent the bank from realising that security on the failure, let us say, of the first dealer in making good the security. I think, therefore, that, subject to any explanation or justification that the honourable the sponsor of the Bill may be able to give, this amendment is in the interests of the commercial banks themselves and ought to be accepted.

Mr. Deputy Speaker: Amendment moved:

"That in clause 8 of the Bill, after the word 'goods' occurring in line three, the words 'land, forests, mines or houses' be inserted."

Pandit Thakur Das Bhargava: May I ask whether clause 9 would not cover all cases of immovable property?

The Honourable Dr. John Matthai: Clause 9 covers it.

Mr. Deputy Speaker: Clause 9 provides that a bank can hold it for a particular period of years, beyond that it cannot. And within that period it can deal in it.

I also thought of clause 9, but there is no such prohibition in it as is contained in the matter of goods in this amendment to clause 8, which says that it shall not deal in it. If in any particular manner it indirectly comes into possession of it, as by realisation of security, it can be held beyond the particular period. So there is a difference between the two.

The Honourable Dr. John Matthai: I thought my honourable friend's point was that the prohibition in section 8 must apply also to immovable property. The extent to which immovable property can be held or utilised is covered by section 9. As far as the public interest aspect of it is concerned I think the matter is sufficiently safeguarded.

Prof. K. T. Shah: Clause 9 only speaks of holding or acquiring. It does not prevent a banking company from buying or selling or bartering or dealing in which is the wording of clause 8.

Mr. Deputy Speaker: Within seven years it can go on dealing in it. Therefore the honourable member wants, I think, to prevent acquisition of land, houses, mines and forests.

Pandit Thakur Das Bhargava: Under clause 9, holding it is only possible if it is for its own use.

Mr. Deputy Speaker: But the point is that within seven years it can go on buying and selling.

Srijut Rohini Kumar Chaudhuri: Sir, for various reasons, I would request the Honourable Minister to accept this amendment which has been moved by Prof. Shah. For one thing, the Honourable Minister will remember that when he moved one of his amendments last Friday, he was in a very despondent mood.

Mr. Deputy Speaker: Who?

Srijut Rohini Kumar Chaudhuri: Professor Shah. He says that he is quite helpless, that nobody seems to take his amendments seriously, and so on and so forth.

An Honourable Member: So, that is the reason for accepting his amendment?

Srijut Rohini Kumar Chaudhuri: No, no. It is one of the reasons, Sir, with due deference, I would ask my honourable friend Prof. Shah to have before him the example of my honourable friend Mr. Naziruddin Ahmad. It reminds me of a couplet which I learnt in my school—

"Pitch thy behaviour low thy projects high
So shalt thou humble and magnanimous be
For he who aims at the sky
Shoots higher than one who aims the tree".

Mr. Deputy Speaker: The honourable member's speech may be very interesting, but we have got a number of amendments and a number of clauses to go through.

Srijut Rohini Kumar Chaudhuri: Yes, Sir. Mr. Naziruddin Ahmad sends about two thousand amendments, but he had various amendments accepted on the floor of this House. So, what I am saying is that the House is not unreasonable; it accepts the amendments, it does not reject them because they are too numerous.

So, on this particular amendment, Sir, I would ask the Honourable Minister to consider it because mines, houses and lands are also sometimes held in security, and when the debtor is unable to pay his debt the power should be left to the paying concerns to negotiate their sale so that the best value can be fetched and not only the debt will be liquidated but something will be left for the debtor.

Mr. Deputy Speaker: The Honourable Member is opposing the amendment!

The Honourable Dr. John Matthai: He is arguing against the amendment!

Mr. Deputy Speaker: The amendment is that a bank ought not to be allowed to deal in this property.

Srijut Rohini Kumar Chaudhuri: I wanted to support it, Sir.

An Honourable Member: Take another chance.

Srijut Rohini Kumar Chaudhuri: There is nothing to laugh at because this Bill has been drawn up in such an abstract way that it is difficult for us—even for a lawyer of some practice—to understand and follow it, and when a person of my position does not understand the plain meaning of these provisions, how much more difficult it would be to the ordinary constituents of a bank?

[Srijut Rohini Kumar Chaudhuri]

I rose up not so much for the acceptance or rejection of a particular provision, I rose up only with a view to have some discussion in the matter. If the matter is further discussed it will be seen that there are persons in this House—there may be honourable members in this House, I say with due deference—who may be in a more helpless position than myself in understanding this clause. So, I would ask the honourable Minister to elucidate the real meaning of this clause.

Pandit Thakur Das Bhargava. Sir, in regard to this amendment, I consider that the reasons advanced by Prof. K. T. Shah are weighty and we should be well advised in accepting this amendment. If the prohibition in regard to banking companies extends even to particular kinds of goods excepting those which are mentioned in the *Explanation*, I do not understand why a banking company should be allowed to deal in lands, forests, mines and houses. The essential work of a banking company is that it deals in such commodities in which money can be advanced and money can be recovered very easily. If the money is locked up in lands, forests, mines and houses, then the essential purpose of this legislation will be lost. In fact, the amendment moved by Mr. Naziruddin Ahmad was clear enough and if that had been accepted the language would have appeared to us much more clear and the mistake which Srijut Chaudhuri had made would not have occurred. Clause 8 is so involved that the real meaning of the clause is rather obscure. The real point at issue is if you disallow these companies to meddle in respect of transactions regarding goods as with immovable property, then is it justifiable to allow the banking companies to deal in lands, forests, mines and houses? I feel this amendment is certainly very weighty and should be accepted by the House.

The Honourable Dr. John Matthai: I regret, Sir, that I am not in a position to accept this amendment because I have had it very carefully examined and the Select Committee also went very carefully into this matter, and I feel that the practical interests of banking would be sufficiently met and the dangers referred to by Prof. Shah would be sufficiently avoided by the provision as it stands in this section.

Mr. Deputy Speaker: The question is:

"That in clause 8 of the Bill, after the word 'goods' occurring in line three, the words 'land, forests, mines or houses' be inserted."

The motion was negatived.

Mr. Naziruddin Ahmad: Sir, I beg to move:

"That in clause 8 of the Bill, for the words 'realisation of security', the words 'realisation of any security' be substituted."

Mr. Deputy Speaker: It is not necessary.

The Honourable Dr. John Matthai: Sir, this amendment is quite unnecessary.

Mr. Naziruddin Ahmad: It may be unnecessary in the sense that it expresses the meaning, but a piece of legislation should be a work of art and should be free from all defects and should be incapable of further improvement. So, the maximum attention should be paid to draftsmanship. I suggest the amendment from that point of view. Not that it is necessarily better than what the text says, but it is suggested to the House for consideration. We should not grudge any little consideration which a Bill of this magnitude, and importance coming from a Minister of eminence, deserves.

The Honourable Dr. John Matthai: Unfortunately, Sir, my aesthetic judgment differs from that of my honourable friend in this matter.

Mr. Deputy Speaker: As it stands, the clause is more comprehensive.

Mr. Naziruddin Ahmad: But the word "any" would have improved the text.

Mr. Deputy Speaker: In view of what the Honourable Minister has said, does the honourable member propose to press his amendment?

Mr. Naziruddin Ahmad: No. Sir, I do not press it. I beg to move:

"That in clause 8 of the Bill, for the words 'buy or sell or barter', the words 'buy, sell or barter' be substituted."

The Honourable Dr. John Matthai: Sir, I propose to accept it.

Mr. Deputy Speaker: The question is:

"That in clause 8 of the Bill, for the words 'buy or sell or barter', the words 'buy, sell or barter' be substituted."

The motion was adopted.

Mr. Naziruddin Ahmad: I beg to move:

"That in the Proviso to clause 8 of the Bill, for the words 'on the commencement' the words 'at the commencement' be substituted."

The proviso says that this Section shall not apply to any such business as aforesaid which was in the course of being transacted on the commencement of this Act. The word "on" refers to an event, not a point of time. The word "at" refers to a particular moment when the Act comes into force. When we say "on a certain thing happening" it does not refer to a point of time but it merely means "some time after" the happening of an event. I submit that the word "at" is more appropriate because it refers to a particular moment when the Act comes into force.

The Honourable Dr. John Matthai: I am sorry I do not accept it.

Mr. Deputy Speaker: The question is:

"That in the Proviso to clause 8 of the Bill, for the words 'on the commencement' the words 'at the commencement' be substituted."

The motion was negatived.

Mr. Naziruddin Ahmad: Sir, I beg to move:

"That in the Proviso to clause 8 of the Bill, the following be added at the end:

'or within such extended time as the Reserve Bank may from time to time allow not exceeding five years from such commencement'."

The prohibition in the clause will not apply to business which was in course of being transacted at the commencement of the Act, if completed within a year of such commencement. I want to give the Reserve Bank power to extend the time in suitable cases to facilitate the completion of such transactions which may be delayed by a hitch.

The Honourable Dr. John Matthai: I am sorry I cannot accept.

Mr. Deputy Speaker: The question is:

"That in the Proviso to clause 8 of the Bill, the following be added at the end:

'or within such extended time as the Reserve Bank may from time to time allow not exceeding five years from such commencement'."

The motion was negatived.

Prof. K. T. Shah: I beg to move:

"That to clause 8 of the Bill, the following further Proviso be added:

"Provided further that, notwithstanding anything contained in this section or in section 6, no bank shall be barred from shaping the policy or taking a direct or active share in the management of any industrial or commercial enterprise or utility, to whose capital it has subscribed more than twenty per cent. of the total capital stock of that company, or whose shares, bonds or debentures, have been acquired in the ordinary course of business by a bank, aggregating twenty per cent. of the capital of the bank, by nominating one or more directors on the board of such concerns, or appointing managers, accountants, secretaries or agents, for the efficient conduct of policy and economic management of any such concern."

This amendment becomes necessary notwithstanding the fact that the legislation is said to be confined to commercial banks; because, after all, under the provisions of this Bill it is possible—it will be possible—for a bank to be interested in the working of an industrial concern by subscribing a given percentage upto a maximum of its capital. In the case of the capital investment of a bank in any given concern exceeding 20 per cent., it is obvious that the bank's own investment requires that it should have some direct association in the policy and management and general efficient working of the concern. The provisions of this Bill as it stands do not give that direct association to banks in the efficient and proper conduct of industrial or commercial enterprise in which the interests of the shareholders are involved.

It is true that we have devised a separate Corporation for industrial finance proper, and that there it is supposed to be the function of that organisation to help in the industrial development of the country. There, also, provision has been made I believe—I am speaking from memory—for the Corporation appointing its own Directors. I am taking that analogy for this type of banking also under the circumstances, and contingencies specified in the amendment. It is not at all unlikely or impossible that banks may have to have—may come to have—direct concern in the success of any given enterprise and collectively of all establishments in an industry.

Even though this is a law relating to commercial banking, industrial concerns will not be barred from going and seeking assistance of banks in the ordinary course of their business. And if that assistance is rendered up to the degree specified in the capital stock of that business, then I think it would be proper and necessary and desirable, in the interests of the shareholders of and the depositors in the bank, that the bank should have some voice in the management and even directing of policy of the concern.

I have, therefore provided that the bank shall not be, legally, barred from nominating its own Directors or its representatives as Director in the concern in whose capital it is substantially interested, or if need be, in the appointment of Managers, Secretaries, Accountants etc. that that other concern may need for efficient and satisfactory conduct of its business. Here is an amendment which is designed to serve the interests of the bank itself more fully, and as such I hope it will not be objected to.

Mr. Deputy Speaker: Amendment moved:

"That to clause 8 of the Bill, the following further Proviso be added:

"Provided further that, notwithstanding anything contained in this section or in section 6, no bank shall be barred from shaping the policy or taking a direct or active share in the management of any industrial or commercial enterprise or utility, to whose capital it has subscribed more than twenty per cent. of the total capital stock of that company, or whose shares, bonds or debentures, have been acquired in the ordinary course of business by a bank, aggregating twenty per cent. of the capital of the bank, by nominating one or more directors on the board of such concerns, or appointing managers, accountants, secretaries or agents, for the efficient conduct of policy and economic management of any such concern."

Shri Mahavir Tyagi (U.P.: General): Sir, I rise to oppose this amendment. I am really surprised that a confirmed socialist and an economist like Professor Shah should have made this suggestion. Now, the bane of our economic and industrial life in India has been that those who have money, the capitalists, have a tendency of jumping on to every trade or industry where there is a chance of making a profit. In other countries we hear of iron princes, cement princes, textile princes and so on about those who specialise in one particular industry or other and develop that industry alone. But here in India an industrialist will go from selling *mungphali* and *singhara* to anything, iron, or cement or textile or all, wherever there is a chance of profit. They come into politics too, and also to advertising agencies. Sir, if we allow this sort of thing to continue, our industries cannot develop. The capitalists would dominate over all the industries as if the profits made were meant only for the chosen few. Therefore, I feel that it is bad to allow a man to go from one industry to another. If we allow that, then there will be no planning in our industrial or economic life. Therefore, I would impress upon this House that if it is their desire to make better the industries, we should see that people engaged in one industry are not generally encouraged to jump to any other industry, so that they may be induced to effect improvements in their own industry.

To allow banks to come and capture the industries is a still worse thing. Banks, are the real nucleus of the capitalists. Industrialists at least do something constructive. They produce or create and manufacture articles. But what do the banks do? They do nothing except perhaps manufacture cheques or papers. Banking is not a productive trade, it is not a productive business. Banks are only centres of exchange, and to that extent they may be helpful. That is all. But if we allow the banks to dominate over the industrial enterprises, then it will mean that the banks alone will be having the industrialisation of the country in their hands. They will capture all industries. I wonder how Professor Shah, a man of high intelligence, honesty and integrity and idealism—he never allows any grit to get mixed in his ideology—should have come forward with such a suggestion. I am afraid, this is a capitalistic amendment that he has moved. It is the very antithesis of socialism, and so I oppose it.

The Honourable Dr. John Matthai: I must share the surprise of the honourable member at the fact that Professor Shah should have sponsored this amendment. This amendment, I think, seeks to achieve a purpose which is quite outside the scope determined for the operation of banks in this Bill. Clause 6 defines the purposes and the kinds of business in which banking companies could engage, and clause 19 defines the kind of business in which subsidiary companies could engage in, and these are entirely inconsistent with the amendment now proposed by my honourable friend Professor Shah. And also, last Friday, I believe, Professor Shah himself moved an amendment which dealt with more or less the same kind of problem, I think, and the House very rightly rejected it. In view of this I submit to the House that there is no case for accepting the amendment.

Shri B. P. Jhunjhunwala (Bihar: General): On a point of information, Sir. Is there any bar to banking concern taking up the management of a concern?

The Honourable Dr. John Matthai: I take it that Professor Shah's amendment relates to concerns in which a banking company has a financial interest. That I think is the reference in his amendment. That is covered by clause 19 of this Bill which determines the purposes of subsidiary companies and that gives you the various directions in which banking companies could control or direct the business of subsidiary companies.

Mr. Deputy Speaker: The honourable member wants to know whether there is any specific prohibition in the Bill against banking companies directing the managements, or controlling them.

The Honourable Dr. John Matthai: It is perfectly clear from the relevant clauses in this Bill that the idea of banking companies taking direct interest in the working or development of an industrial concern is not within the scope of this Bill.

Mr. Deputy Speaker: The question is:

"That to clause 8 of the Bill, the following further Proviso be added:

'Provided further that, notwithstanding anything contained in this section or in section 6, no bank shall be barred from shaping the policy or taking a direct or active share in the management of any industrial or commercial enterprise or utility, to whose capital it has subscribed more than twenty per cent. of the total capital stock of that company or whose shares, bonds or debentures, have been acquired in the ordinary course of business by a bank, aggregating twenty per cent. of the capital of the bank by nominating one or more directors on the board of such concerns, or appointing managers, accountants, secretaries or agents, for the efficient conduct of policy and economic management of any such concern.'

The motion was negatived.

Mr. Naziruddin Ahmad: I would like to know from the Honourable Minister whether he would be able to accept that amendment—I mean the amendment seeking to substitute "mentioned" for "referred to."

The Honourable Dr. John Matthai: I do not think I can accept it.

Mr. Naziruddin Ahmad: I do not move it, then.

Mr. Deputy Speaker: The question is:

"That Clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Mr. Naziruddin Ahmad: I beg to move:

"That in clause 9 of the Bill, for the words and figures 'sections 6 and 8', the word and figure 'section 6' be substituted."

The Honourable Dr. John Matthai: I accept the amendment.

Mr. Deputy Speaker: The question is:

"That in clause 9 of the Bill, for the words and figures 'sections 6 and 8', the word and figure 'section 6' be substituted."

The motion was adopted.

Mr. Naziruddin Ahmad: I beg to move:

"That in clause 9 of the Bill, before the first Proviso the following new sub-clause (2) be inserted and the existing clause be numbered as sub-clause (1):—

(2) The Reserve Bank may in any particular case extend the aforesaid period of seven years by such period not exceeding one year at a time so however that the total period does not exceed five years when it is satisfied that such extension would be in the interests of the depositors of the banking company."

It transposes the second Proviso and converts it into second sub-clause.

Mr. Deputy Speaker: You cannot put a substantive provision in the way of a Proviso.

Mr. Naziruddin Ahmad: As I learn that the Honourable Minister is not willing to accept it, I do not wish to pursue the matter.

Shri O. V. Alagesan (Madras: General): Sir, I beg to move:

"That in clause 9 of the Bill, after the word 'thereof' occurring in line 4, the words 'or from the commencement of the Act, whichever ends later' be inserted."

The object of my amendment is this: It covers the cases of property that has been acquired before the passing of this Act. In cases where properties have been acquired 12 years or so before the passing of this Act, even the Reserve Bank cannot have the power of granting extension.

The Honourable Dr. John Matthai: I think my honourable friend's amendment raises a point of some importance.

Shri O. V. Alagesan: Since restriction is imposed anew, the time granted for disposing should apply to property acquired before the Act is passed as well as after. This amendment will enable property acquired before the passing of the Act to be disposed of within seven years after the passing of the Act. I hope the honourable Minister will accept it.

The Honourable Dr. John Matthai: I am prepared to accept this amendment subject to a small verbal change. Instead of the words "or from the commencement of the Act, whichever ends later", we should have "or from the commencement of this Act, whichever is later."

Shri O. V. Alagesan: I accept the amendment.

The Honourable Dr. John Matthai: As a matter of fact, I think the suggestion made by my honourable friend is to restore in the Bill revised by the Select Committee, the provision that was in existence in the draft Bill. The original section 10, which was revised by the Select Committee, contained those words "within a period of seven years from the date of its acquisition or from the commencement of this Act whichever is later". I must confess, I do not think the Select Committee considered this particular point. It was probably a slip on the part of the Select Committee. The point raised is important and has got to be covered by the Bill. So, as far as I am concerned, I accept the amendment subject to the verbal change indicated.

Mr. Deputy Speaker: The question is:

"That in clause 9 of the Bill, after the word 'thereof' occurring in line 4, the words 'or from the commencement of this Act, whichever is later', be inserted."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That Clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

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

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

Mr. Naziruddin Ahmad: Sir, I beg to move:

"That part (a) of sub-clause (1) of clause 10 of the Bill, be omitted."

In moving this amendment, I only seek clarification of the object of this clause which reads: No banking company (a) shall employ or be managed by a managing agent. I do not wish to press it.

The Honourable Dr. John Matthai: This really raises a question of policy and I think it has now been generally admitted that the sphere open to managing agents should be considerably curtailed and I think it is the general position in regard to concerns like banking, insurance and so on, where the scope left for a managing agent is very little; on the other hand the liability of the system being open to abuses is greater, and therefore the policy of Government is not

[Dr. John Matthai]

to have banks managed by managing agency. It is in keeping, I think, with admitted opinion of financial experts on the question.

Mr. Deputy Speaker: The amendment is not pressed.

Mr. Naziruddin Ahmad: Sir, I desire to know whether my amendment will be acceptable.

The Honourable Dr. John Matthai: No, Sir.

Prof. K. T. Shah: Sir, I beg to move:

"That in part (b) (ii) of sub-clause (1) of clause 10 of the Bill, after the word 'company', the words 'or is in excess of the maximum prescribed, if any' be inserted."

Sir, the amended portion will then read: "whose remuneration or part of whose remuneration takes the form of commission or of a share in the profits of the company; or is in excess of the maximum prescribed, if any." By this amendment, Sir, I wish to draw attention to the necessity of prescribing a definite maximum sum that could possibly be given away by way of remuneration for management.

The principle Sir, has already been accepted that in regard to banking enterprise there shall be no managing agent of the type that we have in other industrial or commercial concerns in this country. In itself the principle in my eyes is highly objectionable. It has been calculated that managing agents take away far more than even perhaps share-holders get and of course, if the managing agents were allowed in the case of banking companies, they would get much more than the depositors who would get their interests on their fixed deposits, which is of a very low rate.

In that case, Sir, it is of the utmost importance and necessity, in my opinion, that we should accept the principle of there being a maximum, whatever that maximum may be; and that maximum should be prescribed by rules made by the Reserve Bank, for which power is given under this Bill.

The need for a maximum being fixed in that manner need not be elaborated, inasmuch as the other provisions also of this Bill aim at some kind of limitation, for instance, the dividends that can be distributed or other advantages of banking business by the proprietors or those who help in their success. On this ground, Sir, therefore, I have proposed the amendment that if any maximum is prescribed, managing commission shall not exceed that. I hope my amendment will be accepted.

Mr. Deputy Speaker: Amendment moved:

"That in part (b) (ii) of sub-clause (1) of clause 10 of the Bill, after the word 'company', the words 'or is in excess of the maximum prescribed, if any' be inserted."

Shri T. T. Krishnamachari: I am afraid, it would not be correct to accept this amendment for the reason that we are dealing with banking companies of varying sizes. There may be banking companies with a capital of rupees five lakhs or less and some others which have about rupees two crores and that is why this particular clause has been put in this way. Clause 10 (i) (b) (iii) and sub-clause (2) are really the operating clauses. Supposing we fix the maximum, then the maximum has necessarily to be one that suits a company with a capital of two crores size and not with a capital of 100 crores and so we say the maximum should be Rs. 4,000; that will be the maximum for a company with about rupees two crores of capital. I think it would really be meaningless, and perhaps an encouragement that smaller companies should pay larger sums. sub-clause (1) (b) (iii) says; "whose remuneration is on a scale disproportionate, according to the normal standards prevailing in banking business, to the resources of the company", and who is to judge the particular thing? It must be left to the Reserve Bank. I think, the intention that my

honourable friend, Prof. K. T. Shah has will be adequately subserved by the provisions of sub-clause (1) (b) (iii) and sub-clause (2) rather than putting in amendments, which apparently he has in mind by introducing later in the object of this particular clause. Therefore, I feel that the House should not accept this particular amendment.

The Honourable Dr. John Matthai: I agree.

Mr. Deputy Speaker: The question is:

"That in part (b) (ii) of sub-clause (1) of clause 10 of the Bill, after the word 'company', the words 'or is in excess of the maximum prescribed, if any' be inserted."

The motion was negatived.

Mr. Naziruddin Ahmad: Sir, I beg to move:

"That to part (b) of sub-clause (1) of clause 10 of the Bill, the following Proviso be added :-

"Provided that the bar to the employment imposed by sub-clause (i) shall cease to operate on the expiration of five years from the date of the adjudication, suspension or the compounding or the conviction as the case may be, or where the Reserve Bank considers that the bar to employment should no longer apply."

Sir, this part (b) of sub-clause (1) of clause 10 says that a banking company shall not employ any person who has been adjudicated insolvent or has suspended payment or has compounded with his creditors or who has been found guilty of an offence involving moral turpitude. According to the election laws there is a provision that even in such cases a time limit is given after the expiration of which these powers are not considered sufficient to disqualify a man from being a Member even of this Legislature. So when a time limit is supposed to cure the disqualifications as to membership of this House, it is meet and proper that the same time limit should apply in the case of appointments to banking companies. With regard to insolvency, it was perhaps thought that insolvency is a dishonest affair and that compounding with creditors and others is a disreputable business. But there may be very honest men who may be in difficulties, perhaps for no fault of their own. The disqualification should not therefore adhere to them throughout life. So I have attempted to put down a limit of five years. In the case of conviction for an offence involving moral turpitude, the same rule could apply, because it may be that a man may be guilty of a technical offence, in which the element of consciousness or intention might be very small. In these circumstances, if he is not to be considered to be unfit to be elected as a Member of this Legislature, he should not on that ground alone be considered unfit to hold any position in the banking company.

The next point is that I want to give the Reserve Bank an over-riding power. In any case they may on consideration of the circumstances of each case exempt a man. It is to avoid some hard cases where an unfortunate man, on account of a sentence or an insolvency through no fault of his, would suffer a disqualification throughout life. (Mr. Homi Modi: "That is not your amendment." It is "either/or".) So that these are the two conditions: the first condition is that on the expiration of five years, all disqualifications should be wiped out; and within those five years, the disqualification might be removed by the Reserve Bank in a suitable case. (Pandit Thakur Das Bhargava: "It may be removed earlier!") Yes, that may be so. If this limit of five years or the alternative condition is not acceptable on these specific terms, it may be reconsidered by the House. I have suggested a way out so that a disqualification should not be permanent or absolutely irrevocable in every case. It should depend on the circumstances of the case. It is possible that very efficient and honest men may be shut out.

[Mr. Naziruddin Ahmad]

With these words, I submit that the amendment should be considered on the merits and, if necessary, revised.

Mr. Deputy Speaker: Amendment moved:

"That to part (b) of sub-clause (I) of clause 10 of the Bill, the following Proviso be added:

"Provided that the bar to the employment imposed by sub-clause (i) shall cease to operate on the expiration of five years from the date of the adjudication, suspension or the compounding or the conviction as the case may be, or where the Reserve Bank considers that the bar to employment should no longer apply."

The Honourable Dr. John Matthai: My view about this amendment is this. In Mr. Naziruddin Ahmad's amendment there is an alternative provision: "or where the Reserve Bank considers that the bar to employment should no longer apply," and it seems to me therefore that it would be possible for handling cases of this kind with reference to clause 53 of the Bill. In other words, what Mr. Naziruddin Ahmad practically says by the introduction of this alternative provision is that this is a matter which must be considered with reference to the discretion which is vested in the Central Government and the Reserve Bank in clause 53. But I am prepared to say this that if the House generally feels that there are likely to be frequent cases of a kind which would make the operation of this particular sub-clause difficult, I am prepared to drop it altogether rather than accept Mr. Naziruddin Ahmad's amendment. I do not think it is going to matter very much whether we drop part (i) of sub-clause (b). My own reaction to it is this: that if the feeling in the House is that this clause might be dropped, I should be prepared to accept a suggestion of that kind.

Mr. Naziruddin Ahmad: If the clause is dropped as the Honourable Minister has suggested then it would be acceptable to me. With regard to the amendment I have put it to elicit a clarification or a decision on the merits and not on the exact terms.

Mr. Homi Mody (Bombay: General): I have not followed the proceedings. The Honourable the Finance Minister suggests that this clause be deleted so that Banks can employ insolvents!

Mr. Deputy Speaker: Can insolvents or convicts be employed?

Shri T. T. Krishnamachari: Actually this particular sub-clause was an introduction in Select Committee, and at that time the intention was that it should apply only to senior officers of a bank. As it is it would apply even to chaprassis. If a chaprassi had compounded with his creditors or had been adjudicated an insolvent, it might apply to him. But the thing can be got over by what the Honourable Minister has said by the power of exemption under clause 53. As he has said if the House feels that in its operation it would be far more difficult and would perhaps affect quite a number of people, an exemption in every case would be very difficult. I suppose the path of wisdom is to eliminate it because it is not in the original Bill. As my honourable friend sitting in the front seat of the Opposition realizes no bank will employ a person who has been adjudicated an insolvent and has not been sufficiently discharged. It will affect the bank's reputation which is the primary thing. But the fact that a clerk or chaprassi, for various reasons has had to undergo this particular misfortune does not necessarily mean that the bank need send him out of a job. I would rather support the idea that no serious harm will be done by an elimination of this particular sub-clause rather than that the House should accept the involved amendment of my honourable friend, which his vigilance has enabled him to suggest to this particular clause.

Mr. Homi Mody: I am sorry I cannot agree with the Honourable the Finance Minister or with Mr. Krishnamachari. The Bill seeks to impose all manner of restrictions upon the practice in banking companies, and if you leave this sub-section out and enable a bank to employ a man who has been judged guilty of an act involving moral turpitude or insolvency, I can easily imagine a few institutions in which such people would be employed. I grant the argument that probably it is immaterial whether a chaprassi becomes an insolvent or not and that his insolvency should not be a bar.

Mr. Deputy Speaker: And if the chaprassi is convicted of theft?

Mr. Homi Mody: I am very glad the Chair reinforces my argument! Anyway, Sir, what I was going to urge was that we cannot discriminate between one type of servant of a bank and another. It might be a manager who might be employed, and he may have gone to jail. It is curious that I, in alone minority of one, should plead for the purification of banking operations while my friends there should want to let in all manner of objectionable practices. I do not think this sub-clause ought to come out.

The Honourable Dr. John Matthai: In view of the opinion expressed by Mr. Mody I should like to ask him with your permission, whether in that case, he would accept Mr. Naziruddin Ahmad's amendment.

Mr. Homi Mody: I do not accept the amendment.

The Honourable Dr. John Matthai: I take it that Mr. Mody's view is what I originally expressed, namely that in case there is any hardship or there are special cases it would be a matter for determination with reference to clause 53.

Mr. Deputy Speaker: The question is:

"That to part (b) of sub-clause (I) of clause 10 of the Bill, the following Proviso be added

"Provided that the bar to the employment imposed by sub-clause (i) shall cease to operate on the expiration of five years from the date of the adjudication, suspension or the compounding or the conviction as the case may be, or where the Reserve Bank considers that the bar to employment should no longer apply."

The motion was negatived.

Mr. Naziruddin Ahmad: I would like to know from the Honourable Minister whether he would be in a position to accept my amendments. They are merely a rearrangement of the parts.

The Honourable Dr. John Matthai: I am prepared to accept the first.

Mr. Naziruddin Ahmad: Sir, I beg to move:

"That for part (b) (iii) of sub-clause (I) of clause 10 of the Bill, the following be substituted:

"(iii) whose remuneration is, according to the normal standards prevailing in banking business, on a scale disproportionate to the resources of the company."

This is only a rearrangement and it has found acceptance in the Honourable Minister's heart.

Mr. Deputy Speaker: The question is:

"That for part (b) (iii) of sub-clause (I) of clause 10 of the Bill, the following be substituted:

"(iii) whose remuneration is, according to the normal standards prevailing in banking business, on a scale disproportionate to the resources of the company."

The motion was adopted.

Prof. K. T. Shah: Sir, I move:

"That in part (c) (i) of sub-clause (I) of clause 10 of the Bill, the words 'not being a subsidiary company of the banking company' be omitted."

[Prof. K. T. Shah]

The amended clause would read "No. banking company shall be managed by any person who is a director of any other company", and the rest of the words are to be omitted. If you do not desire a banking company to be managed by any director of any other company, I do not see why an exception should be made in favour of a company which is a subsidiary of the banking company. Unless I totally misunderstand the meaning of this clause it seems to me that a specific exception is made in favour of a possible management or direction by someone connected as director of a subsidiary company of the bank. I might have understood a director of a bank becoming the director of a subsidiary company by nomination of the bank. That, however, the House has negatived. And here is the reverse, namely the director of a subsidiary company being allowed by specific exception, as it were, to become a manager or director of the bank. That is a kind of logic or a process which I do not at all understand: hence my amendment.

Mr. Deputy Speaker: Amendment moved:

"That in part (c) (i) of sub-clause (1) of clause 10 of the Bill, the words 'not being a subsidiary company of the banking company' be omitted."

Shri T. T. Krishnamachari: It is in relation to Section 19. The position is that these words have been put in merely because of the reference to a subsidiary company and the restricted manner in which a banking company can have a subsidiary company. Without this provision here Section 19 will become more or less inoperative, at any rate, the exceptions taken therein. The amendment has no meaning in the context of the entire Bill.

Mr. Deputy Speaker: Unless the doubt is that on the date on which a director of a company is appointed he ought not to be a director of the subsidiary company. It is also otherwise namely if he becomes a director of the bank he ought not to be a director of the subsidiary company.

The question is:

"That in part (c) (i) of sub-clause (1) of clause 10 of the Bill, the words 'not being a subsidiary company of the banking company' be omitted."

The motion was negatived.

Mr. Naziruddin Ahmad: I beg to move:

"That in sub-clause (2) of clause 10 of the Bill, for the words 'whether remuneration is on a scale disproportionate, according to the normal standards prevailing in banking business,' the following be substituted:

'whether the remuneration is according to the normal standards prevailing in banking business, on a scale disproportionate'."

The Honourable Dr. John Matthai: I am prepared to accept the amendment.

Mr. Deputy Speaker: The question is:

"That in sub-clause (2) of clause 10 of the Bill, for the words 'whether remuneration is on a scale disproportionate, according to the normal standards prevailing in banking business,' the following be substituted:

'whether the remuneration is according to the normal standards prevailing in banking business, on a scale disproportionate'."

The motion was adopted.

Prof. K. T. Shah rose—

Srijut Rohini Kumar Chaudhuri: On a point of order, Sir, am I entitled to speak on sub-clause (1)? I wanted to draw the attention of the Honourable Minister to sub-clause (1) (c) (ii) which relates to one "who is engaged in any other business or vocation."

Mr. Deputy Speaker: After the amendments are disposed of I shall put sub-clause after sub-clause if he so desires and then the honourable member can speak.

Prof. K. T. Shah: I beg to move:

"That after sub-clause (2) of clause 10 of the Bill, the following new sub-clause be added:

(3) The Reserve Bank of India shall make rules and lay down scales for the remuneration of the Managing Director; General, Departmental or Branch Manager; Accountant, Secretary, Agent and any other executive officer of a Bank, with due regard to the circumstances and conditions prevailing in the area in which such bank or a branch thereof operates, subject to a maximum salary and emoluments in the case of all executive officers of the bank named above, not exceeding the maximum salary and emoluments payable to the highest civil administrative officer in the Government of India.

Explanation.—The Ministers, their Deputies, Assistants, or Parliamentary Secretaries, shall not be considered as coming within the category of the highest civil administrative officer in the Government of India.

(4) No one shall be appointed Managing Director; General, Departmental or Branch Manager, Accountant, Secretary, Agent or any other executive officer of any bank or a branch thereof, who has not the requisite academic qualifications or practical experience of banking business, as laid down by the Reserve Bank in this behalf, and approved by the Legislature."

Here is a principle which I should think has the authority of a great and famous resolution of the Indian National Congress. Unfortunately, it is at present observed more in breach than in honouring it. It will be still fresh in the minds of most members, I hope, that the Karachi Congress some 18 years ago laid down the maximum salary payable to any officer of the Government, from the Governor-General downwards, as Rs. 500 per month. With whatever enthusiasm that resolution was passed, at the present time hardly anywhere do I see any reference to it and much less any observance of that principle. (Shri H. V. Kamath: "Inflation.") I am coming to that. I wanted to reserve it for a later occasion, but I have been made to precipitate this argument. I have been given the stock argument of inflation. It is a very interesting phenomenon in human nature and practical politics that.....

Mr. Deputy Speaker: Cannot the honourable member reserve this to some other time as he himself said?

Prof. K. T. Shah: I am very grateful to you for suggesting that course. But if interruptions take place, one is obliged to answer them on the spot for fear that one might omit to do justice to the honourable members who care to interrupt, or one might not do justice to oneself.

Shri H. V. Kamath (C.P. and Berar: General): I will remind him on a subsequent occasion.

An Honourable Member: The interruption is withdrawn.

Prof. K. T. Shah: The interruption having been made cannot be easily withdrawn without its being expunged from the records.

Shri H. V. Kamath: I have not withdrawn it, but kept it alive for a subsequent occasion.

Shri L. Krishnaswami Bharathi (Madras: General): It is a helpful interruption.

Prof. K. T. Shah: You will see how helpful it is when I come to it. It is an easy way to rush into the public with very appealing nostrums, and lay down grand principles which, if I may say so without any disrespect, are made with one's tongue in one's cheek; and say 'we shall be content, and ex-

[Prof. K. T. Shah].

pect all our public officers to be content—from the highest executive, the head of the State downwards with salary or emoluments not exceeding so much. Idealists who are not afraid of being regarded by their contemporaries as having a screw loose somewhere in the upper storey may not like to lay down such a proposition. But when we have to deal with hard headed businessmen, who make it a practice of telling us that idealist comes into being only when they are in dotage,—without any possibility of a lucid interval between the two—when we have to deal with such hard-headed businessmen, we have to remember that some sort of sugar-coating has to be added. (*An Honourable Member*: “To the bitter pill”.) The pill is always bitter particularly to those who are living in luxury at the expense of others. But even to those who just interrupt with an income below the minimum chargeable to an Income-tax (*Shri H. V. Kamath*: “You have a very good memory!”) I do have a long memory, but a short sight. From them also one might expect a support which will be, I hope, not merely of moral sympathy but also of actual voting.

The point I was making was that when we are dealing in this matter with practical bankers who are accustomed to note the financial standing of other people and keep perfectly confidential their own, it is necessary to make regulations for laying down, with due regard to the prevailing conditions and circumstances, scales of salary and emoluments that the executive officers of the bank should receive whether at the head office or in any branch office.

A little while ago when the House was considering an amendment of mine regarding the emoluments of the manager—we do not call him now the managing agent—it was said that any suggestion of a maximum would be “impracticable”. I know that in some cases what are called the under-studies become even more important than the principal sponsors of a measure. The argument advanced a few minutes ago that it would be impossible for the Reserve Bank to lay down the scales in respect of a bank, for example, whose assets may go up to Rs. 100 crores with a capital of rupees two crores, failed to appeal to me.

I for one believe that it is possible to lay down not only fixed, but varying or sliding scales. As a matter of fact the amendment suggests that, with due regard to the conditions and circumstances prevailing in different parts where branches are operating, you may have varying scales. The maximum is a matter of principle, and the scales may change taking into account the conditions and circumstances. Otherwise you could not really be doing any justice.

The question really boils down to this. Do you or do you not wish to have this principle that there shall be an upper limit to the emoluments of Bank managers. Sir, on the day when we were having a general discussion on the motion that the Bill be taken into consideration, my honourable friend the Finance Minister told us that he felt, while he was listening to me, in a reminiscent mood. The reminiscence called to his mind many things I fancied there were many at least which ultimately left him with the conclusion that if he were to revert to his old love—I do not suggest that he is running away from it—he would not be able to teach any economic principle with anything like conviction. He may have had no judicial convictions against him, but he has I am sure, or had at least certain political and economic convictions. When I listened to my honourable friend that he may not be able to teach these doctrines of economics with any degree of conviction, I felt a moment of despondency, not of the type that my friend Mr. Chaudhuri referred to—I am never despondent in that sense—but of a great feeling of despondency that a man so sound, so versatile, so wise as our Finance Minister, should confess, in a public place like this, that all his convictions were almost like illusions, and that he is richer in having lost them. I felt it as a matter of great despair and chagrin for me—not for my own sake but for

the sake of the country whose destinies in the financial field he is directing. May I also remind him and the House of another reminiscence to which he was a party. That was about twentyfive years ago.

Mr. Deputy Speaker: Of course these observations were made; but the honourable member may choose another opportunity to reply to them.

Prof. K. T. Shah: It seems, Sir, that only my reminiscences are to be interrupted.

Mr. Deputy Speaker: The honourable member has already said enough.

Prof. K. T. Shah: I accept it with my own apologies and only wish to say that the one last thing I had reserved like the song of Karna, namely the argument about inflation which was the subject matter of an interruption. It may now be resumed with your permission. It is an interesting observation in human affairs that we on the one hand ourselves create inflation; and then we say, because there is inflation, we must be compensated for it. This amounts to saying that for any offence that we may commit, instead of being punished we ought to be compensated. It is a logic which does not penetrate my thick skull. I cannot quite understand it, that those who have had it in their power to check or control or restrict, if not avoid altogether, inflation should themselves be saying that inflation being there we should be compensated for it.

Sir, inflation is the.....

Mr. Homi Mody: Coming now to the amendment!

Prof. K. T. Shah: What? I am sorry if the honourable member has not the courage to speak up and get my answer, but I shall not be deterred by any sides like that. He is the only man who is not able to speak up unless when he wants to.....

Mr. Deputy Speaker: The amendment has a limited scope.

Prof. K. T. Shah: I am confining myself only to that, that the amendment has the limited scope of fixing the maximum. That is the important thing. And the maximum lead me to give the authority and precedent of a Congress resolution. After all, in this House, we are accustomed to honour precedent and respect tradition; and I have quoted the most venerable precedent of no less a body than the Indian National Congress, of which you Sir, are such a distinguished ornament. And, therefore, I ought to have the indulgence of the House in putting forward this amendment and quoting this authority in support. Do you think I am going beyond the scope of my argument in offering you such a sacred and reverenceable precedent? Then, I would apologise once again—Apologies are very easy with me.

The argument of inflation, Sir, to be more serious, is really misleading. This is making of the argument of inflation a fetish, and a vicious circle. On the one hand, we set in motion those forces—and bankers are particularly liable to do so—we set in motion those particular forces which lead to inflation; and then claim that because of that we should not be penalised or we should be compensated. All that I am asking, however, is not that you should ignore inflation—I am not asking that. After all, you can say and you may say that this inflation was not created by us because we were not in power at the time when the inflation began. I agree.

Mr. Deputy Speaker: May I ask the Honourable Member if by referring to inflation he is supporting the argument of the honourable Minister himself?

Prof. K. T. Shah: Sir, I understand that there is some excuse on the other side. If the other side is utterly inexcusable, then I have nothing to say.

[Prof. K. T. Shah]

The point I am making is that those forces having been started; and inflation having occurred, we have to deal with it, and I can only suggest to deal with it in this manner. Some day a beginning must be made. If all the time we go on saying that the workers, for instance, shall not ask for further allowance and increased wages, because inflation is there and we must stop it, but that the superior officers will go on asking for it, then I am afraid no inflation can ever be stopped. Unless wasteful expenditure of Government were stopped; unless all these increases were put an end to; and unless a definite limit was placed upon these avenues of waste, I am afraid there would be no chance of our curing inflation. Hence, our ability to effect any real economy in the conduct of our affairs, whether of the nation as a whole or of a section of it which deals in banking, is nil.

It is, therefore, for this reason that I begin the process at the very top. From the Managing Director downwards there shall be a maximum fixed. And I make no apology for stating that I do not believe in unlimited incomes in whatever form they come. I think it is important, following as we profess to do in the footsteps of the Father of the Nation, that we must accept, here and now, in this shape for example, the principle that in any business, industry or profession, there shall be a maximum; and that in any service, in any capacity, the maximum income available must be fixed by law.

I leave it for the moment to the Reserve Bank to make rules and govern it. It may be that you might speak of the income-tax as indirectly fixing the maximum. I agree, that also is a possibility. In fact, a very important executive officer of this country—a Minister—told me the other day that his whole income as such officer was being paid away by way of income-tax—for the last year, of course. That being his position, he may agree that the income is indirectly limited. But why do it indirectly? Why not directly? If it is your intention that there shall be equality, within the country; and that we shall not have the spectacle at one end of people having less than one meal per day, and at the other end people having so much that they do not know what to do with what they get, then I submit, Sir, that it is high time—when we have a chance like this—that we should lay down the maximum.

The principle of unlimited income is not denied by this clause itself. After all, it does say that it shall be in accordance with conditions and circumstances prevailing. That means, if it means anything, that the remuneration—shall be fixed, not in accordance with the sweet will of the Directors concerned. Having gone so far, I only ask, through my amendment, that we should go a little further to the logical conclusion, namely that there shall be a definite and legal, prescribed limit beyond which no salary or emolument can be paid. On that ground, I trust, there would be no objection.

I come next to the second part of the amendment, sub-clause (1) which I propose should be added. I am only requiring that there shall be definite qualifications, whether academic or the requisite training and experience needed for the proper conduct of banks.

Banking, I was told the other day, is a very sensitive plant. Or, was it said in reference to credit? But credit is in reference to banks, and therefore the two terms are interchangeable. If it is such a sensitive plant, then those who are concerned with the management and direction of it should also be, like Caesar's wife, above suspicion.

That being my ground, I think it is necessary, it is right and proper, that you should prescribe qualifications. I leave it again to the Reserve Bank to do so. We ignoramuses may not be able to do it—I do not mean the whole House, please, Sir, let nobody object to the expression, as I am only speaking for myself—ignoramuses like myself may not be able to prescribe the qualifica-

tions that might be expected, whether academic or otherwise, of would-be bankers, or from managers of the banks. But that there must be some qualification, I think no one in this House should deny, and that they should be laid down by rules under the Reserve Bank could also not be denied.

It appears to me, for instance, that as regards Directors the only qualification is the fitness of their cheque-book and nothing else. If there are others, of course, they are not publicly laid down; it may be for the Directors themselves or for prominent shareholders to decide. But whether it is a Managing Director or a General, Departmental or Branch Manager or others, the qualifications that go to the success of the bank—and success in terms measured as I have suggested on a previous occasion—must be definitely, categorically laid down. That is why this amendment which requires that the qualifications, both academic and practical, should be laid down.

I trust that both the amendments will commend themselves to the House.

Mr. Deputy Speaker: Amendment moved:

"That after sub-clause (2) of clause 10 of the Bill, the following new sub-clauses be added:

(5) The Reserve Bank of India shall make rules and lay down scales for the remuneration of the Managing Director; General, Departmental or Branch Manager; Accountant, Secretary, Agent and any other executive officer of a Bank, with due regard to the circumstances and conditions prevailing in the area in which such bank or a branch thereof operates, subject to a maximum salary and emoluments in the case of all executive officers of the bank named above, not exceeding the maximum salary emoluments payable to the highest civil administrative officer in the Government of India.

Explanation.—The Ministers, their Deputies, Assistants, or Parliamentary Secretaries, shall not be considered as coming within the category of the highest civil administrative officer in the Government of India.

(4) No one shall be appointed Managing Director; General, Departmental or Branch Manager, Accountant, Secretary, Agent or any other executive officer of any bank or a branch thereof, who has not the requisite academic qualifications or practical experience of banking business, as laid down by the Reserve Bank in this behalf, and approved by the Legislature."

The Honourable Dr. John Matthai: As usual, Prof. Shah's arguments have produced in my mind no conviction at all. If you think you are going to deal with the problem of a limit to remuneration, it must be taken as part of a general problem. It seems to me irrelevant to the purpose of this Bill that a limitation of this kind should be introduced. Apart from that, I think it is not a workable proposition and it is not necessary either.

As regards the second one, it is quite unnecessary to prescribe academic qualifications and if it comes to prescribing academic qualifications, I doubt if it will be possible even for the Reserve Bank to lay down qualification of a kind which will be opposite in every case.

Mr. Deputy Speaker: The question is:

"That after sub-clause (2) of clause 10 of the Bill, the following new sub-clause be added:

(3) The Reserve Bank of India shall make rules and lay down scales for the remuneration of the Managing Director; General, Departmental or Branch Manager; Accountant, Secretary, Agent and any other executive officer of a Bank, with due regard to the circumstances and conditions prevailing in the area in which such bank or a branch thereof operates, subject to a maximum salary and emoluments in the case of all executive officers of the bank named above, not exceeding the maximum salary and emoluments payable to the highest civil administrative officer in the Government of India.

Explanation.—The Ministers, their Deputies, Assistants, or Parliamentary Secretaries, shall not be considered as coming within the category of the highest civil administrative officer in the Government of India."

The motion was negatived.

Mr. Deputy Speaker: The question is:

"That after sub-clause (2) of clause 10 of the Bill the following new sub-clause be added:

(3) No one shall be appointed Managing Director; General, Departmental or Branch Manager, Accountant, Secretary, Agent or any other executive officer of any bank or a branch thereof, who has not the requisite academic qualifications or practical experience of banking business, as laid down by the Reserve Bank in this behalf, and approved by the Legislature."

The motion was negatived.

Srijut Rohini Kumar Chaudhuri: While our National Government is trying to destroy monopoly in every shape or kind it seems to me that discussions on this Bill have become a sort of monopoly which is only available to certain knowing members of this House. Others like me who do understand much of this banking business rise up and speak something and make a fool of themselves. (*An Honourable Member:* "You have got a monopoly of humour").

I should like to draw the attention of the House to the particular clause, sub-clause (ii) under (c) of sub-clause (1) which says: No banking company shall be managed by any person who is engaged in any other business or vocation. I want to know particularly whether this clause would stand in the way of anyone, who is engaged in any kind of business for his living, holding office as Managing Director of a banking company. This clause consists of two parts as it is, first, that no banking company shall employ or be managed by a managing agent. Secondly, no banking company shall employ any person who comes under the categories of (i), (ii), (iii) of sub-clause (b). Then we come to (c). Under this heading no bank can be managed by any person who comes under (i), (ii) and (iii) of sub-clause (c). From the proviso it is clear that managing Directors are intended to be covered by this sub-clause (c). The question which I am asking is this, whether in a province or place where banking is still undeveloped, where banking business is being newly started, a person who is a lawyer or doctor can hold office as managing director of a bank or not. As regards the definition of "vocation", not being very clear about its use, I consulted the dictionary and there vocation means "career or profession", so that a lawyer or doctor would come under this definition of vocation. Now, I want to ask the Honourable Minister and the House if they are aware that in the past impetus for business of this kind—banking and others—has been given in most cases by lawyers, and also those who come from Bengal and those who are familiar with things in Assam will know that eminent doctors—I think I can venture to mention a name,—that Doctor Bidan Chandra Roy is responsible for sponsoring many businesses and successful businesses in Assam and Bengal. So, if you say a lawyer or doctor or any other man who has some business cannot hold the position of managing director, it only means in other words that you do not want any new bank to be started.

Mr. Deputy Speaker: Under the Indian Bar Councils Act, is not a lawyer prevented from engaging himself in any other trade or business?

Srijut Rohini Kumar Chaudhuri: With the permission of the High Court he can engage in any other work. My question is this. This clause says "shall be managed by any person." Does it include managing director or not? If it does not include, then there is no point in the Note of Dissent. I am asking about (c), whether "No banking company shall be managed by any person etc." includes managing director or not, and if so whether or not a person who is a lawyer or a doctor or a professional man would be prevented from becoming managing director of a bank. (*Shri T. T. Krishnamachari:* "Yes"). That is why I object. In that case, the amendment thrown out just now, moved by Prof. K. T. Shah, would become very relevant because a Parliamentary Secretary is not engaged in any business and does not engage in any vocation. So you have to select some persons who have absolutely no business, who is a vagabond, who has no profession, has nothing to do. So select that man and

none else as a managing director. You confine your choice to a very limited sphere. This is in accordance with the remark made by Professor Shah in his Note of Dissent, which by the way, I may inform the House I am taking as scripture so far as this Banking Bill is concerned. He says, in para 17,—

"This Bill is, in fact, replete with apprehension or misgivings regarding the extension of branches of banks foundation of new banks. It seems to consider it dangerous and undesirable that banks should multiply or branchify even of the standard commercial type."

Mr. Homi Mody: Branchify?

Srijut Rohini Kumar Chaudhuri: 'Branchify' means giving birth to branches in several places. And Prof. Shah says,—

"The advent of new banks or increase of branches of existing banks may be a sign of danger from the point of view of depositors, of unsound methods of business; but they are indispensable for the effective development of the country's resources."

Sir, I would repeat his words, that new banks are indispensable for the effective development of the country's resources. He further says,—

"The law should, indeed, see that any unsound practice is prevented rather than branch banking be stopped, or increase in the number of existing bank branches is prevented."

Sir, I endorse these words, and I think the whole secret underlying the inclusion of this sub-clause to which I have taken exception is that you do not want new banks to be started. If that is the position, then provinces like Assam will be in a very unhappy and miserable condition. In Assam, a large number of banks with their headquarters or head-offices in other provinces were started, and all these branches have failed, even scheduled banks. The result is that people are now very unwilling to start branches or to subscribe to bank shares. They would naturally be willing to start banks in their own province so that they may take to task the men responsible for the failure of the bank. But in the face of this clause, when you restrict that neither a professional man nor a government servant, nor any other person engaged in any other business can become a managing director, no new bank can be started there, nor will they flourish, even if started. We will have to choose the kind of person who will be the managing director. He may be a professor who does not do any business, or a person who has ancestral income to live upon; such a person will be eligible for election. Others would not be. The right man is the one who does not do any business or who has no profession, he will be eligible for election. He may be illiterate, he may be half-educated, but all the same, he will be eligible. But a lawyer who understands something about this business he will not be eligible, nor a doctor. Sir, how are we to reconcile this position with our desire to develop banking in places where such development is very necessary, so that those areas may be developed?

Sir, it may be said that I have come by the back-door, in making these observations, instead of moving an amendment straightaway. But seeing the results of amendments moved here, seeing the massacre which is taking place, for which the rumour goes that you Sir, are responsible, to a great extent, it seems rather a very bold task to move an amendment. And if I may sound a personal note here, I fully give credit to Professor Shah for the interest he has taken in this Bill, and I rue the day—and I say this in his presence—when I expressed a pious wish that all his amendments may be stolen. But judging from the pains he has taken over this matter, I feel I should not have said so, and I withdraw those words, in this open House.

Shri Mohan Lal Gautam (U. P.: General): I want to make one or two observations regarding this clause 10. In sub-clause (1) (b) (i) it says, "has suspended payment or has compounded with his creditors" such persons shall not be eligible for employment in any banking company. I would draw the attention of the honourable Minister in charge especially to the cases of people

[Shri Mohan Lal Gautam]

who have come from Pakistan. So many people employed in banking Companies who left every pie of theirs in the Pakistan area and who were driven away from there, they might have compounded with their creditors or some banks whose headquarters were there in Pakistan or might have temporarily suspended their payment. If this clause applies to these people also, then it would be very cruel on the part of government to do so. It was because of the failure of Government to protect them and their property that they had to suspend their payments or that they had to compound with their creditors. Sir, this is one point I want to bring to the notice of the Honourable the Finance Minister.

The other point is regarding time-limit. There is no time-limit laid down when the director of a company has to give up the directorship and take up the management of a banking company. Suppose a person who is the managing director of a banking company and is also the director of another company, and he wants exemption for it, or wants to give up one, and he wants a week or two to decide the matter. This time he does not get. If to-day or tomorrow we pass this Bill and in a day or two the Governor-General's Assent also is obtained, then from the day it is an Act, the person who is on the managing agency of a banking company or is the manager, and is also the director of another company, he commits an offence. Sir, this should not be so, and I think there is a flaw here and the Drafting Committee has omitted to mention any time-limit within which such persons have to take a decision. As the wording of the clause stands, it is liable to misuse. Therefore, I would draw the attention of the Honourable Finance Minister to this point also.

Srijut Kuladhar Chaliha (Assam: General): It seems, that by sub-clause (1) (c) (ii) we have been in a trap. The words used there are "Who is engaged in any other business or vocation." Sir, I looked up the dictionary for the word 'vocation' and I find that it includes profession. So Mr. Chaudhury's objection is quite valid. He being a lawyer, would not like it. The word "vocation" there is troublesome, and I hope Government will be willing to accept its deletion. In that case the objection of Mr. Chaudhuri and others can be eliminated. Actually I looked up a dictionary and found that the word in its meaning includes "business, trade and profession."

You will find in clause 10 (I) (c) 'No banking company shall be managed by any person (i) who is a director of any other company, not being a subsidiary company of the banking company; or (ii) who is engaged in any other business or vocation'. The word 'vocation' should be deleted and if this is done the objection of my honourable friend Mr. Rohini Kumar Chaudhuri also can be met. I trust the Honourable Minister will see his way to accept this suggestion.

Babu Ramnarayan Singh (Bihar: General): I was not taking any part in the discussion on the Banking Bill. I was under the impression that, every Act passed by us must be for the good of the people and for the development of the interest concerned. In my own part of the country, as Mr. Chaudhuri has said, banking has not developed to any satisfactory degree. There were one or two banks in my town of Hazaribagh in my childhood days. I have seen that they were successfully managed by lawyers. According to this clause, they will be prevented from doing that. I support every word that has fallen from the lips of my friend Rohini Kumar Chaudhuri. The object of this Bill must be to allow the existing banks to carry on business and to encourage people to start new banks. But if this clause forms part of the Act I am afraid this activity of the people will be greatly discouraged. I therefore appeal to the honourable Minister either to do away with this clause altogether, as he now and then agreed to do in the course of this discussion, or to modify it in such a manner as not to discourage people doing banking business.

During the passage of this Bill I got the feeling that the honourable Minister has the impression that only those who have given notice of amendments are concerned with the measure. My friends who have given notice of amendments say: 'Will the honourable Minister be pleased to accept the amendment'? An understanding is come to between the Minister and such Members almost without the knowledge of the other Members of the House. It looks as if the House is nowhere and that only those who have given notice of amendments and the honourable Minister in charge are concerned with the legislation under consideration. This sort of procedure must go.

Mr. Deputy Speaker: I am afraid the honourable member has misunderstood what is happening. After all, if the Minister accepts an amendment he says so in the early stage of the discussion. But the matter is further discussed. In cases where the Minister does not accept any particular amendment he says so in the early stages and the Member concerned, instead of taking up the time of the House, expresses his desire not to press his amendment. I am sure nobody wants that unacceptable amendment should be discussed at length and ultimately thrown out.

Srijut Rohini Kumar Chaudhuri: My friend Mr. Naziruddin Ahmad may not be able to convince the Minister about the utility of a certain amendment of his. But when we join hands with him and use respectful language, we may succeed in persuading the honourable Minister to agree with us and accept this or that amendment.

Mr. Deputy Speaker: It is open to the honourable member sitting behind Mr. Naziruddin (Srijut Rohini Kumar Chaudhuri) to ask him to stand up for his right and move the amendments desired. After all, the honourable Minister has the backing of the House; otherwise, he would not be a Minister. Therefore wisdom lies in ascertaining the wishes of the Minister and adjust matters so as to progress further with the Bill.

Mr. Naziruddin Ahmad: Mr. Ramnarayan Singh is not right in saying that it was all a private arrangement. I am afraid to take up the time of the House and that is why now and then I consulted the Minister and agreed with his wishes. It was not any private arrangement. And I do not desire to ignore the House.

Babu Ramnarayan Singh: You have explained the matter in a satisfactory manner but many Members had the feeling that the business of the House was being conducted in the manner described by me.

Sir, as I was saying, this clause deserves to be modified or dropped. If the Honourable Minister is anxious that banking facilities are to be developed in rural areas and in areas where these facilities are rare, this clause must go.

Pandit Thakurdas Bhargava: In connection with part (c) the words are: 'No banking company shall be managed by any person who is a director of any other company, not being a subsidiary company of the banking company; or who is engaged in any other business or vocation.....' I want to understand the real significance of the word 'managed'. What does management consist of? Then again, what is meant by 'being managed by a managing agent'? Suppose there are some clerks, accountants and other officials in a banking concern. Will they be regarded as part of the management? Though the provision here is that no banking company shall be managed by any person who is engaged in any other business, its reverse effect will be that no person engaged in any banking business shall engage himself in any other vocation. So that a clerk or an accountant who is in the management of a concern will not be able to supplement his income by working in any other manner.

Mr. Deputy Speaker: There is the definition for 'management'.

Pandit Thakur Das Bhargava: The question is as to what the meaning of the word 'managed' used as a verb. The word 'Managing agent' have been defined in clause 5 which says: " 'Managing agent' means a person, firm or company entitled to the management of the whole affairs of a company by virtue of an agreement....." We know what is a managing agent, but we do not know what is the exact and precise significance of the word "managed" in part (c) which says: "No bank shall be managed by any person....." Would it include the higher executive officers or will it include the chaprassis, the accountants, the clerks or other smaller officers also?

Mr. Deputy Speaker: The law that we are passing is special in other respects. In the Company law, the honourable member will find that there is a definition of the word "manager" there.

Pandit Thakur Das Bhargava: It is quite different here. The sub-clause says "No banking company shall be managed by any person". It does not follow that only a manager manages a company. The question is what is the exact meaning of the word "managed" here and if the smaller officials are included, then it will work a very great hardship. My submission, therefore, is that it should be confined only to the higher executive officers or the manager, etc. It should apply only to the highest and there is no bar against them.

Srijut Rohini Kumar Chaudhuri: On a point of explanation, 'manager' or 'branch manager' will come under the category of employee. It is only intended for managing directors and 'manager' will be an employee and he will come under clause (b). Assistant Manager, Branch Manager they will also come under this.

Pandit Thakur Das Bhargava: What would happen to the accountant or head clerk or other clerks?

The Honourable Dr. John Matthai: I was going to say that the point raised by Pandit Thakur Das Bhargava is sufficiently covered by the distinction being made in this clause between employment and manager. Sub-clause (b) refers to people who are employed. Sub-clause (c) refers to people who are to manage and all these cases that Pandit Thakur Das Bhargava referred, that is to say the cases of clerks and so on, those would be covered by sub-clause (b).

Pandit Thakur Das Bhargava: The line is very thin. Will you call a person who is managing it partly, as a non-manager? Will he cease to be an employee? A manager will also be as much an employee or am I to understand that a manager can be a person who may be an insolvent or who has compounded with his creditors, if he does not come under sub-clause (b)?

The Honourable Dr. John Matthai: Where an employee is also a manager, then sub-clause (c) begins to operate.

Prof. N. G. Ranga (Madras: General): I fail to understand the force of the arguments raised by our friends here. If there is to be a bank and people are to be encouraged to place their money in safe keeping of the bank and if this money is to be properly invested and looked after properly, then certainly we should have people who make it their whole-time business to carry on this banking by providing the managerial staff and managerial services, etc. Surely, it is not contended that banking should be developed to the same position as extra Departmental Post Offices or village post offices, where you have got extra departmental employees, who are recruited for working two or three hours per day and for the rest of the time they carry on other professions. This is a very serious matter. It is because so many banks have come to a bad end that Government thought it fit to bring forward this Bill. For a number of

years, there has been this crying need for a regular Bill like this. Now this Bill.....

Babu Ramnarayan Singh: In that case the management will be a costly affair.

Prof. N. G. Ranga: It has got to be. The other day Mr. T. T. Krishnachari raised a relevant point and that is that these banking employees also should be paid just as well as those who are employed by the Reserve Bank of India. If, on the other hand, you are going to have merely half-timers, they will either be exploited or they would be thoroughly inefficient and unreliable and incapable of giving you efficient service and it is time that we make up our minds about it. If we want half-timers to go into this and with a public spirit, let us organise co-operative credit banks, where you have got another law to restrict their activities and see that they behave properly and render necessary service to the people. If, on the other hand, you want large sums of money to be deposited by the masses here and later on to be properly and safely invested, then certainly we should go in for whole-timers and these whole-timers cannot be expected to play at law, at medicine and do various other things, while at the same time being managers of these banks. Therefore, Sir, I am very much in favour of the clause as it is and the proposal made by the Honourable Minister, and I very strongly dissent from the stand taken by my friends on this side of the House.

The Honourable Dr. John Matthai: I entirely agree with the line taken by my honourable friend, Prof. N. G. Ranga, which is precisely what I was going to say in reply to the criticisms which have been levelled. The fact of the matter, Sir, is this, that the development of banking in this country and the abuses which bad management has led, all these have reached a stage; where it becomes necessary for us to regard banking not as a hobby, but as a very serious occupation. It deserves whole-time thought and whole-time energy.

Now with regard to the distinction between 'business' and 'vocation', I regret I cannot accept my honourable friend, Mr. Chaliha's suggestion, because by introducing the term 'vocation' we want to prevent people who are practising law or practising medicine being made responsible for management of banks. They can be employed, but they cannot be made managers. Then my honourable friend Mr. Gautam raised the question of the possible repercussion of this clause and the position.....

Srijut Rohini Kumar Chaudhuri: On a point of information, is the Honourable Minister aware that such big scheduled banks like the Comilla Banking Corporation was started in the first instance by a lawyer who started by practising and afterwards attained a big position?

The Honourable Dr. John Matthai: I am aware of that and I am making my statement in spite of that.

Now my honourable friend, Mr. Gautam raised the question of the banks in the Punjab which have been placed in a difficult position on account of these serious developments in the province. That is a matter which is present to my mind, and I propose to take suitable action, so that no undue hardship is caused in such cases.

Another point which Mr. Gautam raised was whether in view of the disqualification in cases of certain categories of persons, whether sufficient time would be allowed for them to make the necessary adjustments. Of course, that is a matter which could be provided for with reference to sub-clause (3) of clause (1), that is to say, 'this Act will come into force on such date as the Central Government may by notification in the official gazette appoint in this

[Dr. John Matthai]

behalf,' in prescribing the date, it is open to the Central Government to take into consideration the time that might be required for certain necessary adjustments of this kind.

I think my honourable friend, Mr. Ramnarayan Singh said that the Minister was trying to play a dictatorial part in this matter. Now, Sir, If you have been so kind as to ask me before a discussion on an amendment began, whether I agreed to it or not, it is not because of any authority that attaches to my position as a Minister. It is simply that I am here putting forward the recommendations of a Select Committee appointed by the House, not merely with my authority, but with the authority of a representative and responsible body, appointed by this House, and I think the House ought to give some regard to their views.

Mr. Deputy Speaker: The question is:

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

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Mr. Naziruddin Ahmad: I have been blamed for making a private arrangement with the Honourable Minister and at the same time it is not possible for me to know in advance the intention of the Minister. Sir, I move:—

"That in sub-clause (2) of clause 11 of the Bill, for the words 'elsewhere than in', the words 'outside' be substituted."

This is economy in words and the one word is more effective and more expressive than a number of words.

Mr. Deputy Speaker: In connection with this, I would like to say that it is wrong to interpret that the honourable Minister is trying to impose his will.

Far from it. We are all interested to go through the various amendments tabled and if the honourable Minister does not accept any amendment, there is no purpose in pursuing it. In that case, it is up to the mover to move or not. Therefore, ordinarily, I will follow the previous practice of asking the honourable Minister if generally it has his approval before I call upon the Member to move. In this case, the honourable Minister does not approve, but it is open to the honourable member to insist on it being moved.

Mr. Naziruddin Ahmad: But I have already moved it.

Mr. Deputy Speaker: The question is.

"That in sub-clause (2) of clause 11 of the Bill, for the words 'elsewhere than in', the words 'outside' be substituted."

The motion was negatived.

Prof. K. T. Shah: May I move both of my amendments together as they are more or less connected?

Mr. Deputy Speaker: Yes, you may.

Prof. K. T. Shah: Sir, I move:

(1) "That in sub-clause (2) of clause 11 of the Bill—

(i) after the word 'Bombay', a comma be inserted;

(ii) the word 'or' occurring after the word 'Bombay' be omitted; and

(iii) after the word 'Calcutta', a comma be inserted."

(2) "That in sub-clause (2) of clause 11 of the Bill—

(i) after the word 'Calcutta' the words 'Delhi or Madras' be inserted; and

(ii) the words 'or both' be omitted."

Sir, in submitting this amendment, may I make a preliminary observation that: In these amendments attention is invited to the insertion or the deletion of commas not necessarily as a form of sincere flattery of the honourable member who specializes in punctuation? I feel, as he does not doubt, that these are important additions, not ornamental but useful, for making clear the sense of the clause and of the amendment made thereto.

The clause as it stands, speaks of only two cities in the country—Bombay or Calcutta—as the most important banking centres. It contemplates them as the most important banking centres, and the others, no matter what their commercial or industrial positions may have been, are to be relegated amongst the categories of the also 'ran'.

This is a legacy of a time when the big business interests of the foreigners who ruled in the land were concentrated in these two places—Bombay or Calcutta. And however flattering it may be to one coming from Bombay to find Bombay preceding—only in alphabetical order—Calcutta, I feel that there are other centres no less worth considering than these two so-called old Presidency towns, now provincial capitals and perhaps the commercial capitals of this country. I would like therefore that at least two more cities be placed on a par.

The political capital of the country ought not to be relegated to the category of 'also ran', and the southern capital of the land, Madras, should also not be treated as less important from the banking standard than Calcutta or Bombay. I think, Sir, that whatever may have been the case in the past, when for geographic or other reasons Bombay may have been the centre of trade with the West, and Calcutta the Centre and focal point of trade with the East, in this age of aviation, when distances do not count, and when the position of places in this country, or sub-continent as it is now the fashion to call this country, the old tradition should not matter. We should not neglect not only the present position, but should not overlook the possibility that these other cities may have, as developing great banking concentrations, a great banking business of their own. Accordingly, if you do decide to introduce limitation on branches or offices of banks which may function in those places, then I suggest it would be as well to place all those capital cities on a par, and while I do not approve of many of the provisions that come into this clause and in subsequent clauses regarding the restrictions or conditions of capital and reserves I do think that, whatever treatment you give to the commercial capitals hitherto accepted as such, it should also be extended to these other two cities—Delhi and Madras.

I know, Sir, that at the present time perhaps, measured in terms of imports and exports, or in the volume of business or industry, these two cities may be said to lead, that is no indication in my opinion of the future trade and the possibilities of other cities for which a Bill like this ought to provide. I therefore commend the amendment to the House.

Mr. Deputy Speaker: Amendment moved:

(1) "That in sub-clause (2) of clause 11 of the Bill—

(i) after the word 'Bombay', a comma be inserted;

(ii) the word 'or' occurring after the word 'Bombay' be omitted; and

(iii) after the word 'Calcutta', a comma be inserted."

(2) "That in sub-clause (2) of clause 11 of the Bill—

(i) after the word 'Calcutta' the words 'Delhi or Madras' be inserted; and

(ii) the words 'or both' be omitted."

Srijut Rohini Kumar Chaudhuri: If my honourable friend, Prof. Shah, had only known what a rude shock he has given me by moving the second amend-

ment, he would have been full of self-reproach. I had understood from the passage which I had quoted with such glee and approbation—I mean paragraph 17 of his Minute of Dissent—that he was in favour of new branches being established by banks and this should not be merely the prerogative of the Central Bank or such other banks. What do we find here? He is extending the effect and scope of this clause to other provinces and towns as well. It is not merely that he wants that the restrictive provision should apply only in cases of branches established in Bombay and Calcutta, but by his amendment he wants to spread the evil of the provision to Delhi and Madras as well. That is what he wants and I do not understand what he means by saying encouraging new banks and new branches when he is in favour of extending the clause to other cities—cities other than those which were in the mind of the honourable Minister. Let me tell the House what the effect of this clause would be on indigenous banks in my province as well as banks which have been recently (that is 20 or 25 years ago) started. I do not know whether the honourable Minister will be able to give us an assurance that this clause will not affect the branches which have been already established, but if he does that there will be something in it.

There are two or three banks in Assam which have their branches in the city of Calcutta. Their paid up capital is not what has been demanded by this clause. You will say "What sort of banks you are speaking of which cannot have a paid up capital of twenty lakhs?" You can say that. Those who come from bigger provinces and those who are wealthy can say that. But those who want to have their own banks and those who want see their own banks prosper and grow will be very seriously affected by this clause. If this clause is given effect to also in the case of those branches which are already in operation many banks will have to close down their branches in Calcutta. Similarly it is possible that they will have to close their branches in other cities also. This is a sort of vicious circle in which we are moving. I want to have more capital. I make an application for capital issue. My application is not granted. I want to make my banks scheduled banks. But I cannot fulfil those conditions or raise more capital and convert my bank into a scheduled bank. There are so many bank failures that there is alarm in the minds of people so far as banks are concerned. I want to apply for capital issue. I want to make my bank a scheduled bank. There comes a fiat from the Central Government or the Reserve Bank that no more capital issue will be given in my province. I do not want to state the names of the banks but this is a fact as the honourable Minister himself will know. On the one hand you would not allow capital issues and on the other hand you will say that we cannot have this, unless we come up to a certain standard. Why do you not speak out clearly and say that we have already so many hundred banks, fiat these banks will remain and that no other banks will be allowed to grow up. I can understand that straight forward statement. By this clause instead of encouraging you are asking the branches in Calcutta to be closed. I cannot help feeling that the intention of this Bill is not quite proper. I feel that no other banks will be allowed to compete with the existing banks.

Shri T. T. Krishnamachari: I am afraid I have nothing to say in regard to the first amendment moved by my honourable friend Prof. Shah but in regard to the second, as regards the general objection raised by my honourable friend, Mr. Rohini Kumar Chaudhuri, I have a few words to say. This is one of the most difficult clauses in this Bill. It has been considered by two Select Committees very carefully and so far as lack of facilities given to existing institutions for raising their capital is concerned, whatever might have been the experience of my honourable friend Mr. Rohini Kumar Chaudhuri in the past, I believe those difficulties would not exist in the future because for the reason that banks are required to raise their capital to the level prescribed in the parti-

cular clause within a period of three years, all facilities will be given to the banks so to do, if they want to function in these cities according to this measure. In the past there might have been various reasons why the Reserve Bank did not sanction the raising of the capital structure but it does not necessarily mean that they were opposed to banks raising their capital structure. Probably there may have been other reasons.

In regard to Madras and Delhi I would like uniformity and I agree with Prof. Shah that these cities must rise in importance equal to that of Bombay and Calcutta. But the proper time to introduce an amendment of this sort is when these cities have risen to a state of importance equal to that of Bombay and Calcutta. For the time being both these cities are in such a condition that they will not be able to fulfil the conditions that we now seek to impose by means of this clause. Until the contingency occurs when these cities rise in importance and in population and wealth I am afraid Prof. Shah will have to hold his soul in patience. I oppose the second amendment moved by Prof. Shah.

Mr. Naziruddin Ahmad: My friend Srijut Rohini Kumar Chaudhuri has raised a very important question which may affect small banks in Bengal and Assam.

Babu Ramnarayan Singh: Also in Bihar.

Mr. Naziruddin Ahmad: Also in Bihar. In other words it is a question which affects the small banks. The present Bill seeks to eliminate small banks although they are successful, and seeks to put a higher limit of capitalisation and thus creates difficulty in the way of small banks. The idea somehow or other seems to be that banks fail on account of their smallness or invariably for dishonesty or want of good management. The failures of banks in Bengal particularly was largely due to the monetary policy of the Government. There is here incessant talk of nationalisation or limitation of dividends and the like and the result is that the share values have crashed. No amount of coaxing, no injection of high hopes, no amount of promises has been able to raise the share value or to stimulate the value at all. (Shri B. Das: "The deposits have vanished.") It is a fact that many deposits have vanished and the reason is this. Many businessmen pawned their shares in banks and took advances. On account of the monetary policy of the Government the share market absolutely collapsed and is unable to recover. It is thought that some big speculators and gamblers are responsible for this but I submit it is not so. These speculators can operate the market only for a few days. It is after all the confidence of the small investors that keeps the market alive. That confidence is absolutely gone. When share values depreciated banks found it impossible to allow advances or continue to keep the advances on the depreciated security. So they demanded their money and the shares had to be thrown into an unwilling market which was not ready to absorb them. The consequence of this was that many shares had to be sold at a sacrifice prices. This created more depression in the market and the share values went further downwards. The result of all this was that many banks came to a crash. So what is wanted is a sound monetary policy which would encourage the small investor, the middle classes, to invest their money. On the other hand there is talk of nationalisation and of more things to come or there are more menacing hints. I beg to submit that confidence takes time to grow. It is easy to shatter it but it is not as easy to revive it. There is the need for small banks. In Bengal there are still many small banks which began from small beginnings and function efficiently. If you eliminate the small banks the result would be that the smaller areas—small towns and semi-village areas—will not be fed with sufficient banks and the big banks. Whom some are trying to eliminate and who are capitalists and exploiters, will alone remain and the others will be wiped out.

[Mr. Naziruddin Ahmad]

This requirement of high capitalisation for as many branches as they can spread would be extremely harsh. I think the very policy of this clause is unsound. Small banks have their utility and they should be encouraged and in every way stimulated, and no additional difficulty should be put in their way. Many small banks in Bengal have failed on account of the want of sufficient courage on the part of the investors and the crash in the share value. These are very serious considerations. Mere raising of the standard of capitalisation will not do. Mr. Rohini Kumar Chaudhuri has raised an important point and I think it should be carefully considered not merely in the passing of this clause or the Bill but towards revision of their monetary policy.

Shri B. Das (Orissa: General): Sir, I had no intention to participate in this debate but I find there is a misunderstanding on the floor of this House and my honourable friends Mr. Rohini Kumar Chaudhuri and Mr. Naziruddin Ahmad have misunderstood clause 11 as making definite provision for doing away with small banks. I remember I had to come and plead before the last Select Committee and on behalf of the small banks in 1946. Sub-clause (1) of clause 11 of the Bill has a Proviso:

"Provided that a banking company to which this clause applies and which has only one place of business shall not be required to have paid-up capital and reserves exceeding an aggregate value of 50,000 rupees."

In the previous draft of the Bill it was Rs. 1,00,000 and at that time objections were raised and the Select Committee decided that it would be limited to 50,000 rupees. There is no desire to do away with small banks or banking activity in small towns and small cities. My honourable friend Mr. Naziruddin Ahmad talked about the share market being fluctuated by adverse effect on shares. The shares of the banks to which my honourable friend was referring to never go to the stock exchanges of Bombay and Calcutta, because such banks were never successful and the moment the depression period came in, most of them vanished from their active fields. If money was spirited away it was the depositors' money and God alone knows whether it has gone to the so-called managing directors for whom my honourable friend was suggesting—lawyers and what not? I support the whole clause 11. The discussion which has started on sub-clause (2) I think is met by sub-clause (3), and I have no sympathy for the bankrupt banks which have taken advantage of the war conditions and have made many depositors poor.

The Honourable Dr. John Matthai: Sir, I regret I cannot accept this amendment with regard to punctuation. There I think Professor Shah is wrong in his ideas of punctuation. With regard to the question of including Delhi and Madras, there also I am afraid I cannot agree with him. I agree with what my honourable friend Mr. T. T. Krishnamachari has said on that point. The purpose of this clause is simply to provide that in the matter of paid-up capital and reserve of the banks it should be in accordance with the business requirements of the areas in which they work. The whole of this clause has been the result of experience of our banking system and the Reserve Bank and the figures that have been suggested here are figures which may be accepted by the House.

My honourable friend Mr. Naziruddin made a reference to the position in Bengal. I do not pretend to have first-hand knowledge of the position in Bengal, but since I assumed office as Minister for Finance I have come across several reports regarding banking institutions in Bengal which give me an impression very different from that which Mr. Naziruddin tried to create.

Mr. Deputy-Speaker: The question is:

"That in sub-clause (2) of clause 11 of the Bill,—

- (i) after the word 'Bombay', a comma be inserted;
- (ii) the word 'or' occurring after the word 'Bombay' be omitted; and
- (iii) after the word 'Calcutta', a comma be inserted."

The motion was negatived.

Mr. Deputy Speaker: The question is:

"That in sub-clause (2) of clause 11 of the Bill,—

- (i) after the word 'Calcutta', the words 'Delhi or Madras' be inserted; and
- (ii) the words 'or both' be omitted."

The motion was negatived.

Mr. Deputy Speaker: The next amendment is by Mr. Naziruddin Ahmad.

An Honourable Member: It makes no meaning.

Mr. Naziruddin Ahmad: It makes a meaning. I absolutely deny the suggestion that it makes no meaning.

Mr. Deputy Speaker: It may make meaning. It seems to be unnecessary.

Mr. Naziruddin Ahmad: It may not be acceptable to the majority.

Mr. Deputy Speaker: I take it the honourable member is not moving it.

Mr. Naziruddin Ahmad: I am not moving it.

Prof. K. T. Shah: I move:

"That after the existing Proviso to part (iii) of sub-clause (3) of clause 11 of the Bill, the following new Proviso be added:

"Provided further that nothing in the *Explanation* shall apply to any branch or agency that a bank may open in a capital city like Bombay, Calcutta, Delhi or Madras, within the municipal limits of each of them or in limits that may be increased hereafter by appropriate legislation, even if the distance between any two of such branches or agencies within the same capital city does not exceed one furlong."

Here is some suggestion, some remedy I hope for the rude shock I seem to have unwittingly administered to my very respected friend Srijiut Rohini Kumar Chaudhuri. I am definitely not against the spread of the banking habit and of banking facilities to as large an extent as possible. I had suggested on a previous occasion a restriction, if you so read it, to the temptations which may exist on banks, if they have branches within capital cities. Bankers are politely dressed sharks and if you fall within the area of these sharks, it is not unlikely particularly for smaller banks that they may be their ruin. They may be doing very good service in the mofussil, but it may be interrupted and ruined by venturing into waters too deep for them to swim.

It was only with these intentions that I have suggested this restriction which I am very sorry to find was misinterpreted or misunderstood by one whose support otherwise I was very happy to have.

In the present instance, however, again without realising the possibilities that lie hidden in it, I have come forward with some sort of a remedy or attenuating provision to relieve shock that might have been administered. As you see, I do not mind branches being multiplied as much as can be where business centres require. In cities particularly, whose limits are constantly growing branches must multiply irrespective of distance. We have a programme, for example, of Greater Bombay, and I do not know what is the longest distance between two farthest points in Calcutta. But I am sure the limits of the kind prescribed in this Bill will be very injurious to the increase of branches, and to the availability of banking facilities to as large a section of the metropolitan population as possible.

Accordingly, I move that no matter what the distance, even if the distance is a furlong or less, the banks in these cities shall not be prevented—within their municipal limits or within the greater limit—given to them—from opening branches within the same area. I hope it will be acceptable at least to Shri Rohini Kumar Chaudhuri.

Mr. Deputy Speaker: Amendment moved:

"That after the existing Proviso to part (iii) of sub-clause (3) of clause 11 of the bill the following new Proviso be added:

"Provided further that nothing in the *Explanation* shall apply to any branch or agency that a bank may open in a capital city like Bombay, Calcutta, Delhi or Madras, within the municipal limits of each of them, or in limits that may be increased hereafter by appropriate legislation, even if the distance between any two of such branches or agencies within the same capital city does not exceed one furlong."

Shri T. T. Krishnamachari: Sir, I am afraid there is a little misapprehension here because I quite understand there is room for misapprehension. Actually the phrasing is so involved that my honourable friend has not understood the *Explanation* properly. I would like the House to permit me to read the *Explanation* which is as follows:

"*Explanation*.—For the purposes of this sub-section, a place of business situated in a Province other than that in which the principal place of business of the banking company is situated shall, if it is not more than twenty-five miles distant from such principal place of business, be deemed to be situated within the same Province as such principal place of business."

Actually, the safeguard here—attempted probably clumsily, if one may put it so—is for places where two Provinces converge. They might just open a branch at the end of one Province. It is only in relation to places where two Provinces converge that the distance is put in. Actually, I think it is no *Explanation* at all for the purpose of opening branches in the cities, as my friend Professor Shah wants to put in.

In any event, the idea seems to be that there should not be a limitation. I think there is no limitation as it is and therefore the proviso cannot serve any new purpose. That is my view of the matter, but I do agree there is room for a possible misconception. Even if there is a misconception, the *Explanation* cannot be explained properly by means of this addition of Professor Shah's. I therefore think there is no point in accepting a proviso of this sort.

The Honourable Dr. John Matthai: I agree, it is irrelevant to the *Explanation*.

Mr. Deputy Speaker: The question is:

"That after the existing Proviso to part (iii) of sub-clause (3) of clause 11 of the bill the following new Proviso be added:

"Provided further that nothing in the *Explanation* shall apply to any branch or agency that a bank may open in a capital city like Bombay, Calcutta, Delhi or Madras, within the municipal limits of each of them or in limits that may be increased hereafter by appropriate legislation, even if the distance between any two of such branches or agencies within the same capital city does not exceed one furlong."

The motion was negatived.

Mr. Deputy Speaker: Is the honourable Minister in favour of the next amendment.

The Honourable Dr. John Matthai: No, Sir. It is not necessary.

Mr. Deputy Speaker: Does the honourable member want to move it?

Mr. Naziruddin Ahmad: Yes, Sir. I beg to move:

"That in sub-clause (5) of clause 11 of the Bill, for the words 'real or exchangeable value', the words 'actual market value' be substituted."

Sir, we are concerned with the meaning of the word "value" for purposes of this clause. "Value" means, according to the clause, the "real or exchangeable value" and not the nominal value which may be shown in the books of the banking company concerned. This is an unusual expression. What is

meant really is the market value. You can at once determine the "market value" of investments and shares which are quoted on the Stock Exchange.

Mr. Deputy Speaker: Is not "exchangeable value" covered there? It need not be exchanged in a market, it may be exchanged elsewhere.

Mr. Naziruddin Ahmad: "Exchange" indicates not actual sale, but one share exchanged for another. That is the idea of exchange. Sale is distinguished from exchange in this way that sale is transfer for money, while exchange is barter. Market value indicates the real legal idea; exchange value does not really mean the saleable value—in fact it is a loose expression and "market value" is the more correct and precise expression.

As I was going to submit, many shares recognised by the Stock Exchanges are quoted in the Stock Exchange. They comprise all the best shares in India. Their "market value" is easily knowable. With regard to others the "market value" can be decided otherwise.

With regard to sub-clause (5), I have this objection that in sub-clause (3) and other parts there are conditions as to the aggregate value of the paid up capital and reserves. By sub-clause (5) it is provided that the "market value" or the "exchangeable value" is really meant. The effect of this would be that a company which has issued share capital of the requisite nominal extent will again be harassed under sub-clause (5) by the authorities where the "exchange value" or the "market value" is less. So, there would again be a competition between the Government on the one hand and the banking concerns on the other as to whether there is adequate capitalization, because the "market value" of the capital is a fluctuating and uncertain quantity and it may be that many shares which have gone down in the crash would show a small market value though of an adequate "book value". In these circumstances, the question of the advisability of retaining sub-clause (5) is also in question.

I object to sub-clause (5) because it introduces needless complications. After all, the "market value" or the "exchange value", as the Bill says, is not a determined value; it fluctuates from day to day and as at present the clause would work much hardship, especially in the case of small banks which otherwise may be sound. Therefore, I submit this clause itself should be deleted. It serves no useful purpose to put such rigorous conditions. Of course, efficient management and sound management, honesty and strictness must be insisted upon in every way, but apart from that, to ask for more money through this inoffensive-looking sub-clause (5) would be really perpetrating hardships upon banks which are struggling from the effect of the market crash and which, with a little encouragement, may probably stand on their legs. I submit that clause (5) should be deleted, or in the alternative the drafting amendment be accepted.

Mr. Deputy Speaker: Amendment moved:

"That in sub-clause (5) of clause 11 of the Bill for the words 'real or exchangeable value', the words 'actual market value' be substituted."

The Honourable Dr. John Matthai: There are three possible bases on which you can determine value in this case. You can take the book-value or nominal value. You can take the actual market value. You can take the exchangeable value. The precise difference is this. The whole object of having this particular provision is to rule out book-value leaving that out, you have two alternatives: either you take the real or exchangeable value or you take the...

Mr. Homi Mody: Where do you get the words "exchangeable value" from?

The Honourable Dr. John Matthai: I am coming to that; be patient. As regards the actual market value, it is impossible in many cases in practice to get the actual market value of the assets of a bank. Therefore, you must have some kind of estimate or valuation. The real or exchangeable value is a matter of valuation or estimation. If nominal value is ruled out, if actual market value cannot be obtained, then there is no other solution except valuation.

Mr. Homi Mody: But you have not told us where you get the expression from.

The Honourable Dr. John Matthai: This is as good an expression as you can find.

Shri T. T. Krishnamachari: I can only say that that particular expression comes right through beginning from 1939.

Mr. Homi Mody: Perpetuation of bad English.

Mr. Deputy Speaker: The question is.

"That in sub-clause (5) of clause 11 of the Bill for the words 'real or exchangeable value', the words 'actual market value' be substituted."

The motion was negatived.

Srijut Rohini Kumar Chaudhuri: I confess that I am short of hearing and do not follow all that is said on the floor of this House, but I am yet to know whether the honourable Minister means that the restrictive clause to which I referred, namely, sub-clause (2) would apply to the existing branches in the city of Calcutta and Bombay although they may not satisfy the capital condition. My honourable friend Mr. Das had argued at some length in reply to the points which I had raised but he has also left me unconvinced and the reason for his failure is that he had given a deaf ear to all that I had said. My point is this. I am stating an actual fact, although I do not wish to disclose the name. A particular bank started with a small capital, say, five lakhs of rupees, and the paid-up capital was less than that. Nevertheless, it had started business in Calcutta and with that capital that bank was allowed to have the branch in Calcutta and the branch has been working fairly well. If this Bill is passed, will that branch have to be closed because they do not satisfy the capital condition?

The Honourable Dr. John Matthai: That is so.

Srijut Rohini Kumar Chaudhuri: If it is closed, then is not a great injustice being done to that class of bank, because on the one hand—which the honourable Minister has not denied—on the one hand you are restricting the issue of capital and on the other hand, you are closing the branches of the bank for want of adequate capital. You cannot have it both ways. The business of the branch is gradually increasing. The bank has got good reserve. You are not taking into consideration the reserve at all. You are only going by the capital. You are not allowing any new man to come. You want that a real capitalist should come and buy up the bank and become the proprietor of that bank practically. You are not allowing us to issue the capital at all. That is a position which is intolerable. If really your intention is to encourage new banking business, but if your policy is that no more banks should be allowed to be opened or no small banks should be allowed to exist—let it be a straightforward policy—if you do not want new banks, I can understand that although I may quarrel with it, but still I can understand it, but I do not understand this two-fold policy—on the one hand closing the bank for want of capital and on the other refusing to issue capital. That is quite incomprehensible.

Similarly, in starting banks in one's own province, as I said more than once, we have learnt bitter lessons on account of banks having come from outside. People do not believe in banks in our province, because a large number of banks for causes—good or bad—have failed, but they would be quite prepared to have branches of the banks of their own, because if the banks which have headquarters elsewhere start in my province and fail, we cannot touch them at all. They are illusive people. They run away before the bank closes, but if there are branches of banks started by my own people in my own province, at least I can knock them, I can at least give them physical blows. That is some satisfaction. Therefore, if a bank is started by my own people in my own province, there will be shareholders; there will be depositors, but you do not allow deposits; you do not allow depositors to deposit their money in their own bank. Supposing there is a bank with headquarters at Gauhati, if they want to establish a branch at Dibrugarh or any other place, you do not allow them to open this branch, with the result I have to be content not with my own bank but with a bank which may prove as illusive as the branches which have formerly failed. That is the position to which you are driving me. Is there any justification for that? Why do you want an additional condition to be imposed because the branches are to be established in one's own province? Why you not make an exemption in the case of those provinces which have no banks or only a few banks? If 100 branches are there with their headquarters outside, cannot my own provincial bank have branches in our own province in the different towns? Why do you stand in the way? Why do you not make an exception in the case of such provinces? Should not a man of the province have a chance of starting his own business? Why should you stop that man? Perhaps you want some other gigantic banks. I borrow the expression from Prof. Shah. You want to have a few gigantic banks so as to fill the stomachs of gigantic people. You want these gigantic banks not merely to confine themselves to the city of Calcutta, Bombay and Madras; you allow them to have as many branches in Assam, Bengal, etc. but you do not allow the man of the province because he cannot have sufficient capital. So you put this penalty. This is a penalty. This is a tax which you are wanting to lay on the regional banks of the province and you are standing in the way of allowing them to start new branches. Sir, this is a position which I cannot justify in the eyes of the public. I hope that, if I have not understood the position clearly, the Honourable the Finance Minister will take pains to explain the position to me so that I may understand it and I may be able to tell my own people that our Government of India is full of sympathy for the poor people like myself.

The Honourable Dr. John Matthai: I do not quite know what is troubling my honourable friend Srijut Chaudhuri. I have not been able to make out what it is. But as far as the policy behind this particular provision is concerned; it simply means this, that in laying down conditions which ought to be applicable to all banks, and which should be fulfilled by all banks, there are necessarily two points of view to be considered. There is the point of view of those who promote the banks as a business concern, and there is the point of view of the depositors, and we can reconcile these two view-points only by providing conditions of this kind. I think Srijut Chaudhuri is not very familiar, obviously, with the evil consequences that have followed because of the absence of conditions like these. Depositors' interests have been allowed to go by default because when people speak of the public interest and the provincial interest, they mean only those of the promoters of banks. If difficulties are felt by banks in fulfilling these conditions, there is nothing in the way of any action being taken by the Capital Issues Committee and there is nothing to prevent me from taking the necessary action to remove those difficulties.

Shri Jut-Rohini Kumar Chaudhuri: Then why are you not satisfied with the chartered banks whose figures show that the people have greater confidence in them?

Mr. Deputy Speaker: The question is:

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Mr. Deputy Speaker: Now we come to clause 12. Mr. Naziruddin Ahmad.

Mr. Naziruddin Ahmad: Amendments No. 127 and 132 go together and I would like to know from the honourable Minister if they are acceptable.

The Honourable Dr. John Matthai: I do not think they are acceptable.

Mr. Naziruddin Ahmad: Then I do not move them.

Mr. Deputy Speaker: Then amendment No. 128. The Member wants to know if that is acceptable to the honourable Minister.

The Honourable Dr. John Matthai: I do not think it is an improvement.

Mr. Naziruddin Ahmad: I may then move No. 129?

Shri T. T. Krishnamachari: There are three amendments, one of Mr. Naziruddin Ahmad, one by Prof. Shah and one in my name. If one of them is moved and accepted, then the others fall through. Let us, I suggest, take up the positive amendment rather than a negative one.

Mr. Naziruddin Ahmad: My amendment is the more sweeping one.

Mr. Deputy Speaker: Yes, it is for the deletion of the part of the clause.

Mr. Naziruddin Ahmad: I beg to move:

"That part (iv) of clause 12 of the Bill be omitted."

I submit that this part which I seek to delete is absolutely ineffectual from the practical point of view. It seeks to limit the voting right of any one shareholder, that it should not exceed ten per cent. of the total voting rights of all the shareholders. It limits the voting power of the individual shareholder. But the question is whether the provision of a clause like this will at all be effective and serve the purpose for which it is put in. The only effect of this provision would be that a big shareholder will distribute his shares among some of his friends and relations and retain the voting power in his own hand, intact. I submit that the shareholders will be quite easily able to elude this somewhat loosely conceived provision. If a man has twenty per cent. shares, what he has to do is to keep half of it with himself and transfer the rest to his wife, children or father or friends or even non-existing persons. Such a thing is not unknown. As a matter of fact, this provision will be totally inoperative. There are amendments to vary this ten per cent. to various percentages. But the clause, I say is totally ineffective, and it is simply asking for transfers of the shares keeping the ten per cent. in each hand. In these circumstances, I submit that this clause should be deleted.

Shri T. A. Ramalingam Chettiar (Madras. General): All the three amendments may be taken together.

Mr. Deputy Speaker: The suggestion has already been made. But we take them separately, because this amendment stands on a different footing.

The Honourable Dr. John Matthai: This is really a compromise.

Mr. Deputy Speaker: The question is:

"That Part (iv) of clause 12 of the Bill be omitted."

The motion was negatived.

Shri T. T. Krishnamachari: Prof. Shah may move his amendment. I do not move mine.

Prof. K. T. Shah: Sir, I move:

"That in part (iv) of clause 12 of the Bill, for the word 'ten', the word 'five' be substituted."

I do not know if my ears deceived me, or my memory fails, but I am under the impression that the honourable the Finance Minister had forgotten to say in the case of this amendment that it is not acceptable. If that is so, I do not want to rub him the wrong way by making a speech.

The Honourable Dr. John Matthai: It gives me very great satisfaction to accept Prof. Shah's amendment.

Mr. Deputy Speaker: The question is:

"That in part (iv) of clause 12 of the Bill, for the word 'ten', the word 'five' be substituted."

The motion was adopted.

Shri T. T. Krishnamachari: I move:

"That in the Proviso to clause 12 of the Bill, after the words 'contained in', the words, brackets and figures 'clauses (i), (ii) and (iii) of' be inserted."

This merely makes Prof. Shah's amendment applicable to all banks, irrespective of the date of their floatation.

The Honourable Dr. John Matthai: I do not think this amendment is necessary. The position really is that conditions (i), (ii) and (iii) are conditions which apply to all banking companies incorporated since January 1937, and this additional clause might, I think modify it to mean that it will apply to all the categories of banks which are now subject to conditions (i), (ii) and (iii). I think the clause might stand as it is now, and I do not think any serious trouble will arise thereby.

Mr. Deputy Speaker: So this is not pressed. Then what about the next.

Prof. K. T. Shah: I am not moving it.

Mr. Deputy Speaker: The question is:

"That Clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Mr. Deputy Speaker: The House stands adjourned till 10-45 A.M. to-morrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Tuesday, the 15th February, 1949.

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

(PART II PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Tuesday, 15th February, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M. TIME TABLE FOR THE DAY'S BUSINESS

Mr. Speaker: Before I proceed with certain announcements which I have to make, I should like to know the wishes of the House with reference to the time-table of the meeting today. At 5 o'clock the Railway Budget will be presented. I think honourable members would like the idea of sitting till 4 o'clock and then reassembling at 5.

Shri B. L. Sondhi (East Punjab: General): Why not have it earlier?

Shri R. K. Sidhva (C. P. and Berar: General): As far as the General Budget is concerned we can understand it being introduced at 5 o'clock, because of taxation. Where is the sanctity in the Railway Budget also being presented at 5 o'clock?

Mr. Speaker: There is no question of sanctity. The importance of it is that we get the whole of the day for other work; and in view of the slow progress which the Banking Bill is making, I was just thinking whether we should break for an hour at all, instead, why not break at 4-30, (*Honourable Members:* "No Sir, 4 o'clock.") I think then we shall break at 4 and re-assemble at 5. That is the time-table fixed.

The Honourable Shri N. Gopalaswami Ayyangar (Minister for Railways and Transport): If that is your wish, I have no objection if you fix the Railway Budget to be presented at 4 itself.

Mr. Speaker: My difficulty is, 5 having been already announced, it will not be fair to absent members. I can agree to prolonging the time to 5-30, but it is not fair to the absent members to have it earlier.

Shri L. Krishnaswami Bharathi (Madras: General). When the whole House agrees.....

Mr. Speaker: The honourable member does not see the position that a notice of 5 o'clock has already been issued. So now the House will reassemble after Lunch at 2-30; again adjourn at 4 and re-assemble at 5 for the Railway Budget.

PANEL OF CHAIRMEN.

Mr. Speaker: I have to inform the House that under sub-rule (1) of rule 9 of the Rules of Procedure and Conduct of Business, I nominate Pandit Thakur Das Bhargava, Shri S. V. Krishnamoorthy Rao, Shrimati G. Durgaba and Mr. Frank Anthony on the Panel of Chairmen.

COMMITTEE ON PETITIONS

Mr. Speaker: I have also to announce that under sub-rule (1) of Rule 65 of the Rules of Procedure and Conduct of Business, the following honourable members will form the Committee on Petitions, namely, Pandit Thakur Das Bhargava, Shri S. V. Krishnamoorthy Rao, Shri R. K. Sidhva, Shrimati Dakshyani Velayudhan and Shri B. Das.

PUBLIC COMPANIES (LIMITATION OF DIVIDENDS) BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Dr. John Matthai (Minister for Finance): Sir, I beg to move:

"That the time appointed for the presentation of the report of the Select Committee on the Bill to limit the dividends which may be paid by public companies, be extended up to the 21st February, 1949."

The Committee held a meeting a few days ago—a prolonged meeting. They have been able to cover most of the ground, but it is still felt that there are certain matters which call for further consultation and discussion, and in view of the importance of the issues involved, I submit to the House that this short extension is necessary.

Mr. Speaker: The question is:

"That the time appointed for the presentation of the report of the Select Committee on the Bill to limit the dividends which may be paid by public companies, be extended up to the 21st February, 1949."

The motion was adopted.

BANKING COMPANIES BILL—(Contd.)

Mr. Speaker: The House will now proceed with the further consideration of the motion that the Bill to consolidate and amend the law relating to banking companies, as reported by the Select Committee, be taken into consideration. Clause 13.

Mr. Naziruddin Ahmad (West Bengal: Muslim): I beg to move:

"That in clause 13 of the Bill, for the word 'share' wherever it occurs, the word 'shares' be substituted."

In this clause we are dealing with the issue of shares. So the word should be in the plural.

The Honourable Dr. John Matthai (Minister for Finance): I accept.

Mr. Speaker: The question is:

"That in clause 13 of the Bill, for the word 'share' wherever it occurs, the word 'shares' be substituted."

The motion was adopted.

Prof. K. T. Shah (Bihar: General): I move:

"That in clause 13 of the Bill, for the words 'two and one-half' occurring in line five, the word 'one' be substituted."

This, Sir, relates to and tries to discourage the practice of paying commission for getting Bank Shares subscribed. The commission provided for in clause 13 appears to me to be much too high for a sound banking concern to offer. It may be very well for those concerns which are shaky, or which have doubtful prospects, to try and raise capital by offering attractions of this kind.

Mr. Speaker: May I suggest to the honourable member—if he agrees—it appears that the likelihood is that the arguments will be common both with reference to this end and his next amendment. If that is so.....

Prof. K. T. Shah: My next amendment relates to deposits; this relates to capital. I thought the two are on a different level.

(478)

BANKING COMPANIES BILL

479

Mr. Speaker: It is a question of commission, brokerage, discount, or remuneration on deposits; the nature of commission on shares.....

The Honourable Dr. John Matthai: It is somewhat different.

Mr. Speaker: It is somewhat different no doubt. But the arguments, I thought would be common—some of them, perhaps.

Prof. K. T. Shah: My own position is that the nature of these two items of working capital is different. However, if you so desire, I will combine the two.

Mr. Speaker: I am not talking of combining the two. What I am suggesting is that both may be moved, and may be argued, so that much of the common ground need not be repeated.

Prof. K. T. Shah: Certainly, Sir, I shall then combine my arguments on both, if you will permit me to move the other one also.

Mr. Speaker: Yes.

Prof. K. T. Shah: I shall then move the second one. I beg to move:

"That in clause 13 of the Bill, the following be added at the end: 'nor shall any commission, brokerage, discount, or remuneration, be paid to anyone for attracting fixed or call deposits or bringing business to the bank.'"

[At this stage, Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar)]

This is an attempt to prevent undue attraction being offered by banks to secure any part of their fixed or working capital. In the case of the Share capital, I do think that any bank, with any prospects of good business before it, or the promoters of any Bank who have such hopes, should not really offer such attractions as are provided for in this clause, namely, a brokerage or an under-writing commission or discount on shares of two and a half per cent. That would be an admission of the possible difficulties in getting capital subscribed, which should not be made by the Bank or its promoters. This rate is excessive; and is paid, in my opinion, for no very good service or benefit to the proposed institution.

I take it, of course, that this Commission, etc. relates to new capital being issued. If it relates to additional capital being issued by an existing bank, then the argument would be still stronger, namely, that having proved its success; being so to say in a position of good business, and having also some uncalled share capital on existing shares it is all the more undesirable for it to allow any such high commission, discount or brokerage for securing subscription to their share capital.

It is well-known, though perhaps not easily admitted or provable, that share-brokers and those conducting banks are inter-linked. And one of the greatest curses, in my opinion of the Capitalist system is the very wide ramification of the sacred institution of Nepotism whereby brothers, sons, nephews,.....

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, on a point of order. This amendment which my honourable friend has moved is not germane to the particular section. Section 13 deals with the restriction on commission, brokerage, discount etc. on sale of shares. It has nothing to do with fixed deposits. So this amendment cannot come now.

Mr. Deputy Speaker: There is no point of order; Professor Shah can go on.

Prof. K. T. Shah: Sir, I was saying that those connected with and dependent upon the conduct of banks have ways and means of handing out Secretary

480

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [15TH FEB. 1949]

[Prof. K. T. Shah]

to whomsoever they want, big profits or substantial benefits, which are only made available at the cost of the community. The benefit may be covered and be given a legitimate shape by a provision such as this, and so I suggest it should be avoided altogether or at least minimised.

It may be that the attracting of capital in the shape of shares may perhaps be a little difficult, in times, particularly of scarcity, when there is all-round anxiety or depression especially to new Banks. To that extent, I am willing to compromise and suggest that one per cent. maximum commission, discount or brokerage may be allowed. But even that, I think, would not be earned. However, that is a matter for the Income-tax Commissioner to decide whether it is earned or un-earned income. But even that argument does not apply to the case of the Depositors. Attracting Deposits by such means is highly objectionable. For my part, there should be no toleration or allowance of any commission, brokerage or discount, for the simple reason that if such a thing is permitted, there will be a very unhealthy system of competition and rivalry of interests amongst banks which will be prejudicial to the sound conduct of the Bank, to the interests of the depositors which this Bill is supposed to safeguard.

I am sure that actually no respectable bank would be encouraging any such methods or be engaging in such competitive or shaking methods of attracting deposits to itself. I am therefore, by my amendment, trying to secure nothing more than a legal recognition and enforcement of an actually admitted principle, namely, no undue attraction to secure deposits to the banks should be offered.

I trust this reasoning would prove acceptable to the Honourable Minister and that the amendment would be adopted.

Mr. Deputy Speaker: Amendments moved:

(i) "That in clause 13 of the Bill, for the words 'two and one-half' occurring in line five, the word 'one' be substituted."

(ii) "That in clause 13 of the Bill, the following be added at the end:
'nor shall any commission, brokerage, discount, or remuneration, be paid to anyone for attracting fixed or call deposits or bringing business to the bank.'"

Shri R. K. Sidhva (C. P. and Berar: General): I do not know how far this amendment is expected to serve the purpose which my honourable friend Professor Shah desires. As far as I know, when firms want to invest money, they write to various banks asking for quotations, and I know various banks have various rates of interest, and whichever is highest, consistent with security, in that bank, the firm invests the money. Prof. Shah has himself stated that he would be prepared to accept one per cent. interest, but I think even in all money or long-term deposits, banks do not pay more than one per cent.

Prof. N. G. Ranga (Madras: General): What about the shares?

Shri R. K. Sidhva: I am not referring to shares; I am only referring to fixed deposits.

Mr. Deputy Speaker: But the first amendment refers to shares.

Shri R. K. Sidhva: The first amendment is all right. I am referring to the second. The question of non-payment of commission does not arise at all, because it is not paid at all. Therefore the amendment is redundant.

The Honourable Dr. John Matthai: I oppose both the amendments proposed by Professor Shah. With regard to his first amendment, the Select

Committee considered this matter in great detail, and this figure of 2½ was accepted because it happened to represent the largest measure of agreement. These are matters in regard to which you cannot fix limits which would have any sort of final validity. It is a matter of judgment, and what we did was to follow a practical course and accept a figure which represented the largest measure of agreement; and I suggest that the House may adopt this figure.

With regard to the second amendment if any commission is paid in respect of deposits, what it really amounts to is that the bank is prepared to pay something in the nature of a higher interest on the deposit. This Bill does not control the rates of interest. Moreover, it is altogether impracticable to fix the rate of interest which a particular bank may be prepared to pay. Therefore, it seems to me both from the point of view of the merits of the proposition and also from the point of view of the practicability of it, both the amendments must be rejected.

Mr. Deputy Speaker: The question is:

"That in clause 13 of the Bill, for the words 'two and one-half' occurring in line five, the word 'one' be substituted."

The motion was negatived.

Mr. Deputy Speaker: The question is:

"That in clause 13 of the Bill the following be added at the end:
'nor shall any commission, brokerage, discount, or remuneration, be paid to anyone for attracting fixed or call deposits or bringing business to the bank.'"

The motion was negatived.

Mr. Deputy Speaker: The question is:

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Mr. Naziruddin Ahmad: I move:

"That in clause 14 of the Bill, for the words 'No banking company', the following be substituted:

'Notwithstanding anything contained in the Indian Contract Act or in any other law for the time being in force, no banking company.'"

Sir, we have already adopted this mode of expression in clause 2 and in other places. Similarly we have to introduce this condition in clause 14 also; otherwise there may be a clash between this Act and personal contracts. Provision of clause 14 should over-ride all such contracts. That is the only point in this amendment.

The Honourable Dr. John Matthai: I have had this point examined by our legal advisers and they think such a change is not necessary. The point is sufficiently provided for already.

Mr. Deputy Speaker: That means the amendment is not moved?

Mr. Naziruddin Ahmad: It is moved, but it need not be put by you.

Mr. Deputy Speaker: What about the next amendment.

The Honourable Dr. John Matthai: Same as the last one, it is not necessary.

Mr. Naziruddin Ahmad: I do not move it then.

Mr. Deputy Speaker: The question is:

"That clause 14 stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

482 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [15TH FEB. 1949]

Kazi Syed Karimuddin (C. P. and Berar: Muslim). I beg to move:

"That in clause 15 of the Bill, after the word 'shares' occurring in line two, the words 'which shall not exceed nine per cent. per annum' be inserted."

If that case, Sir, the clause will read thus:

"No banking company shall pay any dividend on its shares which shall not exceed nine per cent. per annum until all its capitalised"

The other day I have heard with great regret the speech of the Honourable the Finance Minister, which was very much distressing. It was said that the programme of nationalisation of Banks could not be enforced in the immediate future. The minimum that we expected from the Government and the Finance Department was that at least the dividend should have been fixed. On the contrary, we find though in the original Bill there was fixation of the dividend to the extent of nine per cent. we find in the Select Committee Report and after the stage of Select Committee, even that has been taken away. My submission is that those in charge of banks have earned in the past huge sums of money because dividends were not fixed. In any case, if nationalisation is not possible in the near future, it is extremely necessary that the dividend should be fixed at least to the extent of nine per cent.

Mr. Homi Mody (Bombay: General): Nine per cent of what?

Kazi Syed Karimuddin: Shares.

Mr. Homi Mody: On today's value?

Kazi Syed Karimuddin: Sir, I press this amendment. There are absolutely no reasons given as to why this provision should have been excluded at the stage of the Select Committee.

Mr. Deputy Speaker: Amendment moved:

"That in clause 15 of the Bill, after the word 'shares', occurring in line two, the words 'which shall not exceed nine per cent. per annum' be inserted."

The Honourable Dr. John Matthai: This point was explained by me in my speech with which I moved the motion for consideration. I think I explained at some length the reasons why the Select Committee decided to drop the provision relating to the limitation of dividend. As a matter of fact, there are two points of view from which the particular provision was considered. On the one hand, there are people who said that under the present conditions, that is to say, while there was the Limitation of Dividends Ordinance, and a Bill is also before the House under consideration, it was not necessary to have a special provision for Banking companies. On the other hand, there are members of the Select Committee like my honourable friend Mr. Ramalingam Chettiar who thought that nine per cent. was too high. In the end, we found the solution by omitting the provision altogether. I suggest to the House that the matter may be left as it stands.

Mr. Deputy Speaker: The question is:

"That in clause 15 of the Bill, after the word 'shares', occurring in line two, the words 'which shall not exceed nine per cent. per annum' be inserted."

The motion was negatived.

Mr. Naziruddin Ahmad: I move:

"That in clause 15 of the Bill, for the words 'tangible assets', the words 'tangible and substantial assets' be substituted."

This is a substantial amendment. In clause 15, it is provided that a banking company shall not pay any dividend unless certain expenses are written off. One of these things is, 'any other items of expenditure not represented by tangible assets'. What may be tangible assets may yet be unsubstantial. Tangible means, which could be felt by the hand, seen by the eyes and felt by the senses.

Mr. Homi Mody: The wording is 'represented by tangible assets'.

Mr. Naziruddin Ahmad: That means covered by tangible assets. "Tangible" means something which could only be felt by the senses. "Substantial assets" indicates that the expenditure is adequately covered. "Adequately represented by tangible assets", would be all right. If we do not introduce some such thing, there would be a loop-hole and much dispute.

The Honourable Dr. John Matthai: I think this is quite unnecessary. As Mr. Mody pointed out, if the thing is to be represented by tangible assets, you can see it, feel it, touch it and do everything else.

Mr. Deputy Speaker: I think I need not put it to the House.

Mr. Naziruddin Ahmad: As you feel, Sir.

Mr. Deputy Speaker: It is not a question of my pleasure. If you want, I shall put it to the House.

Mr. Naziruddin Ahmad: I do not press it, Sir.

Prof. K. T. Shah: I beg to move:

"That to clause 15 of the Bill, the following Proviso be added:

"Provided that no bank or banking company shall declare or distribute as dividend or profit any part of the profit at a rate exceeding five per cent. per annum on the paid up capital and all surplus remaining undistributed after the payment or distribution of such dividend or profit, and after due provision has been made for appropriate reserves, shall be made over to the Reserve Bank on behalf of the Government of India."

Sir, this is a principle which I have been impressing before this House for a long time and variety of reasons. Applied to this particular case, that is, of banks, I feel that the principle of limiting dividends that can be distributed, has more than one justification.

The argument which weighed with many members in the Select Committee to drop that clause that there is another measure to achieve that end. On the other side those who think that all undue profits or excessive profits should be stopped from distribution to the owners of the capital, and as such, believed that if not directly, at least an indirect restriction be placed upon the purchasing power in the hands of the community, and thereby a check be afforded to the growing spiral of inflation. This is a view that has been an argument that has commended itself in many quarters.

In principle, of course, a similar argument could be, and was urged with regard to other forms of income. But, here is a case of a generically different kind; while the income from joint stock companies shares may be said somehow to be earned, here is a form of income which is scarcely earned. The earners of Bank profits are not those who receive the dividends. The earners are a totally different section of the community, viz., the workers or employees of the bank. If, recognising their right of ownership, and in virtue solely of that ownership, you allow the shareholder this maximum share of profit, I think you are more than generous and just to them.

To my mind, Sir, the banking concern is particularly open to this charge that the shareholders do not contribute anything to the earning of the profits; and as such, in the distribution of profits . . .

Shri B. P. Jhunjhunwala (Bihar: General): On a point of order, Sir, the amendment of Mr. Karimuddin has been rejected. That limited the dividend to nine per cent. Here, the amendment is for five per cent. I think the principle has been voted down.

Mr. Deputy Speaker: I am sorry, there is no point of order, for the reason that the principle as such whether any limitation ought to be there was not put to the House, but whether it should be nine per cent. This amendment says, five per cent.

Shri B. P. Jhunjhunwala: Whether there should be limitation or not, that was the principle involved in that amendment. Here also, the same principle is involved.

Mr. Deputy Speaker: It may be involved; that was not the main point at issue. The honourable member may go on. Any how, as has been pointed out, this matter was discussed on a previous occasion as to whether there ought to be a limitation. The further question is whether it should be nine per cent or five per cent. The Honourable member may confine himself to that.

Prof. K. T. Shah: I did not quite follow your remark, Sir, whether the principle as to limitation of dividend has been disposed of. I understand, Sir, that that was yet to come in the form of another Bill. That principle has not been disposed of so far as I know.

Mr. Deputy Speaker: It is not my ruling that it was disposed of. There has been an opportunity to discuss that matter in the previous amendment.

Prof. K. T. Shah: There has been a discussion on the subject; but the House has not yet decided it except the higher rate. If the higher rate is negatived, the lower rate may still stand. Rejection by the House of a higher rate does not necessarily justify the belief that the House is also against any limitation whatsoever. However, if you will permit me to go on, I will resume the thread of my argument and continue.

I was saying that even if the proprietors of other concerns could justly be said to earn their dividend, the shareholders of a bank cannot be so described, as they are particularly that class of persons who contribute nothing to the earning of the dividend. Anything, therefore, that is allowed to them by way of dividend is really generosity on the part of the public from whom they earn this dividend.

Shri B. L. Sondhi (East Punjab: General): Does any shareholder earn anything?

Prof. K. T. Shah: No shareholder ever really earns. It is all very well for interrupting a speaker on such grounds; but when it comes to testing point, those who offer such arguments make a discreet retreat.

The point is that if we limit the banking company's profit in the manner I am seeking to do by this amendment, we would not be negativing the general idea that I think the Finance Minister had in mind when he put forward that argument about limiting dividend of all companies, and which is contained in the ordinance even now. I do not know whether the date of the Ordinance's operativeness has passed. The principle of limitation of dividends is most unquestionably justified particularly in the case of banking concerns.

The second part of the amendment goes a step further. It is in the direction of conserving the profit thus earned, viz., all the surplus, undistributed profit is not to be left at the mercy or at the discretion of the conductors of the bank—the Directors of the Bank. It is to be made over to Government,—to

the Reserve Bank in the first instance, who will hold the amount on behalf of Government.

This is a form of taxation of *Unearned Income*, which I trust will not be rejected by a Finance Minister whose next budget is expected to be, or is rumoured to be, a deficit budget. I do not exactly know how much he might gain out of this source. I am not prepared to say myself whether it will go a long way to relieve the deficit; but certainly it will be a laudable exercise of his Liberalism—if I may use the term—if he would put an end to the unlimited gain that the proprietors of banks derive. I hope therefore the House will accept this amendment.

Mr. Deputy Speaker: Amendment moved:

"That to clause 15 of the Bill, the following Proviso be added:

"Provided that no bank or banking company shall declare or distribute as dividend or profit any part of the profit at a rate exceeding five per cent. per annum on the paid up capital and all surplus remaining undistributed after the payment or distribution of such dividend or profit, and after due provision has been made for appropriate reserves, shall be made over to the Reserve Bank on behalf of the Government of India."

The Honourable Dr. John Matthai: I think it is quite unnecessary for me to repeat the arguments which I have placed before the House more than once. So I am not able to accept this amendment. I have always stated that this matter must be taken up as part of the general programme and secondly, while there is a provision affecting dividend payable by a company, this is not the period for introducing a provision specifically applicable to the banking companies and the rest of the amendment is simply consequential of the first and therefore I do not want to argue about it.

Mr. Deputy Speaker: The question is:

"That to clause 15 of the Bill, the following Proviso be added:

"Provided that no bank or banking company shall declare or distribute as dividend or profit any part of the profit at a rate exceeding five per cent. per annum on the paid up capital and all surplus remaining undistributed after the payment or distribution of such dividend or profit, and after due provision has been made for appropriate reserves, shall be made over to the Reserve Bank on behalf of the Government of India."

The motion was negatived.

Mr. Deputy Speaker: The question is:

"That clause 15 stands part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Shri B. P. Jhunjhunwala: Is it to be supposed that Government does not contemplate limitation of dividends in the form of any other Bill?

The Honourable Dr. John Matthai: There is an Ordinance at present in force and question of transforming that Ordinance into an Act of this Legislature—that question is before the House.

[At this stage Mr. Deputy Speaker vacated the Chair, which was then occupied by Pandit Thakur Das Bhargava (one of the Panel of Chairmen)].

Prof. K. T. Shah: I move:

"That after clause 15 of the Bill, the following new clause be added:

"15A. (1) The policy of every banking company shall be governed and regulated by a Board of Directors, consisting of not less than seven and not more than eleven Directors, of whom—

(i) not more than half shall be elected by the shareholders from amongst themselves;

(ii) not more than one third of whom shall be nominated by the Government of India, on the advice of the Reserve Bank of India, to represent the deposit holders in the Bank, with due regard to the proportion between demand and fixed deposits;

[Prof. K. T. Shah]

(iii) and at least one Director shall be nominated by the Government of India, on the advice of the Reserve Bank, from amongst the members of the staff and employees of the bank to represent the staff and employees; and

(iv) one Director shall be nominated by Government of India, on the advice of the Reserve Bank, to represent the customers of the bank not included in any of the above categories.

(2) The Reserve Bank of India shall make rules to regulate the procedure of election or nomination of the Directors mentioned in sub-section (1), and prescribing the qualifications and experience required for such election or nomination in each case:

Provided that no Directors shall hold office at any time for more than two terms in succession."

Here is an evidence of my intention to save the time of the House in commending several points that are included in this one composite amendment. I could have put them forward each in a separate amendment, and that would have involved some waste of the time of the House. I trust the House would appreciate the desire on my part to be careful of its time and patience: and will give me a hearing on the subject, which I promise would be in as short a space as I can manage to put my arguments in.

In this case the first proposition may be taken to be understood, viz., that the policy of the banking company shall be governed and regulated by a Board of Directors. That is a matter of course that every company would have a Board of Directors, and it may be said that it is unnecessary to have brought it in by a specific amendment. My only excuse for having done so is that the several categories or interests, which I wish to get represented on the Board of Directors, could not have come in merely by taking it for granted that there is a Board of Directors.

That being premised, I now shall proceed to justify the number that I have suggested should be the upper and lower limit of the total personnel for the Board of Directors.

I do not think an excessively large board would contribute to the efficient working of an institution like a bank. It may be that every bank has branches in several parts of a province, or the country, the local conditions of which may not be known to the Central Board. It may accordingly be quite possible that local Directors, if any, are recruited for just a particular area or zone in which a branch or branches operate, while the general policy of the Bank rests with the Central Board. It must be compact and manageable.

On the other hand, too small a number will also be undesirable; for the variety of functions that the bank discharges—even a commercial bank has to perform—will not be satisfactorily attended to if the number is so small that there is no specialization possible.

I know that, as a matter of ordinary custom, bank directors are chosen, not by their special knowledge or experience in regard to any part of the banking business. Their only qualification usually is the length of their bank balance. In proportion, therefore, as they can sign a big cheque or not they are selected as bank directors.

I have, however, in mind a kind of director who would not be only a fee-receiver. He would be something more. In the last century—and I do not know if it is not so in the present time—a very expressive term was invented to describe directors of companies who were content only to receive fees. They were known as Guinea-Big directors. Far be it from me, Sir,

to suggest that the most "respected" element of society, the bank director, is anywhere near that highly-prized laboratory specimen of the biologist. But in this case, Sir, I think the Bank director nevertheless ought to be a little more valuable and able to contribute something much more substantial to the working of the Bank than the usual type of directors in companies is.

I have, therefore, thought it necessary to lay down the minimum number so that there is some chance of some directors really directing and not merely receiving fees. I hope that this argument would commend itself to those who have it in their hands to conduct banks. Even if the amendment is not accepted, which is not a remote contingency, then too, they will, I hope, bear this free advice in mind. I know free advice is not usually listened to; and therefore may be not wanted. But at the same time, since bankers profess to render public service, I see no reason why I should not co-operate, and do part of my duty in giving them this free advice.

With regard to the next item of my amendment the categories that are to be represented should be the shareholder, the depositor, the employee and the customer. The most important in my opinion what is necessary, much more just and proper, is to have represented on the Bank Directorate the depositors. These are really the elements which contribute, if at all, to that volume of working capital, by which banks earn their profits. The deposits are usually several times over the shareholders' money. The shareholders, of course, I have put in the forefront, because even I am not prepared to invite this House to accept my logical view that there should be no representation for shareholders. I know it would be useless for me to put forward such a proposition, however logical and sound in theory it may be and as I have no desire to qualify myself for an inmateship in a lunatic asylum, I have refrained from giving you any such proposition.

I trust this sign of my innate moderation and wisdom will be appreciated by those who have the charge of this Bill in their hands; and that they will realize that when we give to the shareholders, who are the least operative and the least useful part of the Bank proprietorship, such as one half of the directing influences, we have done more than justice to the reasonable and legitimate claims of the shareholders.

That portion, on the other hand, of the sinews of war, which is several times more than share capital,—my honourable friends the bankers in the House will be able to tell us how very much more in proportion is the importance of the deposit-holder, as against share holder if only justice was done to everyone in this world, should get some representation. That at least should be given some recognition, and I am asking for no more than one-third.

Sir, it is some time since I have adopted the practice in public meetings not to address any meeting by beginning with "Ladies and Gentlemen", because I hold the view that "gentleman", according to the true authoritative dictionary definition of the Oxford English Dictionary, is one who lives upon his means, that is upon other people's labour, and therefore he is an excellent specimen of a parasite! (Mr. Homi Mody: "In your meetings there are no gentlemen!") No, people like you never attend my meetings; and therefore I am bereft of having "gentlemen" in my meetings of that type. And "ladies" are those who live on gentlemen, and therefore they are parasite into parasite or parasite square. So I have given up that practice. I have mentioned this here because I hold the depositor is like "gentleman", and the shareholder like "ladies"; and therefore their claim to receive any share, or dividends, or representation is in my opinion necessarily limited. But again, appreciating the present mood of the community, and thinking of the accepted notions in such a matter, I have to be moderate, and so have put forward only a very very moderate claim on behalf of the depositors, I trust it

[Prof. K. T. Shah]

would be recognised that the depositor is a real contributor to the working capital of the bank; and that my plea will therefore not go unheard. I hope, therefore, that at least so far as this portion of my amendment goes it will be accepted.

May I, Sir, mention in this connection a parallel. Recognition has been given, and an analogy has been forthcoming, in other parts of our legislation, whereby for instance in the Insurance Companies, where a special policyholders' director is appointed. I am, therefore, asking for nothing revolutionary, when I suggest that there should be some representation for the Depositors who are similar to policyholders on the directorate.

Even for mere mortgages in an ordinary industrial or commercial company, the debenture holder is entitled to have a trustee of his to see that the interests of the Debenture holder or mortgage, are not neglected by the other directors of a concern. This is another well known precedent. I think that in this case, the demand, the suggestion of the amendment that the depositors should be represented in some proportion on the Board—and mine is a very modest proportion—will, I trust not be unacceptable to the House.

I next come to that element which in my opinion is the real source of all profit. It is the creator naturally of all the additional or surplus value in the community—namely, the workers in such concerns. It has become a very glib saying, and quite a fashionable fad, now a days that the workers should be asked to co-operate: the workers should join hands with the masters, or shall we call them employers: and, therefore, they should be asked to do the utmost work on the least favourable conditions their masters choose to offer them: and as for the policy or activities which determine the success of the undertaking, they shall have no voice in them. I hope there is no one in this House now, at this time of the day, who would quite frankly and brutally accept such a proposition. That I expect of course from those who are "gentlemen", but not from sensible people. The possibility then of some recognition of the source of all value, namely human labour, will not be too remote to contemplate and too fantastic to accept.

The proportion given to the employees by this amendment of mine is extremely small, almost negligible. And further, its appointment is entrusted to the Government of India who will act in such matters on the advice of a bank to recommend. In both cases of depositors as well as staff and employees I have suggested that the nomination should be by the Government of India on the advice of the Reserve Bank. And my reason for suggesting it also is quite clear.

There are some objections to my suggestion which I can anticipate and answer. It has been said, for instance, that the depositors are an ever-changing community. Hence to accord recognition to them in the shape of any representation on the Board of Directors would be to grant representation to a changing quantity. I do not think this argument is quite correct, because even the shareholders change. The shareholders are, for example, also those who are registered on a particular date and only those are entitled to participate in the election of directors when an election comes round. In the case of the depositors the same regulation may be made, if you wish to be fair and just to the depositors. That is to say, the depositors as on a given date may be regarded as a body by themselves, who may elect, just as the shareholders registered on a given date elect.

I know, of course, that the election of Directors by shareholders also is something like a farce, except in concerns, which, for one reason or another,

provoke disproportionate publicity and the shareholders' annual meetings are much more active than Directors or managing agents would desire. The depositors may be still more inactive. Hence for fear that an unusual principle in its very beginning may be made futile, brought into needless ridicule, I suggest that the Government of India may act as trustee and on their behalf; and they may make appointment of a proportion or a number of directors who will look after their interests.

The same logic applies in the case of employees and staff of the banks. These are, as I have already said, the real makers, the real earners of the profits. To exclude them altogether from any seat on the Board or share in directing the policy or conducting the activities of an institution like a bank,—which after all is a public utility service,—is I think mistaken, mistaken not only in the interests of the bank itself, but mistaken also in the larger interests of the country. I hold this view because one day, however remote though it may be in the conception of my honourable friend, the Knight of the Money Bags, Sir Homi Mody or Mr. Mody, one day you will have to take over all public utilities. And when you have to take them over such a utility as a Bank you must find the personnel necessary and qualified to carry on these activities. If these activities have to be carried on by really qualified persons, then I think it is high time we begin now to give some representation to the workers, in the bank on the Board of Directors, on the highest place, on the highest authority regarding the conduct of the affairs of the bank.

All your claim, all your scheme for profit-sharing, for instance, would be useless or meaningless, so long as the determination of the profit is done exclusively by the proprietors or their representatives on the Board of Directors. There are ways and means by which profits can be made up, can be cooked, can be shown at a lower level or higher level, as you desire. And unless the workers are properly associated from the start, so to say,—unless the workers know how these profits are earned or made up, they would be justified in distrusting any scheme of profit-sharing.

I am, therefore, suggesting that, in this pre-eminent profit-making institution, namely a bank, it would be useful, and I think just as well necessary that we should have representatives of workers on the board of directors. That, therefore, is the justification for the next part of my amendment.

There remains only the last part of that section of the amendment which concerns the customer. The customer is the least represented in the direction of a bank's policy. In a co-operative institution, no doubt, the customer is most important; and no one has suggested that any lack of success,—assuming that there is any in the co-operative bank,—is due to the fact that customers were conducting or shaping the policy of the bank and taking part in its activities also. If it can be so in the case of a co-operative bank, why should it not be so in the case of commercial banks, where, presumably, the ordinary customer is as directly concerned with the daily business of the Bank as anybody else; and therefore would be in a position to advise on the Board of Directors quite as well as the ordinary director himself.

We have, indeed, a provision in the Act that directors cannot get for themselves unsecured loans from the Bank they direct; and, therefore, the customer, subject to this Act, if he happens to be elected as director or nominated as director, will certainly not be entitled to benefit himself only in the conduct of the bank's operation.

Best, however, that possible danger may dispose any section of the House against this amendment, I am trying to secure that, not the floating elements which make up the customers, but Government acting on behalf of the community as a whole, shall nominate one person on the Board to represent this floating or changing element of customers. After all the ultimate customer of

[Prof. K. T. Shah]

all banks is the community as a whole. Therefore the Government should act as the trustee of the community. There is nothing improper in it. In fact it is but right and proper that the Government should do so.

All these categories are those which are most vitally interested in the successful operation of the bank; and as such I suggest that they should be all given their due share, or at least some share on the Board of Directors, so that they may be associated in shaping the policy and overlooking the conduct of the affairs.

One word more with regard to the last part of my amendment, namely that the Reserve Bank should make rules prescribing the qualifications for directorship whether elected or nominated. The rules, of course, may relate only to the procedural side, whether of election or nomination; but they must include some definite qualifications being prescribed for appointing or electing directors. This, I take it, will apply not only to the shareholders' directors and these three other categories—depositors, employees and the customers. Unless and until the directors are qualified, until and unless they have the necessary knowledge, training and experience, the entire Banking system may suffer. The entire business may suffer: all the more so, since at least as much as half of the total board may consist of representatives of the shareholders. I take it therefore that the qualifications prescribed by the rules shall apply as much to the directors chosen by the shareholders as those elected by the depositors or by the staff or employees or by the customers, or by all these or by Government on behalf of all these.

These qualifications, I further suggest, need not be necessarily restricted to the possession of certain capital holding in the bank, or certain deposit holding. But even if you have that (We can lay down as one of the qualifications the possession of some share or some other stake in the success of the bank) I suggest that there must be more positive, additional, and substantial qualifications which may justly rank as a reasonable claim to some knowledge and understanding of banking business. What those qualifications should be I am not presumptuous enough to say, prescribed here. I am leaving it to the Reserve Bank to make rules laying down these qualifications. Since the authority to lay down the rules will be pre-eminently that of the bankers' Bank, the national central bank or the credit institution of the country, I trust no one will look with suspicion and distrust upon this national organisation making rules of the kind suggested here.

For all these reasons I commend this very important amendment which I have the honour to place before the House and I trust the House will accept it.

Mr. Chairman: Amendment moved:

"That after clause 15 of the Bill, the following new clause be added:

- 15A. (1) The policy of every banking company shall be governed and regulated by a Board of Directors, consisting of not less than seven and not more than eleven Directors, of whom—
- (i) not more than half shall be elected by the shareholders from amongst themselves;
 - (ii) not more than one-third of whom shall be nominated by the Government of India, on the advice of the Reserve Bank of India, to represent the deposit holders in the Bank, with due regard to the proportion between demand and fixed deposits;
 - (iii) and at least one Director shall be nominated by the Government of India, on the advice of the Reserve Bank, from amongst the members of the staff and employees of the bank to represent the staff and employees; and
 - (iv) one Director shall be nominated by Government of India, on the advice of the Reserve Bank, to represent the customers of the bank not included in any of the above categories.

- (2) The Reserve Bank of India shall make rules to regulate the procedure of election or nomination of the Directors mentioned in sub-section (1), and prescribing the qualifications and experience required for such election or nomination in each case:

Provided that no Director shall hold office at any time for more than two terms in succession."

Srijut Rohini Kumar Chaudhuri: In all the past amendments moved by my honourable friend Prof. Shah it was always possible for a layman to make a distinction or make two divisions, one acceptable and the other unacceptable, one thinkable and the other unthinkable. We could make such broad divisions in all his past amendments. But in the case of his present amendment I am afraid no such distinction can be made. I am of opinion that none of the provisions which my honourable friend seeks to introduce would be acceptable if we examine the provisions carefully. First of all I consider it to be an arbitrary proposition that all banks must have directors not less than seven. Let us think for a moment of a bank which has been newly started and which has a comparatively small capital. If you insist that that bank should have not less than seven directors it will not be wise. At the same time in a big bank where a large sum of money is involved, large amount of capital has been invested and large amount of deposit has been taken, would it be wise to restrict the number of the directors to eleven? So I find it extremely difficult to accept the very first addition which my honourable friend has laid down in his amendment.

Coming to the clause in which he says that of the directors "not more than half shall be elected by the shareholders from amongst themselves" this clause is like turning out the owner of the house and occupying the house yourself. The shareholders in a bank or in any concern are in my opinion the persons more largely interested than anybody else. Just think for a moment of a concern which is not a banking concern and there you want to introduce somebody into the responsible position of director in the board of directors. At least you ought to have allowed the majority of the board of directors to be taken from the shareholders because they are the persons whose interest is largely at stake. So, that in my opinion is a very arbitrary proposition and should not be accepted by the House.

Then I come to the second sub-clause which says that "not more than one-third of whom shall be nominated by the Government of India, on the advice of the Reserve Bank of India, to represent the deposit holders in the bank, with due regard to the proportion between demand and fixed deposits". Now, this is a very difficult proposition and I do not know if my honourable friend has considered this matter in all its aspects, whether it is a practical proposition at all. Take for instance the case of the demand depositors. They are more or less transient beings. You will have a current deposit today and you may not find it the next morning. So I think it is rather going too far to give the demand depositors a representation in any bank. After all what interest has he got? He has not got any permanent interest in the bank. Demand deposit is removable at any time. Why are you so anxious to give representation to the demand depositors I cannot understand. Even in the case of fixed depositors the fixed deposits are only for a fixed period. Fixed deposits are not kept in the banks for all time. Why should they have any representation and why should they have as much or as substantial a representation as one-third of the whole board of directors. (*Shri B. L. Sondhi:* They may have drawn their deposits also.) My honourable friend Mr. Sondhi does not speak out in this Banking Companies Bill because he is afraid of wasting some time and afraid of persons who are interested in another Bill probably. So he is just giving out his views by way of interruption.

[Srijut Rohini Kumar Chaudhuri]

I also want to draw the attention of the House to the very impractical character of this proposition. Why is the Government of India going to bother its head about all sorts of banks which are going to be started in the country, and why should the Government of India take the responsibility of foisting upon the board of directors some member whom the Government of India consider fit? Why should they do it? And why should the Reserve Bank of India go about scanning the leaves of all the shareholders of different banks and find out from them persons whom they can recommend for the board of directors on any bank? Suppose a bank is started in the far eastern corner of India and certain persons have taken shares in it, how can the Reserve Bank go about inquiring and find out who amongst them are most deserving of nomination by the Government of India as a director of that bank? Therefore I say that in these days when both the Government of India and the Reserve Bank should be busy in chalking out a policy of nationalisation of banks, of which a large section of the House seems to be so much in favour, why should they fritter their energy and bother themselves in hunting out suitable members for the board of directors of banks?

The third sub-clause which my honourable friend has put in here runs as follows: "and at least one Director shall be nominated by the Government of India, on the advice of the Reserve Bank, from amongst the members of the staff and employees of the bank to represent the staff and employees". It is a most absurd proposition. Nobody could think of it. I know that in some educational institutions aided by Government and which have a managing committee, the staff is represented on the managing committee. If my honourable friend has taken the analogy from that I cannot praise him for doing so. It is one thing to run an educational institution and it is quite another thing to run a banking concern. To introduce into the board of directors of a banking concern representation from the staff is asking for something too much because after all it is the staff which has to be managed by the board of directors themselves and if the staff can come in their midst and thereby prevent or stand in the way of a proper criticism of the work of the staff, that would mean something which will very seriously hamper the work of the board of directors.

The next thing which my honourable friend will probably ask in a Managing Committee of an educational institution would be that the students should have a seat in the Managing Committee of a school. Already, Sir, a system has been started, and I think it has been started in various places in India, whereby the students have themselves now and then taken upon themselves the duty of selecting their teachers, making representations to the Managing Committee that a certain teacher is bad or that certain teachers ought to be changed. That sort of a thing may be a sort of an amusing pastime but it cannot be seriously considered in a banking concern. So, I say that even if my honourable friend is so ambitious as to ask the House to accept this amendment, he should at any rate withdraw the amendment in sub-clause (iii) which, in my opinion, is quite absurd.

Then, the most stunning blow which this amendment gives is what is contained in sub-clause (iv). It is an astounding proposition and it will take years for the Government of India to institute proper investigation and to oblige the honourable Mover in complying with what he wants in this clause. This clause says that the Directors shall be nominated by the Government of India on the advice of the Reserve Bank, to represent the customers of the bank not included in any of the above categories. Where are you going to find out all the customers of the bank? And from among the customers of

the bank the Reserve Bank shall have to select somebody and submit a recommendation to the Government of India and the Government of India out of a panel of the list which is given by the Reserve Bank of India, has to find out a suitable customer who will be able to represent them in the Board of Directors.

Who are the customers, may I ask? Does the honourable member refer to the borrowers of the banks as the customers, or the depositors again come as customers? The depositors are already covered. Sir, I do not understand what actually is meant by "customers" in this clause. And where can they be found and how can their list be prepared? Supposing my honourable friend Mr. Jhunjhunwala gives me a cheque—which he some times does, by the way—and I cash that cheque in some bank, am I the customer of that bank on whom he has issued the cheque, or am I not? So, if I am the customer, then there are two customers in one transaction. He is a customer because he has issued the cheque, and I take the cheque and give it to Mr. Ahmed; I take the cheque and I become a customer and Mr. Ahmed actually cashes the cheque in some bank and he also becomes a customer. So, in one transaction there can be several customers and how can you find out these customers?

The honourable mover of the motion perhaps desires as a sort of a set-off on account of the rather unkind treatment which he has received at the hands of the Select Committee and also the Honourable Minister who has in most of his points not seen eye to eye with him and has given a lot of trouble, as a sort of a revenge he wants the Honourable the Finance Minister to go about in the country, search out the customers, hunt out the depositors, look at the employees of the different banks and then make up his mind whom he should nominate, whether he should accept the recommendations of the Reserve Bank or not.

An Honourable Member: Sir, it is already one O'clock.

Mr. Chairman: He is finishing now.

Srijut Rohini Kumar Chaudhuri: I have not finished, Sir.

Mr. Chairman: Then the House stands adjourned till 2-30 P.M.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Srijut Rohini Kumar Chaudhuri: I will now make my observations on the sub-clause (2) of this new Clause 15A. Sub-clause (2) says that "the Reserve Bank shall make rules to regulate the procedure of election or nomination of the Directors mentioned in sub-section (1) and prescribing the qualifications and experience required for such election or nomination in each case." There is a proviso, which says "that no Director shall hold office at any time for more than two terms in succession." Presumably, the word "election" in this sub-clause refers to the election of Directors from amongst the shareholders, because the other sub-clauses do not refer to any election but are confined to nomination. Now, I would most strenuously resist this sub-clause on the ground that now you are going to invite the Reserve Bank of India to lay down qualifications for election as Director of a banking concern. All banking concerns which are now in existence have in their Articles of Association laid down qualifications of Directors and also the procedure by which they will be elected. If the House accepts this sub-clause, it will mean that new qualifications which may be different from those laid down in the Articles of Association and new procedure for election will have to be adopted. That cannot

[Srijut Rohini Kumar Chaudhuri]

be supported by any banking concern. On the other hand, there will be a lot of row if you are going to tell the existing banking concerns, "Look here, you have to modify your Articles of Association, you have to modify your procedure. This is the new qualification laid down by the Reserve Bank and those who are not qualified according to it will have to go out of the Board of Directors." It may so happen that by the new rules which will be laid down by the Reserve Bank most of the shareholders of the bank will have been disqualified and prevented from having a position in the bank itself.

That is about qualification. Now about experience. I have a very great quarrel over this word "experience". Now, what do you mean by "experience"? Is it the experience of a Director, or experience as a successful businessman, or experience as a retired Government servant in a responsible position, which will be a qualification? What is the experience you want? Furthermore, it becomes a good contradiction—whether long experience is wanted or even a short experience will do. In all matters where experience is wanted, the longer the experience the greater the value we attach to it. Now, my friend Prof. Shah has limited by this proviso the experience to a period of two terms.

Mr. Speaker: May I know whether the honourable Minister proposes to accept this amendment?

The Honourable Dr. John Matthai: No, Sir, I am not going to accept it.

Mr. Speaker: Therefore, the opposition is unnecessary now. Let us proceed to the next clause.

Srijut Rohini Kumar Chaudhuri: It is better to know the thing and give one's vote. The Minister may oppose it, but am I not entitled to give my views on this subject?

Mr. Speaker: Certainly, but the point is that we have a very long Bill and a large number of amendments, and the same arguments are being repeated.

Srijut Rohini Kumar Chaudhuri: I am not repeating.

Mr. Speaker: The honourable member is not repeating his own arguments, but the arguments advanced by others. Practically, the points are the same and generally-speaking, the arguments are being advanced over and over again. It is difficult to say which is being repeated and which is not being repeated. Now, that the honourable Minister does not accept the amendment, the honourable member may put his points very briefly. He need not take a long time.

Shri Bihari Lal Bhargava (Ajmer-Merwara): But in spite of the Minister's not agreeing to the amendment, still the amendment may be acceptable to the majority and therefore my friend's arguments may help us.

Mr. Speaker: Theoretically, everything can be argued, but we have to see whether we are utilising the time of the House to the best advantage or not.

Srijut Rohini Kumar Chaudhuri: So far as this amendment is concerned, no one has spoken excepting Prof. Shah and now myself. When I began to speak, the Honourable Minister had not expressed his views, and I do not know—sometimes by accident some amendments of my honourable friend Mr. Ahmad are accepted.

Mr. Speaker: Therefore, I put it to the honourable Minister whether he is going to accept it or not. However, the honourable member may shortly state his points.

Srijut Rohini Kumar Chaudhuri: I have two points. I will deal with them one by one. As regard experience, I pointed out how, if this proviso is accepted, short experience seems to be preferred to longer experience. As regards nomination and qualifications to be laid down for nomination, what are the qualifications in case of depositors? Whether a fixed depositor will be preferred or a depositor who has a current account will be preferred—this point has to be seen. As regards the experience and the qualification of the employee, whether it is educational qualification or the higher position of the employee in the office should be given preference.

Thirdly, as regards shareholders even, we find among the shareholders there are some who invest large sums of money, but who are not educationally as qualified as other shareholders. There are graduates, M.A.s. and doctors also among shareholders. We do not know whether these latter should be preferred or whether a man who is ignorant or illiterate should be preferred just because he has invested large sums of money, in the matter of election or nomination. Sir, I keep an open mind, though I oppose this amendment. There may be some points in it which may commend themselves to the House, and it is just possible that the amendment is accepted by the House.

The Honourable Dr. John Matthai: I oppose this amendment. As regards the appointment of directors is concerned, the proposal embodied in the Bill is that the appointment of directors of banking companies should be regulated under the relevant provision in the Companies' Act, Sec. 83 (a) and Sec. 87. The scope of this Bill is limited. It is intended to prevent the more serious abuses which have crept into our banking system, particularly in the war period, and for this purpose we think it unnecessary to introduce such drastic provisions regarding the directors of banks. It is impracticable for Government to nominate the directors of banks in the whole country. It is quite an impracticable thing. Apart from that, if the Government and the Reserve Bank accept responsibility for the management and supervision of every banking company in the land, such a responsibility will place them in a very embarrassing position.

As regards the depositors, it is a very difficult question, and it stands on the same footing as the representation of consumers in an industry. Naturally we take it that the Government which represents the whole community would be representative of the depositors and the consumers. In fact the whole purpose of this Bill is to prevent the interests of depositors and of customers directly being jeopardised. The general prohibition with regard to the various practices of bankers which are likely to adversely affect the interests of customers will, I think, be quite sufficient; and I do not think any purpose will be served by accepting Professor Shah's amendment.

Mr. Speaker: I put the amendment to the vote of the House.

The question is:

"That after clause 15 of the Bill, the following new clause be added:

15A. (1) The policy of every banking company shall be governed and regulated by a Board of Directors, consisting of not less than seven and not more than eleven Directors, of whom—

- (i) not more than half shall be elected by the shareholders from amongst themselves;
- (ii) not more than one third of whom shall be nominated by the Government of India, on the advice of the Reserve Bank of India, to represent the deposit holders in the Bank, with due regard to the proportion between demand and fixed deposits;
- (iii) and at least one Director shall be nominated by the Government of India, on the advice of the Reserve Bank, from amongst the members of the staff and employees of the bank to represent the staff and employees; and
- (iv) one Director shall be nominated by Government of India, on the advice of the Reserve Bank, to represent the customers of the bank not included in any of the above categories.

[Mr. Speaker]

- (2) The Reserve Bank of India shall make rules to regulate the procedure of election or nomination of the Directors mentioned in sub-section (1), and prescribing the qualifications and experience required for such election or nomination in each case:

Provided that no Director shall hold office at any time for more than two terms in sub-session."

The motion was negatived.

Mr. Speaker: I find that we have been in this clause by clause consideration of the Bill, for more than two days and we have not got to more than about half of it. So I have two things in mind to save time, without interfering with the proper discussion of the subject. One is that I propose to request the Honourable Minister to intervene and give out his views on any amendment as it is moved. That will clarify the position of the Government to the House; and only those who do not agree with the Government may find it necessary to make long speeches in support of the amendment, if the Government is opposed to it, or in opposition to the amendment, if the Government is inclined to accept it. That will materially save the time of the House.

The second suggestion is that, though I am very much unwilling to impose any time limit for a particular amendment, I think I shall have to request Members to agree to some such convention, so far as this Bill is concerned, if we find that any particular amendment is being debated for an inordinately long time. But I hope we shall not have to resort to it, if we follow the first procedure that I have suggested.

Prof. N. G. Ranga: I hope this procedure will be relevant to this particular Bill only.

Mr. Speaker: What the honourable member perhaps means to ask is whether this procedure is restricted to this particular Bill. Yes, and to other Bills in similar circumstances. My point is that everything will be judged on its own merit. This is not necessarily a precedent. I do not want to have any time limit whatever in the matter of a legislation. But as we go on with this Bill, it is inevitable that arguments are repeated over and over again, different aspects are stressed at different times, the substance of the arguments being the same.

Prof. K. T. Shah: Sir, I move:

"That in clause 16 of the Bill, after the word 'is', the words 'himself or whose father or brother or nephew or partner' be inserted."

Mr. Homi Mody: Or father-in-law?

Prof. K. T. Shah: No fathers-in-law.

Sir, the amended clause would read thus

"No banking company incorporated in a Province of India shall have as a director any person who is himself, or whose father, or brother, or nephew, or partner is a director of another banking company."

This is intended to guard against a banking directorate becoming more or less a close concern, an exclusive field in which, by means of inter-locking arrangements, the entire control of the banking system is reserved, so to say, for a very small number of persons, in effect.

Sir, I have listened with the utmost respect and attention to what you were pleased to say a few moments back; and I can assure you that, for my part, I have taken every word of it to heart. I shall try my very best to carry out what you have said. But, may I, with all respect, submit that this is a very important and an organic measure, on the proper construction of

which depends, not only the welfare of the present generation, but even of the future generations. This is a service which goes to the very root of the matter, and it needs to be looked at from a variety of angles. The arguments, therefore, advanced for the several amendments by several speakers may sound like repetitions. But, speaking for myself, I can assure you that I shall try to avoid any repetition. (*Shri B. L. Sondhi:* "But you have no further amendments") I have no more amendments, not because I have become out of breath, but because I have some consideration for other people, too.

The intention of this amendment is to avoid the possibility of banking directorates becoming a close-geld, for personal relatives or business associates, of bank directors. If they by their relatives and associates become directors in Bank after Bank, there would soon be a monopoly of directorships for a small section. Persons belonging to one bank should not be appointed directors in another bank. That, I think, is a straight proposition; and as such, ought not to be objected to. I hope the House will accept the amendment.

Mr. Speaker: Amendment moved:

"That in clause 16 of the Bill, after the word 'is', the words 'himself or whose father or brother or nephew or partner' be inserted."

The Honourable Dr. John Matthai: Sir, I oppose this amendment. I think it is unreasonable, unworkable and unsound to visit the sins of a director upon his father, brother, nephew or partner.

Shrijiit Rohini Kumar Chaudhuri: I support the principle contained in this amendment from this point of view. Why it is necessary to have this provision is this. A director of a Bank, if he is also a director of another trading concern, or Bank, might be in a position to influence the board of directors to advance money to that other firm or Bank without any security, or with insufficient security or for any other reason for which this bank may suffer. If that is so, it is necessary that the near relations of the board of directors of a bank should not be allowed to have any interest in any other concerned. Otherwise, the *benami* system will take place. Suppose I am a director of a bank, I cannot be a director of an Insurance company or Bank. What I shall do is, just to help my son or son-in-law or somebody who is a near relation to be a director of that concern. The whole object of this Bill will be frustrated unless you have a restriction on the lines of my honourable friend Prof. Shah's amendment. So this aspect of the matter may be considered by the honourable Minister.

Mr. Speaker: I shall now put the amendment to vote.

Shri B. P. Jhunjhunwala: On a point of clarification, Sir, will it apply to the existing banks? Suppose a man is a director of so many banks, will he retire as soon as this Act comes into force?

The Honourable Dr. John Matthai: Yes.

Mr. Speaker: The question is:

"That in clause 16 of the Bill, after the word 'is', the words 'himself or whose father or brother or nephew or partner' be inserted."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 16 stand part of the Bill".

The motion was adopted.

Clause 16 was added to the Bill. ...

Clause 17 was added to the Bill.

Mr. Naziruddin Ahmad: I move:

(i) "That in clause 18 of the Bill, for the words 'on the Friday of each week' the words 'on Friday of each week' be substituted."

ii) "That in clause 18 of the Bill, for the words 'on each such Friday', the words 'on each Friday' be substituted."

The Honourable Dr. John Matthai: Sir, I accept the amendments.

Mr. Speaker: The question is:

"That in clause 18 of the Bill, for the words 'on the Friday of each week' the words 'on Friday of each week' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That in clause 18 of the Bill, for the words 'on each such Friday', the words 'on each Friday' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Shri O.V. Alagesan (Madras: General): Sir, I move:

"That in sub-clause (2) of clause 19 of the Bill, for the word 'forty' wherever it occurs, the word 'thirty' be substituted."

I remember the Honourable the Finance Minister in his reply to the debate in the course of the general discussion has agreed to reduce the forty per cent. to thirty per cent. and I hope he will accept this amendment.

The Honourable Dr. John Matthai: I will accept the amendment.

Mr. Speaker: The question is:

"That in sub-clause (2) of clause 19 of the Bill, for the word 'forty' wherever it occurs, the word 'thirty' be substituted."

The motion was adopted.

Mr. Naziruddin Ahmad: I move my amendment. I would like to know whether it will be accepted.

The Honourable Dr. John Matthai: No.

Mr. Naziruddin Ahmad: I move:

"That in clause 19 of the Bill,—

(i) the first proviso to sub-clause (2) be omitted; and

(ii) in the second proviso to sub-clause (2) the word 'further', occurring in line one, be omitted."

This proviso reads:

"Provided that a banking company shall not be liable for an inadvertent contravention of the provisions of this sub-section if it had not been guilty thereof for a period exceeding two months and if it satisfies the Reserve Bank without delay that such contravention was inadvertent."

There is an attempt to excuse deliberate contravention of the provisions of the clause. I submit this would be extremely mischievous and this should be entirely deleted.

Shri L. Krishnaswami Bharathi (Madras: General): The wording is, "inadvertent contravention".

Mr. Naziruddin Ahmad: It purports to be inadvertent contravention, I shall show there could be no inadvertent mistake anywhere in a bank. Under sub-clause (2), a bank cannot possibly be the owner whether as pledge mortgagee or absolute owner, of the shares of another company, exceeding thirty per cent. of the paid up share capital of that company and also it cannot subscribe to or hold as pledgee, mortgagee or as absolute owner any shares in excess of thirty per cent of that company. Where is the chance of any inadvertent mistake? Is it possible for anybody to make a mistake as to what is the share capital of a limited company? These are public figures. Any limited company has a

defined and well known share capital which is known and which is at any rate knowable, and the share capital of his own concern is also known. How can it be possible that a man inadvertently subscribes or takes shares more than thirty per cent. of another company? I submit that this could not be inadvertent. What is the consequence? On a point of clarification, I would like to know whether this is a provision against the prosecution of inadvertent contravention. Is it so? (*The Honourable Dr. John Matthai:* 'Yes.') I shall show also that a prosecution would not lie, because, here, the liability is that of the 'company'. The proviso says: "Provided that a banking company shall not be liable....." you cannot prosecute a company. The only penalty provided is in sub-clause (4) of clause 46. Sub-clauses (1) to (3) deal with different matters. Sub-clause (4) says:

"If any other provision of this Act is contravened, or if any default is made in complying with any requirement of this Act or of any order made thereunder, every director and other officer of the banking company who is knowingly a party to the contravention or default, shall be punishable....."

So, a man cannot be punished under the penalty clause for any contravention which is done unknowingly. The safeguard which is attempted to be provided through the proviso in question is sufficiently provided for in sub-clause 4 of clause 46. The prosecution can only be of a director or an officer who knowingly contravenes or is a party to the contravention. The proviso under consideration tries to save a company which can never be prosecuted under the penalty clause. So the proviso is inapplicable to any conceivable set of circumstances. It is impossible, thus, in normal circumstances, to conceive of an inadvertent mistake on the part of a banking company. We are laying down a procedure against principles of sound banking. The proviso should be deleted. In fact, if we allow this proviso to stand, it would rather open the door to fraud and knowing contravention; and whenever any body is caught, he would say "this is inadvertent". The Reserve Bank will have to be approached and they will have to be satisfied that the contravention was inadvertent and so on and so forth, and then the contravention must last for two months and so on and so forth before any prosecution could be launched.

I submit the safeguard which is a normal safeguard that a man cannot be held guilty of any offence unless he does an act knowingly is sufficiently provided for in clause 46. Even apart from this, it is a well known principle of 3 P. M. law which has been recently enunciated by the Judicial Committee

that unless knowledge or intention is definitely ruled out by a Statute, such knowledge or intention is the necessary ingredient of an offence, i.e., for an offence, unless knowledge or intention is definitely ruled out, it is to be presumed that a man can never commit an offence unless he does the act knowingly or intentionally. In these circumstances I beg to submit that the proviso is objectionable from every point of view and it is absolutely needless and it may throw the door wide open to fraud.

Then, Sir, the drafting is bad. It should have said that "unless the contravention has continued for two months". Instead of that clause says "if it had not been guilty thereof for a period of exceeding two months." The companies cannot be guilty because the company is not contemplated within clause 46. Further, a man merely contravenes a provision. He is "guilty" only when the court says so. I submit this proviso should be carefully considered in relation to clause 46 and in relation to points which I have mentioned. I think the proviso is absolutely meaningless and should be dropped.

Mr. Speaker: Amendment moved:

"That in clause 19 of the Bill,—

(i) the first proviso to sub-clause (2) be omitted; and

(ii) in the second proviso to sub-clause (2) the word 'further' occurring in line one, be omitted."

The Honourable Dr. John Matthai: This proviso was put into the Bill in response to suggestions made to the Select Committee by a representative deputation of bankers. Because I think they felt that although you might not impose penalties under Section 46 and though no positive purpose may be served by it, nevertheless it is worth while giving a clear direction of this kind for the guidance of bankers in their day to day work. The question of inadvertency is a matter which has to be decided on by the Reserve Bank. They have to satisfy the Reserve Bank as to whether there is inadvertency. That is the main point he has raised.

Mr. Naziruddin Ahmad: May I point out that the Reserve Bank's complaint is absolutely necessary under clause 47? No prosecution could proceed unless upon a complaint by the Reserve Bank. If the Reserve Bank thinks that no contravention has been made, it would not prosecute at all.

Pandit Thakur Das Bhargava (East Punjab: General): If no penalty is provided at all, where is the gravamen of the offence?

Mr. Homi Mody: May I explain to my friends what happens? The provision was put in the Bill, as the Finance Minister said, as a result of the representation made by the deputation which appeared before the Select Committee. In the case of large banks, such as the Bank with which I happen to be connected, having dozens of branches all over India, more than one branch may be asked advance against a particular scrip. Now at a particular moment when any Branch Agent is asked to advance money, he does not know what other Agents have been advancing or the Head office has advanced, and the Head Office is not in a position to say what the aggregate of advances is that have been made by all the branches on that particular scrip. Therefore it is that the safeguard has been provided. At the end of the month, of course, all returns are in and the Head Office is in a position to lay down instructions for the guidance of all agents asking them not to go beyond a particular limit. But at a particular point, of time when an advance is asked for, it is not possible for every Agent to know what other agents or the Head Office have advanced on that particular scrip.

Mr. Speaker: As I see, the difficulty pointed out is this. It is not that inadvertency is not possible. That is conceded but the point made out seems to be that, if this inadvertence and the consequence of it is not liable to be punished either by prosecution or in any other manner in the exercise of its powers by the Reserve Bank, then where is the occasion for this proviso? If it is a breach which is not punishable in any manner, then why have this proviso?

Mr. Homi Mody: Sir, so far as the point made by you is concerned, it is a matter for the Draftsman, but my honourable friend's point was that it was impossible for a bank to commit through inadvertence a breach of this section.

Mr. Speaker: That is how I understood the point.

Shri M. Ananthasayanam Ayyangar (Madras: General): I wanted to intervene earlier and say that the arguments of my friends Mr. Naziruddin Ahmad and Pandit Bhargava are not for deletion but for introducing an omission later in the penalty clause. In a big bill of this kind sometime here and there, with all due diligence, some mistakes might be committed. Now we were under the impression that this would be covered by connecting clause. Originally it was stated not more than 20 per cent of the shares of any other company should be held by a bank. That was what the Original Select Committee

reported. This Select Committee somehow thought that it should be increased from 20 to 40 per cent. Now the Finance Minister seems to agree to 30 per cent. Mr. Naziruddin's point is it is not the penalty whether it is 20 per cent or 40 per cent. Even if it be 40 per cent we cannot catch hold of these people. We are much obliged to my friend Mr. Naziruddin Ahmad for having pointed out the default committed in the penalty clause. I am sure this is important and with your permission and I hope you will excuse the absence of notice in this matter. I will move an amendment. This proviso is intended for the *bonafide* cases. A bank may have so many branches and one branch might be taking as pledge a number of shares and another may take and it may be more than 30 per cent. So unless within a period of two months they make it up they are liable to be punished. With this my friend Mr. Mody also agreed that it is a matter for drafting. So the person who has to cry against is keeping quite and let us not try to water it down. I would appeal to Mr. Naziruddin Ahmad not to insist on his amendment but let us join together and put down another amendment to make this penalty clause a little stringent and cover this particular case also.

Mr. Naziruddin Ahmad: I have not the least objection to making the law stringent.

Shri S. V. Krishnamoorthy Rao (Mysore State): I think it is already covered. It comes under Section 46, clause (4) which reads:

"If any other provision of this Act is contravened, or if any default is made in complying with any requirement of this Act or of any order made thereunder, every director and other officer of the banking company who is knowingly a party to the contravention or default, shall be punishable with a fine....."

Mr. Speaker: The point is this. There is the word 'knowingly' there. So mere contravention will not do. In order to charge a director or other person with liability, the knowledge of that particular breach must be brought home to him. Therefore his argument was that this proviso becomes meaningless if you put in the word 'knowingly'. If you drop it, the proviso might be without any meaning because I do not know what the other provisions are. The question will have to be considered, whether every director or other person is to be made liable merely by the accident of his being a director or any other person. He may be staying thousands of miles away and even if the breach is inadvertent he may be liable.

I think the best course would be, unless the Finance Minister is very clear on that point and he is of the other view, to consider the present amendment along with clause 46, because the provisions are allied. I can keep them over for consideration and the matter can be taken up later on. I do not think it is merely a drafting matter.

The other point will have to be considered as to whether every director or other person is to be made liable criminally merely because he is a director, and irrespective of the fact as to whether he knows or not or has nothing to do with the breach.

The Honourable Dr. John Matthai: I will have it examined.

Mr. Speaker: So may I postpone consideration of the amendment? It may then stand over. The point may be informally discussed and if honourable members come to a conclusion that some amendment of Section 46 is necessary, or some amendment is necessary here,—whatever it is—provided it is substantially agreed upon, I will accept it.

Mr. Naziruddin Ahmad: Sir, I move:

"That in the second Proviso to sub-clause (2) of clause 19 of the Bill, for the words 'without delay', the words 'within one month of the said commencement' be substituted."

[Mr. Naziruddin Ahmad]

In the second proviso it is said that if something is done without delay, the person involved may be saved. But the words "without delay" are vague. There should be some time limit. A prosecution may depend upon this. Otherwise, it will be impossible to find out whether information has been given to the Reserve Bank without delay. In fact, when a prosecution may depend on this, this may create an uncertainty. I have suggested one month to bring out the point, but the matter may be considered. This vagueness also adheres to the first proviso "without delay".

Mr. Speaker: Amendment moved:

"That in the second Proviso to sub-clause (2) of clause 19 of the Bill, for the words 'without delay', the words 'within one month of the said commencement' be substituted."

Pandit Thakur Das Bhargava: It should be two months as in the previous proviso.

The Honourable Dr. John Matthai: "Without delay" might stand because it provides a certain amount of elasticity: "...if it reports the matter without delay to the Reserve Bank if it brings its holding of shares into conformity with the said provisions within such period, not exceeding two years, as the Reserve Bank may think fit to allow". I think that makes sufficient provision for that amount of indefiniteness.

Mr. Naziruddin Ahmad: The Bank is to report without delay on the question. The prosecution will depend on whether the report has been made with delay or without delay. It is impossible for any Court of Law to find out whether it is with delay or without delay. The prosecution would be uncertain.

The Honourable Dr. John Matthai: That part may be left elastic as it stands now. It does not do any harm.

Shri M. Ananthasayanam Ayyangar: This one month we need not insist upon, because even if it is only without delay, the matter has to be brought to the notice of the Reserve Bank. But the bank can have two years time within which it can readjust its holdings, namely, "...if it brings its holding of shares into conformity with the said provisions within such period, not exceeding two years, as the Reserve Bank may think fit to allow." The Reserve Bank may give two years. "Without delay" is what the Reserve Bank may consider in the circumstances. If it is only one or two banks, it may not be difficult. It may ascertain the facts and there will not be any delay. What is a delay with respect to a small bank may not be a delay in respect of other banks. It is best to leave it as it is.

Pandit Thakur Das Bhargava: These words "without delay" should be deleted. It is the company which has to find out whether it has contravened and it is not the Reserve Bank who has to find out that there is a contravention. It is the duty of the company to report without delay. I would like two months as in the previous proviso. In that case, it will be two years again which will be given by the Reserve Bank Unless "without delay" is made definite, it will be difficult for the court to find out what is "without delay".

Mr. Speaker: The point seems to be that any bank which contravenes this provision cannot know about it unless it investigates all its dealings and affairs, and that bank has to be given some time to look into all its affairs: then only, after it has looked into all these matters, there is the question of delay or no delay. The bank cannot be expected to look into all its dealings in one or two months. The maximum delay is permissible.

Mr. Naziruddin Ahmad: Two years time is given for the Reserve Bank to readjust, but the information must be communicated without delay.

Mr. Speaker: But first the party has to know that there is a contravention, and how can it know it unless it looks into its affairs?

Mr. Naziruddin Ahmad: Give them two months!

Mr. Speaker: I think it has been sufficiently discussed. Does the honourable member want it to be put to the House?

Mr. Naziruddin Ahmad: Yes.

Mr. Speaker: The question is:

"That in the second Proviso to sub-clause (2) of clause 19 of the Bill, for the words 'without delay', the words 'within one month of the said commencement' be substituted."

The motion was adopted.

Mr. Naziruddin Ahmad: I move:

"That in the second Proviso to sub-clause (2) of clause 19 of the Bill, for the words 'may think fit to allow' the words 'may allow' be substituted."

The words "may think fit to allow" rather indicates a psychological factor. If we leave it as it is, then the test will be subjective as to what was in the mind of some officer of the Reserve Bank. If you say "may allow" that is enough. The thing must depend on the actual allowing and not on whether the officer "thinks fit" to allow. In fact the test is absolutely wrong. It should be an objective test, a test which can be perceived by the senses as a physical fact. If it is "allowed" it indicates that they "think fit to allow", but nothing should be made to depend on the psychological condition of the mind of the officer.

The Honourable Dr. John Matthai: I have nothing to say.

Mr. Speaker: Do I put it to the House?

Mr. Naziruddin Ahmad: Yes.

Mr. Speaker: The question is:

"That in the second Proviso to sub-clause (2) of clause 19 of the Bill, for the words 'may think fit to allow' the words 'may allow' be substituted."

The motion was adopted.

Mr. Speaker: So clause 19 stands over and I shall not put it to the House. May I make one more suggestion now. It seems.....

Mr. Naziruddin Ahmad: Sir, the further amendments are not of such a controversial nature.

Mr. Speaker: There are several amendments which stand in the name of Mr. Naziruddin Ahmad...

Shri B. L. Sondhi: Ninety five per cent.

Mr. Speaker: Will it not be possible just to sit outside the House, discuss them informally and come to a conclusion...

Mr. Naziruddin Ahmad: Sir, I shall be perfectly willing but I do not get the opportunity.....

Mr. B. L. Sondhi: There are 125 more amendments in his name.

Mr. Speaker: I think my suggestion should be possible if the Honourable Minister agrees...

Mr. Naziruddin Ahmad: Sir, I would like to know whether any of these amendments would be acceptable to the honourable Minister.

Mr. Speaker: Instead of ascertaining that in the House itself, it would be better if the parties sit outside the House for half an hour and discuss the amendments between themselves.

The Honourable Dr. John Matthai: Sir, I had all the amendments examined in consultation with the law officers and I regret to say that I am not in a position to accept any of the amendments to clauses, 20, 21 and also 22. I have had them all examined.

Mr. Speaker: Is the honourable member then keen to move any one of the amendments now? Let us be clear about these three clauses.

Mr. Naziruddin Ahmad: I can say that only one by one.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar.)]

I do not wish to move any of the amendments to clause 20.

Mr. Deputy Speaker: The question is:

"That clause 20 stand part of the Bill."

The motion was adopted.

Clause 20 was added to the Bill.

Mr. Naziruddin Ahmad: I do not know if the honourable Minister would consider accepting any of the amendments under this clause.

The Honourable Dr. John Matthai: They have been considered and I am unable to accept any.

Mr. Naziruddin Ahmad: They should be considered with reference to the arguments and reasons behind them. It is impossible to appreciate an amendment without hearing the argument for it. If it is the desire of the House that I should not move them, I would not trespass upon the attention of the House any more. I do not know what is the desire of the House.

Mr. Deputy Speaker: The honourable member must make up his mind. That is not the method of ascertaining the wishes of the House. The honourable Minister does not accept the amendments.

Mr. Naziruddin Ahmad: Sir, there is a feeling in the House that the amendments are of a dilatory character or are of an unsubstantial character. It looks as if I have created a certain amount of disgust in the House.

Mr. Deputy Speaker: We shall start with a clean slate and it is open to the honourable member to make up his mind one way or the other.

The Honourable Dr. John Matthai: May I make an appeal to the honourable member? I am grateful to him for drawing my attention to these points but I can tell him that I discussed them very fully, I spent a great deal of time over all these amendments of which my honourable friend has given notice. I am not dismissing them off hand.

Mr. Naziruddin Ahmad: I am not saying that the honourable Minister is dismissing them summarily. I am submitting that it is not easy to see the points in favour of an amendment unless it is argued by the member who moves it.

Shri L. Krishnaswami Bharathi: The idea of the discussion proposed outside the house was to give him the opportunity of convincing the honourable Minister.

Prof. N. G. Ranga: There is still half an hour more for discussion of the Bill.

Mr. Deputy Speaker: Take for instance the first amendment. The honourable Minister does not accept it. There is no difference between the original clause and the amendment, unless an enormous amount of light is likely to be thrown by the honourable member. In view of what the honourable Minister has said it is open to the honourable member to move his amendments or not. We need not spend any more time on this.

Mr. Naziruddin Ahmad: Although members say that I am free to move, still I feel that there is a desire that I should rather stop. In fact it is hardly appreciated that these drafting amendments are of substance. Only seven days ago in the Federal Court the word "the" in a particular place created a lot of trouble and Shri K. M. Munshi had to advance a long argument over it. It was felt that the position of the word "the" and a 'comma' created a lot of difficulties. These are not very easy to appreciate for those who are not accustomed to deal with them. So it is not easy off hand to give up a thing or to press for it. The best course is to move the amendment, press it before the House, and rely upon the judgment of the House. Yesterday an honourable member told me privately that it is provoking to be met with a comma. The very sight of the thing upsets many honourable members. Sir, I do not propose to move any amendment to clause 21 but I do so under protest....

Shri L. Krishnaswami Bharathi: Sir, there should be no reflection on the House.

Mr. Deputy Speaker: I should like it to be understood by the honourable member that the House is not against him. So far as this particular clause is concerned the honourable Minister thinks that these amendments are not so important. However, if the honourable member feels seriously that further discussion is necessary he can move them without making any remarks against the House as a whole.

The question is.

"That clause 21 stand part of the Bill."

The motion was adopted

Clause 21 was added to the Bill.

Clause 22 was added to the Bill.

Clause 23 was added to the Bill.

Mr. Naziruddin Ahmad: I would like to know whether my amendment would be acceptable to the honourable Minister. It is only a re-arrangement of the words, which appears better.

The Honourable Dr. John Matthai: I do not accept it.

Mr. Deputy Speaker: The honourable member may move his amendment if he wants.

Mr. Naziruddin Ahmad: I do not wish to move it.

Mr. Deputy Speaker: The question is:

"That clause 24 stand part of the Bill."

The motion was adopted.

Clause 24 was added to the Bill.

Clause 25 was added to the Bill.

Mr. Naziruddin Ahmad: I would like to know whether my amendment would be acceptable. It is a desirable re-arrangement.

The Honourable Dr. John Matthai: No.

Mr. Naziruddin Ahmad: I submit that re-arrangements ought not to be rejected because of the fact that it is re-arrangement or that the existing words would do. Sometimes it is said that a wooden cat would do if it can catch rats.

Shri L. Krishnaswami Bharathi: Catch wooden rats, I suppose.

Mr. Naziruddin Ahmad: You ought not merely to say that the existing draft would do. One cannot be too careful in the matter of drafting. We should have in view the difficulties which would arise in a court of law. I would ask the Honourable Minister to consider this re-arrangement from that point of view.

The Honourable Dr. John Matthai: I have considered the re-arrangement and I do not think it improves the drafting.

Mr. Deputy Speaker: The next amendment seems to be more of substance and I think the honourable member may confine himself to that.

Mr. Naziruddin Ahmad: I move:

"That in clause 26 of the Bill, for the words 'all accounts', occurring in line four, the words 'all deposit accounts' be substituted."

Mr. Deputy Speaker: Does the honourable Minister accept it?

The Honourable Dr. John Matthai: No, Sir.

Mr. Naziruddin Ahmad: The passage occurs in clause 26, in line 4. It is there that "every banking company shall, within thirty days after the close of each calendar year, submit a return in the prescribed form and manner to the Reserve Bank as at the end of such calendar year of all accounts in the Provinces of India..." The words "all accounts" standing alone would be somewhat misleading. I think what is meant is all deposit accounts, that is all accounts of current or fixed deposits which have not been operated upon for ten years. "Accounts" may mean account books, but "deposit accounts" may mean something specific. If we say "all accounts which have not been operated upon for ten years" it might be intelligible to a businessman, but it is not sufficiently precise.

Mr. Deputy Speaker: Is it not made clear by the words which immediately follow namely "giving particulars of the deposits"? "Return of accounts" does not mean return of account books.

Mr. Naziruddin Ahmad: It can be made more intelligible.

Mr. Deputy Speaker: I do not think the honourable member presses it.

Mr. Naziruddin Ahmad: No, Sir.

Mr. Deputy Speaker: In the next amendment. I think the words suggested and the words which stand in the clause mean the same thing.

Mr. Naziruddin Ahmad: "Maturity" is the term which is well-known and which is universally used. That is the technical expression. My honourable friend Mr. Mody will be able to say that. We all think of the date of maturity of a fixed deposit. Whenever it becomes payable it becomes mature.

The Honourable Dr. John Matthai: "Date of expiry" is clearer.

Shri H. V. Kamath (C.P. and Berar: General): Perhaps my honourable friend Mr. Naziruddin Ahmad thinks that an individual does not necessarily expire when he becomes mature and that is why he is suggesting the word.

Mr. Naziruddin Ahmad: Bachelors do not mature!

Sir, I shall first move this amendment. I move:

"That in the Proviso to clause 26 of the Bill, for the words 'date of the expiry of such fixed period', the words 'date of maturity' be substituted."

The date of expiry of such fixed period really is the date on which the deposit becomes payable. As I submitted, the usual expression is "maturity" of such deposit. Mr. Homi Mody is fortunately here and I think he will be in a position to tell us what is in vogue. It will not do merely to say that the thing is intelligible but the correct expression in vogue should be used.

Mr. Homi Mody: Since my expert opinion has been asked for I am giving it free, gratis and for nothing. "Maturity" would be certainly the better word. But that is not the point on which I rose to intervene. What I would like to know is, what do Government propose to do with all these inoperative deposits? Is it intended to confiscate them? What is the intention behind this provision, may I know?

The Honourable Dr. John Matthai: That is a matter for the Reserve Bank to decide.

Shri B. L. Sondhi: But it is the official organ today.

The Honourable Dr. John Matthai: You do not surely want to provide straightway for the particular way in which it would decide.

Mr. Homi Mody: On their own responsibility the Reserve Bank could not decide. It would be a matter of legislation or an ordinance.

Shri B. L. Sondhi: Government must be able to give us a satisfactory reply on this point.

The Honourable Dr. John Matthai: I take it that unclaimed deposits might in the end revert to the State.

Shri B. L. Sondhi: What? Expropriate them?

Mr. Homi Mody: In a number of instances the accounts may not be operated upon for a variety of reasons. A man may not bother about the account, and for years and years it might lie undisturbed. I myself have a small account in a bank which I have not operated upon for a very long time. I do not know whether.....

The Honourable Dr. John Matthai: May I suggest that as the clause stands at present, the particular point that Mr. Mody has raised does not really call for any answer. Because, all that is required here is a report. It is only a matter of information.

Shri B. L. Sondhi: Then Government is not committed. Is that the idea?

The Honourable Dr. John Matthai: Mr. Mody put a hypothetical question and I have said that this is a matter to be discussed later on. The question does not arise here. All that clause 26 contemplates is information.

Mr. Deputy Speaker: The point raised by Mr. Mody does not arise with reference to this clause. The unclaimed deposits will be disposed of according to the law of the land unless the law is modified.

Mr. Homi Mody: There is no law of the land yet.

Mr. Deputy Speaker: In respect of a property belonging to a person he can file a suit up to thirty years from the date of refusal of payment. The bank is always bound to render an account when the period of limitation is over. It is not left to the Finance Minister to explain as to how and under what circumstances it will be dealt with. All that is said here is to safeguard the interests

[Mr. Deputy Speaker]

of the depositors, they must send an account to the Reserve Bank which is one more check.

Shri B. L. Sondhi: In other words, so far and no further.

Mr. Deputy Speaker: Yes. Regarding the amendment of Mr. Naziruddin.

Mr. Naziruddin Ahmad: That has been forgotten altogether!

Mr. Deputy Speaker: The Honourable Minister does not accept it.

The Honourable Dr. John Matthai: I prefer "expiry".

Mr. Deputy Speaker: The question is:

"That in the Proviso to clause 26 of the Bill, for the words 'date of the expiry of such fixed period', the words 'date of maturity' be substituted."

The motion was negatived.

Mr. Deputy Speaker: The question is:

"That clause 26 stand part of the Bill."

The motion was adopted.

Clause 26 was added to the Bill.

Mr. Naziruddin Ahmad: I would like to know whether my amendment would be acceptable.

The Honourable Dr. John Matthai: No.

Mr. Naziruddin Ahmad: I shall move it just to show the difficulty. I move:

"That in sub-clause (2) of clause 27 of the Bill, for the words 'The Reserve Bank may, by notice in writing, require a banking company at any time to furnish it', the following be substituted:

'The Reserve Bank may at any time, by notice in writing, require a banking company to furnish it'."

I submit the whole point in the amendment is the placing of the parenthetical expression "at any time". Where would you place it? In the clause it is placed, I submit, a little wrongly. It says "The Reserve Bank may by notice in writing require a banking company at any time to furnish it". Whether the expression "at any time" is to be taken along with the furnishing of it or with the Reserve Bank requiring it at any time is not clear because the expression is placed between the two conditions. It is hovering between the previous condition and the subsequent one.

The Honourable Dr. John Matthai: Sir, may I accept this?

Mr. Deputy Speaker: The question is:

"That in sub-clause (2) of clause 27 of the Bill, for the words 'The Reserve Bank may, by notice in writing, require a banking company at any time to furnish it', the following be substituted:

'The Reserve Bank may, at any time, by notice in writing, require a banking company to furnish it'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That clause 27, as amended, stand part of the Bill."

The motion was adopted.

Clause 27, as amended, was added to the Bill.

Clause 28 was added to the Bill.

Mr. Naziruddin Ahmad: Sir, before I move the next amendment, I would like to know whether it will be acceptable.

The Honourable Dr. John Matthai: No Sir.

Mr. Deputy Speaker: Then, does the honourable member wish to move it?

Mr. Naziruddin Ahmad: Sir, it is difficult even for me to make up my mind on the spur of the moment as to whether this is to be moved

Mr. Deputy Speaker: The honourable member must have looked into all these things.

Mr. Naziruddin Ahmad: No, Sir. It is so difficult to keep notice of all things which have come and of things coming in advance that I cannot make up my mind. I must consider it. In fact, we have skipped over a large number of amendments, so I was a little out of breath.....

Mr. Deputy Speaker: I do not think the honourable member expected that all his amendments were acceptable!

Mr. Naziruddin Ahmad: An argument may alter the mind of the honourable member. It may be that there may be some good thing underlying these amendments. Sir, I think it is better for me to move it. I beg to move:

"That in sub-clause (1) of clause 29 of the Bill, the word 'At the expiration of each calendar year' be omitted."

Mr. Homi Mody: Then what happens to the subsequent reference to "that year"? If you cut out the words mentioned in your amendment then the subsequent words are meaningless.

Mr. Deputy Speaker: In his next amendment, the honourable member has put "at the expiration of each calendar year" later on. It is only juxtaposition.

Mr. Naziruddin Ahmad: All right, Sir, I do not press the amendment.

Mr. Deputy Speaker: The next amendment is also not pressed?

Mr. Naziruddin Ahmad: Not pressed.

श्री लक्ष्मी नारायण साहू: मेरा जो संशोधन है वह बहुत छोटा है। लेकिन इस प्रस्ताव को मेरा देने का मतलब यह है कि यहां एकदम खुलासा कर देना चाहिये क्योंकि आडिट जो होता है बहुत जगह में गड़बड़ होजाती है और आखिर में बैंक की खराबी होती है। इसलिए क्लॉज़ २९ का जो बी पार्ट है उसमें इतना हो जोड़ दिया जाय।

(English translation of the above.)

Shri Lakshminarayan Sahu (Orissa: General): I have got a minor amendment. The object in moving this amendment is that it should be clearly laid down that occasionally as the audit is not properly conducted it ultimately affects the Bank adversely. Therefore, the following be added to part (b) of sub-clause (2) of clause 29 of the Bill.

Mr. Deputy Speaker: The amendment has not been moved. The honourable member will move it first.

Shri Lakshminarayan Sahu: I move:

"That for part (b) of sub-clause (2) of clause 29 of the Bill, the following be substituted:

'(b) in the case of banking companies incorporated outside the Provinces of India by the manager, or agent or the principal officer of the company in the Provinces of India duly audited by an auditor qualified under Section 144 of the Indian Companies Act.'"

Mr. Deputy Speaker: The amendment does not fit in. Possibly the honourable member wants in the amendment, in addition, "these accounts must be duly audited by an auditor qualified under Section 144 of the Indian Companies Act."

The Honourable Dr. John Matthai: Here it is only a question of signing.

Mr. Deputy Speaker: Yes, signing by the Manager.

Mr. Homi Mody: There is no question of auditing about it.

Shri Lakshminarayan Sahu: If he signs it he must assure himself that it is properly audited.

Mr. Homi Mody: Then the phrasing of your amendment does not bring it out.

Mr. Deputy Speaker: Possibly the honourable member forgot to mention—or it is a misprint, we do not know—after the words "Provinces of India", the words "after the accounts are". I think that is what the honourable member probably means. Then the amendment will read thus:

"That for part (b) of sub-clause (2) of clause 29 of the Bill, the following be substituted:

(b) in the case of banking companies incorporated outside the Provinces of India by the manager, or agent or the principal officer of the company in the Provinces of India, after the accounts are duly audited by an auditor qualified under Section 144 of the Indian Companies Act."

The Honourable Dr. John Matthai: Personally, I think, Sir, that it is quite unnecessary to have this provision because as far as the standing of auditors in other countries is concerned. I do not think we are justified in casting this reflection upon auditors who have been accepted as auditors certified in other countries. I think it is a point to remember that we might have branches in other countries and this sort of a thing might call for retaliation.

Shri Lakshminarayan Sahu: But will it not leave loopholes for certain banking companies not to get their accounts audited by duly certified auditors?

The Honourable Dr. John Matthai: But it would be done by people who would be certified under the law of the country. There is a later provision for that.

Mr. Deputy Speaker: Does the honourable member wish to move his amendment, or if he has moved it does he withdraw it?

Shri Lakshminarayan Sahu: I have moved it.

Mr. Deputy Speaker: The Honourable Minister does not accept it. Anyhow, if it is the wish of the honourable member to put it to vote I will formally do it, along with the additional words—evidently that is the intention of the mover.

The question is:

"That for part (b) of sub-clause (2) of clause 29 of the Bill, the following be substituted:

(b) in the case of banking companies incorporated outside the Provinces of India by the manager, or agent or the principal officer of the company in the Provinces of India, after the accounts are duly audited by an auditor qualified under Section 144 of the Indian Companies Act."

The motion was negatived.

Mr. Deputy Speaker: Then the next two amendments are formal ones.

Mr. Naziruddin Ahmad: Sir, I wish to speak on this point, though I do not wish to move the amendment. The point is about the expression "official Gazette". This expression is defined in the General Clauses Act.

Mr. Deputy Speaker: The only point is, if the small letter 'o' is put there for the big letter 'O', perhaps it may be that the printer had only the small letter.

The Honourable Dr. John Matthai: No, Sir, in various enactments 'official' begins with small 'o' and 'Gazette' "G".

Mr. Naziruddin Ahmad: I wish to clear up the point. I have carefully considered the amendment. Sir, I beg to move.....

Mr. Deputy Speaker: This particular thing appears in various other enactments also.

Mr. Naziruddin Ahmad: Let it be discussed and finished once and for all. Let the House give a ruling.

Mr. Deputy Speaker: It has already been decided that House cannot give direction so far as capital letter and small letter is concerned. It is for the Draftsman.

Mr. Naziruddin Ahmad: The House has the right. It is useless for us to refer the matter to the Draftsman, who systematically ignores it. It is better for us to know that this sad state of affairs would be more acceptable to the official Draftsman and then we shall cease to trouble ourselves altogether. I wish to explain the whole situation. First of all, I shall move it.

Mr. Deputy Speaker: I think it will be better to refer this matter to the Draftsman to adopt a uniform course in this matter.

Mr. Naziruddin Ahmad: I wish to give them certain amount of information.

Mr. Deputy Speaker: The amendment will be sent to them.

Mr. Naziruddin Ahmad: I should explain my position

Mr. Deputy Speaker: I think this has been sufficiently explained a number of times. I rule that this suggestion shall be left to the Draftsman.

Mr. Naziruddin Ahmad rose—

Mr. Deputy Speaker: Order, order. The question is.....

Mr. Naziruddin Ahmad: Then it is perfectly useless.

(The honourable member threw his papers on his tables)

You may do whatever you like.

Mr. Deputy Speaker: Such kind of conduct on the part of the honourable member will not be tolerated by the Chair.

The question is:

"That clause 29 stand part of the Bill."

The motion was adopted.

Clause 29 was added to the Bill.

Mr. Naziruddin Ahmad: I desired to make my point clear.

Mr. Deputy Speaker: It is not the intention of the Chair, particularly myself, who has only come here for some time and will get back to the seat there—I am one with you—it is not my desire to insult any member, but on the other hand we have had these suggestions for a long time and the honourable member has been given us all treats about this matter. This is a matter for the Draftsman and therefore there must be a stage, especially when we are anxious to get through this Bill, when we should stop. I am sure the honourable member also appreciates the desire.

Mr. Naziruddin Ahmad: I have co-operated with the desire of the House.

Mr. Deputy Speaker: But against this, why should this House have to spend more time whether it should be capital letter or small letter so far as 'Official Gazette' is concerned? I leave it to the House to decide whether it is right or not. I have given my ruling.

Shri R. K. Sidhva: You have given the ruling. We must obey when a ruling is given.

Mr. Naziruddin Ahmad: I move:

"That in part (b) of sub-clause (1) of clause 30 of the Bill, for the word 'country' the words 'country or the Indian State' be substituted."

Shri B. L. Sondhi: Can we legislate on the Indian States? Is not the amendment out of order?

Mr. Naziruddin Ahmad: It is an Acceding State. It should be "Acceding State".

Shri B. L. Sondhi: You cannot change your own amendment now.

Mr. Naziruddin Ahmad: It is not my amendment. It is the property of the House. It is due to the House to make it as perfect as possible. I admit the justice of the objection taken by Mr. Sondhi and in obedience to his direction, I wish to amend it into "country or an Acceding State." I shall explain the position. The passage occurs in clause 30. It refers to audit. It is said that "the balance sheet and profit and loss account shall be audited by a person duly qualified to be an auditor under the law of the country in which the Company is incorporated." I beg to submit that there are many companies which are incorporated outside India or the Acceding States, but there may be a company operating in India which has been incorporated in an Acceding State. In such circumstances, the audit of the company may be conducted by an auditor who is qualified under the law applicable to the Acceding State concerned. This is the intention of the amendment. I believe there are banking companies in India which have been incorporated in an Acceding State. Is that not so?

The Honourable Dr. John Matthai: If I may explain, I think the honourable member's amendment is rather misconceived, because the word "country" applies to any territory which has a particular system of laws. India is a country, a State is a country, U.K. is a country; it really shows the territorial area within which a particular system of laws applies.

Mr. Naziruddin Ahmad: I have given due consideration to that, but here in the context, a country does not to my mind include an Acceding State at all. Country really means an independent country—Afghanistan, Persia, China are all countries, but in regard to the States, they are Indian States and they are Acceding States. The question is whether the word "country" is sufficiently comprehensive to include also an acceding State. The safeguard in sub-clause (2) of clause 5 would not also help, because here the word used is "country", not "province". The whole question is whether "country" is sufficiently wide to include Acceding States. I submit that it is not. In fact, my amendment is designed to clarify it so as to include also an Acceding State. That would make it absolutely complete and it would give right to auditors to audit the accounts of a banking company which is incorporated in a State.

Mr. Deputy Speaker: Amendment moved:

"That in part (b) of sub-clause (1) of Clause 30 of the Bill, for the word 'country' the words 'country or an Acceding State' be substituted."

Pandit Thakur Das Bhargava: Sir, I support the amendment moved by my honourable friend, because the law as regards auditors in the provinces of India and in the Indian States is not the same and we are having the Chartered Accountants Bill and even there the qualifications in respect of persons who are in the Indian States are not the same. This morning, I met a gentleman who hails from Jaipur, and he did not pass any examination but the State of Jaipur appointed him auditor for companies. According to the Bill we are now considering, this gentleman will not be qualified to be an auditor, whereas in Jaipur State he is a good auditor. Unless a specific mention is made for the States, this will not cover those cases.

I submit that section 5(2) will not cover this point. Therefore it is quite necessary that we should make it quite clear that auditors in the Indian States will be competent to audit accounts of companies in those States.

Shri S. V. Krishnamoorthy Rao: Sir, I think clause 1(2) makes the position quite clear. It states that this Act shall apply to all the Acceding States. All references to Provinces in India will be considered as including the States also, and I think the amendment is not necessary.

The Honourable Dr. John Matthai: May I explain the words that we have used to distinguish the various territorial areas. We use the word 'provinces' with regard to the Dominion and "Acceding State" with regard to the States but the word "country" is common to both.

Mr. Deputy Speaker: The question is:

"That in part (b) of sub-clause (1) of Clause 30 of the Bill, for the word 'country' the words 'country or an Acceding State' be substituted."

But what will happen if there is a different law in an Acceding State?

The Honourable Dr. John Matthai: He will be qualified under the law which prevails in that State.

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): Under the new Bill for auditors, the auditors in the Acceding States will also be brought in.

Mr. Deputy Speaker: But if the State accedes only for certain purposes, and not for the Banking or Company law purposes, what happens?

Shri S. V. Krishnamoorthy Rao: In that case, the wording will have to be "other than Acceding States" because the Acceding States come under the Provinces under Clause 5(2).

Mr. Deputy Speaker: Anyway, I shall put the amendment to vote. I have already read it.

The motion was negatived

Mr. Deputy Speaker: The House now stands adjourned till 5 P.M. today.

The Assembly then adjourned till Five of the Clock in the afternoon.

The Assembly re-assembled at Five of the Clock in the afternoon, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

RAILWAY BUDGET FOR 1949-50

The Honourable Shri N. Gopalaswami Ayyangar (Minister for Railways and Transport): I rise, Sir, to present the Budget for Indian Government Railways for the financial year 1949-50, and, in doing so, to invite the attention of honourable members to certain broad results of their administration.

2. With the conditions that prevailed in the country immediately after the transfer of power in 1947 and the manner in which Railways had to function under those conditions, the House has been made fully familiar by my predecessor when he introduced the Budgets for the latter 7½ months of 1947-48 and for the year 1948-49. I do not propose to deal with them again on this occasion. The strain of the second world war, the splitting into two of a united railway system, the violent civil disturbances in the Punjab, the aggression and fighting in Kashmir, the Hyderabad Police action, the general economic and transport upset—these and other similar developments in the country confronted Railway Administrations with problems at once difficult, grave and unprecedented in their nature and intensity. But they tackled them all with determination and vigour and the situation had, after a few months, so far improved that Dr. Matthai was able to tell the House in February last that we had turned the corner. Not only had we then got our feet planted firmly on the road to normalcy but we have since confidently, and with increasing pace, made progress in the direction of a rationalisation and an expansion of the service that Railways render to the public. Partition, as a profoundly disturbing factor in our economy, has not spent itself out completely yet. But it is rapidly receding into the background and we are progressively settling down to the new and altered condi-

[Shri N. Gopalaswami Ayyangar]

tions created by it. Railways have registered this trend perhaps even more quickly than other sectors of our economic make up.

3. The story of Indian Government Railways, their actual performance during the last 18 months, their present position and their promise for the future will take me longer to tell than the time I would willingly tax the patience of the house for on any other matter or occasion, but I do hope honourable members will bear with me on the present occasion. It is not my purpose, however, to recount anything like a fairy tale. I shall not seek to exaggerate such small achievements as the Railways may claim to their credit; neither shall I gloss over their obvious and many deficiencies. Mine will be an endeavour to give an unvarnished recital of some features of Railway Administration as it has been, and, as I hope it will, in the immediate future, be.

4. I desire at the outset to take Honourable Members into my confidence and tell them straightaway that there will be no enhancement of railway fares or freights in the coming year. This, I hope, will be received by the House and the country with a sense of relief. One reason for my making this known at once is that, if I reserved it to a later stage of my speech its surprise value might get discounted on account of its inevitability on the fact and argument preceding it. There is, however, another reason. That, in spite of the Central Pay Commission scales of pay and dearness allowance, of the Adjudicator's Award, of the mounting demand by labour for larger additions to wages, of the continually rising cost of works and stores and the like, we have not yet reached the stage of being compelled to raise fares and freights for financing them in the Budget year is a piece of good fortune which I am naturally anxious honourable members should share with me and the Government from the earliest possible moment. It will, I hope, put honourable members into a cheerful frame of mind—if nothing else, into a mood for enduring the drab, largely factual, account of finance and administration that it will be my duty to place before them this afternoon.

5. I shall first give a summary of the financial position. For the first time after the partition, figures are available for a three-year period—the actuals of a past or completed year, the Revised Estimates for the passing or current year and the Budget Estimates for the coming or Budget Year. Only in the present case, the year for actuals is a truncated one, being the period of 7½ months from 15th August 1947 to 31st March 1948.

6. Both the Budget and Revised Estimates for this period of 7½ months were based on a number of uncertain factors and were, therefore, vitiated by some amount of guess work. The Budget Estimate showed a deficit of Rs. 2.69 crores which was raised to Rs. 5.2 crores in the Revised Estimate. In the accounts of the year, however, the actual gross receipts were Rs. 7 crores less than in the Revised Estimate but the Working Expenses also showed a reduction of Rs. 8.75 crores. There was a net improvement of Rs. 37 lakhs under Miscellaneous Transactions and a saving of Rs. 34 lakhs under Interest Charges. The actual net deficit was, therefore, Rs. 2.74 crores which was met by withdrawal from the Railway Reserve.

7. In the Budget for the current year the estimate of gross traffic receipts was placed at Rs. 190 crores. Deducting Rs. 3.87 crores on account of worked lines, the traffic receipts of Indian Government Railways were estimated at Rs. 186.13 crores. The chief contributors to the amount under gross traffic receipts were passengers (Rs. 79.54 crores), other coaching traffic (Rs. 13.82 crores), goods (Rs. 94.16 crores), other earnings (Rs. 3.44 crores) and suspense (minus Rs. 96 lakhs). A considerable growth of traffic, both passenger and goods was relied upon for sustaining

these estimates. The experience of actual receipts in the course of the current year indicates that the Budget Estimates will be bettered substantially. Passenger earnings will account for an increase of Rs. 5.86 crores, other coaching earnings for an addition of Rs. 3.91 crores and goods earnings, for a rise of Rs. 3;20 crores. In the case of passenger earnings, it is due to a large increase in the numbers using railways and some decrease in ticketless travelling. An enhancement in the rates for parcels and the larger volume of military traffic maintained throughout the year are responsible for the increase under other coaching earnings. The additional revenue under goods earnings is mainly due to the general revision carried out of the railway rates freight structure with a view to achieving both rationalisation and simplification. The new rates came into effect on the 1st October, 1948. The Revised estimate figure for passenger earnings is Rs. 85.40 crores: for earnings from other coaching traffic Rs. 17.73 crores and for goods earnings Rs. 97.36 crores. Allowing for a drop of 30 lakhs under other earnings and a difference of 1.83 crores under suspense, the total of gross traffic receipts has been placed at Rs. 204.50 crores in the Revised Estimate of the current year. Deducting Rs. 4.12 crores for worked lines, the traffic receipts of Indian Government Railways will amount to Rs. 200.38 crores.

8. Working expenses for the current year were taken at Rs. 159.78 crores in the Budget but are put at Rs. 168.71 crores in the Revised Estimate. Ordinary Working Expenses will be higher by Rs. 8.71 crores due largely to increased expenditure under repairs and maintenance, freight and handling charges on fuel, loss on grainshops and dearness allowance. There will be a small addition of Rs. 11 lakhs to the Appropriation to the Depreciation Reserve Fund; though the capital expenditure is below the estimate, a sum of Rs. 25 lakhs has to be appropriated to the Fund on account of the Darjeeling-Himalayan Railway. Another Rs. 11 lakhs are accounted for by increased payment to worked lines. *Per contra* there will be an improvement of Rs. 13 lakhs under Miscellaneous transactions. The net revenue which in the Budget Estimate was taken at Rs. 32.37 crores will be Rs. 33.07 crores in the Revised Estimate. From this has to be deducted the amount (Rs. 22.24 crores) representing interest on the Capital at charge. The net surplus on the year's transactions is thus estimated at Rs. 15.83 crores. I shall be dealing with the disposal of this amount later.

9. The estimates for the Budget year 1949-50 have been framed as carefully as it is possible to do now. It is not anticipated that there will be any substantial change in general economic conditions in the country taken as a whole. There is likely to be no worsening of the present position. On the other hand, it might be hoped that such overall change as might express itself will be in the direction of a slight improvement. It is expected that there will be a progressive replacement of outworn locomotives and a consequent improvement in the power position. More traffic will thus be catered for. The new freight rates which were enforced in 1948-49 only for half the year would operate during the whole of the year 1949-50 and bring in an appreciable addition to goods earnings. The food position however, might be difficult. There will probably be a gradual extension of rationing and scarcity conditions have already made their appearance in parts of the country. A record volume of food grain imports is anticipated. All this would mean a larger internal movement of food grains which, being low-rated traffic, will probably express itself in some reduction of goods earnings. A slight drop in passenger earnings has been assumed as a result of the introduction of the new three class accommodation in trains, though the recent trends of the results of this change do not altogether justify this apprehension and there might possibly be some increase under this head. The progressive increase in recent years in the volume of parcels traffic will, it is expected, be maintained in 1949-50. And this, together with the

[Shri N. Gopalaswami Ayyangar]

revision of parcels rates introduced from the 1st October 1948, will also bring in some addition. There will, however, be a fall in earnings from military traffic. Based on these anticipations, the Budget Estimate of gross traffic receipts has been placed at Rs. 210 crores. This is the combined result of a slight reduction under passenger earnings (Rs. 31 lakhs) and under sundry earnings (Rs. 10 lakhs), an improvement under other coaching earnings (Rs. 39 lakhs) and under goods earnings (Rs. 6.04 crores). Deducting receipts of worked lines (Rs. 4.15 crores), the traffic receipts of Indian Government Railways will amount to Rs. 205.85 crores.

10. The estimate of ordinary working expenses for the Budget year has been placed at Rs. 159.03 crores being Rs. 3.17 crores above the figure (Rs. 155.86 crores) in the Revised Estimate of the current year. The additional dearness allowance sanctioned by Government with effect from the 1st January 1949 to all staff drawing not more than Rs. 250 has been provided for the full year at a cost of about Rs. 8 crores. The increase in pay and running allowances of Running Staff will cost another 1 1/3rd crores. The total provision on account of cash dearness allowance is estimated at Rs. 28.85 crores to which has to be added the loss on working the restricted Grainshops Scheme, for the benefit of those sections of the staff who have opted for it, namely Rs. 12.80 crores. For the programme of implementation of the Adjudicator's Award to be carried out in 1949-50, the different Railway Administrations except to employ about 74,000 additional hands and the consequent increase in the wage bill on this account alone will be about Rs. 4 crores. An increase of Rs. 1.15 crores over the Revised Estimate of the current year will occur under periodical over hauls and other repairs to locomotives and other rolling stock and under track maintenance. For payment of claims for goods lost or damaged other than those relating to repartition transactions, an amount of Rs. 1.31 crores has been included. To the total under Working Expenses (Rs. 159.03 crores) has to be added Rs. 11.47 crores under depreciation and Rs. 1.62 crores for payments to worked lines.

11. The net revenue of the Budget Year will thus be Rs. 32.32 crores. Deducting Rs. 22.88 crores under interest charges, the net surplus will be Rs. 9.44 crores.

12. I shall now explain how I propose to dispose of the net surplus in each of the two years 1948-49 and 1949-50. According to the arrangements recommended at the time of the last Budget by a Committee of the House presided over by you, Sir, and accepted by the House, out of the Railway surplus for the year 1948-49, Rs. 4.50 crores were to be credited to General Revenues and an equal amount to the Railway Reserve Fund; the balance and any improvement in the surplus that might accrue during the year were to be credited to the Railway Betterment Fund. The surplus was estimated in the current year's Budget at Rs. 9.84 crores and thus the Betterment Fund obtained a credit of Rs. 84 lakhs. The Revised estimate figure for the Railway surplus is as I have already said, Rs. 15.83 crores, an increase of about 60 per cent. Under the arrangements already referred to, this amount would have had to be distributed as follows:—

General Revenues	..	..	Rs. 4.50 crores.
Railway Reserve Fund	..	..	Rs. 4.50 crores.
Betterment Fund	..	..	Rs. 6.83 crores.

I have, with the concurrence of my honourable colleague, the Finance Minister, reviewed the position in the light of compelling considerations. The substantial increase in the total surplus amount and the needs of the general financial position of the country justify an increase of the contribution which Railways may make to General Revenues. Neither of the two usual claimants for the Railway share of the surplus, namely, the Railway Reserve Fund and the

Railway Betterment Fund stands in its present condition in need of any replenishment. On the other hand, the Railway Depreciation Reserve Fund requires to be strengthened to the maximum possible extent. It has, therefore, been decided to distribute the current year's Railway surplus as follows:—

General Revenues	..	..	Rs. 7.34 crores.
Railway Betterment Fund	..	..	Rs. 84 crore.
Railway Depreciation Reserve Fund.	..	..	Rs. 7.65 crores.

For the same reasons as in the case of the 1948-49 surplus, the Budget surplus for 1949-50 (Rs. 9.44 crores) will be allocated as follows:—

General Revenues	..	..	Rs. 4.72 crores.
Railways	..	..	Rs. 4.72 crores.

The whole of the Railways share will be appropriated to the Railway Depreciation Reserve Fund.

13. Expenditure not chargeable to the Revenue of the year is financed from three sources, Capital Funds, the Betterment Fund and the Railway Depreciation Reserve Fund. In the Budget for the current year, a provision of Rs. 53.29 crores was made for such expenditure. The Assam rail link will, however, cost us Rs. 1½ crores more than what was entered for it in the Budget. In the course of the year we have sanctioned and commenced additional works not provided for in the Budget, such as the Locomotive Building Project at Mihijam—which, honourable members will be interested to know will be re-named Chittaranjan—the doubling of the Anand Barejadi line on the Baroda-Ahmedabad Section of the B. B. & C. I. Railway, the partial doubling of the Delhi-Mathura Section and the doubling the Budni Barkhera Section of the G. I. P. Railway. *Per contra*, the expenditure anticipated on Road Services will not be fully utilised and some of the works have been dropped or postponed as a part of the measures for fighting inflation. The revised estimate of the expenditure during the year is now placed at Rs. 54 crores, Rs. 27.3 crores of which will be under Capital, Rs. 3.79 crores under the Betterment Fund and Rs. 22.91 crores under the Railway Depreciation Reserve Fund. The programme for 1949-50 is estimated to cost Rs. 71.15 crores. It does not include the construction of any new line. Rs. 50 lakhs will be spent on the railway-cum-road bridge project over the Ganga at Mokameh. The total cost of this work is Rs. 12 crores and it is expected to take five years to complete. The expenditure on the rolling stock programme for the year will be Rs. 36.15 crores and includes 440 locomotives, all on replacement account. Rupees four crores will be spent on machinery and Rs. 26.63 crores on other works. The most important of these in the Locomotive Building Project at Chittaranjan, for which there is a provision of Rs. 5.5 crores. Provision has been made for a marshalling yard at Vatva on the B. B. & C. I. Railway and an expenditure of one crore of rupees on Road Services. It is proposed to buy the Pachora Jamner Railway at a cost of Rs. 21.88 lakhs, out of which Rs. 3.75 lakhs representing the premium will be charged to Revenue. For other details, I must request honourable members to refer to the Explanatory Memorandum. Although the budget year's programme is for an expenditure of Rs. 71.15 crores, a lump sum cut of ten per cent. is being made to provide for the usual inability of Railway Administrations to spend the full amount. The net provision entered in the budget is therefore only Rs. 64 crores, out of which Rs. 28.64 crores will come from capital, Rs. 1.5 crores from the Betterment Fund and Rs. 33.86 crores from the Railway Depreciation Reserve Fund.

14. It is necessary that I should give honourable members some particulars about our reserves. In view of the state of the Railway finances during the three year period which we have been surveying, as also the likely prospects during the period immediately following, it is safe to assume that there is no

[Shri N. Gopalaswami Ayyangar].

likelihood of our having to draw on the Railway Reserve Fund, either for meeting losses or for making contribution to General Revenues. This Fund started the current year with an opening balance of Rs. 6.51 crores. There has been an addition to it during the year of Rs. 5 lakhs, being the net gain on investments in shares of Branch Line Companies. The withdrawal from the Fund amounted to Rs. 5 lakhs again being arrears of depreciation on the units of replaced rolling stock chargeable to this Fund. The balance at the end of the year will therefore also be Rs. 6.51 crores. No amount is proposed to be added to the Fund during 1949-50, nor is there any need to do so. The balance of Rs. 6.51 crores will, however, stand to the credit of the Fund in that year.

15. According to the practice in vogue since the Betterment Fund was constituted, it has been meeting not only the expenditure on passenger amenities, but also the expenditure on amenities to staff, including quarters for class IV staff and on unremunerative operative improvements costing not more than three lakhs of rupees each. The expenditure from the Fund provided in the Budget for the current year for all these purposes was Rs. 5.22 crores. In the course of the Budget debate during February 1948, the House took exception, and I consider rightly, to this Fund being used for financing expenditure other than that relating to passenger amenities. Dr. Matthai then assured the House that its wishes would be respected in the future. In pursuance of this undertaking, the rules for the classification of expenditure have been changed. The change will in the normal course only apply to works started after 31st March 1949, but with a view to fulfilling the spirit of the undertaking given, it has been decided that the amount charged to the Betterment Fund in the Year 1948-49 in respect of works in progress on the 1st April 1949 other than those relating to passenger amenities should be written back to Revenue in the accounts of the year 1949-50. Expenditure on amenities to staff and on unremunerative improvements costing not more than three lakhs of rupees will, from 1949-50 onwards, be charged direct to Revenue. The actual opening balance in the Fund at the beginning of the current year was Rs. 14.54 crores. The additions to the Fund during the year are Rs. 83.62 lakhs, the share of the Railway surplus and Rs. 41.80 lakhs being the interest on the balance of the Fund. From the total of these three items, namely, Rs. 15.79 crores, has to be deducted the amount of withdrawal from the Fund, namely, Rs. 3.79 crores. The closing balance of the Fund in the revised estimate will thus be Rs. 12 crores. In view of this heavy balance and of the slow pace of expenditure from this Fund in the past, particularly on passenger amenities, it has been decided not to make any appropriation to this Fund in the Budget year. It will, however, be credited with the interest on the balance of the Fund amounting to Rs. 40.33 lakhs. The expenditure provided for the coming year is only Rs. 1.5 crores and the whole of this will be spent on passenger amenities. The history of this Fund must be somewhat disappointing to honourable members as it is to me. Out of a total expenditure on works from the Fund since its inception, namely Rs. 98 lakhs, the amount that has been spent on passenger amenities proper was only Rs. 13 lakhs up to the end of 1947-48. And even in the current and budget years, the amounts spent on and provided for passenger amenities, are wholly disproportionate to the requirements. I can find excuses for these shortages, but cannot disguise, from myself or the House, the feeling that more should be done in this direction. The importance of pushing expenditure on passenger amenities is being repeatedly pressed on Railway Administrations and I propose to have an intensive examination of the position carried out early in the coming year with a view to listing works which should be executed and to laying down a programme with time limits for ensuring that such works are carried out with expedition. If, as a result of this intensive drive, it is found possible to spend in 1949-50 more on such works than the Rs. 1.5 crores provided for, I am sure, I shall be able

with the concurrence of my honourable colleague the Finance Minister and the Standing Finance Committee for Railways, to increase the amount to be withdrawn from the Betterment Fund for expenditure on such works.

16. The annual appropriation to the Depreciation Fund is now made at 1/60th of the capital at charge, but withdrawals are made to the full extent of the replacement cost. It has been calculated that, in respect of certain assets like locomotives which have to be replaced in 1949-50, the withdrawal from the Fund will be at the rate of rupees eight for every rupee contributed to the Fund in respect of those assets up to the date of replacement! Honourable members will appreciate that at this rate there would be a disastrous depletion of the Fund in the near future. The actual Opening Balance in the Fund at the beginning of the current year was Rs. 95.93 crores. There will be a withdrawal of Rs. 22.91 crores during the current year and Rs. 33.86 crores during the Budget year. The normal appropriation to the Depreciation Fund is Rs. 11.29 crores in 1948-49 and Rs. 11.47 crores in 1949-50. The withdrawals will thus be twice the normal contribution in the current year and three times in the coming year. The closing balance at the end of 1949-50 would have dwindled down to Rs. 61.92 crores but for the special additions to the Fund that we have decided to make; with these additions it will stand at Rs. 74.28 crores. It may be safely assumed that there will be heavy withdrawals from the Fund in the succeeding two or three years also. The position of the Fund at the end of five years from now is a matter which gives grave cause for anxiety. This unsatisfactory position is due mainly to two factors. There is a very large gap between the original cost on which the annual appropriation to the Depreciation Fund is based and the replacement expenditure at present prices. The flat rate of contribution, 1/60th, is out of tune with this gap. Secondly the Depreciation Fund which started in 1924-25 has so far received no contribution in respect of the depreciation on assets in existence then which had accrued prior to that year. These arrears were estimated at the time at Rs. 20 crores. The Indian Railway Enquiry Committee have recommended that for the next five years an annual contribution of about Rs. 22 crores should be made to the Fund. It is obvious that the whole matter should be carefully examined and our future policy in regard to depreciation should be very clearly defined. Pending such an examination, it is necessary that we should strengthen this Fund to the maximum possible extent at every opportunity that presents itself. It has accordingly been decided to pay into the Fund, in addition to the normal contribution and in instalments the 20 crores representing the arrears prior to 1923-24. The result of this policy is expressed in the Budget now presented. The total contribution to be made to the Fund under the decisions that have been taken in regard to the disposal of the Railway surplus will amount to Rs. 18.94 crores in 1948-49 and Rs. 16.19 crores in 1949-50.

17. The convention relating to the separation of Railway from General finance which was adopted by a resolution of the old Central Legislative Assembly in 1924 was, as honourable members are aware, intended to remain in force for at least three years and was to be thereafter subject to periodic revision. There was an abortive attempt by a Committee of the Assembly in 1928 to re-examine this question. For the next 15 years this attempt was not renewed. In 1943, a Railway Convention Committee which was constituted was wound up soon after it issued an interim report. In 1947, during the Budget session, a Committee of the Legislative Assembly was set up for the purpose of investigating this matter, but owing to the far-reaching political changes that followed, the Central Legislative Assembly and its Committees ceased to exist after the Budget session. It has not been possible since, in view of the far more important problems that confronted Government in quick succession, to take up this question. The investigation should, however, no longer be delayed. I shall, therefore, be inviting the House in the course of

[Shri N. Gopalaswami Ayyangar].

this session to set up a Committee to go into this matter including also the problems relating to the Depreciation Fund and to make its recommendations before the end of the calendar year.

18. From these details of Railway book-keeping, I shall now turn to a subject in which, I am sure, honourable members will feel somewhat more interested namely, Railway performance. Our travel, our agriculture and our industries have gradually grown up on a foundation of cheap and adequate railway transport. It is not, therefore, a matter for surprise that its shortcomings should come in for frequent, at times carping, criticism. The War, and the Partition which followed a little over two years later, are responsible for many of our present difficulties. We have however to bear in mind that it takes a considerable amount of time to overtake the effects of such far-reaching and disturbing events. We have made progress in overcoming them and shall continue to do so.

19. Under passenger traffic, there has been some increase in the number of trains during the current year. Between April and November 1948, 5½ million more train miles were operated than we did during the corresponding period of 1947. The additional trains have reduced overcrowding somewhat and reports recently received appear to indicate that, except in the proximity of towns and fairs, there has been a definite change for the better in this matter. But it is a fact that there has been a larger increase proportionately in the number of passengers during the last few years than the increase in the number of passenger trains and the accommodation therein. There has been consequent overcrowding which can only be relieved gradually. Steps have, however, been taken to produce more coaches. From 1st April 1948 to 1st November 1948, 172 coaches (in terms of four-wheelers) were completed in railway workshops and 272 coaches are now in process of construction. 100 improved type of Class III all metal coaches 10 ft. wide equipped with electric fans are on order with the Hindustan Aircraft Ltd. Bangalore. A few of these have already been delivered and are in use on the M. & S. M. Railway. The remainder will be delivered during the year 1949-50. Orders have also been placed for 250 coach body shells with the Wagon Manufacturing Panel and in the U. K. for 112 electric multiple unit suburban coaches for the G.I.P. and B.B. & C.I. Railways. Two hundred and fifty-one Broad Gauge coaches have also been returned by the Ministry of Defence since 1st April 1948. In spite, however, of these steps, the conditions of travelling for Class III passengers still leave great deal to be desired. I can only promise that a continuous drive will be kept up for improving them in every direction. There has been noticeable improvement in train punctuality as a result of a special drive that was initiated. I am talking of percentages. The percentage of trains not losing time is roughly 60 and in a few cases as high as 83. These figures, however, are not a matter for complacent satisfaction but should and will be improved further. A number of steps have been taken to improve in several ways the conditions in which Class III passengers travel. This question has been continuously under our consideration and I am glad to say that some important measures have been taken in this direction. Instructions have been issued to Railways to provide electric fans in third-class waiting halls and covered platforms at important stations and to increase the seating accommodation provided therein. The ensuring of cleanliness of coaching stock and of station premises has been specially stressed. Arrangements have been made for adequate supply of water and certain Railways have introduced a scheme which provides for drinking water and watermen being carried in Class III compartments on long distance trains.

20. In the past more attention was paid to the class in which a passenger travelled than to distance. The more fundamental distinction is that between

long distance and short distance passengers. It has, therefore, been decided to provide special compartments and reserve seats therein for long distance passengers travelling for more than 300 miles. In the matter of service of meals and other attention, it has been enjoined that they should be treated like upper class passengers. In some principal stations a special booking office window for the issue of tickets to such passengers has been opened.

21. In the autumn session of 1947, a suggestion was made that social service workers should be employed to assist Class III passengers at major stations. Most of the Railways have given effect to this suggestion and social guides have been appointed in consultation with recognised social service institutions.

22. Ticketless travelling and the consequent overcrowding have been attacked with vigour during the year and Provincial Governments have whole-heartedly co-operated with the Railways in this matter. In the United Provinces, where the evil had attained serious proportions, the work of 17 platoons of mobile police and 34 Special Magistrates has yielded very encouraging results. During the first nine months of working, some 2-1/2 lakhs of cases were detected and Rs. 8-1/2 lakhs recovered from the culprits. The drive naturally added also to the regular receipts at booking offices.

23. I would like to make a reference in passing to the new re-classification of accommodation in passenger trains, which took effect on the 1st of January last. The congestion which the old Inter Class passenger was the victim of has been somewhat relieved under the new system (*Honourable Members*: Not at all) consequent on the downgrading of a number of old Second Class compartments to this class. Arrangements have been made to reserve seats in new Class II. It has not been possible to provide sleeping accommodation for Class II passengers in all trains, but a beginning has been made and Railway Administrations have been instructed to investigate ways and means of extending this facility. The conversion of all the previously existing stock into stock of the new type requires a large-scale withdrawal of some of the old stock for necessary readjustments and would entail a considerable curtailment of the limited coaching accommodation now available on the line till they were returned from the workshops. To avoid this, some old Second Class compartments were downgraded to new Class II, while others were upgraded to new Class I. This naturally resulted in a difference in the standard of accommodation to which new Class II passengers were entitled, but this particular complaint will only be temporary until conversions have been taken up and completed to new standards. There can be no doubt that the re-classification has evoked a large volume of criticism. Class III passengers have had no benefit from it. Old First Class passengers, who travel in new Class I have definitely benefited. Old Inter passengers who are able to obtain accommodation in old Second Class compartments, converted into new Class II, get better amenities at practically old Inter rates. The old Second Class passenger, if he has to be sure of the same comfort and sleeping accommodation as he was previously entitled to, must go in for a new Class I ticket (*Shri L. Krishnaswami Bharathi*: At what cost?) which means a 50 per cent. increase in his fare. You will admit that I am not concealing anything. If, however, he elects to travel in new Class II, he has to be content with old Inter discomfort without being sure of obtaining sleeping space in all cases. The Railway Administrations have been directed, however, to watch carefully the effects of the new classification and the reactions of the travelling public thereto. The first reports on this subject have been received from General Managers. The period they relate to was, however, too short to base any definite conclusions on. The views expressed are not uniform, though from the purely revenue point of view they do not appear to give much room for anxiety. The matter, however, requires further watching, and I trust that

[Shri N. Gopalaswami Ayyangar]

the additional facilities which have been ordered to be gradually provided for Class II passengers will, when they are implemented, persuade them to settle down to the new system. It is premature, however, to pronounce a final verdict on the question whether the change that has been brought into effect in deference to the views expressed in this Assembly and in the Central Advisory Council, (Shri R. K. Sidha: "That is not correct.") calls for any reconsideration.

24. Criticism has been loudest against Railways in respect of goods services. I would address this particularly to Mr. Homi Mody. There are bottlenecks in railway transport. But it is well to remember that there are bottlenecks also in other forms of transport and in industry and trade. I am free to confess that Indian Railways in their present condition cannot carry concurrently all the traffic offering. But all essential traffic has, subject to exceptions, been moved in reasonable time having due regard to the conditions that prevail; while all other traffic has been obliged to wait until the needs of essential traffic have been satisfied or to be content with a scramble. The daily average coal loading from January to December 1948 was about four per cent. higher than that during 1947; in November 1948, it was higher than in any month since 1943. In the Iron and Steel industry, despite a decrease in production, despatches during January to December 1948 were higher than those during 1947. The bottleneck in this industry has, in the recent past, been its difficulty in facilitating the clearance of previously accumulated stocks and not the lifting by Railways of current production. But even these stocks are now being moved by planned train loads to the extent that the industry is able to load wagons. The movement of textiles during the period between January and December 1948 was 18 per cent. higher than that during 1947. During the first eleven months of 1948, the movement of cement was nine per cent. more than in the corresponding period of 1947. For the sugar industry, rail transport has been regularly programmed and the sugar factories, despite accumulation of stocks, have not been able to utilise all the transport facilities that were offered to them.

25. So long as rail transport resources fall substantially short of the demand, their rationing and control from the public point of view are inescapable. The Rail Priorities Organisation, with five Regional Controllers assisted by Local Regional Advisory Committees and supervised by a Chief Controller of Priorities at the Centre working in close association with the Railway Executive and the Central Board of Transport, has done and is doing good work. The weekly meetings of the Standing Committee of the Board are of the greatest value in this connection. They ensure coordination between the competing claims of different Ministries for transport. What is more, they serve to keep continuous watch on movements and to detect and to remove bottlenecks in railway transport wherever they occur. The most notable decision of the Board itself was the determination of national priorities. Food movements of course, come first and then industries. The Board decided that full transport facilities should be provided for steel, textiles and cement to start with. A programme for each quarter has to be framed in advance of it and the Standing Committee of the Board prepares movement programmes to implement such targets. The planning for these three industries for the first quarter of 1949 has already been completed and wagon quotas have been fixed so as to ensure that these industries work on the optimum planned level. A new scheme has also been introduced by which an efficient follow up machinery will ensure that every consignment covered by a priority order is assured of movement.

26. It is, I trust, appreciated all round that considerable improvement has been effected in recent months. This has been achieved by special measures

such as careful programming of movements and a steady stepping up of operating efficiency from the low levels to which it had dropped. One of these important steps is the movement of traffic in full train loads. During the month of December 1948, for instance, as many as 329 B.G. specials were run on the different railways. The daily wagon loadings on the B. G. have improved from 9,800 in June 1948 to 11,267 in December. The turnround of wagons over the same period has shown an encouraging decline from 15.03 to 12.21 days. The average speed of goods trains to refer to another aspect, has been registering an upward trend. These are reassuring features in recent railway working, though I concede that a great deal more requires to be achieved before public satisfaction can be extorted. It is not enough in my judgment to meet industry's immediate needs. Industries must be given the confidence that additional calls on transport due to the stepping up of production in existing industries and to the establishment of new industries will be met if and when they come to be made. There is still a considerable gap between the actual demand for transport and the capacity of railways to meet it in full in proper time. The problem of bridging the gap is one of adequacy of power, rolling stock and line capacity.

27. Having regard to the difficult power position and the urgent need to strengthen it, the Chief Commissioner of Railways went to Europe and America during 1948 to seek manufacturing capacity for locomotives to be quickly built to India's specifications. As a result of his visit and on an examination of the quotations of prices and delivery dates, orders have been placed in the U.S.A., Canada, the U.K. and France for 390 locomotives, in addition to 473 previously ordered, making a total of 863 locomotives consisting of 640 B.G., 203 M.G. and 20 N. G. engines. 303 of the total number have been ordered in the U.S.A., 350 in Canada, 190 in the U. K. and 20 in France. 19 B.G. and 33 M.G. locomotives have been received in India by 15th January, 1949. By 31st March next, 120 more B.G. locomotives are expected to be received. The total receipts during the current year will thus amount to 139 B.G. and 33 M.G. locomotives. According to the scheduled delivery dates 202 B.G. and 22 M.G. locomotives are expected to be received in India before the end of September next; 90 B. G. and 91 M.G. locomotives by the end of December and 45 B.G. and 57 M.G. locomotives by March 1950. We hope, therefore, to receive a total of 337 B.G. and 170 M.G. locomotives during 1949-50. Of the balance, 164 B.G. and 16 N.G. locomotives are expected to be received in India during 1950-51 and the remaining 4 M.G. locomotives during 1951-52.

Questions have sometimes been asked as to why loco orders have not been placed in other countries in the world. In order to clarify the problem, it may be stated that three factors governed the placing of orders. Firstly, locos which we require must be built to our specifications. Designs suitable elsewhere do not conform to our standards, and interchangeability in stock is important. Secondly, the price quoted should be competitive, and lastly the delivery dates should be acceptable for our needs.

28. Our dependence primarily on the foreign manufacturer for our locomotives has thus been largely responsible for our present sorry plight in this connection. The Central Legislature has for years demanded the setting up in the country of a locomotive industry of our own. There had been regrettable procrastination in this respect in the past, but I am glad to be able to say that we are making rapid progress in meeting this demand now. At Chittaranjan, 20 miles from Assansol, close to the coal and steel producing areas, work is proceeding in full swing on the erection of the Locomotive Building Workshops designed to manufacture 120 steam locomotives and 50 additional boilers per year. The smaller shops in this factory for the manufacture of components are expected to be ready early in 1950 and the main assembly shop for the production of complete locomotives by early 1951.

[Shri N. Gopalaswami Ayyangar].

29. For the time being, however, we have to do the best with a shortage of power. Our overaged locomotives on 31st March 1949, both B.G. and M.G., number 1,291 and it will be some time before they are all replaced. Quite apart from the fact that it is uneconomical to maintain obsolescent types, one has to reckon with engine failures which assumed serious proportions during certain months of 1948 and interfered with punctuality of operation. To add to our difficulties, the efficiency of the periodical overhaul of engines in workshops was impaired by lack of, or inadequate, stocking of spare parts. There had been protracted delays in the placing of orders for and in the receipt of spares both in India and from abroad, and these have had serious repercussions on the maintenance schedules of the workshops. The out-turn in workshops of rolling stock has been adversely affected in consequence. Steps are being taken to minimise avoidable delays in finalising contracts and expediting delivery.

30. As regards wagons, our requirements per annum are of the order of 10,000 in terms of 4-wheelers. Up to 31st December 1948, 2,349 wagons of different types (in terms of 4-wheelers) have been put on the lines. By March 31, 1949, another 485 wagons would come into service. The orders placed in the year amount to 3,600 wagons. The numbers expected to be delivered during 1949-50 are 4,400 wagons. The shift in the traffic flow due to war-time changes in our industrial production and to Bombay having to take over the role of Karachi as the principal port for North India, have stressed the need for increase in line capacity. This matter has received attention. The Delhi-Mathura track is being partially doubled. One fraction of it has already been opened to traffic. An additional line between Budni and Barkhera on the Bhopal-Itarsi section of the G.I.P. Railway is being constructed. As the existing line in this length has steep gradients and requires the use of banking engines, the additional line is being constructed on a separate alignment with flatter grades. The existing line will be used for down traffic without banking engines and the new line will be used for up traffic, also without banking engines. On the B.B. & C.I. Railway, Anand-Barejadi single track on the Baroda-Ahmedabad section will soon be doubled. The quadrupling of 52 miles of track between Saktigarh and Sitarampur on the E. I. Railway has already been completed while the doubling between Ekdil and Kanpur is now in progress. Along with line capacity, we have to consider yard capacity as well. For speeding up of traffic, several large yards are being remodelled. The work on the New Delhi yard is nearing completion and that on the Delhi Main Yard will soon be taken in hand. On the O. T. Railway the remodelling of Gonda and Gorakhpur yards is likely to be completed in 1949-50. I will not weary the House with more details.

31. There is, however, one important point to which I should draw the attention of honourable members, namely, that progress in works of the kind referred to and in rehabilitation has been held up by shortage of supplies of steel to Railways. The increased wear and tear and the deferred maintenance of locomotives and other rolling stock have accumulated large arrears of maintenance and repairs. The present supplies of steel to Railways fall far short of the full tonnage required to maintain the repair schedules. The short allocation of steel has also placed limits on the actual orders for rolling stock with indigenous manufacturers. For instance, we desired to place orders for 5,080 wagons against annual normal requirements and for an additional 4,500 wagons to meet the industrial needs of the country. Owing, however, to the limited supplies of steel available the orders had to be reduced to 3,500 B. G. wagons representing only about 40 per cent of indigenous capacity. The shortage of steel has affected permanent way maintenance also. The need for the topmost priority being given to demands of steel from Railways to meet their minimum

requirements for essential maintenance and replacement hardly requires stressing.

32. I have already referred to the proposed Locomotive Building Workshops at Chittaranjan now under construction. Railways in this country have experience of work on repairs and maintenance of locomotives. They have little or no experience of the manufacture of locomotives on modern production lines. If, therefore, we are to avoid the very expensive method of learning by mistakes we require to import specialised technical aid for a temporary period. The Railway Board has now under consideration the possibility of making arrangements with foreign manufacturers for obtaining such technical aid. The intention is to secure the loan of trained technicians for service at our workshops where they would be required to organise the production side as well as to train our men in the technique of production. It may be necessary to get the assistance of any firm with whom an arrangement of this kind is made for producing to a planned scheme such parts of locomotives as we may find it not possible to manufacture at our workshops or elsewhere in India until our own factory comes into full competitive production. It would be necessary for such a firm also to undertake to train, where necessary, our technicians in their own workshops.

33. The Railway Board has, further, under examination at present the whole of the locomotive position on Indian Railways. The normal life of a locomotive is 40 years. The average age of locomotives on the line should be half that figure, namely, 20. At present, the average age of our locomotives is very much higher than that, being about 28 years. This indicates that we have in use more older than younger locomotives on the line. With due regard to the expected delivery dates of locomotives on order and the number and types of locomotives which will become overage by then, it has been calculated that we shall require, without embarrassing our own production, both from our workshops as well as from Tatas, from 400 to 500 more locomotives to be imported. The details, however, have still to be worked out.

34. The House will remember the Silver Arrow model train which was exhibited round India in 1947. Many enquiries have since been received as to when stock of that kind could be seen on Indian Railways. Progress has been made in manufacturing the all-metal light-weight type coach in India. The position at present is that we have prototypes under construction and these will have to be given the various buffing and other tests required before we go in for mass production. The Railway Board has been examining the possibility of establishing for Indian Railways a Central Coach Manufacturing Workshops where such all metal light-weight coach construction could be done with a view to adding to indigenous capacity in this sphere. For this workshop also, as in the case of locomotives manufacture, the Railway Board is considering the question of obtaining technical aid from foreign manufacturers with years of experience of welded all-metal coach building.

35. While presenting the Railway Budgets in November 1947 and February 1948, Dr. Matthai referred to the demands of labour on Railways, particularly in connection with the implementation of the recommendations of the Central Pay Commission. During the year, a Negotiating Committee consisting of representatives of the All-India Railwaymen's Federation and of the Railway Board discussed certain issues arising from the application of the Commission's recommendations. A variety of matters had to be covered during this discussion. Several of them were requests for modification even of the basic recommendations of the Central Pay Commission. At their annual convention at Calcutta, the Federation passed resolutions demanding that there should be no curtailment in Grainshop concessions and drawing attention to certain outstanding points at issue in connection with the Central Pay Commission scales of pay. In November, the General Council of the Federation met at Nagpur

[Shri N. Gopalaswami Ayyangar].

and decided on the taking of a strike ballot. Towards the end of December, the President of the Federation wrote to me drawing my attention to the clause in the Nagpur resolution expressing the preparedness of the Federation to come to an honourable settlement. In reply I suggested that he might come over and have a discussion with me. During the talks between us last month at Bombay and Delhi, there was a frank exchange of views and we arrived at certain understandings which, I have reason to believe, have cleared the air considerably. As a result, the Federation Executive has now a better appreciation of the policy of Government towards railway labour and its trade union organisations. The General Council of the Federation is timed to meet tomorrow. I trust that good sense will prevail and the decision will be against a railway strike.

36. It is necessary here to refer to Railway Grainshops. In pursuance of the undertaking given at the last Budget session, the Railway Grainshops Enquiry Committee with Shri Mohan Lal Saksena as Chairman and Shri K. Santhanam and Shri Khandubhai Desai as members was appointed to examine the structure of the grainshop organisation, the system of procurement, stocking and distribution and the admissibility of the grainshop concessions to the various categories of railway staff. The Committee was also asked to suggest modifications in the present system which, while retaining the essential benefits of the grainshop scheme, would keep the cost within the limits the Railways could afford. The Report of the Committee was submitted in June and its recommendations were accepted later by Government with only slight modifications. The result was that staff drawing above Rs. 250 were given the full cash dearness allowance payable to other Central Government employees, and an option was given to staff drawing upto Rs. 250 either to continue to enjoy grainshop concessions limited to five essential articles or to give up the concessions in favour of the full cash allowance. Government also offered lump sum payments to those drawing up to Rs. 50 who decided to opt out of the grainshop concessions before 1st January 1949 with a view to enabling them to make suitable adjustments in their domestic budgets. When subsequently Government decided to increase the rates of cash dearness allowance to all Central Government employees drawing upto Rs. 250 by Rs. 10 per mensem, they sanctioned in the case of Railway workers the same allowance of Rs. 10 per mensem for staff drawing up to Rs. 250 with a proviso that in the case of such of the staff as elected to retain grainshop concessions on the restricted scale, the allowance would be only Rs. 5 per mensem. The period for electing to opt out of the Grainshops was extended up to 31st March 1949, and, in the case of those who did so opt out, lump sum payments on the same scale as for those who opted out before the 1st January 1949 were also promised. The new scheme has been brought into operation from the 1st January 1949.

37. Government have no desire other than to deal justly and even generously with labour. The Central Pay Commission scales of pay, the Rajadhyaksha Award, the new rates of pay and allowances to Running Staff, the increases in the dearness allowance which have taken effect from the beginning of this year, all these have added to the financial strain on the Railways, and, therefore, on the community as a whole. It will not help the railwaymen to get their spending power increased when it is unaccompanied by increased production all round. In the circumstances in which we find ourselves placed to-day in the country, there is need for austerity and sacrifice on the part of every section of the community. The Government are committed to a long term policy of raising the standard of life of every one in the country. But a higher standard of life is not a matter merely of higher wages. It is essentially one of higher productivity. The present situation thus offers a challenge to our capacity and sense of responsibility as well as to the objectives that we

must place before ourselves. I have always felt that, in the long run, labour will rise to the height that it should in promoting the welfare of the country as a whole and in avoiding everything that is likely to conflict with peace and the attainment of that welfare by everybody. I have good reason to think that responsible leaders of Railway labour, including those in the All-India Railwaymen's Federation, are fully alive to the disastrous consequences of taking a decision which will cause direct injury on a colossal scale to the rational interest, and I do trust that they will not allow themselves to be misguided and overwhelmed into taking a wrong course by those who attempt to exploit them and their clientele not for legitimate trade union interests but for purposes of self-aggrandizement or of winning political party advantage.

38. The Railways constitute the biggest nationalised industry in the country, and I am one of those who believe that the administration of this industry should be so ordered and developed as to give labour more and more the feeling that it is participating with the management in raising the public service which the industry renders to the community to the maximum, both in quantity and quality. I am keen, therefore, that the conditions of life of railway workers should improve with expedition and, in some respects, radically. The Railway Budget provides for many items of expenditure relating to labour welfare. In spite of the need for economy and the difficulty of obtaining materials at reasonable prices, the Railway Administrations are trying to put up as many houses as possible, especially for those belonging to the lowest income groups amongst the workers. Railway hospitals and dispensaries provide for the railway workers greater facilities for medical relief than are available to the ordinary citizens of India. Other items of expenditure include maternity and child welfare, schools and institutes. It is proposed to review all these activities so that they may be fitted into an effective all-round programme of labour welfare. In order to enable Parliament as well as the railway workers to watch the progress of a scheme of this nature, the question will be examined whether all these items of expenditure cannot from the next year be brought under one demand head as in the case of passenger amenities.

39. The establishment of the most cordial of relations between railway managements and the railwaymen who work with them will be the supreme test of the efficiency of Railway Administrations. Past traditions and present conditions have combined to bring about an atmosphere of apparent conflict and hostility between them. The right of workers to combine for the protection of their interests is undoubted. But, on combining together, Unions and Federations of workers should realise that nothing could be to the real interest of the workers themselves unless it is in unison with the interest of the community as a whole. To exploit trade Unions for political party ends merely is a crime, whoever may resort to it. I desire to appeal to all labour leaders, whatever school of politics they may belong to for other purposes, seriously to consider whether for subserving the real welfare of their primary clients, the general body of workers they should not unite in a common organisation and confine its activities to the realisation of essentially trade union objectives.

40. An important piece of reform was completed during the year with the introduction of a new rating structure on the 1st October 1948. I would not weary the House by giving details of the new system that has been introduced. A new Railway Rates Tribunal will shortly commence to function under the legislation passed last year and will, I hope, be welcomed by the trading community. The need for a more satisfactory machinery to decide disputes in connection with rates than was provided by the Rates Advisory Committee of the past had been pressed for long and the functioning of the Tribunal should go a long way towards satisfying the public that their complaints regarding the making or giving of undue preference in rates or charges or of refusal to quote a station-to-station rate will be looked into and decided finally by an impartial authority.

[Shri N. Gopalaswami Ayyangar].

41. I would here make an appeal to our trading community for co-operation in the matter of the utilisation and release of wagons. In a number of cases it has been found that indents placed for supply of wagons are cancelled or not fully availed of when they have been complied with after a great deal of effort and programming of movements on the part of the railways. To avoid delays in the release of wagons at starting or destination stations, the Railway Board has recently had to reduce the free time allowed for the levy of demurrage from 9 to 6 hours. This has led to an improvement in wagon loading since last April by 2.71 per cent on the broad gauge and 4.74 per cent on the metre gauge as compared with the corresponding period of 1947. It is not a pleasure to be compelled to institute penal measures for what could readily be accomplished with the willing co-operation on the part of traders and businessmen. I wish our Chambers of Commerce and Trades Associations will build up a code of their own of healthy practices in this regard. This is what has been done for many years in the U.K. and the U.S.A. The absence of responsible conduct of this nature has expressed itself in the enormous accumulation of uncleared consignments, as for instance, was the case in the New Delhi yard. If some businessmen do not clear wagons in time, they are actually depriving many others of the supply of wagons so essential to the functioning of our economy in a regime of shortages and priorities. I have no hesitation in assuring the commercial community that the Railways will do their utmost to serve their needs. I am sure they appreciate the radical measures adopted recently to clear the arrears of claims which had accumulated during the war and on account of the unsettled conditions of the last two years.

42. The Indian Railway Enquiry Committee concluded its labours during the year and submitted its report to Government early in November last. To my honourable friend Pandit Kunzru, who presided over the Committee, and to his colleagues, I wish to express the Government's obligations for the comprehensive survey of railway problems, the painstaking study of those problems and the recommendations they have made in the Report. These recommendations are individually being processed by a high level Officer on Special Duty with a view to obtaining Government's orders thereon. I need hardly say that Government will give their very best consideration to the recommendations. The Report was sent to the Press soon after its receipt, and printed copies of it will not be available for some days more. I apologise for this delay to the House. I may tell honourable members that two typed copies of this report have been in the Library for some days now. (*An Honourable Member*: You should have given us opportunity to study it before the Budget Session). You have got to depend on the Government Press and they have promised copies only after a few days.

43. I ought to refer to another topic to which reference has been made by the House in recent years, namely, the economic and statistical information relating to railways. The question has a public as well as a domestic importance to railways. Indian Railways have for many years followed a policy that is perhaps unique. There is hardly an aspect of their working—financial, operational, or commercial—on which they do not collect, and cannot supply, full information. All this information is necessary for the purpose of managerial control, to maintain efficiency in working, to keep down uneconomic expenditure and to improve financial results. I am assured that our record in these matters compares very favourably with that of other countries, including even the U.K., the U.S.A. and Canada. The principal defect with us has been that we have not been making as good use of the information that is available as these other countries do. We are instituting measures to bring about a rapid improvement in the present set up, taking into consideration the valuable suggestions made by the Indian Railway Enquiry Committee.

44. What is badly required is the collection and collation in suitable forms of the information we have and its interpretation and correlation with the broad economic trends in the country. This is of vital importance to all those, such as the members of this House, who have to decide, or pronounce on, questions of policy and must have a correct appraisal of railway working from time to time. We are also strengthening our economic research side. The resources have to be harnessed to support and promote the economic welfare of the nation. As railways touch the life of the community more intimately than perhaps any other single economic agency, their managements should know as precisely as they can its changing needs, so that the service they render it is adjusted to what is desired. For this, there should be a continuous study in relation to railway working of current trends in industry, agriculture and domestic and foreign trade. Such studies, so common in other countries, should prove to be of great value to our industrialists and businessmen. A beginning on this task will be made in the Budget Year.

45. The Railways offer a wide field for scientific research. The Research Committees of the Indian Railway Conference Association and the Central Standards Office have a fairly good record to their credit in this respect, but it is recognised that there is need for a more comprehensive effort in this direction. The matter is under active consideration.

46. Honourable members are, I know, greatly interested in the problem of the re-grouping of railways in this country. Amongst the nine units of Railway Administrations now in existence, the route mileage in charge of each varies from 1,231 miles on the Assam Railway to 4,457 miles on the E. I. Railway. Their operation ratios vary within fairly wide limits and some of them have been living on the others. Their present geographical distribution has grown haphazardly in some cases and are a product of the history of both State and Company effort in the past. Whether we should interfere with the present grouping at all and, if so, how best to regroup these systems with the assurance of giving satisfaction both territorially and functionally is a problem which bristles with difficulties. The Railway Board and I are studying this problem in all its various aspects. The dimensions of the problem change daily—thanks very largely to my honourable colleague on the left. The political developments in Indian States and Unions of Indian States are at present a disturbing factor in the way of arriving at conclusions which can have any permanence. When, however, the political map of India gets finally settled—as there is every prospect of its doing in the very near future—we should be in a position to re-draw the railway map of India and cut it up into units of Railway Administration, which will ensure both regional and operational efficiency.

47. There is the other problem also of the re-organisation of the internal administrative set up in each unit of Railway Administration. This also is being studied very intensively, but, in a sense, it is linked with the problem of re-grouping. The matter is under active consideration, but, in view of obvious facts, it seems to me that a hasty decision in respect of this matter should be avoided.

48. Proposals have been made from time to time by Committees and individuals, and quite recently by the Indian Railway Enquiry Committee, regarding the changes that are necessary in the central machinery for controlling this huge nationalised concern. I am giving this problem also my best attention and, while improvements for the purpose of achieving greater efficiency with the present Central set up are being and will be effected, the larger problem of the nature and functions of a Central Railway Executive and of its relations with the Minister and Parliament requires the most careful consideration and such legislation as may be required for altering the existing system might, perhaps, be more wisely introduced in Parliament after the new Constitution comes into force.

[Shri N. Gopalaswami Ayyangar].

49. In a broadcast, which I made soon after I took over charge of Railways, I said—"On the railways, among the station, goods, train and such like staff, the demand and payment and the offer and acceptance of illegal gratification are almost a tradition, deep rooted and of many decades standing. A determined drive is now on to combat this evil with firmness". The House has always evinced the keenest interest in the putting down of this corruption. The arrangements that exist for achieving this result have been under my continuous consideration and recently I approved of a scheme evolved by the Railway Board under my instructions and after consulting both the Head of the Special Police Establishment and General Managers of Railways. The object of the scheme is to co-ordinate the activities of the Special Police Establishment and Railway Administrations and to tighten up the executive machinery, both Police and Railways, dealing with the detection and investigation of cases. The main points of the scheme are:

Firstly, Organisations to suit local conditions for the prevention, detection and departmental investigation of corruption on each Railway;

Secondly, merely departmental or procedural irregularities resulting in preferential treatment to traders, travellers, contractors or firms should be ordinarily enquired into and disposed of by the Railway Administration concerned. If, however, there is reason to think that receipt of some monetary or other consideration can be established against the Railway staff concerned with these irregularities, the cases should be handed over to the Special Police Establishment without delay; and

Thirdly, in dealing with cases of corruption departmentally all non-Railway authorities and organisations, however influential they may be commercially or politically, should be entirely excluded.

The House will be interested to know that the number of cases investigated by the Special Police Establishment up to the end of December 1948 was 837, of which 389 cases were sent up for trial to Courts or Tribunals. 282 persons were convicted and 188 acquitted. 163 cases were referred back to Railway Administrations for departmental action. The number of Railway Gazetted Officers implicated was 40. The anti-corruption drive will be continued with the maximum of vigour, and I am glad to be able to tell the House that the officers in key posts on the Railways are quite alive to this and has given evidence of keenness for putting it down.

50. Before I close, I should like to pay a tribute of appreciation to the Chief Commissioner of Railways and his colleagues on the Railway Board, to the officers and staff serving under it, to the Heads of the nine Railway Administrations and the officers and staff serving under them, and particularly to the large body numbering over eight lakhs of Railwaymen for the hard work they have been and are doing as well as for the service they have been rendering to the public under conditions of a certain amount of disorganisation and confusion, for which they certainly could not be saddled with responsibility. The House will, no doubt, join with me in paying this tribute. To honourable members who have served on the Railway Standing Finance Committee and on the Central Advisory Council for Railways, I wish to express my gratitude and that of the Railway Board for the helpful criticism and the willing assistance we have throughout received from them:

51. And that Sir, brings me to the end of my story this afternoon.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Wednesday the 16th February, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES.

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Wednesday, 16th February, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS. (See Part I)

11-50 A.M.

PAPERS LAID ON THE TABLE

CONVENTIONS AND RECOMMENDATIONS OF INTERNATIONAL LABOUR CONFERENCE, GENEVA, THIRTIETH SESSION, 1947.

The Honourable Shri Jagjivan Ram (Minister for Labour): Sir, I lay on the table—

- (1) a copy of the *Conventions and Recommendations adopted by the International Labour Conference at its thirtieth session held in Geneva in 1947; and
- (2) the statement indicating the action which the Government propose to take on those Conventions and Recommendations.

STATEMENT

Action proposed to be taken on the Conventions and Recommendations adopted by the XXXth Session of the International Labour Conference held in Geneva in June-July, 1947.

The XXXth Session of the International Labour Conference convened at Geneva in June-July, 1947, adopted the following Conventions and Recommendations:—

- (1) Convention No. 81 concerning labour inspection in industrial and commercial undertakings;
- (2) Convention No. 82 concerning social policy in non-metropolitan territories;
- (3) Convention No. 83 concerning the application of international labour standards to non-metropolitan territories;
- (4) Convention No. 84 concerning the right of association and the settlement of labour disputes in non-metropolitan territories;
- (5) Convention No. 85 concerning labour inspectorates in non-metropolitan territories;
- (6) Convention No. 86 concerning the maximum length of contracts of employment of indigenous workers in non-metropolitan territories;
- (7) Recommendation No. 81 concerning labour inspection; and
- (8) Recommendation No. 82 concerning labour inspection in mining and transport undertakings.

* Not printed in the Debates. A copy placed in the Library.—Ed. of D.

A printed copy of the texts of the above Conventions and Recommendations is attached.

As required by Article 19(5) of the constitution of the I.L.O., the Conventions and Recommendations are required to be brought before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

2. Conventions Nos. 82, 83, 84, 85 and 96 relate to non-metropolitan territories. Since India is not a non-metropolitan territory and does not have any non-metropolitan territories under her, she is not concerned with these five Conventions. The question of taking action on these Conventions does not, therefore, arise.

3. Convention No. 81 consists of two parts, the first part relating to industrial work-places and the second to commercial work-places. Article 25(1) of the Convention allows a Member State to ratify Part I alone and to exclude Part II from acceptance by means of a declaration appended to its ratification.

4. Part I of the Convention prescribes that the ratifying country shall maintain a system of labour inspection in industrial work-places in respect of which legal provisions relating to conditions of work and the protection of workers while engaged in their work are enforceable by labour inspectors.

The functions of the inspection services will be—

- (a) to secure the enforcement of the legal provisions referred to above;
- (b) to supply technical information and advice to employers and workers regarding the most effective means of complying with the legal provisions;
- (c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.

The Convention further lays down the principles that should govern:

- (a) the recruitment and training of inspectors;
- (b) the qualifications of inspectors;
- (c) the powers and duties of inspectors;
- (d) the strength and composition of the inspectorate;
- (e) the provision of office facilities, transport facilities etc.; and
- (f) preparation of annual reports on the work of the inspection services.

The Convention prescribes that appropriate arrangements shall be made to promote (i) effective co-operation between the inspection services and other Government services and public or private institutions engaged in similar activities and (ii) collaboration between the inspectorate and the employers and workers.

5. It may be noted that unlike other I.L.O. Conventions, this Convention enunciates the broad principles that should govern the organisation and administration of factory inspection services and lays down the administrative practice to be followed in order to ensure an efficient and impartial Inspectorate. The Factories Act, 1948, which will come into force on the 1st April, 1949, fully meets the requirements of Part I of the Convention. Though the obligation to implement the Convention will actually arise after 12 months from the date of ratification, it may be mentioned that well-organised factory inspection services already exist in all Provinces and Centrally administered areas.

6. Part II of the Convention provides that the ratifying country shall maintain a system of labour inspection in respect of commercial work-places which are subject to legal regulations. Some of the Provincial Governments have enacted legislation for regulating the conditions of work in shops, commercial establishments, etc. The extent and scope of such legislation, however, vary from province to province. Moreover, there is as yet no Central legislation covering commercial establishments, though proposals for such legislation are under the consideration of the Government of India. In the circumstances, it is felt that India cannot ratify this part of the Convention for some time to come.

7. The Government of India, therefore, propose to ratify the Convention and to exclude Part II from acceptance by a declaration appended to the ratification.

8. Recommendation No. 81 stresses that each member should apply, as rapidly as national conditions permit, the suggestions contained in the Recommendation in respect of preventive duties of labour Inspectorates, collaboration of employers and workers in regard to the health and safety of workers, interference or labour inspectors in labour disputes, and information to be contained in the annual reports on inspection. The Recommendation has been brought to the notice of Provincial Governments, the employing Ministries of the Government of India, etc. The Standards laid down in the Recommendation constitute a desirable objective and will be given effect to as far as possible.

9. Recommendation No. 82 requires that each member of the I.L.O. should apply to mining and transport undertakings, as defined by the competent authority, appropriate systems of labour inspection to ensure the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work. This Recommendation is acceptable to the Government of India. In the case of the mines, a system of labour inspection already exists. Similarly, adequate provision has already been made for proper inspection in the case of railways and major ports. As for road, water and air transport, conditions of work are not yet regulated to the desired extent on an All India basis. It is, however, hoped that when the question of such regulation is taken up, provision will be made for an appropriate system of labour inspection. The attention of the Provincial Governments has been drawn to the desirability of giving effect to this Recommendation as far as possible in respect of transport undertakings which fall within the Provincial sphere.

COAL MINES LABOUR WELFARE FUND (AMENDMENT) BILL.

The Honourable Shri Jagjivan Ram (Minister for Labour): I beg to move for leave to introduce a Bill to amend the Coal Mines Labour Welfare Fund Act, 1947.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Coal Mines Labour Welfare Fund Act, 1947."

The motion was adopted.

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

BANKING COMPANIES BILL—contd.

Mr. Speaker: The House will now proceed with the further consideration of the Bill to consolidate and amend the law relating to banking companies, as reported by the Select Committee. Clause 30 was under consideration. Amendment No. 184.

The Honourable Dr. John Matthai (Minister for Finance): If I may make a reference to the point that you reserved for consideration yesterday—this is with reference to amendment No. 153 under clause 19—I have had the matter further examined in the light of your suggestion and I am now prepared to accept the amendment of my honourable friend Mr. Naziruddin Ahmad.

Mr. Speaker: This was left over as it was related to clause 46. The honourable Minister now says that he is willing to accept that amendment for deletion of the Proviso.

The question is:

"That in clause 19 of the Bill,—

- (i) the first Proviso to sub-clause (2) be omitted; and
- (ii) in the second Proviso to sub-clause (2), the word 'further', occurring in line one, be omitted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 19, as amended, stand part of the Bill."

The motion was adopted.

Clause 19, as amended, was added to the Bill.

Mr. Speaker: We now proceed to amendment No. 184.

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, may I know whether the arrangement which you made yesterday shall hold good today also, that when a particular amendment is opposed by the honourable Minister then no other Member need speak on that amendment?

Mr. Speaker: The honourable Member is placing the whole thing in a ridiculous manner. That was never my meaning, it could never be my meaning. But it should be the anxious consideration of each Member of this House, to save as much time as possible and my anxiety was to avoid unnecessary discussion of any point on which there was a substantial agreement. Therefore, I said that if the honourable Minister accepts an amendment, there was no practical need—considering the discussions that we had at the consideration stage, at the clause-by-clause stage, at the various stages—of again further advancing arguments in support of what the honourable Minister has stated. It is only people who want to oppose it, that might speak. If the honourable Minister wants to oppose the amendment, a member who wants to support it might have to say something, but he could do it briefly. Not that anybody is prevented from exercising his rights, but perhaps the impression created would be that he is addressing for the sake of addressing and therefore wasting the time of the House. I would like to protect Members also against that impression. That was my meaning.

Srijut Rohini Kumar Chaudhuri: If the honourable Minister opposes the motion then any other Member who wants to oppose it need not say anything. That is the position?

Mr. Speaker: He need not say. Not that he will not be permitted to say, but he should not say. It is only a piece of advice or a request or an appeal—it does not go beyond that.

Srijut Rohini Kumar Chaudhuri: When the honourable Minister opposes an amendment, he simply opposes it—he does not produce any grounds. So, if he asks the honourable Member to adduce the grounds should he not be allowed?

Mr. Speaker: No general rule can be laid down. The amendment may be of such a small nature that nothing more can be said than, "I oppose". But if it is of a substantial nature then certainly something can be said.

Which of the amendments is Mr. Naziruddin Ahmad going to move?

Mr. Naziruddin Ahmad (West Bengal: Muslim): I would move Nos. 184 and 185 together. But I would like to know whether they are acceptable. They are of a verbal nature.

The Honourable Dr. John Matthai: I do not think, Sir, that it improves the draft at all. I am not inclined to accept.

Mr. Naziruddin Ahmad: Then I am not moving Nos. 184, 185 and 186.

Mr. Speaker: Then the next amendment.

Mr. Naziruddin Ahmad: Sir, "aforesaid" is more sonorous than "said".....

Mr. Speaker: Let us stop it. You are not moving the amendment?

Mr. Naziruddin Ahmad: No, Sir. I am also not moving the next.

Shri Lakshminarayan Sahu (Orissa: General): I move:

"That for part (c) of sub-clause (3) of clause 30 of the Bill, the following be substituted: 'whether or not the returns received from branch offices of the company have been found adequate for the purpose of his audit, in case the bank auditor thinks that any return does not give adequate information for the purpose of balance sheet; he shall have power to audit the same, and his and his staff fee, shall be paid at the scheduled rates prescribed under the Auditor Certificate Rules, 1922'."

The amendment is so obvious that I need not explain anything.

Mr. Homi Mody (Bombay: General): No question of audit fees arises.

Shri Lakshminarayan Sahu: The first point is that in case the bank auditor thinks that any return has not given adequate information for purposes of the balance sheet, he has power to audit it. That means he must be allowed to go to the branches and audit accounts. At present he audits the accounts only at the centre. There may be difficulties in the branches and unless the auditor goes to the branches and audits the accounts closely there, it is not possible that mistakes may be found out. That is the first point.

As regards the second point of fees, his staff fee shall be paid at the scheduled rates prescribed under the Auditor Certificate Rules, 1922. These are the two points.

Mr. Speaker: Amendment moved:

"That for part (c) of sub-clause (3) of clause 30 of the Bill, the following be substituted: 'whether or not the returns received from branch offices of the company have been found adequate for the purpose of his audit, in case the bank auditor thinks that any return does not give adequate information for the purpose of balance sheet; he shall have power to audit the same, and his and his staff fee, shall be paid at the scheduled rates prescribed under the Auditor Certificate Rules, 1922'."

The Honourable Dr. John Matthai: Sir, I regret I must oppose this amendment for this reason, that in the particular clause in which this provision occurs, all that the auditor is asked to do is to produce a report, and sub-clause (3) states the various matters which are to be included in his report. It is not a clause which enjoins any positive action on the part of the auditor. I entirely agree with my honourable friend that the auditor must have powers in case he finds that the information is not adequate, but he has sufficient powers under various clauses in this Bill. Apart from that, the relevant section in the Companies Act still holds good, and that section—section 145—says:

"Every auditor of a company shall have a right of access at all times to the books and accounts and vouchers of the company and shall be entitled to require from the Directors and officers of the company such information and explanation as may be necessary for the performance of the duties of the auditor."

It is not necessary to go beyond that.

Mr. Speaker: The question is:

"That for part (c) of sub-clause (3) of clause 30 of the Bill, the following be substituted: 'Whether or not the return received from branch offices of the company have been found adequate for the purpose of his audit, in case the bank auditor thinks that any return does not give adequate information for the purpose of balance sheet; he shall have power to audit the same, and his and his staff fee, shall be paid at the scheduled rates prescribed under the Auditor Certificate Rules, 1922.'"

The motion was negatived.

Mr. Naziruddin Ahmad: Sir, the principle has already been accepted. I find that by an error, almost the same amendment appears in (c) and (e). So I shall put them together in an amended form. I move:

"That in sub-clause (3) of clause 30 of the Bill, for the word 'company' wherever it occurs, the words 'banking company' be substituted."

The word occurs in part (b) twice and in parts (c) and (e) once each. Thus there are four places. The principle has already been accepted that wherever the word 'company' occurs, the words 'banking company' should be substituted.

The Honourable Dr. John Matthai: It is quite unnecessary. It does not make the thing any clearer.

Mr. Speaker: The question is:

"That in sub-clause (3) of clause 30 of the Bill, for the word 'company' wherever it occurs, the words 'banking company' be substituted."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 30 stand part of the Bill."

The motion was adopted.

Clause 30 was added to the Bill.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar)]

Mr. Naziruddin Ahmad: I move:

"That in clause 31 of the Bill for the words 'auditor's report' the words 'auditor's report thereon' be substituted."

The passage says that "the accounts and balance sheet together with the auditor's report" shall be published. The word "thereon" is necessary to fill up a gap. Merely "auditor's report" will not be complete.

Mr. Deputy Speaker: What is the reaction of the honourable Minister?

The Honourable Dr. John Matthai: Quite unnecessary.

Mr. Deputy Speaker: Need I put it to the House?

Mr. Naziruddin Ahmad: No, Sir. I shall move my next amendment. I move:

"That in the Proviso to clause 31 of the Bill, for the words 'in any case', the words 'in the case of any banking company or any class of banking company' be substituted."

Mr. Deputy Speaker: Does the honourable Minister accept it?

The Honourable Dr. John Matthai: No, Sir.

Mr. Naziruddin Ahmad: Then it need not be put.

Mr. Deputy Speaker: The question is:

"That clause 31 stand part of the Bill."

The motion was adopted.

Clause 31 was added to the Bill.

Mr. Naziruddin Ahmad: I move:

"That in sub-clause (1) of clause 32 of the Bill, for the words 'with that section' occurring at the end, the words 'with the said section of the Act' be substituted."

Here the section referred to is that of another Act, namely, the Indian Companies Act. The word "section" in an enactment means section of the enactment in which it occurs, but here there is a reference to another Act. That is why it is necessary to make it clear.

Mr. Deputy Speaker: What is the reaction of the honourable Minister?

The Honourable Dr. John Matthai: Definitely opposed.

Mr. Naziruddin Ahmad: Let it be put to the vote, Sir.

Mr. Deputy Speaker: The question is:

"That in sub-clause (1) of clause 32 of the Bill, for the words 'with that section' occurring at the end, the words 'with the said section of the said Act' be substituted."

The motion was negatived.

Mr. Deputy Speaker: The question is:

"That clause 32 stand part of the Bill."

The motion was adopted.

Clause 32 was added to the Bill.

Clauses 33 and 34 were added to the Bill.

Mr. Naziruddin Ahmad: I move:

"That in sub-clause (1) of clause 35 of the Bill, —

(i) the words 'to the contrary' occurring in line one be omitted; and
(ii) after the word, figures and brackets '(VII of 1913)', the words 'to the contrary' be inserted."

Obviously, the words "to the contrary" are transposed to a different place. The context says: "Notwithstanding anything to the contrary contained". I beg to submit the words "anything contained" are happy pairs. "To the contrary" is not related to this combination. Therefore, the proper expression would be to remove the words "to the contrary" from the happy combination, that is to say, it would read: "Notwithstanding anything contained to the contrary". That is the need for this change.

Mr. Deputy Speaker: The question is:

"That in sub-clause (1) of clause 35 of the Bill,—

(i) the words 'to the contrary' occurring in line one be omitted; and
(ii) after the word, figures and brackets '(VII of 1913)', the words 'to the contrary' be inserted."

The motion was negatived.

Mr. Naziruddin Ahmad: I move:

"That in sub-clause (3) of clause 35 of the Bill, for the words 'may administer an oath accordingly', the words 'may accordingly administer an oath under the Indian Oaths Act (X of 1873)' be substituted."

In this case, power to examine persons and administer oath is given, but the method of oath and the power—the Act under which this power is given is not clear. If the oath is taken under this Act, there is a penalty for making false statements under oath. If the oath is a formal one, there will be no such penalty. The requirement of oath would invest the enquiry with some amount of dignity. There will be the fear that if any false statement is made there will be prosecution. That is why mention of the words 'under the Indian Oaths Act' would be more appropriate.

The Honourable Dr. John Matthai: I oppose the amendment because, an oath under the Indian Oaths Act, administered by any person authorised to administer it, attracts the penalty provided for false statements under the Indian Penal Code. I looked up the Indian Oaths Act section 4 which says, that all persons having authority by law to receive evidence are authorised to administer the Oath. Therefore, this particular person, who is authorised by

[Dr. John Matthai]

this law to administer the oath, will come under that Act, and any false statement made to him will attract the penalties provided in the Indian Penal Code. The amendment is quite unnecessary.

Mr. Naziruddin Ahmad: In that case I do not press my amendment.

Mr. Deputy Speaker: The honourable Member may move his next amendment.

Mr. Naziruddin Ahmad: Sir, in view of what the honourable Minister just now said, I propose to drop the first part of amendment No. 206 and move only the second part. I beg to move:

"That after sub-clause (3) of clause 35 of the Bill, the following new sub-clause be inserted:

"(3a) A person making an inspection under sub-section (3) shall be deemed to be a public servant within the meaning of section 19 of the Indian Penal Code (XLV of 1860)."

If the man who makes the enquiry is made a public servant, then the refusal to answer questions put by him or obey the summons issued by him would become punishable under the Indian Penal Code. It is to invest the person making the enquiry with this authority that this amendment is necessary. This would ensure obedience to his authority.

Mr. Deputy Speaker: Amendment moved:

"That after sub-clause (3) of clause 35 of the Bill, the following new sub-clause be inserted:

"(3a) A person making an inspection under sub-section (3) shall be deemed to be a public servant within the meaning of section 19 of the Indian Penal Code (XLV of 1860)."

The Honourable Dr. John Matthai: I may perhaps explain that the object of my honourable friend is met already in effect by clause 46(2) of this Bill. It says:

"If any person fails to produce any book, account or other document or to furnish any statement or information which under sub-section (2) of section 35 it is his duty to produce or furnish or to answer any question relating to the business of a banking company which he is asked by an officer making an inspection under that section, he shall be punishable with a fine....."

Mr. Naziruddin Ahmad: Refusal to attend is not covered by the sub-clause.

The Honourable Dr. John Matthai: Substantially it provides. In any case he will be regarded as a public servant and the provisions regarding obstruction would apply to this person.

Mr. Naziruddin Ahmad: A public servant has been defined in the Indian Penal Code. Unless it is extended to this Bill, it cannot apply to this case.

The Honourable Dr. John Matthai: We have looked it up and we are satisfied.

Mr. Naziruddin Ahmad: Failure to appear is not covered by that.

The Honourable Dr. John Matthai: For the purpose of this Bill, this is sufficiently covered by the clause.

Mr. Deputy Speaker: The question is:

"That after sub-clause (3) of clause 35 of the Bill, the following new sub-clause be inserted:

"That after sub-clause (3) of clause 35 of the Bill, the following new sub-clause be a public servant within the meaning of section 19 of the Indian Penal Code (XLV of 1860)."

The motion was negatived.

Mr. Naziruddin Ahmad: I beg to move:

"That in sub-clause (5) of clause 35 of the Bill, after the words 'banking company' be inserted".

Sir, in regard to the notice issued to a banking company about a certain action proposed, if the party concerned fails to make his appearance, certain consequences follow. In such cases it is but fair that an explanation if any should be compulsorily considered, though not accepted.

The Honourable Dr. John Matthai: I may perhaps explain the position. If the honourable member will refer to sub-clause (4) he will find that it provides: 'after giving such opportunity to the banking company to make a representation in connection with the report as, in the opinion of the Central Government, seems reasonable'. I do not see why any other provision is necessary.

Mr. Naziruddin Ahmad: But consideration of the representation has to be made compulsory.

Mr. Deputy Speaker: When an opportunity to make a representation is given, does it not follow that there will be consideration of it? I will now put the amendment to vote.

The question is:

"That in sub-clause (5) of clause 35 of the Bill, after the words 'banking company', the words 'and after considering the explanations of the banking company if any,' be inserted."

The motion was negatived.

Mr. Naziruddin Ahmad: I beg to move:

"That in sub-clause (5) of clause 35 of the Bill, for the words 'as may appear necessary', the words 'if it considers necessary or desirable in the interest of the depositors or of the public', be substituted."

This refers to the publication of the state of affairs of a bank. If publication is made automatic and in all cases, unnecessary publication may damage the reputation of a bank. In these circumstances two definite tests should be laid down. I am merely making a suggestion. If the honourable Minister does not accept it, I do not want to press it.

Mr. Deputy Speaker: The question is:

"That clause 35 stand part of the Bill."

The motion was adopted.

Clause 35 was added to the Bill.

The Honourable Dr. John Matthai: I beg to move:

"That in part (c) of sub-clause (1) of clause 36 of the Bill for the words, brackets and figures 'clause (3) of section 18', the words, brackets and figures 'clause (3) of sub-section (1) of section 18', be substituted."

The way in which section 18 has been amended has split it into two sub-clauses. This amendment has been moved only to make the reference more accurate.

Mr. Deputy Speaker: The question is:

"That in part (c) of sub-clause (1) of clause 36 of the Bill, for the words, brackets and figures 'clause (3) of section 18', the words, brackets and figures 'clause (3) of sub-section (1) of section 18', be substituted."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That clause 36, as amended, stand part of the Bill."

The motion was adopted.

Clause 36, as amended, was added to the Bill.

Mr. Naziruddin Ahmad: I move:

"That in sub-clause (1) of clause 37 of the Bill, for the words 'for a fixed period of time', the words 'for a period of time not exceeding one year' be substituted."

Clause 37 gives power to Courts to suspend the operation of the commencement or the continuance of any action against a bank. In fact, the Court may on the application of a banking company suspend or stay the commence-

[Mr. Naziruddin Ahmad]

ment or the continuance of all actions against the company. These are directed against actions taken by shareholders, depositors and others. They may, under the Indian Companies Act, take other steps. This sub-clause (1) of Clause 37, authorises the Court to suspend them. Experience has shown that many banks, who have had fraudulent transactions come to difficulties, and shareholders and others interested, try to wind up the company or to take legal action. Especially in Bengal in some cases they came to trouble. When an *ex parte* application is made to the Court, without hearing the other side and without realizing the difficulties, the Court grant this power, that is, suspension or continuance of all actions against the banks. What happens is that in a banking concern of this type, many bogus creditors and false entries are made, and then the creditors and others try to take action. In the meantime, the bank comes to Court and asks the Court to suspend all actions or stay all actions. In these circumstances, what happens is that the Court is presented with some apparent facts, which apparently give colour to the situation that the bank is really in difficulties without any fraud on their part. In these cases, time is given to the bank in which the bank could compound with creditors or settle matters out of Court and a long time is given. If time is gained, the account books and papers are with the bank, and they can manipulate the account, effect fraudulent preferences with some creditors and then place the shareholders and the depositors ultimately into difficulty. In these circumstances, I submit that action of the type should be controlled.

The House will be pleased to consider that in sub-clause (1), the Court is given a fixed period of time and then again extensions of time not exceeding six months. This is taken from the appropriate section of the Indian Companies Act. The difficulty here arises as it arose under the Companies Act that the extension of time the maximum laid down in this sub-clause is six months. Then it does not represent the total period of time. The original time given by the Court is known to be one year or two years, to allow the company honestly to settle up its difficulty, but then a long period is given and then again extensions are given to the extent of six months by instalments. In the meantime the assets are entirely frittered away or they pass from their hands.

Sub-clause (2) says, however, that no application can be made except on a report of the Reserve Bank. This is a very salutary provision that such action to stop and all actions against the banking company must start on the report of the Reserve Bank, because now the Reserve Bank will have full control of those banks, and will have full possession of facts and would be an expert body quite competent to take a dispassionate and accurate view in the interest of the public, the depositors and of the shareholders and such an action of the suspension of business by the Court would be appropriate. But then the proviso says that relief may be granted even if there is no such report about which I shall refer later on. At present, the amendment is confined to the time given by the Court. I want the time limit to be initial time given by the Court. It is made *ex parte* and without hearing anyone. In these circumstances the limit of one year is just by way of suggestion and I desire that the honourable Minister should consider whether the Court's power to give time initially should be further curtailed, and time of one year is suggested only as a tentative measure. In these circumstances, Sir, I beg to submit, that the present amendment should be considered in this light. My other amendment is only a drafting amendment in order to make the amendment more clear, but my desire is really that honourable Minister should consider the matter as to whether *Carte blanche* should be given to the Court.

Mr. Deputy Speaker: The honourable member says that in all the period of time that is limited as six months should be extended beyond one year, that is the ultimate period.

The Honourable Dr. John Matthai: It is eighteen months.

Mr. Naziruddin Ahmad: The first period is counted apart from the extension of time that is the interpretation under the existing Indian Companies Act. It has happened that Courts have given one year, two years or three years' time and then the question of extension comes. I want to separate the initial time and the extended time. At any rate, there is a doubt as to whether the six months includes the original time or the total time that may be given.

Mr. Deputy Speaker: There is no doubt about that.

Mr. Naziruddin Ahmad: The thing has not been found to be so clear in experience.

Mr. Deputy Speaker: Unless the honourable member thinks it is a matter of such importance that time in the first stage ought to be one year and extended by a period not more than six months in all, eighteen months, there is no point in this amendment.

Mr. Naziruddin Ahmad: If the House considers that the total period of time is six months, then I need not press the matter, but I am told by persons who have experience that difficulties have arisen.

Mr. Deputy Speaker: Difficulties have arisen even before the Bill has been passed. The honourable member after such a long speech is not moving his amendment.

Mr. Naziruddin Ahmad: I have already moved it.

Mr. Deputy Speaker: It is not accepted.

The Honourable Dr. John Matthai: Does the honourable member mean six months in all and extension should not go beyond six months?

Mr. Naziruddin Ahmad: Six months in all, but may from time to time extend the period.

The Honourable Dr. John Matthai: Up to a total period not exceeding six months including the fixed period.

Mr. Naziruddin Ahmad: It is capable of doubt.

The Honourable Dr. John Matthai: The phrase 'total period' makes it quite clear. If I may explain the point, Sir, the position is really this. When my honourable friend says that it is necessary to give initially a longer period than six months in order to enable the bank to settle its affairs, my honourable friend is looking at it entirely from the point of view of the bank. Now when you declare a moratorium for so long a period as a year, you would have to look at it from the point of view of the depositors and if you declare a moratorium for so long a period, it destroys the confidence of the public, which will result in serious consequences. Supposing in the case of certain banks which have been exempted, it is found that a longer period than this is necessary, we have taken sufficient powers under clause 53 to deal with exceptional cases.

Srijut Kuladhar Chaliha (Assam: General): There is a certain vagueness about this.

Mr. Deputy Speaker: I shall now refer to clause 4, sub-clause (3), where a similar extension is given:

"The Central Government may, by notification in the official Gazette, extend from time to time the period of any suspension ordered under sub-section (1) or sub-section (2) for such period, not exceeding sixty at any one time, as it thinks fit so however that the total period does not exceed one year."

Even the same expression is used covering the entire period.

Srijut Kuladhar Chaliha: There is no limit to the fixed period of time. What is the fixed period of time? I have a right to fix it as 12 months in the first instance and extend it by another six months. I am entitled to fix it at 12 months.

The Honourable Dr. John Matthai: May I suggest, Sir, that when in the first instance a direction is given in this matter, by the court, the period would be a fixed period, for example, that the moratorium would be in force for a period of two months expiring on a particular date. The point is this. When you declare a moratorium, it must be declared for a fixed period, the duration of which would be absolutely definite and clear to all the people concerned. If it becomes necessary to extend the time, you give another definite period. Altogether, you can extend up to a period the total duration of which is six months.

Srijut Kuladhar Chaliha: I would request the honourable Minister to read it again.

Mr. Homi Mody: Would this wording make it more clear, Sir, "..... it shall think fit and proper, and may from time to time extend the period, but so that the total period shall not exceed six months."

Shri B. L. Sondhi (East Punjab: General): 'Period of moratorium' may be added.

The Honourable Dr. John Matthai: I will accept it, Sir,

Shri Krishna Chandra Sharma (U.P.: General): As the words stand, they are quite clear. Time will never be extended for more than six months. The initial period is included in the six months. The wording is, "may from time to time extend the period up to a total period not exceeding six months in all." It is quite clear.

Mr. Deputy Speaker: Would this suit Mr. Mody? 'For all the words occurring after the word "period" in the last but one line, substitute the following: "but so that the total period of moratorium shall not exceed six months."'

Dr. B. Pattabhi Sitaramayya (Madras: General): Are you having 'but' and 'so that'? Either 'but' is unnecessary or the words 'so that' may be dropped.

Mr. Homi Mody: First the period is fixed and then extension is granted. Therefore, 'but' is necessary. I think this wording is used in legal phraseology.

Dr. B. Pattabhi Sitaramayya: I think 'so however' would be better.

Mr. Deputy Speaker: The question is:

"That in sub-clause (7) of clause 37 of the Bill, for all the words occurring after the words 'extend the period' the following be substituted: 'so however that the total period of moratorium shall not exceed six months'."

The motion was adopted.

Mr. Naziruddin Ahmad: I beg to move:

"That the Prviso to clause 37 of the Bill be omitted."

Whatever safeguard in the interests of the public or the depositors was embodied in sub-clause (2) by requiring a report of the Reserve Bank is taken away by the proviso. Before the Court grants time frustrating the attempt on the part of others to proceed against the bank, the Court must have the report of the Reserve Bank. But, the proviso says that for sufficient reasons, the Court may pass an order without the report. I beg to submit this has led to many fraudulent transactions being perpetrated through the Court, when a party appears before the Court *ex parte*, there is no report from the Reserve Bank. There is an apparent state of affairs and on that apparent state of affairs, the Court gives time. I beg to submit that the requirement of the report from the Reserve Bank in the interests of the safety of the public

and the depositors will be seriously impaired unconsciously by a Court not having all the facts in its possession. I should therefore like that the entire proviso be deleted as it would frustrate the very object for which sub-clauses (1) and (2) have been enacted.

Mr. Deputy Speaker: A report is provided for later. After an *ex parte* order, a report is provided for. This is only in emergent cases.

Mr. Homi Mody: The Bank may be in difficulty; there may not be sufficient time for a report.

Mr. Naziruddin Ahmad: I have an alternative in the next amendment. I may argue that also. I shall move it formally later.

Mr. Deputy Speaker: We may put both to the House. The other amendment refers to 'special reasons'. Then he gives up the first amendment.

Mr. Naziruddin Ahmad: I move the second amendment alternatively to the first amendment. I move that the proviso be deleted. If it is not accepted, I shall move the other.

The Honourable Dr. John Matthai: I do not accept the first.

Mr. Deputy Speaker: He is not accepting it. Then I need not put it.

Mr. Naziruddin Ahmad: Then, I move the alternative amendment. I move:

"That in the proviso to clause 37 of the Bill for the words 'for sufficient reasons', the words 'for special reasons to be recorded in writing' be substituted."

I beg to submit that if the Court acts *ex parte*.....

Mr. Deputy Speaker: Is there a case to the knowledge of the honourable member where a Court gives relief without writing?

Mr. Naziruddin Ahmad: I am told by an expert who has large experience in this line. What happens is this. The Bank appears before the Court and the Court passes an order. But without mentioning reasons.

Mr. Deputy Speaker: Is that not in writing?

Mr. Naziruddin Ahmad: The order is in writing but reasons are not recorded in many cases. It says, a *prima facie* case is made out and an order is passed. If it is provided, "for special reasons to be recorded in writing", the Court will think twice before giving an order. A gentleman with sufficient experience of bank failures in Bengal, of which there have been many, has asked me to place this view before this House that this wording in the Companies Act has not been sufficient to induce the Court to record reasons. In these circumstances, if special reasons are to be recorded, the Court will be more careful and pass an order.

Shri S. V. Krishnamoorthy Rao (Madras: General): Does not that amount to restricting the discretion of the court?

Mr. Naziruddin Ahmad: It does not; the Court must be satisfied fully as to the thing before passing an order.

Mr. Deputy Speaker: I think such insistence is done in regard to executive officers, but not courts of law. If it is the desire of the honourable member, I will put it to the House.

The question is:

"That in the proviso to clause 37 of the Bill for the words 'for sufficient reasons', the words 'for special reasons to be recorded in writing' be substituted."

The motion was negatived.

Mr. Naziruddin Ahmad: I move:

"That in the Proviso to clause 37 of the Bill, after the words 'affairs of the banking company', the following be inserted."

"and pending a full report, may call for an interim report on such affairs."

It has happened that before a full report is obtained, some time will elapse and in the meantime, the assets are frittered away.

Mr. Deputy Speaker: No where in the Bill is there a call for a full report. The words are "shall call for a report". It may be an interim, final, full, or an incomplete report!

Mr. Naziruddin Ahmad: The difficulty of the Reserve Bank will be that if they are to furnish a report, they will have to wait for a final report. In the meantime the Court may pass an order in anticipation of the Reserve Bank report. It may not be full, but it may give the Court a better picture than any expert statement on behalf of the bank. I am told that this amendment also is very necessary.

Mr. Deputy Speaker: Is there anything in the language preventing the Court now from calling for an interim report and then a final report?

Mr. Naziruddin Ahmad: The Bill does not make any distinction between an interim and a final report. If we say so, the Court may grant relief.

The Honourable Dr. John Matthai: It is better to leave it elastic.

Mr. Deputy Speaker: Is the honourable member pressing his amendment?

Mr. Naziruddin Ahmad: I am not pressing.

Mr. Deputy Speaker: The question is:

"That clause 37, as amended, stand part of the Bill."

The motion was adopted.

Clause 37, as amended, was added to the Bill.

Mr. Deputy Speaker: What is the Minister's attitude to the amendment by Mr. Naziruddin Ahmad?

The Honourable Dr. John Matthai: What the honourable member tries to do is to transfer Clause 46(5) under Clause 38. I do not know why he wants it.

Mr. Naziruddin Ahmad: Without moving it, I shall explain the reason. The operative provision should be embodied in the proper place in the Bill itself. The place where it has stood, in sub-clause (5) of clause 46 is a place for penalties, breaches and the consequences of such breaches. This sub-clause should be relegated to its proper place, and this is its proper place—where it should be placed. It is the operative part of the Act. In providing for a breach and a penalty, the operative part is not mentioned.

The House will be pleased to consider the other parts of clause 46. They merely refer to certain breaches, failure to submit returns and refusal to produce documents and breaking rules about minimum deposits. Here the entire substantive law has been set out. This is where it should find a proper place. If we remove sub-clause (5) of clause 46 and place it here, the penalty would be adequately covered under sub-clause (4) which says: "If any other provision of this Act is contravened." If this is removed from clause 46 without any mention of it, that would be sufficiently covered by the provisions of sub-clause (4), which gives a penalty for any other non-compliance with the provisions of the Act, not ordinarily covered by sub-clauses (1), (2) and (3). That is the reason which induced me to transfer it.

Mr. Deputy Speaker: The honourable Minister does not accept it. Is it the wish of the honourable member to move it and have it put to the House?

Mr. Naziruddin Ahmad: Yes Sir, I move:

"That after sub-clause (1) of clause 38 of the Bill, the following new sub-clause be inserted:

"(1A) Without prejudice to the provisions of sub-section (4) of section 46, if any Banking company fails to comply with the provisions of section 24 or of section 25, the Reserve Bank shall by notice in writing direct the banking company to comply with the said provisions within thirty days from the receipt of the notice, and if the banking company fails so to do, the Reserve Bank may apply under section 38 for the winding up of the banking company, and the Court shall order the winding up of the banking company."

Mr. Deputy Speaker: The question is:

"That after sub-clause (1) of clause 38 of the Bill, the following new sub-clause be inserted:

"(A) Without prejudice to the provisions of sub-section (4) of section 46, if any Banking company fails to comply with the provisions of section 24 or of section 25, the Reserve Bank shall by notice in writing direct the banking company to comply with the said provisions within thirty days from the receipt of the notice, and if the banking company fails so to do, the Reserve Bank may apply under section 38 for the winding up of the banking company, and the Court shall order the winding up of the banking company."

The motion was negatived.

Mr. Deputy Speaker: The question is:

"That clause 38 stand part of the Bill."

The motion was adopted.

Clause 38 was added to the Bill.

Mr. Naziruddin Ahmad: I move:

"That in clause 39 of the Bill, the following be added at the end:

"and in any other case, the Reserve Bank or a nominee of the Reserve Bank shall be appointed the official liquidator."

With regard to the appointment of a liquidator it has happened—and I speak from instructions from a very competent man—that official liquidators are appointed from persons who have no experience. Sometimes a junior lawyer without any experience is appointed and he prolongs the matter not having sufficient experience. Assets are frittered away and ultimately the shareholders and depositors get nothing. By this amendment it is provided that the Reserve Bank itself should be appointed the liquidator. But it may be that we put too many responsibilities on the Reserve Bank, so a nominee of the Reserve Bank shall be appointed liquidator. A nominee of the Reserve Bank would be a competent man, for example a Chartered Accountant or any other person reliable and competent. In fact to manage a bank as a liquidator requires all the technical knowledge of an expert, as is required by this amendment. I submit, that the appointment of a suitable liquidator in the interests of the depositors and shareholders and the public at large is very necessary, because in the case of a liquidation, the matter should be in the hands of a competent person. So, first of all, my first preference would be the Reserve Bank itself, and if the Reserve Bank is unable to help on account of other preoccupations, then a nominee of the Reserve Bank would be desirable. It should not be left to the choice of the Court to appoint non-experts and I am reliably informed that this has often happened and the proceedings have been prolonged, ultimately to leave nothing to the depositors and the shareholders. In these circumstances, I submit that this amendment should be accepted as it is.

Mr. Deputy Speaker: Amendment moved:

"That in clause 39 of the Bill, the following be added at the end:

'and in any other case, the Reserve Bank or a nominee of the Reserve Bank shall be appointed the official liquidator'."

Pandit Lakshmi Kanta Maitra (West Bengal: General): What is the meaning of "and in any other case"?

Mr. Naziruddin Ahmad: When any third person applies for liquidation of the bank, then either the Reserve Bank or some person approved by the Reserve Bank would be appointed the official liquidator.

Mr. Deputy Speaker: If the Reserve Bank does not choose to apply, it is open to the Court to appoint any other person. But the honourable member wants that the Reserve Bank must be appointed or even a nominee of the Reserve Bank.

The Honourable Dr. John Matthai: This is a matter which I discussed at considerable length with the Reserve Bank and in the present position the Bank feels that it is not possible for it either to provide official liquidators from among their employees or to accept responsibility for appointing nominees to do this work.

It would be putting on the Reserve Bank a big responsibility in respect of every single banking company in the country, which I do not think in the present circumstances it is fair to place upon them.

Mr. Naziruddin Ahmad: I have never said nor desired that any officer of the Reserve Bank should do it. A nominee might be a person from the rank of chartered accountants.

Pandit Lakshmi Kanta Maitra: I have listened to the arguments advanced by my honourable friend Mr. Naziruddin Ahmad, who has the singular misfortune of getting every one of his amendments defeated. It is not for that that I have risen to support him but he has raised a substantial point. The point really is that if a banking company goes into liquidation and if it seeks the protection of the court in this matter, what is the option left to the court. According to the provisions of section 39 the Reserve Bank has the right to be appointed the liquidator of the banking company which is going in for liquidation. But cases might arise when the Reserve Bank may not be coming forward. In that case the court has the option of appointing anybody and I share the apprehension of my honourable friend Mr. Naziruddin Ahmad that in such cases a man may be appointed a liquidator who has absolutely no banking experience and knows nothing of banking.....

Mr. Naziruddin Ahmad: That has happened.

Pandit Lakshmi Kanta Maitra: An instance like that happened in my province of Bengal about two decades ago, when a very big bank unfortunately collapsed. Do you know what happened? An official liquidator was appointed by the Honourable High Court of Calcutta. I was one of those unfortunates whose father had a large amount in that bank. After two or three years of protracted proceedings, by that liquidator practically all the assets of the bank had been exhausted and I was offered two pies (one sixth of an anna) in the rupee and in sheer disgust many people would not touch that money. What happened was this. The liquidator so appointed had fixed such a high scale of his remuneration, which was approved by the High Court, that during the long period of three years nothing was left for the depositors to get except the paltry sum of two pies in the rupee.

Mr. Homi Mody: It is scandalous.

Pandit Lakshmi Kanta Maitra: This is scandalous. My honourable friend the Minister says that the Reserve Bank's hands are so full that they cannot spare any of its officers. This can be no argument. When we are going to overhaul the entire banking structure of the country by this legislation, when we are trying to put in all manner of safeguards for the depositors and in the ultimate analysis, for the safety and security of the financial structure of the country, I think this amendment—you may improve on it if you want—has got a substantial point in its favour, which cannot be denied. It is quite possible that the Reserve Bank will say that they have not got any officers to spare. Personally speaking I feel that the distress of most of the banks today is due to the dereliction of duty on the part of the Reserve Bank. That is a responsibility which cannot be shirked by the Reserve Bank. Recently we have passed through several banking crises in Bengal and only at the last moment the Reserve Bank came to their rescue in a halting manner. That was at a very late stage. That is another matter. If I get a chance in the third reading I will make that point. For the time being I would earnestly request the honourable Minister carefully to consider the implications of this amendment. It is quite possible that the Finance Minister might put in a nominee who need not necessarily be an officer of the Reserve Bank or the Reserve Bank can make a suitable nomination, knowing the full antecedents of the man whom they are going to nominate. Though I am not generally in favour of the amendments of my honourable friend Mr. Naziruddin Ahmad, at least he should listen while I am supporting him. This is really an important matter and I hope the House will give it some consideration.

The Honourable Dr. John Matthai: Sir, in view of the speech of my honourable friend Pandit Lakshmi Kanta Maitra I should like to have the privilege of...

Pandit Lakshmi Kanta Maitra: The honourable Minister can think it over and we shall take it up when we re-assemble after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

The Honourable Dr. John Matthai: Sir, just before the House adjourned for Lunch my honourable friend Pandit Lakshmi Kanta Maitra referred to the importance of having somebody who is authorized by the Reserve Bank to act as liquidator. The amendment before the House is that the Reserve Bank or a nominee of the Reserve Bank shall be appointed as the official liquidator. The really important point is that the liquidator must be somebody upon whom the Reserve Bank has a sufficient degree of control who would act with the authority of the Reserve Bank behind him. That is really the point. In the first place I should like to assure the House that in view of the extensive powers which are going to be conferred upon the Reserve Bank if this Bill is passed into law it is our intention that as soon as possible the staff of the Reserve Bank should be sufficiently increased to enable it to meet these very important responsibilities which are being placed upon them, so that the difficulty that was experienced in the particular case to which Pandit Lakshmi Kanta Maitra referred is not likely to arise again, at any rate, to the same extent.

Apart from that, suppose a case arises where it is found that there is nobody on the staff of the Reserve Bank who can be spared for this purpose, assuming that the case is an important one where serious losses are likely to occur to a large section of the community, then I suggest that the most satisfactory course from every point of view would be not for the Reserve Bank to nominate somebody but for the Reserve Bank temporarily to appoint, for that

[Dr. John Matthai]

purpose, an accountant of standing to do the particular piece of work. The advantage of that course is that the Reserve Bank is then not merely the authority nominating the person but is also the authority which is in a position to.....

Pandit Lakshmi Kanta Maitra: That is, irrespective of the order of the court? If the court appoints a liquidator would the Reserve Bank appoint a chartered accountant in addition to him?

The Honourable Dr. John Matthai: The provision as it stands is that the Reserve Bank makes an application. Suppose the case is an important case where serious losses are likely to occur, then the Reserve Bank would make an application. Even if the Reserve Bank at that time is short of staff and for that reason thinks that it cannot spare an officer it might be expected to appoint temporarily an accountant of standing to do the work. In that case there is a definite responsibility resting upon the Reserve Bank. If you are giving responsibility to the Reserve Bank, you must place them in a position where the responsibility cannot be properly enforced. While I quite appreciate the intention that my honourable friend Mr. Naziruddin Ahmad has, I think his intention would be better implemented by a line of action of the kind I have suggested.

Mr. Naziruddin Ahmad: I could not quite follow the line of action. May I explain the position? This is a very important matter. The position is if the Reserve Bank applies, of course the Reserve Bank would be appointed the liquidator. But suppose the applicant is not the Reserve Bank but it is somebody else, some creditor or other person. Then the court will not be bound to appoint the Reserve Bank or any nominee of it or any person selected by it as the liquidator.

Mr. Speaker: There is a practical difficulty in what the honourable member is suggesting. Suppose a frivolous application is made by a creditor and the question arises of appointing a provisional liquidator then and there. Should the Reserve Bank be appointed?

Mr. Naziruddin Ahmad: No.

Mr. Speaker: That is the point.

The Honourable Dr. John Matthai: That is exactly the point, Sir.

Shri M. Tirumala Rao (Madras: General): Does the honourable Minister suggest that a frivolous application would be made?

Mr. Speaker: Not by the Reserve Bank itself but any other person may do so. I think persons who practise in courts know the kind of applications made.

Shri M. Tirumala Rao: When the court holds that there is sufficient reason to appoint a liquidator.....

Mr. Speaker: If the honourable member knows about liquidation proceedings, there are two stages. First a provisional liquidator is appointed and then finally the *pukka* liquidator is appointed. So the question will be who the provisional liquidator should be. Some person will have to be appointed. But if an amendment of this type is introduced, no provisional liquidator other than the Reserve Bank can be appointed. And in the case of each and every application, whether made properly or improperly, the Reserve Bank will have to take up the burden of acting as liquidator. That, I think, is the point of the honourable Minister.

Mr. Naziruddin Ahmad: I have suggested also a nominee.

Mr. Speaker: The matter should be left better to the court and its discretion—unless the Reserve Bank in each case undertakes the responsibility of seeing that the liquidation is properly put through. That seems to be the point. However, if the honourable member wishes to say anything I should not like to stop him.

Mr. Naziruddin Ahmad: The point is if the Reserve Bank applies, the law says that the Reserve Bank shall be appointed the liquidator. But suppose somebody else applies. Then the Court, as I said before, will appoint the liquidator and it will be free to appoint a lawyer without experience. Sometimes that is done. I was assured by a lawyer having long experience of these cases that what is done in an *ex parte* application is that a lawyer without much experience is appointed. He does not mismanage it intentionally, but not having sufficient experience in running a bank, he allows the bank to run for some time and in the meantime the resources of the bank are frittered away, leaving no dividends for shareholders or depositors. I do not want to place any burden on the Reserve Bank. It comes to take a serious responsibility with regard to banking. Would the Reserve Bank find it difficult to nominate a person or have a list of persons who would be approved by them for this purpose?

Mr. Speaker: Let the matter be considered in its practical application, and perhaps a way may be found. The court may appoint somebody on the recommendation of the Reserve Bank.

Pandit Lakshmi Kanta Maitra: I want one point made clear. I think the honourable Minister also means this. Suppose, as my honourable friend Mr. Naziruddin Ahmad assumes—as I say he assumes—the court, on any application, appoints somebody else who is not a very desirable person to take over charge of liquidation proceedings then, if I have understood the Honourable the Finance Minister aright, it will be open to the Reserve Bank to appoint a Chartered Accountant there in addition to the liquidator who may be appointed in that way. Is there any bar to it? Or is it contemplated that if a liquidator is appointed who may not be a very desirable or competent person, all the same it does not oust the right of the Reserve Bank to appoint a chartered accountant to supervise and see things? Is that the point?

The Honourable Dr. John Matthai: If I may say so I would respectfully endorse what the Honourable the Speaker said that this is a matter which has got to be settled in relation to the actual circumstances of each case.

Mr. Naziruddin Ahmad: The Court may not agree with the Reserve Bank.

Mr. Homi Mody: After we rose for lunch, I made a suggestion informally to my honourable friend the Finance Minister that in such cases an officer of the Court be appointed instead of any ordinary person, and he pointed out to me that any lawyer could be regarded as an officer of the Court. What I meant was an official of the High Court, and the question is whether if the words used were "officer of the Court" it would mean an official or not, because if it was an official then there would be a sufficient safeguard to the public.

Mr. Speaker: It is difficult for me to give interpretation.

Shri M. Ananthasayanam Ayyangar (Madras: General): There is nothing to prevent in the clause as it stands, for any person or any set of persons, shareholders or others, who are interested in the bank moving immediately the Reserve Bank to make an application. Why are we forgetting that?

The Honourable Dr. John Matthai: Or to me.

Shri M. Ananthasayanam Ayyangar: Or to the Honourable the Finance Minister or his Department, instead of going straightaway to the Court and tying the hands of the Court and asking it to appoint only the Reserve Bank

[Shri Ananthasayanam Ayyangar]

or its nominee irrespective of the time at the disposal of the Reserve Bank. It is always open to a party to ask the Reserve Bank and the Reserve Bank will certainly be interested in this matter.

Regarding the officials, my own point is this. Though an official may hold a responsible position, he may not have as much experience as a lawyer may have. We will give both a lawyer and an official, then under this clause as it stands there is nothing to prevent the appointment of a businessman who has a reputation to run the bank efficiently. My own impression is that very often persons who have knowledge of banking experience and who are of high integrity, will be chosen to take charge of this administration, for however short a period it might be. Therefore, I think the clause may be allowed to stand as it is without fettering the discretion of the Court. If the Court itself which is the ultimate authority in all matters is going to commit a mistake, I do not know who will be the ultimate authority.

Mr. Naziruddin Ahmad: Difficulties have arisen in Bengal.

Mr. Speaker: I do not think any further discussion on the point is necessary, but I carried the impression that the discussion started because honourable members do not seem to be very conversant with actual liquidation proceedings in the Courts. I ventured to pass a few remarks, because I happened to have a good deal of practice in liquidation matters. I might point out one thing more, that liquidation proceedings are not on behalf of the particular creditor who applies, but they are on behalf of all the creditors of the company. So, in case any adverse order is made, which is not liked by any other creditors or any other interested persons, then those people will be entitled to move the Court and the matter can be taken even in an appeal. That is how the position will stand. And perhaps it will be competent for some of the creditors also to say that the Reserve Bank should be appointed the liquidator in that case. So, the discretion is quite wide.

I shall put the amendment to vote. The question is:

"That in clause 39 of the Bill, the following be added at the end:

'and in any other case, the Reserve Bank or a nominee of the Reserve Bank shall appointed the official liquidator.'

The motion was negatived.

Mr. Speaker: The question is:

"That clause 39 stand part of the Bill".

The motion was adopted.

Clause 39 was added to the Bill.

Clauses 40 to 44 were added to the Bill.

Mr. Naziruddin Ahmad: I beg to move:

"That in part (a) of clause 45 of the Bill, for the word 'members', the word 'shareholders' be substituted."

The Bill says: "members of the bank." In co-operative societies shareholders are sometimes described as "members". Here the expression that is ordinarily used is "shareholders." In the case of an ordinary bank the shareholders are never called members. "Member" is a vague expression so far as this matter is concerned. There is fortunately Mr. Homi Mody present here and he would be able to give us some idea as to whether shareholders are called "members". If they are, I have no objection.

Mr. Speaker: In the Companies Act they are called "members".

Mr. Naziruddin Ahmad: Then I do not press the amendment.

Mr. Speaker: The question is:

"That clause 45 stand part of the Bill."

The motion was adopted.

Clause 45 was added to the Bill.

Mr. Naziruddin Ahmad: I move:

"That after clause 45 of the Bill, the following new clause be inserted:

'45A. The Court shall dispose of all proceedings under this Act with the least practicable delay'."

There is a reason for this amendment. As I submitted to the House before, in this matter I was instructed by an experienced lawyer from the Calcutta High Court who enjoined upon me the necessity of these amendments. He assured me that a bank may indulge in fraudulent transactions having on the list some fictitious persons as creditors and with an imposing array of books they come to Court and then the case drags on interminably. In fact, even in the High Court the cases are dragged on. In the meantime the resources of the bank are frittered away and ultimately the shareholders and the depositors lose everything.

In the circumstances, a clause of this type would always remind the Court that it is very desirable to dispose of the case rather speedily. If this clause is there, Courts will be disinclined to give many adjournments, but otherwise it is possible to drag on and I have been assured by an experienced man that this has actually happened to the detriment of many banks. Unfortunately, there have been many bank failures in my part of the country and therefore I can claim some consideration in this respect.

Shri B. L. Sondhi: How would you paraphrase these words "least practicable delay"?

Mr. Speaker: That would be going into the merits of his amendment. I do not think, on its merits, it requires much consideration.

Amendment moved.

"That after clause 45 of the Bill, the following new clause be inserted:

'45A. The Court shall dispose of all proceedings under this Act with the least practicable delay'."

The Honourable Dr. John Matthai: As a member of Government, I presume that our courts always act with the least practicable delay.

Shri M. Ananthasayanam Ayyangar: There have been many Committees like the Law Reform Committee and others, but however much you may try, it must be left to each judge to dispose of the case as early as possible. How can you measure delay, to say that it shall be the least practicable delay? It is rather difficult. Therefore it is good to leave it to the judges instead of saying "with the least practicable delay."

Mr. Speaker: The consensus seems to be that this would be merely a pious wish.

The question is:

"That after clause 45 of the Bill, the following new clause be inserted:

'45A. The Court shall dispose of all proceedings under this Act with the least practicable delay'."

The motion was negatived.

Kazi Syed Karimuddin (C.P. and Berar: Muslim): I move:

"That in sub-clause (1) of clause 46 of the Bill, the word 'wilfully', wherever it occurs, be omitted."

My submission is that this word "wilfully" suggests a plea to the accused when he makes a false statement knowing it to be false, that he would be acquitted merely because he says that it was under the orders of

[Kazi Syed Karimuddin.]

the Directors or the shareholders that he made such statement. If it is established that he makes a statement which is false, knowing it to be false, that is quite enough to convict him. But in the present circumstances, if he makes a false statement, knowing it to be false, he can put in a plea in the court of law that he did not do so wilfully but it was under a Resolution of the Board of Directors and he would be entitled to be acquitted. Therefore, my submission is that the word "wilfully" ought not to be there.

Mr. Speaker: There are various amendments, practically raising the same substantive issue. There is one in the name of Shri Krishna Chandra Sharma and some others in Mr. Karimuddin's name and Mr. Naziruddin Ahmad's name. These may just be moved and the honourable members may have their say later on.

Shri Krishna Chandra Sharma: I move:

"That in sub-clause (1) of clause 46 of the Bill, for the word 'wilfully', wherever it occurs, the word 'intentionally' be substituted."

Kazi Syed Karimuddin: I move:

(i) "That in sub-clause (1) of clause 46 of the Bill, after the words 'which is false' the words 'to his knowledge' be inserted."

(ii) "That in sub-clause (1) of clause 46 of the Bill, the words 'knowing it to be false', be omitted."

Mr. Naziruddin Ahmad: I move:

"That in sub-clause (1) of clause 46 of the Bill, for the words 'knowing it to be false', the words 'knowing or having reason to believe it to be false' be substituted."

Mr. Speaker: I shall now place all the amendments before the House and then I shall call upon the movers to have their say in support of them.

Amendments moved:

(i) "That in sub-clause (1) of clause 46 of the Bill, the word 'wilfully', wherever it occurs, be omitted."

(ii) "That in sub-clause (1) of clause 46 of the Bill, for the word 'wilfully', wherever it occurs, the word 'intentionally' be substituted."

(iii) "That in sub-clause (1) of clause 46 of the Bill, after the words 'which is false', the words 'to his knowledge' be inserted."

(iv) "That in sub-clause (1) of clause 46 of the Bill, the words 'knowing it to be false', be omitted."

(v) "That in sub-clause (1) of clause 46 of the Bill, for the words 'knowing it to be false', the words 'knowing or having reason to believe it to be false' be substituted."

Shri Krishna Chandra Sharma: I take the word "intentionally" from the Indian Penal Code Section 193. I think when a man makes an intentionally false statement or intentionally gives false evidence, he should be liable. This is a better expression than "wilfully" and expresses the intention of the Legislators better.

Kazi Syed Karimuddin: I have already spoken and I have given reasons why the word "wilfully" should be omitted. The honourable member on the other side has said that the word "intentionally" should be substituted in the place of "wilfully". It will have practically the same effect. If a man makes a false statement knowing it to be false, then is it necessary that the word "intentionally" or "wilfully" should be there? In the case of a bank, suppose a manager or officer of the bank makes a false statement which to his knowledge is false, he may say that he did not do it wilfully but it was under the orders or resolution of the bank, then on that statement he will not be convicted; he will be entitled to be acquitted. There is no prosecution of the members or shareholders of the bank because it is not a duty with which they are charged. Therefore, my submission is that neither "wilfully" nor "intentionally" should be kept there, but the word "wilfully" should be omitted.

Mr. Naziruddin Ahmad: With regard to my amendment, I have introduced the new words because I want to tighten the law. If a man makes a false statement knowingly, with his knowledge, he will be guilty; he should be guilty also when he has reason to believe it to be false. It may often happen that a man may have a very good reason to believe a certain thing to be false, but yet it will be difficult in a Court of law to prove that he actually knew it. It would be enough for the Prosecution to show that he had reason to believe. In that case, ordinarily it would be possible for Courts to hold that he had reason to believe that it was false, so he is liable. The law should be further tightened and with that end in view I have brought in this amendment.

Regarding the deletion of the word "wilfully" I submit that if a man does make a false statement on account of the resolution or order of his superior body, he nonetheless does it wilfully. Supposing there is a resolution asking a Manager of a bank to commit a murder or fraud or forgery; he cannot be excused. The mere fact that there is a resolution should be no excuse. If he is a law-abiding citizen, he should say, "I refuse to make false statement, although I am directed to do so." In fact if he agrees to obey the order or a resolution directing him to make a false statement he becomes at once a party to a criminal conspiracy to break the law. I do not think the word should be removed. Wilfulness or intention is a necessary element and I want to add to it the words 'knowing or having reason to believe it to be false'. This is only an additional safeguard.

Shri M. Ananthasayanam Ayyangar: So far as the need for the word 'wilfully' is concerned, I can only refer to the Penal Code. In Chapter XI of the Code, this is what is said: "whatever is uttered by a person which is false and which he knows to be false". First, the statement must be false and secondly the person making it must know it to be false or has reason to believe it to be false or at any rate does not believe it to be true. In one of these cases he is said to be giving false evidence. Under section 193 of the Indian Penal Code the wording is 'whoever intentionally gives false evidence'. The three ingredients for this offence are, (1) it must be false statement, (2) he must know it to be false, and (3) even then, he must intend to give that false evidence. It may be asked, what are the cases? A man knows it to be a false statement and he would not give it if he does not do so intentionally. Inadvertently he might do so. I might have known something and have forgotten it for the time being. Therefore, the gist of any criminal offence is intention. Let us not add to the list of offences without corresponding limitations as provided in the Penal Code. Therefore, either 'wilfully' or 'intentionally', ought to be there. But, as between these words, I would prefer 'intentionally', because the same expression is used in Chapter XI relating to false evidence and offences against public justice. I would ask the honourable Minister to accept that if he has no objection and if he is not advised otherwise. So far as 'knowing' is concerned, there is no meaning in adding to it. If you refer to the later portion, the word 'knowing' is already there.

Mr. Speaker: I think in the Indian Companies Act, the expression used is 'wilfully'.

The Honourable Dr. John Matthai: That is what I was told by my legal advisers also.

Mr. Speaker: It is better to adopt that phraseology in this company legislation also.

Shri M. Ananthasayanam Ayyangar: Then we will have to find out the difference between the words 'wilful' and 'intentional'. I am not an expert in the English language to explain why one word has been chosen in Company law. In other particulars we are following the Company law in this measure. I see no objection to retaining the word 'wilfully'.

[**Shri M. Ananthasayanam Ayyangar.**]

As regards the other amendment to omit the words 'knowing it to be false', I do not think it is necessary. My impression is that these words 'to his knowledge false' are unnecessary, for the reason the words 'knowing it to be false' are there. Those words have been copied from the Indian Penal Code and may remain. Thus, the wording in the Bill seems to be all right. There is no need to amend it.

Shri H. V. Kamath (C.P. and Berar: General): To my mind there is some substance in the amendment to omit the word 'wilfully' and in the two amendments of Kazi Syed Karimuddin. I believe it is my friend's intention that they should be taken together. If all these three amendments are accepted by the House, the clause will read as follows:

"Whoever in any return, balance-sheet or other document required by or under or for the purposes of any provision of this Act, makes a statement which is false to his knowledge."

If the clause is allowed to stand as it is, the ingredients for an offence under it will be wilfulness plus knowledge. My friend Shri Ananthasayanam Ayyangar made an astounding statement that there can be knowledge and also inadvertence.

An Honourable Member: Did he say that?

Shri H. V. Kamath: He said, he might know it to be false, yet in advertently make it. Sir, I am sure the House will not accept the proposition of Shri Ananthasayanam Ayyangar that when a man knows a thing to be false he might inadvertently make a statement about it as true.

Mr. Speaker: I think there is some misapprehension as regards what he meant. The House has understood him in a manner different from what he meant.

The elements necessary for constituting an offence are that the statement must be false. That is one. Then, secondly, the person who makes it must be knowing it to be false. He may know it to be false and then he must make it wilfully. So, substantially he must know that the statement is false and he must make it wilfully.

Shri H. V. Kamath: At first he made a statement about knowledge in which he said that a man might know a statement to be false and might make it inadvertently.

Shri M. Ananthasayanam Ayyangar: I may add my own explanation also to what I said. My friend has not understood me correctly. I mentioned, as you suggested, three ingredients: (1) the statement should be false; (2) the person making it must know it to be false; and (3) he must wilfully make that false statement. My friend does not understand that there is demarcation between wilfully make a statement knowing it to be false and otherwise. Legally and technically one must have made a false statement wilfully, to be subject to the penalty. There is yet another ingredient and that is that the statement must be wilful and intentional.

Mr. Speaker: The courts will take care of this. I would request non-lawyers not to worry so much about legal technicalities.

Shri H. V. Kamath: I do not presume to have much knowledge of law, but I have heard lawyers arguing and quarrelling among themselves. To my mind, the head and front of the offence under this clause should be knowledge of the statement to be false. Otherwise, I think if we include 'wilfulness' along with 'knowledge', it may not deter prospective offenders from committing such an offence under the Act. Therefore, if we omit the word 'wilfully' and retain the words: 'makes a statement which is false to his knowledge' that should be enough

to constitute an offence under this act. Wilfulness in addition to knowledge is to my mind not necessary. If a person makes a statement which is false to his knowledge that should be enough to constitute an offence and to be convicted under this Section.

The Honourable Dr. John Matthai: rose —

An Honourable Member: Sir, he is not a lawyer.

The Honourable Dr. John Matthai: No, Sir, I practised criminal law thirty years before, but I am afraid I have now lost my instinct for legal subtleties, but I would respectfully submit to the House that the phrasing of this clause closely follows the phrasing in the corresponding sections of the Companies Act and further than that, I discussed all these amendments as carefully as I could with my legal advisers and I have been advised that the clause as it stands is probably the most suitable way in which the provision could be worded and if I may say so, I am quite prepared to be guided in this matter by any views that you may care to express.

Mr. Naziruddin Ahmad: Of course, I do not wish to press my amendment.

Mr. Speaker: In any case, I have placed it before the House now.

I may just only point out what is provided for in section 282 of the Indian Companies Act. The language of that section runs as follows:

"*Pendency for false statement.*—Whoever in any return, report, certificate, balance-sheet or other document, required by or for the purposes of any of the provisions of this Act (here means the Companies Act) wilfully makes a statement false in any material particular, knowing it to be false, shall be punishable,....."

Practically the same words are given.

A point was made that this legislation is taken as a sort of complementary to company legislation and it is better to follow the same phraseology; otherwise, there is a likelihood of conflict in the interpretation. Any way, I am now putting the amendments to the House.

The question is:

"That in sub-clause (1) of clause 46 of the Bill, for the word 'wilfully', wherever it occurs, be omitted."

The motion was negatived.

Mr. Speaker: The question is:

"That in sub-clause (1) of clause 46 of the Bill, for the word 'wilfully', wherever it occurs, the word 'intentionally' be substituted."

The motion was negatived.

Mr. Speaker: The question is:

"That in sub-clause (1) of clause 46 of the Bill, after the words 'which is false' the words 'to his knowledge' be inserted."

The motion was negatived.

Mr. Speaker: The question is:

"That in sub-clause (1) of clause 46 of the Bill, for the word 'wilfully', wherever it occurs, be omitted."

The motion was negatived.

Mr. Speaker: Mr. Naziruddin Ahmad is not pressing his amendment but I must place it all the same before the House.

Mr. Naziruddin Ahmad: I am very eager to withdraw it.

Mr. Speaker: Has the honourable member leave of the House to withdraw his amendment?

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

Mr. Naziruddin Ahmad: I move:

"That in sub-clause (1) of clause 46 of the Bill, for the word 'imprisonment', the word 'imprisonment of either description' be substituted."

[Mr. Naziruddin Ahmad]

I only want to make this clear. In the Penal Code, there is always a distinction between imprisonment of different descriptions unless something is specifically stated.

The Honourable Dr. John Matthai: Under the General Clauses Act, imprisonment means imprisonment of either description.

Mr. Naziruddin Ahmad: The General Clauses Act has been practically repealed in this House; it has been superseded so many times.

Mr. Speaker: The honourable member is urging its acceptance so many times and so he should not reject it this time. The amendments are practically unnecessary.

Mr. Naziruddin Ahmad: I beg to move:

"That in sub-clause (2) of clause 46 of the Bill, for the word 'fails', occurring in line one, the words 'fails or omits' be substituted."

The expression is that "if any person fails to produce any book, account" and so forth. I want to make it that "If any person fails or omits to produce any book, account" and so forth. I want to tighten the law a bit further. I think the clause will be more elastic if the words "or omits" are used along with the word "fails", evasion would be a little more difficult.

Mr. Speaker: Does not the word 'fail' cover also the "omission"?

Mr. Naziruddin Ahmad: A man may say: "I missed the train and failed thereby, but there was no wilful 'omission' on my part."

Mr. Homi Mody: You cannot say you omitted the 'train'.

Mr. Speaker: Omission may be one of the causes of failure, but failure is a more general term. The honourable member may look into it.

Mr. Naziruddin Ahmad: The juxtaposition of the two words will make it more complete. Though they overlap to a large extent, they may be combined as a legal device to make the sense complete. That is the only justification.

Mr. Speaker: The honourable Minister is not accepting it. May I put it to the House?

Mr. Naziruddin Ahmad: No Sir.

Shri Krishna Chandra Sharma: I move:

"That in sub-clause (2) of clause 46 of the Bill, for the words 'a fine which may extend to five hundred rupees', the words 'simple imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees, or with both' be substituted."

There are similar provisions in the Indian Penal Code where a certain duty is imposed on a person under the law to help the public servant in the discharge of his duties and if the person intentionally omits to do this, this is the punishment provided in the Indian Penal Code under Section 187. A lesser punishment should not be provided for the person who is much more educated and responsible. My respectful submission is that simple imprisonment for one month and fine up to Rs. 1,000 may be substituted for the provisions in the article.

Mr. Speaker: Amendment moved:

"That in sub-clause (2) of clause 46 of the Bill, for the words 'a fine which may extend to five hundred rupees', the words 'simple imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees, or with both' be substituted."

The Honourable Dr. John Matthai: I think it is not necessary in this case to provide for imprisonment. In cases of this kind, the point that we have got to remember is that when an offence of this kind has been committed and the

party concerned has been convicted and has been fined, the publicity that attaches to it will reflect on the business and will carry a good enough punishment with it.

Mr. Speaker: The question is:

"That in sub-clause (2) of clause 46 of the Bill, for the words 'a fine which may extend to five hundred rupees', the words 'simple imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees, or with both' be substituted."

The motion was negatived.

Mr. Speaker: Amendment No. 248 falls through, practically, because there is no 'omission' now.

Mr. Naziruddin Ahmad: Sir, the word 'persists' indicates a dogged determination, a wrong-headedness. The words "continues in his failure or omission".....

Mr. Speaker: 'Or omission'; both these words must disappear now.

Mr. Naziruddin Ahmad: It is a question of drafting. My point is, the word 'persists' indicates a dogged determination like that of a naughty school boy. That wording will be taken advantage of by criminals. That is why I want to move this amendment. I move:

"That in sub-clause (2) of clause 46 of the Bill, for the words 'persists in such refusal', the words 'continues in his failure as aforesaid' be substituted."

The wording in the clause is "persists in such refusal" and so forth. As I have already submitted, 'persists' is just like the act of a member who is determined to speak although definitely ruled out several times. A man who is hauled up for breach will say, 'I failed, but I did not persist in it'. Every word of this Bill will be deemed to have a meaning and every word must be deemed to have been used by the Legislature for a definite policy and purpose. In these circumstances, the word 'persists' would be too strong an expression and would allow a loop hole for many criminals. That is why I want to make it easy for the prosecution to rope in a criminal.

Shrimati G. Durgabai (Madras: General): Sir, I do not think this amendment has any purpose besides making some improvement in the language. That may safely be left to the draftsman.

Mr. Speaker: Let me put the amendment to the House.

Amendment moved:

"That in sub-clause (2) of clause 46 of the Bill, for the words 'persists in such refusal', the words 'continues in his failure as aforesaid' be substituted."

Mr. Tajamul Husain (Bihar: Muslim): I rise to oppose this amendment. Being a lawyer myself, I must say something on this. The word 'persists' really conveys obstinacy, that a man is obstinate in refusing to do a thing. This word is more proper and stronger than the words suggested by my honourable friend, Mr. Naziruddin Ahmad. He says, "continues in his failure." What is 'continuing'? It means 'going on'. Therefore, the amendment, in my opinion, is not as strong as the wording in the Bill. I support the original draft and oppose the amendment of my honourable friend.

Mr. Naziruddin Ahmad: With regard to the suggestion that this may be left to the draftsman, I think our Rules preclude it.

Mr. Speaker: He has no right of reply.

The Honourable Dr. John Matthai: I do not accept the amendment for the obvious reason that continuing in a wrong line of action is persistence.

Mr. Speaker: I was just wondering, in view of the previous phraseology—it may be examined and it may come up at the third reading stage also if the honourable member so likes—is the word “refusal” proper? Should it not be “failure”. The wording in this sub-clause is, “if any person fails to produce any book of account, or fails to furnish any statement or information or fails to answer any question, etc.” The word “refusal” does not so much fit in as the word “failure”. The honourable Minister may look into the matter.

The Honourable Dr. John Matthai: I agree with you, Sir,

Mr. Speaker: I should like to have the opinion of the draftsman on this question, even though it may mean just a little change in the wording.

The Honourable Dr. John Matthai: May I have the precise suggestion that you are making?

Mr. Speaker: The word “failure” may be substituted for word “refusal”. It is only a question of language.

Mr. Homi Mody: Is there anything like persisting in failure?

Mr. Speaker: It is more or less a question of language. That also may be considered. Shall I leave it to the third reading stage? After all, the amendment will be a verbal one.

The Honourable Dr. John Matthai: If that is the way you act to the thing, I am prepared straightaway to accept your suggestion.

Mr. Speaker: An amendment to that effect may be moved later on. I shall put the amendment to the House then.

Mr. Naziruddin Ahmad: If it is subject to reconsideration, it need not be put at all.

Mr. Speaker: This is not the subject of reconsideration. Either he withdraws or I shall put it to the House.

Mr. Naziruddin Ahmad: He has promised to re-examine the matter.

Mr. Speaker: He is not promising to examine the matter in its entirety. The word ‘persists’ is there. The amendment under consideration is that the word “refusal” disappears in favour of “failure”. That is the only point.

Mr. Naziruddin Ahmad: I beg leave to withdraw Sir.

Mr. Speaker: Has the honourable member leave of the House to withdraw his amendment?

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

Kazi Syed Karimuddin: I move:

“That in sub-clause (3) of clause 46 of the Bill, the word ‘other’, occurring in line two, be omitted.”

The sub-clause reads like this:

“If any depositors are received by a banking company in contravention of an order under clause (a) of sub-section (4) of section 35, every director or other officer.....”

The word “other” is wrongly used and the amendment should be accepted.

Mr. Speaker: Amendment moved:

“That in sub-clause (3) of clause 46 of the Bill, the word ‘other’, occurring in line two, be omitted.”

The honourable Minister may consider about “failure” or “refusal” and it may come at the third reading or at the end of this clause.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Pandit Thakur Das Bhargava (one of the Panel of Chairmen)].

The Honourable Dr. John Matthai: This wording comes from the Companies Act.

Kazi Syed Karimuddin: May come from the Companies Act, but it may be wrong.

Mr. Homi Mody: “Other officer” has to be somebody like a Director. He cannot be one of the hundreds of officers of the lower category who can be made responsible under this section. The word ‘other’ should be there.

The Honourable Dr. John Matthai: The word ‘other’ should be there.

Mr. Chairman: The question is:

“That in sub-clause (3) of clause 46 of the Bill, the word ‘other’, occurring in line two, be omitted.”

The motion was negatived.

Mr. Naziruddin Ahmad: I move:

“That in sub-clause (3) of clause 46 of the Bill, for the words ‘other officer’, the words, ‘every other officer’ be substituted.”

The difficulty which was felt by Kazi Syed Karimuddin was also felt by me. The approach has been through different ways but the object is the same. In fact the text is “every director or other officer...”. It gives the impression that a director is an officer, and other officers are also included. If we say ‘every director and other officer’, it would mean ‘every director who is an officer and other officers’. But then the amendment would make it read like this: ‘every director and every other officer’; the anomaly of using the word director as suggesting that he is an officer would be eliminated. It should read: ‘Every director and every other officer’. Or the word “other” may be eliminated. “Every director and every officer” would perhaps be better, if it is acceptable to the honourable Minister.

Mr. Chairman: Amendment moved.

“That in sub-clause (3) of clause 46 of the Bill, for the words ‘other officer’, the words, ‘every other officer’ be substituted.”

The Honourable Dr. John Matthai: I need not repeat my argument. I oppose the amendment.

Mr. Tajamul Husain: I rise to oppose the amendment. “Every other officer” has no meaning. That means everybody who may be an officer, and there may be so many officers. I see no sense in that.

Mr. Chairman: The question is:

“That in sub-clause (3) of clause 46 of the Bill, for the words ‘other officer’, the words, ‘every other officer’ be substituted.”

The motion was negatived.

Kazi Syed Karimuddin: I move:

“That in sub-clause (3) of clause 46 of the Bill, after the words ‘banking company’, occurring in line three, the words ‘who is charged with the duties prescribed under sub-section (4) of section 35’ be inserted.”

In sub-clause (3) it is said:

“If any depositors are received by a banking company in contravention of an order under clause (a) of sub-section (4) of section 35, every director or other officer of the banking company, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent it, shall be deemed to be guilty...”

Therefore I make the suggestion that only that director or officer, who is charged with the duty prescribed under clause 35 should be made liable. Therefore my submission is that only those who are charged with the duty prescribed under sub-section (4) of section 35 should be made liable under sub-section (3).

Mr. Chairman: Amendment moved:

“That in sub-clause (3) of clause 46 of the Bill, after the words ‘banking company’, occurring in line three, the words ‘who is charged with the duties prescribed under sub-section (4) of section 35’ be inserted.”

The Honourable Dr. John Matthai: I regret I cannot accept it.

Kazi Syed Karimuddin: Will the Government not give any reasons for opposing?

Mr. Chairman: If the honourable Minister does not choose to, you cannot force him.

The question is:

"That in sub-clause (3) of clause 46 of the Bill, after the words 'banking company', occurring in line three, the words 'who is charged with the duties prescribed under sub-section (4) of section 35' be inserted."

The motion was negatived.

Mr. Naziruddin Ahmad: I move:

"That in sub-clause (3) of clause 46 of the Bill, for the word 'knowledge', the words 'knowledge or connivance' be substituted."

The element of knowledge may in particular cases be difficult to prove, but if we add "connivance" it makes the expression more elastic and probably many a defaulter would be roped in through this combination of words who would otherwise escape if there was only one word.

Mr. Chairman: Amendment moved:

"That in sub-clause (3) of clause 46 of the Bill, for the word 'knowledge' the words 'knowledge or connivance' be substituted."

Mr. Tajamul Husain: I again rise to oppose this amendment of my learned friend, Mr. Naziruddin Ahmad. The word 'connivance' includes 'knowledge'. You cannot have connivance without knowledge. It is meaningless and senseless to have both words. One is quite sufficient.

The Honourable Dr. John Matthai: I agree with my learned friend!

Mr. Naziruddin Ahmad: So the honourable Minister connives with the honourable member.

Mr. Chairman: The question is:

"That in sub-clause (3) of clause 46 of the Bill, for the word 'knowledge' the words 'knowledge or connivance' be substituted."

The motion was negatived.

Shri C. Subramaniam (Madras: General): Sir, I would like to know the attitude of the honourable Minister in regard to my amendment.

The Honourable Dr. John Matthai: I am going to oppose it. It is for the reason....

Shri C. Subramaniam: Then I am not moving it.

Mr. Naziruddin Ahmad: I move:

"That in sub-clause (4) of clause 46 of the Bill, for the words 'or of any order', the words 'or in complying with any order' be substituted."

The more objectionable word is "of". The House will be pleased to consider a simple rule of grammar. If we use the word 'complying', it is 'complying with' and never 'complying of'. Yet this is the effect of the passage and I am sure the honourable Minister's advisers never liked into it. It is said in sub-clause (4) of clause 46:

"If any other provision of this Act is contravened, or if any default is made in complying with any requirement of this Act or of any order....."

The word 'complying' is with "any order"!

The Honourable Dr. John Matthai: "Of" relates to requirement.

Mr. Naziruddin Ahmad: It is always an unsatisfactory way of interpreting a thing by the man who drafted it. The man who drafted it wrongly is always clear as to what he means. But the trouble is whether others will appreciate it. It is better to redraft it.

Mr. Chairman: Does not the honourable member realize that it refers to "requirement"?

Mr. Naziruddin Ahmad: All right, Sir, I am not pressing it.

Kazi Syed Karimuddin: I move:

"That in sub-clause (4) of clause 46 of the Bill, for the words 'who is knowingly a party to', the words 'who is charged with the duties prescribed under this Act and who contravenes or abets' be substituted."

The meaning of my amendment is very clear. The draft on this point is very loose and I should say it is a layman's language. Those persons who are charged with the duty as prescribed under this Act should be made liable. In the original draft it is written, "who is knowingly a party". This is not tenable.

Therefore my submission is that the legal language will be "who is charged with the duties prescribed under this Act and who contravenes or abets" and I hope the amendment will be accepted. I should very much desire that the Honourable the Finance Minister will give the reasons for his rejection or opposition, if he opposes it. As he said, he was practising at the bar 35 years ago.

Mr. Naziruddin Ahmad: Barred by limitation.

Mr. Chairman: Amendment moved:

"That in sub-clause (4) of clause 46 of the Bill, for the words 'who is knowingly a party to', the words 'who is charged with the duties prescribed under this Act and who contravenes or abets' be substituted."

Mr. Naziruddin Ahmad: I rise to support this amendment. The whole sub-clause makes knowledge of a certain man of a certain contravention punishable. Supposing an offence is committed in our presence during a railway journey. We know it but we do not do anything to prevent it. We know it but knowledge is not enough. Shall we be held guilty? In this case mere knowledge of the offence is being punished. The amendment says "who is charged with the duties prescribed under this Act and who contravenes or abets", he will be held guilty. If a man has no duty or responsibility and if any offence is committed of which he is merely aware he should not be held guilty. If a master or superior officer commits a crime or makes a wilful default and his subordinate knows it, is he to oppose his master and lose his job? Supposing the honourable Minister makes a mistake and if his secretary pointed it out to him, he may not like it. Here you are punishing a man for something which it is not his duty either to do or to prevent. In this clause the law is made more strict but in other cases the law is loose and lax. In these circumstances I submit that the amendment should be accepted.

Shri H. V. Kamath: I think there is considerable force in the amendment that has been brought before the House by my honourable friend Kazi Syed Karimuddin. Unless in law a person is charged with the performance of a particular duty he cannot be lawfully or even morally or rightly brought to book.....

Mr. Chairman: May I bring to the notice of the honourable member that the words are not "who knows about it" but "knowingly a party to the contravention or default". Mere knowledge is not punishable.

Shri H. V. Kamath: This clause is silent on the point of the duties with which the officer is charged. My friend Kazi Karimuddin's amendment seeks to define this position in this fashion that any officer "who is charged with the duties prescribed under this Act and who contravenes or abets".

Another point is involved on which a little light may be thrown by the honourable Minister. In the clause it is stated "every director and other officer". May I ask the Minister whether he considers a director to be an officer of the banking company? If the words are read together a director is

[Shri H. V. Kamath]

also an officer of the banking company. I am not quite clear whether a director should be regarded as an officer of the banking company. If that position is not acceptable it must read "every director and any officer of the banking company", if the sense is to include the director as well. So far as I am aware a director is not regarded as an officer of the banking company. Therefore some suitable modification is also necessary in this regard.

As regards the amendment of Mr. Karimuddin I think it seeks to define and clarify the position envisaged by this clause and therefore it may be accepted by the Minister and by the House.

Shrimati G. Durgabai: I do not think it is necessary to specify here "who is charged with the duties prescribed....." as mentioned in the amendment of my honourable friend Mr. Karimuddin, because the duties of a director or any officer are understood by implication. Therefore this amendment is completely out of place except to take away the time of the House and there is really no meaning in it.

Shri H. V. Kamath: I seriously object to it, Sir.

Kazi Syed Karimuddin: I protest against it.

Shri H. V. Kamath: The honourable member is usurping your powers, the powers of the Chair. It is up to you Sir, to judge whether it is a waste of the time of the House or not. Nobody can usurp your powers.

Mr. Chairman: The honourable lady only said that this is mere waste of time if you persist in this amendment just to bring out that the amendment moved is not material.

Shri H. V. Kamath: It is left to you to decide whether it is a waste of the time of the House or not. Nobody can usurp your powers.

An Honourable Member: You cannot question the ruling of the Chair.

Mr. Chairman: She was only emphasising her own point.

Kazi Syed Karimuddin: She says that the time of the House is wasted.

Mr. Chairman: Such phrases are usually used by those who emphasise their points.

Kazi Syed Karimuddin: She has done it without emphasising any points.

Srijut Rohini Kumar Chaudhuri: I do not wish to follow my predecessor and my friend Shrimati Durgabai by trying to waste the time of the House...

Kazi Syed Karimuddin: On a point of order, Sir, can the honourable Member call another Member a 'friend'?

Mr. Chairman: It is quite parliamentary.

Srijut Rohini Kumar Chaudhuri: Sir, I want to repeat that I do not wish to repeat or follow the example of my honourable friend Shrimati Durgabai, when she tried to waste the time of the House by giving.....

An Honourable Member: Is it necessary now?

Srijut Rohini Kumar Chaudhuri: Sir, I feel that I am on very safe grounds when I rise to speak on this motion, because the honourable Minister has not yet declared his intention either of supporting or of opposing it. I have been a lawyer myself and I have to practise as a lawyer even now for my bread. But I will not pit my experience against the experience of the Honourable the Finance Minister in this matter. I have asked some lawyer friends also who agree with me that an expression like the one which has been used in this clause "knowingly a party" is very rarely seen in a legal statute.....

Mr. Naziruddin Ahmad: It is unusual

Srijut Rohini Kumar Chaudhuri: And therefore when any honourable Minister takes up his experience of 35 years ago he must be perfectly satisfied that this expression is really a legal one. Incidentally I may mention that the Indian Companies Act was passed in 1913 and soon after the advent of this Act my honourable friend the Minister withdrew from his legal practice. Thirty-five years ago means 1913, when the Indian Companies Act was passed.

Mr. Chairman: This has got nothing to do with the amendment.

Srijut Rohini Kumar Chaudhuri: I am speaking about the expression "knowingly to be a party". That expression is not a legal one and it should be substituted.

Incidentally I might mention, if my legal knowledge is correct, there is a "knowingly to be a party". That expression is not a legal one and it should be substituted.

Incidentally I might mention, if my legal knowledge is correct, there is a great omission, in that no imprisonment is laid down for default and the payment of a fine. I do not know if the General Causes Act lays down that whenever there is no imprisonment prescribed for default there should not be any imprisonment or there shall be simple imprisonment for six months. I think there may be also a general provision somewhere that in case of any special or local law where any imprisonment in default of fine is laid down it may be presumed there that the imprisonment shall be simple and for a period not exceeding six months. This I am not sure of and I hope the Honourable Minister will look into this matter. If it is intended that there shall not be any imprisonment in default of payment of fine, because the offender shall be an indeterminate body of persons, he should clearly say so. If there is to be imprisonment in default of payment of fine the point is whether that has got to be gathered from any statute other than this.

Mr. Tajamul Husain: I find that the first part of the amendment of my honourable friend, Mr. Karimuddin is good, that is, where he says "who is charged with the duties prescribed under this Act". After all to whom is the punishment to be given? Punishment is to be given to the person who is charged with the duties prescribed under this Act. But the next part of his amendment is in my opinion not correct—that is "who contravenes or abets". There is a world of difference between "who is knowingly a party" and "who contravenes or abets". "Who is knowingly a party" implies the knowledge and intention to do something whereas "contravenes or abets" may be by mistake—may be a *bona fide* mistake. Therefore if the amendment had been in the form "who is charged with the duties prescribed under this Act and who is knowingly a party to" then I would have agreed and supported the amendment. As it is, I am sorry I cannot support it. I must oppose it because the words in the original draft "who is knowingly a party" are better than "who contravenes or abets". A man may contravene or abet without the knowledge and you cannot punish a person who has not got the knowledge of his act.

The Honourable Dr. John Matthai: I have always regarded my honourable friend Mr. Rohini Kumar Chaudhuri with respect, as a political leader and as a legislator. But if he is typical of the present generation of criminal lawyers I regret I cannot extend my respect to him in that capacity.

I think the point is quite simple. You cannot accuse a person of contravention or default in respect of a provision unless that provision imposes certain duties upon him. Therefore it seems to me quite unnecessary to add the words 'charged with these duties'.

Mr. Chairman: The question is:

"That in sub-clause (4) of clause 46 of the Bill, for the words 'who is knowingly a party to', the words 'who is charged with the duties prescribed under this Act and who contravenes or abets' be substituted."

The motion was negatived.

Mr. Naziruddin Ahmad: I move:

"That in sub-clause (5) of clause 46 of the Bill, for the words 'make a demand on the banking company', the words 'direct the banking company', be substituted."

While I was looking up my papers I heard a muffled remark from one of the honourable members, namely the redoubtable Bikram Lal Sondhi, the first part of whose name really indicates prowess, that I was having breathing time. Indeed he is very right and I was having a breathing time. There are so many amendments that I had need to have a moment's breathing time. So the breathing time should be excused.

I submit that the effect of the amendment is this. Instead of the original phrase "make a demand on the banking company" the words "direct the banking company" would be more appropriate in the context. I do not wish to elaborate it further but I desire the honourable Minister to read the passage himself independently as a lawyer that he was thirty five years ago and then give us his independent opinion.

The Honourable Dr. John Matthai: I have considered it independently and very carefully. I cannot accept it.

Mr. Chairman: The question is:

"That in sub-clause (5) of clause 46 of the Bill, for the words 'make a demand on the banking company', the words 'direct the banking company', be substituted."

The motion was negatived

Mr. Chairman: There is an amendment to clause 46 given notice of by Mr. Alagesan.

Shri O. V. Alagesan (Madras: General): I would like to explain the position before I move my amendment. Section 22 requires a company for carrying on banking business to get a licence from the Reserve Bank. A contravention of that section is covered by sub-clause (3) of clause 46. But it provides only for fining the directors and does not provide for the winding up of the company which carries on business without a licence. That deficiency is sought to be covered by my amendment and it gives power to the Reserve Bank to wind up the company if it ceases to have a licence. As the clause stands it can continue to do business even without having a licence, by paying the fine. You should really provide for the winding up of the company in such a case. If the honourable Minister would accept the amendment I shall move it.

The Honourable Dr. John Matthai: In regard to matters of this kind the publicity that attaches to conviction would be such that you need not put yourself to the trouble of winding up the company. The people who are likely to place deposits in that company would refuse to do so.

Shri O. V. Alagesan: Then I am not moving it.

Mr. Chairman: The question is:

"That clause 46 stand part of the Bill."

The motion was adopted.

Clause 46 was added to the Bill.

Clause 47 was added to the Bill.

Mr. Naziruddin Ahmad: I move:

"That in clause 48 of the Bill, for the words 'towards payment', the words 'towards the payment' be substituted."

As I submitted the other day, a simple word "the" created considerable amount of difficulty in the Federal Court amongst five learned Judges in which a respected member of this House, Mr. K. M. Munshi, had to take part.

They had considerable difficulty over the word "the". There is a tendency in this House to ignore commas or words like "the", "or", "of" as being beneath the notice of the respectable members of the

House. I submit they are not to be ignored or jeered at in the House like that.

Mr. Chairman: May I ask what difference does it make whether the word "the" is there or not?

Mr. Naziruddin Ahmad: The difference is just like the difference in notes to a musician. A man who is a musician can see the difference between the notes. A man who is devoid of any sense of music does not see the difference.

In fact, it will not do to say that the meaning is clear; sometimes the meaning may not be clear.

Mr. Chairman: Sometimes it may not be but the question is whether here in clause 48 it would make any substantial difference.

Mr. Naziruddin Ahmad: The Honourable the Speaker once suggested that the elegance of language is also a desirable objective.

The Honourable Dr. John Matthai: As far as this is concerned, the insertion of "the" makes it much less elegant.

Mr. Naziruddin Ahmad: That is a different point of view. My honourable friend has the advantage of being fed and supported by an array of experts, so whatever he says must pass as authority.

I would submit, the passage reads thus:

"A Court imposing any fine under this Act may direct that the whole or any part thereof shall be applied in or towards payment of the costs of the proceedings, or in or towards the rewarding of the person on whose information the fine is recovered."

I think the ordinary sense of grammar would indicate that the word "the" is appropriate: ".....shall be applied in or towards the payment of the costs....." The word "the" comes naturally. It is a question of first impression and of course if opinions differ then I shall respectfully differ.

I submit that these nice things may make a great deal of difference. Let us take one example, let us consider one sentence, "Begum Aizaz Rasul says Mr. Rohini Kumar Chaudhuri is a naughty boy". The meaning is clear. But suppose you put two commas in it, such as: Begum Aizaz Rasul, says Mr. Rohini Kumar Chaudhuri, is a naughty boy". The point is that without the commas, Mr. Rohini Kumar Chaudhuri is the naughty boy; but with the commas, Begum Aizaz Rasul becomes the naughty boy which is absurd. So the position of a comma makes a good deal of difference.

Mr. Chairman: There is no question of comma here!

Shri H. V. Kamath: May I speak on this amendment of my friend Mr. Naziruddin? He has said something about music and musicians. I believe he has got a good musical sense but here I think it has failed him. The two 'the's, if his amendment be accepted, would certainly jar upon any musical ear and certainly it does violence to canons of euphony. I think the House will agree with me when I say that "the" here will be entirely misplaced, and I would ask the House to reject this amendment.

The Honourable Dr. John Matthai: I find myself in complete agreement with my honourable friend Mr. Kamath.

Mr. Naziruddin Ahmad: You have used two dozens of 'the's in another clause.

Mr. Tajamul Husain: I have got very important things to say.

Mr. Chairman: I am going to put the amendment to vote.

The question is:

"That in clause 48 of the Bill, for the words 'towards payment', the words 'towards the payment' be substituted."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 48 stand part of the Bill."

The motion was adopted.

Clause 48 was added to the Bill.

Clauses 49 to 51 were added to the Bill.

Mr. Naziruddin Ahmad: I wanted to submit something on amendment No. 263 and wanted to finish the question altogether. So long as there is no finality.....

Mr. Chairman: Yesterday this amendment was debated and you were pleased to say you will take some other time to ventilate it. So let us proceed.

Mr. Naziruddin Ahmad: Sir, the Deputy Speaker himself later on told me that he would like to raise it once again. In these circumstances, I may be allowed to raise the point so as to finish it once and for all. I give a solemn undertaking before the House never to think of this any further. With that assurance, I may be allowed to develop the point.

The expression "Official Gazette" has been defined in the General Clauses Act. There the expression is used as a complete name. It seems to me, from a conversation with the draftsman, that the word "official" is regarded as a mere adjective and as no part of the name or the description. If it is merely an adjective without being part of the name, of course, it should be spelt with a small letter, not with a capital letter. But my point is that the Official Gazette is a compound name as, for instance, the Legislative Council. If we think the word "legislative" is merely an adjective and not a part of the name, then of course the word "legislative" should begin with a small letter, but if it is a part of the name, of course, both the words should be capitalised.

The reason which was given to me by the draftsman was that in the sentence the word "Official" stood at the beginning and therefore it began with a capital letter. But that is not so. In a large number of definitions given in the General Clauses Act words which should be capitalised are used in a capitalised way and words which should not be capitalised are not used in that way. I submit therefore that the General Clauses Act is a direct authority for the spelling which I am trying to press. The other reason given for ignoring my contention is that from 1940 onwards, "official" is spelt with a small letter. I admit this is so, but let us consider a large number of other and classical Acts: the Criminal Procedure Code, the Penal Code, the Transfer of Property Act, the Registration Act. There the expression "Official Gazette" appears and always the capitalised version is used so far as the word "Official" is used. It is a point in drafting that where a capital is to be used, it should be used uniformly; where a small letter is to be used, it should also be used uniformly. In this case the sample given in the General Clauses Act begins with the capital letter and in other cases where a small letter is indicated they are in small letters. It is not that because the word "Official" begins at the beginning of the sentence in the General Clauses Act it is used with a capital letter. That is not so. In the very definition itself where the capitalised version is used, it is always capitalised, but where it is not so the small letter is used.

So, an examination of the other definitions will also show that "Official" is a part of the name and therefore it should be capitalised. If we look to the classical enactments—probably the older Acts are examples of good draftsmanship—there always the word "Official" is used in capital letters. I do not wish the matter to be put to vote, but I should ask the Honourable the Speaker to look into these authorities and prevent us from trouble on this matter any

further. I submit these are important matters. There should be uniformity. In some of the recent Acts, sometimes "official" is spelt with capital and sometimes with small letter. Why should there be this variation?

Mr. Chairman: I would request the honourable the mover of the amendment to kindly move the amendment, so that the point may be settled once for all. He has not even moved the amendment, yet he is speaking on it.

Mr. Naziruddin Ahmad: I beg to move:

"That in sub-clause (1) of clause 52 of the Bill, for the words 'official Gazette', the words 'Official Gazette' be substituted."

Shri H. V. Kamath: May I ask my friend Mr. Naziruddin Ahmad whether it is his view that the word "official" here is used not in an adjectival sense but as a substantive? He says it is part of a name. For his information, I can tell him that the name of the Gazette is "Gazette of India" or Gazette of the U.P." or Gazette of C.P. and Berar" and so on. The name is not "Official Gazette". No gazette in India is called "Official Gazette" by name. To my mind therefore, the word "official" is used in an adjectival sense and not as a substantive. Therefore the 'o' here in the word 'official' need not be capitalised, but may remain small enough as it is.

Babu Ramnarayan Singh (Bihar: General): I have to say a word in this respect. Sometimes I find that people laugh at my friend Mr. Naziruddin Ahmad. When we were in the language, we learnt that articles 'a' and 'the' have got to be used and there is a rule for that. In the same way, there is rule as to where small letter is to be used and where capital letter is to be used. May I know whether these rules of grammar were to be taught and learnt and used when we were in schools and colleges or whether they are to be used here in this legislative chamber? I know Dr. Rash Bihari Ghose was interpreting law in the Calcutta High Court. He interpreted one particular section in one way and won the case, and after some time he interpreted the same section in a different way, and the Court asked him.....

Shri Krishna Chandra Sharma: Because he was paid by different clients?

Babu Ramnarayan Singh: Yes. When he was asked by the Court. "Dr. Ghosh, the other day you interpreted this section in that way and this day you are interpreting it in this way". Then Dr. Ghosh answered, "My Lord, that was a very good law when I interpreted it in that way, but this is the law". So, "the" has a significance. I do not like that honourable members should laugh at my friend. I think the Draftsman ought to be expert enough.....

Mr. Chairman: I must request the honourable member to address the House on the point at issue. We have heard the story from him and we have heard much more, but may I request him kindly to speak on this particular question?

Babu Ramnarayan Singh: Well, Sir, I am speaking on the amendment. Why the Draftsman should not be expert enough to know the rules of grammar and make a good draft of any Bill, so that such amendments may be impossible. Of course, so far as this amendment is concerned, I support it and I ask the honourable House and the honourable Minister to so arrange things that such mistakes will not be committed by the Draftsman.

Shri Jut Kuladhar Chaliha: We are very thankful to Mr. Naziruddin Ahmad for pointing out to us.....

Mr. Chairman: May I just request the honourable member to direct his attention to the particular amendment? The merits of Mr. Naziruddin's performances are not here in dispute but the point at issue is the amendment.

Srijut Kuladhar Chaliha: I am directing my attention to that. First, I am acknowledging with great gratitude Mr. Naziruddin's pointing out that our Draftsman are so loose that every time a Bill comes up we find such mistakes. We must be grateful to him for drawing our attention to this. We are standing on prestige and do not like to accept his good suggestion. We must admit our mistakes. It is no use standing on prestige when we know that it is a real mistake. Now, as regards whether it should be spelt with capital letter, we find in the General Clauses Act "Official Gazette" is always spelt with capital 'O'. It is not used in adjective sense, as my friend Mr. Kamath said. In every clause you will find other words are spelt with small letters but Official Gazette is always spelt with a capital letter.

Mr. Chairman: This has already been pointed out by the honourable mover.

Srijut Kuladhar Chaliha: I think it has been already pointed out and I think you will find that Official Gazette is spelt with capital 'O' and as Mr. Naziruddin Ahmad has pointed out, there are other deficiencies of our Draftsman. I think we should take note of this and accept this. We must not stand on prestige.

The Honourable Dr. John Matthai: I think my honourable friend Mr. Chaliha—I do not think he meant it—did me much less than justice when he said that I was standing on prestige in taking the line I do on these things. My honourable friend will recognise that a Minister charged with the kind of portfolio that I have has several grave preoccupations at present. I have had to spend on these amendments of Mr. Naziruddin Ahmad—sleepless nights and sleepy days—and if I have come to these decisions it is because I believe that those are the right decisions in the circumstances. I must take exception to my honourable friend Mr. Chaliha's remark about me.

Srijut Kuladhar Chaliha: All right, Sir, I withdraw my remarks.

The Honourable Dr. John Matthai: As regards this question of 'official Gazette', we have gone into this question over and over and over again. I know the practice differs in various enactments, but for the present, since this has been used here, I suggest we might continue it.

Srijut Kuladhar Chaliha: I beg to withdraw, if my friend takes exception, though I did not mean it.

Mr. Chairman: The question is:

... "That in sub-clause (1) of clause 52 of the Bill, for the words 'official Gazette', the words 'Official Gazette' be substituted."

The motion was negatived.

Mr. Naziruddin Ahmad: I move:

"That in sub-clause (3) of clause 52 of the Bill, for the words 'draft of the proposed rules was published', the words 'draft rules were published' be substituted."

We know draft rules, but the expression "draft of the proposed rules" is nothing but really an elongated version of the words "draft rules".

The Honourable Dr. John Matthai: I oppose it.

Mr. Chairman: The question is:

"That in sub-clause (3) of clause 52 of the Bill, for the words 'draft of the proposed rules was published', the words 'draft rules were published' be substituted."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 52 stand part of the Bill."

The motion was adopted.

Clause 52 was added to the Bill.

Shri B. P. Jhunjhunwala (Bihar: General): I want clarification from the honourable Minister on one point. This is what the report of the Select Committee says in regard to this clause.

"This is a provision which we have added as a matter of caution. It is possible that exemptions may be needed in the case of industrial finance corporations, land mortgage banks, housing societies, and other like institutions which obtain deposits from the public. This provision would also enable temporary relief to be given in cases of emergency."

I want to know whether this Act applies also to these banks. The honourable Minister has said that it applies only to commercial banks. I want to get confirmation for it.

The Honourable Dr. John Matthai: If my honourable friend will refer to (b) and (c) of clause 5(1), the position will be clear. Item (b) says "Banking" means the accepting, for the purpose of lending or investments, of deposits of money from the public, repayable on demand or otherwise, and withdrawals by cheque, draft, order or otherwise." Then, item (c) says: "banking company", means any company which transacts the business of banking in any Province of India".

As the provision stands at present, if they accept deposits the institutions mentioned by him might be brought within the frame-work of the Bill.

Shri B. P. Jhunjhunwala: Does not this Act think of only banks doing commercial business?

The Honourable Dr. John Matthai: That is so.

Kazi Syed Karimuddin: Before I speak on clause 53, I may assure Shri. mati Durgabai that I am not trying to waste the time of the House. I am saying this because it is just natural that the honourable member is angry with me under the impression that I am putting obstacles in the way of the consideration of the Hindu Code Bill. I assure her that I have every sympathy with the measure which proposes to confer rights and privileges on women. I am a father of daughters.

My submission as regards this clause is that it is very arbitrary. The provisions of law which are sought to be placed on the Statute Book are very unprecedented. I find from the Minute of Dissent appended to the Report of the Select Committee by Shri Ananthasayanam Ayyangar that he is opposed to any power being given to any Government to exempt any bank from the provisions of this Act as provided for in clause 53. Shri T. T. Krishnamachari too, at the far-end of his minute of Dissent, has said:

"Even though I have appended my signature to the majority report, I am of the opinion that the Committee has done little or nothing to improve the Bill and have thereby lost a valuable opportunity of helping to place on the Statute book a measure which would ensure the strengthening of the credit and monetary structure in the country."

I think this provision has not been very well considered by the Select Committee. This clause 53 gives very arbitrary and unprecedented powers to the Government of India which would act on the recommendation of the Reserve Bank. The clause provides:

"The Central Government may, on the recommendation of the Reserve Bank, declare by notification in the official Gazette that any or all of the provisions of this Act shall not apply to any banking company or to any class of banking companies either generally or for such period as may be specified."

According to the report of the majority, which my friend has read out, this is a provision which they have added as a measure of caution. It is possible that exemptions may be needed in the case of an industrial banking corporation which obtains deposits from the public. Clause 53 is of general application to any bank or class of banks. This would mean that the provision of this Act can be superseded by the Central Government on the recommendation of the Reserve Bank. This will be too much.

[Kazi Syed Karimuddin]

Bank, which would make the recommendation, would be open to very great Bank, which would make the recommendation, would be open to very great corruption. The banks are full of money and if exemptions are to be given on the recommendation of the administrative machinery of the Reserve Bank and accepted by the Central Government, there will be room for great corruption. Therefore my submission is that, the powers contemplated under this clause are sweeping and general and ought not to be given. The honourable Minister should have laid down the exceptions which have been mentioned in the report of the majority. Therefore my submission is that this is a provision which it brought on the Statute book will be open to many injustices and it will do great harm to banking system of this country.

Shri Krishna Chandra Sharma: I support my honourable friend, because this clause 53 goes against the fundamentals of law. The law has always to be passed in general terms. You cannot say that if 'A' commits murder he should be hanged and say, at the same time, that if 'B' commits murder he may not be punished. If for a crime there should be punishment, it should be punishment for all who commit that crime. It should not be open to the Government to say that such and such bank will not come under the law and that such and such bank will be governed by it. I would have understood it if we had laid down that for such and such reasons the Reserve Bank may make recommendation to the Government to exempt such and such class of banks. But, without specifying such conditions, such reasons and the class of banks for which exemptions could be sought, if we adopt a provision of this kind, it would be an arbitrary provision. And an arbitrary measure is no law at all. It contravenes the fundamentals of law and therefore is not a desirable piece of legislation.

Pandit Lakshmi Kanta Mairta: May I put in a few words in connection with this clause, I think a very important point has been raised in as much as this clause seeks to preclude a particular class of banks from the operation of the provisions of this Act. I think, the whole purpose, as I have been able to understand from the previous speaker, is that there are certain organisations, banking in nature, which cannot be brought under the purview of this legislation and which if brought would inure more to the detriment of those institutions. I think, if the Honourable the Finance Minister has in view institutions like the Industrial Finance Corporation, the Rehabilitation Finance Administration and organizations like these, which might be brought into being in future, then of course, there is a good deal of force in it and force in the contention of the sponsor of the Bill. But one point has got to be made absolutely clear, whether or not the credit organisations which are essentially banking concerns,—not that there are transactions of the nature of banking, but they are essentially banking concerns in the sense that they receive deposits and they clear bills and things like that and also advance loans on approved securities,—the kind of course, the question would arise whether or not organizations like the industrial Finance Corporation or building societies or Rehabilitation Finance Administrations, whether these things should properly come under the definition of a banking company. It is, therefore, necessary for the Honourable the Finance Minister to make clear as to what are the particular kinds of organizations he wants to be excluded from the operation of this Act on the recommendation of the Reserve Bank. Speaking for myself, and I find that my view is shared by a number of honourable members in this House, it would be a violent departure from a very salutary principle that there should be no exception to the operation of this law, as is generally the case with all legislations. We cannot give a sort of *carte blanche* to the Reserve Bank machinery to make re-

recommendations to the Government of India that these are the Banks A, B, C, D, E, which in our opinion should be excluded from the provisions of any or all of the provisions of this particular Act. The whole purpose of this Bill will be greatly defeated if this power—I must say it is a very wide and arbitrary power sought to be given to the administrative machinery of the Reserve Bank—is utilised by that body in a very large measure, then the very purpose of the Bill would be defeated. Therefore, instead of giving that sort of blanket authority to the Reserve Bank authorities, it is but meet and proper the Honourable the Finance Minister should indicate the terms under which certain organisations banking in nature would be excluded from the ambit of the operation of this Act. So long as that is not done, I think the contention raised by my honourable friends to the right and friends to the left are very substantial and they cannot be lightly brushed aside.

Mr. Naziruddin Ahmad: I rise to oppose this clause, and the reasons are plain. As Shri T. T. Krishnamachari has stated, the Bill has not been thoroughly considered. A man of his experience, who was a member of the Select Committee saying so, is a very serious thing. (An Honourable Member. "He was a minority of one in the Committee"). But he is an important minority. He is an able and a respected member of this House and his verdict cannot be brushed aside lightly. I submit instead of keeping a loop-hole just to excuse the Industrial Finance Corporation and certain other favourite banking concerns, we could have provided generally for such cases. There was no difficulty in framing the definition in such a way or to have incorporated exceptions with which we are very familiar in this Bill. If we leave a loop-hole like this, it only gives Government an enormous power, a power which is dictatorial in nature and although ministers at the highest level will be above influence, it is not impossible for us to see that parties will approach the Government through the back-door. Influence will weigh in favour of some parties and against certain others. It will depend on with what amount of energy and pluck a party puts its case. It may be that there will be no generalized standard for such cases; the standard should have been laid in the Act itself as to what things are necessary, what things are unnecessary and what exceptions should be made. It is rather a matter for drafting and in this the Bill absolutely fails. In these circumstances, I beg to submit that the clause should be withdrawn and suitable provisions should be made so as to apply all sorts of cases.

Srijut Rohini Kumar Chaudhuri: I can quite see the justification for the retention of this clause in the Bill. It will be in the recollection of the honourable members of this House that how a right of exemption given in favour of a Government can be at times abused. There is a necessity for exemption in every matter and if that exemption has to be exercised at one time or the other, experience of the recent events show that it is better that they are exercised by a body of persons who are not responsible to the Legislature, rather than have to be exercised by the honourable Minister of this House which may be at times liable to mis-interpretation. The House remembers very well how the exercise of such a power in the matter of investigation of income-taxes has caused one honourable minister his seat. My point is this, that if an exemption has to be made in respect of any clause or any provision of this law, it is better that right of exemption is exercised by the Reserve Bank rather than by the Government itself.

Then, coming to the question whether such an exemption is necessary at all or not, whether the grant of this exemption has totally spoiled the good effects of this Bill, I might immediately tell the House that rather than leave the provision of this clause relating to exemption in such a vague and indefinite way, it would have been perhaps better for the framers of this law to lay down clearly that they do not want the provisions of this Bill to apply to land

[Srijut Rohini Kumar Chaudhuri]

mortgage banks or industrial financial corporations or something of that kind. I presume the way in which this law has been drawn up, the way in which this law has been passed, it should not be difficult to enumerate and illustrate the instances where exemptions should be actually granted. That being the position, I hope the Honourable the Finance Minister will agree with me that exemption should be granted in some deserving cases. Instead of leaving it in an undetermined way, or leaving it to the discretion of the Reserve Bank, it is better to lay it down here at once. I think, Sir, the exigency of the situation will be very well met if you only lay down and add to this clause the exemption which has been referred to in a general way in the majority report of the Select Committee. Otherwise, I am not quite sure that this clause is perfectly clear and that it would be interpreted in a manner in which the authors of this legislation want to. For one thing, the Land Mortgage Banks which are registered under the Co-operative Societies Act would not ordinarily come under the definition of a 'company'. A 'company' has been defined as a company which may be wound up under the Indian Companies Act. The Land Mortgage Banks cannot certainly be wound up under the provisions of the Companies Act. If that interpretation is correct, then the whole argument in favour of the Land Mortgage Banks which has been used in the report of the Select Committee falls to the ground. Similarly the Industrial Finance Corporation cannot by any stretch of imagination be declared to be a company which could be wound up under the Companies Act. In order to make the point clear, if it is the intention of the Government only to exempt this class of institutions, that should be made clear in the clause itself. Otherwise, the whole clause should be dropped.

Shri B. P. Jhunjhunwala: I have no apprehension that any such power will be exercised under the present regime by which the interests of the people will be jeopardised. But, my past experience of such clauses is very sad. Such a clause was introduced in the Sugar Control Act where it was laid down that the provincial Governments will be entitled to fix the price of cane at a particular rate. Power was also given to the provincial Government to exempt any factory from the application of that Act. That power was badly used in favour of a certain factory to the detriment of all other factories and cultivators. As I said, I have no apprehension that under the present regime this will be done. But, as my honourable friend Mr. Rohini Kumar Chaudhuri pointed out, some condition should be laid down under which this power should be exercised.

Shri B. Das (Orissa: General): If I rise, to speak on this, it is because I apprehend very much that the Reserve Bank may play tricks with us. The Reserve Bank has not yet defined its attitude towards the Imperial Bank. It may be that the Reserve Bank may excuse the Imperial Bank under excuse of this clause. Nowhere is the Imperial Bank mentioned in this Bill. That position must be clarified. Mere assurances will not do. It is better that the Honourable the Finance Minister defined here what he means. The explanation that is given in the Select Committee Report does not seem to apply to the Imperial Bank. We know that the Imperial Bank happens to be the favourite mistress of the Reserve Bank. The other day, we heard the Honourable the Deputy Speaker make a statement that the Imperial Bank would be Indianised in two years. The Honourable the Finance Minister made no such statement afterwards, but he said that it will be controlled. I find a contradiction of that in a paper called *Commerce* published from Bombay. The report in this paper says:

"The report, however, seems to be incorrect, according to a telegram received by us from our Delhi correspondent, who states that Mr. Ayyangar has authorised him to contradict the reported statement. The two year period in his reported statement referred to the

Dividend Limitation Ordinance and had nothing to do with the question of nationalisation of the Imperial Bank. All that Mr. Ayyangar said, it appears, was that the question of limiting dividends would be reconsidered after the expiry of two years."

I hope this is wrong. At the same time, I may point out that the *Indian Finance* of Calcutta, which reflects the Indian national view point, was very much perturbed at the statement of my honourable friend, the Finance Minister that the Imperial Bank will be controlled but not nationalised.

Mr. Chairman: May I just remind the honourable member, we have nothing to do now with the Imperial Bank?

Shri B. Das: I am coming to the point. In view of the suspicion of the patriots of the country and of this House, I do not want section 53 as introduced by the Select Committee. Either it should be thrown out or the Honourable the Finance Minister must make the point clear.

Shri M. Tirumala Rao: I want to say only a few words; I do not want to take up much of the time of the House. Section 53 tries to pass the whole camel of the Bill through the needle of the extraordinary powers of the Government. The Reserve Bank has been nationalised. It is absolutely a creature of the Government and the members are nominated by the Government. I do not know why the Select Committee has agreed to give such vast powers either to the Reserve Bank or to the Government to alter any section or all the sections of this Act, or give exemption from any or all the sections. If there is any emergency, there should be a time limit imposed, that the powers could be exercised for six months with regard to a particular type of banking institutions and if necessary, it could come before this House for a modification of the Act which by experience they may feel like wanting. To put such a section which gives such over-riding powers over all the sections is not democratic and is not quite fair to this House. I request the honourable member to consider whether a suitable amendment can be brought out so that the power is limited to a particular time beyond which he may have to come to this House for reconsideration.

The Honourable Dr. John Matthai: Sir, I quite appreciate the general feeling of apprehension which has been expressed by the House regarding the clause in a Bill of this kind which confers what is apparently an extensive scope for exercise of discretion by the Government. I quite appreciate that the House should feel apprehensive about it. But, the position is this. Banking institutions, of all kinds of economic institutions, are of a type that is most exposed to grave and sudden emergencies. In the course of the discussion of the various amendments, there was a case to which the attention of the House was drawn by an honourable member who asked me, in the case of that particular emergency, what the Government was going to do. The various provisions in the Bill were either inapplicable or if applied, would cause obvious hardship, and yet it was a case which it was impossible in the very nature of things to bring within the clear cut limits of a definition. I am speaking of the displaced Banks from the Punjab. They are placed today in a position which makes it extremely difficult for them to comply with the several provisions of this Bill and yet, it is my duty as a member of the Government to see that the interests of these people who have been placed in a position of this kind for reasons entirely beyond their control should be safeguarded. The only way in which I can safeguard their interests is—the House will not question the necessity for safeguarding their interests—is by having a provision of this kind. After all, in matters of this kind, there must be an element of trust somewhere. This world and its scheme of things will not function unless there is some

[Dr. John. Matthai]

repository somewhere where faith could be placed. I am quite alive to the criticism that as a Minister responsible to the Legislature, and for the time being a politician, I am possibly exposed to influences which may lead me to exercise my discretion contrary to the public interest. It may happen; but it is necessary in dealing with cases of this kind, to arrange for some discretion of this kind.

I was asked by my friend, Pandit Ma'tra, to define precisely, to categorise, the kind of institutions to which this Act would not apply, or in respect of which this exemption would be exercised. In the report of the Select Committee they have mentioned certain institutions. Now these institutions at present do not take deposits from the public. To that extent therefore at present they do not come within the framework of this Bill. But if a crisis arises when it is necessary for some of these institutions, in order to raise the necessary finance, to get deposits from the public, they would come within the provisions of this Bill and it is necessary that someone should have this discretion, because in the very nature of these institutions it is necessary that the provisions applicable to them should be of a kind which is appropriate in the circumstances.

I have given thought to this matter. The Select Committee also gave a good deal of thought to this. The Select Committee composed of non-official members of this House were apprehensive as the House is apprehensive, but in spite of that, because of the circumstances, they found it necessary to concede the case for a clause of this kind. I do not like to have to exercise a discretion of this kind. I would like to avoid being placed in a position where I have to exercise such discretion in individual cases. But if I am to discharge my duties as a Member of Government, I must accept the responsibility of exercising this discretion.

Mr. Chairman: The question is:

"That clause 53 stands part of the Bill."

The motion was adopted.

Clause 53 was added to the Bill.

The Honourable Dr. John Matthai: I move:

"That after clause 53 of the Bill, the following new clause be inserted, and the subsequent clauses be renumbered accordingly:

'54. *Protection of action taken under Act.*—

Srijut Rohini Kumar Chaudhuri: We would like to adjourn now because there is a party at Government House.

Mr. Chairman: We must sit till 5 P.M.

The Honourable Dr. John Matthai: I move:

"That after clause 53 of the Bill, the following new clause be inserted, and the subsequent clauses be renumbered accordingly:

'54. *Protection of action taken under Act.*—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government, the Reserve Bank or any person for anything which is in good faith done or intended to be done in pursuance of this Act.

(2) Save as otherwise expressly provided by or under this Act, no suit or other legal proceeding shall lie against the Central Government, the Reserve Bank or any person for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act."

In the first place, I want to point out that a similar provision exists in many other countries in Canada, in Australia and in various countries. This particular provision follows the lines of a similar provision existing in these countries. It is also a provision which is common to many Indian Acts. If the House will look up the Damodar Valley Corporation Act, it will be seen that it was found necessary by the House that a provision of that kind should be

inserted in it. The difference between the Reserve Bank and Joint Stock Banks—and I think it is a difference to which my honourable friend, Shri B. Das referred—is this. Here we have a Bill which places heavy responsibilities of supervision and control on the Reserve Bank. The Joint Stock Banks are not saddled with responsibilities of that kind. When you place special responsibilities on an institution, and the officers of that institution are called upon to exercise those responsibilities, if in good faith they do something which is likely to bring them within the mischief of the law, then it is in the public interest that they should be given a due measure of protection: otherwise public servants would not be in a position to discharge their duties fearlessly. So, I submit to the House that this amendment should be accepted.

Mr. Chairman: Amendment moved:

"That after clause 53 of the Bill, the following new clause be inserted, and the subsequent clauses be renumbered accordingly:

'54. *Protection of action taken under Act.*—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government, the Reserve Bank or any person for anything which is in good faith done or intended to be done in pursuance of this Act.

(2) Save as otherwise expressly provided by or under this Act, no suit or other legal proceeding shall lie against the Central Government, the Reserve Bank or any person for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act."

Srijut Rohini Kumar Chaudhuri: Before my friend starts may I suggest an amendment to the amendment, if that is possible? I think the honourable Minister will accept it because there cannot be a prosecution against the Central Government. The object of this clause will remain as good if we say "No suit, prosecution or other legal proceeding shall lie against any person". Prosecution should be against a particular person, whether an officer of the Government or not. There cannot be a prosecution of the Government or the Reserve Bank.

If I say no prosecution, the suit may be put in the second clause: "No prosecution shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act". The second clause will cover the other cases.

Anyhow, there cannot be prosecution of the Central Government or of the Reserve Bank.

The Honourable Dr. John Matthai: A suit may lie!

Srijut Rohini Kumar Chaudhuri: Legal proceedings can lie, but not prosecution!

Shri B. Das: That is a legal term. I think the Government of India can be prosecuted. Of course that is for Dr. Matthai to answer! I was filled with apprehension when the Honourable the Finance Minister tabled his amendment. Although at heart I do not like that the Government of India officers, who are following the traditions of the old I.C.S., should be exempt and should be condoned of their past follies and actions, and sometimes of their mismanagement and their exploitation and even corruption, still when I found that that was being done through the backdoor of the Reserve Bank Act, I was aghast. The honourable Minister has promised us, and the House has demanded it from the Government of India, that a complete Reserve Bank Amending Bill should be tabled on the floor so that we could examine it and see whether the Reserve Bank is true and loyal to my country. Up to date the Reserve Bank has been loyal to the United Kingdom Government. I am not going to condone any support to United Kingdom. My friend need not say.....

The Honourable Dr. John Matthai: I strongly protest against it.

Shri B. Das: You may protest. But what was the action of the henchmen of the Reserve Bank where millions of sterling of Indian money was sunk, and over which the honourable Minister it to make a statement on the 28th of this month. At that time the Reserve Bank did not help my country. The Reserve Bank, because it allowed the Imperial Bank to be its agent to bank all the taxpayers money has not worked in consonance with the country's national policy.

Mr. Chairman: May I inform the honourable member that this deals with future actions. It has got nothing to do with condonation of past action.

Shri B. Das: You must first be satisfied.....

The Honourable Dr. John Matthai: I should like to have an opportunity of saying that if my honourable friend is referring to the sterling balances, the Reserve Bank is not the body responsible for the problem but the old Government.

Mr. Chairman: Does the honourable member wish to continue his speech?

Shri B. Das: Yes.

Mr. Chairman: Then he may continue tomorrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Thursday, the 17th February, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES.

(PART II--PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Thursday, 17th February, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

RAILWAYS (TRANSPORT OF GOODS) AMENDMENT BILL

The Honourable Shri N. Gopalaswami Ayyangar (Minister for Railways and Transport). I beg to move for leave to introduce a Bill further to amend the Railways (Transport of Goods) Act, 1947.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Railways (Transport of Goods) Act, 1947."

The motion was adopted.

The Honourable Shri N. Gopalaswami Ayyangar: I introduce the Bill.

BANKING COMPANIES BILL—contd.

Mr. Speaker: The House will now proceed with the further consideration of the Bill to consolidate and amend the law relating to banking companies, as reported by the Select Committee.

The House was discussing the amendment for the insertion of a new clause 54.

[At this stage, Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar).]

Shri B. Das (Orissa: General): Before the House adjourned last evening I was opposing the new clause 54 which my honourable friend, the Finance Minister had tabled. I wish I had not been in opposition to him. Somehow, I find myself at variance, because these amendments are nothing but anti-national and anti-democratic. I feel that the time has not come to introduce such a measure, which gives such protection to the staff of the Reserve Bank. The Honourable Finance Minister is under an obligation to the House and to the country to amend the Reserve Bank Act properly. When that Reserve Bank amending Bill comes before the House, then the House will be prepared to consider whether such undemocratic protection can be given to the officers of the Reserve Bank.

Sir, I do not like the drafting of this amendment. My honourable friend Sri-jut Rohini Kumar Chaudhuri had pointed out that the words "Central Government" should be dropped in the amendment. My honourable friend, the Finance Minister has taken his precedent from the Damodar Valley Corporation Act. When my honourable friend, Shri N. V. Gadgil referred that Bill to the Select Committee, I did raise objection in the Select Committee, but I

[Shri B. Das]

then felt it was just to give effect to the practice that we have inherited from the former alien Government and that civil servants should be protected. In fact most of us knew a civilian would be the Chairman of the Damodar Valley Corporation. By taking that as a precedent, the Honourable the Finance Minister should allow this practice to permeate into every new Bill, as he has tabled, is the biggest surprise to me. We passed last year Bills for the Industrial Banking Corporation and the Rehabilitation Banking Corporation. In none of those two Bills such a protecting clause to the staff were given. Why are we in a hurry? That is what the House ought to know. Of course, my honourable friend, the Finance Minister may say that he did not table these two Bills; they were tabled by his predecessor, Shri R. K. Shanmukham Chetty.

I take this opportunity to welcome our friend, Shri R. K. Shanmukham Chetty to this House, and I am glad he is here and I am sure he will help us in coming to decisions on big and important financial and economic questions.

I was referring about the protection which the Central Government is to be given under this new sub-clause. Why should the Central Government need any protection by an Act of this House? It is a Sovereign Government; it has sovereign powers; it can exercise any moment those sovereign powers when the Cabinet, which is ruling over us, decides that certain sovereign powers will be exercised by the Central Government. Clause 57 of the Damodar Valley Corporation says:

"No suit, prosecution or legal proceedings shall lie against any person in the employment of the Corporation for anything which is in good faith done or purported to be done under this Act."

I do not know how within the short space of one year, perhaps due to the legal advisers or the banking advisers my honourable friend, the Finance Minister is enlarging the words in the proposed draft. The clause now reads:

".....shall lie against the Central Government, the Reserve Bank or any person for anything which is in good faith done or intended to be done in pursuance of this Act."

Perhaps the officials of the Reserve Bank want to protect themselves against all the absurdities they are committing. Unfortunately they have persuaded the Ministry of Finance to include in the draft the words "the Central Government." The Central Government as the sovereign authority, needs no protection under this Bill. I believe many eminent lawyers will argue the point about the Central Bank, the Reserve Bank, etc. I think it is very broad-based. On the whole I think the Ministry of Finance has been ill-advised and there are various points of law involved in this matter.

The question arises why the Bill that was introduced by my honourable friend Shri R. K. Shanmukham Chetty, his predecessor, last year, did not consummate. That Bill was referred to the Select Committee. Perhaps it was drafted by Mr. Liaquat Ali Khan. I do not find a minute of dissent from my honourable friend the Finance Minister that he referred to this matter in the Select Committee. There is no mention that the Honourable the Finance Minister had any intention of giving protection to so many people that have just entered the fold of nationalism. We have nationalised the money and structure of the Reserve Bank and we have handed over full control to my honourable friend over there. We have not nationalised the personnel of the Reserve Bank as yet. My honourable friend protested yesterday; but I do not agree with him that every Reserve Bank official works sincerely, and patriotically to the interest of the community. We have appointed no committee to look into the characteristics of every Reserve Bank official and see that he will suit the national structure of the Reserve Bank.

There is another thing. The Reserve Bank is an apex bank. It will control all banking concerns which are commercially managed. Why should the Reserve Bank officials, the bankers in the Reserve Bank have enjoy special privileges which the banks under my honourable friend Mr. Homi Mody will not have. My honourable friend Prof. K. T. Shah demanded at an earlier stage that all banking officials whether they are in a commercial bank or in the Reserve Bank should have similar privileges and similar status. Why should only the apex bank have these privileges? Apologising again for repetition, I again say that such privileges may be extended to the Imperial Bank officials, who are our public enemy number one, because I do not know what the Ministry of Finance will advise my honourable friend the Minister for Finance. We have transferred the Reserve Bank to the management of the State. That does not mean that it will depart from the principles of commercial management. If my honourable friend who, only before he assumed the Minister's position, was advising one of the biggest industrial concerns in India, says that all the privileges of the Government of India official should be introduced into the commercial concerns managed by Tatas, Birlas or that the employees of all the banks that are functioning in the national interests should claim the privileges as the Honourable the Minister is willing in a mood of benefaction to grant to the employees of the Reserve Bank, he will have to see himself if such a thing would be suitable, to the conditions in India.

My point is my honourable friend will see his way to withdraw his amendment. This can be introduced at a later stage; my honourable friend had no justification in bringing it forward when the Select Committee had not considered it. I am sorry, Sir, that you are in the Chair. I was anxious to know your views in the matter. There is no better upholder of democracy than you and I am sorry, at present you are confined in that Chair.

These are my views. I will bear my love to the Reserve Bank if it functions well. The Reserve Bank is mine. I will try to nationalise it. They need no protection. If we give protection to the Reserve Bank officials in one way or another, people of shady character will get into the Bank and do away with crores of Rupees. Then, my honourable friend or his successors

12 Noon will plead forgiveness of the House and of the country because, the House made a mistake by accepting the new clause 54. Sir, I oppose.

Pandit Lakshmi Kanta Maitra (West Bengal: General): I am sorry I will have to intervene once again in connection with this amendment even though it involves taking a little more time of my honourable friend the Finance Minister which could be profitably utilised for preparing his budget. With this little apology to him for taking a little of his time, I feel I should associate myself to some extent with what has dropped from my honourable friend Shri B. Das.

I think the House would do well to realise that it is now gradually passing into a sort of fashion with all sponsors of Bills of great magnitude or importance to tag on at the tail end a provision like this. I can well understand the psychology of those who have these important Bills to pass into legislation and who take a very long view, perhaps a far too long view, and try to give in advance all manner of safeguards to those who would be operating the provisions of the law against all possible, I may say, encroachment on their authority. It ought to be realised that the Bill as it is going to be enacted into law, is going to give very wide powers in the hands of the Reserve Bank and through it to the Government of India. I do not grudge it. I feel that in the present economic development of the country, unfortunately the credit organisations in the country have not been moving in the way in which they ought to move for the economic uplift of the country. Therefore, the case for wide powers is justified.

[Pandit Lakshmi Kanta Maitra]

But, there is the other side of it. It has to be seriously considered whether we would be really serving the best interests of the community by giving protection not only to the officers or any person purporting to act under a particular law, in this case, the Banking law, in good faith; not only that, but with the intention to do it in good faith.

I feel this is stretching the law too far, giving protection far too wide. After all no human institution is perfect, we know. We have got to provide as best as we can against all possible contingencies. But this is an entirely different proposition from saying that the statutory body, the Reserve Bank, is to be clothed with such an authority that it ultimately becomes a body so sacrosanct that its activities cannot be called into question in a court of law. That I think is a very big dose for any democrat to swallow. It is for the Honourable the Finance Minister to consider whether or not this vast and onerous responsibility, these wide powers that are sought to be cast on the Reserve Bank would be exercised with due caution and utmost care as all such transactions ought to involve if they have got before hand an all-pervasive shield in the shape of the provision that we are enacting now, that they cannot be touched by any court. Still more surprising is this. The right of a citizen to sue even the State is a very well established right in this country. In a criminal proceeding we have no right. But certainly I fail to understand how the civil liability of a State in respect of any act done can be taken away or should be taken away under a specific legislative provision. In this particular case, as I say, the whole credit structure of the country is going to be determined by this Act. I welcome this Act. Many provisions in it are drastic but I feel that the time has come when these drastic powers should be in the hands of the Government or its agent, the Reserve Bank. But this is far from saying that this Government or the Reserve Bank or any person empowered to act under this Act should be a *persona grata* to such an extent that not even the highest court of Judicature can touch him. That is an absurd position I should say.

Mr. Deputy Speaker: Only when it is done in good faith.

Pandit Lakshmi Kanta Maitra: 'Good faith' is a sacred expression which is prostituted so often. You know as much as I do, Sir, that good faith is easily turned into the worst possible faith and things done in malice prepenes and all manner of things have come under this spacious cover of good faith; and to establish good faith or bad faith is a Herculean task in any court of law. You, Mr. Deputy Speaker, can understand the tendency of law courts in this country. When a specific provision is made in an enactment ousting the jurisdiction of courts, naturally the courts will be most reluctant to entertain cases. They would hesitate many times before they enter into the question whether or not the *bona fides* is there or good faith is there. After all there are no golden scales to weigh to what extent this is good faith and it transgresses the border and passes into bad faith. It is very difficult. I can quite understand that some such provision is necessary but not to this wide extent. Certainly this is going far in excess of the real requirements of the thing. Apparently this amendment is an after-thought. Perhaps the Finance Minister thought that when he has been taking so much powers—while I am saying 'he' I say it impersonally and let him not therefore misunderstand; I am a great admirer of him and I have a high opinion of all his attainments; in fact he yesterday accepted an amendment which was in the normal course going to be defeated; but his appeal was so persuasive that even a strong mind like me had to accept it—perhaps he thought this power might also be taken. But I am asking whether he would be really serving the best interests of the community in this particular respect if he was going to provide this kind of a shield for

all manner of people purporting to act under this Act—a shield for the Reserve Bank and ultimately the Government of India.

I can never reconcile myself to the position that a particular banking concern or body of persons who would be very adversely affected by any activities of the Central Government should not be unable to have the matter thoroughly gone into by any civil court to find out whether the provisions of the law have been properly applied or not. That will be the most salutary check. In most cases even in the absence of this provision the courts would be most unwilling to convict or penalise any public servant or any servant of the Reserve Bank if the court finds that he was really acting in good faith. Irrespective of whether there is any provision or not the court has the inherent right to go into the case whether he has done anything mischievously or maliciously. The court would automatically go into such a case and no specific provision is necessary. This simply helps the wrong-doers to get on in any way they like. This has got a demoralising effect which must be recognised. I will suggest to my honourable friend the Finance Minister to change it to such an extent that it could be acceptable very freely. Otherwise we have to swallow it, but we will have to swallow it with some pain in the stomach and in the throat.

Mr. Homi Mody (Bombay: General): I rise to support the principle underlying this amendment. I have been and shall always continue to be a strong supporter of private enterprise and I would therefore deprecate any sort of control either over industry or banking. It is not I who have asked for this measure. As a matter of fact my business here has been to try and soften the rigour of the Bill. It is with the support of my friends on this side that the Bill has been framed in the way in which it is placed before us. After empowering the Reserve Bank to carry out all manner of functions, if my honourable friend seek to take away from the Reserve Bank the protection to which it is entitled, I do not see how the Reserve Bank could ever exercise the functions entrusted to it.

Pandit Lakshmi Kanta Maitra: The Central Government as well.

Mr. Homi Mody: If they have to watch their step every time when they are dealing with any particular bank or group of banks and if they are not given this sort of protection—I am not saying that the full powers that are given here ought to be given, but some sort of protection for anything done by them in good faith—then they cannot function at all, and many of the provisions of this Bill would be completely meaningless. My honourable friends ought to realize that having given the Reserve Bank wide powers over banks in many of their operations, they cannot refuse Government the power with which they seek to clothe themselves as well as the Reserve Bank and their officers. Only on a matter of phrasing I was wondering whether the Finance Minister would agree to drop out the word "Prosecution". It was suggested by somebody yesterday that a prosecution cannot lie against the Government or an authority like the Reserve Bank. Suppose you were to say "No suit or other legal proceeding" I should have thought that would cover every conceivable case in which the Reserve Bank could be involved. With this suggestion I support the amendment.

Pandit Lakshmi Kanta Maitra: Then it is a question of the extent of protection and I agree with you.

Shrimati G. Durgabai (Madras: General): I rise to support the amendment moved by the honourable the Finance Minister though I myself am not a banker. I shall be very brief. The position which has been described by my honourable friend Pandit Maitra is not so absurd as it is described to be. A provision of this kind is absolutely necessary to safeguard the interests of any individual or a body which is entrusted with the responsibility of discharging certain functions of this dimension which are required to be discharged by the Reserve Bank.

[Shrimati G. Durgabai]

The remarks made by Pandit Lakshmi Kanta Maitra and also my honourable friend Shri B. Das might have been relevant to the position of the Reserve Bank previous to this nationalisation. Now they do not absolutely apply to the present position. I need not repeat all the points made by the Honourable the Finance Minister in his reply yesterday. In a matter of this kind as he has stated there must be some trust somewhere in a body which has been assigned with the definite functions of discharging such heavy responsibilities which the Reserve Bank is required to discharge...

Pandit Lakshmi Kantta Maitra: I fully agree but the trouble is one of putting trust everywhere.

Shrimati G. Durgabai: I do not understand. Certainly the Reserve Bank is directly responsible to the Finance Minister of this Government in whom we have confidence and I do not understand why honourable members should think it necessary to oppose the amendment, which is a salient amendment, that has been moved by the Honourable the Finance Minister.

Pandit Hirday Nath Kunzru (U. P.: General): My honourable friend Mr. Mody has told us that his efforts in the Select Committee on the Bill were to soften its rigours. We may take it then that the Bill as placed before this House was a more rigorous measure than the Bill that has emerged from the Select Committee. Yet the Bill as introduced contained no provision of the kind that my honourable friend the Finance Minister wants us to insert in the Bill now. This measure went before the Select Committee. It was thoroughly discussed then. The Committee contained men competent to discuss every aspect of the matter but it made no recommendation supporting the insertion of a new clause like the one placed before us by the Finance Minister. The necessity of amending the banking law has been apparent to Government for years. The measure before us is the result of years of deliberation and yet when Government placed the fruit of their experience and thought before us it contained no such drastic provision as the Finance Minister wants us to accept. It is not enough therefore either for Mr. Mody or the Finance Minister to say that as this Bill is of a drastic nature it is necessary, if it is to be properly worked, that the officials of the Reserve Bank should be given the immunity that the new clause proposes to confer. The Minister of Finance must tell us what are the special reasons on account of which he has been compelled at this stage to bring forward such an amendment.

So far as I remember it was not the custom in the old days, even when drastic measures were considered by the legislature to confer immunity in advance on the officials that might be concerned with the administration of such laws. Usually, it is the general belief, such a provision is necessary only during a war or rebellion or in emergencies requiring Government to take special measures to maintain law and order. This was, I believe, the practice of the bureaucratic Government whom we criticised daily and severely for trying to restrict the liberties of the people. But now we have a national government which is asking for such a drastic power when the situation is normal. It is true that there is such a provision in the Damodar Valley Corporation Act but is that a precedent to be followed whenever important legislation is considered by this House? If it is desired that the officials should be safeguarded in advance against any action that might be taken against them for any act done by them in the exercise of their authority, a simpler thing would be to include such a provision in the draft constitution of the Government of India. If we have such a provision there we shall be saved the painful necessity of having to discuss such provisions again and again.

Sir, however wide the powers conferred by the Bill before us on the Reserve Bank officials or on other persons may be, we cannot allow the liberties of the people in any respect to be completely at the mercy of any class of functionaries. It has been usual to grant protection to officials by passing Acts of indemnity after emergencies when the servants of the Government might have been compelled, in view of the situation confronting them, to depart from the letter of the law. Here we are practically asking for a kind of indemnity act before any situation requiring it has developed.

We are not prepared to revise our ideas about the liberties and the rights of the people and to grant every kind of power to the present Government simply because it calls itself national. If it is to be a satisfactory reply to every objection that the Minister is a popular Minister, responsible to the Legislature, then this Legislature is not necessary at all. It was absolutely unnecessary to give so much time to the discussion of the Bill before us; we could have taken the Bill on trust from my honourable friend the Minister of Finance who is a popular Minister and pass it at once. If we have a Legislature—a democratic Legislature—its object must be to control the activities of a democratic Government. You cannot have a democratic Legislature with an autocratic executive; democratic Legislatures are associated only with democratic executives (*Shri Brajeshwar Prasad*: “Is the executive democratic here?”) to control their actions and their discretion. The existence of a popular Government, therefore, far from justifying any and every action taken by the Government, requires the Legislature to exercise the power that it enjoys, as carefully as possible. When a Legislature is democratic and possesses the fullest powers to pass any legislation and to control the executive in any manner it likes, its responsibility towards the public is in proportion to the authority that it enjoys, and it is therefore incumbent on it to scrutinise the acts of the executive persistently and watchfully so that the responsibility that it owes to the public might be fulfilled.

For the reasons that I have given, I support the protest of my honourable friend Mr. B. Das, against the amendment proposed by the Honourable the Minister of Finance.

Shri S. V. Krishnamoorthy Rao (Mysore State): With very great respect to the honourable members who opposed this amendment, I beg to differ from them. What would be the result of throwing out this amendment? It would lead to a plethora of civil suits against the Reserve Bank and its officials and the Central Government.

Under this Bill, very wide powers have been given to the Reserve Bank to control the banking system in the country; power of inspection; power to call for accounts, power to initiate liquidation proceedings. In fact, after the Banking Ordinance was passed, the Ordinance has worked very well and our banking system has turned out very good work during the last year. Perhaps it was expected that under the stress and strain of the last year, banking would fail in this country, but the Ordinance which gave powers to the Reserve Bank to control the banking system has worked wonderfully well, and if we do not give this protection and indemnity to the Reserve Bank and the Central Government, and to the officers who act under the authority given to the Reserve Bank, I am afraid it would nullify the very provisions of this Bill. In fact, criticism was levelled against the Government that greater powers were not given under the Bill, but if the powers that are given are to be enforced effectively, I think this indemnity is very necessary.

Sir, I support the amendment.

Shri R. K. Sidhva (C.P. and Berar: General): I am very much surprised at the opposition to this innocent and very reasonable amendment that has been proposed by the Honourable Minister of Finance, and I am further surprised at the carping criticism, and very strong criticism, levelled by my friend Pandit Kunru.

We find this clause in all the important Acts which we have framed here. In fact, there is a Bill before me even now, a Bill relating to the transfer of properties. Therein there is a clause: "No suit, prosecution or legal proceedings shall lie against the Central Government". (*An Honourable Member*: "Has that Bill been passed?"). The Select Committee has passed it. But what I want to contend is that it is not correct to say that this provision is exceptionally provided in this Banking Bill alone. That is what I want to argue. If you are not going to exempt your own officers who are doing things in the best interests and in the best faith, I want to know how could there be a check over those banks, which we are demanding consistently and with great force? A similar clause is contained in the Transfer of Property Bill. The Select Committee has only omitted one or two words, but they have on the whole approved of it.

Then I only find this objection. If "any person" has connection with the bank or Government, then I have no objection, but the language to me seems to be a little loose and it should be stated that exemption should be given to the Central Government and the Reserve Bank and nobody else. An individual, in any capacity, functioning in the name of the Reserve Bank or the Government may go and do anything. I might draw the attention of the House to the fact that the Jawala Bank has filed a suit against the Government. The Government has acted in the best faith. On the contrary, I say that they are too late; they should have saved the money of the depositors, they should have taken more drastic action earlier. Nearly Rs. 2½ lakhs of the poor depositors' have been wasted. I know some of them; they are very poor people; some of the money was endowment money. They are liquidating these deposits by 60 per cent; they started from 80 and are now coming to 60 per cent.

My honourable friend who opposes the amendment does it for the benefit of the depositors. If you go on this way, then the Reserve Bank will have no power anywhere and the banks can do anything they like. What would happen in the Jawa Bank case if such a provision does not occur here? Anybody could go and sue the Reserve Bank. They have sued not only the Governor of the Bank but also the Central Government and probably the Government of Bombay also. Therefore, I contend that this provision is a healthy one. Where does the question of our independence come in here? After all, we are a sovereign body and the Reserve Bank is our Bank. If it does anything wrong we can always see to it; we can haul up the Minister if he does anything against the interests of the people. After all, there is no comparison between the previous Government and the present Government. Howsoever the Ministers are functioning, it is we who can control the Ministers. And if any officer of the Reserve Bank cannot take notice of such actions it is our fault. But we have got power under the Free Government and we can do as we like. If the Reserve Bank official goes and troubles anybody unnecessarily, the House will be alert; any Member can take action on this matter.

Therefore, I do not see the necessity of creating unnecessarily any strong opposition and heat in this matter. I welcome this. I do not know why it has escaped the notice of the Select Committee. I feel this is a very important provision and it is absolutely necessary to have it in the interests of the depositors.

Mr. Naziruddin Ahmad (West Bengal: Muslim): I rise to support this amendment on a much wider ground than has been done here. It is a most

necessary provision and really desirable, without which the Bill would not work. We are placing large duties on the Reserve Bank in the interests of depositors and of banking generally. We also place large powers on the Government for the same purpose. What is complained is that the Government and the Reserve Bank are being invested with some new power. I submit that no power is being given to the Government or the Reserve Bank. What is being given is protection to the Reserve Bank or the Government of India or any person acting under the Bill. For what? For anything done or intended to be done "in pursuance of this Act" and all that "in good faith." If anybody does anything in pursuance of the Act,—a duty which is laid upon him under this Act—it is only meet and proper to afford protection to him and it is absurd to deny that protection. It is giving no powers but giving protection for a *bona fide* act. I submit this power is given in the Government of India Act and other similar Acts. There was a *lacuna* which somehow or other escaped attention, and it should be our duty to remove it.

There is only one point of drafting made by Mr. Mody. This may be considered by the Draftsmen.

Srijut Rohini Kumar Chaudhuri (Assam: General): It was this humble self who, for the first time, suggested yesterday that this clause would be perfectly in order if only the Honourable Minister would agree to delete the No. 1 portion of his amendment. I think the House will welcome this new clause if he agrees to do that. If my suggestion is accepted, it will be a saving clause and would read:

"Save as otherwise expressly provided by or under this Act, no suit or other legal proceeding shall lie against the Central Government, the Reserve Bank or any person for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act."

This covers all that is wanted. I do not understand why any protection is necessary either to the Central Government or to the Reserve Bank so far as criminal prosecution is concerned. There should be the question of protection only when there is danger. I cannot conceive of any circumstance which would entitle any person to prosecute either an officer of the Reserve Bank or the Central Government so long as they carry out the provisions of this Bill. It is only, I repeat, when there is a sense of danger the talk of protection can come. When there is absolutely no sense of danger, how does it arise?

Then, again, there are various ambiguities in the clause itself. Take for instance sub-clause (1) which says:

"No suit, prosecution or other legal proceeding shall lie against.....any person for anything which is in good faith done or intended to be done in pursuance of this Act."

Now, what is meant by "any person"? Does it include a manager of a bank, an agent of a bank or an employee of a bank other than the Reserve Bank or a member of the public? You can protect any person connected with the Central Government or Reserve Bank. That I can possibly understand, but what is meant by "any person"?

Mr. Naziruddin Ahmad: Any person who acts "in pursuance of this Act."

Srijut Rohini Kumar Chaudhuri: Who acts? What are the obligations left on the public to act under the provisions of this Act?

Mr. Naziruddin Ahmad: They would not be protected.

Srijut Rohini Kumar Chaudhuri: But what is the circumstance in which such protection may be necessary? My honourable friend who supported the Honourable Minister in respect of this clause suggested that the clause should be kept intact. But he has not given any reason or illustration whereby we could

[Srijut Rohini Kumar Chaudhuri]

have come to the conclusion that protection might be necessary to any person who is acting in pursuance of this Act. My honourable friend Mr. Ahmad has supported the amendment because he belongs to the class of persons who give amendments and amender is acceptable to them, whether in the Government Bench or on the ordinary bench on this side. All are his dearest friends. Therefore, he is bound to support any class of amendments and I do not give any serious weight to his support.

Shri B. L. Sondhi (East Punjab:General): Is that *mala fide* support?

Srijut Rohini Kumar Chaudhuri: That is his habit. My honourable friend knows very well how midnight oil has to be burnt in preparing these amendments, and he should naturally have sympathy for the Honourable Minister who said yesterday that he has to pass "sleepless nights and sleepy days" over his amendments. Talking seriously over this matter, I would again respectfully request the Honourable the Finance Minister to drop the first part of clause 54 and to go on with the second part and I suppose that will satisfy everybody in this House.

The Honourable Dr. John Matthai (Minister for Finance): My task has been lightened by the speeches of some honourable members who have been good enough to support me in the matter of this amendment. I want to make it perfectly clear that for some time since this Bill was taken into consideration by the Select Committee, I myself was in doubt whether it was necessary to have a provision of this kind. But reports have been reaching me, particularly with reference to the working of the Banking Ordinance recently published, which contains provisions more or less similar to the provision of this Bill, that people are contemplating bringing suits on frivolous grounds against our officers who are taking action in pursuance of the provisions of the Ordinance. Having considered the matter carefully, I came to the conclusion that if you are going to place these very important responsibilities upon officers, and at the same time are not prepared to give them protection in respect of acts which, as Mr. Naziruddin Ahmad pointed out, they have done in good faith in pursuance of the Act, then the necessary result would be that officers would rather not do anything that might land them in embarrassing consequences. It gives us no pleasure to exercise these responsibilities, but because of the way in which banking has been developing in this country in recent years it is necessary that the interests of the large community of depositors should be properly safeguarded. It is really a question of balancing considerations. On one side is this very important consideration that no officer who has done a wrong should escape: on the other hand, an officer honestly, earnestly trying to discharge the duties that the Legislature places upon him should receive protection. Otherwise, the result would be not merely that you would be treating him unfairly but nullifying the purpose of the legislation.

Recently I have been having reports that unless something on these lines was enacted the result would be that the Executive upon whom the responsibility in the last resort rests, would be rendered impotent. I therefore beg the House to consider the need for a provision of this kind, if we are at all serious about the provisions of this Bill.

We are not doing anything unique in this matter. The provision that we have put in, in substance is the provision that occurs in very many other countries. I shall read the relevant provision of the Australian Banking Act:

"14. The Commonwealth Bank, the Governor and Deputy Governor of the Commonwealth Bank, and any officer of the Commonwealth Bank, shall not be subject to any action, claim, or demand by, or any liability to, any person in respect of anything done or omitted to be done in good faith and without negligence in the exercise or in connexion with the exercise, of the powers conferred on the Commonwealth Bank under this Division."

Pandit Lakshmi Kanta Maitra: Not the Commonwealth Government of Australia? This is the National Bank.

The Honourable Dr. John Matthai: Yes, the Commonwealth.

In this matter we are not in a different position and it seems to me, if we are going to make any progress in matters of this kind, we must give some considerations to the action taken by other countries who have had experience in this matter and have been faced with problems of this kind longer than we have been.

The position at present is that we are not introducing anything drastically new. Looking at the problem from the point of view of our country, the case law that has developed on the subject practically gives this direction. All that we are trying to do is to give statutory form to case law. The House I think has recognised the principle more than once, and I do not see why the House should go back on it in this case. There is the Mines and Minerals Act, the Factories Act, and numerous other Acts, in which the House has given approval to this principle, and I do not see why in this particular case the House should go back on what they have done after due consideration. I implore the House and honourable members who do not find justification for this Bill, to reconsider the position. I have not introduced it lightly. I have given due consideration to the matter. Pandit Kunzru raised the very valid point that the matter has been before the House and before Select Committees for a long period and he asked, "Why did not you take steps earlier." I have the same kind of prejudice against provisions of this kind as Pandit Kunzru. But because matters were brought to my notice recently which made it necessary to re-examine the position I brought it up at this stage.

Certain suggestions for modifications have been made in the course of the discussion. In view of the fact that there is this widespread apprehension that a provision of this kind, in its actual working might result in abuses, I would like to give two assurances to the House. First of all, I will carefully watch the working of this particular provision in the light of the discussion which has taken place in the House today, and if I find in the actual working of it that consequences have arisen of the kind that are anticipated, I am quite prepared to have the matter reconsidered. The second assurance that I want to give is this. A certain amount of fear has been expressed that the wording of the provision as it stands now probably gives it an unduly extensive scope. In order to meet that point, I think it was raised by several Honourable Members,—I am prepared to have the amendment modified in this form.

"54. *Protection of action taken under Act.*—(1) No suit or other legal proceeding shall lie against the Central Government, the Reserve Bank or any officer for anything which is in good faith done or intended to be done in pursuance of this Act."

Shri B. L. Sondhi: Who is that officer? A Government officer?

The Honourable Dr. John Matthai: Would be either! For part (2) of the amendment I would drop the word "person" and have the word "officer".

That to a substantial extent meets the objections that have been raised. I hope in that modified form the House would approve of it.

Mr. Homi Mody: Instead of "any officer" we may say "any of their officers."

The Honourable Dr. John Matthai: "Any officer" is better. I have considered the point carefully.

Mr. Naziruddin Ahmad: Why not "any officer or servant"?

588 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [17TH FEB. 1949]

The Honourable Dr. John Matthai: No: "any officer".

Shri B. Das: I am dull enough. I do not appreciate why it is the Central Government. It has not been done in the Damodar Valley Corporation Act nor in any other such Act.

The Honourable Dr. John Matthai: The Central Government acts on the advice of the Reserve Bank in many matters and if there is any officer of the Government who is entrusted with this responsibility, he should also be protected.

Shri Krishna Chandra Sharma (U. P.: General): Instead of "pursuance of this Act" the words "under the Act" may be substituted, because in that case it would be known that it would not be a mistake of law but one of fact, if at all it is a mistake. Then under the Indian Penal Code and other Criminal Acts, it is generally deemed that if an offence is committed under a mistake of fact and not of law, that offence would be no offence provided there is good faith on the part of the man who commits it.

Srijut Rohini Kumar Chaudhuri: I think the amendment should be formally moved.

Mr. Deputy Speaker: I do not think the House has any objection to the modified amendment as proposed by the Honourable Minister?

The question is:

"That after clause 53 of the Bill, the following new clause be inserted, and the subsequent clauses be renumbered accordingly:

'54. *Protection of action taken under Act.*—(1) No suit or other legal proceeding shall lie against the Central Government, the Reserve Bank or any officer for anything which is in good faith done or intended to be done in pursuance of this Act.

(2) Save as otherwise expressly provided by or under this Act, no suit or other legal proceeding shall lie against the Central Government, the Reserve Bank or any officer for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That clause 54 (re-numbered as clause 55) stand part of the Bill."

The motion was adopted.

Clause 54 (re-numbered as clause 55) was added to the Bill.

Clause 55 (re-numbered as clause 56) was added to the Bill.

श्री लक्ष्मीनारायण साहू : मैं प्रस्ताव करता हूँ:

"That after clause 55 (re-numbered as clause 56) of the Bill, the following new clause be added:

'55A. *Advisory Committee for Reserve Bank.*—.....

Mr. Deputy Speaker: There is a Board of Management already constituted for the Reserve Bank.

Shri Lakshminarayan Sahu: It is a separate Advisory Committee that I want. I move:

"That after clause 55 (re-numbered as clause 56) of the Bill, the following new clause be added:

'55A. *Advisory Committee for Reserve Bank.*—(1) The Reserve Bank shall exercise supervision, control and direction over banks or banking companies under the guidance of the Advisory Committee in the discharge of these functions, as constituted in sub-section (2).

(2) The Advisory Committee shall consist of five members, namely,—

(a) three nominated by Indian Banks' Association;

(b) one nominated by the Central Government; and

(c) one nominated by the Reserve Bank of India.

(3) The meetings of the Advisory Committee shall be presided over by the Governor or in his absence by the Deputy Governor."

इस बैंकिंग बिल पर बहुत बहस हो गई है और बहुत से आदमियों को ऐसा शक लगता है कि रिजर्व बैंक ने इतनी पावर लेली है कि यह बाध की तरह छोटे छोटे बैंकों को खा जायगा। इसीलिए मैं इस बिल को देना चाहता हूँ जिससे सब आदमियों को मालूम हो जायगा कि रिजर्व बैंक का काम कैसे चलता है और इसीलिए मैं एडवाइज़री कमेटी रखना चाहता हूँ। हम लोग देखते हैं कि बहुत जगहों में जहाँ एडवाइज़री कमेटी है वहाँ भी अच्छा काम नहीं होता है, लेकिन मैं यह सोचता हूँ कि हम जो यहाँ एडवाइज़री कमेटी बनायेंगे उसके रूल्स ऐसे बनायेंगे जिनके अनुसार हर महीने, हर दो महीने या तीन महीने में एडवाइज़री कमेटी की एक मीटिंग जरूर हो जाय। दूसरी जगहों में जहाँ एडवाइज़री कमेटी है उसका काम अच्छा नहीं है, उसको बुलाया नहीं जाता, एक बरस में शायद एक दफा उसकी मीटिंग होती है। यहाँ ऐसा नहीं होगा। रूल्स ऐसे बना देने चाहिए कि एक महीना में, नहीं तो दो महीना में, नहीं तो तीन महीना में एक दफा एडवाइज़री कमेटी की मीटिंग जरूर होनी चाहिए। इस कमेटी में रिजर्व बैंक का एक आदमी रखा गया है और तीन इंडियन बैंक्स एसोसियेशन के हैं। इससे मैं समझता हूँ कि जो बैंक्स एसोसियेशन है और जितने बैंक्स हैं उनको तो बहुत क्षमता दे दी गई है।

मिस्टर डिप्टी स्पीकर : क्या कोई बैंक्स एसोसियेशन है।

श्री लक्ष्मीनारायण साहू : जी, है। सिलेक्ट कमेटी की रिपोर्ट में यह लिखा है।

"We the undersigned members of the Select Committee, to which the Bill to consolidate and amend the law relating to banking companies was referred, have considered the Bill. The evidence tendered by the delegation of the Indian Banks' Association headed by Sir Homi Mody....."

इसलिए मैं समझता हूँ कि अगर हम इस एडवाइज़री कमेटी को रखेंगे तो यह एक क्लिक के माफिक काम करेगी, पब्लिक के साथ और बैंक और गवर्नमेंट के साथ। यह एक अच्छा क्लिक होगा और यह इंपैक्टिव भी होगा ऐसा मैं सोचता हूँ। इस बिल के लिए यह सन्देह हो गया है कि इतना पावर ले लिया है, इससे हम लोगों को खराबी होगी। तो मैं समझता हूँ कि अगर यह मान लिया जाय तो यह सन्देह आसानी से दूर किया जा सकता है। इसीलिए मैं ज्यादा समय न लेकर यही कहना चाहता हूँ कि इस एडवाइज़री कमेटी को फाइनेन्स मिनिस्टर मान लें तो बहुत अच्छा होगा।

[English translation of the above speech.]

Shri Lakshminarayan Sahu: I move:

"That after clause 55 (re-numbered as clause 56) of the Bill the following new clause be added:

'55A. *Advisory Committee for Reserve Bank.*—.....

Mr. Deputy Speaker: There is a Board of Management already constituted for the Reserve Bank.

Shri Lakshminarayan Sahu: It is a separate Advisory Committee that I want. I move:

"That after clause 55 (re-numbered as clause 56) of the Bill the following new clause be added:

55A. Advisory Committee for Reserve Bank.—(1) The Reserve Bank shall exercise supervision, control and direction over banks or banking companies under the guidance of the Advisory Committee in the discharge of these functions, as constituted in sub-section (2).

(2) The advisory Committee shall consist of five members, namely,—

(a) three nominated by Indian Banks' Association;

(b) one nominated by the Central Government; and

(c) one nominated by the Reserve Bank of India.

(3) The meetings of the Advisory Committee shall be presided over by the Governor or in his absence by the Deputy Governor."

This Banking Bill has been discussed at great length. Several people suspect the Reserve Bank has taken so much power that like a wolf it would devour small banks. For this very reason I wish to put in this clause, whereby people in general would know how the Reserve Bank works. For this very reason I wish to provide for an Advisory Committee. We see that in several quarters where Advisory Committees exist no good work is done, but I think that in the case of the Advisory Committee which we provide for in the present case we should so frame the rules that in pursuance thereof there must be, at least, one meeting of the Advisory Committee every month or every two or three months. In other cases, where Advisory Committees exist their working is not good, the committee is not called, it holds its meeting perhaps once in a year. This shall not happen here. Rules should be made in such a way that, at least, one meeting of the Advisory Committee must take place every month, or if that is not possible, every two months or, at any rate, every three months.

One seat on this Committee has been given to the Reserve Bank and three to the Indian Banks Association. This, I feel, should give adequate power to the Banks Association and the banks.

Mr. Deputy Speaker: Does any Banks Association exist?

Shri Lakshminarayan Sahu: Yes, Sir, it does. The report of the Select Committee contains the following:

"We the undersigned members of the Select Committee, to which the Bill to consolidate and amend the law relating to banking companies was referred, have considered the Bill, the evidence tendered by the delegation of the Indian Banks' Association headed by Sir Homi Mody....."

It is for this reason that I think that if we provide for this Advisory Committee it will serve as a link between the public on the one hand and the Bank and the Government on the other. I feel it will be a good link and that it will be effective too. A suspicion has cropped up in regard to this Bill that so much power has been assumed that it would cause us harm. I think that if this proposal is agreed to this suspicion could easily be removed. Therefore, I shall not take any more time. I only wish to say that it would be very good if the Finance Minister should agree to this proposal for an Advisory Committee.

Mr. Deputy Speaker: Amendment moved:

"That after clause 55 (re-numbered as clause 56) of the Bill the following new clause be added:

55A. Advisory Committee for Reserve Bank.—(1) The Reserve Bank shall exercise supervision, control and direction over banks or banking companies under the guidance of the Advisory Committee in the discharge of these functions, as constituted in sub-section (2).

(2) The Advisory Committee shall consist of five members, namely,—

(a) three nominated by Indian Banks' Association;

(b) one nominated by the Central Government; and

(c) one nominated by the Reserve Bank of India.

(3) The meetings of the Advisory Committee shall be presided over by the Governor or in his absence by the Deputy Governor."

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Srijut Kuladhar Chaliha (Assam: General): I rise to oppose this amendment. Firstly, I find that the wording of the first part is so vague that it would be impossible to discharge the functions if this is allowed. The honourable member has not been able to say what the Advisory Committee will do. He wants advice. The clause reads: "The Reserve Bank shall exercise supervision, control and direction over banks or banking companies under the guidance of the Advisory Committee in the discharge of these functions..." Now, what are the functions and are they to audit or advise on restriction of dividends or prohibition of charge of fee or restriction of commission? Unless these are defined, the Advisory Committee will be giving advice on every subject, which will be impossible for the Reserve Bank to carry out. The second part is that the Advisory Committee shall consist of five members, namely,—(a) three nominated by Indian Banks' Association; (b) one nominated by the Central Government; and (c) one nominated by the Reserve Bank of India. Then we do not know how many banking associations there are. There may be one Central Bank, non-scheduled banks Association and I think there may be trouble about the provincial Association of banks in Assam. In Bengal, there may probably be another association and we do not know how many representatives will have to be returned from each. Three nominated members are mentioned here, but they will be different in the different provinces and it will be difficult to know who will become one. I therefore think that if this amendment is allowed, it will be more unhelpful to the Reserve Bank than what is intended to be as such. I oppose this amendment.

The Honourable Dr. John Matthai: I will oppose this amendment for this reason, that the main object of this Bill is to exercise control and supervision even to the point of discipline over banking companies, and I do not think it will conduce to efficient administration, if an Advisory Committee is set up, of which the majority would be composed of representatives of the very people whom this Bill is intended to supervise and control. Apart from that if it is conceded that there is a case for an Advisory Committee, I see no reason why the Advisory Committee should be composed only of people representing banks, because there are other interests which this Bill covers. I am against this amendment.

Mr. Speaker: The question is:

"That after clause 55 (re-numbered as clause 56) of the Bill, the following new clause be added:

55A. Advisory Committee for Reserve Bank.—(1) The Reserve Bank shall exercise supervision, control and direction over banks or banking companies under the guidance of the Advisory Committee in the discharge of these functions, as constituted in sub-section (2).

(2) The Advisory Committee shall consist of five members, namely,—

(a) three nominated by Indian Banks' Association;

(b) one nominated by the Central Government; and

(c) one nominated by the Reserve Bank of India.

(3) The meetings of the Advisory Committee shall be presided over by the Governor or in his absence by the Deputy Governor."

The motion was negatived.

The Honourable Dr. John Matthai: I have got an amendment.

Mr. Speaker: I think that might be put last or at the third reading.

Mr. Naziruddin Ahmad: I move:

"That in the First Schedule to the Bill, in column 4, in item (3) in clause (a) (iii) of the proposed sub-section (6) of Section 42 of the Reserve Bank of India Act, 1934, the words 'or the Acceding States to which the Banking Companies Act, 1949, applies' be added at the end."

It is necessary here though in the body of the Bill it is not necessary. Wherever we use the word 'Province' according to sub-clause (2) of clause 5 of the Bill, we mean that the Acceding States are also included. But we are here concerned with an amendment of the Reserve Bank of India Act, where this definition does not apply. The word 'Province' means under this Bill, the Acceding States too. We are concerned with the amendment of the Reserve Bank of India Act and the passage occurs in page 19, item (iii) at the top:

"(iii) is a company as defined in clause (2) of section 2 of the Indian Companies Act, 1913 (VII of 1913) or a corporation or a company incorporated by or under any law in the Provinces of India."

As this is part of the Reserve Bank of India Act the Provinces under that Act do not include the Acceding States. In fact, we want to substitute sub-section (6) to Section 42 of the Reserve Bank of India Act and in that Act 'Provinces' do not include the Acceding States. In case we have power to legislate, this provision should apply to the Acceding States also. We have adopted the principle that Acceding States are also included under the Bill by means of a special definition at the bottom of page 2 of the Bill under 'Interpretation' that in the application of this Act, all references to 'Provinces of India' shall be construed as including reference to the 'Acceding States' to which this Act applies. This special safeguard or special definition would not apply to the Reserve Bank of India Act, as we are going to insert a clause in the Reserve Bank of India Act by this amendment. We should, therefore, extend the area of the Provinces to include also Acceding States. If that is the intention, it requires this amendment. If the Acceding States should not be included in it, then the amendment is not necessary. The amendment is necessary if it is intended. It can not be implied. It could be implied in the present Bill, but not in the Reserve Bank of India Act. This, I submit, should be carefully enquired into and if necessary incorporated.

The Honourable Dr. John Matthai: I do not accept the amendment for the simple reason that the Schedule is a part of the Act and therefore clause 5 sub-clause (2) applies equally to the Schedule.

Mr. Speaker: Is there any definition of "provinces" in the Reserve Bank of India Act?

Mr. Naziruddin Ahmad: No. This is a later idea. When the Reserve Bank of India Act was passed, this was never thought of. It is on account of the accession of the States that this idea is growing up.

Mr. Speaker: I am not conversant with the provisions of that Act. The Honourable Minister may consider this position. The argument, as I understand it, of the honourable member is that as the schedule speaks of an amendment to the Reserve Bank of India Act, sub-section (6) of section 42, the wording in this should follow the wording in the Reserve Bank of India Act. If the 'provinces of India' are not defined there, then, what would be the position here?

Shri M. Ananthasayanam Ayyanagar (Madras: General): The wording "outside the Provinces of India" will include Acceding States also.

Mr. Speaker: I cannot say anything of my own on this. If the honourable Minister thinks that it carries out the intention properly, then, I have nothing to say. I suppose he is clear.

The Honourable Dr. John Matthai: I have examined this; I am clear on the point.

Shri M. Ananthasayanam Ayyangar: My own feeling is this. There is no need for the amendment. Let us go back to page 18. It is stated:

"In section 42, for sub-section (6) the following sub-section shall be substituted, namely:

(6) The Bank shall, save as hereinafter provided, by notification in the Gazette of India,—

(a) direct the inclusion in the Second Schedule of any Bank not so already included..."

What banks are they? A Bank—

".....which carries on the business of banking in any province of India and which—

(i) has a paid up capital.....

(ii) satisfies the Bank that its affairs are not being conducted in manner detrimental to the interests of its depositors, and

(iii) is a company as defined in clause (2) of section 2 of the Indian Companies Act, 1913 (VII of 1913) or a corporation or a company incorporated by or under any law in force in any place outside the Provinces of India."

Thus it must be a company satisfying one or the other of the conditions coming under clauses (i) to (iii). In those circumstances, it could be included in the second schedule. My own impression is.....

The Honourable Dr. John Matthai: If I may interrupt for a moment, the Reserve Bank Act does not extend to the Acceding States. It applies only to the provinces.

Mr. Speaker: That is exactly the difficulty which the honourable the mover of the amendment has felt.

Shri M. Ananthasayanam Ayyangar: The Reserve Bank Act applies only to the provinces. It applies to banks which carry on business within the provinces. Under the Reserve Bank Act the Reserve Bank can control in whatever manner it can control the indigenous banks which are both incorporated within the provinces and also carry on business, as also those banks, wherever they may have been incorporated, which carry on business within the provinces of India. What is said in clause (iii) is:

"is a company as defined in clause (2) of section 2 of the Indian Companies Act, or a corporation or a company incorporated by or under any law in force in any place outside the Provinces of India."

'Outside the provinces of India' will mean acceding States also. Therefore, there is no need to say, in any of the acceding States. As it is, without the addition, it is wide enough to cover not only the acceding States, but other countries also outside India, whether within the provinces or not.

Mr. Speaker: Is that clear to the honourable member?

Mr. Naziruddin Ahmad: It is not clear to me, Sir.

Mr. Speaker: He is inviting attention to the words in sub-clause (iii): "or a corporation or a company incorporated by or under any law in force in any place outside the Provinces of India".

Shri M. Ananthasayanam Ayyangar: If they carry on business within the provinces.

Mr. Naziruddin Ahmad: In that case, I do not press my amendment, Sir.

Mr. Speaker: The question is:

"That the First Schedule stand part of the Bill."

The motion was adopted.

The First Schedule was added to the Bill.

The Second Schedule was added to the Bill.

The Honourable Dr. John Matthai: I move:

"That in the Third Schedule to the Bill, in Form A, for item (i) under the head 'INVESTMENTS (stating mode of valuation, e.g., cost or market value)', the following be substituted:

"(i) Securities of the Central and Provincial Governments and Trustee Securities, including Treasury Bills of the Central and Provincial Government."

This is simply to make it clear that these securities include Provincial Government securities.

Mr. Speaker: Amendment moved:

"That in the Third Schedule to the Bill, in Form A, for item (i) under the head 'INVESTMENTS (stating mode of valuation, e.g., cost or market value)', the following be substituted:

"(i) Securities of the Central and Provincial Governments and Trustee Securities, including Treasury Bills of the Central and Provincial Governments."

Pandit Lakshmi Kanta Maitra: I want to have clarification on this. Mention is made of the securities of the Central and Provincial Governments and trustee securities. Does the honourable Minister mean by 'trustee securities' port trust debentures, and all that? In what sense does he use the word 'trustee securities' here? Secondly, does he mean to include corporation debentures and municipal debentures that may be issued by big corporations and municipalities? Thirdly, I want to know whether 'trustee securities' mean properties created under the Trusts Act.

The Honourable Dr. John Matthai: All the securities classified under the Trustees Act.

Pandit Lakshmi Kanta Maitra: Does he also include Municipal corporations?

The Honourable Dr. John Matthai: I believe so.

Pandit Lakshmi Kanta Maitra: It is not a question of believing; you must make it clear.

The Honourable Dr. John Matthai: I do not think I can give an answer to these questions straightaway. All the securities which the Government of India would accept as trustee securities under the provisions of the Trustees Act.

Shri M. Ananthasayanam Ayyangar: He can refer to the Indian Trusts Act.

Mr. Speaker: The question is:

"That in the Third Schedule to the Bill, in Form A, for item (i) under the head 'INVESTMENTS (stating mode of valuation, e.g., cost or market value)', the following be substituted:

"(i) Securities of the Central and Provincial Governments and Trustee Securities, including Treasury Bills of the Central and Provincial Governments."

The motion was adopted.

Mr. Naziruddin Ahmad: I do not propose to move my amendment unless the honourable Minister agrees to it.

The Honourable Dr. John Matthai: I do not accept that.

Mr. Naziruddin Ahmad: Then I do not move that.

Mr. Speaker: The question is:

"That the Third Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Third Schedule, as amended, was added to the Bill.

The Honourable Dr. John Matthai: Sir I move:

"That in the heading of the First and Second Schedules to the Bill, for the figures '54' and '55', the figures '55' and '56' be substituted respectively."

Mr. Speaker: The question is:

"That in the heading of the First and Second Schedules to the Bill, for the figures '54' and '55', the figures '55' and '56' be substituted respectively."

The motion was adopted.

Mr. Naziruddin Ahmad: Is it necessary to move these things in the House? They are only formal matters.

Mr. Speaker: In Bombay, the practice was these things were taken at the third reading stage. The draftsman used to watch the proceedings and carry out these things in the third reading of the Bill. Here, the practice seems to be a general authority given by the House to make such changes as may be necessary. We shall put that at the end.

The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Prof. K. T. Shah (Bihar: General):

"That in the Preamble to the Bill, after the word 'Whereas' the following be inserted: 'banking is a public utility service, intimately concerned with the economic development of the country;'"

Mr. Speaker: The honourable member wants to insert these words after "Whereas" and before the words "it is expedient to consolidate and amend"?

Prof. K. T. Shah: Yes, because the Preamble epitomises the substance—the purpose and objectives—of the Bill in a very brief form. As such I have tried to bring out by my amendment that salient item in the purpose of this Bill which the Preamble as it now stands does not contain.

Sir, I have advisedly not moved the other amendments which are standing in my name on the Title, Preamble and clause 1 of the Bill, as the House has by its earlier decision shown a disinclination to accept the view point which I am trying to put forward; and therefore it would be inadvisable for me to take once again the time of the House by putting forward those amendments. But even accepting the view that this Bill is a Bill only confined to commercial banks, though that is not quite clearly stated by the Title or Preamble; and though it is not a consolidating Bill as is claimed in the first line, one may nevertheless point out the real function of banks as public utility service, and as concerns which are intimately concerned with the development of the country, its economic resources and potentialities. Even if you confine the Bill strictly—though it is not stated so—in all its operative sections to the commercial banks and commercial banks alone, it would be perfectly right and proper to say that even commercial banking is a public utility service; and that it is intimately connected with the development of the economic resources of the country and realisation of its potentialities.

I do not think this proposition could be questioned on the ground of its correct description. It may be questioned by those who would not like to recognize that banking is a public utility service, because the consequences of such a recognition may be more than they are prepared to accept. A public utility service has to be conducted primarily for the benefit of the public, and not for the benefit of the proprietors, if any. That is a view which may lead to many consequential changes or many consequential alterations and a radical reorientation of the provisions of the Bill, which may not be welcome to those people to accept.

I am not concerned, Sir, with combatting that attitude. If, as I hope, I have a chance to say a few words in the final stage, or what is called the third reading of the Bill, I shall point out why and how I consider the Bill, as I have so far considered it, to be objectionable and as such should not be passed. But

[Prof. K. T. Shah]

at this point, at the penultimate stage of its passage, I am making a forlorn effort, trying to see if light would still dawn upon people who have sleepless nights and sleepy days. I know that light is absent at night: And if they happen to be sleepy in the day when the sun is shining, they miss the light even if it comes upon them.

That being so I fear I am carrying once again in the wilderness. But I may point out that those who are charged with the responsibility of piloting this Bill have themselves found out so many defects in its provisions that they are themselves obliged to change their mind even in the course of an hour. When an amendment was being moved they had given a positive declaration of their intention of not accepting it, but after hearing an honourable member more lucky than myself and finding some sense in that amendment than they had imagined at first, at least have accepted that. To me, Sir, this is an indication that the matter has not received the thought, attention, care and consideration that is due to such an organic measure as this. Though we may have every sympathy—I certainly have—with those who are charged with the heavy responsibility of preparing a Budget and having at the same time this great organic measure of economic reform so near at the budget time, I still feel that it was in their hands to rearrange the programme in such a manner that they might have had both a sleepful night and a sleepless day so that they might be able to attend more carefully, intelligently and closely to such matters as this; so that the House might be spared from giving a wide, large blank cheque—I am using banking language of course—to the Draftsmen to make, even at the last stage, on further consideration new alterations.

It is useless for me to plead at this stage any further in trying to open the eyes of those who will not see. I therefore, just commend my motion to the House for what it is worth.

Mr. Speaker: Amendment moved:

"That in the Preamble to the Bill, after the word 'Whereas' the following be inserted: 'banking is a public utility service, intimately concerned with the economic development of the country';"

The Honourable Dr. John Matthai: It sounds like a fragment from an economic thesis. Firstly, I think it is out of place as a description in the Preamble. Secondly there is no recognized definition of 'public utility services'. Thirdly, if you take the commonly accepted definition, banking companies in the present set-up are not a public utility as such.

Mr. Speaker: The question is:

"That in the Preamble to the Bill, after the word 'Whereas' the following be inserted: 'banking is a public utility service, intimately concerned with the economic development of the country'."

The motion was negatived.

Mr. Speaker: The question is:

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

Shri M. Ananthasayanam Ayyangar: I move:

"That changes that may be necessary consequent upon the amendments accepted by the House may be made in the numbering and lettering of clauses and sub-clauses, punctuation and small and capital letters."

Mr. Speaker: The question is:

"That changes that may be necessary consequent upon the amendments accepted by the House may be made in the numbering and lettering of clauses and sub-clauses, punctuation and small and capital letters."

The motion was adopted.

The Honourable Dr. John Matthai: I move:

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

Mr. Speaker: Motion moved:

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

From what fell from Prof. Shah it appears to me that there is a necessity to clarify the scope of discussion at the third reading stage.

All the principles involved in the Bill were fully discussed at the consideration stage. Each of the various amendments sought to be moved was discussed threadbare during the clause-by-clause consideration stage.

3 P. M. While it is perfectly competent for the House to throw out this Bill, even at the third reading stage and while therefore it is perfectly competent for any person who wishes to oppose the Bill to speak entirely against it, he may shortly state his grounds without further arguments in support of those grounds. The scope will be restricted only to the amendments carried out in the Bill during the clause-by-clause reading stage. That is the strict scope of the discussion at the third reading. Of course, other general matters may be referred to shortly and broadly but no detailed discussion on those matters will be permissible. When a measure of this type is being discussed, it is impossible to avoid all such references but there shall be no further detailed discussion of those references again. These are the general rules, and then of course things are left to the goodwill,—I do not use the word in "goodsense"—of the honourable members (**Mr. Naziruddin Ahmad:** "We have both.") It will be seen now in the actual course of the discussion. I merely clarified the position so that I may not have any further occasions of reminding honourable members of the scope of the discussion at this stage.

Shri M. Tirumala Rao (Madras: General): I was unfortunately absent from the general discussion of the Bill and I shall endeavour to bear in mind your very clear instructions that I should be brief as well as broad in dealing with the third reading of the Bill.

Mr. Speaker: I forgot to add that there shall not be irrelevancies and repetitions.

Shri M. Tirumala Rao: Irrelevancies are generally matters of opinion and you are in a peculiarly privileged position to judge what is relevant and what not and therefore I cannot claim to judge it for myself but try to strictly adhere.....

Mr. Naziruddin Ahmad: Repetitions must not be tedious repetitions.

Shri M. Tirumala Rao: If you refer to the report of the Central Banking Enquiry Committee which was made as early as 1931 they said in it that the banking legislation should be separately dealt with and should not be tagged on to the general Joint Stock Companies Act. Since then the course of this legislation has had a chequered career until now when it has fallen to the lot of the present Finance Minister to present a Bill which I think reflects the state of opinion in the country, although I cannot say that either myself or a substantial section of the people whom I know very well appreciate the measure in the sense that it has gone to the extent to which it should have gone. But dealing as we do with a market which is very sensitive with regard to the slightest pronouncement of any Minister or any opinion expressed in a slightly extreme way by any responsible member of the Government, it behoves the Minister-in-charge of Finance to see to all circumstances in the country and also to see that the banking structure of the country does not get into distress or nervousness when the Bill is being shaped. Nevertheless the Central Banking Enquiry Committee has drawn attention to certain evils which have to be remedied through a separate Bill and we shall see how far the provisions

[Shri M. Tirumala Rao]

of this Bill have gone to remedy the defects that have been pointed out as early as 1931 and which are persisting even now in one form or another in the country's banking structure.

If you see the figures from 1934 to 1945 as many as 715 banking companies went into liquidation. The reasons why these banking companies have gone into liquidation have been many according to the Banking Enquiry Committee and according to the knowledge of people who are in public affairs.

The first is dishonest management. We have known how banking companies on account of dishonest management have gone into liquidation. Even before we were born, some of us the word Arbuthnot was a famous word; in the Telugu language the word Arbuthnot was associated with saving. Every one of the families in the South that had some little saving in that bank was affected by the failure of the Arbuthnot bank because of dishonest management and imprudent investments. Later on in the South the Travancore Bank and in the North the Alliance Bank which was entirely managed by foreigners indulged in so many unsound investments that, however, famous the banks may be their investments were not safe.

Now with regard to the incompetence of the directors we have seen banks being managed first by able directors and then creating vested interests for their sons and their near relatives, who are brought into them as managers or as directors and keeping the whole management of the bank as it were shrouded in mystery with regard to all their speculative investments. We have seen several banks ruined by speculative investments. The Alliance Bank was one such. When its history was revealed it was found that large sums of money, the depositors' money, were invested not only in India but abroad in very highly speculative ventures that ultimately brought about the crash of that bank.

Then I come to the question of unrestricted loans to directors. This is a malpractice that is in existence in several of the banks. We have heard of the Travancore National Bank's directors who wanted to use the bank for their political ends and to provide for some of their own relatives and sons-in-law and they were taking large loans without sufficient security. All these facts were brought to light and whatever, the cause of the downfall of the bank they also indulged in this malpractice by which a large number of depositors suffered heavily.

Very recently we heard of the International Bank of India and of the way they indulged in wide speculation and paying to other companies like insurance companies.....

Mr. Speaker: What is it that the honourable member is driving at except a general survey justifying this banking legislation?

Shri M. Tirumala Rao: Generally I have not got much to say in criticism of the measure. But I would be brief in dealing with it. What I want to say is that the reasons that necessitate a separate banking Bill mentioned in the Banking Enquiry Committee Report have been met in this Bill. The remedies that were suggested to improve the tone of the banking system in the country, where banks have come to grief during a period of 10 to 12 years, have been sought to be provided here by this legislation.....

Mr. Speaker: While I appreciate all the information that the honourable member is giving, it will not be relevant to the third reading stage. All this would have been relevant in the first consideration stage and I regret very much that the honourable member was absent from the House at that time. But it will not be permissible now to go into this detail at this stage. Other-

wise there would be repetition of the whole debate. The honourable member might, therefore, restrict himself to the scope which I have indicated.

Shri M. Tirumala Rao: Well, even with regard to the third reading stage of several Bills, Sir, my experience as a legislator was not so severely curtailed as you have been imposing now—in view of some more interesting legislation that is about to succeed this legislation, I think.

Mr. Speaker: No, no.

Shri M. Tirumala Rao: But even in the third reading stage if we are to confine entirely..... Well, I do not want to argue, I will conclude my speech very soon.

Mr. Speaker: I might just invite the honourable member's attention to a ruling, as he referred to experience in legislation. Here is a ruling by the Honourable the President, so far back as February 1932 on a third reading motion.

A Member proceeded to go into great detail, when the President intervened and ruled:

"The Honourable Member has to speak to the motion that the Bill be passed. All these details have been fully thrashed out during the discussion which took place at earlier stages. The Honourable Member must now confine himself to supporting or opposing the Bill."

That is what I stated. The honourable member may say, "I support the Bill for these reasons", or, "I oppose the Bill for these reasons", and enumerate the reasons—1, 2, 3 and 4, etc.

Shri M. Tirumala Rao: Sir, I support the Bill for these reasons, namely that there have been so many failures of banks on account of dishonest management, and all those things have been taken into account and certain effective provisions have been made in this Bill to avoid those pitfalls. But the Bill is very severely restricted in its scope to commercial banking alone. If you see the figures, we see that the total national income in agriculture, industry and other activities of the nation—as given by some competent writers—is Rs. 2,942 crores for last year, and the total deposits in the commercial banks for the year 1948 comes to about Rs. 750 crores. Therefore, the economic activity of the nation is touched by these commercial banks only to the extent of nearly one-fourth of the total national income. The real banking which is done in the villages by the village moneylender and the *sowcar* and the *chettiyar* and all these people is left untouched by this Bill.

What I want to suggest is that if you want to control the banking activities of this nation and canalise it in more useful ways and see that the effect of the usury of the private moneylender is mitigated, Government must take a more comprehensive measure in order to control all the banking activity of the nation, which is a major portion than that covered by the present Bill.

With regard to the powers that have been given to the Reserve Bank, it has been invested with large powers. It has been made practically the instrument of action for the Government of India and the Reserve Bank has been called a nationalized Bank. For a nationalized Bank it must have a nationalist outlook and exercise its functions in the larger interests of the country. I was following the discussion on the clause which was specially moved at the end, granting indemnity to the officers as well as the Government of India for certain action which they might take with regard to implementing the several sections of this Bill. But it is strange in the free country. There are enough powers in the Bill itself. At every stage you impose certain conditions on the banks, that they must have a certain amount of share capital,

[Shri M. Tirumala Rao]

that their accounts must be according to a standard type, that they must disclose their activities to the public, etc. And when you insist on all these powers that are given in this Bill, I did not understand why you require a special power asking for indemnity from the Courts for all that you do. I am glad that it was suitably amended by the honourable Minister.

But we hope that the drastic powers that are already given to the Reserve Bank will not be used in a manner that will give rise to any partiality or any complaint on the part of the smaller banks. It is the responsibility of the Reserve Bank now to control and order the whole banking system in the country, to put it in order where there are weak links in the chain of banking system and also to see that the provisions of this Bill are properly enforced.

Though the measure with regard to the limitation of dividends has been conveniently shelved for a future occasion, the time must come when we must effectively control banking dividends also. You see now certain shares costing Rs. 100 selling at the rate of Rs. 1,000 or even Rs. 2,000 in certain instances. These profits should be controlled, not only in the interest of controlling inflation but also for setting a limit to the profits that will be accumulated by these banks.

Fortunately, we have seen only one side of the activities of these banks. I wish there were some provision which will make compulsory certain minimum standards of service conditions as well as salaries for the banking employees. If they had taken that into consideration then there would have been greater satisfaction. I have seen the bank employees of the Reserve Bank itself and of the Imperial Bank itself, threatening to go on strike with regard to their emoluments and their conditions of service. I think it is within the scope of the Government to look into that aspect also whenever they brought a comprehensive legislation like this controlling the whole activity of the banking companies.

With these words, Sir, I have pleasure in supporting the motion.

Prof. K. T. Shah: Sir, I am deeply grateful to you for drawing attention to the proper scope of the discussion at this stage of the debate. Even, however, without the favour of this authoritative enlightenment, I have taken this measure in such deadly earnest, and with such profound gravity, that I would not have indulged in any needless diversion of any sort, nor—if I could have avoided it—the repetition of any argument or consideration that I have had occasion, or other Members have had occasion, to advance when several sections came up for discussion individually.

I fear, however, that, in my view, even today, even as the Bill has now emerged after the Second Reading, the Bill is so badly drafted, so ill-conceived, so ill-oriented, so inadequate to the needs of the country, that I have no alternative but to say the Bill be rejected. Sir, it is not because—I trust you will believe me—it is not because the several amendments that I have tried to put forward have been rejected, that I am making this plea even at this last moment that the Bill is in many respects not equal even to the Title that it gives itself, namely, “A Bill to consolidate and amend the law relating to banking companies”. It neither consolidates nor amends; and therefore it is as defective as when it started; and as such the draftsmen as well as the author and sponsors of the Bill might take heed and bring before us a better, a more adequate, a more satisfactory measure than has been the case today.

The scope of the Bill is restricted, we are told, to commercial banks only. Yet, there is an argument which shows that the Bill even in the eyes of the

authorities can be extended, or some provisions of the Bill can be extended to other kinds of banks, to all those corporations, like Land Banks or Industrial Banks which we were time and again assured will not be included in the scope of the Bill, if and when an emergency should arise.

Neither the Finance Minister nor any of his advisers can guarantee us against “emergencies” of the type for which section 53 provides. And if there is one case to provide for emergencies, for extraordinary powers, for extraordinary remedies, there is no reason to believe there may not be other emergencies which might also need some special provisions. But in the normal operation of the banks, in several other sections, you should have taken into account the other types of banking which are sedulously ignored in the Bill; and every time even when an attempt was made to bring to the notice of the authorities concerned, the question was deliberately side-tracked because we were told that the Bill does not apply to other types of banks than commercial banking. There is nothing which says anywhere in the provisions that this Bill applies exclusively to that type of banks, and actually there is something to show—I refer once again to Section 53—that it applies that the clause given to us by the Select Committee does apply, it is at least possible that it would apply to other types of banks as well.

Then, I pointed out there is a diversion, there is a conflict, there is an inherent contradiction, in the provisions of the Bill which those at least who had so many years to consider them, who have devoted such sleepless nights and sleepy days to these amendments, should have thought of, and brought before us a more mutually sympathetic internally consistent, coherent legislation than they have presented to this House.

I cannot conceal it from myself; nor can I conceal it from this House, that I view with the greatest misgivings this Bill and its several provisions, notwithstanding all the demand that the Honourable the Finance Minister has made upon this House for trust,—the House has no hesitation, I am sure, in trusting the Honourable Minister and the entire Ministry that is working under his supervision, authority and direction. But I do think that it is not too much to say that all men, all human beings are liable to err and even the Honourable the Finance Minister notwithstanding all his mature wisdom, alertness and foresight, will perhaps be sleeping some day. They say that even Homer nods. Is it too much to say, Sir, that Dr. Matthai may be sometimes sleepy both by day and by night and that he is so sleepy occasionally that certain things may slip through without his noticing them. Then it would be the country that would suffer; not the Minister or his underlings.

The provisions of this Bill gave us many thought provoking ideas as regards the possible mischief and harm that the Bill may do in the hands of those who are less careful, less alert, less conscientious than my honourable friend Dr. John Matthai.

[At this stage, Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar)]

I trust we shall be fortunate to have Dr. John Matthai always with us eternally and seriously serving the country. But Sir, may I say without any disrespect that even Dr. John Matthai is not only mortal; he is liable to seek rest and when at any rate after the overwhelming responsibility and burden of his office, he is no longer able to exercise the same sleepless days—now I call them sleepless days—on the conduct of his administration which we are happy today to have.

The provision that he himself pointed out, for example, which needed after the Select Committee stage an amendment by the Honourable the Finance Minister himself, so as to guard his officials of the Reserve Bank—or was it the

[Prof. K. T. Shah]

officer of any bank?—against any possibility of damage or loss that may occur in the *bona fide* discharge of the duties or functions entrusted to him under this Bill? The very fact that there is this danger; the very fact that his attention has at the last minute been drawn to such possibility; the very fact that he is himself afraid that there may be such possibility, is, in my opinion, sufficient argument to show that the Bill is ill-conceived, ill-drafted, inadequate, and, therefore, ought to be rejected out of hand.

The point I am making is this I am not concealing my dissatisfaction at all with the Bill. I have no hesitation in saying that this is the Bankers' Bill, for the Bankers, by the Bankers, which will be administered through the bankers. Nobody else, no other interest not the workers, not the depositors, not the shareholders, not even the country, as a whole has any chance of success under this Bill. I am quite certain that my honourable friend the banker in the House will be very happy and jubilant and he may be very well advised—I know he is well advised—to keep his jubilation to himself. But if he should invite me to share that jubilation, I am afraid he would be sadly disappointed, because I cannot possibly share the jubilation which the masters of money-bags will have, after this Bill is passed and the shares may go up, not only of the Imperial Bank which has not yet been nationalised and is not to be nationalised, but also of the Central Bank which of course is not ever likely to be nationalised if this Bill holds good as imagined by him until he gets into his dotage.

We have been invited to wait till our dotage before we can pass or before we can think of banking as anything like a public utility which may be vested in the state or rather a bank may be regarded as a public utility service. I know it is a private monopoly, almost a closed monopoly, and one by which it is in the hands of the bankers to make or mar the growth of the industry of this country. Dr. John Matthai was modest and honest enough to ask us at least to trust him fully, trust him always. But the bankers do not even make that pretence. They are so certain of their success and their vested interests and roots are so deep in foundation that they do not care a hang whether or not you agree. They do not care for your trust, because they have it already in the shape of your deposits. And if they had not, it will be you who will be penalised, not they, because the Bill says, anything done in what they call "good faith" will not be liable. And who is to search the good faith of these people? After all, we must take them at their word; and "good faith" is one of those commodities which cannot be tested, nor measured, nor weighed, nor in any way found out in a laboratory that a human brain can invent.

Sir, let me give an illustration or two to show why the Bill is unacceptable. I have been pleading even for such a small thing as the revision of the position of the Exchange Banks in this country; and naturally I have felt very disappointed that even when I try to assist the Bankers by securing for them that section of the business which today the Exchange Banks take away from them, even then they distrusted me so much that they would not accept even that amendment from me. They would not have me even though I try to do good.

There is a saying, Sir, that people entertain angels unawares. I know bankers never entertain me, and I have no pretension to be angelic. But in this matter, as in many others, I have tried to fit myself into, not the logical, radical or revolutionary changes that I personally would desire; but in the framework of the society in which I am living. Hence it is that, though I may have exposed myself to being misunderstood, though I may have exposed myself to misconstruction, I can assure you the amendments I had proposed, the changes I had sought to make, were not dictated by any idea to invite or persuade this House to accept my own views, or what may be called

revolutionary measures, to accept what may be called a complete transformation of banking into a real public utility service owned and managed by the State for the benefit of the country.

I had tried to take the House as far as I could go. But the influence of our banker friends, their wisdom no doubt, and their other persuasive powers are so considerable that unhappily my voice remains alone unsupported, melancholy and futile. I can only say this, that in suggesting all the several changes that I have put forward, I have had before me the interest,—strange as it may seem,—of the success of the Banking Service in this country; success by securing the fullest trust in the institutions of the community; success by securing the fullest co-operation of the workers and the ruling powers; success by securing the fullest measure of deposits, so that banking in this country which is, so to say, the key-stone of the economic arch, so to say, the foundation also of our entire economic structure, should flourish, and with that the country. I am afraid that was not acceptable; that was not perceptible even to those who I thought had better vision.

There is an ancient proverb, a classical proverb, which says, "Whom the Gods wish to destroy, they first make mad." I am afraid I am inclined to accept that proverb, and apply it to those interested in banks—those so confident of their power and influence and present position, so confident of the power of their purse, that they will not listen to the words of a friend, they will not think of the foresight and utter disinterestedness with which an advice like this is given, so that they may secure and enlist the fullest co-operation in their service of other sections.

Let this discontent remain, leave this resentment ferment. Let the people feel that this measure is inadequate. Let the people feel that you are only thinking of your own narrow interest, and not that of the country, and believe me, you will not have a long lease.

And let me add. This is not like the Limitation of Dividends Bill intended for two years only. I know you mean it to be a perpetual lease of monopolistic profit that may come to you. But believe me, Sir, that notwithstanding all efforts, you cannot—you cannot—stop light dawning upon the people some day, even though in the press of business some people may at some time feel sleepy.

This does not mean that you will not allow people to wake up at all. People will wake up. And then unfortunately, those like me, who are advising you today gratuitously for a moderate measure of reform may find that people go far beyond even what I would have suggested as right, and then you would have said that you are the harbinger of revolutions. Revolutions, Sir, are not made except by the selfishness, the pettiness, the meanness, the avarice, the greed of people who are in power at the time being. Therefore, Sir, you are laying the foundation for your own crime and your own destruction, if you do not listen to the words of moderation that I have tried time and again to lay before you. You are blinded by your present power. You are intoxicated by your present position. Therefore you will not listen to me. I know however loud, and often quite insistently I speak on this matter, you will think I have a screw loose somewhere. You are welcome to think so, and you are welcome to get any medical man to certify that I am fit for, not this Assembly, but another asylum! Sir, I am not saying it for all, and nobody need wear the cap to whom it does not fit. But, Sir,.....

Mr. Deputy Speaker: I do not think anybody suspects it.

Prof. K. T. Shah: It may be so. But if any suspect it, I must give the evidence to make it certain because suspicion may have lack of proof. I am trying to give some sort of reasoning which may be called evidence if not proof.

I know that there are many here, angels without wings, who are feeling impatient at my prolonging this discussion. There are many who feel that I am trying to take up the time of the House to prevent another radical measure. (*Honourable Members:* "no, no. Go on.") But I feel I have to say these things, for not only the benefit of this generation, but for all generations to come. I am saying these things not for my own benefit, but to my great misfortune. Believe me, Sir, I also do not wish to be unpopular. I also do not wish to appear to be a lunatic. But I do wish to be taken a little more seriously than some people are inclined to do. Sir, at the risk of being misunderstood, at the risk of not being considered or taken seriously, I have to take this role of a Cassandra and I cannot help saying, if you do not take warning in time, if you will not see the writing on the wall, then please remember you will have to pay a bill, and a heavy bill—not the Banking Bill—when the time comes. The payment will not be all to your liking and then it may be perhaps too late even for me—why even for me—even for Christ reborn to save you.

Mr. Naziruddin Ahmad: At the outset I am faced with some ironical cheers all over the hall:

I submit that I have tried my best, in my own humble way, to improve the drafting of the Bill. With the main purpose of the Bill I was always in agreement, but the reason why I persisted in moving all those amendments of mine is this: that in spite of the repeated attempts on the part of the Members to have Bills in a better drafted form in the House, our attempts have entirely failed, and it is by way of protest that I had to move some of those amendments.

With regard to the purpose of the Bill, as I have already submitted, I am in full agreement that the banking business of the country should be placed on a firm foundation.

Bank failures, especially in the province from which I come, that is West Bengal, have been many. But the failures are not always due to their being small banks, or their being mismanaged or because there was fraud. There were some cases where these reasons operated: but to a large extent they were also due to certain economic factors which were the direct result of the Government's monetary policy. In fact, this point to my mind cannot be overestimated. The Government's monetary policy, though it is in a much improved form today, has lent itself too much talk in the House and outside the House of expropriation, of nationalization, of limitation of dividends, or removing capitalists and all such things. These are, I submit, most mischievous pious wishes having disastrous consequences on the credit system of the country.

Shri B. Das: Why mischievous!

Mr. Naziruddin Ahmad: It is not mischievous in intention but in its effect. These opinions are held by those persons whom I hold in high esteem. They are the great patriots of the country. But I submit they have not got the experience and the insight into the inner workings of the economic system of this country. In driving out the capitalists and the industrialists, we fail to realize that we are also driving out of existence a large number of middle-class investors in this country. In fact, this is not the time to dilate upon that subject in detail. But the disastrous effect of the Government's

monetary policy was to seriously depreciate the share values all round of shares held by some small banks against which they had advanced monies to constituents. A number of first class shares were held by them as security for the money advanced. On account of the financial policy, the share values crashed, the banks wanted to realise their securities, large blocks of shares were thrown on the unwilling market and the result was further depression, and we find the market in a seriously depressed condition; and the banks failed.

There are honourable members in the House who are absolutely contemptuous of market conditions, market credit and such other things.

Shri B. Das: Not credit, but market gambling.

Mr. Naziruddin Ahmad: Here is one distinguished Member, famous for his economic knowledge, and a veteran, who says that it is market gambling! I submit that there are speculators and gamblers in the market but it is hardly realized that the middle class form 80 per cent of the holders who are investors. In fact, there are large numbers of middle class people who really are the investors in the share market. The confidence of these people has been shattered. Government have been certainly trying their best to restore this credit but one fact should be realized that it is easy to destroy credit but it takes a long time to re-build it. I think the little sops given out here and there are not sufficient to restore confidence. There is always the threat, there is always the talk of nationalisation, dividend limitation and expropriation which stagnate and depress the market. This is the direct result on our monetary policy as a result of which many small banks have failed.

I have pointed out that the bank failures are not necessarily due to fraud or mismanagement. True, there are many banking houses which failed on account of this. But this does not apply to all. I have a feeling that there runs through the Bill a policy to support big banks against the small banks. There has practically been an undeclared crusade against small banks which may not be very obvious. In fact there are conditions in the Bill requiring the small banks to capitalise themselves adequately. The more they want to extend the more handicaps are placed upon them that they must have more and more capital. So these conditions are so many handicaps imposed upon them at a time when they are heroically struggling for their business and trying to stand on their legs. This additional condition of requiring more capital cannot be and should not be indiscriminately imposed.

I submit, the small banks should also get the support of Government. If they are destroyed, the middle class people who require banking facilities will suffer very much. The great banks are like so many octopus institutions. They are gigantic institutions which will swallow up the smaller banks. That is a consequence which should be prevented. I request the Honourable Minister to keep a close watch on this tendency. He has a sympathetic heart and an understanding mind. I hope this advice—though it may look gratuitous in *bona fide* advice—will be carefully noted and the small banks saved. I hope this banking legislation would not be treated as a measure for enforcing discipline, and I am suggesting that this legislation should be applied with caution and with sympathy so that the smaller banks may be enabled to stand on their own legs.

There is a clause which empowers Government to make any changes they like in the application of this measure. That was objected to in the House. That is certainly a mischievous clause, but it could be applied to good purposes too. With regard to the small banks, if they are in need of some assistance and exemptions from the rigours of the provisions of this

[Mr. Naziruddin Ahmad]

enactment, they should get it. Everything possible should be done to assist them. The Government should try to restore confidence which cannot be done, as has been found by experience, by mere sweet words. Continued efforts in this direction are needed and I hope such efforts would not be lacking.

I do not wish to take the time of the House any more. I submit there are many examples of wrong punctuations which would require adequate treatment at the hands of the draftsmen. I do not envy the work of the draftsmen. Last year we had something like 67 or 68 Bills placed on the Statute Book. We are working at high pressure so far as legislation is concerned. This imposes an additional strain on the draftsman. Although I have criticised their performance, I have not done so in any fault finding spirit. I have every sympathy for them. In fact, the work they have done should be characterised as heroic, in view of the difficult nature of work and the largeness of the output. But I submit, a little more care should be bestowed on the revision of the Bills. The Drafting Department perhaps suffers from dearth of hands. If so, the Department should be adequately strengthened. (An Honourable Member: "Retrenchment.") There should be no retrenchment of real ability. A little extra money, if it is needed, should be found for the purpose, as otherwise, one cannot imagine the amount of mischief that will be done. Legislation of the kind we are passing would increase litigation. The very lawyers in this honourable House, whom we look upon with some benevolent contempt, will reap the benefit of legislation of this kind. In fact honourable members can hardly realise the little dangers that lurk in the innocent-looking commas and the small words like 'the', etc. As I submitted the other day, a very great deal of trouble was caused in the Federal Court the other day by a simple comma and the word "the", and Shri K. M. Munshi had to fight hard to find the meaning of a provision. I submit that the High Courts and the Federal Court will have more and more to do with faulty drafting in future. In the interests of national economy and in the interests of good legislation therefore the drafting Department should be strengthened. With due respect to them I must say that that Department requires strengthening.

The Bill, as it is, well conceived, though I would have liked to introduce a few more changes here and there of a substantial nature. On the whole I must repeat that the Bill is well conceived.

At this stage I may say something about the liquidation of banks I have already submitted that the liquidation proceedings may give rise to difficulties. Reserve Bank under this Bill will be appointed liquidators when they apply for liquidation. But this does not follow when liquidation proceedings are started by third parties. I wanted to introduce an amendment providing that in cases where third parties start proceedings for liquidation, the Reserve Bank should normally appoint the liquidator. I was then met with the supposed difficulty of throwing more work on the Reserve Bank which this procedure would have involved. Thereupon I suggested as an alternative that a nominee of the Reserve Bank should be appointed liquidator. This too, for some unaccountable and insufficient reason, opposed. My object was very simple and it would have added nothing much to the work of the Reserve Bank. The House will see that the Reserve Bank is being given extraordinary powers and the entire responsibility of watching the development of banking in the country is placed in their hands. The provision in regard to this created so much emotion in the House. I submit the Reserve Bank has great duties and responsibilities. My suggestion was

only to add a small additional duty of suggesting a suitable liquidator. The honourable Minister thought that that would put some responsibility on them of having a control over the liquidators. It is nothing of the sort. My idea was that they should select a panel of liquidators of competent men. It was said that there may be bogus applications. True, there may be; but that is not the point. The question of appointing a liquidator, even on a bogus application, lies with the Court. If the Court is willing to appoint a liquidator, all that I wanted was that the Reserve Bank should at least suggest a nominee or nominate somebody.

Shri B. Das: You are again on the question of liquidator?

Mr. Deputy Speaker: The honourable member has referred to certain points which may be answered. But there is too much argument. I would ask honourable members to confine their observations to the salient points at this stage. I see that the honourable member is not objecting to the third reading of the measure.

Mr. Naziruddin Ahmad: I am really surprised at the objection taken by Shri B. Das. My argument is at least more relevant than the argument of the nationalisation of the Imperial Bank and the crushing of the Reserve Bank.

Shri B. Das: Why do you not speak on that?

Mr. Naziruddin Ahmad: If that was so relevant on the second reading, my speech is relevant at the third reading. In fact, that was absolutely irrelevant. I submit, I do not rely upon that kind of relevancy to justify my speech. I have suggested the points, and I submit that the Honourable Minister will carefully watch developments, and if necessary, bring in suitable amendments to bring the law into line with experience.

Pandit Lakshmi Kanta Maitra: I think my honourable friend, Dr. John Matthai deserves the congratulations of this House for successfully piloting this measure in this House. I do not know if many of us realize the importance of the piece of legislation that he has successfully carried through. There have been for a very long, long time past, a crying demand in the country for effecting a thorough change in the banking law of the country, and my honourable friend, Dr. John Matthai has not come a moment too soon, when he brought this Bill before the House. No doubt, there are many things which could have been added to this Bill. No doubt, there are provisions, which I do not like, and over which I do not feel myself happy, but on a balance of considerations, I am perfectly prepared to say that this tentatively, at any rate, is a very good measure and it will, if worked in proper spirit and with due vigour, not only by the officialdom, but by those who give tender advice to the officialdom, will certainly inure to the benefit of this country.

I can well appreciate the amount of labour and patience bestowed on it by my honourable friend, Dr. John Matthai. Probably, we are making a fun of the fact that he has been passing nights sleepless, days sleeping. It is true his tell-tale eyes would tell you that, and those who know Dr. John Matthai will agree that he is a very serious-minded man, and wherever he sets his hands upon, he does not mean any rest, and from that point of view, I appreciate the labour, more so, that within less than two weeks, he will be called upon to tell to the country the fruits of his wise and mature experience as an economist of outstanding repute in this country. I do not know, his performance will be worth clapping at that time. But in any case, I have no manner of doubt that that will cause the remaining days his most anxious consideration.

[Pandit Lakshmi Kanta Maitra]

Having stated that eulogistic part, which I feel is duly deserved by him, I would like to sound a word or two of caution. I had many things to say, but the formidable array in the right and left galleries make my heart shrink for there are more interesting things expected to follow. But may I tell you, Sir, that this Banking Bill, as it is going to be enacted into law, will be very carefully watched, not only by the commercial interests in the country, but also by the people at large, who have anything to do with the economic amelioration of this country.

Speaking for myself, I am that type of an unfortunate man who has always been a victim of indigenous banks. I refer as to how I lost a fortune more than 2½ decades ago. It was my father's property and victimised by a bank, which in the process of liquidation gave me two pias for every Rupee; also in recent times the bank clashes in Calcutta brought me misery in certain banks and I feel as an ordinary citizen that these banking crises could have been avoided if the Banking Bill had been introduced and passed, though in this form, at any rate, six months before. The ordinance was there; ordinances serve little purpose and the ordinance, perhaps, could not be fully worked in the letter and spirit in the way in which it was conceived. Members after members have pointed to the Honourable the Finance Minister that by this Bill enormous powers and responsibilities had been cast on the Reserve Bank. I admit that some responsibility is devolved on them, but the Reserve Bank itself must try to be worth of this responsibility.

My honourable friend, the Finance Minister seemed to resent an observation made by my honourable friend, Mr. B. Das, when he made a very unkind remark about the Reserve Bank. Well, I might tell my honourable friend, Dr. John Matthai that Mr. Das did not mean the interpretation produced in the way in which he did. My honourable friend, Mr. Das had in his mind the Reserve Bank of the previous days, not before its nationalisation when this Reserve Bank, like the Government of this country, was under foreign rule and under foreign control, and the Reserve Bank was simply functioning as an outpost of the Bank of England and until recently, it had been functioning like that and its past role, its first performance with all respects to my honourable friend.

Srijut Rohini Kumar Chaudhuri: On a point of information, Sir, have the electors of the Reserve Bank since been changed?

Pandit Lakshmi Kanta Maitra: Not being myself on the Reserve Bank or in any way connected with the Finance Ministry, my honourable friend has asked the information from a very wrong quarter.

I would like to suggest to my honourable friend that though it has been a major piece of legislation since he took over charge of the Finance Ministry, of which he might well feel proud, he should not allow his laurels to rest on this, if the provisions of this Act are to be operated properly, effectively, efficiently, then the next step he has got to take it to bring out an amendment of the Reserve Bank of India Act. The Reserve Bank of India Act should be modified, drastically modified to suit the changing conditions and to make it such as to accept the onerous responsibilities that are sought to be cast on the Reserve Bank. (At this stage Mr. Speaker resumed the Chair). In the past we know that the Reserve Bank could not discharge its duty which was enjoined on it by law, and with regard to financial accommodation to struggling banks or to agriculture or other things, the record of the Reserve Bank was not 4 P.M. bright. Today, the Reserve Bank has got to be developed in such a way and its staff has to be substantially increased, not only numerically

but qualitatively. I am not talking of quantitatively only. A sufficient number of the staff has to be trained to cope with the work which this Act envisages for it. In the past, the inspectorate staff was not to be found in sufficient numbers to look after the Scheduled Banks. It is a pity that many of the Schedule Banks collapsed. The people have always the impression that the Schedule Banks have attained a certain measure of security; but the disillusionment came very soon that that was too weak a reed to lean upon. I, therefore, respectfully request my honourable friend the Finance Minister to take up the question of bringing in modifications to the Reserve Bank Act to bring it into line with the Act which has just been passed. I hope to see the day when the Reserve Bank would be the fountain head of all banking activities in this country and would, in the words of Bagehot, be the lender of ultimate resort in this country, a powerful monetary organisation, from which all the other minor credit organisations of the country would draw inspiration and guidance. I look forward to the day when my honourable friend Dr. Matthai would do it and I hope he will tell us something today that he has such a measure in contemplation in the near future. If that is done, I am sure, the Honourable Dr. Matthai will have taken the country a long way towards the stabilisation of the economy of the country.

Before I close, I should like again to convey to my honourable friend, Dr. Matthai my hearty congratulations on the very good performance he has made. He has every reason to be grateful to the house, for, the house has not taken an undue time. A Bill like this, in normal times, would have taken one full session, if we had not that kind of pressure from other quarters. I may tell you that this Banking Bill would have given us food for consideration for six weeks. Not that we would have taken the time on frivolous speeches; there are so many sides to the question.

We may have brushed aside whatever Prof. Shah has said. Unfortunately, my honourable friend Prof. Shah is the forlorn champion of all lost causes in this House and in the constitution Hall. I have every sympathy for him. But there are certain matters and certain points which would have to be fitted in. Of course, that is an absolutely different matter from the set up and present scheme of the Bill.

I hope Dr. Matthai would keep in view the few observations. I have made and keep a close watch with the eyes of an Argus on the activities not only of the Reserve Bank, but of all the Banks. Let the apprehensions of my honourable friend Mr. Naziruddin Ahmad that it is only the big banks that will be protected and fostered and that the struggling small banks would be smothered out of existence, be belied by his vigilance, by his superintendence and control.

Shri M. Ananthasayanam Ayyangar: I will take only five minutes. But for the fact that my honourable friend Prof. K. T. Shah, after all the labours that we have spent over this Bill, still struck a discordant note, a highly pessimistic note, I would not have cared to intervene in this debate at all. Far from saying that this Bill ought not to be passed or ought to be withdrawn, I will certainly urge upon the country that this is a landmark in the history of banking legislation in this country. I am aware that good banking is the soul of the commercial and economic life of any country.

Under this Bill, the Reserve Bank has been clothed with powers of superintendence and control in every form and shape over all the banks in this country. The Reserve Bank is a national Bank. Therefore, though not directly, but indirectly, we have got an absolute control over the entire banking system. Today, we have also passed another clause giving immunity to all the officers of the Reserve Bank and the Government also to intervene without any diffidence in appropriate cases. If they interfere in proper cases and in good faith, they will have all the support and they will

[Shri M. Ananthasayanam Ayyangar].

be exempt from any of the damages for which they may otherwise be responsible. They may go ahead straightaway and with their rich experience, we may nationalise the entire banking system of the country. Before that, the Imperial Bank will have to be nationalised. But, this is not the time, when, according to the Finance Minister, we should take immediate steps for the nationalisation of the Imperial Bank. I would ask the Reserve Bank officers to be careful. We have made the Reserve Bank the master bank of all banks in this country and clothed the Reserve Bank with enormous powers. If they use these powers inadvertently, it may end in danger to the entire banking system of the country. With that note of warning, I would say that we have embarked upon a piece of legislation which will certainly be regarded as the first step towards the nationalisation of the entire banking system in this country.

Before I sit down, I would like to remove some misapprehensions that are lurking here and there that under this Bill, foreign banks are no longer safe to carry on their business. I have heard such reports. Far from that. In the previous Select Committee, the Managers of Exchange Banks and other Banks in this country were given full opportunity to lay their case before us. We considered that both in that Select Committee as also in this. There is nothing in this Bill which tries to put unnecessary restrictions on foreign banks. On the other hand, we are erring on this side. We want to make it convenient for all banks here and we have not made any discrimination between one kind of bank and another.

We have made an improvement over the Select Committee in that we have reduced the voting rights from ten per cent. to five. My honourable friend Shri T. T. Krishnamachari was not satisfied in that we inadvertently did not allow this restriction on voting rights to all banks irrespective of the question whether they came into existence before 1937 or after 1937. With all the effort, what we have done is to restrict the voting rights in respect of those banks which came into existence after 1937 and not before 1937. It applies only to new banks. We did not contemplate this, the other amendment having been rejected. It will be time for the honourable the Finance Minister, after some experience, to consider if this restriction ought not to be imposed even with respect to the banks which came into existence before 1937.

Sir, the reduction from forty to thirty per cent. regarding the amount which could be invested on pledges and other banks, is also a wholesome step that has been taken on the floor of the House after the Bill emerged from the Select Committee. Far from being diffident and pessimistic, I would congratulate myself, congratulate the House and congratulate the Honourable the Finance Minister for having introduced this legislation of which all of us can be proud. I am sure, with the careful working of this Act by the Reserve Bank, the entire economic system of the country, the trade and commerce of the country will once again be placed on their feet and we will inaugurate an era of economic prosperity in this country.

Srijut Rohini Kumar Chaudhuri: I also pay my humble tribute to the Honourable the Finance Minister for his safely piloting this Bill. Ministers have come and Ministers have gone during the last six years. It was left to my honourable friend Dr. John Matthai to bring us to the position of having a Banking legislation, after all.

The House will remember that in 1944, such a Bill was first introduced in this House. After the lapse of two years, in the budget session of 1946, Sir Archibald Rowlands introduced another Bill of an almost similar nature. That also was referred to the Select Committee. Then, the Finance Minis-

ter, Shri Shanmukham Chetty thought it best to withdraw that Bill and bring out a comprehensive Bill. That is how this Bill has come before the House.

I welcome this Bill in a somewhat limited sense. I am perfectly conscious that this Bill will, as has been stated by my honourable friend the Deputy Speaker, certainly enable our country to compete with other countries in so far as banking is concerned. To that extent I am proud of this legislation.

But I am afraid that a point which I had tried to make out for the last three years on the floor of this House and for which I had received diverse criticism as well as assurances from the treasury bench, has been entirely overlooked in this Bill also. If I may quote from the speech of my honourable friend the present Governor of Assam, His Excellency Sri Prakasa, he said in the course of a speech which he delivered on the Bill of 1946.....

Mr. Speaker: Is it a very long quotation?

Srijut Rohini Kumar Chaudhuri: No, Sir, it is just three lines. (An Honourable Member: "But you are taking five minutes to find it out.")

It is difficult to find it out. He says:

"The main objects of every piece of banking legislation in our land are only two so far as I can make out. One is that we should try to encourage small banks, and the other is that while encouraging small banks we should also protect the depositors' money and make sure at the same time that the indigenous banking system on which so much of our village economy depends, as borne out by the Reserve Bank report itself, is by no means destroyed."

Then he says. (An Honourable Member: "Go on, go on"). This is only two lines. He says:

"I had a long interview with Sir James Taylor whom I knew and who was then the Governor of the Reserve Bank. A sentence of his in the course of his conversation greatly struck me. He said 'with a Reserve Bank functioning in the country'—these are very important. I am quoting his words so far as I can remember them—'there is no chance for small banks'."

That is an opinion which has been expressed by Sir James Taylor, Governor of the Reserve Bank and his opinion is that with a Reserve Bank in this country there is no chance for small banks. My point is this. If that is the considered opinion of a Governor of the Reserve Bank, what chance have we now when in this piece of legislation we are giving so much powers to the Reserve Bank itself. It may be said that the Reserve Bank is no longer the Reserve Bank of some years ago. That is quite true and we have nationalised the Reserve Bank. But it seems to me that things continue much the same as before because there has not been any material change in the mode of management or in the Directorate itself. So I would only ask the honourable Minister to see that the power of the Reserve Bank is not abused and that on the other hand it is rightly exercised for the interests as far as possible of the small banks also.

I have to observe with great regret that so far as the past dealings of the Reserve Bank are concerned towards the small banks or the Provincial Banks, apart from big banks like the Imperial Bank or Central Bank, the attitude of the Reserve Bank has so far been unsympathetic. Let us for a moment turn to the events of the last few months. Not to speak of ordinary banks, even scheduled banks have closed the doors. It was expected that steps would be taken in proper time by the Reserve Bank to prevent such a catastrophe. I understand that the benefit of scheduling a bank is that you get a thorough watch over the affairs of that bank, that in case of an unforeseen emergency the Reserve Bank will always come to its aid either by granting momentary assistance or by taking steps to have a moratorium. But nothing

[Srijut Rohini Kumar Chaudhuri].

of that kind was done in the last few months and four or five important scheduled banks closed their doors. So it is all very nice and creditable to have a legislation of a first rate order, but all the good intentions of the Honourable Finance Minister and his colleagues may entirely fail if the law is not faithfully carried out. Therefore I would ask the honourable Minister to give me an assurance, if possible, to have a close watch on the working of some of the clauses to which I had taken some exception, namely clauses 11 and 23. Both of them relate more or less to banks of undeveloped Provinces.

I had yesterday expressed some doubt about the utility of clause 53 and I thought it was better to mention such exemptions all at once. But having gone through the clause again and having considered the reply which was given by the Honourable the Finance Minister I revise my opinion which I had expressed yesterday with regard to clause 53. I would very much welcome the application of clause 53 so far as banks in my Province are concerned. I think the words "banks or class of banks" can also be interpreted to include an exercise of the power under clause 53 so far as small banks and banks of undeveloped Provinces are concerned. If my interpretation of clause 53 is correct and if the Honourable the Finance Minister gives me an assurance then I think this clause would rather be a boon to us than be a drawback.

It is not the first time that I have raised such points. In 1946 I had protested against this Bill for this very reason. Some of my honourable friends in this House have misjudged me. They consider the Hindu Code to be more important than this Banking Bill. I welcome them to their opinion. But so far as I am concerned, so far as the economic condition of my province is concerned—which honourable members of this House are very well aware of—we are trying to march with the rest of the progressive Provinces of India. We are far behind them, but still we are making our humble efforts. We want good banking in our Province, we want good indigenous banks, so that we may be able to emulate our more fortunate and more advanced brethren of India. In this attempt of ours let there be no cold water throwing. Let me do what I can for the benefit of my own Province in order to get economic advancement.

At that time the Government of Assam expressed a very strong opinion against the Banking Bill of 1946 in regard to these very clauses. They said:

"I am desired to emphasise the peculiar position of Assam which has not only not reached the stage of development in banking attained by other provinces but is peculiarly dependent on Bengal and Calcutta in particular in banking matters. For this reason it might be advantageous to reword the provisions of clause 11".

That is the very clause which I am referring to now.

"So as to impose the desired restriction not according to provincial limits but in respect of economic zones or Regions according to which Assam would be included with Bengal."

Shri B. Das: Were you a Minister there at that time?

Srijut Rohini Kumar Chaudhuri: I was here at that time.

After this Bill of 1946 was referred to a Select Committee in the beginning of 1947 Budget Session a new Bill was introduced by Mr. Liaquat Ali Khan, who was then the Finance Minister. In that Bill he sought to restrict the opening of new branches. That is my quarrel. I am beginning in my province to develop banking. I am now beginning to open new branches. If at this stage you restrict the opening of branches in that province banking in that province would not be fully developed. I raised that objection also in the beginning of 1947. In reply to that the then Finance Minister said:

"There was another point which was raised by Mr. Sanyal and I think my honourable friend, Mr. Rohini Kumar Chaudhuri also referred to it: as to how the penal clauses of this Bill will be given effect to....."

The other point was that with regard to the future, the Capital Issue Department should be more liberal, so far as the issue of capital was concerned and I think Mr. Rohini Kumar Chaudhuri wanted to know with regard to his province of Assam in particular. It is the desire of the Government that banking in this country should expand and should flourish. It is the desire of the Government that banking business in this country is carried on on right lines and I can assure my friend that if any issue of capital will assist in that direction the people of Assam, the Department will not hesitate to help the people of Assam, in developing their banking facilities."

All that I can say is that the good wishes of the honourable Minister were never carried out. I had made several efforts to increase the issue of capital in some of my banks and I have never succeeded. My complaint is this. On one hand you are telling me that I cannot have any branches in Calcutta, a city with which we are directly connected. You say that I cannot have branches in Calcutta unless I have a paid up capital of ten lakhs. I know of one bank which is the best in Assam and it has only a paid up capital of five lakhs. I am prepared to have more paid up capital. If you will give me the opportunity the banks in Assam will be prepared to increase their paid up capital. If I ask for the necessary capital issue various suggestions and various difficulties will be thrown in our way and the ultimate result will be that no further capital issue will be granted. I am speaking from actual experience. I have branches in one or two places. I want to expand my business. The banks of outsiders in my province have ruined our poor villagers. There are no millionaires nor rich men in our province. There are few among us who have a lakh of rupees. During war time the poor villagers earned more than they usually did and they put their earnings in the banks but these banks were closed. The people who managed these banks had no public opinion of the province to fear. If these banks were managed by our own people they would have a sense of fear, they would have to fear public opinion. They would have realised that living among the people if they cheated them they will come down on them.

Now if the banks that are already there want to expand their business and have their branches in several parts of the province, what is the condition? I must have more money but where am I to get the money from? Capital issue will not be granted. Besides after the failure of so many banks in Assam people are naturally shy, at any rate shy of non scheduled banks. We want to make our banks scheduled banks. We want to raise more capital and what is the reply of Government? No. More capital issue cannot be granted. This is my difficulty.

I congratulate again my honourable friend the Finance Minister. He has been able to pilot a Bill of this momentous nature without a single harsh word to anybody. I admire him and I congratulate him for the fact that he has been able to get this Bill passed without a hitch. But I beg of him to hold his hands. I implore before him on bended knees that he should have some sympathy to the poor province of Assam.

The Honourable Dr. John Matthai: I have no desire at this time of day to make a speech because I find most of the matters which have been raised in the course of the debate on the Third Reading are matters which have already received sufficient attention at the hands of the House. Various suggestions have been made regarding the working of the Bill when it becomes law. I should, of course, keep them carefully in mind when I come to deal with the problems that may arise in connection with the administration of the Bill. All that I want to do now is to thank the House for the patience and consideration which honourable members have shown me throughout the passage of this difficult Bill, and to express the hope that the Bill, when it becomes law, will mean a substantial step in forwarding the cause of progressive banking in India.

Mr. Speaker: The question is:

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

The motion was adopted.

HINDU CODE

Mr. Speaker: The Honourable Dr. B. R. Ambedkar.
Pandit Thakur Das Bhargava—*rose*.

Shri Jaspal Rai Kapoor (U.P.: General): Mr. Speaker, Sir, I have to raise a point of order which, if accepted, will bar any further discussion on the point of order raised in the previous session by my honourable friend Mr. Naziruddin Ahmad. I therefore submit that I be permitted to place my point of order for your consideration.

Mr. Speaker: As Pandit Thakur Das Bhargava was on his legs, I think I ought to hear him first. I do not anticipate what he is going to say; I have my own views on the point of order raised but I will consider what Pandit Thakur Das has to say.

Pandit Thakur Das Bhargava (East Punjab: General): Sir, on the last occasion when the motion was made by the Honourable Dr. Ambedkar, Mr. Naziruddin Ahmad took a point of order on the point that the Bill considered by the Select Committee was not the Bill referred to it by the House. While that point was being considered, I was submitting for your consideration some grounds why the point of order was of great substance. While that was being done, you were pleased to stop the discussion and shorten the matter, as would appear on page 778 of the Proceedings, dated 31st August 1948. At that time, Sir, you were pleased to tell us what was passing in your mind and you told us that you will consider at the proper time two or three questions which are given on page 779 of this report. The two questions which seemed to agitate your mind were, firstly, whether the Select Committee went out of its way and went beyond the scope, and secondly, whether the Select Committee has gone beyond the scope of the reference. These were the two questions. The debate was taking place when ultimately you decided as given on page 780, that you would study all the facts and then give a ruling. With regard to that, I beg to lay some points for your consideration in regard to the point of order raised by Mr. Naziruddin Ahmad.

Mr. Speaker: As I see from the report, what I stated there was this—I have not got the printed report but I have got the proof-sheets here. After the Honourable Member Shri Biswanath Das had raised a point, I stated as follows:—

“As I said, I am not deciding this matter at all. I am keeping open the whole thing including the point of order, because it will be seen that it involves large questions of fact and I must study all these things myself, which I have not yet done. Shall I leave the matter as it is?”

Therefore, I left it for me to study it and I can now say that I have studied it. Whatever may have been said by honourable members with reference to the point of order, I have studied the report of the Select Committee, I have studied the first Bill and I have studied, of course, the other draft which was alleged to have come before the Select Committee. If the honourable member has to say anything with reference to that he may.

Pandit Thakur Das Bhargava: It is only with reference to that that I propose to speak just now. As a matter of fact, I also raised this very point of order, but Mr. Naziruddin was more fortunate in catching your eye. Therefore, I have something to say on this point.

Shri Mohan Lal Gautam (U. P. : General): On a point of order to this point of order, Sir, according to the Rules of Procedure, I do not find any provision for any point of order after a report has been presented to this House. I would request the honourable member to quote that rule so that I may consult it and see for myself whether the point of order raised by the honourable member is not out of order.

HINDU CODE

Mr. Speaker: These are obvious matters which need not be argued. If we differ on the substance of the matter, let us devote time to that substance rather than take up the time in the technicalities of the matter. If people are against the Code then it is a matter of substance. If they are in favour of it, even then it is a matter of substance. But let us not take the time of the House in technicalities.

Substantially, the point of order mentioned was that the Bill which was referred to the Select Committee was, on facts, not the Bill which the Select Committee considered and that therefore the report is based on something else. That is the point of order, put in short, and on that point of order arguments were addressed. If the honourable member Pandit Bhargava has to address or speak on facts, matters would stand differently; the matter is, I believe, covered amply by what Mr. Naziruddin Ahmad has stated. Has he to invite my attention to any other facts?

Shri Jaspal Roy Kapoor: May I respectfully request you, Sir, to permit me to place my point of order before you? It relates to the competency of this House, in the present session, to deal with this question at all; also, whether the point of order raised by my friend Mr. Naziruddin should be discussed in this session at all? For, if my point of order is accepted it will shut out all discussion on the subject in the present session.

Mr. Speaker: I think I will go step by step. Let the first point of order be disposed of. Assuming that the first point of order goes in favour of the Bill, then the second point of order which the honourable member has raised is competent and therefore he may raise the point later on.

Shri Jaspal Roy Kapoor: My submission is that even the discussion of the point of order raised by Mr. Naziruddin Ahmad is a point which should be considered by this House and the question is whether it is competent to discuss the subject at all.

Mr. Speaker: I do not agree that I should take that point first. It will be for the Chair to decide whether the Select Committee considered the Bill that was referred to it or something else, and whether, therefore, its report should or should not be taken into consideration. After that is decided, it is perfectly competent for the honourable member to point out to me any points or any law or any practice by which this House is not competent to take into consideration the present Bill. That is the better way. Let us save time.

Shri Jaspal Roy Kapoor: May I say one word, Sir?

Mr. Speaker: No, no. Pandit Bhargava.

Pandit Thakur Das Bhargava: Sir, I only propose to lay before you some facts and some law as it would apply to those facts. For instance, I beg to point out that the proceedings before the Select Committee was an abuse of the rules of this House. The privilege of this House has been violated by the Select Committee and by the procedure of the Law Department. Secondly, if my facts are correct, another Bill was considered and not the Bill which was referred to it by the House. The question which arises then would be a question of law, whether such a procedure was justified and whether this House should consider this report as a report on this Bill which was referred to the Select Committee or whether it is a document which is not valid in law and is not a legal document. I will therefore confine myself to the two types of questions which I submit are quite related. In regard to the substance also, with your permission, I will subsequently have something to say provided your ruling is that this question is also relevant. In my humble opinion, the question divides itself into two parts. Number one, whether the report which has

[Pandit Thakur Das Bhargava]

been presented to the House is a good report from the procedural point of view. Number two, whether the report has gone beyond the scope of the Bill. I propose to address the House on the second question subsequently.

First of all, with your permission, I will address the House on the first question before laying certain facts before the House. My humble submission is that according to what we have got in the Select Committee's report and from the papers which have been circulated to us and which are found in the Library, I have come to the conclusion that after the Bill was referred to the Select Committee, the Law Department just substituted another Bill for this Bill, and this Bill was considered by the Select Committee. I do not know whether these facts are absolutely correct, but I have consulted some members who were in the Select Committee and they have informed me about it and at the same time from the report of the Select Committee also it appears that as a matter of fact.....

Mr. Speaker: I am afraid the honourable member is practically repeating what the honourable member Mr. Naziruddin Ahmad has said. It is the same thing. I have gone through the report myself bearing in mind the points raised and while I would like to give the honourable member the fullest liberty to place any other facts not included in Mr. Naziruddin Ahmad's speech, I do not think we should go into the same repetition.

Pandit Thakur Das Bhargava: I do not like to repeat. I only want to know if these facts are taken to be correct. If ultimately another honourable member gets up and says these facts are wrong, then the whole argument would fall down. Therefore, I want to place before you how I have come to the conclusion that these facts are correct. If you take them as correct, I do not want to trouble the House and your goodness. I submit that as a matter of fact it appears from the report of the Select Committee itself that the substituted Bill was alone considered, because from the majority committee's report as well as the dissentient's report it appears that no other Bill was considered and the Bill which was referred to the Committee was not at all considered.

Now, Sir, Dr. Ambedkar has kindly placed before us a comparative statement. If you will kindly see these tables, there are two parts, one shows how from this Bill the original Bill was different. He has given another table showing the difference between the Draft Bill and the Select Committee report. This also shows that only the re-drafted Bill was considered and not the original Bill. Anyway, taking this to be the right thing, if it is accepted that the re-drafted Bill was only considered, the question arises before you whether the re-drafted Bill could be considered by the Select Committee or not, and if this action of theirs is not tantamount to the breach of privileges of this House as well as abuse of the powers that this House granted to the Select Committee. Now, Sir, I may not be taken to say that there was any wrong motive behind it; such a course may have been intentional or non-intentional; it may have been done with the best of motives or with the worst of motives; I am not concerned with that. I am concerned with one central fact that the original Bill which this House referred to the Select Committee was never considered by the Select Committee.....

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): On a point of order. I wish to know whether this House can go into the manner in which a Select Committee has dealt with a Bill. In that case, it would require verbatim reports of all proceedings in a Select Committee. We can reject the report or accept the report or do anything with the report, but how the Select Committee dealt with it is a matter which, I think is not

relevant and it is not the practice of the House either to go into it. Otherwise, every future Select Committee will have to give us a verbatim record of its proceedings, so that we can judge of the propriety.....

Mr. Speaker: I am afraid various points of order are being raised and stated too widely. As regards the present point, if the position is that the Bill which was sent by this House was not considered at all by the Select Committee, I think it would be perfectly competent to go into the question as to whether the Select Committee did or did not consider. Then the question will arise as to how far it would be permissible to go into the proceedings of the Select Committee and to that my present reaction is that this House or myself will not be sitting as a fact-finding committee or court, but we shall take into consideration—we are entitled to take into consideration—what the Select Committee itself has stated in its report, and therefore, the matter will be more or less one for inference—coming inferentially to some conclusion as to what the Select Committee did and not by taking evidence of every member of the Select Committee and taking extra evidence. Now, I may point out to my friend Pandit Bhargava, that in spite of all that he has said the argument is not being advanced any further. Whether you call it a breach of the privileges of the House or abuse of procedure, the argument, in short, comes to this—that the Select Committee considered a substitute Bill; that it did not consider the original Bill sent by this House, and that this conclusion is based on certain remarks or observations in the Select Committee report—majority as well as the minority report—and therefore he infers—to state more correctly—from these documents that the original Bill was never considered. That, in short, is the point of order. The question of breach of privilege or abuse of procedure will arise, if we come to the conclusion that the Select Committee did as he infers, but if we come to the conclusion that the Select Committee was not guilty in the manner in which he infers it to be, then the question of breach of privilege or abuse of procedure does not arise at all. I can assure honourable members that I have carefully gone through every point that the honourable member is going to read from the report of the Select Committee and, perhaps, something more also, and I have my own conclusions about it. I think I can make the whole thing short by stating what I have felt about the Bill and decide the matter rather than take up the time of the House. That is my feeling in the matter. (Some Honourable Members: "Quite so, Sir.") Anyway, we are not going to finish this Bill today. We can just clear the ground and I think without further going into arguments, I may perhaps.....

Pandit Thakur Das Bhargava: I do not want to go further into arguments after having heard from you how things have taken place, but I do wish to place before you some of the rulings which I have got which go to show that this Bill as emerging out of Select Committee is absolutely unwarranted, illegal and vitiates the entire report of the Committee and before the House there is no report at all. This is my submission. If you will permit, I will place some rulings before you.

Mr. Speaker: However, the rulings follow certain facts. In this case, it is alleged that, as a matter of fact, the Select Committee have failed to consider the original Bill. If that is established, then we shall have ample time to consider the rulings.

Pandit Thakur Das Bhargava: Nobody is denying this fact.

Mr. Speaker: That is just the point, as the honourable member will see, when I give my ruling which I have carefully prepared after reading all the papers. If any further points arise after the facts as stated by me are accepted, then those points of order may be considered.

Shri M. Tirumala Rao (Madras: General): Before you give your ruling, is there no other method of knowing the truth except by inference?

The Honourable Dr. B. R. Ambedkar (Minister for Law): May I, with your permission, intervene for a minute to correct an impression which my friend Pandit Bhargava has sought to create in this House that the original Bill which was referred by this House to the Select Committee was never before the Select Committee? I think it is a gross mis-representation. If my honourable friend were to refer.....

Mr. Speaker: I have myself studied the position in great details. I shall clarify it by reading out my decision.

Pandit Mukut Bihari Lal Bhargava (Ajmer-Merwara): I have additional facts.

Mr. Speaker: Order, order.

Pandit Mukut Bihari Lal Bhargava: There is one additional fact which has not come to the notice of the Chair. I wrote a letter to the Law Department to find out whether any redrafted Bill was printed. The information given to me was that only a few copies were printed and they were available in the library of the House. I have referred to that Bill and it is a fact that a re-drafted Bill was printed in July 1948 prior to the meeting of the Select Committee. That Bill was considered clause by clause by the Select Committee and that is the Bill that has emerged from the Select Committee with its report. The report mentions this. Therefore my respectful submission is that that re-drafted Bill may be taken into consideration to find out whether the Select Committee applied its mind to the Bill that was referred to it or some other re-drafted Bill that was printed under the signature of Dr. Ambedkar, after scrutiny of the original Bill and absolutely in a different form. That is a very important material and additional fact which I respectfully bring to the notice of the Chair before the ruling is given.

Pandit Thakur Das Bhargava: I have got a copy of that Bill with me.

Mr. Speaker: I have some facts which honourable members do not have.

The Point of Order that the Honourable the Law Minister's motion for consideration of the Select Committee Report on Hindu Code is incompetent, as raised by the honourable member Mr. Naziruddin and supported by a few other members on 31st August 1948, is based on a narrow limit of facts. The objection raised is presented as a chain of reasoning in the following form:

"What the Select Committee considered was a 'substitute' of the original Bill in the form of 'a revised draft'. Therefore the Select Committee did not consider the Bill referred to it, but 'a new document', and the present report of the Select Committee, being a report on a new document, there is no Select Committee Report on the original Bill. The Honourable the Law Minister's motion for consideration of the Bill, as it emerged from the Select Committee, is, therefore, incompetent". That is the substance of the Point of Order. (Shri Mahavir Tyagi: "Is that your ruling?") I believe I have stated the point correctly.

None of the members, Mr. Naziruddin Ahmad, Pandit Thakurdas Bhargava and Sriji Biswanath Das, who raised or supported the Point of Order, were members of the Select Committee and naturally, therefore, have no personal knowledge as to what was considered at the meetings of the Select Committee. They, therefore, relied upon some statements in the report of the Select Committee and inferred that the original Bill, as referred to the Select Committee, was not taken into consideration by them.

The question thus raised is purely a question of facts, namely, whether the Bill referred to the Select Committee, meaning thereby the various substantive

provisions thereof, as distinct from the form or sequence in which they were put, were or were not considered by the Select Committee; whether the Select Committee did or did not apply their mind to the substantive provisions of the Bill as referred to them.

It is not disputed that the Select Committee had a right to add to or to delete from or to improve upon the provisions of the Bill as referred, provided the additions, deletions or improvements, etc. suggested by the Select Committee are within the scope of the Bill. I need not therefore, enter into this aspect, as no such question about the Select Committee having gone beyond the scope of the Bill is raised before me.

I may now examine, in the light of the written as well as oral evidence before me, the statement of facts as formulated by the honourable members who have raised the Point of Order.

I may shortly state the facts as to how the Bill that was introduced came to be framed. As stated in the Statement of Objects and Reasons, the Central Government, by their Resolution dated the 20th January 1944, 'appointed a Hindu Law Committee for the purposes of formulating a Code of Hindu Law, which should be complete as far as possible'. This was done in pursuance of 'a growing public opinion in the country in favour of a consolidated and uniform Code dealing with the different topics of Hindu Law for all the provinces and for all sections of the Hindu Society'. It was also felt that, in view of the 'present conditions and trends in Hindu Society' there is a great need to alter the law so as to make it fit the new pattern, to which the Hindu society seems to be rapidly adjusting itself.

When the motion for reference of the Bill to the Select Committee was carried on 9th April 1948, there was hardly any time for honourable members to express themselves on the substance as well as the form and the drafting of the Bill. The Ministry of Law, having felt that the Bill 'as drafted by the Hindu Law Committee did not conform to the canons of a Code', decided to revise the draft of the Bill and to remove those defects, so as to enable one to have 'a full and complete picture of the provisions of the Code'. They, therefore, undertook the task of re-arranging the parts and divisions of the original Bill in consecutive sections and in a logical sequence, and also made some further suggestions as they thought proper for consideration by the Select Committee. The Ministry of Law simply placed before the Select Committee a sort of a proper form in which the original Bill could have been shaped by the Select Committee themselves at their meetings or they could have directed the draftsmen to carry out the changes.

It may be noted here that, while circulating the Code in a revised form, the Ministry of Law supplied to the members of the Select Committee an index also giving therein, for facility of reference, the place of a section in the revised Code with the corresponding section in the original Bill, as prepared by the Hindu Law Committee. The Members of the Select Committee had thus before them, at all times and at every stage, the provisions of the Code as contained in the original Bill. The Ministry of Law further invited the attention of the Members of the Select Committee to changes of substance suggested by them in the revised draft. It was, therefore, clear that at all stages of deliberations by the Select Committee of the provisions of the Bill, both the revised and the original were before them and the deliberations had proceeded on a comparative study of the original provisions and the provisions contained in the revision as suggested by the Ministry of Law.

Coming to the question of evidence as to the above facts, the only member of the Select Committee who spoke with reference to the Point of Order was, Pandit Balkrishna Sharma. Pandit Balkrishna Sharma stated in the House: "The Bill which the House asked us to consider was always before

[Mr. Speaker]

us." The evidence on record consisting of the main report, as also the dissenting minute, amply support this statement. The honourable members, who have raised this objection, relying upon passages in the Select Committee Report or the Dissenting Minutes seem to take certain passages out of the context and by themselves. This is what the main report says:

"We, the undersigned, having considered the Bill"—not the revised draft—"have now the honour to submit, etc." This is how they begin the Report.

They speak of having considered the Bill and not the revised draft. But further they say as follows:

"The Draft Hindu Code, as introduced in the Legislature did not receive any departmental scrutiny prior to its introduction and the Ministry of Law have now produced a revised draft, which, in our opinion, is more satisfactory in several respects. This revised draft does not make any substantial changes in the body of the original Bill, but within the framework of the original Bill, it has recast it so as to be in the form in which Bills are usually presented to the Legislature."

So it will be clear that the Select Committee had applied their mind to the original Bill and had come to the conclusion that there was revision thereof, not in substance but in respect of the form only.

They also mention the reasons why they considered the revised draft as better than the original one, and then they say:

"Consequently we decided to confine our deliberations to the revised draft of the Bill."

The word "consequently" is important. Having seen the substantive provisions of the original Bill and the revised draft, it was natural and more appropriate to deliberate on the revised draft, which was nothing else than the substance of the original Bill in an improved form. The Select Committee further say:

"References are given in the margin to each section indicating the corresponding section in the original Bill".

This is a further cogent proof that, though their deliberations were confined to the revised draft for finalising their conclusions, they had before them the view of each and every clause of the original Bill. This is made further very clear in the notes on clauses in which they deal with various parts and clauses of the Bill and state with reference to each part or clause the corresponding part or clause of the original Bill.

The joint minute of dissent of Dr. Bakshi Tek Chand and Pandit Balkrishna Sharma says, in passing at one place, that what the Select Committee considered was the revised draft and not the original Bill. This has to be interpreted in the light of what has been said above. The place where they make a mention of the revised draft being considered, the point of their contention is that the changes suggested by the revised draft were not merely changes of form, but related to matters of substance. It may be remembered that, in their detailed and able minute, they did not make any point that the original Bill was not considered by the Select Committee. Whether the changes suggested by the revised draft are good or otherwise, is the point they are making in their minute of dissent.

On the facts, therefore, as disclosed by records, I am clear that the Select Committee had given full and due consideration to the substantive provisions of the Bill that was referred to them, and the present motion of the Honourable the Law Minister is, therefore, competent, and in order.

Now, this being the decision on facts, what is the point of order of Mr. Kapoor?

An Honourable Member: We may adjourn now; it is past five o'clock.

Mr. Speaker: The House may now adjourn.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Friday the 18th February, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES.

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

Friday 18th February, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-45 A. M.

THE RAILWAY BUDGET—GENERAL DISCUSSION.

FIRST STAGE

Mr. Speaker: Honourable Members have already been informed by a Circular last night about the allotment of Monday, the 21st February for the General Discussion of the Railway Budget in addition to today which was already allotted for this purpose. The revised programme in connection with the various stages of the Railway Budget will thus be as follows:

Today and Monday the 21st February } General discussion

Tuesday, the 22nd and Wednesday the 23rd February. } Voting of Demands for Grants

The House will now proceed with the General Discussion of the Railway Budget. Before the General Discussion of the Railway Budget commences, I have to announce to the House that under Rule 83, I fix the maximum time-limit for speeches as 15 minutes for each honourable member excepting the Honourable Minister of Railways for whom 45 minutes or more will be allowed, if necessary. In view of the large number of speakers, I would request Members just to make their remarks to the point and see that they finish their speeches by about ten minutes time. Otherwise, so many honourable members desiring to speak will have to be disappointed.

Shri B. Das (Orissa: General): Sir, throughout the speech of my honourable friend Mr. Gopalaswami Ayyangar, there was a spirit of buoyancy and a tone of confidence which augurs well. I hope that when the time comes for the Honourable the Finance Minister to come out with his Budget, he will also speak in that tone of confidence saying that so far as public finances go all is well. That too will be a good augury for India. It will shew India public finances have turned the corner.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar)].

Sir, the Minister for Railways characterised his Budget as an austere Budget. Though the revenues have been underestimated, the provision made for the staff is not austere. The wages and salary bills amount in all to Rs. 67 crores for people who always threaten him with loaded pistol. They threaten to see that the entire transport system of India does not function. At this stage I express my thankfulness to God that Mr. Jaiprakash Narain has called off the strike and has condemned the communists for their attitude. Sir, I am glad that the socialist leader has considered the railways as a national asset and is not going to use the strike weapon for accession to political power. I hope the communists will take the warning given by Shri J. P. Narain and that the Members of this House...

Maulana Hasrat Mohani (U. P.: Muslim): Who is he to warn?

Shri B. Das: The sole voice of a communist is heard here! Mr. J. P. Narain has stated that they must think of their country and not seek inspiration from outside.

Sir, there has been an under-estimate of receipts for the year 1949-50. It will not be less than 220 crores. The receipts will be much higher than 206 crores as estimated by my honourable Friend. I am sorry that my friend Mr. Santhanam, the redoubtable critic of the railway administration has been captured and elevated to his side by my honourable Friend Shri Gopalaswami Ayyangar. He is caged here. I hope that from his place on the Treasury Benches he will add his voice in support of those who criticise the railway administration when necessary.

I notice that on the expenditure side the estimates are rather high. I hope that my honourable friend will see to it that expenditure does not go higher still and it should not. I also venture to hope that the trade union leaders on the floor of this House and outside will agitate and make the railway labour which is earning highest wages now give some adequate return and decent return to the State by improving production.

My hon'ble friend has been very apologetic when he referred to production and to the willingness of the workers to work and produce more. As a result of the Rajadhyaksha Report 74,000 more people must have to be given employment. The labour world should see the advantage they have secured and must make efforts to increase production.

I may at this stage refer to the Indian Railway Enquiry Committee and its recommendations and pay my warm tribute to the two Chairmen, veteran Members of this House Mr. K. C. Neogy who worked at the early stages of the Committee's labours and to my esteemed friend Pandit Hriday Nath Kunzru for the historic report he has produced. For years this report will be the *magna carta* of railway finances and railway economics in India.

Whether there will be contribution to the general revenues from the Railway Budget is a moot question. In spite of the dissenting minute to the report of the Enquiry Committee by the labour representative in view of the heavy borrowings by the Government of India over these Railways, I agree with the recommendations of the Committee. I congratulate the Railway Enquiry Committee for coming to the decision that there should be contribution to the general revenues. I have always fought for it and I am glad that that principle has been accepted. As regards what that contribution should be, the Honourable the Railway Minister has announced that he will appoint a committee to look into it and also to look into the question of the depreciation reserve to be provided.

Sir, I am surprised and I think my Honourable Friend is ill-advised in thinking that the surplus should go for replacements because his predecessors in office under the Foreign rule did not provide for adequate replacements when they worked the locomotives and other things instead of 8 hours a day, throughout the 24 hours of the day during those fateful war years. Sir Edward Benthall knew all the time that he was quitting India and went on destroying and deteriorating our Railway assets. Sir, luckily his hope his pious wish has not been fulfilled! I am not going to subscribe to the theory that depreciation should be increased. There are other means by which deflation can take place. I must express my firm view whether the recommendation of supplying 22 crores of depreciation per annum for the next three years the House will accept. I say it is no use introducing anything like that in the Budget and if

the Honourable the Railway Minister wants such definite assurances, let him bring a resolution and let us have a full discussion on the question whether the annual depreciation charges would be somewhere in the neighbourhood of 8 or 9 crores or 22 crores for the next three years.

The Railway Enquiry Committee has recommended a Statutory Railway Authority. I was one of those who have stoutly opposed it from 1930. Now that my Government is my own, there is no handicap on the Railways that every order should pass through the United Kingdom, unless we will it so. In the present world situation, we are bound to buy our locomotives from the U. S. A., the United Kingdom and Germany. I am not opposed to it and I think the Statutory Railway Authority should be set up at an early date. Perhaps my inclination today after studying those two huge volumes—though I have not been able to study them thoroughly during the two days that was available to me—is that there will be general economy if there is a Statutory Railway Authority.

That brings me to the controversial question whether audit and accounts should be separated. It was done by those former alien fellows, who wanted to have full play with Railway finances, but today to read in this report that the satraps of the different State Railways are chary to hand over their financial advisers and their Accounts Officers to the Finance Ministry or the Auditor-General I think, they have to change their attitude or life, and they need not think that they have inherited all the bureaucratic ideas and temper that the former railway bosses were accustomed to.

That also raises the other question: The Railway Enquiry Committee has pointed out that the Financial Commissioner has at times not exercised complete independent judgment and discretion, because he has no independent office and his staff is spread over the Railway administration. I noted somewhere that the Financial Commissioner should have independent research and independent attitude and I do hope the Finance Minister will note that and will allow the Financial Commissioner of Railways to have an independent office-room in the Finance Ministry apart from his office-room in the Railway Ministry.

I find that the Railway Enquiry Committee wants researches, statistical researches and other researches. But I want the Honourable Minister of Railways not to duplicate things, not to duplicate or multiply statistical researches in each Railway, not to duplicate them in the Railway Board and also in the different Ministries of the Government of India. We have heard that the Government of India want to introduce a Statistical Commission, where statistics should be correlated to the statistics of all the Departments of the Government of India by the various research Departments of the various Ministries of the Government. My honourable Friend, the Minister of Railways should bear that in mind and not go into extravagant expenditure.

I have one word about production. At an early stage, I have said labour is not producing what is required of it. Labour instead of being satisfied with the expenditure of 70 crores spent on salaries and wages, wants all the surplus money to provide for its welfare and comforts. It is high time all railway appliances, locomotives and everything else from a screw to a coupling—should be produced in India and for that labour in our workshops should work and do certain minimum amount of work. I am not satisfied that they are doing it. It is for my honourable friend to put to the labour leaders inside and outside the House, whether they mean India should completely manufacture the railway appliances and whether labour means to work instead of agitating for four hours of work, and as I said last year: "more pay and no work".

[Shri B. Das.]

Sir, talking about locomotives, my honourable friend the Railway Minister had changed the name of 'Mihijam' into 'Chittaranjan'. I do not know if the Congress Working Committee or the Cabinet decided it, but to me 'Chittaranjan' itself does not convey the name of the town, but, however, it is a very small matter, but if you want to honour the founder of the Swaraj Party and the great Swaraj leader, Deshbandhu Chittaranjan Das, there are other means for my Congress Government to honour him. (Prof. N. G. Ranga: 'This itself is very good.') I put a question why we should go in for manufacturing coaches and others from steel sheets and establish a new workshop. You simply forget that Tata Steel will not be able to supply sufficient steel. There is such a shortage of steel in the country nay all over the world: Have you not learnt the lesson of economy from the Indian States, which incidentally have merged into the Indian Union? I have travelled in most of the States and their carriages may be old-fashioned, but they are made of timber; they are made locally; they were not controlled by British Managers, who wanted to import everything from the United Kingdom. I would like my honourable friend to travel in Jodhpur State and see these first-class coaches; it may be of timber: it employs workmen here and built of Indian timber. What do we care for the highest efficiency when my standard of income is only Rs. 60 to Rs. 100 per capita, while the standard in U.S.A. is Rs. 1,200 to Rs. 1,500 per capita? These are things which have to be borne in mind before my honourable friend the Railway Minister—though I have called him my austere friend—should jump into expenditure and introduce extravagant workshops, which will only cater for certain high-class societies and which will only buy larger and larger amount of foreign goods, which we do not want in this country and for which we have to supply hard currency.

I am alarmed that the Railways employ nearly 900,000 men. Perhaps they are the largest employer in the world. I am alarmed and my friends the labour leaders, the socialists outside, the communists inside and outside, they must ponder what huge extravagance, in manpower there is by employment of so large number of men. How does it compare with the U.S.A. Railways? How does he compare with even U.S.S.R., from which country my reverend friend, Maulana Hasrat Mohani, draws his inspiration, whether they employ such a large number of people, who are always demanding minimum hours of work and put obstruction at every stage over production and Railway economy? While talking of economy, I may say that only recently the Railway Enquiry Committee recommended various measures of economy and these must be accepted.

When Swaraj came, the ticket collectors grew slack and never checked the tickets. It is no use saying that the crew system has been abolished. I have travelled widely these days; I have never been asked to show my ticket. If that is the general mentality of laxity on the part of the ticket checking staff, how can ticketless travel be checked and how can economies be effected. I am sorry to find that the United Provinces has the largest number of ticketless travellers and I hope my friends from the United Provinces when they speak will justify why their people violate such a moral law. I am glad that the United Provinces Government is doing everything in their power to check ticketless travel.

Maulana Hasrat Mohani: Why are the trains so over-crowded? Is that not immoral?

Shri B. Das: The existing ticket checking staff should be made to work and they should not think that swaraj means no work, but more dearness allowances and more grain-shop allowances. I am glad that after one and a half years, we have got a true picture of the railway transport economy from my honourable friend, who, as I said in the beginning has brought us

a tone of confidence. But, no railway, no transport company will succeed if it is only meant for pampering to the labour community and the employees. State Railways have proved disastrous, because, the moment a company managed railway becomes a State railway, it increases the salary of the employees to the Lee Commission level, something like thirty or forty per cent more than the previous level. This is a disastrous thing which my honourable friends the labour leaders will have to examine. I think the time is ripe when the labour leaders will have to answer the question whether State-owning is only to pay more money to Railway employees and thereby destroy the very nucleus of commercial management of railway economies.

सेठ गोविन्द दास: सभापति जी, मैं आज ऐसी भाषा में बोलने की कोशिश करूंगा जो इस धारा सभा के सब सैम्बर समझ सकें। मुझे माननीय मंत्री जी के हिन्दी प्रेम का हाल भी मालूम है। हम लोगों ने जो हिन्दी के सम्बन्ध में विधान परिषद् में पेश करने के लिये एक मैमोरेण्डम बनाया था उसमें गोपाल स्वामी जी ने हिन्दी में दस्तखत किये थे, अतः मुझे इस बात का विश्वास है कि अगर वह कोशिश करेंगे तो जो कुछ मैं यहां कहूंगा उसका एक एक शब्द समझ सकेंगे। माननीय सन्तानम साहब के सम्बन्ध में मैं यह बात नहीं कह सकता क्योंकि उनका अंग्रेजी प्रेम बहुत ज्यादा है परन्तु माननीय गोपालस्वामीजी के लिये मैं यह जरूर कह सकता हूं।

सब से पहले मैं श्री गोपालस्वामीजी को उनके इस बजट पर बधाई देना चाहता हूं। उन्होंने एक बड़ी सीधी सादी स्पीच यहां पर दी जिसमें न कोई बहुत बड़ा आशावाद, आप्टीमिज्म, था और न कोई बड़ा भारी निराशावाद, पैसीमिज्म, था। सीधी सीधी बातें उन्होंने कहीं जो कि काश्मीर के भूतपूर्व प्रबन्धक के लायक ही थीं। दो बातों से हम लोगों को सब से बड़ी खुशी हुई। एक तो यह कि अब कम से कम इस साल किराए में कोई वृद्धि नहीं होगी और दूसरे यह कि अब हमारी रेलें ज्यादातर लेट नहीं होतीं, एक दो ट्रेनों को छोड़ कर जैसे ग्रांड ट्रंक एक्सप्रेस है, जो अभी भी बहुत लेट होती है। किन्तु ज्यादातर ट्रेनें अब ठीक समय पर चलने लगी हैं इससे इनकार नहीं किया जा सकता।

जो सबसे बड़ी बात इस साल हुई वह है दरजों का नया विभाजन। इस सम्बन्ध में सब से पहले मैं यह कहना चाहता हूं कि यदि माननीय मंत्री जी देखेंगे तो उनको मालूम होगा कि जो मांग थी वह पहले दरजे को खत्म करने की थी। किन्तु दुख की बात यह हुई कि पहला दरजा तो वैसे का वैसे रहा, थोड़े बहुत अन्तर के साथ, और असल में खत्म हुआ दूसरा दरजा। हम पहले दरजे को समाप्त करना चाहते थे, दूसरे दरजे को नहीं। परन्तु दूसरे दरजे को खत्म करने का नतीजा यह निकला कि अब जो लोग इंटर क्लास में चलते थे वे और जो दूसरे दरजे में चलते थे वे दोनों अब इस दरजे में चलते हैं जिसका फल यह निकलता है कि दूसरे दरजे में इतनी अधिक भीड़ भाड़ हो जाती है जितनी कि कभी कभी तीसरे दरजे में भी नहीं होती। दूसरी बात यह है कि दूसरे दरजे के यात्रियों के लिए सोने की जगह सिर्फ उन्हीं

[सेठ गोविन्द दाम]

स्टेशनों से रिजर्व की जा सकती है जहां से ट्रेनें चलती हैं। ट्रेनें तो बहुत कम स्टेशनों से आरम्भ होती हैं। यह देश इतना लम्बा चौड़ा है कि ज्यादातर स्टेशन बीच में ही पड़ते हैं और बीच के स्टेशनों से दूसरे दरजे के मुसाफ़िरो के सोने का कोई रिजर्वेशन नहीं हो सकता। मैं यह कहना चाहता हूं कि इस सम्बन्ध में अवश्य विचार होना चाहिये और उन स्टेशनों पर भी रिजर्वेशन की कोई न कोई व्यवस्था होनी चाहिये कि जो बीच में पड़ते हैं, कम से कम उस दशा में जब कि रिजर्वेशन के लिये खाली स्थान हो। फिर दूसरे दरजे के मुसाफ़िरो के लिये सब ट्रेनों में सोने का प्रबन्ध भी नहीं है। माननीय मंत्रीजी ने इस बात का विश्वास अवश्य दिलाया है कि बाको की ट्रेनों में भी सोने की व्यवस्था की जा रही है। मैं उम्मीद करता हूं कि यह व्यवस्था जल्दी से जल्दी की जायगी।

अब यदि हम तीसरे दरजे के मुसाफ़िरो की तकलीफें देखें तो मुझे कहना पड़ता है कि वे तकलीफें वैसी की वैसी ही हैं। माननीय मंत्री जी स्वयं अपनी बजट स्पीच में इस बात को मंजूर कर चुके हैं कि यात्रियों की जितनी तादाद बढ़ी है उतने डिब्बे नहीं बढ़े। इस में कोई सन्देह नहीं कि अब ट्रेनों के तीसरे दर्जे में उतनी भीड़ भाड़ नहीं होती जितनी पहले होती थी, परन्तु फिर भी हमें यह बात स्वीकार करनी पड़ेगी कि अभी भी भीड़ भाड़ मौजूद है और यह भीड़ कुछ ट्रेनों में तो बहुत ज्यादा होती है।

नये डिब्बों के बनने की बात भी हम बहुत वर्षों से सुन रहे हैं। एक सिलवर एरो नाम की ट्रेन भी बनी थी। उसमें जरूर, मैं कहूंगा, बहुत अच्छी व्यवस्था थी। परन्तु वह तो नुमाइश में रखने की चीज़ रह गई और मुझे इस बात का भय है कि यदि हम 'सिलवर एरो' के सदृश ट्रेनों के बनाने के फेर में पड़े रहे और हमने मौजूदा डिब्बों की मरम्मत और तरक्की नहीं की तो 'सिलवर एरो' ट्रेनों के सदृश ट्रेनों कम से कम दो युगों तक, २५ वर्षों तक, तो बनने वाली नहीं हैं। इस-लिये मैं यह कहना चाहता हूं कि 'सिलवर एरो' के सदृश ट्रेनों को बनाने की कोशिश जरूर की जाय, परन्तु इसके लिये जो मौजूदा डिब्बे हैं खासकर तीसरे दरजे के उनका सुधार न रोका जाय। मौजूदा तीसरे दरजे के डिब्बों में बहुत सुधार आवश्यक है और मैं आपसे यह कहना चाहता हूं कि बहुत थोड़ी लागत से यह सुधार किया जा सकता है। उनमें अभी पंखे नहीं हैं। सरलता से पुराने डिब्बों में भी पंखे लगाये जा सकते हैं। दूसरे पुराने डिब्बों की लैवेटरीज़ बहुत ही खराब हैं। थोड़े से प्रयत्न से उनका सुधार किया जा सकता है। तो मेरा यह निवेदन है कि 'सिलवर एरो' ट्रेनों के सदृश ट्रेनों के बनाने के फेर में न पड़ कर हमें अपने पुराने डिब्बों की मरम्मत में विशेष ध्यान देना चाहिये। फिर तीसरे दरजे के यात्रियों के लिये

भी हमको सोने की जगह देनी चाहिये। जिस तरह दूसरे दर्जे के मुसाफ़िर अगर वह दस रुपया रात भर के लिये दे दें तो सो सकते हैं, उसी तरह यह जरूरी है कि तीसरे दर्जे के मुसाफ़िर भी अगर दस रुपया दे दें तो..... (माननीय सदस्य : और कम होना चाहिये। ज्यादा से ज्यादा पांच रुपया)। कम हो तो बहुत अच्छा है, परन्तु यदि कम न भी हो और इतना ही देना पड़े तो भी मैं आपसे कहूंगा कि जो तीसरे दर्जे के मुसाफ़िर लम्बी यात्रा करते हैं, क्योंकि यह बहुत बड़ा देश है, और जिन्हें दो दो रातों ट्रेनों में बीत जाती है, वह दस रुपया देकर भी इस व्यवस्था को स्वीकार कर लेंगे। उनके लिये सोने की उसी प्रकार अलग डिब्बों का इन्तजाम होना चाहिये जैसे दूसरे दर्जे के मुसाफ़िरो के लिये अलग डिब्बों का प्रबन्ध होता है।

स्टेशनों पर तीसरे दर्जे के यात्रियों के ठहरने के स्थानों को तो जरा देखिये। उनका आज भी वही हाल है जो पहले था। उनके भोजन और पानी की व्यवस्था को देखिये। उसका भी वही हाल है जो पहले था। स्टेशनों के तीसरे दर्जे के पाखानों को देखिये। उनकी वही गन्दी अवस्था है जो शुरू से चली आ रही है। कठिनाई यह है कि अब हमारे मन्त्री लोग जमीन पर चलने के स्थान पर हवा में उड़ने लगे हैं और इस हवा में उड़ने के कारण उनको जमीन में लोगों की क्या दिक्कतें हैं यह देखने को नहीं मिलता। जब वे जमीन पर चलते हैं तो भी सैलून में चलते हैं।.....

Mr. Tajamul Husain: Sir, may I know whether my honourable friend is speaking in Hindi or Hindustani?

सेठ गोविन्द दाम : इसे मैं हिन्दी कहता हूं, आप इसे हिन्दुस्तानी कह सकते हैं।

Mr. Tajamul Husain: There are no such words as 'Khushi,' 'Taklif' and 'Musafir' in Hindi.

Mr. Deputy Speaker: Order, order.

सेठ गोविन्द दाम : तो मैं यह कहना चाहता हूं कि हमारे मंत्रियों को कम से कम हमारे श्री गोपाल स्वामी जी और सन्थानम साहब को हवा में उड़ना छोड़ कर जमीन में चलना चाहिये, और जमीन पर भी उनको मेहरबानी करके तीसरे दर्जे में चलना चाहिये, सैलून में नहीं। जब तक गांधी जी के आदर्शों के अनुसार हमारे

[सेठ गोविन्द दास]

मंत्रिगण व्यवहार में इन सब चीजों को नहीं लायेंगे, जब तक वह खुद लोगों की जो तकलीफें हैं उनको नहीं देखेंगे तब तक मैं कहना चाहता हूँ कि सच्चा सुधार नहीं हो सकता।

केटरिंग के निस्वत मुझे एक बात कहनी है। इस केटरिंग को, भोजन की व्यवस्था को, अगर आप डिपार्टमेंटली चलाना चाहते हैं, महकमे को यह काम सौंपना चाहते हैं, तो बहुत अच्छी बात है, लेकिन जिस प्रकार आपने बंगाल नागपुर रेलवे में महकमे द्वारा पश्चिमी ढंग का खाना, योरोपियन केटरिंग, शुरू किया है उस प्रकार से अगर आप इसको डिपार्टमेंटली चलाना चाहते हैं तो मैं आपसे कहना चाहता हूँ कि यह सफल होने वाली नहीं है। मैं आपको बंगाल नागपुर रेलवे की बात बताना चाहता हूँ। वहां क्या होता है? वहां पर यह व्यवस्था जब से सरकार के हाथ में आई है तब से उसमें नुकसान होने लगा है। और यदि आप उसको खुद नहीं चलाना चाहते हैं तो लाइसेन्स के मामले में जो आपने फ्रीसें बढ़ा दी हैं उसको आप रोकिये। यह केटरिंग कोई शराब की आवकारी की दूकानें नहीं हैं कि जहां पर आप लाइसेन्स की बड़ी बड़ी फ्रीसें लें। नतीजा क्या निकलेगा इसका? इसका नतीजा यह निकलेगा कि यह सब थर्ड क्लास के मुसाफ़िरोँ पर पड़ेगा। आखिर ठेकेदार कोई अपनी जेब से देनेवाला तो है नहीं। वह जो कुछ आपको देंगे वह सब का सब मुसाफ़िरोँ से वसूल करेंगे। बंगाल नागपुर रेलवे में क्या हो रहा है? उसमें यह लाइसेन्स की फ्रीस इसलिये बढ़ाई गई है कि योरोपियन ढंग की व्यवस्था में जो नुकसान होता है वह इन लाइसेन्सों की फ्रीस से निकाला जाय। मैं इसके पक्ष में हूँ कि आप इसे महकमे से चलायें, किन्तु यदि आप महकमे से चलाना चाहते हैं तो उसे अच्छे ढंग से चलायें। यह न हो कि योरोपियन ढंग की केटरिंग का नुकसान तीसरे दर्जे के मुसाफ़िर भोगें।

एक बात मैं कहना चाहता हूँ कुलियों के ठेकेदारों की निस्वत। पहले कुलियों के ठेकेदार नियुक्त नहीं होते थे। मैं अपने प्रान्त के स्टेशनों का जिक्र करना चाहता हूँ, जबलपुर का जिक्र करना चाहता हूँ। वहां पहले ठेकेदारी नहीं दी जाती थी। हम हर जगह से मिडल मैन को, साहूकारों को, जमींदारों को अलग करना चाहते हैं, ऐसी दशा में यह कुलियों की ठेकेदारी क्यों कायम रखी जाती है? हमारे कुलियों के ठेकेदार बैठे रहते हैं और बेचारे कुली काम करते हैं। आराम से बैठे रहने वाले, जो कुलियों को मिलता है, उससे नाजायज़ फायदा उठाते हैं।

अन्त में मैं अपने प्रान्त के सम्बन्ध में कुछ बातें माननीय मंत्री के सामने रखना चाहता हूँ। मुझे कहना तो बहुत था, किन्तु समय नहीं है। हमारे यहां

नई रेलों की बहुत जरूरत है। जबलपुर स्टेशन का बड़ी हाल है जो पहले था जब कि वहां की आवारी साठ हजार थी। सागर स्टेशन पर जेट्टा हार्म ऐसे गलत तरीके पर बने हैं कि शहर आने के लिये लोगों को लाइन कास करके जाना पड़ता है। जबलपुर और नागपुर के बीच कोई ऐसी ट्रेन नहीं है जिनके द्वारा हम वहां जल्दी से पहुंच सकें। गोंदिया में, जो कि एक बहुत बड़ा व्यापारिक स्थान हो गया है, इस तरह से ट्रेनों के कारण रास्ते बन्द होते हैं कि बड़ी दिक्कत होती है। यद्यपि वहां एक नया पुल बनाने की योजना हो चुकी है लेकिन अब तक वह काम हाथ में लिया नहीं गया।

मैं फिर श्री गोपालस्वामी जी को, उन्होंने जिस प्रकार से इस बजट को यहां पेश किया है उसके लिये मैं बधाई देना चाहता हूँ और फिर से यह भी कहना चाहता हूँ कि यदि वे रेलवे की ठीक व्यवस्था करना चाहते हैं तो उन्हें हवा में न उड़ कर जमीन पर चलना होगा और तीसरे दर्जे के डिब्बों में यात्रा करनी पड़ेगी।

(English translation of the above speech)

Seth Govind Das (C. P. and Berar: General): Today I will try to speak in such a language that may be quite intelligible to all the honourable members of this House. I well know the Honourable Minister's love for Hindi. The memorandum about Hindi that we had drawn up for presentation to the Constituent Assembly was signed by Sri Gopalswamiji in Hindi. So I am confident that if he would try he would understand every word that I would say here. I cannot say so about Honourable Sri Santhanam because his love for English is great, but I can very definitely say so about Honourable Gopalswamiji.

First of all I wish to congratulate Shri Gopalswamiji for his Budget. He delivered here a very simple speech quite free from high optimism or acute type of pessimism. The simple speech delivered by him befitted the former administrator of Kashmir. Two things gave us the greatest pleasure. Firstly that there would be no increase in the fares this year and secondly that the trains do not frequently run late. It cannot be denied that except for one or two trains like Grand Trunk Express, which still runs very late, mostly the trains have begun to run at the scheduled time.

The greatest thing done this year is the new classification. In this connection in the first instance I would like to submit that if the Honourable Minister be pleased to see then he would know that the demand was for the abolition of the I Class. But it is a matter of regret that for some alterations the I Class remained as before and in fact the II Class was abolished. We wanted to abolish the I class and not Second. The abolition of II Class has resulted in the fact that all those who used to travel in Inter and II Classes now travel in this new class with the result that at times the II Class becomes much more crowded than even the III Class. The second thing is that for II Class passengers sleeping accommodation is reserved only from starting stations. The starting stations are very few. Our country is so big that nearly all the stations lie *en route* and from these *en route* stations no sleeping accommodation can be reserved. I wish to submit that this fact may also be taken into consideration and some arrangements for reservation of sleeping accommodation should be made on the stations living *en route* and at least when accommodation for reservation be available. Beside; this in every train sleeping accommodation to II Class passengers is

[Seth Govind Das]

not provided. The Honourable Minister has assured that arrangements are being made to provide sleeping accommodation in all the trains. I hope that such arrangements would be made at the earliest.

Now if we look towards the hardships faced by the Third Class passengers I am compelled to say that there has been no change, they are same as before. The Honourable Minister himself has acknowledged this thing in his Budget Speech that the increase in the number of carriages has not been in proportion to the increase in the number of passengers. There is no doubt about the fact that now the III Class compartments in the trains are not so much over crowded as before. But still we will have to acknowledge the fact that overcrowding is still there and in some trains it is exceptionally high.

Since long we have been hearing about the building of new coaches. A train named "Silver Arrow" was even put on rails. I will say that in fact the planning and layout of the train was good. But it has come to be a thing fit for an exhibition and I am afraid that if we were to fall in the misfortune of constructing more trains like "Silver Arrow" and did not turn our attention towards the remodelling and repairing of the existing coaches then trains like "Silver Arrow" are not expected to be put on rails before two decades or say 25 years. Therefore I like to submit that efforts may surely be made to construct more trains on the pattern of "Silver Arrow" but for this the remodelling of the present coaches and especially of III Class, should not be held up. The present III Class coaches require a great deal of improvement and I beg to submit that these improvements can be carried out with very little expenditure. As yet these coaches do not have fans. Fans can very easily be fitted even in old coaches. Secondly the lavatories in the old coaches are very bad. With some slight effort these can be improved. So my submission is that instead of falling in the misfortune of making trains like "Silver Arrow" we should pay more attention towards the remodelling and repairing of our old coaches. Then we should provide sleeping accommodation for III Class passengers also. As the II Class passengers can get sleeping accommodation for the whole of the night by paying Rs. 10 extra, in the same way if Third Class passengers pay Rs. 10 extra then.....(Honourable Members: "It should be still less, at the most five rupees"), the lesser the better, yet if the extra charge cannot be reduced and the passengers have to pay as much then also I would submit that those III Class passengers who travel long distances, for our country is a very big one, and have to spend 2 nights continuously in the train they would very gladly accept this arrangement by paying Rs. 10 extra even. Arrangements should be made for providing separate sleeping compartments for them also as is provided to II Class passengers.

Just look at the waiting rooms at the railway stations for Third Class passengers. They are still in the same condition as before. Just look at the arrangements made for their food and drinking-water. They also are as bad as before. Look at the latrines at the railway stations meant for III Class passengers. They are still in the same dirty condition as has been since long. Now the difficulty is that our Honourable Ministers have begun to travel by air instead of travelling on land and due to their travelling by air they do not get a chance of seeing what difficulties are faced by those who travel on land; and when do travel on land they travel in saloons.....

Mr. Tajamul Husain (Bihar: Muslim): Sir, may I know whether my honourable friend is speaking in Hindi or Hindustani?

Seth Govind Das: I call it Hindi you may call it Hindustani.

Mr. Tajamul Husain: There are no such words as *Khushi*, *Taklif* and *Musafir* in Hindi.

Mr. Deputy Speaker: Order, order.

Seth Govind Das: So I like to submit that our Honourable Ministers and specially Shri Gopalaswamiji and Shri Santhanamji instead of travelling in air should travel on land and on land also they should kindly travel in III Class and not in saloons. Till our Honourable Ministers following the ideals of Gandhiji will not put them into practice and will not see for themselves the hardships faced by people till then I would like to submit there can be no real reforms in the existing conditions.

I have to say a few words about catering. If you wish to run this catering business i.e. arrangement for providing food, departmentally and wish to entrust it to the Department then it is all right. But I would like to submit that this scheme would not be successful if you wish to run this catering business departmentally in the manner started by Bengal Nagpur Railway in respect of the catering of the European type of food. I like to tell you about Bengal Nagpur Railway. What is being done there? Since the time Government have taken over the management the scheme has been running at a loss. And if you do not wish to manage it yourself then put a stop to the increasing of the fees in respect of licences. Catering is not like wine and other excise shops where you may charge heavy fees. What will be the result of all this? The result will be that the extra burden of fees etc. will fall on the shoulders of III Class passengers. After all the contractors are not going to pay out of their own pockets. Whatever they would pay you they will realize every penny from the customers. What is happening in Bengal Nagpur Railway? There the licence fee has been increased in order to find money to make up the loss sustained in the catering of European type of food. I am in favour of running this catering departmentally, but if you wish to run it departmentally then run it efficiently, lest the loss sustained in European type of catering may be borne by III Class passengers.

I like to say a few words about coolie contractors. In the past no coolie contractors were appointed. I like to tell you about the railway stations in my province, more particularly about Jubbulpore. Once no contractors were appointed there. We want to eliminate the middle men, the capitalists and the zamindars from every walk of life then under these circumstances why this licensing of coolie contractors is being continued? The coolie contractors sit idle while the poor coolies toil and labour. These idlers get an undue share out of the money earned by these coolies.

In the end I would like to submit a few things about my own province. I had to say much but the time at my disposal is short. It is very necessary to lay some new lines. The condition of Jubbulpore railway station is the same as was in the past when the population of the town was sixty thousand. The platform at Saugor has been constructed on the wrong side with the result that for going to the town people have to cross the railway line. There is no fast train between Jubbulpore and Nagpur so that time may be saved. In Gondia, which has become a big commercial place, the roads are blocked in such a manner by the trains that it causes much inconvenience. Though a scheme has been approved for constructing an overbridge yet till the work has not been taken into hand.

Once more I wish to congratulate Shri Gopalaswamiji for the manner in which he has presented his Budget here and once again I wish to submit that if he wants to re-organise the railway system then instead of travelling by air he will have to travel on land and will have to make journeys in III Class compartments.

Dr. P. S. Deshmukh (C.P. and Berar; General): We have listened very carefully to the fine speech that was made by the Honourable Minister for Transport when introducing the Railway Budget. Besides being full of fine expressions and phrases it was also a very frank speech. He admitted the defects and regretted their continuance. He also embodied in his speech two good features. One was that the country was not going to be faced with any deficit but there was going to be a substantial surplus. The second feature was that there was to be no increase either in the freight or fare. But in spite of these two welcome features I am sorry to say that his speech does not afford any consolation or solace to the citizens of this country.

Transport has time and again been described as the bottle neck which is holding up the progress in so many ways and leading to so many difficulties and disasters. If a part of the blame for our foodgrains deficiency is to be placed at anybody's door it will be at the door of the Honourable Minister for Transport. The scheme to lift the controls has been negatived very largely because the required transport is not available. The great idea behind the lifting of the controls, has been defeated, so completely or to such an alarming degree, principally by the lack of adequate transport in the country.

The Railways for want of petrol, automobiles and cheaper rates, have achieved an importance which probably they did not possess before the war. At the present time they remain the sole means of transport not only for passengers but also for goods and therefore any lack of improvement in transport leads to so many calamities. If it was possible to move the foodgrains more easily and more speedily there is no reason why the prices should have gone so very high, because every time the prices of foodgrains or any other articles go up the only excuse and a palpably true excuse that is brought forward is that it is impossible to get the commodity at the moment the customers require. So although there are some welcome features in this budget on the whole it is impossible to say that either the House or the country will feel satisfied.

The programme of new works is almost absent. There is no improvement either in the third class or in the rest of the classes from the point of view of comfort and in fact even the slight overcrowding in the Ministry has failed to give us any relief. As luck would have it overcrowding in trains has actually become worse. Every one of us expected that there will be great things accomplished and great achievements communicated to us on which honourable members of this House would be in a position to congratulate the Honourable the Minister of State. We thought that he of all persons was more familiar with our woes. I wonder if with the saloons that he might be now travelling in has made him forget the third class passengers about whom he used to be so eloquent and forceful in his speeches here. Unfortunately we have not succeeded in maintaining even the *status quo* in this respect.

The whole system of classification has been altered and the Honourable Minister has told us that we wanted this change of classification and there it is. That was the only argument that he threw at our face. The printed material that has been given to us also indicates that this House had expressed once or twice its opinion that the old classification was out of date and that it should be altered or remodelled. What is the consequence? I do not think any person in this House can feel satisfied with the way in which the classification has been changed and the way in which the new classification is being worked. (*Shri L. Krishnaswami Bharathi*: 'Quite right.') Besides this, this has not even brought us any enhanced revenue. Actually it is causing us a very heavy loss of revenue, if the figures given in the papers are not wholly incorrect. It appears that we are expected not to trust anything that is printed in the papers. I do not support that view and I do not think it would be correct

for the House to take the attitude that anything and everything printed even in a particular paper is to be judged as untrustworthy. The reputation of a paper is no doubt worth something. I do not think it would be correct on the part of the members of this House to regard everything that appears in a particular paper with a constant and permanent suspicion. Much less would it be correct to regard everything appearing therein as definitely untrue. Moreover this would also increase our difficulties because what is the condition of the members of this House? What agencies or conveniences have they got so far as ascertaining correctness of any information is concerned. They cannot afford to have even a stenographer much less a secretary. They have thus perforce to depend to a considerable extent upon information that is published in the newspapers and that being so merely to stigmatise any set of newspapers as untrustworthy would not be proper. I was very much surprised to find the Honourable Member who has now joined the treasury benches getting up and saying that because he did not find a certain news item on a certain date he was not prepared to answer a certain question. He has been a journalist and we know that papers are printed with different dates although containing the same news. Or all persons that he should have chosen to reply in that way was not what I expected of him. Certainly he could have taken pains to see whether that particular news or information was contained on the issue of the 5th or 7th, because we know that daily papers like the *Times of India* of Bombay stamp the same issue with different dates.

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): With your permission, Sir, I might explain that I did search the paper of the 7th.

Dr. P. S. Deshmukh: In any case I was merely giving it as an illustration that we should not regard newspaper reports with so much distrust as has been opined in the House. My point was that a daily paper recently mentioned that in Delhi station alone we were losing to the tune of Rs. 27,000 per day as a result of the new classification that we have introduced. That was the average calculation given. In giving the above figure I have not exaggerated. If anything I have given the lowest estimate. So far as classification is concerned I am not prepared to say that because the House had asked for it, because there was some debate upon it, it must continue and could not be reconsidered. I would like to press that the whole question of classification should be re-examined as also the complaints of the people at the earliest moment.

Sir, I have only 15 minutes altogether at my disposal and I cannot therefore enter into any details of this matter. I will therefore conclude this point by saying that if there was less mismanagement and confusion, then the income from the passengers would have remained stationery and we would have had a far greater surplus to our credit. Actually even this surplus, as I said already, is a matter of no consolation; because at what cost are we having that surplus? At a very heavy cost, where the passengers are persecuted, and they continue to be harassed beyond forebearance.

One novel feature of the present day first and second class bogies is that they are supposed to be run on austerity standards. God alone knows what this austerity means. The only austerity that I could find was that there was no switch to switch off the lights with the result that the passengers have no alternative except to allow the lights to burn throughout the night. So they are consuming more electricity than less and I would like to ask the Honourable Minister if that was the austerity he had aimed at. I think there is something wrong somewhere.

Sir, there are many minor points and I have not even finished with the major points. I must however hurry up and at least making a passing reference to some of the more pointed difficulties to which I would like the Honourable Minister to pay his attention and which I have been agitating for some time so far as the Central Provinces are concerned. Probably many members

[Dr. P. S. Deshmukh]

do not like the mention of the Central Provinces too often because my friend Seth Govind Das refers to it occasionally. None the less I would be failing in my duty if I do not ventilate the grievances of the people of that area. There has been a great demand for connecting Amraoti with Narbhed and the project had even been started. But somehow it appears to have fallen into dis-favour now. I hope this would be taken up again as it would lead to considerable development of the North Eastern part of the agricultural province of Berar. There are some local improvements also towards which I hope the new Transport Minister will be more sympathetic. Such as broadening of the Badnera bridge and a bridge at the Amraoti level crossing. A system of attaching a bogey for Amraoti passengers at Badnera to the main line trains has recently been started. Instead of that if the mail and express trains are taken to Amraoti without halting both ways at Badnera there would be much more economy as well as much more convenience. That suggestion may kindly be examined.

It is a good thing that drinking water is being provided on the trains. I may, however, inform the Honourable Minister that no covers for the pots are provided for and a lot of dirt therefore gets into it. This is a small matter which can be easily remedied but which will be a valuable improvement.

So far as the manufacture of locomotives is concerned I congratulate the Honourable Minister in trying to speed up the matter. But the speed with which the manufacture of wagons and coaches is being done is not to my satisfaction. It should be possible to speed it up much more. In fact during the last eighteen months much more should have been possible.

Lastly, whatever dissatisfaction we express is amply and adequately supported by this Report and the 175 recommendations that have been made in it and the dissatisfaction is absolutely well founded. It is therefore not merely a layman's view. Most of our complaints find support and justification even in the studied document produced by the Railway Enquiry Committee which makes 175 recommendations. In their very first recommendation they observe:

"We make a broad financial and statistical survey of the Indian Government Railways since 1924. We conclude that the financial results so far cannot be considered satisfactory and the immediate future of the Railways can by no means be considered bright."

The Committee has also pointed out innumerable defects and with regard to every one of them the Committee have very strong recommendations to make. I hope in the course of the next few months all these recommendations will be attended to and more drive put in the working of the whole Railway system.

مسٹر تجمل حسین: جناب ذہنی! پیپر صاحب! آج میں نے اپنے لائق درست

سیٹھ گونداس کی بہت ثقیل ہندی کی تقریر سنی۔ مجھ کو نہیں معلوم کہ ہمارے دونوں آنریبل منسٹران جو کہ مدراس سے تشریف لائے ہیں ان کی اس ثقیل ہندی کو سمجھ سکے یا نہیں۔ کیونکہ اس ثقیل ہندی میں ثقیل اردو بھی تھی۔ میں تو نہ ضدی میں بولونگا۔ نہ اردو میں۔ بلکہ ہندوستانی میں بولونگا۔ جس کے معنی ہیں کہ کچھ ہندی ہوگی۔ کچھ اردو ہوگی اور کچھ انگریزی یہ پہلا اتفاق ہے کہ میں ہندوستانی زبان میں بول رہا ہوں۔

میں نے جب جذبات دیاوے۔ مسٹر صاحب کی تقریر (speech) سنی تو مجھ خوشی ہوئی اور صدمہ بھی ہوا۔ کیونکہ اس میں کچھ باتیں تو اچھی

تھیں اور کچھ بری۔ جو اجڑی باتیں تو اس نے تو خوشی ہوئی اور انکے لئے میں دونوں حضرات کو مبارکباد دیتا ہوں۔ نو کروز روپیہ آپے سرپلاس (surplus) دکھایا یہ بے شک خوشی کی بات ہے لیکن وہ کہاں سے آیا یہ جب میں رنج کی حالت دکھاؤں گا تو اس وقت بلاؤنگا۔ یہ بھی ضرور ایک خوشی کی بات ہے کہ آپ نے فرمایا ہے کہ دیکھو ہم ریل کے کرایہ میں اضافہ نہیں کرتے ہیں۔ گو میں بعد کو کہونگا کہ دیاوے کے کرایہ میں تو پہلے ہی استدر اضافہ ہو چکا تھا اور اب موقع تھا اس کو گھٹانے کا۔ ہمارے لائق منسٹر صاحب نے یہ بات بھی فرمائی کہ دیکھو میں نے معاملہ کو اس طرح سمجھایا ہے کہ اب اسٹریک (strike) نہیں ہوگا اور واقعی اسٹریک ہوا بھی نہیں۔ اس کی بے شک مبارکباد دیتا ہوں۔ کیونکہ اسٹریک (strike) بہت بری چیز ہے اور یہ گورنمنٹ کم بے قابو (paralyse) کر دیتی ہے۔ اور اس سے قومی تباہی بھی ہو جاتی ہے۔ معاف کیجئے کہ میری تقریر میں کچھ انگریزی الفاظ ہیں۔ مگر ہندوستانی کے معنے ہی یہ ہیں کہ کچھ ہندی ہو۔ کچھ اردو ہو اور کچھ انگریزی ہو۔

مسٹر ذہنی اسپیکر: انگریزی ہو یا ہندوستانی مگر گڑی تو چلتی رہے۔

مسٹر تجمل حسین: یہ بھی۔ حضور! خوشی کی بات ہے کہ گڑیاں یعنی جسکو لوکو موٹو (locomotive) کہتے ہیں وہ بھی اب ہمارے ملک میں بنائی جائیں گی۔ یہ بڑی لائق تحسین (creditable) بات ہے کہ آپ نے یہ بھی وعدہ کیا ہے کہ دور دراز کے سفر کے لئے آپ اسپیشل کوچیز دیں گے۔ آپ نے یہ کوشش کی ہے اور اس میں آپ کافی حد تک کامیاب بھی ہوئے ہیں کہ ٹریکس جو کہ کھنڈوں دیر سے آئی تھیں وہ اب بچے بچے وقت پر آنے لگی ہیں۔ ان سب باتوں کی خوشی ہے۔ اور آپ نے یہ بھی فرمایا ہے کہ باہر کے ملکوں میں آپ نے بڑے بڑے آرڈر دیئے ہیں۔

شری مہارویر تیلاگی: یہ برا کیا۔

مسٹر تجمل حسین: برا تو ہے مگر مجبوری تھی۔ اگر بنا سکتے تو ہندوستان میں بناتے مگر مجبور ہیں بنا نہیں سکتے۔ لیکن ہمیں یقین ہے کہ ایک وقت آئے گا کہ یہیں بنائیں گے اور ہم لوگوں کو دیں گے۔ یہ بھی وعدہ کیا ہے کہ سفری آرام اور دین گے۔ اور دیاوے میں جو بہت سی برائیاں ہوتی ہیں جنکو برائیری اور ٹریشن کہتے ہیں۔ اس کو آپ نے روکنے کی کوشش کی ہے کو پوری کامیابی نہیں ہوئی ہے۔ اسکی خوشی ہے کہ کچھ حد تک ضرر ہے۔ آپ نے اپنی تقریر میں یہ بھی فرمایا ہے کہ آپے ٹکٹ لیس ٹریول (ticketless travel) کو روکا ہے اور جو لوگ بلا ٹکٹ چلتے تھے ان کو

[مسٹر تجمل حسین]

پکڑا ہے - اس سے لاکھوں روپیہ کا فائدہ ہوا ہے - اور یہ اُمید ہے کہ اور روکیں گے - اس سے ثابت ہوتا ہے کہ ریلوے کا کام آسانی سے اور اچھی طرح سے چل رہا ہے اس میں شک نہیں کہ ریل کے تقسیم کی وجہ سے اور جنگ کی وجہ سے آپکو مصیبت تھی اور مسافر زیادہ چلنے لگے تھے اسکی وجہ سے ایک مسئلہ پیدا ہو گیا تھا - لیکن یہ سب باتیں اب دور ہو گئی ہیں - اور اس کا سہرا ہمارے منسٹر صاحب نے سر ہے - جب ہمارے لائق دوست منسٹر سندھانم منسٹر ہوئے تو انہوں نے ہم سب کو لکھا کہ دیکھو تم کو ہم secret سی - آئی - ڈی (C.I.D.) بتاتے ہیں - جہاں چاہو ریلوے کی برائی پکڑو - مجھے اس سے بڑی خوشی ہوئی - اس سے معلوم ہوتا ہے کہ جب آپ منسٹر ہوئے تو اسکا خیال بہت اُمید افزا تھا اور میں دعا کرتا ہوں کہ یہ خیال قائم رہے - لیکن کرسی عجیب چیز ہے - جب لوگ ہمارے ساتھ بیٹھتے ہیں تو ہمارا ساتھ دیتے ہیں - لیکن جب حکومت کی کرسی پر چلے جاتے ہیں تو ہمکو بھول جاتے ہیں -

وقت کم ہے اور باتیں سب ہندوستانی میں ختم کرنی ہیں - عادت پڑی ہوئی ہے اردو یا انگریزی بولنے کی اور اب ہندوستانی میں بولنا پڑیگا -
مولانا حسرت موہانی : کیا کوئی مجبور کر رہا ہے -

مسٹر تجمل حسین : ریلوے منسٹر صاحب نے کہا ہے کہ جو سربلس (surplus) ہوا ہے اس میں سے حکومت کو آدھا دے دیا جائے - یہ بات تو بہت اچھی ہے مگر حضور ! سوال تو یہ پیدا ہوتا ہے کہ اس سے مسافروں کو کیا فائدہ ہوتا ہے - یہ روپیہ کہاں سے آیا - یہ روپیہ صرف مسافروں سے آیا اور سب سے بڑی آمدنی جو ریلوے کی ہے وہ تھردز کلاس (third class) سے ہے - اس کلاس کو آپ نے کیا فائدہ پہنچایا ہے یہ ابھی تک سمجھ میں نہیں آیا ہے - اس میں شک نہیں کہ یہ روپیہ اس کرایہ سے آیا ہے جو کہ آپ نے پچھلے سال بڑھایا تھا - جس کا روپیہ ہے اسی کو آرام پہنچے یہ قاعدہ ہے - یہ روپیہ تو آپ نے ایک جیب سے نکالا اور دوسری جیب میں ڈال دیا - ریلوے منسٹر صاحب cabinet کورنمنٹ کے ایک جزو ہیں - وہ ایک ہاتھ سے دیتے ہیں اور دوسرے ہاتھ سے لیتے ہیں - اس سے ہم لوگوں کو کیا فائدہ ہوتا ہے -

مجھے بہت سی باتیں ضروری کہنا ہے - اب ہمارا وقت ختم ہو گیا - کت موشن کے وقت ہمیں کروٹا اور چند رائے بھی اسکے متعلق دینا کہ ذرا third class والوں کی حالت درست ہو جائے - ہمارے first class میں چلنے والوں کی شکایت یہ ہے کہ رات کے وقت foot board کے اوپر مسافر کھڑے ہو جاتے ہیں اور اسپر کھڑے کھڑے وہ چلتے ہیں آپ جانتے ہیں کہ یہ کتنی خراب بات ہے -

اب مجھے یہ بات عرض کرنا ہے جسمیں میں ذاتی طور پر دلچسپی رکھتا ہوں - کہ servant class کی یہ حالت ہے کہ servant class میں غیر نوکر آجائے ہیں نتیجہ یہ ہوتا ہے کہ اُسیں پھر servants نہیں جاسکتے - میں نے ہمیشہ کانپور اسٹیشن پر یہ ایسا ہوتے دیکھا ہے جب میں سفر کرتا ہوں اور اسٹیشن ماسٹر ار گارڈ سے کہتا ہوں کہ ان لوگوں کو کالئے تاکہ ہمارے servants اُسیں بیٹھ سکیں - لہذا آپکو اسے دور کرنا ہے - میرا وقت ختم ہو گیا ہے ورنہ میں رائے دیتا اب میں کٹموشن کے وقت اگر وقت ملا تو میں اسوقت اُس زبان میں کہوں گا جسے آپ آسانی سے سمجھیں گے -

(English translation of the above speech)

Mr. Tajamul Husain: I listened to-day to the speech, in very high-flown Hindi, of my learned friend, Seth Govind Das. I am not aware whether or not both of our honourable Ministers who hail from Madras have been able to follow his high-flown Hindi, because this high-flown Hindi contained high-flown Urdu as well. As for myself, I shall speak neither in Hindi nor in Urdu but in Hindustani, which means that it will be partly Hindi, partly Urdu and partly English. This is my first chance to be speaking in Hindustani.

When I listened to the speech of the honourable the Railway Minister I was pleased and pained at the same time, because it contained some good points as also some bad ones. The good points caused pleasure and for them I congratulate both the gentlemen. That he has shown a surplus of nine crores is a matter for jubilation no doubt. But, where has it come from, I will show when I present the painful aspect. It is again a matter for rejoicing that he has stated that no increase in railway fares is contemplated, although I should be urging later that the railway fares had been increased a great deal already and that now was an occasion for reducing them. Our learned Minister also observed that he had tackled the problem in such a manner that there was not going to be a strike any more, and there was in fact no strike. For this I certainly offer my congratulations, because a strike is a very harmful thing; it paralyses Government and leads to national disaster. Pardon me for an admixture of English words in my speech, but then the very meaning of Hindustani is this that it should contain partly Hindi, partly Urdu and partly English.

Mr. Deputy Speaker: Let it be English or Hindustani, so long as the car moves on.

Mr. Tajamul Husain: This again is a matter for rejoicing that trains, I mean locomotives, will also now be manufactured in our country. It is highly creditable that he has also held out the promise to provide special coaches for long journeys. He has made endeavours, and also succeeded therein to a great extent, so that trains which used to arrive hours late have now started coming in somewhat in time. All this is a matter for pleasure. He has also observed that he has placed big orders with firms in foreign countries.

Shri Mahavir Tyagi (U.P.: General): This was bad.

Mr. Tajamul Husain: Bad it is, but there was no help. If they could they would manufacture them in India, but they are helpless because they cannot manufacture them. But we are confident that a time will come when they would manufacture them here and provide them for us. He has also promised that more travel comfort will be provided. Besides, he has made efforts to check the various evils of the Railway (Department) known as bribery and corruption, even though complete success has not been achieved. It is a matter for pleasure that the check has been effective to a certain extent. He has also

[Mr. Tajamul Husain]

mentioned in the course of his speech that he has checked ticket-less travel and caused those travelling without tickets to be caught. This has meant a gain of lakhs of rupees. It is expected this (check) would be pressed further. This proves that the administration of the railways is being carried on smoothly and satisfactorily. There is no doubt he was faced with difficulties because of the partition of the railways and the War. There was a great rise in the number of the travelling people and this had given rise to a problem. All this is, however, over now and the credit for this is due to our Honourable Minister. When my learned friend, Mr. Santhanam, became Minister he wrote to all of us, "We appoint you as a secret C.I.D., so that you might detect evils of the railway administration wherever you choose to." I was delighted by this. From this it appears that when he became a Minister his mentality was hope-inspiring. I pray he might retain this mentality. But, the chair (of office) is a wonderful thing. When people sit with us they side with us but when they go over to the chair of office they forget us.

Time is short and all the things are to be said in Hindustani. One is in the habit of speaking in Urdu or English but now one should have to speak in Hindustani.

Maulana Hasrat Mohani: Does anyone force you to do so?

Mr. Tajamul Husain: The Railway Minister has stated that out of the surplus contribution should be made to the general revenues. This is a very good idea, but, Sir, the question arises what do the travelling public gain thereby. Where has this money come from? This money has come only from the travelling public. The biggest income of the Railway accrues from the "Third Class." What benefit have you given to this class, I have failed to understand so far. There is no doubt that this money has resulted from the increase in fares which you effected last year. The rule is that he whose money it is should have the comforts. This money you have taken out of one pocket and put into another. The Railway Minister is a part and parcel of the Government. What he gives with one hand he takes away with the other. What do we people gain thereby? I have to say a lot of important things. My time is up now, so I will do it at the time of the cut motion. I shall also make a few suggestions with a view to the improvement of the lot of the Third Class passengers. Our First Class passengers complain that at night passengers stand on foot-boards and travel while so perched. You understand how wrong this is.

Now I have to say something in which I am personally interested. The condition of the 'Servants Class' is such that the 'non-servants' get into it with the result that the servants can no longer get in. I have always seen this happening at the Kanpur Station. When I travel I ask the station master and the guard to eject these people (from there) so that our servants might be able to get in. You have accordingly to remedy this. My time is over otherwise I would have given my suggestion. Now, I will do so at the time of the cut motion, if I get the opportunity, and in the language which you will follow easily.

Shri Harihar Nath Shastri (U.P.: General): In the few minutes that are at my disposal, I propose to confine myself to express the labour viewpoint on the Railway Budget.

I should like first of all, to deal with the appeal the honourable Minister made to labour leaders to unite in a common organisation and to confine its activities to the realisation of essentially trade union objectives. Even at the risk of being mistaken to indulge in self-exaltation, I may submit, Sir, that during the last 24 years since I joined the trade union movement, I stood and strove for trade union unity. It was in the year 1935, while I was the President of the All-India Trade Union Congress, that at my initiative and instance the Communists were admitted into the fold of the All-India Trade Union

Congress. But my long and bitter experience led me ultimately to the conclusion that a lasting unity was not realizable unless there was homogeneity in outlook regarding the objective and methods of work. This explains why we parted company with the Communists when, due to sharp ideological differences, it became impossible for us to work with them on a common platform.

Coming now to the Socialist Party, theoretically speaking, there is no appreciable difference between the Socialist Party and those of us who owe allegiance to the Indian National Trade Union Congress.

Maulana Hasrat Mohani: It is a National Socialist Party, I suggest.

Shri Harihar Nath Shastri: As I said, there is no appreciable difference between the Socialist Party and those of us in the Indian National Trade Union Congress. The Socialists too swear by truth and non-violence as instruments in furtherance of the trade union objectives. We have, however, noted with regret that in actual practice they have, particularly after seceding from the Indian National Congress, indulged in the same tactics that the Communists have been pursuing much to the detriment of the working class and the country as a whole. It has been my honest conviction that a conflict in the theoretical stand of the Socialist Party on the one hand and pursuit of a wrong and suicidal policy on the other resulted from political considerations, the details of which it would serve no useful purpose to discuss at this moment. As long as such considerations dominate their policy in the trade union movement, there could be no unity.

So far as Shri Jai Parkash is concerned, and certain other leaders of the Socialist Party, I have great esteem for them. For years I had the privilege of working with them and in fact it was the most painful period in my life when the call of conscience compelled me to part company with them. Even now, none will be happier than myself if it were possible that circumstances should so shape themselves that we could work together. But to me it seems that trade union unity is inseparably linked up at the present juncture with the broader national unity and if leaders of the Socialist Party realise the gravity of the explosive situation in the country, and if, in view of the present emergency, they subordinate their petty party interests to the larger national interests and merge themselves with the great national organisation in furtherance of a common goal, trade union unity can be achieved without the slightest difficulty.

Now I come to some actual problems of railway workers. In the course of the Budget Speech, the Honourable the Minister of Railways referred to the recent increase in dearness allowance. Sir, the recent announcement made by the Government in regard to dearness allowance is no doubt a clear proof of the earnest desire to relieve the hardships that the railway workers and other Government employees in this country are subjected to, due to rise in prices. Actually, however, it has given them very meagre relief as the increase in dearness allowance is still lagging much behind the excessive rise in prices. It is hardly an appropriate occasion to deal with the causes that have brought about the present economic crisis, nor shall I discuss ways and means to meet the situation. But I am convinced that no amount of dearness allowance can give any tangible relief to the working class or to the people as a whole unless and until steps are taken to bring down the prices to a much lower level, and in no case higher than about 150 above the pre-war level.

The second point referred to in the speech of the Honourable Minister is the Central Pay Commission scales of pay. The way in which these recommendations have been interpreted and implemented have given rise to innumerable anomalies and at the same time caused deep discontent among railway employees. As an illustration I will give only a few instances. There is

[Shri Harihar Nath Shastri]

quite a large number of persons employed in various Railways as ministerial staff who have to perform duties of a specialised nature; they have to prepare notes and to draft replies that require a thorough knowledge of the rules and regulations of the Railways. Now, these people have, without justifications and in a most arbitrary fashion, been put under a class termed as "routine clerks" with a much smaller salary than the commercial clerks. Then there are the store distributors. Their pay of post-1931 scale was Rs. 65. The Central Pay Commission recommended them a grade of Rs. 150 going up to Rs. 225, but the Administration has reduced even the existing pay by 16 per cent. Another important category of workers is that of travelling ticket staff. The Commission recommended only one scale of pay for them from Rs. 100 to 185. The Railway Board has split them into two grades and put the lower grade on a scale of Rs. 60 to 150. Another gross injustice has been done to this class by excluding them from the running staff, although the Central Pay Commission accepted them as belonging to running staff. The grades of guards have been multiplied without any justification. Besides, calculation of running allowances on the basis of new rules will give much lower total emoluments than hitherto earned by them. These furnish only a few instances out of the many that clearly prove that the recommendations of the Commission and the manner in which they have been implemented call for immediate examination with a view to removing the anomalies.

I am thankful to the honourable Minister for his assurance to deal justly and even generously with labour. I would invite his attention particularly to one question that has repeatedly been brought to the notice of the Government, namely, the security of service. It is really strange that whereas on the one hand at the instance of Government—Central and Provincial—suitable standing orders have been framed in regard to the security of service for private enterprise, today so far as the Railways are concerned, Section 3(e) of the Service Agreement still holds good wherein it is provided that the administration has full power and authority at any time, for any reason that it may consider sufficient to suspend or dismiss or remove from service without previous notice or otherwise punish the railway servant according to the rules of the service in which he is for the time being employed. Now, Sir, last year with the kind permission of the Honourable Speaker I referred to this question in the course of my speech on the Railway Budget. Since then, I have received a number of complaints in which the railway employees have been sacked without sufficient justification. The time at my disposal being limited, I would not now place those cases before you. I would simply repeat what I said last year that as long as this state of affairs continues, it is bound seriously to jeopardize the efficiency of the staff and hamper the growth of cordial relations between the employees and the administration. Some years back, an undertaking was given on the floor of this House, perhaps in the year 1942, that an appellate authority would be constituted. My own view and that of the National Railway Worker's Federation is that standing zonal Tribunals with equal representatives of the administration and the staff with an independent chairman should be set up to decide all cases of removal from service and other disciplinary measures.

There is just one other matter to which I would refer. The British evolved a system of appointment and promotion with one main background that the raw youth drawn from England.....

Shri H. V. Kamath (C.P. and Berar: General): On a point of order. May we take this as a precedent for the future, that we would be permitted to read from manuscript?

Shri L. Krishnaswami Bharathi (Madras: General): He is referring from copious notes. He is not reading.

Shri Harihar Nath Shastri: These are only some of the points.

Mr. Deputy Speaker: I am sure the honourable Member would be more interested in the number of points the honourable Member is making than in mere eloquence in this House. He is referring to his notes. There is no point of order in this. Any honourable Member can make notes and refer to them and even read some extracts if that is necessary, because statements of such important persons would be studied with care.

Shri Harihar Nath Shastri: The British evolved a system of appointments and promotions with one main background that the youth drawn from England should benefit at the cost of Indian staff. The Assistant Station Masters and Station Masters, who were Indians, were superseded in matters of promotion by junior and less qualified British personnel drawn from other categories. In this connection, I would refer to another pernicious principle. It is the practice in the major part of the railway system that when a member of the subordinate service cadre is appointed to fill the vacancy of a junior scale (class I) post in the superior revenue establishment of the Railway, he is classified as L.G.S. or Class II and is debarred from the pay and status which a directly recruited member enjoys. This discrimination has had no basis and it has been a source of acute discontent in the services. The Chief Commissioner of Railways in course of his evidence before the Pay Commission expressed his opinion in favour of amalgamation of the two cadres and the Pay Commission also favoured the same view. But I still find that these separate categories continue and I would most earnestly urge on the Government to take up this question and come to an early decision on this matter.

Sir, I have concluded. It is too well known to you to require repetition that the Indian National Trade Union Congress and the National Railway Workers' Federation, while firmly standing for fair deal to labour, has done their best to infuse a sense of discipline and responsibility among the workers and to keep them aloof from the path that was fraught with grave consequences to labour and to the community as a whole. I do not propose to take any credit for what has ultimately come out. We have only done our duty to the working class in spite of serious handicaps in our way from various directions and we assure you, we would persist with our policy, as long as we are satisfied that it serves the cause of the railway workers of this country. My esteemed friend Mr. B. Das has laid emphasis on increased production. There could be no two opinions on that point. I should however respectfully warn the House against the habit—which has become a fashion—to criticise in season and out of season the railway staff. Since the advent of freedom, there is increasing and marked realisation among the staff of their sense of duty to their work and if instead of criticising them, you deal with them with sympathy and appreciation, it will create increased satisfaction among the staff and also result in greater efficiency.

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

*The Assembly re-assembled after Lunch at Half Past Two of the Clock.
Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.*

Kazi Syed Karimuddin (C. P. and Berar: Muslim): I congratulate the Minister in charge of Railways for presenting a Budget which is a straightforward statement of facts and figures with mathematical accuracy. There is neither and new thing in it nor is there any hope for expansion of the railways with a view to have ultimate industrial development of the country.

[Kazi Syed Karimuddin]

Shri B. Das stated that he very well appreciated the contribution made by the Railways to the General revenue to the extent of seven crores of rupees. I entirely disagree with this point of view. My submission is that the question will have to be decided whether the Railways are a public utility service or a commercial concern. This is not a new matter. It is being debated from year to year and yet the Government of India have not decided their policy as to whether it should be treated as a public utility concern or as a commercial concern. The result is that, whenever there is a deficit in the General Budget, more and more sums are being appropriated from the Railways to the General Budget and the same thing has happened this year. Originally, from 1924, the system was to appropriate one per cent. or one-fifth of the surplus. But last year the appropriation was about four crores and it is going to be about seven crores this year. This is due to the influence of the Finance Department over the Railways to the detriment of railway development and expansion in the country. The result is that since 1924, 221 crores of rupees have been given for General Revenues and there has been no great improvement either in the expansion of the railways or in the repairs thereof.

Another thing in this connection is that I do not really understand as to why the Railways are heavily indebted and why the rate of interest that is being charged is about 3.20 per cent. These debts are not being wiped out and at the same time contributions to the General Revenues are being paid. For these debts a high rate of interest is being paid by the Railways out of these public utility concerns. Still the contribution is being given to the General Revenue Fund. Therefore I very seriously object to this. This is a national service or a nationalised industry which has to be developed and which is not to be crippled or damaged, because there is a deficit in the General Budget of the country.

It is said that it is not necessary to have more reserve funds than the six crores which are at present there. It has been the opinion of experts and of the Ministers concerned in the past that fifty crores ought to be the amount in the Reserve Fund for the stable running of the railways in India. If this nationalised industry is not financed properly, if reserve funds are not maintained at a sufficiently high level, then there is no hope of its expansion in the near future.

Another point I wish to submit is that the food grains organisation ought to be closed down. The Honourable Minister of State for Railways, Mr. Santhanam, has clearly stated in his report that this organisation is open to great dissatisfaction among the workers and has brought to light abuses regarding procurement, inspection and distribution of food grains. When such serious things are happening in the grain shops, it is necessary to stop this system of grain shops. We have opened these shops for the benefit of the workers and if the workers are dissatisfied, they should not be continued merely because, as stated in the report, it is necessary to avoid bitterness between labour and the Railway authorities. Why is this face saving device in such circumstances? If it is to the detriment of the worker and if you can give him compensation in another form; why should this system of having grain shops continue, especially when you yourself think that it is open to grave abuses? Therefore this organisation must be stopped and not continue merely to placate a minority of labour.

In the speech introducing the Railway Budget, there is reference to corruption and inefficiency of the railway workers. In the report submitted by Pandit Hirday Nath Kunzru and his colleagues it has been clearly stated that there has been slackening of discipline and deterioration of morale. Why should it be so after 15th August 1947? The country has been liberated. The workers should have the responsibility as citizens of India. If not, our Government should have enforced greater rigidity in discipline and avoided

corruption. The House will be surprised to know that in the last year 131 cases of corruption were investigated. My submission is that the railways should be very strict about this and the Anti-Corruption Department should be asked to be vigilant.

The last but not the least important question is the problem of labour. The House must be satisfied with the way in which the Minister for Railways has handled this question. His handling of this question is most satisfactory. My submission is that under the present circumstances of the country, the attitude they have adopted is the proper attitude and we must unequivocally express confidence in them and warn the workers from the floor of this House that any demands which are not in keeping with the economy of the country and with the funds at our disposal will ruin the country commercially and industrially. We must also warn them that the movement for nationalisation of industries depends greatly on the proper working of the railways and that, if in any case there is a strike and industry and commerce are paralysed, the movement for nationalisation is bound to be retarded. Moreover, the speech delivered by the Minister in charge of the Railways shows that whatever could be given has been given and the fact that the authorities are prepared to have negotiations on other matters is, in my opinion, satisfactory. I must also warn from the floor of the House that from the speech of Shri Jaiprakash Narain it is clear that there are many in the labour organisation who are out to create chaos and paralyse the Government rather than secure better conditions for labour. I am one of those in this House who is a great supporter of labour, but that cannot be at the cost of the efficiency of the Railways and that cannot be at the cost of paralysing of the Government. Therefore, this is the occasion to tell labour outside from the floor of this House that the House is unanimous in expressing confidence in the Railway Ministry's policy, regarding labour. Therefore, I have got two suggestions to make in this connection and in regard to the workers: you should have a Committee or a Tribunal in regard to the disciplinary punishments and wrongful supersessions, about which there is great discontent among the workers regarding these two things, that the very officers who deal with the cases, they make a recommendation for disciplinary action. There must be independent tribunals dealing with questions of supersessions and wrongful punishments.

Then in regard to the workers, I have a suggestion to make and that is that there should be a joint standing machinery for settlement of disputes, on which the labour representatives should also be taken. If these two things are guaranteed, as in Australia, my submission is that with the co-operation of the workers who are genuine agitators but not belonging to those who want to paralyse the Government, labour would be satisfied.

There is one point which I wish to say about the amenities of the third-class passenger. Every year, we listen to the speeches of the Railway Ministers as well as those who are in charge of this Department, that they are doing all that is humanly possible for the improvement of the conditions of the third-class passengers and their amenities, but it is a dream which is unfulfilled. Now the highest amount that accrues to the revenues is from the third-class passengers and the least that is done is for the third-class passengers. There is a very good suggestion, which I wish to make, i.e., that the Railway Minister and also the State Minister for Railways should travel in the third-class, and particularly in those compartments where there is overcrowding and they should not inform the Railway workers that they are travelling; otherwise, the compartment will be unloaded and people will be removed from there. Unless this is done and unless they go at least once or twice in a year in a third-class compartment, they would not know to what great inconvenience the people are being put to. Of course, the Honourable Mr. Santhanam, before he became a Minister, knew and he was the man who was really doing

[Kazi Syed Karimuddin]

a lot for the third-class passengers, and I am confident that now that he has become a Minister, he would do the same for the comforts of third-class passengers.

Therefore, my submission is that this is not a budget which can be said to be progressive. This is a frank and straightforward statement of facts and figures only. Next time we will have a budget which will be based on progressive schemes and expansion of the railways with a view to the ultimate expansion of our industries.

Shri Moturi Satyanarayana (Madras: General): I should have followed my honourable friend, Seth Govind Das, in making my observations in Hindustani or my honourable friend, Mr. Tajamul Husain. Seth Govind Das drew his inspiration for talking in Hindustani from a signature that he had seen of the Honourable Minister for Railways. Probably he mistook the signature in Sanskrit for Hindustani. I cannot persuade myself into the belief that I can place my views before the Minister for Transport with any intelligibility as Seth Govind Das did. Therefore, I choose the medium which is understood by the two Ministers before whom I want to place my views. I should have spoken probably in Tamil, which is our regional language, but it is impossible for me to make the Tamil speech understood by the other honourable members. Therefore, it is regrettable for me that I should speak only in English.

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport): I do not mind Telegu.

Shri Moturi Satyanarayana: Well, Telegu is equally difficult for others. I was listening to the speech delivered by the Minister for Transport with very great attention and devotion in order to find out how he has been able to place before us any improvement or progress. I must state that I have been very much disappointed, but I must say that I was very much encouraged by the tone that he had introduced in the speech in order to keep the nerves of the members very cool and raised very great hopes in our hearts that something better is going to happen during the year. I do not know, what is going to happen; it has actually to be seen, because my disappointment is that we consider these railways are the utility concerns, service concerns, and great national institutions for the purpose of keeping the whole nation healthy and keeping away the famines and keeping away the accidents and keeping away any kind of difficulties, we are likely to be confronted with. These institutions today, I see, are being considered as commercial institutions and voluminous and phenomenal figures are produced by way of crores and lakhs and millions of rupees showing that these railways have earned 200 crores of rupees and the expenditure is 179 crores of rupees. In this way the phenomenal figures are produced. Are the figures good for us? What exactly is the quantity of service these railways are rendering for the country? If we just look into this matter, I feel very much disappointed. The railways also are contributing a good deal to the inflation of this country. It is said that the railways are not contributing to the inflation and that railways are acting as deflationary institutions. Now, take for instance, we get Rs. 210 crores of rupees on income on these railways out of which half is drawn through goods traffic. The Railways charge according to various classifications and these charges they make on what? On raw materials, on food-grains, on various types of goods that are distributed throughout India from place to place. According to these classifications there are certain charges made and the more charges you make, the more prices grow and the more prices grow, more charges are made. Therefore, it must be the first duty which the Railways ought to consider that the prices of any food-stuff, the price of important articles are not at all inflated.

It may be said, Sir that classifications are made generally to see whether any industry can bear a particular freight or not, whether an industry should have a better subsidy or better consideration. All these considerations are made, but we must also see whether all these freights that are now made for the purpose, which are the inevitable consequences of increasing prices are properly justifiable or not. If we have a consideration for fixing up these prices, probably the inflationary tendencies also will decrease and there is a further inflation with more you earn; you show figures in the railway income, but there are more accidents. It is because when there is so much of income, every railway employee feels as the railway is considered to be a commercial concern, he must get a lump of money from it; he must get as much as possible, because the railways are earning. They are not earning money; they are performing certain duties and functions. These functions are part and parcel of the Government. The Government are for the people and therefore, whatever is earned, it is for the people and not for the railway employees. Therefore, the Railway budget should be so adjusted so that all the income that the railway is likely to earn, the portion which is considered surplus, instead of being handed over to the Finance Department, should be made use of for the purpose of bringing down the charges, to bring down the charges within the capacity of the people, so that the railway may become a national service and a national institution. This is a very important point that I want to urge before the House.

When I look at the figures, I find that the expense ratio is very high. I am not very competent to state whether the expense ratio can be reduced or not. Probably, there are very competent financiers, accountants, administrators who must be looking into every pie that is being spent and they must also be trying to avoid as much waste as possible. But, with all that, when we look at the figures, we do not feel encouraged that this expense ratio is really necessary. It must be reduced and there are many items in which economy could be effected. There is an item called 'Miscellaneous'. I have not been able to understand what this 'Miscellaneous' means. It is a mystifying thing and it consumes nearly about 25 per cent. of the whole expenses. I do not know if this huge miscellaneous expenditure could not be avoided. If it could not be avoided, it must be properly scrutinised and every possible reduction should be effected.

It is said that these railways have got three sections in their finances. First, is the depreciation fund. They have built this up to the extent of ninety crores. This depreciation fund is said to be useful for the purpose of replacement of certain machinery when it gets out of use. But, this amount of ninety crores is for a capital charge of 678 crores. I am not competent to pronounce an opinion as a lay man. But many people who have got a just attachment for money and economy say that that it is too much to place at the disposal of the depreciation fund so much money as at present. If possible, this depreciation fund must be reduced and the money that is available as a surplus should be utilised for the purpose of bringing down the charges and to give better service to the people. It may be asked, if this depreciation fund is dissolved, what will you do? What will you do with the ninety crores of depreciation fund? Are you not adding this year ten crores? If you go on adding like this to the depreciation fund one-sixtieth of the capital at charge, then this will get further accumulated and you will have 150 crores. That will be a huge sum which the railways may not be able to spend. The more you work, the more you earn and you set apart a larger amount. If, therefore, it is considered to be an additional

[Shri Moturi Satyanarayana]

asset, it must be utilised for the betterment of the goods traffic, for the betterment of the industries and betterment of the passenger traffic.

There are one or two points which I would like to touch upon before I sit down, because the time at my disposal is very short. It is the common experience of every member, every citizen in this country that third class travelling is every day becoming more and more difficult and some people complain it is a hell. Anybody over forty, cannot get into a third class compartment. Only people who are good wrestlers, who can wrestle with others, who have got the dashing and daring spirit, who would not mind any inconvenience, who are prepared to quarrel, who are prepared to squeeze themselves somewhere near about the gate, or near about the door or near about the latrine can alone get into it. Yesterday, I was reading a newspaper where it is said that nearly seventeen people lost their lives in third class travelling. There is not only over-crowding inside the compartment; there is over-crowding outside the compartment. On account of over-crowding outside the compartment, people travelling on the foot boards, nearly seventeen of them lost their lives. I cannot imagine how this can happen. If there had been over-crowding of this nature, the train should have been stopped by the railway authorities and it should not have been allowed to move an inch. There are several such instances. If that is the case, I do not think that we can congratulate ourselves on the running of the railways. Probably on account of this we may increase the death roll and I do not know what will be the consequences of increasing the death roll like this.

It is said that the railway employees are very much hardpressed on account of the inflation and increase in the cost of living. A number of things are done for them and I hope that the present Minister for Railways will be able to do much better because nearly four-fifths out of the betterment fund will be available to the railway employees and only one-fifth to the third class passengers. There is also a good deal of other money. But, what exactly is going to be done? If you give more dearness allowances, more salaries, more emoluments, probably, all that would be spent away. I do not know what arrangements railways have got for the purpose of protecting the daughters and sons of the railway employees who are supposed to be low paid. I do not know whether the Government have got any kind of scheme to have a kind of compulsory insurance for the railway employees. It is said that there are nearly eight lakhs of railway employees throughout India. There are thousands of people who get forty Rupees or fifty Rupees a month. Their salary was Rs. 14 and 15 and recently it has been raised to Rs. 50 and 60. I do not know what they are going to save. Therefore, I would very much like that there should be some compulsory insurance for all the railway employees. This will not only help the railway employees, but the railway will get by way of premium a large amount of money which could be utilised for the betterment of railway passenger amenities and for many other useful purposes. Therefore, I would like to express my view strongly in favour of compulsory insurance for all railway employees.

I was recently associating myself with a railway union. There is a constant complaint that the superior officers in the railways do not treat kindly the inferior officers. This is perhaps a legacy that has been handed over to the railway officers by their previous masters. This officialdom of the old type must now go. They must be shown all courtesy, civility, gentility. I am very happy to find today one who is very well known for his gentility, urbanity, cordiality, greatness and nobility, occupying the place of Railway Minister. He is very well known throughout India for his great culture. My own feeling is this. I had the honour of associating myself

with him in certain activities and I had also the honour of running three or four special trains when Mahatma Gandhi visited South India last time. My own experience at that time was that the railway officials are the best disciplined people, very gentle people, civil, very nice people. My own feeling is because Mahatma Gandhi was there, they all responded so well to his greatness. In the same way, if the highest official in the railway behaved in the same fashion, with the same amount of gentility, urbanity, with the same amount of kindness and cordiality, it is bound to produce the same results. Therefore, I want the railway officials to take a lesson from the Railway Minister and try to emulate his example and remove this stigma that they are unkind towards their subordinate.

One more word, Sir, with your permission. A good deal has been said about the third class passengers. I want to just give a small quotation from a speech of one of the illustrious members of this House who is very well known for his integrity and observation, for his capacity and hard work, for his greatness and lucidity of expression. This is what he says. "It is a fashion for railway officials to....."

Mr. Speaker: The honourable Member need not read these long quotations.

Shri Moturi Satyanarayana: I was just quoting an interesting passage.

Mr. Speaker: No time now.

Shri Moturi Satyanarayana: This is no other person than our friend, the State Minister, Mr. Santhanam and he has expressed his views and I hope that he will try to fulfil the promise that he has made.

Srijut Rohini Kumar Chaudhuri (Assam: General): My honourable predecessor, that is my friend, Shri Moturi Satyanarayana, has paid a high compliment to the Honourable Minister in charge of Railways. He has spoken about his large-heartedness, his culture and all that. So far as I am concerned I had always kept aloof from him because of his stern and grim attitude. But, Sir, I shall be failing in my duty if I did not apart from the members of this House who seem to have been rather ungrateful in their speeches which had preceded mine, thank him most cordially for the tea which he gave on the afternoon when he presented the railway budget. But for that invigorating tea many of the honourable members would have collapsed before the end of the budget speech!

In this connection I should like to draw the attention of the Honourable Railway Minister to the great injury which has been done to his Catering Department on the railways by the unkind references which some honourable members made to tea at the time of discussing the Tea Committee Bill. If you could only divide the persons of this House into two classes—tea drinkers and non-tea drinkers—what would you find? My honourable friend, Mr. Biswanath Das, who has never taken tea, against my honourable friend, Mr. Lakshminarayan Sahu who is an inveterate drinker of tea: and Mr. Nandkishore Das who has never touched tea pitted against Mr. B. Das. That is the difference between the tea-drinkers and the non-tea drinkers. It is prejudice to say that the drinking of tea spoils one's health. It rather improves it. That is why I say it is a very healthy tradition that more and more encouragement is being given to the tea caterers and the hawkers of tea. These poor fellows, the hawkers of tea, do yeomen service to the public in the sense that if instead of tea they drank cold milk, or cold water, which is sometimes of very doubtful origin, there would be greater fear of epidemics and greater fear of persons dying of various diseases.

The Honourable Shri N. Gopalaswami Ayyangar: Tea is an Assam product!

650

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [18TH FEB. 1949]

Shri M. Ananthasayanam Ayyangar (Madras: General): It is propaganda for tea!

Srijut Rohini Kumar Chaudhuri: I am speaking of the Catering Department! My honourable friend, the Minister in charge of the railways had said that, "it is not my purpose, however to read out anything like a fairy tale." That is how he began. But when he ended: "That brings me to the end of my story this afternoon." So all that he has said between the first and the last pages is nothing but a story and should be treated as a story.

My honourable friend, the Railway Minister, I am afraid, has no family and he has no grand-children. If he had grand-children he would have known that fairy tales are always referred to as stories. If he could not tell a fairy tale in his speech, I can tell actual facts which will sound like fairy tales in this part of the country. I am narrating facts on my own railway, which will sound like fairy tales in this part of the country, and that fairy tale has been kept alive from time to time, from year to year by the Railway Members and the Railway Ministers. My honourable friend, sitting in front of me, I refer to Begum Sahiba, was rather indignant the other day for the use of the words T. B. Railway. It is not the railway itself, nor any of the employees nor the passengers that are effected by that foul disease! "T" stands for Tejjur and "B" stands for Balipara: that is the Tejjur-Balipara railway. I would invite the honourable members who can afford to risk their lives to some extent to come and board a train on the T. B. Railway. I do not know why it has been kept open by the Government. That train has an accident when it collides with a straying goat. That is true. There is no fencing and the goats and bullocks can stray on to the railway lines. That train need not wait for a coming bullock. A fair-sized goat is quite enough to tumble down that train. No ticketless travelling is allowed on that train because very few passengers travel by that train but a passenger has to undergo a certain kind of forced labour of which my friend Mr. Sidhva has always complained. When you go up to three miles from Tejjur, there is a place called Hazrapura. You have to get down and push the train, unless you want to wait there for hours! You have to get down and push the train from the back. This is not a fairy tale. This is an actual fact which will be supported by my friend on the right, who was at one time the Deputy Commissioner of that District. Therefore I have from time to time brought this matter to the notice of the honourable Minister and I have asked him to scrap that railway. They say that it cannot be done because there is a contract up to the year 1952. So for another two years we have to suffer from this railway!

Recently they started another kind of mischief. They started teasing the labourers. They took the ration from Government but they did not give it to the labourers. They did not recognise the labour union and when pressure was put on them by the honourable Minister in charge of the Labour Department they said that they would stop the railway. That frightened the railway authorities and no action was taken. I would most humbly tell the honourable Minister that there is nothing to be frightened by their threat of stopping the trains. It would be a relief. I would suggest to the Minister that he should start railway buses. They used to do that during the war and carry passengers. Why cannot this be done in the case of the T. B. Railway. I hope the Minister will take a serious view and do something for the sake of humanity.

Shri B. Das: Why do you not invite the honourable Minister to visit your province?

Srijut Rohini Kumar Chaudhuri: I have not the hardihood to invite the honourable Minister in charge of the railways to my province. I think I

can request the Minister of State Mr. Santhanam to visit the railway. Mr. Santhanam had the courage to come to Assam once. He had visited the different towns of Assam once and he had returned back unscathed. Therefore he will have the courage to visit Assam once again and see things for himself. If he comes he will find that in the government railway trains there is no light in the lavatory. He will have to take a specially powerful torch to travel in that train. Perhaps if he travels in the mail train or in his saloon he will have lights in his compartments but so far as passenger trains are concerned there is absolutely no lighting arrangement. Also there is no water in the lavatory or water closet. But that need not daunt my honourable friend Mr. Santhanam. Perhaps he has other devices. Sir, as you have said at one time, I have said enough for my province that it would frighten any distinguished gentleman from visiting the Province. So I should not like to dilate further on railway travel conditions in Assam.

I have a few specific suggestions to make. When we go back to Assam we have to make the journey through East Pakistan. There should be some arrangement, as I have suggested from time to time to depute our officers at Parbatipur station to see that our passengers are properly treated in the way that you treat Pakistan passengers in India. We ought to get reciprocity from the Pakistan Government. Even in the upper classes passengers are put in beyond the capacity of the compartments. As regards the third class passengers the less we say the better. The example of Pakistan is so contagious that even after you pass through Pakistan and come to Assam in India no attempt is made to increase the number of compartments. You have to wait for a number of hours for the checking of the passports. There you can very easily put in extra compartments and relieve the passengers who had already undergone 12 to 15 hours of travelling hardship.

There is one important point which I would like to mention, and that is about the carrying of passengers on the roof of trains. I have actually seen it myself. I can tell you that they are not ticketless travellers. They are persons with tickets but who could not find accommodation in the ordinary compartments. There is no justification for such travel from the starting station. I have seen it even at the starting stations, where the police on duty could have properly checked and got the people down from the roofs. I have drawn the notice of the local authorities to this matter but nothing has been done to stop it. It is a very hazardous thing to do and I hope the honourable Minister will issue strict instructions that no passenger should be allowed to travel on the roof of trains. This practice prevails not only in Assam but I am told also on the O. T. Railway.

As regards the staff I want to say a few words. It is indeed very graceful of the honourable Minister to say that this year there will be no increase of fares and freights. That is good so far as it goes. But I say if you want to have honesty in your staff you should pay them more attention. How can the clerk who draws Rs. 60 make both ends meet. His accommodation is neglected. Many officers of the railway who have come from Western Pakistan and Eastern Pakistan have been given no accommodation. They have been for a long time living in goods wagons with their wives and children and even now proper arrangements have not been made to accom-

[Srijut Rohini Kumar Chaudhuri]

modate them. They are living anywhere and everywhere. Government has not built for them quarters and attention ought to be given to them. There are other points, Sir, which I would like to mention but as there is no time I have done.

Shri Biswanath Das (Orissa: General): I rise to thank my honourable friend the Minister for Railways and also the Minister of State for the reason that I know that by their being in the Ministry, the Ministry gets the benefit both of experience and ideology. I have known my honourable friend Shri Gopalaswami Ayyangar ever since he was a distinguished officer under the Government of Madras. He had made his mark in Madras and elsewhere and I have reason to think that he would do the same here. Mr. Santhanam is also a man for whom I have had admiration and therefore a combination of these two friends, I hope, will make a very great change towards improvement. The period that they have had at their disposal has been very small to effect any important or major change in the administration. Under the circumstances let me hope that the benefits of their experience and ideology will give us all that we want in the next budget.

Having stated so much, let me plainly and flatly tell them that I am not at all satisfied with the budget that has been presented to us. If I have congratulated them I did so for their past acts and for the fact that there has already been a departure from the old state of things. My honourable friend Mr. Gopalaswami Ayyangar's admission about the Betterment Fund is a major change in the approach to things. Having stated all this, let me state my objections.

A separate budget has been called upon to be presented in the hope, I take it, that the Ministry will have the benefit of our comments and criticisms of the administration and the handling of the railway finances. If that were so I do not think our criticism will be of any use. Let me state the facts. The introduction of the budget was done on the 16th evening. After 30 or 40 hours we are called upon to discuss the budget and then after two days we have to go on with the voting of demands. How on earth can we go through the volume of papers supplied to us. It will take some time for us to understand the facts contained in the huge volume of papers.

It therefore takes my breath away to see that my honourable friends either think that we have to run from the Himalayas to Peru, ploughing the sands or that our help is of little avail. Let me hope from next year some change will be effected in this regard so that the Budget will be presented in due time to enable the honourable members of this House to go through the papers and offer, need I say, their valuable, useful and brotherly suggestions to them as lie in their power.

I do not feel satisfied that the contribution that the general revenues have got from the administration of Railways is fair and just to the ordinary taxpayer. Our memories are not short. We have levied last year the heaviest, need I say, taxation or fare fixation by enhancing the railway fares and freights and all these without having corresponding benefits to the travelling public or amenities for the railway passengers. We naturally expected a better and bigger contribution than the one that has been presented. Though in name net profit is Rs. 15 crores in reality it is not so. It is only Rs. 7 and odd crores because the rest of it goes to the Betterment Fund and some other contributions which are, really speaking, the proper and legitimate purposes for which the Railway administration ought to contribute.

Having stated so far, I come to a statement which emanated from my friend Mr. Karimuddeen that it is a utility concern. The railway is not merely a utility concern. It is both a utility and a commercial concern. Under the circumstances I have a right to expect that not only utility activities will have to be undertaken by our Railways but also the commercial aspects of it should not be lost sight of. I, as a taxpayer and as a representative of the general taxpayer, do expect a good and substantial contribution from the working of the Railways. Under the old dispensation in undivided India we had invested over Rs. 800 crores on railways. I do not know what the figure is today in a divided India. You have allowed 6 per cent dividend in ordinary investments. Let it not be so much, but let there be a substantial contribution. Especially this year I expected as was stated a larger contribution than what has been shown. I therefore appeal to the Ministry and to my honourable friends to see that greater economy is effected in the general administration of the railways, that more amenities are afforded to the travelling public and that a substantial contribution is made to the general revenues.

Having stated so far about the finances of Railways I come to the useful purpose that a utility concern has to serve in this country. Agriculture is the biggest industry in India. What help is the Railway affording to this industry? As an agriculturist and as a representative of agriculturists all along my life I have found under the old set-up that our railways were more a hindrance to agriculture than help. Now conditions must change. It is a well known fact that railways are affording help to agriculturists in England, Australia and in other countries. Conditions must change here and I indicate the way. I think the time has come when you must give topmost priority to the needs of agriculture. What are the utmost needs of agriculture? Topmost priority has to be given for transporting seed, manure, etc. I have valid reasons to complain in this regard. Every agriculturist feels and I feel also that utmost attention should be given by the Railway administration to this important item. While I make this statement here I do expect that the tools of the machinery that my honourable friends have to manage will look to it that agriculture, our mainstay and the main industry of the country, has to be nourished and helped. In this connection I suggest to my honourable friends that they should think of giving travelling facilities and concessions to agriculturists who wish to go and see agricultural institutions and agricultural development projects in different parts of India as also of their Province. I press this view very strongly for consideration.

Then I come to another question which is equally important. That question is the need for opening railway workshops for training technicians in this country. If you keep your railway workshops as closed doors keeping them only for your workers, the generality of the masses of the country do not get the benefit out of them. As such you will not have the necessary number of technicians for your country at a time of need. In this view of the question, the Railway Ministry should consider the regionalisation of the workshops on railways. I have pleaded for this with the previous Minister for Railways—I mean Dr. Matthai—and I pleaded with the Ministry. In this connection let me state that I as a representative from Orissa am nowhere in the picture. We have been kept in the background during the British administration and we refuse to be kept out of the picture in the present set-up of the administration. I really congratulate my honourable friend the representative from Assam for placing his weighty grievances. We refuse to give any quarter to the Ministry and the honourable Ministers if they go on pursuing the old track. We are nowhere in the picture. The railway workshops are not within the reach of the people of Orissa. Recruitment to railway services is not done within our Province. We get

[Shri Biswanath Das.]

absolutely no benefit from the railway services—I mean in the sense—in proportion to the contribution that we make to the Railways. (An Honourable Member: 'Do you want a workshop?') I want workshops on a regional basis—it may not be on a provincial basis, but it should be on a regional basis.

Mr. Speaker: The honourable Member can have one minute more.

Shri Biswanath Das: Then I would say that with regard to recruitment to the railway services, Orissa should also be a centre of recruitment. You have got a Public Service Commission for Railways. Why on earth should not Orissa have a Member in that Public Service Commission?

Shri L. Krishnaswami Bharathi: Oh! So that is regionalisation!

Shri Biswanath Das: Yes. I know more of it than you do. Sir, Orissa should be a centre for recruitment to the railway services. As I have already said, railway workshops should be opened, in the re-organisation that you have been taking up, on a regional basis in Orissa, so that, people of different regions and different Provinces may have the benefits and advantages of getting the training as technicians or technologists in the railway workshops. Until and unless this is done the purpose for which this national industry has been started will be frustrated.

I come next to the question of catering. Why on earth should you give all the contracts on all the railways to one person and that continually for years?

Mr. Speaker: I am afraid the honourable Member's time is up. He has already taken his fifteen minutes. He can just mention the point if he likes, and then not dilate upon it.

Shri Biswanath Das: Then I come to the question of amenities for passengers in stations in Orissa. You go and visit the stations in Orissa—I had invited Dr. Matthai to visit Orissa and have a look at the stations there. You look at them and compare and contrast them with others in other provinces, you will see what we are getting. Not to speak of mofussil stations, even in important stations like the Khurda Road you do not have the necessary lights, the necessary latrine arrangements and the ordinary and minimum amenities for passengers. We cannot tolerate these conditions long.

Sir, I had to state other questions also, but since you have cautioned that I have no time, I will only touch on item, namely, arrangements for refreshments in railway stations. It should not be a question of making profits out of issuing licences to contractors. Either the Railways should themselves take up catering in the refreshment stalls or they should, with the help of the Provincial Governments concerned, lease out stalls to local persons so that the Provincial health staff and the Railway health staff could take care to see that good things, at a proper and reasonable prices, are being sold to railway passengers. You have increased the freight, you have increased the fares; are you going to make more profits out of the contracts, given only to monopolists, to benefit the pockets of individuals? Under these circumstances, I strongly press this point of view on the attention of my honourable friend.

As I had begun, I congratulate my honourable friends in whom I have got abundant confidence. Let me hope that they will try to impress their mark on the Railway administration and thus relieve our stress and strain.

[An this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar)].

گیانی گورمکھ سنگھ مسافر: سیہاپتی جی! اسمیں شک نہیں کہ پچھلے یا پچھلے سالوں سے ریلوے کی حالت اب اچھی ہے مگر disturbances اور war سے پہلے جو ریلوے کی حالت تھی اس level پر ابھی تک ریلوے کا انتظام نہیں ہو سکا ہے۔ بہت دوستوں نے ریلوے کے انتظام کی کمیوں کے متعلق بہت کچھ کہا ہے۔ کمیاں بیشک انتظام میں ابھی تک باقی ہیں مگر میں ان باتوں کو یا ان کمیوں کو جنکو میرے دوست پہلے لاچکے ہیں دھڑانا نہیں چاہتا ہوں صرف تین چار باتوں کی طرف ریلوے منتری صاحب کی توجہ دلانا چاہتا ہوں۔ میں صرف نام ہی کا مسافر نہیں ہوں بلکہ اسمبلی کا اجلاس نہ ہو تو مجھے مہینے میں ۲۵ یا ۲۶ روز تک سفر میں ضرور رہنا پڑتا ہے۔ اسلئے سفر کے حالات سے مجھے زیادہ واقفیت ہے۔ شاید مسافر نام کی وجہ سے بہت سے ریلوے یونین والوں کے ساتھ میرا سمبندھ بنا ہوا ہے۔ اسلئے اکثر شکایت کے بندل کے بندل میرے پاس آتے رہتے ہیں۔ مگر انکا ذکر یہاں کرکے ہاؤس کا وقت، میں نہیں خراب کرونگا۔ اگر ضرورت ہوئی تو میں کسی وقت ریلوے منسٹر صاحب سے انکا ذکر کر سکتا ہوں inefficiency کی صرف ایک ہی بات بتلا دینا چاہتا ہوں اور جسکا تعلق یہاں اسمبلی کے ایک پرانے ممبر سے ہے۔ بابو رام نرائن سنگھ جی ایک دفعہ میل گاڑی میں سفر کر رہے تھے۔ دہلی کے سٹیشن پر جب چیک کیا گیا تو پتہ لگا کہ انکا اپنا ٹکٹ میل گاڑی کا تھا مگر انکے نوکر کا ٹکٹ میل گاڑی کا نہیں تھا۔ اسوجہ سے انہیں خواہ مخواہ تین روپیہ penalty بھرنی پڑی۔ بات عجیب ہے۔ مالک کا ٹکٹ میل گاڑی کا اور نوکر کا دوسری گاڑی کا۔ ٹکٹ کلیکٹر سے اسبات پر جھگڑا ہوا اور وہ بیچارہ بھی discharge ہو گیا یہ ایک مثال ہے جس سے اندازہ لگایا جا سکتا ہے کہ ریلوے اسٹیشنوں پر صحیح ٹکٹ سپلائی کرنے میں کتنی inefficiency ہے۔ اسی طرح ٹائم کے بارے میں ہے جب ہم کوئی میٹنگ پانچ بجے مقرر کریں تو دوسرا پوچھتا ہے کہ بھائی یہ دیسی ٹائم ہے یا انگریزی ٹائم ہے۔ ابھی تک ہمارے ریل گاڑیوں کا انتظام بھی اسی طریقہ پر چلا آ رہا ہے یعنی ریل گاڑیوں کی آمدورفت میں punctuality نہیں ہے جس سے لوگ محمول کرتے ہیں۔

بچت کے متعلق جہاں تک اعداد و شمار کا تعلق ہے ہمارے ریلوے منتری نے بڑی خوبی کے ساتھ اسکو ہاؤس کے سامنے رکھا ہے اور اپنی تقریر کو بھی انہوں نے بڑی خوبی کے ساتھ ترتیب دی ہے۔ اسلئے میں سمجھتا ہوں کہ انہوں نے اپنی مسئلہ قابائت کا ثبوت دیا ہے۔ بچت کا اندازہ پچھلے سال ۹ کروڑ ۸۳ لاکھ ۶۲ ہزار تھا مگر اصل بچت ۱۵ کروڑ ۸۲ لاکھ ۱۵ ہزار ہوئی ہے اور اسمرتبہ بچت کا اندازہ ۹ کروڑ ۲۳ لاکھ ۹۰ ہزار لگایا گیا ہے۔ پچھلے سال اندازے سے ۶ کروڑ روپیہ کی زیادہ بچت ہوئی ہے۔ ریلوے منتری صاحب نے بچت کے لحاظ سے پہلے سکیل کو قائم رکھا ہے۔ اسلئے وہ

[گجانی گورمکھ سنگھ مسافر]

زیادہ مبارکباد کے مستحق ہیں۔ مگر سوال یہ ہوتا ہے کہ اس بجٹ کو خرچ کس طوع سے کیا جائے۔ جسوقت پچھلے سال کا بجٹ بنا تھا اور بجٹ کا اندازہ لگایا گیا تھا اُسوقت تو ت پھوٹ کے فنڈ کیلئے کوئی رقم اندازے میں نہیں رکھی گئی تھی مگر اب جو بجٹ ہوئی ہے اسکا زیادہ حصہ تو ت پھوٹ کے فنڈ میں رکھ دیا گیا ہے جو میرے خیال میں ٹھیک نہیں ہے۔ اس رقم کو تو ت پھوٹ فنڈ میں lock up کر دینے کے بجائے بیٹرمینٹ فنڈ میں رکھا جاتا تو زیادہ مفید تھا۔

دوسری بات جو اس سے ظاہر ہوتی ہے جس پر آنریبل منسٹر صاحب نے اپنی تقریر کے آغاز میں ہی فخر کیا ہے کہ بجٹ کے پہلے سکیم کو قائم رکھتے ہوئے کرایہ بڑھانے کی ضرورت نہیں۔ میں سمجھتا ہوں اس میں فخر کی کوئی بات نہیں ہے۔ اسلئے کہ پچھلے سال بہت زیادہ کرایہ بڑھا دیا گیا تھا پچھلے سال میں ہوئی بجٹ اس بات کا ثبوت دے رہی ہے۔ اسلئے اس سال اگر کرایہ کم کر دیا جاتا تب تو بیشک یہ فخر کی بات تھی لیکن کرایہ نہ بڑھنا کوئی فخر کی بات نہیں ہے۔

تیسری بات جو اس بجٹ میں show کی گئی ہے وہ یہ ہے کہ پچھلے سال زیادہ ہوئی بجٹ کے حساب کے مطابق اس سال بھی آمدنی زیادہ ہوگی۔ آنریبل ریلوے منسٹر نے اپنی تقریر میں اس بات کا ذکر کیا ہے کہ وہ روپیہ مزدوروں کے لئے خرچ کیا جائیگا۔ یہ بہت ہی اچھی بات ہے۔ مزدوروں کی بھلائی ہر ایک کے مدنظر ہے۔ لیکن اس معاملے میں ایک تجویز ریلوے منسٹر صاحب کی سیوا میں رکھنا چاہتا ہوں کہ آجکل مزدوروں کو بہت سی جماعتیں exploit کر رہی ہیں۔ اور انہوں نے کہنا شروع کر دیا ہے کہ وہ مزدوروں کی بھلائی کی بات کرتے ہیں۔ اسلئے مزدوروں کی بھلائی کا کام کر دینا ہی کافی نہیں ہے بلکہ انکی تسلی ہونی چاہیئے کہ ریلوے organisation انکی ہمدردی کر رہی ہے۔ تاکہ دوسری جماعتیں انکو exploit نہ کر سکیں۔ اس مطلب کیلئے مزدوروں میں پرچار کی ضرورت ہے۔

چوتھے نئی ریلوے کے بنانے کا سوال ہے۔ یہ ایک اہم بات ہے۔ جسکو میں سبھاپتی جی! آپکی وساطت سے ذرا وضاحت کیساتھ ہاؤس کے سامنے رکھنا چاہتا ہوں۔ ہندوستان جتنا رقبہ کے لحاظ سے وسیع ملک ہے وہاں آبادی کے لحاظ سے بھی کم نہیں ہے۔ پارٹیشن سے پہلے یہاں فی مربع میل ۲۴۱ آدمی بستے تھے مگر اب پارٹیشن کے بعد فی مربع میل ۲۹۹ آبادی ہو گئی ہے اور یہ اندازہ ۱۹۴۱ کی مردم شماری سے لگایا گیا ہے۔ نئی مردم شماری میں ہو سکتا ہے کہ فی مربع میل آبادی اور بڑھ جائے۔

The Honourable Shri K. Santhanam: I am not able to follow the honourable member, especially in this latter part. I would like to follow him if he could speak in English.....

Mr. Deputy Speaker: Can the honourable member speak in English so that the Honourable Minister may follow better?

Giani Gurmukh Singh Musafir: I cannot express myself in English better, Sir.

The Honourable Shri K. Santhanam: Either simple Hindustani at least.

Mr. Deputy Speaker: One word. The Honourable Minister will certainly have a translation later.

The Honourable Shri Satyanarayan Sinha: Meanwhile I would try to help him.

Mr. Deputy Speaker: When he said that the trains were late, I was afraid they may be late in Hindustani.

گجانی گورمکھ سنگھ مسافر: برطانیہ میں سو (100) مربع میل کے رقبہ کے لئے بیس (20) میل ریلوے لائن ہے۔ فرانسیس میں سو اسکووائر (sq.) میل میں بارہ (12) میل اور امریکہ میں آٹھ (8) میل ہے۔ مگر اس کے مقابلے میں اسی ایوریج (average) سے ہندوستان میں صرف تین (3) میل ہے۔ ہندوستان جیسے گنجان آباد ملک کے لئے یہ ریلوے لائن بہت ناکافی ہے۔ ویسے ریلوے لائنوں کی ٹوٹل (total) لمبائی کے لحاظ سے ہندوستان دنیا بھر میں چوتھے درجے پر ہے مگر گنجان آبادی کا خیال رکھتے ہوئے اتنی لمبی ریلوے لائن بھی ہندوستان کے لئے کافی نہیں ہے۔

پچھلے سال نیو کنسٹرکشن (new construction) پر ساڑھے تین کروڑ روپیہ کا اندازہ تھا مگر پانچ کروڑ سے کچھ کم خرچ ہوا۔ اس سال نئی ریلوے کے لئے چار کروڑ کا تخصیص رکھا گیا ہے جو بہت کم ہے۔

پارٹیشن (partition) کے نتیجے کے طور پر ہندوستان کی ریلوں پر دو اہم اثر ہوئے۔ سبھاپتی جی! یہ ایک بہت ضروری بات ہے۔ جس کے متعلق میں نے پچھلے سال ریلوے منسٹر صاحب کی توجہ دلائی تھی۔ مگر مجھے افسوس ہے کہ اس اہم بات کی طرف خیال نہیں کیا گیا۔ دو باتیں بتی اہم ہیں۔ ایک کی طرف تو خیال کیا گیا ہے کہ آسام کو ہندوستان کے ساتھ ملا دینے پر توجہ کی گئی ہے۔ شاید یہ چودھری رہائی کمار صاحب کی دہانے والی اچھی تقریر کا نتیجہ ہے۔ مگر بدقسمت پنجاب کے لئے کچھ نہیں کیا گیا۔ میں ایک پنجابی کی حیثیت سے نہیں بلکہ ایک ہندوستانی کی حیثیت سے کہتا ہوں کہ پنجاب میں ضرور نئی ریلیں بنانی چاہیئے تھیں کیونکہ ان سے ہندوستان کے ڈیفینس کے لئے بڑا فائدہ ہے۔ پنجاب کی ریلیں یورپ سے پچھم کی طرف چلتی ہیں۔ مگر پارٹیشن شمال سے جنوب کی طرف ہوا۔ جسکی وجہ سے ریلوے کا تمام انتظام درہم برہم ہو گیا ہے۔ ریلوے۔

[گیانی گورمکھ مسافر]

کے سرے سرحد پر کتے پڑے ہیں مگر وہ ایک دوسرے کے ساتھ کنکٹڈ (connected) نہیں ہیں امرتسر سے فیروز پور کا کوئی سیدھا راستہ نہیں ہے - کشمیر کا معاملہ کتنا اہم ہے - مگر پٹھان کرت کے بغیر ریل ورک کا کوئی جنکشن نہیں ہے جو کشمیر کو ہندوستان سے ملائے - یعنی پٹھان کوت سے ہندوستان کو ملانے کا کوئی سیدھا راستہ نہیں ہے - اگر ریل کا ایک چھوٹا سا ٹکڑا بن جائے تو پٹھان کوت کے ذریعہ کشمیر کا سیدھا تعلق ہندوستان سے ہو سکتا ہے - اب امرتسر سے پھر کر آنے کے بغیر اور کوئی راستہ نہیں ہے اور ڈیفینس (defence) کے لحاظ سے اس وقت پنجاب میں کوئی پیریاں (parallel) لائن نہیں ہے جو ہندوستان کی سرحد کے ساتھ ساتھ چلے - حالانکہ اس کے مقابلے میں پاکستان کے پاس کئی (parallel) لائنیں ہیں - پارٹیشن (partition) کی وجہ سے یہ سارا انتظام درہم برہم ہو گیا ہے - مگر اس کی طرف اس دفعہ بھی اس بجٹ میں بھی کوئی خیال نہیں کیا گیا - اور اس کی طرف میں خاص طور پر توجہ دلاتا ہوں - ریلوے منسٹر صاحب اس کے سہمہ میں میری پچھلی سال کی تقریر ضرور پڑھیں - میں اُس ساری تقریر کو یہاں دہرا کر آپ کا اور ہاؤس کا وقت ضائع نہیں کرنا چاہتا - مگر میں چاہتا ہوں کہ اس ضروری بات کی طرف ضرور خیال کیا جائے - یہ تھیک ہے کہ ڈیفینس (defence) کے معاملہ کو یہاں رکھا جائے کیوں کہ یہ ایک بڑی ضروری بات ہے - انڈسٹریز (industries) کے لحاظ سے بھی ایسٹ پنجاب میں تمام انتظام درہم برہم ہو گیا ہے - مگر اسکو چھوڑ بھی دیا جائے تو کم از کم ڈیفینس کے نقطہ خیال سے اس تجویز پر توجہ دینی چاہئے - اور اس نقطہ خیال سے ہی اس بجٹ کو ایسی شکل میں روائز (revise) کرنا چاہیئے - تاکہ پنجاب کے اندر ایسی ریلوے بن جائیں تو ڈیفینس کے لحاظ سے بہت اچھا ہو - مجھے کچھ بائیں اور کہنی تھیں - مگر میں سمجھتا ہوں کہ اب ہاؤس کا زیادہ وقت نہ لوں - کیونکہ سبھا پتی جی دو تین بار گھنٹی بجا چکے ہیں -

(English translation of the above speech)

Giani Gurmukh Singh Musafir (East Punjab: Snkh): There is no doubt about the fact that the present condition of railways is better than what has been for the last few years, but the efficiency of management has not yet reached the pre-war and pre-disturbance levels. Many of the friends have spoken a lot about the shortcomings and defects of railway administration. No doubt shortcomings and defects are still there, but I do not wish to recapitulate and repeat the defects and shortcomings mentioned by my friends. I wish to draw the attention of the Honourable Minister for Railways towards three or four points. I am Musafir not only in name but I have to be on travel for 25-26 days in a month when the Assembly is not in session. So I have more experience about the conditions of travelling. Perhaps because of my name Musafir I have connections with many Railway unions. So I often receive bundles after bundles of complaints but I will not waste the time of the House by making here a mention of these complaints. If necessity arises I can at any time make a mention of them

to the Honourable Minister for Railways. About inefficiency I like to mention only one instance, which concerns an Honourable Member of the House. Babu Ramnarayan Singh was, on one occasion, travelling by Mail Train. When a checking was made at Delhi Station it was found that his ticket was available for Mail Train but the ticket of his servant was not for Mail Train. So he had to pay a penalty of Rs. 3 for nothing. It is quite strange that the ticket of the master was for Mail Train and that of the servant for another train. He had a quarrel with the ticket collector on this point and the poor fellow was discharged from service. This is an instance by which the inefficiency of the booking clerks in supplying tickets at the railway stations can be well estimated. Same also is the question of time. Whenever we fix any meeting for 5 o'clock then some ask if the time was Indian Time or English. The arrangement of train timings is still going on in the same old fashion i.e. no punctuality is observed in the arrival and departure of the trains, with the result that the people joke about it.

As regards the surplus, so far as figures and calculations are concerned, our Railway Minister has very nicely presented it before the House and delivered his speech also very nicely. Therefore, I think that he has given a proof of his acknowledged ability. Last year a surplus of Rs. 9,83,62,000 was estimated but the actual surplus amounted to Rs. 15,82,15,000, and this year it has been estimated as Rs. 9,43,90,000. Last year the actual surplus exceeded the estimated one by 7 crores. As regards the surplus the Honourable Railway Minister has maintained the previous scale. Therefore he deserves more congratulations. But the question is how this surplus is to be spent? When the last year's Budget was drawn up and the surplus estimated then in the estimates no amount was set apart for the depreciation fund. But this year a major portion of the estimated surplus has been allotted to the depreciation fund, which I think is not proper. It would have been more useful to have placed this surplus in the Betterment Fund instead of locking it up in the depreciation fund.

The second thing which is obvious from this, and about which the Honourable Minister very proudly made reference in the beginning of his speech, is that maintaining the previous scale of surplus there arises no necessity for increasing the fares. I think there is no cause of taking a pride in this. Because last year the fares had been too much increased. The last Year's surplus is a clear proof of this. Therefore had the fares been reduced this year then it would have really been something to be proud of. No increase in fares is not a thing to be proud of.

The third thing that has been shown in the Budget is that it has been presumed that taking into consideration the last year's surplus the income this year also will be more. The Honourable Minister for Railways has given out in his speech that this surplus money would be spent for the workers. This is a good thing. Everyone has in view the welfare of the workers. But I like to submit to the Honourable Minister a proposal in this respect namely that these days a number of organisations are exploiting the workers and they have begun to give out that they negotiate for the welfare of the workers. So it is not enough only to do something for the welfare of the workers but they should have the satisfaction that the railway organisation is sympathising with them so that the other organisations may not be able to exploit them. For this it is necessary to have more publicity among the workers.

The fourth question is about the construction of new railway lines. This is an important matter and through you Sir, I wish to place it before the

[Giani Gurmukh Singh Musafir.]

House with fullest clarification. As much India is big in area it is in no way less as regards population. The density of population before partition was 241 per sq. mile and now after partition the density has come to be 299 per sq. mile. This estimate has been based on the 1941 census, it is just possible that in the next census the density of population per sq. mile may increase all the more.

The Honourable Shri K. Santhanam: I am not able to follow the honourable member, especially in this latter part. I would like to follow him, if he could speak in English.....

Mr. Deputy Speaker: Can the honourable member speak in English, so that the Honourable Minister may follow better?

Giani Gurmukh Singh Musafir: I cannot express myself in English better, Sir.

The Honourable Shri K. Santhanam: Either simple Hindustani at least.

Mr. Deputy Speaker: One word. The Honourable Minister will certainly have a translation later.

The Honourable Shri Satyanarayan Sinha (Minister of State): Meanwhile I would try to help him.

Mr. Deputy Speaker: When he said that the trains were late, I was afraid they may be late in Hindustani.

Giani Gurmukh Singh Musafir: In Britain for every 100 sq. miles of area there are 20 miles of railways; in France for every 100 sq. miles the mileage is 12; in America it is 8 miles. In comparison to these figures India has on the same average, only 3 miles of railways. For a densely populated country like India this mileage of railways is very insufficient. As regards the total mileage of railways India stands fourth in the whole world. But considering the density of population so much mileage too is not sufficient for India.

Last year it was estimated that 3½ crores of rupees would be spent on new constructions but the expenditure totalled to slightly less than five crores. This year it is estimated that 4 crores would be spent on new constructions, this amount is very meagre.

As a result of partition the railways in India had to bear two important effects. Mr. Speaker, Sir, this is a very important matter and about which I had drawn the attention of the Honourable Minister last year also. But I am very sorry to note that no attention was paid to such an important matter. Two things are very important. One of the matters has been taken into consideration that is attention has been paid to link Assam with India. Perhaps this is the result of the humorous but excellent speeches of Rohini Kumar Chaudhuri. But nothing has been done for the unfortunate Punjab. I wish to submit not as a Punjabi but as an Indian that new railway lines ought to have been laid in Punjab because these are a great help in the defence of India. The railways in Punjab run from East to West but the partition was done from North to South, with the result that the entire administration of the railways has become topsy turvey. The railway lines have abruptly stopped at the frontiers and these endings are not inter connected. There is no direct connection between Amritsar and Ferozepur. How important the problem of Kashmir is? But excepting Pathankot there is no other rail-road junction which may connect Kashmir with India that is there is no direct connection between Pathankot and the rest of India. If a small branch line is constructed there *via* Pathankot Kashmir can have a direct connection with India.

Now there is no other route except coming round *via* Amritsar. As regards the defence of the country, at present, there is no railway line in Punjab running parallel to the Indian Frontier. Although contrary to this in Pakistan there are several lines running parallel to the frontier. On account of partition the whole arrangement has become disjointed. But this year also in the present Budget no attention has been paid towards this and so I wish to draw your attention particularly to this point. The honourable Minister must go through my last year's speech in this connection. I do not wish to waste the time of the House as well as yours by repeating that speech in full. But I wish that due attention must be paid towards this important matter. It is proper to raise the issue of Defence at this stage because it is of vital importance. As regards industries also the whole arrangement has become disjointed. This aspect may be left aside yet at least from the view point of Defence this proposal must be given due attention and keeping this point in view the Budget may be revised so that such railway lines are constructed in Punjab and if it is done so then it would be something very good for the defence of the country. I had to say much more but I think I must not take more time of the House as Mr. Speaker has already sounded the bell two or three times.

Dr. V. Subramaniam (Madras: General): Only a few months ago our Ministers took charge of the Railways. It is too early to pass any remarks but with all their experience and intelligence they are for going ahead with so many programmes. Several honourable Members have spoken about the difficulties of the third-class passengers and I do not wish to speak on that, but one thing I want to stress is about the new classifications which require some alteration. Previously Class I and II passengers had some comforts; the only thing then was that the third-class passengers wanted some more convenience. But now even that convenience is required for Class II passengers. I think our Minister had promised some thing. And as regard the third-class passengers something must be done. It is no use saying every year in the Budget speech that something must be done, something must be done. At least additional trains must be run in certain sections, say Delhi to Agra. If this is done the local passengers will go in those trains and there will be relief in through traffic. This is the only remedy which can be done at present. Even with the coaching arrangements we have at present we can arrange these things. In certain cases double line is necessary. These things must be done without delay. These things not only give additional goods movement but local passenger trains can be run very easily. These are the simple remedies which we can do within a year or two and before we get so many new coaches and engines and wagoons.

My complaint is about the permanent way arrangements. To speed up trains, we are getting good engines, but as regards the permanent way we have no schemes. For the improvement of the permanent way we have no schemes. The relaying work must be done urgently. The safety of travel and the comfort thereof lies in the good condition of the permanent ways. As suggested in the report presented to the House yesterday there is need for removing the old rails in the tracks which are 30 and 40 years old and putting new rails. The defects in the permanent way are felt by all classes of passengers from the bad jolting frequently experienced by them and this is especially unbearable when people travel long distances such as from Delhi to Madras and beyond. Although I am a layman I may state the remedy is simple. The gangmen must be asked to do their work properly and the permanent-way inspectors must travel in the trains in their vans and trolleys and test the track. The distance which a gang has to maintain may if necessary be reduced from 8

[Dr. V. Subramaniam]

miles to 5 miles or 6 miles and the P.W.D. Inspectors also may be put in charge of shorter distances. The engineers may be given longer distances, as they travel in saloons. So for the safety of the passengers the permanent way must be improved and strengthened.

Now I want to say a word about the burrow-pits along the railway lines. In municipal areas there is no provision that earth must be taken from outside for the maintenance of the tracks. After the construction of the lines in municipal areas the authorities should insist that the burrow-pits must be filled. These pits get filled with water and in those small ponds malarial germs find their habitation. If the railway authorities are asked to fill the burrow-pits, they refuse to do so and these ponds form the breeding ground for mosquitoes. In future constructions of tracks, wherever there are lines passing through municipal areas, the Government must take steps to see that these burrow pits are not left gaping.

Regarding the complaint about over-crowding in trains, I suggest that conductor guards may be appointed who may instruct the branch lines not to issue tickets over and above the prescribed number. This will save a lot of inconvenience now experienced by through passengers. I am glad to find that for through passengers and for those who travel more than 300 miles at one stretch, certain carriages have been set apart. Unless through these guard conductors the intermediate passengers are prohibited from entering those carriages there will be no relief to long distance passengers. The station masters and the station superintendents also must be made to take pains to see that long distance passengers are not inconvenienced even in the separate carriages.

As regards goods traffic, during the last year's Budget debate also I suggested that, in order to give facilities for fruits to be transported in good condition, some refrigerator wagons must be arranged as is done in foreign countries. For want of such an arrangement many millions worth of edible fruits get spoiled in transit. These perishable food items must be preserved in good condition in transit. If these facilities are given to our fruit-growers fruits grown at one end of the country can be safely transported to the other end in good condition and we can save a lot of money now spent on foreign imports.

Another point I want to mention concerns third class season ticket holders. There are only two or three stations in all India where such season ticket system obtains. Madras, Bombay and Calcutta are these three stations. I request that this system might be extended to Trichinopoly and other stations. In regard to this I wrote a letter to the authorities on 28th August and, after 5 months I got a reply to the effect that Madras, etc. had been given special consideration for historical reasons. I do not know what those historical reasons are. In any case, while we are making history here, I do not know why those historical considerations should not be extended to other places also and the traders, school-boys and others who require this concession granted the same. Another reason why this should be done is that our aim is not to allow big cities to grow. Overcrowding in big cities can be reduced and avoided if we enable people to live some distance away from them. There is also very great dearth of accommodation in cities. For that purpose this season-ticket concession may be made available to people living 30 to 40 miles of big cities. I request that a uniform policy may be adopted throughout India in this respect. We may be, by so doing, perhaps making history also in this House and give all conveniences to the public.

Shri Kishorimohan Tripathi (C.P. and Berar States): The first point I want to make is about the use of the Depreciation fund for the expansion of the railways or the replacement of such of the rolling stock or locomotives that go out of order.

So far as expansion of the railway lines are concerned, it has been found that the expansion scheme is not drawn in the right way and there 4 P.M. are more lines being laid out in certain areas of the country, where the need is not as great as in other areas, where expansion should take place. The result has been that whereas a section of our people in the country has the advantage of the railway system, there are others who, although they are indirectly paying in the form of goods freight, are not getting the social advantages of railways which come to people by contacts. Even today there are areas in the country where by expanding the railway lines, the country can progress and trade and commerce could be increased to a large extent; the potential resources of the country could be tapped and the people of the country could be served more distributively than it is now done. I hope, in the future expansion schemes a proper distribution of the railway lines that are to be laid out, will be taken into account.

I will then come to the question of wagon supplies—wagon supplies for goods. There have been very serious complaints about a lot of corruption in the Department of Wagon Supply. The complaints have been that there is not a single wagon available to the tradesman or businessman, unless he pays something by way of bribery or something like that or illegal gratification. (*An honourable member*: 'To whom?') To the staff. For example, at every station the Station Master registers certain indents. For every station there is a fixed quota of wagons to arrive and the Station Master has to register a certain number of persons who would avail of these wagon supplies at the particular station. In doing so, he always gives preference to the richer class of people, the richer class of businessmen, the richer class of tradesmen to the detriment of the middle-class tradesmen and middle-class businessmen.

Then, these wagons have been seen moving empty after having been unloaded at certain stations and that is one of the causes of shortage of wagon supply, for example, a wagon moving from a certain station to a destination having unloaded, goes back to the District Centre and while doing so although there is a need at the station where it has unloaded the goods, although there are goods to be moved to other directions the wagons move quite empty and no use of those wagons is made. Some way should be devised to see that our wagons do not move empty on the lines. There have been complaints of wagons moving quite in a haphazard way. I have come across an instance where petroleum was to move to a station towards the East from Chakradarpur and it was allowed to move towards the West to a station and lie there for a week or over, and this caused very great hardship to the people.

There have been instances, Sir, where it has been seen that trains have stopped at certain stations, the driver of the guard has either gone to take tea or to have a talk with a friend and although the time for the train to start has come, the driver or the guard has not returned and the train has been delayed. This is one of the reasons why trains have been delayed and the time schedule has not been maintained by them. This should be avoided. While we are all so sympathetic about the railwaymen's claim, we must not forget that, after all, what we are going to pay to the railwaymen is from the pockets of the poor villagers, and while on the one hand, we are going to raise the living standard and bring it to an adequate level in the case of railwaymen, we are doing almost nothing to raise the living standard of the poor villagers. We want to increase the salaries, the allowances, etc., of the railway employees at

[Shri Kishorimohan Tripathi]

the cost of the poor villagers. This will be quite unjust. The living standard of the entire country must rise in a planned manner and one section should not go on getting a fair deal, while the other section of the population remains where it is or rather grows on poorer and poorer. This haphazard way of dealing with the problem, or raising the living standards will lead us to greater disparity in earnings, which will disturb the equilibrium of society and cause greater dissatisfaction every now and then.

Much has been said, Sir, to bring in more amenities for the third-class passengers and I do not think I have much to add, but I have seen that if the railway employees at stations take proper care, much of the inconveniences that come to the lot of the third-class passengers could be redressed. In fact, it is due to the outlook of the Railway Administration and particularly the employees that these poor passengers in the third-class compartments suffer greatly. If there were people at the spot to advise the poor third-class passengers properly, these congestions and overcrowding could be relieved. I have come across trains where particularly in the third-class compartments, while on the one hand, you will see that there is a compartment where third-class passengers are there like chattles or goods, there are other compartments which run quite empty. This so happens, because there is none to guide the poor villager at the spot or to give him instructions or to take care of him. There are social guides outside, but these social guides are there at big stations, such as Delhi, Cawnpore or Bombay, where they have not to deal with these poor third-class passengers coming from rural areas, who mostly suffer as a result of this overcrowding. So the scheme of social guides must be extended to such stations where their services may be greatly needed. My experience of social guides so far as I have come across is this: One day I went to Delhi Station and found that these social guides are in fact no help to the poorer section of the travellers, the third class travellers. They look after the comforts of the first and second class travellers and I actually came across an instance where a social guide was haughtily ordering a third class passenger to quit a queue that was forming. But I am not concerned with that aspect. The social guide scheme is a very new scheme and it could be improved. What I want to lay stress upon is that this scheme must be extended for the benefit of the third-class passengers and in such areas where these third class passengers suffer the most. If you are going to limit them at stations like Bombay, Delhi and Cawnpore, we are not going to serve the people. Let us change the whole outlook.

It has been said that the railways are a public utility concern. As I said in my last speech on the railway budget, if we want these railways to serve the people properly, we must see that they serve the third class passengers as best as they can rather than the first and second class passengers. Today, the outlook of the whole railway administration is to look to the comforts of the first and second class passengers who really form a very small proportion of the travelling public. If therefore the railways want to prove themselves to be a proper public utility concern, then, they must do their best to redress the grievances of the third class passengers and to so arrange the whole transport system as to be of the greatest service to the poor tax payer.

श्री गोपीकृष्ण विजयवर्गीय: श्रीमान, अध्यक्ष महोदय, मैं इस भवन का ज्यादा वक्त नहीं लूंगा, दो एक बात रेल्वे के बारे में कहूंगा। यह जो हमारे सामने रेल्वे बजट आया है उस में रेल का किराया नहीं बढ़ाया गया है, यह सचमुच बड़ी बधाई की बात है, जब कि रेल्वे मजदूरों की काफी तनखाह बढ़ाई गई है। बहुत सारी पार्टियों की तरफ से और मजदूरों की तरफ से यह कहा जाता है की उनकी तनखाह

अब भी कम है। लेकिन आजकल की हालत को देखते हुए जो कुछ रेल्वे वालों को दिया जा सकता है वह दिया गया है फिर भी रेल्वे बजट में कोई कमी (deficit) नहीं हुई, यह बहुत खुशी की बात है। हालांकि, इस समय बहुत सी बातें दूसरे मेम्बरों ने रेल्वे के बारे में बतला दी हैं, जैसा कि (over crowding, corruption and inefficiency) लेकिन मैं सिर्फ दो एक बात रेल्वे के बारे में कहूंगा जो कि हमारे मध्य भारत की दृष्टि से बहुत जरूरी हैं।

अभी तक भारतीय असेम्बली में रियासतों के लोग नहीं थे। रियासतों की तरफ पुरानी गवर्नमेंट बहुत ज्यादा ध्यान नहीं देती थी। रेल्वे लाइन और रेल्वे सुविधा ज्यादा रियासतों को नहीं मिला करती थी। लेकिन अब रियासत के लोग खुद हिन्दुस्तान के शासन में शामिल हो गये हैं, रियासतों का एकसेशन भी हो गया है, तो अब यह जरूरी है कि रेल्वे विभाग का ध्यान रियासत की जनता की सुविधा की तरफ ज्यादा जाना चाहिये। खासकर मैं यह बतलाऊंगा कि मध्य भारत यूनियन जो बना है वह Commercial Industrial और व्यापारियों को बैगन की कमी बहुत ज्यादा महसूस हो रही है। इस तरह से वहां बैगनों का बोटल-नेक (bottle-neck) जो बना है वह एक दम दूर होना चाहिये। इसकी वजह से वहां इन्डस्ट्री और व्यापार में बहुत नुकसान हो रहा है और वह उन्नति इस बैगन की कमी की वजह से नहीं कर सकते।

दूसरी शिकायत यह है कि वी० वी० एण्ड सी० आई० और जी० आई० पी० की गाड़ियों का समय बहुत ही खराब है। इन दोनों में कोई Co-ordination नहीं है, जिसकी वजह से जनता को कष्ट उठाना पड़ता है। सिर्फ मध्य-भारत यूनियन बन जाने से जो लोग ग्वालियर, इन्दौर और मालवा जाते हैं उनको रेल गाड़ियों के ठीक समय पर न चलने की वजह से काफी तकलीफ उठानी पड़ती है। अक्सर भोपाल के स्टेशन पर पड़े रहते हैं, या उज्जैन के स्टेशन पर पड़े रहते हैं। ठीक समय की वहां पर कोई व्यवस्था नहीं है, जिससे जनता को ठीक समय पर गाड़ी मिल सके। इस कष्ट को दूर करने के लिये एक स्पेशल बोगी मालवा, ग्वालियर चलनी चाहिये। वक्त एक स्पेशल ट्रेन, स्पेशल मालवा ट्रेन, रतलाम, उज्जैन, भोपाल और ग्वालियर चलनी चाहिये जिससे जनता को आजकल जो कष्ट उठाना पड़ता है वह दूर हो जाय। उसमें सरकार का बहुत ज्यादा खर्च नहीं लगेगा। स्पेशल मालवा ट्रेन चलाने से इस नये मध्य-भारत यूनियन को काफी सुविधा मिल जायेगी। पहले इसकी जरूरत नहीं थी क्योंकि ग्वालियर का हिस्सा अलग था और इन्दौर का हिस्सा भी अलग था और उनके बीच आना जाना नहीं होता था। लेकिन इस दिनों दोनों तरफ से आने जाने की तादाद बढ़ गई है और इस चीज की जरूरत हो गई है कि एक स्पेशल मालवा

[श्री गौरीकुण्डला विजयवर्गीय]

ट्रेन, ग्वालियर, भोपाल, उज्जैन और रतलाम चला कर। इससे वहाँ के लोगों को सुविधा होगी और इसकी बहुत ज्यादा आवश्यकता है। अगर स्पेशल ट्रेन नहीं चलती है तो कम से कम कुछ स्पेशल वोगीज रेल में लगा दी जायें मालवा और ग्वालियर के बीच वाली गाड़ियों में। यह एक बिल्कुल छोटा काम है जो रेलवे वाले वहाँ की जनता की सुविधा के लिये कर सकते हैं। इसी तरह से नई रेलवे लाइन बनाने में रियासतों की तरफ भी ध्यान दिया जाना चाहिये। अभी तक रियासतों की तरफ ज्यादा ध्यान नहीं दिया गया था। जब रेलवे सिस्टम देश में बढ़ाया जायेगा तो रियासत की जनता का भी ख्याल किया जाना चाहिये। देश में जो नई रेल की लाइनें बनाई जायेंगी उस प्रोग्राम में ग्वालियर, उज्जैन, इन्दौर और भुसावल तक नई रेल की लाइन बनाने का भी ख्याल रखा जाना चाहिये। रेल के नये प्रोग्राम में मध्य भारत को भी जरूर शामिल किया जाना चाहिये।

रेल में जो over crowding है, corruption है inefficiency है वह अब भी पाई जाती है तो इन बुराइयों को दूर किया जाना चाहिये और मुझे आशा है कि बजट के समय इन बातों का ध्यान रखा जायेगा। अन्तमें फिर यह कहूंगा कि अब तक जो पालिसी होती थी उसमें रियासतों की उम्मेदारी की जाती थी। अब रियासतों की जनता की सुविधा के लिये हर प्रकार की कोशिश की जायेगी और रियासतों की उम्मेदारी पहिले की तरह न की जायेगी। वस, इतना कह कर मैं समाप्त करता हूँ।

(English translation of the above speech)

Shri Gopikrishna Vijayavargiya (Madhya Bharat): Mr. Speaker, Sir, I will not be taking much time of the House. I will make only one or two observations in regard to the Railways. This is indeed a matter of great felicitation that no increase in the rate of Railway fares has been made in the Budget presented to this House despite the fact that the wages of the Railway workers have been considerably increased. It is stated on behalf of a large number of parties and workers that they are still drawing low wages. But keeping in view the present-day conditions, whatever increase was possible, that has been made in the wages of the Railway workers, and it is a matter of great gratification that even then there has been no deficit in the Railway Budget. Although other honourable members have just now touched the various aspects of the working of the Railway viz., over-crowding, corruption and inefficiency, yet I would like to say only one or two things in this respect which are very important from the point of view of Madhya Bharat.

Uptil now the States were not represented in the Indian Legislature. The old regime did not devote much of its attention towards the States. The States were not usually granted any facilities in the form of construction of Railway lines. But now when the States' people have on their own accord joined hands with the Indian Government, it becomes all the more necessary that the Ministry of Railways should devote more attention towards the provision of facilities for the benefit of these people. I would tell you that in the newly formed Union of Madhya Bharat, the shortage of wagons is being acute.

ly felt in the commercial industrial and trading spheres and early steps should, therefore, be taken to remove the bottleneck of wagons which has thus been caused there. For this very reason the trade and industry there are running at a great loss and no development can be made in that direction on account of the paucity of wagons.

The second complaint is in regard to the unsuitability of the running timings of trains on both the B.B. and C.I. and G.I.P. Railways. There is no co-ordination between these two Railways on account of which the people have got to suffer. The people who have to go to Gwalior, Indore and Malwa only after the formation of the Madhya Bharat Union have to face a good deal of hardship for want of suitable train connections. Usually they have to wait for hours together either at Bhopal or Ujjain Stations. No regularity in the correctness of timings is observed there so that people could get trains in time. To remove this difficulty a special bogey should be run between Gwalior and Malwa. Not only that, but a special train named 'Malwa Special' should be run between Ratlam, Ujjain, Bhopal and Gwalior so that the public may be relieved of the hardship which they have to undergo under the existing conditions. This will not cost much to the Government. The running of a Special Malwa Train will render adequate facilities to the newly formed Malwa Union. Formerly it was not considered necessary as Gwalior and Indore constituted separate parts and there was not much traffic between these two places. But now-a-days traffic has increased on both the sides and it has become a dire necessity that a Special Malwa Train should be introduced between Gwalior, Bhopal, Ujjain and Ratlam. This would prove very useful to the people living in these places; and it has become a paramount necessity. If no special train is run, some special bogies should at least be attached with the trains running between Malwa and Gwalior. This is quite a minor thing which the Railway Department can do for the convenience of the public there. Similarly some attention should also be paid towards the construction of Railway lines in the States' territories. Uptil now the States have been neglected in this respect. While developing the Railway system in the country some consideration should also be shown towards the people living in the States. In drawing out the programme of the Construction of New Railway Lines in the country, the introduction of a new Railway line between Gwalior-Ujjain-Indore and Bhusaval should also be kept in view. Madhya Bharat should also be included in the programme of the Construction of New Railway Lines.

The overcrowding, corruption and inefficiency prevalent on the Railways are existing even to-day, and steps should, therefore, be taken to root out these evils. I hope that some attention would be paid towards these aspects during the course of the discussion on the Budget. To conclude, I would again submit that in the policy followed hithertofore the States had all along been overlooked. I hope that every endeavour shall now be made to provide adequate facilities to the States' people and no indifference is shown as before.

With these words, I resume my seat.

Begum Aizaz Rasul (U.P.: Muslim): I have much pleasure in associating myself with the congratulations that have been extended by the honourable members of this House to the Honourable Minister for Railways on his very lucid and balanced speech on the railway budget. He deserves more congratulations because he has been in charge of this portfolio for only four months and to have overcome all the difficulties of a new subject such as the railways, goes to his credit.

[Begum Aizaz Rasul]

As the time is very short, I shall confine myself to a very few remarks. I am glad that the consequences of the partition on the railways have, to a great extent been overcome and we hope that in the next year, the deficiencies that still remain will also be done away with. Financially also, the railway budget is sound and that is a very pleasing feature. It is also very gratifying to the public to hear that there is not going to be any increase in the railway fares this year. Of course, we have to remember that there was a substantial increase in the railway fares in the last year's budget.

The re-shuffling of the classes, thought it has mitigated to a great extent to difficulties that the passengers were experiencing, will certainly not help very much until more coaches and more engines are available. The overcrowding in the trains remains the same as before. As several honourable members have drawn the attention of the Honourable Minister to this fact, I need not dilate upon it. But, certainly, there is a great deal of need for more coaches, especially for the second and third class passengers.

I should like to deal with the question of compartments for women. I am not going to ask for any more accommodation or for any more separate accommodation for women than is at present provided, because I believe that when minorities are giving up their rights in other directions women should not claim any more separate accommodation. But what I wish to stress is the question of the safety and security of women passengers. Unfortunately, conditions have been prevailing in our country for the last year or so which have created more difficulties for women passengers as compared to men passengers. Even for this reason I do not want any more separate accommodation for women, because I believe there is more safety and security for women travelling in general compartments than there is in separate women's compartments. At the same time the fact remains that women travelling in women's third class compartments should have more facilities provided for them by the railway authorities: for instance, the providing of eatables and other such things for women passengers. Their men folk cannot go inside the compartment and that creates difficulties and confusion when food intended for a person's wife or sister is handed over to some other woman, and it gives rise to many squabbles and quarrels in the compartment. I hope that Government will give its attention to this very great need of the public and permit hawkers to go into the women's compartment or allow those men folk to go into the women's compartment who have their women there.

Certainly, Sir, I demand more waiting-room accommodation at stations for women. From personal experience, I find that there is very inadequate waiting room accommodation provided for women in the upper and lower classes at stations and that should be seen into as soon as possible.

There is one important fact which I wish to bring to the notice of the Honourable Minister. I know that he will deal with it sympathetically. He has not mentioned in his speech anything regarding the resumption of the Frontier Mail between Delhi and Lahore. I may draw the attention of the Honourable Minister to the views expressed in the columns of the *Statesman*. I entirely agree with those views and I would like the Honourable Minister to consider that this is a very important matter to which he should give his very serious attention. I do not think that this question should be shelved on account of the reason that commercially it may not be sound. It is not possible to say whether it will be so or not neither do I think is the Honourable the railway Minister in a position to say that commercially this resumption of the linking up of the train line from Amritsar to Lahore will be

sound or not until it has been worked and the results seen. I really think that commercially even this proposition will be quite sound because the demand by the public for such a resumption of the railway link between the two Dominions is very great and I think that this matter should certainly receive the serious attention of the Government. Even if it is conceded that for some time to come this may not be commercially very sound and Government may have to undergo some financial loss on this account, still I think that the psychological consequences of this will be so great that a little financial loss on the part of the Government should not stand in the way of this resumption. It will go a long way towards improving Inter-Dominion relations, and I know that I can count upon the sympathetic consideration and support of the Honourable the Railway Minister who has done so much to create better relationships between the two Dominions. His work in connection with the Inter-Dominion Conferences is well known to everyone, and every credit goes to him for his efforts to create better relationships between the two Dominions, and the tact with which he deals with these questions. I feel that he will be doing a great service if he takes up this matter of the linking up of the railway line between Amritsar and Lahore, a distance of 35 miles. It will be a great boon to the public who want to travel between Lahore and Amritsar but who do not find it possible to do so now.

I should like to bring to the notice of the Honourable Minister one more fact, and that is about the railway grain shops. Every one is aware that the railway authorities give foodgrains to their employees. This in itself is a very laudable and praiseworthy arrangement and should be pursued always. But, Sir, there is unfortunately a tendency on the part of railway workers, when they draw their rations, to go and sell them in the black-market. This is very sad but we cannot close our eyes to the fact that this is giving rise to more inflation. In the first fortnight of the month, the worker goes and sells his rations in the black-market and then when he himself is in need of rations for his home, he goes and buys at a higher rate again in the open market or the black-market. This is giving rise to a great deal of not only inflation, but also of corruption, and therefore I hope that the railway authorities will try and do something in this direction.

So much has been said about the necessity of better transport as regards the movement of foodgrains that I need not dilate upon it. But I do wish the Honourable Minister will keep this fact in mind and try to do whatever he can to remove this bottleneck.

Regarding cleanliness in trains, I should like to bring to the notice of the Honourable Minister that the first-class compartments are very dirty. The third class and the second class are dirty too; but when people pay high fares and wish to travel in the first class it is generally not from the point of view of appearing superior but from the point of view of getting more comfort, but that is hardly the case. The fact that inspectors and the staff do not look to the cleanliness of these compartments, especially the bath-rooms, should be brought to the notice of the railway authorities. I think I am doing my duty in pointing out this need of the public.

Sreematty Annie Mascarene (Travancore State): Considering the short period of democracy that we have had, and considering the surplus budget, that the Honourable Minister has presented before this House, I must say that he deserves to be congratulated. But considering the expectations of the people during these fourteen months, the expectation of the man in the street, looking forward to the administration of the popular leaders in the Department of Railways, I must say that the expectation has fallen far short of its realization. Democracy as far the Railway Department is concerned is only skin-deep and I say this from the classification that has taken place

[Sreematty Annie Mascarene]

recently. The majority of the people who contribute to the income of the railways—the man in the street, the common man, who forms the major population of India and who is the lifeblood of the Railway Department, its income, revenues and its surplus,—has had no benefit from the recent classification nor from the fourteen months of democratic administration of that department. The man who travels in it, the labourer who works in it, both are none the better nor wiser. So the Honourable Minister is fearful about the results of the agreement between the labourer and his contractor. Still I must say that as long as he is not given living wages and as long as the passenger or the labourer has not got the comforts and the facilities, the ordinary standards of facilities and comforts, then this Department's democracy is only skin-deep.

The Honourable Minister has further said in his speech that he and his Minister of State have turned the corner and are now planted firmly on the *terra firma* of the railway line towards progress, towards rationalisation and expansion. But the common man faces him and tells him "Sir, we are just in the beginning of that long long trail, a winding into the land of facilities and conveniences." That is the position after fourteen months of democratic railway administration. If the Railway Department cannot afford facilities and conveniences or rather if it cannot be a public utility concern, every attempt should be made hereafter to make it so.

I am a traveller of long distances; I am not a representative of the first class or the second class passenger. I am a representative of the third class passengers and as such I have seen the miserable condition of the female compartment.

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

Madam, mankind has great consideration for women and children all over the world except in the Indian railways and the conveniences which women with babes at their breasts have or rather the miseries they suffer from overcrowding etc., are not in conformity with or consistent with the chivalry of the Honourable Minister. I must say that it is not only not chivalry, nor want of sympathy but gross negligence. I am sorry I have to say this because I am myself a sufferer and during my last sojourn in the train from Trivandrum to Delhi I have noticed the sufferings of the women in the female compartments. The so called inter class compartment, which affords only one compartment in the whole carriage for the female population of India, had not got a separate arrangement for lavatory purposes where men and women shared the same closet. (Interruption) It is my experience. At least during this administration we the women of India expect, expect from Honourable Ministers like you, better treatment from our own country men.

The third class women's compartment all over India is the same. In the whole train consisting of miles of carriages there should be at least three or four compartments for women. Children who travel with women want as much protection as you yourself give to your own children and that much should be given to those that are helpless and have to travel in the third class compartment.

Considering the amount set apart for betterment, considering the income that is seen from the statistics, considering the revenue that is shown in the statistics, I must say, Madam, it is a miserable amount that is set apart for

betterment—1.68 crores. Perhaps the Honourable Minister calculated on the betterment of the inter, second and first class compartments but the poor man, the common man has no share in it. I hope now that the people's government is administering the department, the Central Government will take adequate and deserving care to provide the women and children with better comforts not only in the second and first class compartments but also in the third class compartment.

Bharata is covered with a net work of railways, a net work which is as fine as the texture of silk when looked at in a map. When you travel towards the South you will find that the net work is widening and getting coarser and coarser till it evaporates in Travancore. The southern management of the railway shows a step-motherly policy from the northern Central Government. Travancore between the Sentinel Ghats and giarding seas remote from rattle and roar has got only 98 miles of railways. Travancore with adult franchise and with adult education, with 70 per cent. literacy and free and primary compulsory education, has got only 98 miles of railways. Travancore which is the most important maritime country in India, Travancore with its commercial products which yield dollar and sterling credit to the Central Government, has got only 98 miles of railways. Travancore, the most advanced state in administration, where democracy is working in all its fullness, has got only 98 miles of railways. This Travancore has entered into an agreement with the Central Government in 1926 when it was agreed that the Central Government will help the construction of more railways in Travancore. Today a memorandum has already been submitted to the Central Government (because railways and communications form part of the acceding subjects) that a railway from Quillon to Ernakulam should be constructed or had to be constructed or helped to be constructed, so that the dream of Travancore, the provincial dream of Travancore, Travancore which is dreaming of forming a province, a model or ideal province in India, can be easily realised.

The commercial products of the country that have to be carried to the Cochin harbour should be given all the facilities of easy carriage which will be a source of income to the Centre. I wish I had more time to speak on this Travancore project if the Chair will allow it.

Mr. Chairman: The honourable member will have one minute more.

Srijut Rohini Kumar Chaudhuri: Is there a separate time-limit for lady members?

Sreematty Annie Mascarene: As only a minute is allowed I feel I will bring this question of constructing more railways down in Travancore in a cut motion and express my opinion then.

Shri Satish Chandra (U.P.: General): With the allotment of an extra day for the general discussion of the Railway Budget I hoped that we sitting on the farthest benches behind will have an opportunity to speak and express our views to-day and that the big guns will roar on Monday. But Madam, from the list of honourable members who have spoken to-day you will find that most of us were not able to catch the eye of Honourable the Speaker or the Deputy Speaker, and as I am lucky enough to catch your eye now, I am grateful to you.

The Honourable the Railway Minister has said that railways are progressively settling down to new and altered conditions. All of us who have some opportunity of travelling do notice some change and we find that conditions are improving and taking a turn for the better. Still the situation as it is, is not such that Honourable the Railway Minister may adopt a complacent attitude in the matter. We have to be alert and see that even if no further amenities can be provided in the next year, travelling conditions will at least be restored to the normal as they were before the war.

[Shri Satish Chandra]

The Budget is a surplus one. According to most of the surplus budgets there is one traditional feature in it, which is a feature of almost all surplus budgets, namely, that the revenue side, has been under-estimated and the expenditure side has been over-estimated. To support this statement I will quote a few lines from the speech of the Honourable Minister himself. The Honourable Minister has cleverly put in his speech that "a slight drop in passenger earnings has been assumed as a result of the introduction of the new three class accommodation in trains, though the recent trends of the results of this change do not altogether justify this apprehension and there might possibly be some increase under this head". In another paragraph he says that "the new freight rates which were enforced in 1948-49 for half the year would operate during the whole of the year 1949-50 and bring in an appreciable addition to goods earnings". Again, while referring to other coaching traffic, he says that "the revision of parcel rates introduced on 1st October 1948 will also bring in some addition." We find from the Budget Estimates that more than Rs. 6 crores will be the increase in freight income alone, and if the other two heads are also likely to increase, how there has been only an increase of Rs. 5 crores in the total revenues when all the three items are added? How these figures have been calculated passes my comprehension.

The Honourable Shri N. Gopalaswami Ayyangar: I can assure the honourable member that there is no attempt to camouflage anything in those figures.

Shri Satish Chandra: I do not mean it and I never said anything in that light. These are the figures quoted by the Honourable Minister himself in the course of his speech. I only feel as I have said, that it is a traditional feature of surplus budgets to under-estimate the revenues and over-estimate the expenditure. It is not only the case with this budget but has become the usual practice so that there might be justification for exercising more discretion in utilising the money that may be saved afterwards.

The net surplus revenue is estimated to be Rs. 9.4 crores against 9.84 crores of the last year, though the revised net revenue surplus is Rs. 15.83 crores. We are told that out of this Rs. 7.34 crores will go to general revenues and almost an equal amount to the Depreciation Reserve Fund and only 0.84 crores to the Railway Betterment Fund. According to a formula suggested by the Committee of the House which decided about the allocations of this money in the last budget session, about Rs. 6.8 crores should go to the Betterment Fund. I can quite understand the revision of those allocation in the light of the huge amount earned but I would submit that the sum that has been placed in the Betterment Fund is too small, and shows that Government are not prepared to spend sufficient part of those extra earnings over the amenities of passengers for which the Betterment Fund was specially created. The Betterment Fund has been progressively going down during the last few years, and if I may say so, some portion of it has been misappropriated in the past. It has been put to uses for which it was not meant at all, and instead of putting more money into that Fund and bringing it to the old level a very small amount is now being placed in that Fund. Rs. 0.84 crores is being added to it. Rs. 1.5 crores will be taken out of it this year for the amenities of passengers. I submit that the proposed amount, considering the inadequate amenities that the third-class passengers at present enjoy, and about which there has been too much critical expression today, is quite insufficient to provide the amenities and the standard asked for.

The Honourable Minister in his speech has stated that it will be for this House to consider whether the Railway finance should be kept separate or should be a part of the General finance as it used to be before. I believe that the present system has worked quite satisfactorily. Till the recommendations

contained in the report of the Railway Enquiry Committee are considered, though many people may doubt the wisdom of creating an autonomous statutory railway authority as the Committee has recommended, I feel that the present system offers a good *via media* between an autonomous body on one hand and the amalgamation of the Railway finance in the General Budget on the other. The autonomous corporation is not likely to come into being in the near future, nor is it possible to disturb all the arrangements at this stage. With the coming into power of a popular Government deriving its authority from a sovereign Parliament, I think the reasons which prompted people to demand the creation of an autonomous authority have completely disappeared.

The Honourable the Railway Minister has said that there will be no enhancement of railway fares or freights in the coming year. I would respectfully submit that there has already been an increase in the railway fares by the recent arrangements. The first class passenger will now travel in air-conditioned coaches; the second-class passenger will go to the new first class, and in this manner the passenger fares have actually increased. They have not gone down or remained stationary. If, as the Honourable Minister has stated, the first-class passenger will pay less in the new Class I, and will get a benefit out of it, and similarly, the second class passenger by travelling in the new Class II will save his money; is it not a fact that only the poor third-class passenger will not be benefited in any way whatsoever? Though the rates for others might have been reduced, there has been no relief for the third-class passenger.

Before I conclude, I would like to quote a few sentences from an article which the Honourable the Minister of State for Railways, Mr. K. Santhanam, wrote sometime back in the *Hindustan Times*:

".....The third class passenger has not only to pay the cost of his travel, but he has to subsidise the cost of the passengers in the higher classes....."

He went on to say:

".....As it is a sacred principle of the Indian Railway Administrations that they should run on a commercial basis, it is the poor third class passenger that has to generously come to the relief of his richer countrymen."

I believe that these observations which the Honourable Minister made prior to the assumption of his present high office, he has not forgotten even today, when he travels in saloon cars and not in ordinary coaches.

Mr. Chairman: Shri T. Prakasam.

Honourable Members: There are only five minutes left for the House to adjourn.

Mr. Chairman: If the honourable member cannot finish his speech today he can continue it next Monday.

Shri T. Prakasam (Madras: General): I must be excused, Madam, because I am leaving tomorrow morning for Madras. I shall not be here on Monday.

Mr. Chairman: The honourable member can speak at any rate for five minutes; but if the House is prepared to sit for five minutes beyond five, he can continue.

Honourable Members: Yes.

Shri T. Prakasam: This is a Budget presented by the Honourable the Railway Minister, Shri Gopalaswami Ayyangar. He has been a very able administrator the whole of his life, in the service of the country. He has made the position sufficiently clear for us also to understand it, by stating facts and without mincing them so far as omissions are concerned.

[Shri T. Prakasam]

Having admitted that the third class passengers had not been served well, he failed to provide in his Budget for reduction of the rates which the third-class passengers are obliged to pay. Twelve crores of rupees are said to be outstanding which could be utilised for reducing the rate which the third-class passengers are paying. Within the few minutes allotted to me, I now raise the question that the rates which the third class passengers are paying now must be reduced in this Budget, before the Session is over, because there are enough funds available. Madam, that is the omission I referred to at the beginning. Third-class passengers, it is admitted, are the real paymasters of this greatest industry of ours, yet we collect money from them and we do not give them enough space even to sit in the trains that are running today. I have been seeing, whenever I turn my eyes towards the trains that are running or that are coming on the platform, not a single inch of space available anywhere. Even loads of goods would not be packed so closely. It is a pitiable case and the Railway Minister must note it and must take immediate steps to see that this congestion is relieved immediately. Dr. Subramanyam was mentioning some way out of it. If you wait for the opinion of experts and for the meetings of committees for getting something done in a scientific manner, as is being proposed here, it will take a very long time. And, if you wait until all the nine units are co-ordinated and are brought together on one map, many of us, even the younger generation, perhaps would not be able to see any change. The whole policy of the Railway administration must change.

There is no co-ordination. The Administration goes one way. The actual work goes another way, as is clear from the statement of the Honourable Minister himself. Therefore, it is absolutely necessary that the Administration must be completely overhauled in such a manner that real relief would be given to those unfortunate fellows who pay for all of us in this country. The amount paid by these people is as much as the revenue that is derived by the Union Government even today. What is the good of their paying? What is the good of our complimenting the Budget speech? The money is there. It is in your power to serve this man immediately. Reduce the rate so far as the third-class passenger is concerned. That would be one item of business on the spot. Again, with regard to the relief of tension and overcrowding, a description of which has been given by more than one honourable member here, it is an unthinkable, unimaginable position. Nowhere in the world under any Government do people have to travel like that day after day and night after night. Sometimes, I can never believe that they were feeling that they are human beings at all. The way in which they come to clash when they try to rush into these overcrowded compartments and the way in which they stuff themselves, it is a most miserable business. Of course, my honourable friend would excuse me if I say that immediate attention is required apart from technicalities, apart from the work of engineers and apart from the work of the technicians and all those people. Immediate things can be done with a little effort and with a little attention and a little visit to those places. Much has been said by my honourable friend Mr. Santhanam. He is one who knows everything. He is just new in his office. So also is the Railway Minister. In spite of all his experience in all other Departments, he is naturally bound to take a little time to jump into the whole thing and clear the matter. He has indicated the lines on which he would like to proceed in order to clear the whole thing. He has shown that he has a heart which beats and feels for the unfortunate sufferers in this country.

With these remarks, I conclude, Madam.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Monday, the 21st February, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Monday, 21st February, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

MOTION FOR ADJOURNMENT

FAST BY PROF. SHIBBAN LAL SAKSENA

Mr. Speaker: I have received notice of an adjournment motion by an honourable member of this House in connection with the fast of Professor Shibban Lal Saksena who is a member of this House.

I am sorry, I cannot admit this motion as it has nothing to do with the responsibility of the Central Government; it is a purely Provincial matter.

Shri H. V. Kamath (C. P. and Berar: General): May I have my say, Sir?

Mr. Speaker: No say; it is disallowed.

DEATH OF SHRI KIRAN SHANKAR ROY

Mr. Speaker: I have to invite the attention of the House to the very sad and untimely demise of Shri Kiran Shankar Roy who was a member of the Bengal Cabinet and a member of this House. He was a prominent member in the Congress and rendered very valuable service to the country. We deeply mourn his loss at such a time as this.

The House might respect the memory of the deceased by standing in silence.

PAPERS LAID ON THE TABLE

INTERIM REPORTS OF MERCHANT NAVY TRAINING COMMITTEE

The Honourable Shri K. C. Neogy (Minister for Commerce): I lay on the table a copy of each of the five interim reports* of the Merchant Navy Training Committee.

PUBLIC COMPANIES (LIMITATION OF DIVIDENDS) BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Dr. John Matthai (Minister for Finance): I present the report of the Select Committee on the Bill to limit the dividends which may be paid by public companies.

* Not printed in the day's Debate. Copies placed in the Library of the House.—Ed of Deb.

THE RAILWAY BUDGET—GENERAL DISCUSSION—*Conclud.*
FIRST STAGE—*conclud.*

Mr. Speaker: The House will now proceed with the General Discussion of the Railway Budget.

Shri A. V. Thakkar (Saurashtra): I wish to bring to the notice of this House the very great necessity of the railway under construction which is called the C.I.C., that is to say, the Central India Coalfields railways which connects the Katni-Bilaspur line with the East Indian line on the loop line passing via Daltonganj. This Railway is a very important Railway for two reasons: one is that it develops the coalfields of Central India, and the other reason is that it taps a very untapped part of the country—almost unknown part—I mean the two big areas called Surguja and Jashpur. I have recently travelled in that area for the purpose of examining the work of tribal welfare. I found that it was a part which has not been tapped at all for so many years in the past and it was almost *terra incognita* and people could not travel there both on account of the want of roads as well as railways.

Now the construction of a part of this Railway has already been started at the east end of that line. The amount of one crore of rupees which has been earmarked for that purpose is very inadequate in my opinion, and I feel that if the Honourable the Railway Minister can see his way to increase it, it will be a very good thing for the development of that part of the country.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar)].

That part of the country is inhabited by a very, very backward class of people. Again, there is a very large quantity of coal available in that area. Other minerals besides coal can also be tapped very easily, and I hope that necessary surveys have been made for that.

Another matter which I would request the House to attend to is amenities for third-class travel. One particular matter with regard to that is that almost all the railway compartments contain seats fixed longitudinally and not cross-wise. I mean to say that if the seats are arranged cross-wise instead of longitudinally, there will be a much better seating arrangement and there would be less overcrowding than at present. The two instances of Railways using such a sort of compartments are the G.I.P. and the B.B. and C.I. Railways. In all the trains which run between the Cities of Poona and Bombay, many of the compartments have got seats cross-wise which easily accommodate the crowds; the benches cannot be occupied by more than a fixed number of persons, or less, than the bench can accommodate. There is a central corridor passage all along the train, and thus overcrowding in certain compartments is reduced to a great extent and the number of vacant seats will be minimised altogether and nobody can occupy more seats than he is entitled to. The second train which uses such a kind of carriages is the B.B. and C.I. train running from Delhi to Bombay, called the Delhi Express or Bombay Express. That line also has got compartments arranged cross-wise and therefore it gives the number of seats that is required for the number of persons. It some times so happens that some bullies travelling in the compartment occupy the whole of the bench meant to accommodate five persons, thus adding to the overcrowding. Therefore, if the Railway management sees that it will be profitable to have seats cross-wise in the third-class compartments, it would add very greatly to the seating accommodation. If the seats are so arranged that one person cannot take more than one seat, then it will be to the comfort of the travelling public—at least the gentle class of travelling public who will not bully others or who will not elbow out others and who will not fight at the moment.

The question of third-class accommodation is a very old business and the criticism levelled against it is the same every year but all the same we should supply them more amenities in as much as they supply the real finance of the Railway passenger traffic. I hope that the question of third-class travel will be better attended to in the coming year.

Pandit Hirday Nath Kunzru (U.P.: General): The honourable the Minister for Transport has presented us with a lucid and comprehensive survey of the working of the Railways during the year 1948-49. He has been anxious to examine the facts objectively. Every page of his speech bears witness to his desire to arrive at an impartial estimate of the efficiency of the railway administration. We all appreciate the pains that he has taken to arrive at an unbiased judgment on this matter and I think the House will agree that the views expressed by him in his speech show no kind of prejudice, in favour or against, any particular thesis.

My honourable friend has referred to two very important questions in the course of his speech, the financial position of the Railways, and their operating efficiency. I should like to deal with certain aspects of them that have been ignored by him. But before I do so I must refer to two other matters that cannot be passed over in silence in this debate.

The first point relates to the non-publication of the report of the Indian Railway Enquiry Committee. The honourable the Transport Minister told us that the report was sent to the Press soon after it was received and that it would be distributed to honourable members as soon as printed copies were received from the Press. This is a very inadequate explanation of the failure of the Government to make the report available to honourable members at least a week before the Railway Budget debate. Had any keenness been shown in the matter either by the Transport Ministry or by the Railway Board, I am certain that the report would have been long ago in the hands of honourable members. The negligence of the Government in this respect has greatly delayed a proper consideration of the Committee's main recommendations. They will be discussed by the legislature a year hence and it is obvious that this delay will in no small measure prejudice its consideration.

Sir, the honourable the Transport Minister has told us that a senior officer has been placed on special duty to obtain the orders of the Government on the Committee's recommendations. The officer is an able officer, but he is unaware of the background of the Committee's recommendations. He has not been given the assistance of anybody familiar with the evidence received by the Committee or the information collected by it, nor so far as I know could he have had the time to go through the records himself. It is obvious that this will prevent as full and impartial an examination of the Committee's recommendations as may have been expected, had the officer concerned received the assistance that he was entitled to.

My second point refers to the delay in the publication of the Annual Railway Report. Last year about this time only the Second Volume of the Report was available. This year only the first report is available. Some explanation ought to be forthcoming of this delay. It is very unsatisfactory that the Railway Board and the Railway Ministry should not make the Report available to the members before the Budget debate takes place. I hope that every care will be taken in the future that the Report comes out well before the Budget debate takes place.

[Pandit Hriday Nath Kunzru]

I should now like to refer briefly to the operating efficiency of the Railways. Operation covers two questions—transportation and power. My honourable friend the Railway Minister has dealt only with the first question. It was a pleasure to the Indian Railway Enquiry Committee to find that an improvement had taken place in the utilisation of wagons and the punctuality of trains after July 1948, and it is a matter of great satisfaction to me to learn that this progress has continued. The running of block trains and the increase in the speed of goods trains is reflected in the improvement in the turn-round of wagons, the period for which has declined from about 15 days in June 1948 to about 12½ in December 1948. The Railway Board and the Railway Ministry are entitled to the credit due to them for the improvement they have brought about. I hope that they will make every effort to bring about further improvement. I do not want to criticise the Railway Board who have, it seems from the results, brought about an improvement, but so far as the wagon turn-round is concerned I think I should point out that when the Wedgewood Committee considered this matter, the then turn-round of B. G. Wagons was between 10 and 11 days and the Committee referring to the example of South Africa thought that this could be reduced to about 5 or 6 days. We have therefore a great deal of progress to make before we arrive at the target recommended by the Wedgewood Committee.

Again, I find that in one place in his speech the Railway Minister has compared the coal loadings in 1947 and 1948. I am very doubtful whether such a comparison can yield any useful results. The year 1947 was an abnormal year and the report of the Railway Board for 1948-49 shows that the total traffic carried in 1947-48 was about 8½ per cent. less than that carried in the previous year.

Now, I come to the very important question of the availability of power. The Railway Minister has referred only to, what I might call, the "physical causes" of the shortage of power. He has spoken to us of the age of the engines and the difficulty of securing spare parts and adequate steel supplies. I for one feel that the heavy reduction in the availability of engines is a more serious matter than the physical causes that he has referred to. I shall place two facts before the House to enable it to know how serious the deterioration in this respect is. The Railway Enquiry Committee have said in their report that the average number of days engines were in workshops increased by 37 per cent. on the Broad Gauge and by about 132 per cent. on the Metre Gauge. The Committee took full account of all the difficulties referred to by the Railway Minister. But it, nevertheless, came to the conclusion that better results could have been obtained had more supervision and better management been observed in the workshops.

Well, better supervision is difficult I admit at the present time with a depleted supervisory staff. But it was the Committee's considered view that, with proper organisation, direction and management, better results could be obtained. A great deal depends on the selection of the superior officers, particularly the chief mechanical engineers on whose keenness, efficiency and driving power, the working of the workshops and the running-sheds depends in no small measure.

There is another matter to which I should draw the attention of the House and that is the fall in the number of engine miles per engine failure. The Railway Enquiry Committee has pointed out that there has been a fall of

about 66 per cent. in the number of engine-miles per engine failure in 1947-48 as compared with 1938-39. This shows that the maintenance of engines in the running sheds is very unsatisfactory and requires the serious consideration of Government.

Another factor that I may usefully mention is the deterioration in respect of engine utilization. The engine-miles per engine on the line on the broad-gauge decreased from 79 in 1938-39, just before the war, and 75 in 1946-47 to 72 in 1947-48. On the E. I. Railway, Sir, the figures has declined from 77 in 1938-39 to 56 in 1947-48. This is startling and is due to the inefficiency of maintenance work. Unless our mechanical workshops and the running sheds are made to work with greater efficiency, I am afraid that the renewal of the over-age locomotive stock and the availability of steel supplies and spare parts will not produce the full result that the Transport Minister seems to expect from them.

I should in this connection like to refer to one other important matter and that is the efficiency of the superior and subordinate staff and labour. The Railway Enquiry Committee, after making as careful an enquiry as it could, came to the conclusion that there was a reduction in the efficiency, not merely of the subordinate staff and labour, but of the higher staff as well. Judged by any reasonable test efficiency has fallen all round. There is undoubtedly an impression among the railway staff and labour that they are not being fairly treated by Government. I have no doubt that my honourable friend the Railway Minister is doing his best to create a feeling of contentment among them. There are many causes that lead to dissatisfaction at present. It is not possible for me to refer to all of them. But, generally speaking, I think that greater attention should be paid to the measures calculated to improve the efficiency of the staff such as better training, provision of better avenues of advancement and above all the creation of an *esprit de corps* and the spirit of national service among all ranks of Government servants.

Sir, I am about to close. While labour ought to receive the reward that is its due, and while the railway staff have a right to expect a living wage from Government, they must realise the moral obligation that rests on them to do what lies in their power to improve the working of our largest national concern.

I have painfully observed during my tour with the Railway Enquiry Committee that there was little keenness among the subordinate staff and labour to do their work efficiently. In regard to this matter, the superior staff too is to blame, because I am sure that with better management and better driving power on the part of the superior staff, better results can be obtained even now. But the railway staff and labour must themselves realise the duty that they owe to the country. Unless they are prepared to work for the railways in a spirit of national service, the task of the Transport Minister and of the Railway Board will continue to be difficult. We shall watch, Sir, during the next year with great interest the efforts of our leaders and of the railway authorities to infuse such a spirit into the railway staff and labour.

Shri R. K. Sidhva (C. P. and Berar: General): The honourable Minister's speech was, I must say, very outspoken and he did not mince matters when he referred to the many subjects relating to the railway working. I could not go into the details, at the short time at my disposal, of the various figures of the working of the railways, but I will confine myself to three subjects for the consideration of this House, namely, the grievances of the public, the shortage of wagons and corruption. I shall hurriedly deal with these subjects and try to bring to the notice of the honourable Minister how far these three subjects have caused great discontent both amongst the travelling public and the trading public.

[Shri R. K. Sidhva]

The honourable Minister stated that there has been noticeable improvement in the arrival of trains. I am prepared to accept that compared with last year there has been an improvement in the punctuality of trains. He has stated in his speech that 60 per cent. of the trains arrived punctually. I will not call it 'a noticeable improvement' but I will call it a 'slight improvement'. The 60 per cent. Sir, which he has mentioned is also correct, but as to how this 60 per cent. is worked out and as to the alarming conditions of this punctuality, of the departure and the arrival of trains, I would like to enlighten the House. We will take for example our own home, namely, the Delhi Station. I will also not quote the previous times, but take the period from 1st February to 15th February. Now in the departure from the Delhi Station, Sir, except for four days, all the trains departed at a later time than the scheduled time. On four cases, the trains left at the scheduled time. The rest of the days, namely, eleven days, it was 90 per cent.

Shri L. Krishnaswami Bharathi (Madras: General): All trains or some trains?

Shri R. K. Sidhva: All trains. You can very well understand what is the time of departure at which a train has to start punctually and to the scheduled time. There was no question of any intermediate stage where the delay might have been caused and as I stated in my speech last year, it is all due to the indifference and the negligence of the staff; they generally do not start at the right time from the terminus station. Sometimes when the driver is available, the conductor is not there and when the conductor is there, the driver is not available. These are factors to which I would like to draw the attention of the Honourable Minister and he has to give us an explanation as to why so many trains actually left the Delhi Station, the starting point so late. If you take the time of arriving of trains also at the Delhi Station during these fifteen days, you will find that in the E.P. Railway, none of the trains arrived at the right time and the minimum was 74 per cent. and maximum was 95 per cent. In the foreign Broad-gauge Railway the maximum was 73 per cent. one day at 67 per cent. one day 67 per cent. one day 47 per cent. four days 33 per cent. and the average comes to nearly 60 per cent. That the Honourable Minister's calculation is correct, I do not dispute, but I would only request him to bear this in mind as to how many trains come at a late hour. The Honourable Minister has stated that 251 coaches were received on the first of April from the Military authorities and 172 new coaches were introduced. Now, you can imagine that nearly 423 new additional coaches were introduced during the year. If you take the average capacity of one coach which varies from 100 to 110, then these new coaches would afford an additional capacity for 46,530 passengers.

The Honourable Shri N. Gopalaswami Ayyangar (Minister for Railways and Transport): Is it per day or for the year?

Shri R. K. Sidhva: It is per day. If you take an average of 100 as the carrying capacity for a coach and multiply that by 423 new coaches, it will come to 46,530 passengers carried per day. With all that, it is still a mystery to me, and I want to know why there is this overcrowding in spite of the increase in locomotives and increase of coaches. I am prepared to accept arguments such as shortage of locomotives and shortage of coaches, but that is not the only argument. The reason is inefficiency, indiscipline, irresponsibility, carelessness, negligence, lack of duty on the part of large number of officials, Sir. That is the main reason and unless the administration and the honourable Minister give this matter their serious attention, any number of locomotives you may introduce and any number of new coaches you may introduce, the condition is not going to improve.

Then I would like to draw the attention about the long distance passengers for which the Honourable Minister of State has taken a little interest in providing a special coach. I am very glad that he has made the arrangement, and I have noticed at the starting point the officials do take notice that only through passengers for the long distances are allowed in this coach. But my report is that at the intermediate stations, the ordinary passengers get into this compartment and there is no provision made to prevent this. I would like to draw his attention to this and to see that while these long distance coaches are introduced—it is welcomed by the public—it is really used by the long distance travelling public only. I also understand and I know that the special third-class which is called the 'Janata' train has been introduced from Delhi to Patna. It has become a very popular train and I would request him to see that such trains exclusively for third-class passengers are extended from Delhi to Amritsar, from Delhi to Ajmer, from Delhi to Jhansi. These are the three routes where there is a heavy traffic and I see no reason whatever with the additional coaches at their disposal and when they could manage to run one through train to Patna—this popular train, as I would call it—why should they not pay a little more attention to increase the number of such trains. It is no use waiting to watch what the result is going to be of this one track. The risk has to be taken and when it is noticed that the train is popular, 5 or 6 third-class through passenger express trains should be introduced immediately. You will then be able to popularise the third-class travelling. The Honourable Minister of State in reply to a question said that he was very anxious to introduce the touring coaches to attract foreigners. I have no objection, Sir, to that. I am also for introducing third-class touring coaches. But I do not want him to concentrate his attention to these matters until the third-class travelling has been made really satisfactory. When you are confronted with so many difficulties it is not proper to divert the attention of officials to other matters. Let me tell you if the officers are engaged on new matters, which they consider to be more important then the comfort of third-class travelling will be ignored. When I stated that this negligence is due over all these matters, I would only quote one paragraph which the Indian Railway Enquiry Committee, 1947, has stated in this connection. On page 511, paragraph 52, it says:

"In spite of the increasing number of locomotives and wagons, the tonnage of goods handled has declined. There has been a large increase in the number of passengers carried, but at the expense of serious overcrowding. The falling off in the railways' ability to move goods traffic at the war time level is to a large extent due to reduced efficiency and reduced output of work by staff, and partly to a lack of proper initiative, direction and guidance from the top."

This is the finding of a committee which was appointed by the Government. I do not want to go into the details of number of recommendations that they have made. This book was supplied to us very recently and I do not think anybody could do full justice to it in the very short space of time.

Sir, I crave your indulgence for a few minutes more, because I have to touch on some important matters. Coming to the question of wagons, as stated by the honourable the Minister in his speech, additional wagons have been put on the line: 2349 wagons up to the last March and 485 during this year. Despite that, the distribution of wagons has not at all improved. I have been receiving complaints from various commercial people saying that a great deal of favouritism goes on in the supply of wagons. Only three days ago, I have received a letter from Messrs. Muccadam Kalianji Bhanji and Co.; they have sent a copy of the letter written to the General Manager, B.B. and C.I. Railway. I should like to read the letter in *extenso* to enable the honourable Minister to find out how far this favouritism prevails in the matter of granting wagons. The letter runs as follows:

"The Goods Superintendent advertises inviting applications from the public for allocating wagons of different sections for different kinds of goods, but applications are not accepted from the persons or Muccadamis or their agents who were waiting for the whole day

[Shri R. K. Sidhva]

and night in long queue for submitting the applications being accepted without assigning any reasons whereas Messrs. Sakarchand G. Shah and one Manji Khatau doing business in his own name and also in the names of Bharatkumar Shivji and Kothari and Co. (carting agents) are greatly favoured, though such procedure is not announced for acceptance of applications in this manner."

"Our clients are able to prove that the Officers are accepting such applications from these persons and are one or the other influenced by these parties and some other parties. And our clients further submit that they have seen these Officers using the cars bearing Nos. BMX/1992 and BMX/8903 belonging to Mr. Manji Khatau for attending their private work. Our clients further suspect that even underhand dealings may be current. Our clients state that this favouritism needs special inquiries and investigations and our clients are prepared to afford all facilities. Our clients respectfully state that all the public should be equally treated without any favour and no priority should be given to any person or party."

I have given a concrete example to show as to how the public are prepared to co-operate with the Government in respect of this kind of favouritism and corruption, or whatever you may call it. Apart from this, I have got so many other instances which I am prepared to supply to the Honourable Minister if he wants.

I have to state one more important matter as regards the safety of the passengers. I have received a letter from Mr. P. C. Mukerjee from Calcutta. He has invented a kind of device whereby he says that.....

Mr. Deputy Speaker: That letter has been sent to all the members. The honourable member need not read that letter.

Shri R. K. Sidhva: I made enquiries from the Railway Commissioner to find out whether the trial given to the device in Calcutta was successful. He told me, that the general manager's opinion is, that it is not satisfactory. But this gentleman is sure—I do not know if what he says is correct—that this device really prevents accidents and ancillary subjects relating to them. I should like the Honourable Minister to take an interest in this matter. That gentleman is prepared to come to Delhi and give a demonstration. I would suggest to the Honourable Minister that he should invite all the members to the Delhi station to see his demonstration and let us see for ourselves whether this device is really satisfactory or not.

The Honourable Shri N. Gopalaswami Ayyangar: I would only ask, if I may interrupt for a minute, whether honourable members would distribute themselves between the two trains which would come against each other in order to test the device.

Shri R. K. Sidhva: I do not know. This gentleman calls himself a scientist, an expert; he has been supported by many newspaper editors.

Mr. Deputy Speaker: The Honourable Minister has received a copy of the letter. The honourable member's time is up.

Shri R. K. Sidhva: I would, at the end, only submit one point about the Silver Arrow train to which some reference has been made.

Mr. Deputy Speaker: The honourable member's time is up; he has taken more than fifteen minutes. Cannot he reserve these remarks to his cut motion?

Shri R. K. Sidhva: As I have stated, some locomotives have been introduced; but I asked a straight question how many of the 1476 locomotives which are under repairs since last year, have been repaired during the year so that we may have an idea of the question; but no reply as to the number of engines repaired is forthcoming. Similarly, I received a report that some so-called unserviceable wagons were lying at Halisharpur yard near Calcutta. The report

of the Superintendent was that with a little increase, say 10 per cent., in the schedule rates, these wagons could be made serviceable. I am told that these wagons were sold at Rs. 250 each. I would request the Honourable Minister to look into this matter. I would suggest to the Honourable Minister that unless the inefficiency and irresponsibility which at present exists among the staff is removed, any number of locomotives and additional coaches which are proved by the figures, are not going to solve the problem of the travelling public.

Mr. Frank Anthony (C.P. and Berar: General): I feel that first of all I should welcome the Minister for Railways and his colleague the Minister for Transport to their new office. I am certain that the whole House unanimously wishes them the very best of luck in their difficult and responsible undertaking.

I know that I have always been regarded as a rather bitter critic of the railway administration; but my criticism has, in my opinion, always been based on sound reasons. I am the first person to be impatient of facile critics and would be magicians who think that by a mere wave of the wand or glib proposals the whole administration can be converted overnight into a perfect system giving equal satisfaction to the users and employees alike. Under the circumstances which face us today, I feel that the budget is, by and large, a good one.

Those who are inclined to be impatient about the railway administration should remember certain inescapable facts. They have got to remember the vastness of this administration with its inevitable complexities and attendant difficulties. We have got to remember the legacy of the war, a war which wore out and destroyed rolling stock which in 1939 was already outworn. We cannot forget the shock and dislocation of partition which practically denuded some of our railways of their running staff. I think I am right in saying that on the East Indian Railway, the running staff was depleted to the extent of almost fifty per cent. It is axiomatic that running staff cannot be replaced and cannot be trained overnight. I think the Railway administration, in the way that it has weathered these shocks deserves our commendation.

The decision to set up a locomotive building institution at Chittaranjan gives intense satisfaction to me and to those who have cried ourselves hoarse for many years for the recognition of this long overdue and vital need. My own feeling is, in spite of what Mr. Sidhva has just said, that the railways have done commendably well in the matter of the running and punctuality of trains. I think I can say that I do much more travelling perhaps than any member of this House; with my constituency, I have to travel throughout the length and breadth of the country. My own personal experience is based on travelling on many railways in this country. The trains are today running much more punctually than they have done for many years. I think that one of the main reasons for this increased punctuality is the dropping of the system of pooling of engines which I had asked for some time ago. I know the trains are still running late; but perhaps some of the reasons are unavoidable such as the need to use over-aged engines. On the other hand, I feel that there are one or two eliminable reasons for the continued late running of trains. For instance, I feel that unreasonable delays are often made because of the time taken in the un-loading and loading of freights and parcels.

I now come to what I consider to be certain major remediable items in the railway administration. The Railway Minister has told us that measures have been taken to eliminate ticketless travel. These measures have met with some degree of success. My own feeling is that measures have not been adequate or comprehensive enough. My own estimate is—and I am prepared to say that my estimate is as good as the Railway Minister's—that we are losing to-day

[Mr. Frank Anthony]

on an average Rs. 5 crores a year from ticketless travel. I arrived at this estimate by remembering that we expect almost Rs. 85 crores as our passenger receipts. Rs. 70 crores of this amount will come from the third class passenger and I think this is an estimate which errs on the side of conservatism when I say that one out of fourteen third class passengers travels without a ticket. It is not enough, Sir, to have *ad hoc* measures applicable to certain provinces like the United Provinces. My own impression is that this problem is as acute in all the provinces in India. The other day I was travelling between Itarsi and Jabulpore, my home town. About 200 persons descended on this particular train like a swarm of locusts. They invaded all the compartments with equal impartiality. They travelled down several stops and got off very happy looking, apparently in the knowledge that they had travelled without a ticket. I feel that special measures can be introduced immediately for strengthening the ticket checking staff. You may consider the advisability of increasing your staff, but I think a great deal can be done by a better distribution of their present duties. I find that by and large there are very few travelling ticket inspectors. Then I have always regarded it as being pointless that at large junction stations you should have five or six ticket examiners lounging about. People who travel without tickets do not wait to alight at junction stations. If you have more travelling ticket inspectors I think the position can be remedied. My own impression is that on passenger and slow trains you do not find any travelling ticket inspectors and it is precisely on these trains that you get most of your ticketless travelling.

Then we have the notorious fact that ticket collectors do take consideration from people for allowing them to alight from or get on to trains. At certain junction stations today, ticket collectors in collusion with other staff are alleged to have pickings from this source which amount to more than the daily salaries of some of our Cabinet Ministers. Then I believe that some of this ticketless travel is forced on people, owing to the fact that they cannot get tickets from over-crowded ticket windows, at which the clerks dawdle about issuing tickets as if time had stopped to watch their lethargic movements.

These are some of the considerations which I put before the honourable Minister to help eliminate ticketless travel.

I now come to what I consider an important aspect of the budget which has tended to give it the false and misleading complexion of a surplus budget. On paper it is undoubtedly a surplus budget. But I would ask the Railway Minister, if this budget were more squarely based on a sense of morality and real democracy, could it be a surplus budget? I remind him of the fact that the expenditure programme contemplates Rs. 70 crores as expenditure. I remind him of the fact that of this huge amount, the miserable, niggardly paltry sum of Rs. 1-1/2 crores has been earmarked for passenger amenities. But that is not the whole story. Of the Rs. 85 crores of your estimated receipts from passenger traffic, Rs. 70 crores will come from third class travel, and of this Rs. 1-1/2 crores that you intend to earmark for passenger amenities, I do not believe that even Rs. 1 crore will go to the third class passenger. Most of this paltry, niggardly sum will be taken up in your cutting down, modifying and changing your first and second class compartments, because this decision to reorganise railway travel will tie you down to devoting all your time to first and second class compartments—enlarging them, cutting them down, rebuilding and modifying them. I regard this as a reckless, irresponsible and wanton decision. I do not blame my friend over there for they have nothing to do with it. I do not blame the railway administration. This decision was taken by the Central Advisory Council for Railways, of which I am a member. I say this in fairness to myself that I was the only dissentient member. I begged the railway to consider the psychological, physical and financial aspects

of this step. I said you would lose financially and that it would create hardships for the middle and lower classes and resentment among your subordinate staff. But who listens to advice from persons who have not the halo of a particular political party. I blame the railway administration for accepting it. It should have been abundantly clear to a person of the meanest intelligence that this reckless step of unwarranted, unjustified reorganization would lead to what has happened. And what has happened? The only person who has benefited is the first class traveller. The second class person travels as one in sixteen in a compartment from Delhi to Bombay. The third class person still hangs out of doors and windows and gets killed with a monotonous regularity which is accepted by the public and administration alike in a spirit of resignation which is suggestive of primitive, oriental fatalism. What has happened to your subordinate staff? Men who were entitled to inter-class travel have been degraded to third-class travelling. Men who overnight and in comfort travelled to their work, today sit up all night in the second class compartment they arrive at their destination utterly worn out and exhausted, no good for their work.

I make an appeal to my friends. Have some courage and imagination. This thing has been a hopeless, miserable failure. Recognise your mistake and have the courage to recognise it. We have not the rolling stock to pursue hair-brained and high-falutin schemes. All our energies should have been concentrated on one thing, and that is the improvement of travel for third class passengers. What are you going to do with this reorganization scheme? You have to cut out servants compartments and rebuild coaches, for whom?

The next problem that I wish to touch upon is that which relates to the problem of railway labour. This problem is of paramount importance and overshadows the rest of the railway administration. All your budget calculations, the future of the railways and the future of this country to a large extent depends on whether the Railway Minister is able to approach this problem in a spirit of imagination and courage. I have pleaded earnestly in season and out of season to Members who held this portfolio for some imagination and courage. It is not that they have not been able but they have lacked imagination and courage. They have been led by their noses by their permanent officials. They have fed tamely out of their hands. I am not pointing a finger at my friends there. They are good fellows, able and as patriotic as anyone who has gone to jail for his political conditions. But I say to my friends, Mr. Gopalaswami Ayyangar and Mr. Santhanam, that while you must make the maximum use of their administrative ability, it is your business to humanise and democratise their psychology. If you allow them to bureaucratise and imperialise your outlook, then nothing can stop a clash between the railway administration on the one side and railway labour on the other.

My friend has spoken in his budget speech of an apparent conflict between officials on the one side and railway labour on the other. This is official escapism *par excellence*. There is no apparent conflict. Let us recognise facts. Let us be honest and having recognised this fact let us work from the presumption that there is a real conflict. I place the blame predominantly on the railway administration. I am not for one moment glossing over the fact that there is a section of railwaymen who have fallen under evil counsels and are committed to ideologies which are directed to creating chaos for chaos's sake. But I am talking from experience when I say that the bulk of railwaymen are bluff honest people. They do not want monetary relief. Why are you toying with this problem and giving Rs. 10 here and there? You do this because you single out some favourite union and make them the sole arbiters of the railwayman's destiny. I tell you, and I am speaking with authority, that railwaymen are not concerned with dolos here and there, of ten rupees here or

[Mr. Frank Anthony]

twelve rupees there, which in the aggregate comes to a huge bill. They are concerned with more radical matters. They are concerned with their grievances which have galled their souls for many many years. I have told you over and over again that it is the railwaymen's other grievances that matter with them, and I have asked you to consider them. It will not cost you a rupee. But if you consult your friends over there, they will say it may involve some loss of alleged face but it will cost you nothing. You have not made, my friends there have not made, one iota of departure from the old highhanded undemocratic system of procedure which the British laid down. The mass of railway labour today will not tolerate the substitution of a white bureaucracy by a brown bureaucracy. They will not tolerate the perpetuation by their own people of British methods of arbitrariness and suppression. That is why I have asked, and I have asked it in season and out of season, that you should change your rules with regard to appeals. Is it asking too much? At present there is no security of service on the railways. This is the only department which has the despotic right to remove a man without any reason being assigned for such removal.

I have asked that you should do away with the system of selection which has become a ramp and scandal. The smug reply has been that the railway administration is run on a business basis and as such they could not do away with the system of selection which is accepted by all business houses. I tell you that today the basis on which selections to posts in the railways are made is a powerful source of favouritism, nepotism and corruption. Members of the Railway Board have even been accused of it. Officers of a particular caste want men of a particular caste to get this or that job. Why are you afraid? I have asked you to go back to the old system of seniority *cum* selection? Provided a man is suitable then promote him on the basis of seniority. But this present method is a canker and it is eating into the souls of the railwaymen.....

Mr. Deputy Speaker: The honourable member's time is up.

Mr. Frank Anthony: Sir, I will only take two more minutes.

Shri B. L. Sondhi (East Punjab: General): Let him continue, Sir: He knows his subject very well.

Mr. Frank Anthony: Sir, there were many things to which I would like to have referred but there are one or two practices to which I shall now advert. There is this corroding practice of making railwaymen officiate for two, three, four, five, ten or even fifteen years. It is fantastic, it is almost incredible. I know of cases where men have served for years in the senior cadre: they have gone through the junior cadre, and these men after having served many years in the senior cadre retire as drivers. It would be comparably to V. P. Menon who is Secretary of the States Ministry, who has risen from the ranks, after having worked as a Secretary is made to retire on the position and pension of a head clerk. Do you regard this as being fair to the railwaymen? This is the system which you have refused to interfere with and it has been the cause of creating an acute sense of frustration and bitterness. I also feel that you are not being fair to the older men. The older men today will not accept promotion. Promotion usually means Irish promotion. A senior subordinate getting about Rs. 600, Rs. 700 if he accepts promotion gets about Rs. 200 less in salary. The result is that you see the sight, referred to by my honourable friend Mr. Kunzru of a slackening administration. Beardless and bespectacled youths are getting

accelerated promotion on the railways. Why is your railway administration slackening? It is because of these inexperienced young men, *chokras*, who have not the knowledge or capacity to keep your administration as strong as it ought to be.

Finally there is this cruel habit of taking away what the railwaymen already have. You have introduced these new scales for the running staff. My information is that several of the men are going to lose. Do not take away anything from your subordinate staff. If you do not want to give them anything extra I do not mind too much but I do plead with you not to take away anything from them which they already get.

Finally I conclude on this note. It is something which may be regarded as heterodox and will probably shock my friends over there. I feel that the time has come to take your courage in both your hands and really centralise the railway administration. I suggest for your consideration—I do not make it a dogmatic thesis—that you consider seriously the advisability of doing away with the system of General Managers of railways. This is an accident and a relic of history. As company-managed railways come under state management, the state took over the whole administration *en bloc* and continued the system, so that there is perpetuation of variety of scales, overlapping of authority and duplication of expenditure under an absolutely nerveless administration without any co-ordination. As a member of the Pay Commission I might tell you that we were shocked at the diversity of scales and the diversity of conditions obtaining in different railways—men getting different rates of pay for doing precisely the same types of work. We made recommendations with the specific object of introducing uniform scales all over. But what was done? The matter was left to the different General Managers who have perpetuated the same diversities: no two railway men doing the same type of work and under the same Government get the same scale of pay. I tell my friends that they have got a wonderful opportunity to display what I regard as a little courage and imagination. I have said it over and over again. Today you are working for an independent India. I believe that railway labour is today awaiting leadership from you. If you give them a fair deal we will not have all this talk of strikes and strike ballots. Give them a fair deal and I am absolutely confident that railway labour will rally to the Administration, because essentially they are as nationalistic as any other section of employees.

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): I have been following the Railway Budget for the last sixteen years, first as a journalist and later as a member of this House and I have been following all the criticisms of this Assembly. I believe I am not exaggerating when I say that in no year has the criticism of the budget been so mild as this year. I say this even after hearing my honourable friend Mr. Sidhva and later the eloquent speech of my honourable friend Mr. Anthony. If the criticism has been mild I am under no illusions on that account. I know that many members of this House are deeply dissatisfied with many aspects of railway administration as it is, but the members have generally realised that the causes of this dissatisfaction are to a large extent beyond our control. They are aware that it is due to the fact that the previous government pursued a short-sighted policy and made the big railway system of India dependent on foreign industry for the purpose of locomotives, spare parts and for its machine tools. Then there followed the war and following it came the dislocation caused by Partition and communal conflicts.

Maulana Hasrat Mohani (U.P.: Muslim): Sir, on a point of order, can the Honourable Minister be allowed to reply at this stage?

Mr. Deputy Speaker: One Honourable Minister will intervene in the debate and another will round up the debate.

The Honourable Shri K. Santhanam: I think the mildness of the criticism is also due to the fact that we have taken all possible steps to overcome the existing difficulties.

Criticism naturally was concentrated on the position of the third class passenger. I agree with every criticism that has been made regarding the unsatisfactory position. It is true that there is shameful overcrowding. I shall just quote a few facts to show how it is inescapable. On the 31st March, 1939 there were 32.4 million passengers travelling every month on the Indian railways. On the 31st March 1948, 88 million passengers were travelling every month: that is 144 per cent. more passengers were travelling by the Indian railways on the 31st March, 1948 every month than on the 31st March, 1939. To carry these passengers there were on 31st March 1948, 10,630 carriages as against 11,639 carriages on 31st March 1939. If we have nearly 2½ times number of passengers and less number of carriages overcrowding is an inevitable mathematical result and nothing that anyone can say or do can change this fact unless of course we take the far more drastic alternative of controlling railway travel and rationing it. Sir, we have seen the evils of control in other aspects and I am sure the House will rather prefer the evils of overcrowding than that we should restrict the freedom of the ordinary peasant of India to go over the railways. The overcrowding itself can be relieved only when we have more coaches, when we have more locomotives and when, in certain instances, we have also increased the capacity of the track. We have taken steps to do everyone of these things. As you all know, we have ordered a large number of locomotives from abroad. In this connection I would like to utter a word of warning. For free India at the present stage there is a veritable conflict between the needs of the present and the needs of the future. The other day when there was the Food debate, many honourable members pointed out that by pouring out crores and crores of rupees abroad we are compromising the prospects of our future development, that for every ton of wheat or rice which we buy we lose valuable machinery with which we could build up our industry. The same is true in the case of locomotives, coaches and other material which we buy abroad. We must concentrate our resources for buying machinery with which we can build our locomotives and our coaches. Therefore, while we should try to relieve the immediate overcrowding I should like the House also to remember that in this process we should not squander away our foreign exchange resources too much and thereby handicap the future generations that will come after us. We have taken all possible measures to relieve overcrowding in the nearest possible future. We have not remained quite on that account.

Babu Ramnarayan Singh (Bihar: General): What are those measures?

The Honourable Shri K. Santhanam: We have ordered locomotives. We are building coaches and we have also ordered coaches. We are doubling the track wherever there is congestion. All these measures put together will relieve overcrowding in the near future. Meanwhile we have taken steps to see that at least long distance passengers have a little more comfort than the general mass of third class passengers. Many honourable members have referred to the reservation which has been adopted at all the terminal stations for long distance passengers and the complaint has been made that though this works well at the terminal stations people crowd in at intermediate stations. It is true and I may promise the House that we shall take adequate measures to see that these passengers get uninterrupted passage to their destinations.

My honourable friend Mr. Anthony pointed out that only Rs. 1½ crores have been set apart for passenger amenities. That is quite true and I have no hesitation in accepting that it is not a big amount. But I do not think it is quite fair to compare the receipts from third class passengers with the amount

provided for amenities, because out of the earnings from the third class passengers the bulk of it must go to the locomotives, coaches and all, and railway track also. Even third class passengers have the use of these.

Shri R. K. Sidhva: All passengers use them.

The Honourable Shri K. Santhanam: All passengers use them and therefore the earnings cannot go merely for amenities but they have to go for the general working of railways. But so far as passenger amenities are concerned I am as anxious as any member that we should step up this expenditure. But we have got other difficulties which prevent us from going much further than we have done. There is the difficulty of getting material. For instance we want to put covers over platforms which is one of the great needs of third class passengers—they have to wait in sun and rain, in open hot or cold platforms. Covered platform is one of the urgent necessities. But we cannot get galvanized sheets, steel and other materials. Similarly we would like to electrify all the stations wherever electricity is available. Certainly we do not want our third class passengers to be groping in the dark. But it is difficult to get wire and other electrical materials. As soon as we can get them we shall try to step up the passenger amenities and see that as many amenities as possible are provided for them. I would like that within the next three years we should be able to exhaust all the amount that is available in the Betterment Fund. It is to enable the House to watch the progress of the amenities that we have separated the Betterment Fund from the rest of the budget so that every year you may be able to keep a close watch as to the progress made in this matter.

Shri H. V. Kamath (P. and Berar: General): Sir, is it not time for the House to rise?

Mr. Deputy Speaker: Will the honourable Member take more than five minutes?

The Honourable Shri K. Santhanam: I think I will require another fifteen minutes.

Mr. Deputy Speaker: Then he can continue his speech after Lunch.

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

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

The Honourable Shri K. Santhanam: The new classification came into operation on the 1st of January this year and it is too early to form a correct judgment regarding the results, but I differ altogether from the view expressed by Mr. Anthony that it was a mistake and that it should be rectified immediately. Sir, it is not an experiment which has been taken up in haste; it has been demanded for the last twelve years. In 1937, the Wedgwood Committee Reported:

"We have been impressed with the waste of accommodation involved in maintaining four classes of travel on Indian trains. We cannot help feeling that the whole question of upper class accommodation should be reviewed."

Since then, persistently, year after year, on the floor of this House member after member has demanded the abolition of at least one of the upper classes. To have two similar classes for the richer middle class passengers amounted not only to a waste of accommodation, it involved a concentration of attention on the convenience and comforts of the upper class passengers.

It has been asked, what has the third class passenger gained by this new re-classification? Immediately neither in accommodation nor in fares has the

[Shri K. Santhanam]

third-class passenger been affected, so it may be said that, directly, nothing has altered so far as he is concerned. But, Sir, as a result of this re-classification one of the castes which has been sitting over his head has disappeared, and I think it would be altogether reactionary to bring back that caste and re-introduce the four-caste system in the Indian Railways.

It has also been argued that the first-class passenger has benefited. Sir, if a gallup-poll is taken of the former first class and second class passengers, I am sure that one hundred per cent. of the first class passengers will ask for the restoration of the old first class, while I expect 25 to 30 per cent. of the old second class passengers will ask for the restoration of the old second class. The first class passenger paid a little more than the present Class I passenger, but often by paying a single fare he got the whole compartment. That was the advantage of the old first class—that it was a gamble; if you pay one fare or two fares you can probably get a whole four-berth compartment to go about from one end of the country to another. It is to stop that wastage of accommodation that we have amalgamated both the old first and second classes and introduced a middle class which is called Class I. The standard of accommodation in the new Class I is much inferior to that of the old first class and a little superior to the old second class. Therefore, to say that we have abolished the old second class and not the first class is a mistake. What has happened is that a new class between the two has been introduced for the convenience of those who have been accustomed to go in either the old first or the old second class. In other countries, ordinarily there is only a two class system and I do hope that before long India too will move towards that simple classification.

Seth Govind Das (C.P. and Berar: General): Have that. It is much better.

The Honourable Shri K. Santhanam: But people who are very enthusiastic for change begin to protest and abuse when the change actually comes.

Shri M. Tirumala Rao (Madras: General): This is not the change we asked for.

The Honourable Shri K. Santhanam: People forget that while they now expatiate on the advantages of the old second class, for the last six years of war the second class travel has been as crowded as the new Class II. I have travelled often by the second class both at night and day, and I have found passengers rushing into the second class and there was no accommodation.

Shri B. L. Sondhi: When did you travel by railway? For the last six months you have been going by air.

Mr. Deputy Speaker: But he knows about it. The Minister may go on.

The Honourable Shri K. Santhanam: Well, I may inform the honourable member that probably even today I know more about all the classes than the honourable member.

Shri B. L. Sondhi: You were saying that you travelled by rail. I only corrected you—you never travel by rail now.

Shri Khandubhai K. Desai (Bombay: General): Has the passenger carrying capacity by the new classification increased?

The Honourable Shri K. Santhanam: What has happened is that the old second class compartments have been partly annexed to the new Class I and partly have been handed over to the new Class II or the old Inter class accommodation.

Seth Govind Das: With your permission, Sir, I wish to interrupt the honourable Minister only once and ask him this question. Is it not a fact that now in the second class there is more crowding of passengers than there used to be in the past, because the Inter and second classes have been mixed together?

The Honourable Shri K. Santhanam: My honourable friend Mr. Govind Das does not realise the full implications of his question. That means the new class II, is more popular than the old second class.

Shri B. L. Sondhi: There is no option—it is compulsory.

Shri M. Tirumala Rao: According to the Minister the third class is the most popular way and therefore it is very comfortable!

The Honourable Shri K. Santhanam: Let the honourable members reflect on the matter calmly. The third class passengers are there. The old inter class travellers have got the old inter class accommodation. The old second class passengers who have got Class II now have more accommodation than before. It is owing to the addition to the new Class II that more people are going from Class III to Class II. That is the process that is going on. That is why even the new Class II, in spite of more accommodation, is overcrowded. But if we find that the new Class I is not as overcrowded as it should be, then we shall go on transferring more and more coaches from Class I to Class II till we find that the passengers are suitably accommodated. That is the way in which we have to proceed—not to bring back the old four caste railway system.

Shri R. K. Sidhva: We do not want four classes. We want a comfortable class.

Shri L. Krishnaswami Bharathi: Provide sleeping accommodation; everything will be all right in Class II.

Mr. Deputy Speaker: Let the Honourable Minister go on.

The Honourable Shri K. Santhanam: Sir, I quite sympathise with people who want sleeping accommodation. By paying 50 per cent. over the old second class fare they can get it today. We are, however, providing limited sleeping accommodation in the new Class II.

Shri R. K. Sidhva: There are no coaches.

The Honourable Shri K. Santhanam: We shall put more coaches. An honourable member has done me the favour of reading a quotation from my own speech in the past. There I am reported to have said that the third class passenger is carrying the upper class passengers. I stand by that statement. Today, even at 24 pies, the first class passenger is being carried by the third class passenger. Supposing you give sleeping accommodation at 9 pies, then you can imagine how much the third class passenger will have to carry the middle class passenger. Everybody professes sympathy for the third class passenger, but when it comes to middle class interest *versus* third class interest, our reason goes and we stand for the interest of the middle classes rather than... (Interruption).

Mr. Deputy Speaker: Order, order.

Mr. Frank Anthony: On a point of explanation. This is a misreading of what I said. I said, "Have your re-classification by all means when you have the rolling-stock. For the time being, every effort should be directed to third class reorganisation."

The Honourable Shri K. Santhanam: This re-classification, as I have said already, has added to the total amount of accommodation by five or ten per cent. in the various Railways. From that point of view, it is of great interest.

[Shri K. Santhanam]

to the third class passenger, but what I am saying is that you can never have any change, especially in the Railway, where you have to make the change on a particular midnight, without some kind of inconvenience. We shall try to mitigate every inconvenience and see that progressively the third class passenger gets our first attention, then will come the class two and we will progressively eliminate the Class I passenger from the railway system.

Shri R. K. Sidhva: May I know what is the report of the General Managers on this classification? They have sent a preliminary report. I would like the Honourable Minister to enlighten the House as to what the opinion of the General Managers is.

The Honourable Shri K. Santhanam: That report is premature, but if the honourable member reads it he will find that in the M.S.M., S.I. and two other Railways the shift has been from Class III to Class II. There has been a decrease in earnings in the East Indian Railway and in one or two railways there has been a temporary decrease in earnings. This is only for twenty days and how can we come to any judgment on figures for the first twenty days of January alone? So I think my honourable friend Mr. Sidhva must wait and see. We have got an open mind and when we find that things have to be mended, they will be mended. But again I want to emphasize that we should not allow the old railway system to come again, have four classes of coaches, four kinds of refreshment rooms, four kinds of waiting rooms—all that is too much of a burden on the common man. By the abolition of one class, a great deal of burden has gone, though there has been some inconvenience—I do not deny it—some inconvenience to those people who are rich enough to afford 16 pies but who are not rich enough to afford 24 pies. I would like every honourable member to reflect as to what tiny fraction is there in this country who can afford 16 pies per mile who can just not afford 24 pies per mile. There is a fraction and that is a very influential and vocal fraction, but I suggest that it is not such a big fraction that we should jeopardize an experiment made in the interests of the future generations owing to some temporary inconvenience. As I have already promised, we shall see that this inconvenience is also mitigated to the maximum extent possible.

Seth Govind Das: Have only two classes.

The Honourable Shri K. Santhanam: Well, I rather shudder to face an Assembly after abolishing the Class I.

Shri B. L. Sondhi: Why? We do not shudder at all. We do not mind provided the Ministers also come with us and do not go by air.

Mr. Deputy Speaker: Will he allow the Honourable Minister to proceed?

The Honourable Shri K. Santhanam: I would request the honourable Mr. Sondhi to keep his soul a little in patience.

It has been a great pleasure to me to listen to the very constructive speech of my friend Mr. Shastri on labour relations in the Indian Railways. Some aspects of it will be dealt with by the Honourable Minister for Railways, but I wish to assure him that we are very anxious that labour in Indian Railways should be treated as model labour. I am particularly anxious that welfare work in the Railways should proceed as fast as possible. Unfortunately, a section of the workers even resent our improving the conditions. They are afraid that by improving labour conditions in Railways the revolutionary edge will be blunted. Therefore, on the one hand, when the Grainshop Enquiry Committee went about the country, they mobilised all the workers together and represented that the grainshops were mismanaged utterly, that there was no

article supplied in the grainshops which was worthy of eating and that some thing must be done to alter the existing state of affairs, but when finally we did accept their advice and gave them option and produced a change, they made it the chief point of attack against the Railway Administration. The House may also remember that when, after mature consideration, the Government of India felt that though they could hardly afford the amount they should make a gesture and give an extra Rs. 10 allowance to each railway worker, they protested that this was a question of dividing the workers; that it was intended to wean away the workers from strike. Unfortunately, for the last four or five years, disintegrating elements have infiltrated into railway labour to such an extent that we are unable to run the railways efficiently. We are not able to attend to the workers' welfare itself efficiently. The whole thing is in a state which we cannot put up with much longer. I hope that the railway workers will listen to the wise lead of leaders like Mr. Shastri and cooperate with the Railway Administration, so that we can prove that in a nationalised industry the workers can be treated as model workers. In order to enable the House to watch the progress of labour welfare work, we are contemplating to bring all items under one demand head as in the case of the Betterment Fund, so that year by year the House will be able to see how we have progressed in housing, in hospitals and other aspects of labour welfare.

Some members referred to catering.

Mr. Naziruddin Ahmad (West Bengal: Muslim): We have more to say on the point.

The Honourable Shri K. Santhanam: Members may have more to say and there is the Honourable Minister for Railways to reply to them, and probably members may have some more points from my speech to speak on. Some members suggested that the Railways should take up departmental catering. In the S.I., M.S.M. and B. N. Railways there is departmental catering and on the point of quality I feel that Departmental catering has, on the whole, competed successfully with contract catering. Unfortunately, owing to the application of the Pay Commission's Recommendations, all the catering staff have had to be paid the pay, allowances and other perquisites according to the Commission report and the S. I. Ry. catering which was the most successful and the most economical has begun to be a losing concern. It is this fact that has made us pause a little and, as we have other more urgent work to do, we have decided, with the consent of the Central Advisory Council, to postpone this extension of departmental catering and look after other matters. I may assure the House that, at the soonest possible moment, the extension of departmental catering will be taken up. Till then we have to manage as best as we can and every effort will be made to see that those who do it on contract do their work properly.

One of the honourable members suggested that the railways are functioning from day to day and are not proceeding on the basis of planning. It is partly true. Railways cannot plan in a vacuum. They have to plan in the midst of national planning and when there is a national plan, I am sure that railway planning also will go into its place naturally. Still, at present a large part of our work is being done on planned basis. For instance, the building of the locomotive workshop, the proposed coach-building workshop and even the new re-classification are all projects the results of which will be seen much more in the future than in the present. It is in the interests of the future that these steps have been taken.

About the construction of new railways, a great deal of work has been done during the last 18 months. The Assam Railway link of 145 miles was sanctioned on 27th January 1948 and is to be completed early in 1950. The Rupar-Tilaura

[Shri K. Santhanam]

Railway has already been completed and members from the Punjab know its value for the Bakra dam. The Khirsodah-Ranwara in the Bengal Nagpur Railway sanctioned on 26th March 1947 is to be completed on 30th June 1949. Similarly the Barwadih-Sarnadhi line in the East Indian Railway with a length of 40 miles was sanctioned on 26th April 1947 and is to be completed early in 1951. Then there is the Bhimsen-Khaira line of the G.I.P. railway with a length of 73.82 miles sanctioned on 21st May 1946 is to be completed on 1st April 1949.

Shri K. Hanumanthaiya (Mysore State): What about the Satyamangalam-Chamrajnagar line?

The Honourable Shri K. Santhanam: It has not yet been sanctioned. This constitutes a fairly good programme of construction. I do not, however, say that I am satisfied. I am sure that India wants probably a few more thousands of miles of railways, but unfortunately this is not the proper time to take up very big construction work. The cost of constructing each mile of railway is nearly four times the prewar cost. Therefore, if we make haste now, we shall have to spend a lot of money, while if we wait for a few years, we may be able to construct some lines much more economically. (*Shri R. K. Sidhva:* "Do you think the prices will go down?") Sir, I will conclude with a few words on fares and freights. I think it was Mr. Prakasam who suggested that we should reduce the third class fares. I have got some comparative figures. In India, the average passenger fare is 4.18 pies per mile and in the United Kingdom and in the United States of America it is 13.356 pies.....

Shri R. K. Sidhva: The honourable Minister must also compare the conveniences provided in the foreign trains.

The Honourable Shri K. Santhanam: The honourable member will please wait. As I was saying, the average fare in the United Kingdom is 13.356 pies and in the United States it is 13.412 pies. What Mr. Sidhva said is quite true about the convenience provided for the passengers.

Babu Ramnarayan Singh: Also the average income *per capita*.

The Honourable Shri K. Santhanam: Yes, the average convenience provided is according to the average income *per capita*. We cannot have the cake and eat it too. If we want to reduce the fares, we can only do so at the cost of even the existing convenience. Today it is the overcrowding that has given you the surplus. If we can provide all the coaches and all the locomotives to carry the third class passengers at even third class comfort, we shall be working at a deficit. Third class fare before war was only three pies per mile. The railway fare has increased only 50 per cent while every other price has increased by 300 to 500 per cent. We can say that even this is high, but unless prices fall we will not be able to provide these comforts and run the railways on the present basis.

So far as goods freight is concerned, I have some instructive figures to supply to honourable members. India pays 9.1 pies per ton mile, while the United Kingdom pays 19.52 pies and the United States pays only 6.882 pies per ton mile. In the United States goods are being carried much cheaper than in India and the reason is that their cost is much less. They make their own locomotives. Coal is cheaper there and labour is more efficient. As a combined result of all these factors, the United States, in spite of its high standard of wages and cost of living, is able to move its goods at much cheaper cost. Therefore, in future, if we want to reduce our fares and freights, we have to increase our efficiency. It is to the extent that efficiency is increased that we can either reduce the fares and freights or carry them better.

My honourable friend Pandit Hirday Nath Kunzru has made out this point and I need not labour it. He made a legitimate point that his report has not been published. Of course you know the printing difficulties in Delhi and how our own Assembly reports do not come to us for six months. I do not put this forward as an excuse. To some extent we must plead guilty to the charge that has been made. But I may assure him that every one of his recommendations is being scrutinised not only by the officers concerned, but by every member of the Railway Board and finally by myself, and by the Honourable Shri Gopalaswami Ayyangar. We shall see that every recommendation which can possibly be accepted is given effect to.

Shri G. S. Guha (Tripura, Manipur and Khasi States): I rise to associate myself with the many tributes which came from different parts of the House to the Honourable the Railway Minister after the presentation of this 3 P.M. Budget. His speech covers a very wide range and touches important problems and show his keen interest and eagerness to do what is possible under the present conditions. It is also very satisfactory to know that he has given his very earnest consideration to the various recommendations of the Railway Enquiry Committee and also to the wishes expressed on the floor of this House during the debates on the Railway Budget last year. Among the points that he touched were the questions such as the allocation of the Betterment Fund, the Depreciation Fund and also the separation of the Railway Finances from General Finances. Then he also spoke on the performance and standard of efficiency, better trains, power position and several other such like things. As many of the members have already touched on these points, I do not think I shall go into them at present. The question of gauge in the different parts of India is also engaging his attention.

Coming from one of the eastern provinces of India, namely, Assam, I think I should concentrate on some of the difficulties that the people in those parts experience when travelling by train. My honourable friend, Mr. Rohini Kumar Chaudhuri has already spoken on the state of the T. B. Railway and also said that I have some personal experience of the difficulties of passengers in that part of the country. I was in Darrang district for five years, and during my stay at Tezpur, capital of that district, I think, I never took the advantage of travelling by that train for a single day because of the various difficulties and also of uncertainties of travelling by that Railway. I preferred to travel by road by motor from Tezpur to Rangapara, the farthest limit of the B.A. Railway. Things were very difficult during the war days, when as Deputy Commissioner I had to help the military authorities in regard to transshipment of material from the Indian side of the country to Darrang in order that they could do their best to fight the Japanese menace in Burma. I had very great difficulty at that time in finding the means to help the military forces to bring their different kinds of equipment including arms and ammunition from Rangapara, which is the farthest limit of the B. A. Railway, up to Saloni (Tezpur) air field towards the construction of which I had a hand. At that time I wrote to the Defence Department, after consultation with the Air Force and Military authorities, several times to see that the railway from Rangapara North to Tezpur was taken over by Government and also converted into a metre-gauge line. My honourable friend Mr. Rohini Kumar Chaudhuri has given an idea of how the line has been working. And I generally agree with what he has said. I have not personally seen passengers pushing the train on the T. B. Railway. But I know that the conditions were very difficult on account of the failure of the engines, and sometimes it was necessary for people to get down from the train and in that way probably to help a little; there are one or two places where the train has to rise above the ordinary level. I think personally, that it is very

[Shri G. S. Guha]

necessary for Government to consider this question of the taking over of the T. B. Railway as early as possible, and before 1952. On the other side of Tezpur on the south bank of the Brahmaputra River there is a railway branch line from Nowgong to Silghat. If the 18 miles of the T. B. Railway line is converted into a metre gauge line as an extension of the Rangiya—Rangapara line, I am quite sure it will be of great advantage to the travelling public and beneficial to trade.

In this connection I would also like to say that having travelled and having been in that part of the country during war time, I felt the necessity of the extension of the railway line from Rangapara up to the eastern most part of the province—up to Sadiya. There are many areas in that part of the country requiring development. Thousands of people had emigrated into some of those parts from Eastern Bengal as there are very fertile lands there, and the whole place is studded with tea gardens; and tea is one of the most important things which we export from our country in order to get Exchange from foreign countries. It is therefore an important question for consideration of Government whether it is not possible to construct the line along the bank of the River Brahmaputra from Rangapara North up to Sadiya in near future if not at present. I think it would be very good from the point of view of defence and carriage of things if this was done; because during the last war, I had very great difficulty in arranging buses and other conveyances for transport of such things from Tezpur onwards. The line suggested by me will not be over, say, approximately 100 miles. There is a proposal for constructing another line from the Garo Hills about which my honourable friend, Mr. Chaliha will speak as I have not much time at my disposal now.

I would also draw the attention of the Honourable Minister for Railways and Government regarding the difficulties of the travelling public through Pakistan from one part of the Indian territory to another, for instance, of people travelling from Calcutta to Assam. If in course of time the question of the conversion of the metre gauge to broad-gauge is taken up for consideration, I hope Government will also consider the question of extending the broad-gauge line from Parbatipur to Amingaon. This will afford great relief to the travelling public to Assam, and the consideration of the question can probably be arranged by having some sort of discussion with the Government of Pakistan.

As regards the increase of passenger trains, accommodation, etc., what the honourable members who have preceded me during the last two days have said equally applies to Assam but to a much greater extent. I have travelled in Assam, Bengal, this side of the country and also in C. P. and in Bombay; but I cannot compare the conditions prevailing on the Assam Railway with the conditions that prevail elsewhere. There are not only no lights and no water in the bath-rooms, but frequently there are also no cushions to sit on. I hope Government will give their earnest consideration to these matters specially because Assam is now a vital part of the country for the defence of the Dominion of India.

Mr. Deputy Speaker: Mr. Khandubhai Desai.

Shri Kuladhar Chaliha (Assam: General): May I have the good fortune to catch your eye, Sir?

Mr. Deputy Speaker: Everybody will have the good fortune to catch my eyes. I would request honourable members to confine their remarks to ten minutes—I have got a list of thirteen members waiting still—so that I may be able to call upon the honourable Minister exactly at five of the clock to reply

to the debate. May I ascertain the wishes of the House if they would be prepared to sit for half an hour more after five of the clock? There are a number of members who want to speak.

Shri Khandubhai K. Desai: Sir, I shall finish in ten minutes. First of all, I would like to thank the Honourable the Railway Minister for a candid and outspoken exposition of the job he has undertaken upon himself. He has placed before us his difficulties, his hopes and his aspirations. We do not know to what extent he will be able to carry through them all during the course of the existing year.

He has made reference in two or three paragraphs in his speech to labour questions. He has placed before the labour leaders his view that as far as railway men are concerned, politics should be kept out. The President of our National Trade Union Congress has very ably placed before the House the view point of our organisation. I need hardly assure him and the House that as far as the INTUC is concerned, we have nothing to do with politics, though politics may come incidentally, but primarily we are for the uplift of the working classes whether they are working in the railways, or in any other industry.

I would like to point out to the railway administration one thing. A simple negative policy or simple maligning railway employees as inefficient people will not achieve the purpose. A positive approach is necessary. The positive approach is, that the railway men, whether they are working in the workshops, or on the stations or working as gang men, should be considered as responsible employees working in the interest of the nation. A sort of initiative should be created in them; a sort of responsibility should be thrown on them and they must be made to realise that they are as much servants of the nation as anybody else. This can only be achieved if the railway administration at the top changes its whole outlook towards labour. Of course, there is not much difficulty. For aught we know, the men at the top may be good people; but they have been accustomed to treat the railway men in a particular way. Unless the red tapism goes. I think we will be in for difficulties. I would suggest for the consideration of the Railway Minister that even for the removal of small grievances, small discontent, small dissatisfaction, he must appoint Zonal Tribunals to which every railway man can go for the redress of his grievances. If the tribunal gives a decision against the railway man, he will know that his case was wrong and he will be satisfied. He should not be permitted to harbour feelings of discontent, dissatisfaction and resentment at the railway administration.

Shri B. Das (Orissa: General): What about our satisfaction about full production by labour?

Shri Khandubhai K. Desai: Last year, I had an opportunity of going round the country, on almost all the railways, and I must assure the House, as representing the nation, that at the core, railway men are sound and they would like to serve the nation. The charge of inefficiency, indiscipline, and what not, can immediately be removed if response comes from the railway administration at the top.

As far as the coordination of the different rival bodies among railway-men are concerned, my suggestion is let the railway-men manage their own affairs through their own office bearers. I would not object to it and nobody would object to it provided the railway men are assured that the office bearers whom they may elect from among themselves will get a square deal from their superiors and that if they place their case strongly before the railway administration, they will not be looked down upon and they will be made to suffer for it.

[Shri Khandubhai K. Desai]

Then, there is one point to which I would like to make a reference: that is regarding the railway finances. We are grateful to the honourable Railway Minister that he has realised that the railway finances are not in a happy position. We cannot have any complacency about the position of the railway finances. The depreciation fund is being depleted as he says, at the rate of eight Rupees for every Rupee we put into it, because of the high prices of renewing the locomotives, carriages and wagons. Even if the prices were to go down, you will have to take out of the depreciation fund at the rate of three or four Rupees for every Rupee you put into it. Therefore, the suggestion that a Convention Committee should be appointed is welcome. I think the surplus which has been shown is fictitious; it is not a surplus in any shape or form. I am definitely against any surplus from the railway going to the general finances. It is a crooked way, an insidious way, an indirect way of imposing even one pie from the railway surplus, in my opinion, is unsound finance. Now that the Honourable Dr. John Matthai, who fought for this principle, is the Finance Minister, I think the Honourable Shri N. Gopalaswami Ayyangar would have better time in the future. I think not a single pie from the railway surpluses should be diverted to the general finances. If they want the general finances to be augmented, let them come before the House for more taxation and we will consider the taxation proposals. All the surpluses should go towards increasing the facilities of the passengers and satisfying the railway men.

Much has been said about the new classification. I think a right step has been taken. (An Honourable Member: "No"). Any right step will, in the first instance, be resented by the people who are accustomed to a different way of life. The very fact that the new classification has, according to the Honourable Mr. Santhanam, increased the passenger carrying capacity by ten per cent is proof of this. If the trains carried one thousand passengers before, they are carrying now a hundred passengers more. Some persons may have gone from the third class to the so called second class which is really the inter class. To that extent, congestion may have been removed. He has assured us that this is a transitional step towards the elimination of even the inter class and having only two classes, the upper and the lower. I think, if that stage comes, we will be happy. Any change as suggested by Mr. Anthony would be a retrograde step and this House must not allow it.

As far as the third class passengers are concerned, I think the time is shortly coming when, with the efficiency that the railway are bound to put in,—because they know the feelings of the House—the third class passengers will also get accommodation at night for sleeping on payment of an extra fare. So there will be two classes—I and II, or upper and lower, or A and B—or whatever you would like to call it. Today there is a misunderstanding. The class which is called second class today is not the real second class: it is old inter-class.

With these words I must again thank the Railway Minister for his candid and frank exposition of his position to this House.

Shri Jaspal Roy Kapoor (U.P.: General): I have often been unlucky in not getting suitable accommodation in railway trains, but I had never thought that that ill-luck of mine would follow me even in the course of the debate on the railway budget, and that I would be called upon to speak at such a late stage in the debate. As it is, I must confine myself to the very few

points that have been left untouched by the previous speakers. But even then, Sir, I must repeat one thing, and that is to congratulate the Honourable the Railway Minister, not only for the very able, lucid and frank speech which he delivered while introducing the Railway budget, but more particularly for the efficiency that he has been able to bring about in the railway administration during the short period that he has held this portfolio.

As a member of the Central Railway Advisory Committee, and also having had many occasions to travel during the last few months, I can say, Sir, with a certain amount of personal experience that there has been an all round improvement in the working of the railways. The trains have begun to run a bit more punctually, the railway staff is a little more courteous to the passengers, there has been an improvement in the goods traffic, and above all, Sir, I find an earnest desire and determination on the part of a large number of railway officials to improve matters. I know, Sir much more still remains to be done and I do not attach very much importance to the little that has been done. But I certainly attach a good deal of importance to this earnestness on the part of the railway officials to improve matters, and if this earnestness on their part continues, I hope, Sir, before long many of the grievances which we ventilate on the floor of this House will disappear. But, Sir the credit for all this must not go exclusively to the honourable the Railway Minister. It must be shared by his deputy the honourable the Minister of State for Railways, Mr. Santhanam.

We know what a close and critical study he used to make of railway problems when he was on the non-official benches, and I am glad to find that even now when he has been lifted to the Treasury Benches, he continues to look at the railway problems with the same angle of view as he used to look at them when he was on the non-official benches.

I was rather sorry to find some of the previous speakers the other day criticise him rather uncharitably when they said that now that he has to travel by air he has forgotten all the grievances of the public against the railways. I must confess, Sir, that I do not consider such criticism to be very dignified and responsible. This sort of criticism I often hear in the market place being levelled against our Ministers and our Government. But I had never thought that such irresponsible, and if I may be permitted to say, undignified criticism, should be levelled against any Minister on the floor of this House. Is it that any one of us does seriously want that our Minister should not travel by air and economise time thereby? Is it the intention of any one of us here that they should travel only by rail or by bus, or perhaps by bullock-carts?

Mr. Deputy Speaker: The honourable member should come back to the rails! Already five minutes have gone.

Shri Jaspal Roy Kapoor: Well, Sir, I hope I shall have fifteen minutes.

Mr. Deputy Speaker: I am afraid that will not be possible.

Shri Jaspal Roy Kapoor: I have no objection but I will try to go over the various points as fast as the railway runs. But let us not forget that even though the speed of the railway has increased, the trains have not become absolutely punctual, and I hope I will have your consideration in view of this fact.

I was submitting, it is not fair on our part to suggest that the Ministers should not travel by air; in the interests of economy of time, they must do so: as a matter of fact, we would do well to give a directive that our Ministers should travel in the shortest possible time so that they may be able to devote more time to the substantial tasks that are before them.

Shri B. L. Sondhi: And also to the members of the Advisory Council!

Shri Jaspal Roy Kapoor: Yes, thank you.

I must now immediately come to a very important point and that is with regard to the working of the Railway Finance Committee. Having been elected to the Railway Finance Committee by this House, I think I ought to tell them what my experience of it has been, and I must confess that my experience has not been a happy one. The Railway Finance Committee is supposed to be the watch-dog of Railway finances. But, Sir, the way in which its affairs are conducted prevents it from functioning as it should. Firstly, to go through these various points hurriedly, I may mention that the Standing Finance Committee has not been given the necessary facility.....

Mr. Deputy Speaker: Two minutes.

Shri Jaspal Roy Kapoor: I think I have now to travel by air.

The first point is that items relating to huge amounts of money are placed before us and we are expected to skip over those items within a period of only two hours. The members of the Committee are not experts, and I am sure even experts would not be able to deal with these big items in the short space of two hours. Secondly, we find that grossly wrong estimates are put before us. To quote one illustration—(Interruptions). My honourable friend, Mr. Sondhi is surprised, but if he will bear with me and help me to secure a few more minutes from the Deputy Speaker, I will be able to quote instances for the benefit of this House.

One illustration is this. In March last year, the Railway Finance Committee were told that five steamers could be had for only about Rs. 25 lakhs. Four or five months afterwards we were told that three steamers had been purchased at a cost of Rs. 60 lakhs; whereas in March we were told that one steamer would cost Rs. 5 lakhs, only a few months after orders were placed for three steamers at the cost of Rs. 20 lakhs per steamer. This is something which must be taken seriously by the House.

Then again, often no approval of the Standing Finance Committee is taken before huge orders are placed. To illustrate this. Two hundred engines costing Rs. 10 crores were ordered without any approval of the committee having been taken.

In another case, nine engines were purchased at a cost of Rs. 25 lakhs and this fact was brought to our notice after the entire transaction had been completed.

Fourthly, I may mention that very often the estimates are exceeded by very big amounts. To give you one illustration—the doubling of the Gaya Bridge. The original estimates were Rs. 32 lakhs: ultimately such a huge sum as Rs. 46 lakhs was spent over it, and it was not until the whole project had been completed that we were informed that the original estimates had been exceeded. This state of affairs, I submit, is not very agreeable to us and I am sure now that the Honourable Mr. Santhanam and the Honourable Mr. Gopalaswami Ayyangar are there they will see to it that the working of the Railway Finance Committee improves definitely and we are enabled to function in a manner which would give satisfaction not only to the members of the Committee but also to this House.

Sir, the time at my disposal is so short that I would only give two concrete suggestions with regard to improving the honesty and the efficiency of the Railway staff. Every body has spoken now and we have also been crying

hoarse in different sessions of the House that there is a good deal of corruption in the railway administration and it is particularly so in the goods booking department of the railways. I have two definite suggestions to make in this regard. One is that an anti-corruption department should be established. It should be run not only by people who have experience of police administration but also by people who have experience of railway administration. These two sets of people must be such as are above suspicion: I have often found and particularly in my home province, U.P., that in the anti-corruption department some persons are employed who themselves had a very bad reputation regarding their honesty. It is no use having in the anti-corruption department persons who were themselves dishonest in their career. The personnel for this anti-corruption department must be selected with very great care and caution.

The second suggestion is that at every important industrial and commercial centre there must be a goods shed advisory committee and this committee must consist of representatives of the various commercial and industrial interests. Over it the station master might be asked to preside. Their meetings might be held once a fortnight or month and a meeting once in three months may be held at which the Divisional Traffic Manager or Superintendent may be asked to preside. These are the two suggestions which I have to make in this direction.

With regard to the newly established institution of social service guides I must confess that so far I have found this institution to be practically useless. It may be said that we have not had sufficient experience of it. I would on the floor of this House like to utter a warning to the social guides and tell them that if they continue to be useless as they have been so far we shall have to request the Ministry to discharge their services altogether. I remember that on the occasion when the special train was run from this place to the Congress Nagar in Jaipur a very large number of social guides was there. Their number was greater perhaps than the members of the Constitution Assembly who were travelling by that train. After that I have not found one social guide at the station, for almost every week I leave the Delhi station and every time I make it a point to inquire from the responsible official on duty as to where the guides are and I am told always that they are somewhere on the other platform. So every time I have enquired about their existence, I have invariably been told that they are on the other platform and not on the platform where their services are required.

About railway amenities I will not go into detail but I will say only one thing, that I am very much disappointed with regard to amenities of the passengers. It appears from what the Honourable Mr. Santhanam said that because of want of materials it is not possible to give more amenities. It is true in the case of putting up new sheds and so on. But where is the difficulty in having more booking offices or clerks, or providing electric lights at stations. We have just been told by the Honourable Mr. Santhanam that it is not easy to get electric wires. With all respect to him I would submit that electric wires and bulbs are available in the country in any quantity and I know of one important station, my own home station Rajakimandi, where the electric supply company is prepared to put up electric lights on the platform, but a year has passed since I moved in the matter and uptil now the electric lights have not been put up there and the ordinary oil lamps on the platform hardly burn. That is the case not only with regard to Rajakimandi station but with regard to many other stations also.

I have an important suggestion to make and because I think it is likely to be accepted by the Honourable Minister, I venture to make it. I find that many of our technical men are not being fully and properly utilised. I know that in the E.P. Railway some electrical and mechanical engineers are being

[Shri Jaspat Roy Kapoor]

given the jobs of storekeepers or store superintendents. My honourable friend behind me cries "What." He is surprised at it: So was I when I came to know of it. I hope it would be a surprise to the honourable Minister also, and that he will take immediate steps to see that these technical men are given such jobs for which they are qualified: It is a waste of national talent to put highly qualified technical men on non-technical posts.

I had a lot more to say but I am sorry that I have already exceeded the time limit, and I thank you, Sir, for the indulgence shown to me.

Shri A. Karunakara Menon (Madras: General): I congratulate the honourable Minister on the Budget that he has presented; on the improvements in Railway that have been already effected and for the promise of the several improvements to be effected in future. Our great disappointment is that we do not find any mention made with respect to future plans about the expansion of railways or the restoration of dismantled lines, which subjects used to find a place in budget speeches. There is no need for me to emphasise the necessity for expansion of railways. The railways act as a great contributor to the economic prosperity of the country. They also act as a great welder of the people into a nation. This expansion is also necessary for the convenience of the passenger public. For instance, it is very difficult for people on the West Coast to go by Rail to a place north of Mangalore, which is the terminus of the South Indian Railway on the West Coast. We have to go south, then turn to the east and traverse the whole peninsula to reach Bombay or any other place in the Bombay Presidency. On the other hand it would be very easy if Mangalore is joined to the Mysore station or the Hassan station on the Mysore Railway line. Still better it would be if the S. I. Railway Station Cannanore is connected with Mysore Ry. Station after passing through the prosperous territory of Coorg.

Even more important, according to me, than new lines is the restoration of the old dismantled lines. These lines were dismantled at the time of the war and on the understanding that they would be restored as soon as the war was over. These lines were built originally after a great deal of investigation regarding the necessity for them and as such I cannot understand why these lines which were dismantled on the implicit understanding or tacit promise that they would be restored soon after the war, do not form part of an urgent programme in the Railway administration.

I might mention one of the railway lines which I know of and which needs immediate restoration namely the Nilambur-Shoranur line. It was a line forty miles long, costing Rs. 80 lakhs and it was dismantled in 1941 or 1942. Its restoration is said to cost only about Rs. 20 lakhs. Nilambur which is at one end of the railway is an important station. It is at the foot of the ghats and is a great timber and fuel centre. This railway line, if taken out to Shoranur, will lead straight on to Cochin Harbour. Pykara electric scheme is to be introduced in this area soon and it will act as a great civilizing force in the explosive Moplah area of Malabar. Therefore the importance of this railway need not be emphasized.

The Honourable the Railway Minister admitted that there was a large increase in railway travelling compared to the number of trains and accommodation provided. In this area also if the railway is restored there is no doubt that it will not have to be worked at a loss. The Railway Minister stated on the 15th of this month that the restoration of this railway line had been recommended by the Madras Government and that the only question that remained to be settled was the question of guarantee. I know that the previous Rail-

way Minister the Honourable Dr. John Matthai was also trying to get this guarantee question settled. I do not know why there is a delay of three years to settle this small issue. I do not think this railway when restored will ever be a loss. The areas between these two places, Shoranur and Nilambur have become very important after the war. Therefore, may I request the Honourable the Railway Minister to expedite this matter and earn the gratitude of the people by fulfilling a promise that was made at the time when these lines were dismantled?

I may be permitted to say a few words regarding the reclassification of accommodation in passenger trains. Whatever the Honourable the Minister of State for Railway may say, the present reclassification of accommodation in railway trains has created great dissatisfaction in the country. It has not satisfied the rich, it has not satisfied the middle class, and it has not satisfied the third class passenger also. It has not satisfied anybody. The chief objection to this reclassification is that the reform was attempted at the wrong end. What ought to have been done was to reduce the classes by approximating the third class as much as possible to the intermediate class, and then, when the third-class approximated to the intermediate class, the intermediate class ought to have been removed. No doubt the attempt is to introduce a classless travel by reducing the number of classes just as we all yearn for a classless society. But this object could have been attained by the removal of the intermediate class after the third-class approximated to it. The first-class should have been removed altogether. The previous second class with fares which then existed should have been continued. Credit has been taken now by the Honourable Minister of State that four classes have been reduced to three classes. It is not so. The four classes remain even now. There is the first class, the second class with reservation, the second class without reservation, and the third class. I submit that the position requires very careful reconsideration at the hands of the Government.

I may be permitted to mention one small point. There are now two trains leaving Madras for the West Coast within an interval of a few minutes or an hour. It would be an improvement which will be highly appreciated if one of them starts in the forenoon and the other in the afternoon. Not only will it increase the convenience of the travelling public but on account of the night air mail which has been introduced it would enable the air mail posts to be delivered earlier in important places. At present the air mails reach Madras early in the morning but remain there till evening waiting to be carried to their destinations.

With respect to labour I congratulate the Government on the strong attitude they have taken. At least one section of labour had been blackmailing the country and trying to exploit the Government in times of dire emergency.

Let me mention one more point. I read in the papers of a scandalous of twenty engines having arrived in this country from America in response to orders given by the Government and that they subsequently were found unusable and therefore are lying idle in the locomotive yards. The matter needs urgent enquiry. Each engine is said to cost about Rs. 4½ lakhs. Several of these engines are lying idle because they cannot be used on the railway track for the reason that the whole railway track will have to be converted and relaid if these engines are to be used.

The Honourable Shri K. Santhanam: May I intervene, Sir, to say that so far as the locomotives are concerned there is no basis at all for that statement.

Shri L. Krishnaswami Bharathi: In answer to a question that had been tabled, the answer was given which the honourable member probably did not hear. It was laid to the counter and they said they did not attach any value to such things in the paper.

Shri A. Karunakara Menon: The paper need not be attached any value to.

Shri L. Krishnaswami Bharathi: To the matter contained in it.

Mr. Deputy Speaker: Order, order. Let there be no speeches across the benches. The honourable Minister has said that the allegation is absolutely baseless. He need not pursue the matter. He has already taken his time.

Shri A. Karunakara Menon: Sir, I apologize to the honourable Minister. I never attached much value to the particular newspaper containing the news but I thought it my duty to bring the serious allegations contained in it to the notice of the Government. Therefore, only I mentioned it and not with the idea of making any accusation against Government.

I come to the last point. Though it is a small point I would like to mention it. One of the lady members stated that there ought to be an increase in the number of ladies compartments. Increase of compartments is necessary, but I do not know why ladies compartments ought to be increased. They want equality with men and at the same time they plead for special reservation on the basis of being the weaker sex. Both can't go together.

Shri Sita Ram S. Jajoo (Madhya Bharat): I avail of this opportunity to associate myself with other honourable colleagues of mine to congratulate the honourable Minister for Railways not only for his lucid and explanatory speech but for the straightforward and courageous speech he has made in admitting the short-coming and defects of the railway administration today. As a matter of fact he has stated further that he is conscious of the defects and fully alive to meet the situation as demanded by the country. While congratulating him on this I cannot refrain from making certain observations as regards the general feeling of the public that though the railway administration is now in the hands of our national Government, it is deteriorating in certain respects. I would not like to dilate on the inefficiency and corruption particularly because they have been mentioned by many speakers. I feel and feel very strongly that corruption is writ large on every branch of the railway administration today. One would have understood it in the foreign administration but it is a matter of great shame for us when we see that corruption is the only thing to be seen everywhere. When we reach the railway station, from the moment of purchasing the ticket down to the moment we reach our destination we find everywhere corruption and corruption and nothing else. If I want to purchase a ticket I must tip the railway man for it—the police constable or the booking clerk. For a seat in the train I have to tip him there also.

Shri L. Krishnaswami Bharathi: Not so bad as that.

Shri Sita Ram S. Jajoo: Perhaps many of honourable members here come from those areas where the Honourable Ministers may have toured and the people are a little educated as well. But I come from an area which is very backward, and I feel that just as third-class passengers are the most neglected people, so the areas served by metre gauge are also neglected and there nobody can raise his voice against the administration. And if anybody raises his voice there is very little of response. I come from an Indian State, and refer here particularly to the area from Khandwa to Ajmer.

I have raised this question here to draw the attention of the honourable Minister to the state of affairs there. I am really very grateful to the Honourable the Deputy Prime Minister that he has consolidated and integrated our country. But unfortunately, our Railway administration has not been integrated and consolidated in such a way that the Indian States may be included in that. I am glad that the Minister has stated that a new map of

the Railway administration shall be drawn up very soon, but I would have welcomed it had there been the slightest indication that even a survey had been undertaken in that direction. The Government of India has been very helpful to some of the States in developing their hydro-electric schemes, etc., but unfortunately the Railway Administration has failed to consider that many vastly populated areas are not linked up by railway as yet.

I come now to the question of amenities to the railway passengers. Much has been said as regards the third-class passengers' difficulties. So, I would like to draw your attention to another fact. Sir, the Betterment Fund is not fully utilised to the advantage of the passengers. It has been conceded by the honourable Minister that it is so. I would like to suggest that the Betterment Fund should be disbursed in consultation with an Advisory Committee.

On pages 22 and 23 of the Explanatory Memorandum, amenities for passengers have been mentioned. But for the B. B. & C. I. Railway—one of the railways paying the greatest amount of profit—unfortunately nothing has been done under the head "water-supply to passengers". The B. B. & C. I., serves the desert areas of Rajputana and only those who travel there know what scarcity of water means.

Similarly, I find that much has been said about carriages. But I do not see any provision for the improvement of carriages under this except on the O. and T. Railway. Does it mean that everywhere else the railway carriages are up to the mark? The third class carriages are such that the windows are shattered and the doors loose; we can have the pleasure of a sunbath in the summer and shower bath during the rains, and a cold breeze in the winter. So far as lavatories are concerned, they are so useless and dirty, that the less said about them the better. Taps inside them are either blocked or too loose so that anybody using the lavatory will be drenched; and if he happens to be a *Sanatani* or one having any scruples for hygiene, he would have to take his bath at the nearest station; but then he will not find third-class bath room and if he finds any water tap there it will be so much crowded, that he will not have sufficient time or sufficient opportunity to have even a glass of water to drink.

The Honourable Mr. Santhanam has said that he is thinking of electrifying the railway stations. May I draw his attention to the fact that today the third-class carriages are not electrified? There are no bulbs there. As regards the coaches you say improvement is being made. Even in the old second-class coaches I find on my metre gauge that the upper berths are being removed from the second-class.

On transport, I would like to speak on the goods traffic. The booking restrictions that are imposed at times are a farce. If there is a station nearby which is served by another Railway, you will find the Commercial community resorting to other devices; they take their goods there and if you grease the palms of the railway authorities it is very easy to have a booking permission under a different name. A particular commodity may be restricted for booking but you will find the same commodity booked under a different name.

That is the state of affairs, Sir. It is a very pitiable plight. The sooner we remedy these things the better for our country, for our nation. If we do not do it, I do not know where our transport system shall be, and where our other things shall be.

About claims, there is delay if we apply for claims. I am myself a sufferer; I applied for a refund ten months back and I have received no reply.

[Shri Sita Ram S. Jajoo]

As regards grainshops, I do not grudge any facilities being given to labour class but I find the grain shops have become the gain shops for the few individuals. Those who procure these things smuggle them and profiteer on them. Even the authorities who have been purchasing them become a party to swindling the money of the poor taxpayer. I would like to draw the attention of the Government of India, most humbly, to the fact that these anti-corruption department people also do not listen to the complaints; the anti-corruption department has become a party to these corruptions. Formerly you had one or two persons corrupt, now there are a thousand and one persons who are corrupt and the anti-corruption department is only one more addition and shares the booty with others.

The honourable Minister says that the bottleneck of transport is being removed. It is not so on the metre gauge. My Provincial Minister told me yesterday that the primary necessities of life are not being despatched there because of the lack of transport facilities. In Madhyabharat we have not been able to send anything; cement quota we could not send because there were no railway transport facilities for the last nine months; kerosene and petroleum could not be sent; our sugarcane crops are standing in the fields and cannot be transported to the factories. What about wagons? If I go and grease the palms of the railway gods there, I can get the permits. The priority committee is all a farce.

Though there is no time at my disposal, I will emphasise with all the force at my command that these things should be improved.

I heartily congratulate our Honourable Minister because he is conscious of these things. He is fully alive to all these things. I hope he will surely consider the needs of the poor people, particularly the States people. He has referred to the launching of new open lines, but in the B. B. & C. I. we have certainly not seen any sign of any undertakings in open lines. Though we contribute the highest amount of profits, still ours is the most neglected area.

Dr. Y. S. Parmar (Himachal Pradesh): My task has been made easier by my friend the Honourable Mr. Santhanam by giving us assurances about the improvements to be made in third-class travel facilities as also on the present difficulty which we are facing regarding the re-classification on the Railways.

In this connection, I would bring a few facts to the notice of the honourable the Transport Minister so that the inconvenience which has been brought to his notice might be reduced in good time. One fact is that we find all these days that while there is some arrangement made for sitting accommodation for the Class II passengers, it is not only that the public do not know anything about the sleeping accommodation but even the railway staff is ignorant of this practice.

I was amused the other day to find that a whole compartment had been reserved and reservation fee for sleeping accommodation had been paid: yet the occupants were disturbed the whole night because some other passengers wanted to get in. They would not believe that there were such a thing as reservation of sleeping accommodation in the train. That was not all. What was more interesting was that the employee of the Railway Department itself would not believe it. He did not believe the reservation ticket. Of course, after satisfying himself by seeing the receipt for the payment, he persuaded the passengers from getting into the compartment. What I mean is this, that this fact that there is reservation of sleeping accommodation is not known to the general public; not only that, it is

not known even to railway employees. This fact must be brought to the notice of railway employees; otherwise, this reservation will become a regular nuisance.

Secondly, the answer which my honourable friend Mr. K. Santhanam made about overcrowding was that it was due to more third class passengers coming into the second-class. In my opinion, overcrowding is due not because of more third class passengers coming into the second-class but because second-class passengers who have now been huddled into the II Class have to travel not in the accommodation which used to be available to the Inter and I Class before but 40 per cent. of that accommodation less. If my information is correct, 40 per cent. of the old II Class compartment have been up-graded to Class I, which means that the total accommodation available for the new II Class is 40 per cent. less. This raises another point, namely, that it is unfair to charge people three times the same rate for the same amenities and comforts. For those compartments which have been degraded to new II Class have the same comforts as those which have been up-graded to new I Class. But that is not all. While it has been attempted to give more facilities to the middle class man, the real beneficiaries of this scheme are the I Class passengers. They pay 20 per cent. less and enjoy practically the same comforts as before. So my suggestion is that all compartments which belonged to the old II Class should be reconverted into the new II Class. This will relieve the overcrowding. Of course, it is for the Minister to see whether it will do any good.

Speakers before me have pointed out the difficulty regarding transport of goods. Wagons are not available; if available, there are so many difficulties that people cannot get them, at least not get them till they can bend down to certain other practice, which must be done away with, and the sooner that is done the better for us.

One more point. People had high hopes, people who had lived in ignorance and isolation—I mean the hill people—we thought that it was because the foreigner did not want them to come up to the level of other parts of the country that he did nothing for them. I am talking of the hillmen right from Kashmir to Darjeeling. Even in this National Railway Budget there is no place for them. There is not a word about even survey work being carried out in those areas. What does that mean? Does that mean that those from the hills are not to expect any progress even under our National Government? Will nothing be done to open up this country, not only from the point of view of progress of the people inhabiting it but even for unearthing the hidden treasures which lie there waiting to be exploited and made available to enrich the treasuries of this great land? My humble suggestion is that these people cannot be ignored. We people have been looking forward not only to ordinary railways but we have been under the idea that as soon as power comes to our national leaders we might expect small electric trains throughout the hills. Unfortunately, there is no mention of anything of that kind in this Budget.

A word about labour and I shall have finished. It is gratifying to find that for the present our Honourable Minister has been able to bring pressure on railway workers and get the strike cancelled. But we must be alive to the necessity of solving this great problem of labour. Wages have of course to be paid and brought to the subsistence level, but one thing which has to be remembered, particularly the labour has to bear in mind, is that higher wages alone will not bring prosperity or productivity. To get better wages, to get better facilities, efficiency has got to increase; productivity has to increase; discipline has to improve. These are matters which concern not merely railway labour but labour all over the country. Labour has to see to it that productivity increases; that strikes do not disturb the production of the country, for at this

[Dr. Y. S. Parmar]

sage to think of strikes is nothing else but sabotaging the growth of the country and any interest or body which wants to use labour for this purpose cannot expect any help or support from the Government and the people.

Shri R. Sankar (Travancore State): Speaking as I do at the fag end of the general discussions on the Railway Budget, I have had occasion to attend to the speeches made by very many honourable members of the House. I find that there has been a unanimity of opinion in respect of two things: firstly, in congratulating the honourable the Railway Minister for his very able and lucid Budget speech and secondly, in condemning the new classification that has been introduced. I think some of my honourable friends have been rather partial in trying to give the congratulations all to the Railway Minister and the blame for the introduction of the new classification to the Deputy Minister. I say it is very unjust. Perhaps, because the Deputy Minister took upon himself.....

Mr. Deputy Speaker: Not Deputy Minister. He is Minister of State—intermediate classification!

Shri R. Sankar: Perhaps because the honourable the Minister of State took upon himself the responsibility of explaining the whole matter, it is on that account that some of my friends thought he is responsible for introducing this damned classification. But it has been made amply clear that not one particular individual is responsible for this unhappy reform, and that the entire railway administration from the very top to a level below were opinions count must be held responsible. I would therefore say that the encomium and the criticism must be shared equally by the honourable Minister and the honourable Minister of State.

Many of the aspects of the Railway Budget have been dealt with in this House in some detail. I do not therefore propose to touch upon any of them. But there is something which is uppermost in my mind and I must mention it. Though the able speech of the Minister for Railways and the Budget presented by him have given us a fair idea of the working of the railways during the last year and of the expectations for the coming year, I think the whole railway administration lacks planned activity. What I wish to say is this: Our country now enjoys the status of an independent country and one would naturally compare it with the other free countries in the world. In the matter of railways, therefore, we would be tempted to compare our position with that of more advanced countries in Europe, United States and so on. But if one makes that comparison, he would be sadly disappointed to find that we are very backward in this respect. Even the mileage that we have in India does not compare favourably with the mileage in important countries of the world. Great Britain which is only big as or a little smaller than some of the bigger provinces of India, has a greater route mileage in railways than the whole of the Indian Union. Similarly, the United States of America has many times this length of railway, though she has a population which is only one third of the Indian Union. Canada also has a larger route mileage as also Russia. Even Argentina, which is a backward country with a population of only 10 millions or one thirtieth that of India, has nearly as much railway as India has. India, of course, is said to be backward country with a mainly agricultural economy. Argentina's national economy is nothing but agricultural, it must be remembered. They are one of the chief producers of wheat and foodgrains and we ourselves are importing foodgrains from Argentina. They have been able to develop their country on account of the vast net-work of railways. With the help of this vast net-work of railways they have constructed, they have been able to develop all the rural parts of their sparsely-populated country.

The United States of America, which till fifty years ago, was mainly an agricultural country, developed their country rapidly on account of the vast net-work of railways they constructed. It is said that in the Eastern States of U.S.A. such as New York, Pennsylvania and Michigan, there is no place from which if you walk in any direction you will not meet a railway line within three miles. They have such a vast net-work of railways there that there is no farm in any part of developed United States either in the Central States or in the Eastern ones which is not served by some side line. So we find that if our agriculture is to improve, the first thing we have to do is to expand our railways very considerably.

If we look at a railway map in India we find that in the Gangetic plain there is already a net-work of railways, but in the Deccan and in the South, railways have not been extended to any similar degree. Towards the southernmost end railways almost disappear. Honourable members will excuse me if I take the example of the State of Travancore from which I come. Travancore has a population of 6 millions. On the basis of population that State should have at least 500 miles of railway in that part of India. But there is not even 100 miles of railway there. It is admitted by all that Travancore is a very advanced part of India industrially, educationally and even otherwise. This being the case, there is no excuse whatever for this neglect. Travancore, Cochin, Malabar and some parts of south India have received very little attention in this respect. The broad gauge system, at its southernmost point, terminates at Ernakulam or Cochin. To the south of that region, there is no broad-gauge line. An area nearly 50,000 square miles to the south of Madras consisting of Trichinopoly, Tanjore, Madurai, Ramnad, Tinnevely and the State of Travancore is not served by any broad-gauge line at all. If any agricultural or other produce from this area has to be sent to upper India, two transshipments have to be made, once from meter-gauge to the broad-gauge at Madras or at Trichinopoly and the other at Poona or Munnar. If the broad-gauge line is extended to the south so as to reach the Cape, that will open up a very large industrially advanced and thickly populated area and the produce of that area will be available to the north. That land is particularly rich in many varieties of fruits. For instance we have the banana which only people from the south have tasted. It is nothing like the so-called banana of Delhi. It is far more delicious and far more nutritious. That banana never reaches any place north of the Vindhyas. It is because it gets spoiled due to overripening. The Airways companies do not accept it as freight, otherwise I would have taken some bananas with me. There is no railway transport which helps in transporting such perishable stuff as bananas. If there are refrigerator cars available one could take these bananas from Travancore and Cochin to any part of India in good condition. People in upper India now depend on tinned fruits from the United States for their fruit requirements. We get tinned pineapples also from the United States. The best variety of fruits from south India you cannot get here because the railways are undeveloped and we are not able to use our transport system to bring them here.

Another matter I wish to bring to the notice of the Government is that in Kerala about two million people engaged in the coir industry are now in very difficult circumstances. The foreign market for the coir industry has fallen and people engaged in this industry have been thrown out of employment. Coir is made from coconut fibre. Till recently coir goods enjoyed a sort of priority and coir ropes, mats and mattings and other coir products were being sent to northern India where they found a ready market. But the Railway Administration and the Government have taken the coir goods out of the priority lists and now the result is that hundreds of thousands of workers in Kerala have been thrown out of employment and they are very often a prey for dexterous Communist propagandists.

[Shri R. Sankar]

My humble opinion is that we are not looking at the problem of railways in the proper perspective. We should not consider that the railway is a commercial enterprise. The return is not the return as apparent from the Budget. The real return is to be judged from the increase in the national prosperity and the national wealth of the country. The Honourable Finance Minister should never expect a pie of contribution from the Railway surpluses. I think it has been a gross negligence of duty to have taken away much of the railway surpluses during the past 20 or 25 years and allow the railways not to be in a position to develop as they wished. Indian Railways have to expand considerably, in my opinion. We should immediately launch upon a ten or fifteen year plan with a view to attaining certain specific objectives.

I would like in this connection to make a reference to another aspect of the question of expansion. Now there is a vast meter-gauge system in the South. There is another big such system in the North but the two are not inter-connected. The northernmost extremity of the southern system is Mamad and the southernmost extremity of the northern system in Khandwa and the distance between the two stations is only 150 miles. But still our Railway administration has never found the means of constructing 150 miles of the meter-gauge railways and thus enable the trucks from the South to go up to the foot of the Himalayas and help in the commerce of the land. Even this year no provision is made for opening this line. Another meter-gauge line connecting Jubbulpore with Allahabad would also establish a similar connection between the Central Indian meter-gauge system and the northern and eastern Indian systems. These two things must really attract the immediate attention of the Railway authorities.

I think we must at least double our railway mileage in the coming 10 or 15 years, otherwise, we will be nowhere. I will just enumerate what the objects of our long range plan should be. It should be the aim of the 10 or 15 year plan, which we should begin to work from now to achieve the following objectives. Firstly we should link up the various isolated metre-gauge systems, secondly to extend the broad-gauge to the southernmost limit. Thirdly, the progressive electrification of the lines, so that within 10 years, electric trains run at least between the four main cities of the Indian Union, Madras, Calcutta, Delhi and Bombay. Fourthly the doubling of lines wherever there is too much congestion of traffic at present. Fifthly, the establishment of two more locomotive plants, one in Western India and another in the South, besides the one already contemplated. Sixthly remodelling of the railway carriages in such a way as to eliminate the present classification system and to have finally only two classes, namely, the lower class, having at least the present amenities of the inter-class and an upper class, with a little more convenience. Lastly rationalisation and standardization of wages, allowances and service conditions of the railway staff and railway labour with a view to evolve a contented staff and labour on whom the railway administration can always depend to make a success of all their plans and programmes.

Srijut Kuladhar Chaliha (Assam: General): Mr. Deputy Speaker, Sir, I am very thankful to you for giving me an opportunity to speak after all. May I know, if I can speak in Assamese?

Mr. Deputy Speaker: Does the honourable member want to hear only his own voice?

Srijut Kuladhar Chaliha: I must congratulate the Honourable the Railway Minister and the Minister of State for presenting to us a Budget that is fair and sincere. We congratulate Mr. Santhanam for going into the Ministry

from amongst us and trying to do good for the people, whom he represented while he was in these benches. It is a pleasure to see how he worked for the third-class passengers when he was here and I trust and believe he will strive to do his best for the good of the Railway and good of the people. His sincerity and his devoted attention to all matters concerning the people when he was on this side of the House was an example and inspiration and I am confident that he will now be able to improve the lot of the people whom he represents at present. It is not only a question of immediately improving the lot of the people. It is connected with the question of improving locomotives, improving coaches, improving wagons and also indirectly improving the lot of the workers and the staff. Now we find from the Budget and from other reports given to us that we have 1,290 disabled locomotives and we have not been able to repair them properly. The honourable Pandit Kunzru has given us a very good report which suggests that we should try the Belt System which was tried by the Crew Works of Midland and Scottish Railway Company of London in which the Engines are overhauled in six days. That system has been tried at Kharagpur with some success and it took 18 days in the pre-war days and now it takes about 30 days according to the report. We also find that in other railways it takes about 51 days for an engine to come out after overhauling. This is rather unfortunate. I think if we adopt the Belt System, more engines can be brought into the traffic. We find from the same report that about 60 B.G. engines and 15 M.G. engines can be brought into the lines, if we accept the Belt System. I trust the authorities will try that system—which I believe is under examination and if that system is successfully taken up, it will be a great source of help to the Railways.

Then as regards coaches, those need replacement is about 20 per cent and the workers are not working in the way same as before and it is said by the Ibeon Company which made a time-study of the workers at Jamalpur and some other places, they found that about 50 per cent of the workers' can be liberalised and it has been found also that about 2 hours of time being wasted by the workers and out of six hours the efficiency of the workers is only 40 per cent. So, if we can eliminate some of the workers, then the efficiency might increase and with stricter supervision, our workers will produce better repairs than what they have been doing. As regards coaches, the Railway Enquiry Committee has said that we should take up building more coaches, but in the meantime, as Mr. B. Das has pointed out we should adopt only partially wooden stocks as well and later on build all steel coaches and in this way there will be many more coaches for use of third-class passengers. It now depends on the experts to recommend if it can be used. It is said that when an accident happens, the wooden stocks get telescoped and therefore, they are not in favour of it, but in order to relieve the congestion of third-class passengers, I should like to suggest that they may try their hand in it. The B.B. and C.I. Railway has tried some of the wooden stocks; I suggest the same can be tried in other railways in order to relieve the congestion in the third class.

Coming to the surplus, I find it has been suggested by some that the entire surplus should be utilised for building coaches to relieve the sufferings of the third class passengers. We find that 4.7 crores have been taken to the general finances. It is not a great figure; but yet, I think it will be well if we take the entire surplus of nine crores for building coaches and to improve the amenities of the third class passengers. If we could draw up a plan for five years, about 45 crores or 50 crores will be available and I hope the Honourable the Railway Minister and Mr. Santhanam will take note of it and divert the entire surplus for the building of coaches. That is the only constructive way of doing things. Unless there is money and all the materials, the Ministry will not be able to do things; if a five year plan could be drawn up, I think much progress could be made.

[Srijut Kuladhar Chaliha]

Coming nearer to my province, we find that the railway link is going to be built within 1950. In the meantime, we are suffering for want of wagons for the transport of tea chests, textile goods, etc. This is a sort of a bottle-neck. The Government of Assam has been put in a rather awkward position; they have been abused for their inability to transport goods from Calcutta. I was told by the honourable Mr. Bardoloi that we have been found fault with for inability to transport goods from Calcutta. Textile goods are so much in want in Assam and we do not know where we will be in the next election. I think the Honourable the Railway Minister has got a proposal from the Government of Assam that the Garo Hills should be connected by rail. We find coal, cement, lime, petrol and kerosene in that area and if this area is connected by rail up to Dhubri in Assam, the Indian Union will be able to get sufficient petrol, kerosene, cement from here. The Railway Minister will do well to consider this proposal. It may be a distance of 50 miles or 100 miles. The distance to Dhubri is about 100 miles; the distance to Pandu may be a little more; I do not exactly know. It is absolutely necessary that this line should be constructed. My honourable friend Mr. Guha has already stated to Nordin Lakhimpur, about the Railway from Rangapura to that for meeting any emergency, for meeting the communist menace from Burma and other parts, it is up to us to have a railway connecting Rangapara and Sadiya. Unless we do this now, we will have to do it at a greater expense of men and money some time later. I would only say, you should take time by forelock and construct the railway from Rangapara to Sadiya, otherwise, the frontiers would be at a disadvantage and we will be in the same position as the British were when the war was on. Therefore, it is better that we take up the work in time.

There is another matter to which I should like to draw the attention of the House. The masses of Assam are imbued with the Gandhian ideology. They think that they should do their best to help the railway administration and to help production and to relieve suffering. I am sorry to find in the Assam Railway certain communistic elements which are trying to dislocate and disturb. They have extra territorial loyalty. You may know that some time back there were a threat to go on a lightning strike because a man was suspended for overstaying his leave. The drivers wanted to go on strike. The people said, we won't allow it; we will drive the engines. The loyalty of the low paid staff is doubtful. Therefore, unless you give a chance to the people imbued with the Gandhian ideology to do the work, I am afraid you will be in difficulty.

We have experienced congestion in the upper classes also in the Assam Railway. Nearly thirteen or fifteen people are seated in a first class compartment and in some cases, there are more.

There is another important matter to which I must draw your attention. In spite of all your representations, considerable difficulty is being experienced while passing through Pakistan. I would request you to change the timing at Calcutta. It is now one of the clock; it should be changed into seven or eight of the clock in the morning so that we reach Golakgunj about 10 o'clock where we could get more passenger bogies from the Indian Union Railway.

I find that 64 saloons are used by the officers. We do not find enough coaches for the upper classes. It is rather extraordinary that this should be so. I suggest they should be released for conversion as first and second class carriages. Formerly, I found only the Agent or the General Manager using the saloon; now, it is used by all officers. It is rather unusual for a distance of 1241 miles, there should be so many saloons for others.

There is another matter. About thirty lakhs of tea chests are today carried by the steamer companies and you are losing a revenue of three crores. I speak subject to correction. If only you could allot the necessary wagons you will be earning more and earning the gratitude of the tea industry, the gratitude of the people and also the gratitude of the Assam Government.

The Honourable Shri N. Gopalaswami Ayyangar: I am very deeply grateful to the House for the compliments they have showered upon me, compliments which, I think, were not by any means fully deserved. While compliments have been showered upon me for the manner in which I presented the facts or railway administration and finance, they have been tempered by a friendly criticism of the failings of which I must hold myself guilty. That is a matter about which I desire to make no complaint whatsoever. There was an attempt on the part of one honourable member to suggest that one section of the House paid me compliments while it reserved all the criticisms for my Minister of State. I may at once tell you that I am fully alive to the fact that whether it is credit or blame, we have to share it together. Let me say with reference to the particular matter in connection with which this remark was made that the entire blame of the thing—if blame attaches to the introduction of the reclassification of accommodation—is not to be heaped upon the heads of these two persons who happen to be responsible for the administration of railways today. I am afraid I cannot altogether absolve the House from blame for it.

And if I may, I would like to draw the attention of the House to another matter, and that is that we have elected and placed at the disposal of the Railway Ministry a Central Advisory Council whom we are supposed to consult on all important matters involving change of policy. This was a matter which was placed before them. I find that practically the entire set of members of the Central Advisory Council were present at the meeting at which the decision was taken. For instance, I find among those who did attend that meeting, my friend, Mr. Sidhva, Mr. Khandubhai Desai—who still supports the change—then we have Mr. Jaspat Roy Kapoor.....

Shri Jaspat Roy Kapoor: I opposed it then.

The Honourable Shri N. Gopalaswami Ayyangar: Does not appear so on the record. Then there were the Honourable Satyanaryan Sinha, Rohini Kumar Chaudhuri, whom I am sorry to miss here this afternoon Mr. Frank Anthony.....

Shri B. L. Sondhi: Probably they have gone wiser now!

The Honourable Shri N. Gopalaswami Ayyangar: Mr. Ramnath Goenka—I hope he still supports this,—

Shri L. Krishnaswami Bharathi: It is time we replace them!

The Honourable Shri N. Gopalaswami Ayyangar: All these gentlemen were present at that meeting and the decision they took was in these terms:

“The Council.....”

Shri R. K. Sidhva: May I remind the honourable Minister.....

Mr. Deputy Speaker: The Honourable Minister does not give way. There are very few minutes left.

The Honourable Shri N. Gopalaswami Ayyangar: The resolution was:

“After some discussion during which the desirability of having only two classes in future was urged by some of the new members, it was generally agreed that Railways should plan for the provision of three classes when designing coaching stock for the post-war period. Air-conditioned Coaches should also be provided.....” and

And then:

“The basis of fares to be adopted for the three standard classes are Upper 24 pies, Inter 9 pies by Mail or Express and 7½ pies by other trains.....”

[Shri N. Gopalaswami Ayyangar]

And in the interim period before the proper equipment is produced, it is suggested that temporary expedients should be adopted for making the present stock usable for these three classes.

On that basis the Railway Board went on to make these changes. No doubt, as I have said in my budget speech, it has evoked a lot of criticism. It is open to criticism from certain angles. But whether we should go back upon this decision now is a matter which you cannot decide on the basis of the experience we have up till now. We have to watch the thing for some time longer and if the system requires a change, it will be changed. But before it is changed, I hope I shall carry the House with me in ordering such changes as may be required.

That is only with regard to the reclassification of accommodation. But I did refer to the friendly criticism that was launched against what I have called in my budget speech, "railway performance" in special directions.

Shri L. Krishnaswami Bharathi: May I make it clear that the objection of this House is not to the classification but to the lack of certain necessary amenities, for example, the lack of sleeping accommodation. It must not be understood that we are criticising the Railway Advisory Council's decision. We would support the recommendations of the Central Railway Advisory Council subject to this.

Mr. Deputy Speaker: The Honourable Minister has heard sufficient about this. He is now giving his explanation.

The Honourable Shri N. Gopalaswami Ayyangar: With reference to the point of my honourable friend, I think I made it perfectly clear that even when that decision was taken it was anticipated that during the interim period, before we could provide all the amenities that were contemplated, a certain amount of inconvenience and discomfort was inevitable, and therefore we had to readjust such accommodation as existed for the purpose of carrying on the work while we went on with steps for the purpose of providing the amenities the honourable member has in view. As a matter of fact, all railway administration have been asked to provide sleeping accommodation and increasing sleeping accommodation as they get the rolling stock for such a purpose.

I was saying that it was friendly criticism of inadequate railway performance. That I have admitted already. As Mr. Anthony so eloquently pointed out, railways in this country are a big ocean and if you want to remedy all the defects that exist and produce a perfect system it cannot be done overnight. All that I want you to believe and appreciate is that those who are in charge of railways, not merely we two Ministers—that is a small matter—but those who actually run the show from the Railway Board down to the meanest railwayman, are anxious to give the best service that they can, and it is only by appreciating that in the proper way that we shall get more and more satisfactory work from them. That is why, while I quite appreciate the pointing out of all our failings, I should like a little more handsome recognition of the work that is being done by the permanent staff all over the country.

Seth Govind Das: May I interrupt? As far as amenities are concerned, has even a beginning been made so far as third class passengers are concerned?

The Honourable Shri N. Gopalaswami Ayyangar: My honourable friend, Mr. Govind Das has referred to amenities. Perhaps I might take that up at once. It is a fact that the amenities which third class passengers now enjoy are very far below the mark.

Mr. Deputy Speaker: There may be a cut motion on this matter.

The Honourable Shri N. Gopalaswami Ayyangar: I did not want to go into these details in this very general speech. I have told the House that I am going to institute an intensive drive to find out what amenities should be provided, and after getting them, fix a time limit within which to carry out those amenities. Therefore, I will ask the House to wait a little and see whether my performance will be acceptable to it, or more acceptable if I happen to be in my place next year.

So far as the financial portions of the Budget are concerned, I notice that there has been largely a lack of criticism and while I may take it that it means that the House is satisfied with the financial provisions, I must refer to one or two points which were raised in the course of the debate by one or two members. One was by the very first speaker, my honourable friend, Mr. B. Das. He took exception to my having provided for any increase in the appropriation to the depreciation fund. I do not know why he said that. I did not quite follow what reasons he gave for that opinion. I have given certain reasons why that addition was imperative at the present moment and I do not think he traversed those reasons in his speech.....

Shri B. Das: Not possible in the short time I had.

The Honourable Shri N. Gopalaswami Ayyangar: I hope I shall hear more about it in the course of the further debate.

Shri B. Das: What did your committee give?

The Honourable Shri N. Gopalaswami Ayyangar: My committee? The Indian Railway Enquiry Committee actually recommended something by way of addition and my provision for increasing the appropriation to the depreciation fund falls substantially short of their recommendation. That is what I have to tell my honourable friend Mr. Das.

Shri B. Das: That I do not accept.

The Honourable Shri N. Gopalaswami Ayyangar: There was one other point of a financial character which was raised. Certain honourable members and I was glad to find that they were a very small minority, objected altogether to any contribution from railway surplus to general revenue. They said not a single rupee—I believe one member said not a single pie—should be made over from the railways to the general finances. It was put to me that having a Finance Minister now who was a Minister for Railways before I took over, it should be easy for me to have resisted claims from general finances for an increased contribution. We in our respective places have to play our parts and it is no doubt true that during last year there was some controversy between the Finance Minister and the Railway Minister, there was a scramble for the surplus that was expected in the budget of the current year and that was set at rest by a committee of the House. But this year when I had to frame my budget and it was found that the surplus for the current year was about 60 per cent. above what had been anticipated and I was going to get another surplus next year, which was as good as the surplus for last year, if not slightly more, I put myself in touch with the Finance Minister. With all my enthusiasm for holding my end of the rope, with all Dr. Matthai's experience as Railway Minister now holding the charge of finance, it was not possible for the two of us to agree that there should be no contribution from railways to general revenues. On the other hand, we looked at each other's point of view and come to the conclusion that the proper way of dividing the surplus was the way in which it has been done in this budget.

[Shri N. Gopalaswami Ayyangar]

There is one minor point to which I would like to make reference with reference to Mr. Das's speech. He challenged me to come forward before the House with a request that it should sanction the appropriation to the Depreciation Fund. I accept that challenge. Not only do I accept it now but I have already in anticipation accepted it, because you will find among the demands a demand for appropriation to the Depreciation Fund. I should welcome Mr. Das to raise a debate on that and I should be quite glad to abide by the decision of the House.

I do not know that you would like me to traverse the wealth of points that have been covered in the course of the speeches of honourable members, during this debate for two days. Many of them have been met by my honourable colleague and I should not like to cover any ground that he has already covered. But I should like to refer to one or two points. One is a point that my honourable friend Begum Aizaz Rasul made the other day. She very rightly pressed the need for an inter-dominion through railway connection between West Pakistan and India. She naturally pointed out the great advantages that would result from such a through link being reformed or revived. I entirely appreciate the reasons behind this suggestion of hers. I know that a prominent newspaper here is beating up a great deal of support for this view. On behalf of Government I wish to say that our fullest sympathy is with the restoration of this link at the earliest possible moment. There is no difficulty from the railways point of view in reviving this connection. The main reason is one of a political or law and order nature. If we can induce in the people who are likely to take advantage of this through connection on either side the feeling that their travelling will be perfectly safe and secure and that a man who goes from one dominion to the other for temporary purposes will get back to his own Dominion (the dominion of his adoption, it may be), then the conditions would have been created for the railways stepping in and producing the trains which would implement this policy. That is what we are looking out for and the moment we are satisfied, the moment the Pakistan Government are satisfied that this kind of link could be done in both dominions without any detriment to the law and order position, without any risk of upsetting things which have calmed down already, then we shall be in a position to do that. I only wish to assure the honourable lady that that is the present attitude of the Government.

There is one point about which I should like to say something and that is about our policy regarding labour. I was very happy to hear the speeches of Mr. Hariharnath Sastri and Mr. Khandubhai Desai. Those speeches made it perfectly clear that so far as their organisations were concerned in their dealings with labour, they have not and would not introduce anything like politics. They would be conducted on purely trade union lines. I have also to tell the House that the other organisation which perhaps has been connected with the railway administration for a larger number of years and which counts the largest number of members amongst railway men, that also happily has taken the same view. Mr. Jai Prakash Narain has made it perfectly clear to everybody that he does not favour trade unions being exploited for political purposes and the best evidence that you can have that he means what he says is the manner in which he had the courage to disaffiliate those railway unions which were dominated by a political party which is out to subvert order and create chaos in the country. That being so I have now amongst railwaymen representatives of these two organisations united in their view that labour is not to be exploited for political purposes. I can only express the hope which I did in a guarded way in my Budget speech that it might be possible that people who agree on fundamentals to that large extent might come

together and have a united organisation for railway labour with whom Government can deal with perfect confidence in trying to remove all the grievances of railwaymen all over the country. I put it forward as an appeal from a responsible man who finds that that is the only way of solving labour troubles in this country. While I find there is an inclination on the part of my two friends here, there is also an indication in the speech of the President of the All-India Railwaymen's Federation to the same effect and it should not be impossible for them to come together and help the Railway Ministry and the Railway Board in their dealings with labour.

I have noted a good many points of the various speeches, but I do not think it is necessary for me to go into them all at this late hour and I should like, even if trains on the railways do not arrive or depart in time, that the House at least should rise in time.

Mr. Deputy Speaker: The House now stands adjourned till tomorrow.

Shri R. K. Sidhva: On a point of personal explanation, Sir. My name was mentioned.....

Mr. Deputy Speaker: No. The House stands adjourned till 10-45 A.M. tomorrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Tuesday, the 22nd February, 1949.

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

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

Tuesday, 22nd February, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-50 A.M.

**GOVERNOR-GENERAL'S SALARY (EXEMPTION FROM
TAXATION) BILL**

The Honourable Shri Satyanarayan Sinha (Minister of State) (on behalf of the Honourable Sardar Vallabhbhai Patel): Sir, I beg to move for leave to introduce a Bill to provide for exempting the reduced salary of the Governor-General from taxes on income.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for exempting the reduced salary of the Governor-General from taxes on income."

The motion was adopted.

The Honourable Shri Satyanarayan Sinha: Sir, I introduce the Bill.

**DOCK WORKERS (REGULATION OF EMPLOYMENT)
AMENDMENT BILL**

The Honourable Shri Jagjivan Ram (Minister of Labour): Sir, I beg to move for leave to introduce a Bill to amend the Dock Workers (Regulation of Employment) Act, 1948.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Dock Workers (Regulation of Employment) Act, 1948."

The motion was adopted.

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

RAILWAY BUDGET—LIST OF DEMANDS

SECOND STAGE

Mr. Speaker: The House will now discuss the Demands for Grants in respect of Railways. I understand that a list showing the agreed Cut Motions which will be moved has been circulated to honourable members.

Mr. Frank Anthony (C. P. and Berar: General): Sir, may I know whether the discussion will be confined to the four cut motions which have been approved of by the Chief Whip or will other members be allowed to move their cut motions. I notice that all the four cut motions are in the names of Congress members and motions given notice of by non-Congress members have been shut out. This is a procedure which has never been adopted during the past eight years.

Mr. Speaker: Has the honourable Member himself given notice of any cut motions?

Mr. Frank Anthony: I have but every one of them has been shut out. I notice that there is not one approved cut motion with regard to railway labour which is to be moved from the side of the Congress Party.

Mr. Speaker: The procedure that we have been adopting is this. It is through the Chief Whip that all the parties of the House meet together and come to a certain agreement as to what motions they want to move and what they do not want to move. So it is an agreed arrangement and it is really a matter between the Chief Whip and the honourable members of the House. I do not think I shall be called upon to pronounce any opinion or adjudicate upon the merits or otherwise of an agreement arrived at between the parties here.

Mr. Frank Anthony: Does that mean, Sir, that the previous democratic practice would be departed from and no one except a Congressman can move a cut motion?

Mr. Speaker: So far as the Chair is concerned, it will allow every member who wishes to move a cut motion to move it. It is not the concern of the Chair to see that a particular motion is moved or not. It is for the members to come to an agreement if they so like and if an agreement has been come to and if it has been accepted by all as an agreement, then of course, the Chair may help in enforcing the agreement. The honourable member has every right to move any motion he likes.

Shri H. V. Kamath (C. P. and Berar: General): Is not any duty laid upon the Government Chief Whip to consult all members who have tabled cut motions before an agreement is arrived at?

Mr. Speaker: That would be going into another question, namely the functions of the Chief Whip. It is a matter which honourable members should adjust among themselves: it is not the concern of the Chair at all. So it appears then, that there does not seem to be quite an agreement with regard to the motions to be moved?

The Honourable Shri Satyanarayan Sinha (Minister of State): Sir, I consulted the organised parties in the House. I consulted individual members also. All of them told me, except Mr. Anthony, that they would like these four cut motions to be discussed which I had proposed to them. None of them objected to that yesterday. But I must tell you, Sir, that there is no organised party as such in the House; but I have consulted most of the members, including the non-Congress members of the House.

Mr. Speaker: Let us not take up the time of the House in this discussion.

We shall proceed with the business, but I might tell the House that whosoever wants to move a cut motion may do so but those who want to move them might have consultations with the Chief Whip and see if they can come to some agreement.

As regards the time-limit for speeches the usual practice has been to fix a limit of 15 minutes for all speakers including movers of the Cut motions and 20 minutes for the honourable Ministers replying. I trust this suit honourable members.

DEMAND NO. 1—RAILWAY BOARD.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 32,58,000 be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of the 'Railway Board'."

General Corruption on Railways

Shrimati G. Durgabai (Madras: General): Sir, I move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

Sir, corruption like man power is a problem which is perennially with us. It is a very difficult and painful task to talk about it, as it would be clearly doing injustice to a considerable body of honest public servants. But, Sir, not to talk about it would be unwise when we find a general slakening in the morale and efficiency of workers and also a gradual deterioration in the standards of civic morality. There has been a great deal of talk about it. Bribery and corruption are rampant. The Government of India has stirred itself off and on to do something to eradicate this evil and I need not detail all the Acts passed from time to time and also the various tribunals set up under these Acts to deal with these cases with special powers from time to time, and thus tackle this evil.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar).]

The relevant law of the land in this regard is the Anti-Corruption Act though that is a belated legislation which has come in the year 1947. It has very stringent provisions but the powers are very inadequately used by the courts of law or the tribunals which are called upon to deal with these cases. So I think there is some truth in saying that they remain to a large extent paper laws. Let us examine the cases of corruption arising on railways. We are told that there is a special police establishment working under the Home Ministry to deal with cases of corruption on railways. We note from the figures of the cases handled by the special police establishment from time to time that it is only a fourth or fifth of the total number of cases taken to courts of law that have resulted in convictions, the rest resulting in acquittals. We are given an explanation that evidence is not forthcoming sufficiently to justify a conviction. The Honourable the Railway Minister in his speech last year appealed to the public for their co-operation in making evidence and information available to deal with the cases of corruption effectively. I consider that it is a very difficult task which the public are asked to perform because many sections of the public like businessmen or the staff of the various Departments of Government would not themselves volunteer information unless they are assured that the information passed on by them to the authorities concerned would be kept confidential and that the matter would be looked into and some speedy action taken on the basis of that information. If only this assurance is given by the honourable Minister I am sure the public would be quite willing to make information available for enabling the authorities concerned to deal speedily and also effectively with these cases.

I need not take the time of the House in discussing the various departments of railway administration where we see this evil being practised very much. One of them is wagon traffic and corruption is considerably visible in regard to wagon traffic. The methods of the railway staff in dealing with the public in regard to this are to some extent deplorable. It is said that wagons are not easily made available for goods traffic and the public have got to resort to many kinds of practices to secure priorities. And this evil is practised at every stage of this goods traffic. Even if it is assumed that the wagons are secured they do not reach their destination in time, and even when they have reached their destination are not traceable before some months have elapsed. That is the position. At all these stages the parties concerned are put to numerous difficulties and they have got to do many things, which they ought not to do, in securing the object with which they book the wagons. A high standard of work is expected here and the position could be remedied by strong supervision and also by stringent departmental action. The officials could deal with these matters very severely if only they have got a mind to do it have the intention to check these practices. But I see that the efforts of the officials in this regard are to some extent half-hearted.

[Shrimati G. Durgabai]

There is another place where this evil of corruption is quite rampant and that is the workshop. The position there has very much deteriorated. It is said that there is a surplus of working staff considering the quantum of work. But there is delay in effecting repairs and the output of the work is quite insufficient and also inefficient. A lot of material is wasted and the material is not put to use for the purpose for which it is intended. Here the authorities in charge of supervision could be a little more alert, and if proper attention is paid the position could be very greatly improved. The supervising staff may be men of honesty and integrity and if only they are empowered to deal with the minor offences occurring in the workshop from time to time in an effective manner things would improve. A strict watch and a little more severe action would improve matters here.

There is yet another place where this evil is very much practised and that is the booking office. It is really painful to talk about our own men but when we see this evil practised to a considerable extent we have to bring it to the notice of Government with a view to check it. I am told that a regular rate ranging from one anna to four annas is charged before a parcel is booked. In the goods booking offices regular monthly rates are fixed and all the moneys that are being taken either by way of illegal gratification or consideration are pooled in one centre and divided between the staff engaged on this work, from the highest to the lowest. This position also could be very much improved if only there is a section of intelligent and honest working staff with some stringent powers of supervision.

There is another matter which requires attention. We are told there is black-marketing in tickets. It is an open secret that ticket checkers and examiners take a considerable amount of gratification from persons for allowing them to get out or to get into trains. The ticket collectors at big junctions, I am told, make enormous sums of money. Here I suggest that surprise checks by inspecting officials and a little bit closer scrutiny of the applications for refunds of unused tickets, and also measures for the prosecutions of persons who are engaged in black-marketing of tickets, could improve the situation.

A word with regard to the selection of candidates. I need not say much about this because it is very much talked of in this House. The personnel of the Commissions who are charged with the task of recruiting people may be selected after a severe test. They must be men of honesty and integrity. I am told that a lot of favouritism is shown here. They may be given strict instructions to confine themselves entirely to the rules laid down for selection and not be influenced by any personal considerations. Having said this I would like to say that my task is made very much easier because the honourable the Railway Minister has already stated, and it is gratifying to note from his speech, that the anti-corruption drive will be conducted with the maximum of intensity hereafter and that this problem is engaging his serious attention. He has also given an indication of the various details of the scheme submitted by the Railway Board to effectively carry out this drive. Sir, I hope that they will not remain mere paper schemes but that they will be given effect to and that they will continue to engage the serious attention of the honourable Minister and also the honourable Minister of State for Railways who is there to assist him.

In addition to what the Railway Board has done and in addition to what the honourable Minister proposes to do to effectively carry out this drive, I would make a suggestion that it would be better if the Railways have their own intelligence department attached to the Railways to detect and prevent crime sufficiently in time in order to enable them to take speedy action.

Also, I feel that it would be better if some kind of *ad hoc* committees were associated with the task of investigating the crimes as and when they arise; they need not be courts of law. As and when a person makes an application or gives information, these committees should go into the matter, and also assist the courts of law if need be.

In the workshops also, a lot of improvement could be effected. We should not hesitate to give the maximum extent of deterrent punishment if a serious case comes to the attention of the Minister or the authorities concerned. Even the penalty of withholding increments and promotions, including stoppage at the efficiency bar, and such other improvements which the honourable Pandit Kunzru has suggested here and in his report, may also be given effect to and adopted.

Above all, the ultimate sanction in a democratic community, against corruption and evil is information and public discussion. The honourable the Railway Minister, in his last year's speech, had already said this; he had drawn our attention to how the public could co-operate in this matter. I remember him to have said that there cannot be any corruption unless there are two parties. Therefore, I feel that it is not only the railwaymen—to a small extent it may be the railwaymen—but also the public who are concerned, who should be very alert and sincerely make an effort to promote the standards of civic morality and contribute to discipline of the general public.

One more word and I have done. It is about the publication of administration reports. I do not know whether they are ever published or if they are, whether they are not out of date. The Government or their servants who have to deal with these matters would not be tempted to behave in a shabby manner if most of what they do is, in some form or another, open to public discussion. Therefore, I appeal to the Honourable Minister to see that something is done in this regard also.

I have already spoken on corruption. I have not more to say about it because, as I have already said, it is a very painful task to discuss it in detail, bringing to the notice of the House the various mean methods adopted in practising this evil; it would also be doing a clear injustice to a very considerable body of honest public servants. Therefore, I hope that the suggestions which I have made and the points that I have been able to bring to the notice of the Honourable the Railway Minister would be taken into consideration.

Mr. Deputy Speaker: Cut motion moved:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

شری دیش بلدھو گیتا: جناب دیتی سپیکر صاحب! آرہیل ممبر شریہ تی درہا ہی نے اپنی تقریر میں جو باتیں کہیں ہیں ان سے میرا کام بہت ہلکا ہو گیا ہے۔ جناب کو یاد ہو گا کہ پچھلی مرتبہ بھی جب میں نے اس موضوع پر بحث میں حصہ لیا تھا تو ہاؤس کے سامنے کورپشن (corruption) کی چند مثالیں پیش کی تھیں آج بھی میں کچھ مثالیں دینا چاہتا ہوں ایڈمنسٹریشن (Administration) کی طرف سے عام طور پر یہ کہا جاتا ہے اور یہ بات بڑی حد تک ٹھیک بھی ہے کہ جب تک اس معاملہ میں پبلک تعاون نہ کرے تب تک اس بیداری کو جو ہے اُکھاڑنا بہت مشکل ہے لیکن میں یہ بتانا چاہتا ہوں کہ بعض جگہ یہ حالت ہے کہ پبلک کو آپریشن (co-operation) کے ہوتے ہوئے بھی corruption کو بند کرنے کی اتنی کوشش نہیں کی جاتی جتنی کہ ہونی چاہئے۔

[شری دیپن باندو گپتا]

جناب ڈپٹی سپیکر صاحب! مجھے اس بات کی خوشی ہے کہ پچھلے دنوں آنریبل ریواؤے منسٹر صاحب نے ایک تقریر broadcast کرتے ہوئے خود مانا ہے کہ ریواؤے میں corruption بہت عام ہو گئی آنکے الفاظ یہ تھے۔

“acceptance of illegal gratification are almost a tradition, deep sorted and of many decades standing”

ایک طرف اس بارے میں وہ یہ رائے رکھتے ہیں دوسری طرف انہوں نے اس سلسلہ میں سال بھر کی کارگزاری کی جو رپورٹ دی ہے اس میں بتایا ہے کہ

“of the total of 837 investigated cases, 389 were sent for trial to courts or tribunals. 282 persons were convicted and 188 acquitted.”

آپ نے اس کام پر اطمینان کا اظہار بھی کیا ہے اس میں شک نہیں کہ پہلے کے جو حالات کو مدنظر رکھتے ہوئے یہ کہا جاسکتا ہے کہ اس بارے میں کچھ اُنٹی ہوئی ہے اور سپیشل پولیس نے کچھ نہ کچھ کام کیا ہے لیکن ایک طرف ہم دیکھتے ہیں کہ یہ مریض اتنا بڑھا ہوا ہے کہ آنریبل ریواؤے منسٹر خود کہتے ہیں کہ رشوت خوری ایک روایت بن گئی ہے اور اس کی جڑیں بہت گہری ہیں دوسری طرف حالت یہ ہے کہ سال بھر میں سپیشل پولیس صرف ۲۸۲ کیسوں میں سزا کرا سکی ہے۔ کیا اس سے صاف معلوم نہیں ہوتا کہ جنسی توجہ اس طرف دینے کی لازمی تہی اُنٹی نہیں دی گئی جب ہم دیکھتے ہیں کہ ریواؤے میں پونے نو لاکھ ملازم کام کرتے ہیں جو کہ رشوت خوری کی آب و ہوا میں پلے ہیں تو سال بھر میں سپیشل پولیس کا صرف ۲۸۲ کیس پکڑنا کوئی قابل فخر بات نہیں ہے اور نہ ایسی بات ہے جس پر ریواؤے منسٹر صاحب کو مبارک باد دی جاسکے۔ میرے خیال میں سنٹرل گورنمنٹ کی طرف سے ہوم ڈیپارٹمنٹ نے جو سپیشل پولیس بمٹائی ہے اُس کے سال بھر کے کام کا ریکارڈ اس سے بہتر ہے اس لئے میں یہ سمجھتا ہوں کہ ریواؤے منسٹر صاحب کو اس طرف اور زیادہ توجہ دینے کی ضرورت ہے۔

حقیقت یہ ہے کہ جہاں بازار کھیت کو کھتی ہے وہاں کھیت کی رکشا نہیں ہو سکتی جن لوگوں کو corruption detect کرنے کا کام سپرد کیا جاتا ہے وہ بجائے اُسکے کہ رشوت خوری کا پتہ لگائیں اور معاملہ کریں کہ کہاں کیا کچھ ہوتا ہے خود اس معاملہ میں مدد کرتے ہیں اور اس طریق پر بجائے detect کرنے کے corruption کو بڑھاتے ہیں۔

بہن درگا بائی نے بتایا ہے کہ کس کس طریق پر رشوت لی جاتی ہے اور کتنی دور تک پہنچتی ہے۔ میں یہ نہیں کہتا کہ ریواؤے کے سب اہم بالا اس میں شامل ہیں میں یہ جانتا ہوں کہ اسیں اکثر اسے روکنے کی کوشش کرتے ہیں لیکن جو facts اس بارے میں بہن درگا بائی نے پیش کئے ہیں انہیں بھی نظر انداز نہیں کیا جاسکتا۔

جو حکم رشوت خوری کو بند کرنے کی کوشش کرتے ہیں میں اُنکی قدر کرتا ہوں اور اُنکو مبارکباد دیتا ہوں لیکن پھر بھی یہ ماننا پڑیگا کہ یہ بیماری کم نہیں ہوئی

بلکہ بہت بڑھ گئی ہے تجربہ یہ بتاتا ہے کہ جتنے کنٹرول میں آتے جاتے ہیں اُنکی ہی corruption بڑھتی جاتی ہے۔

جناب ڈپٹی سپیکر صاحب! میں اس سلسلہ میں ہاؤس کے سامنے چند مثالیں پیش کرتا ہوں جو میرے نوٹس میں آئی ہیں ان سے معلوم ہو جائیگا کہ دہلی جسی جگہ میں بھی آنریبل منسٹر کی آنکھوں کے سامنے چراغ نلے اندھیرا کی کھات کے مصداق کیا کچھ ہو رہا ہے یہاں بھی ابھی تک اس قدر corruption موجود ہے۔

پچھلے دنوں مجھے East Punjab Railway کی ایڈوائزری کمیٹی کے اجلاس میں شریک ہونے کا موقع ملا وہاں میرے دریافت کرنے پر یہ بات تسلیم کی گئی کہ ایک consignment ۵۰۰ کے قریب ہوریوں کا جو کہ پورانی دہلی کے اسٹیشن کے لئے بک تھا غلطی سے نڈو دہلی چلا گیا consignee نے درخواست کی کہ میرا مال جو پورانی دہلی کے لئے بک ہوا تھا نڈو دہلی چلا گیا ہے اور وہاں پر پڑا ہے مجھے اُسکی delivery وہاں ہی دیدی جائے پورانی دہلی کے گڈس کارک نے بھی لکھ دیا کہ مال کی ڈیوری وہاں دیدی جائے لیکن نڈو دہلی کے عملے نے انکار کر دیا اور اس مال کو نڈو دہلی سے پورانی دہلی پہنچانے میں ایک مہینہ لگا۔

یہ سب کچھ آج دہلی کے انڈر وزیر صاحب کے سامنے ہو رہا ہے اور اس کیس کی تفصیلات میرے پاس موجود ہے۔

دہلی میں آجکل یہ بھی ہو رہا ہے کہ اگر بمبئی یا کاتھ سے کوئی مال زیادہ مقدار میں آجانا ہے تو چند firms ریواؤے والوں سے مل کر ایسا بھی کر لیتی ہیں کہ اُس مال کی ڈیوری جامدی نہ دی جائے جس کا نتیجہ یہ ہوتا ہے کہ market میں مال نہیں آتا اور وہ اپنے مال کو اُونچی قیمتوں پر بیچنے میں کامیاب ہو جاتی ہیں یہ سب کچھ آنریبل منسٹر کے سامنے ہو رہا ہے اور ان کو اس بات کا پتہ تک نہیں چلتا۔

میں آپ کے نوٹس میں ایک اور چیز لانا چاہتا ہوں۔ یہ ایک بہت دلچسپ کیس ہے۔ دہلی کلاتھہ مارز کی طرف سے ۸۰۰ Tents کے لئے ایک ویگن Book کیا گیا۔ یہ مال قیامگراف سٹور جبارور جانا تھا۔ اُسکی ریواؤے رسید بھی بن گئی جس کا نمبر یہ تھا: RR5939/69 Dated 20th Aug 1948 ملاحظہ فرمادیں یہ ویگن نومبر میں بک ہوا۔ لیکن دہلی کلاتھہ مارز کو تقریباً ایک مہینہ بعد جبارور سے خط آیا کہ ہمکو مال نہیں ملا ہے۔ اس لئے اسکی تحقیقات کی جائے۔ چنانچہ اس بارے میں لکھا پڑھی کی گئی۔ تو جنوری میں پتہ چلا کہ مال ابھی تک جبارور نہیں پہنچا۔ اتنا ہی سے ایک روز ان کا Representative نڈو دہلی اسٹیشن پر گیا وہ یہ دیکھ کر حیران ہو گیا کہ وہ مال ابھی تک وہاں ہی پڑا ہوا ہے حالانکہ مال کیلئے دو مہینہ ہوئے ویگن بک ہو چکا تھا اور RR بھی بن چکی تھی جب

میرے کہنے کا مطالبہ یہ ہے کہ آج اگر ہم خوش ہو جائیں کہ کورپشن دور ہو گیا ہے تو یہ بہت بڑی غلطی ہوگی حقیقت یہ ہے کہ آج کورپشن پہلے سے کم نہیں ہوا ہے بلکہ پہلے سے بہت زیادہ ہے۔ گورنمنٹ آف انڈیا نے حیدرآباد میں پولیس ایکشن لیکر کشمیر میں بروقت فوجیں بھیج کر نیز اتلی ریاستوں کو ہڈیوں میں ملا کر چٹائی عزت حاصل کی اتنی ہی گورنمنٹ آف انڈیا پرباک کی نظروں سے گرتی جا رہی ہے اور اس کی صرف وجہ یہ ہے کہ جب سے نیشنل گورنمنٹ ہر سر اقتدار آئی ہے تب سے کورپشن اور بڑھ گیا ہے۔ میں سمجھتا ہوں کہ اگر ریلوے منسٹر صاحب اس طرف دھیان دیں اور کورپشن کو ہٹانے کی کوئی اسکیم بنائیں اور وہ محض کاغذی اسکیم نہ ہو تو وہ نہ صرف ریلوے کا نقصان بچا سکیں گے بلکہ ساری نیشنل گورنمنٹ کی بڑی سروس کرینگے کیونکہ ریلوے کی Efficiency ساری گورنمنٹ کی Efficiency سمجھی جائیگی۔ اس لئے میں چاہوں گا کہ ریلوے منسٹر صاحب اسے صرف ریلوے کے نفع نقصان کے خیال سے نہ دیکھیں سارے ملک کے نقطہ نگاہ سے دیکھیں تو وہ بڑا بھاری کام کر سکتے ہیں۔

کورپشن کا ایک اور صیغہ دہلی میں کھلا ہوا ہے شاید یہ بھی آل انڈیا ہو چھوٹی ریاستوں کیلئے کچھ دالوں کو ریگن آلات کو دئے جاتے ہیں جو ان کے لئے مال بک کرتے ہیں ان دالوں سے بابو لوگ روپیہ کھاتے ہیں دال جس مال کو چاہیں پہلے بھیجتے ہیں اور جس مال کو چاہیں پیچھے۔ اس کی تصدیق کسی بھی تجارتی فرم سے کی جا سکتی ہے۔

جناب قیومی سپیکر! میں اور زیادہ مثالیں دیکر ہاؤس کا اور وقت نہ لیتا ہوا دو ایک تجارتی اس سلسلے میں پیش کرنا چاہتا ہوں اور وہ یہ ہیں کہ جو Priorities Issue کیجاتی ہیں ان کی ہفتہ واری رپورٹ آنریبل منسٹر صاحب کے پاس آئی چاہیئے۔ اور یہ معاملہ ہونا چاہیئے کہ جو Priorities Issue کی گئی ہیں ان میں سے کتنی Honour کی گئی ہیں۔ میں اپنے دفتر ہی مثال دے سکتا ہوں کہ تقریباً ایک سال سے ایک Priority بمبئی جاتی ہے اور اس پر وہاں سے ریگن نہیں ملتا۔ انکو بار بار لکھا گیا۔ لیکن وہاں سے یہ جواب آیا کہ ایسی ایسی Priority یہاں ہزاروں پڑی ہوئی ہیں۔ جو Priorities Issue کیجائی ہے اس کا مطالبہ یہ ہے کہ وہ فوراً کام ہو لیکن اس سے پتہ چلتا ہے کہ اس کی تہ میں کوئی اور ایجنسی ہے۔ تو میں عرض کروں گا کہ اگر یہ Priorities System رکھنا ہے تو اس پر یہ کنٹرول ہونا چاہیئے کہ جو Priorities 15 دن میں Issue ہوئی ہیں اس میں سے کتنی Honour ہوئی ہیں جب تک اتنا زیادہ کنٹرول اس پر نہ ہوگا یہ اسی طرح سے چلتی رہیگی۔

اسکے علاوہ Complaints کا جہاں تک تعلق ہے میں عرض کروں گا کہ Complaints ہوتی ہیں جیسا کہ میں نے بتایا کہ چار چار مہینے کی Complaints پڑی ہوئی

[شری دیپس بلدھو گپتا]

حکام سے پوچھا گیا تو جواب میں ایک ڈیڑھ مہینے کے بعد لکھا گیا کہ یہ معاملہ G.I.P. کو Refer کیا گیا ہے۔ اس کے بعد ریلوے والوں سے پھر پوچھا گیا کہ وہ مال اب بھی روانہ کیا گیا ہے یا نہیں لیکن فروری تک کوئی جواب نہیں ملا کیا اس پر چراغ تلے اندھیرا کی مثال صادق نہیں آتی چار ماہ تک یہ مال نیو دہلی اسٹیشن پر پڑا رہا حالانکہ یہ مال گورنمنٹ نے خرید کیا تھا۔ اس کا RR بھی بن گیا تھا معاملہ ہوتا ہے ریگن کسی دوسرے کو allot کر دی گئی اور وہ مال وہاں پر ہی پڑا رہا اس کے متعلق آنریبل ریلوے منسٹر خود تحقیقات کر سکتے ہیں۔ جناب قیومی سپیکر! اس کے علاوہ اس قسم کی اور بہت سی مثالیں ہیں جو کہ اس بارے میں پیش کی جا سکتی ہیں۔

جہاں تک دہلی سے مال باہر بھیجنے کا سوال ہے۔ نئی دہلی اسٹیشن پر ایک مہینے سے زیادہ سے بہت سا مال پڑا ہوا ہے۔ حالانکہ اس مال کا چالان بن چکا تھا اب بھی اس کی طرف کوئی غور نہیں کرتا یہ مال بدستور پڑا ہوا ہے مال میں Mustard Oil For Bombay, Cotton Waste For Bombay شامل ہیں ابھی تک ریگن allot نہیں ہوئیں۔ اس کے متعلق بھی جناب منسٹر صاحب Enquiry کر سکتے ہیں ظاہر ہے کہ جب تک کسی ریلوے ملازم کی ہتھلی گرم نہ کیجائے! غالباً اس وقت تک اس مال کے لئے ریگن allot نہیں ہونگی اور یہ مال وہاں ہی پڑا رہیگا۔

جناب قیومی سپیکر! Corruption کے ایک اور دلچسپ کیس کا منجھ پتہ ہے وہ یہ کہ مراد آباد کے ایک Goods clerk نے ایک بیرونی کو تین بوری نمک منسٹر میں اندراج کرنے کے بغیر دے دیا دوسرے Goods clerk نے جس کے دل پر شاید آنریبل ریلوے منسٹر کے 'Broadcast' کا کچھ اثر ہوا تھا رپورٹ کی کہ اس کلرک نے تین بوری نمک بغیر اندراج کے دوکاندار کو دی ہیں۔ اس نے اس کیس کے بارے میں مزید لکھا پڑھی کی۔ اور جب اوپر سے جواب طلبی ہوئی اور Chief Goods clerk سے باز پرس کی گئی تو پھر اس کے کہ تحقیقات ہو سکے نہ صرف اسے hush up کر دیا گیا بلکہ جس کلرک نے یہ رپورٹ کی تھی اور اس کیس کو Pursue کیا تھا اس غریب کو وہاں سے Transfer کر دیا گیا جس کا نتیجہ یہ ہوا کہ اس نے استعفیٰ داخل کر دیا۔ مگر اس کا Resignation منظور نہ کر کے اسے بہت تنگ کیا گیا اور بالآخر غالباً اس کی برخاستگی کی نوبت آئی یہ کیس آنریبل منسٹر کی نوٹس میں لایا جا چکا ہے یہ ایک بہت ہی اہم اور ضروری کیس ہے۔ جس غریب نے اس کیس کو اتنے دن تک Pursue کیا اس کو بعد میں نقصان اٹھانا پڑا اور جس نے نمک کی بوریاں دی تھیں اس کو کسی نے نہیں پوچھا۔

[شری دیس بندھو پیتا]

ہیں اور اسکے آرپر کیا ایکشن لیا گیا۔ اس کی جب تک انالسیز نہ ہوگی کہ کتنی Complaints ہوئی ہیں اس وقت تک اس سے کوئی نتیجہ نہیں نکل سکتا۔

ایک چیز میں عرض کرنا چاہتا ہوں کہ Anti Corruption Measure کیلئے اس سے بہت فائدہ ہو سکتا ہے کہ ریپوے کے Goods Clerk جو کہ ریٹائرڈ آدمی ہوں ان کا کراپیشن آپ Invite کریں اور وہ لوگ آپکو Unemployed List پر بہت مل جائیں گے اور اس طرح آپر کا ہزاروں روپیہ بچ سکتا ہے۔ جناب صدر میرا یہ یقین ہے کہ ہزاروں من مال ہے لیکن ریپوے والوں سے ماہر ۶۰۰ من کن باقی بنا دی جائے گی ایسی ہی کئی چیزیں ہیں جن کا اندازہ نہیں ہو سکتا۔

اسکے علاوہ جناب صدر میں کورپشن کو دور کرنے کیلئے ایک Suggestion کرنا چاہتا ہوں: ریگنس کا جہاں تک تعلق ہے اس میں Regions کا ازظام ایسا کیا جائے کہ جو Regions زیادہ ریگن کو Move کرتا ہے انہیں انعام بھی دیا جائے۔ یہی نہیں کہ ہنٹر لیٹر ہم اپنا کام چلائیں آپ لوگوں کی قدر کر کے کورپشن دور کر سکتے ہیں میں سمجھتا ہوں کہ یہ ایسا اچھا طریقہ ہوگا کہ لوگ اس سے Helpful ہونگے اور اس سے بہت فائدہ ہوگا۔

(English translation of the above speech)

Shri Deshbandhu Gupta (Delhi): What the honourable Shrimati Durgabai said in the course of her speech has rendered my task lighter. You might remember that on the last occasion too when I took part in the debate on this subject I placed before the House a few instances of corruption. Today again I wish to cite some instances.

It is generally alleged on behalf of the Administration, and it is even correct to a great extent, that until the public co-operates in this matter it is extremely difficult to uproot this evil. But, I wish to say that the state of affairs in certain places is such that, even when co-operation by the public is forthcoming, that amount of effort is not made to check corruption as one might desire.

It pleases me that the other day while broadcasting a speech the Honourable the Railway Minister himself conceded that corruption in the Railways had become wide-spread. His words were: "Acceptance of illegal gratification is almost a tradition, deep-rooted and of many decades standing." While, on the one hand, this is the opinion that he holds on this subject he has, on the other hand, stated in the course of the annual report that of the total of 837 investigated cases, 389 were sent up for trial to courts or tribunals and that 282 persons were convicted and 188 acquitted.

He has also expressed his satisfaction over this achievement. There is no doubt that keeping in view the previous state of affairs it can be said that there has been some improvement in this behalf and that the special police have done something after all. But, on the one hand, we see that this evil is so aggravated that the Honourable Minister for Railways himself says that acceptance of illegal gratification has become a tradition and that its roots are very deep, while on the other hand, the position is such that in the course of a year the special police have been able to secure convictions in 282 cases only. Does this not show clearly that the problem has not been given the amount of attention that was called for? When we see that a quarter less than nine 'akh,

persons are employed in the Railways who have been brought up in an atmosphere of corruption the detection by the special police of just 282 cases during a whole year is not the kind of achievement that one might pride in. Nor is it something over which the Honourable Minister for Railways could be congratulated. In my opinion the special police that has been appointed by the Home Department on behalf of the Central Government has a better record of work to show for the year. Hence, I feel that greater attention is required to be paid to this side on the part of the Honourable Minister for Railways. The truth is that where the guard turns thief (the fence feeds upon the field) the field cannot be protected. Those people who are assigned the duty of detecting corruption instead of getting at it and finding out what things are happening at what places themselves turn abettors in that behalf and, in this way, instead of detecting corruption, intensify it.

Sister Durgabai has described the *modus operandi* used in the receiving of illegal gratification and also how far it reaches. I do not say that all the high officers of the Railways are a party to the game. I know that most of them make efforts to check it but the facts that have been adduced in this connection by Sister Durgabai can also not be overlooked. I esteem those officers who make efforts to eradicate corruption and I should felicitate them, yet it must be admitted that the evil has not abated but rather become aggravated. Experience has shown that with the appointment of more control-men there is a corresponding increase in corruption.

I am going to cite before the House, in this connection, a few instances which have come to my notice. They would reveal what things are happening even in a place like Delhi, before the very eyes of the Honourable Minister, proving the truth of the saying, the nearer the church the farther from God, and show what amount of corruption still prevails even at this place.

Recently I had a chance to attend a meeting of the Advisory Committee for the East Punjab Railway. There, on my questioning it was admitted that a consignment of about 500 bags which had been booked for the Old Delhi Station went to the New Delhi Station by mistake, that the consignee made an application that his consignment which had been booked for the Old Delhi Railway Station had gone over to New Delhi and was lying there and that he might be given delivery thereof there. It was further revealed that the Old Delhi Goods Clerk wrote down that the consignment might be delivered there but the New Delhi staff refused to do so, and that it took one month to get that consignment from New Delhi to Old Delhi. All this is happening today in Delhi before the very eyes of the Honourable Minister. The details of this case are forthcoming with me.

There is also something more that is going on in Delhi these days. If there is a large influx of any category of goods from Bombay or Calcutta some firms even manage, in collusion with the railway people, that the delivery of those goods be not made early, with the result that goods do not come into the market and they succeed in selling their own stock at high prices. All this is happening before the eyes of the Honourable Minister and he is not even aware of it.

I want to bring yet another incident to your notice. This is a very interesting case. A wagon was booked by the Delhi Cloth Mills for carriage of 800 tents. The goods were to be consigned to the Telegraph Stores, Jubbulpore. A railway receipt was also issued in respect thereof which bore the number: RR 5939/69, dated the 20th August 1948. Just consider, this wagon was booked in November but the Delhi Cloth Mills received a letter from Jubbulpore about a month later saying that they had not received the goods and that an enquiry might be made in that behalf. Accordingly correspondence was

[Shri Deshbandhu Gupta]

had about it which revealed in January that the goods had not reached Jubbulpore yet. One day, by chance, their representative happened to visit the New Delhi Station. He was amazed to find that the goods were lying there still, although a wagon had been booked for them two months back and R.R. had also been issued. When an enquiry was made from the officers the reply came after a month or a month and a half that the matter had been referred to the G.I.P. After that a further enquiry was made from the Railway people whether or not the goods had been despatched yet, but no reply was received up till February. Is it not a case for the apt application of the saying, 'the nearer the church the farther from heaven'? For four months the goods lay at the New Delhi Station although they had been purchased by the Government and the RR had also been issued. It appears the wagons were allotted to someone else and the goods remained where they were. The Honourable Minister might himself make an enquiry in this behalf.

There are a number of other instances of that kind which could be cited in this connection. In so far as it relates to the despatch of goods out of Delhi there is a considerable quantity of goods lying at the New Delhi Station although the *chalan* in respect of these goods has already been prepared. Nobody pays any attention to them even now and these goods are still lying as before. These goods include mustard oil for Bombay, cotton waste for Bombay, etc., etc. Wagons have not been allotted yet. The Honourable Minister can make an enquiry in that behalf too. It is apparent that until they grease the palm of some Railway employee wagons would not be allotted for these goods and the goods would remain lying where they are.

There is yet another interesting case of corruption that I know of. It is like this. A goods clerk of Moradabad handed over three bags of salt to a trader without entering them in the register. The other goods clerk, upon whose mind possibly the broadcast of the Honourable Minister for Railways had made some impression, made a report that that clerk had handed over three bags of salt to the shopkeeper without making an entry in respect of them. He also conducted further correspondence in connection with this case. When, however, an explanation was called from above and the Chief Goods Clerk was interrogated, not only was the matter hushed up, before an enquiry could be held, but the poor clerk who had made that report and pursued the case was transferred from there. This resulted in his submitting his resignation. His resignation, however, was not accepted and he was very much harassed, and, in the end, probably, the matter 'ed up to his dismissal. This case has already been brought to the notice of the Honourable Minister. This is a very important and serious case. The same poor fellow who pursued this case for so many days had ultimately to come to grief, while nobody questioned the one who had given over the salt bags.

What I mean to convey is this that if we were to feel happy today to think that corruption has disappeared it would be a great mistake. The truth is that today corruption has not gone down but has rather grown much worse than before. Whereas the Government of India gained great prestige by its police action in Hyderabad, by sending troops in time to Kashmir as also by securing the merger of so many States in the Indian Union, it is now, to the same extent, falling in the esteem of the public and the only cause of this is that ever since the National Government has taken over the reins of authority corruption is on the increase. I think if the Honourable Minister for Railways were to devote attention to this side and prepare a scheme for the eradication of corruption, which should, of course, not be merely a paper scheme, he would not only be preventing loss to the Railways but also render immense service to the National Government as a whole, because the efficiency

of the Railways will be regarded as the efficiency of the Government as a whole. Hence, I should like the Honourable Minister for Railways not to look at it simply from the standpoint of profit and loss to the Railways but from the point of view of the country as a whole, for, in that case, he could achieve a stupendous object.

There is yet another avenue for corruption thriving in Delhi and possibly this too may be an all India affair. For small parcels wagons are allotted to some brokers who book goods for them. The Babus receive money from these brokers. The brokers, whenever they so wish, give priority in despatch to certain goods or delay the despatch of others. This fact can be verified from any commercial firm.

Not taking any more time of the House by citing further instances, I wish to offer one or two suggestions in this behalf and here they are. A weekly report should be received by the Honourable Minister in respect of the priorities that are issued and it should also be shown how many priorities out of those issued have been honoured. I could cite the instance of my own office. It is about a year since a priority was sent to Bombay but no wagon could be secured on the basis of it from there. They were written to time and again but the reply came that priorities of that kind were lying there in thousands. When priorities are issued this implies that the job is to be attended to promptly. This indicates, however, that there is some other agency working at the bottom. Hence, I would submit that if this system of priorities is to be retained it should be subject to such control as might disclose how many of the priorities issued in 15 days' time have been honoured. Until that much control is exercised in this behalf things would go on like that.

Besides, as regards complaints, I would submit that complaints are made. Just as I have stated complaints as old as four months just remain lying and then what is the action taken. Unless an analysis is made as to how many complaints were filed in all no proper conclusion can be drawn.

There is one submission that I wish to make. Much benefit can be derived for purposes of any anti-corruption measure by inviting the co-operation of retired goods clerks of the Railway and you will find plenty of such people on the unemployed list. In this way you can save thousands of rupees.

It is my belief that it happens that although goods come up to thousands of maunds in weight, a railway receipt for 700 maunds only is prepared through the collusion of the Railway people. There are numerous such cases which cannot be fully appraised.

In addition to the above, I wish to make another suggestion for the eradication of corruption. In so far as it relates to wagons the regions should be so managed that those which move a large number of wagons should be awarded prizes. It is not imperative that we should carry on the administration with the whip in hand. You could remove corruption by commendation of (deserving) persons. I feel that it would prove to be such a wholesome method that people would become helpful thereby and it would yield great benefit.

चौधरी रनवीर सिंह : सभापति जी, मैं गुप्ता जी के ऐतराज को नहीं मानता कि जब से हमारी सेंट्रल सरकार आई है, उसके बाद से करप्शन बढ़ा हुआ है। मैं आम तौर से थर्ड क्लास की बोगी में ट्रेवल करता हूँ और आम तौर पर लोगों की रोज़ाना की ज़िन्दगी से मेरा वास्ता रहता है। मैं तो यह मानता हूँ कि करप्शन भी घटा है और रिस्क लेने वालों

[चौधरी रनवीर सिंह]

में क्वाराहट भी बड़ी है, लेकिन इस के बावजूद हम यह नहीं कह सकते कि हमारे जो नतीजे हैं उनसे लोगों में शान्ति हुई है या लोग यह समझते हैं कि इसमें कोई सुधार हुआ है। जैसे जमाना बदला है उसी के मुताबिक हमारे जो गवर्नमेंट सर्वेयर्स हैं वह भी बदले हैं और उन्होंने करप्शन करने के नये नये तरीके निकाले हैं। मैं आपको एक मिसाल बताना चाहता हूँ। चन्द्र दिन हुए हमारे आनरेबिल मेम्बर लाला अचिन्तराम जी दिल्ली से जलन्धर को जा रहे थे। लुधियाने में पहले एक सिख जेंटिलमैन, जो न जाने टिकट कलक्टर था या चेकर, गड्डे में दाखिल हुआ। वहाँ कुछ भाइयों से उसकी टिकट के बारेमें बातचीत हुई जिन्होंने कहा कि अगर हम इस गाडी में इस टिकट से ट्रेवल नहीं कर सकते हैं तो हमारा डिफरेंस ले लीजिये। डिफरेंस लेने के लिए वह सिख नहीं रहता। उन्नी बक्कत पता नहीं कहाँ से एक दूसरा हिन्दू आ जाता है। शायद उसे ही यह अथारिटी हो कि वह डिफरेंस ले सकता हो। वह आ जाता है और डिफरेंस ले जाता है उसके बाद उसने दो एक पैसिजर्स को और छोड़ा। उनमें से एक ने कहा कि मैं आपके साथ चलता हूँ। इस पर वह हिन्दू फौरन गायब हो जाता है और वह सिख उससे दो या तीन रुपये ले करके छोड़ देता है। वह आदमी उनके गड्डे में आता है और लाला जी के पूछने पर बताया कि सिख बाबू ने उसे रुपाया लेकर छोड़ दिया है। उन्होंने के० सन्थानम साहव के नाम चिट्ठी डाली, मगर कई महीने गुजर गये पर आज तक उस चिट्ठी का एक्नालिजमेंट भी नहीं मिला। एक तरफ तो यह है कि जिस आदमी को उन्होंने पकड़ा था उसके करीबी भाई उनके मकान पर आये और कहने लगे कि आप इसको छोड़ दीजिये, दूसरी तरफ मिनिस्टर साहव की तरफ से एक्नालिजमेंट तक नहीं आया। डिपार्टमेंट की तरफ से चिट्ठी आई कि हमें पता नहीं लगता है। आप आइये और उस आदमी को शनाख्त कीजिये। आप अन्दाज़ा लगा सकते हैं कि शनाख्त करना कितना मुश्किल है। इतने आदमी एक साथ ट्रेन में ट्रेवल करते हैं। टी० टी० ई० भी आते हैं। नयी नयी वर्दी पहन कर आते हैं। उनको पहचानना कितना मुश्किल है। लालाजी ने उस मुसाफिर से वह रसीद भी ले ली थी जिस पर सिख के पीछे आने वाले हिन्दू आदमियों के दस्तखत मौजूद हैं। इससे पता लगाया जा सकता है कि वह कौन आदमी है। यह सच है कि जिस हिन्दू ने दस्तखत किये उसी की मर्जी से करप्शन चलता था और वह सिख जिसने दो तीन रुपये लिये उसी की मर्जी से ऐसा करता था। पैसे तो सिख लता था और अगर

रसीद काटनी होती थी तो वह हिन्दू काटता था। इस किस्म की वारदातें होनी हैं तो आप समझ सकते हैं कि क्या डर हो सकता है। यह सच है कि आज उनके दिल में तो खौफ रहता है कि न जाने कौन गांधी टोपी पहने मेम्बर है और कौन मिनिस्टर है जो कि थर्ड क्लास में चल रहा है। मुझे दो एक दफा का अपना तजर्बा है। मैं रोहतक से दिल्ली आ रहा था। हमारे ईस्ट पंजाब के कुछ भाई आम तौर पर यह करते हैं कि एक मन या दो मन चाँचो का कट्टा या गेहूँ का कट्टा गड्डे में डाल लेते हैं। जिस स्टेशन से यह डालते हैं वहाँ के बाबू और वहाँ की पुलिस उनके साथ होती है। उनसे वह हर कट्टे पर चार आने या आठ आने लेते हैं। अगर कोई आदमी उनकी मर्जी के बगैर गड्डे में कट्टा के साथ बैठा जाता है तो सिपाही उस गड्डे में आता है। एक रोज एक गड्डे में जिसमें मैं बैठा हुआ था एक सिपाही आया। उसने एक आदमी से बातचीत की। मैं समझ गया कि कोई न कोई बात है। मैं ने उसका थोड़ा बहुत पीछा किया। वह सिपाही भी समझ गया। उस आदमी ने कुछ पैसे देने चाहे। सिपाही ने कहा कि मैं पैसे नहीं ले सकता क्योंकि यह खद्दरचारी बैठे हुए हैं। पता नहीं यह कांग्रेसी हैं या कौन हैं। जब मैं ने उस आदमी से पूछा कि क्या बात थी, उसने पैसे लिये या नहीं तब उसने यह जवाब दिया कि वह आप के कपड़ों से डर गया और उसने मुझ से कोई पैसा नहीं लिया। मैंने उससे पूछा कि तुम रोजाना यह काम करते हो तो किस ढंग से करते हो। उसने बताया। बहादुरगढ़ सापला के स्टेशन के बाबू हमारे साथ शामिल हैं और किशन गंज स्टेशन के बाबू भी और पुलिस भी शामिल है। हमें एक या दो रुपया कट्टा देना पड़ता है, फिर चाहे हमारे पास टिकट हो या न हो कोई नहीं पूछता। अनाज को पंजाब से लाना भी कानून शिकनी है, मगर कोई पूछता नहीं क्योंकि एक रुपया या दो रुपया मिल जाता है। यह बात तो मैं ने आपको आम ट्रेन्स के बारे में बताई।

मैं कुछ बातें बैगन्स के बारे में भी कहना चाहता हूँ। मैं इस चीज को साफ करना चाहता हूँ कि यह बैगन का लेना और देना भी एक बीमारी है। मैं यह नहीं कहता कि तमाम ट्रेडर्स एकदम से बेईमान हैं। हो सकता है कि उनमें ईमानदार भी हों। आम तौर पर यह होता है कि एक ट्रेडर रुपया देकर या अपने असर से बैगन ले आता है। और जब वह बैगन लेकर दूसरी जगह पहुँचता है और अगर चीज की कमी है तो उसी चीज को जिसका भाव आठ या दस रुपया है १४ या १५ रुपया मन बेचता है। इस तरह बैगन देने से जनता को कोई लाभ

[चौधरी रनवीर सिंह]

नहीं होता है। इसलिये मैं आपसे कहना चाहता हूँ कि अगर आप चाहते हैं कि करप्शन दूर हो तो आप वह वैगन उन लोगों को दीजिये जो कि कोआपरेटिव या कंज्यूमर्स स्टोर्स के मालिक हैं। दूसरे आदमियों को वैगन न दिया जाय। अगर आप ऐसा करेंगे तो न कोई देने वाला होगा और न कोई लेने वाला। यह झगड़ा ही खत्म हो जायगा। चोर की माँ को अगर आप मारना चाहते हैं तो यह ढंग है। और अगर आप इसी तरह वैगन्स देते रहेंगे तो जब किसी को पांच हजार रुपये की आमदनी एक वैगन मिलने से होगी तो बाबू भी उससे हजार पांच सौ रुपया जरूर लेगा।

हमारे जिले से भैंस और गायें कलकत्ता और बम्बई जाती हैं। एक आदमी मेरे पास आया और उसने कहा कि हम परेशान हो गये हैं हमारी भैंसें १५ दिन से रोहतक में पड़ी हैं और दूसरे भाइयों को गड्डे दिये जाते हैं और हमको नहीं मिलता है। मैं बाबू के पास गया तो उसने रजिस्टर दिखाया। उसमें बहुत से आदमियों के नाम इससे पहले के मौजूद थे और बाबू ने कहा कि इतने आदमियों के नाम मौजूद हैं। इनको गड्डे देने के बाद हम इस आदमी को गड्डे दे सकते हैं। उससे मुझे तसल्ली हो गई मगर मैं समझ गया कि खराबी कहाँ है। मैं आपको बतला चुका हूँ कि हालत बदलने के साथ गवर्नमेंट के क्लर्क भी बदल गये हैं और उन्होंने करप्शन का दूसरा ढंग इस्तेमाल करना शुरू कर दिया है। वह ढंग यह है कि वह अपने आदमियों के नाम उस रजिस्टर में लिख लेते हैं। उसकी एप्लीकेशन हो या न हो मगर उसका नाम रजिस्टर में मौजूद रहता है। वह उस आदमी को जिसे की दरअसल में गाड़ी चाहिये लिस्ट दिखा देते हैं कि साहब देखिये यह लिस्ट है, हम क्या करें, हम तो आपको वैगन नहीं दे सकते। आप इतने दिन बाद मिलिये। और अगर कोई भोला भाला आदमी आता है जिससे उनको डर नहीं है कि पकड़ा देगा तो उससे कहेंगे कि फलां आदमी से बातें करो। वह आदमी उससे बातचीत करता है और उसको पैसे दे देता है और गाड़ी हासिल कर लेता है। इस तरह टेढ़े तरीके से वह पैसा बाबू के पास पहुँच जाता है। मैं इस सिलसिले में यह प्रार्थना करता हूँ कि इसको कम करने का एक और दूसरा ढंग है और वह यह कि हर एक गुड्स स्टेशन पर एक एडवाइजरी कमिटी बिठाई जाय जो नान आफ़िशियल्स की हो और जिसके अन्दर उस हलके का एम० सी० ए० हो। वह मेम्बर हो या उसका रिप्रेजेंटेटिव हो और इसी तरह से एग्रीकल्चरिस्ट्स का उसके अन्दर रिप्रेजेंटेटिव हो और जो ट्रेडर्स यूनियन वगैरह हों उनके भी रिप्रेजेंटेटिव हों। इस तरह हर एक स्टेशन पर इस तरह की कमिटी बेंठे और वह गाड़ी देने का फ़ैसला करे।

मैं दो तीन मिनट और लेना चाहता हूँ जिससे मैं, जो हमारी तकलीफ़ है और जनता को भी जिससे बहुत ज्यादा तकलीफ़ है, वह कहना चाहता हूँ। अब आप पिछले साल की बात लीजिये या इस साल की बात लीजिये। मद्रास में चना किसी भाव पर मिला नहीं या मिलता नहीं और पटियाला स्टेट्स यूनियन या पंजाब के अन्दर चना सड़ गया। भट्टजी ने कई मर्तबा बीकानेर के बारे में कहा है कि चने लादने के लिये गड्डा मिलता नहीं और चना स्टेशन पर सड़ता रहा है। गड्डा जब मिलता है जब कि वैगन के लिये पैसा दे और जो आदमियों के पैसे देते नहीं हैं उनको गड्डा नहीं मिल पाता। मैं यह फिर दोहराना चाहता हूँ कि हमें करप्शन को घटाना चाहिये। यह शायद सही बात है कि करप्शन कुछ दरजें तक घटा जरूर है लेकिन वह तसल्लीबख़श नहीं है। अगर आप चाहते हैं कि करप्शन घटे तो एक तो हर एक मेम्बर को चाहिये कि वह इस काम में गवर्नमेंट की मदद करें और मन्त्री महोदय उनका पूरा सहयोग लें। लालाजी ने बहुत अच्छा काम किया लेकिन बावजूद इसके अभी उनकी तरफ़ से कोई मदद नहीं मिल सकी। मैं भी सहायता करना चाहता हूँ कि अगर आप मुझको थर्ड क्लास या फ़ोर्थ क्लास में ट्रेवल करने को कहें तो मैं उसके लिये तैयार हूँ। अगर आप कहें तो मैं देहाती और मामूली ब्यौपारी बन कर लोगों को पकड़ा सकता हूँ अगर आप मेरी मदद करें। लेकिन फ़र्ज़ कीजिये कि मेरे ही खिलाफ़ वह रिप्रेजेंटेशन कर दे कि साहब मैंने यह किया और आप मेरी मदद न करें तो आप करप्शन को नहीं रोक सकेंगे।

मैं कहना तो बहुत सी बातें चाहता था लेकिन घंटी मुझे बार बार याद दिलाती है और मैं समझता हूँ कि दूसरे और भी मेम्बर हैं जो बोलना चाहेंगे। लेकिन मैं एक बहुत इम्पार्टेंट चीज़ कहना चाहता हूँ इसलिये एक मिनट और लेना चाहूंगा। कल ही श्री महावीर त्यागी जी ने बताया कि स्टेशन पर एक ठेकेदार है जिसने अफ़सरों से मिलकर ३२ रुपये माहवार पर स्टेशन पर केट्रिंग का ठेका लिया है। और उसकी रोजाना ३००, ४०० रुपये की आमदनी है। और उसको महीने में आठ दस हजार रुपये की आमदनी है। इसके लिये यह होना चाहिये कि जो लोग वैंडर्स हैं और जिनको वह अपना नौकर

[चौधरी रनबीर सिंह]

बताते हैं हांलां कि ऐसी बात नहीं है क्योंकि उनके रजिस्टर वगैरह सही नहीं होते हैं, उनको सीधा ठेका देना चाहिये। इससे गवर्नमेंट को भी दो ड्राई करोड़ का मुनाफ़ा होगा और जो बीच के मिडिलमैन हैं वह भी किसी को लूट नहीं सकेंगे। इस वक़्त वह स्टेशन के अफ़सरों से मिल कर बड़ी आमदनी कमाते हैं। रेलवे एडवाइज़री कमेटी की रिपोर्ट में भी यह बात बतलाई गयी थी। इसलिये इस चीज़ को ख़तम करना चाहिये। उन्होंने देश को काफी लूटा है और उनको एक दिन का भी मौक़ा देना कि वह देश को लूटें नामुनासिब है।

(English translation of the above speech.)

Ch. Ranbir Singh (East Punjab: General): Mr. Speaker, I do not accept Guptaji's allegation that corruption is on the increase ever since the coming into office of our (present) Central Government. I generally travel in a third class bogey and I have generally to deal with people in their day to day living. I feel that there is a decline in corruption and also that there is increasing fear in the minds of bribe-takers. But in spite of this we cannot say that the results achieved by us have caused gratification to the people or that people have come to think that the situation has in any way improved. According as time has changed our Government servants have also changed and they have devised novel methods in corruption. I wish to cite to you an instance. Some days back our honourable member Lala Achint Ramji was travelling from Delhi to Jullundur. At Ludhiana, at first a Sikh gentleman,—who knows whether he was a ticket collector or a checker—entered the compartment. There he had talk about tickets with some people who said that if they were not competent to travel by that train with those tickets he might charge them the difference. That Sikh is not there for receiving the difference. Just then, another man, a Hindu, comes upon the scene, from God knows where. May be he alone has the authority to receive the difference. He comes and receives the difference. After that he tackled one or two other passengers. One of them said, "I would go with you." Upon this that Hindu disappears immediately and the Sikh lets him off after receiving two or three rupees from him. That man comes into Lalaji's compartment and on being asked tells him that the Sikh Babu had let him off after receiving money from him. He wrote a letter to Shri K. Santhanam but although several months have passed not even an acknowledgement has been received in respect of that letter. On the one hand, relatives of the man he had caught came to his house and entreated him to spare him, while, on the other hand, there was not even an acknowledgement from the Honourable Minister. A letter was received from the Department stating that they were unable to trace the case and that he might come along and identify the man. You can imagine how difficult it is to identify. So many people travel together in a train. T.T.Es. too come. They come with new uniforms on. How difficult it is to identify them. Lalaji had also taken over from that passenger the receipt which bore the signature of the Hindu gentleman who had followed the Sikh. It should be possible to trace out from it as to who that man was. It is true that the corruption was going on with the acquiescence of the Hindu who had signed and the Sikh who received two or three rupees did so with his connivance. The money was received by the Sikh but if a receipt was to be issued this was done by the Hindu. When incidents like this occur you can form an idea what fear there can be.

It is true that there is a lurking fear in their minds to-day lest the man with the Gandhi cap travelling in the third class compartment should happen to be a member or a minister. I have had personal experience of this on one or two occasions. I was coming from Rohtak to Delhi. Some of our brothers of the East Punjab generally follow the practice of shoring a one maund or two maunds bag of gram or wheat into the carriage. The Babu and the police of the station from which they shove it in are in league with them. They charge them four annas or eight annas per bag. If anyone gets into a carriage with a bag without their consent the policeman comes into that compartment. One day a constable came into the compartment in which I was sitting. He talked to a man. I smelt a rat. I pursued him a bit. The constable too grasped the situation. The man wanted to pay him something. The constable said he could not accept the money as there was a 'Khaddar-clad' sitting by and he was not sure if he was a Congressite or someone else. When I questioned the man what was the matter and whether he (the constable) had accepted the money or not, he replied that he had got frightened by the sight of my clothes and had not taken any money from him. I asked him how did he manage to carry on that kind of job every day. He said, "The Babus of Bahadurgarh and Sanpla stations are in league with us and the Babus of Kishanganj station as also the police are our confederates. We have to pay one or two rupees per bag and thereafter nobody questions us regardless of the fact whether we possess a ticket or not." The mere importing of foodgrains from the Punjab constitutes a breach of law, but nobody checks it as they get one or two rupees. This I have told you with reference to the ordinary trains.

I wish to say a few things about the wagons as well. I wish to make it clear that this giving and taking of wagons is also a veritable disease. I do not say that invariably all traders are dishonest. It is possible that there are honest people among them. What happens generally is this that a certain trader procures a wagon either by paying money or with the help of his influence and when he gets to another place with the wagon he is able, if the commodity is scarce there, to sell at 14 or 15 rupees a maund what is priced at eight or ten rupees (a maund). No good accrues to the people by such allotment of wagons. Hence, I want to say to you that if you wish that corruption be eradicated you should give those wagons to those persons who might be the owners of co-operative or consumers' stores. No wagons should be given to other people. If you do so there will be none to give and none to receive. The whole sorry affair would be over. If you want to kill the thief's mother this is the way. If, however, you go on allotting wagons in the way you are doing at present, then whenever a person stands to make a profit of five thousand rupees by the allotment of a wagon the Babu too is bound to receive a thousand or five hundred rupees from him.

Buffaloes and cows are taken from our district to Calcutta and Bombay. A certain person came to me and said, "We are in great distress. Our buffaloes are rotting in Rohtak for the last 15 days. Others are being allotted wagons but we do not get them." When I approached the Babu he showed me a register. It contained the names of several persons which were above his. The Babu said, "The names of so many persons are already there. We can provide wagons to this man after having provided them. This appeased me but I comprehended where the trouble was. I tell you that with the change of conditions the Government's clerks have also changed and they have started using a different method for corruption. That method is that they enter the names of their own men in that register. There may or may not be an application by him yet his name remains on the register. They show this

[Ch. Ranbir Singh]

list to the man who is really in need of a wagon, saying, "Look here, Sir, this is the list. What can we do? We cannot give you a wagon. You should come after so many days." And, if some simple-minded man approaches them from whom they have no fear that he would have them caught, they would say to him, "You had better speak to So-and-So." The man speaks to the person indicated, pays him the money and obtains the wagon. By this indirect means the money reaches the Babu. In this connection I submit that there is yet another way to reduce it, namely that an advisory committee be appointed for every goods station which should consist of non-officials, and which should have on it the M.C.A. for that constituency—he may be the member or his representative. Similarly it should contain a representative of the agriculturists and also those of traders' unions etc., if there be any. Thus there should be a committee of that kind at every station which should decide about the allotment of wagons.

I want to take two or three minutes more so as to state something which causes trouble to us and even greater trouble to the public. Now take, for instance, what happened last year or even this year. Gram was not available in Madras for any price while in the Patiala States' Union or the Punjab it was rotting. Bhattji has stated a number of times about Bikaner that no wagons are available for transporting gram and that gram is rotting at stations. The wagon is allotted only when money is paid for it and one who does not pay cannot get it. I repeat that we should reduce corruption. It is probably correct that corruption has decreased to some extent but this decline is not satisfactory. If you want that corruption be reduced then, in the first instance, every member should help the Government in this work and the Honourable Ministers should seek their full co-operation. Lalaji did an excellent job but, in spite of all that, no help has come forth yet from them. I too want to help. If you ask me to travel in the third, or even the fourth class, I am prepared to do so. If you like I could assume the guise of a villager and a common trader and have people caught, only if you help me. But, suppose some one were to make a representation against me alleging that I did this and that and you (on that account) withhold help to me you will not be able to check corruption.

I wanted to say a lot of things but the bell reminds me repeatedly (that my time is up) and I realize that there are other members too who would like to speak, but I want to say one very important thing, and should therefore like to have one minute more. Only yesterday Shri Mahavir Tyagi revealed that there was a contractor at the station who had, in collusion with the officers, obtained contract for catering at the station for Rs. 32/- per mensem, while he has a daily income of Rs. 300/- or 400/-, or an income of eight or ten thousand rupees a month. The proper thing to do in this case is to give direct contracts to the vendors, whom they allege to be their servants, which is not true, for their registers etc., are not correct. This would not only bring profit of two or two-and-a-half crores of rupees to the Government but the middlemen will also not be able to rob anyone. At present they make a huge income in concert with the officers at the station. This was also mentioned in the report of the Railway Advisory Committee. Hence, this must be put a stop to. They have robbed the country well enough already and it would be improper to let them do so a day longer.

Shri Krishna Chandra Sharma (U.P.: General): The question is not one of multiplying instances of corruption, but as to how it came into existence, how far it has taken roots and what are the possibilities of eliminating it and the methods to that.

I do not see eye to eye with my honourable friends who have preceded me, because I find corruption is not confined to this department or that department only, nor has it got its roots in the present system of administration. I come from a village; I have seen villagers taking sugarcane from the field of others. Go to the police sub-Inspector, go to the village shop-keeper, go to the money lender, anywhere you go, you find corruption is rampant. Unfortunately, we have been deprived of the human right of managing our own affairs and the pride of our own existence, pride in our past and the confidence in our present and our hope for the future. No community, no race, can have a sense of power and responsibility unless it has enjoyed the political power.

We in India have for long been deprived of this right and corruption came in. A slave has no other business in the world except the business of stomach. Stomach means money. Look at every corner of life, corruption is there. I put a simple question to you. Suppose a purse is lying in the street; do you see any other man running to the other man and say to him, 'your purse has fallen' and present it to him? The simple problem is that after the Great War, the situation has deteriorated because those who were the privileged people not only mismanaged the affairs, but they committed crimes against humanity, against society and became richer and richer while the poor people became poorer and poorer and as a result the sanctity for private power has gone. A man was dying for want of medicine; a child was dying for want of milk; a woman was dying for want of food; but the rich man was enjoying feasts, exuberating his wealth without any consideration whatsoever as how the things were going on. In 1943 there was a great famine in Calcutta. What happened? The Universities were going on; all the exuberance of wealth and big things all these went on, but people were dying in millions in the streets. Now you say that a poor clerk is not an honest man. You know that the poor clerk thinks himself a better man than the big merchant and how do you expect that the poor clerk getting Rs. 100 should honestly serve the demoralised merchant who is likely to get lakhs of rupees without doing anything. How can he say—I would serve you as an honest man? The poor clerk knows that this big merchant is a thief and he wants to take a share out of the loot and thinks this is not a crime. This is the position. The lower paid staff whom you call corrupt and whom you want to send to prison, they stand up and say that the people whom we are called upon to serve are the bigger criminals and in the very nature of things we cannot be expected by any moral law to serve these people to our own detriment. The remedy lies in a psychological approach, an appeal to the mind of man. Control the bigger people at fault and if you cannot control them, send them to the jails or shoot them down, because they are the privileged criminals. It is a crime to invite 500 people or 1,000 people at feasts and dinners and spend lakhs of Rupees. It is the poor clerk's money, the poor police constable's money, the poor labourer's money. If you join the parties, if you partake in their exuberance of their wealth, you have no business to condemn the poor man in the street or the poor clerk in the office. I tell you openly, search your heart and see how do you look at the bigger people at fault. Do you condemn them? Do you call them thieves? Do you take them to be criminals? If you dare not call them criminals, you have no more right to condemn these poor people. The Honourable Minister Dr. John Matthai said, "we have turned the corner". He might have turned the corner so far as the Railways are concerned. But, the question is have you turned the human mind? I read with pain certain recommendations of Kunzru Committee. It says: "it (corruption) can be held in check by deterrent and prompt punishment of proved offences amongst the railway staff." Are the police and the courts the only source of improving the position? After all, man is a man and he has got a mind; he has got a motive; he has something noble in him. The court is not the only thing that could

[Shri Krishna Chandra Sharma]

ment him. The police cannot mend thirty crores of people; courts cannot send lakhs of people to jails. The only way of doing things is to approach the mind of the people.

How to approach? I will give two instances. I refer to the Knitty's book, 'Decadence of Europe' published in 1929 about the conditions in Germany. Never were a people so debased as the Germans after the First World War. Young girls and boys were prostituted; everything that was noble in Germany was trampled down. There arose a man who called them back to the pride of their race, to the history of their nation, who gave them confidence in their present, and opened the door of a great future before them. He gave a bible to every German and every employee a new mind.

Mr. Tajamul Husain (Bihar: Muslim): What happened to that man?

Shri Krishna Chandra Sharma: That man was killed; but Germany became great. Never has a great man, raised a country so high a great soldier is not likely to be born. Hitler may have died; but he gave a lesson to the world, a lesson that the world cannot afford to forget. He will always remain a great man in this world. Sir I will give another instance, Mr. Roosevelt. He would approach the gardener, the cooly, the miner, and say we are working for you. He gave a sympathetic heart to them. A strong feel, a strong will, a firm determination were Hitlers weapons. His ways were hard but effective.

Mr. Tajamul Husain: Does my honourable friend want to follow Hitler?

Shri Krishna Chandra Sharma: I do not mean that. Hitler stands for an iron will, an iron discipline, a strong determination. (Interruption) I am not going to yield.

Shri Raj Bahadur (United States of Matsya): On a point of order, Sir, is the honourable member entitled to preach fascism on the floor of this House?

Mr. Deputy Speaker: The honourable member has misunderstood.

Shri Krishna Chandra Sharma: My purpose is, Sir, that the situation is deteriorating. A psychological approach is necessary. That is not a thing to look into the books or into the arguments or explanations. It has to come from a strong feel, a strong will, a strong determination. I have given two instances: I have given the instance of Hitler, I have given the instance of Roosevelt. I believe that by a strong will, a strong determination and by good organisation and by a new psychological approach, you can eliminate this evil. This evil is not confined to this particular department or that particular department. As the food problem is deteriorating, so is the case of this corruption. If for food it is necessary to have a high power committee, so for corruption it is necessary to have a high power committee to look into the various aspects of the question and to find out a way to eliminate this evil.

Shri H. V. Kamath: Mr. Deputy Speaker, I had only half a mind to speak, but my mind was fully made up when a suggestion was thrown across the House by no less a friend than the Honourable Mr. Goplaswami Ayyangar. I hope I am not divulging any State secret! He was afraid that I was going to give him the cold shoulder. I want to assure him that I am not.

The House has given a warm reception to his Railway Budget, and much as his visage deters friends from giving a cordial reception to him, as my friend, Mr. Chaudhuri said the other day, I have no doubt in my mind that his stern visage goes with a very warm heart. He has a cool head and a warm heart.

Therefore, Sir, I have risen to satisfy him no less than my honourable friends in this House. It is an old adage that power corrupts. But to my

mind poverty also corrupts. Power and poverty are very great corrupting influences over the people.

Shri L. Krishnaswami Bharathi (Madras: General): Though poles apart!

Shri H. V. Kamath: So long as our social and economic structure is based on this principle, with power at the top and poverty at the bottom, I believe that attempts at eradicating corruption will only go half-way: they will not prove effective in eliminating corruption entirely. A Sanskrit Sloka has it:

दारिद्र्यं जनतापकारनामहो केनापि दग्धं न ही

(*Dauidryam janatapakaranamaho kenapi dagdham nahi*). This poverty which has been the bane of most human miseries and afflictions has not been rooted out by anybody. The sloka goes on:

Burnt the golden Lanka by fire:

They burnt the Khandava Vana

But this Dauidrya has not been burnt by anybody.

That is the root of all evil. Poverty is perhaps the greatest crime on earth. All other crimes flow from it. All other crimes spring from it. If we root out poverty, we root out most crimes in this world. But, alas, poverty has been there. Christ has said: "The poor ye will always have with you." While I do not know whether they will be with us till the end of time, they have been there from the very beginning—from the very dawn of social creation, but we hope—through it is at times hoping against hope—at some time to eradicate poverty from our society.

Corruption to my mind therefore springs from both these sources—power and poverty. Most of the Governments of the day are based on this—power at the top and poverty at the bottom. Governments are more tolerant of what I may call material corruption than what might be termed moral, mental or spiritual corruption against the Government. I may cite only one classic incident. Socrates was made to drink the hemlock for corrupting the youth. It was because this corruption was against the Government that he was executed. He was made to drink the cup of poison. But there are grosser forms of corruption and most Governments, so long as they do not interfere with the normal working and day to day administration and so long as they continue to say "Gari chalti hai", they connive at these ordinary forms of corruption.

Mr. Deputy Speaker: The honourable Member can continue his speech after Lunch.

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

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

Shri H. V. Kamath: When the House rose for lunch I was on the point how corruption arises out of poverty no less than power. It has been said that power without justice amounts to tyranny and poverty when it is undeserved and when it forced on an individual, it is in my judgement a crime and whoever is responsible for this crime must to be taken at task by a fair, just and egalitarian society. I would like, Sir, to invite the attention and refresh the memory of the honourable Railway Minister by quoting an extract from a broadcast of his own, which was made on the 3rd November 1948 at 8-30 P.M. on all wave lengths. He said on that occasion:

"Of bribery and corruption which are so widespread it is not necessary for me to speak at length. On the railways among the station, goods train and such like staff, acceptance of illegal gratification and corruption are almost a tradition deep-rooted and of many decades standing. A determined drive is now on to combat this evil with firmness amounting to almost ruthlessness. The Railway Administrations are tackling this problem with energy and with commendable vigour with the help of both the special police and provincial governments."

[Shri H. V. Kamath]

And the Honourable Minister asked for full public co-operation. This was a very welcome statement of policy on the part of the new Railway Minister soon after he took over and we are entitled to ask him today in this House, considering that this broadcast was made more than three months ago, how his attempts in this direction of eradicating corruption in the railways have proceeded and what progress has been achieved.

May I, Sir, point out to him one instance of corruption, which was due to the exercise of power without justice. There has been a furore over this in that part of the country from which I come: I refer to the Central Provinces and Berar. Early this month there was the wedding of a police officer who is himself the son of a more highly placed police officer. I understand that the marriage party or 'Barath' as it is called, proceeded from Nagpur to Banaras via Jabulpore and Allahabad and my information has it that a saloon of the Superintendent of Railway Police (S.R.P.) was placed at the disposal of this police officer and his marriage party. The saloon of the SRP was to have proceeded to a place called Bhadhadaghat on the Bina Bhopal section where only the previous night the derailment of the 6 U. P. Punjab Mail had taken place. I do not know whether he proceeded promptly or because of his wedding party his departure on duty was delayed. This is not all. The story moves on towards the inexorable end. It appears that in addition to this saloon of the SRP one eight-wheeler third class carriage with accommodation for 112 passengers was also placed by the authorities of the G.I.P. Railway at Bombay to carry only 40 passengers from Nagpur to Allahabad. The carriage bore no mark of reservation and yet no passenger other than the members of the wedding party was allowed to enter into that lucky compartment. And the crowning glory of it all comes here, that the entry in the ticket sale register shows that on the night of February 2nd (the night of the occurrence) only 34 tickets of class III and one of class II were sold at Jabulpore, from Jabulpore to Benares, by the 27 Du, the train to which this saloon and third class carriage were attached. *En passant* I might mention that though this train passed through prohibition area the party were entertained very well to all kinds of refreshing drinks. I make a present of this to the Honourable Minister for such action as he may deem fit. We talk of corruption among the lower staff like gangmen or the railway ticket collectors. But here is a case of corruption at the top. Our sarvant and philosopher Dr. Radhakrishnan the other day, I believe in his Convocation Address at Cuttack before the Orissa University, stated that there is a tendency in government circles to compromise with corruption simply because that corruption is in high places.

Sir, I hope you will give me a little indulgence.

Mr. Deputy Speaker: He has already taken fifteen minutes.

Shri H. V. Kamath: No, Sir. We began late, at 2-35 because there was the quorum bell.

This is one instance where corruption arose from exercise of power without justice. Now I come to the other kind of corruption which is due to poverty. As I have already said unless we radically reform our social and economic structure that has power at the top and poverty at the bottom, and overhaul, even shatter its foundations and rebuild it to our heart's desire, we can never root out corruption from the poorly paid staff. Our railways as we are all aware are a completely nationalised industry. Such an industry must be worked, you will agree, first of all in the national interest. But the interest of the workers should come only next to the larger national interest. Yet we find sometimes—it is a matter for sorrow—that though the

salaries at the top are so unconscionably high there is some agency at work somewhere which is always devising ways and means to take back from the lower paid workers whatever benefits they might have gained through collective bargaining. We appeal to them "Be patriotic, serve your country, why not sacrifice for the sake of your country?" Yes, Sir, I accept the proposition. But sacrifice must be equally shared. If there is no equality of sacrifice then it is vain, futile and even fatuous to call upon poorly paid staff to sacrifice. What are you doing at the top? Officers drawing Rs. 3,000 4,000 and 5,000—what are they doing in the matter of sacrifice? Are they bearing a portion of the sacrifice? With what heart or with what face can they tell the workers "sacrifice". Those who live in glass houses should not throw stones at others. Those at the top who also connive at corruption should not throw stones at those lower down who are guilty of corruption; only those who are without any sin in this respect can throw stones at the corrupt officials.

There is one other aspect which we should not forget. There are two sides to corruption—the giver and the receiver. Like mercy it is not twice blessed but twice cursed: it curses him that gives and him that receives. If we want to eradicate corruption from the railways I will only say this that first of all the exercise of power should be regulated by a sense of justice; and wherever cases of corruption at the top come to light they should be dealt with, to use the very word which the honourable Minister broadcast, in a ruthless manner as much against those at the top as those lower down in the scale. I would only suggest that with a view to detecting corruption not merely should the Watch and Ward section and the Intelligence Branch of the Railways be strengthened but also the Railway might consider this proposition of awarding certain prizes or rewards for those who bring to light or unearth cases of corruption. I would also suggest—it is a psychological matter—medals such as Mahatma Gandhi medal or Netaji medal or Nehru medal or Patel medal to be awarded to those people, either officials or non-officials, who succeed in unearthing and bringing to the notice of the railway authorities cases of corruption: he who detects the largest number of cases must be awarded the Gandhi medal and so on and so forth. (*An Honourable Member:* Why not a Kamath medal?) You propose it. Before I sit down I will only say this that corruption, as the honourable Minister has himself admitted, is widespread. The Minister are well aware of it and the officers of the Railway Board who are intimately associated with the two Ministers, I am sure, are also well aware of this evil and are doing their very best to root out this evil. But it is no use merely cavilling at the Ministers unless we, the people, on our part offer them our co-operation. Unless we do that there is no use our coming here and saying "root out this, root out that". I would therefore appeal to the people through this House to offer whole-hearted co-operation to the Government. The Honourable Mr. Santhanam soon after taking over wrote to us all a friendly letter requesting us to bring to his notice instances of corruption whenever they came to our notice. We welcomed it and I hope that we of this House and the people outside would not stint themselves in co-operating whole-heartedly with the railway administration. I hope that the ruthlessness of which my honourable friend Shri Gopalaswami Ayyangar spoke in his broadcast would be applied at the top no less than at the bottom. Then only can we expect results. Otherwise as was the case in the days of control about black-marketing some smaller fry might be caught and the bigger whales would go scot free. The poorly paid get wages which are nominally high but their real wages in proportion to the prices and the cost of living index are very low, and I would only quote a Sanskrit sloka here:

"Bhuhukshitah kim na karoti papam"
(What crime will the hungry not commit?)

[Shri H. V. Kamath]

I have great pleasure in supporting the motion which has been moved by Shrimati Durgabai and I hope that ere long our Railway Ministers and the railway administration will have done a good job in rooting out this corruption as far as it lies in human power to do so.

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): I am tempted to follow the footsteps of the last two speakers and raise the subject of corruption far above the level of the railways, but I should resist that temptation. I do not want to seek any escape in the fact that corruption is prevalent in other fields as much as, if not more than, on railways. I fully realise the gravity of the problem and share the earnestness with which Shrimati Durgabai, Lala Deshbandhu Gupta and others have pleaded for effective steps being taken against this evil. But I would like the House to have a sense of perspective. If you reflect on the functions of the vast number of workers engaged in the railways you will easily agree with me that probably not more than five per cent. of the subordinate staff and not more than ten per cent. of the superior staff have even the possibility of being corrupt. All the rest have cut and dried work—routine or other work—which they have to do and in which there is no chance at all of any kind of corruption. There may be inefficiency, there may be other defects, but corruption itself has to be confined, by the necessities of railway work, to a very small fraction of the total number of railway workers. Therefore, it would be altogether wrong to give the impression that the railway workers, or a large majority of them, are corrupt and are not honest, straightforward workers in a great national enterprise.

Shri R. K. Sidhva (C. P. and Berar: General): A fairly good number are.

Shri Mahavir Tyagi (U.P.: General): They share the corruption.

The Honourable Shri K. Santhanam: Sir, I do not agree. I think all the sharing must be within this five per cent. and ten per cent. which I have indicated but even that amounts to a very large total, and I am not in the least anxious to minimise either the quantity or the magnitude of the evil.

It is also not true to say that things are at a standstill or that matters are getting worse. There are the old traditional ways of corruption in the railways, for instance, in the allotment of wagons, in the booking of parcels, among the ticket collectors and checkers. The war has brought in two new forms of corruption. Before the war there was hardly any corruption in the issue of tickets or in the booking offices.

Shri R. K. Sidhva: That is not correct. Corruption in the booking of parcels was there even before the war.

Shri L. Krishnaswami Bharathi: With rare exceptions but not on this vast scale.

The Honourable Shri K. Santhanam: So far as I am aware, before the war there was hardly any difficulty in getting tickets, but owing to the heavy overcrowding that has happened during the last six or seven years, this new evil has arisen. Again the grain shops form a bad centre for many forms of corruption. I am glad to say that we have nearly mastered the new forms of corruption. Though I cannot say that all corruption regarding the issue of tickets has stopped, it has diminished to a great extent during the recent months. So far as the grain shops are concerned, Sir, I think it is almost at an end. Under the new revised form there will hardly be any chance for

corruption. Almost all the articles will be supplied by the Provincial Governments to Railway depots and only limited articles necessary for the consumption of the workers are to be issued. Therefore, we have more or less mastered the new forms and we are vigorously at work in tackling the old forms of corruption.

I do not think it is meant to make a distinction between the Railway Ministry and the Railway Board; we are both together in the same boat so far as this matter is concerned. It is not right to say that the Railway Board have not taken steps in the matter. I shall merely quote the testimony of the Indian Railway Enquiry Committee which I do not think you will suspect of any undue partiality to the Railway Administration. In this report, it says:

"It would be wrong to consider that the Railway Administrations and the Railway Board have not been alive to this evil or have neglected steps to combat it. Some Railways, notably the South Indian and the B.B. & C.I. Railways, have taken fairly effective steps to eliminate the seat reservation racket. We believe also that the E.P. have recently made certain changes at Delhi to curb effectively the exploitation of passengers by unscrupulous members of the staff".

I am not giving this quotation to say that our work is anywhere near the end. In fact it has just begun. But I wish to assure you, Sir, that the work is in full swing and we shall not rest till this evil is brought within limits which cannot be tackled before the human regeneration takes place of which my honourable friend Mr. Kamath has spoken.

It is not merely police action that has been taken. We had a meeting of all the General Managers in October 1948 when, in addition to the police and other action, it was decided to take drastic departmental action in all cases where corruption was not only established but was very strongly suspected. One of the resolutions passed in this conference was:

"Cases of departmental or procedural irregularities which resulted in preferential treatment to traders, travellers, contractors or any other individuals of firms should ordinarily be enquired into and disposed of by the Railway Administrations. If, however, there is a probability that it can be established that some consideration has been received by the railway staff concerned with the commission of these irregularities, such cases should be handed over to the Special Police Establishment without delay."

During my recent tours I made a direct offer to the assembled merchants at Kanpur, at Ajmer, at Jaipur and at Bombay and other places, that if they will only give me confidentially and privately names of high railway officials who are indulging in this I shall protect them but shall take immediate and drastic action against the officials concerned. I regret to say that not one name has been forwarded to me.

Mr. Naziruddin Ahmad (West Bengal: Muslim): They are also interested in this. Why should they expose them?

The Honourable Shri K. Santhanam: I am only explaining to the House the difficulties. Certainly the House does not want us to penalise innocent people without having any evidence of guilt. It will be altogether unjust and it will destroy the very basis of sound administration.

Mr. Tajamul Hussain: You cannot punish a man unless you find him legally guilty.

The Honourable Shri K. Santhanam: I go further than that. If the Railway Administration is convinced that a man is really guilty, though we are not able to have full legal proof, then we are prepared to take action in order to safeguard the purity of the Administration. But you do not expect us to go against innocent people merely on the basis of allegations which may often be malicious also. We have to be certain that we do not hurt any innocent and honest officer.

I want to repeat the offer which I made to you in my circular, that if at any time any Member of the Assembly or any prominent member of the public

746

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [22ND FEB. 1949]

[Shri K. Santhanam]

or any prominent businessman brings to our notice any serious cases, we shall try to investigate them with all the powers at our command and take drastic action against guilty people.

Mr. Tajamul Husain: And also against the person who gives.

Shri R. K. Sidhva: Sir, some instances have been quoted.

The Honourable Shri K. Santhanam: It is right that the bribe-giver is considered as guilty as the bribe-taker and should be punished, but many influential parties have represented to us that owing to the present scarcity of transport, merchants and businessmen have been put to the alternative of either ruin or giving bribes. Therefore, if they have to save their business by bribing, you cannot take them to task in the same severe fashion. Of course, morally this is not a right argument, but I am prepared to consider their difficulties also. If any one can prove that he was put to the absolute necessity of giving bribe in order to get things done, I am prepared to consider the circumstances and let the guilt lie on our officials, because I do admit the principle that the railway officials are to a far greater extent responsible than even members of the public, though morally bribe-giving and bribe-taking are in the same level. We are anxious to take all possible steps. Only we want reliable information and some degree of proof which will enable us to get at the individual persons. It is no use telling us that there is bribery but unless this bribery or other forms of corruption can be traced to particular individuals, we are utterly helpless. I appeal to the whole country, the House and everyone to assist us in this task, and I am sure they will not find the Railway Board or the Railway Administration wanting in this respect.

Shri R. K. Sidhva: Is the honourable Minister prepared to investigate the cases which are cited here?

The Honourable Shri K. Santhanam: Yes. We got a complaint and in case which has been forwarded either to the honourable Minister for Railways or to me or to the Railway Board is being investigated and in many cases action has been taken. In every ten-day report there is a column "Any complaints received from the Members of the Constituent Assembly" and then they have to state what action has been taken. I think in recent months the rule has been that for every complaint the acknowledgement must be made within twenty four hours and as soon as possible after investigation and action, the members must be informed of the action taken. I think this rule is being followed.....

An Honourable Member: Not in all cases.

Shri R. K. Sidhva: What about the specific instances quoted here? Will they also be investigated and members informed?

The Honourable Shri K. Santhanam: We shall investigate this and every other instance. I would like to know what more assurance my honourable friend.....

Shri H. V. Kamath: On a point of clarification and information may I know whether the wedding party incident which I mentioned has been brought to his notice?

The Honourable Shri K. Santhanam: Yes. We got a complaint and immediate instructions have been issued for complete investigation and a report to be sent to us direct. Therefore, as soon as information comes, I am prepared to place the result of that enquiry at the disposal of the honourable member.

Lala Achint Ram (East Punjab: General): My complaint was not acknowledged within twenty-four hours, nor even twenty-four days.

The Honourable Shri K. Santhanam: After all, you know that within the last six years the Administration has had to bear a very heavy strain and as a consequence it had to be run with all kinds of staff including a large number of temporary staff, many of whom could not even do the ordinary routine work and to that extent the Administration has become lax. We are tightening up discipline all over the Administration and if there are such instances, we shall look into them and see that they do not occur again.

Shri H. V. Kamath: Would the Honourable Minister of State tell us his reaction to my suggestion of rewarding people who give information about corruption and unearth such cases?

The Honourable Shri K. Santhanam: I was just going to refer to that suggestion.

Shri H. V. Kamath: I thought the Minister had finished. That is why....

The Honourable Shri K. Santhanam: That suggestion is worth considering and we shall see whether we cannot devise a suitable system of rewards, but there is also one danger. There will be people who pretend to give us information but do not help us to have it but go on claiming rewards and then publish complaints in newspapers.

Shri H. V. Kamath: My point is about not informers merely, but those people who help to detect and unearth such cases.

The Honourable Shri K. Santhanam: I am only saying that we have to be a little careful to see that we do not bring in a lot of complaints of people who claim that they have helped us to detect corruption but have not, but still the public will believe that they have been ill-treated. However, we shall see how far we can adopt the suggestion. Of course, it will be easy for us to give medals but I do not think they will be so fruitful as some more substantial rewards which we are prepared to give, if people will actually help us to trace culprits and stop corruption.

I believe I have covered the main points. The real difficulty is, as Lala Deshbandhu Gupta has said, regarding the wagons. There is an insuperable difficulty because each official concerned has got some discretion which cannot possibly be eliminated. There are 150,000 wagons going about the country every day and it is almost physically impossible to keep trace of every wagon at every place at every moment. Those of you who know mathematics will admit that the chance of our ability to detect it is infinitesimally small. It is only through tightening up of discipline all over the Administration, through bringing pressure upon the staff in general to feel that in this matter they have to work conscientiously, and occasionally if someone through blunder gets caught, through awarding deterrent punishments that this evil can be eliminated. Of course, it can be eliminated if the business community can wholeheartedly cooperate with us, but they have also a guilty conscience and therefore while they are willing to indulge in general charges of corruption, they do not want to come forward with specific offers of assistance. So there are really insuperable difficulties, but we shall explore all possible methods and try to root it out wherever possible and wherever it is not so possible, to reduce it to the least possible extent.

Mr. Naziruddin Ahmad: I seek clarification on a point which has been made by Lala Deshbandhu Gupta. It is that he suggested that the Government should encourage talented and experienced thieves to root out corruption. What is the reaction of the Honourable Minister of State to that suggestion?

Mr. Deputy Speaker: There does not appear to be any reaction.

The Honourable Shri K. Santhanam: My immediate reaction is to distrust all thieves.

Shrimati G. Durgabai: In view of the assurances given by the Honourable Minister, I beg leave of the House to withdraw the cut motion.

Mr. Deputy Speaker: Has the honourable Member leave of the House to withdraw the cut motion?

The cut motion was, by leave of the Assembly, withdrawn.

Insufficient Provision of Amenities to Passengers

Shri M. Tirumala Rao (Madras: General): Sir, I move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

I would not lag behind in offering my need of praise to the honourable Members who have come newly in charge of this Department. Shri Gopalaswami Ayyangar has been one of our experienced administrators who has spent all his life in the service of the country and his sage advice is at the disposal of one of the most important Departments of the Government. My friend Mr. Santhanam, whose experience as an Editor is generally confined to have only one opinion, that is, generally the right opinion which is his and that which is not his is not the right opinion has come as the Minister of State. I want him to shed a little of his iconoclastic fervour, which he has developed as an editor, and listen to the advice of his friends who admire him and are always willing to assist him in this task.

Mr. Deputy Speaker: The Honourable Minister has always been reasonable.

Shri M. Tirumala Rao: It has been the privilege of the bureaucracy to trot out the traditional saying that it is only the Europeans that can manage the affairs of this country efficiently. They resisted for long the complete Indianisation of the Railway Board. It has now been proved beyond doubt that the all-Indian Board of Railways has been very efficient and not merely efficient but also dutiful and alert in enabling our Minister to say that the Railways have turned the corner and are on the road to prosperity, success and consolidation. Therefore, I cannot forget that the Indian Members of the Railway Board have got a double responsibility of not only justifying their ability but also of orientating the whole administration with a new and patriotic outlook.

The question of the amenities of passengers is as old as the railways and it cannot be solved until we take some drastic action. As the proverbial wail of Sita, it has been a hardy annual for those who speak about the difficulties of passengers to bring in this subject every year and yet this unremedied evil still persists.

Next I want to deal with the betterment fund which was mainly created with a view to have a separate source of revenue from which amenities to passengers could be provided. In the year 1946, in the Budget debate, when I expressed some doubt about the utility of the betterment fund, Sir Arthur Griffin said:

"The honourable Mr. Tirumala Rao was a little sceptical about the Betterment Fund, and he even went so far as to say that he thought it was a device to avoid betterments. It is I who have myself pressed for the Betterment Fund, because I believe it is the one thing which will help us and help the Railways to plan steadily and coherently in provision of betterments."

It is now nearly three years since then and we do not see any definite plan of betterment drawn up by the Railway Board. And when Dr. John Mathai your predecessor took charge of this administration under the newly-formed National Government, he also held the same view. He said:

"I do not think anybody can question this—If these are essential purposes and the meeting of which is an obligation which cannot be shirked, then it seems to me from a financial point of view the wisest thing to do is not to depend upon casual doles from your current revenues but to build up a Fund on which you can draw as and when it becomes necessary to expend money for these purposes."

I am very sorry to note that still we are in the realm of promises that efforts will be made hereafter to draw up a plan of effective action.

The question of overcrowding is the one problem that has to be adequately, resolutely and effectively tackled more than corruption and everything else. From the figures we have seen that there are altogether 9 lakhs of seats on all railways, according to the statistics supplied to us. Sir, one hundred crores of passengers are travelling on these 9 lakhs of seats. In the year 1937-38, about 50 crores were travelling on these same number of seats. Today the rush has doubled itself and the seating accommodation is only that much. Even if you make a calculation, with the number of coaches that have been recently put on the rails,—you have a coaching stock of 118 coaches—on this basis and take into account one lakh of extra seats, it comes to only 10 lakhs of seats for 100 crores of people. On each seat as many as 1,100 passengers are asked to travel.

With regard to second and inter-class passengers it is said that we have for the second class 12,667 seats and for inter-class 21,919 seats. In these 34,000 seats, the number of passengers who have travelled is 2,91,00,000 in the second class and 38,80,000 in the inter-class. This new classification has not helped the travelling public to reap any benefit. Even the psychological benefit which the Minister of State for Railways claims to the inter-class passengers that they have the satisfaction of travelling in the upper class for the same fare is not there. We have been saying that an additional difficulty has been introduced to the second and inter-class passengers, in addition to the great difficulty under which third-class passengers are groaning. I will give an example. When I travelled from Villupuram to Madras, in two second class compartments with eight berths, there were 24 passengers. Every one of them was sitting out the whole night and cursing the Congress administration. I was sitting in the corridor till the morning. I could not get accommodation in the first class even if I paid for it. So I preferred to travel second and travelled sitting the whole night.

The north-east line from Madras to Waltair is the most crowded line and one of the heavily paying lines. A large number of passengers travels in inter and in second and they undergo enormous difficulties, particularly the Government servants and army people who are pass holders. They travel from Trivandrum to Delhi in second class. I travelled with some such people once and they said that they had to sit up three nights and four days and that by the time they reached their offices in Delhi they were jaded and tired and took sometime to regain normal health. I request my honourable friend to take into consideration these miseries. He has not abolished inter-class. He has retained inter-class and the second class. All the four classes persist now as there is even a new class created by the arrangement that those who pay for sleeping-berth accommodation at the rate of Rs. 10 per night. This is perhaps the old second class and the old second class has become inter-class. He has not abolished any class altogether. From a recent cutting from 'The Statesman' from its Globe correspondent under the heading 'New Classes Cause Loss in Revenue' I may quote:

"The introduction of new classes on the Indian Railways has caused the income from passenger traffic of the Delhi main railway station to drop by approximately Rs. 32,000 a day.

The income receipts from passenger traffic before the introduction of the new classes on January 1 was on an average of Rs. 95,000 a day; goods traffic contributed approximately Rs. 10,000 per day, bringing the total income to Rs. 1,05,000 a day.

The present income from passenger and goods traffic of the station averages Rs. 63,000 and Rs. 15,000 per day bringing the total income to Rs. 78,000 a day."

Therefore I request the Railway Administration to review the whole situation. Let them not wait for further experience on this matter, because

[Shri M. Tirumala Rao]

the experience which the honourable members have given him, was gained from first-hand knowledge and they have stated it in unmistakeable terms. They have given their personal experience and also the experience of a large number of passengers. This must be enough for the Administration to reconsider their attitude and modulate their policy.

I need not say much about a general inconvenience. The manner in which our Budget discussion has been arranged here has precluded us from dealing with a number of points that affect the local railways. There are seven important railways and the speakers could have been easily arranged in such a way that each of us would have been enabled to deal with the conditions and difficulties that pertain to our local or special railways. I want to deal with the M. and S.M. Railways particularly because I come from that area. I want to express my opinion that it is one of the most congested lines, the north-east line from Madras to Waltair. You cannot have a second express train. From Madras to Bombay you have two trains; but from Madras to Delhi you have only one express. From Delhi to Calcutta and from Delhi to Bombay there are two express trains. But from Madras to Calcutta, there is only one mail. It is one of the long journeys. We have made representations to the M. & S.M. Advisory Council about our requirements, but to no effect. I want you to consider there is so much overcrowding between Waltair and Madras that it requires immediate redress on your part. With regard to bringing Cocanada on to the main line, that is one of the worst handicaps under which large numbers of people roundabout Cocanada have been suffering. The alignment of the line which was laid in the beginning have now been diverted seven miles from Cocanada and the public and the public bodies of Cocanada have been agitating for it. In fact, I moved a resolution when the Council of State was alive and your Department has given an assurance that you will consider the matter sympathetically and I want you to consider it because I have not got sufficient time to bring out all the facts about the situation, but I may tell you that it will add to the comfort and convenience of a large number of passengers and it will add to the revenues of the Railway, because Cocanada is an import port doing export and import business to the tune of 5-1/2 crores a year. So I request you to consider this aspect also favourably and see that the long cherished desire of the local people is fructified.

Then there are a number of grievances, which I wanted to bring to your notice, Sir and generally with regard to the insanitary condition of the trains, we want the staff to be educated, to be public-spirited and to see to them, as it is a public concern where the health of a large number of people is concerned. With regard to the Betterment Fund, I think you should immediately plan and have a definite scheme for building up new stations. Bezwada Station through which nearly 20,000 passengers pass every day has not a decent third-class waiting hall. There is Tenali through which 10,000 to 15,000 people pass through every day and in addition it is a junction station; people there sleep in the open, in the rain and in the Sun and there is no protection whatever. You are now with great difficulty providing a new station for Vidadavole Anankapalle and Nellore. These are very important big stations which give you a good income and they badly require the elementary amenities. For instance, my own native town, Cocanada, is a cow-shed, I can tell you. It is one of the biggest station on the line which gives you the third largest amount of income and you are reluctant to improve that Station or alter it. I find that during the war the Military set up a piped water supply and after the war they have removed it and now people are without it. I

have been pressing at the M.S.M. Advisory Committee for it all these years, but with no result.

I do not want to take much time of the House and I shall refer now about the catering system in the railways. I can say that the best catering in the whole of India is in the South Indian Railway; it suits the middleman's pocket and even the lower-middle-class man's pocket. He gets a square meal for the money he pays. We have lost in the last year 40,000 rupees by departmental catering in the S.I.R. Railway. M. & S.M.s have lost 1,200 rupees. I want to evolve a system of catering that will combine cheapness as well as health and good food for the people. Until this is done, please do not tinker with catering. I know that B.N. Railway and the E.I. Railway are the two railways that consume all their earnings and I brand them as the most inefficient railways of the whole railway-system. (An Honourable Member: 'Not the E.I. Railway'). The B.N. Railway lost nearly 2-1/2 lakhs of rupees on its departmental catering which it tried to make up in running hotels in Waltair and Puri. Therefore, you must see that until you substitute a proper agency for catering, you should not tinker with it; you may have a proper check and control with the existing contractors but do not try to make money out of it. I know the B.N. Railway are trying to auction the small shops in order to make up the losses which the departmental officials are incurring by their inefficiency.

There are so many things to be dealt with and there are other honourable Members waiting to deal with it. You have only 186 coaches on the wheels today. Two years ago the Chief Commissioner promised that he would get 800 coaches for the third-class passengers and now our progress during the last two years has been at the rate of only 94 coaches a year. I request you to take the members of the Central Advisory Committee for Railways into your confidence and appoint a Sub-Committee to deal with the betterment fund. Evolve a plan that will achieve definite tangible results within the next two years by spending a good amount of the betterment fund.

Mr. Deputy Speaker: Cut motion moved:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

Mr. Tajamul Husain: Recently I read in a Bombay Weekly a very serious allegation against the Railway Ministry. I could not believe it, Sir. The allegations were that the Ministry were guilty of wasting Rs. 13 crores by ordering 300 locomotives from the U.S.A. Out of this 300 about 190, it is alleged in the newspapers, arrived in India and after arrival, it was found out that they were absolutely useless for our purpose. (Interruption) I have got the paper with me here. Let me finish.

Mr. Deputy Speaker: Yesterday the same matter was raised definitely and the honourable the Minister of State repudiated that charges as baseless. No more reference need be made to that. The House cannot afford to lose any more time on that.

Mr. Tajamul Husain: I am not going to tell you about the allegation, but I want to tell you that I went over to the Minister this morning in this House and he told me that the whole thing was false. I was fully satisfied, Sir, and I absolutely believed him. The whole point is this: I am satisfied but what about the people at large and what about the people who read the paper? What will they think about the Government? My only suggestion is to prosecute the editor of the paper. I make this suggestion seriously to the Government of India that they should take immediate action to prosecute those people who are responsible for this.

Mr. Deputy Speaker: Is it a step towards the redress of grievances of third-class passengers?

752. CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [22ND FEB. 1949]

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport): I hope that when that paper turns its attention to Mr. Tajamul Husain himself, he will take that action.

Mr. Tajamul Husain: I can assure you, that if any paper were to write against me, I would not wait one minute and I will not wait to ask for the Honourable Minister's advice; I will at once prosecute him. Now, I am afraid; If I go on in this way, I shall never finish my point and the bell will ring.

Now, there are general grievances of the passengers about which I wish to deal. Some of the grievances have already been discussed and I do not wish to repeat them. I only wish to make certain suggestions about them. For instance about passengers travelling on the roof of the train, I do not wish to deal with that. About overcrowding in the trains, I will tell you what actually happened with me. On the 28th of last month I was coming by 11 Up. from Patna to Delhi. My honourable friend Shri B. P. Jhunjhunwala and I were traveling in the same compartment in one 1st class coupe. Somewhere in the middle of the night, somebody got on the foot-board and shouted, open the door. We were afraid; we did not know whether it was a burglar or a thief or ticketless passenger or *bona fide* passenger. We were only two of us in the compartment. We dared not open the door lest they should attack us. Myself and Mr. Jhunjhunwala discussed and we came to the conclusion that we should pull the chain. He pulled the chain so that if he was a thief we may catch him and if he was a *bona fide* passenger, we may let him in and give him some help. It took about half an hour for the train to stop. When the chain is pulled it takes half an hour to stop the train. When the train did stop, the gentleman who was on the foot-board ran away. The guard or somebody came. I was not sleeping; I was lying down. He came to my honourable friend Mr. Jhunjhunwala and was asking what his name and address were. He would not hear what the complaint was. Mr. Jhunjhunwala said, "hear my complaint." The guard said, "I want your name and address." This went on for half an hour; such things are going on. (Shri Mahavir Tyagi: 'All along you were asleep.') I never said I was asleep; I was lying down. I said we discussed the matter.

Shri R. K. Sidhva: Did Mr. Jhunjhunwala pay the fine of Rs. 50?

Mr. Tajamul Husain: If my honourable friend Mr. Sidhva had been there, he would have had to pay the fine; at any rate, my honourable friend Mr. Jhunjhunwala did not.

Sir, whenever we travel, we find that people bring in their boxes, their suit cases, beddings etc. My honourable friend Mr. Santhanam gave us the instance of foreign countries when he said that there were only two classes, and not three or four as in India. In foreign countries, you will find the passengers never take their suit cases, beddings, etc., in their compartments. Sometimes, it happens that there are more luggages than passengers themselves and even the passengers cannot sit in the compartments. My suggestion is that every luggage should be left with the guard, and the Honourable Minister should give instructions to this effect, so that these passengers who have not reservation for the night, may have room to sit or lie down.

As regards waiting rooms, I have got certain points to make. The rule, I am told, is, that one hour before the arrival of a train and for an hour afterwards, the waiting room should remain open. In many places, I find the waiting rooms are never opened. When you go to the station master, he is either asleep or is not to be found. In many instances, difficulty is experienced even in first class waiting rooms. I may give a particular instance where

the school boys were sitting in the first class waiting room and *bona fide* passengers could not get in.

The beggar nuisance in the railways has not been removed and something must be done towards this. I think it should be a very easy matter for the railway authorities to remove the beggars. There has been a lot of discussion about bribery and corruption. I am not going to discuss all that because I cannot discuss that and I do not wish to discuss that. I have always been of the opinion that no department can abolish bribery and corruption. It is not the fault of the railway department or any other Government department that bribery and corruption exist. It is the people who give. Unless you improve the morale of the people, and reform the whole country, bribery and corruption will go on for ever. No Minister can change the situation. But, beggary can be stopped. The swarms of people who go about on the platforms and trains and worry the people, they can be stopped.

In some stations, there are no lights. I am only giving my points, because my points alone will take more than fifteen minutes. I have said something about the general grievances; I shall come now to the grievances of the first class passengers. I am surprised that my time is up. When I started general discussion, I looked at the clock; it was half past three; now it is 3-35.

Mr. Deputy Speaker: The Honourable Member is not right.

Mr. Tajamul Husain: Give me five minutes more; I shall finish; it is an important matter. While I was discussing the budget I said about servants' compartments. Every time I travel, I find that the servants' compartments are always full of people who do not hold servants tickets. Something should be done about this. As regards the introduction of three classes, the first class people have gained and I am thankful to the honourable the Minister on my behalf and on behalf of those who travel in first class. They have abolished the second class and fifty per cent. of the people who used to travel in the second class go in the first class and fifty per cent. in the intermediate, which is class two now. The result is, in the first class, the compartment is over-crowded.

Sir, one thing more and I have finished. I find in the way side stations—I am coming from Patna to Delhi and I can reserve my seat. If I want to change at Cawnpore and catch the same train next night, I cannot get reservation as Cawnpore is a way side station. You will see, Sir, that by the 11 up train, from Cawnpore to Delhi it is a whole night's journey and we cannot get reservation. The Railway Minister must do something so that the first class passengers may get some sleeping accommodation at way side or intermediate stations.

As regards the ex-second class passengers, their grievances are there. Some are happy about the intermediate class while some prefer to pay more and travel in the first class. As regards the old intermediate class, their grievances are there. Fifty per cent. of the second class passengers have come into that class and their compartments are very over-crowded. Finally about the third class passengers, the Government have introduced one Janata Express. It is a very good train from Patna to Delhi, all third class compartments. That is an excellent arrangement. Even this train is over-crowded. This matter has been well discussed on the floor of this House. My only suggestion is to run more Janata expresses and not to allow passengers to get into a compartment when that compartment is over-crowded. The Railway Ministry must do something in the matter. It is a very serious matter and sometimes people are actually packed to suffocation. Instead of giving so much money to the Central Government, to the general coffers, some thing must be done to improve the amenities of the people from whom the

[Mr. Tajamul Husain]

money is got. I have finished; I have nothing more to say. I will request that there must be some sleeping accommodation for third class passengers also. This is absolutely essential for long distance journeys, where passengers have to spend two nights in the train. Only one more point; I have finished. About catering, Sir.....

Mr. Deputy Speaker: The honourable member has had already sufficient time. There are other members who want to speak.

Mr. Tajamul Husain: Mr. Kamath took so much time.

Shri H. V. Kamath: No reflections on the chair please.

Mr. Deputy Speaker: The honourable member will please resume his seat.

Shri Satis Chandra Samanta (West Bengal: General): Many things have been said about amenities of passengers and those about all classes of passengers. There are difficulties, we know, and the honourable Ministers have put forward their own difficulties. Still we can do something for providing amenities.

When we travel in trains, we see so many ticketless travellers. The attention of the honourable Minister has been drawn to it and this has been done not only this year but for the past many years. Recently I had the good fortune to put forward some grievances to the Honourable Minister of State and I am to say that he tried his best to remedy them but not to my satisfaction.

I am speaking of the Bengal Nagpur Railway. There, most of the ticketless travellers are smugglers and they cannot be caught simply because the officers and the travelling ticket collectors there are in collusion with them. I have seen them taking bribes with my own eyes. They ask those smugglers: which bags are yours? They say: these are mine. These are left and others are taken out.

You will be surprised to hear about an incident which I myself had the privilege to witness. During October last I travelled in a train and alighted at Kola Ghat on the Bengal Nagpur Railway. I was travelling in a second class compartment. I went to the first class and found it locked from within. There were two compartments only and both of them were locked. I then went to the Guard and asked him to unlock the two compartments. He tried his best but did not succeed because there was someone within. We reported this matter of smuggling to the railway authorities. They took some steps but the smugglers adopted this novel plan,—in collusion with the railway authorities at Khargpur, they would enter into a first class compartment with rice and other things, bolted the doors from within and would come safely to their own places. I did not have much time so I asked the Guard to report the matter to the authorities. There were no travelling ticket collectors present at the time nor were there any railway police. I spoke to the Station Master. Fortunately, at the time, there were some cordoning officers of the Bengal Government—not of the railway. They were trying to detect the culprits. They were trying to help the railway authorities, but you will be astonished to hear that some honest persons of that Government cordoning party were being chastised and beaten by the travelling ticket collectors because these men stood in their way.

These things are happening. Government should look into the matter so that honest persons may come forward. If one honest person comes forward to ventilate these evils, you will find shoals of complaints coming in

against him. On account of this no honest man can easily go on with his work. He is likely to be obliged to side with those men who are corrupt.

Under such circumstances, what should the Government do? That has to be considered. The railway authorities should take the help of local public institutions. Unless local public-spirited men and institutions are taken into confidence, this evil will not be eradicated.

It is alleged that in a certain place the Congress organization approached the railway authorities with a view to eradicate the evil of pilfering from trains. But the help was refused and cases of pilfering are going on. I referred a case of unlocking of wagons to the Honourable the Minister of State for Transport. He took some steps. It stopped for two months but now it is going on as usual. You will be astonished to hear that at nights the wagons are unlocked, the things taken out and again locked between intermediate stations. I have inquired into these incidents and I know for certain that officers at Khargpur and station masters in the intervening places, where these occurrences take place, are in collusion with these gangs of thieves. This cannot be eradicated without the help of the public-spirited men,—of whom there are many, and they should be taken into confidence.

Then you will be more surprised to hear that there is a place where the guard takes the goods train slowly for five minutes and during that interval of time everything is done!

Mr. Deputy Speaker: The honourable Member is referring to amendment 2 which has not been moved—cases of dacoity, burglary, smuggling and thefts on running trains.

Honourable Members: Let him go on. It is very interesting.

Mr. Deputy Speaker: Anyhow the honourable Member may try and make his speech relate as much as possible to amenities to passengers.

Shri H. V. Kamath: Freedom from theft is an amenity!

Shri Satis Chandra Samanta: I had a mind to speak on item I, but I could not get any chance. However, with regard to amenities to passengers, if ticketless travel is checked, then third-class passengers may have some benefits. Government is trying for locomotives. They will come. They will be manufactured. Then those amenities also may come. In the meantime we should try to find out some other means, so that third-class passengers—we who travel in first or second can manage somehow though we may suffer something—may be looked after to the best of our ability. Every one of us legislators and I hope, including—those of the Treasury Bench is thinking about it. But unfortunately we have been unable so far to help them simply because there are some difficulties. But there must be one thing. The travelling public must be informed about the conditions on the railway. Leaflets should be issued about their duty while travelling on the railways,—to behave well and to keep the sanitary arrangements on trains in order. If the passengers are not educated in this, however much the authorities may try, the trains will not be maintained in a sanitary condition.

I will now come to catering in railway stations on the B. N. Railway. There is Ishardas Ballabdas; there is H. Khan and others. They are catering companies who are sucking the blood of the passengers. They get their contracts from the railway on condition that they will not sublet but I think there is no station which is not sublet. This has been discussed in the Central Advisory Council for Railways. Ishardas Ballabdas was found to be in fault and I hear that he has again been given 12 or 13 stations on contract and the contract has been given before the appointed time. On the 21st there was an advertisement in the papers that up to 21st February 1949 applications

[Shri Satis Chandra Samanta]

would be received; but before that, the contract has been given. If you look into the books you will see the date of 21-2. Other people approached but they have been told that it has already been settled. How can the catering be improved? Those who sublet have to earn something from it and those who take the sublease have to pay double and treble to the contractor. Therefore the food they supply is inferior. I would suggest that if departmental catering can be possible, it should be done. If it is not possible at present, individual caterers should be given contract for particular stations; so that the working the contract themselves, their income may be increased and the foodstuff will improve. In this connection the honourable Minister of State informed us that we should not take money into consideration in this matter. We want good food, but good food will not come from these contractors who are entrusted with so many stations. If we give one station to one person, we may demand from him and he will be able to give us better food. This is my submission and I hope it will be taken into consideration.

Lastly I thank the honourable Ministers for the good heed they pay to the grievances which we put before them and for the steps they are taking, though these are insufficient in our estimate. Yet I hope that they will try their best to do what we expect.

Shri Raj Bahadur: Mr. Deputy Speaker, Sir, for the last three days during which the Railway Budget has been under discussion we have had the opportunity of listening to a shower of complaints and compliments upon the august members who adorn the benches opposite. We who belong to the younger generation have listened to all the beautiful orations in this House sometimes in wonderment and at others in bewilderment. While we have been amused at the rollicking humour that has dropped on the one hand from Mr. Robin Kumar Chaudhury and on the other from Mr. Tajamul Husain, we have also been moved by the appeals in almost pathetic tones that fell from the lips of Dr. Deshmukh the other day and today from my friend Mr. Jaspat Roy Kapoor. Nevertheless I also want your indulgence to permit me to contribute my own share of complaints and compliments and before I do so, at the very outset I want to thank sincerely and heartily the Railway Minister and the Minister of State for Railways for the beautiful arrangements and the great cooperation they extended to us at the time of the Congress session. I am saying so not only on my behalf but on behalf of Mr. Gokulbhai Bhatt also, the chairman of the Reception Committee and I am sure he would join me in complimenting the good arrangements that the honourable Ministers were pleased to make for the session. Criticism has been levelled at the Government from some quarters to the effect that special arrangements were made only for the Congress at that time but I do not think there is any justification in such criticism. At the time of a great gathering, whether it be a Congress gathering or any other gathering, it is the bounden duty of the railway to look to the needs of the passenger traffic and as such though it was no favour from the government to us, we have yet to thank the Railway Minister for that.

Coming to my complaints against certain observations made by the Railway Minister, I have to say that I am not happy for a remark that he has made in connection with the Betterment Fund during the course of his speech. It is obvious that there is a direct connection between the betterment fund and the amenities to be provided for all classes of passengers, particularly for third class. He says:

"In view of this heavy balance and of the slow pace of expenditure from this Fund in the past, particularly on passenger amenities, it has been decided not to make any appropriation to this fund in the budget year. It will, however, be credited with the interest on

the balance of the fund amounting to Rs. 40.33 lakhs. The expenditure provided for the coming year is only Rs. 1.5 crores and the whole of this will be spent on passenger amenities."

A little later he says:

"Out of a total expenditure on works from the Fund since its inception, namely Rs. 98 lakhs, the amount that has been spent on passenger amenities proper was only Rs. 13 lakhs up to the end of 1947-48."

My emphasis is on the words "slow pace of expenditure". These words unfortunately are symptomatic of the great negligence and callous indifference to which the passengers, particularly third class passengers, have been subject throughout the years and particularly they seem to smack of the story that we used to hear from the treasury benches before the 15th August. I would have been much better pleased if instead of these words the Railway Minister had come out with an encouraging assurance in his speech about the various amenities that are to come. But there is nothing specific about it. A little further in his speech we find:

"If, as a result of this intensive drive, it is found possible to spend in 1949-50 more on such works than the Rs. 1.5 crores provided for, I am sure, I shall be able, with the concurrence of my honourable colleague the Finance Minister and the Standing Finance Committee for Railway, to increase the amount to be withdrawn from the Betterment Fund for expenditure on such works."

I do not think it is impossible to spend 1.5 crores on amenities. We are spend much more on amenities and this brings me to the question of what these amenities can be which of them are most urgently needed. We have to consider the difficulties of a third class passenger from the time he comes to the railway station and reaches at his destination—particularly of a third class passenger belonging to the lower middle class. They are, unfortunately, the people who cannot afford to travel in higher classes and who have perforce to travel in third class. When they come to the station the coolies are a terrible pest. Though rates are fixed for them it is common knowledge that they charge much more. Sometimes it is most annoying. Just imagine the case of a man with his wife and children, who with an emaciated body cannot pull all his burdens with him and cannot by himself carry all the luggage he has got. He has to submit to the dictates of the coolies. It is unfortunate that he has got to be at their mercy.

When we come to the waiting rooms at any railway junction or railway station they are nothing better than cattle sheds. If cattle sheds or cattle pounds are compared with these so-called third-class passenger waiting rooms or waiting halls I do not think the former would stand very low in comparison. Is it not possible for the Honourable the Railway Minister to devise some means to bring some solace and relief to these people? We see in the second class waiting rooms cane chairs, cane benches, settees, teapots and every sort of comfort and even separate bath rooms. So far as physical comforts are concerned the poor man also wants these and there can be no difference between the classes. There is no justification for this disparity in such comfort simply for the reason of buying a lower class ticket, but it is unfortunate that in these waiting halls for third-class passengers there is not even a cane chair or bench or anything of that sort. It is very easy for the railway authorities to provide these. When we come to the construction of these buildings we see that in most cases they are only verandahs or opensheds. When it is winter season or rainy season it is almost impossible to stay in them. It is not possible for us to have good waiting halls with doors, windows and verandahs? I am sure it is possible. Also, there should be a bath room in each of these waiting halls. As regards drinking water we find that there are hardly one or two hydrants on the platform one at this end of the station and the other at the other end of the platform with the result that whenever

[Shri Raj Bahadur]

a train arrives there is such a big rush on the hydrants for drinking water and it is impossible for any weak person to go and get his supply of water. In most cases there is a great inconvenience to the passengers. Is it not possible for us to make suitable arrangements for supply of water?

Coming to the compartments in the trains we find the same type of coaches are there which used to ply before 15th August 1947 and these eighteen months of Independence have brought no difference whatsoever. It has been stated by the Honourable Minister of State for Railways that in 1938-39 we used to have above 11,000 coaches and now there are only 10,000. During the few months that he has been in office he could do something to eliminate the differences in the seating arrangements in second, third and first class. Is it not possible for us to have the seats in all the carriages, whether third or second or first class, cushioned? All these things should definitely be done. We should have also proper arrangements for privys and bath rooms. I think it is not too much to expect that these amenities be provided for during the course of the next twelve months that lie ahead of us.

As regards the new classification the Honourable the Minister of State for Railways has been pleased to remark that this second class has become a popular class and that is why it is overcrowded. I fail to understand how this is so. When there was a fare of $7\frac{1}{2}$ pies per mile for the inter class it was not a popular class with the third class passengers. When the fare has been raised from $7\frac{1}{2}$ pies to 9 pies per mile it becomes popular! This mathematics definitely illudes my comprehension. I cannot understand how third class passengers take to second class travelling when the fare is raised from $7\frac{1}{2}$ to 9 pies. In the other case it is true that most of those people who used to travel second class are not travelling second but are travelling first class. And most of them who could not afford to travel first are travelling second class or perhaps third class because that is better. Why should they pay higher fare and be put to the same inconvenience as third class passengers? I therefore think that so far as the question of the new classification is concerned it deserves serious consideration of the railway authorities.

When we come to the refreshment rooms or the restaurant cars that run with the trains we find that the caterers do not even give the bills to their customers. And more often than not the food is most unwholesome and unfit for human consumption. Rotten stuff is given there, and I would be very grateful if direct attention is brought to bear upon these things.

In conclusion I may observe that we are all aware of the change of the times. So far as the common man, the down-trodden, the dumb millions of the country are concerned, they expect something big out of the Independence that we have secured. In fact they are no more dumb now. The impact of freedom has made them also vocal and conscious. They are now vocal and assertive. They think that with national government and our trusted leaders at the helm of affairs their lot would be better. I happened to talk to a simple villager. I said "you are going to travel seven or eight miles, how is it you cannot walk"? He said "it matters just half or one seer grain more; I would sell that and pay the railway; why should I walk". That is the psychology. They want more comfort and they want greater amenities. It is up to us and to this House as the guardians of the rights and amenities of the people to induce and persuade our Railway Minister and the authorities to look after the amenities that are so necessary and desirable in the interests of the people at large.

I may submit once again in the end that the amount that has been earmarked, namely Rs. 1.5 crores, from the Betterment Fund is rather incommensurate and disproportionate to the growing needs for the amenities that the third class passengers and other passengers stand in need of.

Shri B. N. Munavalli (Bombay States): Mr. Deputy Speaker, Sir, I congratulate the honourable Minister for Railways as well as the Minister of State for Railways, for having placed before us, a budget which is full of hope and promise. The Railway Minister has narrated before us the performance of the railways, and today I have got the opportunity of speaking about the performance of the passengers. Yesterday the honourable Minister of State for Railways gave figures as to the number of passengers the railway had to carry on 31st March 1939 and on 31st March 1948. He stated that the railways had to carry 144 per cent. more passengers and that the coaches in 1939 were 11,639 whereas in 1948 they were only 10,680.

This shows the number of passengers who have travelled with so much inconvenience, with so many difficulties and against such odds. It was great patience on the part of the passengers rather than any bravery on the part of the Railways.

Sir, If we look at the way in which the passengers have to take their seats in the compartment, it is really wonderful. Of course, some of the passengers do not get tickets at all, but those who do get the tickets find it highly impossible to enter the compartments. Under these circumstances, they have to take the aid of the coolies, and naturally the coolies will take a higher price for the bravery they are showing in order to get these people into the compartments. They take these passengers open their shoulders and push them in through the windows. It is a horrible scene, too difficult to describe. Women and children and old people, all are pushed in. And the cooly's charge for doing this job is more than the passenger fare. That is the trouble. Sir, I am not depicting a fairy tale but these are the facts. If the honourable Ministers will come to Poona and attend these mail trains from Poona to Bangalore and also the express trains, going from Poona to Sholapur, they will realise the whole position. (An Honourable Member: "It is everywhere the same.") Of course, as I am travelling from Poona to Hubli often, I have come to have this experience. I have seen it with my own eyes and I am narrating it. (An Honourable Member: "Have you got similar experience?") It amounts to that when I have seen it with my own eyes; though I have not been pushed or lifted by the cooly myself, I have seen other persons being pushed in.

That was as regards third-class passengers. As regards second-class passengers, there also it is a very difficult affair to get seats. What some of the people do is that they bribe the coolies; the bribing begins from the cooly onwards. They bribe the cooly in order to get some seating accommodation and the cooly does it for them. The cooly will enter the train and keep some upper berth and will be paid two rupees or three rupees and the passenger will have a comfortable seat there. All these things are going on in that way.

The same is the case while purchasing tickets. The tickets are purchased ahead by some agents and the booking office is closed. Then the tickets are sold outside and the blackmarketing goes on. The sooner this sort of practice is stopped the better it is for us.

The number of passengers in the year 1947-48 has increased by 150 millions as stated in the report submitted to us. But so long as the number is increasing and there is no progress in getting more coaches, it is highly impossible to remedy the difficulties of the third-class passengers. The only way is that we should try to get more and more coaches as well as locomotives. Sir, the troubles and difficulties of the passengers are going to increase hereafter because in the months of March and April there will be so many fairs throughout the country and during these occasions the devotees visit many shrines and many fairs. But we find that on those occasions the trains do not contain even two coaches more to meet the rush. So, I would suggest that whenever there are

[Shri B. N. Munavalli]

fairs and *jatras*, the honourable Minister should make arrangements to see that some more coaches are attached. In Hubli there is a fair of Shiddharudha Swami on Shivaratri day. But the number of coaches in the trains are the same though the people travelling on that day are ten-fold. You can imagine how the people have to travel huddled together. I therefore request that in order to mitigate the difficulties of the passengers, at least on such occasions, the railway should try to add more coaches to the local trains.

As regards the Betterment Fund it is a matter of shame to see that only Rs. 13 lakhs have been spent up till now, although the Fund stands at Rs. 12 crores. Every year promises have been made by the honourable Minister in charge that they would look into the matter and pay attention to the amenities of the passengers, but when we look to the facts they have not paid any attention at all. I hope the honourable Minister Mr. Gopalaswami Ayyangar will give his attention to this matter. He has stated in his speech that he will pay his utmost attention to the amenities and that he will not only spend the amount that has been proposed to be spent but much more if necessary. I hope, Sir, that he will keep his promise and see that something is done to mitigate the difficulties of the passengers and also to provide amenities for the passengers.

Shrimati Dakshayani Velayudhan (Madras: General): I shall begin with the new classification, the Class II compartments, which came into effect on the first of January this year. I think it is a new year gift given by the honourable Minister for Railways just as we got the cease fire in Kashmir. The second-class passengers were faced with, if I may use the word, a revolution in the railway system. Not realising what would be the effect of such a change in the classification, they were faced with an experience for which they were not at all prepared. I doubt, Sir, very much whether even the honourable Ministers had realised what would be the outcome of such a change in the railway system. We were told that attempts will be made to make provision for providing sleeping accommodation but even the sleeping accommodation that is provided at terminal stations at present is not at all giving any benefit to the passengers because any person possessing a second-class ticket is allowed to get into the compartment at any time on the long run.

I was told when some second-class passengers got into a reserved second-class compartment, the Guard was asking the Second-class passengers who were in the compartment why they allowed other second-class passengers to get into the compartment. He was unable to do anything himself. The Guard is a helpless spectator of the quarrels and disputes that arise between the passengers and even the second-class compartments are filled to the very top. If the Guard is asked to help, the answer is that he has no instructions to that effect; so he is helpless. As many honourable Members have pointed out, there is practically no difference between the Third Class and the present Second Class. The only difference is there is increased overcrowding.

The honourable the Railway Minister said that the old Second Class passengers if they wanted to get more amenities should now pay 50 per cent more and travel in First Class. We cannot expect the old Second-Class passengers to pay 50 per cent increase in the charge overnight. Practically, the only people who have benefited are the old First-Class passengers. That is what the honourable Minister told us and that is actually the result of the experiment. If we compare the advantages and disadvantages of this new classification, we will find that the balance is in favour of disadvantages and that is to the credit of the honourable Ministers. I said all these things just to point out that whatever measures Government are taking, the tendency is to give

more and more benefit to the richer classes and no care at all is being taken about the ordinary people. This is what we find from the various legislations and Bills that we pass in this Assembly. The honourable the Minister of State said that he will not take into account the complaints that we place here; that he cannot care for the complaints that come from a certain number of people, but I hope that we here are voicing the opinions and the feelings of the general public and it is not for our personal benefit alone.

Just a word about third-class passengers. The proposed amenities for third-class passengers may take too much time to be realised. What I want to suggest is that even if the Honourable the Railway Minister could reduce a rupee in their fare, it will have a great effect on the third-class people. I do hope the Honourable Minister will consider if he can bring about any reduction in third-class fares.

Next, I wish to refer to overcrowding in the G.I.P. Railway. We find that from Madras to Delhi, there is only one train—the Grand Trunk Express. At all the wayside stations, this train is compelled to stop and we find scores of people getting into the compartments, and that too, ticketless travellers. These ticketless travellers get into these compartments because I think there is no other train for them and they have no time also for getting tickets and they mostly get into the train at night time. I wish to suggest to the Honourable Minister if he would consider whether it will be possible for him to have a train from Nagpur to Delhi and another from Madras to Nagpur to solve this difficulty.

The next thing is about want of waiting rooms for women in many of the railway stations. Even in small stations, though they are not important, the people who travel from them are very large in number. When compared to those who get into the trains from these stations, it will be better that such people are given waiting rooms separately. In many stations, I have seen a chair or two or a bench in a waiting room and if some men happen to be come, there first, they will occupy them and women who get into the waiting room will not be able to get even sitting space.

Then a word about the catering system. We from South India are used to eating rice. On the way, whatever we may get by way of rice, we are compelled to buy, but if we pay Rs. 1/8/0 for a meal, what we get is just a eighth of an lb. or I do not think it will even come to that, and that too will be full of paddy, stones and other undesirable things. The curry will be good for nothing. So we have to buy it simply to get a little of rice and nothing else. I think another honourable Member spoke about the S.I.R. The catering there is done better. The only motive of these caterers is money. They do not look to the interests of the travellers. I hope the honourable Minister will seriously attend to the requests that have been made.

Mr. Hossain Imam (Bihar: Muslim): I regret that I cannot join either in the whole-sale condemnation of the Ministry or even in the fulsome praise that may be given to them. I realize that the honourable Minister has been in charge of this Department for such a short time that it would be unjust to blame him for all the troubles that we are in for. Similarly, it will not be just if we say that the good fortune that has come to us is the result of their efforts. But I do appreciate and greatly appreciate the valiant efforts which they have promised to make to improve things. And it is because of my confidence that I have in the two Ministers, that I am going to ask something which may scandalise the House. I regard this occasion as a testing place for our fitness to be called "self-governing". Are we really working for the people when we are here, and see the way in which third-class passengers are being treated today? No doubt, they have been treated like this in the past, but

[Mr. Hossain Imam]

in the past we were slaves and today we are free. Has the third-class man got his freedom? This is the question which is before the House. Is the way which has been suggested the proper way of dealing with the matter? I am extremely grateful to the honourable the Minister of State for the picturesque manner in which he has presented the problem before us in a nutshell. He told us the number of coaches that we had in 1939 and the number of passengers we had then.

And he told us what was the condition today. The number of coaches has gone down and the number of passengers has more than doubled. This results in overcrowding before our very eyes. Are the Government of India going to abuse their position? They hold the position in which no one can prosecute them for overcrowding. Is it justifiable that the Government of India in the Railway Administration should fill up the third class compartments with passengers as if they were not human beings but mere cattle? The real remedy for this trouble consists not in granting all the amenities that have been suggested so far. I realise that it is just as if a starving man comes forward and my friend says: 'Give him a new shoe', 'Give him a new Gandhi cap' and a third one suggests 'Give him a handkerchief'. These are not the things a hungry man wants. What he wants is food. Similarly, what we want is more coaches; not one hundred coaches or two hundred coaches, but ten thousands of them at least. Within a measurable period of five years you should carry out this programme. I think the honourable Minister of State correctly stated the position when he said that if we want to provide sufficient accommodation, there may be no surplus left. I think that is exactly what he should work for. It is not surplus that we want. It is humane treatment that I want for my own nationals. I wish to see self-respect created in the minds of third-class passengers. In the India of the future that I envisage we should create self-respect in our people and that can be done only if we treat them with respect.

Third class passengers are the mainstay of the railways. But what is the care which is bestowed on them? They are treated by all and sundry as if they are beggars. Everybody bosses over them and these simple folk bear with it. When I ask you to show them consideration and give more accommodation, I cannot advocate reduction in the fare. I feel that the fares are ridiculously low. If they have to be treated better, they must pay higher charges. I know, Sir, today the position is such that people can afford to pay higher fares. It is wrong to suggest that the increase in fares that has been made is telling heavily on the passengers. If it weighs heavily on them it is because they are not treated humanely. I therefore suggest that we must have a plan of building coaches outside the Government workshops. The Government workshops are not sufficiently equipped to give us 2,000 wagons per year. We should have 10,000 coaches more in five years. I suggest, Sir, if need be all imports of luxury articles from dollar countries should be stopped and we should import in the place of the luxury articles, under-frames for carriages if we cannot manufacture them here. We can do without motor cars; we can do without radios; we can do without toilet goods coming from America. But the Indian of the future will not stand this treatment of the third class passengers. Charge them half an anna per mile, as we do for the bus journeys; but treat them fairly.

In this connection I may mention that I was surprised to learn of the benevolence of the Railway Board when it decided to give 40 new coaches to the B.N.R. B.N.R. does not pass through thickly populated areas and that is one of the reasons why B.N.R. was showing deficit for years and years. My recollection is that from 1924 to even 1940 B.N.R. was running at a deficit. The

40 new coaches should have in fact gone to the E.I.R. or the B.B. & C.I. which pass through thickly populated areas.

Shri B. Das (Orissa: General): For pilgrimage to Puri.

Mr. Hossain Imam: Well, for pilgrimages to Puri you can have carriages diverted at the time required. I was surprised that the number of coaches promised was in the neighbourhood of 200 per year for the broad-gauge line. It is grossly inadequate. But I am sure that even this estimate would not be fulfilled. Because every year you find from the report of the Railway Board that you indent for 500 locomotives and get much less. It is what we get that counts. I agree that our capacity is such that you cannot possibly double or treble it in a year's time. For this purpose private building should be relied upon. I mean to suggest that just as these goods wagons are being manufactured, it is quite possible, in all the big towns of Bombay, Madras, Calcutta and Cawnpore for you to have privately built coaches of simpler designs provided you supply the builders with the requisite material. The bottle-neck comes in when steel is required. It is for this reason I suggest that steel should be imported at higher cost from America's but it should not be put to Capital Account. You have been collecting from the suffering third class passengers lots of money all these years. It is but right and proper that the cost on account of the purchase of steel should be written down to the revenues as you have done even this year with Rs. Seven crores. Or you should ask the Government to share the cost, because they have benefitted in the past from the surplus of the railways. They gained something 150 crores during the war years.

In this connection I should like to say a few words about the justice of the Government getting a share out of the surplus profit. We have during the last session discussed the subject that when the Government enters the industrial field whether it should be liable to pay income-tax or not. We decided that even Government concerns should pay income-tax. Similarly, Sir, if this big organisation of ours, had been a private organisation, it would have paid corporation tax. As such it is right and proper that it should share not only the prosperity but also the difficulty of ours. When we are in difficulty, I think it is the duty of the Government to contribute towards this thing.

Shri B. Das: You should not forget the 125 crores of capital which at an earlier period was merged into the Railway company without any interest charges.

Mr. Hossain Imam: I have not much to add. In conclusion, I should like to speak about catering. I believe, Sir, in the old saying that the known devil is better than an unknown saint. I have no grouse against the catering by the department. I have no experience myself. In the E. I. Railway, we have no departmental catering, but I should like that with the disappearance of the Englishmen, the dining car which is provided for in the Railways should also be Indianized. Every effort should be made to increase the train numbers and for that purpose it is necessary to have more doubling at certain points and it is as essential both from the point of view of amenity to the passengers as from the defence needs. India must be fully equipped and the India of the future will not be like India of the past. It will have more prosperity; we are working for it; it will have a greater population and we will have to face it; and with these before us, it is only proper that an effort should be made from now onwards to increase the capacity of the railways for the carriage of passengers as well as goods and increase the total trade of India. Without increasing capacity we will not have real prosperity in the country as we envisage and as we say that we are working for Railway is like a life-line; you cannot have any kind of life unless you have blood in your body and railways now are no longer a matter of luxury; they are a matter of necessity and without their proper upkeep we will be nowhere.

लाला अचित राम : माननीय प्रधानजी सब भाइयों ने वज्ररा सहिवान की तारीफ की है। मुझे भी थोड़ी करनी चाहिए। मैं समझता हूँ कि जिस तरीके से उन्होंने स्ट्राइक के मामले को हैंडल किया है उस पर उनका मुबारक बाद देनी चाहिए। और जिन जज्बात का उन्होंने इजहार किया है उनकी भी मैं तारीफ करता हूँ। दूसरी बात ट्रेन्स के वक्त पर चलने की है। यह एक ऐसी चीज है जिसको हर एक गवर्नर जो सफर करता है महसूस करता है कि ट्रेन्स अब ज्यादा वक्त पर चलती है। मैं इस की भी मुबारक बाद देता हूँ। मैं समझता हूँ कि यह पहली किस्त है स्वराज्य के स्वरूप की और लोगों ने महसूस किया है कि स्वराज्य आ रहा है।

लेकिन मैं चन्द एक बातें आपसे अर्ज करना चाहता हूँ। इस वक्त एक बहुत बड़ा मामला है थर्डक्लास पैसिजर्स की (Crowding) का और वज्ररा सहिवान ने कहा है कि हम मजबूर हैं क्योंकि लोकोमोटिव्स यहां नहीं बनते हैं। बात माकूल है। अप कहते हैं कि कोचेज कहां से लायें, लाइनें कहां से लायें। यह सब मसाला बाहर से लाना पड़ता है। मैं यह बातें मानता हूँ। लेकिन मुझे अफसोस इस बात का है कि जो बातें उनके बस में हैं वह क्यों नहीं। मैं कहता हूँ कि मामूली तौर पर स्टेशनों पर पानी क्यों न हो। पानी तो इंग्लैंड और अमरीका से नहीं आयेगा। गाड़ियों में बिजली क्यों न हो। यह तो उन के करने की बात है। मैं और आचार्य जुगलकिशोर दिल्ली से जा रहे थे तो बिजली जलते जलते बन्द हो जाती थी। जब फासला ३० मील रह गया तो बिजली बन्द हो गई। जब सामान उतारा तो अंधेरे की वजह से चीजों को देख नहीं सका और एक चश्मा रह गया और ५० रुपये का नुकसान हो गया। यह बिजली जो जलते जलते बन्द हो जाती है, यह तो यहां ठीक की जा सकती है।

इसके अलावा और भी छोटी छोटी बातें हैं। जैसे डब्बों का बाहर की तरफ को खुलना। मेरी बहन की इसी वजह से मौत हो गई थी। अभी जब मैं बम्बई से चला तो मैंने देखा कि डब्बे बाहर को खुलते हैं। इससे मुझ को बड़ा दुख हुआ। यह मामूली बात है जो यहां की जा सकती है कि दरवाजे अन्दर को खुलें बाहर को न खुलें।

गाड़ियों में पानी नहीं होता। यह तो बाहर से नहीं आयेगा। सफाई नहीं होती। हमें हर चीज की तरफ देखना चाहिए। भंगी तो बाहर से नहीं आयेंगे। यह चीजें हैं जो आपके बस की हैं।

हमारे एक भाई ने कहा कि पांच साल के अन्दर १० हजार कोचेज हो जानी चाहिए। अभी तक जितनी तकरीरें हुई हैं उनमें केवल ठक्कर बावा ने कंस्ट्रक्टिव सजेशन दिया है और वह ऐसा सजेशन है जिस पर आप अमल कर सकते हैं कि गाड़ियों में वजाय लांजीट्यूडीनल होने के सीट्स फास वाइज हों। मैं एक और सजेशन देना चाहता हूँ और उससे बहुत नहीं तो कम से कम ५० पर सेंट तो आपकी एकामोडेशन फौरन बढ़ जायगी। आपने देखा होगा कि मिलिटरी की गाड़ियों के अन्दर फासवाइज सीट्स होती हैं और साथ ही डब्बे के अन्दर ऊपर को दो और वर्थ होती हैं। अगर आप ऐसा कर सकें तो मैं समझता हूँ कि फौरन, ज्यादा से ज्यादा ६ महीने में आपकी एकामोडेशन ५० पर सेंट बढ़ जायगी। यह यहां करने की बात है। इसमें इंग्लैंड से कोई सामान नहीं आयेगा। लकड़ी यहां बहुत मिल सकती है। मैं समझता हूँ कि आप ज्यादा जानते हैं लेकिन एक लेमैन (Layman) की तरह मुझे यह मालूम होता है कि यह मामूली बात है जो आप कर सकते हैं। मैं आपसे अर्ज करूँ कि मुझे इस बात का दुख नहीं है कि जिन वेंचों पर चार आदमी की जगह है उन पर पांच या छः आदमी बैठ जायें। इसमें ज्यादा तकलीफ नहीं है। लेकिन तकलीफ भी बात यह है कि हिन्दुस्तानियों में, जब से स्वराज्य आ गया है, आपस की हमदर्दी कम हो गई है। जब कोई आदमी गाड़ी पर चढ़ने के लिए आता है तो जितने आदमी बैठ होते हैं वह समझते हैं कि हमारा दुश्मन आ गया। हर आदमी दरवाजा बन्द करने की कोशिश करता है। हिन्दुस्तानी हिन्दुस्तानी का दुश्मन हो गया है और आदमी से ब्रूट (Brute) होगया है। आम तौर पर बच्चे के लिए, बूढ़े के लिए और औरत के लिये इज्जत होनी चाहिए, लेकिन ओवरक्राउडिंग इतना ज्यादा होता है कि हम यह सब भूल जाते हैं। लड़कों को कुचल देते हैं, बूढ़ों और औरतों को कुचल देते हैं। मैं समझता हूँ कि अगर यह हालत ५-७ बरस रही तो यह जो हमको आजादी मिली है इसको हम गुलामी बना देंगे। और हम एक नेशन आफ ब्रूट्स (Nation of brutes) बन जायेंगे। इस ओवरक्राउडिंग की वजह से हिन्दुस्तानी हिन्दुस्तानी से नफरत करता है। अगर कोई आदमी बैठने आता है और गाड़ी में ५० आदमी बैठे हैं तो उनको उसे देखकर नफरत पैदा हो जाती है। हम इशारा करते हैं कि दरवाजा बन्द करो या थका मारते हैं। मुझे दुःख होता है कि हमारे अन्दर मोरेलिटी (Morality) कम होती जा रही है। मुझे इस बात का दुःख है।

दूसरी बात मैं क्रेटरिंग के बारे में अर्ज करना चाहता हूँ। मुझे क्रेटरिंग की ज्यादा परवाह नहीं है, पर बहुत बुरी बात तो यह है कि वहां खाना बासी मिलता है। शाम का आटा सुबह और सुबह का आटा शाम को बनाकर खिलते हैं। वह बदबूदार होता है और खिया नहीं जा सकता। मिठाइयां

[लाला अचिन्त राम]

बार बार बासी खोये की शक्लें बदल बदल कर बनाई जाती हैं। इसी सिलसिले में एक बात जिसकी तरफ मैं खास तौर से तबज्जह दिलाना चाहता हूं वह यह है कि अभी भी हिन्दू और मुसलमानों के खाने के स्टाल्स अलग अलग हैं। यह दुःख की बात है। महात्मा गांधी ने अपने प्राण हिन्दू और मुस्लिम यूनिटी के लिए दे दिये और हमारे सरदार पटेल भी देश को कन्सोलिडेट (Consolidate) करने में देश की भलाई कर रहे हैं। लेकिन मुझे दुःख होता है कि बावजूद आजाद हो जाने के मुसलमान और हिन्दुओं के दिल अन्दर से कनवर्ट (Convert) नहीं हुए हैं। मैं बम्बई से आ रहा था तो स्टेशन (station) पर एक स्टाल था जहां १५ या २० मुसलमान तुर्की टोपी लगाये खाना खा रहे थे और दूसरी जगह कुछ लोग गांधी टोपी लगाये खाना खा रहे थे। यह देखकर मुझे बड़ा शॉक (shock) लगा (I was cut to the quick)। अगर यही हालत रही और यह मेंटलिटी न पलटी, तो मैं यकीनन कहता हूं कि पहिले देश का (Partition) हुआ और अब यहां सिविल वार होगी। आप उसकी बुनियाद डाल रहे हैं। मैं दरखास्त करूंगा कि बहुत जल्द आप तमाम लैब्ररिस् को काट दीजिये। सब को एक तरह का कर दीजिये ताकि कोई फर्क ही न मालूम हो। कपड़े भी एकसे हों, वस्त्र भी एक से हों और आप नामुमकिन बना दें कि कोई फर्क कर सके। मैं ज्यादा वक्त नहीं लेना चाहता। आम तौर पर ज्यादा वक्त लेने की चाहत होती है पर मैं आठ मिनट ही लेना चाहता हूं। मैं उम्मीद करता हूं कि आप इन बातों पर अमल करेंगे ताकि कुछ फायदा हो सके।

(English translation of the above speech)

Lala Achint Ram: All the honourable members have offered praise to the honourable Ministers. I should also praise them a little. I think they are to be congratulated for the manner in which they have handled the strike affair. I also praise the sentiments to which they have given expression. The other matter relates to the running of the trains in time. That the trains are now running more in time is something that is realized by everyone who travels. I offer my congratulations on that account too. I feel this is the first instalment of the advent of Swarajya and the people have felt that Swarajya is coming.

But I wish to say a few things to you. At this time crowding in of third class passengers forms a major problem. The honourable ministers have said they are helpless because locomotives are not manufactured here. The plea is reasonable. They say from where are they to bring the coaches, from where are they to bring the lines, for all this material has to be imported from abroad. I concede all that. What grieves me, however, is why should things not be done which it is within their power to do. I say why should there not be water available at the stations in the ordinary way. Water is surely not to be imported from England and America. Why should there not be electric light in the trains? This is something which they could do. While I and Acharya Jugal Kishore were travelling from Delhi the electric

light would go out now and then. When there were 30 miles left to be covered the lights went out. When I took down my luggage I could not see things on account of the darkness, with the result that a pair of glasses was left behind which meant a loss of fifty rupees. This light that goes out at intervals can surely be set right here.

There are some other petty matters besides, such as the doors of carriages opening outward. My sister met her end from that very cause. Just recently when I started from Bombay I noticed that doors of carriages opened outward. It pained me very much. This is an ordinary matter which could be attended to here, viz., that doors should open inward and not outward.

There is no water available in trains. This will not come from abroad. There is no cleanliness. We should look to everything. Sweepers are not to be brought from abroad. These are things within your power.

One of our brothers has remarked that 10 thousand coaches should be manufactured within five years. Out of all the speeches that have been delivered so far only the one by Thakkar Baba contains a constructive suggestion, and this is a suggestion which you could act upon. This suggestion is that the seats in the trains should be cross-wise rather than longitudinal. I wish to offer another suggestion whereby accommodation would increase immediately by 50 per cent. if not more. You must have noticed that 3 military trains the seats are built cross-wise and, at the same time, there are one or two additional upper births inside the compartment. If you could do so I think that the accommodation at your disposal would increase by 50 per cent. immediately, or within six months at the latest. This is something that could be done here. No material is to be imported from England for doing it. Timber is available here in abundance. I think you know better but even as a layman I feel that this is an ordinary matter which you could attend to. Let me tell you that I am not grieved by the fact that five or six men should be occupying a bench that is intended to seat four. This does not cause much inconvenience. The thing that pains is this that, ever since the advent of Swarajya, mutual sympathy between Indians is at a low ebb. When a man appears with the intention of boarding the train all the people who are already in feel here comes an enemy. Everyone tries to close the door. Indian has become inimical to Indian and turned from man to brute. There ought to be regard for children, old men and women, generally, but the over-crowding is such that we forget all this. We trample down children, old men and women. I feel that if this state of affairs continues for 5 to 7 years we shall turn this freedom that we have got into slavery and we shall become a nation of brutes. Because of this over-crowding Indian hates Indian. If a man comes along to take his seat, and there are already 50 men sitting in the train they are filled with hatred at his sight. We make a sign signifying, 'shut the door' or give a push. I am grieved to discover a waning sense of morality in us. This pains me.

The other submission that I wish to make is with regard to the 'catering'. I do not mind the catering very much but the worst of it is this that stale food is served there. The dough left over from the previous evening is baked up and served next morning and that left over in the morning is done up and served in the evening. It gives a bad odour and cannot be taken. The same stale *Khôya* (condensed and thickened milk) is used over and over again in the preparation of sweets, the form only being changed. In this connection, something to which I wish specially to draw your attention is this that still there are separate eating stalls for Hindus and Muhammedans. This is regrettable. Mahatma Gandhi laid down his life in the cause of Hindu-Muslim unity and our Sardar Patel is also working for the good of the country.

[Lala Achint Ram]

in consolidating it but it pains me to find that in spite of the freedom the hearts of the Hindus and the Muslims have not been converted from within. While I was coming from Bombay I saw at Ratlam 15 or 20 Muslims in Turkish caps taking their meals at one stall and some people in Gandhi caps having their food at another place. This gave me a great shock. I was cut to the quick. If this state of affairs continues and this mentality does not change I can say with certainty that whereas formerly the country was partitioned this time there would be a civil war here. You are laying the foundation for that. I would ask you to obliterate all labels very soon. Make them all uniform so that no distinction be perceptible. There should be uniform dress and uniform utensils and it should be made impossible for anyone to make a distinction. I do not wish to take much time. There is generally a desire to take more time but I wish to take eight minutes only. I hope you would act upon these suggestions which might yield some benefit.

The Honourable Shri K. Santhanam: The discussion on this cut motion has largely been an extension of the general debate. I do not think I should take up the time of the House by going over the same ground regarding overcrowding and re-classification. But, I wish to inform my honourable friend Mr. Hossain Imam who made such a passionate appeal for increasing the coaching accommodation that all the suggestions which he has put forward have already been acted upon. Besides, the railway workshops, the Hindustan Air Craft factory is actively engaged in the manufacture of coaches for railway. Some of the new designs have already arrived and they have been put into operation.

Shri R. K. Sidhva: How many, please?

The Honourable Shri K. Santhanam: In the beginning of January, three coaches had been delivered to the M.S.M. Railway and by the end of the coming year, 65 coaches would have been delivered and they would be running over the various railways.

Shri R. K. Sidhva: During this financial year?

The Honourable Shri K. Santhanam: During the next financial year. Probably fifteen or twenty would be delivered during the current year. I went and saw one of the coaches and talked to the passengers at Madras. They were all very glad about the design. But, one thing that struck me was, and it has been mentioned by one honourable member, that though the coach had been properly designed, the whole space was packed with luggage and people could not move about or do anything. I do appreciate the suggestion of my honourable friend Mr. Tajamul Husain that we should compel the people to put their luggage in the luggage vans.

Shri R. K. Sidhva: Provided they are delivered safely.

The Honourable Shri K. Santhanam: There is the rule. If we bring about that change also, there will be a lot of criticism. I do think that we should at some time or other take measures to see that at least a part of the luggage to which a passenger is entitled at present is compulsorily put in the luggage van and arrangements made to deliver them safely to the passengers at the other end if we are to make our third class travelling a little tolerable; otherwise, whatever coaches are supplied, they will all be more or less goods vans rather than passenger carriages.

I do not know whether we shall reach the target of 2,000 coaches a year in the next five years; but I do think that we may reach a target of 1,000 coaches a year within the next five years and that target may suffice at least for the present level of travelling.

Two valuable suggestions have been made in order to relieve the present overcrowding pending arrival of new coaches. It has been suggested that we should take steps to eliminate ticketless travellers and beggars. Measures are being taken to stop ticketless travelling. But, unfortunately, over-crowding is itself one of the causes of ticketless travelling. It is hardly possible to get into any of the third class coaches to check whether the passengers have tickets or not. Therefore, we are in a sort of vicious circle which we have to pierce on more than one front if we are to solve the problem. The problem is being tackled from all possible points. As for the beggars, I wish we could get rid of the old traditional sympathy for the beggar, especially when he puts on the robes of saintliness. If the honourable members will try to educate the public that every sympathy shown to the beggar in the train is sympathy taken away from the poor honest third class passenger, they will certainly be doing a great deal of public service.

Shri B. Das: Why do the station staff allow them into the station yards?

The Honourable Shri K. Santhanam: In this as in the matter of travelling on the foot-boards, the railway staff are not allowing anybody. These things are happening in spite of the railway staff. Unless we can increase our railway police force to an extent which will become burdensome on the revenues of the railways, we cannot check this. It is only with active public co-operation that we could get rid of these two things. (An honourable Member: 'We have got a surplus budget.') In this connection, I may mention the valuable suggestion made by Sjt. Thakur Bapa that cross-wise seating may increase seating accommodation. I think in the new carriages, the seats are designed in this fashion. It will not be profitable for us to send all the old coaches with longitudinal seats to the workshops to reconvert them into cross seats. They have not been designed for that purpose. In designing new carriages, this suggestion will be kept in mind.

Some of the members have misunderstood the scope of the Betterment Fund. The Betterment Fund is not intended to provide coaches or new stations or such big capital works. They have to come out of the railway revenues. The Betterment Fund is intended to provide such minor amenities as are lacking now and which ought to be provided whenever we provide a new station. A list is given on page 22 of the Explanatory memorandum from which you will find that in the coming year, we propose to spend one crore and sixty-six lakhs on the various amenities. You will find that the major items are, raising, surfacing and covering of platforms,—46 lakhs, provision of waiting rooms, waiting halls and festival sheds—39.30 lakhs. Sir, if we have to cover all the platforms in all the stations in this country and provided waiting rooms

Shri M. Tirmuala Rao: On a point of information, Sir, was it ever considered by the Ministry what exactly are the purposes for which this betterment fund could be devoted?

Shri R. K. Sidhva: What is the meaning of amenity?

Shri M. Tirumala Rao: Different people have understood this to mean differently on different occasions. Have we got any definition of this, Sir?

An Honourable Member: Is construction of a platform an amenity?

Shri Mahavir Tyagi: I am sure this is not meant for station building.

The Honourable Shri K. Santhanam: If we raise the platforms in the way side stations, it is an unremunerative expenditure which is intended for the benefit of the passengers. That is the meaning of passenger amenity: any unremunerative expenditure which is primarily intended for the convenience of the majority of the passengers, that is, third class passengers: that is the sort of rough classification we have made to concentrate our attention on these matters which affect the poor passenger today. Wherever the platforms are bad, if we raise those platforms, certainly the passengers are more comfortable; if we cover the platforms, the passengers get the convenience.

Shri R. K. Sidhva: This is a necessity.

Shri B. Das: That should be charged to capital expenditure.

The Honourable Shri K. Santhanam: The difference is not between necessity and luxury; this is a method of financing. We get the Betterment Fund from the railway revenues. We have sorted it out in order to draw attention to the lack of these facilities which have normally to be provided. Because they have not been provided in the past, we have had to create the Betterment Fund.

Srijut Kuladhar Chaliha (Assam: General): Is not raising of platforms capital expenditure?

The Honourable Shri K. Santhanam: We cannot put it to capital expenditure, because, thereby, the income of the railways is not increased. The present income will go on whether you raise the platform or not. It is not proper accounting to put such unremunerative expenditure on to the capital.

Shri R. K. Sidhva: You may then call it a necessity fund and not an amenity fund.

The Honourable Shri K. Santhanam: I do not know if my honourable friend, Mr. Sidhva, will call improvements to latrines a necessity or an amenity. 5 P.M. Sir it is a necessity and an amenity. All amenities are necessities which ought to be provided in normal railways and which have not been provided by the old railway system. I drew attention to this to emphasise this fact that it is not through unwillingness to spend money that we have made a budget allotment of Rs. 1½ crores. It is the difficulty under the present circumstances to get materials and the necessary equipment for the purpose that is limiting it. The honourable Minister for Railways has already assured the House that an intensive effort will be made to step up this expenditure and if we can spend more money we shall not hesitate to do so.

Many honourable members referred to the inadequate waiting rooms for third-class passengers, bad latrine accommodation and to other difficulties. Steps have already been taken to remedy some of these defects. I may mention briefly some of them.

All the railway administrations have been directed to provide at least 40 seats per 100 passengers for whom accommodation is provided in class III waiting halls. We do not want that the third class passengers should be sitting on the floor while seats are provided for the upper class passengers. Therefore arrangements are being made throughout the railway system to provide at least 40 per cent seats in waiting rooms.

Shri Raj Bahadur: Will there be any difference in the furniture provided in third class and second class waiting rooms? If so, why?

The Honourable Shri K. Santhanam: The reason is that one pays 24 pies and the other 4 pies per mile. The numbers in the third class are so large that we cannot give them so much furniture. The idea is that it must be either concrete benches or good wooden benches so that people can sit comfortably.

Shri Raj Bahadur: The reply is not satisfactory.

The Honourable Shri K. Santhanam: Special efforts will be made to improve sanitary conditions and provide a better supply of drinking water. Some experiments will be made to supply iced-water to passengers.

Shri B. L. Sondhi (East Punjab: General): At least in Delhi.

Shri Mahavir Tyagi: Then we are prepared to withdraw these cut motions.

The Honourable Shri K. Santhanam: I think honourable Members will be glad to learn that electric fans are to be provided in all third class waiting rooms where there are the requisite equipments.

Shri H. V. Kamath: By what date?

The Honourable Shri K. Santhanam: So far as third class compartments are concerned, the new coaches which are coming out of the Hindustan Aircraft Factory are already fitted with fans and all new coaches will be fitted with fans but it is not possible to do so to the old ones. Our engineers say that the whole thing has to be designed because all the wiring has to be made. We cannot send back the old coaches and have them fitted with fans at a cost which is worth while. Therefore, we must wait for the coming of new coaches for fans in the third class compartments.

Shri H. V. Kamath: Will there be a workable switch for the fans?

The Honourable Shri K. Santhanam: So far as the third-class coaches are concerned, there will be only a common switch. It will not be possible to give a switch to each passenger.

Shri Mahavir Tyagi: Can you fit in radio receivers also? One radio receiver and all the rest supplied with loud speakers?

The Honourable Shri K. Santhanam: When the coaching position has become easy, I am prepared to consider the possibility of having a sort of moving cinema equipped with all the necessary conveniences.

Mr. Deputy Speaker: I am afraid, the honourable Minister is going to take the House into fairyland!

The Honourable Shri K. Santhanam: About the catering facilities and other matters which have been mentioned, I have already dealt with them, and I may assure the House that every single suggestion which has been made will be carefully considered and wherever possible they will be accepted.

Mr. Deputy Speaker: In view of the reassuring assurance of the honourable Minister, does the honourable member wish to press his cut motion?

Shri H. V. Kamath: Is that a suggestion from you?

Mr. Deputy Speaker: Not my suggestion.

Shri M. Tirumala Rao: The purpose of the motion is to ventilate grievances and not to expect immediate redress. Therefore, I beg leave of the House to withdraw my motion.

Mr. Deputy Speaker: Has the honourable member the leave of the House to withdraw?

The cut motion was, by leave of the Assembly, withdrawn.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Wednesday, the 23rd February, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE
DEBATES

PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS

Wednesday, 2nd February, 1946

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

QUESTIONS AND ANSWERS

(See Part I)

11-50 A.M.

ESSENTIAL SUPPLIES (TEMPORARY POWERS) AMENDMENT BILL.

The Honourable Shri Jairamdas Doulatram (Minister of Food and Agriculture): Sir, I beg to move for leave to introduce a Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946.

This Bill is intended to replace an ordinance which was issued to strengthen our arrangements for controlling food offences. Under the Ordinance courts are empowered to impose sentences of imprisonment for food offences. This Bill is intended to replace that Ordinance.

Mr. Deputy Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946."

The motion was adopted.

The Honourable Shri Jairamdas Doulatram: Sir, I introduce the Bill.

RAILWAY BUDGET—LIST OF DEMANDS—*concl'd.*

SECOND STAGE—*concl'd.*

Mr. Deputy Speaker: We shall now proceed with the Demands for Grants.
Mr. Shiva Rao.

Shri V. S. Sarwate (Madhya Bharat): Before the business for the day begins, may I request to be enlightened on one point? Yesterday, in the circulated agenda, the third item was regarding a cut motion and my name was there as a supporter. Anyhow, I do not know how it had been dropped and many other speakers got priority. May I know for future guidance, Sir, how I may be able to get priority?

Mr. Deputy Speaker: I am afraid the honourable member did not catch the eye of the Speaker.

Shri V. S. Sarwate: Those members also did not rise in their seats; I noticed that.

Mr. Deputy Speaker: I did not see him stand up. When I wanted to call him, he went away. There was nothing intentional.

Mr. Frank Anthony (C.P. and Berar: General): Is it possible now, Sir, for any person who wants to catch the eye of the Speaker to do so by means of a list submitted in advance through the Whip?

Mr. Deputy Speaker: Not necessary. Any honourable member can stand and he will take his turn.

In pursuance of the desire of the honourable members expressed yesterday and day before, I propose to allot the last hour today, 4 P.M. to 5 P.M. for moving such cut motions by unattached members, whichever motion they may like to move. At 4.45 P.M., as usual, the honourable Minister will be given fifteen minutes to reply, and then at five of the Clock all the motions will be put to the House.

DEMAND NO. 1—RAILWAY BOARD.

General administration with particular reference to Economy

Shri B. Shiva Rao (Madras: General): Sir, I move:

"That the demand under the head Railway Board be reduced by Rs. 100".

The object of this motion is, as stated on this paper, to discuss general administration with particular reference to economy.

In moving this motion after a long general discussion of almost every aspect of the general administration of railways, it will be rather difficult to avoid covering the ground which has already been traversed in the first stage of budget debate. I shall, however do my best not to take the time of the House with points which have already been discussed.

At the very outset, I would like to explain what I mean by the term economy. As I understand it, it does not necessarily mean reduced expenditure. It means, from my point of view, remunerative expenditure and avoidance of extravagance and waste. In the main, I shall confine my observations to two points, which, so far as I am aware, were not raised in the general discussion of the budget. One relates to research both economic and scientific, and the other to publicity.

In reviewing the general administration of railways, one inevitably comes up against the recommendations of the Kunzru Committee. One feels a certain disadvantage in discussing anything on this subject without the full report being in our hands. It is only within the last few days that we have received a summary of these recommendations. Having read that summary, I feel the House would agree with me that the tribute paid by the honourable Minister for Railways in his opening speech to Pandit Kunzru and his colleagues was eminently well deserved, for the care and comprehensiveness with which they approached their task and formulated their recommendations. It does not mean that one agrees with every one of these recommendations. A little later, I shall indicate at least one important matter in which I think the honourable Minister for Railways should not accept the recommendations of the Committee.

There is one other general observation which I should like to make before proceeding further. The Minister for Railways in his budget speech referred to the Railways as the biggest national industry we have at the present moment. There was a reference yesterday by the honourable the Deputy Prime Minister in a speech in Madras in which he put nationalisation definitely into cold storage for the time being. Our railways will continue to be the biggest nationalised industry at the present moment, and I take the view that if the Ministry for Railways can improve the efficiency of the railway system as a whole, if it can produce a large body of contented labour as the honourable Mr. Santhanam

said was the objective of his Ministry, and make labour feel that it is a real partner with the Government in running this enormous undertaking, then, it seems to me, the success achieved would be worth much more than declarations made by members of the Cabinet, whether for or against nationalisation.

I want our railway system to be more than mere carriers of passengers and of goods. As I said in a recent debate on food about two or three weeks ago, I would like our railways to play a prominent part in fostering mass education of every type. I want our railways to be carriers of ideas and to form a link between research, whether economic, or scientific, or industrial, and the common man; it is from this point of view that I shall review the general administration of the railways.

First, Sir, I would like to say a word about research, both economic and scientific. There was not much in the speech of the honourable Minister for Railways dealing with these two important aspects of research, but I have no doubt that when the policy of the Railway Board has been formulated on the recommendations of the Kunzru Committee in this respect, we shall have more information given to the House. There are numerous recommendations in that report which obviously call for further investigation and research. Some of these problems will necessarily have to be dealt with departmentally, because investigation in regard to them will have to be undertaken by people with a good deal of technical knowledge and administrative experience on the railways. But I venture to suggest to the Minister for Railways that there are perhaps other problems which could be more usefully dealt with by universities, by research institutes and by organizations like the Indian Council of World Affairs, with financial encouragement from the Railway Budget.

While on this point of economic research, I would like to make one further point. When research is undertaken by a Government ministry, railways or any other, the results should be capable of immediate and practical application. I have with me an admirable example of how research should not be undertaken. There was this morning a question by Mr. Shrivastava about *ghee*. Now, I have a report with me on the marketing of *ghee* and other milk products in India published by the Agricultural Marketing Department of the Ministry of Agriculture. It is an interesting document, written in the usual style of all secretariat documents. But when I read it, while I found it interesting, I also found that it would be of little practical use because, Sir, the statistics were compiled between the years 1940-43; the report was drafted in 1944; it was sent to the Government Press in January 1945; and it was issued, Sir, in January 1949. That I think is an interesting record and incidentally explains why reports of proceedings of this House take five and six months to be sent to members.

So far as economic research is concerned, I agree with the suggestion made by the Kunzru Committee that care should be taken to avoid duplication, whether it be of machinery or of functioning; and I say this because more than one Ministry has at the present moment its own Economic Adviser and a fairly large staff attached to him. It would be well before the Ministry of Railways undertakes any large economic research that a preliminary effort should be made to coordinate all such research.

I now pass on to the suggestion of research on the scientific side. There is one passage in the report of the Kunzru Committee with which I emphatically do not agree, and that relates to refrigeration. I looked up the original report and I do not find much to support the suggestion that the time has not arrived for an intensive research in regard to the numerous problems of refrigeration. It seems to me that the railways can do a great deal to open up an all-India market for fruit, vegetables, milk, fish, eggs and other perishable goods, only

[Shri B. Shiva Rao]

by having refrigerator goods trains going all over the country. I have seen myself how fruit and vegetables are transported from coast to coast in the United States, a distance of almost 3,000 miles, and the fruit and vegetables arrive at the destination in almost as good a condition as when they were transported.

12 Noon So far as this is concerned, I would like to make a suggestion to the honourable Minister for Railways, and that is that he should try an experiment. Let one or two air-conditioned coaches be released for the purpose entirely as an experimental measure; and let fruit or vegetables be sent first in the ordinary way and then in these air-conditioned coaches, to note the difference and the amount of fruit which arrives at the destination in good condition. If he is satisfied that commercial possibilities exist for air-conditioned transport for these perishables, I think he would have done a great service to the producers of fruit and vegetables and dairy produce in this country. So much, Sir, for research.

I would like to say a word now about publicity. I do not know whether at the present moment the Railway Board runs any journals, not only for the benefit of the railway workers all over the country, but a journal which would collect information of interest and of importance to railway workers in the course of their duties. I would like to see a journal started as soon as possible which would collect together the results of research in different directions, so that railwaymen may improve their efficiency. I would like to see the formation of a Brains Trust in the different railways and at the centre in the Railway Board, so that railwaymen at all levels may be encouraged to make their own contributions for publication in these journals for the sake of higher efficiency in the railway system.

Yesterday my honourable friend Mr. Kamath made the interesting suggestion that there should be suitable recognition for railway workers who bring to the notice of the administration the largest number of cases of corruption. Sir, I would like to see that suggestion carried further. At the present moment there is competition between the different railways in the sphere of sport. There are, I believe, hockey and football tournaments between different railways. I would like also to see fostered a spirit of healthy competition between the different railway systems and a shield for instance presented to the railway which has to its credit the largest number of trains which run punctually to time, or an administration which has put into effective operation the largest number of devices to reduce the cost of working. Speaking of punctuality I would like to inform the House that I had a letter last week from Madras from a friend who has asked me to congratulate my friend Mr. Santhanam, because one day last week the Grand Trunk Express arrived half an hour before time. That I think is a far cry from the allegation made in *Shankar's Weekly* last year that a young man who wanted to commit suicide threw himself on the track of the Grand Trunk Express, but died of starvation!

Sir, I have in mind an intensive development of the programme of publicity, primarily for the purpose of encouraging tourist traffic. I have never been able to understand the past attitude of the Railway Board in this matter. When every country in the world, notably a country like Britain, does every thing possible to earn dollars by inviting tourist traffic, by placing their best ships at the disposal of American tourists who may go to South America during the winter, for instance: when these countries are doing every thing possible to earn dollars, the Railway Board in the past has adopted a surprisingly complacent attitude. I believe I am right in saying that at the present moment the Railway Ministry has under contemplation the setting up of a Tourist Traffic section. In England it is attached to the Board of Trade, but it is immaterial to which particular Ministry it is attached in this country so long as there is an active programme which is going to be taken up with vigour. I say this

because I am confident that this country can earn a substantial amount of dollars by inviting American tourist traffic, which can only be between the months of October and April: but in order to attract such traffic steps will have to be taken almost at once. You will have to have photographs of places which tourists can see and pamphlets which can be displayed in our various embassies and legations. A great deal more will have to be done in order to attract such traffic to India.

I am not only thinking of tourist traffic from abroad. I would like to suggest to the Railway Ministry that internal tourist traffic also should be encouraged by every possible means. Last week I read that there are a number of health resorts in Bihar which deserve encouragement, and I think the Railway Ministry can do a great deal to encourage internal travelling to places of that description. I would particularly invite the attention of the honourable Minister for Railways to the necessity of encouraging traffic to Kashmir during the forthcoming summer.

Sir, one last word before I conclude. I made a suggestion last year and I repeated it in the food debate a fortnight ago, that the railways should undertake the running of Exhibition Trains. I do not know how far that idea has appealed to the honourable Minister for Railways, but I would like him to make an experiment in this direction. At the present moment there is the Gandhi Memorial Exhibition at Rajghat, and I would like him seriously to consider the possibility of having a Gandhi Memorial Exhibition train go round the country in order to afford millions of people who have not had the privilege of seeing this exhibition an opportunity of paying their homage to the Great man. I am certain that the results of sending such an Exhibition Train round the country would be so profound that it would not be necessary to argue the case for exhibition trains in general to carry the results of scientific research in fields like agriculture and public health and make them available to the common man.

I do also suggest the establishment of a chain of cinema houses at important railway stations, particularly at pilgrim centres. I would like to say this: that I have taken the trouble to consult those who are already in the trade and I am assured that such a proposition would be more than self-supporting.

Mr. Deputy Speaker: Cut motion moved:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

Shri Mahavir Tyagi (U.P.: General): Sir, unlike my other friends I am really not in a position to congratulate the honourable Ministers for the budget they have produced. I can only sympathise with them because they have taken to a thankless job which will never bring real thanks to them. It is a very unpopular job which they have taken on our behalf and I therefore sympathise with them. I know their difficulties and one of the biggest difficulties in their way is the Railway Board. The Railway Board was constituted under the British regime because there were so many railway companies operating in the country and they wanted to have a sort of co-ordination in their management and therefore they constituted that Board, so that British firms may get orders from them and British people who were in the employ of the railways could be secured in positions of vantage. It was to have British interests safeguarded that they constituted this Railway Board. Now the Board has outlived its time, and circumstances have changed, and this Board cannot serve the purpose now. I therefore submit that the suggestion made by my honourable friend Pandit Kunzru be accepted. Either this Board must be replaced by a statutory organisation which will take charge of the whole administration of the railways and run it on commercial lines, or it must be diluted into a mere secretariat. There cannot be a middle way.

[Shri Mahavir Tyagi]

Sir, I want to use this occasion to raise the question of the fat pays which all high officers of Government are in receipt of. It may be all right for the honourable Ministers because they know that without them they cannot go on, that whenever there is an occasion they sing the praise of those officers. I would call them unpatriotic if they cannot offer to reduce their pay voluntarily. Why should they stick on to the old scales of pay which they drew when the British were in power. It was for them in a body to come and say in a spirit of patriotism now that they would be prepared to accept a reduced pay. No man in the State has a right to demand more pay than what the honourable Ministers get.

Shri B. L. Sondhi (East Punjab: General): The Minister is getting more than what the Secretaries are getting.

Shri Mahavir Tyagi: The Chief Commissioner of Railways is now drawing Rs. 5,000 per month. I submit that these highly paid officers are like old white elephants which our predecessors had tamed. We cannot carry on with this pay. All this disaffection in the Railway Department and the talk of strikes, whether it be in the Railway Department or in the Postal or Telegraph Department, is proof of the fact that these highly paid officials are of little use to us. They must run the administration in such a manner that the meanest in a Department may feel that the Department is his, and he has a patriotic relationship with the Department and has no doubts about his prospects and his prosperity. So long as the smaller man, the man in the lower rung is not satisfied it is not possible to achieve any success in the Railway or be it even in the Secretariat Departments. These high officials are mad with the authority that they have got. They want several Assistants to them: each member of the Board wants a Director, a Joint Director, a Deputy Director, because they do not want to work. They are people who are paid for no work. Now, for instance, I would directly attack the Chief Commissioner of Railways. Sir, what is his job? It seems he has already toured Europe and seen European countries. Now he is intending to go to America for purchase of spare parts. It means that he has no job to do here in India. He is practically being used as a purchasing agent, as a broker, between us and the foreign firms. This is not surely the job of a Chief Commissioner of Railways. He has a very important office here. But he absents himself from here. What is this? I think it is a glaring proof of the fact that he is not being fully applied for the job for which the office was created. I submit that this Board is the basic trouble of Railways and the sooner we do away with the Board the better it would be.

Then there are four other members of the Board. It seems to be a caucus of civil engineers. A civil engineer is the Chief Commissioner of Railways. I do not know what engineering he really does. Then there are other members—I am sorry for the Commercial or Financial member of the Board, they could have him also as an engineer but he seems to be a non-engineer—but the rest, even the member for Staff is a civil engineer. (*An honourable Member*: 'Is he?') Yes, that is my information. If I am wrong the honourable Minister is there to correct me. I will go by my information. Even he is a civil engineer. Then the gentleman who represents the mechanical side is also a gentleman of civil engineering talents, I suppose he must have privately gained some knowledge of mechanical engineering also. (*An Honourable Member*: 'By correspondence course'). So it is a caucus of civil engineers that controls the Board. It is not that alone. These highly paid officials do little because every Railway is being managed by its own managers and its own mechanical engineers. The Railways are run by the railway authorities locally, practically for all purposes. Then what are these people to do? To co-ordinate! Whom to co-ordinate? It is one machine now, and there are

no private companies running railways; it is all Government railway now. Then whom are these people co-ordinating? I do not know. So co-ordination is not the job which is needed now. I therefore submit that we should do away with this Board.

Besides these four members they have got six Directors. Everyone of the members has a Director to work under him. What has he to do, I do not understand. Why does he not do that much work as a typist does in the Secretariat? He should really do more than that work: he should do both desk work and administrative work. But they go about touring in saloons; they move about the country like kings without doing the job which was expected of them. It is all right for the honourable Member to say he is thankful to them. You are thankful to them because you realise your helplessness. It was all right when the members were required to dominate and over-awe the department by their pomp and show. Now this domination was out of place. You feel that they are serving you and that they are quite loyal because they are so humble in talk to you. But when you turn your back they laugh at you, they know that they are technical men and they also know they have somehow or other charmed you and impressed you that you cannot do without them. They feel that they can befool you—pardon me for this word, I am sorry for it, in parliamentary parlance I should have said that they think that they can make you unwise.

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport): I am very glad to have that certificate from the honourable member.

Shri Mahavir Tyagi: I am sorry. Please pardon me. You know I am weak in English. There is so much staff. What are they doing? Each one of them wants a Director. The Director has also become a boss now and boss means no work because the work has to be done by the clerks who will prepare bills and accounts and all that.

Mr. Deputy Speaker: The honourable member can have one minute more.

Shri Mahavir Tyagi: Sir, I am sure the House will be more generous to me than you are. Then, Sir, this is not all, there are six Joint Directors below them—all of them with fat pay doing no real work themselves. The actual work as I have said, is being done by the managers of the different railways and their mechanical engineering staff independently. They do the job. These people in the Board are not to do the job directly, but they give the policy or try to co-ordinate. Then there are twelve Deputy Directors. That is, six Directors, six Joint Directors and twelve Deputy Directors. Besides this they have one Secretary, one Deputy Secretary, four Assistant Secretaries, sixteen Superintendents, one Economic Officer, two Special Officers. And everyday the budget is swelling because the Board is swelling. It is getting fat every year. Last time their budget was Rs. 10,57,000, but actually it came to Rs. 11,17,000. How is it? If the Board swells like this they go beyond the sanctioned budget. Why should you charge the smaller fry to have spent more than the budgeted amount? Big bosses are going about the country in their saloons with their fat allowances and without enough work. The grant now demanded is Rs. 10,90,000. I am afraid we cannot go on at this rate. The same is the case with the rest of the staff. According to the reports I find that in March 1947 there were 7,71,000 men, this being the total of the railwaymen. Now, at the end of March 1948 the figure was 8,23,712 men engaged. It is going on increasing. And nobody wants to get rid of the work. How would they do the work when they have no love and patriotism for the Department? The junior people are not well paid and the senior people are being too well paid. That is the case. I would leave this point though I have a lot to say.

[Shri Mahavir Tyagi]

Then I would like to mention about the three hundred blessed locomotives which have been ordered from America. My information is—I am saying this to help the honourable Minister, who may contradict me if I am wrong, and to help him to clear the misunderstanding in the country—the three hundred locomotives that were ordered were designed by the civil engineers or others in the Board and the mechanical engineers were not consulted. The information goes that after the order had been placed—the order was placed for bar frame engines—the mechanical engineers met in a conference and they were mostly of the opinion that the design did not fit the requirements of India. It is a heavy power engine. Perhaps the proposal was that instead of drawing 50 wagons as they generally do, or 60 or up to 70, the new locomotives might draw 100 wagons. The objection was that the marshalling capacity of our railway yards was not enough for 100 wagons. There is shunting on the railway lines; when a wagon has to be taken out from the midst of a train, well, the train has to be cut into two or three parts, one standing on one loop line and another on the other—that is known as marshalling. The marshalling yard's capacity in India as they were constructed, is said to be just enough to meet the requirements of a goods train consisting of 60 or 70 wagons and not for 100 wagons. Sir, if these big power engines begin to play about the whole marshalling yards and break the train into three or four parts then the yards will be blocked as sometimes you see the road in Khari Baoli, packed. That is one objection.

An other objection is about the soil. The track is not fit to carry these engines. That is an objection which also I would like the honourable Minister to enquire into.

The biggest objection is that these engines could not be repaired in our workshops because our workshops were designed to repair the plate frame engines and not these bar frame engines. They are technical affairs; I am not a technical authority but, please look into this technical matter also.

Sir, then there is the shortage of wagons and coaches. Last time we were told that we were short of 1,000 coaches. But Sir, howsoever accurate this statement may be, I tell the honourable Minister, "Your information is wrong; you said you had only one thousand coaches short, but shall I tell you you are short of 7,000 coaches and not 1,000? Last year also you said that you were short by 1,000 but then also you were wrongly informed. You again repeat the same story that you are short only by 1,000. I submit that my information persists that you are still short of 7,000 and not 1,000".

Sir, shall I tell him that his wagons are also being pilfered? We are told that they are alert about it and that they have arrived at a good compromise with Pakistan and that we have also managed to save securities worth Rs. 20 crores from Pakistan. But Pakistan laughs at us. They are quietly making up their loss through wagons. Have you ever taken the account of the wagons you sent to Pakistan from Amritsar and the wagons that returned to you? Are you in a position to say how many wagons really went to the share of Pakistan and how many wagons and coaches came to your share at the time of partition? And how many you have today? If you enquire into it in details you will be as sad as I. Supposing if I were again to provoke you into enquiry, and say that hundreds of your wagons have been stolen into Pakistan and they are not being returned. There is low paid clerk at Amritsar who keeps the accounts of these incoming and outgoing wagons. Has the big bosses ever cared to look into this question? Will you please enquire into it?

The Honourable Shri N. Gopalaswami Ayyangar: Will the honourable member please put down a question on that and I will give him all the figures that he wants.

Shri Mahavir Tyagi: I am very pleased to hear that, Sir. I want to make a prayer to you and to the House as well. I am myself a loud speaker; I have been speaking, by habit, very loudly, always. My tone therefore may not be mistaken to be an obstinacy; I am otherwise very humble and faithful. I am putting my arguments forward slightly loudly because I am a little enthusiastic about these points. I do not use these loud-speakers. I want to approach you direct and not through the proper channels of loud speakers, therefore you may please take it that my suggestions are absolutely in the spirit of co-operation, and not in the least destructive.

Sir, we are short of coaches. How many people there are who travel standing? I do not believe in this first class or second class—I am proletarian. I believe in only the third class and if I were a Minister in his place—I am sorry they have not taken me there.....

The Honourable Shri N. Gopalaswami Ayyangar: I am quite willing to exchange places.

Shri Mahavir Tyagi:.....I would make it a rule that there would be only one class—call it third, first or anything. Unless you Ministers and these big bosses drawing Rs. 5,000 sit with the humble man of the village, the villager will never realise that democracy has come; to him it is not the democracy, it is the 'cracy' of those who travel in first class and who fly in the air. The humble man does not yet know what is *swaraj*. He does not want money, he does not want big wages; he does not struggle for these. He wants self-respect and it can be given to him only if the Ministers talk and joke with him on equal terms. Why not give him that little privilege? Travel with him and share his humour. What about the Governor-General's special? Why should you not turn it into third-class carriages? You have got thousands of such other coaches standing on the sidings which you can easily convert and use for travelling purposes.

Let there be one class or, Sir, you can have two classes, one the sleeping class and another waking class. In the waking class people can travel in the day, those who want sleeping berths can reserve them and go into the sleeping class. It will still be one class with different kinds of accommodation.

There are many other points, but I crave your indulgence—I want to press one more point. One of my friends mentioned about catering. Sir, the caterers on the Railways are given contracts. One was given a contract of Rs. 31-4-0 per month about twenty or thirty years ago. That man is still continuing on the same rate. He has engaged sub-contractors; it is a fact which every body knows but these Railway Board members would not care to look into it unless their subordinates bring it to their notice and they would in most cases, not bring it into their notice because they probably have a share in the profits of the main caterer. Sir, when I was in jail there used to be with me late Babu Shiv Prasad Gupta, he was a great man of India. He had received a tin full of tasteful *laddoos* from his home. One night at about 1 A.M. we all decided—Shri Mohan Lal Saxena too was there—we decided that we should steal some. On my toes I quietly went into his room and broke open the tin lock and stole some 60 or 70 *laddoos*. They were very tasteful. While I was bringing those *laddoos* into our common room, another friend now a Minister of U.P., Shri Atmaram Govind Kher caught hold of my *kurta* and beckoned me low on his pillow, as I gave my ear to him he quietly whispered "Station master ka haq de ke jao." I gave him four and I was let off.

Sir, similar is the condition in Railways. I would submit that these caterers have sub-contractors. If you engage smaller contractors for selling *pan* directly there is no loss of prestige in dealing with a smaller man; there is

[Shri Mahavir Tyagi]

loss of prestige neither of the Government nor of the officials. A *pan* man pays Rs. 5 a day to the contractor who pays Rs. 31-4-0 a month, at Meerut; and the *halwai* pays Rs. 8 a day to the contractor. In this way his monthly income goes to about Rs. 1,400 or something like that and he pays you only Rs. 31-4-0. Such is the case everywhere. There are caterers whose monthly income goes up to Rs. 15,000 and they are hardly paying you one hundred per month. You can add 30 or 40 lakhs to your income by means of giving direct contracts to the smaller vendors.

Sir, I do not want to take more time and deprive other honourable members the opportunity of giving their precious suggestions. My own suggestions, I know, are not so precious.

Shri Arun Chandra Guha (West Bengal: General): Sir, in rising to support the cut motion, I am not unconscious of the difficulties in which our Ministers have to work or of the achievements that we have got during this one year or eighteen months. I know these Ministers have to deal with a machinery which they have inherited from our foreign masters.

Sir, with all deference to our Ministers, I like to differ from them when they unreservedly speak words of encomium for the permanent services and the departmental men. Unless the permanent services and these departments are radically mended, or ended, it will be very difficult for our Ministers to achieve any spectacular success. The honourable member who preceded me, Mr. Tyagi, has spoken about the Railway Board in very effective language and therefore I do not want to say much on that point. I in general endorse the sentiment that he has uttered, and I would like to request our Ministers not to rely too much on the Railway Board and the permanent services and the departmental officers. They should instill a new spirit into the departments if they really want to achieve any success.

We have been supplied with a copy of the summary of the recommendations made by the Railway Enquiry Committee. The findings of the Committee and their recommendations are not very optimistic. They have suggested some drastic changes. Last year the fares and freights have been considerably increased. The volume of traffic has also increased; I think the passenger traffic has increased by about 17 per cent. But the net income of the Railways has decreased. During the course of their enquiry, the Committee have found that efficiency has deteriorated—efficiency has deteriorated not only in the lower ranks but even at the top. In two important workshops—Jamalpur and Kharagpur—there was some inspection by some expert firms and their finding is that labour utilisation is only about 50 per cent. These two workshops belong to two Railways which are running in deficit for some years. If this be the condition, I cannot endorse the view expressed by the honourable Minister for Transport that our future is bright and that we have turned the corner. I hope that he would take drastic steps to see that labour is utilised to the full—not only in the workshops but also those at the top including every officer, highly paid or low paid; their full labour power must be utilised and the country should get the benefit of the salaries they are paid.

Sir, about my own Province I like to say a few words. Calcutta is one of the biggest cities of India and is a highly congested city. Unless we develop suitable suburban transport facilities, it will not only injure the sanitary conditions of the town but it will hamper the industrial development of the Province also. Bengal has suffered from partition and from many other calamities; but in addition to all that the transport arrangements of Calcutta are a handicap for its development in industry and commerce. Sir, you will be surprised to know that Calcutta has got five or six terminus stations; apart from Howrah and Sealdah we have got three or four other sub-terminus stations for small

lines running from suburban areas to the City. These lines are all privately owned. My honourable friend from Assam gave a graphic description of the T.B. Railway. I think these lines also can be compared with that Railway. Sir, I wish the Railway Board or our Ministers take up the case of taking over these small lines under Government control and improving the transport arrangements of Calcutta so that its full industrial and commercial potentialities may be exploited by the country. I would like to impress on the honourable Ministers the need for electrification of these suburban railways. For Calcutta some municipal railway—underground or otherwise—should be arranged. Of course, compared with Delhi the transport facilities in Calcutta are far better. The tram and buses there run more regularly and more quickly than in Delhi; yet the congestion on those lines is so very heavy that something should be done immediately to improve the conditions.

Sir, in India there are, seventeen—or, I think, about twenty small non-Government railway lines. The Railways are our biggest nationalised industry. Therefore, I think these small lines should be nationalised immediately. It will not be a great burden for the Government either financially or administratively. When these big Railways have been taken over, I do not understand why these small lines should be left to private enterprises. These lines often connect some industrial areas with the countryside; they carry raw materials to the industrial areas and finished goods from the industrial areas to the countryside. So, I particularly like to press this point before our Railway Department and the honourable Ministers that they may take over these private lines as soon as possible.

Sir, about catering many things have been said. It has also been discussed in the Central Advisory Council. Catering at small stations should be given to local men and there should not be any monopoly contract, nor even any near-about monopoly contract as regards catering. Sir, while appreciating the difficulties of our Minister in bringing the railways up to our expectations, I would say that I expect him to do something to restore the pre-war facilities such as the return-ticket system, concessional rates for ceremonial and religious occasions, special trains for religious journeys, etc. Before the war there was the system of conducted tours by trains running through certain parts of the country taking passengers for fixed amounts which were lower than the usual fares. Such conducted tours increased the revenues of the railway administration and served as a sort of education to the public. Mr. Shiva Rao has already spoken about this point that inland tourist traffic should be arranged as also foreign tourist traffic should be encouraged.

As I have said, though the railways are working under difficult conditions, the Minister should see that the pre-war standard of efficiency is restored immediately. Full utilisation of the man-power of the Department is of prime importance. In recent debates in this House the Department has been blamed for almost all the evils of economic dislocation. There have been bottlenecks everywhere in the railway administration and in communications. It is up to our Minister for Transport and his colleague the Minister of State to see that they remove the cause of the complaint that the Railways are blocking the entire economic development of the country. I admit that they have been working under very difficult conditions. The whole administrative system was brought to a chaotic condition by our previous foreign masters. Our Ministers have to face this situation and create new conditions. I know that after the November Revolution in Russia it required a Trotsky to be diverted from other important portfolios to the Commissariat of Transport to put the whole system in order. He took very drastic steps. He had even to take the extreme step of shooting delinquent officers found guilty of deliberate negligence or of dishonesty. Of course, I do not suggest that our Ministers should

784

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [23RD FEB. 1949]

[Shri Arun Chandra Guha]

go so far. I would suggest, however, that whenever acts of deliberate neglect or of dishonesty come to their notice, they should take steps to root out the whole source of the evil.

Now I would say a word about the gauge in our Railways. I know that it will not be possible at present to transform the whole system into a one-gauge system. But the administration should keep in mind, while starting new lines, that the whole system has to be transformed in the near future into broad gauge line.

Another local matter I desire to refer which relates to the timings of the railway services. These are often arranged in such a way that journeys from one place to another take inordinately long time. For example, the journey from Daltonganj to Patna, which is the capital of the Province in which Daltonganj is situated, a distance of only 180 miles takes about 22 hours. There should be some re-arrangement of the railway timings so that the passengers can travel even to their capital city in reasonable time.

The contribution of 7 crores to the General Revenue from the Railways has been much discussed here. In my view there is nothing unusual in it. The railway system is not only a public utility service, it is also a commercial service in which the Government of India have invested about 700 crores of rupees. Had it been a private enterprise, it would have paid all the taxes due to the Government. I think the nationalised industries should all be subject to the usual taxes. Taking that view, this contribution of seven crores is a negligible amount. It should be at least four or five times more. With these few remarks I support the cut motion, though I appreciate the difficulties and the achievements of the Ministry.

Shri V. S. Sarwate: Mr. Deputy Speaker, one of the previous speakers complained of the top heavy nature of the railway administration. From the report of the debate last year I find that the debate was opened by the Honourable Shri K. Santhanam and one of the grievances which he mentioned was that members were not supplied with "control" figures. Among the instances which he then gave one was of the expenditure figures. In 1938-39 this figure was 47 crores and had risen to 142 crores in 1947-48. His complaint was that the honourable Minister did not supply him with a statement showing the increased percentage under major heads. Compared with 1939 the increase in 1947-48 was found to be 323 per cent. In 1948-49 it has risen to 346 per cent. One expected to be furnished with those controlled figures at least this year. Unfortunately this has not been done. The inevitable result is, to use his own words: "We cannot have a grip over the Budget" and cannot be in a position to offer constructive suggestions or criticisms. Anyway, one must be content with the figures that have been furnished. Put my difficulty is: The railway Board Report was supplied a day prior to the Budget discussions. I found the figures there so very perplexing that I had difficulty in understanding the report. I would take one instance. On page 2, the earnings on passengers are given as 65.10 crores. On page 17 the same receipts are shown at 66 crores and on page 19 these figures are given as 70.38 crores. One can understand if there is some explanation about these. For a person who has to read a voluminous report in a short time, one would expect a sort of table by reading which, at a glance, one can find how the differences are to be adjusted. That is not there, but that is a general complaint, which I would like to bring to the notice of the House, so that it may be remedied next time.

I want to emphasize that economy must mean justice and proper distribution and allocation of the funds which are to be given for the various purposes and I find that the R.M.R. section, that is the section running between

Khandwa and Ajmere has received all along a step-motherly treatment. In 1946-47, it had no new lines, no new works. I refer to the programme which was supplied to us i.e., the open line programme for 1949-50. There is absolutely no programme for new works in this, for the R.M.R. Section.

Economy further means timely redress of grievances, timely redress and timely removal of the long-standing grievances. I will give only one or two instances within my knowledge.

I come from Indore and there had been two questions which had been agitating the people there. The present station at Indore is on the side opposite to the town. The passengers therefore suffer when coming from the town; they have to pass once across the level crossing and then again to come back. So it was suggested that the platform and booking should be on the side of the town. I do not think this will take more than a few thousands of rupees, but this has been under consideration for the last 20 years in my remembrance. I then happened to be in the Foreign department of that Government. All these 20 years the matter has been under consideration and nothing has been done as yet. Again the question of constructing an over-bridge over the level crossing is still pending; this had been going on for the last 25 years; I was young then and I am old now and probably, I am afraid, all these grievances may not be removed within my life-time. It has been one of the grievances that the Railway Administration takes such an abnormally long time to consider and arrive at some decision. They say all the while that these things are to be done; they are very necessary, but years roll on and nothing is done.

Indore is the biggest commercial centre in Central India. It is also a textile centre. It has got 10 mills and several ginning factories besides. It exports a lot of cloth; it imports coal and several other things; it is a mercantile centre of that whole part. It stands on a meter gauge and there has been a proposal to connect it with a broad-gauge. The nearest station is Ujjain, which is about 35 miles. Now there is a meter-gauge and I am told by authorities on whom one can rely that this can be done by putting in one additional rail; the earth-work is already there and it should not cost more than a few lakhs of rupees. I would suggest for the consideration of the Government whether the Government would not be prepared to raise a loan for the purpose. I am sure the mercantile community at Indore would be prepared to subscribe to the loan to the fullest extent, even if it is a few crores. In this case I want to know is: would the Government be prepared to raise a loan when a particular community or a particular place is ready to contribute for the loan. Both the Government and the community would thereby benefit. I do not think that this proposal should be against the policy of the Government or would in any way be a loss to Government.

Shri B. Das (Orissa: General): If Mr. Hukum Chand would give a present to the Government, Government will accept it.

Shri V. S. Sarwate: It is not a question of a present, but whether a loan would be acceptable. That is the question at present.

Mr. Deputy Speaker: Would the honourable member close his speech now?

Shri V. S. Sarwate: No, Sir. I shall have to take five or ten minutes more.

Mr. Deputy Speaker: The honourable member may resume his speech at Half Past Two of the Clock.

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

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

Shri V. S. Sarwate: Mr. Deputy Speaker, when the House rose for Lunch, I was dealing with the step-motherly attention and consideration which the R.M.R. Section receives at the hands of the railway administration. I was making a specific proposal that the Government should consider whether it would not be advisable to raise a loan for converting the present metre gauge from Ujjain to Indore into broad gauge and I had assured the Government that the commercial community at Indore would be forthcoming to fully subscribe this loan. In this connection, I would bring to the notice of the honourable Minister the military importance of Mhow which is on the same line, thirteen miles south of Indore. It is admitted that strategically considered, Mhow is the second line of defence in India; but there is at present no broad gauge line connecting Mhow with any other broad gauge station. This omission would be rectified if Mhow is linked at Ujjain to broad gauge. The distance is about 50 miles and there is no bridge to be constructed. I am told on authority that the expenses would be at the outside of a crore and a half. If this loan is floated at the rate of three per cent., the interest charges would come to four and a half lakhs. The results would justify such an expenditure. Not only would it be directly beneficial and paying; but, any loss which may be suffered, would be more than made up by the indirect benefits, which would result to the commercial community and the people in general. Further, Indore being a textile centre, it would help the general supply of cloth to the whole of India.

I would like to mention the various present difficulties which the Indore people are suffering. There is no goods shed in Indore. The platform both at the goods yard and the passenger yard is not covered. In the report, there is a statement showing the percentage of covered platforms. On page 71, we find that the percentage is given as 3.26. It would have been better if the report had shown the progress made from year to year.

There is another grievance which I particularly want to bring to the notice of the honourable Minister. The Railway section in this part passes through States but the States have not been represented all along on the Advisory Board of this section. That is one of the reasons why the R.M.R. Section is suffering at present. I would particularly request the honourable Minister to make arrangements for the States to be represented on the Advisory Board.

I would like to draw the attention of the House to one more thing. Real economy would mean efficiency. In the report there should be statistics showing the increase in efficiency, not only the quantum of efficiency, but the progressive increase. That would give us a real indication as to how the Ministry has been working. Now, we are at a disadvantage. The report given to us is for the year 1947-48 whereas the present Ministry is concerned not with 1947-48 but with 1948-49. Naturally any remarks which the House may pass regarding the state of things revealed by this report might probably be not just. All the same, one has to rely on that Report. As regards efficiency, I find from the table, punctuality in the broad gauge has decreased. It has come down from 53 to 48, whereas in the metre gauge, the punctuality of trains has increased from 47 to 49 per cent. In this connection, mere averages won't do. If the broad gauge trains do not go punctually, the metre gauge passengers who have to change at certain junctions suffer all the same even if the metre gauge trains go in time. This morning I had asked a question whether the Frontier Mail reaches Rellam punctually; I was given certain statistics as to how it reached in the month of February. My question related to January; but that is another matter.

The Honourable Shri N. Gopalaswami Ayyangar: We have improved.

Shri V. S. Sarwate: All the same, what I want to point out is, if the broad gauge trains run irregularly or unpunctually, no benefit accrues to the passen-

gers even if the metre gauge trains run punctually. What I would suggest to the honourable Minister is this: let us have some statistics showing from year to year the progress that is made. That would give us an indication as to the real state of affairs. In this connection, may I ask the honourable Minister, would it not be feasible and practicable for the Ministry to give us the actuals for the current year ending December. The budget comes up for consideration some time in February. The actuals may be given for the year ending December.

I should like to raise one more point and I have done for the present. The receipt side has not at all been touched during this discussion; I do not know why it has been so. I think the receipt side is over sanguine. The receipts show an increase of six crores on account of goods transport. It is said that the freight structure that has been revised justifies this increase. We would certainly have been helped if the actuals during the last six months or three months from October to December had been given. Then, we would have been in a better position to appreciate the reasons for this increase. So I submit that if the budget is to be studied and studied effectively and with some benefit, then the actuals of the last year ending in December ought to be supplied to the House. That would be a real indication of the estimates for the current year and then we would be in a position to appreciate the remarks which the honourable Minister makes in his budget speech.

Mr. K. A. Mohamed (Travancore State): Mr. Deputy Speaker, Sir, I understand that the cut motion now before the House is intended to cover all subjects except those covered by the first and second cut motions. Under that impression, I may just raise a point of local importance. I would very much like to make my contribution of criticisms and suggestions to those that have already been made by honourable members of this House, but as my time is so short, I may confine myself to the raising of a very important local issue.

Sir, under Demand No. 15 proposals have been made for the investigation and the extension of new lines, but I am very much disappointed to find that no provision has been made for the extension of the South India Railway from Ernakulam, in Cochin State to Quilon in Travancore State. This question was considered in 1920 and the line was investigated and a detailed survey was conducted and an estimate was drawn up in 1927. All this was done with the concurrence of the Central Government. If my information is correct, the financial implications of this railway project were examined and approved by the then Railway Board. However, it did not materialise. Since then the Cochin harbour has very much developed commercially, and there have sprung up in Travancore very many new industries. Thus the importance of the proposed new railway was felt more and more and had been agitating the minds of the Travancore people for the last many years. But unfortunately Travancore declared her independence under the old regime and we were not able to take up this scheme before. But now we are a part and parcel of the Indian Union and we are here now to represent the Travancore State. The railway administration, especially communications, is now a Central subject, and I submit that this question may be now taken up by the railway administration.

The financial implications of this extension are fully assured because this route goes through a very densely populated area. I may inform the honourable members of this House that the density of population in those areas is 2,000 per square mile. It is more than the density anywhere in the world, and many of the industries now started along the route of this line will be very much benefited by this project. Here in Northern India, especially in the Gangetic plain, we see a network of railway lines and the reason given is that there the population is very dense and therefore there was need for this vast network of railway lines. But if that is to be applied to Travancore, I

[Mr. K. A. Mohamed]

am sure there should have been 500 miles of railway. At present we have a very short line, something like 98 miles only. The project I propose is to cover only 95 miles and I think that the rural as well as the industrial economy of the country will be very much improved if this work is taken up.

One further extension which I may propose is from Trivandrum Central to Cape Comorin. Many of the members know that Cape Comorin is the Land's End of India and if that project is completed, then from the foot of the Himalayas to Cape Comorin we will have a through railway service. From the Defence point of view it would be of very great importance. It is also a very sound financial proposition because this line has to go through a plain and there are not so many rivers to be bridged and there is very dense population in that area, and even without taking into consideration the goods traffic, the passenger traffic will amply justify this extension, and if this is to be linked up with Tinnevely we will have a very convenient railway system in the south of this big continent. Many of the honourable members of this House might not have gone and seen Cape Comorin, which is a very beautiful place of all-India religious importance, and if this railway is to be taken up that will give easy access to people from this part of the country.

I am fully aware, that when I propose the extension of these lines the finances required are to be found. It is also to be considered whether the railway administration is now in a position to take up these lines at one stretch. But my submission is that the present complaint that has been voiced in this House, that there is too much overcrowding, is only a passing phase. I am sure that depression has set in and the tendency now is to travel less and less. Therefore, in the near future I do not think there will be so much pressure as is being experienced. So our attention must be diverted on extending the railways further and further. I will go to the extent of suggesting an increase in fares and in freights, as I do not wish for cheap popularity, as a reasonable proposition for collecting funds for the extension of new railway lines. Even under the present conditions this increase will not create any hardship. On the contrary, we may be earning a very good income and if we plan in that way I do not think there will be very much difficulty to extend the services.

I submit that the administration may kindly consider these matters and see their way to take up this work at an early date and satisfy the people at that end of the land.

मास्टर नन्द लाल : सभापति जी, पंजाब में जब हमारी हुकूमत नहीं थी तो पटवारियों के लिये यह मशहूर था कि वह मालियाना लेते वक्त १० फीसदी अपना नजराना लेते थे । और रेलवे वाले एक विल्टी पर एक आना लेते थे । लेकिन हमारी अपनी हुकूमत आने के बाद लोगों को यह तथ्यको भी कि यहां पर रामराज्य होगा तो यह चीज खतम हो जायगी । लेकिन यह चीज इस हद तक बढ़ गई कि कहते हुए शर्म आती है और कांग्रेस की हुकूमत होने पर जो उन लोगों के स्वाब थे वह पूरे नहीं हुए । बल्कि हालत बहुत ही खराब हो गई ।

पिछले जून में पंजाब गवर्नमेंट ने पंजाब के अन्दर रिश्वत का एक हफ्ता मनाया । पानीपत में भी यह हफ्ता मनाया गया । लेकिन इसका

नतीजा यह हुआ कि इसके बाद चीफ-गुड्स क्लर्क ने अपनी रिश्वत और भी ज्यादा कर दी और ये कहा चूँकि यहां पर रिश्वत के बारे में इन्कवारी होगी इसलिए अब एक आने के बजाय दो आना लिया जायगा । जिसमें से एक आना मेरा हिस्सा होगा और दूसरा एक आना उनको देना पड़ेगा जोकि यहां पर इन्कवायरी करने आयेंगे । हमको जब यह पता लगा तो हमने रेड का इन्तजाम किया । चुनावे २४ जून को मि० शाहनी, मजिस्ट्रेट दर्जे अव्वल ने उसको पचास रूपया रिश्वत लेते पकड़ा । पकड़े जाने पर उस क्लर्क ने कहा मेरा इसमें क्या कसूर है, इसका थोड़ा सा हिस्सा मेरे घर आयेगा और बाकी हिस्सा ऊपर के अफसरों के पास जायेगा ।

बाकी जगहों पर तो रिश्वत इनडिबिज्यूल तौर पर लेते हैं लेकिन रेल्वे में ऊपर से नीचे तक रिश्वत के हिस्से मुकर्रर हैं । यहाँ तक कि स्टेशनों का निलाम होता है ।

Shri R. K. Sidhva : Sir May I know from the honourable member whether that person has been prosecuted?

मास्टर नन्द लाल : मैंने अर्ज किया है कि वह पकड़ा गया है और मि० शाहनी, मजिस्ट्रेट दर्जे अव्वल ने उसको रिश्वत लेते हुए पकड़ा । दो माह तक उसके अफसरान इस मामले को छिपाते रहे और दो माह तक उसको मोअत्तल नहीं किया और बाद में पुलिस ने उसे मोअत्तल कराया और अब केस अदालत में है । इसके बाद हमने समझा था कि अब वहां ठंडक पड़ेगी और आयन्दा ऐसा नहीं होगा लेकिन फिर भी रिश्वत वहां चलती रही । पानीपत से दिल्ली, अम्बाला और जीन्द को गाड़ियां जाती हैं । अगर स्टेट-मिनिस्टर चाहें वहां पर जिस समय कि यह तीनों गाड़ियां चलती हैं देखेंगे तो उनको मालूम होगा कि वहां पर डाकाजनी होती है और कोई कानून की बात नहीं होती । सिपाही और टिकट-क्लैक्टर लोगों को लूटते हैं । टिकट देते वक्त बहाना बनाते हैं और अम्बाला के टिकट के बजाय वह मोरी का टिकट देते हैं क्योंकि मोरी का टिकट दो आने कम है । हमारा एक आदमी किशन लाल सोसियल वर्कर के साथ ऐसा ही एक वाक्या हुआ । वह मोम-बत्तियां ले जाता था । उसको अम्बाला जाना था लेकिन उसको मोरी का टिकट दिया गया उसने इस बात की रिपोर्ट की और इस केस की तारीख ८ फरवरी मुकर्रर हुई । लेकिन ७ तारीख को पानीपत के कांग्रेस कमेटी के प्रेजिडेंट और मेम्बर के पास बुकिंग क्लर्क और चीफ बुकिंग क्लर्क आये । उन्होंने मिन्नत की और कहा कि कसूर हमारा है और माफ कर दीजिये । उन्होंने कहा कि आपकी दखलि

[मास्टर नन्द लाल]

का एक-एक लक्ष भी ठीक है लेकिन आप हमको माफ कीजिये । कांग्रेस वालों ने कहा कि यह मामला माफ नहीं किया जाता । मुझे रहम आया और मैंने कहा कि हम देखेंगे कि अगर रेल्वे मुलाजमीन अपने आपको दुरस्त कर चुके हैं और पब्लिक सर्विस दियानतदारी से करेंगे तो हम यह सिफारिश करेंगे कि इनको माफ किया जाय । मैंने एक चिट्ठी इन्स्पेक्टर आफ इन्क्वायरी के पास भेज दी कि इस मामले को १२ तारीख तक मुल्तवी किया जाय । ताकि हम इस बात की कोशिश करें कि ये लोग ईमानदारी के साथ काम कर सकें और दियानतदारी से आगे अपना काम करते रहें । यह चिट्ठी उन्होंने इन्स्पेक्टर को नहीं दी । कांग्रेस वाले गैर हाज़र होंगे तो हम इन्स्पेक्टर साहिब को कह सकेंगे कि कांग्रेस वाले वदमाश होते हैं और खामख्वाह रिपोर्ट करते हैं । लेकिन उनको यह मालूम नहीं है कि कांग्रेस वाले कच्ची गोलियां नहीं खेले । वह स्टेशन पर हाज़र हो गये और अपना स्टेटमेंट दिया । इस समय स्टेशन स्टाफ वाले आगये और कांग्रेस वालों को दबाया और कांग्रेस वालों को गालियां देने लगे । मगर आखिरकार जब मामला बढ़ गया तो वह तमाम के तमाम इन्स्पेक्टर साहिब के पैर पड़े और माफी मांगने लगे । उस बुकिंग क्लर्क का अस्ली स्टेटमेंट फाड़ दिया गया और उसका एक नया स्टेटमेंट बनाया गया । इसकी रिपोर्ट मेरे पास किशन लाल ने भेजी । किशन लाल सोसियल वर्कर ने, स्टेट मिनिस्टर साहब को भी चिट्ठी लिखी है लेकिन यह ऊर्दू में है इसलिए शायद उनके पास न पहुंची हो क्योंकि वह लोग क्या करते हैं कि अगर कोई शिकायत करे तो वह शिकायत को बीच में ही दबा लेते हैं और उसको ऊपर तक नहीं पहुंचने देते ।

मैं मिनिस्टर साहब के सामने फिरोजपूर की एक मिसाल पेश करता हूं । वहां पर एक रेल्वे अफसर के बंगले पर गेना के आदमी काम करते देखे गये । और हमारे कांग्रेस के वर्करों ने उन लोगों को काम करते देखा और उनके फोटो भी लिये गये हैं । ये फोटो मेरे पास इस वक्त यह हैं । और उनके नाम भी इन फोटों में लिखे हुए हैं । और ये फोटो रजिस्टरी करके स्टेट-मिनिस्टर के पास भेज दिये गये । मगर वह कहते हैं कि ये हमारे पास नहीं पहुंचे । आजकल इस तरह के वाक्यात हिन्दुस्तान में हो रहे हैं । मैं अर्ज करना चाहता हूं कि इन बातों का कुछ न कुछ इलाज होना चाहिये । अस्ल में चीज यह है कि हम लोग रामराज्य लेकर यहां आये हैं और डेमोक्रेटिक हुकूमत के बजाय हमको ब्यूरोक्रेसी (bureaucracy) की मशीनरी ने घेर लिया है । हमारे स्टेट मिनिस्टर साहब बहुत ही लायक हैं और एक फर्स्ट क्लास डिबेटर भी हैं । उनका फर्न है कि इन चीजों

को खुद देख लिया करें । उन्होंने जिस वक्त चार्ज लिया उन्होंने M. C. As. को लिखा कि वह हर काम करने के लिये तैयार है और जिन चीजों के मुताल्लिक रिपोर्ट करें उनके मुताल्लिक वह तहकीकात करेंगे । मैंने इनको तीन चिट्ठीयां इस वारे में भेज दीं लेकिन मुझे अभी तक एक का भी पता नहीं चला कि उनका क्या बना । यह शिकायतें रिश्वत के लिए नहीं थी । ये रेल्वे की एफीशेन्सी के मुताल्लिक थी ।

मैंने पानीपत से दिल्ली तक रेल्वे में सफ़र करना बन्द किया हुआ है क्योंकि रेल में फर्स्ट, सेकेंड या थर्ड क्लास में सफ़र करें लोग प्रश्नों की बोछाड़ कर देते हैं । हम से लोग पूछते हैं कि हमारी हुकूमत क्या काम कर रही है । मैं इनको इसका एक इलाज बताऊंगा । वह यह है कि स्टेट मिनिस्टर साहब को चाहिये कि वे प्राइवेट तौर पर M. C. As. को साथ लेकर रेलों में सरप्राइज-विजिट (Surprise visit) करनी चाहिये । इससे ऐसा होगा रेल्वे के मुलाजमीन को यह डर रहेगा कि हमारे ऊपर कब भेडियां पड़ता है । इससे बहुत हद तक यह चीज हट जायेगी । इसका नतीजा यह होगा कि ईस्ट पंजाब के रेल्वे स्टेशनों में काफी रिश्वत हट जायेगी ।

स्टेशनों पर तो इस तरह की रिश्वत बन्द हो जायेगी । दफतरो में रह जाये तो रह जाये । जो रिफ्यूजी कान्ट्रैक्टर पंजाब के थे, उनके क्लेमस अदा करने के लिए ७ जून में हुकम दिया गया था सितम्बर में फिर इस हुकम की वजात की गई कि उन्हें वे क्लेमस अदा किये जायें । लेकिन किसी भी कान्ट्रैक्टर को कुछ भी नहीं दिया गया है । इन चीजों में स्टेट मिनिस्टर और रेल्वे बोर्ड का कोई गिला नहीं हो सकता । क्योंकि यहां पर अव्वल से लेकर आखिर तक एक सी ही बात है । इसलिए इसको दुरस्त करने के लिए एक लम्बी ड्राइव (Drive) और कोशिश से काम करने की जरूरत है । अगर स्टेट मिनिस्टर साहब को कांग्रेस की कुछ इज्जत दिल में है, जोकि मैं जानता हूं कि काफी उनके दिल में है । तो उन्हें चाहिये कि वे खाली कागजात को देखकर अमल न किया करें बल्कि हालात को अपनी आंखों से देखकर अमल किया करें । अगर यह ऐसा नहीं करेंगे तो यह राम-राज्य नहीं कहलाया जा सकता । गांधी जी का जो स्वप्न था वह पूरा नहीं हो सकेगा । स्टेट मिनिस्टर साहब पर सब हालत जाहिर है और वह कई साल से इस असेम्बली में काम कर रहे हैं और अब जब कि यह इस कुर्सी पर आये हैं तो उनको चाहिये कि वह इन सब बातों का इन्सदाद करें । मैं इन अल्फाज के साथ अपनी गुस्ताखी के लिए माफी मांगता हूं और आप से फिर यह अर्ज करूंगा कि आपको चाहिये कि आप इस बात का इन्सदाद करें ।

(English translation of the above speech)

Master Nand Lal (East Punjab: General): Before the establishment of our Government in the Punjab it was well known that *Patwaris* while realizing the land revenue used to charge ten per cent. of the same as their *nazrana* and on every railway bill of lading one anna was charged by the railway employees. But after the advent of our National Government the people expected that there would be Ram Raj and all this would come to an end. But this corruption has swelled to such an extent that I feel ashamed in mentioning it. Even after the Congress Government has come in power the dreams of the people have not been realized instead the conditions have still more deteriorated.

In June last the Punjab Government celebrated an anti-corruption week throughout the Punjab. In Panipat also this week was celebrated. But the result was that after this week the chief goods clerk increased the amount of the bribes taken by him on the plea that as an enquiry would be held here against corruption so instead of one anna two annas would be charged for every bill of lading. Out of this sum half would be shared by him and the other half given to the person who would come here to make enquiries. When I came to know of this fact I organised a raid, with the result that on 24th June Mr. Shahani, a First Class Magistrate, caught him red-handed while taking a bribe of Rs. 50. After being caught the clerk stated that he was not at all at fault because he would get only a small share of the money and a major portion would be shared by the higher officials. In other departments bribes are taken individually but in the railway department every one, from top to bottom, gets his proportionate share of the bribes, so much so that stations are even auctioned.

Shri R. K. Sidhva (C. P. and Berar: General): Sir, may I know from the honourable member whether that person has been prosecuted?

Master Nand Lal: I have just stated that he has been caught and Mr. Shahani, First Class Magistrate, himself caught him red-handed. For two months his superior officers kept on hiding the facts and did not suspend him for 2 months, later on the police got him suspended and now the case is in the court. We thought that after this the conditions would improve and in future no such incidents would happen but bribery and corruption still went on. From Panipat trains go to Delhi, Ambala and Jind. If the honourable Minister of State were to see for himself the condition when these trains leave then he would find that regular robberies are committed there and nothing lawful is being done. The police constables and ticket collectors rob the passengers. While issuing tickets they make excuses and instead of issuing tickets for Ambala give tickets for Mori, because the fare to Mori is two annas less. A similar incident took place with Kishan Lal, one of our social workers. He used to take with him candles. He had to go to Ambala but he was given the ticket for Mori. He lodged a report about this and 8th February was fixed for enquiry. But on 7th February the booking clerk and the chief booking clerk approached the President and members of the Panipat Congress Committee. They made entreaties and acknowledged that they were at fault and requested to be pardoned. They said that the application was correct to the letter and requested us to pardon them. The congress people told them that such a matter could not be excused. But I took pity on them and told them that if it would be found that the railway servants have improved their behaviour and if they would perform their duties honestly then we would recommend that they may be excused. I sent a letter to Inspector of Enquiries asking him to postpone the matter till 12th so that we may make efforts that those people may work honestly and perform their duties truthfully. But they did not hand over this letter to the Inspector and declared that if the congress people absented from the enquiry then they would be able to tell the Inspector

that the congress people are hooligans and make reports for nothing. But they do not know that the congress people do not play with mud marbles. They attended the enquiry and gave their statements. Then the station staff tried to over-awe the congress people and began to abuse them. But when at last the matter took an ugly turn then they all began to touch the Inspector's feet and begged to be excused. The original statement of the booking clerk was torn and a new one prepared in its place. Kishan Lal reported the matter to me. The social worker Kishan Lal has also sent a letter to the honourable Minister of State, but as the letter is in Urdu, so it is just possible it may not have reached him; because what the officials do is that if some one makes a complaint they intercept it and do not allow it to reach the higher officials.

I submit before the honourable Minister an example from Ferozepur. There some persons of the gang were seen working at the bungalow of a railway officer. Our congress workers saw these people working there and also took their photos. I have these photos here with me. The names of the persons are also written in the photos. These photos were sent to the honourable Minister of State under registered cover. But he alleges that they did not reach him. Such incidents are happening in India to-day. I wish to submit that some cure for these ills must be found out. The real fact is that we had come here with the ideals of Ram Raj but instead of the Democratic type of Government we have been encircled by the bureaucratic machinery. Our honourable Minister of State is a very capable man and a first class debater also. It is his duty to attend to these things personally. When he took charge he wrote to the M.C.A. that he was prepared to do everything and would make enquiries about everything that would be brought to his notice. I sent him three letters in this connection but I am still in dark about their fate and do not know what happened to them. These complaints were not about corruption and bribery but concerned the efficiency of the Railways.

I have stopped travelling by train from Panipat to Delhi because in whatever class I travel, may that be first, second or third, people begin to shower questions after questions on me. They ask me what our Government is doing. I tell you very simple way out. The honourable Minister of State along with some M.C.A.'S should privately pay surprise visits to the trains. The result would be that the railway officers would always be on the alert lest they might be caught napping. This would ease the situation to a great extent. The result would be that bribery and corruption would, to some extent, be eliminated from the railway stations of the East Punjab. In this way corruption and bribery on the railway stations will be stopped, but if it persists in the offices it may.

An order about the payment of the claims of the West Punjab contractors was issued on 7th June, and in September this order was again clarified that payment of claims be made. But so far nothing has been paid to any contractor. For this the Minister of State and the Railway Board cannot be exonerated, because here from top to bottom the condition is the same. So in order to reform this state of affairs it is essential to make real efforts in this direction. If the honourable Minister of State has in his heart any honour for Congress, which I am sure he has much, then he must not act only on seeing the reports but he must see the conditions for himself and then act accordingly. If he would not do so then this cannot be called Ram Raj. The dreams of Mahatma Gandhi would never be realized. The honourable Minister of State is in the know of all these things. He has been working in this Assembly for the last so many years and when he has occupied this Chair he should try to eradicate this evil. With these words I beg to ask pardon for my arrogance and would again submit that you should try to eradicate this evil.

Shri Prabhu Dayal Himatsingka (West Bengal: General): Mr. Deputy Speaker, Sir, I rise to support the motion to discuss the question of general administration with particular reference to economy. I would like to draw the attention of the honourable Ministers to the figures which will go to show that if a little better supervision is effected and if a little more push and drive is brought into the administration there will be a good deal of improvement even with the present number of wagons and the engines and locomotives that we at present have. The honourable the Railway Minister has in the statement shown that there has been an improvement from the position that the railways had come to. He said that the daily wagon loadings on the broad gauge have improved from 9,800 in June 1948 to 11,267 in December. In this connection I would like to point out that it is not fair—I do not suggest that he has done it deliberately but I would submit that the month of June 1948 is not a happy month for him to have taken for comparison. I will show from the figures published in the *Eastern Economist* recently that in 1945 the total monthly average of wagons loading in class I Railways was 6,52,000—that was of undivided India. Then in 1947 on account of partition and the aftermath of partition the figures went down—they went down so low as 3,40,000 in October 1947. But there is another month namely March 1948 which shows that even after partition and even with the depleted strength of the wagons and the over-aged engines 4,92,000 wagons could be loaded in March 1948. Then we find a gradual deterioration: in April it went down to 4,69,000, in May to 4,18,000 and in June 4,01,000. Therefore there is no justification for taking June 1948 as the basis and to state that there has been an improvement. You will notice that in March 1948, 4,92,000 wagons had been loaded. If that figure could be maintained the railways would be able to move about 20 per cent. more of goods than they have been doing in subsequent months and even now. There is no reason why that efficiency which was obtained in March 1948 cannot be maintained if a little more supervision is exercised and if a little more drive is brought into play. What is therefore necessary is that the officials of the Railway Board should examine these figures from day to day and pull up the station masters or the officers responsible for allowing inefficiency to creep in and to see that the rolling stock or the engines are utilised to their proper strength and in a proper manner.

Another matter to which I would like to invite the attention of the honourable Ministers is that on account of the system of priorities what happens is this. A large number of goods are in the priority list. For instance a number of wagons bring coal from the coal areas to different places. But when they return, because goods which are in the priority list are not available, I am told—I am not sure about the figures, nor will I be able to quote the figures, but that is my information—that the wagons are allowed to return empty and not allowed to carry goods which are not on the priority list. If that be so it needs attention. It may be that if those wagons are allowed to carry goods which are not in the priority list they may be delayed by a day or two. But certainly it will be more economical and it will bring in more money into the coffers of the Railways if these wagons are allowed to carry goods on the return journey even though they may not be in the priority list. That matter should be looked into and if the information I have given is correct some steps should be taken to remedy this defect.

Similarly I notice from an answer this morning that 64,500 claims were pending on 1st January 1949. I drew the attention of the honourable Minister of State for Railways to the delays in disposal and he was good enough to inform me that steps have been taken. This morning also he said that steps have been taken on and from 1st January to dispose of claims very speedily. So far so good. I can speak from my own personal knowledge

that on account of the delay in the disposal of claims the railways have lost very heavily on account of the costs incurred on their own lawyers and on the lawyers of the parties who have had occasions to file suits. Now that steps have been taken I hope the disposal of claims will be attended to quickly and the Railways will be saved from spending money on lawyers, law courts and in having to settle claims at the point of the bayonet.

The Report of the Railway Enquiry Committee also shows that the staff strength is on the high side. I can speak from my own personal knowledge that a very large number of clerks in the different departments in the offices of the railway simply mark themselves present and do very little work. I have watched certain clerks for two hours not writing even a note of three lines. There also my point is that if more supervision is exercised this kind of inefficiency will go and that will save a lot of money in the number of clerks that the Railways have to engage and that will effect economy and save more money to the State.

The same remarks apply to the different workshops, running sheds and others. So far as the workshop at Lilloah is concerned my information is—I communicated it to the Minister of State—the capacity of the Lilloah workshop in 1935-39 was that it could produce about 200 wagons. Of course I find that it did not actually produce so many new carriages, but sixty new carriages were produced in 1938-39. The strength of the Lilloah workshop so far as labour is concerned has, I think, increased very considerably since then. Still you will find that in 1947-48 only thirty new carriages were built and some ambulance carriages and other carriages were reconditioned and reconverted. I think if proper supervision is exercised in the different workshops and the other running sheds and establishments under the railway administration much more work can be produced. If a job sheet or any other method is adopted—I am not a technical man and I cannot say what actually should be done—but if a little more check is exercised we might be saving a lot of money in these workshops and might be producing a lot of more work which will save the necessity of indenting from outside various parts which are required in the different railways. Therefore what I suggest is that the honourable Minister should see that the different officers whose work should be to supervise the different departments in the different Railways bring in more drive and more life into the work so that improvement and economy may be effected, thereby saving a lot of money to the coffers of the State.

Shri B. P. Jhunjhunwala (Bihar: General): Mr. Deputy Speaker, Sir, I must confess I was rather disheartened by the disquietening warning given by the honourable the Minister of State when he said that it is due to the overcrowding and the troubles and inconveniences arising therefrom to which our citizens have got accustomed that we are in a position to present a surplus Budget; otherwise it would not be possible for us to present a surplus Budget; we would have had a deficit Budget. I say rather disheartening because this statement has come from one who has taken great pains in studying the question of Railway Administration both as a legislator of this House and as a journalist. With the scanty information contained in the papers supplied to us it is not possible and I would not hazard a detailed statement thereby showing that surplus Budget even without overcrowding is possible. But I wish to make the humble submission that even under the present circumstances, if little leakages and loopholes are set right and attention is paid and administration is carried on with more vigilance, economy can be effected and a surplus Budget presented even without this overcrowding and inconvenience and troubles to the passengers. Take the instances of the grainshops, last year a cut motion was brought and I understand a Committee was formed, of

[Shri B. P. Jhunjhunwala]

which the honourable Minister of State was a member, and after thorough enquiry, I understand, that in one year it has been found that there will be a saving of about Rs. 15 crores in this.

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): May I inform the honourable member that his estimates are wrong. The actual estimates are Rs. 3 to 5 crores savings?

Shri B. P. Jhunjhunwala: I stand corrected. Let it be Rs. 5 crores. But the way in which the work is going on in respect of purchase of grains by the Railways is, I find from reliable information, such that the railway people go and raise the price of grain at every place with the result that they themselves get grain at a higher price and the market price is also raised. If these purchases are done in a more organised way, with proper vigilance, I am sure much more economy can be effected in this respect.

Then there is another very big item—stores purchases. I understand about Rs. 60 crores worth of stores are purchased every year. I do not know, the process by which these stores are purchased. If proper vigilance is exercised even here, it is not at all difficult to effect at least a saving of Rs. 4 to 5 crores. This morning I put an enquiry in a supplementary question as to the compensation the Railways paid last year against claims and I was told that notice was required for this. I understand this is a very big item and it is a result of corruption which should be checked.

Now, most of the Railways are nationalised and under the Government, I do not see the necessity for having so many headquarters at different places for different railways. These things must be organised in such a way that the headquarters may be located in one or two places so as to administer the railways for the whole of India. This will minimise overhead and other administrative expenses to a very great extent and shall be more efficient.

There are other small items. Yesterday Mr. Chaliha was saying that in coaches we are using steel. Instead of steel, if we use timber, we can save a lot. We shall have no need for importing so much of steel from outside and thus save also our hard currency.

The next thing is about production. We now take the work from the labourers on daily wages. If this is done on contract basis much more efficiency will result and the wage-earners will also get more.

From the statement I find that on the B. N. Railway there was last year a loss of 1.49 per cent. This year the loss is expected to be 3.96. On the E.I. Railway the loss was shown to be 1.5. This year it is expected to be 1.65. In G.I.P. the profits were shown last year as 4.45. This year they are shown to be less. On the M. S. M. Railway, the profit last year was shown as 3.05. This year it is expected to be 1.04. On the O. and T. Railway the profit last year was 2.32. This year it is shown to be 1.4. On the S.I. Railway the profit was shown last year as 4.6 this year it is expected to be 2.32. O. and T. Railway which was known as B. N. W. Railway, before used to make huge amounts of profit when it was under private management. I do not know why the profits of these railways are going down and down and losses are increasing every year though there has been no improvement as regards inconvenience and trouble to the public are concerned.

An Honourable Member: Rise in salaries.

Shri B. P. Jhunjhunwala: Not only rise here, but everywhere. The loss is not so much due to increase in salaries, but want of strict and efficient administration to check leakages. Sir, there are so many other points which have been brought out by other honourable members of the House and I do not want to repeat them and take the time of the House. But I wish to impress upon the honourable Minister of State who is in a position that he should show that economy can be done in the present circumstances; that it can be done even in the present circumstances that we can run the railways with a surplus if the honourable Minister looks to different things. He is getting in desperate mood and say that it is on the necessary comforts required for a person that we can do.

Shri Lal Mohan Pati (Mayurbhanj State): Sir, I was rather bewildered to hear so many things against the Railway Department. But I must nevertheless congratulate the honourable Minister for Railways for showing in the short period that he has been in charge a profit of some Rs. 7 crores. He has efficiently managed the work in various directions.

I submit that new Railways have not been opened in many places where, for the sake of the public, for the sake of the society and for the sake of the Railway itself, it should have been done. I speak particularly with reference to Mayurbhanj which is a district of Orissa. Mayurbhanj is in a peculiar geographical position. In Mayurbhanj there are valuable mineral deposits. Iron deposits have been unearthed. Vanadium deposits have been discovered in enormous quantities. Kaynite deposits have been found in enormous quantities. Similarly China clay. Mayurbhanj timber has acquired a fame and a name in the Indian wood market. Mayurbhanj timber is exported annually to the tune of several lakhs of rupees. So also the oilseeds of Mayurbhanj have a market. Similarly, there is a cotton mill started and work will begin very soon. In various ways, Mayurbhanj may be described as the "Switzerland of Orissa". It is on account of the want of railway facilities that it is in a backward state now. The Metre Gauge railway is now from Baripada to Rupsa in the B. N. Railway. Another railway is from Tatanagar to Badampa. That is also connected with the B. N. Railway. Between these two lines there is no railway line, and again the Metre Gauge is causing great hardship to importers of goods. Goods consigned to merchants in Mayurbhanj passing through Rupsa junction Station to the metre gauge line are invariably found to be pilfered in the course of transshipment. It is a foregone conclusion. At the same time, if a claim is preferred to the Claims Superintendent, no trace is found of the goods nor is any satisfactory reply received from him.

I shall quote one instance. In 1947 an importer of cotton and cloth had consigned several bales of cotton cloth. One of the bales was missing when delivery was to be effected. He did not take delivery and wanted open delivery. Open delivery was given and the bale was found short. He preferred claim to the Claims Superintendent and also the Traffic Superintendent. For six months he did not get any reply. At long last he received a reply saying that the bale was stolen from a running train and the Railway was not responsible for that. You must remember that this bale of cloth was booked at railway risk; still the Railway said it was not responsible. I do not know if there is any authority, any person, responsible for these things. In order to obviate this difficulty, I suggest that a railway line may be opened from Baripada to Tatanagar—a distance of 100 miles. The only expense is, laying of lines. Lands would be available free of cost. In this connection a survey of

[Shri Lal Mohan Pati.]

the line was made in 1945 in the post-war reconstruction scheme of the Government. The members are still with the Department.

have been done, but in 1947 the Government in consonance with the importance of the place, the economic development possible, the new line in that area. This line would give an impetus to the minerals in that area. With these few words

(West Bengal: General): Mr. Deputy Speaker, Sir, I rise to support the motion moved by my honourable friend Mr. Shiva Rao and others. I am glad to have this opportunity of expressing my views on the subject. Sir, after the very outspoken and trenchant speech of my honourable friend Mr. Tyagi, there is hardly anything left for a speaker like myself to dilate upon the particular point of Railway Economy. In his wonderful speech, unique in its own way, Mr. Tyagi has given the Railway Ministry many things to think and act. His vigour and liveliness in oration, his sincerity and firmness of conviction have driven straight in to the hearts of his listeners his points, he wanted to emphasise. I endorse every word that he said and I submit that I have nothing to add to it.

But, Sir, there are some minor matters to which I would now refer. So far as the common man is concerned, travel by train in India has always been a travail. It has never been a very happy and pleasant experience either in the days when the railways were owned by private companies or now when they are owned by the State. The disadvantages and discomforts which were the inevitable accompaniments of a train journey 20 years ago are all still there. The condition of travel of the average Indian who cannot pay for higher class tickets has continued to be the same under a National Government as it was under foreign imperial rule. The same overcrowding of compartments, the same filthy condition of the bath-rooms, the same dearth of water and the same out of order arrangements of light are still to be found, as they were found before when Railways were manned and managed by a foreign people. I admit Sir that improvement in all these directions cannot be effected overnight. I admit Sir, that during the short period for which the present Minister has been in charge of the Railways, and due to the momentous changes through which this country has passed, it is not humanly possible to bring about improvement in any respect. But what drives us to despair and despondency, Sir, is the total absence of any drive or initiative along these directions. Not to speak of amenities and improvements, conditions have deteriorated to such an extent, that the very life and properties of passengers have been endangered. The occurrence of dacoity, murder, burglary and theft in recent months has rendered railway journey a veritable nuisance. About a few months back, a retired railway officer was travelling from Calcutta to Puri with his family. That unfortunate officer and his grown up son were both killed by ruffians, a dacoity was committed upon them, with firearms. Sir, the present Governor of Assam, when he was High Commissioner of India in Pakistan was relieved of his suit-case while travelling by train at night nearabout Allahabad. Again, in similar circumstances, one of the most distinguished members of this House lost his suit-case containing two thousand amendments to the draft Constitution of India, and it is known to every body in this House. Sir, the loss of such a large number of amendments caused much annoyance and disgust to the member, because those amendments were the result of 'many sleepless nights and sleepy days' to quote the phrase of the honourable the Finance Minister. That honourable member had in con-

sequence to burn much of his mid-night oil to reproduce them from his brain. It is not known Sir, how far those amendments helped the burglars to frame their own Constitution. All these incidents have struck a great terror into the minds of the common people, especially the passengers of the higher classes. I would request our Minister to let us know what steps he is going to take in these directions to give protection to the passengers from these dangers.

Sir, the other day, the honourable Minister of State for the Railways referred to the criticism of the House this year as the mildest in the last 16 years. Sir, if the criticisms were mildest, it was not because of the high efficiency and integrity of the Railway administration; but because of the consideration and reasonableness of the members of this House, who took into account the short period during which the Minister has been in charge of the Railways, and the consequences of the last war, and the partition of the country.

My honourable friend, Hari Har Nath Shastri—he is not here—would give me a severe warning as he gave to our honourable friend, Mr. B. Das the other day, for criticising the railway employees in season and out of season. Sir, the reduction in efficiency and the lack of interest in their duties on the part of the railway employees have escaped the notice of nobody. The Indian Railway Enquiry Commission has not only mentioned it, but has made trenchant remarks about this. There is no doubt Sir, that so far as the efficiency and duty is concerned, the railway employees have suffered much. Sir it must also be said to the credit of the railway employees that this reduction in efficiency and lack of interest in duties is not only seen in the Railways, it is not only seen in other departments of Government, but it is found in all the spheres of activities of our national life. I think, Sir, this reduction in efficiency and duty is a feature, which is rather due to the peculiar psychology that has developed in the country with the advent of freedom. The national freedom which was denied to us for centuries and centuries has given rise to high hopes in our minds and not only high hopes but also ideas that, now as we are a full-fledged independent nation, we must have less work and more pay; we must have less responsibility and more right; we must have less duty and more leisure. Our national independence has led us to think that we need not exert ourselves any more, that everything which is necessary will come to us as a matter of course, without our working for it and without our asking for it. However, Sir, ideas have begun to change and it is a matter of great relief that our Government in its short tenure of office has been able to banish from the minds of the people such foolish ideas. It is true, that the process of reduction of efficiency among the railway workers has been arrested and we believe in the assurance that our Railway Ministers have given us, namely, that the upward process, the gradual and laborious process of increasing the efficiency of the Railways will now begin.

I congratulate the honourable the Railway Minister, Sir; he has given us so many verbal assurances and I earnestly hope that those assurances will be translated into action at a very early date.

Babu Ramnarayan Singh (Bihar: General): I thank you, Mr. Deputy Speaker for the opportunity you have given me. I have watched the discussions in this House and also the Railway Administration outside for the past several years, but, Sir, there appears to be no change whatsoever in any sphere of administration. It has been said with satisfaction and pride that the railway trains now arrive at their destinations in time. Yes, Sir, it is true I must admit it, but out of thousands of things, there is improvement in one thing, and for that there is satisfaction. This surprises me: I have with

[Babu Ramnarayan Singh.]

surprise watched this time that chorus of congratulations have been showered on the honourable Ministers for this or that thing, but I am sorry that I feel unable to join in the chorus. I feel doubtful whether they deserve any congratulation at all.

Mr. Deputy Speaker: Why a doubt?

Babu Ramnarayan Singh: But I am also tempted to congratulate them on the fact that they have received so many congratulations, deserved or undeserved. As I told the honourable Ministers in the beginning they must think of what the people want from them and I, on behalf of the people, want from them. The people want to see a change in the administration from the words and conduct of the local officials on the spot. Nobody hears, nobody knows who is the Railway Minister or who is the State Minister. Yet, people see the same kind of officers, the same kind of servants in the same uniform and with the same conduct. The aim of the honourable Ministers sitting here, ought to be felt throughout the whole administration. Sir, in order to frame the railway policy—I do not know what is their policy yet now—they have to study what was the policy of the past Government. The policy of the past Government was certainly the construction and expansion of the Railways in the country to keep people under control and to exploit the people for the good of the Britishers abroad. That was the policy of the past Government, and I do not know whether my honourable friends are following the same policy, because they have got no policy of their own. Sir, at present, I feel that our policy ought to be discussed in this very House, and then framed and followed. Our policy ought to be the provision for journey facilities to the people and for the development of the areas which have not been developed as yet. In short, all that would help to promote the general progress and prosperity of the people as a whole. As I said before, formerly all the Railways of the country were constructed for imperial purposes; local needs were never considered.

I take my own province. It can very well be divided from the point of view of communications existing at present, into North Bihar and South Bihar. North Bihar has nothing to do with South Bihar; so is the railway. I am glad that they are going to construct a bridge on the Ganges; I do not know whether at Patna or Bakhtiarpur; the site has not yet been selected. I know that the site was provisionally fixed at Bakhtiarpur because the cost would be a little less. I would like to tell my honourable friends here, on behalf of the four crores of people of Bihar, that the site must be near Patna and not near Bakhtiarpur. If we are going to satisfy a national need, the cost must not interfere in this matter. If the cost of constructing a bridge near Bakhtiarpur is four crores and if the cost of constructing a bridge near Patna would be six crores, the two crores is nothing; that must not come into account. However, I am glad that a bridge is going to be constructed and I say on behalf of my province that the bridge must be near Patna and the Engineering and other technical experts ought to be definitely ordered that the bridge must be there and not anywhere else.

As I said that my province could be divided into North Bihar and South Bihar, South Bihar again could be divided into two, Chota Nagpur on one side and the other districts of the province on the other side. It appears as if Chota Nagpur is not a part of the province. Just now, I think, my friend Mr. Guha said, it takes 22 hours from Daltonganj to reach Patna. Similarly, some time before it used to take two days from Jamshedpur to reach Patna; however, these days a train runs from Jamshedpur to Barkakhana, from Barkakhana to Gomoh then from Gomoh to Gaya and then to Patna in a roundabout way. It takes a lot of time. There was a proposal—I do not

know what has become of that and I hope the honourable Minister would enlighten me on this—to construct a direct line from Patna to Ranchi. So far as I am aware, some survey also was made; I do not know at what stage that proposal is now. As I said before, the policy of the Government in railway matters ought to be to consult local needs and to satisfy them.

As regards the services in the railway department there are people who say, why do you talk of provincialism, and this and that. There is no question of provincialism. When there is a State concern, it is the duty of the State to provide the people with means of livelihood through that concern throughout the nation. I do not know what is the procedure in the matter of recruitment to the railway services. I say if there is a tinge of justice in the department, recruiting centres ought to be opened in every part of the country.

I shall not take up much of the time of the House; but I must say something about catering. The contract of catering is a glaring instance of bribery in high circles. A big contractor can afford to pay a big bribe; that is the only purpose in giving the contract to one person of Delhi or somewhere else to cater to passengers from Delhi to Howrah and on so many lines and stations. (Shri B. Das: 'Madras, Nagpur and other places.') I ask my honourable friends to change this system here and now. When a line passes through an area, some stations are built and some sort of trade and commerce develop. To enjoy that trade and commerce, I think it is the privilege of the local people there. If there is a station near Gaya, I think all the advantages there should go to the people of Gaya and not to a man from Delhi or from some other part of the country. So far as local vendors to supply to the passengers whatever they want, are concerned, the local people ought to be allowed to do that.

My honourable friend Mr. Nandlal has said a very good thing. I endorse every word that has fallen from his lips and I earnestly request my honourable friends, if I have the courage and strength to speak on behalf of the nation, I call upon them to do two things: to do something in the matter of corruption and to do something in the matter of over-crowding. I know that the railway system is something like a vast ocean and my honourable friends are swimming. Whether they will reach the shore or not, it has to be seen.

Mr. Deputy Speaker: I am glad that they are not drowned.

Babu Ramnarayan Singh: As my honourable friend Mr. Nandlal has said, as Ministers they are big men; if they remain as big men, they will be useless. Let them behave as common men. In disguise like the Rulers of yore, they must go among the people, they must work with them, see with their own eyes what the people are doing and what the people talk about the railway department. Then, they would be able to do something. They must have the dash and the initiative; if they have not these things, they must get them from us today. Only then, they would be able to do anything. I may assure them that I cannot blame them for so many evils in the department. Unless they work with an extraordinary motive and capacity, they would not be able to do anything. As my honourable friend Deshbandhu Gupta told them yesterday, here in Delhi, below the very nose of the Ministers, so much of corruption is going on. I have seen many things in this connection. I shall be proud of them and their achievement if they root out corruption from Delhi. With these words, I would again request them to do something. I know they will do if they convert themselves to common men. If they think they are rulers, Ministers and this and that, they are useless for the country.

Mr. Deputy Speaker: I believe Mr. Anthony and Mr. Naziruddin Ahmad do not want to move their cut motions, but would like to participate in the debate. After Pandit Thakurdas Bhargava speaks, both of them will speak and the honourable Minister would then reply.

पंडित ठाकुर दास भार्गव : माननीय डेप्टी स्पीकर साहब, मैं आपको शुक्रिया अदा करता हूँ कि आपने आखिरी वक्त में मुझको कुछ अर्ज करने का मौका दिया।

[At this stage Mr. Deputy Speaker vacated the Chair, which was then occupied by Shri S. V. Krishnamoorthy Rao (one of the Panel of Chairmen)].

जनाब चेयरमैन साहब, मैं आपको मुबारकवाद देता हूँ कि आप इस कुर्सी पर जिसको पहले बड़े बड़े आदमियों ने मुजय्यन किया है उस पर आज आप मौजूद हैं।

अब मैं बहुत अदब के साथ चन्द Suggestions आनरेबिल मिनिस्टर साहबान की खिदमत में पेश करना चाहता हूँ और उनमें से अब्बल यह है कि जो रेलवे रिपोर्ट हमको पढ़ने को मिली उसका दूसरा पार्ट तो अभी तक मिला ही नहीं जिसमें कुछ फ़िगर्स बग़ैरह दिये होते। लेकिन इसको जो पढ़े तो इसमें एक चीज़ हर मतवा हर एक मेम्बर के नोटिस में आती है। वह यह है कि फ़रवरी सन् १९४९ में जिस चीज़ को हम पढ़ते हैं वह मार्च सन् १९४८ तक की होती है और जो उसका immediate interest इन पिछले आठ दस महीनों का होता है उसका इसमें कोई ज़िक्र नहीं होता है। यह सारे मामले stale होते हैं, जो चीज़ हम देखते हैं उसमें immediate interest नहीं होता। यह मैं जानता हूँ कि जहाँ तक figures का मामला है वह इस साल के नहीं दिये जा सकते, और जहाँ तक फ़िगर्स का ताल्लुक है वह पिछले साल के ही दिये जा सकते हैं। लेकिन जो दीगर मामलात हों उसका ज़िक्र तो होना चाहिये, उसका ज़िक्र तो कम से कम होना चाहिये, क्योंकि उसके बग़ैर उनमें immediate interest पैदा नहीं हो सकता है। इसलिये मैं अदब के साथ अर्ज करता हूँ कि इसके अन्दर इन बातों का ज़िक्र होना चाहिये। इसके बारे में एक और चीज़ जो मैं अर्ज करना चाहता हूँ वह यह है कि मैंने इस रिपोर्ट को तकरीबन शुरू से आखीर तक पढ़ा है लेकिन इसमें कोई ज़िक्र इस बात का नहीं है कि foreign travel के वास्ते यहाँ पर क्या रियायतें हिन्दुस्तान में मौजूद हैं। इसके अलावा इसके अन्दर जो internal travel के वास्ते कोई facilities मौजूद है या आयन्दा दी जावेगी उनका भी कोई ज़िक्र नहीं है। दुनियाँ के अन्दर सारे मुल्कों में सब से पहली चीज़ यह है कि उस मुल्क के रहने वालों को मौका दिया जाता है कि वे अपने मुल्क के मुस्तलिफ़ हिस्सों को देखें और उनके वास्ते facilities दी जाती हैं। मैं यह जानता हूँ कि आजकल यह मुश्किल चीज़ है जब कि इस तरह congestion है कि रेलवेज चाहती हैं कि लोग सफ़र न करें और मैं

चाहता हूँ कि लोगों को सफ़र की facilities दी जायें। तो यह चीज़ out of place मालूम होती है। लेकिन दर असल हमारा यह ध्येय होना चाहिये कि हिन्दुस्तान के मुस्तलिफ़ हिस्सों के लोग कम से कम हिन्दुस्तान को तो देख सकें। मुझे याद पड़ता है कि रशिया के मुताल्लिक एक वक्त मैंने पढ़ा था कि रशिया के अन्दर खास तौर पर कोशिश की जाती है कि मुल्क के वासियों को सारे मुल्क में ट्रेवल कराया जाय, वहाँ के inhabitants को वहाँ का मुल्क दिखाया जाय। मैं जानता हूँ कि हिन्दुस्तान के अन्दर ऐसे मुकाम मौजूद हैं, ऐसी जगहें मौजूद हैं कि जो दुनियाँ के सारे मुल्कों से भी ज्यादा खूबसूरत हैं। लेकिन बहुत लोग नहीं जानते कि हमारे हिन्दुस्तान में क्या क्या चीज़ें मौजूद हैं। जब तक आप यह फ़ैसीलिटीज इंटरनल ट्रेवल में नहीं देंगे और आयन्दा से इस रिपोर्ट में एक पैरा इसके लिये नहीं देंगे तो मैं समझता हूँ कि यह रिपोर्ट नामुकम्मिल रहेगी।

इसके अलावा अफ़सोस यह है कि जहाँ तक रेलवेज के वर्किंग का सवाल है वहाँ तक न तो मैं यह कहने के काबिल हूँ कि मैं मिनिस्टर साहबान को किसी तरह इसका ज़िम्मेदार इसकी खराबियों के वास्ते करार दूँ या इसकी खूबियों के वास्ते उनको ज़िम्मेदार ठहराऊँ। बहुत थोड़ा अरसा हुआ है जब कि मिनिस्टर साहबान ने चाज़ लिया है और उनका पूरा प्रभाव पड़ने का पूरा अवसर नहीं हुआ है। इसलिये मैं इसके बारे में तो कुछ नहीं कह सकता कि हमारे मिनिस्टर साहबान मौजूदा हालत के लिये ज़िम्मेदार हैं। लेकिन जब मैं इस रिपोर्ट में Stock usage, Engine usage and Wagon usage इन तीनों के बारे में पढ़ता हूँ ३२ पृष्ठ पर तो बेशक मैं यह कहने को तैयार हूँ कि रेलवेज से ठीक काम करने के बारे में मेरी तसल्ली नहीं हुई। ५८, ६०, ६१ पैरा के पढ़ने से जाहिर होता है कि रेलवेज का वर्किंग प्रापर नहीं है। मैं यह मान सकता हूँ कि लड़ाई के असर की वजह से आप कुछ नहीं कर सके। लड़ाई से जो नुकसान हुआ उसको पूरा करना आपके अख्तियार में नहीं है कि आप उसको इतने थोड़े अरसे में पूरा कर दें। मैं यह भी मानता हूँ कि इतने अरसे से यह रेलवेज foreigners के सातहत रहीं और उन्होंने अपने फ़ायदे के लिये नका इस्तेमाल किया। यह सब बातें मैं मानता हूँ। लेकिन ताहम मैं यह मानने के लिये तैयार नहीं हूँ कि हमारे वर्कशाप्स जो मौजूद हैं अगर हम उनका भी पूरा यूज़ (use) नहीं करते, बैगन्स जो मौजूद हैं उनका भी पूरा यूज़ (use) नहीं करते और एंजिन जो मौजूद हैं उनका पूरा रिटर्न per mile per day नहीं होता तो मैं इन सब बातों को देख कर यह कहने के लिये तैयार हूँ कि जो हमारे अशखास काम करने वाले हैं वह इन्हीं ज़िम्मेदार हैं। इसलिये मैं सब से पहले यह कहता हूँ कि जब एंजिन मौजूद हैं, जब बैगन्स मौजूद हैं और उनका पूरा रिटर्न

[पंडित ठाकुर दास भार्गव]

नहीं होता, जब रिपेयरिंग शाप्स में काम ठीक तरह नहीं होता और मरम्मत में ज्यादा देर लगती है इसके मानी यही हैं कि रेलवे में एफ़ीशियेंट वर्किंग (efficient working) नहीं है।

इसके अलावा जो चीज़ में अर्ज करना चाहता हूं वह यह है कि जो रिपोर्ट नक्कायरी कमेटी ने दी है उसके Summary of Conclusions के दूसरे और दूसरे पैरा को पढ़ कर मैं यही कह सकता हूं कि दर असल हमारे रेलवे सिस्टम में बहुत बड़ी खराबी है क्योंकि उस रिपोर्ट में लिखा है कि ब्राइट फ्यूचर (bright future) नहीं दिखाई देता और अगले पैरा में लिखा है कि लेबर और स्टाफ़ भी slack है। मैं इस चीज़ को कि लेबर slack है निहायत ही दुख व फिक्र से देखता हूं। आपने यह बात कई मर्तबा सुनी है कि लेबर का दिल काम में नहीं है, यह एक ऐसी चीज़ है जिसका अगर इलाज नहीं किया गया तो बड़ी खराबी होगी। इसी तरह अगर स्टाफ़ भी खराब है और स्लैक है तो मैं नहीं समझता कि वर्किंग किस तरह सुधर सकता है। मैं इस खराबी को मिनिस्टर साहबान को attribute नहीं करता। लेकिन ताहम मैं यही कहूंगा कि चाहे कितने ही अच्छे हों जब तक कि आप राइट (right) स्परिट (Spirit) इनफ्यूज (infuse) नहीं करेंगे, स्टाफ़ आपके साथ कोआपरेट नहीं करेगा तब तक आपके काम में प्रोग्रेस नहीं हो सकती। लोग शिकायतें करते हैं। लेकिन जब मैं इसमें देखता हूं कि लेबर स्लैक है और स्टाफ़ भी स्लैक है तो फिर मैं अपना दिल थाम नहीं सकता। मुझे ट्रेड यूनियन के एक शख्स ने कुछ फ़िगर्स दिये और कुछ बातें बताईं। मैं उनकी थोड़ी सी शिकायतें आपके सामने इस लिये रखता हूं कि वाकई उनके साथ कितनी ज्यादाती होती है। एक शख्स ने आ कर बताया कि अगर कोई शख्स जो उसकी वैजेज़ मुकर्रर हैं उनको उसी दिन नहीं ले लेता तो उसको फिर वह नहीं मिल सकती। उनको वैजेज़ फिर सात सात आठ आठ महीनों तक नहीं मिल सकती। उस गरीब आदमी की वैजेज़ के arrears क्यों अगले महीने की तनखाह के साथ नहीं दिये जा सकते। मेरे पास एक ट्रेड यूनियन का आदमी आया और उसने मुझे ७१ चिट्ठियां दिखाईं जो कि लिखी गई थीं लेकिन उनका कोई जवाब नहीं आया।

अपील्स के बारे में मिस्टर एन्थनी ने आपकी विदमत्त में पेश कर दिया है, जैसा कि हर साल जिक्र किया जाता है। जो शख्स कि सज़ा देता है उसी के रिमावर्स के साथ अपील आगे भेजी जाती है और अपील करने वाले की कोई सुनवाई नहीं होती। आप उस तरह क्यों नहीं करते, जैसा कि पोस्टल-डिपार्टमेंट में किया जाता है। आप चाहे इन्साफ़ करें चाहे न करें लेकिन हर

शख्स को यह महसूस होना चाहिये कि उसके साथ इन्साफ़ किया जा रहा है। आपके अपील्स के प्रावीज़न्स बिल्कुल ग़लत हैं।

एक किस्सा मैं आपको सुनाऊं। रिफ्यूजीज के लिये यह हुक्म हुआ था कि उनको तीन महीने की तनखाह एडवान्स दे दी जाय। पांच या छः रिफ्यूजीज ने १८ फरवरी को दरखास्त की कि उनको तीन महीने की तनखाह एडवान्स दे दी जाय। उनकी दरखास्त अगस्त में कन्सीडर (consider) हुई और उस पर हुक्म हुआ कि उनको एडवान्स दे दिया जाय और उनकी तनखाह से एक खास परसेंटेज के हिसाब से काट लिया जाय। उनकी सितम्बर और अक्टूबर की तनखाह से वह परसेंटेज तो कटने लगा मगर लोन उनको नवम्बर में मिला। हम लोग किस्सा सुनते थे कि कहीं आग लगी तो ६ महीने बाद हुक्म दिया गया कि आग बुझा दी जाय। यह वैसा ही किस्सा है। आप देखें कि इन रिफ्यूजीज की क्या हालत है। लोन तो पीछे मिलता है पर तनखाह पहले से कटने लगती है।

इसके अलावा आप देखें कि आपका स्टाफ़ के साथ क्या बरताव है। ई० पी० आर० के कुछ गाड़ों ने शिकायत की है कि उनके अलाउन्स में कोई फर्क नहीं किया गया। बहुत से गाड़ों को तो पहले के मुकाबले में कम अलाउन्स मिलने लगा है। क्या इस तरीक़े से आप लेबर के साथ खेलना चाहते हैं।

अभी हाल में हमारे मिनिस्टर आफ़ स्टेट साहब ने ग्रेन शोप कमेटी की रिपोर्ट के २९ पृष्ठ पर फैसला किया था कि ग्रेन शाप्स के सिलसिले में एक जाइंट बोर्ड बनाया जायगा और उसमें यूनियन के दो रिप्रेजेंटेटिव होंगे। लेकिन एक और बड़े अफ़सर साहब ने यह फैसला किया कि उन दो में से एक शख्स ऐसा होगा जिसे वह खुद मुकर्रर करेंगे। जब एक मिनिस्टर हुक्म देता है तो क्यों किसी अफ़सर को उसके हुक्म के साथ खेलने दिया जाता है। यह ऐसा सलूक है कि जिसको कोई भी मानने को तैयार नहीं हो सकता।

इसके अलावा जिन रेलवे मुलाजमों ने आउट आउट (opt out) होने का फैसला किया है उनको सिविल कंट्रोल रेट पर अनाज नहीं मिलता है। हालांकि यह इकरार किया गया था कि सिविल कंट्रोल भाव से मिलेगा।

इसके अलावा आप मुलाहिजा फरमायें कि जी० आई० पी० और ई० आई० आर० ने रिफ्यूजीज के साथ यह रियायत की है कि जिनके पेनशन व प्रावीडेंट फंड के कागज़ात अभी पाकिस्तान से नहीं आये हैं उनको सरविस

[पंडित ठाकुर दास भार्गव]

में रखा जाय जब तक कि वह कागजात न आ जायें। लेकिन ई० पी० आर० में जहाँ सबसे ज्यादा रिफ्यूजीज़ हैं, उनको इस रियायत से भी महसूस कर दिया गया है। यह चीजें दरअसल ऐसी हैं कि उस आदमी पर जिसको कि यह affect करती हैं जरूम का काम करती हैं। जब तक आप में और लेबरर्स में मुहब्बत पैदा नहीं होगी और जब तक आप उनके साथ इन्सानियत का बरताव नहीं करेंगे तब तक आप कितना ही अलाउन्स दीजिये, उसका कोई असर नहीं होगा। आप लेबर के साथ इन्सानियत, भलमन्साहत और generosity का सलूक कीजिय ताकि उनको यकीन हो कि लेबर और अफसर सारे एक ही महकमे के आदमी हैं। और तभी वह दिल लगा कर काम कर सकेंगे। आज हम कहते हैं कि सबको बराबर opportunities दी जाय। हमने कांस्टीट्यूशन में भी यह पास कर दिया है कि सबको बराबर अपाचूनिटीज़ दी जायेंगी। मैं आपसे यह अर्ज करूंगा कि अगर आप ऐसा करना चाहते हैं तो आप यह ख्याल करें कि हर आदमी को यह अपाचूनिटीज़ मिलें, सिर्फ बड़े आदमियों को ही नहीं। अगर आप सारी चीजों में डिमाक्रेसी को फैलायेंगे तो यह जो हालत है वह जाती रहेगी। आज हमारे मुल्क के अच्छे से अच्छे आदमी, मोस्ट डिस्टिंग्विश्ड (most distinguished) आदमी मिनिस्टर हैं। अगर अब भी यह नहीं हो सकता तो मैं नहीं जानता कि यह कब हो सकेगा। मैं इस उम्मीद के साथ बैठता हूँ कि अगले साल में हमको आपकी स्टीवार्डशिप (stewardship) के पूरे फायदे मिलेंगे और हम अगले साल आपको म्बारकबाद पेश करने के काबिल हो सकेंगे कि आपने बहुत अच्छा काम किया।

(English translation of the above speech).

Pandit Thakur Das Bhargava (East Punjab: General): Mr. Deputy Speaker, Sir, I am thankful to you for having given me an opportunity to say something at the fag end of the day.

[At this stage Mr. Deputy Speaker vacated the Chair, which was then occupied by Shri S. V. Krishnamoorthy Rao (one of the Panel of Chairmen).]

Mr. Chairman, I congratulate you on your occupation of this Chair which has been previously honoured by very very prominent persons.

With all due respects, I would now like to place a few suggestions before the honourable Ministers. Firstly, we have not as yet been supplied with the second part of the Report on the working of the Railways already sent to us—which would have contained some figures etc. But whoever goes through this once, one thing surely comes within the notice of every member, viz. that what we read in February 1949 that gives information only upto the end of March, 1948, and it does not at all contain any mention about the immediate interest which crops up during the intervening period of the last eight or ten months. All these matters have become stale and there is nothing which is of immediate interest from our perspective. I know this that so far as the question of figures is concerned, these cannot be shown for the current year and could only be given in respect of the preceding year. But some mention should

atleast be made so far as other matters are concerned because in the absence thereof no immediate interest can possibly be created therein. I would, therefore, respectfully submit that all such things should be dealt with in it. Another thing which I would like to say in this connection is that I have almost gone through this Report from beginning to the end. But this does not contain any mention about the amenities available here in India in respect of the foreign travel. Apart from this, it does not also contain any reference to the existing internal travel facilities or those that would be provided for in the future. The first and foremost thing which is done in other countries of the world is that the people living there are afforded an opportunity to visit different parts of their country and they are provided with necessary facilities. I do realize that now-a-days it is a difficult problem when such a state of congestion exists and the Railways want that people should not travel; whereas I urge that people should be granted travelling facilities. So this appears to be out of place. But as a matter of fact we must have an aim that the people living in different parts of the country should have an opportunity to see India atleast. I remember that once I read about Russia that special efforts are made there to ensure travel facilities to its inhabitants by taking them round the whole of their country. I know that there exist in India such places as surpass in their splendour and beauty those of any other country in the world. But many of the people do not know as to what things exist in our country. So long as you do not provide these internal travel facilities and include a para to this effect in the future Report, I take it that this report would be quite an incomplete one.

Apart from this, it is a matter of regret that so far as the working of Railways is concerned, I am not in a position to hold responsible the honourable Ministers in any way either for its merits or demerits. It has not been long since the honourable Ministers have taken over charge and they did not have enough opportunity to exert themselves. Therefore, I cannot say anything in this direction that the honourable Ministers are responsible for the present state of affairs. When I read about the usage of stock, engines and wagons at page 32 of the Report, I am undoubtedly prepared to say that I do not feel complacent with the proper working of the Railways. I agree that you could not do anything on account of the post-war effects. It is not within your power to make good the losses sustained during the war in such a short period. I also do agree that these Railways had remained under the control of foreigners for a pretty long period and they exploited them for their benefit. I admit all these factors. Still if we do not make full use of our existing workshops, wagons and engines and fail to secure their full return per mile per day, then I am prepared to say that our workers are solely responsible for this. Therefore the first thing that I would like to say is that when we have got engines and wagons which do not yield the full return, when work is not being properly executed in the Repair Shops and serious delays occur in carrying out the repairs, all this shows that Railways are not working efficiently.

Apart from this another thing which I would like to submit is that after going through Paras 2 and 3 of the summary of the conclusions contained in the Report of the Enquiry Committee, I can say that our Railway system is very much defective indeed, because it has been stated in that Report that there are no prospects of a better future. And it has been further pointed out in the next para that labour and staff are also slack. I am constrained to view with great anxiety and concern that labour is slack. You have heard so many times that the labour have got no heart in their work. If no steps are taken to remedy this state of affairs, it is bound to entail serious repercussions. Similarly if the fault rests with the staff also and they are slack, I fail to understand how can we improve the working conditions? I do not attribute this defect to the honourable Ministers. Nevertheless I would submit that however good you might be, until and unless you infuse the right spirit in the

[Pandit Thakur Das Bhargava]

labour, the staff will not co-operate with you and you cannot make any progress in the realization of your object. The people do complain. But when I find that both the labour and staff are slack, then I cannot suppress my feelings. A certain member of a Trade Union supplied me with some figures and told me a few things. I would place before you some of their complaints just to show you that now much injustice is indeed done unto them. Somebody told me that if any person fails to receive his fixed wages on the very day, these cannot be disbursed to him again. The wages cannot thereafter be paid to them for a period stretching from seven to eight months. Why can't the arrears be paid to that poor man along with his pay for the subsequent month? A certain member of the Trade Union came to see me and showed me 71 letters which were stated to have been written, but none of these could elicit any reply.

In regard to the disposal of appeals, my honourable friend Mr. Anthony has as usual explained to you the whole position. The appeal is forwarded to the higher authority along with the remarks of the person awarding the punishment and the appellant is not heard. Why don't you follow the procedure observed in the Postal Department? You may or may not do the justice but everybody should have the consolation that he is being justly treated. The provisions contained in your Appeal Rules are quite absurd.

I may just relate to you a short story. Orders were issued that the refugee staff should be paid an advance amounting to three months pay. On the 18th February, five or six refugees applied for an advance of three months salary being granted to them. Their applications were considered in the month of August and orders were passed thereon that they should be paid the advance and the recovery towards its repayment made from their salary at the rate of a certain percentage. The recovery based on that percentage was enforced from their salary for the months of September and October, but the loan was actually paid to them during the month of November. We people had heard of the tale that a fire broke out at a certain place and orders were issued after the expiry of six months that fire should be extinguished. This is also the same story. You may just see what is the condition of these refugees. The recovery precedes the actual payment of the loan.

Apart from this, you should look to the treatment meted out to the staff. Some Guards on the E.P. Railway have complained that no increase has been made in their allowances. Many of the Guards are being paid comparatively lesser allowances than before. By adopting these tactics, do you want to exploit the labour?

Till recently, our honourable Minister of State had given a decision which is contained at page 29 of the Report of the Grainshops Enquiry Committee that a joint board should be constituted to run the grainshops and that would consist of two representatives of the Labour. But another big boss gave a decision that one of these two persons would be nominated by him. When any Minister passes orders, why a subordinate officer is allowed to meddle with it? Nobody is going to tolerate such a treatment.

Apart from this, those Railway employees who have decided to opt out are not being supplied with grains at the civil controlled rates although a decision to this effect was arrived at.

Further I would like to tell you that the G.I.P. and E.I. Railways have granted this concession to the Refugees whose Pension and Provident Fund Accounts papers have not as yet been received from Pakistan that they should

be allowed to continue in service till such time as their papers are received. But on the E.P. Railway which employs the largest number of refugees, they have been deprived of this concession. As a matter of fact such things afflict the affected person like a wound. So long as you do not establish mutual concord with the labourers, whatever amount of allowance you might grant, it will not produce any lasting effect. You should treat the labour with humanity, gentlemanliness and generosity so that both the labourers and the officers may feel confident that they form part and parcel of one and the same Government; and then only they would be able to work in right earnestness. To-day we emphasize that equal opportunities should be afforded to all. We have also made provision to this effect in our Constitution that equal opportunities would be given to all. I would, therefore, urge that if you want to pursue this policy, then you should see that every person is given an opportunity and not only the big ones. If you instil the creed of democracy in all matters, then the present conditions will no longer continue. To-day, the ablest and the most distinguished persons of our country are working as Ministers. If this cannot be accomplished now, I really fail to understand as to when this will be done? Before I resume my seat, I express the hope that by the next year we would derive the full benefit of your stewardship and then be in a position to congratulate you on your having done excellent work.

Mr. Frank Anthony: Mr. Chairman, comparatively few of the grievances of railwaymen have been voiced before this House and in the few minutes at my disposal I propose to touch briefly on what I feel are the major grievances, legitimate grievances, which are agitating the railwaymen today.

I feel I ought in passing to offer a word of congratulation to the previous speaker. His was the first voice I have heard in this House asking for a fair deal to railwaymen. It is axiomatic that our chief problem today is to secure the willing cooperation of labour. I tell the honourable the Railway Minister here that if they desire that cooperation they must deserve it. Do you deserve the confidence of railway labour? I say it without any qualification that you have not deserved the confidence of railway labour and if you persist in these policies you will continue not to get their confidence or cooperation.

I would refer briefly to the urgent need of doing away immediately with the present prevailing abuse of the system of selection. I have begged of you and I ask you to listen to me that for the sake of the railway administration substitute for this system of selection the old system of seniority *cum* selection. The present system and the abuses to which it has lent itself has the most demoralising effect on the railway administration. I think it is true without qualification. As a result of this abuse of the present system the poor railway men are suffering under a sense of frustration and bitterness without any heart in their jobs. What happens? Ten men with equally good records have their names sent up for selection finally the man lowest on the list, a man the most junior on the list, who has not worked alongside the rest, is pitchforked over their heads. The other nine men who have been superseded are working today with a sense of bitterness and frustration without hearts in their jobs: they are just carrying on until they can earn their provident fund. This is what is destroying the railway administration. If you call for a ballot of some description today I can guarantee that 99 per cent. of the men who are subject to this system will ask you to abolish it immediately.

What is the obstacle? What is the reason why you are not abolishing it? Because your senior officers do not want a powerful instrument of patronage to be taken out of their hands. They do not want this opportunity to practise nepotism to be taken away from them: they do not want this convenient

[Mr. Frank Anthony]

avenue of putting in their curly-headed boys, their relatives near and distant into plum jobs, to be taken away from their hands. That is the only reason why your senior officers ask you to continue the present system which is being increasingly abused.

I wish to say a word about railway labour organisations. I feel that it is a very unhappy habit for the railway administration to single out a particular railway labour organisation and to deal with it exclusively as if it was the sole spokesman for railway labour. It is an unfortunate habit, it is an unfair habit. By continuing this habit the railway administration places a premium on the trouble-making propensities of a particular railway union. I say it without any qualification that there is no union today which can claim to have the following of all railwaymen throughout the country. Do you think that because one particular railway union calls for a strike ballot, one particular railway union says that it will call for a strike that it will be able to implement that strike and paralyse the railway administration? No. But because you choose to single out a particular union because you practice favouritism you get jittery. The whole railway administration gets jittery, the whole country gets jittery because one particular union threatens to call a strike. I know that railwaymen are bitter and they are rightly bitter but the railwaymen are not anxious to go on strike. I can assure the Railway Minister that there is a hard core of railwaymen running into tens of thousands who are not anxious to strike. They only want a fair deal from you. Are you prepared to give that fair deal to them? I ask you, I plead with you not to try and adopt methods of bullying and intimidating them into giving up their legitimate grievances. I ask you also not to go in for this process of back-scratching a particular union. Railwaymen may not have much education but they have a robust common-sense in general and avoid like poison any union which they regard as a stooge of the Government. A railwayman will refuse to join it if he thinks that its leaders are backscratchers, toadies and stooges of the Government. But I find that this process is going on. I find, Sir, that the railwaymen are prepared to join unions which are not stooge unions. But what are you doing? You are all the time giving grist to the Communist mill: you are driving these railwaymen into the arms of extremists and Communists unions. It is because of that very recently I accepted the presidency of the oldest union in the country. I have found proof of what I am saying in the fact that railwaymen of all classes, of all communities, railwaymen of all sections are flocking to it, because they want a healthy trade union movement in this country. They do not want any stooge organisation: They do not want any irresponsible organisations, they do not want any mushroom organisations, organisations which are mere creatures of the Government, they want organisations which give them real trade union benefits, organisations which will not every now and then ask their men to go in for strike ballots or to threaten strikes. The railwaymen do not want these. They want healthy trade unions. Because Government should not encourage a stooge union or a mushroom union, which has a subscription of two or four annas as a membership fee. These two anna and four anna unions cannot subscribe to the basic principles of healthy trade unionism. They have necessarily to live on shrill, rancous promises and wild denunciation of the Government.

Sir, I shall refer to another matter which has caused a good deal of bitterness among the class II officers. I say this that the class II officer today without exception feels that he is being deliberately discriminated against. Formerly there was what was known as the Lower Gazetted Service. The men in the Lower Gazetted Service were in an anomalous and invidious position: they were officers with a permanent brand of subordination; they were branded as *pariahs*. The railway administration at one time decided to

abolish the L.G.S. But what do we find today? The railway administration has virtually introduced the L.G.S. throughout the Railways. Even on such Railways as B.N.R., B.B. and C.I. and O.T., where there was no L.G.S. class II has been introduced. I say this without qualification that these officers, to brand him as a *pariah*—as a class II officer. Your class II officers I officer. They feel that the class I officer is making class I into a preserve for the class I officers and that he intends to keep the class II man as an inferior officer, to brand him as a *pariah*—as a class II officer. Your class II officers are the men who have been through the mill; they form the backbone of your administration; take them away and your administration will fall like a house of cards. I plead with the Railway Minister to do away with this class II immediately. By all means have a junior and a senior class. But don't justify it by saying that the Pay Commission recommended a class II. The Pay Commission did not suggest it. I have only had seven minutes.

Mr. Chairman: He has had twelve minutes

Mr. Frank Anthony: I started at quarter past four exactly. If the Pay Commission recommended a class II it did not mean that a class II should be inserted where it did not exist. The former system on the B.B. and C.I. and S.M.R. was working with good results. Have a junior and senior scale if you like—the direct recruit and the promoted man. The complaint is also made that not enough vacancies are reserved for the promoted man in class I. This is a direct violation of a recommendation of the Pay Commission. We ask that ample opportunities should be given to able subordinates to be promoted to the highest rungs. It is felt that the class I man is trying to keep the class I appointments as a preserve for the directly recruited man that he is squeezing out the promoted subordinate. I am not talking of persons belonging to any particular community when I say that Class II officers tell me the test would come if you give them the opportunity of premature retirement: they will retire *en bloc*. I was talking to a Madras officer on the G.I.P. Railway recently and he told me "I want to serve the Government of Independent India, but I do not want to be treated as a *pariah*. Today if I am given an opportunity I will retire prematurely". That is the feeling of all your class II officers.

I referred briefly two days ago to the position with regard to the revised scales and allowances of running staff. I mentioned in my speech at the general discussion of the budget that the application of these new scales has led to the lowering of emoluments in certain cases. I may tell you that I have received general complaints from every railway—the M.S.M., the S.I., the East Indian, the B.N.R., G.I.P. and B.B. and C.I. In all these Railways men have already drawn less under these revised scales than they were drawing formerly. I ask you to look into this matter betimes. The running staff today, because these revised scales are hitting them adversely, are forming their own organisations perhaps under Communist influence. They will hold the country to ransom if you do not look into what they regard as their legitimate grievances.

In this connection I want to draw pointed attention to one of the provisions in this revised system of rules. It is with regard to classification of recruitment and promotion between literates on the one side and illiterates and semi-literates on the other. I am sorry to say it but I feel it is a classification which was actuated by the motive to strike at members of my community. Those who have passed Matriculation, say, by one mark are to be regarded as literates and all others are to be regarded as semi-literates and given entirely different rates of pay and different avenues of promotion. Do you mean to say that a

[Mr. Frank Anthony]

boy who has studied upto the Senior Cambridge is a semi-literate while a boy who has passed Matriculation is literate? Do you mean to say that a boy who has failed by one mark in Matriculation is semi-literate while a boy who has passed it by one mark is literate? In countries where standards of efficiency are the highest in character—in England, in Canada—they do not ask for Junior and Senior Cambridge qualifications for this sort of jobs. One of the reasons why the efficiency on railways has fallen is the fetish for paper examinations and paper qualifications. By all means ask for first-class Graduates for your Foreign Service. But do you expect people with first-class marks to fill successfully the jobs of firemen and drivers? What is happening today? You are getting men with clerical complex, men who cannot do practical work, hard physical work. You are pitchforking them into these kinds of jobs. A senior Hindu officer on the railway told me "A serious accident had taken place and I called a third class Graduate and told him 'Go immediately and report to me'. He said 'Sorry, I must have a bath first'. I told him 'If you don't go now I will give you the bath here and now'." That is the complex. You do not want these people with paper qualifications for these kinds of jobs.

I have two more points to cover. I will be able to do it in three minutes. At the time when railway employees were asked to opt for either Dominion—I have got the specific communique—they were told they could opt provisionally for either Dominion and they were also given specific guarantees that a provisional option would not affect their grade, posting and prospects in any way. But what has been done? Men who opted provisionally for Pakistan but finally for India, men who never left India but carried on working here, have been penalised today. They have been re-employed. A deliberate violation of this guarantee, a deliberate breach of faith has been perpetrated by the railway administration.

Shri Jaspal Roy Kapoor (U.P.: General): That showed where their sympathies lay.

Mr. Frank Anthony: This remark from my friend shows a false mentality. When these men opted they were not given any powers of pre-vision, they were not to know that killings would take place. They opted long before August 1947. Thousands of Hindus, Sikhs and Christians who had their homes in Pakistan and who could not foresee the killings and the strained relations which ultimately supervened, opted for Pakistan not because of political sympathies with Pakistan but because of their homes being there. Before the division and killings took place they made this personal option. Now you penalise them. Some of their families have been driven out. They have come here. They finally opted for India and you are penalising them.

Shri Jaspal Roy Kapoor: That obviously shows that they subordinated the interests of this country to their personal interests.

Mr. Frank Anthony: My friend does not understand. They opted not for any political reasons at all. I have got one minute more.

Mr. Chairman: You have taken fifteen minutes.

Mr. Frank Anthony: It is only 13 minutes. I don't wish to differ from you. I would just refer to one other case. Persons who opted provisionally for Pakistan went to Pakistan and finally opted for India. In their case, by all means, investigate their antecedents. If it is found that their absorption into permanent service is undesirable, get rid of them. But be fair. Don't blindly accept police reports. To get rid of a Christian corrupt police officer may make false reports. Give them a chance. A case came to me and I dealt with it with one of the members of the Railway Board. He refused to

disclose the facts. The whole career of the man has been destroyed. He was given no opportunity to vindicate himself. If the report is true dispense with him. But why not give him the same treatment which has been accorded to all other government servants. An ordinance has been issued that the Governor-General is empowered to discharge anyone found to be undesirable for security reasons. He is discharged and given compensation. Why do you single the railwayman out and remove him without assigning any reasons? All rights to compensation have been taken away.

There are one or two other matters but I have not got the time. I do plead once again that the Railway Minister will deal with all these matters that I have raised in a sympathetic manner.

Mr. Naziruddin Ahmad (West Bengal; Muslim): I would like to know how much time would be available to me.

Mr. Chairman: Ten minutes.

Mr. Naziruddin Ahmad: At this far end of the day I will not tire the House by showering congratulations on the Railway Minister. He has done what was expected of him, namely to present a very honest, simple and a straightforward budget. But with regard to certain aspects of the Railway administration, I like to refer to briefly. One is corruption.

Sir, corruption is more deep-rooted than would appear on the surface; it is ingrained in the public, it is also in the public officials. There are many who like to co-operate with the administration, but then if any acts of corruption are brought to the notice of higher officials no serious notice is taken. If any information is given it is not pursued or acted upon. Few people have the opportunity of corresponding with the Ministers or with the Railway Board on corruption. Many businessmen are afraid that if they give information however confidentially they may be treated here, somehow or other it will leak out and they are unwilling and afraid to incur the displeasure of the officials.

Take the case of ticketless travel. I don't think any information is needed here. Any official—trustworthy official—may stand at the gate where tickets are collected at any station. He will be met with a familiar scene, namely that hundreds of people go out without giving any ticket, without anyone asking for the ticket; the man at the gate stands unconcerned in an attitude of benevolent neutrality; he is not concerned—men go and come without any let or hindrance.

I once was asked to examine this situation in the railway station at Burdwan. I found people were going out without giving any ticket, without anyone asking for it. Then I wrote to the Station Master and after a long waiting a surprise raid was arranged by the Police Superintendent and the District Magistrate, and the Station master checked the gate for one train for half an hour. Several hundreds were found without tickets; they were dealt with adequately on that day, but this vigilance was not repeated. That is why people get tired of giving information. This can be verified any day and I believe this has much to do with economy. If we can prevent ticketless travel it will be a great thing and honest people will co-operate. It is easy to tackle this but it is not being tackled properly. It will if tackled, solve your finances very easily and solve much of your difficult problems.

With regard to thefts a reference has been indirectly made to it. (*An Honourable Member:* 'Now you come to pour attache case'). Sir, I was the unfortunate victim of a burglary in a railway train. In fact, when I woke up during the early hours, I found the window which had been securely locked from within, was halfway down and through the small opening two bags were stolen including some draft amendments to the Constitution. (*An Honourable*

[Mr. Naziruddin Ahmad.]

Member: To our great relief. I believe that the theft had much to do with the shape of the future Constitution and had a constitutional significance.

The Honourable Shri N. Gopalaswami Ayyangar: May I ask the honourable Member what value he places on the property he lost?

Mr. Naziruddin Ahmad: Not much, but they would have probably shaped in an insignificant manner the future Constitution. Sir, railway travel at night is a dangerous job at particular places. When I woke up, I gradually realised that I was the victim of a theft. Then I called several station authorities at stations where the train stopped; nobody was in a mood to take any notice. Ultimately I practically forced one constable to come to my compartment and then he travelled with me for some time. I gave him a written complaint and that was ultimately carried to the station concerned. There I gave a kind of threat that the bags contained very important papers relating to the Indian Constitution and the Constituent Assembly and if possible they should be sent to me. I got back some waste papers and a torn bag were sent to me. They were found near the outer signal of Madhupur on the E.I.R. But the valuable papers were lost. It is suspected that the thieves were hired by the Government in order to remove the amendments!

With regard to railway workers and officials, a word is due. I think railway labour to a large extent, is exploited upon. They have grievances, but that is magnified and much capital is made out of them. I believe, as Mr. Anthony has said—he has large experience—that they should be dealt with fairly and squarely. It is by this means that you can make them come under the influence of desirable persons. Labour is a very delicate problem today, and I do not desire to say anything today which might prejudice the issue. In fact, one must congratulate the railway labour in having decided not to strike at this critical moment, but I believe their case should be sympathetically dealt with.

With regard to other officials, guards, drivers, and firemen etc., I am informed that the revised pay scale has been so manipulated or so constituted that their former pay has in many cases been reduced. They have a grievance in this matter and I think it deserves the sympathetic attention of the honourable Minister.

With regard to economy the expenditure is mounting. The pay scale is very high at the top. There is no sign of any attention being paid to reduce them to proper proportions. I believe that the pay scale should be revised on an all-India basis. They should not be considered as the pay of certain classes of railway officials. In fact, there are many public servants who are underpaid—some are overpaid. They should be revised throughout India on one uniform scale. The Government should try to set different standards for different classes of people and pay them a basic pay and then make further pay dependent upon the extra labour or extra efficiency. It should be tackled on a long-term basis.

With regard to third class coaches, I listened to the speech of the honourable the Minister of State with some amount of nervousness. The honourable Minister has said that he was taking good care to build more third class coaches. But the honourable the Minister of State struck a very doubtful note that it was by overcrowding, by a shortage of third class coaches, that the railway makes a profit. Somehow or other he stopped there, and it seemed to me that the policy, the real internal policy of the railway is not to build third class coaches so that they would profit by overcrowding. Otherwise I find no reason.....

The Honourable Shri K. Santhanam: I made it clear that we are taking all possible steps to increase the production of coaches and I stated that we are aiming at a target of a thousand coaches per year in the next five years.

Mr. Naziruddin Ahmad: Those are the usual promises but in view of the threat uttered from a responsible quarter that the railways are making a profit only because they don't utilise sufficient number of coaches, overcrowding becomes a benefit to the railway finances. It was this emphasis on the profit side that made me a little nervous. Sir, I submit that the different aspects of these questions should be carefully attended to. As a simple, straightforward gentleman, an honourable member of the House, namely, Babu Ramnarayan Singh, has plainly put it to you, "Do something; remove corruption from Delhi or from one station." It is not a proper thing to wait till some information reaches you. That was the attitude of the foreign government. It should not be the attitude of our own popular Government. I think any Minister, any trusted man can trace corruption and take drastic action. In this way alone we would be able to get rid of corruption.

Before sitting down, I should like to congratulate the honourable Minister for the excellent beginning he has made and I hope that at the next time the Budget is presented, we shall hear of no corruption, more efficiency and a more surplus Budget.

The Honourable Shri N. Gopalaswami Ayyangar: Mr. Chairman, I am sure the House will agree that within the few minutes that are at my disposal it will not be possible for me to traverse all the points that have been taken by honourable members in the course of the debate which has taken place since this morning. The Cut Motion itself was one for discussing general administration with particular reference to economy. So far as I have been able to gather, there has not been much of suggestion in the way of economy. The attack has been on the general administration.

I wish, at the outset, to draw attention to one observation made by an honourable member referring to a remark which was made by the Minister of State in one of his speeches before the House namely, that the criticism of the Budget has been of a mild description. The honourable member said that, if that criticism was mild, it was not because of any things of which myself or the Minister of State has been guilty in the way of improving administration to which we may have laid claim; it is rather due to the kindness and the graciousness of honourable members in overlooking our faults. I wish straightaway to make it clear that if there is a vote on this Cut Motion, I shall not expect a vote which proceeds merely from the hearts of honourable members; I should insist on a vote which comes from their heads also.

In trying to traverse some of the points that have been raised, perhaps I might begin with the suggestions which were made by the honourable the Mover of the Cut Motion. He referred mainly to two points—research and publicity. Both these matters are being very actively considered at the present moment. We are re-organising the whole of the research set-up in Delhi and elsewhere—not merely the scientific research side but also the economic research side, and in this work of research we are associating on the scientific side representatives of the Council of Industrial and Scientific Research; we are associating people connected with the National Physical Laboratory; we are also associating engineers of all kinds and experts of various kinds. That is a set-up which will be elaborated and in connection with that we are making arrangements for obtaining advice from expert quarters in London, if that becomes necessary.

As regards publicity, a certain amount of publicity is being done on the different railway system. Honourable Members are perhaps familiar with the publicity side of Railways working within their areas, but it required a great deal of coordination and guidance and the new Tourist Traffic Section which is

[Shri N. Gopalaswami Ayyangar]

proposed to be set up in the Railway Ministry will take this up actively and organise publicity on better standards. It strikes me that, in evolving this organisation, it would be greatly helpful if prominent members of the journalistic profession could be associated with the working out of details and policies.

There was one point which my honourable friend Mr. Shiva Rao made. That was that he did not agree with the Indian Railway Enquiry Committee in giving the cold shoulder to the investigation of refrigerating arrangements in trains and carriages for the transport of perishable articles like fruit, vegetables and fish. I greatly sympathise with him and in a small way we are trying to do something in this direction. Only two or three months ago, I directed that an officer of the East Punjab Railway should be deputed to the Kulu Valley and Kashmir for the purpose of investigating the fruit trade there; and also investigating the question how that fruit could be transported to markets all over India. His report has not yet reached me, but we are not altogether forgetting this matter. If the experiment that we propose to make is successful, we shall probably proceed further in this matter.

Another suggestion of his which attracted me a great deal was the question of exhibition trains. He particularly instanced the case of our using what has been collected by the Sarvodaya Exhibition here, transport it all over the country, so that people in different parts of the country might see the life of the Father of the Nation in all its various aspects during his long life or service to the nation. Perhaps, it might be possible for us, in consultation with the organisers of this Exhibition, to see whether anything can be done in this connection. I promise that I shall have the matter looked into.

The next speaker for whose frankness and even vehemence I have always considerable respect over reached himself in the course of this debate. I am referring to my honourable friend Mr. Mahavir Tyagi. He launched a tirade against the Railway Board and he also deflected some of it, though in a mild form, to the Ministers. Now let me say at once that if he takes the view that the people who are now in the office of the Railway Board are idle, doing no work, cooling their heels and drawing their pay, to put it very mildly he is very much mistaken. I should like him to come over to the Railway Board's Office when I shall give him an opportunity of sitting by the side of every one of these officers—provided of course he is prepared to stay there from 9 A.M. to 8 P.M.—and see what they are doing. I am prepared to throw out the challenge that the amount of work that each one of them does, he will not be able to do in thrice the time that they manage it. I wish to be rather strong on this question because I think strength must be met by strength. I think he was not quite fair to those officers when he said that they were people sitting idle and drawing their salaries for doing nothing. I think it is an insult to them. If he is under the impression that they are able to fool me, it is an insult not merely to them but it is paying a very poor compliment to me. This is the first time that I shall be acquiring the reputation—I have in my time dealt with officers at the level for many years—and he told that I have allowed myself to be fooled by people of that description. (Babu Ramnarayan Singh: "Is it impossible?") It is perhaps not impossible from Mr. Ramnarayan Singh's point of view. I am sure he apprehends that if he were in my place he will get fooled. That probably is his own fear. But I can tell him that so long as I am here I shall not allow myself to be fooled by anybody.

(At this stage Mr. Deputy Speaker resumed the Chair.)

Then, Sir, there was talk about the salaries at the top. That raises a very large issue. It affects not merely the salaries in the Railway Board; it affects salaries all over the country, in the various Departments. If you are going to touch the salaries of those who are now on the Railway Board,

you will have to touch the salaries of many other officers in the country. Of course, I remember that Mr. Mahavir Tyagi did not suggest the Government should touch their salaries but that the officers themselves should have the good sense to forego a part of their salaries.

Shri Mahavir Tyagi: No Sir, I expect the Government officers themselves should do it and if they fail then the Government should do it.

The Honourable Shri N. Gopalaswami Ayyangar: So far as the Government are concerned, I am afraid that no Government which wishes to respect contracts and agreements entered into in the past will embark upon any such step. It is possible that officers, out of their excess of patriotism, might be willing to say, 'Well, we will take only three-fourth or two-thirds of our salaries, though we are entitled to the full salaries.' But human nature being what it is, and being also aware of the fact that even honourable members of this Legislature have not yet voluntarily offered to forego some of their allowances...

Shri Mahavir Tyagi: Because Ministers draw more than the members did against the wishes of many of the members.

The Honourable Shri N. Gopalaswami Ayyangar: That is all right. Ministers at least did one thing. They did take a smaller salary than they were getting previously. I think, human nature being what it is, it is too much to expect this sort of thing. I cannot see how that can be a ground for attaching a body of men who work night and day for long hours and do the work that they have to prepare for us. I think it is unfair. I have been throughout these debates insisting that the more you recognise their work the more efficiency you can extract from the railway system, not merely in the case of manual labourers like the pointsmen, the porters and so on, but also in the case of the men who are officers. It is only from them that you have to extract work which would conduce to greater efficiency. Unless you treat them with courtesy, with ordinary goodness, kindness and so on, it will be impossible for you to expect willing, enthusiastic work from that sort of people. And I think it is a mistake on the part of any honourable member of the House to indulge in this sort of invective against a body of public-servants. I say that with great regret, because I have learned to appreciate Mr. Mahavir Tyagi, I believe he let himself go in the exuberance of the moment.

Shri Mahavir Tyagi: I still hold on to what I said. I do not appreciate your views in the matter.

The Honourable Shri N. Gopalaswami Ayyangar: Thank you. I hope honourable members here will give some appreciation to what I have said.

Honourable Members: Yes; yes. Absolutely that is so.

The Honourable Shri N. Gopalaswami Ayyangar: There is another point I think Mr. Mahavir Tyagi waxed eloquent upon and that was the case of these 300 W.P. engines. Now, various criticisms were levelled against this placing of orders for 300 locomotives in America. He said that mechanical engineers were not consulted, that marshalling yards were inadequate, that the soil could not carry these engines, that if anything went wrong with them they could not be repaired in our workshops and so on. Well, every one of these points is familiar to me, because these points were brought to my notice some weeks ago by somebody. I do not wish to say who it was. But I hope the House will understand me when I say that this is not a new thing. It shows that someone has been going round and spreading this particular story. The criticisms levelled against these locomotives are that they are a type that will not give satisfactory performance in India; they are too heavy for the track in India; that there have been no effective tests for this type of engines; that some

[Shri N. Gopalaswami Ayyangar]

of them had developed mechanical defects and others were not working satisfactorily; and that the number ordered is too large for requirements. Not one of these propositions could be supported by facts. The W.P. type, the Passenger engine, was evolved by the Railway Board in 1946, as an express passenger locomotive designed to burn inferior grade coal to replace the older type—the X.C. type which, however had an axle load of 19.8 tons. The axle load of the W.P. is only 18.5 tons. Now, 16 of these were ordered to be sent to India for trial. These were first ordered to be manufactured in the United Kingdom.

Mr. Deputy Speaker. It is now five o'clock. We cannot go on.

Shri R. K. Sidhva: Let the honourable Minister go on with his speech. It is very interesting.

Mr. Deputy Speaker: I would call the guillotine at five. I am exceedingly sorry the interesting speech has to be curtailed.

Shri L. Krishnaswami Bharathi (Madras: General): Is it not possible by leave of the House to proceed with the speech?

Mr. Deputy Speaker: The rules do not permit it. It is five o'clock. I cannot do anything now.

Shri B. Shiva Rao: I beg leave of the House to withdraw the cut motion.

Mr. Deputy Speaker: Has the honourable member leave of the House to withdraw his cut motion?

The cut motion was, by leave of the Assembly, withdrawn.

Mr. Deputy Speaker: The question is:

"That the respective sums not exceeding the amounts shown in the third column of the Order Paper be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of Demands entered in the second column thereof."

The motion was adopted.

[As directed by Mr. Deputy Speaker the motions for Demands for grants which were adopted by the Assembly are reproduced below.—Ed. of Deb.]

DEMAND NO. 1—RAILWAY BOARD

That a sum not exceeding Rs. 32,58,000, be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Railway Board'.

DEMAND NO. 2—AUDIT

That a sum not exceeding Rs. 21,77,000, be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Audit'.

DEMAND NO. 3—MISCELLANEOUS EXPENDITURE

That a sum not exceeding Rs. 46,70,000, be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Miscellaneous Expenditure'.

DEMAND NO. 4.—WORKING EXPENSES—ADMINISTRATION

That a sum not exceeding Rs. 22,21,37,000, be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Working Expenses—Administration'.

DEMAND NO. 5—WORKING EXPENSES—REPAIR AND MAINTENANCE

That a sum not exceeding Rs. 49,93,08,000, be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Working Expenses—Repairs and Maintenance'.

DEMAND NO. 6.—WORKING EXPENSES—OPERATING STAFF

That a sum not exceeding Rs. 33,64,31,000, be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Working Expenses—Operating Staff'.

DEMAND NO. 7.—WORKING EXPENSES—OPERATION (FUEL)

That a sum not exceeding Rs. 24,28,65,000 be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Working Expenses—Operation (Fuel)'.

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

That a sum not exceeding Rs. 8,64,55,000, be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Working Expenses—Operation other than Staff and Fuel'.

DEMAND NO. 9.—WORKING EXPENSES—MISCELLANEOUS EXPENSES

That a sum not exceeding Rs. 20,31,34,000, be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Working Expenses—Miscellaneous Expenses'.

DEMAND NO. 10.—PAYMENTS TO INDIAN STATES AND COMPANIES

That a sum not exceeding Rs. 1,67,39,000, be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Payments to Indian States and Companies'.

DEMAND NO. 11—WORKING EXPENSES—APPROPRIATION TO DEPRECIATION FUND

That a sum not exceeding Rs. 16,19,33,000, be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Working Expenses—Appropriation to Depreciation Fund'.

DEMAND NO. 12—OPEN LINE WORKS—REVENUE

That a sum not exceeding Rs. 7,65,16,000, be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Open Line Works—Revenue'.

DEMAND NO. 15—CONSTRUCTION OF NEW LINES

That a sum not exceeding Rs. 4,23,52,000, be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Construction of New Lines'.

DEMAND NO. 16—OPEN LINE WORKS—ADDITIONS

That a sum not exceeding Rs. 17,65,34,000, be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Open Line Works—Additions'.

DEMAND NO. 1.—OPEN LINE WORKS—REPLACEMENTS

That a sum not exceeding Rs. 40,46,49,000, be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Open Line Works—Replacements'.

DEMAND No. 18—OPEN LINE WORKS—BETTERMENT FUND (PASSENGER AMENITIES)

That a sum not exceeding Rs. 1,000 be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950 in respect of 'Open Line Works—Betterment Fund (Passenger Amenities)'.

DEMAND No. 19—CAPITAL OUTLAY ON VIZAGAPATAM PORT

That a sum not exceeding Rs. 14,65,000. be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Vizagapatam Port.'

Shri R. K. Sidhva: May I submit, Sir, in view of the great importance of the matter, the honourable Minister may be allowed to proceed with his speech. Otherwise I feel that it would create a bad impression on the public. I therefore, submit either let us hear the honourable Minister completely or let him issue a statement. It is a very important matter—these 300 engines—and the public feel that they are rotting and they are useless and public money has been wasted. You can understand the feelings of the House.

The Honourable Shri N. Gopalaswami Ayyangar: If the House so desires, I will issue it in the form of a statement.

Mr. Deputy Speaker: The honourable Minister has assured the House that he will issue a statement. Nothing more can be done now. The House stands adjourned to 10-45 A.M. tomorrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Thursday, the 24th February, 1949.

THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND
ANSWERS)

Official Report

Volume II, 1949

(24th February, 1949 to 18th March, 1949)

Fourth Session

OF THE

CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE)

1949



सत्यमेव जयते

CONTENTS

Volume II.—24th February, 1949 to 18th March, 1949. 5

	PAGES
THURSDAY, 24TH FEBRUARY, 1949—	
Hindu Code—Discussion on motions to consider as reported by Select Committee to re-circulate and to re-commit to Select Committee—not concluded.	821—71
FRIDAY, 25TH FEBRUARY, 1949—	
Death of Mian Mohd. Rafi.	873
Papers laid on the Table	873—76
Essential Services (Prevention of Strikes) Bill—Introduced.	876—77
Hindu Code—Discussion on motions to consider, to re-circulate and to re-commit to Select Committee—not concluded	877—936
MONDAY, 28TH FEBRUARY, 1949—	
Statement re Locomotives imported from U.S.A. and Canada	937—40
Papers laid on the Table	940
Hindu Marriages Validity Bill—Extension of time for presentation of Report of Select Committee	940—41
Hindu Code—Discussion on motions to consider, to re-circulate and to re-commit to Select Committee—not concluded.	941—56
Demands for Supplementary Grants for 1948-49—Railways.	956—68
Presentation of General Budget for 1949-50	969—87
TUESDAY, 1ST MARCH, 1949—	
Repealing and Amending Bill—Introduced	989
Cancellation of meeting for 2nd March, 1949	989
Chartered Accountants Bill—Presentation of Report of Select Committee	990
Tea Committee for India Bill—Presentation of Report of Select Committee	990
Indian Judicial Procedure Bill—Extension of time for Presentation of Report of Select Committee	990
Time for Study of Budget Papers.	990
Hindu Code—Discussion on motions to consider, to re-circulate and to re-commit to Select Committee—not concluded.	991—1030
THURSDAY, 3RD MARCH, 1949—	
Death of Shrimati Sarojini Naidu	1031—35
General Budget—General Discussion	1035—66
FRIDAY, 4TH MARCH, 1949—	
Papers laid on the Table.	1067
Estate Duty Bill—Extension of time for Presentation of Report of Select Committee	1067—88
General Budget—General Discussion	1068—1107
SATURDAY, 5TH MARCH, 1949—	
Coffee Market Expansion (Amendment) Bill—Introduced.	1109
General Budget—General Discussion	1109—64
Essential Services (Prevention of Strikes) Bill—Withdrawn	1164—67

MONDAY, 7TH MARCH, 1949—		PAGES
Papers laid on the Table		1169
Code of Criminal Procedure (Amendment) Bill—Introduced		1169
Indian Wireless Telegraphy (Amendment) Bill—Introduced.		1169
General Budget—List of Demands		1169—1223
Demand No. 28—Ministry of Defence		1170—1223
Demand No. 76—Defence Services, Effective—Army		1170—1223
Demand No. 77—Defence Services, Effective—Royal Indian Navy		1170—1223
Demand No. 78—Defence Services, Effective—Royal Indian Air Force		1170—1223
Demand No. 79—Defence Services, Non-effective charges.		1170—1223
Demand No. 103—Defence Capital Outlay		1170—1223
TUESDAY, 8TH MARCH, 1949—		
General Budget—List of Demands		1225—64
Demand No. 19—Ministry of External Affairs and Commonwealth Relations.		1225—64
Demand No. 39—Tribal Areas.		1225—64
Demand No. 40—External Affairs.		1225—64
WEDNESDAY, 9TH MARCH, 1949—		
General Budget—List of Demands		1265—1314
Demand No. 29—Ministry of Industry and Supply		1265—1314
Demand No. 55—Industries and Supplies		1265—1314
Demand No. 56—Salt.		1265—1314
THURSDAY, 10TH MARCH, 1949—		
Criminal Law (Removal of Racial Discriminations) Bill—Introduced		1315
Merchant Shipping Laws (Extension to Acceding States and Amendment) Bill—Introduced.		1315
General Budget—List of Demands		1315—61
Demand No. 8—Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works met from Revenue.		1316—61
Demand No. 23—Ministry of Works, Mines and Power		1316—61
Demand No. 44—Geological Survey		1316—61
Demand No. 45—Mines		1316—61
Demand No. 69—Civil Works		1316—61
Demand No. 73—Stationery and Printing		1316—61
Demand No. 99—Delhi Capital Outlay		1316—61
Demand No. 100—Capital Outlay on Civil Works		1316—61
FRIDAY, 11TH MARCH, 1949—		
General Budget—List of Demands		1363—99
Demand No. 21—Ministry of Commerce		1363—99
Demand No. 36—Ports and Pilotage		1363—99
Demand No. 37—Lighthouses and Light ships		1363—99
Demand No. 62—Commercial Intelligence and Statistics.		1363—99
Demand No. 64—Joint Stock Companies.		1363—99
WEDNESDAY, 16TH MARCH, 1949—		
General Budget—List of Demands		1401—47
Demand No. 1—Customs		1401—47
Demand No. 2—Central Excise Duties		1401—47
Demand No. 3—Taxes on Income including Corporation Tax.		1401—47
Demand No. 4—Opium		1401—47
Demand No. 5—Provincial Excise.		1401—47

WEDNESDAY, 16TH MARCH, 1949—*contd.*

General Budget—List of Demands— <i>contd.</i>		PAGES
Demand No. 6—Stamps		1402—47
Demand No. 20—Ministry of Finance		1402—47
Demand No. 31—Payments to other Government Departments, etc., on account of the Administration of Agency Subjects and Management of Treasuries.		1402—47
Demand No. 32—Audit		1402—47
Demand No. 66—Miscellaneous Departments		1402—47
Demand No. 67—Currency		1402—47
Demand No. 68—Mint		1402—47
Demand No. 71—Territorial and Political Pensions.		1402—47
Demand No. 72—Superannuation Allowances and Pensions		1402—47
Demand No. 74—Miscellaneous		1403—47
Demand No. 80—Grants-in-aid to Provincial Governments		1403—47
Demand No. 81—Miscellaneous Adjustments between the Central and Provincial Governments		1403—47
Demand No. 82—Resettlement and Development		1403—47
Demand No. 84—Pre-Partition Payments		1403—47
Demand No. 91—Capital Outlay on the India Security Press		1403—47
Demand No. 94—Capital Outlay on Industrial Development		1403—47
Demand No. 97—Capital Outlay on Currency		1403—47
Demand No. 98—Capital Outlay on Mints		1403—47
Demand No. 101—Commuted Value of Pensions		1404—47
Demand No. 102—Payments to Retrenched Personnel		1404—47
Demand No. 104—Capital Outlay on Schemes of State Trading		1404—47
Demand No. 105—Capital Outlay on Development		1404—47
Demand No. 106—Payments to Government of Pakistan for Unique Institutions		1404—47
Demand No. 107—Interest-free and Interest-bearing Advances		1404—47

THURSDAY, 17TH MARCH, 1949—

General Budget—List of Demands		1449—1506
Demand No. 10—Cabinet		1449—87
Policy regarding Subversive Organisations		1465—87
Demand No. 13—Ministry of Home Affairs		1450—87
Policy regarding Military or semi-Military Organisations established by Provincial Governments.		1465—87
Demand No. 34—Jails and Convict Settlements		1450—88
Demand No. 35—Police		1450—88
Demand No. 63—Census		1450—88
Demand No. 83—Civil Defence		1450—88
Demand No. 85—Delhi		1450—88
Demand No. 86—Ajmer-Merwara		1450—88
Demand No. 87—Panth Piploda		1450—88
Demand No. 88—Andaman and Nicobar Islands		1450—88
Demand No. 27—Ministry of States.		1488—1506
Demand No. 89—Relations with Indian States		1488—1506

FRIDAY, 18TH MARCH, 1949—

Papers laid on the Table.	1507—09
Protective Duties (Miscellaneous Provisions) Bill—Introduced.	15 09

FRIDAY, 18TH MARCH, 1949—*contd.*

	PAGES
General Budget—List of Demands	1509—82
Demand No. 18—Ministry of Health	1510—22
Improvement of conditions of Nursing Services	1511—22
Demand No. 51—Medical Services	1510—22
Demand No. 52—Public Health.	1510—23
Demand No. 16—Ministry of Education	1523—56
Demand No. 46—Archaeology.	1523—57
Demand No. 49—Other Scientific Departments	1523—57
Demand No. 50—Education.	1523—57
Transfer of Colleges in Delhi to the University Area	1531—57
Demand No. 22—Ministry of Labour	1557—74
Unity of Trade Union Organisations.	1557—74
Demand No. 25—Ministry of Transport	1575—82
Demand No. 58—Delhi Transport Service	1575—82
Demand No. 70—Central Road Fund	1575—82

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

[PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS]

Thursday 24th February, 1949.

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

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

HINDU CODE—*contd.*

Mr. Deputy Speaker: We will proceed to the consideration of the Hindu Code.

Shri Jaspal Roy Kapoor (U.P.: General): May I raise a point of order?

The Honourable Dr. B. R. Ambedkar *rose—*

Mr. Deputy Speaker: A point of order has been raised by Mr. Kapoor.

The Honourable Dr. B. R. Ambedkar (Minister of Law): I was going to refer just to that. Sir, the Order Paper contains sixteen different motions. Some of them raise points of order and some of them are substantive motions. I was going to express myself on them before I actually spoke on my motion. However, if my friend has to say something, let him do so.

Mr. Deputy Speaker: Let us hear his point of order.

Shri Jaspal Roy Kapoor: Sir, on the previous occasion when the motion was being taken up I stood up to raise a point of order. I was then directed by the Honourable Speaker to wait until the point of order raised by my friend Mr. Naziruddin Ahmad had been disposed of. That point of order was disposed of that day exactly at 5 P.M. thereafter the House rose for the day. I hope you will be kind enough to allow me to raise that point of order now. But before I do so I want to assure the House that my object.....

Mr. Deputy Speaker: The honourable Member will kindly state his point of order. There need be no apology or argument. I should like to hear the point of order.

Shri Jaspal Roy Kapoor: My point of order relates firstly to the rights and privileges of the members of this House and secondly to the competency of this House in the present Session to deal with such an important and controversial measure as the Hindu Code Bill when a large number of members of this House are not attending and cannot attend, not for personal reasons, or party reasons, but for reasons of state and in the interest of the country as a whole, being at present busy in the provincial legislatures with the budget sessions, although they are very anxious and eager to attend this House and participate in the discussion of this motion which materially affects the whole Hindu society.

Honourable Members: This is not point of order at all.

Mr. Deputy Speaker: I am here to decide whether it is a point of order or not. You will kindly bear with me. I expect he will conclude his sentence soon.

Shri Jaspal Roy Kapoor: I know many of my friends here are very impatient to proceed with the Bill. It was therefore, Sir, that I at the outset wanted to assure the House that my object is not to sabotage the Bill with many provisions of which I am in agreement. My object is that things should be done constitutionally, the right thing should be done at the right time and in the right manner. As you are aware.....

Mr. Deputy Speaker: I have heard the point of order. The honourable Member feels that this House is not competent to proceed with this Bill. This is number one. Number two is that certain members, whom he would like to have in this House, are not here. Neither is a point of order against the motion for consideration being taken up. This is a sovereign Legislative Assembly fit to pass any legislation it likes. I have heard the point of order and do not want to hear any more arguments in favour of it. As regards the absence of some members, it is no doubt true that a number of members could not be here both from the Provinces and the States. But it is always open to them to come here and take part.

Babu Ramnarayan Singh (Bihar: General): May I say,.....

Mr. Deputy Speaker: So far as the Chair is concerned and so far as this House is concerned, no such direction has been given and therefore the House is competent to proceed with its business. Honourable Members can come in at any time and take part in the debate. I rule out this point of order.

Babu Ramnarayan Singh: With all respect to you.....

Honourable Members: Order, order.

Mr. Deputy Speaker: I would not hear anything more.

Babu Ramnarayan Singh: The previous ruling given by your.....

Mr. Deputy Speaker: I have considered all the previous rulings. I have got them here

Shri V. S. Sarwate (Madhya Bharat): I wish also to raise one point of order.

Mr. Deputy Speaker: Is it any point of order?

Shri V. S. Sarwate: Yes.

Mr. Deputy Speaker: The Honourable Member will kindly briefly state the point of order.

Shri V. S. Sarwate: I shall be very brief. My point of order is this: That for the purposes of this Bill the provisions regarding publication have not been satisfied. It is due to the Chair to see that those provisions are observed. I refer to rule No. 20 which says: "As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette." There is also a provision that a report of a Select Committee has to be published with the amended Bill. My submission in this case is this: that the Bill was published originally sometime in April 1947 before the Independence Day. The political set-up of India has since changed and changed for the better. What I wanted to draw your attention to is this: that the Indian States which were not a part of the then British India were not to be affected by this Bill. Subsequently some States have merged and some have acceded to the Union in all subjects in August 1948. This is subsequent to the publication. There has been a Covenant of these States as the Chair may know sometime in August 1948. The result of that Covenant is that the States would now be automatically governed by any legislation which the Centre passes either in

its powers of exclusive jurisdiction or concurrent jurisdiction. I therefore submit that it is the duty of the Chair to protect and guard the rights of the people of these States concerned who are affected by any Bill. I submit that the object of this is two-fold. Such provision enjoining publication enables the constituencies or the people affected by any Bill to express their re-actions, their opinions and their feelings about it. I believe this is a fundamental principle of democracy that no Bill shall be passed unless the people affected thereby are given an opportunity to express their opinion thereon. Secondly, the object of this publication is that the members of this Assembly may have an opportunity to ascertain what their constituencies feel about it. I need not say that it is the duty of the members here not to represent their individual views. They have to represent the views of their constituencies when important matters are concerned. As far as details or minor matters are concerned they may have discretion to express their views. But when a measure affects the whole life, the whole structure of society, then in such cases, in such vital matters it is the duty of the members to ascertain the views of their constituencies and represent them here correctly. They should not state what they feel. They should state what their constituencies feel. For this purpose, it is necessary that the Bill should be published. I submit that the Bill was published in the Gazette, but it was not published at the time when the people of the acceding States and merged States were in a position to give that serious consideration to this Bill, which this Bill deserves. Therefore I submit it was not a proper publication, as far as those people are concerned and now, since the Chair is here to guard their interests, I appeal to the Chair to order that the Bill be published before it is taken up for consideration.

The Honourable Dr. B. R. Ambedkar: My reply to the point of order raised by my honourable friend is two-fold. In the first place, there is never any obligation cast upon this House for circulating any Bill for publication before the House can take the matter into consideration. It is only in special cases, when the House by a Resolution or the Government by any executive action desire that the Bill is so important that public opinion might be invited; that public opinion is invited. There is no such right, no obligation at all on the Legislature or on the Government and therefore, from that point of view, the point of order is no point of order at all.

My second submission with regard to the point of order is this, that we have deliberately confined the operation of this Bill to the provinces of India, and so far as the Provinces are concerned, the opinion has been canvassed three times, and I do not think any more purpose would be served by canvassing public opinion for the fourth time. When the occasion comes for the extension of the Bill to the Indian States, no doubt, this Legislature when a proper motion is placed before it, or the Government of the day, will take care that the wishes and the intentions of the States which have come into the Indian Union, will be consulted.

Mr. Deputy Speaker: I agree with the Honourable Law Minister that inasmuch as the scope of this Bill is confined in the first instance only to Provinces of India and it is highly problematical whether it will be extended to the acceding states and if so, on what terms and conditions of accession, it will be time for them to consider whether they can come in or not. As regards the other one, it is not obligatory to send the Bill for circulation unless by a motion accepted by the House. The Select Committee has considered this matter and has found this has not been so materially altered as to necessitate a re-publication in the official Gazette. For these reasons I rule out the point of order.

12 NOON

The Honourable Dr. B. R. Ambedkar: Sir, before I proceed to speak on my motion, I think it would be desirable if I.....

Shri B. Das (Orissa: General): There is obstruction everywhere. Every-body rises to a point of order. Mr. Naziruddin Ahmad rose six months ago.

Mr. Naziruddin Ahmad (West Bengal: Muslim): It is a different point of order. My honourable friends should have a little patience.

Mr. Deputy Speaker: I can only state that honourable members will kindly consider well before they raise a point of order. I also expect they will consider that if it should turn out to be a dilatory motion, they will invoke upon themselves the criticism of the House.

Mr. Naziruddin Ahmad: My point of order is not dilatory.

Mr. Deputy Speaker: It is open to any honourable member to raise a point of order. An honourable member can take as many points of order as are reasonable and proper.

Mr. Naziruddin Ahmad: The objection to the point of order is dilatory. My point of order is this: the Honourable Minister for Law has already spoken on this motion. He completed the first part of the motion and then the subsequent stages began. He has a right to reply at the end of the debate. Now the motion has been made that the Bill be taken into consideration and a speech has been delivered on the 31st of August, 1948. We have on the agenda a list of amendments. We have to proceed straight to the agenda and then when a motion is made the Honourable Minister certainly has a right of reply, and in the end a general right of reply. At this stage, the Honourable Minister cannot make a second speech on the motion.

Mr. Deputy Speaker: I find from the proceedings on the 31st of August, 1948 the following:

"The Honourable Dr. B. R. Ambedkar (Minister for Law): Sir, I move:

"That the Bill to amend and codify certain branches of the Hindu Law, as reported by the Select Committee, be taken into consideration."

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, on a point of order.

Mr. Speaker: I shall hear the Honourable Minister first and then take the point of order.

The Honourable Dr. B. R. Ambedkar: Sir, in view of the urgency of other Government business which is on the agenda and to which Government feels it must give precedence, I do not propose to make a speech in support of my motion, because it is quite obvious that if I were to make a speech in support of my motion, that is bound to give rise to a debate which will result in the consumption of a great deal of the time of the Government. We have already few days left before the House is due to rise, and I, therefore, request you to allow this motion to stand over for further consideration in the next session of the Assembly."

In view of this, the Honourable Dr. Ambedkar is entitled to proceed. I am exceedingly sorry that this point of order has been raised. It is only a dilatory motion.

The Honourable Dr. B. R. Ambedkar: As I was going to say, it would facilitate my work a great deal if I were to know from you what procedure you propose to adopt with regard to the 16 motions that have been tabled as against the motion which I have made, and about which I propose to speak during the subsequent period. These 16 motions fall into three different categories. There are certain motions which propose that the Bill be further circulated for eliciting public opinion. There are certain motions which propose that the Bill

be referred to a Select Committee, which is different from the Select Committee which already reported on the Bill. And there are motions which propose that the Bill may be re-committed to the same Select Committee which has already reported.

There was one other or rather two other motions, one standing in the name of my honourable friend, Shri Prabhu Dayal Himatsingka and the other standing in the name of my honourable friend, Shri Biswanath Das, which propose that the Bill should be circulated to people residing in the acceding states, before the Bill could be taken into consideration. With regard to these two motions, a point of order was raised recently by my honourable friend, Shri V. S. Sarwate, which you have been good enough to dispose of and I therefore take it that motions Nos. 7 and 8 must be taken to have been deleted from the agenda of today. The other motions remain and I want to know whether it is your desire that these motions may be put simultaneously along with my motion, so that all of them may be debated together and ultimately each motion may be put to the House separately, or whether you propose to have these motions taken up before my motion, so that they may be disposed of and the ground may be cleared for my speech on the motion, which I have tabled.

I might say one or two points with regard to the motions that have been made. There are certain motions which you are bound to put, I agree, unless the movers of these motions by themselves voluntarily desire not to move these motions. There are certain motions which are within your discretion, and unless you are satisfied that these motions are not dilatory motions but have behind them certain points of substance, it would not be open in accordance with the rulings which have been given by previous speakers, who have dealt with these questions, to put these motions to the House, because the Chair must be satisfied that they are motions behind which stand substantial grounds and they are not purely dilatory. For instance, the motion that the Bill should not be taken into consideration now, but should be taken into consideration at some later stage is one of those motions, I submit, which according to the rulings of the Chair heretofore could fall within your discretion, where you are satisfied that the reasons advanced by my honourable friends are substantial reasons, and therefore, you should put the motion to the House. For instance, the motion for recommitment is one such motion, because if you will kindly refer to these two volumes of Rulings,—I am sure you have.....

Mr. Deputy Speaker: What I propose to do is this.

The Honourable Dr. B. R. Ambedkar: I should like to have your guidance in this matter.

Mr. Deputy Speaker: I have considered this matter and the number of motions that have been tabled. So far as motions 1 and 2 are concerned, motion 1 is that the Bill as amended by the Select Committee be withdrawn.

Pandit Thakur Das Bhargava (East Punjab: General): I do not propose to move it at this stage: not that I am not entitled to move it.

Mr. Deputy Speaker: Then it is not necessary to go into the question whether it is in order or out of order. The second motion is.....

Pandit Thakur Das Bhargava: I am not moving it at this stage.

Mr. Deputy Speaker: Then there is the amendment by Master Nand Lal that the consideration of the Bill be postponed to the Budget Session of 1951.

Master Nand Lal (East Punjab: General): I am not moving it.

Mr. Deputy Speaker: These three withdrawals clear the ground. By whatever name they may be called, these three motions, substantially are for adjournment of the debate. I thought that, before the Honourable Law Minister, the mover of the Bill proceeds the movers of these motions must have risen in their seats and pressed for the taking up of these motions, because, before their motions are disposed of, the Honourable mover could not be allowed to speak. Inasmuch as they were not moved, I kept quite. Now it is clear they are withdrawn. The other motions viz., those for re-circulation or for reference to Select Committee, whatever their nature might be, they are motions which under the Rules any person is competent to make. It is a question for the House to deal with them. So far as the Select Committee motions are concerned, I must be satisfied in the first instance, about their need. Apart from that, there is a motion for re-circulation with respect to which some such requirements have not been laid down, so far as I can see in any rule or rulings. Therefore, I propose at this stage to allow the mover of the Bill to make his speech and after he concludes his speech, allow the motions for Select Committee and Circulation to be moved without any speech. Then, the discussion will go on on all the motions and I will put them one after another to the House.

The Honourable Dr. B. R. Ambedkar: I am obliged for your guidance, Sir. As usual when presenting a motion for the consideration of a Bill as reported by the Select Committee it is the duty of the Chairman of the Select Committee, in the first instance, to draw the attention of the House to such changes as may have been made by the Select Committee in the original Bill which has been referred to the Select Committee. I propose to follow that procedure in the first instance.

Sir, the first part of the Bill deals with marriage and divorce. So far as this part of the Bill is concerned, the Select Committee has added two clauses which relate to the restitution of conjugal rights and to judicial separation. These provisions specifically were absent from the original Bill. The draftsmen of the original Bill felt themselves content by reference to the Indian Divorce Act of 1869 which contains provisions relating to the restitution of conjugal rights and judicial separation. The original draftsmen of the Bill felt that a reference in this Bill to the Indian Divorce Act would be quite sufficient to invoke these two provisions which were contained in the Indian Divorce Act and consequently it was not necessary expressly to mention these two matters in the Code. The Select Committee felt otherwise. The Select Committee felt that as this was going to be a complete Code of Hindu Law, it was wrong to leave the code incomplete, and so to say, legislate by reference. They therefore thought that, instead of leaving this matter to be invoked by reference to the Indian Divorce Act, it would be desirable to embody in the Code itself the provisions contained in the Indian Divorce Act relating to these matters and consequently the part dealing with marriage and divorce has been expanded by the Select Committee by the addition of the clauses relating to these two matters. The House will see that there is no change as a matter of fact between the original Bill and the Bill as drafted by the Select Committee. All that is done is that what was done by reference to the Indian Divorce Act has been done expressly and positively by the inclusion in the Code of specific sections relating to these matters.

With regard to adoption, the Select Committee has introduced a few new changes. The first change that they have made is that when a father is disqualified by reason of the fact that he had changed his religion and ceased to be a Hindu, the mother has been given the right to give a boy in adoption. In other words, change of religion by the father from Hinduism to some other religion has been introduced as a disqualification in the matter of the right to give in adoption. Consequently, a mother in those circumstances has been

empowered to give a boy in adoption. Similarly, if a widow was there and there was a boy, that boy certainly could be given in adoption by the mother when the father was not living. There again, a disability has been introduced to the effect that if the widow ceased to be a Hindu, she would lose her right of giving the boy in adoption, which she would otherwise have.

Another change which has been made by the Select Committee is with regard to the different modes of taking a boy in adoption. Hitherto, as the House knows, there are various forms of adoption. The main form of adoption which is recognised by the Smritis is what is known as the Dattaka form of adoption. In addition to the Dattaka form of adoption, there have prevailed in the various parts of India, customary forms of adoption such as Godha Adoption, Kritrima Adoption, Dwyamushyayana Adoption. The Select Committee felt that as they were codifying the law, it is desirable not to allow any room for customs to grow, because the effect of custom being permitted would be to eat into the Code and make the Code after certain time null and void. Therefore, the Select Committee decided that if anybody wants to adopt under this Code, nobody can make any adoption except in accordance with the provisions of this Code, and Dattaka shall be the only form and no other.

Then, Sir, we come to the question of the right of the adopted boy to divest the persons in whom property has been invested before the adoption takes place. As every member of this House, who is aware of the provisions of the Hindu Law, will know, under the existing Hindu Law, it is permissible to a boy who has been adopted, no matter at what stage he has been adopted—he may have been adopted forty years after the death of the father—time makes no change at all in his rights—to file a suit to set aside any alienation or transfer of property made by the widow who has adopted him. Any amount of litigation goes on on this particular point. In fact, if anyone were to examine the total amount of litigation among the Hindus on the various points of Hindu Law, I am sure they will find that litigation on the question of divesting the property by the adopted boy would be the largest volume. It is therefore desirable that this matter should be settled once and for all. The Rau Committee adopted the procedure of dividing adoption into two categories—adoption made three years before the death of the father and the coming into operation of the Code; and adoption made after the Code. They laid down that a boy, if he was adopted three years before the death of the adoptive father would be entitled to the original rights which an adopted son had under the Hindu Code. But if he were adopted three years after he would not be entitled to set aside alienation.

The second thing that happened as a result of adoption under the Hindu Law was that he completely divested the widowed mother who made the adoption, with the result that the entire corpus of the property passed into the hands of the adopted boy, who, in a certain sense was a stranger, and notwithstanding the notional change that he entered into the family of the adopted father, he practically continued his affiliations with the members of the natural family. The result was that after the adoption had taken place, instead of the adopting mother getting any kind of security for herself as a result of adoption which a natural mother would get from a natural son, she found that this new adopted boy ran away with the property and left the mother with nothing but the right of maintenance. We thought that that was not a desirable state of affairs from the point of view of giving security to women, and consequently certain changes were made. The original distinction that was adopted in the Rau Committee was deleted and a provision was made that the rights of the adopted son shall accrue to him not from the date of the death of his adopting father but shall accrue to him from the date of his adoption, so that any alienation that may have been made prior to his adoption were beyond his reach, were unchallengeable by him.

[Dr. B. R. Ambedkar]

The second provision that we have made was that the adopted son shall not as a result of adoption deprive the adopting mother completely of her right of property. What the Bill says in its altered form is that only one half of the property of the widow will go to the adopted son. The other half, notwithstanding the fact that the widow has adopted will continue to be in the possession and enjoyment of the adopting mother. The result is that the Committee has permitted adoption which the Hindu community feels is a necessary thing for the purpose of perpetuating the family. But at the same time we have taken care to see that the adoption does not beggar the mother altogether.

Mr. Deputy Speaker: Is not that the result under the Deshmukh Act?

The Honourable Dr. B. R. Ambedkar: No. As I say, she gets only the maintenance.

Mr. Deputy Speaker: She gets half the share of the property.

The Honourable Dr. B. R. Ambedkar: As soon as the adoption takes place all that passes to the son.

Shri Prabhu Dayal Himatsingka (West Bengal: General): According to the 1937 Act she is a co-heir with the son.

Shri L. Krishnaswami Bharathi (Madras: General): The son comes later on.

The Honourable Dr. B. R. Ambedkar: That may be so. Now I am coming to minority and guardianship. Here there are only two changes made by the Select Committee in this part of the Bill. The first change is that the power of the Hindu father as a natural guardian of his minor son has been taken away if he renounces the world or ceases to be a Hindu. The original law was that the father was the natural guardian and no matter what change took place in his condition either by his religion or in any other way, he still continued to be the guardian of his minor son. The Committee felt that as this was a Code intended to consolidate the Hindu society and their laws, it was desirable to impose this condition, namely, that the father shall continue to be the natural guardian so long as he continues to be a Hindu. The Code in its altered form also has introduced another change, namely, that a Hindu widow has been given power to appoint a testamentary guardian if her husband has not appointed anyone. She had not any such power and this power has been given to her by the Select Committee.

Now, Sir, I come to the part of the Bill which deals with succession and I will first refer to changes made in the succession to males. Now so far as what are called the compact series of heirs under the Hindu Law, which are placed in category I by the Rau Committee is concerned, the Select Committee has made no alteration at all. The compact series remains as it is, both in the line of heirs as well as in the order of heirs. That matter has not been altered at all. But with regard to persons which are included in clauses 1 to 4 of the Rau Committee, certain changes have been made both in the matter of the line of succession and also in the matter of priority of succession. The Committee has followed both the principles, namely, propinquity as well as natural love and affection, and it is on that basis that the Select Committee has made certain alterations in the heirs set out in clauses 1 to 4 of the original Bill. The Select Committee has also done one thing more: it has curtailed the number of degrees of agnates and cognates who can become heirs to the deceased, and also it has removed the other heirs, such as for instance, heirs which are not related, such as Sam Brahmchari Guru and so on. The reason why the Select Committee has curtailed the number of heirs as provided for in the original Bill is this. We are under this code giving the

right to make a will to every Hindu. A line of criticism has been levelled in a very important journal, namely, the Journal of Comparative Legislation, in which a very eminent lawyer has made the point that when you give the right to make a will, it is unnecessary to provide such a long list of heirs, which extend to the fourteenth degree from the deceased. If the deceased is interested in a man which is related to him in the fourteenth degree and is alive at the time of his death, it is open to him to make a will and to give a part of his property to the particular person in whom he is interested.

If the deceased himself during his lifetime has not chosen to remember a relation who is related to him by the 14th degree there is no particular reason why because of mere intestacy he should be permitted to come in for a share. That is one of the reasons why the Select Committee adopted this provision.

I might also draw the attention of the House to the fact that with regard to widows a disqualification has been introduced by the Select Committee which says that a widow on remarriage shall lose her right of inheritance.

Then with regard to the daughter's share, which of course existed in the original Bill itself, the Select Committee has made a somewhat important alteration. The original Bill said that the daughter shall get a share equal to half the share of the son and in order to make equity equitable in devising the line of succession to the Stridhan property of the woman they had also provided that in that case the son will take one half of what the daughter takes, so that the daughter will take one half in the father's and the son will take one half in the mother's property. I cannot say that that was an inequitable proposition but somehow the Select Committee and I believe I can say against the best part of their judgment increased in their enthusiasm the share of the daughter in father's property from one half to one full share, equal to that of the son. (*An honourable Member:* "The son is also given.") I am aware of that. With regard to succession to females there are only two changes which the Select Committee has made. Under the existing rule the husband of a woman in the case of succession to females comes much later under the Hindu law and that provision was included by the old Rau Committee. The Select Committee felt that that was rather unjust, because it may be (it is often possible) that much of the property which is called Stridhan property or property which comes into the hands of a woman may, and perhaps does, to a very large extent come from the husband and if the husband is the principal source of the property, that comes into the hands of the woman, it is not proper that it should be postponed to other heirs. Consequently the Select Committee altered the provision and brought the husband in line with the other Stridhan heirs, so that the husband now shares simultaneously with the heirs of a woman, who share in the Stridhan property. As I said that because that increased the share of the daughter in the father's, they also *pari passu* made the share of the son in the mother's Stridhan property equal to that of the daughter.

Mr. Deputy Speaker: They balanced the son and daughter.

The Honourable Dr. B. R. Ambedkar: No change has been made in the law relating to maintenance which is worthy of requiring any mention to this House.

Then I come to the question of the joint family. It has been said that the provisions contained in the Bill as it has emerged from the Select Committee contained provisions relating to joint family which are absolutely new. I would like to take this occasion to repudiate that suggestion. No change has been done by the Select Committee. The provisions of the Mitakshara

[Dr. B. R. Ambedkar]

joint family were originally contained in the Bill as drafted by the Rau Committee and it was placed before this House on the 9th August, which the House accepted and sent to the Select Committee. (Honourable Members: 9th April.) Therefore my first submission is that no new change has been made by this Select Committee. All that the Select Committee has done is to add two new clauses—clause No. 88 and clause No. 89. Clause 88 deals with the doctrine of what is called pious obligations. Clause 89 deals with the liability of the joint family to pay joint family debts. It was unnecessary to include these clauses, because once you break up coparcenary property it is not necessary to make any express provision with regard to the doctrine of pious obligation, because the doctrine of pious obligation is necessary where there is survivorship property: because by survivorship where A takes the property of B and the property of B is encumbered with debts, no special doctrine is necessary to impose an obligation upon B; because in hereditament which a person gets, he takes both the profit and the burden of it. But in view of the theory of the Mitakshara that every coparcener gets the property by survivorship, which does not belong to the deceased, the Patna High Court, if I may say so, as well as the Bombay High Court Bar pressed upon us very strongly that it was very desirable that these two things which were implicit, so to say, in the Mitakshara doctrine of joint family, shall be stated expressly in the Code, so that when the question of judicial interpretation arises there may be no occasion for any kind of dispute, doubt or controversy. As one of the objects of the Code was to make the law clear not merely to the lawyers but to the ordinary citizens and as it is a suggestion which came from such a weighty authority as the Patna High Court and the Bombay High Court Bar, we thought it desirable to introduce these two things, namely no obligation to pay debts on the original ground of pious obligation and the liability to pay primary debts which belong to the family. Besides that there has been no change at all. If my friends have some doubt still on the subject that we have made fundamental changes in regard to the joint family of the Mitakshara, I would like to draw their attention to section 86 (Part V: Joint Family Property). Section 86 of the new Bill as it has emerged from the Select Committee is the same word for word, except for ordinary verbal changes, as part III-A section 2, on page 12 of the original Bill as drafted by the Rau Committee. Similarly section 87 which also deals with joint property is word for word the same as part III-A, section 2, page 12. Anybody who compares the two I am sure will accept the proposition which I have enunciated in this House that this is not an innovation by the Select Committee at all but they form part and parcel of the original Bill as drafted by the Rau Committee.

I should like to dispel any further doubt that may exist on this point by referring to the Rau Committee's Report (page 13). This is what the Rau Committee says (paragraph 51):

"Turning now to the contents of the Draft Code the main proposals on which differences of opinion have manifested themselves in varying degree are the following:

- (1) the abolition of the right by birth and the principle of survivorship and the substitution of the *Dayabhaga* for *Mitakshara* in the *Mitakshara* Provinces;
- (2) giving of half a share to the daughter;
- (3) the conversion of the Hindu woman's limited estate into an absolute estate;
- (4) the introduction of monogamy as a rule of law;
- (5) the introduction of certain provisions for divorce".

I think honourable Members will see that the Rau Committee in setting about its work made it perfectly known to everybody in this country that the Code that they had framed and which subsequently was embodied by them did contain the specific provision. I have no doubt about it that anybody who has read the volumes of evidence which have been collected by them previously by the Joint Select Committee appointed by this House, by the Rau Committee and by this Government by an executive order—would find that there is no person either in this House or outside, who has paid any attention to this part of the Code, who will be under any wrong impression that the Rau Committee had decided or proposed that this co-parcenary should not be abolished. It is therefore not a new innovation of the Select Committee at all.

The Select Committee has made some changes with regard to the application of the Hindu Code. The Rau Committee's Bill contained a provision that the Bill should not extend to areas to which the Marumakkattayam and Aliyasanthanam laws apply. Somehow the Select Committee in its enthusiasm transgressed, if I may say so without any disrespect, the bounds of reasonableness and came to the conclusion that there ought to be no area which ought to be exempt from the operation of this Code. Consequently they deleted the provision.

Mr. Deputy Speaker: In the interests of uniformity.

The Honourable Dr. B. R. Ambedkar: I do not know whether it was done rightly or wrongly; that is a matter which the House will consider at a later stage.

Pandit Mukut Bihari Lal Bhargava (Ajmer-Merwara): May I ask whether the honourable speaker was dissenting from that view?

The Honourable Dr. B. R. Ambedkar: I will dissent at a later stage perhaps. I have no empty mind but I have still an open mind.

Shri H. V. Kamath (C. P. and Berar: General): Not a vacant mind!

Pandit Thakur Das Bhargava: On every question I hope.

The Honourable Dr. B. R. Ambedkar: Sir, in the ordinary course a speech of the sort which I have made is generally regarded not only appropriate but sufficient for the occasion. But it would be futile on my part to disguise the fact that there is a section—if not a large section, a section in the House—which feels a certain amount of compunction over certain parts of the Bill. Neither can I disguise from myself the fact that outside the House there are many people who are not only interested in the Bill but, if I may say so, very deeply concerned about it. I therefore think that it is only right, if you will permit me, to add a few general observations with regard to the points of controversy which I have noticed in several newspapers which I have been perusing ever since the Bill has been on the anvil. I will take this matter also part by part and section by section. I will deal only with what I regard have been considered as points of controversy. Let me take marriage and divorce. Here I find that there are three points of controversy. The first point of controversy is abolition of castes as a necessary requirement for a valid marriage; the second point of controversy is the prescription of monogamy; and the third point of controversy is permission for divorce.

I will take the first point of controversy, namely—abolition of caste restrictions. So far as this Bill is concerned, what it does is to arrive at a sort of compromise between the new and the old. The Bill says that if any member of a Hindu community wants to follow the orthodox system which requires

[Dr. B. R. Ambedkar]

that a marriage shall not be valid unless the bride and bridegroom belong to the same *varna*, the same caste or the same sub-caste, there is nothing in this Code which can prevent him from giving effect to his wishes or giving effect to what he regards as his *dharma*. In the same way if one Hindu who is a reformist and who does not believe in *varna*, caste or sub-caste, chooses to marry a girl outside his *varna*, outside his caste, outside his sub-caste, the law regards his marriage also as valid. So far as the marriage law is concerned there is therefore no kind of imposition at all. The *vydhikas*, the orthodox, are left free to do what they think is right according to their *dharma*. The reformers who do not follow *dharma* but who follow reason, who follow conscience, have also been left to follow their reason and their conscience.

Shri Mahavir Tyagi (U. P.: General): Are they permitted to marry outside their religion also if their conscience directs them in that manner?

The Honourable Dr. B. R. Ambedkar: Well, we will have another Bill for that. I do not know whether my honourable friend Mr. Tyagi is unmarried. If he is I will hurry it up.

Shri Mahavir Tyagi: I want to make way for others.

The Honourable Dr. B. R. Ambedkar: Consequently, what will happen in Hindu society so far as marriage law is concerned if there will be a competition between the old and the new. And we hope that those who are following the new path will win subsequently. But, as I say, if they do not, we are quite content to allow two parallel systems of marriage to be operative in this country and anyone may make his choice. There is no violation of a *shastra*, no violation of a *smriti* at all.

With regard to monogamy it may be that it is a new innovation. But I must point out that I do not think that any Member in this House will be able to point out having regard to customary law or having regard to our *shastras* that a Hindu husband had at all times an unfettered, unqualified right to polygamy. That was never the case. Even today, in certain parts of South India there are people who follow this, a section of the Nattukottai Chettiyars—the case has been reported in the Reports of the Privy Council itself, I am not depending on mere hearsay evidence—but among the Nattukottai Chettiyars there is a custom that a husband cannot marry a second wife unless he obtains the consent of his wife. Secondly, when a consent is obtained, he must allot to her certain property which I think in the Tamil language is called *moppu*. That property becomes her absolute property so that if after her consent the husband marries and ill-treats her, she has a certain amount of economic competence in her own hands to lead an independent life. I cite that as an illustration to show that there has not been an unqualified right for polygamy.

A second illustration which I would like to give would be from the Arthashastra of Kautilya. I do not know how many Members of the House have perused that book, I suppose many of them have. If they have, they will realise that the right to marry a second wife has been considerably limited by Kautilya. In the first place, no man can marry for the first ten or twelve years because he must be satisfied that the woman is not capable of producing children. That was one limitation. The second limitation imposed by Kautilya on the right of second marriage was that the husband was to return to the woman all the *stridhan* that she had acquired at the time of marriage. It is only under these two conditions that Kautilya's Arthashastra permitted a Hindu husband to marry a second time.

Thirdly, in our own country, in the legislation that has been passed in various Provinces, monogamy has been prescribed. For instance in the

marumak *kathayam* and the *aliyasanthanam* law both of them prescribe monogamy as a rule of marital life. Similarly, with regard to the recent legislation that has been passed in Bombay or in Madras, similarly in Baroda, the law is the law of monogamy.

I hope the House will see from the instances I have given that we are not making any very radical or revolutionary change. We have precedent for what we are doing, both in the laws that have been passed by various States in India, also in the ancient *shastras* such as Kautilya's Arthashastra. If I may go further, we have got the precedent of the whole world which recognises monogamy as the most salutary principle so far as marital relations are concerned.

Shri Deshbandhu Gupta (Delhi): What about the Mohammadan law?

The Honourable Dr. B. R. Ambedkar: We shall come to Mohammadan law when we discuss the Mohammadan law.

Coming to the question of divorce, there again I should like to submit to the House that this is in no way an innovation. Everybody in this House knows that communities which are called *shudra* have customary divorce and what is the total of what we call *shudra*? Nobody has ever probably made any calculation as to the total number of *shudras* who go to compose the Hindu society, but I have not the slightest doubt in my mind that the *shudras* form practically 90 per cent of the total population of the Hindus. What are called the 'regenerated' classes probably do not fill more than ten per cent of the total population of this country, and the question that I want to ask of honourable Members is this: are you going to have the law of the 90 per cent of the people as the general law of this country, or are you going to have the law of the 10 per cent of the people being imposed upon the 90 per cent? That is a simple question which every Member must answer and can answer.

So far as the 'regenerated' classes are concerned there was a time, if one refers for instance to the time when the Narada *smriti* or the Parashara *smriti* were written, when the *smritis* recognised that a woman can divorce her husband when he has abandoned her, when he died, when he has taken *parivrija*, and she was entitled to have a second husband. Consequently, it may be that at a later stage I shall read to you some extracts from your *shastras* to show. (An honourable Member: "Your *shastras*") Yes, because I belong to the other caste.

I shall read the extracts to show that what has happened in this country is that somehow, unfortunately, unnoticed, unconsciously, custom has been allowed to trample upon the text of the *shastras* which were all in favour of the right sort of marital relations. My submission, therefore, to the House is that so far as any new principles have been introduced in the law of marriage or divorce, whatever has been done is both just and reasonable and supported by precedent not only of our *shastras* but the experience of the world as a whole.

With regard to adoption, there are again three points of controversy. One point of controversy with regard to adoption is this, that like the old Hindu law we do not make similarity or identity of caste a requisite for a valid adoption. We follow the same rule that we have followed with regard to marriage. Here again, I may say that if a Brahmin wants to adopt a Brahmin boy, he is free to do so. If a Kayasth wants to adopt a Kayasth boy, he is free to do

[Dr. B. R. Ambedkar]

so. If a *Shudra* wants to adopt a boy of his own community he is free to do so. If a Brahmin is so enlightened as not to adopt a boy belonging to his own community but adopts a *Shudra* he is also permitted to do so. There is therefore no kind of imposition.

Seth Govind Das (C. P. and Berar: General): Why do you consider such a Brahmin enlightened?

The Honourable Dr. B. R. Ambedkar: Well, I do not know. From my point of view certainly he is enlightened; from your point of view he may be a very dark man, but that is a difference of opinion.

With regard to the question of the limitation on the right of an adopted son to challenge all alienations made by the widow before adoption, I do not think that there can be any controversy at all. There is no reason why we should continue the notion that a boy when adopted becomes the son of the adopted father right from the time when the adopted father died. This is a pure fiction. It has no value at all. It is not merely a fiction; it is a fiction which gives rise to tremendous litigation and tremendous difficulties. It is therefore right that the adoption should be simultaneous with the vesting of the property. I do not think any member of the House will think that this is a proposition which we ought not to accept at this stage. (Shri B. Das: "We all accept".)

Similarly, as I have stated, the limitation upon the right of a boy who is adopted to divest the mother completely and to make her nothing more than a dependant waiting for such maintenance as the adopted boy may give, I do not think that there is any member of the House who will think that such a situation can be justified on any ground whatsoever. I think it is right that we preserve the right of adoption which the orthodox community cherishes so much, but, Sir, I do not understand why there should be adoption. Most of us who make adoptions have no name to be recorded in history. Personally, I myself certainly would not like my name to go down in history, because my record is probably very poor. I am an unusual member of the Hindu community. But there are many who have no records to go down and I do not understand why they should indulge in adopting a son—a stupid boy, uneducated, without any character—not knowing his possibilities and fastening him and fathering him upon a poor woman, whom he can deprive of every property that she possessed. Therefore, my submission is this, that if you do want to cherish your old notions with regard to adoption, at any rate make this provision that the adopted boy does not altogether deprive the mother of the property which is her mainstay. I do not think that that limitation can be at all a point of controversy.

With regard to the question of the abolition of customary adoption, I would like to say two things. There is a general argument which the House will be able to appreciate. It is this. A Code is inconsistent with customary law. That is a fundamental proposition. If you allow a Code to remain and at the same time permit custom to grow and custom to plead against the Code, there is no purpose in having a Code at all, because a custom can always eat into the Code and make the Code null and void. With regard to this particular matter of customary adoption such as *Krithrim* adoption, *Godha* adoption and *Dwaimushayan* adoption, my submission is this, that these are really not adoptions at all. As the Privy Council in one of its rulings has definitely stated, adoption is purely a religious affair. The getting of property by the adopted son is a secondary matter. He may get property; he may not get property, and even though he may not get property his adoption from a religious

point of view may be valid. Therefore, my submission is this, that all these customary adoptions are nothing else but devices to keep property within the two families which enter into this bargain, and in my judgment, since we have passed the Constitution and included in the Directive Principles one article saying that the State should take steps not to allow property being concentrated in the hands of one or a few, such devices like the *Dwaimushayan* where two parties merely agree to share the property and keep it with them ought not to be tolerated. Besides, there is no reason why parties who want to make a genuine adoption should not conform to the rules and regulations regarding the *Dattaka* adoption which is permitted by the law.

Mr. Deputy Speaker: It is now one o'clock. The Honourable Minister may continue after Lunch.

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

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

The Honourable Dr. B. R. Ambedkar: I want now to take up the points of controversy relating to the topic of co-parcenary law. The question is raised: Why does the Bill wish to seek to abolish the co-parcenary which is prescribed by what is called the *Mithakshara* law? Now, Sir, having applied my mind in the best way I can for the proper exposition of this subject, I think this is a question which required to be considered from three different points of view. One is how large a volume of property is included within the ambit of what is called co-parcenary property. If the volume that is comprised within what is called co-parcenary property is a very large part of the property which a man in these days holds, then no doubt some serious attention will have to be paid to this question. Therefore, that is the first aspect of the question that one has to examine.

The second aspect that we have to consider with regard to the retention of what is called co-parcenary property is whether any co-parcener had individually the right to alienate property. Thirdly, whether any co-parcener has a right in himself to break up the co-parcenary. Obviously, if the property included within the class of property called co-parcenary property is a small part of the property, different questions will arise. Similarly, if any co-parcener, under the present existing Hindu law, has already got the right to alienate his share in the property, then obviously, the question whether this law or this Bill is abrogating co-parcenary property would stand on a different footing. Similarly, if under the existing Hindu law a co-parcener has an inherent right to break up a co-parcenary, then my submission is that the question that this Bill breaks up the co-parcenary becomes very much less momentous than is thought of by most Members of the House as well as people outside.

Let me therefore take the first question: What is the extent of the non-co-parcenary property which a co-parcener may hold, notwithstanding the fact that he is a member of the co-parcenary? Now, my friends, who have paid attention to this subject and know what the position is under the Hindu law, will know that there is no disqualification upon a co-parcener to hold separate

[Dr. B. R. Ambedkar]

property while he continues to be a co-parcener. A co-parcener may have capacity to hold two different sorts of property—property which belongs to the co-parcenary and property which does not belong to the co-parcenary, but belongs to himself and does not go by what is called survivorship.

Let me give the House some idea of the extent and nature of the property which a co-parcener can hold, although he is a co-parcener. I have taken from the existing text books on the Hindu law, the following categories of property which a co-parcener can hold, notwithstanding the fact that he is a co-parcener. Firstly, property inherited by a Hindu from a person other than his father, grand-father and great grand-father. If a Hindu gets property from a person who is not his father, grand-father or great grand-father, that property is in his hand and is separate property and does not belong to the co-parcenary. Secondly, property inherited by him from his maternal grand father, thirdly gift of ancestral moveables made to him by his father and fourthly property granted by Government to an individual who is a member of the co-parcenary becomes his personal property and not the property of the co-parcenary. Then fifthly we have ancestral property lost to the family and recovered without the aid of the family property. That also, although originally co-parcenary property, becomes his private property. Then sixthly, there is the income from separate property and purchases made from the income of such property. They are also private property. 7, share of a co-parcener by partition if he has no male issue. 8, property held by a sole surviving co-parcener when there is no widow with the power to adopt. 9, separate earning of a member of a joint family co-parcenary and 10 gains of learning. Such vast amount of property included in these 10 categories is today under the Mitakshara law the private property of a co-parcener. It does not become the property of the co-parcenary.

Let me illustrate this by one plain illustration. There are hundreds and hundreds of clerks in our Secretariat, some drawing small salaries, some drawing huge salaries, more than the salaries of the Members of the Cabinet—Rs. 4,000. (*Honourable Members*: "Clerks? Are they clerks?") I mean officers. In a certain sense they are glorified clerks.

The point I want to put to the House is this: that such large income as gains of learning, which come up in individual cases to Rs. 4,000, if there was a joint family in the true sense of the word, ought to go to the joint family for the joint maintenance of that family. What happens? Under the Gains of Learning Act passed only a few years ago, this very Assembly not I mean the Members, passed a law that such gains of learning, which form, as I say, the principal part of the income of a joint family and which a member is enabled to earn by reason of the education that was given to him out of the family income, have now been made his personal and private income. My submission to the House is this: when so large a property, as I have mentioned, included in these ten different categories have already been made a modification of the original laws of Mitakshara private property, what is the balance of property that is left which can be said to comprise the co-parcenary property? My submission is that really very, very small volume of property is left to comprise within what is called the co-parcenary. Let me take the other question. It is said that the co-parcenary—I hope Members understand that co-parcenary is something very narrow and very limited and it is not the same thing as a joint family, which is quite a different matter—system enables the Hindus to conserve the property, to retain it, that there can be no break-up, there can be no squandering of money so to say on the part of any

member of the family. A question that I want to put to the House is this: Is it true under the existing law of the Mitakshara that this property cannot be alienated, cannot be squandered? The answer is completely in the negative. Let me give you one or two illustrations. I am taking the case of the father. The father can alienate joint property for antecedent debt. All that the father has to do is to first of all create a debt, say one thousand or two thousand rupees on a personal promissory note. Subsequently, after six months he becomes entitled to sell the whole of the co-parcenary property, if that becomes necessary for the purpose of meeting that antecedent debt. Now, a submission that I want to make to the House is this: Does the lodgment of such enormous power in the hands of a father to sell the property for purely antecedent and personal debts? I want the House to bear in mind that the Mitakshara law makes a distinction between the father and the manager so far as the alienation of property is concerned. True a manager cannot alienate a property belonging to the co-parcenary unless and until it is proved that there is a family necessity for which alienation is necessary. But with regard to the father, there is no such obligation at all. A father can create a debt personally for himself and he becomes entitled to alienate that property for a purely personal debt which has not been incurred for the purposes of the family. The only limitation that is imposed upon the right of the alienation of the father under the Mitakshara law is that the debt must not be impious, must not be for an immoral purpose and if it is not immoral, then the father can alienate the whole of the property of the co-parcenary. There is no limit at all.

Similarly, take the case of the son. It is also under the Mitakshara law within the competence of a son to demand the partition of the family property at any time he likes. I could have well understood the argument for the conservation of the co-parcenary property if the rule of Hindu Law was that no co-parcener was entitled to alienate the property, that the property must remain the property of the co-parcenary, but that is not the case. The root of dissolution, the root of destruction of the co-parcenary property is in the co-parcenary itself, because it is the co-parcenary law that gives a vested right, a right from the very birth to demand partition of the property and disrupt the whole of the society.

Thirdly, even if a son does not alienate his property, he can create a debt on the property for his own personal purposes and the creditor who has advanced that money under Mitakshara law has a perfect right to sue for the partition of the co-parcenary in order to recover his debt. A stranger, therefore, under the Mitakshara law has a right to break up the co-parcener. I would like to ask my honourable friends, who are worried about this matter, where a large part of the estate, of the assets lies outside the co-parcenary property and so far as the co-parcenary property is concerned, the father has a right to alienate without any kind of limitation except the immorality of the debt, the son has a right to break up the property at any time he likes and the son has a right to create a charge on the property enabling the creditor to sue for partition, is it something which might be called a solid system, which is fool-proof and knave-proof? My submission is this, that the co-parcenary property law as it stands, contains within itself the elements of disruption. Therefore, the Bill is doing nothing very radical in saying that the share shall be held separately. As we all know to-day the condition is such that everybody wants

to live separately. The moment a father dies, the sons claim that there shall be partition and that they shall live apart and what the Bill is doing is to give a legal recognition to facts, as they exist to-day. There is nothing that is radical at all in this part of the Bill.

[Dr. B. R. Ambedkar]

Of course, I should say one thing which I think is generally not realized. I started by saying that a distinction has to be made between co-parcenary and joint family. This Bill while it does away with co-parcenary, maintains the joint family. It does not come in the way of the joint family being maintained. The only thing is that the joint family in the Mitakshara law will be on the same footing and of the same character as the joint family under the Dayabhaga law. It must not be supposed that because the Mitakshara law does not prevail in Bengal that there is no joint family. There is a joint family. The only distinction will be that the members of the joint family instead of holding their rights as joint tenants, will hold them as tenants in common. That will be the only distinction that will be between the existing law in the Mitakshara and the future law in the Mitakshara.

Now, I come to woman's property. I do not know how many members of this House are familiar with the intricacies of this subject. So far as I have been able to study this subject, I do not think that there is any subject in the Hindu Law which is so complicated, so intricate as the women's property. (An honourable Member: "As the woman herself"): As the woman herself. If you ask the question, what is *stridhan*, before answering that question, you have to ask another question and find an answer for it. You must first of all ask, 'is she a maiden' or 'is she a married woman'. Because what property is *stridhan* and what property is not *stridhan* depends upon the status of the woman. Certain property is *stridhanam* if she has obtained it while she is a maiden; certain property is not *stridhan* if she has obtained it after marriage. Consequently, if you ask the question what is the line of inheritance to the *stridhan*, you have again to ask the question whether the *stridhan* belongs to a maiden or the *stridhan* belongs to a married woman. Because, the line of succession to the *stridhan* of a maiden is quite different from the line of succession to the *stridhan* belonging to a married woman. When you come to the question of succession to married women's property, you have again to ask the question, does she belong to the Bengal School or does she belong to the Mitakshara School. If you ask the question whether she belongs to the Mitakshara school, you will never be able to find a definite answer unless you probe further and ask whether she belongs to the Mithila School or the Benares School or some other School. This is a most complicated subject. At the same time, I should like honourable members to bear two things in mind. One is this: so far as women's property is concerned, generally speaking, it falls into two categories. One category is called her *stridhan* and the other is called widow's property. The latter property is property which she inherits from a male member of her family, and according to the existing law property which she owns only during her life time and subsequently that property passes to the reversioners of the male heir. That is the position.

Therefore, so far as women's property is concerned, we have two different sorts of inheritance and two different sets of property, *stridhan* property and widow's property. The heirs to *stridhan* property are quite different and distinct from the heirs to the property she inherits from a male member. The question, therefore, we have to consider in codifying this particular branch of the Hindu Law is this. Are you going to maintain the two principal divisions which exist at present, namely, *stridhan* property and widow's property? Secondly, are you going to maintain the double line of succession, one line of succession for the *stridhan* property and another line of succession for widow's

property? These are the two principal questions which arise when one begins to codify this law. The Committee came to the conclusion that so far as codification was concerned, its purpose would be defeated if we allow the present chaos to continue. We must either decide that a woman will not be entitled to have absolute property or we must decide that a woman should have absolute property. We must also decide what should be the line of heirs for a woman; whether they should be uniform or they should be different. The Committee came to the conclusion that so far as right to property is concerned, there should be uniformity and uniformity should recognise that the woman has absolute property.

I know a great deal of the argument that is always urged against women getting absolute property. It is said that women are imbecile; it is said that they are always subject to the influence of all sorts of people and consequently, it would be very dangerous to leave women in the world subject to the influences of all sorts of wily men who may influence them in one way or another to dispose of property both to the detriment of themselves as well as to the detriment of the family from which they have inherited the family property. The view that the Committee has taken is a very simple one. In certain matters or certain kinds of property which is called *stridhan* property the Smritis are prepared to invest women with absolute right. There can be no question at all that a woman has an absolute right over her *stridhan* property. She can dispose it of in any way she likes. My submission to the House is this. If the woman can be trusted to dispose of her *stridhanam* property in the best way she likes, and nobody has ever raised an argument for the obliteration of that rule of Mitakshara, the burden of proof lies upon the opponents who say that the other part of the property, namely, widow's estate, which the woman has inherited, should not become her absolute property. It is they who must prove that while the women are competent to dispose of a certain part of the property which they possess, they are not competent to dispose of a certain other part. The Committee, on a very careful examination, failed to find a satisfactory solution of this dilemma. The Committee, in my judgment, very rightly, came to the conclusion that if in certain cases women were competent and intelligent to sell and dispose of their property, they must be held to be competent in respect of the disposal of the other property also. That is the reason why the Committee have made this rule that women should now possess absolute property.

The other question that arises on this issue, namely women's property, is the share of the daughter. I know it would be a very great under-statement to say that this is a ticklish question; it is a very anxious question. There are many people in this world, in India today, both orthodox and unorthodox who cannot help producing daughters; they do. I do not know what would happen to this world if daughters were not born. At the same time, they do not want to extend to the daughter the same love and affection which a parent is bound to extend both to the male and female issue. But, I am not going to use any such high level of argument in favour of the proposition which has been enunciated by the Select Committee; I am going to speak on a much lower tone. The first thing that I would like to address myself to this House is this. The inclusion of the daughter among the heirs is not an innovation which is made by this Committee. Honourable members who are familiar with the law of inheritance as it prevails both under the Mitakshara and Dayabhaga, I am sure, will admit that the daughter is included by both of them under what is called the compact series. As members will know, Hindu heirs are divided into several categories. The first category, is called,

[Dr. B. R. Ambedkar]

compact series. After that, there is a series of heirs spoken of as *Sapindas*, then comes *samanodakas*. After that comes the *bandhus*. *Bandhus* are divided into three categories: *Atma bandhus*, *Pitru bandhus* and *Matru bandhus*. The compact series is really a special class of heirs which does not conform strictly to the basic principles of heirship surrounded round *gotraja*, *samanodaka* and *bandhus*, because it is a mixed category. It is a category which is based on double foundation. It is based on propinquity; it is also based on religious efficacy. They do not conform to any of the criteria which have been laid down for determining the categories of *sapindas*, *samanodakas* and *bandhus*.

If you take both the laws, the Mitakshara as well as the Dayabhaga, you will see that the daughter is included within the category known as compact series. The only distinction between the Mitakshara and the Dayabhaga is this. According to the Dayabhaga the necessary element in heirship is the capacity to offer oblation. Consequently the Dayabhaga makes a rule between a daughter who is unmarried, a daughter who is married, a daughter who is married but has a son, and a daughter who is a widow. They give preference to a daughter who is married and has a son. Next to that they give preference to a daughter who is married. The unmarried daughter comes third. But it is within that category, the reason being that a daughter who is married and has a son, is ready there to offer oblation, because her son can offer oblation. A daughter who is unmarried, has no son, and therefore his possibility of offering an oblation does not exist. That is why she has been kept down. But the point I want to emphasize, and which I want the House to bear in mind is that there is no innovation as such in the inclusion of the daughter in the category of compact series. She has always been there both according to the Mitakshara and according to the Dayabhaga. The only innovation which the Bill seeks to make is to raise the status of the daughter. Under the Bill she becomes simultaneous heir, along with the son the widow, the widow of the predeceased son, son of a predeceased son of a predeceased son, widow of a predeceased son of a predeceased son.

The point is this that originally, and particularly according to the Mitakshara Law, no female was entitled to any kind of share at all. This law was changed in the year 1937 whereby the widow of the deceased, the widow of the predeceased son and of his grandson and great-grandson—they were all made simultaneous heirs along with the son. The only omission that was made was in respect of the daughter. The Government at that time was not prepared to lend its support to put the daughter on the same level as the widow and the widows of the predeceased son and the predeceased son's son. This is therefore the only innovation that the Bill makes. It merely raises it up in the order of heirs. It is not that for the first time she has been made an heir.

Now I come to the question of her share. As the Rau Committee has pointed out, and as many of the witnesses who know the Shastras have pointed out, that it is impossible to deny the fact that the daughter according to the Smritis was a simultaneous heir along with the son and that she was entitled to one-fourth share of her father's property. That has been accepted as a text from the Yagnavalkya and also from Manu. I once counted 137 Smritis and I do not know why our ancient Brahmins were so occupied in writing Smritis and why they did not spend their time doing something else it is impossible to say, assuming that that occupation was a paramount occupation

of the day. There is no doubt about it that the two Smritikars whom I have mentioned—Yagnavalkya and Manu, rank the highest among the 137 who had tried their hands in framing Smritis. Both of them have stated that the daughter is entitled to one-fourth share. It is a pity that somehow for some reason custom has destroyed the efficacy of that text: otherwise, the daughter would have been, on the basis of our own Smritis, entitled to get one-fourth share. I am very sorry for the ruling which the Privy Council gave. It blocked the way for the improvement of our law. The Privy Council in an earlier case said that custom will override law, with the result that it became quite impossible to our Judiciary to examine our ancient codes and to find out what laws were laid down by our Rishis and by our Smritikars. I have not the least doubt about it that if the Privy Council had not given that decision, that custom will override text, some lawyer, some Judge would have found it quite possible to unearth this text of Yagnavalkya and Munismriti, and women to-day would have been enjoying, if not more, at least one-fourth of the share of their property.

The original Bill had raised the share of the daughter to one-half. My Select Committee went a step further and made her share full and equal to that of the son.

I am not entitled to disclose what happened at the Select Committee and how this provision came to be made. I am perfectly...

Shrimati Renuka Ray (West Bengal: General): Unanimously!

Mr. Deputy Speaker: Was it a compromise between twice the share of a son claimed and half the share provided in the Bill?

The Honourable Dr. B. R. Ambedkar: It was not a compromise. My enemies combined with my enthusiastic supporters and my enemies thought that they might damn the Bill by making it appear worse than it was.

Shri H. V. Kamath: Have you any enemies.

The Honourable Dr. B. R. Ambedkar: However, this is the position, namely, so far as the daughter's share is concerned, the only innovation that we are making is that her share is increased and that we bring her in the line with the son or the widow. That also, as I say, would not be an innovation if you accept my view that in doing this we are merely going back to the text of the Smritis which you all respect.

I might also say that in discussing this question about the share of the daughter, myself, and the members of the Law Department examined every system of inheritance. We examined the Muslim system of inheritance: We examined the Parsi system of inheritance: We examined also the Indian Succession Act and the line of succession that had been laid down and we also examined the British system of inheritance, and nowhere could we find any case where a daughter was excluded from a share. There is no system anywhere in the world where a daughter has been excluded.

Now, Sir, one question has been brought forth constantly—that the giving of the share to the daughter means disruption of the family. I must frankly confess that I cannot appreciate the force of that argument. If a man has twelve sons and one daughter, and if the twelve sons on the day of the death

[Dr. B. R. Ambedkar]

of the father immediately decide on partition and obtain a twelfth of the total property of the father, is the partition going to be much more worse if there was a daughter, the thirteenth, who also demanded a share?

Twelve shares or 12 fragments is not a better situation than 13 fragments. If you want to prevent fragmentation we shall have to do something else, not by the law of inheritance but by some other law, whereby property shall not be fragmented so as to become less useful from a national point of view for purposes of national production.

Shri T. A. Ramalingam Chettiar (Madras: General): Is the Hindu Code applied to agricultural land?

The Honourable Dr. B. R. Ambedkar: It is not. I am saying generally.

I think I have, so far as I know, exhausted what I have to say on the various points of controversy which I had seen raised both by members of this House as well as by the members of the public. I hope that the clarification which I have given on the various points will allay the fears of members who are not well disposed towards this measure. They will realise that this is in no sense a revolutionary measure. I say that this is not even a radical measure and I should like to draw the attention of the members of this House to one important fact, namely the constitution and composition of the Rau Committee. There were four members of that committee but I should like to point out that two of them who have signed the report are far from radical members of the Hindu community. My friend Mr. Gharpure, whom I have known for a long number of years, is one of the most conservative members I know.....

Shri H. V. Kamath: Politically or Socially?

The Honourable Dr. B. R. Ambedkar: Politically and socially also. In fact I have no hesitation in saying that he may on certain occasions find it very difficult to touch me even with a barge pole. He is so conservative. My friend Mr. T. R. Venkatarama Sastri is no doubt a liberal but he is certainly not a radical so far as I know. If these people conservative in their attitude have signed the report I think we can take it for granted that the measure to which they have put their signature could not be revolutionary and certainly could not be destructive of the foundations of the Hindu Society. So far as I am concerned I am a very conservative person: Although some people may not accept that fact, I am indeed very conservative. All I say is that I am a progressive conservative and I should like to tell the House one important fact which I think every one of us must bear in mind, particularly the conservative members of this House. The great political philosopher Edmund Burke who wrote a big book against the French Revolution because of its radicalism and revolutionism did not forget to tell his own countrymen who were very conservative one very important truth. He said that those who want to conserve must be ready to repair and all I am asking of this House is this: that if you want to maintain the Hindu system, the Hindu culture, the Hindu society, do not hesitate to repair where repair is necessary. This Bill asks for nothing more than repairing those parts of the Hindu system which are almost become dilapidated.

Shri H. V. Kamath: Sir, on a point of reminder, the Honourable Dr. Ambedkar promised some citations from the Smritis. Will he keep his promise?

The Honourable Dr. B. R. Ambedkar: I shall do so at the end. Fortunately for me I have secured a copy of Mr. Dwarkanath Mitter's own book "Rights of Hindu Women". I was going to cite certain texts which show that the rights which the Vedas had given to women were taken by the Smritis in the meantime and some other smritis tried to restore those rights. I shall cite them in the course of my speech.

Shri Deshbandhu Gupta: Could the Honourable Minister enlighten the House as to the evidence which was produced before the Select Committee?

The Honourable Dr. B. R. Ambedkar: As honourable Members know two bodies came to us and asked for evidence to be taken. The Committee decided that their evidence be taken. One body came and one body sent in a written reply. That body was the Dharma Nirṇaya Mandal. In general they are absolutely in agreement with the provisions contained in the Bill. The other gentleman who came obviously was not.

Mr. Deputy Speaker: Motion moved:

"That the Bill to amend and codify certain branches of the Hindu Law, as reported by the Select Committee, be taken into consideration".

Two amendments were not pressed. What about the next amendment?

Pandit Thakur Das Bhargava: Sir, I am not in a position to move any of my amendments.

Mr. Deputy Speaker: As I have already stated in answer to the suggestion made by the Honourable the Mover of the Bill I shall allow these motions to be made without any speeches at the time of moving the motion. After all the amendments are moved whichever are relevant and are admitted, there will be discussion on them as also on the original motion.

Shri Deshbandhu Gupta: On a point of order, Sir, is it open to an honourable Member to say that he is not in a position to move his amendments?

Mr. Deputy Speaker: It is.

Mr. Naziruddin Ahmad: Sir, I am directed.....

An Honourable Member: By whom?

Mr. Naziruddin Ahmad: I am directed to move my amendment without a speech at the first instance. (An honourable Member: "Who has directed you?") I am directed by the Honourable Deputy Speaker. I find that honourable members are extremely impatient.

Shri R. K. Sidhva (C. P. and Berar: General): No, we are not. Proceed.

Mr. Naziruddin Ahmad: I have been directed, I repeat, to move my amendment without a speech. On account of the eloquence of my honourable friend the Law Minister I was already speechless...

Shri L. Krishnaswami Bharathi: You are already disobeying your mandate.

Mr. Naziruddin Ahmad: There are the bright ladies who have also created a profound impression upon me and just before I stood up Pandit Thakur Das Bhargava, a very powerful member, said that he was not in a position to move.

Mr. Deputy Speaker: Is this preamble necessary for moving his amendment?

Mr. Naziruddin Ahmad: I was already rendered speechless and that is why I was expressing my gratitude for suggesting that I should not make any speech.

Mr. Deputy Speaker: The honourable Member will speak later.

Mr. Naziruddin Ahmad: Sir, I beg to move with considerable amount of nervousness:

"That the Bill be circulated for the purpose of obtaining further opinion thereon by the end of 1949".

Mr. Deputy Speaker: Amendment moved:

"That the Bill be circulated for the purpose of obtaining further opinion thereon by the end of 1949".

Shri B. Das: Sir, as this is a dilatory motion I suggest it may be ruled out of order.

Shri Mahavir Tyagi: On a point of order; in the morning also there was some ruling about dilatory motions. I submit, Sir, that they are the privilege of a Member. Although I stand by Dr. Ambedkar in many respects with regard to this Bill, I submit that dilatory motions are the privilege of those Members who are not in power—of individual Members as well as parties. Let it not be tabooed. It is a democratic right of Members to delay business if they choose to do so. Therefore a motion should not be disallowed because it is considered to be dilatory. Dilatory motions are the privilege of a House of democracy.

Mr. Deputy Speaker: I do not see any point of order in what Mr. Tyagi has said. He wants full discussion to be allowed on this. As regards the point raised by Mr. B. Das I am not able to understand it. Does he mean to say that under any of the Rules such a motion is not allowable? If so he Report is presented, the procedure is this. (*An honourable Member:* "What Rules are they?") The Rules that we adopted last session.

The Rule says:

"If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be re-committed or be circulated or re-circulated for the purpose of obtaining opinion or further opinion thereon".

Therefore under the Rules this kind of motion is allowed. I want to know how I am expected to disallow this motion.

Shri B. Das: I am aware of that Rule. But I was guided by the ruling of this morning that no dilatory motions would be allowed. I therefore raised the point of order.

The Honourable Dr. B. R. Ambedkar: May I be permitted to say something? I think the point raised by my friend Mr. B. Das is a perfectly correct point of order, because of this...

Honourable Members: No.

Pandit Thakur Das Bhargava: When the Deputy Speaker has given a ruling it cannot be questioned.

Mr. Deputy Speaker: The honourable Members will not speak all together. They will rise in their seats and also speak one at a time. Let me hear the Honourable the Law Member. I will allow an opportunity to every Member to speak on this point provided he is able to make a proper contribution to the debate. Nobody need be impatient.

The Honourable Dr. B. R. Ambedkar: Sir, as you will recall the motions which are permissible under the Rules of Business fall into two categories: one set of motions are such that the Speaker must put them to the House; the other set of motions are such that the Speaker must first be satisfied that they are proper motions before he can put them to the House. Let me illustrate this by reference to a motion for adjournment. Under the Rules every honourable Member is permitted to move an adjournment motion. But merely because a certain member has tabled an adjournment motion that in itself does not authorise, enable, or empower the Speaker to put it to the House, because it is laid down that unless the motion is held to be admissible by the Speaker the motion shall not be put. I can give various other illustrations. With regard to a motion like this, namely, the adjournment of the consideration of the Bill and circulations for further opinion, my submission is that such a motion falls within that category of motions where the Speaker is required to be satisfied before he can put the motion to the House. It has been the universal practice in this House that any such motion for the postponement of the consideration of the Bill or for circulation, made after the Select Committee has made its Report, is *prima facie* dilatory. Unless the member who makes the motion advances substantial reasons for such a motion and the Speaker is satisfied that the reasons advanced are substantial such a motion will not be admissible. There are many rulings in these books but I should like to draw attention to ruling No. 1 in book No. 1. In regard to this motion no substantial reasons have been given.

An Honourable Member: But he has not spoken at all.

Mr. Deputy Speaker: Let the Honourable the Law Member conclude.

The Honourable Dr. B. R. Ambedkar: I was only drawing your attention to a ruling (No.1) in this book. There are various others also. It says:

"During the discussion on the Cotton Excise Duty Abolition Resolution a motion was moved to adjourn the debate on the Resolution. (*Which practically means sending it away for circulation or to leave it up.*)

"The President while accepting the motion on this particular occasion without creating a precedent remarked:

"The Chair cannot allow a motion to adjourn consideration of a proposition to be moved merely in order to enable another item of business to come forward. It must be supported on substantial grounds."

Pandit Thakur Das Bhargava: The ruling says it is not a precedent but you want to make a precedent of it.

The Honourable Dr. B. R. Ambedkar: The President says 'I am ruling but I am not creating a precedent'.

Pandit Thakur Das Bhargava: In this matter I would call your attention to page 81 of 'Decisions of the Chair' which says that there are certain motions which can be stated to be of a dilatory nature. The question of circulation is not certainly one of such nature. But there are motions of a dilatory nature and it is in the discretion and power of the Chair to allow them or not to allow them. One page 81 of this book in regard to re-committal of motions it has been held that though to start with, it may be regarded as a dilatory motion, if something happened in the Select Committee or some events have transpired since, the Chair is perfectly authorised to say that it is not a dilatory motion. Now the honourable Member has not been asked what the reasons are and before that my honourable friend gets up and says that it is a dilatory motion. It is absolutely wrong for him to suggest at the very outset that it is a dilatory motion. A circulation motion is not a dilatory motion. Unless the Speaker comes to the conclusion that nothing has transpired in

[Pandit Thakur Das Bhargava]

the Select Committee or no further events have taken place which justify him to retard that motion I think the Speaker is not entitled to say that any of the motions are also dilatory. Ordinary motions countenanced by the rules cannot be regarded as dilatory motions.

Mr. Naziruddin Ahmad: Sir, I think matters can be cut short in a minute. The precedent relied upon by the Honourable the Minister of Law does not apply to this situation at all. The heading is, "Adjournment of Debate",...

The Honourable Dr. B. R. Ambedkar: This is an adjournment of debate, if the motion is carried.

Mr. Naziruddin Ahmad: No, it is entirely different as I shall show. The sub-heading is, "Adjournment of Debate: Motion when allowed to be moved:". I do not move for an adjournment of this debate, which certainly could be done under amendment No. 2, that is:

"That the consideration of the Bill, as reported by the Select Committee be postponed."

My object is continuance of the debate, consideration of the motion, and I want the consideration to be taken along with my motion. A further reading of the ruling relied upon by Dr. Ambedkar will make it absolutely clear:

"During the discussion on the Cotton Excise Duty Abolition Resolution a motion was moved to adjourn the debate on the Resolution."

"The President while accepting the motion on this particular occasion without creating a precedent, remarked: The Chair cannot allow a motion to adjourn consideration of a proposition to be moved merely in order to enable another item of business to come forward. It must be supported on substantive grounds."

As I understand it, there was at the time one motion before the House and there was another perhaps more interesting or more important in advance. A Member proposed the adjournment of the discussion of a resolution which was under consideration so that another more interesting Motion may be taken up. It was the attempt to adjourn the first Motion that was said to be unacceptable. Here I do not propose adjournment of the debate.

The Honourable Dr. B. R. Ambedkar: It all comes to that.

Mr. Naziruddin Ahmad: Here we are concerned with the interpretation of Rule 52. The plain reading of this rule would show that the motion is in order. Without abrogating the rule it cannot be held that it is out of order.

Pandit Hirday Nath Kunzru (U.P.: General): This Bill admittedly has created a great deal of feeling and it would be most undesirable to add to it by restraining the discussion in any way. I think the only way of making every section of the House feel that full opportunity was being given to it to express its opinion on this and to allow the discussion. Whatever our individual views regarding the merits of the Bill before us may be, that should be no ground for opposing the Motion of my honourable friend Mr. Naziruddin Ahmad.

Dr. Ambedkar quoted a ruling of the Chair in regard to a matter that is not on all fours with that under consideration now. In the first place the ruling was given in regard to a Resolution and not in regard to a Bill. In the second place, the rules lay down clearly that so far as a Bill is concerned a Motion may be made not merely that the Bill be circulated but that it may be re-circulated, not merely that it should be referred to a Select Committee but that it should be re-committed to it. The language is therefore absolutely clear. If, whenever a Motion is made for the re-committal or re-circulation of a Bill, it is opposed on the ground that it is a dilatory Motion, the clear rights, the

rights most unequivocally given to Members by the Rules will be completely null and void. We may feel impatient that a Motion like that of Mr. Naziruddin Ahmad may be ruled out. We may be ready to turn it down, but that is no reason for not allowing it to be moved. In my humble opinion, it is most assuredly in order and we shall be doing a great injustice if in order to pass a law in which we are keenly interested we whittle down the rights of Members and try to interpret the Rules in a manner convenient to whatever may happen to be the majority at any particular time.

Shri L. Krishnaswami Bharathi: Sir, the only point is that under Rule 52(2) no doubt every Member has a right; but the important point is that it is subject to admissibility which is at the discretion of the Speaker. All that Dr. Ambedkar said was, that we have no doubt the right to ask interpellations, but that certainly does not mean that all interpellations should be put on the Agenda Paper; it is subject to admissibility. There being the discretion, all that you have got to decide now is, whether it is in the nature of a dilatory Motion. You may ask Mr. Naziruddin Ahmad to give his reasons. If you are satisfied that he has a good ground to move his Motion, then you have got the discretion to allow him to move it. Therefore, it is now for you, Sir, to ask him and be satisfied; and if you are satisfied that he has valid grounds, certainly he can move the motion. That is a point which Dr. Ambedkar raised. Every Member is entitled to speak and take his chance. All that you are concerned with, is a matter of procedure; the procedure being that a Motion is subject to admissibility, which is within your discretion. I may suggest that you may ask Mr. Naziruddin Ahmad to give his grounds and it is ultimately for you to decide whether it is in the nature of a dilatory motion, in which case you have to rule it out of order; but if you are satisfied about the grounds then you may allow the motion to be moved.

Mr. Tajamul Husain rose—

Babu Ramnarayan Singh: Sir, I have something important to say.

Mr. Deputy Speaker: On the point of order?

Babu Ramnarayan Singh: Yes, Sir.

Mr. Deputy Speaker: All right.

Mr. Tajamul Husain (Bihar: Muslim): Sir, I caught your eye first. I have also got a point of order.

Mr. Deputy Speaker: After this point of order is disposed of Mr. Tajamul Husain's point of order will be considered.

Babu Ramnarayan Singh: Sir, you have already quoted the rule. I am sure no ruling can be given by any President against a Rule. The thing is this: there may be a subject under discussion in the House on which opinions may be divided—it is quite natural. One section of the people may look upon the subject as a boon, and the other section may look upon the subject as a danger, as a plague, as a curse. That section of the people who look upon the subject as a curse has the right not only to delay the Motion, but even to kill it. Here also, I think this section has the right to move the Motion and I think justice demands that they may have all the privileges and all the rights.

Mr. Tajamul Husain rose—

Mr. Deputy Speaker: There is another point of order which the honourable Member is raising, I will come to it next.

I am afraid the honourable Member Mr. Naziruddin has himself invited all these points of order because he started one this morning. Apart from any

848

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [24TH FEB. 1949]

[Mr. Deputy Speaker]

technicalities we may ask Mr. Naziruddin what his purpose is and what important points he has in view in making his motion for circulation.

Mr. Naziruddin Ahmad: I think this question.....

Pandit Hirday Nath Kunzru: May I ask you, before Mr. Naziruddin Ahmad replies, whether you have come to the conclusion that the right of the member to move the re-circulation of the Bill is subject to the discretionary power of the Chair?

Honourable Member rose—

Mr. Deputy Speaker: Order, order. Members must respect the Chair. When I stand up, they will kindly sit down. I think I have heard sufficiently. Is it not open to the Chair to ask for reasons? It does not mean that I have come to a conclusion one way or the other. I am trying to make up my mind. I have heard Mr. Bharathi's point. Apart from the question as to whether the Chair, under the rules, has got the right to allow or disallow, I want to know on what grounds—if there are any—this motion should be accepted. After hearing that, I shall give my ruling.

Mr. Naziruddin Ahmad: My reply to that is two-fold. The first is the admissibility of the motion as a matter of law, and secondly as to the reasons for the motion, they are matters of merit. At present, I have been asked by the Chair not to make a speech and I have been entirely prevented from giving the arguments on the merits as to why this motion should be accepted. I submit a distinction should be made between the legality and admissibility of the motion and the grounds on which it is based for the acceptance of the same by the House. I submit that at this stage, in order to admit the motion which I have made, I think, Sir, I may not say anything at all.

Mr. Deputy Speaker: I have heard sufficiently on this matter. So far as Mr. Das' point that this motion is one of a dilatory nature, I consider that this motion differs materially from the one referred to by the Honourable the Minister for Law. He quoted the rulings of the Chair and gave the instance of ruling No. 1 on the postponement or adjournment of the debate. When motions for postponement for which there are no particular rules of procedure are made, it is open to the Chair to treat them as dilatory motions and require to be satisfied on what substantial grounds an adjournment of the debate is necessary. So far as the present motion for circulation is concerned, it is one for which provision is made in Rule 52(2). The Honourable the Minister for Law referred to the analogy of adjournment motions, but regarding adjournment motions there are specific rules laid down here, giving power to the Speaker to come to a conclusion as to whether *prima facie* a motion is in order or not. I am referring to rule 36. The right to make adjournment motions depends upon certain conditions as in the case of questions. Unless a question comes under one or other categories provided for under the rules it is open to the Speaker to disallow it; similarly, with respect to adjournment motions also, there are six conditions which must be satisfied. There is provision also for asking for leave. First of all, it is open to the Chair, if it so chooses, to say that a motion is not in the public interest, it is old and so on. Secondly, even if he chooses to admit it, he must ask if the motion has the support of at least twenty-five members of the House; then leave is granted. In such cases special provisions have been made. This present motion for circulation does not fall in the same category as the others.

As regards ruling 120 on page 81, it refers to Select Committee motions. I do not find any ruling of the Chair till now, in either of these two books "Decisions of the Chair" in point stating that a motion for re-circulation is a dilatory motion. In these circumstances, I do not want to curtail the powers of the House. It does not mean, if I allow the motion, the House is obliged to accept it. Even if it is moved, the House may reject it after debate if it is not satisfied. Under these circumstances, inasmuch as the rulings are not clear on this point, I do not want to throttle this motion. The honourable Member may proceed. I have already said that honourable Members will first move the motions standing in their names and then there would be a debate on all the motions together. The next amendment stands in the name of Pandit Mukut Bihari Lal Bhargava and Shri Jhunjunwala.

Pandit Mukut Bihari Lal Bhargava: The motion moved by my honourable friend Mr. Naziruddin Ahmad is substantially the same. Therefore, I would like to support his motion.

Mr. Deputy Speaker: He need not give his reasons for not presenting. What about Mr. Jhunjunwala?

Shri B. P. Jhunjunwala (Bihar: General): I join my friend Mr. Bhargava.

Mr. Deputy Speaker: So he does not press. Nos. 7 and 8, I have already said are out of order. The scope of the Bill is confined to the provinces and not to any acceding State.

Mr. Naziruddin Ahmad: In regard to States which have entirely united themselves within the Indian Dominion, they stand on a different footing. The Eastern States have combined with the province of Orissa. They are now part of India. The Bill will apply to them.

Mr. Deputy Speaker: I can understand it only this way,—whether they have become part of a province or not if they are parts of a province, the Bill will apply. It is not necessary that a copy of the Gazette should be sent to every village and every corner of the country. If the State has become a part of province, it takes all the rights and liabilities of the province. I do not see any reason why the Bill should be once again circulated. Therefore I rule amendment No. 7 is out of order. No. 8 is also out of order. No. 9, does Mr. Bhargava move?

Pandit Thakur Das Bhargava: I have already said that I do not propose to move

Mr. Deputy Speaker: Then the next amendment. Mr. Naziruddin Ahmad.

Mr. Naziruddin Ahmad: Sir, I beg to move as an alternative to the one which I have already moved:

"That the Bill be re-committed to the same Select Committee, to which it was sent, for a further report thereon with reference to the original Bill which was referred to it on the 9th April, 1948."

Mr. Deputy Speaker: Amendment moved:

"That the Bill be re-committed to the same Select Committee to which it was sent for a further report thereon with reference to the original Bill which was referred to it on the 9th April 1948."

Shrimati Renuka Ray: In view of the Speaker's ruling, it is out of order. It goes against the Speaker's ruling.

Mr. Deputy Speaker: The re-circulation motion is before the House. Why should the House not consider this motion also after all?

Shrimati Renuka Ray: It goes against the Speaker's ruling of the other day.

Mr. Deputy Speaker: May I ask the Lady Member how it goes against the Speaker's ruling?

Shrimati Renuka Ray: The Speaker ruled that the Bill is the same as committed to the Select Committee and therefore there cannot be a motion for recommitment to the Select Committee. There has been no substantial change in the Bill.

Mr. Naziruddin Ahmad: There are many substantial changes as I shall show.

Mr. Deputy Speaker: No speeches across the benches please. So far as the arguments advanced by the Lady Member are concerned, what I feel is this. The Speaker certainly said that the Bill considered by the Select Committee is not different from the one committed to it. But recommitment may be on various other grounds. Therefore, unless any objection is taken on other grounds.....

Shrimati Renuka Ray: The words "original Bill" are there.

Mr. Deputy Speaker: Original Bill is the same as the other Bill. Therefore, he has said "original Bill". We will drop the word "original".

Shrimati Renuka Ray: I would humbly submit that the word "original" is there. Therefore, we cannot drop it now from the motion.

Mr. Deputy Speaker: The Speaker ruled that the Bill that came out of the Select Committee was the original Bill and therefore there is no harm in using the word "original". The objection taken was that the original Bill was not considered by the Select Committee. Hon'ble the Speaker ruled that it was the original Bill itself that was considered by the Select Committee. Therefore, the honourable Member has stated in his amendment that the original Bill be recommitment to the Select Committee. The argument advanced by the Lady Member is against her own objection. I find there is nothing wrong in this motion.

Shri R. K. Sishva: The Mover's intention is quite different. He does not consider this Bill as the original Bill and therefore he wants this to be sent to the same Select Committee.

Shri H. V. Kamath: Though the intention of the Mover is clear, I think my honourable friend Pandit Naziruddin Ahmad, in drafting the amendment has slightly over-reached himself. I would suggest to him that he may reconsider the whole matter and bring it up again sometime later.

Mr. Deputy Speaker: I do not consider that the use of the word 'original' affects the position at all. On the other hand, the Speaker's ruling was that it was the original Bill that was referred to the Select Committee and that it was that Bill that came back in a modified form. I cannot accept that as an objection. There is no good, spending more time over this matter.

Amendment No. 13 may be moved.

Pandit Mukut Bihari Lal Bhargava: My amendment is substantially the same as the one moved by Mr. Naziruddin Ahmad. I will speak in support of it and not move mine.

Mr. Deputy Speaker: The honourable Member will then have to take his turn after that of the Movers of the other amendments.

Amendment No. 14 is not moved.

Mr. Naziruddin Ahmad: I intend moving my next amendment if my amendment No. 10 is passed.

Shrimati Renuka Ray: I rise to a point of order. Amendment No. 15 goes against the Speaker's ruling.

Mr. Deputy Speaker: The Speaker's ruling does not cover this point. This House may not be satisfied with the re-arrangement made by the Select Committee. Therefore the original motion that it be referred to the Select Committee can stand. There is no point of order so far as this matter is concerned.

Mr. Naziruddin Ahmad: Then, Sir I move:

"That the Bill be re-committed to the Select Committee with instructions for report on the original Bill as presented to the House restoring the original arrangement of self-contained separate Parts and Chapters for enactment separately".

Mr. Deputy Speaker: I am afraid, I must disallow this amendment. As there can be no objection to the re-arrangement of Parts and Chapters, I rule this amendment out of order.

Shri B. Das: Sir, before the next amendment is moved, I want your ruling as to whether one Member can move five amendments?

Mr. Deputy Speaker: Alternative amendments can be given notice of. The honourable Member has been sufficiently long in this House to know this.

In the next amendment of Mr. Naziruddin Ahmad, the only addition is of the words "31st December 1949". I do not think he need move amendment No. 16.

Mr. Naziruddin Ahmad: The Select Committee referred to there is a separate select committee.

Mr. Deputy Speaker: I do not think I can allow this amendment to be moved. The honourable Member must have given the names of the Members for the Select Committee at the time of giving notice of the motion.

Mr. Naziruddin Ahmad: I have divided it into two parts. First of all there is the idea of the Select Committee. If it is acceptable.....

Mr. Deputy Speaker: The House cannot be asked to give its opinion first in a matter of this kind. As the honourable Member has not given the names of the Members for the select committee to the Chair earlier, his amendment is ruled out of order.

Discussion on the general motion may now be resumed. I call upon Seth Govind Das to speak now.

Seth Govind Das : *Sabhapathiji*.....

Shri L. Krishnaswami Bharathi: During general discussion the honourable Member who has moved an amendment has the first right to speak.

Mr. Deputy Speaker: The honourable Member will leave it to the Chair. The Chair knows the procedure.

Mr. Tajamul Husain: I have been trying to raise a point of order for a long time. Sir, I shall be very brief. The honourable Member Mr. Naziruddin Ahmad who is very keen on punctuation, on commas and full stops etc. has given notice of this amendment that this Bill be circulated. This is absolutely out of order. The honourable Member should have worded his amendment thus: This Bill be re-circulated. That is my point of order. This is what the relevant rule says: 'any member may move as an amendment that the Bill

[Mr. Tajamul Husain]

as reported by the Select Committee be re-committed or re-circulated as the case may be for the purpose of obtaining opinion or further opinion thereon'. Therefore, the honourable Member who is very keen on commas and full stops etc. should have put the words "re-circulated for further opinion." My point of order, therefore, is that as the wording of this amendment is not according to the rules, it may be ruled out of order.

Mr. Deputy Speaker: It is true that the honourable Member who has tabled this motion, who is ordinarily careful with reference to punctuations has committed there error of not putting the word 're'. I ought not to decide it as a matter of form, but as one of substance and this motion for circulation comes after the report of the Select Committee has been received.

1 P.M. Therefore, it means under the circumstances only 're-circulation'. I have already given the ruling. The ruling will stand. The debate will be continued by Seth Govind Das.

Shri V. S. Sarwate: Mr. Deputy Speaker, Sir, I want to bring to your notice that I have already given a motion for re-circulation and it is based on those two motions. I do not know, why it was omitted in the consolidated list. These two motions are dated the 21st August 1948. I do not wish to take further time of the House. I will read the motion so that it can be taken up for further discussion. The motion stands thus:

"That the Bill as reported by the Select Committee be re-circulated for the purpose of obtaining further opinion thereon".

Mr. Deputy Speaker: Have honourable Members got copies of this notice? *(An Honourable Member:* "Yes, Sir") I will ask the honourable Member to read it out.

Shri V. S. Sarwate: The motion runs as follows:

"That the Bill as reported by the Select Committee be re-circulated for the purpose of obtaining further opinion thereon".

Mr. Deputy Speaker: When was this notice of amendment given?

Shri V. S. Sarwate: Notice was given on 1st August 1948. The amendment forms part of Supplementary List No. 2.

Mr. Deputy Speaker: The motion was made on the 1st August and the 12th of August is the date of the Select Committee's report and possibly a week later it was presented to the House.

Shri L. Krishnaswami Bharathi: The motion was made on 31st of August.

Mr. Deputy Speaker: The motion need not be made. It is after the presentation of the report. But all notices laps after the session is over. A fresh notice should have been given. I do not know if honourable Members have got copies of this.

Shri Jaspat Roy Kapoor: I have got a copy of this. It is a consolidated list: Notice of Amendments... This was sent from the office on the 28th August 1948. There are twenty-four amendments mentioned in this list and Mr. Sarwate's amendment stands as the fourth on this list.

Mr. Deputy Speaker: These notices were all for the last session. These notices have all lapsed at the end of that session. Only those amendments, copies of which have been placed on the table before each honourable Member now, these only will have to be taken for consideration. The other notices have lapsed. Therefore further debate will be continued by Seth Govind Das.

सेठ गौविन्द दास : सभापतिजी, मैं यह देखता हूँ कि इस बिल का विरोध करने वाले और इसका समर्थन करने वाले दोनों ४ समूहों में बाँटे जा सकते हैं। विरोध करने वालों में एक समूह उन व्यक्तियों का है जो इसका विरोध उसी दृष्टि से करते हैं जिस दृष्टि से सती प्रथा को उठाने के लिये जो कानून बनाया गया उसका विरोध किया गया था; ईश्वरचन्द्र विद्यासागर ने विधवा विवाह के सम्बन्ध में कानून बनवाया उस समय जिस दृष्टि से उसका विरोध किया गया था; श्री शारदाजी ने बाल विवाह रोकने के लिये कानून बनवाना चाहा उस समय जिस दृष्टि से उसका विरोध किया गया था। शारदा बिल के समय में कौंसिल आफ स्टेट में था और उस समय के उस बिल के विरोध का हाल मैं स्वयं जानता हूँ। यह वह समूह है जो यह मानता है कि हमारे वेदों में, हमारे शास्त्रों में, हमारी स्मृतियों में, जो कुछ लिखा गया है, उसमें कोई भी परिवर्तन नहीं हो सकता। मैं उस समूह का नहीं हूँ। हमारे धर्मशास्त्रों को भी यदि देखा जायगा तो पता लगेगा कि समय समय पर अगर एक ऋषि ने कुछ कहा तो दूसरे ऋषि ने दूसरी बात कही। यदि यह बात न होती तो आज एक सौ से ऊपर स्मृतियाँ हमारे ऋषियों ने न बनाई होती। अगर उन स्मृतियों को देखा जायगा तो मालूम होगा कि एक स्मृति जो कुछ कहती है दूसरी स्मृति वही बात नहीं कहती। दूसरी स्मृति दूसरी बात कहती है तो जैसा मैंने आपसे कहा कि जितने सुधार हुए हैं उन सब सुधारों के विरुद्ध जो समूह आवाज़ उठाता है, उस समूह में मैं नहीं हूँ।

विरोध करने वाला दूसरा समूह वह है जो यह तो मानता है कि हमको इन विषयों में सुधारों की आवश्यकता है परन्तु साथ ही वह यह भी मानता है कि इस समय यह कानून हमारे सामने लाया जाना उचित नहीं है। यह तब आना चाहिये कि जब नया चुनाव हो जाय, नये चुनावों के पश्चात् जब हमारे नये प्रतिनिधि आ जायें उस समय उनके सामने यह कानून लाया जाय। मैं यह कहना चाहता हूँ कि यदि हिन्दू कानूनों में इस समय कोई परिवर्तन न किया जाकर तीन वर्ष के बाद भी किया जाय तो कोई अनर्थ नहीं होगा। यह एक ऐसा विषय है जिस पर देश को विचार करना है, हम सब को विचार करना है जो यहां पर मौजूद हैं उनको विचार करना है, जो भविष्य में यहां पर आने वाले हैं उनको विचार करना है इसलिये जो दूसरा समूह यह कहता है कि इस बिल को लाने का न यह उपयुक्त समय है और न यह उपयुक्त स्थान है मेरा यह ह्याल है कि उस समूह के कहने में बहुत अधिक बल है और मैं यह कहना चाहता हूँ कि हमको इस पर अवश्य विचार करना चाहिये।

जो इस कानून के पक्ष में हैं, वे भी, जैसा मैंने कहा, दो समूहों में बाँटे जा सकते हैं। एक तो वे हैं जो हमारी किसी भी प्राचीन परम्परा को देखना ही

[सेठ गोविन्द दास]

नहीं चाहते, जो इस बात पर भी विचार नहीं करना चाहते कि यह देश एक प्राचीन देशों में से है, इस देश का एक विशेष इतिहास है, इस देश की एक विशेष संस्कृति है, इस देश की एक विशेष परम्परा है। इस प्रकार के सुधारक लोग हैं वह इस बात की परवाह नहीं करना चाहते कि हमारे यहां पहले क्या था और आज हमको अपने देश का निर्माण कैसे करना है। इस प्रकार के सुधारकों में पश्चिमी शिक्षा का बहुत बड़ा प्रभाव है और यह समाज के सुधार में न प्राचीन इतिहास का ध्यान रखना चाहते हैं और न प्राचीन संस्कृति और प्राचीन परम्परा का ही। मैं कहना चाहता हूँ कि, यदि इस प्रकार का सुधार इस प्राचीन देश में हुआ तो यह भारतवर्ष, भारतवर्ष नहीं रह जायगा, यह और कुछ ही हो जायगा।

सुधारकों का दूसरा समूह वह है जो यह मानता है कि सुधार तो करना चाहिये परन्तु हमें सुधार करते समय अपने प्राचीन इतिहास, अपनी प्राचीन संस्कृति और अपनी प्राचीन परम्परा को भी देखना चाहिये। मैं पहले समूह में नहीं हूँ परन्तु दूसरे समूह में हूँ। मैं यह मानता हूँ कि सुधार करना अत्यन्त आवश्यक है; परन्तु सुधारों की आवश्यकता होते हुए भी हमको अपनी प्राचीन परम्परा, प्राचीन सभ्यता और प्राचीन संस्कृति का ध्यान रख सुधार करना चाहिए।

इस समय जब कि हमारा विधान बन रहा है, जब विधान के मौलिक अधिकारों को और निर्णायक अधिकारों को हम पास कर चुके हैं और जब यह आशा की जाती है कि अगली १६ मई और १५ अगस्त के बीच हमारा विधान पूरा बन जायगा तब यदि यह कानून नये विधान के अनुसार आता तो उपयुक्त बात होती। आज जब हम इस देश को 'सैक्यूलर स्टेट' (Secular State) कहते हैं, आज जब हम यह मानते हैं कि इस देश के नागरिकों को, हर एक धर्म मानने वाले को,—हर एक जाति को चाहे वह हिन्दू हो, मुसलमान हो, सिक्ख हो, पारसी हो, कोई भी क्यों न हो,—समान रूप से नागरिक अधिकार होने चाहियें तो मैं यह कहता हूँ कि डाक्टर अम्बेडकर साहब को एक ऐसा विल यहाँ पर लाना चाहिये था जिससे हिन्दुओं का ही सम्बन्ध न होता बल्कि जो इस देश के रहने वाले सभी लोगों पर लागू होता। अपने देश को 'सैक्यूलर स्टेट' (Secular State) मानते हुए एक हिन्दू कोड विल को लाना मुझे एक असंगत बात मालूम पड़ती है।

अब यदि हम इस विल की ओर देखें तो हमें यह बात स्वीकार करनी पड़ेगी कि इस विल में.....

श्री आर० के० सिधवा : डाक्टर अम्बेडकर साहब ने प्राचीन शास्त्रों को बताया। आप भी बतावें कि कौन सा शास्त्र हिन्दू कोड के खिलाफ है।

सेठ गोविन्द दास : अब यदि इस विल को हम देखें तो हमें मालूम होता है कि इस विल में कई धाराएँ ऐसी हैं जिन धाराओं को स्वीकार करने में कोई आपत्ति नहीं होनी चाहिये और यदि यह विल नहीं रुका और पास हुआ ही तो, मेरा विश्वास है कि हम उन धाराओं को बिना किसी विशेष वाद विवाद के स्वीकार करेंगे। परन्तु इसी के साथ हमें यह भी दिखाई देता है कि कई धाराएँ इसमें ऐसी भी हैं जिन्हें स्वीकार करने में बड़ी आपत्ति हो सकती है और स्वयं डाक्टर अम्बेडकर साहब ने आज बतलाया है कि कई धाराएँ विवादग्रस्त धाराएँ हैं और उन विवादग्रस्त विषयों पर उन्होंने पूरा प्रकाश भी डाला है। पहला विवादग्रस्त विषय है विवाह और तलाक। यदि हम विवाह और तलाक को लें तो मैं एक बात को तो स्वीकार करने को तैयार हूँ कि हमें अपने कानून में इस प्रकार का परिवर्तन करना चाहिये जिससे जात-पात की समाप्ति हो जाय। और यदि कोई ब्राह्मण किसी शूद्र से विवाह करना चाहता है, या कोई शूद्र किसी ब्राह्मण से विवाह करना चाहता है तो उनको विवाह के सम्बन्ध में, या ब्राह्मण और शूद्र छोड़ दीजिये, कोई हिन्दू किसी मुसलमान से विवाह करना चाहता है, या कोई मुसलमान किसी हिन्दू से विवाह करना चाहता है, कोई भी जाति के लोग यदि किसी दूसरी जाति में विवाह करना चाहते हैं तो कोई आपत्ति नहीं होनी चाहिये। हमारे यहां जात-पात ने हमारे देश को नष्ट कर दिया है। इस देश और समाज के टुकड़े, छोटे से छोटे टुकड़े, हो गये हैं। और आज विवाह के सम्बन्ध में उन टुकड़ों के सबब से जो दिक्कतें होती हैं वह हम सब जानते हैं। पुराने लोग भी जानते हैं और आज जब उन्हें इस प्रकार के विवाह करने पड़ते हैं तो उनकी नाक भौं सिकुड़ती है। वह कहते हैं कि हम अपने लड़के की शादी अपनी इच्छा के विरुद्ध करते हैं या हमें अपनी लड़की की शादी अपनी इच्छा के खिलाफ करनी पड़ती है तो इस आजादी के मैं बिल्कुल पक्ष में हूँ। मैं तलाक के भी पक्ष में हूँ। मैं कहना चाहता हूँ, कि यद्यपि अब तक संसार में कोई ऐसी विवाह पद्धति नहीं निकली है जो सब आपत्तियों के निवारण करने की चीज़ मानी जाय, परन्तु इसके साथ हमें यह भी देखना है कि यदि पति पत्नी एक दूसरे के साथ सुख से नहीं रह सकते तो उन्हें तलाक का अधिकार होना चाहिए। डाक्टर अम्बेडकर साहब ने यह कहा कि इस देश के नव्वे प्रतिशत लोगों में अब भी तलाक की प्रथा है। ये नव्वे प्रतिशत शूद्र कहलाते हैं, मैं तो शूद्रों और ब्राह्मणों में कोई फर्क नहीं मानता और उन्हें शूद्र कहना सबसे बड़ा जुल्म मानता हूँ.....

The Honourable Shri Jagjivan Ram: Does it not cut at the root of Hindu religion?

सेठ गोविन्द दास : नव्वे प्रतिशत शूद्रों में तलाक है, उनमें भी मुझे ऐसा लगता है कि उनके जो रीति रिवाज हैं उनको न मान कर यदि हमने इस बिल को पास किया तो नव्वे प्रतिशत लोग.....

श्री राज बहादुर : अध्यक्ष महोदय : क्या मैं माननीय सदस्य से प्रार्थना कर सकता हूँ कि तलाक के स्थान पर कोई हिन्दी का शब्द प्रयोग करें ?

सेठ गोविन्द दास : मैं समझता हूँ कि माननीय सदस्य हिन्दी भाषा का अर्थ नहीं जानते। जितने शब्द हिन्दी में ले लिये गये हैं वे हिन्दी के ही हैं वह चाहे 'तलाक' ही चाहे और कुछ। फिर भी यदि वे तलाक के लिये शब्द सीखना चाहते हैं तो मैं कहना चाहता हूँ कि ऐसा शब्द विवाह-विच्छेद हो सकता है। हाँ, तो मैं यह कह रहा था कि उन नव्वे प्रतिशत लोगों के रीति रिवाज को हटा कर अगर यह कानून पास किया गया तो इसका यह अर्थ होगा कि वह अपने रीति रिवाज के मुताबिक तलाक नहीं दे सकेंगे और उसमें उन्हें बहुत अड़चन पड़ेगी। इसलिये अम्बेदकर साहब की जो इच्छा है कि लोगों को विवाह करने की पूरी आजादी हो, लोगों को तलाक देने की पूरी आजादी हो तो उसमें भी बड़ी भारी अड़चन आ पड़ती है। औरतों और मर्दों को, सबको मैं इस प्रकार की पूरी आजादी देने के पक्ष में हूँ।

अम्बेदकर साहब ने जो यह कहा कि हम जो दस प्रतिशत उच्च वर्ण के लोग कहे जाते हैं ब्राह्मण, क्षत्री या वैश्य, वह नव्वे प्रतिशत के लोगों पर कुछ चीजें लादना चाहते हैं। मुझे ऐसा लगता है कि हम जो दस प्रतिशत पढ़े लिखे लोग हैं वह नव्वे प्रतिशत लोगों के ऊपर कुछ चीजें लादना चाहते हैं। लादते ब्राह्मण, क्षत्री वैश्य नहीं हैं, लादते वह लोग हैं जो किसी प्रकार से इस ऐसेम्बली में आ गये हैं। मैं अपनी बहनों से भी कहना चाहता हूँ कि मैं इस बात को स्वीकार करने को तैयार नहीं हूँ कि मेरी बहन दुर्गाबाई और रेणुका और यहां जो स्त्रियां हैं वह स्त्रियों का प्रतिनिधित्व करती हैं, या यहां जो बहनें विजिटर्स गैलरी (visitors gallery) में आती हैं वह स्त्रियों का प्रतिनिधित्व करती हैं। मैं मानता हूँ कि जो यहां नहीं मौजूद हैं, जो विजिटर्स गैलरी में नहीं आती हैं वह इस देश की स्त्रियों का अधिक प्रतिनिधित्व कर सकती हैं बनिस्वत उनके जो यहां पर मौजूद हैं। हमें स्वीकार करना होगा कि जो आज यह बात कही जाती है कि कुछ उच्च वर्ण के कहे जाने वाले लोग निम्न वर्ण के कहे जाने वाले वर्णों पर अपनी राय लादते हैं यह सही नहीं है, पर सही बात यह है कि दस प्रतिशत पढ़े लिखे लोग नव्वे प्रतिशत पर अपनी राय लादना चाहते हैं। इस देश की जनता क्या चाहती

है, इस बात को न जान कर वह अपनी राय इस देश की जनता पर न ला दें में यह नहीं चाहता कि यहां पर इस प्रकार का कोई कानून पास हो जो जनता की राय के खिलाफ हो।

Shrimati Renuka Ray : Do 90 per cent. of the people know that you are drawing up a constitution ?

Seth Govind Das : We know that the people are with us. To talk as if this is your own concern is not correct. We have come with a mandate from the people in that respect.

दूसरी बात उत्तराधिकार के सम्बन्ध में यहां पर कही गई है। यह कहा गया कि उत्तराधिकार के मामले में हमको बहुत से सुधार की आवश्यकता है। मैं मानता हूँ कि उत्तराधिकार के सम्बन्ध में भी बहुत से सुधार की आवश्यकता है। और मैं यह भी मानता हूँ कि स्त्रियों को कोई उत्तराधिकार न दिया जाय और वह सम्पत्ति न ले सकें तो वह उनके प्रति बड़े से बड़ा अन्याय है। स्त्रियों को उत्तराधिकार का अधिकार होना चाहिये। अब स्त्रियों को उत्तराधिकार का अधिकार कहां तक होना चाहिये यह सवाल है। डा० अम्बेदकर साहब ने मनु और याज्ञवल्क्य की स्मृतियों की बात यहां कही और यह कहा कि उन स्मृतियों में भी लड़कियों को चार आने तक उत्तराधिकार दिया गया है। मैं कहना चाहता हूँ कि जहां तक उत्तराधिकार का सम्बन्ध है वहां तक यदि याज्ञवल्क्य और मनु की यह राय है तो भी मेरे मत से इसमें सुधार होना आवश्यक है। इस देश में या इस संसार में एक जमाना था जब मातृ-गृह थे पर आज के समाज में मातृ-गृह न रह कर पितृ-गृह हो गए हैं। जब तक इस देश में तथा संसार में मातृ-गृह थे और विवाह के पश्चात् वर कन्या के यहां आ कर रहता था उस समय तक कन्या को पिता की सम्पत्ति में अधिकार होना ठीक बात थी। परन्तु अब जब पितृ-गृह हैं और कन्या पिता के यहां से स्वसुर के यहां जाती है उस समय पिता की सम्पत्ति में कन्या को अधिकार देना मेरी दृष्टि से उचित बात नहीं है। मेरी दृष्टि में बड़ को स्वसुर की सम्पत्ति में अधिकार होना चाहिये। ज्योंही विवाह हो जाय त्यों ही बड़ को सम्पत्ति में उतना ही अधिकार मिलना चाहिये जितना लड़के को मिलता है। आज जो लड़के को पूरा अधिकार है और यदि कोई स्त्री विधवा हो जाय तो उसे खाने और कपड़े का अधिकार ही रहता है मैं इसके बिल्कुल खिलाफ हूँ। इसलिए मैं कहना चाहता हूँ कि स्त्रियों को अधिकार तो होना चाहिए सम्पत्ति पर, पर उनका अधिकार होना चाहिए स्वसुर के घर की सम्पत्ति पर, पिता के घर की सम्पत्ति पर नहीं।

श्री मोहन लाल गौतम : यदि स्वसुर न हो ?

सेठ गोविन्द दास : तो पति के घर में !

श्री मोहन लाल गौतम : यदि पति न हो ?

सेठ गोविन्द दास : तो लड़के के घर में ।

श्री मोहन लाल गौतम : और अगर लड़का न हो ?

مسٹر تجمل حسین : اور اس کی شادی نہ ہوئی ہو تو کیا کریگی ؟

सेठ गोविन्द दास : वह अलग बात है। उनको कहीं न कहीं से मिल ही जाता है यहां पर जो यह दृष्टान्त दिया गया है कि अगर १२ लड़के हों और तेरहवीं लड़की हो, तो यदि १२ लड़कों को पिता की सम्पत्ति में विभाजन करने का अधिकार है तो तेरहवीं लड़की को क्यों न हो। मैं कहना चाहता हूं कि १२ लड़के अपने पिता के घर में रहते हैं १२ लड़कों का जो विभाजन होता है वह उसी स्थान पर होता है।

श्री कृष्ण चन्द्र शर्मा : अगर लड़की भी पिता के घर रहना चाहे ?

सेठ गोविन्द दास : और लड़की दूसरे के घर जाती है, इसलिए लड़की के लिए यह बात लागू नहीं हो सकती।

एक बात सम्पत्ति के उत्तराधिकार में और हुई है और वह यह कि अब उत्तराधिकार का अधिकार वसीयतनामे से होगा। जहां वसीयतनामे नहीं लिखे जायेंगे वहीं झगड़े पड़ेंगे। यह नहीं, पर जहां वसीयतनामे लिखे जायेंगे वहां भी झगड़े पड़ेंगे। डाक्टर अम्बेदकर साहब, जो बहुत विख्यात वकील हैं, इस बात को जानते हैं कि जितने वसीयतनामे आज तक लिखे गये हैं उनमें से कितने प्रतिशत वसीयतनामे कचहरियों में आये और कितने वसीयतनामों पर मुकदमे चले। मुझे भय है कि जो अधिकार आप सम्पत्ति के उत्तराधिकार का लड़कों और लड़कियों को इस कानून के मुताबिक देना चाहते हैं, उसमें ज्योंही वसीयतनामा आया त्यों ही वह सम्पत्ति न लड़कों को मिलेगी और न लड़कियों को मिलेगी। वह सब वकीलों के यहां चली जायगी।

फिर एक बात और होगी। डा० अम्बेदकर साहब चाहते हैं कि लड़कियों को भी सम्पत्ति में उत्तराधिकार का अधिकार दिया जाय। तो मैं अर्ज करना चाहता हूं कि जिस तरह का आज हमारा समाज संगठित है, उसमें जो पिता वसीयतनामा करेंगे वह लड़कियों को कुछ नहीं देंगे, वह लड़कों को ही देंगे और जो स्त्रियों को उत्तराधिकार देने का आपका उद्देश्य है वह इससे पूरा नहीं होगा। मैं उत्तराधिकार के सम्बन्ध में यह कहना चाहता हूं कि उत्तराधिकार का विषय बड़ा जटिल है, जैसा कि डाक्टर अम्बेदकर साहब ने भी खुद कहा है। हमको तो ऐसा लगता है, चाहे हम साम्यवादी या समाजवादी न हों, कि एक तरफ से इंडस्ट्रियलिस्ट्स (Industrialists) की आवाज उठी हुई है कि इस देश में उद्योग धंधे नहीं बढ़ रहे हैं, दूसरी जगह उत्तराधिकार का प्रश्न उठा हुआ है, अतः सबसे अच्छा तो यह हो कि आप व्यक्तिगत सम्पत्ति को ही समाप्त कर दें। यदि यह व्यक्तिगत सम्पत्ति समाप्त होकर एक नई सामाजिक रचना हो, वह सामाजिक रचना साम्यवाद और समाजवाद के सिद्धान्तों पर हो यह मैं नहीं कहता, पर इस व्यक्तिगत सम्पत्ति का नाश होकर एक नये प्रकार की सामाजिक रचना की जाय मैं इस पक्ष में हो गया हूं। यदि हमारे सम्पत्तिशाली लोग देखेंगे तो उनको मालूम होगा कि यह सम्पत्ति उनके भी कोई कल्याण की चीज नहीं है मैं उसी वर्ग में से आता हूं कि जो सम्पत्तिशाली कहा जा सकता है। परन्तु हम देखते हैं कि आखिर इस सम्पत्तिसंग्रह से सच्चा सुख किसे मिल रहा है। मैंने किसी भी ऐसे श्रीमान् को नहीं देखा कि गरीब आदमी का पेट तो आध सेर या तीन पाव में भरता है तो श्रीमान् का पेट १० या २० सेर खाकर पचा सकता हो। मैंने कोई भी ऐसा श्रीमान् नहीं भी देखा कि अगर गरीब आदमी का शरीर पांच या सात गज कपड़े से ढकता हो तो श्रीमान् सौ, दो सौ या चार सौ गज इकट्ठा पहन लेता हो।

آنریبل مولانا ابوالکلام آزاد : بعض لوگ یہن لیتے ہیں -

सेठ गोविन्द दास : और मुझे तो महलों में रहने का अभ्यास है और मैं कहना चाहता हूं कि अगर किसी श्रीमान् को उनके महल में किसी बड़े हाल में सुला दिया जाय तो उनको नींद नहीं आती। सोने के लिए तो १२ या १४ फुट का कमरा ही चाहिए। आजकल सम्पत्ति एक दुख हो गया है और सम्पत्तिशालियों के लिए भी जिन लोगों को यह नहीं मिलती उनकी इच्छा होती है उसको पाने के लिए और जिनके पास है उनको उसके मारे इतनी मुसीबत है कि वह चैन से रह नहीं सकते।

آنریبل مولانا ابوالکلام آزاد : اور چہرڑنا یہی نہیں چاہتے -

सेठ गोविन्द दास : छोड़ना इसलिए नहीं चाहते कि उस सम्पत्ति के संग्रह करने वाले को समाज में इज्जत की दृष्टि से देखा जाता है।

श्री सीताराम एस० जाजू : उसको त्याग या दान कर देने वाले को भी तो इज्जत की दृष्टि से देखा जाता है।

सेठ गोविन्द दास : हमारे साम्यवादी और समाजवादी कहते हैं कि जितने सम्पत्तिशाली हैं वे सब चोर हैं, डाकू हैं और उठाइगीरे हैं। कुछ साम्यवादी और समाजवादी इससे भिन्न हो सकते हैं, मैं सबके लिए नहीं कहता, लेकिन बहुत ऐसे हैं कि यदि उनको यह सम्पत्ति मिल जाय तो वह समाजवाद और साम्यवाद छोड़ दें। सम्पत्ति के संग्रह करने वाले आज भी समाज में इज्जत की दृष्टि से देखे जाते हैं, हमें समाज की भावनाओं का, और मूल्यों का इस प्रकार परिवर्तन करना चाहिए कि सम्पत्तिशाली सचमुच चोर, डाकू और उठाइगीरे माने जाने लगे और तब मैं कहना चाहता हूँ कि कोई भी सम्पत्तिशाली इस तौक को अपने गले में नहीं रखना चाहता। तो यह उत्तराधिकार का झगड़ा सुलझाने के लिए मैं तो यह चाहता हूँ कि हमारे ला मेम्बर (Law Member) डाक्टर अम्बेदेकर साहब एक ऐसा बिल ले आवें जिससे व्यक्तिगत सम्पत्ति की समाप्ति ही हो जाय और उन लोगों का भी उद्धार हो जाय जो कि इसके चक्कर में पड़े हुए हैं।

श्रीमती जी० दुर्गाबाई : क्या आप इसका विरोध नहीं करेंगे ?

सेठ गोविन्द दास : मेरा यह ख्याल है कि यह दो ही ऐसे विषय हैं इस बिल में जिनके सम्बन्ध में बहुत वादविवाद उठाया जा सकता है। और मेरा यह भी ख्याल है कि समय को देखते हुए यदि हम इस वादविवाद में न पड़कर इस बिल को हमारी जो अगली धारा सभायें हैं उन तक मुलतवी कर दें और उस समय हम इस देश में इस सम्बन्ध में लोगों की राय ले लें और लोगों की राय लेकर चुनाव के पश्चात् इस विषय को हम यहाँ पर लावें और इस विषय को हम हिन्दू कोड के रूप में न लावें परन्तु जिस प्रकार हमने विधान पास किया है, जिस तरह इस देश के प्रत्येक समाज के व्यक्ति के लिए लावें तो उचित होगा.....

Dr. Mono Mohan Das (West Bengal: General) : Point of order, Sir. Is there no time limit for allowing this kind of discussion ?

Mr. Deputy Speaker : There is no time limit.

सेठ गोविन्द दास : तो मैं कहना चाहता हूँ, और इन शब्दों से मैं अपने इस कथन को समाप्त करता हूँ, कि मैं यह आवश्यक मानता हूँ कि हमारे सामाजिक कानूनों में सुधार आवश्यक है। मैं यह भी मानता हूँ कि जो लोग इसका विरोध

उस प्रकार करते हैं जिस प्रकार उन्होंने सती प्रथा के सम्बन्ध में जो बिल आया था उसका, या विधवा विवाह के सम्बन्ध में या बाल विवाह के सम्बन्ध में जो बिल आया था उसका विरोध किया था, वह ठीक नहीं कर रहे हैं। पर इसी के साथ मैं यह भी मानता हूँ कि यह बिल इस समय ठीक अवसर पर उपस्थित नहीं हुआ है और हमें इस समय इस पर विचार न कर लोगों की राय लेकर आगे इसको पेश करना चाहिए। इतने ही शब्दों के साथ मैं न तो इसका समर्थन करता हूँ और न इसका विरोध करता हूँ।

(English translation of the above speech)

Seth Govind Das: Mr. Deputy Speaker, I find that the supporters and opponents of this Bill can be divided into four groups. One of the opponent groups consist of those persons who oppose this measure with the same viewpoint as was exhibited by certain antagonists at the time of enactment of law for the abolition of Sati, the law which was got passed by the late Shri Ishwar Chandra Vidyasagar for widow-remarriage and the measure put forth by Mr. Sharda for the prevention of child marriages being brought on the Statute Book. At the time of Sharda Bill, I was a member of the Council of State and I personally know the opposition that was then meted out to this Bill. This group is of the opinion that no change can be made in that what has been prescribed in the text of our Vedas, Shastras and Smritis. I do not belong to that group. It would be noticed even from reference to our Dharmashastras that if one Rishi (Sage) said something from time to time, the other said something else. Had this not been the case, our Rishi would not have written Smritis numbering more than one hundred. If you go through these Smritis, you will find that the tenets laid down in one Smriti differ from those contained in the other. Each of these Smritis enunciates a different principle. Then just as I have stated, I am not one of those groups who have opposed almost all the reforms that have been introduced hithertofore.

The second opposing group is that which on the one hand believes that there is obviously a necessity for making reforms in these affairs, but on the other hand, it holds that this is not the proper time for the enactment of such a legislation. This should be brought forth only after the new elections have taken place, and when our new representatives have been elected. I would like to say that there will not be any harm if instead of making any change in the Hindu Law at present, we do this even three years hence. This is a subject over which the whole country has got to think; all of us have to think, all of those who are sitting here have to think and those who are likely to occupy these seats in this House in the future shall have to think. Therefore, I feel that there is a good deal of force in the arguments advanced by the second group that it is neither the proper time nor the place to bring forth such a measure, and for this reason, I would urge that we should consider this aspect.

Just as I have stated, even the supporters of this Bill can be divided into two groups, one which does not at all like to see any of our old traditions, and does not want to recognise the fact that this country is one of the ancient countries having a brilliant past, glorious history, high culture and great traditions. Such type of reformers do not at all care as to what our past heritage is and how are we to reconstruct our country today? These reformers have been considerably influenced by the Western education, and have scant regard for the ancient history, culture and even the old traditions in the sphere

[Seth Govind Das]

of social reforms. I would like to say that if such sort of reforms are introduced in this ancient country this *Bharatvarsha* (India) will no longer remain as *Bharatvarsha*—but it would become something else. The other group of reformers is that which believes in the necessity of reforms being introduced but after having due regard to our ancient history, culture and traditions. I do not belong to the first group but to the second. I admit that it has become absolutely necessary to introduce reforms, but in spite of all this, we should carry out the reforms after keeping in view our old traditions, ancient culture and civilisation.

At this time when we are framing our Constitution, when we have already passed the clauses relating to the fundamental and justiciable rights and when it is hoped that our Constitution will be finally adopted sometime during the period intervening between the 16th of May and 15th of August next, it would have been quite in order had this measure been brought forth in consonance with the provisions of the new Constitution. Today when we call our country a 'Secular State', when we admit that all the persons in this country—whatever religion they believe in, to whatever community they may belong, may be Hindu, Muslim, Sikh, Parsi—whoever he may be—he should be given equal rights of citizenship. Therefore, I would say that the Honourable Dr. Ambedkar should have presented to this House such a Bill which would have concerned not the Hindu's alone; but would have been made applicable to all the citizens of this country. While admitting this country as a 'Secular State', the idea of introducing a Hindu Code Bill seems to me quite inappropriate. Then again if we now see this Bill, we shall have to admit this that it.....

Shri R. K. Sidhva: The Honourable Dr. Ambedkar referred to the ancient *Shastras*. You may also point out which of the *Shastras* go against the provisions of Hindu Code?

Seth Govind Das: Now if we see this Bill, we find that it contains many such clauses to the acceptance of which there should not be any objection. And if at all this Bill is not postponed but is passed into Law, I am sure we shall accept these clauses without indulging into any sort of controversy. But along with this, we also feel that it contains many such clauses the acceptance of which is susceptible of being considerably harmful. The Honourable Dr. Ambedkar has himself admitted today that many of the clauses are of controversial nature and he has also thrown sufficient light on these controversial issues. The first controversial issue is 'marriage' and 'divorce'. If we take up the 'marriage' and 'divorce', I would be prepared to accept one thing at least that we should make some such change in our legislation which would do away with the Caste System. And if any *Brahmana* wants to marry a *Sudra* or a *Sudra* a *Brahmana*; or setting aside the case of a *Brahmana* and a *Sudra*, if any Hindu wants to marry a Muslim or any Muslim a Hindu, or if the members of any community want to have inter-communal marriages, there should not be any bar to such marriages being solemnized. This Caste System has ruined our country. It has resulted in the ramification of our country and society into small parts—nay even the smallest sections. All of us are very well aware of the disabilities that exist in the marital sphere today and which are the outcome of this dismemberment. The old people also know this and even today—they look upon the solemnization of such marriages with abhorrence. They say that they have to marry their sons as well as daughters against their wishes. But I fully support such a freedom being given. I am even a supporter of 'divorce'. I would submit that notwithstanding the fact

that no 'Marriage Code' has so far been invented in the world which may be regarded as the panacea for the removal of all ills, still we have got to see that if the husband and wife cannot live a harmonious life, they should be given the right of divorce. The Honourable Dr. Ambedkar has stated that the system of divorce already prevails among 90 per cent. of the people in this country. These 90 per cent. are called *Sudras*. I, on my part, do not find any difference between the *Brahmana* and *Sudras*, and feel that it would be the greatest crime to call them *Sudra* even.....

The Honourable Shri Jagjivan Ram (Minister of Labour): Does it not cut at the root of Hindu religion?

Seth Govind Das: Divorce exists amongst the 90 per cent. of the *Sudras*. In this case too, it so looks to me that if we pass this legislation in utter disregard of their customs and usages, then 90 per cent. of the people.....

Shri Raj Bahadur (United State of Matsya): Sir, may I request the honourable member to use any Hindi equivalent for the word "*Talaq*" (divorce)?

Seth Govind Das: I feel that the honourable member does not understand the implications of the Hindi language. All those words which have been included in Hindi belong to Hindi alone—may it be '*talaq*' or anything else. If he still wants to know the Hindi equivalent of '*talaq*', I would tell him that this can be substituted by the word "*Vivah Vichehhd*" (विवाह-विच्छेद) (dissolution of the conjugal rights).

I was just telling you that if this legislation is passed after brushing aside the customs and usages prevalent amongst those 90 per cent. of the people, then it would mean that they would not be able to divorce in their traditional manner and they would thus be confronted with many difficulties. Therefore, it is bound to give rise to a very great difficulty inasmuch as it runs counter to the wishes expressed by the Honourable Dr. Ambedkar that every body should be given the full liberty to marry and divorce. I am in favour of such sort of liberty being completely given to all the men and women.

The Honourable Dr. Ambedkar also pointed out that 10 per cent. of the people amongst us who are called Caste Hindus *viz.*, *Brahmana*, *Kshatriyas*, or *Vaishyas* want to thrust some thing upon those who form the 90 per cent. It so looks to me that those of us—who are ten per cent. in number—who form the intelligentsia want to load a few things on those comprising of 90 per cent. It is not the *Brahmana*, *Kshatriyas* and *Vaishyas* who put the burden, but this is done by those people who have managed to come to this Assembly in some way or the other. I would also tell my sisters that I am not prepared to accept this view that my sister members, Shrimatis G. Durgabai and Renuka Ray and other lady members who are sitting in this House represent the women; or those sisters who sit in the visitor's galleries represent them. I admit that those who are not present here, those who do not come in the visitor's galleries can represent this country better than those who are sitting here. We shall have to admit that the allegation which is being made today that some high-caste people want to thrust their opinion upon the low-castes is not correct. But in reality the position is that the ten per cent. educated people want to thrust their opinion upon the remaining 90 per cent. Without knowing anything as to what is the will of the people in this country, they should not thrust their opinion upon them. I do not want that any legislation should be passed in this House which is against the wishes of the people.

Shrimati Renuka Ray: Do 90 per cent. of the people know that you are drawing up a constitution?

Seth Govind Das: We know that the people are with us. To talk as if this is your own concern is not correct. We have come with a mandate from the people in that respect.

The other thing which has been mentioned here is in regard to 'Succession'. It has been stated that we are required to carry out drastic reforms in the law relating to Succession. I agree that there is a great scope of reforms being made in the Succession System. And I also admit that it would amount to the greatest possible injustice being done to the females if they are not conferred upon the right of succession and thus precluded from inheriting the property. The women should be given the right of succession. Now the question arises as to what extent should such right of succession be vested in the females. The Honourable Dr. Ambedkar has in support of this quoted from the *Smritis* of Manu and Yagnavalkya and pointed out that these *Smritis* also confer upon the females the right to inherit property to the extent of one fourth. I would like to say that in my opinion some improvement should necessarily be made in the domain of succession even if these are the views held by Manu and Yagnavalkya. There was a time when the matriarchal system existed in this country or even in the world. But in the present-day society, the matriarchal system has been replaced by the patriarchal. So long as the matriarchal system existed in this country as well as in the world and the husband used to come and stay at the bride's house after marriage, it was quite appropriate that the daughter should have a share in her father's property. But according to my viewpoint now when the patriarchal system is in vogue and the girl leaves her father's house for that of her father-in-law; it would not be proper to give her any share out of the father's property. In my opinion the daughter-in-law should be given the right to share her father-in-law's property. As soon as the marriage is consummated, the daughter-in-law should be given the share equal to that of the son. Today the son enjoys the full right, and if any woman becomes widow, she is entitled to the right of maintenance only *vis.*, food and clothing. I am totally against it. Therefore, I would urge that the women should undoubtedly be given the right to share in the property, but that should be restricted to her father-in-law's property only and not that belonging to her father.

Shri Mohan Lal Gautam (U. P.: General): If there is no father-in-law?

Seth Govind Das: Then in the husband's house.

Shri Mohan Lal Gautam: If there is no husband.

Seth Govind Das: Then in the son's house.

Shri Mohan Lal Gautam: And if there is no son?

Mr. Tajamul Husain: And if she is not married then what would she do?

Seth Govind Das: That is a separate thing. They do get from some source or the other. In the example which has been cited here that when there are twelve sons and thirteenth a daughter, and the twelve sons have got the right to distribute their father's property, then why should not the thirteenth daughter be given the same right? I would say that all the twelve sons live in their father's house. The distribution which the twelve sons make is made at the same place.

Shri Krishna Chandra Sharma (U. P.: General): If the daughter also wants to live in the father's house?

Seth Govind Das: Since the daughter has got to adopt another house, this cannot be made applicable in her case. Another thing that has been added in respect of succession to property is that the right of succession will now be governed in accordance with the contents of the will. In cases, where the wills are not executed, disputes will arise. Not only this, disputes will arise even otherwise. The Honourable Dr. Ambedkar who is a renowned lawyer is aware of the fact as to what percentage of the wills executed hitherto were brought up before the Courts and on how many wills were the suits instituted? I am afraid that as soon as the will comes in, neither the sons nor the daughters would be able to share the property under the provision of this law which seeks to confer upon them the right of succession. All that property will be grabbed by the lawyers.

Then again another thing will happen. The Honourable Dr. Ambedkar wants that the daughters should also be given the right of succession to the property. Then I would submit that in our society which is undivided at present, when the fathers execute the will, they will not bequeath anything to their daughters, but would give to the sons alone, and thus this would defeat the very object with which you want to confer the right of succession on the women. In regard to succession, I would like to say that just as Dr. Ambedkar has himself admitted, it is a very intricate subject. It so looks to us—we might or might not be Socialists or Communists—that on the one hand the industrialists have raised the voice that the industries are not being developed in this country and on the other hand the question of succession has been mooted out. Therefore, the best thing would be that you should abolish the system of private property. If after the liquidation of this private ownership, a new society is evolved—I do not say that the structure of that society should be based on the principles of Socialism and Communism—but I have since formed this opinion that a new class of society should be built after the liquidation of the individual holdings. If our capitalists see to this they will no doubt find that this wealth is no longer a source of solace to them. I belong to that very class which can be termed as capitalist. But we see who is deriving the real pleasure out of this hoarded wealth? I have not come across any such capitalist who can fill his belly by eating and digesting 10 or 20 seers, while a poor man can be satiated by taking half a seer or three quarter of a seer. I have also not seen any such capitalist who puts on about 100, 200 or 400 yards of cloth at a time, while a poor man can cover his body with only five or six yards.

The Honourable Maulana Abul Kalam Azad (Minister of Education): Some people do wear!

Seth Govind Das: I am accustomed to live in palaces, and I would like to say that if any capitalist is made to sleep in one of the large halls of his palace, he cannot enjoy the sleep. For sleeping purpose, only one room measuring about 12 or 14 feet is required. Now-a-days wealth has become an affliction—for the wealthy too. Those people who do not get this, they desire to acquire it and those who have got it suffer great hardships and on account of that they cannot live peacefully.

The Honourable Maulana Abul Kalam Azad: And they do not want us to give up also!

Seth Govind Das: They do not want to give up because the man who hoards that wealth is looked upon with great esteem in the society.

Shri Sita Ram S. Jajoo* (Madhya Bharat): The man who renounces this or gives it in charity is also equally respected.

Seth Govind Das: It is alleged by our Socialists and Communists that all the capitalists are robbers, dacoits and wayfarers. Some of the Socialists, Communists might differ from this. I cannot ascribe this to all of them. But many of them would renounce their Socialistic and Communistic creed if they can acquire this wealth. The hoarders of wealth are even today held in esteem by the society. We should try to overhaul the conceptions and values of the society in such a manner so that the capitalists may in reality be treated as dacoits and robbers; and then only I would say that no capitalist would like to wear this collar around his neck. Therefore, with a view to tackle this knotty problem of succession, I would urge that our Honourable Law Minister Dr. Ambedkar may bring forth such a measure which should seek to abolish the system of private ownership and thus ameliorate the condition of those people who have fallen a victim to this.

Shrimati G. Durgabai (Madras: General): Will you not oppose that?

Seth Govind Das: In my opinion these are the only two points in this Bill which are subject to good deal of controversy. I am also of the opinion that keeping in view the trend of the time and without indulging into any sort of controversy, we postpone the enactment of this Bill till the formation of the new Assembly and in the meantime invite the opinion of the people in this connection; and after ascertaining the wishes of the people, we should bring forth this measure as soon as the fresh elections are held. We should not present this measure in the form of a Hindu Code but the proper course would be to pass it in the same manner in which we have passed our constitution which provides for the rights of every citizen in the country.

Dr. Mono Mohan Das (West Bengal: General): On a point of order, Sir, is there no time limit for allowing this kind of discussion?

Mr. Deputy Speaker: There is no time limit.

Seth Govind Das: With these words I would conclude, and say that I feel it absolutely necessary that reforms should be made in our social laws. I also admit this that those people who oppose this Bill in the same manner in which they behaved at the time of the enactment of laws relating to the abolition of *Sati*, widow-marriage and prevention of child marriages are not following the right course of action. But along with this I also admit that this Bill has not been moved at the opportune time and we should postpone its consideration at the moment. We should present it only after ascertaining the public opinion. With these words, neither I support this, nor oppose this.

Shrimati Sucheta Kripalani (U.P.: General): Sir, ever since we had a sovereign legislature no piece of legislation has given rise to greater excitement and controversy than this Hindu Code Bill. If all this controversy had been based on reason and on the merits of the changes proposed in Hindu Law it would have been to the good but much of the controversy is clouded by irrelevant issues. The argument of Religion in Danger has inspired much of the propaganda against the Code. It is urged that it will shake the foundations of the Hindu religion. Those who put forward such argument do a great injustice to their own religion.

Hindu religion is primarily concerned with the spiritual emancipation of the individual, his progress towards self-realisation. The self-fulfilment of an individual stands in need of certain moral and spiritual principles as truth, justice, non-violence, etc. These are embodied in our scriptures. These are unchangeable and fundamental. The social arrangements, institutions, conven-

tions and customs that have evolved through the ages are not religion. The Hindu Code does not seek to disturb the Hindu religion but to amend and modify the Hindu civil law. The law has changed from time to time. It is different from religion and has never been unchangeable and static. The authors of the *Dharma Shastras* changed the law from time to time according to the consciousness of the community at the time. The right to make changes was well recognised by the *Dharma shastras*. The Hindu law became rigid and static only after the advent of the British.

It has been the boast of Hinduism that while the fundamentals have remained unchanged, the Hindu social institutions have changed to suit changing circumstances. Continuous adaptability has been the strength and essence of Hinduism. Unless Hindu society is to remain static and dead the law must change to fit in with the changing circumstances. We also know that the *Smritis* have not remained unchanged. The *smritis* did include other branches of law besides those of succession and marriage. These have been dealt with by the Indian legislature and some of them have been superseded. Hindu religion did not flounder. Hindu religion has survived that shock. If Hindu religion could survive the shock of these changes I am sure Hindu society and religion can survive the shock of a little more change.

We have also brought in social legislation of great importance. We have abolished the *Sati*; we have abolished child marriage; we have also abolished to a great extent untouchability. Hindu religion is a very catholic and liberal religion. So the argument of religion in danger does not behove us. Within the fold of this liberal and catholic religion people of various views customs and manners have found shelter and lived. Today what has happened? Why have we lost our faith in our own religion that we are raising the cry of religion in danger? It does not mean that I want to say that all those who oppose us are orthodox and are reactionaries. I only want to point out that in forcing your point of view you are only doing injustice to your religion when you put forward this argument.

Another argument is this that this Bill should not have been taken up for consideration now and that we have not given the country sufficient opportunity to get acquainted with the provisions of the Bill. As far as I know this Bill has been before the House and before the country for about the last ten years. Some of the measures embodied in the Bill as Succession Bill and Marriage Bill, I think, were introduced in the House in 1943. The Hindu Law Committee was appointed in 1944. Its Report was published, I think, in 1945 or 1946 and the draft Bill has been translated into thirteen Indian languages. Thousands of copies of this draft Bill have been circulated. Even after this if we do not know the provisions of the Hindu Code Bill then it is our fault and not the fault of the Government. Besides that the Bill won't be passed in a day here. We will take a lot of time to consider it. It will take a good deal of time when we consider it in detail. At that time we will have enough opportunity to go to the public, to acquaint them with the provisions of the Bill and also to ascertain their opinion. There is a whispering propaganda, a very strange propaganda, that this Bill should be postponed till after the next general election. Why should it be postponed. Because this may adversely affect our party's popularity? Is it befitting or worthy of the Congress to put forward such arguments? Have we ever considered our popularity before our duty? If we think that a Bill is just, if we consider that a Bill is for the good of the people then it is our duty to go ahead with it. To shelve a Bill just in order to catch votes for the next election is not right. I think it is not even honest. For us the good of the people has always been the supreme consideration. If we don't take this point of view, if we don't keep this attitude before us, we will never be able to sponsor any radical change. Whatever be the field

[Shrimati Sucheta Kripalani]

of our life when a radical change is sought to be made we are bound to come against some vested interests and some established custom. There is always bound to be a cry against such changes. If we give up reform on that score then we shall never change anything.

I would like to say this. Much has been said about the volume of opinion against the Hindu Code Bill. I would like to say with all humility that there is also a very good group—an intelligent, thoughtful group—supporting the measure too. And that intelligent, thoughtful group does not consist of women alone. We have a lot of brothers with us in this measure. We have also seen in history in other countries whenever a radical change was introduced, whenever any reform was sought to be brought into being, it was a small conscious minority that forms up the cause, that educated the public, that did propaganda and after some time public opinion veered round it. So I am sure though it may be that there is a volume of opinion against the Hindu Code, if what we are trying to do is just and right, I am more than sure that public opinion will come with us. Not only will it come with us but it will bless us after a time for the good (An Honourable Member: "It is already with us") measure that we have passed. They say they have got the majority with them. So this is my answer.

In the heat and controversy many times we forget that the Bill does not consist of merely the Succession and the Marriage provisions. We have tried to make a uniform and entire system of law. In this entire system of law or Code we have tried to put right a lot of discrepancies, inequities, and injustices. For instance this morning Dr. Ambedkar in his learned speech told us how the provisions regarding guardianship, maintenance, adoption etc. are going to be beneficial to the society. Those who are totally opposed to the Bill have been forgetting the good side of the Bill, the non-controversial side, and have concentrated all their attack on the entire Bill.

Let us come to the question of Succession itself which is greatly opposed by large sections of the people.

Mr. Tajamul Husain: It is opposed by vested interests only.

Shrimati Sucheta Kripalani: It is opposed by large sections. They had levelled two points—against the breakage of the joint family and the grant of absolute rights to women. I will take the second point first. We are seeking to have a society where men and women should be equal, where people of all castes will be equal. We are trying to bring about a perfect democracy of which we have dreamed all these years. We are pledged to give women equal status in society. We are pledged to do away with all sex discrimination and this pledge does not start from the time when we bring into effect the New Constitution. I would like to remind you that in the Karachi resolution these pledges are embodied. After that when we accepted office, then also we again reiterated that there shall be no discrimination on the basis of sex. If men and women are to work equally, if they are to function as equal citizens of the state, if they are to fulfil their obligations towards the state, how can we have such discriminatory rules in the matter of property rights of women? Unless woman gets her full share of property you cannot expect her to fulfil her obligations to the state. Of course whenever we make any changes, established custom and established rules are disturbed. It causes a certain amount of dislocation and inconvenience, but we have to tolerate them and take them as inevitable. We must not try to enlarge the importance of the inconvenience that is caused to us. Dr. Ambedkar and others have told us that the *smritis* recognize the right of property of women. What law gave us practice denied

us. In practice the right was abrogated. What we are trying to do today is only this.—We are not going against the fundamentals of Hindu religion or Hindu custom or Hindu law; what was granted to us by Hindu law but which was arbitrarily denied to us; we are now trying to take back—or rather you are giving it to us, this right which has been denied to us by society all these years. It is merely justice done—long deferred justice.

If you come to modern times, by the Act of 1937 you have given property right to the wife, to the daughter-in-law, to the grandson's wife and so on and so forth. The only person who is left out is the poor daughter. It is but in the fitness of things that now it should be included here. Therefore I do not see what is there to argue much about it. If we have given to other women this right, if women can inherit from the husband's side let her inherit from the father's side which is very natural and right.

The Honourable Shri Jagjivan Ram: They want her to develop to the other stages.

Shrimati Sucheta Kripalani: In regard to joint family there is a very great feeling about it. I do not know why there is such a feeling. Most of the people I come across are anxious to get out of the joint family. The sons do not like to stay with the father. I see most of the families distributed all over the country. So joint family is a very rapidly crumbling institution according to me. Even the legal position of the joint family is very faulty as Dr. Ambedkar has pointed out to us in the morning. Even under Mitakshra system a member of the joint family merely by expression of his will can bring about a partition.

I would therefore like to ask you where is the joint family about which you are crying so loudly?

Much was said about the protection that is given to the unprotected women in the joint family. I know in the past in the joint family unprotected women did get protection. Even now some of them do get protection but at the same time we know hundreds of women who, failing to get any shelter in the joint family, having no economic resources of their own, are hounded to a life of degradation and shame. Many of us women, who are doing social work, come across innumerable such cases. Therefore, not only is it right, not only is it just to give woman her portion but it is absolutely essential to give her the share if you want to safeguard the Hindu society about which you speak so loudly.

The Honourable Shri Jagjivan Ram: And something more.

Shrimati Sucheta Kripalani: So much the better. Give us a little more. You have denied us in the past, make it up now.

As regards marriage, the Bill merely seeks to introduce uniformity of practice to avoid confusion and uncertainty. This may entail a little difficulty to those classes which are governed by the customary law but the proposed sacramental and civil marriages are such that it can be put into practice by the poorest and the most backward classes. So I do not think it will create any great difficulty. There is some objection to the registration of sacramental marriages. I think it is purely sentimental because registration is only permissive. If you do not want to avail of the registration you are free not to avail of it.

An Honourable Member: It is compulsory.

The Honourable Dr. B. R. Ambedkar: No compulsion.

Mr. Tajamul Husain: No compulsion, either would do.

Shrimati Sucheta Kripalani: If I am wrong, Dr. Ambedkar will correct me. It has been put there as a safeguard; that is all.

We come to the question of inter-caste and *sagothra* marriages. I was hearing my friend who preceded me. I do not know how we can wax eloquent over the objection to *sagothra* and inter-caste marriages because I find a very large number of such marriages taking place in the society. If we did not have such marriages it was all right, but when a very large number of such marriages are taking place, either we compel them to have an irregular marriage or we drive them out of the Hindu fold or we make them go somewhere or they have to go to the civil registration office and get it done. When it is there, why not accept the fact? When it is a practice why not recognise it and give it legality? Therefore, it is but right at this stage, when Indian society has changed so considerably to allow inter-caste and *sagothra* marriages within the Hindu fold.

About monogamy, here also I feel that the society has on the whole accepted monogamy. Polygamy is looked down upon; polygamy finds no favour in our society, though cases do occur. Again, we recognise the current practice amongst an overwhelming majority of Hindus and we legalize it. Moreover as we are trying to bring about a society where men and women are equal, we cannot afford to have a double set of morality for men and women and I should think the men should be happy to have this introduced because by the provision of monogamy we are levelling up the standard of men's morality to that of women. I should think that the men should be thankful to us.

An Honourable Member: Very thankful. We can get easy divorces and marry again.

Shrimati Sucheta Kripalani: As for divorce, though we do not deny the sentiments of the orthodox, men and women, analysing it, we find, that divorce did exist in our ancient scriptures. The grounds of divorce that we have allowed are extremely reasonable and just. We have not allowed any divorce on frivolous grounds as it has been in some parts of the Western world. Care has also been taken to formulate such a procedure that divorce would be resorted to only under very grave circumstances. If we see the records of Baroda, Travancore, Cochin and Malabar where divorce is allowed, very few people have availed themselves of the law. Only under exceptional circumstances it comes to help the people to get out of a very difficult situation. Hindu social tradition is such that we will not on flimsy grounds rush to the court and break up a marriage. The people who fear that the grant of the right of divorce may amount to disruption of the family life of the Hindus are absolutely unjustified.

Then I take Dr. Ambedkar's argument of the morning that divorce prevails among 90 per cent. of the Hindus, so why not extend it to the other 10 per cent. It will be very right and just when we see that among these 10 per cent. divorce cases are occurring. If there had been no divorce cases then I would have understood it, but we see that whenever our men and women want a divorce they leave the Hindu fold and become Muslims or Christians and by doing so they insult those religions of which they make a mere utility. Therefore, we should recognise the existing circumstances and allow divorces.

Sir, I have nothing more to say except that I want to tell my brothers here that we women even when we pressed for our rights have never forgotten the greater good, the larger good. We have been very conservative in this matter. You know even for our political rights we have never encouraged things which we have considered wrong. Even when the British were there we have always stood for joint electorates. Even in the new Constitution we have never

pressed for separate rights for ourselves. We would have pressed for these if we did not think that they go against the benefit of the entire society. If Hindu women benefit, I am sure the Hindu society stands to benefit. This is for the larger good; that is why we are pressing this point.

Here, I would also like to say that our men on the whole have been very co-operative and helpful to us. They have not stood against our progress. It may be that this is due to the benevolent influence of Mahatma Gandhi. You all know that Gandhiji was one of the greatest supporters of women's rights. The tradition that he has established has been followed by our men; because of Gandhiji's influence, because of the sympathetic attitude of our leaders, we have never had to fight for the political rights as women of other countries had to fight. Therefore, I am more than sure that now we will follow the good traditions, we will keep up the spirit of co-operation that we have had all these years and all my brother Members will support this Bill and consider this Bill not as a measure of right for the women, not a measure of justice that you are giving to the woman, but as justice done to the society. This is a measure by which we are trying to make Hindu society healthy and wholesome. The Hindu society is full of defects. We are now independent. If in the world we have to take our status, we have to set our house right; unless we do it we cannot take our position in society. Therefore, let us get together and remedy the defects that are in the house. I only appeal to you and I am sure we will have the support of all of you for this good measure.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Friday the 25th February, 1949.

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

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Friday, 25th February, 1949.

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

QUESTIONS AND ANSWERS

(See Part I)

11.50 A.M.

DEATH OF MIAN MOHD. RAFI

Mr. Deputy Speaker: Before I proceed further with the business of the day I want to make a reference to the demise of Mian Mohd. Rafi who was Secretary of this Assembly. He started as Deputy Secretary in 1931 and in 1947 he retired. He had a glorious record of work and assisted this Assembly ably with his services. He was a barrister. I would request the honourable Members of the House to stand in their seats in silence for a minute in memory of the deceased.

PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER THE CENTRAL EXCISES AND SALT ACT, 1944

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg to lay on the table a copy each of the following notifications in accordance with Section 38 of the Central Excises and Salt Act, 1944, namely:

(1) Central Excises Notification No. 15, dated the 23rd October, 1948, (2) Central Excises Notification No. 16, dated the 30th October, 1948, (3) Central Excises Notification No. 18, dated the 27th November, 1948, (4) Central Excises Notification No. 19, dated the 27th November, 1948, (5) Central Excises Notification No. 20, dated the 18th December, 1948, (6) Notification No. 33/115.CX(Tex)/48, dated the 31st December, 1948, (7) Central Excises Notification No. 1, dated the 1st January, 1949, (8) Central Excises Notification No. 2, dated the 5th February, 1949.

MINISTRY OF FINANCE (REVENUE DIVISION)

Notification No. 15-Central Excises, dated the 23rd October, 1948.

In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to direct that the Notification of the Government of India in the late Finance Department (Central Revenues) No. 34-Central Excises, dated the 25th September 1943, shall be cancelled with effect from the 15th September 1948.

MINISTRY OF FINANCE (REVENUE DIVISION)

Notification No. 16-Central Excises, dated the 30th October, 1948.

In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to direct that the following further amendments shall be made in the Central Excise Rules, 1944, namely:—

In the said Rules, for rule 97, the following rule shall be substituted, namely:—

“ 97. *Refund of duty on goods returned to factory.*—(1) The Collector may grant refund of the duty paid on manufactured excisable goods issued from a factory which are returned to it for being remade, refined, reconditioned, or subjected to any other similar process in the factory ;

Provided that—

(i) The goods are returned to the factory within one year of the date of payment of duty ;

[Dr. John Matthai]

- (ii) at least 48 hours' notice is given to the proper officer before the goods are received into the factory;
- (iii) the goods are presented before they are taken into stock to the proper officer for inspection and if necessary, for taking samples;
- (iv) the goods are identified to the satisfaction of the Collector;
- (v) the goods, as originally issued from the factory, are not found to have been tampered with in any way, and the smallest packages meant for retail sale are intact and unopened;
- (vi) the value of the goods at the time of their return to the factory is in the opinion of the Collector not less than the amount of duty originally paid upon them at the time of their clearance from the factory;
- (vii) the amount of refund payable on the goods is not less than rupees one hundred; and
- (viii) a detailed account of the returned goods, and the processes to which they are subjected after their return to the factory, is kept in the factory records.

Provided further that no refund shall be admissible in respect of the duty paid—

- (a) On goods which are disposed of in any manner other than for production of goods of the same class;
- (b) on the unmanufactured tobacco from which cigars, cheroots and cigarettes so returned to the factory have been produced.

(2) No refund under sub-rule (I) shall be paid until the processes mentioned therein have been completed and an account under clause (viii) of the first proviso thereof has been rendered to the satisfaction of the Collector within six months of the return of the goods to the factory.

MINISTRY OF FINANCE (REVENUE DIVISION)

Notification No. 18-Central Excises, dated the 27th November, 1948

In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to direct that the following further amendments shall be made in the Central Excise Rules, 1944, namely:—

In the said Rules—

- (1) In rule 49, for the existing proviso the following shall be substituted, namely—

“Provided that the manufacturer shall on demand pay the duty leviable on any goods which are not accounted for in the manner specifically provided in these rules, or which are not shown to the satisfaction of the proper officer to have been lost or destroyed by natural causes, or by unavoidable accident during handling or storage in such store room or other approved premises, and shall also be liable to a penalty which may extend to five times the duty chargeable on such goods found deficient.”

- (2) In rule 225, for the words “his employees” occurring in the title, and for the words “an employee” in the text of the rule the words “any person” shall be substituted.

MINISTRY OF FINANCE (REVENUE DIVISION)

Notification No. 19-Central Excises, dated the 27th November, 1948

In exercise of the powers conferred by sub-section (1) of section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to direct that the following further amendments shall be made in the Central Excise Rules, 1944, namely:—

- (1) In the said Rules, for the existing rule 7, the following shall be substituted, namely:—

“7. *Recovery of duty.*—Every person who produces cures, or manufactures any excisable goods, or who stores such goods in a warehouse, shall pay the duty or duties leviable on such goods, at such time and place and to such persons as may be designated, in or under the authority of these Rules, whether the payment of such duty or duties is secured by bond or otherwise.”

- (2) The existing rule 9 shall be renumbered as sub-rule (1) and the following shall be inserted as sub-rule (2) namely:

“(2) If any excisable goods are removed or deposited in contravention of sub-rule (1) from any place specified therein the producer or manufacturer thereof shall pay the duty leviable on such goods upon written demand made by the proper Officer, whether such demand is delivered personally to him, or is left at his dwelling house, and shall also be liable to a penalty which may extend to two thousand rupees, and the goods in respect of which the demand is made shall be liable to confiscation.”

MINISTRY OF FINANCE (REVENUE DIVISION)

Notification No. 20-Central Excises, dated the 18th December, 1948.

In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to direct that the following further amendments shall be made in the Central Excise Rules, 1944, namely:—

In the said Rules—

1. (i) At the end of rules, 14, 140, 154 and 192, the following proviso shall be added, namely:—

“Provided that in the event of death, insolvency or insufficiency of the surety, the Collector may, in his discretion, demand a fresh bond; and may, if the bond is with security, demand at any time he considers it fit to do so, additional security”.

- (ii) at the end of Rule 48, and of sub-rule (1) of Rule 191, the following proviso shall be inserted, namely:—

“Provided that the Collector may demand additional security at any time he considers it necessary to do so”.

2. In appendix I, in Form A.L.-6 (Central Excise Series No. 8)—

- (i) after paragraph 4, the following paragraph shall be inserted namely:—

“* 4. A. I/We have verified that the surety/sureties specified in the Bond(s) executed by me/us in forms

under rule(s) is/are alive

and is/are solvent”.

- (ii) the following shall be inserted as a foot-note, namely:—

“* Strike out if the application is made for the first time and if the bond has been executed with security”.

- (iii) after paragraph 5, the following paragraph shall be inserted namely:—

“6. I/We declare that to the best of my/our knowledge and belief the information furnished here is true and complete”.

(Published in the Gazette of India Extraordinary, dated the 1st January, 1949).

MINISTRY OF FINANCE (REVENUE DIVISION)

NOTIFICATION

New Delhi, the 31st December, 1948.

No. 23/115-CX (Tex)/48. In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to make the following amendments to the Central Excise Rules, 1944, namely:—

In Chapter V of the said Rules, after rule 96, the following heading and rules shall be inserted, namely:—

“E. I.—CLOTH.

96A. *Definitions.—In this Section—*

- (i) “piece of cloth” means any running length of cloth and includes dhooties, towels, sarees, chaddars and such other items ordinarily sold by the pair, whether they are produced in pairs or in singles.

- (ii) “ex-factory price” shall mean the maximum ex-factory price, exclusive of the excise duty, which is specified in respect of any class or specification of cloth by the Textile Commissioner under the Indian Textiles (Control) Order, 1948, or the contract price thereof, whichever is less.

96B. *Ex-factory price to be specified.*—No manufacturer shall sell or deliver cloth of which the ex-factory price has not been specified by the Textile Commissioner.

96C. *Marking on cloth.*—(1) There shall be marked on each piece of cloth at a distance not

[Dr. John Matthai]

exceeding one yard from any end—

(i) the word "Medium" where the count of warp yarn (whether single or folded) in the cloth (excluding the border) is 17s or finer; the word "Fine" where the count of warp yarn (whether single or folded) in the cloth is 35s; and the word "Superfine" where the count of warp yarn (whether single or folded) in the cloth is 48s or finer;

(ii) the length of the piece in standard yards, and

(iii) the ex-factory price of such piece.

(2) The markings prescribed by sub-rule (1) may be made in the following cases as follows namely:—

(i) in the case of mesh cloth, the markings may be made on a small label of cloth stitched to the mesh cloth;

(ii) in the case of raised blankets, the markings may be made on a small label of cloth securely stuck on the blanket;

(iii) in the case of lint, the markings may be made on a piece of paper securely stuck on the lint.

96D. *Additional Markings.*—For the purpose of these rules, the markings to be made by a manufacturer or dealer on any class or specification of cloth manufactured or sold by him and the time and manner of making such markings, specified by the Textile Commissioner under the provisions of the Indian Cotton Textiles (Control) Order, 1948, shall be deemed to be additional requirements as respects markings to be complied with by a manufacturer or dealer.

96E. *Quantity which may be packed in each bale.*—No manufacturer of cloth shall pack cloth except in bales containing not less than 1450 yards and not more than 1550 yards.

96F. *Marking on bales.*—There shall be marked on every bale or other package of cloth—

(a) the markings specified in clauses (i) and (iii) of sub-rule (1) of rule 96C;

(b) the total number of yards of cloth packed therein;

(c) in the case of dhoties, sarees, towels, chaddars or other items ordinarily sold by the pair, the number of such pairs;

(d) in the case of rags, fents, seconds and other damaged and sub-standard cloth, if sold by the weight, the net weight of the bale or other package and ex-factory price per lb.

96G. *Exemption.*—Nothing in rule 96C shall apply to rags, fents, seconds and other damaged and sub-standard cloth.

A. N. PURI,
Deputy Secretary.

MINISTRY OF FINANCE (REVENUE DIVISION)

Notification No. 1-Central Excises, dated the 1st January 1949.

In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to direct that the following further amendment shall be made in the Central Excise Rules, 1944, namely:—

[In the said rules, in sub-rule (3) of rule 71, for the words "Where only a distinguishing mark is used specimen impressions thereof shall be submitted to the proper officer for his approval and record" the following shall be substituted, namely:—

"Specimens of all such labels shall be submitted to the Collector for his approval and record, before they are brought into use".

MINISTRY OF FINANCE (REVENUE DIVISION)

Notification No. 2-Central Excises, dated the 5th February 1949.

No. 2.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944, (I of 1944), the Central Government is pleased to direct that the following further amendments shall be made in the Central Excise Rules, 1944, namely:—

In the said Rules, in clause (i) of sub-rule (1) of rule 96C after the words bracket: and figures "where the count of warp yarn (whether single or folded) in the cloth is 35 s", the words "or finer" shall be inserted.

ESSENTIAL SERVICES (PREVENTION OF STRIKES) BILL

The Honourable Shri Satyanarayan Sinha (Minister of State): Sir, I beg to move for leave to introduce a Bill to provide for the prevention of strikes in certain essential services.

Maulana Hasrat Mohani (U.P.: Muslim): Sir, I beg to oppose the motion for leave to introduce the Bill.

Honourable Members: Order, order.

Mr. Deputy Speaker: The honourable Member will have an opportunity in his turn. I shall first put the motion to the House. Then I will hear him.

Motion moved:

"That leave be granted to introduce a Bill to provide for the prevention of strikes in certain essential services."

Maulana Hasrat Mohani: Sir, I beg to oppose the motion.

Mr. Deputy Speaker: Normally it has been the practice not to oppose a motion of this nature at this stage. In some other places as in Provinces the Bill is published in the Gazette without this formal leave and as soon as it is introduced it is taken into consideration. But a different procedure is adopted in this House. A motion is first made asking for leave to introduce a Bill. It is normally granted. It is only the first stage. Even the papers are not circulated. There will be opportunity for the honourable Member to express himself fully at the second stage when the motion is made to take it into consideration. I leave it to the honourable Member.

Maulana Hasrat Mohani: Will it not be a waste of time and energy?

An Honourable Member: This is waste of time.

Maulana Hasrat Mohani: I have very serious reasons for not granting the leave.

Mr. Deputy Speaker: I know the honourable Member is always ready, but unfortunately the other Members are not ready.

Honourable Members: It is waste of time.

Mr. Deputy Speaker: Honourable Members will kindly leave it to me to guide the deliberations of the House so long as I am here. They need not remind me again and again that it is a waste of time. I would like to give all honourable Members an opportunity within their legitimate limits. Honourable Members will kindly bear with me. I am only suggesting to the honourable Member that while he may be prepared other Members may not be and they do not have even the copies. Now I will put this motion without any further discussion. The honourable Member will have ample opportunity; other honourable Members also will have an opportunity at the proper stage.

The question is:

"That leave be granted to introduce a Bill to provide for the prevention of strikes in certain essential services."

The motion was adopted.

The Honourable Shri Satyanarayan Sinha: Sir, I introduce the Bill.

HINDU CODE—Contd.

Mr. Deputy Speaker: The House will now proceed with the further consideration of the following motion moved by the Honourable Dr. B. R. Ambedkar on the 31st August, 1948:

"That the Bill to amend and codify certain branches of the Hindu Law, as reported by the Select Committee, be taken into consideration."

Pandit Thakur Das Bhargava.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I have moved amendments and I think it will be proper for me to advance arguments and for others to speak. Instead of that if I have to listen to them now and then speak, where would be the scope for them to reply?

Mr. Deputy Speaker: I think the honourable Member who has moved an amendment to the motion will be in a better position if he speaks later because as he knows he won't have an opportunity to reply.

Mr. Naziruddin Ahmad: I do not wish to reply.

Mr. Deputy Speaker: In that view it will be right that the honourable Member should hear certain speeches for and against his motion so that he may be able to reply and he may speak once for all. I have called Pandit Thakur Das Bhargava. (Interruption) The duty of regulating the order of speakers is with the Chair. I feel it right to call upon Pandit Thakur Das Bhargava.

पंडित ठाकुर दास भार्गव : माननीय डिप्टी स्पीकर साहब, इस हिन्दू कोड बिल के बारे में जिसने सारे हिन्दुस्तान को

Mr. Deputy Speaker: In English please.

पंडित ठाकुर दास भार्गव : चूंकि यह मामला बहुत अहम है इसी वजह से मैं हिन्दी में बोलना चाहता हूँ ।

Dr. Mono Mohan Das: We can understand the Hindustani speaker by the Honourable the Minister of Education. It is entirely different from the Hindi or Hindustani spoken by Seth Govind Das or Pandit Thakur Das Bhargava. As beginners we do not know which is Hindustani.

Mr. Deputy Speaker: There is no set standard which is copied here. Whatever is spoken is Hindustani.

पंडित ठाकुर दास भार्गव : पेशतर इसके कि मैं अपनी तकरीर को शुरू करूँ (Honourable Members : English please) चूंकि बहुत से मैम्बर साहिबान की स्वाहिश है कि मैं अंग्रेजी में अपनी तकरीर करूँ मुझे उनकी इस स्वाहिश का अहतराम करने में किसी किस्म की कोई हिचकिचाहट नहीं है लेकिन सारे मैम्बर साहिबान जानते हैं कि अपनी ज़बान में अपने आपको ज़ाहिर करना ज्यादा आसान है बमुकाबले अंग्रेजी के । इस वास्ते अगर वह मुझे इजाजत दें तो मैं हिन्दी में ही तकरीर करना चाहता हूँ । लेकिन अगर वह ज्यादा इस्तरार करेंगे तो मुझे हरगिज़ किसी किस्म का इसमें भी इन्कार न होगा कि मैं अंग्रेजी में ही अपनी तकरीर शुरू कर दूँ । (माननीय सदस्य : हिन्दी ! हिन्दी !) चूंकि मैं समझता हूँ कि बहुत सारे साहिबान इसमें इस्तरार नहीं करते हैं इस वास्ते मैं हिन्दी में ही बोलना पसन्द करता हूँ ।

श्रीमती जी० दुर्गाबाई : आप सहल हिन्दी में बोलने की कृपा करें ताकि हम भी समझ सकें ।

पंडित ठाकुर दास भार्गव : मैं कोशिश करूँगा कि निहायत सहल हिन्दी में बोलूँ ।

मैं इस हिन्दू कोड बिल पर आज जब इस हाउस के सामने तकरीर करने खड़ा हुआ हूँ तो मेरे दिल में बहुत से मुस्तलिफ़ ख्यालात एक दूसरे से लड़ाई कर रहे हैं । मैं शुरू में ही अर्ज कर देना चाहता हूँ कि मैं उन लोगों में से नहीं हूँ कि जो हिन्दू सभ्यता का, इस देश के हिन्दू कल्चर का इस कोड से खातमा होने का इकरार करते हैं । मैं चाहता हूँ कि हिन्दू कल्चर और हिन्दू सोसाइटी और हिन्दू सभ्यता हमेशा तक, जब तक जमाना कायम रहे, उस वक़्त तक रहे । मैं इसका हर्गिज़ मुस्तलिफ़ नहीं हूँ । न मैं डरता हूँ कि इस बिल से या किसी और बिल से हिन्दू सभ्यता या कल्चर को कोई नुकसान पहुंच सकेगा । मैं यह चाहता हूँ कि वह खराबियाँ जो बहुत असें से हिन्दू सोसाइटी के अन्दर आ गई हैं और जिन के वास्ते डाक्टर अम्बेदकर साहब ने अपने आखिरी अल्फाज़ में इस हाउस से अपील की थी, वह दूर हों और उस अपील पर बड़े ठंडे दिल से गौर किया जाय । अगर दरअसल हिन्दू सोसाइटी को कायम रहना है तो इसमें कोई शक नहीं कि अगर रिपेयर करने की जरूरत होगी तो इसकी रिपेयर करनी ही चाहिए । मैं उन लोगों का सख्त विरोधी हूँ कि जो यह कहते हैं कि इस बिल से हिन्दू कल्चर खत्म हो जायेगा । मैं एक मिनट के वास्ते भी यह मानने को तैयार नहीं हूँ कि इस असेम्बली को या इस सभा के अन्दर ऐसे आदमियों को, जो पुराने स्मृतिवादी की तरह की ही काविलियत रखते हैं, हमारे शास्त्रों में या हमारे क़ानून में कोई तबदीली करने का हक़ हासिल नहीं है । मैं समझता हूँ कि हर समाज के लोगों को अपने जमाने के मुवाफ़िक़ अपना क़ानून बनाने का पूरा अख्तियार है । अगर आज कोई शख्स यह अपील करता है कि यह पुराने जमाने का कायदा है, हमको इसी के मुताबिक़ अमल करना चाहिए, तो मैं उसके मुताबिक़ यह अर्ज करूँगा कि कोई भी ऐसा कायदा नहीं है जिसका तजर्बा हिन्दुस्तान ने न कर लिया हो । हिन्दुस्तान के अन्दर ऐसे इलाक़े मौजूद हैं जहाँ 'सिस्टम आफ़ इनहेरिटेन्स' हिन्दुस्तान के दूसरे हिस्सों से बिल्कुल मुस्तलिफ़ है । क्या हम नहीं जानते हैं कि खासी ट्राइब्स में और सदरन (Southern) पंजाब के कुछ हिस्सों में सारा इनहेरिटेन्स का इन्स्टीट्यूशन इस बात पर इनहसार करता है कि लड़कों के बजाय लड़कियों को सारी जायदाद मिलती है । हिन्दुस्तान के अन्दर ऐसे इलाक़े भी हैं जहाँ लड़की के सुसराल जाने के बजाय खाबिन्द को बीबी के घर ले जाया जाता है यह मुल्क ऐसा मुल्क है कि जिसके अन्दर सब तरह का क़ानून रह चुका है । कौनसा ऐसा सोशल सिस्टम है जिसको हमने ट्राई नहीं किया । कल ही डाक्टर अम्बेदकर साहब ने फरमाया था कि कुछ स्मृतियों में दर्ज है कि लड़कियों को लड़कों

[पंडित ठाकुर दास भार्गव]

के साथ एक तरह से heir हेयर करार दिया जाय। इसलिए यह तो पहले से मौजूद ही था। इसके अलावा भी मैं नहीं जानता कि कौनसा ऐसा कानून है जो आज नया कानून कहलाया जा सकता है। डाइवोर्स आज बहुत सी जगह मौजूद है। पुरानी स्मृतियों के देखने से मालूम होता है कि उनमें भी डाइवोर्स का जिक्र है। सिर्फ इसी वजह से कि यह उसूल पुरानी स्मृतियों में मिलते हैं मैं यह मानने को तैयार नहीं हूँ कि हमको उन्हीं उसूलों पर वापस चला जाना चाहिए। अगर वह उसूल हमारे ख्याल में आज के लिए ठीक नहीं हैं तो उन उसूलों को क्यों कायम रखा जाय। मैं जानता हूँ कि हिन्दुस्तान के अन्दर ऐसा भी जमाना था जब शादी का इन्स्टीट्यूशन ही हिन्दुस्तान में नहीं था और लोग शादी को नहीं जानते थे। हिन्दुस्तान के अन्दर नियोग का सिलसिला पहले असें तक जारी रहा। हिन्दू ला (Law) में आठ तरह की शादियों का जिक्र है। इन शादियों में से कुछ को तो शादी के नाम से मसूब भी नहीं किया जा सकता। क्या कोई कह सकता है कि उन उसूलों को इस जमाने में वापस लाया जाना चाहिए। मैं समझता हूँ हर्गिज नहीं। मैं इस वास्ते इस सवाल को जो आज हमारे सामने पेश है इस नुक्ते ख्याल से नहीं देखना चाहता हूँ कि पुराने जमाने में क्या चीज मौजूद थी और किस तरह हमारे बुजुर्ग अपने कानूनों को बना कर अपनी सोसाइटी को रेग्युलेट करते थे। मेरे सामने सवाल यह है कि आज के जमाने में हमारी नीड्स (needs) के मुताबिक, हमारे लीगल कन्सेप्शन (legal conception) के मुताबिक, हमारी जरूरियात के मुताबिक हमें किस चीज की जरूरत है। इस कोड के मुतालिक मुल्क के अन्दर एक बड़ी सकत कशमकश रेस्टलेसनेस (restlessness) और अनईजीनेस (uneasiness) पैदा हो गई है। कुछ औरतें यह कहती हैं कि हम मर्दों के बराबर हक लेंगी। यह औरतों का कोड है। कुछ लोग यह कहते हैं कि नहीं हर्गिज औरतों को कोई हक नहीं। मैं इस हाउस में निहायत आजिजी से अर्ज करना चाहता हूँ कि जब तक इस बिल का सवाल पेश है हमें हर्गिज किसी स्लोगन (Slogan) पर या किसी ऐसी बात पर ध्यान न देना चाहिए कि यह औरतों के हक में है या मर्दों के हक में है। हमें ठंडे दिल से देखना चाहिए कि क्या यह रवैया ठीक है। कौन आदमी यह कह सकता है कि वह एक मां के पेट से पैदा नहीं है, और कौन औरत कह सकती है कि वह एक मर्द की बेटी नहीं है। इस वास्ते क्या ऐसे मामले में हम अपनी बहनों के साथ, अपनी लड़कियों के साथ और अपनी माओं के साथ ठीक सलूक नहीं करेंगे। क्या आज हमारी माएँ, वहन और लड़कियाँ यह डिमांड करती हैं कि वह मर्दों के साथ, अपने भाई, बाप और लड़कों

के साथ ठीक सलूक नहीं करेंगे। इसलिए इस मामले में किसी सख्त (bitter) कंट्रोवर्सी (controversy) के लाने की जरूरत नहीं है। मैं समझता हूँ कि यह एक बड़ा नाजुक सवाल है। इसे हम ठीक तरीके से और ठंडे दिल से देखें।

पेशतर इसके कि मैं इस के ऊपर आगे चलूँ एक सवाल के बारे में दो एक बातें अर्ज कर देना चाहता हूँ ताकि कम से कम हाउस के मेम्बरान और खुसूसन मरी बहिनें इस बात को न समझें कि मैं किसी खस ख्याल को लेकर इस बिल की मुखालिफत करता हूँ या सपोर्ट करता हूँ। मैं शुरू में ही अर्ज कर देना चाहता हूँ कि मैं उन अशखास में से हूँ जो जानते हैं कि जब तक औरतों को जायदाद मनकूला वगैर मनकूला में हुकूक नहीं मिलेंगे उस वक्त तक औरतों की परसोनेलिटी (personality) का पूरा डेवेलपमेंट (development) नहीं होगा। मैं औरतों के इकानामिक डिपेंडेंस (economic dependence) का सख्त मुखालिफ हूँ। मुझे सीता जी का वह श्लोक पसन्द नहीं, जिसमें उन्होंने कहा है :

मितं ददाति हि पिता मितं भ्राता मितं सुतः

अमितस्यतु दातारं भर्तारम् का न पूजयेत् ॥

मैं रामायण की परसितिश करता हूँ लेकिन मैं इस उसूल को एक मिनट के वास्ते भी मानने को तैयार नहीं हूँ कि औरतों को हमेशा के लिए डिपेंडेंट (dependent) रखा जाय। जैसा कि चन्द स्मृतियों में लिखा है कि जबतक औरत की शादी न हो तब तक वह अपने बाप के काबू में रहे, शादी के बाद अपने खांविद के काबू में रहे और अगर वह बेवा हो जाय तो अपने बेटे के काबू में रहे, मैं इसके मानने के लिए एक मिनट को भी तैयार नहीं हूँ।

इस वजह से नहीं कि यह औरतों के वास्ते दुःखदाई है। मैं जानता हूँ कि जबतक इस देश के अन्दर औरतें जवर्दस्त परसोनेलिटी हासिल नहीं करेंगी, जबतक औरतें इकनोमिकली (economically) अपनी हालत ठीक न करेंगी और जबतक हर तरह से उनकी हालत ठीक नहीं होती तो हमारी नसल की तरक्की नहीं होगी। औरतों को हर तरीके से मर्दों की तरह तरक्की का मौका दिया जाय। मेरा ख्याल है कि छोटे नुक्ते ख्याल से देखना इस सवाल को हरगिज जायज नहीं है। हमें दूरदर्शी बनकर सारी जाती व देश के भले के दृष्टिकोण से इसको तै करना है। हम हजारों वर्षों से हिन्दुस्तान में जितनी चीजें रायज हैं मानते चले आये हैं और आज भी हम उनको (preserve) प्रिजर्व किये हुए हैं। लेकिन साथ ही हमें यह देखना होगा कि हम कैसे इस दुनिया के अन्दर जो slogans चल रहे हैं कि औरतों को मर्दों के बराबर हकूक मिलें उन पर अमल करें। अगर इस उसूल को पूर्णतया न

[पंडित ठाकुर दास भार्गव]

भी मानें तो भी हम committed हैं कि मर्दों के बराबर कम से कम उनको तरक्की की गुंजाइश व मौका दें। इस असूल को हमको अपने सामने रखना होगा। इसलिए मैं साफ तौर पर कहना चाहता हूँ कि औरतों को जायदाद मनकूला और गैर मनकूला में जरूर जायज हकूक मिलें।

मैं इस बात के बेहद हक में हूँ। मैं डाक्टर अम्बेदकर साहब को मुबारकबाद भी देता हूँ कि उन्होंने एबोलिशन आफ कास्ट (abolition of Caste) का असूल शादी व एडोपशन (adoption) में इस बिल में मान लिया है। मेरी जवान में ताकत नहीं है कि मैं यह अर्ज करूँ कि मैं इस सवाल को कितना जरूरी समझता हूँ। मैं इस सवाल को इस तरह से देखता हूँ कि यह एक नेशन बिलडिंग सवाल है। यह हमारी जिन्दगी और मौत का सवाल है। यह असूली चीज है। अगर किसी चीज ने हिन्दुस्तान का सत्यानाश किया और पाकिस्तान बनवाया और हिन्दुस्तान को आगे न बढ़ने दिया वह यह caste system है। अगर कोई नक्स सोसाइटी के अन्दर है, जो इसको घुन की तरह खा रहा है जिसने ब्रह्मणों को दूसरों का दुश्मन बना दिया है, जाटों को गैरजाटों का दुश्मन बना दिया है और क्षत्रियों को तीनों को दुश्मन बना दिया है तो वह यह जात का सवाल है। मैं नहीं चाहता कि हमारे देश में जो महात्मा गांधी देश पिता रास्ता बतला गए हैं कि Classless society बने हम कैसे इस को मानने से इन्कार कर सकते हैं। दो सवाल हैं एक तो रोटी का और दूसरा बेटी का। लोगों को एक करने के लिये बेटी के सवाल का जहाँ तक ताल्लुक है जब तक यह सवाल हल नहीं हो जाता तब तक हिन्दुस्तान की नेशन बिलडिंग का सवाल हल नहीं हो सकता। इस वास्ते मैं, जहाँ तक इस सवाल का ताल्लुक है, इसके बेहद हक में हूँ।

जहाँतक मानोगमी monogamy का सवाल है इसके बरखिलाफ़ शायद ही कोई मेम्बर हो। मैं जानता हूँ कि जहाँतक इस मानोगमी के असर का सवाल है, जिस इलाके से मैं आता हूँ वहाँ इसके पास करने से खराब असर पड़ेगा क्योंकि आज भी जरूरत के मुताबिक ऐसा होता है कि जब कोई शख्स मर जाता है तो उसकी बेवा रह जाती है तो उसके छोटे भाई के साथ उसकी शादी हो जाती है। मैं जानता हूँ कि इस आने वाले जमाने के अन्दर हमें यह दकियानूसी रिवाज जो कायम है इस रिवाज को नहीं रखना चाहिये। मैं समझता हूँ कि जिन लोगों को यह एफेक्ट (affect) करेगा अगर उनको अच्छी तरह से इसकी खराबियों को बतलाया जायेगा और समझाया जायेगा तो वह इस चीज को छोड़ने को बिलकुल तैयार हो जायेंगे।

यह जो सवाल आता है मानोगमी का और जिन लोगों के मुताल्लिक में जिक्र कर रहा हूँ, मैं यह कहना चाहता हूँ उन लोगों का ख्याल था कि जिस जमाने में हिन्दुस्तान में विडो मैरेज (widow-marriage) न थी, उन्होंने अपनी जरूरत के मुताबिक इस असूल को माना और इसी हिसाब से बनाया। इसलिए जहाँ तक मानोगमी का सवाल है, जहाँ तक एबोलिशन आफ कास्ट (abolition of Caste) का सवाल है, और जहाँ तक औरतों को हकूक दिये जाने का सवाल है, मैं साफ तौर से अर्ज करना चाहता हूँ मैं उनके हक में हूँ।

जहाँ तक डाइवोर्स (Divorce) का सवाल है, मैं जानता हूँ डाइवोर्स का रिवाज बहुत बड़े हिस्से हिन्दुस्तान में मौजूद है। कुछ लोगों की निगाह में, आज के दिन डाइवोर्स कुछ बुरा नजर आता है। दरअसल इस मुल्क के अन्दर जिसके अन्दर हमारे रिवाजों के मुताबिक औरतें सती हो जाती थीं डाइवोर्स की मुखालफ़त कोई ताजुब की बात नहीं। हमारे ख्यालात के मुताबिक शादी अटूट रिवाज कायम करती है और इस मुल्क के ख्याल से डाइवोर्स का हक हमें नहीं देना चाहिये। लेकिन मैं अर्ज करना चाहता हूँ कि इस मुल्क के अन्दर डाइवोर्स हमेशा से मौजूद रहा है और आज के दिन भी मौजूद है। अगर लोग अपनी आंखें बन्द करके चलना चाहते हैं, नहीं देखना चाहते हैं कि आज दुनिया के चारों तरफ क्या हो रहा है तो उनकी मर्जी है। डाक्टर अम्बेदकर साहब ने हम को बतलाया कि यह रिवाज हमारे यहाँ ९० प्रतिशत है। मैं अर्ज करना चाहता हूँ कि इससे कुछ थोड़ा ज्यादा है कम नहीं है। जहाँ तक डाइवोर्स का ताल्लुक है और जहाँ तक हिन्दुस्तान में इसका अमल किया जाता है। मैं इसके हक में हूँ। इस वजह से नहीं कि यह आजकल की सोसाइटी में मौजूद है बल्कि इस वजह से कि यह हमारे कस्टम में मौजूद है। इस वास्ते मैं डाइवोर्स के हक में हूँ।

सवाल यह पैदा होता है कि इस हिन्दू कोड बिल में जो सलैक्ट कमेटी से आया है सब से बड़ी मुश्किल यह है कि यह काफ़ी दूर तक नहीं जाता। दरअसल बात यह है कि जो कस्टम हमारे यहाँ मौजूद है और सलैक्ट कमेटी ने जो रिफार्म किये हैं वह बहुत थोड़े हैं, पंजाब के लोग इतने पिछड़े हुए नहीं हैं। पंजाब के लोग हिन्दुस्तान के लोगों से सोशल रिफार्म में बहुत आगे बढ़े हुए हैं। यह कोड उस हद तक नहीं जाता। यह एक तरह से सोशल रिफार्म उनके लिए नहीं है बल्कि उनको पीछे की तरफ ले जाता है। अगर इस कोड को पंजाब के किसी दहात में हिन्दू या सिक्ख को दिखाया जायेगा तो वह कहेगा कि "अरे साहब आप यह क्या कर रहे हैं हमको तो आप बहुत पीछे फेंके दे रहे हैं। हम तो इससे बहुत आगे बढ़े हुए हैं। इससे तो आप हमको पीछे की तरफ ले जाना चाहते हैं"। इससे पंजाब के लोगों को फायदा नहीं होगा।

[पंडित ठाकुरदास भार्गव]

जो मौजूदा कोड सिलेक्ट कमेटी से आया है यह ऐसी शकल में आया है कि जिसके अन्दर पंजाब के लोगों की ज़रूरतें बहुत पीछे रह गयीं हैं और उन ज़रूरियात को महज़ पीछे ही नहीं छोड़ दिया गया है बल्कि बहुत सी चीज़ें हमको इसके अन्दर मंजूर करती हैं कि इस कानून को हमें तोड़ना पड़ेगा अगर यह इसी शकल में रहा। अगर हम अपने इस्टीमेट्स को कायम रखना चाहते हैं तो वे इस कानून की शकल में कायम नहीं रह सकते और यह कानून बहुत तकलीफ़देह हो जाता है।

श्री मोहन लाल गौतम : कोई मिसाल दीजिये।

पंडित ठाकुरदास भार्गव : मिसाल तो मैं अभी अर्ज करता हूँ। मैं जनाब की इज़ाज़त से इस तमहीद के बाद यह अर्ज करना चाहता हूँ कि मुझको इस बिल के बारे में क्या क्या ऐतराज करने हैं और किस हद तक इस बिल को सपोर्ट करना है। बहुत सारे प्रावीजन्स इस बिल में ऐसे हैं कि जिनके बारे में शायद कोई खिलाफ़ न हों। बहुत ही कम ऐसे आदमी होंगे जो यह कहें कि हम इसके सारे प्रावीजन्स के खिलाफ़ हैं। लेकिन जनाब वाला, आप इस बिल को पढ़ें तो इसमें १७ में से ११ मेम्बरों के नोट्स आफ़ डिसेंट हैं और वह लोग कौन हैं। वंह हैं मिसेज़ अम्बू स्वामीनाथन, और श्रीमती रेनुका रे। इन दोनों के नोट्स आफ़ डिसेंट हैं।

Shrimati Renuka Ray : These notes are not on fundamental principles.

पंडित ठाकुरदास भार्गव : I am coming to that. सच पूछिये तो जो इन ११ आदमियों ने नोट्स आफ़ डिसेंट लिखे हैं वह खुद इस बिल की, जैसा कि यह सिलेक्ट कमेटी से आया है मुखालिफ़त करते हैं। मैं अर्ज कर रहा था कि इनमें किन किन के नोट्स आफ़ डिसेंट हैं। इनमें नोट आफ़ डिसेंट हैं बरूशी टेकचन्द जी का जिन्होंने सारी उम्र सोशल रिफ़ार्म का काम किया है और जो बहुत हद तक सोशल रिफ़ार्म के लिये आगे जाने को तैयार हैं। जब वह भी नोट आफ़ डिसेंट लिखते हैं तो हमारे लिये सोचने की बात है कि हम कहाँ जा रहे हैं। अगर इन नोट्स आफ़ डिसेंट को पढ़ा जाय तो मालूम हो जायगा कि दर असल यन् जो बिल सिलेक्ट कमेटी से आया है इसकी कम अज़ कम पूरे तौर पर १७ में से ११ आदमी मुखालिफ़त करते हैं। अब मैं इस तमहीद के बाद यह अर्ज करना चाहता हूँ कि क्यों इस बिल के लिये इस सूरत में मैं ऐसे मोशन्स को मूव करने को तैयार हूँ जो आम तौर पर यह ख्याल किये जाते हैं कि डायलेटरी (Dilatory) हैं।

मिस्टर टिचमल حسین : میں حضور! ایک پوائنٹ آف انفارمیشن چاہتا ہوں۔ میرے انریبل ممبر فرماتے ہیں کہ ۱۸ ممبر جو سلیکٹ کمیٹی کے تھے انہیں سے ۱۱ نے نوٹ آف ڈسینٹ لکھا ہے۔ اگر وہ اس بل کے خلاف ہیں تب میں یہ جاننا چاہتا ہوں انریبل ممبر سے کہ یہ بل سلیکٹ کمیٹی سے کیوں کر دکیفٹ ہو کر آیا کہ ہم لوگ اسکو پاس کر دیں۔

पंडित ठाकुरदास भार्गव : मेरे ख्याल में डिप्टी स्पीकर साहब, यह सवाल न इनफ़ार्मेशन का है और न कोई पाइन्ट आफ़ और्डर ही है। अब आप इस बिल को देख लीजिये। इसमें मिस्टर भारती ने भी नोट आफ़ डिसेंट लिखा है।

Shri L. Krishnaswami Bharathi: Mine is a little ahead of the Bill. I want to enlarge the scope of the Bill. That is my dissenting minute.

Mr. Deputy Speaker: Should honourable members go on explaining every remark and every sentence? It is not necessary.

Shri L. Krishnaswami Bharathi: No, Sir, I was.....

Mr. Deputy Speaker: The honourable member's note of dissent is in print. He will have his turn if he wants to offer any explanation. It is no good going on interrupting a speaker and other honourable Members also be simultaneously standing up.

Shri L. Krishnaswami Bharathi: May I say, Sir.....

Mr. Deputy Speaker: I have heard the honourable member sufficiently.

Shri L. Krishnaswami Bharathi: On a point of personal explanation, Sir?

Mr. Deputy Speaker: Order, order.

पंडित ठाकुरदास भार्गव : जनाब वाला, मैं भारती साहब को तकलीफ़ नहीं दूंगा कि वह अपने नुक्ते ख्याल को हाउस के सामने रखें। मैं खुद ही रखे देता हूँ जो नोट मिस्टर भारती साहब का है वह यह है कि वह इस बिल के उसूलों के मुखालिफ़ नहीं हैं। वह चाहते हैं कि लाजिकली (Logically) सब औरतों को यह अख्तियार दिया जाय, कि जिनकी लिमिटेड एस्टेट है उन सब को वह चाहते हैं कि एक्सोल्यूट ओनर (absolute owner) फ़ौरन बना दिया जाय।

I am correct, I think.

Shri L. Krishnaswami Bharathi: I am not permitted to reply.

Mr. Deputy Speaker: The honourable member Pandit Bhargava may go on.

पंडित ठाकुरदास भार्गव : इसीलिए मैं जनाब से अर्ज कर रहा था कि यह बिल जिस तरह से आया है इसके अन्दर बहुत से मेम्बरान ने जो सिलेक्ट कमेटी

[पंडित ठाकुरदास भार्गव]

मैं थे डिसेंटिंग नोट्स लिखे हैं। यह नोट्स किस स्थान से लिखे थे यह मैं आयन्दा आगे चलकर बयान करूंगा और मैं चाहता हूँ कि मुझे बीच में इंटरप्ट (interrupt) न किया जाय।

मैं, जनाब वाला, अर्ज कर रहा था कि वावजूद इसके कि यह बिल जितना दूर जाता है उसके आगे मैं सोशल रिफार्म में जाने को तैयार हूँ, फिर भी मैं इस काबिल अपने को नहीं पाता कि मैं इस बिल की पूरे तौर से सपोर्ट करूँ। और यह नैचुरल (natural) है। आखिर डाक्टर अम्बेदकर साहब जिनकी मेहरबानी से यह बिल इस शक्ल में आया है और जिन्होंने एक ऐसी तकरीर फरमाई है कि जिससे हर एक हिन्दुस्तानी, हिन्दू का सिर ऊँचा होता है, वह भी इसके सारे प्रावीजन्स के सपोर्ट में नहीं है। इसीलिए उन्होंने फरमाया कि कई जगह सिलेक्ट कमेटी रीजन (reason) के बाहर चली गई है। मैं इससे ज्यादा सख्त लफ्ज़ इस्तेमाल नहीं करना चाहता। लेकिन मैं यह कहता हूँ कि वह भी इसके खिलाफ हैं और इस तरह १२ नोट इसके डिसेंट में हैं। तो मैं यह अर्ज कर रहा था कि जब १७ में से १२ इसके खिलाफ हैं तो ऐसी सूरत में हाउस को ताज्जुब नहीं होना चाहिए अगर मैं मजीद-दीन साहब ने जो अमेन्डमेंट पेश की उसकी ताईद करना चाहता हूँ।

वजह साफ है मैं नहीं चाहता कि मुझे कोई साहब मिसअंडरस्टैंड (misunderstand) करें। इस बिल में बहुत से ऐसे सेक्शन्स हैं जिनके लिए मैं नहीं चाहता कि उनके पास होने में एक मिनट की भी देर लगे। अगर उनका यह मोशन डाइलेटरी (dilatory) होता तो मैं ताईद नहीं करता। मेरे भी बहुत से मोशन्स डाइलेटरी नहीं थे। मैं जानता हूँ कि यह बिल इस असेम्बली में यानी इस सेशन में पास होने वाला नहीं है। इसको पास करने के लिए इस असेम्बली का एक और स्पेशल सेशन करना होगा। वह अगले ६ महीने तक होगा। मैं जो एतराज कर रहा हूँ वह इस ६ महीने के अरसे में आसानी से तय हो सकता है।

मैं जनाब की इजाजत से यह अर्ज करना चाहता हूँ कि मैं यह नहीं चाहता कि यह बिल वापस सिलेक्ट कमेटी के सुपुर्द न किया जाय और इसके वास्ते वजूहात बिल्कुल डिफरेंट हैं। शायद कुछ अशख्वास के दिल में यह हो कि मैं यह चाहता हूँ कि यह बिल किसी तरह खत्म हो जाय। मैं इस बिल को खत्म करना नहीं चाहता। मैं चाहता हूँ कि यह बिल पास हो। मैं यह चाहता हूँ कि इसके अन्दर जितनी अच्छी अच्छी चीजें हैं उन सब को कबूल कर लें। इसलिये इस बिल को ठंडे दिल से देखने की जरूरत है। इसमें होट पैदा करने की जरूरत नहीं है। इसलिये मैं जो कुछ अर्ज करना चाहता हूँ उसे मैं चाहता हूँ कि आप ठंडे दिल से सुनें और मैं समझता हूँ कि डाक्टर अम्बेदकर उसे मिसअंडरस्टैंड नहीं करेंगे।

मैं निहायत आजजी से अर्ज करना चाहता हूँ, लड़ाई के तौर पर अर्ज करना नहीं चाहता। लेकिन जो कहना चाहता हूँ उसको कहने की मुझे ज़रूरत होनी चाहिये और मैं चाहता हूँ कि दूसरे शब्द उसको कम से कम जनरसली (generously) नहीं तो फेयरली इंटरप्रेट (fairly interpret) करें। मेरी गुज़ारिश अदब के साथ यह है और मैं इसको कम वक्त नहीं देता हूँ। मैं अब यह अर्ज करना चाहता हूँ, जैसा कि हाउस के हर एक मेम्बर को मालूम है कि नये इलेक्शन्स होने वाले हैं। जो कोई मेम्बर यहां आये है यह इनडाइक्ट इलेक्शन से तशरीफ लाये हैं, डाइरेक्ट इलेक्शन और अडल्ट सफ़रेज (adult suffrage) से हमारे वाद लोग आने वाले हैं। कांस्टिट्यूएंट असेम्बली में हमने एक रिज़ोल्यूशन पास किया था। उसके मुताबिक सन् १९५० में इलेक्शन हो जावेंगे। तो उस वक्त मैं यह कहने को तैयार हूँ, जैसा कि जनाब वाला ने फरमाया था कि यह बिल्कुल सावरेन (sovereign) बाडी है। लेकिन ताहम प्रोप्रायटी के असूल पर मैं अर्ज करना चाहता हूँ कि ऐसे मसले पर जिसके अन्दर ३० करोड़ आदमियों की रोज़ मर्रा की जिन्दगी के सवाल पर हम फ़ैसला करने वाले हैं। तो यह बेहतर होगा कि जो लोग डाइरेक्ट इलेक्शन से और अडल्ट सफ़रेज से आने वाले हैं वह इस पर फ़ैसला करें। मैं अर्ज करूंगा कि यह मुनासिब होगा।

मैं प्रोप्रायटी के असूल पर अर्ज करना चाहता हूँ। कुछ लोग यह महसूस करते हैं कि यह असेम्बली सिर्फ कांस्टिट्यूशन बना सकती है। यह वही आर्गुमेंट (argument) है जो कल दिया गया था कि जब बारह लड़कों में जायदाद तकसीम होने पर फ़ैगमेंटेशन (fragmentation) नहीं होता है तो एक लड़की में और तकसीम करने पर भी नहीं हो सकता है। मैं कहता हूँ कि, 'one wrong cannot justify another'। श्री मोहन लाल गौतम फरमाते हैं कि असेम्बली को कांस्टिट्यूशन बनाने का अधिकार भी नहीं है मैं इसको नहीं मानता लेकिन अगर आप मानते हैं तो आप, उस गलती को दोहरा क्यों रहे हैं। यह बहुत ग़लत है। अगर यह असूल आपका नहीं है तो दूसरी बात है। मेरी राय में कांस्टिट्यूशन फ़्रेम (frame) करने वाली यह असेम्बली सावरेन बाडी है। यह बिल्कुल लीगल है। और इसी तरह इस हाउस को पूरा अख्तियार है कि वह जो चाहे आज कानून पास करे। लेकिन ताहम सिर्फ प्रोप्रायटी की, सिर्फ इसी चीज़ की मुनासिबत का तकाज़ा है कि हम इसमें जल्दी न करें। हजारों बर्षों से हम इन्हीं असूलों पर चलते आये हैं और मेरा इस वास्ते यह कहना है कि छः महीने के अर्से में आसमान नहीं गिर पड़ेगा कि हम अभी जल्दी करके फ़ौरन इसको पास कर दें। इसलिये मैं निहायत अदब से अर्ज करूंगा कि जैसा कि जनाब वाला ने अपने डिसेंटिंग नोट में लिखा है, इसमें बारह आदमियों, बारह राशियों में से एक राशि आपकी है और आप के साथ बाबू रामनारायणसिंह ने इसके अन्दर सफ़ह ११ पर लिखा है।

[पंडित ठाकुरदास भार्गव]

"The members have been elected indirectly and have no mandate from the electorate. The mass of opinion and the majority is against most of the provisions of the Bill and the Bill seeks to alter the fundamental structure of the Hindu Society."

मैं अदब से अर्ज करना चाहता हूँ कि इन्साफ़ यह चाहता है कि डाइरेक्ट चुनाव के प्रतिनिधियों को मौका दिया जाना चाहिये कि वह ऐसेम्बली में आकर इसका फ़ैसला करें। हमारे निहायत मोहतरम और हमारे देश के सच्चे लीडर डा० राजेन्द्र प्रसाद ने भी इस उसूल को मान कर एक लेटर लिखा था कि यह सारे का सारा बिल आने वाली ऐसेम्बली के सामने आये।

مسٹر تعجل حسین : گورنر جنرل نے جو لکھا تھا وہ کیا تھا ؟

पंडित ठाकुर दास भार्गव : हुजूर, गवर्नर जनरल साहब की निस्वत जो आप कहते हैं उसका जिक्र यहां आचुका है। लेकिन मैं निहायत अदब से अर्ज करना चाहता हूँ कि मैं वुजों की राय की पूरी वक़्त, पूरी इज्जत करता हूँ। इस मामले में आज मेरा ताल्लुक है, हर एक औरत का ताल्लुक है जो गांव में रहती है। हर एक इन्सान इससे मुतासिर होगा इसलिये हर एक को अपनी राय देने का हक़ हासिल है। मैं जो नहीं मानता हूँ वह यह है जो कल मेरी बहन सुचेता कृपलानी ने फ़रमाया था कि इस ढंग से सदियां बीत जायेंगी। दस बरस से यह कानून बन रहा है। सन १९४८ में यह बनाया गया था। यह आर्गुमेंट मुझे अपील नहीं करता। क्या मैं पूछ सकता हूँ कि इस देश में कितनी लिट्रेसी है? क्या मैं पूछ सकता हूँ कि इस देश के अन्दर औरतें कितनी लिट्रेट हैं? मैं कहना चाहता हूँ अपनी बहनों से जो यहां की मेम्बर हैं, जो मेरी बहनें यहां पर हैं उनकी राय का मुझ पर असर है, लेकिन मैं अर्ज करूंगा कि इस मामले में उनकी हज़ारों बहनें जो गांव और शहरों में रहती हैं क्या उनको राय देने का हक़ हासिल है। इस वास्ते मैं अर्ज करूंगा अपनी बहनों से कि उनको इस बारे में अपने ऊपर थोड़ा सा सत्र से काम लेना चाहिये, थोड़ी रिस्ट्रेंट से काम लना चाहिये। अगर मैं अर्ज करूँ कि उनकी राय भी इसमें शामिल की जाय जिन्हें अपनी राय देने का पूरा हक़ है, तो उसे जुर्म न समझा जाय। मैं अदब से अर्ज करना चाहता हूँ कि इस मामले में हरगिज़ हरगिज़ गांव वालों और शहरवालों को यह पता नहीं है कि यह क्या बिल है और उसकी क्या प्राविजन्स हैं। लोग कहते हैं वाह वाह। मैं अदब से अर्ज करना चाहता हूँ कि उन लोगों को जिन्होंने इस बिल की प्राविजन्स को नहीं देखा है, बहुत से मेम्बर इस हाउस के हैं जिन्होंने इसको महसूस नहीं किया है कि इसकी अहमियत क्या है।

Shrimati G. Durgabai When you consider women of this country fit enough to understand the provisions of your other Bills for reform, don't you think they will be able to understand the provisions of this Bill?

पंडित ठाकुरदास भार्गव I welcome this interruption, because it gives me an opportunity to explain the real point.

जनाबवाला, एतराज किया गया है कि किसी ज़माने में सती का बिल पास हुआ, किसी ज़माने में विडो मैरिज (Widow Marriage) बिल पास हुआ, शारदा ऐक्ट पास हुआ और इस मर्तबे भी इस हाउस की खिदमत में जो बिल रखा हुआ है, वह इस नौईयत का है जिसके अन्दर मिसेज़ दुर्गा धाई के मुताबिक किसी कदर इस लेवेल (level) से ऊंचा है जो आम आदमी के रायों के मुताबिक पास हो।

Mr. Tajamul Husain: May I be allowed to move a point of order?

Mr. Deputy Speaker: What is the point of order, please?

Mr. Tajamul Husain: My point of order is this, Sir, that the contempt of the whole House has been committed by my honourable friend in this way; you heard him out and he says that there are members of this House who have not understood the Hindu Code Bill. This amounts to a contempt of the House and I want a ruling on this.

Mr. Deputy Speaker: I do not think that there is anything in this point of order. All that the honourable Member means is that the full implications of the Bill may be understood differently by different sections of the people. According to him they have not been understood in the manner in which he would like honourable Member to understand it.

पंडित ठाकुर दास भार्गव : इसके अलावा मेरा हरगिज़ जनाबवाला, यह क्लेम नहीं है, मैं हरगिज़ यह अर्ज करने को तैयार नहीं हूँ कि मैंने इस बिल की प्राविजन्स को और मेम्बरों से ज्यादा समझा है। मैं अपनी वावत यह अर्ज करने को तैयार हूँ कि इस बिल के सारे इम्प्लीकेशन्स (implications) सारे क्लाजेज सारे मेम्बरों के खसूसन मैं, अपने बारे में कह सकता हूँ कि मैंने इसके प्राविजन्स को पूरी तरह नहीं समझा है। और जो साहबान यहां वकील नहीं हैं वह कह सकते हैं कि उन्होंने सारा समझा है लेकिन जो यहां वकील मौजूद हैं वह अपने दिल पर हाथ रख कर नहीं कह सकते कि यह जो सेलेक्ट कमेटी से बिल आया है उसके पूरे प्राविजन्स को समझा है। इस हाउस के अन्दर मुझे इजाजत नहीं है, लेकिन अगर मुझे इजाजत दी जाय तो मैं मिस्टर तजम्मूल हुसैन से दो तीन सवाल करना चाहता हूँ और वह जवाब दें कि वह समझते हैं या नहीं। मेरा हरगिज़ मन्ना नहीं है कि मैं हाउस की बेइज्जती करूँ। मैं निहायत अदब से अर्ज करना चाहता हूँ कि मेरा हरगिज़ मन्ना नहीं है...

Mr. Deputy Speaker: Every citizen is presumed to know the law, every honourable Member is presumed to have read this Bill. The honourable Member can go on with his speech.

पंडित ठाकुर दास भार्गव: मैं जनाबवाला की खिदमत में अर्ज कर रहा था इस तमहीद के बाद मैं अर्ज कर रहा था कि क्यों मैं नज़ीरउद्दीनसाहब के ऐमेन्डमेंट के हक में हूँ। मैंने कुछ बातें जनाब की खिदमत में अर्ज कीं कि चूंकि हाउस उतना रिप्रेजेन्टेटिव नहीं है जितना कल होना है, और इसमें बहुत दूर का वक्फ़ा नहीं है, चन्द महीने के बाद नया हाउस आजायेगा। इस लिये बहुत मुनासिब होता। लेकिन इससे भी बड़ी जो वज़ह है वह यह है कि जनाबवाला को यह साफ़ ज़ाहिर है कि आज Properties में दो तरह की चीज़ें हैं। एक लैंड्स (Lands) और दूसरी हाउसेज़ (Houses). जहाँ तक लैंड्स का ताल्लुक है वहाँ तक यह बिल लैंड्स को हाथ नहीं लगाता। हर एक शरूस् का सक्सेशन, इनहेरिटेन्स खुसूसन हिन्दुस्तान में जो एक ऐग्रीकल्चरल कंट्री है जिसके अन्दर नब्बे फीसदी लोग गांव में रहते हैं उसके अन्दर क्या इसका नतीज़ा होगा। अगर एक शरूस् मर जायगा तो उसकी ज़मीन एक कानून से गवर्न (govern) होगी और मकान जो गांव के अन्दर है वह एक दूसरे कानून से गवर्न होगा। आज मेरे साथ क्या होगा। मैं दिल्ली में थोड़ी सी ज़ायदाद अगर रखता हूँ तो मेरी यह ज़ायदाद एक कानून से गवर्न होगी और बहादुरगढ़ की ज़मीन की ज़ायदाद दूसरे कानून से गवर्न होगी। मरा मकान बहादुरगढ़ के खेत में बना हुआ एक कानून से गवर्न होगा और दिल्ली का मकान दूसरे कानून से। क्या यही युनिफार्मिटी (Uniformity) है? अगर इस किस्म की चीज़ रखी जाती है तो इसका नतीज़ा क्या होगा। बहादुरगढ़ में एक अप्वाइन्टमेंट आफ हेअर (appointment of heir) होता है जिसको हिन्दुकोड रिक्गनाइज़ नहीं करता तो वह लड़का जो अप्वाइन्टेड हेअर (appointed heir) है वह ज़मीन का मालिक तो होगा जो बहादुरगढ़ में है, लेकिन मरने वाले के मकान पर और आदमी का दावा होगा। लड़का ज़मीन पायेगा लेकिन मकान पर उसका दावा नहीं रहेगा तो आखिर वह लड़का कहाँ जायेगा।

इस बिल का असर यह होगा कि यह लैंड्स को अप्लाई नहीं करेगा। मैं समझता हूँ कि डाक्टर अम्बेदकर चाहते हैं कि एक नया कानून पास करें जिसमें इकानमिक होल्डिंग बनाये जा सकें और मामूली आदमी की ज़मीन के टुकड़ न हों। लेकिन वह कानून कब आयेगा, अवलीशन आफ ज़मींदारी कब होगा, इसका मुझे पता नहीं।

Shrimati Renuka Ray: You can introduce such a Bill immediately.

पंडित ठाकुर दास भार्गव:—मैं अदब से अर्ज करना चाहता हूँ कि दुनिया में इरादे ऐसी आसानी से पूरे नहीं होते जैसा कि मेरी बहिन का ख्याल है कि महज बिल लाने से यह इरादा पूरा हो जायगा। यह एक ऐसा बिल है जो कि देश की भलाई के लिए है, पर इसमें कितनी अड़चनें पड़ रही हैं। जो ज़मीन का बिल होगा जिसमें कि सबके हक छीने जायेंगे उसमें कितना असां लगेगा और वह कहाँ पास होगा। यह तो प्राविंशियल गवर्नमेंट के अख्तियार में है। मैं चाहता हूँ कि हम अपने कांस्टीट्यूशन में ऐसा चेंज करें कि जहाँ तक लैंड का सवाल है वह भी कांस्टीट्यूशन के ज़रिये सेंट्रल गवर्नमेंट के अख्तियार में हो। अगर यह बिल पास होगया तो मैं यह खराबी देखता हूँ कि सिकनी ज़ायदाद तो इसके अन्दर आती है और ज़मीन इसके अन्दर नहीं आती। यह एक सस्त कनफ्यूजन (confusion) है। पहले बिल में अब यह चेंज कर दिया गया है कि अब यह बिल सेंट्रली एडमिनिस्टर्ड एरियाज़ (centrally administered areas) की ज़मीन को भी एप्लाई करेगा, यानी अजमेर मेरवाड़ा और देहली के मकानात और ज़मीन दोनों पर यह लागू होगा। और बाकी प्राविंसेज़ में यह ज़मीनों को एप्लाई नहीं होता। देहली और अजमेर मेरवाड़ा में यह गावों की ज़ायदाद और शहरों की ज़ायदाद को एप्लाई होगा। इसका यह बड़ा भारी नुक़स है जो इसके बोटम bottom को निकाल देता है।

अभी लोगों को मालूम नहीं है कि इस बिल का उन पर क्या असर होगा। इसी लिए मैंने अर्ज किया था कि इसका पूरा पब्लीकेशन नहीं हुआ है। मैं जानता हूँ कि अगर आज लोगों को पता लगे कि इस कानून के ज़रिये उनके ला आफ इनहेरिटेन्स (Law of inheritance) में इतना सख्त और फंडामेंटल चेंज किया जा रहा है कि जिसका असर हिन्दुस्तान के हर एक खानदान पर पड़ेगा, तो एक दफा सारे हिन्दुस्तान से लोग दिल्ली में आकर अपनी दरखास्त पेश करेंगे और चाहेंगे कि यह कानून पास न किया जाय। बहुत से लोगों को इल्म नहीं है। इसका इल्म मेम्बरों को है, बार एसोसिएशन्स (Bar Associations) को है और कुछ अखबार पढ़ने वालों को है। आप समझ सकते हैं कि इन लोगों की तादाद कितनी कम है। इस किस्म का बिल जो सारी हिन्दू सोसाइटी पर असर रखता है, इस का काफी सर्कुलेशन नहीं किया गया और न इस पर राय ली गई है। एक कमेटी बनी थी, उसने बहुत जगह गवाहियां लीं और उसकी रिपोर्ट मेरे हाथ में है। अगर आप देखेंगे कि वह कहाँ गये, उन्होंने क्या किया और किसकी राय ली, तो मालूम होगा कि उसने सिर्फ़ कुछ बूढ़े

[पंडित ठाकुरदास भार्गव]

बड़े और पढ़े लिखे लोगों की राय ली है और देश के ज्यादातर हिस्से की राय नहीं ली है। इस में पढ़े लिखे होने का सवाल नहीं है। इसके बारे में तो हर बाप और मां जो अपनी जिम्मेदारियां जानता है राय दे सकता है। इससे तो हर एक आदमी एफेक्टेड (affected) है और हर एक आदमी राय देने के काबिल है। इसके अलावा मैं अर्ज करूंगा कि जो तबदीलियां असली बिल में सिलेक्ट कमेटी ने की हैं उनका तो इल्म किसी आदमी को नहीं है। सिर्फ असेम्बली के मेम्बरों को इसका पता है, बाकी किसी को इसका पता नहीं है कि सिलेक्ट कमेटी ने क्या क्या तबदीलियां की हैं। तो यह सवाल पैदा होता है कि चूंकि सिलेक्ट कमेटी ने इसमें तबदीलियां कर दी हैं इसलिए इसका सरकुलेशन बहुत जरूरी होगया है। उस पुराने सवाल को छोड़िये कि कोई कानून भी कस्टम में बहुत जल्दी तबदीली न करे, जबतक कि उन बहुत से लोगों की राय न ली जाय जो कि उससे एफेक्टेड होते हों। आज जो कानून लाया जा रहा है उसमें सिलेक्ट कमेटी ने ऐसी तबदीलियां कर दी हैं जो कि वाइटल (vital) हैं और जिनका कि इल्म हर एक शख्स को होना चाहिए। इसी लिए सरकुलेशन और भी ज्यादा जरूरी है।

पेशतर इसके कि मैं उन तबदीलियों के मुतालिक कुछ जिक्र करूं मैं हाउस की तबज्जह एक चीज की तरफ दिलाना चाहता हूं। मुझे अफसोस है कि ला डिपार्टमेंट जो कि कानून का पुतला है क्योंकि उसका नाम ही ला डिपार्टमेंट है, वही लोग कानून की परवाह नहीं करते। जब वही लोग एक ऐसा प्रोसीड्योर कायम करते हैं जो कि उनको नहीं करना चाहिए था तो मुझे कहना होगा

گو کفر از کعبه خیزد کجا بود مسلمانے

मैं उस सवाल को टच (touch) नहीं करना चाहता जिसका फैसला आपके प्रेडिसेसर ने कर दिया है। वह सवाल फैसल हो चुका है। वह रूलिंग मेरे वास्ते फाइनल (final) है। मैं उसको क्वेश्चन (question) नहीं करता। मैं उस रूलिंग की बहुत इज्जत करता हूं जो कि मैं जानता हूं कि उनका वह रूलिंग मेरे ब्याल के मुताबिक दुरुस्त नहीं था। लेकिन मैं उसको क्वेश्चन नहीं करना चाहता।

Mr. Tajamul Husain: No one can say inside the House that the ruling of the Chair is wrong.

Mr. Deputy Speaker: I am sorry the honourable Member has not understood Mr. Bhargava at all. What he says is that he does not agree with

the ruling but he cannot question the ruling here. It is open to any member to think for himself and also to say that in his opinion he does not accept it, but he is bound by the ruling. I think there is nothing wrong.

पंडित ठाकुर दास भार्गव: जनाववाला, मुझे अफसोस है कि जब मेरे लायक दोस्त तजम्मूल हुसैन कोई पाइंट आफ आर्डर उठाते हैं तो वह एक मिनट भी कायम नहीं रहता। मैं चाहता हूं वह कोई ऐसा पाइंट आफ आर्डर उठाये कि जिसका मैं भी जवाब दे सकूँ। मुझे मालूम है कि वह इस वक्त एक दूसरे मेम्बर नाहव से यह पूछ रहे हैं कि यह बिल लैंड्स पर एप्लाइ होता है या नहीं और दिखाते और कहते यह हैं कि मैं इस कोड बिल को समझता हूं। तो मैं यह अर्ज करना चाहता हूं कि मैं बिल्कुल अपने राइट्स में हूँ कि मैं यह कहूँ कि मैं उस रूलिंग से मुल्खलिफ राय रखता हूँ, मैं चन्द एक दूसरे उमूल पेश करना चाहता हूँ जिनको स्पीकर साहब की रूलिंग ने टच भी नहीं किया है। मैं हाउस की तबज्जह निहायत आजिजी के साथ खास तौर पर इस तरफ दिलाना चाहता हूँ कि यह हाउस जो कि कानून बनाने वाला हाउस है यह अपने कानून का मालिक है। हमारा कोई मामला मुल्क की किसी कोर्ट के सामने नहीं जा सकता। अगर यह हाउस एक कानून के बनाने में अपने उमूलों को छोड़ देता है तो हम एक ऐसी गलती करते हैं कि हम उसकी जिम्मेदारी से बरी नहीं हो सकते। मैं अर्ज करना चाहता हूँ कि अभी जो यह रिड्राफ्टेड (redrafted) बिल सिलेक्ट कमेटी की रिपोर्ट में आया है उसमें हमने जो गलतियां की हैं वह तीन तरह की हैं। अब्बल यह कि जब एक बिल हाउस के सामने आ जाय, हाउस के पोजेशन (possession) में आ जाय, और हाउस के अन्दर इंट्रोड्यूस हो जाय, उसके बाद सिवा हाउस के कोई मेम्बर, खाह वह कितना ही बड़ा हो, कितना ही अच्छा हो, वह वगैर हाउस की मर्जी के एक कामा (comma) को भी तबदील नहीं कर सकता। अगर कोई क्लेरिकल मिस्टेक हो तो और बात है, और वह भी अगर कोई मेटेरियल मिस्टेक हो तो उसको फिर प्रिंट करना पड़ेगा और सरकुलेट करना पड़ेगा और हाउस में फिर पेश होने के बाद किसी कमेटी के सुपद किया जा सकता है। मैं जनाववाला की खिदमत में निहायत अदब के साथ अर्ज करना चाहता हूँ कि मैं जनाव की खिदमत में दो तीन टेक्नीकल मामले पेश कर रहा हूँ। उनके बारे में मुझे अदब से अर्ज करना पड़ेगा और लोगों की खिदमत में, डाक्टर अम्बेडकर की खिदमत में नहीं क्योंकि वह टेक्निकल रूल्स और टेक्निकल बातों में बाकिफ हैं और वह जानते हैं कि इन टेक्निकल रूल्स को छोड़ देने से कितनी बेइन्माफी हो सकती है। तो मैं अर्ज कर रहा था कि उन टेक्निकल रूल्स को छोड़ देने से सिवा बेइन्माफी के और गैर कानूनी चीज के होने के फायदा होने की कोई चीज नहीं हो सकती। मिस्टर औसलो हाउस आफ कामन्स के एक बड़े मशहूर स्पीकर हो चुके हैं। उन्होंने फरमाया था कि

[पंडित ठाकुरदास भार्गव]

टेक्निकल रूल्स के खिलाफ कोई काम न हो। टेक्निकल रूल्स माइनारिटीज के प्रोटेक्शन के वास्ते बने हुए हैं, और सारे हाउस के प्रोटेक्शन के वास्ते बने हुए हैं और वह इतने फंडामेंटल हैं कि जब भी उनके बाहर निकला जायगा तो सिवा गलती के और कुछ नहीं हो सकता। यह उसूल मेज़ पार्लियामेंटरी प्रैक्टिस (May's Parliamentary Practice) में दिया हुआ है जो कि मदर आफ पार्लियामेंट्स का उसूल है। वह उसूल यह है कि एक बिल इंट्रोड्यूस होते ही वह इंट्रोड्यूस करने वाले मेम्बर के हाथ से निकल जाता है और हाउस के हाथ में आ जाता है। मैं मेज़ पार्लियामेंटरी प्रैक्टिस (May's Parliamentary Practice) के अल्फाज़ का तर्जमा कर रहा हूँ जो कि मैं पढ़ कर सुनाऊंगा।

Mr. Deputy Speaker: I do not think anybody in the House doubts that any honourable Member even though he may be the mover has got the right to change the Bill when once it has been placed before the House. As I understand it, the Honourable Speaker's ruling is that the very same Bill was considered in the Select Committee. Therefore, there is no good canvassing that position. The Honourable the Law Minister did not say that another Bill was considered in the Select Committee though the other draft which he placed before the Select Committee was considered along with the original Bill. As any honourable Member is entitled to place amendments before the Select Committee, instead of sending piecemeal amendments, according to him, he printed all his amendments and placed them before the Committee. That is the ruling of the Honourable the Speaker. Barring that, the honourable member can go on. Nobody doubts the position stated in May's Parliamentary Practice that it is not open to a member even though he may be the mover of the Bill, to change the Bill when the House is seized of it. The Honourable the Speaker has said this has not been done. We are bound by that; otherwise the honourable Member may go on.

पंडित ठाकुरदास भार्गव : मैं सिर्फ इतना अर्ज करना चाहता था और मैं जनाब की राय को सुनकर और भी इस चीज़ पर मजबूत हो गया। आपने फैसला कर दिया है कि अगर किसी तरह यह साबित हो जावे कि फिलवाकेई कोई तरमीम इस मसले पर सलेक्ट कमेटी के खबर नहीं आई और तो मानना चाहिये कि Redraft Bill को कंसिडर नहीं करना चाहिये था। इस वास्ते मैं अर्ज करूंगा कि मुझे फिर जनाब की खिदमत में रूलिंग पेश करने की जरूरत नहीं है। Hansard Vol. 215 जो १८७३ की रूलिंग मेरे पास है जिसके पृष्ठ ३०२ के अन्दर करार दिया गया है कि अगर एक मेम्बर बिल पेश करने का नोटिस देता है और बिल छप जाता है तो दूसरी रीडिंग से पहले वह मेम्बर उस बिल में तबदीली नहीं कर सकता। अगर करता है तो फैसला स्पीकर का यह हुआ कि बिल वापिस लिया जावे—बिल आगे नहीं चल सकता।

Mr. Deputy Speaker: The position of law is accepted; there is no need to canvass that. I do not think the Honourable the Law Minister denies the position of law that he is not entitled to change.....

The Honourable Dr. B. R. Ambedkar: No.

Mr. Deputy Speaker:any comma or semi colon except as accepted by the Select Committee. But, it is open to him to place matters before the Select Committee. I think that was the ruling of the Chair. The honourable Member may go on.

पंडित ठाकुरदास भार्गव : जनाब वाला मैं अदब से अर्ज करना चाहता हूँ कि दूसरा जो ओरिजनल बिल था उसको हाउस के सामने रखा जाय तो मुझे कोई एतराज नहीं होगा। इस तरह से यह बिल हाउस के सामने कनसिडर किया जाता तो किसी को भी एतराज नहीं होता। इस तरह से पेश होने के बाद जो बिल क्लोज वाई क्लोज और वर्ड वाई वर्ड टेक्निकली कनसिडर किया जाना चाहिये था। अगर यह चीज़ नहीं हुई और अगर कोई बिल सलेक्ट कमेटी में भेजा गया और वर्ड वाई वर्ड और क्लोज वाई क्लोज सलेक्ट कमेटी में कनसिडर किया जाय तो मैं उसे अर्ज करना चाहता हूँ कि अगर महज यह पहला बिल मेम्बर साहब के सामने था, या उनके जेब में था या घर से पढ़ कर आये थे। मैं जनाब का ध्यान पार्लियामेंटरी प्रैक्टिस की तरफ दिलाना चाहता हूँ। किसे सलेक्ट कमेटी के मेम्बर का यह कलेम नहीं है इसके बरखिलाफ। मेरे पास तो मजबूत बज्जुत है और उनकी तरफ मैं जनाब का ध्यान दिलाना चाहता हूँ। सब से अब्बल तो गालिवन मेजरटी रिपोर्ट में लिखा है।

"We confined our deliberation to this redrafted Bill."

Shri L. Krishnaswami Bharathi: May I interrupt? This is not correct.

पंडित ठाकुरदास भार्गव : तो इस सेंस में इस सेंस में कहने हैं कि क्लोज वाई क्लोज और वर्ड वाई वर्ड उस सेंस से इस original बिल को कनसिडर नहीं किया है। जिस पापूलर सेंस से हमारे स्पीकर साहब ने इसके ऊपर फरमाया और लोगों के सामने जिस सेंस में मिस्टर बालकृष्ण शर्मा ने हाउस के सामने अर्ज किया, वह बिल हमारे सामने था। मुझे उस पर कोई एतराज नहीं। मैं यह मानने के लिए तैयार हूँ कि जो मिस्टर बालकृष्ण शर्मा और स्पीकर साहब ने फरमाया.....

(English translation of the above speech).

Pandit Thakur Das Bhargava (East Punjab: General): Mr. Deputy Speaker, Sir, the Hindu Code Bill that has throughout India.....

Mr. Deputy Speaker: In English please.

Pandit Thakur Das Bhargava: As this matter is of vital importance so for this very reason I wish to speak in Hindi.

Dr. Mono Mohan Das (West Bengal: General): We can understand the Hindustani spoken by the Honourable the Minister of Education. It is entirely different from the Hindi or Hindustani spoken by Seth Govind Das or Pt. Thakur Das Bhargava. As beginners we do not know which is Hindustani.

Mr. Deputy Speaker: There is no set standard which is copied here. Whatever is spoken is Hindustani.

Pandit Thakur Das Bhargava: Before I begin my speech, (Honourable members: "English please") as a number of honourable members desire that I should speak in English I have not the least hesitation in paying deference to their wishes. But all the honourable members know that it is easier to express oneself in his own mother tongue rather than in English. So, if they allow me I wish to speak in Hindi. But if they would insist on my speaking in English then I would not have the least objection in commencing my speech in English. (Honourable members: "Hindi, Hindi"). As I think that a majority of the honourable members do not insist upon my speaking in English so I like to speak in Hindi.

Shrimati G. Durgabai (Madras: General): Kindly speak in simple Hindi so that we also may be able to understand.

Pandit Thakur Das Bhargava: I will try to speak in simplest Hindi. Today when I have stood up to deliver a speech before the House about the Hindu Code Bill a number of conflicting thoughts are clashing with one another in my heart. At the very outset I beg to submit that I am not one of those people who declare this Hindu Code Bill to be the death knell of the Hindu culture, and Hindu Civilization. I wish that the Hindu culture, the Hindu Society and the Hindu Civilization may survive till eternity till the end of this world. I am, in no way, an opponent to this. I am not at all afraid that this Bill or any other Bill would in the least be able to put the Hindu Culture or Civilization to harm. I wish that those evils that have crept in the Hindu Society since long, and about which Dr. Ambedkar made an appeal before the House in the concluding parts of his speech, may be eradicated; and the appeal may be considered over very thoughtfully with a cool heart. But in fact if the Hindu Society is to be preserved then there is no doubt that if necessity would be felt for repairing the society then repairs will have to be done. I strongly oppose those persons who hold that this Bill would put the Hindu Culture to an end. I am not prepared to acknowledge even for one moment the fact that this Assembly or the honourable members of this House, who have the same ability as the *Smritikars* of the old, do not have the right of making any changes in our *Shastras* or Laws. I hold that the members of each and every community have got the fullest rights to frame laws according to the needs of the time. Today if some one makes an appeal that this being an old custom so we must act accordingly; then about such an allegation I would submit that there is not a single custom that India has not experimented with. There are certain places in India where the system of inheritance is quite different from the other parts of India. Do we not know that among the Khasi tribes and in some parts of Southern Punjab the entire institution of inheritance depends upon the fact that the entire property devolves upon the daughters instead of sons. There are certain parts in India where instead of the girl going to her father-in-law's place the husband of the girl is imported into the wife's family. India is such a country where every type of custom and law has been in vogue. Is there any such social system that we have not tried. Only yesterday Dr. Ambedkar told that in some *Smrities* it is mentioned that daughters should be declared similar heirs along with sons. So this provision was present since long. Apart from this I do not know of any other law that can be called a new one. Divorce is customary in many places even today. On going through the old *Smrities* it is found that divorce is mentioned there also. I am not prepared to accept that we must revert to those old ideals simply because for the reason that they are mentioned in the old *Smrities*. If we think that those ideals do not suit our present day society then why should those ideals be kept up. I

know that in India there was a time when even the institution of marriage itself was not in vogue in India, and the people did not know anything about marriages. In olden days the system of *Niyog* continued for a long time in India. The Hindu Law mentions 8 kinds of marriages. Some of those kinds of marriages can not even be called marriages. Can anyone assert that those ideals should be re-introduced in the present times. I do not think there is any. So I do not want to consider the question that is before us today from this view point as to what was in vogue in the olden days and how our ancestors used to regulate the society by framing laws of their own. The question before me is that in the present times what things we require after fully taking into consideration our needs, our legal conceptions and our necessities. This Code has created throughout the whole country a great deal of unpleasantness, restlessness and uneasiness. Some women declare that they would have rights equal to those of men. This Code favours the women. Some declare that women have no rights. Very humbly I beg to submit to this House, that, till the time the Bill is under consideration here, we must never pay any attention to the various slogans or any such things like the allegations that this Bill is favourable to women or it is favourable to men. With a cool heart we must think over whether this Bill is appropriate or not. Which man can say that he has not been born of a woman, and which woman can say that she is not the daughter of a man. So in a matter like this will we not treat our sisters, our daughters, and our mothers with kindness. Do our mothers, sisters and daughters demand that they will not behave properly with their husbands, their brothers and sons. So it is not necessary to introduce any bitter controversy in this matter. I know that this is a very delicate problem. We ought to consider it in the proper manner and with a cool head.

Before I discuss this point any further I wish to submit a few things about a question so that at least the honourable members of this House and my honourable sisters in particular may not think that I oppose or support this Bill with some set ideas. At the very outset I wish to submit that I belong to that school of thought who believes that till the women are not given their proper rights in both the immovable and movable properties their personality will not attain full development. I very strongly oppose the economic dependence of women. I do not like that *shloka* of Sitaji wherein she has said;

मितं ददाति हि पिता मितं भ्राता मितं सुतः

अमितस्य तु दातारं भर्तारं का न पूजयेत्॥

I hold *Ramayana* in a very high esteem but I am not, for one moment, prepared to accept the principle that the women should always be kept dependent. I am not, for one moment, prepared to accept the verdict of a few of the *Smrities* that a woman till she is not married must remain under the control of her father, and after marriage under the control of her husband, and if she becomes a widow then under the control of her son. I oppose this verdict of the *Smrities* not for the reason that it is painful to women. I know that till the women of India will not attain a strong personality, till the women will not improve their condition economically and till they will not have an all round development our genealogy will not improve. Like men the women also should be given all kinds of opportunities for their development. I think that it is not at all justifiable to look at this question from a narrow angle of vision. We have to decide this question very prudently and keeping in view the welfare and advancement of our entire nation and country.

Since thousands of years we have been believing in certain prevailing customs and rites and have also been preserving them. But along with this we have also to decide our line of action as to how we should act upon the slogans that are being raised in the present day world like "women must have

[Pandit Thakur Das Bhargava]

rights equal to men". We may not accept this principle *in toto* but we at least stand committed to afford them scope and facilities equal to men for their development. We will have to keep this principle in view. Therefore I wish to submit without any reserve that women must get their lawful rights in the movable and immovable properties. I am strongly in support of this. I also congratulate Dr. Ambedkar for his accepting in this Bill the principle of the Abolition of Caste in marriages and adoption. I do not possess sufficient eloquence to let you know how important I consider this question to be. I look upon this question in this light that it is question of nation building. It is a question of our life and death. This pertains to basic principles. If any thing has ruined India, marred her progress and became an instrument in creating Pakistan it is this caste system. If there is anything that has entered our society and is eating into the vitals; that has made Brahmins an enemy of others, the Jats enemies of non-Jats and the Kshatriyas the enemy of all other communities, it is this caste system only. I do not know how, can we refuse to follow the path of formation of a class-less society, the path pointed out to this country by Mahatma Gandhi, the father of the nation. The two things, that are instrumental in uniting the people of this country, are inter-dining and inter-marriages. As far as the question of inter-marriages is concerned, till this question is not resolved the problem of nation building in India can not be solved. Therefore as far as this question is concerned I am strongly in its favour.

As far as the question of monogamy goes there may not be a single member against it. As far as the consequences of monogamy are concerned I know that its passing would badly affect the area I come from. Because even today, according to the circumstances, it generally happens that when some one dies leaving his widow, the widow is re-married to the younger brother. I know that in the coming times we should not continue these out of date customs. I think that if the defects of this out of date system would be told and explained to those people whom it will affect then they would also readily agree to renounce it.

As regards the question of monogamy and the people about whom I am talking I wish to submit that these people according to their needs and intelligence thought out and adopted this principle in that time when widow re-marriage was not in vogue in India. Without any reservation, I wish to submit that as far as the questions of monogamy, abolition of caste system and giving of the fullest rights to women, are concerned I am fully in support of them.

As regards the question of divorce I know that the system of divorce exists in a major portion of India. These days to some people this system of divorce appears to be bad. In fact in a country like ours where according to our customs the women used to commit *Sati*, the opposition of the system of divorce is not a thing to be wondered at. According to our beliefs marriage constitutes an indissoluble relationship, and from this point of view the right of divorce should not be given. But I like to submit that the system of divorce has always been in our country and is still present to this day. If the people wish to walk with their eyes closed, if they do not want to see as to what is happening in the world around them, then it is upto them to do so. Dr. Ambedkar told us that this system is found in 90 per cent. of the people of this country. I beg to submit that these figures are under-estimated rather than over-estimated. As regards the question of divorce and as far as it is in practice in India I am entirely in support of it, not for the reason that it is in vogue in the present day society but for the fact that it is one of our own customs. Therefore I am in favour of divorce.

The question arises that in this Hindu Code Bill, as it has emerged from the Select Committee the main defect is that it does not go far enough. In fact the customs prevalent in our country and the reforms suggested by the Select Committee fall far too short. The people in Punjab are not so backward. As regards social reforms the people of Punjab are far ahead than those of the rest of India. This Code does not go to that extent even. For them this Code is not a kind of social reform but it draws them back instead. If this Code would be shown to any Hindu or Sikh of the rural areas of Punjab then he would say, "Oh Sir, what are you doing? You are retrogressing us to a great extent. We are far ahead of all this. You want to take us still backward." The people of Punjab will not be benefited by this Code. The present Code has emerged from the Select Committee in such a form that the needs of the people of Punjab have lagged far behind; the needs have not only been left behind but certain things in this Bill compel us that we will have to throw this Bill out if it remained in the present form. If we want to preserve our institutions then they cannot be preserved in the present form of the Bill, and thus this Bill becomes annoying.

Shri Mohan Lal Gautam (U.P.: General): Quote any example.

Pandit Thakur Das Bhargava: I just give an example. After this introduction, with your permission Sir, I beg to submit the objections that I have to raise against this Bill and say to what extent I have to support this Bill. There are many such provisions in this Bill about which no one may have any objection. There would be a very few persons who would say that they are against all the provisions of the Bill. But Sir, if you were to go through the Bill you would find that there are notes of dissent from 11 out of the 17 members of the Select Committee, and who are they? Shrimati Ammu Swaminadhan and Shrimati Renuka Ray are among them. Notes of dissent from both of them are there.

Shrimati Renuka Ray (West Bengal: General): These notes are not on fundamental principles.

Pandit Thakur Das Bhargava: I am coming to that. To tell the truth these 11 members who have written notes of dissent, themselves oppose this Bill as it has emerged from the Select Committee. I was submitting as to who have written notes of dissent. One of the notes of dissent is from Bakshi Tek Chand who has worked for social uplift throughout his life and is prepared to go to any extent for social reforms. When he also writes a note of dissent then it is for us to think as to where are we going? If these notes of dissent he carefully lead then it would become clear that out of 17 members at least 11 strongly oppose this Bill as it has emerged from the Select Committee. After this introduction I beg to state why I am prepared to move such motions, which are generally considered dilatory, against this Bill as it has emerged from the Select Committee.

Mr. Tajamul Husain (Bihar: Muslim): Sir, I beg to raise a point of information. The honourable member has stated that 11 out of 17 members of the Select Committee have written note of dissent. If they are opposed to this Bill, then I would like to enquire from the honourable members how this Bill came to be recommended by the Select Committee so that we may pass it.

Pandit Thakur Das Bhargava: Mr. Deputy Speaker, Sir, in my opinion this question is neither a point for information nor a point of order even. You may go through this Bill yourself Sir. Mr. Bharathi has also written a note of dissent.

Shri L. Krishnaswami Bharathi (Madras: General): Mine is little ahead of the Bill. I want to enlarge the scope of the Bill. That is my dissenting minute.

Mr. Deputy Speaker: Should honourable members go on explaining every remark and every sentence? It is not necessary.

Shri L. Krishnaswami Bharathi: No, Sir, I was.....

Mr. Deputy Speaker: The honourable member's note of dissent is in print. He will have his turn if he wants to offer any explanation. It is no good going on interrupting a speaker and other honourable members also by simultaneously standing up.

Shri L. Krishnaswami Bharathi: May I say, Sir.....

Mr. Deputy Speaker: I have heard the honourable member sufficiently.

Shri L. Krishnaswami Bharathi: On a point of personal explanation, Sir?

Mr. Deputy Speaker: Order, order.

Pandit Thakur Das Bhargava: Sir, I would not give Mr. Bharathi the trouble of explaining his view point before the House. I myself present his view point. The note of Mr. Bharathi is that he is in no way against the fundamental principles of this Bill. He wants that as a logical consequence the women must be given the right that all those women who own limited estates, he wants that they at once be made absolute owners. I am correct, I think.

Shri L. Krishnaswami Bharathi: I am not permitted to reply.

Mr. Deputy Speaker: The honourable member Pandit Bhargava may go on.

Pandit Thakur Das Bhargava: For this very reason Sir, I was submitting that a number of members of the Select Committee have written notes of dissent on that form of the Bill as has emerged from the Select Committee. With what intension these notes of dissent were written. I will submit later on, but I wish that I may not be interrupted in the course of my speech.

Sir, I was submitting that although this Bill does go to a certain extent and I am prepared to go even beyond that in social reforms yet still I do not find myself in a position to fully support this Bill. And this is quite natural. Even Dr. Ambedkar himself, by whose kindness the Bill has taken this form and who has delivered such a speech of which very Indian and especially every Hindu must feel proud, is not in support of all the provisions of this Bill. Therefore he told that at places the Select Committee has gone out of reason. I do not want to use harsher words. But I say that he also is against this Bill and in this way there are 12 notes in its dissent. So I was submitting that when 12 out of 17 members are against this Bill then in such a condition the House should not feel astonished if I wish to support the amendment moved by Mr. Naziruddin Ahmad. The reason is quite clear. I do not wish that any of you may misunderstand me. There are many such sections of this Bill about which I do not wish that their passing be delayed even by a minute. Had his motion been dilatory I would not have supported him. Many of my motions also were not dilatory. I know that this Bill is not going to be passed in this Assembly i.e. in this Session of the Assembly. A special session of the Assembly will have to be called to pass this Bill. The next session will come off after about 6 months. The objection that I am raising can very easily be decided in this period of six months. With your permission Sir, I wish to submit that I do not want that the Bill may not again be sent back to Select Committee; and for such a move my reasons are quite different. Perhaps some of the honourable members might be thinking that I wish that this Bill may anyhow come to an end. I do not want to kill this Bill. I wish that this Bill be passed. I wish that all the good points of this Bill be accepted. So it is

necessary to look upon this Bill with a cool heart. It is not necessary to infuse heat. Therefore, I wish, that whatever I want to submit, you must hear it with a cool heart and I think that Dr. Ambedkar will not misunderstand it. I wish to submit all this very humbly and not with the spirit of antagonism. But I must have the courage to say what I want to say and I wish that others must interpret it at least fairly if not generously. I submit all this very respectfully and attach no less importance to this. Now I wish to submit that as each and every honourable member of the House knows that new elections are to be held. All the present members have come here by indirect election. The members that are to come after us will come from direct election and adult suffrage. According to the resolution passed by us in the Constituent Assembly the elections will be held in 1950. Only then I would be prepared to call that, as you yourself Sir, had said, an absolute sovereign body. Yet still on the principle of propriety I beg to submit that instead of us deciding a matter that concerns the daily life of 30 crores of people it would be better that those people, who are to come from direct election and adult suffrage, should decide this issue. I would submit that this will be the proper course. I wish to submit on the principle of propriety. Some people feel that this Assembly can frame the constitution only. This is the same argument that was advanced yesterday that when fragmentation does not take place on dividing a property among twelve sons then there cannot be any if it is further divided so as to include a daughter as well. But I say that 'one wrong cannot justify another'.

Shri Mohan Lal Gautam has said that this Assembly is not also competent to frame the constitution even. I do not agree with his views but if you do agree then why are you repeating the mistake? This is quite wrong. If you do not hold this view then it is another thing. In my opinion this constitution-framing Assembly is a sovereign body. It is perfectly legal and in the same way this House is fully authorised to pass today any laws that it likes. Yet still the sense of propriety, the sense of proportion, demands of us that we must not make haste in this matter. We have been following these principles since thousands of years and therefore I wish to submit that in the next 6 months the sky will not fall down upon our heads, so that we may pass the Bill immediately with undue haste. Therefore I would very humbly submit that as you Sir, have written in your dissenting note; out of these twelve persons, the twelve signs of the Zodiac—you are one of them; and along with you Babu Ramnarayan Singh has also mentioned on page 11:

"The members have been elected indirectly and have no mandate from the electorate. The mass of opinion and the majority is against most of the provisions of the Bill and the Bill seeks to alter the fundamental structure of the Hindu Society."

I very humbly beg to submit that justice demands that the representatives of direct election after being elected to this Assembly should be given the opportunity of deciding this matter. Our much respected and a true leader of the country Dr. Rajendra Prasad, agreeing with this principle, had also written a letter that this Bill as a whole be presented before the coming representative Assembly.

Mr. Tajamul Husain: What it was that the Governor-General had written?

Pandit Thakur Das Bhargava: Sir, whatever you say about the Governor-General has been mentioned here. But I very respectfully beg to submit that I highly honour and esteem the opinion of the elders. This matter today concerns me, concerns every woman who lives in any distant village. Everybody will be affected by this and so every one has got a right to express his opinion. Why I do not agree is that yesterday my honourable Sister Shrimati Sucheta Kripalani had said that in this manner centuries would pass. This Bill has been on the

[Pandit Thakur Das Bhargava]

anvil for the last ten years. It was drafted in 1941. This argument does not appeal me. May I ask how much literacy is there in this country? May I ask how many women of this country are literate? I wish to address my honourable sisters here, who are the members of this House and whose opinion I highly esteem; but I would say whether thousands of their sisters who live in villages and towns have the right to express their opinion in this matter. For this reason I would urge my honourable sisters here that they should have patience in this matter and exercise some restraint. If I were to submit that the opinion of those also be included, who have full right to express their opinion, then this may not be considered a crime. Very respectfully I beg to submit that the people living in towns and villages are not at all aware what the Bill is and what its provisions are. Some honourable members say "Hear" "Hear". Very respectfully I beg to submit that those people who have not studied the provisions of this Bill and a number of members of this House have not at all realized what its importance is.

Shrimati G. Durgabai: When you consider women of this country fit enough to understand the provisions of your other Bills for reform, don't you think they will be able to understand the provisions of this Bill?

Pandit Thakur Das Bhargava: I welcome this interruption, because it gives me an opportunity to explain the real point. Sir, an objection has been raised that once upon a time the Satta Bill was passed, widow marriage Bill was passed, Sharda Act was passed; and the Bill that is before the House today is also of the same category which, according to Shrimati Durgabai, is something higher in level from those that can be passed taking into consideration the opinion of the common people.

Mr. Tajamul Husain: May I be allowed to move a point of order?

Mr. Deputy Speaker: What is the point of order, please?

Mr. Tajamul Husain: My point of order is this, Sir, that the contempt of the whole House has been committed by my honourable friend in this way; you heard him out and he says that there are members of this House who have not understood the Hindu Code Bill. This amounts to a contempt of this House and I want a ruling on this.

Mr. Deputy Speaker: I do not think that there is anything in this point of order. All that the honourable member means is that the full implications of the Bill may be understood differently by different sections of the people. According to him they have not been understood in the manner in which he would like honourable members to understand it.

Pandit Thakur Das Bhargava: Besides this Sir, I do not claim and I am not at all prepared to say that I have understood the provisions of this Bill any more than the other honourable members of the House. About myself I am prepared to say that I have not understood fully all the provisions, all the clauses and all the implications of this Bill and this I can say about all the honourable members and myself in particular. The honourable members here, who are not lawyers, can say that they have fully understood the Bill; but the lawyers present here can not say with confidence that they have understood all the provisions of the Bill as has emerged from the Select Committee. I am not permitted in this House but if I be permitted then I like to put two

or three questions to Mr. Tajamul Husain and he should give an answer whether he understands or not. It is not at all my intentions to commit contempt of the House. Very respectfully I beg to submit that it is not at all my intention.....

Mr. Deputy Speaker: Every citizen is presumed to know the Law, every honourable member is presumed to have read this Bill. The honourable member can go on with his speech.

Pandit Thakur Das Bhargava: I was submitting Sir, after this introduction I was submitting why I am in favour of Mr. Naziruddin Ahmad's amendment. Sir, I submitted some facts for your kind consideration, that this House is not so representative as it is to be tomorrow and this is not to take much time, in a few months the new House will come into being and therefore it would have been proper to (postpone the discussion on this Bill till the new House comes into being).

A still stronger argument in favour of my submission is that you, Sir, are well aware of the fact that today property includes two different types of things. One is lands and the other houses. As far as the landed property is concerned this Bill does not affect it. What will be its effect on succession in a country like India which is mainly an agricultural country and where 90 per cent of the people live in villages. After the death of a person his lands will be governed by one law and his house in the village will be governed by another law. What will happen to me? If I have some property in Delhi then this property will be governed by one law and my landed property in Bahadurgarh will be governed by another law. My house built in my fields at Bahadurgarh will be governed by one law and my house at Delhi by another law. Is this uniformity? If such a thing is being maintained then what the result would be? The appointment of an heir takes place at Bahadurgarh whom the Hindu Code does not recognise, then that boy, who is the appointed heir, will of course inherit the landed property at Bahadurgarh but on the residential house of the deceased some one else would have a claim. The boy will get the landed property but will have no claim on the house, then after all where the boy will go? The effect of this Bill would be that it will not apply on landed property. I think that Dr. Ambedkar wishes to pass a Bill whereby economic holdings could be made and the landed property of average man may not be partitioned. But when this Act will come into being and when the abolition of zamindari takes place, I am not aware of this.

Shrimati Renuka Ray: You can introduce such a Bill immediately.

Pandit Thakur Das Bhargava: Respectfully I beg to submit that intentions are not so easily fulfilled in this world as my honourable sister thinks that simply by introducing a Bill this intention will be accomplished. This is a Bill for the benefit of the country, but how many obstacles this Bill is encountering. How much time the Land's Bill, whereby the rights of everybody will be usurped, will take and where will it be passed? This is under the power of the Provincial Government. I wish that we may make such changes in our constitution whereby, as far as the question of lands is concerned, under constitution, this may also be within the powers of the Central Government. If this Bill is passed then I see in it the defect that it does affect the residential property and does not include the landed property. This is a great confusion. A change has now been made in the original Bill that now this Bill will also apply to the lands in the Centrally administered areas, i.e., it will be applicable on both the residential and landed properties of Ajmer-Merwara and Delhi. In other provinces this Bill does not apply to lands. In Delhi and Ajmer-Merwara this will apply to both the rural and urban properties. This is a great defect of this Bill and which knocks out its bottom.

[Pandit Thakur Das Bhargava]

As yet the people are not aware how this Bill would affect them. For this reason only I had submitted that full publicity has not been given to this Bill. I know that if today people were to know that through this Bill such far reaching and fundamental changes are being made in their law of inheritance, changes which will have affect on each and every family of India, then at one time the people of the whole of India on coming to Delhi would present their applications that this law may not be passed. Many people are not aware of this. The knowledge is shared by the members of this House, Bar associations and a few of those who read newspapers. You can well understand how small the number of such persons is. Such a Bill, which affects the entire Hindu Society, has not been given sufficient circulation and no opinions on this have been taken. A committee was set up, it took evidences at many places and the report of the committee is with me. If you would see as to where the members of this Committee went, what they did and whose evidences they recorded; then you would find that the committee has asked the opinion of some well placed and educated persons only and they have not taken the opinion of a major part of the country. In this there is no question of education. For this Bill every mother and father, who fully realize their responsibilities, can give their opinions. Everybody is affected by this and so every person is competent to give his opinion. Besides this I would submit that nobody has the knowledge of the changes that have been made by the Select Committee in the original Bill. Only the members of the Assembly have information of these changes, the rest of the people do not know what changes the Select Committee has made. Now the question arises that as the Select Committee has made changes in this Bill so its circulation has become very necessary. Leave aside the old question that no law should make rapid changes in the customs of the people till the opinion of a majority of those people, who are to be affected by it, be not taken. The Bill that is being introduced today is one wherein the Select Committee has made such changes as are of vital importance and about which everybody must have full information. For this reason only its circulation is all the more necessary.

Before I submit anything about these changes, I wish to draw the attention of the House towards one point. I regret to say that the Law Department itself which an embodiment of law because its name even is Law Department, these same people do not respect the law. When these people themselves establish such a procedure that they must not have established, then I will have to say—

گر کفر از کعبہ نیز کجا بود مسلمان

I do not want to touch the question that has been decided by your predecessor. That question has been decided. That ruling is final for me. I do not question it. I highly honour that ruling although I know that this ruling according to my opinion was not correct, yet I do not want to question it.

Mr. Tajamul Husain: No one can say inside the House that the ruling of the Chair is wrong.

Mr. Deputy Speaker: I am sorry the honourable member has not understood Mr. Bhargava at all. What he says is that he does not agree with the ruling, but he cannot question the ruling here. It is open to any member to think for himself and also to say that in his opinion he does not accept it, but he is bound by the ruling. I think there is nothing wrong.

Pandit Thakur Das Bhargava: I am very sorry that whenever my honourable friend Mr. Tajamul Husain raises any point of order it does not survive even for a minute. I wish that he may raise such a point of order which I

may also be able to reply. I know that at this time he is enquiring from another honourable member whether this Bill applies to lands or not but he pretends and says that he understands this Code Bill. Then I like to submit that I am perfectly within my rights if I say that on the ruling I hold a different opinion. I wish to submit a few other fundamentals that have not at all been touched by the Honourable the Speaker's ruling. Most humbly I beg to draw the attention of the House particularly towards the fact that this House which is a constitution making House, is a master of her laws. None of our matters can be referred to any court in the country. If this House forsakes its principles for the sake of passing a certain act then we commit such a mistake that we cannot be absolved of its responsibilities. I beg to submit that in this redrafted Bill, reported by the Select Committee, the mistakes that we have committed therein are of three types. Firstly when a Bill comes before the House, comes in the possession of the House, and is introduced in the House, then after this except for the House no member of the House, however big he might be, however good he might be, cannot even change a comma therein without the consent of the House. If there be any clerical mistakes then it is another thing; and if that also be a material mistake then it will have to be printed again and re-circulated and after again being introduced in the House can be referred to any committee. Very respectfully I beg to submit Sir, that I am presenting two or three technical points for your kind consideration. About these points I will have to submit very humbly to the other honourable member, but not to Dr. Ambedkar as he is familiar with technical rules and things and he knows how much injustice can be done by forsaking these technical rules. So I was submitting that by forsaking these technical rules except injustice and unlawful things nothing beneficial can be accomplished. Mr. Ouslow has been a very famous speaker of the House of Commons. He had said that no work should be done in contravention of the technical rules. For the protection of minorities, for the protection of the House as a whole, there are technical rules, and these rules are of such a fundamental character that whenever the limits will be transgressed nothing except mistakes can be accomplished. This principle has been laid down in the May's Parliamentary Practice, which is the convention of the Mother of Parliaments. The convention is that as soon as a Bill is introduced it passes out of the hands of the member introducing it and comes within the power of the House. I am translating the words of May's Parliamentary Practice which I will soon read out to you.

Mr. Deputy Speaker: I do not think anybody in the House doubts that any honourable member even though he may be the mover has got the right to change the Bill when once it has been placed before the House. As I understand it, the Honourable Speaker's ruling is that the very same Bill was considered in the Select Committee. Therefore, there is no good canvassing that position. The Honourable the Law Minister did not say that another Bill was considered in the Select Committee though the other draft which he placed before the Select Committee was considered along with the original Bill. As any honourable member is entitled to place amendments before the Select Committee instead of sending piecemeal amendments, according to him, he printed all his amendments and placed them before the Committee. That is the ruling of the Honourable the Speaker. Baric—that, the honourable member can go on. Nobody doubts the position stated in May's Parliamentary Practice that it is not open to a member even though he may be the mover of the Bill, to change the Bill when the House is seized of it. The Honourable the Speaker has said this has not been done. We are bound by that; otherwise the honourable member may go on.

Pandit Thakur Das Bhargava: I wanted to submit only this much that after hearing your opinion I have become still more staunch on my belief. You have decided that if it is somehow proved that in fact no amendments on this controversy came before the Select Committee then it should be accepted that the redrafted Bill should not have been considered. For this reason I would submit that I have no need to quote the ruling again before you. Sir, I have got a ruling of Hansard Vol. 215 of 1873 wherein at page 302 it has been laid down that if a member gives notice of introducing a Bill and this Bill is printed then that member cannot make any changes in the Bill before the second reading, and if he makes any changes then the Honourable the Speaker gave the ruling that the Bill be withdrawn—the Bill cannot be further discussed.

Mr. Deputy Speaker: The position of law is accepted; there is no need to canvass that. I do not think the Honourable the Law Minister denies the position of law that he is not entitled to change....

The Honourable Dr. B. R. Ambedkar (Minister of Law): No.

Mr. Deputy Speaker: ...any comma or semi colon except as accepted by the Select Committee. But, it is open to him to place matters before the Select Committee. I think that was the ruling of the Chair. The honourable member may go on.

Pandit Thakur Das Bhargava: Sir, very respectfully I wish to submit that if the other original Bill is placed before the House then I will have no objection. Had this Bill been considered in the House in this manner then nobody would have any objections. After being introduced in this manner the Bill should have been technically considered clause by clause and word by word. If this procedure has not been adopted, and if the Bill was sent to the Select Committee and in the Select Committee it was not considered word by word and clause by clause then I would like to ask if the first Bill was before the honourable member or was it in his pocket or had he come after reading it at his house. I wish to draw your attention Sir, towards Parliamentary Practice. No member of the Select Committee has any claims against this. I have with me strong reasons and I wish to draw your attention Sir, towards them. In the first place perhaps in the majority report it is written:

"We confined our deliberations to this redrafted Bill."

Shri L. Krishnaswami Bharathi: May I interrupt? This is not correct.

Pandit Thakur Das Bhargava: The original Bill has not been considered clause by clause and word by word in the actual sense of the term. In the popular sense as the Honourable the Speaker said before and in the sense in which Shri Balkrishna Sharma submitted before the House, the Bill was before us, then I have no objection against the Bill. I am prepared to accept that whatever Shri Balkrishna Sharma and the Honourable the Speaker have stated.....

Shrimati G. Durgabai: On a point of order. He is questioning the ruling of the Speaker.

Mr. Deputy Speaker: I understand the honourable Member, though I do not understand every word that he says. I am bound to safeguard the ruling of the Speaker. I am not interested in seeing that what I may have said today may be upset by a Chairman who follows me. The ruling of the Speaker is there. Though the honourable Member speaks forcibly on one or two points, I understand that he wants to persuade the House to allow the country an op-

portunity to consider the Bill. That is all that he means (*Honourable Members:* "No, no"). I may say immediately I do not intend to go behind the ruling of the Speaker. Any arguments that may be advanced for consideration by the House or the country at large is welcomed but not in a spirit to question the ruling of the Speaker.

Dr. Mono Mohan Das: On a point of information. I want to be informed whether the next ten minutes will be taken up by the honourable Member so that we who do not understand Hindustani could return to our hotels.

Pandit Thakur Das Bhargava: Since you have been pleased to say that you do not follow me and I want every word to be followed by the House and by your goodself I will speak in my broken English.

Shri T. A. Ramalingam Chettiar (Madras: General): Hitherto you have had no consideration for those who did not know Hindi. There is a large number of them here and if you do not care for them and you do not want them to listen, it is your own look out.

Pandit Thakur Das Bhargava: I had already decided to speak in English and my friend's orders are only supplementary. But after what you have been pleased to say, I will continue in English.

Mr. Deputy Speaker: Whatever has been heard has been heard in Hindustani.

Pandit Thakur Das Bhargava: I am not going to repeat all that I have said as it will not be possible. In future I shall submit to you what I have to say, so that I may not be charged for attempting.....

Mr. Tajamul Husain: There should be no repetition.

Pandit Thakur Das Bhargava: I do not want to be ordered by Mr. Tajamul Husain. If he does not want to.....

Mr. Tajamul Husain: I am addressing the Chair.

Pandit Thakur Das Bhargava: I do not want Mr. Tajamul Husain to make unintelligent interruptions.

Mr. Deputy Speaker: I am sorry that Mr. Tajamul Husain goes on interrupting repeatedly. I am here to protect the House so that there is no repetition. It is unfortunate that we are spending much time in this way.

Pandit Thakur Das Bhargava: I do not want to repeat. I submit that the manner in which the Honourable the Speaker gave his ruling I respect it and I will not say a word against the ruling, though I maintain, Sir, that that ruling is not the last word.

Mr. Tajamul Husain: It is the last word in this House.

Pandit Thakur Das Bhargava: I am not going to be taunted by these things. I think the House can revise its own order. I can quote a ruling to this effect from the book 'Decisions of Chair.' At the same time, let the House not think that I am asking the Deputy Speaker to review that order at this stage. I am not doing so. Let the House not be impatient. But may I ask where is the rule that a ruling once given cannot be revised? There is no such rule. Since I am not attempting to get the ruling revised, this does not arise. What I was saying was that the ruling of the Speaker was to this effect that the Bill was considered along with this

[Pundit Thakur Das Bhargava]

redrafted Bill not in the actual sense nor in the technical sense in which we understand what "consideration" is. I submitted for your consideration that in the technical sense in which we use the word "considered" this Bill was never considered.

Shri Mohan Lal Gautam: I beg to state that this is a repetition of what he spoke in Hindustani.

Mr. Deputy Speaker: In so far as to enable me to understand the full implications.

Pandit Thakur Das Bhargava: Without these preliminary remarks I could not make myself understood and those who know would have realized that I could not do more than this.

I was submitting with a view to convince you that as a matter of fact the real consideration, technically so called, was only given to the redrafted Bill. I said that I wanted to submit certain arguments: firstly, the report says that "we confined our deliberations to the redrafted Bill". Secondly, Sir, the dissenting note of Bakhshi Tek Chand as well as of Balkrishna Sharma says the same thing. I do not want to read further because the Members have read it and it will be waste of time to read it again. When Mr. Balkrishna Sharma spoke the Honourable the Speaker was pleased to accept his statement. He again repeated in his speech that "we confined our attention to this redrafted Bill": and when you see the report you will find that in the report itself there are some indications for instance in clause 99 that only the re-drafted Bill was considered in the technical sense.

Mr. Deputy Speaker: I am not able to follow what the honourable Member is driving at so far as this is concerned.

Pandit Thakur Das Bhargava: I am sorry I have not heard what has fallen from Mr. K. C. Sharma.

Honourable Members: Order, order.

Mr. Tajamul Husain: Sit down!

Mr. Deputy Speaker: If you will permit me I will try to get along. There are two questions. If it is a question that we ought not to proceed with this Bill, then that point has been decided. The Bill has been taken into consideration. The Speaker has said that this Bill was before the Select Committee and with the other amendments that have been tabled. Therefore, so far as that matter is concerned, I may immediately say I am not in a position to go beyond the ruling of the Speaker. Apart from the question of a similar case in the Civil Procedure Code, a ruling has been given and it is not desirable to go over it in the same case. It may not be a precedent for some others. When it comes up in any other connection it will be open to the Chair or members of the House or whoever might occupy the Chair for the time being to go behind the previous ruling. At this stage in the same proceedings I am not prepared to go behind it. In these circumstances I would like to ask the honourable member for what purpose these arguments are raised. If as I understood sometime ago, it is only for the purpose of persuading the House to accept the motion for circulation in view of the fact that the Select Committee did not look into the original draft but the other one, both of them were before the House. So it is not as a point of order but for the purpose of persuading the House, which I can understand. For

that reason May's Parliamentary Practice and other rulings need not be referred to. So far as the matter of law is concerned enough has been said and I would request the honourable member, if possible to conclude this portion of his argument and proceed to some other matter.

Shri R. K. Sidhva (C. P. and Berar: General): Sir, the previous speaker, Pandit Thakur Das Bhargava said that the Speaker's ruling is not final. May I, Sir, draw your attention...

Mr. Deputy Speaker: I do not want any further arguments on the matter. I have already given my ruling that so far as this proceedings is concerned the Speaker's ruling is final. I cannot allow any questioning of that. It is therefore unnecessary to reinforce the argument or to strengthen my hands.

Pandit Thakur Das Bhargava: Sir, it is far from my mind to invite you to give a ruling contrary to the Speaker's. I am not going to request you to do that. I can quite understand that it is not desirable to review a ruling when it is given in the same case, though I know according to law you are perfectly competent to give another ruling. The law is not so narrow as not to provide for cases in which injustice is perpetrated. So I shall desist from speaking any further on this subject that the ruling of the Chair may be looked into. What I am submitting is that there are several motions before the House and it is not the only motion for circulation. This Bill could go before the same Select Committee and it could come back to the House in 15 days. As I submitted already it is not a matter of dilatory tactics. All that I want is that the House should adopt a procedure which is according to law and which is fundamentally right. I am a member of this House and as such I have a right to see that the Bill sent to Select Committee is considered in a manner which the law requires. There is no escape, therefore, from its recommittal to the same Select Committee. This is the reason which I want to submit before you. After all the taxpayer has to pay for every minute of the time taken in this House and I hate to take a dilatory or obstructionists attitude. All the same.....

Mr. Tajamul Husain: You are doing it all the same.

An Honourable Member: He is again on the Speaker's ruling.

Pandit Thakur Das Bhargava: I hope the House will bear with me for a little more time....

Mr. Deputy Speaker: Is the honourable Member likely to take more time?

Pandit Thakur Das Bhargava: Yes, Sir.

The Assembly re-assembled after Lunch at Half Past Two of the Clock.

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

Pandit Thakur Das Bhargava: Sir, when the House rose for Lunch I was submitting for your consideration that the functions of a Select Committee are to go through the text of the Bill word by word—the function of a Select Committee is to go into the text of the Bill clause by clause, and if necessary, word by word. I would refer to May's Parliamentary Practice.

Mr. Deputy Speaker: May I request the honourable Member to proceed to another point because I have already given a ruling?

Pandit Thakur Das Bhargava: I respect your ruling. You were pleased to say that you are not going to reverse the ruling given by the Chair and I do not want it to be reversed. As a matter of fact I am unfortunate that I have not been able to make myself fully appreciated. The ruling of the Chair says that this Bill was with the Select Committee at the time when the

[Pandit Thakur Das Bhargava]

draft was being considered. I do not dispute that at all. My dispute is that the functions of a Select Committee were that they should have gone through the original Bill clause by clause and word by word. It is not only this. As the House is bound so is the Select Committee bound to consider the Bill clause to clause and word by word.

Mr. Deputy Speaker: We will assume that under the ruling both the original Bill and the amended draft were there and they looked into it clause by clause. What follows next? Is it the question that we ought not to go into this and it is not competent to do so? If that is so, it has already been ruled. When once it has been ruled how is it open to go into it again?

Pandit Thakur Das Bhargava: On a question of fact I would still request the Members of a Select Committee, to kindly enlighten the House whether both the Bills were taken and considered together. Assuming that this is correct my contention is that unless and until every clause of the original Bill was taken, unless and until it was considered clause by clause and word by word the requirement of law and procedure is not complied with.

Shri H. V. Kamath (C. P. and Berar: General): Has not the question of competence of the Select Committee been disposed of by the Speaker once for all?

Mr. Deputy Speaker: I am trying to meet that point myself. Whenever I find it difficult I will ask the honourable Member, Mr. Kamath, to help me.

I have already said I am anxious to know what follows. I will assume for the moment that both the Bills were there and that the other draft Bill was considered clause by clause. What next? What is the legal objection?

Pandit Thakur Das Bhargava: I request you to give me two or three minutes to explain my position. There is another aspect of the case also. Besides this being a fundamental rule that the original Bill should be taken clause by clause and word by word the way in which the entire Bill is to be considered is that each clause must be considered of the original Bill, then the new clause, then the Schedule, then the new Schedule. Parliamentary Practice gives that. The next question is what is the effect. What follows—this is the question before you. I beg to call your attention in this connection to the general principles of practice and law as well as the particular point involved. In regard to the general practice the rule of law is absolutely clear that when any law or any practice or the general principles require that a certain procedure is to be observed, unless and until that procedure is observed the thing cannot be regarded as having been validly done. For this principle I will quote another authority of the Privy Council itself which is 1936 Privy Council Page 253.

Mr. Deputy Speaker: I am assuming the next step also. I am only taking the honourable Member's argument step by step. Let us assume it is so—that the Select Committee did not consider this or considered something else. Then the honourable Member evidently wants to say that I have no jurisdiction to go into the matter. It is with respect to that I want to say that it has already been ruled by the Speaker. I shall hear the honourable Member if he is able to satisfy me that that ruling does not cover the point he has stated. So far as I am concerned I have considered it carefully and I believe the same has been covered. I would therefore suggest to the honourable Member to proceed further without taking any more time. Already we have taken much time on this. There are other speakers also waiting to speak. I would like the honourable Member to dispose of this point as early as possible and go to any other point if he wants to.

Pandit Thakur Das Bhargava: My humble submission is that the previous ruling of the chair did not consider this point. The only point raised by Mr. Naziruddin Ahmad was that the motion cannot be allowed to be made as only the redraft was considered. That was the simple point. This point which I am urging in regard to taking up clause by clause was not even argued. The effect will be this that a Bill will be sent to Select Committee and if you don't observe this fundamental rule any other Minister may alter the Bill, put a redraft, get it considered and the real purpose of this fundamental rule that it should be considered clause by clause will be defeated. This is sufficient ground that no person had a right to make any alteration whatever in the Bill—for this I would refer you, Sir, to the ruling of the Speaker in the Commons (page 301 of Hansard, Volume 215). If you agree with me in this and in the Committee being required to go through it clause by clause then the position is absolutely clear that this Bill must be recommitted to the same Select Committee. Let the Select Committee devote two hours—I do not want that the Report should not come in this session—I want them to devote two hours and consider the original Bill clause by clause, and we will consider it then. This point I may submit was never-considered by the Speaker and I beg of you kindly to consider this point.

Leaving aside this point as you have asked me not to spend any more time on it I would take up the other points. Now the question is what is the effect of this. One fact as I have already submitted is that we must abide by the rules, and the rules in a matter of this kind are fundamental rules which cannot be disobeyed. Then what is the real effect of it? That I am submitting to you. Now the differences or discrepancies between the provisions of the original Bill and the Bill as it has emerged from the Select Committee relate not only to matters of procedure but to matters of great substance. In the Dissenting Note given by Bakshi Tek Chand and Pandit Balkrishna Sharma it has been pointed out that as a matter of fact in the redrafted Bill very drastic changes were made and they have given examples of the changes. I am not satisfied that they have exhausted all the substantial changes in the minutes and I would beg of you to consider it from my point. When I began my speech I invited your attention to the fact that in this measure, as it has emerged from the Select Committee after the redrafted Bill was considered, many changes have been made which are certainly destructive of the institutions which we have got in the Punjab. I will first of all call your attention to the institution of appointment of an heir. In regard to the appointment of an heir we know the views of the Honourable Dr. Ambedkar. He himself stated that he thought that the adoption of heirs is an artificial affair. I also think so. We remember the speech made by Mrs. Hansa Mehta at the time when the Bill was sent to the Select Committee. She also made certain remarks. Now, according to the present measure, no person could adopt an heir in any form except in the *Dattaka* form, whereas according to the original Bill the *Kritrim* and *Godra* forms were also allowable. So far as adoption is concerned, adoption of a son is a mere fiction. How can such a son become a real son? But the Hindu law provides for it and I have no quarrel with those who believe in it. But in regard to appointing heirs to property, just as the Romans did by way of *Nominis Hereditio*, if the people in the Punjab had got practices like that nobody has the right to touch them. According to our institutions, in the appointment of an heir, though it is in effect just like an adoption, there is no religious efficacy, there are no particular ceremonies, there is no question of age. The son is not engrafted in the family of the adopter but he continues in his own family. There are various rules and the Punjab High Court has given hundreds of rulings over this point. That

[Pandit Thakur Das Bhargava]

institution is too strongly fixed in the public mind and you will be tampering with the custom of at least a crore of people if you are not allowing it in this Code. According to the Hindu Code no other form of adoption will be allowed. That is the provision in the present code; it does not go far enough. I understand that so far as custom is concerned, custom has been ruled out except to the extent which has been recognised.

When I read the speech of Dr. Ambedkar himself which he was pleased to deliver at the time when the Motion was referred to Select Committee, I found that his attitude was very reasonable and he made certain statements in regard to custom which are very much opposite to the provisions of the Bill. Sir, I doubt very much whether this Law Department Committee had on its personnel our Law Member himself. I do not know who those persons were who tampered with the Bill, but at the same time I can certainly say that I very strongly suspect—though I do not know it—that Dr. Ambedkar must not have been there because he is very anxious to see that the customs of the ninety per cent of the people are not affected—as I am anxious to see. Either this thing missed him—he may not have appreciated it—or some other persons might have been there who were not Members of the Select Committee. They entirely changed the face of the Bill, which they had not the right to do; then it was the other Bill which was considered—it is a fiction that the original Bill was there and considered. Sir, I would refer you to page 3652 of the proceedings (9th April, 1948) in which Dr. Ambedkar said:

"His second comment was that the Bill had not taken into consideration the customary law. He cited some ruling of the Privy Council. I should have thought that at this hour of the day it was unnecessary to cite the authority of the Privy Council because it has been well established by a long course of decisions, that so far as the Hindus are concerned custom would override the text of the 'Smriti'. We all know this. But what are we doing? What are we doing is this. We are shutting down the growth of new customs. We are not destroying existing customs. The existing customs we are recognising because the rules of law which are prevalent in Hindu society are the result of customs. They are born out of customs and we feel that they have now grown so sturdy that we can indeed give them flesh and life in the body politic by one legislation."

Dr. Ambedkar was referring to the speech of Srijiit Rohini Kumar Chaudhuri; He also said:

"that we had not taken into consideration the question of the tribal people, whose life is undoubtedly governed in a large measure by customary law. If my friend had read the definition in this code as to who is a Hindu and who is not and to whom this Code applied, he would have seen that there is a clause which merely said that persons who are not Muslims, Parsis, or Christians, shall be presumed to be Hindus: not that they are Hindus. The result is that if a tribal individual chooses to say that he is not a Hindu it would be perfectly open to him under this Code to give evidence in support of his contention that he is not a Hindu, and if that conclusion is accepted by the Court he certainly would not be obliged by anything contained in this Bill."

The position is this: if I accept my institutions as good, if I appoint my heirs according to the custom which governs me, then according to Dr. Ambedkar I am not a Hindu. That is my difficulty. Either you must provide for these one crore of people and accept their customs or.....

The Honourable Dr. B. R. Ambedkar (Minister of Law): I have no desire to interrupt my friend, but I must say that I do not accept the interpretation that he puts upon that part of any speech. It refers to quite a different matter.

Pandit Thakur Das Bhargava: I am very glad that I am wrong. It gives me satisfaction that Dr. Ambedkar did not want that the one crore of people should go out of the pale of the Hindu law. But all the same, the argument

I was submitting was this. If this custom was good—and I claim it is good, because according to the definition given in this very code, the custom is ancient, reasonable and not opposed to public policy or morality—I claim this custom should have been recognised by the Code. But this custom is not recognised. To a certain extent the *kritrima* form was adopted as a good form by the original Bill but the present Bill says that no adoption will be recognised except this kind of adoption which according to Dr. Ambedkar is governed by certain rules. What are the rules? A man must not be more than 15 years of age. He must be given by somebody in adoption. He must not have married. Even according to the present law of adoption these rules are not there. Supposing a Hindu's daughter and son-in-law have died then the daughter's son cannot be adopted; the sister's son cannot be adopted, even the nephew cannot be adopted if the parents are not there. It is common knowledge that even today this rule that if a person is married he cannot be adopted, is not in practice and according to law in vogue, it is not necessary that a person should not have married before he is adopted. Similarly about age. So, all these measures have been changed in such a way that they cannot fit in with the present conditions, or they cannot be useful to us or cannot govern us.

We passed in the Constituent Assembly that we want a Civil Code. Even if this were not the Hindu Code and if Dr. Ambedkar was charged with the duty of framing a Civil Code, (I think he will be so charged after the Constitution is passed), he will certainly include this civil institution—the nomination of an heir—in the Civil Code also. A man may be able to help, in their old age, those who appoint him the heir. My submission is that this point alone is sufficient to see that as a matter of fact the re-draft is much worse than the original Code and full attention was not paid to the original Bill. If full attention had been paid this thing would have been considered. Had it been considered clause by clause you would not have arrived at this.

The Honourable Dr. B. R. Ambedkar: This part of the Bill was, if I may say so, very much considered.

Pandit Thakur Das Bhargava: I am very glad, Sir, that the original Bill was considered. Then the only technical point remains, that it was not considered clause by clause. There is intrinsic evidence that it was not so considered. What is the effect? Supposing there are provisions omitted. How were those provisions considered? When the entire attention was on the draft of the other Bill those clauses could not have been considered. This is not a technical matter.....

Mr. Deputy Speaker: The honourable Member is aware that the House is not bound by whatever the Select Committee has done. The Select Committee have sent a recommendation; it is open to the honourable Member to accept or not to accept it; if he does not accept it, he can persuade the House not to accept it. We need not go into that again. After all, some Members were there. It is not right to go into what they considered or what they did not consider. The honourable Member would do better in addressing the House as to why we ought not to accept a provision or why we should accept it.

Pandit Thakur Das Bhargava: I will accept your advice, Sir. I will not refer in future to what happened before the Select Committee. I will only say this point, with your permission. Even if the Select Committee acquiesced in this fraud that the original Bill is not to be considered and the substitute Bill is to be considered, we are not bound. An accused, before a criminal court, acquiesces in a certain procedure which is illegal; then it does not bind him. May I quote some rulings? A Court is required to go into a question and

[Pandit Thakur Das Bhargava]

find out for itself whether there is good evidence or record to bind an accused under section 107 Criminal Penal Code. The accused says, "I agree to be bound in that evidence". The Court says, "You are bound". But the appellate Court still rules that the right procedure was not observed and the acquiescence of the accused in a wrong procedure does not make the order legal.

Mr. Deputy Speaker: Is not the honourable Member satisfied with tearing the report of the Select Committee to pieces? Should he also say they are "accused"?

Pandit Thakur Das Bhargava: Those who are guilty of disregard of the fundamental rules of procedure which govern a Select Committee are today accused before the House. I am sorry I have to say something which may not be wholesome to some of my friends, but I do so in all humility and with a view to safeguarding the rights and prestiges of the House. I now leave this point and come to the second point.

In regard to marriage and divorce which are very important questions, what does the Code say and what are the facts at present? In Punjab no specific ceremonies are required for marriages which are called *Karewa* and *Chadar Andazi* marriages. The woman puts on the bangles supplied by the husband or the husband puts the *Chadar* on the wife and there the matter ends. (*Shri Mahavir Tyagi:* "Charming marriage"). It is very easy for Mr. Tyagi to avail himself of such a procedure. It is not a sacramental or civil marriage. Again, in the original Code there was a loophole. Such persons could come to court and get themselves registered. The changed rule is that unless the marriage is sacramental, it cannot be registered. There are other points on which I shall have occasion to speak before you, but I wish to make certain general observations in regard to what is happening in regard to many persons and what has not been considered from the point of view of the common man.

In the mofussil areas, the people are illiterate. They are poor. They do not know the intricacies of the law. On the question of divorce, when Dr. Ambedkar said that he was speaking for ninety per cent. of the population, I know that he was saying nothing but the truth. In regard to this ninety per cent., how does the divorce take place today? They go to a petition writer and get a letter of release. Another way is they congregate together and put a white sheet on the woman.

The Honourable Dr. B. R. Ambedkar: And supply a good deal of liquor to the fellows assembled!

Pandit Thakur Das Bhargava: That may be so, but it is not part of the ceremony. What is the present law, Sir? What have our leaders done for us? I am a representative of those poor people. I include myself in them. But when Dr. Ambedkar just by his finger indicates that he is one of those he will excuse me if I do not agree. Dr. Ambedkar lives here in a paradise.

The Honourable Dr. B. R. Ambedkar: I have lived in Improvement Trust chawls for several years who charged me rupees three as rent.

Pandit Thakur Das Bhargava: You can crush them under your feet; you can crush them under your thumb, but Sir, do you think that any poor villager getting about Re. 1 or Rs 1/8/- a day could go to a district judge without the help of a lawyer? Dr. Ambedkar is a lawyer. He wants that this world may be peopled by lawyers alone like me and by nobody else. What would happen to these people? Will they go to a district judge for dissolution of

marriage or divorce? (*An honourable Member:* "Impossible") And this is not sufficient. Even if he obtains a decree, it should be confirmed by a High Court, which so far as Punjab is concerned is the High Court at Simla. Now, this procedure is unknown to people. It is a great tyranny upon those people. You are legislating for those who live in the Marine Drive in Bombay or in the palaces of Calcutta and Delhi and not for these poor people for whom you have such a soft corner in your heart.

Shri L. Krishnaswami Bharathi: He wants to make it difficult. Do you want to make it easy?

Pandit Thakur Das Bhargava: Another answer is that they want to make it difficult. I do not want to make divorce easy. Absolutely not. I am in favour of divorce on one condition only, that you enact laws in which it may be very difficult to bring about conditions in which divorce may take place. Chastity and continuity of family life are the very pivot of our culture. But if I agree to divorce, it is because I see so many deserted women. It is on account of that that I agree. How can a poor man who is absolutely illiterate be able to engage a lawyer and go to a district or high court? It is impossible to accept this. This old Act of 1869 was enacted, not for the poor people of the Punjab or any other part of India, it was enacted for Christians who were of the same caste as the then rulers. There is a world of difference between them and these people. If you go through the provisions from article 38 to 50 of the Bill, you will come to the conclusion that such a complicated and intricate procedure has been laid down that it is very difficult to follow it. If you think deeply, you will find that the whole Hindu society will rebel against you if you pass those provisions. According to your law, if a man marries his aunt's (father's sister) daughter, that marriage is good; if he marries the daughter of his maternal uncle—it is in vogue in certain parts of Bombay, I understand.... (*An honourable Member:* "And Madras.") But so far as we are concerned it is regarded as highly incestuous. There is a very great difference. (*Shri Mahavir Tyagi:* "The man may be killed.") Mr. Tyagi is not very far from being correct. It is a fact that in all the villages of East Punjab—and I speak with such feeling not because I want to speak with force but I regard it as true if you allow this thing to be done, that man shall be killed and nobody will associate with him. (*Mr. Tajamul Husain:* "Is there any compulsion?") If a man marries his sister or mother, is there any compulsion? Is this an enabling measure? This is going into the very vitals of the society. It is intolerable. It is impossible for us to be reconciled to this situation simply because in regard to some people there is such a custom. I do not say that those people should not be protected, but for them provision can be made.

Shri L. Krishnaswami Bharathi: Exactly that has been provided if you refer to clause 7(5)—the parties should not be sapindas of each other.

Pandit Thakur Das Bhargava: May I humbly enquire if a daughter of the aunt can be married to a man? I have seen the rules. I submit for your consideration that in these matters the law has been changed, and unless the law is brought to suit our conditions it is difficult for us to support this measure. That can be done in the Select Committee amendments can be moved. I do not want that the Bill should be throttled or killed.

The Honourable Dr. B. R. Ambedkar: It can also be done by an amendment in this House.

An Honourable Member: I hope you will accept it.

The Honourable Dr. B. R. Ambedkar: I shall be prepared to accept any reasonable amendment.

Pandit Thakur Das Bhargava: I am very glad, and to that extent I am agreeable to support this Bill.

Mr. Tajamul Husain: Does the honourable Member intend to finish today?

Mr. Deputy Speaker: The honourable Member seems to be interested in this than other person, who are affected by this Bill. I have been noticing it. I cannot ask the honourable Member when he proposes to finish. It is open to him to take a reasonable time without repetition.

Pandit Thakur Das Bhargava: It is not my intention to take one more minute than is necessary. If I am repeating, I may be called to order. If a Bill is there which affects the lives of thirty crores of people, it is not too much to consider it for several days.

Now I come to the provisions made by the Select Committee and to the most crucial questions in this matter. They are, whether in regard to succession and maintenance, what should be our attitude. I feel strongly on these. As I submitted in my earlier observations, I am in favour of giving to the women of India rights over property, movable as well as immovable, so that they may be economically independent. But, at the same time, I am opposed to giving the daughter a share in the property of the father. I want that, so far as an un-

married daughter is concerned, she may be given full share like the son as long as she does not marry. But as soon as she is married the position becomes different. I see that there is a lacunae in our law, but it may be met by enacting that, as soon as a woman marries a man, then the man and woman, when they are united in love, they may be united in property. Ultimately the man and woman may be joint owners and, when the father of the husband dies, both of them may succeed equally. Further on, the devolution of the property may take place in a particular way. I know that perhaps the demand for equality may not be fully met thereby. But in a matter of this kind, I do not think our sisters are well advised in weighing every question in golden scales. The yard-stick employed by them is not correct.

May I submit that, in regard to maintenance, they have such laws and such provisions the equal of which is not to be found anywhere else. Sir, the question of succession and the question of maintenance must be considered together. If they are not considered together, the difficulty will be that the full implications of the provisions will not be realised. Now, in regard to maintenance the duties of a husband or a man are quite different from the duties laid upon women. According to the Chapter on Maintenance, the wife has a right to be maintained by the husband, but has the husband a right to be maintained by the wife? I am only saying that the rights are not equal. I maintain that the rights cannot be equal. They are diverse. Ladies and men have to do different work in life and on this basis it should be so arranged that the woman gets her full right and not an absolutely equal right.

Then again, Sir, a father has a right to maintain a minor son; but, so far as the daughter is concerned, what are the rights of a daughter. Sir? If a daughter is widowed or is married or unmarried, in every case and whatever the age of the daughter, her maintenance is absolute obligation. As a matter of fact, so far as the provisions for maintenance are concerned, I certainly want to congratulate Dr. Ambedkar for proposing that the ladies should be protected in every way and that they should be well provided for. But while this useful provision is there, there is also the other thing that the ladies should get a share in the father's property.

The Honourable Dr. Ambedkar told us yesterday that in times of old there was simultaneous devolution of property and that the daughter got about one-fourth according to Narad. I do not know what was the basis of social existence in those days and whether the family was then constituted as it is today. I do not know whether this point has been dealt with in some texts of Hindu Law. That is not an accepted proposition. Some say that this provision of simultaneous heirship refers only to unmarried woman. But, leaving that aside, I submit that, if in these times it was considered right, the question of questions is whether today, as we are situated after having observed the theory of Agnacy for a thousand years or more, are we justified in accepting the proposition that the daughter should get a share? What happens in a family? As long as the father is alive, the sons work with him in his business or in the field and they combine together to produce wealth. When the father dies of old age, that property which goes in the father's name is thus the result of the joint efforts of the sons and the father. Now, to say that the daughter should get a share of such a property which she had no share in producing—perhaps she was in some other place producing children is not fair. Let me not be misunderstood. I do not want that the daughter should not be given full rights. She may have them. But I do not want that this innovation, which is of such a fundamental character that it will affect every home in our country, should be made. I know my people all right. Choudhari Rambir Singh who is a Jat knows how his son-in-law will be received in the family. I have been a practising lawyer for forty years and I know that in the case of self-acquired property, the daughter gets a share when there are no sons. If this innovation is introduced in the villages, in regard to entire property the result will be endless trouble. In every home if you let the son-in-law and the father and the mother of the son-in-law to live together with aunt's son and his family, it will create an impossible situation. This is not because we do not love our daughters. We do everything for them. In our place, if a daughter comes home to her parents, something is always given to her by way of love.

Shrimati Renuka Ray: Daughters should not be born in this country.

Pandit Thakur Das Bhargava: To that I know what Dr. Ambedkar will say. He will say, 'Instead of sons, daughters should be born. Do we not know that among many Rajputs, the daughters were killed? I do not want that to be done. It is necessarily wrong. What I am submitting is that for hundreds of years we have lived in such a society. We have regarded the son as the very pivot of the family. Without a son the daughter does not count in the family. It is the son which protects a man from hell (पतात त्रायते). If we were like the Muslims, we would certainly accept it, but it is very difficult. This interruption by Renuka Ray only brings into relief my argument that so far as the conceptions of the people are concerned and their mental outlooks are concerned, such an innovation would spell nothing but disaster. This is my humble submission and Mrs. Renuka Ray only supports me in this.

Mr. Krishnaswami Bharathi: I do not know which part of the country he comes from, but it appears that he does not know the custom in the Punjab. In no other province I can say the conditions are the same. What are these conditions due to? They are due to the fact that for thousands of years, our policy and our theory and our conception about the family has been exactly what has been in the Punjab. Sons-in-law are not all bad. Sons are not equally bad.

Shri Mahavir Tyagi (U.P.: General): It is the brother-in-law which matters.

Pandit Thakur Das Bhargava: There is a proverb which runs as follows:

کوڑی کاٹے گھر کرے اور گورے نوانہ کہیت
جمائی ہسارے گم میں نیت لڑائی ہییت

[Pandit Thakur Das Bhargava]

The following are the efficient causes of strife:

- (1) Construction of house in the place meant for deposit of village refuse;
2. A field in the vicinity of village common; and 3. The habitation of son-in-law in the village.

Another proverb.

ہم جوئی بھانجے رھیاری سناں
کدے نا ہووے اپنا کر دیکھو عیتبار

(The yama, the son-in-law, the maternal nephew, chowkidar and the goldsmith can never be yours. You may try them if you please.)

This is the truth. Let me say: Ask any person to go to the Punjab and find out among the Sikhs and Jats.

So far as this Bill is concerned, when this Bill was introduced, I remember that in the Objects and Reasons, this thing appeared:

"The Bill aims at providing uniformity in all branches of Hindu law for all provinces and for all sections. The old complex, intricate and different provisions of Hindu Law have also been simplified. Most of the provisions in the Bill are of a permissive or enabling character and impose no sort of compulsion or obligation whatever on the orthodox section of the community. Their only effect is to give a growing body of Hindus, men and women, the liberty to lead the lives which they wish to lead without in any way affecting or infringing the similar liberty of those who prefer to adhere to the old ways."

Now, Sir, in this very spirit, Dr. Ambedkar spoke yesterday. We want to see both the sections, the enlightened and the non-enlightened are accommodated. My humble submission to him is that so far as that is concerned, he is right; but for those humble people, whom you will neither regard as enlightened nor non-enlightened on the path of social life, you have not given the right provisions in the Bill and my humble request to Dr. Ambedkar is: Let him also kindly allow them to live on this earth.

Now, Sir, the very essence of a codification is that it includes certain enabling measures to accommodate the progressive and recognises customs which have grown in spite of texts to the contrary. It was never intended that established rights and provisions of law should be changed in this ruthless manner, which will create bad blood in the whole of the society. All our customs and all our cherished institutions are being crushed by this Bill.

When I come to the other provisions, as regards the succession, the position will be still more astounding. Now, Sir, so far as the Mitakshara is concerned, we know the consanguinity is the basis and so far as the Dayabhaga law is concerned, religious efficacy is the basis of inheritance. Dr. Ambedkar has been kind enough to give us another basis of inheritance. I do not want to say that he is far from wrong in what he is doing. He is doing the right thing, but I do not know what is the barometer for weighing this natural love and affection. Love and affection may also be perhaps understood. What is natural love. I do not know. According to our conceptions the brother is very dear to us. In our Sacred Ramayan, in Lakshman, brotherhood is enshrined. Sir, 'Uncles' who are just like parents are very dear to us. But what is the position of 'uncles and brothers' in this Hindu Code. If I were to tell you how that position has been affected, where they have been relegated, where they have been put, in the list of heir you will simply be astounded. If you kindly see the Seventh Schedule which has been sought to be made applicable to a Hindu in regard to inheritance, you will find that the first clause includes seven kinds of people and I want to know, Sir, how this new principle of natural love and affection is affected by this provision. In the first place Son: widow; daughter: This I can understand very well. Then you find 'son of a predeceased son': Even there I will allow it. Then comes 'widow of a predeceased son'. Sir, I do not understand how under the law of natural love and affection she is preferred to a daughter, son or an uncle. I do not think that so far as

the question of natural affection is concerned, the widow of a predeceased son, or son of a predeceased son of a predeceased son can be accepted. My opinion is that the Bill is based on a wrong stand-point if it provides for them. I can understand if this is only for providing for ladies, if they were not provided elsewhere. If they wanted not a widow, but the wife or a predeceased son or the wife of a son, I can understand it.

The Honourable Dr. B. R. Ambedkar: This is by statute. If my honourable friend will read the Women's property Act, 1937, he will understand why these people have been put in the category simultaneously.

Pandit Thakur Das Bhargava: The friend of Dr. Ambedkar knows it quite very well. But in that 1937 Act when that provision was made, the 'daughter' was not included.

The Honourable Dr. B. R. Ambedkar: I have said so.

Pandit Thakur Das Bhargava: You want to add this to enable the daughter to succeed a father and succeed the father-in-law too. This is absolutely unfair. I do not see why you do not provide for this when you are making a new Code. You were making laws in which all claims should have been satisfactorily met, how should you have put in these provisions, because the Act of 1937 was there. I do not think this committee was justified in doing this. They ought to have given a full code in which every claim was satisfied. You cannot justify it otherwise. Therefore, you took protection under that Act. That is the position, Sir.

When I come to clause 2 of the original bill the 'mother' was considered as the better heir, because the 'mother' was a class by itself and the mother succeeded alone. Here I can understand natural love. Now the father has been placed along with the mother and they both come together. But if you proceed further what I maintain will be better understood. When you come to the second case, you find son's daughter, daughter's daughter. The son's daughter has got a special place in Mitakshara law and according to Mitakshara, she is one of the favourite heirs. What happens now, Sir, is that in the original bill in the first class, the daughter's son preceded mother and father. Now the daughter's son is sent on to the bottom. Then if you proceed further, Sir, in class IV, the brother and the sister come. And in class V, brother's son, sister's son, brother's daughter all come in. I can only state that a brother's son is made equivalent to a sister's son and a sister's daughter. Now, this is equality run mad, I should say. In our families, we know what is a brother and a brother's son. This is the result of the system or the institution of a family as we have been observing for the last 1,000 years. We cannot get away from this violent conflict. You are introducing provisions in this Bill which will make every person rebel against you, because these innovations in practices cannot be made by order. According to the provisions of this Bill, every Hindu, male and female has got an absolute right of making a will and every male and female in future will be absolute masters of their inheritance. You have given in my hand a power to the detriment of the ladies and I do not want that it should be used to the detriment of the ladies. After all, a father when dying will be within the power of the sons and the sons will see that the father disinherits the daughter by will. While I am saying this, I may tell you, I have a daughter and I have provided for her when I provided for my sons. In the house in which I have been living with my sons and in the house in which my sons' wives have been living, I do not want that the daughter and her husband, her father-in-law and mother-in-law, her elder-brother-in-law should all come and occupy some rooms. That would be an impossible proposition.

Mr. Deputy Speaker: Under the Bill there is not much chance of the father-in-law and mother-in-law being protected.

Pandit Thakur Das Bhargava: They can come with the son-in-law. I will show there is a very good chance of a thing like this taking place. The father who does not want to touch even water at the house of the daughter, will get the property of the daughter, and her husband. I am coming to that subsequently.

I am only submitting that the ladies will be under a greater jeopardy of losing their rights in this way. The father will disinherit the daughter. She is not a heir according to class I; she does not succeed to the property of the father-in-law as wife of the son; but she succeeds only as a widow. Where is she then? I do not understand. She will be put to a great loss. I want, Sir, that the women should get their full rights. The theory which I have propounded,—I have not given very great thought to it—I have only submitted it for the consideration of the entire House and for the consideration of Dr. Ambedkar—I do not know how it will affect other interests—there may be flaws and I do not vouch for it—but I consider, at the same time, that it will be a better arrangement than the present arrangement. The theory is that an unmarried daughter succeeds simultaneously equally with the son. The woman on marriage becomes joint owner in husband's property as husband would be joint owner in her property, then both succeed in husband's family.

Then, again, Sir, what would happen to the brother's son? and the sister's son? They are both on the same level. The brother's son lives in the same house probably or next door and does service everyday; the sister's son lives at Allahabad or Madras or some other place. How will they be equal. In regard to other provisions also,—I want to be brief—if the House wishes me to go into the other provisions also, I am perfectly prepared and I have got full notes about the changes and how they affect us—but I would be taking up the time of the House in such a manner as to deprive the other members of their opportunity.

Honourable Members: You may go on.

Pandit Thakur Das Bhargava: There are many other considerations which go to show that this provision in clause (2) is not well founded either from the point of view of consanguinity or religious efficacy and even from the point of view of natural affection and love.

Next, I come to the succession of the female. After the Hindu Code Bill comes into vogue, the lady succeeds to the property of the father as well as to the property of the husband. Suppose the lady dies leaving husband and children, it is clear that the husband has been given the right and the children also succeed. So far so good. Then, when the husband and the children are not there, who succeeds? The father and mother of the lady. These people—there are lakhs like them—who do not even want to touch water from the house of the daughter, will get the property. (Shri L. Krishnaswami Bharathi: "Why" You cannot understand this; it is my difficulty. You cannot realise this. May I submit, Sir, that as soon as the father gives away the daughter to the son-in-law, the father never goes to the house of the daughter, never takes his food in her house and never even drinks water in her house, so that the purity is maintained that no daughter may be given in marriage for mere consideration or any other material gain. That is the basis. There are many people who would not even go to the village where the daughter is married. We must recognise facts as they are; it is no use saying that they do not know. It is quite possible that they do not know. It will happen that the father-in-law would get property bequeathed by the lady. That will be an intolerable position. Supposing a lady does not leave a husband and children and neither a father nor a mother, what happens? This is a crucial point. The property has been inherited by the lady from the father. The property, in the absence of husband, children, father or mother will not go to the son of her father. Let me put

position clearly. The property belongs to A's family. The property will not go to A's family, the brother of the woman, the real brother made of the same flesh and blood, but the property will go to hundreds of people of the husband's family of the list that you have given here. Since the woman is dead, leaving no husband and children, father and mother, in that case, the property is not inherited by her brother or brother's son or others, but it goes to the family of the husband. Why is it so. Because your Select Committee have not been able to shake themselves from the considerations which have been influencing the entire community for a very long time. (Shri L. Krishnaswami Bharathi: "What is the present position?") We are not concerned with that. You know the present position very well. It is stridhana; it is not inherited by the daughter; the position is different. I was submitting the property of one family is not inherited by the brother of the lady, but it goes to other people. This is a position which I cannot understand. But, you must realise that this is the position. You may remedy it; I beg of you to remedy it. This is a question on which you will be well advised to review. This is one of the points which I submit for your consideration. I will leave this question of succession at this; there are many other considerations which could be placed before you.

Then, I come to the power of disposal. I quite understand the very great hardships when there were restricted rights in regard to women's property. So far as the joint family is concerned, it is sought to be crushed under this Bill. The joint family is mouldering away; it is crumbling. From a very long time, certain circumstances have so arranged the fate of the joint Hindu family that it cannot survive. Sir, I do not want to shed tears over its going away. The Income-tax Act is the greatest monster in killing this joint Hindu family. I know that the joint Hindu family cannot stay for long. But, so far as this Bill is concerned, if it says that in future they will be tenants in common, I have no quarrel. This was given in the other Bill and this is also given in this Bill. I am too much of a realist to cry that my sacred ancient joint Hindu family goes away. There were days when there was great use for the joint family. Now we are turning back to co-operative forming, co-operative holding of properties, etc. At the same time, we are providing social insurance, etc. We are doing all these things in such a manner that we are reverting back to the principles on which the old joint Hindu family was doing. That is beside the mark; so far as the law goes, so far as the general circumstances of the country go, so far as this joint family is concerned, I do not think that it must be said.....

The Honourable Shri Jagjivan Ram (Minister of Labour): It is a lost cause.

Pandit Thakur Das Bhargava: Whatever you may say, Sir, there is no question of cause here, I do not like the idea that legislation should kill the joint Hindu family.

In regard to marriage, Sir, I have to submit a few considerations more. It is a very difficult matter.

An Honourable Member: That has been dealt with before.

Pandit Thakur Das Bhargava: I have placed some considerations before.

An Honourable Member: This is second marriage.

Pandit Thakur Das Bhargava: I find myself in very good company when I make.....

The Honourable Shri Jagjivan Ram: You are, with the Law Minister himself.

Pandit Thakur Das Bhargava: Shrimati Ammu Swaminadhan, Mr. Shiva Rao and Shrimati Renuka Ray wrote as follows:

"Regarding clause 6 of Part II of the Code on 'Forms of Hindu Marriage', we would point out that there are, in certain parts of the country, long-standing customs or usages which recognise as valid marriages which would not come under the category of either sacramental or civil marriages in accordance with the provisions of this Part. We would therefore suggest a proviso at the end of clause 6 to confer validity on such marriages."

What is this? I understand that the trouble is the same in that part of India from which Mr. Bharathi comes.

Shri L. Krishnaswami Bharathi: Luckily I do not come from that part. I come from Tamilnad and they come from Malabar.

Pandit Thakur Das Bhargava: So far as the question of adoption is concerned I find a similar thing in this dissenting note. So it is not the Punjab alone. It is also in other parts in which the rules of marriage and divorce and adoption are different from the orthodox rules and all of them should be protected, and I am very glad that these dissenting members represented their constituencies too well in making this observation.

I was speaking of sacramental marriages. So far as the non-sacramental marriage is concerned I have not said a word about it. I want that to be protected. In regard to sacramental marriages, the havoc played by the Committee is inexplicable. I do not understand for once how the civil marriage should be included in this chapter. If it is a civil marriage, it is a subject for the civil code. We have the Act of 1872. It is a very defective Act and I have submitted a Bill to put it right, and the Bill which I moved a few days back in this House for validating the marriage of all others, that would protect us much more than the inclusion of this civil code here. I am in favour of a civil code for the whole of India and I want the rules to be the same for all. It is our duty to do so but why should we include the civil marriage here? If it is to take away the evil effects of that law, then the other course is open. What happens in this civil code and the new kind of marriage which is neither sacramental nor civil but a registered sacramental marriage in which though the marriage takes place by virtue of a sacrament, yet if it is originally incestuous, then you go to a registering officer and you get it validated?

Shrimati G. Durgabai: It is only optional!

Pandit Thakur Das Bhargava: I have replied, it may be optional but does it conclude the matter? The Hindu Code says that there are five conditions when the marriage takes place otherwise the marriage will not be permitted. The words are "conditions relating to sacramental marriage". That means in fundamental matters, as soon as one of the provisions is contravened, you allow the law to secure you to get away from the effects of that flaw. As regards the prohibition of the sapinda relationship, I beg to submit the difficulty is that the uniformity of law which we aim at is very difficult to secure in a country like India. It has been said that bringing about such a uniformity will be miraculous. I congratulate Dr. Ambedkar in working out that miracle and I am for this miracle being worked out. But when there are legal difficulties in local matters in which the conflict from the present position to the position that we want to see enacted is very great and very violent, I would ask of the House to so arrange matters that this conflict is avoided.

Now, Sir, I come from a place in the Punjab where there are villages upon villages having the same gotra and they believe that they are descended from the same common ancestor. You know this sapinda relationship which restricts the line of ascent and descent to three or five is not sufficient so far as

those people are concerned. I do not want to say that you broaden it further. At the same time this will be unacceptable and a thing with which we could never reconcile ourselves, if you ask us to allow a marriage of sapindas. This is an impossible position so far as we are concerned, and if you allow this then you are really cutting at the very root of our social system as is enjoyed in the Punjab for a very long time. This is my feeling also for the whole of India. Of course, I do not speak for the rest of India because there are certain gentlemen who question it. My view is that in the whole of India the position should be the same. Well, I am not dogmatic about it, but this is a very wrong rule that we are enacting and that the requirements of section 7, that marrying couple should not be sapindas should be waived in so far as registered sacramental marriages are concerned. So far as the Sarda Act went, a marriage once celebrated according to the Hindu Law and our notions, was always indissoluble. We are making a break from this rule in so far as we are providing for disrupting marriage by codes or customs. Otherwise when rule 3 has been abrogated, you can convict a man and send him to jail. I have submitted to the House through a bill that where a person not of proper age is married instead of a fine he should be imprisoned and the law should not be vested with the discretion that he should be allowed to go free. The whole country was against the Sarda Act and the present provision shows that if Rule 3 is followed, then the marriage will become avoidable. This is going against principles which we have not accepted for more than 20 years.

So far as the main provisions in the Hindu Code are concerned, I have dealt with them in brief with a view to bring them to the notice of the House and since my feeling is that the Bill is not going to be throttled out, I will deal with those matters when the clause to clause stage is reached.

To sum up, I want to say that so far as this House is concerned, it will be well advised in either sending this Bill out for circulation, because in that case nothing will be lost—as a matter of fact much will be gained: public opinion will be consulted and the public will feel that they are not being ignored. As a matter of fact many amendments have been made even after it has come from the Select Committee: even before the Select Committee the people in general did not know anything about it. In spite of all that has been said, I am convinced that people know about it. Dr. Ambedkar referred us to the two gentlemen who drafted this report and said that they were very good people and not such people as could be regarded as very much advanced in their views. I have got with me so many opinions of high court judges and more opinions are pouring in every day. All these people are against it. I did not want to read them out from the evidence that is printed in the report of the Hindu Law Committee. I would with your permission refer you to page 139 of this report, where there is the evidence of a lady, Miss Subrul, Principal, Patch Chand College for Women. She said:

"The unmarried daughter, one who is not fit for marriage, or one who has made up her mind not to marry should get the same share as the son and she should also be subject to the same obligations as the son. A married daughter should not have any share in the property. If an unmarried daughter marries, her share should go back to her brothers."

When the Committee was in Lahore to record the evidence, it is said in the report.

"As a matter of fact in the Punjab where I was presiding over the meeting of this committee some 500 women entered the Commercial Museum Hall, Lahore, where the meeting was held said with folded hands 'Do not bring son-in-law into the family and ruin our business.'"

[Pandit Thakur Das Bhargava]

In regard to business if you kindly consider what effect this will have on the business people you will simply be scandalised. A prosperous business conducted by a father and his sons is going on. The father dies and the business is run by the joint efforts of all and then the son-in-law gets in. What will happen to the business? It will go to dogs. I would refer the House to page 139 of the report. It is wrong to say that all the ladies are in favour. Thousands of enlightened ladies did not favour this, not because they did not want the daughter to be given any rights. I reiterate that so far as I am concerned as also those persons who think in the same way as myself, we do not want to see that the daughter is not given the full right or that women are not given their full right. We want women to rise to the same stature as man and to have the same rights. I am one with Dr. Ambedkar. I am like him a progressive conservative. I like that expression very much. I do not belong to the advanced school of thought. This Bill is not either revolutionary or radical, as Dr. Ambedkar said. This Bill deals with certain matters but the Bill has to be improved. Today there is in the Hindu society some sort of introspection and it is able to see that there has been decay. It is our duty to see that the dilapidation is repaired in the words of Dr. Ambedkar. I therefore submit that from this point of view let no body run away with the thought that we do not want to do justice to our sisters and daughters. If our sisters and daughters carry an impression like this they are entirely mistaken. I know about your good self, Sir. You are also in favour of this view that their rights should be secured. I therefore submit that this should not be looked at from this point of view. I want this Bill to be circulated and it may be taken up after the next elections when we have a more representative House. I do not maintain that this House is not fully competent or sovereign. If the House persists in proceeding with this measure there is no wrong in it but I would like to see that this Bill is considered and that justice is done to every interest concerned. At the same time what I do want as a lawyer and as a member of this House is that this Bill should be considered again by the Select Committee, even if it be for two hours, so as to remove all these defects and to legalise the original Bill being considered clause by clause and then this very Bill may be substituted if the Select Committee so pleases. I maintain that it is absolutely wrong to say that the original Bill was considered in the way in which the law required it to be considered or that the amendments were moved or accepted in the usual manner as is done in every Select Committee. This was not done. We should be quite cautious that we do not allow the thing to be done in a way which is fundamentally wrong. I would beg of Dr. Ambedkar to consider the question if he is satisfied that my objection is right. I would beg of him kindly to consider the point of view of the poor Punjab people who had no representation on the Hindu Law Committee.

Honourable Members: What about Dr. Bakshi Tek Chand?

Pandit Thakur Das Bhargava. If you speak of Dr. Tek Chand who was on this Select Committee I will be very glad if you will give him his due. If he had not written this dissenting note where would you have been? If you accept him as a man whose views ought to be respected then go by his views. This is my submission. I am only a mouthpiece or a loudspeaker of what Dr. Bakshi Tek Chand has written. He has said in his note that you should allow nomination of an heir, that you allow divorce to take place in the same manner in which it is taking place today and he has also mentioned about non-sacramental marriages. In all these points when you take his name I beg of you kindly to follow him in what he has said in his dissenting note.

Mr. Deputy Speaker: Shrimati Renuka Ray.

Mr. Naziruddin Ahmad: Sir, my grievance is not being heard.

Mr. Deputy Speaker: The honourable Member's grievance will not go unheard.

Mr. Naziruddin Ahmad: May I submit that I had certain points and I would like to have got the advantage of those points being made and the replies given to them.

Mr. Deputy Speaker: The honourable Member will have the advantage of his observations going unchallenged.

Mr. Naziruddin Ahmad: I do not like it; Sir.

Mr. Deputy Speaker: I have already ruled that the honourable Member will not have his turn now. I have called Shrimati Renuka Ray.

Shrimati Renuka Ray: The Bill that is under the consideration of this House now, or rather the principles embodied in it, have been on the anvil of this legislature since 1943 and the insistent demands for these changes that are embodied in this Bill have been before the country for a very much longer time. It was more than 100 years ago that Raja Ram Mohan Roy wrote a treatise called "The Rights of Females to inherit property and their rights of marriage", and this matter was first brought to public attention. Since 1931 and 1932 there has been an insistent demand throughout the country, and at that time the need for the removal of legal disabilities of women and the need for a uniform and comprehensive code of legislation was made manifest in this country. Due to the fact that on the anvil of the legislature there were a number of Bills dealing with this subject, due to the fact that piecemeal legislation was leading to anomalies in law and because of this insistent demand, the Government of that day was forced and compelled to appoint the Hindu Law Committee better known as the Rau Committee on Hindu Law. It was as a result of the report of this Committee that the two Bills on intestate succession and marriage were introduced in 1943. At that time the opposition that has now again reared its head also came to the forefront. The substance of the opposition was the same as it is now but the approach was a very different one. The approach was naturally different because it was made to an alien government. The approach was made on the lines that they were the loyalists who were the ardent supporters of the Government, that it was the Congress, which was agitating, that was behind this demand which the women of India had brought forward and that the Government should not give any credence to it. I am not making statements without foundation. It is true that the nationalist press of this country did not give that opposition much chance. Yet the opposition did bring out many pamphlets wildly abusing our national leaders, not even sparing our beloved leader Mahatma Gandhi. There was a weekly paper produced called 'Hindu' in which these Bills were attacked and they were attacked on the basis that the national leaders of this country were behind it and it was due to their advice and under their influence that this was being done. Coupled with this factor, when the Government found that the women of this country were not willing to agree to those machinations which wanted to further divide and bring discord among them, when they realized that women were against separate electorates and that they stood behind those who were in the vanguard of the freedom movement of this country, then there was not much hope that a legislation of this type to improve the lot of women and to give them their rights would go through with the alien government in power. It was then that we realized that it was necessary to wait till a national government came in. Later the Government appointed the Hindu Law Committee, and the Bills were re-circulated. This Committee as the House knows, presented its Report after touring the country, taking the opinions of thousands of individuals and organisations in 1946 after the

[Shrimati Renuka Ray]

Interim Government came in. I will not recapitulate the subsequent steps when this Bill was reintroduced after 1947 in the present Legislature as these are well known to the Members of this House. But I merely want to point out that the opposition which is in substance the same, in character the same, has a new approach. I would like to know who are they who were opposed to the Congress in those days to say today to the Congress 'You will lose your elections if the Hindu Code Bill goes through' I would like to ask them when they were deliberately against the movement for freedom—when they neither supported it nor sympathised with it—when it was in spite of them that the Congress won the elections and the country's freedom, who are they today to tell the Congress that they will not win the elections. If anyone of them comes into the legislatures of the country today it is by the grace of the Congress and so it shall be tomorrow also.

This opposition that has reared its head and which is similar in character as before, has resorted to many devices. It has resorted to various types of tactics. The House is aware of the fact that the Governor-General's name was used and this was found to be a fraud. Only two or three days ago in a newspaper in Calcutta I saw the name of Shyama Prasad Mookerjee after that of two or three other well-known oppositionists and I was a bit surprised until I saw in small brackets the words "(of Uttarapara)". Sir, it was obviously intended to mislead, and if questioned they would have pointed out "of Uttarapara." These are the devices, these are the tactics that are being used by the opposition. As you know, we do not question those who have genuine differences of opinion. But this type of tactics that are employed today.....

Mr. Naziruddin Ahmad: On a point of information, is it not Dr. Syama Prasad Mookerjee?

Shrimati Renuka Ray: No. It was not the Minister of the Central Cabinet. I do not know which Shyama Prasad Mookerjee he is.

Mr. Naziruddin Ahmad: I thought the description was "Dr. Shyama Prasad Mookerjee, President of the Hindu Mahasabha".

Shrimati Renuka Ray: That is not so. It was "of Uttarapara". Such are the tactics adopted by them that even Mr. Naziruddin Ahmad is taken in by them. The orthodox opposition has found its greatest champion from amongst the members of a community which recognizes the daughter's rights of inheritance. It is extremely surprising that the honourable Mr. Naziruddin Ahmad would deny to his Hindu sisters the rights that his own women have.

I would further say that there are some people who have asked "How is it that telegrams, circulars, and posters are being displayed by the opposition all over—at least in Delhi—and that M.C.A's are being flooded with wires; and how is it that those who are in support of the measure do not do the same?" Sir, those who support this Code are also representatives of social welfare organisations; they are people who work for the good of this country. Today when there is a national emergency in regard to any funds that they have, they would not consider it right and proper that they should use such funds in sending wires and letters when they can be used for the rehabilitation of refugees. One wire to M.C.A's in this House costs Rs. 165. With that money for three months a refugee woman can be given vocational training for rehabilitation. Do you want that these wires should be sent to you? I think it would be wholly wrong for such a procedure to be adopted. If we have not issued posters and circulars and wires it does not mean that the demand for the changes does not continue to exist.

I will not go into great detail on the provisions of the Bill after the brilliant and masterly analysis of the Honourable Law Minister. It is quite unnecessary. Unity is something we desire in this country, and a uniform and comprehensive Code of law for Hindus who are the majority in the country is surely a necessity in that case.

Turning to monogamy I would like to ask is there any one in this House or in the country who would contemplate with equanimity the fate for his own sister or his own daughter of being the first wife of a man who has married again. It is true that polygamy is not very customary: It is on the whole rare in the country. But in recent years we have seen that polygamy has become more frequent, and to the eternal shame of Indian womanhood there have been women who have knowingly and willingly agreed to become the second wives of such men. I do not think that I need elaborate the point that law must come forward to redress the grievances and the miserable plight of the women who are first wives of such men.

Turning to inter-caste marriage and *sagotra* marriage, when in the Fundamental Rights of our Constitution we say that all discrimination on account of caste and sex and other such things should go, surely inter-caste marriage which is a permissible measure will be only the very first step towards it.

Mr. Deputy Speaker: Caste can go; how can sex go?

Shrimati Renuka Ray: I said 'discrimination on account of caste and sex'.

Mr. Deputy Speaker: The honourable Member may go on.

Shrimati Renuka Ray: Turning to the divorce provision in this Code, I concede that these are restricted conditions. The home is the nucleus of society and I do believe that the primary reason for marriage is that it is for the protection of children and as such divorces should not be allowed on flimsy grounds, but for genuine cases of hardship we have to provide. Since 1943 when the Marriage Bill was first introduced I have had scores of letters and scores of people have come to me with their daughters who have shown to me how grave and how terrible is the hardship which the women do suffer. Unless there is such a provision, both for men and women, it will not meet genuine requirements.

Sir, let me dilate for a moment when I speak on this point, because the opposition about which I spoke have been going round telling many women who do not understand law or the provisions of a Code, that their own women were trying to bring in laws by which they will be divorced. They do not realise that it is only a permissive measure, that it is only the aggrieved person who can claim divorce, and for whom alimony is provided. These things are not mentioned. At hundreds of public meetings these matters were brought to me and I had to explain the point, and I think the women Members of 4 P. M. this Assembly can also say the same thing.

Turning to the joint Mitakshra family, I do not think there is any need for me to add one word to what the honourable the Law Minister has said on the subject. It has been fully amplified by him.

So far as the daughter's right of inheritance is concerned, it is the focus of the opposition. It is only natural because that alone proves that it is not bigotry so much, not blind prejudice so much, but it is the vested interests that are up in arms. The honourable the Law Minister has already spoken on this point, but I should like to say one or two more things. The economic status of a woman can only be established by the recognition of the daughter's right to inheritance. It was a point that was brought up by my honourable Friend

[Shrimati Renuka Ray]

Seth Govind Das yesterday. He said—I do not know how far he believed in it—he said, “Why should we have inheritance?” Certainly, I do agree that a time will come and must come—if we want and believe in equality of opportunity for all, if we believe that disparity of wealth shall go—a time must come when inherited property must go out. But until such time, if there is a difference between the daughter and the son, then that difference means a difference in the status. It is the daughter’s status that has to be recognised; she as a daughter, as a woman, is a natural heir. It is not merely from the theoretical point of view that I mention this. We are dealing with intestate succession and it is far more natural that a father will not disinherit his daughter, than a father-in-law would, in spite of what my honourable friend Pandit Bhargava said. A woman’s rights in the joint family, which in years gone by may have served a very useful purpose, have not under the existing conditions been so sure in recent years. My honourable Friend Sucheta Kripalani made a point yesterday which I would like to endorse. Those women or men who are social workers know that an analysis of the inmates of rescue homes in this country will go to prove how many of these women are those who have been turned out of the joint family. Without having the training to earn their own living, turned out of their homes these women have been forced to live a life of shame. That is a question which the Hindu society must face. I am sure those who propounded the Hindu laws would never have contemplated such a state of affairs.

Women are the mothers of the race. No race can advance till its women can be responsible mothers and conscious citizens. There has been a good deal of propaganda done about educated women. A handful of educated women, it is said, want this Hindu Code or want this very halting and mild measure of reform. Sir, so far as women are concerned, it must be a handful because after all the educated element of this country is 15 per cent and the women who are educated are about 3 or 4 per cent even now. So, so far as the women are concerned it must be a handful, but behind them are, not today only but from decades past, the large mass of enlightened and progressive men who stand behind them. It is not the women of this country who alone are responsible for the fact that there is no suffragette movement, no feminist movement in this country—it is because their champions have been enlightened men, for decades past. Today the same state of affairs exists and I am sure that the majority in this House are also behind us. It is not a demand from the educated women of this country but a demand from all those who want that India shall progress. For, without women becoming conscious citizens taking the rightful place in society, it is not possible for us to progress.

Sir, it is well-known that slaves have resisted when the Shackles of their slavery were removed. It is a fact that serfs have objected to freedom. What is more, coming to our own country, it was held by the British that it was only the wretched Congress agitators who wanted freedom but that the mass of the people were quite willing to remain in the pathetic contentment of thralldom. If you speak today of pathetic contentment amongst the women, it is true, it is perfectly true that many women are not yet conscious. But is that a reason that you will not awaken them, that you will not make them conscious, that they should not become equal with men in the joint enterprise that is before us today of building a new India in an atmosphere of freedom? I ask, is there anyone who feels that it is possible to go ahead without the women of this country?

Before I conclude, I will say a word or two about what my honourable Friend Pandit Thakur Das Bhargava has said: I must say that I could not

quite follow him. This morning he called into question the competency of this Legislature, and in the afternoon just before he sat down he said that he...

Pandit Thakur Das Bhargava: I never questioned the competence of this Legislature.

Shrimati Renuka Ray: So, I suppose what he said last is what goes. He spoke a good deal about the eleven notes of dissent. But as he knows and as the House knows, many of these notes of dissent were on minor issues and such notes of dissent are usually attached to all Bills and it does not mean therefore that a Bill should be re-circulated. This morning Pandit Bhargava said that two wrongs do not make a right when he said that this Constituent Assembly obviously is not fitted to draw up the Constitution of India. I wonder, considering that it is such a wrong thing, how he remains in that wrong Assembly. I am not going to contradict him or speak again on all that he has said this afternoon, because I think it was very ably answered before he ever spoke by the Honourable the Law Minister and Pandit Bhargava contradicted some of them himself.

There is one last point that I would like to make. The cry has been raised that Hindu society is in danger because of this mild, halting measure of reform. I too think that Hindu society is in danger. It is in very grave danger—danger from those who would bind and fetter it; danger from those who would not allow out-worn customs to be changed but would allow them to choke up the life-blood of our society. If those who today appear to be so concerned about Hindu society would give a little thought, they would agree with what the Honourable the Law Minister said, namely, that you must repair if you want to survive. I do not know who has given a prerogative to some people to stand up for Hindu society. I do not consider those who wish to bind and fetter Hindu law which has been changing with changing times throughout the centuries to be the exponents of Hindu society and Hindu law and those who wish to improve it and bring it back once again to the culture and heritage of our forefathers as people against it. I think it is those who would bind and fetter it, who are not the friends but the enemies of Hindu society. If Hindu society is to regain all that it has lost during the many years and the many centuries of decadence when Hindus were slaves, it has to come in line with the atmosphere of freedom that prevails in this country today. Men and women have to come forward equally to work for the country and there cannot be equality if there is no equality in the social laws of this country. Therefore, I plead that those who today are opposing this Code should give it a little more thought. If they do not, it may be that Hindu society and Hindu law may be left behind, for the march onwards must go on and India is not going to go back to slavery or domination by others.

Shri V. S. Sarwate (Madhya Bharat): I would offer my congratulations to Dr. Ambedkar for his learned and lucid exposition of the Bill, becoming as it was to a professor and an advocate that he is.

As regards the several provisions of the Bill, one would necessarily find himself in agreement with some and in disagreement with others. This is not the occasion to dilate much either on the points of agreement or on the points of difference. I would, in the general discussion, confine myself to certain broad principles and I would try to show that in these principles the Bill goes in a fundamentally opposite direction to the notions which have all along, in my humble opinion, been lying behind Hindu law.

[Shri V. S. Sarwate]

There has been a considerable section of Hindu society against this measure. It cannot be denied; it cannot be concealed. Some may say that it is a cry of "Religion in danger"; it is sentimental; it is reasonless. All the same, those who are bent upon making legislation which vitally affects a society of more than 20 crores would do well to pause, ponder and consider its substance. They should consider what is there in the Bill which makes so many people—intelligent, educated people—to be against the Bill.

[At this stage, Mr. Deputy Speaker vacated the Chair, which was then occupied by Shri S. V. Krishnamoorthy Rao (one of the Panel of Chairmen)].

I submit that there are two reasons for this. The first point that I would refer to is the change in the nature of the joint property. I would submit that the co-parcenary aspect of the joint property has certain very noble ideas behind it. The co-parcenary means that there is a community of interest, as every member of the House knows. It means that every individual has the fullest right of enjoyment but he has no individual share nor the right to alienate the property. The whole trend of modern society, the progress of thought of the society, in my opinion, is in this direction. We may condemn Communists, but Communism in its pure form, pruned of certain things, is bound to come and would come. What does Communism mean in this aspect? As I understand it, it means "From each man according to his ability and to each man according to his necessity". In other words, a man is to enjoy the property in his hands to the minimum. He has to divest himself of individuality. He is never to consider that he has an exclusive individual interest in the property. If this is the basic understanding and if the world of progressive thought is moving towards this direction, I believe it would be admitted that it would be wrong to go into an opposite direction. Every effort should be made to promote such an idea and to promote such institutions as foster this idea. Dr. Ambedkar in his speech showed at length the attempts which have been made so far by the *Smritikars* and others to fritter away this idea of co-parcenership. Assuming that this is so, the effort now should have been in the opposite direction—not to complete the process of frittering but to restore the co-parcenary property.

Shri L. Krishnaswami Bharathi: Impossible.

Shri V. S. Sarwate: Impossible? Yes, everything that is not attempted is avoided by saying it is "impossible."

Nothing is impossible in this world if you try. Now therefore I submit that the idea behind the co-parcenary property system is admitted. Each individual member or co-parcener has to enjoy in full the common property, though he has no exclusive individual interest in it and he cannot alienate his interest in it. So when you attempt to deal with it, this co-parcenary you should take the idea as a whole. The idea of the joint property, as conceived by *Mitakshara*, seems to be this: that there is right of survivorship, and that each family is a unit and not an individual. It means also that the family continues though the individuals in it pass away and whether one is a male or a female one has a right of equal enjoyment. There is equality of sex in this sense. Therefore it follows that whatever is the property of the family has to go to those persons who constitute the family. Therefore if a daughter does not constitute the family, if she is the member of another family, she would necessarily not enjoy any right in that family. It is not neglect or unfairness or want of affection for a daughter. The very idea of a joint family is this: that whosoever is the member, whether widow, male or female, as long as he or she continues to be member of the family, he or she enjoys the property of the family which nobody has a right to alienate. I would have welcomed a

provision to the effect that there would be no partition of joint family property and that no person or individual of the joint family has any right to alienate the family property. That would have been very welcome and in the right direction. That would have been according to the idea which is fundamentally behind the joint family system. It is the family which is taken as a unit of society and not an individual. Conceived from this point of view, no sister of mine need think that she has been ill treated, because she and her brother enjoy equal rights in this respect. I would therefore submit for the consideration of the Honourable Dr. Ambedkar that in such a vast country like India, nothing would be lost if there are separate experiments on social units. If it is wanted that an individual should be a unit, let that experiment be tried somewhere. If the joint family should be the unit of society let that experiment also be continued in some places. We are a sufficiently large country to have different experiments in society. Let both continue and let the persons choose the law or system they want to follow. So, instead of having one codified uniform law for the 20 crores of India, nothing would be lost if we have more than one system prevailing in this country.

I may in this connection refer to one of the observations made by Dr. Ambedkar. I admire him for his erudition. I heard him with respect, because in the course of his arguments he never descended to have a fling at somebody. His attacks were heavy, but they were straight and level. But, in the course of his remarks the other day, in the course of his otherwise lucid speech, he said that he did not know why the Brahmins of old were engaged in composing so many as 137 *Smritis* and enquired whether they had no better engagement. I believe when the Honourable Minister said this, his historical perspective left him for a moment. I may remind him that these 137 *Smritis* were not written simultaneously. They were written in a period covering more than 250 years at the least. Thus on the average it took them about 20 years to write each *Smriti*. That means one for every generation. But here what happens is that during the space of one year the Honourable Doctor prepares more *Smritis* than one. So he need not have indulged in that unedifying observation. It was also very unnecessary for the development of his argument.

Sir, I was dealing with joint family property. I submit that the basic principle of joint family property is this: that it allows restricted enjoyment.

Sir, the question is often asked, what is Hindu culture; what is Hindu religion as such? Where angels fear to tread it is difficult for others like me to rush. All the same one has sometimes to make provisional attempts and I shall make that attempt. I think, as far as the present topic is concerned, the fundamental points which the Hindus have kept before themselves are that there should be restraint on enjoyment all along. Not encouragement of enjoyment but restraint on enjoyment was their rule and, according to them, for the community of interest, the individual should lose himself.

Now, applying this principle of restraint, I submit that the whole Chapter on Marriage has to be recast. In this respect it has been stated that because ninety per cent. of the people by custom have this right of divorce, what are you going to do? It is asked, are you going to impose this custom of ninety per cent. on the remaining ten per cent? I submit an argument of this sort is a very good piece of rhetoric, but not of logic. What we have to consider and what the Honourable Doctor has to consider is not what is the custom, but what is good and what is beneficial. We have to consider what ought to

932

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [25TH FEB. 1949]

[Shri V. S. Sarwate]

be there. That has been the criterion all along and that should be the criterion. There will otherwise be anomaly. For instance, among ninety per cent. of the people there is the custom of drinking. We are certainly not for the matter of that prohibiting prohibition. It cannot be denied that there is the custom of drinking.

The Honourable Dr. B. R. Ambedkar: It is not a custom.

Shri V. S. Sarwate: All right, you may think so. I am at liberty to express the thing in that way. (*An honourable Member:* "There are not ninety per cent. drunkards.") It is one thing to call it a custom in the community and another thing to call them drunkards. That is the difference. It is no argument to say that a certain custom is there and therefore it should be continued by law. The argument should be whether it is beneficial and if we consider from this point of view, and if a certain section of the Hindu community says that marriage is indissoluble, why force them and say that there shall be a dissolution, if the parties so choose? Argument may be advanced, that there is in this Bill no necessity, there is no compulsion, but there is an option. The option is always there. The option to a drunkard is he may or he may not go to the drinking shop. There is always the option, but he does go all the same when there is a drinking shop and a drinking shop has therefore to be closed by law. If it is to apply to a certain portion of the society, I would have welcomed it. In law of marriage, there should be monogamy. I admit it. I would go further and say that if you consider that from the point of view of restraint, there should be no second marriage either of the women or of the men. That would have been a welcome provision, but instead of that we are going to the other extreme and providing that every marriage should be if so chosen liable to be dissolved. This is not desirable to my mind. No doubt Divorce was allowed by ancient Hindus at a certain point of time. It was prohibited later on whatever may have been the historical conditions first. The reason appears to me is this that the unity of the family was to be kept intact. They wanted that the marriage once performed should not be dissolved so that no other woman should come in; and that the woman who was in the family should not go away and another should not come in. That contingency should be avoided as far as possible. To my mind this was one of the reasons why a marriage was not allowed to be dissolved. Therefore, my suggestion is this: Let there be two parts in the section of 'marriage'. Those who want that their marriages should be dissolved, let them marry according to civil marriage and let there be free dissolution of marriage for them according to the provisions which you make here. Let the other part be there, which may be sacramental, and in that part let there be no dissolution of marriage. This would, I think, satisfy both the parties. My humble submission is this: Why should dissolution be forced?

Shri Mahavir Tyagi: In that case they will have to decide for separation before they marry.

Shri V. S. Sarwate: I believe my honourable friend has misunderstood me totally. What I say is that those males and females who want that their marriages should not be dissolved should marry according to the sacramental rights and those who wish that their marriages should in future be dissolved let them marry according to civil marriage.

Mr. Tajamul Husain: Does my honourable friend mean that there should be divorce before the marriage?

Shri V. S. Sarwate: Civil marriage does not mean divorce. It neither means separation nor divorce. When I say civil marriage, it means marriage; it cannot mean divorce.

Shri Mahavir Tyagi: It does not mean even marriage.

Mr. Chairman: Order, order. Let the honourable member proceed with his speech.

Shri V. S. Sarwate: My submission, Sir, is this: Let us get clear in our minds whether we are going to force certain things which certain sections of the people do not want? I go further and say when you once admit that sacramental marriages are sacramental, then let religion be the test for providing the conditions for such a marriage. If religion allows child-marriage and marriages of minors, let it be allowed. It is a contradiction in terms first to say that a marriage should be according to religion and then to add that it shall be according to religion and also according to what is provided in this Bill. That is contradiction in terms. Either allow sacramental marriages or do not allow sacramental marriages, if you do not like that. In that case, say that all marriages will be civil. If you say sacramental marriage is to be allowed, then the marriage has to be performed according to the sacraments. This is my humble contention and in so far as the provisions of section 7 of the Bill are concerned, they are not according to sacraments. There are certain other things added to sacrament. That should be strictly according to the religion, if religion is to be allowed. This is the second thing which I bring to your notice and this can be very easily done. This would satisfy and may to a great extent remove the causes of dis-satisfaction which at present exist. Dealing with principles only, my simple suggestion is this, that in this very Act there should be provision which should allow society and the joint family in co-parcenary form to continue. Nothing would be lost thereby. In this country there are Muslims, there are Christians, there are Parsis—Parsis are a very small community—and still if they are allowed to have their own law of succession etc, what would be lost if a certain larger section is allowed to have co-parcenary, if they so chose. If this principle is once accepted then changes can be made in the whole draft according to that principle.

My further submission is that the Bill may be re-circulated for opinion. Here I do not touch on the ruling which has been already given by the Chair. The question that then arose was whether for purposes of the rules publication was sufficient and the ruling was that it was sufficient. That does not however preclude me from raising the point whether it is desirable that the Bill should be re-circulated. My submission is that it has been lost sight of that the Bill if passed would be automatically applicable to states whatever Dr. Ambedkar may say to the contrary. My humble opinion is that it would apply to all those territories of states which have merged in the provinces and all those areas which have agreed that the Centre would have the power to legislate for them.

Shri Sita Ram S. Jajoo (Madhya Bharat): What is the objection if it applies to Indian States as well?

Shri V. S. Sarwate: What I am saying is that it should apply. I am in favour of it. I do not understand, why honourable members without allowing me to speak, go on anticipating me and pass certain remarks. I was submitting that the Bill should apply to the Indian States. I was only submitting that if it is to so apply and that is very much my wish, then there arises a fundamental right, which you ought in justice grant to every large area which is to be governed by your bill, to express its opinion. This Bill was not published in these large areas and therefore the peoples there were not in a position to give to the Bill that serious consideration which they would otherwise have given. Now when they know that the Bill would apply to them, and the Bill is published, they would be in a position to express their reaction. It is a fundamental right

[Shri V. S. Sarwate]

of every person to be given an opportunity to express his opinion regarding any legislation which is going to affect him. It is further the duty of every representative of theirs to ascertain their views before he gives his vote here. Therefore, both from the point of view of the representatives of the States and from the point of view of the people of the States, it is only just that some time should be allowed to them to give their opinion. Therefore, I suggest a *via media*, that if in any case this Bill is not going to be finished in this session, if that be the contingency, which I think it may be, the honourable the mover of the Bill may consider whether it would not be desirable to take this up in a special session later on; the time that may intervene, namely two or three or four months would be quite sufficient to get the reactions of those people. I think this would be just and would also be in accordance with the spirit of the publication provisions. I appeal to the House to see whether justice does not require this. It should not be presumed that the last word has been said on the Code. It may be that the humblest of the humble may come forward with suggestions which may be useful to the learned Doctor. If opportunity is thus given, it would both satisfy the ends of justice and may be useful also.

With this appeal, I have finished, Sir.

Shri H. V. Kamath: Mr. Chairman,.....

Shri B. Das (Orissa: General): On a point of order, Sir, can a bachelor who has not married and has not begotten a son too offer pind to his forefathers make a speech on this Bill and contribute to the discussion?

Mr. Chairman: There is no point of order in this, as long as he is a Hindu, he can speak.

Shri H. V. Kamath: I shall also answer the point of order, Sir, rising, as I do, after two lawyer friends and a woman friend, I fear I am labouring under a handicap. I have neither the legal acumen of my honourable friends Pandit Thakur Das Bhargava and Mr. Sarwate, nor the sweet reasonableness of my honourable friend Shrimati Renuka Ray. As far as the lawyers are concerned, I am sure that my honourable friend the Law Minister will take care of them and will reply to the arguments that they have raised in the course of their speeches today. As regards Shrimati Renuka Ray, I am broadly in agreement with her and so there is no need for me to take up any of her arguments with a view to counter them.

My honourable friend Mr. B. Das raised a point of order when I stood up. That very point of order, I think, goes in my favour. I feel that my only claim to speak on this measure before the House is that because I have neither a wife, nor children nor property worth the name, I can bring to bear a dispassionate mind to bear on this subject, unswayed by emotions of the heart. Most of the provisions of this Bill relate to marriage and property, adoption and succession, provisions regarding matters which could be summed up in two words of most of our philosophers, namely, *kamini* and *kanchan*. Not having been so far encumbered with either, I hope I will have your indulgence and the indulgence of the House in making a few remarks on this Bill in a more or less disinterested manner, not uninterested, but disinterested manner.

This century, the 20th Century after Christ has, as we all know witnessed the emergence of women upon the stage of history, in Asia, as well as in Europe and America. India and our Hindu society have been no exception to this world movement. Fatefully interlocked with all the revolutionary upheavals which in our own time have been ripping open and transforming old

societies inherited from the nineteenth century and its long past are the relations between men and women. Our age has been marked by the dynamism of women who, with men, have set the world on fire. (*An honourable Member:* "But you are an exception.") and have also helped to frame plans for the world's reconstruction. Breathes there, I ask, a man with soul so dead, who does not recall with pride and a certain elation of the heart, the remarkable and heroic achievements of women—aye, poor, ignorant illiterate women—on the field of non-violent battle called Satyagraha, and ever on that more sanguinary field of battle, of blood and iron, of fire and steel. The hand that rocks the cradle has shown itself strong enough to wield the sword and gentle enough when necessary to raise itself in benediction against the aggressor. Leaving aside other lands and other climes, in our own India, we all know how women, along with men, though quite ignorant of modern warfare and though quite unimured to the *lathi*, the bullet and the prison, how they have flocked in thousands to the banner of Mahatma Gandhi and Netaji Subhas Chandra Bose. This story is too well known; for me to recount at any length. It is in this context of fast developing social and economic change that we have to view the measure that has been brought before the House. For, no law can function or can be made in a vacuum and no law can be divorced or viewed apart from the social milieu in which it has had its birth. In short, this age can be summed up in the facetious remark of a wag who said that today, women sit in Parliament and stand in buses. This in a nutshell, is the revolutionary change that has overtaken the present age, Sir, I feel that I am more or less a political Parivrajaka परिव्राजक and I set forth a few observations on this Bill.

I am glad that my honourable friends in this House who are not immediately affected by this measure have taken such great interest in this Bill. My honourable friend, the redoubtable Pandit Naziruddin—I feel, Sir, that the titled is not entirely unreserved. If, Sir, Mountbatten could be called a "Pandit" on the 15th August 1947, I feel that Mr. Naziruddin has a greater claim to be called a "Pandit" than Lord Mountbatten of Burma. Many such friends have been taking an interest in this measure and I welcome it as a happy sign of the times and a good augury for the future, for thus we are going in the right way of being one unified society, and ere long we will have one uniform civil code for the whole of our country.

Those Members, within and without the House who are not wholly in favour of the Bill and who do not want to go the whole-hog in this regard, take their stand—at least some of them—on the *Smritis* the *Shastras* and our Dharma. Well, Sir, what is Dharma? Unless we decide that question, we cannot appreciate or reject the stand that some people in this country are taking with regard to this measure. Dharma! Is it merely a code of ritual and externals and ceremonies, or is it something deeper, that pertains to the soul, the heart, the mind and the spirit? Dharma! The etymology of this word in Sanskrit is—Dharma is that by which the world is supported, *yenedam dharyate jagat*. That by which the world—"jagat"—is supported is Dharma.

Now are we not to ask whether the observance of a few ceremonies, rituals, and formal conventions constitute Dharma, or whether it is something deeper?

As regards the *Smritis* which are interlinked or interlocked with Dharma, my honourable friend Dr. Ambedkar said the other day that there are perhaps 137 *Smritis*. If I am wrong he will correct me. I believe he has counted them: Of the *Upnishads* it is stated there are 108 and so many other unknown and unearthed *Upnishads*. There may also be many more

[Shri H. V. Kamath]

Smritis, unknown and unearthed. Of the *Smritis* known to Dr. Ambedkar there are 137. And now we have got the 138th *Smriti*. He will pardon me if I refer to this, not in a light-hearted fashion, because this is also a measure, which although not revolutionary, has introduced changes in our Hindu social relations. So I can apply the same term as has been applied to the other Hindu social codes and social texts that have been already written for us. This we may call the 138th *Smriti*. I may call it the Bhim *Smriti*. I hope Dr. Ambedkar will pardon me if I refer to this as the Bhim *Smriti*. If I have got to include the name of the other protagonist of the movement, which has culminated in the drafting and the presentation of this Bill, I would refer to it as the Narasimha *Smriti*. It is the Rau Committee which has led to this Bill. Ultimately I will not refer to it as the Bhim *Smriti* but the Bhim Narasimha *Smriti*.

Coming to the measure before us: though the *Smritis* are well-known, still they differ among themselves. The same *Smritikara* at times differs in different texts of the *Smriti*. It is very well known that even a poet is not consistent in his poetry. Shakespeare referred to women in one play as "Frailty, thy name is woman": in other play he goes on to describe a woman who was strong enough to inflict wounds in her own thigh: I mean Portia of Brutus! Coming to our own country, the great poet and philosopher, Tulsidas has said: *dhori ganwar Shudra aur nari yah sab tadana ke adhikari*. For the benefit of my friends who do not know Hindi, it means that a rustic, an illiterate man, an animal, a shudra and a woman—these all deserve a beating.

Shri Raj Bahadur (United States of Matsya): I would inform the House that the interpretation put by Mr. Kamath upon this well known couplet is absolutely incorrect.

Shri H. V. Kamath: I hope my friend will give us his interpretation when he has to speak.

Shri Raj Bahadur: It means that a Shudra who is like a *Dhol* or is uncivil and a "nari" (i.e., woman) who is like a pashu (beast) deserve admonition. It means that *Dhol*, (hollow) Shudra pashu, (beastly woman) deserve chastisement.

Shri H. V. Kamath: But our law-giver Manu says: *yatra naryastu puyante ramante tatra devatah*.

It means that where women are respected, there the gods are happy.

Leaving aside the various *Smritis* and the *Shastras*, what does our own—the greatest *Shastra* to the Hindu—says? At the time when the *Gita* was preached by Srikrishna to Arjuna, there were so many customs among the Hindus which were derogatory to certain sections of the people that Srikrishna categorically told Arjuna in one of the well known texts on the highest goal of any human being:

Mr. Chairman: The honourable member can continue his speech on Monday.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Monday the 28th February, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Monday, 28th February, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Chairman (Shri S. V. Krishnamoorthy Rao) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

12-15 P.M.

STATEMENT RE LOCOMOTIVES IMPORTED FROM U. S. A. AND CANADA

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport): During the discussions on the Railway Budget, the Honourable Shri Mahavir Tyagi expressed misgivings regarding the order recently placed by the Railway Board for 300 locomotives in the U. S. A. and Canada; certain criticisms have also appeared in the press. In my speech at the close of the debates on the 23rd instant I commenced to reply to these but was unable to complete it for lack of time. At the request of the honourable members present and with the concurrence of the Honourable the Deputy Speaker, I undertook to make a statement to the House giving the real facts, and with your permission, Sir, I now make this statement in compliance with that undertaking.

2. The criticisms levelled against these locomotives are broadly—

(1) As regards design—

- (a) that they are too heavy for Indian track;
- (b) that they are not intended to run on track supported by wooden sleepers;
- (c) that they are of a type suitable only to American conditions, and will not give satisfactory performance in India;
- (d) that they are designed to draw heavier loads which will require considerable alteration in the existing yards; and
- (e) that they are provided with bar frames which cannot be repaired in our Workshops.

(2) In respect of placing the orders—

- (a) that no effective tests of this type were conducted;
- (b) that the number ordered is too large for our requirements; and
- (c) that orders were not placed on the Continent of Europe.

(3) In general—

- (a) that Mechanical Engineers were not consulted in drawing up the design and that, when consulted later, they were of the opinion that it did not fit in with Indian requirements;

[Shri N. Gopalaswami Ayyangar]

- (b) that Government had to incur considerable expenditure on deputing experts to America to investigate this question; and
- (c) that a large number of locomotives of this type which had arrived in India, are idling as being unsuitable.

3. The recent orders for locomotives include 300 broad gauge WP type with one firm in the U. S. A. and two firms in Canada; 20 metre gauge YP type engines with one firm in the U. S. A.; and 150 metre gauge YG type with two firms in the U. S. A.

4. The WP type was evolved by the Railway Board in 1946 as an Express Passenger locomotive designed to burn inferior grade coal, with a tractive effort almost exactly that of an older type with a heavier axle load. As a first step, orders were placed for producing 16 locomotives of this type as prototypes for trials in India. Owing to the inability of the U.K. Manufacturers to produce these prototypes quickly, the order was transferred to a firm in the U. S. A. The first of these locomotives arrived in India in October 1947, and was put immediately through tests which, besides the usual ones, included boiler performance, fuel consumption with varying loads and on varying gradients, oscillation and hunting. The locomotive was also tested under "worn condition". The results were examined in the Central Standards Office for Railways and by the Railway Board, and the design was finalised in consultation with our Consulting Engineers, a British firm, whose expert personally visited India for the purpose. The WP type was also examined by the Locomotive Standards Committee, who raised no major objection. Whatever modifications were considered necessary as a result of the tests were incorporated in the final design before bulk orders were placed.

5. The WP locomotive has an axle load of 18.5 tons as against the axle load of 19.8 tons for the XC type Pacific locomotive with the same tractive effort which has been in use in this country. The total static plus hammer blow loads under the driving wheels total 12.4 tons for this type of engine as against 14.5 tons for the XC type, which means a reduction of 15 per cent. We have at present in use in India for goods traffic a certain number of locomotives of the XE type with an axle load of over 22 tons. The WP design is therefore very much lighter than a number of types which we have in the country including even the type in use with the same tractive power. This locomotive is considered safe for use on 80 lb. track, and most of our main lines are laid with 90 lb. rails and some sections with even heavier rails, namely, 100 lb. and 115 lb. The factor ruling the weight and type of engine that can run on any track is not the type of the sleeper on which the track is laid but the weight and type of the rail. The statement that the new WP engines are too heavy for the track has therefore no justification. Reference has also been made in the criticisms to the engineering works in progress in the Ghats near Bombay. These works have been undertaken as measures of safety and have nothing to do with the WP engine. I may mention that the WP engine has passed over the Ghats on the existing track on its journey from Bombay to Bhusaval.

6. I have already mentioned that, before the bulk order for WP engines was placed, extensive tests were conducted on the prototypes and the results analysed in consultation with the Consulting Engineers. The performance of the WP prototypes was so good that Railway Administrations specially asked for them. The 16 engines are operating on the E.I., G.I.P. and B.B. & C.I. Railways, working Mail and Express links very satisfactorily. The General Managers of all the three Railways have throughout expressed satisfaction at

the performance of these engines, with the exception of minor defects, steps to rectify which have already been taken in the bulk orders. In view of the apprehensions voiced in the House, I discussed the matter on the 24th with the General Managers of the three Railways on which these locomotives are now in use—who happened to be here for another conference—and they have since submitted to me written reports stating they are fully satisfied with the suitability and performance of these locomotives.

7. The provision of bar frames has come in for severe criticism on the ground that our Workshops are not equipped for undertaking repairs on them. It is correct that we have not yet done this kind of work, but there should be no difficulty in obtaining at once the necessary equipment for doing it and in training the staff for it in a short time. Steps are being taken towards this end. Workshop adjustments of this nature are inevitable in the adoption of any change in design. Every country in the world except the U.K. has adopted the bar frame and this design has been regarded by the Consulting Engineers, a British firm, as an improvement on the plate frame.

8. The reference to heavier loads in the design of the engine is probably to the WG type which is a goods locomotive with a bar frame. It is not dissimilar to the American and Canadian built engines which were imported during the war. The reason for evolving this new type was that the boiler design was the same as that for the WP and therefore more suitable for the use of inferior grade coal. The WP and WG boiler being similar, a greater degree of interchangeability and standardisation will be achieved, and this is expected to assist considerably in maintenance.

9. I have also already mentioned that, in drawing up the design of the WP engines, the Locomotive Standards Committee consisting of Chief Mechanical Engineers of Railways were consulted, and such minor points raised by them were considered by the Railway Board in consultation with the Consulting Engineers. But before placing bulk orders for the WG type, "trial before purchase" was not regarded as necessary. The British firm of Consulting Engineers, who examined the proposals, were however fully consulted. The WG is a high tractive effort, but slower speed, locomotive of a wheel arrangement known as 2-8-2 and not of the Pacific or 4-6-2 type. The 2-8-2 type is inherently one which is not sensitive to developing hunting or other dangerous tendencies. It was on the considered advice of our Consulting Engineers that a bulk order for 100 WG locomotives was placed with a firm of loco manufacturers in the U.K.

10. The number of locomotives becoming overage, and due replacement by March 1950 is about 1,470 and by February 1948 orders had been placed to cover only 489. It was necessary to bridge the large gap and, after investigation by the Chief Commissioner of Railways, orders were placed for an additional 390. Including these, the total orders placed so far cover only 879 locomotives, against the replacement requirements of about 1,470 by March 1950. The fear expressed that the orders so far placed by the Railway Board for locomotives are in excess of our requirements is therefore unfounded.

11. Our need for locomotives is urgent. The deciding factor in placing orders has been the price, delivery dates and the willingness of the manufacturers to produce in accordance with Indian designs. Orders for these locomotives were placed in the U. S. A. and Canada as the locomotive builders in these countries offered terms most suitable to us.

12. The criticism that Government had to incur expenditure in sending experts to America to investigate this question of design of locomotives is not correct. No expert has been sent out to America for this purpose.

[Shri N. Gopalaswami Ayyangar]

13. Of the WP locomotives, so far only the 16 prototype engines have reached India. Therefore, there is no question of locomotives idling because they are "unsuitable". The first batch of the 300 WP locomotives is to be ready ex-Works in February/March 1949, and all the 300 should be in service on Indian Railways by the end of 1949.

Shri Mahavir Tyagi (U. P.: General): Sir, on a point of personal explanation...

Mr. Chairman: No questions now.

Shri Mahavir Tyagi: I do not want to ask any question, but I only wanted to say a few words by way of personal explanation.

Mr. Chairman: Order, order. The honourable member will remember that this Statement has been made in response to the request of the House that a statement might be made on the question. Therefore no questions arise on this Statement. Copies of the Statement will be distributed immediately to the honourable members.

PAPERS LAID ON THE TABLE

BUDGET OF DAMODAR VALLEY CORPORATION

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): Sir, I beg to lay on the table the budget* of the Damodar Valley Corporation for the years 1948-49 and 1949-50 under sub-section (3) of section 44 of the Damodar Valley Corporation Act, 1948.

Pandit Lakshmi Kanta Maitra (West Bengal: General): This also may be circulated to the Members.

The Honourable Shri N. V. Gadgil: It is being done.

HINDU MARRIAGES VALIDITY BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

Pandit Thakur Das Bhargava (East Punjab: General): I move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide that marriages between Hindus, Sikhs, Jains and their different castes and sub-castes are valid, be extended upto the 25th March, 1949."

The date given here on the order paper is 11th March, but with your permission I would like to amend it to 25th March as the honourable the Law Minister will be out of Delhi and he will not be able to devote much time to it. Therefore I move the motion with this amendment.

I want to say that I am very anxious that this Bill may be put before this House this session and therefore I request the honourable the Law Minister and the authorities in charge of this Bill to kindly see that the Select Committee makes its Report by the 25th March. I also beg the House to supplement my request to the authorities so that, as the Bill is a very important one, it may be passed this session.

Shri R. K. Sidhva (C. P. and Berar: General): The matter is entirely in the hands of the Select Committee. What has the House to do in this? My honourable Friend should request the Select Committee to expedite their Report and I think they will be pleased to do it.

Pandit Thakur Das Bhargava: I want an extension of the date. I want to urge that it is my anxiety that the Law Minister should see that the report is made in time and the House should support me in this.

*Not printed in the day's Debate. A copy placed in the Library of the House.—ofDED

Mr. Chairman: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide that marriages between Hindus, Sikhs, Jains and their different castes and sub-castes are valid, be extended upto the 25th March, 1949."

The motion was adopted.

HINDU CODE—contd.

Mr. Chairman: The House will now proceed with the further consideration of the Hindu Code.

Shri H. V. Kamath (C. P. and Berar: General): Mr. Chairman, when this House adjourned on Friday afternoon the name of Shri Krishna was on my lips I was saying that even so far as the highest goal of human existence is concerned man and woman have been placed on an absolute footing of equality by Shri Krishna in the *Gita*. The *Gita* to the Hindus is the sacred *smriti*, the supreme *shastra*, the quintessence of all philosophy and all religion. In that, very well-known verse, Shri Krishna says—

"*Streeyo vaishyastatha sudrastepe yanti paramgati.*"

Women, *Vaishyas* and the *Shudras* who were apparently the down trodden and the suppressed classes or castes of that age, even they—Krishna says—are on a par, on a footing of equality, with Brahmins and the others.

Shri L. Krishnaswami Bharathi (Madras: General): You are right, Mr. Kamath.

Shri H. V. Kamath: So far as *moksha* and the *paragati* are concerned, there is absolutely no bar to the attainment of the same by women. I am sorry that at the present day there are some men, and even certain *swamis*—so called religious or spiritual heads—who believe that man and woman should be placed on an unequal footing. I agree that they are not identical in all respects...

Maulana Hasrat Mohani (U. P.: General): How are they equal?

Shri H. V. Kamath: But to say that they are unequal and to buttress that argument by fantastic reasons is to my mind shocking. The other day I had the good-luck—or the ill-luck—of listening to a *swami* saying that man and woman are unequal. And, pray, what were the reasons for that statement? He said—fantastic, the House will agree—he said that man grows a moustache and women does not. I am not joking, Sir, many of my friends were present at the meeting which the *swami* addressed, and he said it in all earnestness, in all seriousness, that man grows a moustache, woman cannot grow a moustache, and the woman at most can bear three, four or five children in a year.

An Honourable Member: In a year?

Shri H. V. Kamath: Depending upon whether she produces triplets, quadruplets or quintuplets. Sir, he went on to say that man, however is potentially capable of being the father of a hundred or more children. This, Sir, to my mind is a fantastic argument.

When we talk of equality of man and woman, we regard that on a spiritual basis which has been envisaged again by Shri Krishna in the *Gita*. He says:

"*Sarvabhutasthamatmanam sarvabhutani chatmani.*"

That is the basis, that is the yardstick, that is the measuring rod for equality of human beings or between man and woman.

"*Yo mam pashyati sarvatra
sarvam cha mayi pashyati.*"

This is the test, this is the criterion, this is the standard, this is the yardstick for equality of human beings, whether high or low, rich or poor, man or woman.

[Shri H. V. Kamath]

Well, Sir, I do not subscribe to that notion of inequality propounded by the *swami*. On the other hand, I also do not believe that woman—as some of them do today—attain equality with men by taking to smoking and drinking. That again, Sir, is something which is to be deprecated if by that they seek equality with man. Nor do I subscribe to the progressive conception of woman—progressive in the Western sense—who, perhaps in imitation of the West and so trying to be progressive, take to ball-room dancing and other Western habits. This, Sir, is also to my mind no way of securing equality with man.

Shrimati Purnima Banerjee (U. P.: General): It is not included in the Hindu Code. Does she dance alone without a partner?

Shri H. V. Kamath: I know that but we are talking of the equality of man and woman. And here, Sir, our great savant and philosopher, Dr. Sarvapalli Radhakrishnan who is an authority on Hindu *dharma* and Hindu way of life, says:

“The modern women, if I may say so, is losing her self-respect. She does not respect her own individuality and uniqueness, but is paying an unconscious tribute to man by trying to imitate him. She is fast becoming masculine and mechanical.”

Shri R. K. Sidhva (C. P. and Berar: General): What about the modern man?

Shri H. V. Kamath: I hope, Sir, our women will take this to heart and will not undertake such attempts at equality with man.

Shreemati Annie Mascarene (Travancore State): May I ask the question whether modern man is in any way better than that?

Shri H. V. Kamath: That is for women to answer.

Well, Sir, when I therefore talk of equality between man and woman I have before me the historical examples of Sita, Savitri, Damayanti, Gargi, Maitreyi and Ubhayabharati. Will you permit me to read from our own ancient history about these women and the place these women occupied in our ancient Vedic times and even later, on which so many of our opponents to the Hindu Code depend today? It is said that in the Vedic and Upanishadic age, woman occupied a very high place in society. Among the exceptional women of Upanishadic times the name of Maitreyi stands out in bold relief. The lustre of her spiritual mind illumines the world even today. For sheer intellectual acumen two women stand out in singular brilliance. An all-India religious conference took place—it has been the tradition in this country to have conferences of all sorts and religious conferences were not an exception—an all-India religious conference took place in the pre-historic age and another in the post-Buddhist age. They had been summoned not for mere academic debate but for the establishment of principles that should govern the spiritual life of the nation. The former was championed by the sage Yagnavalkya, the same as our law-giver, and the latter by the great Shankaracharya. The first conference, Yagnavalkya's conference, was convened by King Janaka, the great Janaka, the *karma yogi*, when the sages assembled from all quarters of India, from Kashmir to Kanya Kumari and I suppose from Khyber to Cherapunji, are silenced. Gargi boldly rises on behalf of the women, championing the cause of the humiliated. That, Sir, is the ideal towards which our women ought to be progressing and which they will, I hope, attain ere long. Gargi is defeated, but only after putting up a tough fight.

In a second Conference, Sankara Acharya's Conference, the task of presiding over this momentous meeting falls upon Mandanamishra's wife, Ubhayabharati. Now, it is very important—and I would like my women friends to

mark this—that in the history of the world there is not a single instance of a woman being chosen as a judge of an important meeting and making such an exceptional demand on her intellectual ability as well as integrity. She gives—Ubhaya Bharathi—gives the verdict in favour of Shankaracharya. (*Honourable Members:* Hear, hear.) With the result that her husband becomes a monk and a disciple of his opponent, whose view henceforward becomes acknowledged as the paramount creed of the country. “In fact”, the author says—I am reading from the “Cultural Heritage of India” published by the Ramakrishna Mission—“it is not the original authors”—mark these words “it is not the original authors”—“with the emancipated mind of creative thinkers but the mechanically minded commentators”—Tikakars, not the *smritikars*, but those who wrote *tikas*—“who worked for the suppression of the rights of women, whom they bluntly assumed to be in league with ignorance and illusion.”

Now, Sir, many of our friends who are opposing this measure,—I do not mean in the House but those who are outside—they take their stand on Dharma. The other day I posed this question, “What is Dharma?”. One of the pamphlets issued by the Anti-Hindu Code Committee presumes to give us some advice, and what is that? They quote the old sloka—I do not remember exactly where it occurs—but the Panchathantra quotes it:

“*Nasasabha Yatra na Santi vridhdah,
vridhdinateye na vadanti dharmam.*”

That is not a Sabha or Assembly where there are no vridhdahs.

An Honourable Member: But we have so many of them here!

Shri H. V. Kamath: That man is not a vridhdah who does not talk of Dharma. I, Sir, am sorry that our friends of this Anti-Hindu Code Committee have not exactly understood the meaning of “vridhdah”—who is a vridhdah and who is not. In the Mahabharata there is a story: Saraswata Muni, a young boy of twelve, when there was famine in the country and all the old rishis who were fasting and doing penance on the shores of the Saraswati river fled for fear of their lives—they wanted to save their lives—this young boy at that time stuck to his post and his mother Saraswati fed him on fish in the morning, fish at noon and fish at night—that is why Saraswat Brahmins even today eat fish. This Brahmin boy, in spite of the famine, stuck to his post. The story goes on to say that the famine raged for many years in the land—twelve years—but our young boy, Saraswat Muni—the progenitor of all Saraswats in the world—continued to stay. After the famine was over, the rishis who had fled for their lives started coming back in dribblets, one after another, to the shores of the Saraswati river to resume their tapasya interrupted by the famine and they tried to boss over this young boy of 24. He was 12 when the famine started, and he was 24 when the famine ended. They started bossing over him. They said, “You sit at our feet; take instructions from us; learn from us; become our disciple.” He said, “Fie on you. Shame on you. You pretend to be *munis*, *rishis*, *tapasvis*, and you fly for your lives; you fly for fear of death. You have got to sit at my feet and learn from me.” Thus said the young man of 20 to those old men of 70 and 80. The Mahabharata goes on to say:

“*Na tena vridho bhavati yenasya palitam shirah
yo vai yuvapyadhyastam devah sthaviram viduh.*”

(A man is not a vridhdah merely by virtue of his grey hair. Even a youth who has studied well is called a wise man by the gods.)

That man is a *vridhdah* who has attained *vriddhi*. Actually the word “vridhdah” is wrongly translated as old. It means that man who has attained *vriddhi*, you call it, wisdom, growth, development—that is *vridhi*...Here our friends say:

[Shri H. V. Kamath]

"Na sa sabha yatra na santi vridhdah—

Vridhdha na te ye na vadanti dharmam."

I think that even in that sense of "vridhhi" or wisdom, there are a number of my friends here who will live up to that standard. But my friends have stopped short of quoting the whole *shloka*. They start by saying:

"Na sa sabha yatra na santi vridhdah

Vridhdha na te ye na vadanti dharmam."

But what is Dharmam? The *sloka* goes on to say later on what is *Dharma*. These fellows conveniently omit that portion of the *sloka*. The *sloka* goes on to say:

"Dharmah sa na yatra na satyamasti"

That is not *Dharmam* where there is no *satya*. Therefore, my quarrel with those who take their stand on *dharmam* is that they have not understood what is Hindu *Dharma*.

I will again crave your indulgence to tell the House what our great savant and philosopher, Dr. Sarvapalli Radhakrishnan has to say on this subject, especially Hindu *Dharma*: He tells us:

"There has been no such thing as a uniform stationary, unalterable Hinduism whether in point of belief or practice. Hinduism is a movement; not a position; a process, not a result; a growing tradition, not a fixed revelation. Its past history encourages us to believe that it will be found equal to any emergency that the future may throw up, whether on the field of thought or of history. . . ."

We are happy that today the prediction is coming true. It was Swami Vivekananda who said fifty years ago that Vedanta will become the religion of humanity—the vedanta which has been given to the world by our seers, *rishis* and *munis*. Radhakrishnam goes on to say:

"We are beginning to look upon our ancient faith with fresh eyes. We feel that our society is in a condition of unstable equilibrium. There is much wood that is dead and diseased that has to be cleared away. Leaders of Hindu thought and practice."

I hope, Sir, that most of our friends here are in their own way leaders of Hindu thought and practice, I am sure of that—

"Leaders of Hindu thought and practice are convinced that the times require, not a surrender of the basic principles of Hinduism, but a restatement of them with special reference to the needs of a more complex and mobil social order.

"Such an attempt", he says, "will only be the repetition of a process which has occurred a number of times in the history of Hinduism. The work of readjustment is in process. Growth is slow when roots are deep. But those who light a little candle in the darkness" will help to make the whole sky aflame."

I would commend this statement of the Hindu *Dharma* to those of my friends who oppose the Bill, even the consideration of the Bill, on grounds of *Dharma*. Who does not know and who does not recollect that this cry of 'Dharma in danger' or 'Society in danger' was raised by those that wanted to block every reform of Society attempted in the past? Is it not a fact that twenty-five years ago, when the movement against *asprishyata* (अस्पृश्यता) untouchability was started, some of our men, even high-class orthodox Hindus, said that Hinduism was in danger, social order was in danger and that disruption of society was coming? Yet, did we not persist in that much-needed reform? Did we not help to accelerate the evolution of Hindu society on an egalitarian basis? As a culmination of these attempts have not we adopted an Article in the draft Constitution prohibiting untouchability and banning it in any shape or form? If we could do that in spite of what the orthodox pandits claim for Hindu *Dharma*, surely I do not see any reason why we should not proceed to legislate or provide for the regulation of social relations and personal law.

Again, Sir, honourable Members will recollect the opposition that was started against the Sarda Act, which tabooed child-marriage, on the ground that Hindu *Dharma* was in danger and that Hindu religion and Hindu society were in danger. In the last century when the custom of sati, cremation of the widow with her husband, was sought to be abolished, these same reactionaries who block the road to progress denounced the attempt stating that the Hindu *Dharma* sanctioned sati and that it granted the highest salvation to women and therefore it should be continued. In spite of their agitation and obstruction, much-needed reforms like that were put through.

Pandit Thakur Das Bhargava said the other day that this Bill had not reached the rural population and that the rustics, the people in rural areas have not seen or read or considered it. He expressed anxiety to know their reactions to the Bill, before it was proceeded with in this House. When he said so, he forgot the fact that some of the Bills he himself had introduced had not been seen by the peasants of his own Hissar. I wonder if on his advice we are going to circulate copies of our Bills to every village and hamlet and homestead in the country.

Shri Mahavir Tyagi (U. P.: General): Peasants do not count these days.

Shri H. V. Kamath: I am astonished to hear from Mr. Tyagi that peasants do not count in these days. If they do not count, who does?

Honourable Members: You.

Shri H. V. Kamath: I am indeed grateful for the compliment. I hope, Sir, in the near future, not merely I, but all my friends in the House will count equally with me.

Sir, while I have every sympathy with certain observations made by Pandit Thakurdas Bhargava, I do not think that his opposition to the Hindu Code Bill on the ground that there has been no circulation or proper publication among the people affected, can stand scrutiny. That argument is absolutely untenable. In that way, every Bill sought to be passed here, which affects the lives of millions, would have to be sent to them, in order that they may register their approval or disapproval of the same.

Now, Sir, this vexed question of equality, I hope I have disposed of in a satisfactory manner. Sir, men and women are equal on a spiritual basis. The Gita, the Smritis and Sri Krishna himself have preached this doctrine of equality.

Coming, Sir to the question of property, property has been, according to most philosophers, political, social or otherwise, the root of almost all evil in the world. In this regard I subscribe to the proposition made by Seth Govindass—he is not in the House now—that it would be best if private property were abolished. Even litigation will decrease a good deal if this is done. One of our greatest law-givers and statesmen of ancient times—not Manu or Yagnyavalkya—but a warrior statesman, Bheeshma Pitamaha has expounded his doctrine in two *parvas* of *Maha-Bharatha*, viz., *Shanti Parva* and *Anusasana Parva*. There he tells Yudhistira about property: *akinchanasya shuddhasya na tulyamihia lakshyaje akinchanyamcha rajyamcha tulaya samatolayam atyarichyate daridryam rajyadapi guradhiksm nityodvignohi dhanavan mrityorasyagato yatha*. He tells Yudhistira that this kingdom and voluntary poverty he has weighed in the balance. He says that this *akinchanya* voluntary poverty has proved more than the other. Because, he said, *nityo nityodvignohi dhanavan mrityorasyagato yatha*. The nearest equivalent to this in English is "Uneasy lies the head that wears the crown". If a man has property he is afraid of death.

[Shri H. V. Kamath]

I am in agreement with Pandit Thakur Das Bhargava when he says that a wife and husband should become one not merely in love, but in property as well. Sometimes it happens that love is their only property: Husband and wife may have no property at all. Their only property may be their mutual love. But, Sir, we should face the stark reality of life to-day. It was, however, refreshing to hear Pandit Bhargava's personal experience in this respect. This world would be a happier place to live in, if men and women, husbands and wives are in the same happy position as Pandit Thakur Das Bhargava and his wife are. There are, however, hundreds of cases today where the relations between the wife and husband are not as happy as they should be, or as we wish them to be. (Interruption) I am speaking, Sir, from facts narrated to me by friends like my honourable friend, Mr. B. Das and I have come in possession of these facts, as told to me by my honourable friends, who have got experience in this direction.

Our Hindu Code Bill provides in this respect that a woman should be entitled to an absolute right in her property. In the Vedic ages and in the ancient ages, upon which our opponents of Dharma and the Hindu Code Bill take their stand, it was only in medieval times, when Hinduism was on the decline that women's rights to property came to be restricted—in the Vedic period the social position of women was generally high.

Mr. Chairman: There are a number of speakers, who want to speak. I appeal to the honourable Member kindly to be as short as possible.

Shri H. V. Kamath: I will try to be short, but I am afraid, the subject is so vast that it is difficult to be short.

The Honourable Dr. B. R. Ambedkar (Minister of Law): There will be plenty of occasion for Mr. Kamath to speak. There are at least 180 sections.

Shri H. V. Kamath: But I do not want to let some things remain unsaid today. Now in the Vedic period, I was saying that the social position of the women was high. An unmarried daughter was offered a share in her father's property, and the married daughter was given no interest therein, but she got ample dowry at the time of her marriage. So the argument advanced by my honourable friend, Pandit Thakur Das Bhargava, in this respect, I think, may be considered by the House and by the honourable Minister sympathetically; because fundamentally being opposed to property myself, I do not think that any purpose would be gained by making the property position worse than it is today: Dr. Ambedkar referred to an instance of the property of a Hindu family consisting of 12 sons and one daughter. That is very well for him to quote that instance, but may I quote the other instance where there are 12 daughters and one son. What will happen if the Hindu Code Bill as it stands is applied in this case? The family property will have to be divided among all the daughters and one son. The son will be left in a little corner of the house, and if the daughters get married, they have got the right to bring their husbands and they have the right to dispose of the portion of the House to a stranger. Therefore the one little son like a little mouse will creep here and there and he would not have even a comfortable cosy corner to live in.

Therefore, Sir, this question of property is a very vexed question and we might consider whether a daughter instead of getting the property herself, whether she might not be allowed an equivalent share of the property in cash or jewellery, or whatever she might choose to have, as it was done in ancient times and in Vedic times. There was no property share at the time of marriage but she was given ample dowry in lieu of the share of the property.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Chairman (Shri S. V. Krishnamoorthy Rao) in the Chair.

Mr. Chairman: Before we begin the debate, I would like to make a suggestion. There are about 25 names on the list. This is a very important measure and as many speakers as possible would like to give their views on the Code. Therefore, I would request honourable Members to be as brief as possible and refer only to the relevant points for or against the Bill.

Babu Ramnarayan Singh (Bihar: General): Sir, my name also may be included in the list.

Shri B. Das (Orissa: General): I did not know that I had to send in my name; I thought I would catch the eye of the Speaker.

Mr. Chairman: That is why I am telling honourable members to be as brief as possible and refer only to the salient points for or against the Bill. Members who want to speak may kindly send chits.

Mr. Tajamul Husain (Bihar: Muslim): May I know, Sir, whether my name is in the list? I spoke to the Deputy Speaker yesterday on Friday last.

Mr. Chairman: No harm in sending a fresh slip.

Shri H. V. Kamath: Sir, before I resume the thread of my little speech, I may assure you that I shall take much less time than my honourable friend, Pandit Thakur Das Bhargava did.

Mr. Chairman: You have already taken an hour.

Shri H. V. Kamath: I said less time than my honourable friend Pandit Thakur Das Bhargava.

I was speaking about property: the basis for the allotment of property, was the principle which was expressed by Kanwa after he bade farewell to Shakuntala. Kanwa said:

"Artho hi kanya parakiya eva tamadya sampreshya parigrahituh jato mamayam vishadah prakamam pratyarpitaryasa ivantaratmo."

The first line, "*Artho hi kanya*" does not mean, as has been literally translated, that a girl is somebody else's property. It means that a girl separates herself from the father's home when she gets married. It was on this basis that she goes into another household that in olden times, Vedic and later times, that a daughter was given no interest in the property, but ample dowry was given. Again, in the Vedic and later Smriti times, only when a father had no son, he appointed his daughter as the Putrika and such a daughter was equal to the son. This principle can very well be considered by our new law makers. They may try to incorporate the gist of this principle in the Code.

I wish agricultural property were completely excluded as it has been already excluded so far as the Governors' provinces are concerned. I refer to Part VII Chapter I. Section 94 says: "This Part shall not apply to agricultural land in Governors' Provinces;" Already, there is a cry against the fragmentation of land. We may hasten slowly in this regard so that this may not lead to further aggravation of this evil. As a matter of fact, if the entire land is nationalised, then no difficulty will arise; so long as this question is hanging fire and is not finally settled, we may decide to exclude agricultural

[Shri H. V. Kamath]

land not merely in the Governors' provinces, but also in the Centrally administered areas from the operation of this Part.

Now, I come to the great question which has agitated humanity from the dawn of time: I mean that of marriage and divorce. On this question, the principle that we should go by, that should be accepted in legislating on this subject must be, to my mind, "Marriage should be easy, but divorce difficult." I think if this sound rule were adopted for law making, it would solve many of our troubles.

Sardar Bhopinder Singh Man (East Punjab: Sikh): In your case, marriage is more difficult than divorce.

Shri H. V. Kamath: There are always exceptions to a rule; I suppose I am one of them.

If I may be allowed to quote a recent historic instance, der Feuhrer Herr Hitler in Germany, when he fought the election in 1932, one of his election slogans was, "a job for every German man and a husband for every German woman". This slogan brought him, I understand, millions of women's votes, when he promised a husband for every German woman. This proves to the hilt the principle that I have sought to place before you that marriage should be easy and divorce difficult. My honourable Friend Pandit Thakur Das Bhargava; the other day, while speaking on this subject referred to this and said that there are usages and customs in various parts of the country according to which divorce could be effected. There is even this simplest custom, I am told, according to which the man says 'Talak' three times and the wife is divorced. It may be that or some such custom; I do not know; that is why I said, I am told. I personally think that divorce should not be easy. One of the modern States, Soviet Russia, at its inception in the early twenties of this century, made marriage as well as divorce equally easy. But, by experience they have learnt that family as a social unit has got to be preserved and strengthened even in a communist State and therefore, now, though marriage is easy, divorce is next to impossible. I therefore think, however, much I am inclined to agree with Pandit Thakur Das Bhargava that certain usages and customs must be given currency and must be kept alive, as regards divorce, I think that the procedure adopted must be very difficult, so that, the family as a social unit may be strengthened and preserved.

There is one more observation that I would like to make on this subject. There are instances, Sir, where due to certain causes, a dissolution of marriage may not be quite desirable or may not even be agreed to by one of the spouses: by the husband or by the wife. In such cases, where the wife agrees that the husband may marry another wife, herself also living in the same or another house, I do not see any reason why, in spite of the reasons mentioned here, permission should not be granted to either of the spouses to marry when the other consents, without dissolution of marriage. In Delhi, we are aware of one notability who has got several wives living at the same time, though perhaps in different houses.

An Honourable Member: Who is that?

Shri H. V. Kamath: No names here please.

Mr. Tajamul Husain: I have not been able to understand; does my honourable friend agree with polyandry?

Shri H. V. Kamath: I will only say that.....

Mr. Tajamul Husain: Only an unmarried man can say so.

Shri H. V. Kamath: Sometimes, where a couple has been married for a long time, the Hindu mind cannot reconcile itself to the breaking of marriage ties with the wife even though the purpose of marriage is being frustrated. Therefore from the standpoint of love and humanity the new Code should provide, in my mind that on such an occasion a husband can get permission from his wife to marry another wife, and if she consents then the Court should not stand in the way. But the ideal of marriage as has been stated by Pandit Thakur Das Bhargava should be one in property and love. I shall go further and say that there should be two minds with but a single thought, two hearts that beat as one.

Shrimati Hansa Metha (Bombay: General): In Polygamy there will be more than two hearts.

Shri H. V. Kamath: I am not against polyandry if the husband does not mind it.

Shrimati Purnima Banerjee: Very liberal!

Shri H. V. Kamath: I take my stand on the principle of equality and I go to the extreme limit for both man and woman. It has been a regrettable incident or development of our history—our long and ancient Hindu history—that whatever rights women enjoyed in the early Aryan Age—the Vedic, Upanashad and Smriti age—these rights fell into disuse and were not given effect to in the later medieval age. I hope that this Code will so work that women, whose paradise was lost in the dark medieval age, paradise they will regain in the modern age.

I have received a little warning from a friend outside, telling me in the name of God, in the name of Mahatma Gandhi, the Father of the Nation, in the name of Netaji Subhas Chandra Bose, please do not vote for this Bill. That very argument, I think, very well applies to a vote in favour of the Bill. I can say.....

Shri B. L. Sondhi (East Punjab: General): Is that friend male or female?

Shri H. V. Kamath: I can say, I make bold to say that in the name of God who has created man and women equal; in the name of the Mahatma, the Father of the Nation, who stood for the complete equality of man and woman; in the name of Netaji Subhas Chandra Bose, who sought and accomplished the complete emancipation of man and woman to the extent of calling women to battle if need be; in the name of God, in the name of Gandhi, in the name of Subhas, I think this Bill is a forward measure which will lead to the greater glory of Hindu society.

I have only one more remark to make. My honourable Friend, Dr. Ambedkar, said the other day in his peroration that either repair betimes or perish. We have to repair. Indeed we are repairing. I think the time has well-nigh come when, if we do not repair, then society will be rent in twain. A stitch in time will always save nine: otherwise the rent will grow more and more till society will be rent in twain.

I began, Sir, on Friday, the day before *Maha Shivaratri* and I am closing my brief remarks on the day after *Maha Shivaratri*. This day is sacred to the memory of one of the great women of the age—Mahasati Ma Kasturba and it is sacred to the memory of another great man—Swami Dayananda Saraswati. I hope their spirits—the spirits of Ma Kasturba and Swami Dayananda Saraswati—will inspire us in our work and help us in our difficult task. It is my hope and prayer to God that man and woman may travel together as

[Shri H. V. Kamath]

pilgrims of life, dedicating themselves and consecrating their lives to the achievement of *artha* and *kama*, the *artha* and *kama* which are rooted in *Dharma* and which lead to the goal of *moksha*, the liberation from bondage, the goal of the Living God, in whom we live and move and have our being, and in whom all men, all women, all Creation, are equal, free and divine.

हरिओश्म् तत्सत् । ब्रह्माण्मस्तु

Mr. Naziruddin Ahmad (West Bengal: Muslim): May I point out that I am getting more and more like an anachronism? I have undertaken the task of opposing the original motion but I have not spoken up till now. It may be that at the proper time I will be squeezed out. There are too many speakers to come. To-morrow at four o'clock I understand the closure motion will be put.

Mr. Chairman: It is impossible to squeeze out Mr. Naziruddin Ahmad. The honourable Member will have a chance. Mr. Jhunjhunwala.

Shri B. P. Jhunjhunwala (Bihar: General): I would like to speak at another time.

Shri L. Krishnaswami Bharathi: He either speaks now or he does not. According to the rules, if a Member is asked to speak, he must speak; otherwise, he loses the chance to speak on the subject.

Mr. Chairman: Babu Ramnarayan Singh.

Babu Ramnarayan Singh: I thank you, Mr. Chairman, for the opportunity you have so kindly given me today to do my part to oppose the obnoxious measure which has come on the floor of the House for discussion. Sir, at the outset I must tell the House that I am not an orthodox man.

The Honourable Dr. B. R. Ambedkar: You are not orthodox. I know you are not!

Babu Ramnarayan Singh: I am one of those who wants that all that is old must be broken without delay. But everything must be done with wisdom. When a thing is to be done, wisdom demands that we should judge when it is to be done and how it is to be done. I tell my honourable Friend Dr. Ambedkar that I am one of his admirers. I feel that he is the pride of the country: he is my pride also. But I do not understand why such a learned man is engaged in such a useless and pernicious job. Sir, this is a government measure. I do not know what they understand by law. Law is nothing but the will of the people expressed in terms of law. I am sorry that the Government does not understand what is law. I say that a majority of the people of this country feel that this measure should not have come on the floor of this House.....

An Honourable Member: No.

Babu Ramnarayan Singh: Take a plebiscite and you will find it.

Shri L. Krishnaswami Bharathi: We are here representing them.

Babu Ramnarayan Singh: Apparently it appears that there is a measure called the Hindu Code Bill and a discussion is going on in this House but in fact a conspiracy is being hatched to disrupt the Hindu society. I feel that it is something like a preparation to invade the Hindu society. Nobody can say how long this Hindu Society has lived and flourished in this world. I can say that since the very creation of the world, since the creation of the sun and the moon, since the very creation of the human race the Hindu society has lived and flourished and during all these periods there have been innumerable

invasions of all descriptions against this Hindu society, Buddha came first. At one time it looked that Hindu Society would be no more but the world Guru Sankaracharya came and exported Buddhism from this country and re-established the Hindu society. Then Islam came. That was also an invasion like Buddhism but it was also a military one but I must say that Islam also failed in this country.....

Dr. Mono Mohan Das (West Bengal: General): Islam has become the Saviour and you have taken the protection of Islam.

Babu Ramnarayan Singh: Islam could not become the saviour but Islam too failed in this country. According to Islam there is no caste system in the Koran but some sort of caste system developed among those who followed Islam. In the same way Jainism, Sikhism all came in and originally they were all invasions against Hinduism but in course of time they became tolerant and tried to develop and flourish side by side with the Hindu society and religion. This time this is also a sort of invasion but this invasion is a democratic one, though the force behind it is a dictatorial one.

Some of my friends have already said that there has been a discussion in this House as regards the authority of this House to enact this measure. It is true and I feel confident that this House is not competent to enact a measure of this kind. This is not a constituent assembly even.....

An Honourable Member: What is it?

Babu Ramnarayan Singh: It is a part of the constituent assembly. A large number of members of this House either by order or by convention have been asked not to attend this Assembly.....

Shri L. Krishnaswami Bharathi: With that the House is not directly concerned. The Speaker has already said that that is not a matter for the House.

Babu Ramnarayan Singh: Whatever may be the ruling of the Speaker I am not talking against that. I bow to the ruling of the Speaker but I am bound to speak for the world about the competency or authority of this House to enact this measure. The mandate of the country to the Assembly is to frame the constitution of the country. But so long as that constitution is not complete or has not come into force the Government must go on. It was by a hotchpotch agreement with the foreign rulers that this arrangement had been arrived at in order to pass the budget and any other important legislation necessary for the administration of the country. But such a measure like this against which there is a lot of hue and cry throughout this country should not have come before this House for discussion or enactment.

When I hear in this House as well as outside the cry about the equality of women with man I fail to understand it.....

Mr. Tajamul Husain: May I ask the honourable Member why he accepted membership on the select Committee when he is opposed to the constitution of this very honourable House.

Babu Ramnarayan Singh: There are many people who are confounded. The measure was sent to the Select Committee. This means that the House accepted the principle of the measure but this does not mean that every member has accepted the measure or accepted the principle of the measure. There are so many principles involved in this measure that so far as the House is concerned nobody can say that it has accepted anything and everything.....

Shri L. Krishnaswami Bharathi: If it was sent to the Select Committee, it means that it accepts the principle.

Babu Ramnarayan Singh: I was talking about the equality of man and woman. According to our Shastras man is not complete; nor is woman complete. According to our Shastras woman is called Ardhangi and even so man is not complete.....

An Honourable Member: What is man called?

Babu Ramnarayan Singh: Man is also half. I may tell you.....

Pandit Lakshmi Kanta Maitra (West Bengal: General): Sir, it is impossible to speak in the House when an honourable member addresses it on an important measure like this and there are innumerable criticisms, and running commentaries, and laughter going on simultaneously. It is not in the interest of the dignity of the House. Members who do not like the speech may at least keep quiet so that those who want to listen may at least listen.

Mr. Chairman: Honourable Members will kindly allow the speaker to proceed.

Babu Ramnarayan Singh: Sir, I thank my honourable friend Pandit Maitra for the encouragement he has given me. I was talking about equality. So far as the purposes of the world are concerned and so far as the continuity of the human race is concerned there is no question of equality or inequality 3 P.M. between man and woman. Nobody can compare the hand with the feet, whether the hand is more useful or the feet are more useful, whether this eye is more useful or that eye. Man and woman are one and nothing more than one. As regards law I tell my sisters throughout the country that law cannot help them. What can help everybody and also the womenfolk is love and nothing but love. Love between the pair is the only thing which can make the pair happy. Well, they may get the right of divorce. One woman may be divorced today; other women may be coming for—marriage the next day. Monogamy may mean many-gamy: you won't allow a man to marry a second wife. The first wife will be divorced and he will marry the second day. The third day he will divorce that wife also and on the fourth day he will marry again. The process will continue. So far as pure love is concerned for that I think character of the people is most important. We must realize that in this country the people lost their character first and then anything afterwards. So, whatever we have to do in this matter we have to regain our character. As I say that the importance of hand cannot be compared with the importance of feet, so the importance of man cannot be compared with the importance of woman. I can rather say one thing. According to our *shastra* they are the goddess Lakshmi—Women are called in our society *Lakshmi*, *Saraswati*, *Grihalakshmi*. They are anything and everything. If I may compare man with woman I can say woman is much more important in the world than man. I can explain this further. If we remove or kill all men from the world the world will still go on. (*An honourable Member:* 'Except one man.') Not even one man. I say if all the men in the world be killed, the world will still continue and the human race will continue. (*Honourable Members:* 'Question'). I can explain it. There are my friends who question my statement. Well, Sir, if you kill all men today there will be millions of men in the womb of the women. Women are therefore certainly more important so far as the world is concerned. But those who talk of equality between man and woman want really to separate woman from man. Instead of helping the pair to be happy they are really destructive. As I say their importance is there; they are the *Lakshmi*. But at the same time it is very difficult to compare man with woman. Nature has created man and woman. Their tasks are different, their duties are different and their functions are different. What is the use of comparing the two? No comparison can really stand in this case.

My friends have talked about the provisions of the Bill. I shall touch only one or two points as regards the daughter's share in the father's property. First of all I was a son, then a brother, then a husband and then a father and so on. Not without exception, I cannot say, but I say that almost every Hindu father—I am also a Hindu father and I also have married my daughters here and there—every Hindu father is anxious to marry his daughter in a family which is superior in status, in wealth and in many other things to his own family. Now there is a talk of share of the daughter in the father's property. There have been jokes also. The daughter is respected in every way and is also given a share—you may call it a share—in the father's property by way of dowry and so on and so forth. When the question of share comes what will happen is this. Ordinarily if you come to my place as a guest I may show you hospitality as my friend or this and that. But if you come by way of right I do not think you will receive any hospitality from me. I tell my friends that law will not help anybody, as soon as the right for the daughter will be created in the father's property I think all question of love will go. My friend Mr. Kamath—although he suggested many things with which I do not agree—said one thing. Here is a family in which a man has got one daughter and two or three sons. The daughter will be married several miles away. The property may be small and after the marriage when the son-in-law, the *damad*, will be coming to his father-in-law's place for a share of the property, or as a share-holder, he will not be respected. Everything should develop in a proper manner and in a natural way. If this measure is enacted there may be a lot of complications and litigations and the principle of pure love will be killed in our society.

I therefore appeal to every Member in this House to consider the matter in a calm and quiet manner. As it has been suggested from several quarters in the House, and as I also said before, this House is not competent to enact the measure. How is it that they are so very anxious that this measure may be passed today? Why have not the courage to wait for a year or two? May I say they are afraid of the new elections?

Shri L. Krishnaswami Bharathi: No; not at all.

Babu Ramnarayan Singh: The Hindu society has lived and flourished so long according to the same customs and same everything else. Then, heavens will not fall if we send the measure for circulation as my friend Mr. Naziruddin has stated. I appeal to each and every Member of the House to consider the measure in a calm manner. People may be afraid of the next elections, that we Congress people may not get votes. That question does not arise. We must be true to ourselves and to the constituency and people who have sent us.

So, I oppose this measure with all the emphasis at my command, and support the motion of my friend 'Pandit' Naziruddin Ahmad that the Bill may be circulated for public opinion.

Shri H. Siddaveerappa (Mysore State): I congratulate the honourable the Law Minister for the very lucid expression of the speech he gave while moving this Motion. Sir, a lot has been said that this measure vitally affects the Hindu society. I come from a part of this country, namely Mysore, where some of the fundamental things, this measure wants to introduce, are already in force. We have, for instance, got the law of adoption as also the law regarding the daughter's share, and several other things, though they are not on all fours with the present measure. But the principle is there. We have enacted a Bill as early as 1934, called the Hindu Women's Rights Regulation and for the last fourteen years that Bill is law in Mysore, but we have not found there

[Shri H. Siddaveerappa]

any general upheaval. There is not much litigation nor is there any disruption of the Hindu society as has been feared by some of the honourable Members here. As a matter of fact, by our experience we have come to understand that the measure which is now in force is not of the extent that is needed and another Committee has been formed with a view to see that there is further improvement in the existing measure.

It was said that the measure before the House affects the caste system or some other fundamental beliefs or principles of the Hindu society. Well, Sir, my reading of some of the Hindu literature is that if we study the Vedic period, that is from 2000-1400 B.C., and study the Hindu society then in existence, we do not see any of these four castes in the Hindu society then in existence. Every man born, according to his *guna* or *karma* had to go through all the *varnas* or *ashramas* in his life time. A boy, until he attained the age of twenty, had to perform the household duties and obey his *guru* and do all the other acts that were assigned to him, and he was called a *shudra*. After the age of twenty he was allowed to be married and he had to take the responsibility of maintaining the family. Then, according to the duty that was imposed on him he was called a *vaishya*. After he enjoyed life for some time and after he reached the age of 40 or so, when there was need for every man to defend the State, he had to do the duty of a *kshatriya*. After he attained a particular age, say 60, when he had seen so much of life, and on account of his experience and learning, he undertakes the task of teaching the disciples and doing other duties of wisdom, and he was called a Brahmana, a man who has got the *guna* of Brahman.

Therefore, this caste system in this country originated in a different way, and developed in a different way. But today we understand that there are nearly 13,000 castes and a much larger number of sub-castes which have got different traditions, different customs and what not.

We find today that we are one so far as political unity is concerned. If we want to have any uniform standard of rules or any uniform standard of our laws, it is absolutely essential that there must be some Code which gives a certain standard. May be if necessary at the consideration stage we may consider which of the clauses are necessary and which are not necessary; but if we say there is no need at all for a Code, I do not think any of us, if we apply a little commonsense, can accept that position. We see in this country there are people who profess different beliefs—*Dvaita* and *Advaita*. There are people who practise monogamy and polygamy and in some places there is polyandry also prevailing. Under these circumstances, is it not necessary for us to see that we have got a uniform code for purposes of inheritance, marriage and several other things? During the time of the Britishers we found that in the guise of religious neutrality or non-interference, they never cared to see that any evils in the Hindu society were wiped out; they never attempted any reform in that direction. As a matter of fact, when Warren Hastings was impeached by Burke, it is said that one of the charges levelled against him was that he used those caste codes for purposes of his personal aggrandizement. The Britisher saw that the caste system was ideally suited for his own advantage. Therefore he never interfered to bring about any needed reforms in the society. But that is no reason that at a time when we are free, we should not aim at bringing about this much-desired reform. Somebody said, we are proceeding further, why should we take up this measure so early as this and why should we not wait for some more time? My point is this: this reform was long overdue; it ought to have come much earlier but for the fact that we were a dependent nation and that we were not masters of our own destiny. My submission is that it has not come a day too soon.

So many other objections were raised regarding the competency of this House etc. As a matter of fact, the honourable the learned Mover has given a clear exposition as to how we are competent to bring about this desired result; So I do not wish to take the time of the House especially as there are many other speakers.

With regard to the principle of divorce, it is in my opinion a very much debated point. It is a thing which really agitates a large number of people in the Hindu society. Whether it be sacramental marriage or any other form of marriage, I do not wish to see that there should be under any circumstances an indissoluble tie of marriage. Instead of giving unfettered discretion to people, I would request the honourable the Mover to consider this point, namely, that a time-limit may be imposed—say five years or three years, whichever is approved by this House—within which the married people may be able to round off their angularities, having time to study each other, and if in spite of it they are badly off, it may be necessary that the marriage tie will have to be snapped.

Pandit Lakshmi Kanta Maitra: Marriage on probation, you mean?

Shri H. Siddaveerappa: Not marriage on probation, but before anybody can have the benefit or advantage or whatever you call it of divorce, a particular period should be prescribed within which no married couple may be allowed divorce.

Shri L. Krishnaswami Bharathi: That is the English law. They have three years there.

Shri H. Siddaveerappa: Let us consider the experience in the Western countries; for instance, let us take America. We have the experience of a famous divorce court judge, Lindsay. Whenever anyone went to him for a divorce, he used to tell: "You people will live together for one or two months and then come to me again. Even in spite of it, if you feel that you must get yourself divorced then you may apply." He says that invariably his experience as a judge is that whenever people try to separate each other, it is because that they have not tried to understand each other. If there was occasion to judge each other, there may not be recourse to this extreme form of separation. Therefore, I suggest that some such period should be prescribed in regard to divorce.

Regarding the theory of fragmentation of property, we find that agricultural land is not at all affected by this measure. It is a good thing in itself.

Ch. Ranbir Singh (East Punjab: General): It is affected, in Centrally Administered Areas.

Shri H. Siddaveerappa: No, it is not. Only the Centrally Administered Area is affected, which is a very small area. So far as this agricultural land is concerned, I think the time has come when we should undertake agrarian reform in the interests of our own agriculture and our own existence so far as food is concerned. Not only that, with regard to inheritance the time has come when we shall have to have some such thing as the law of primogeniture. In view of the fact that 90 per cent. of the people of this country are living in the villages and their property is mostly agricultural, and in view of the fact that this property of the 90 per cent. of the people is taken away from the operation of this Act, I believe the theory of fragmentation does not stand to logic or reasoning.

[Shri H. Siddaveerappa]

With regard to custom, some of my friends submitted that custom overrides law, therefore any custom having the sanction of law should be accepted. I think many of us, who have experience as lawyers, can easily see how custom conveniently comes in, handy to take away the effect of any benevolent law. I may give one instance. There is a provision in the Indian Penal Code under which if any girl is dedicated for an immoral purpose it is an offence. The marks of dedication are the tying of some beads round the neck of the girl. Now the ingenuity of a lawyer was able to invent the custom of tying of beads and apply that custom even in cases where the dedication was done for immoral purposes. Apart from this, we also know how on account of custom litigation sets in and how enormous amounts are spent in it, at least it was so in the previous regime. People used to spend enormous amounts in getting a decision on any particular point and squander money over judges distinguishing between two different judgments. Today this Bill is so simple, so lucid, that without recourse to any lawyer, any man can for about four annas ascertain what his position is with regard to law.

Pandit Lakshmi Kanta Maitra: He can manage everything with four annas, you mean?

Shri H. Siddaveerappa: It is quite possible. A day will come. We will have to try for that also. As a matter of fact, we have been seeing how these judicial decisions affect some of the property rights and other things. A judge comes to one decision and that will be law for some time. Tomorrow they may find out some other law, some text or *smriti* or some such old document, and we will be told that this law is overruled, with the result that nothing is settled in Hindu law. As a matter of fact, we have been seeing under the British regime, for the last 150 years, there have been so many decisions after decisions, any number of them, and still they say nothing is settled in Hindu law. I want to ask when we will have a settled form of law wherein the ordinary man can understand what exactly is his position. As a matter of fact, when a creditor wants to give some money, he has to satisfy who are his heirs, who have shares and all that, with the result that on an agricultural land on which he can give Rs. 1,000 loan, he gives only Rs. 500 or so. Therefore, taken from any angle of view, I believe this is a very healthy measure, so I give my wholehearted support to it.

Mr. Chairman: The debate will continue tomorrow after Question Hour.

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1948-49—RAILWAYS

Mr. Chairman: The House will now proceed with the demands for supplementary grants to be moved by the Honourable the Minister in charge of Railways.

Shri R. K. Sidhva (C. P. and Berar: General): Before the Minister proceeds with his motion, I want to ask if it is your desire that we should close before 5 o'clock and what time will be allowed to consider these supplementary grants extending to Rs. 19 crores. It will be most unfair to this House if for discussing these supplementary grants which are over and above the Budget sanctions the House is only allowed an hour and a half. I submit that sufficient time should be given to the House to discuss and scrutinise this Budget. I have seen these items; some of them are certainly most objectionable. I therefore plead and appeal to you to give sufficient time—tomorrow or the day after—to discuss this supplementary Budget.

Mr. Chairman: We have got other business set down for tomorrow and the day after. General discussion of the General Budget will have to be begun. No further time can be given for this subject. We can discuss these supplementary grants till 4-15 p.m. when we adjourn for the presentation of the General Budget at 5 p.m.

Shri R. K. Sidhva: Then we may postpone consideration of this.

Mr. Chairman: There is no other time allotted for this. If we postpone this, it will upset the whole programme.

Shri R. K. Sidhva: It may be so. But I want to enter here my protest that you are devoting only 20 minutes for the discussion of a demand which involves as much as 19 crores.

Shri H. V. Kamath (C. P. and Berar: General): May I request that at least in future the business may be arranged more wisely, and with greater fairness and respect to the House.

Dr. P. S. Deshmukh (Bombay: General): May I suggest, Sir, that the discussion of the Hindu Code Bill may be postponed to a later date and tomorrow's time may be given to the discussion of this subject?

Mr. Chairman: All these points of view will be kept in mind.

Now the House will proceed to the Demands for Supplementary grants in respect of Railways.

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport): Is it the wish of the House that I should move all these supplementary grants together or one by one?

Honourable Members: All together.

Mr. Chairman: The practice is that they are taken as moved and put to the House.

DEMAND NO. 1.—RAILWAY BOARD

Mr. Chairman: Motion is:

"That a supplementary sum not exceeding Rs. 2,62,000 be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Railway Board'."

DEMAND NO. 2.—AUDIT

Mr. Chairman: Motion is:

"That a supplementary sum not exceeding Rs. 3,25,000 be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Audit'."

DEMAND NO. 3.—MISCELLANEOUS EXPENDITURE

Mr. Chairman: Motion is:

"That a supplementary sum not exceeding Rs. 13,05,000 be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Miscellaneous Expenditure'."

DEMAND NO. 4.—WORKING EXPENSES—ADMINISTRATION

Mr. Chairman: Motion is:

"That a supplementary sum not exceeding Rs. 33,34,000 be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Working Expenses—Administration'."

DEMAND NO. 5.—WORKING EXPENSES—REPAIRS AND MAINTENANCE

Mr. Chairman: Motion is:

"That a supplementary sum not exceeding Rs. 4,42,65,000 be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Working Expenses—Repairs and Maintenance'."

DEMAND NO. 6.—WORKING EXPENSES—OPERATING STAFF

Mr. Chairman: Motion is:

"That a supplementary sum not exceeding Rs. 24,68,000 be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Working Expenses—Operating Staff'."

DEMAND NO. 7.—WORKING EXPENSES—OPERATION (FUEL)

Mr. Chairman: Motion is:

"That a supplementary sum not exceeding Rs. 3,25,33,000 be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Working Expenses—Operation (Fuel)'."

DEMAND NO. 9.—WORKING EXPENSES—MISCELLANEOUS EXPENSES

Mr. Chairman: Motion is:

"That a supplementary sum not exceeding Rs. 63,22,000 be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Working Expenses—Miscellaneous Expenses'."

DEMAND NO. 10.—PAYMENTS TO INDIAN STATES AND COMPANIES

Mr. Chairman: Motion is:

"That a supplementary sum not exceeding Rs. 9,28,000 be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'payments to Indian States and Companies'."

DEMAND NO. 11.—WORKING EXPENSES—APPROPRIATION TO DEPRECIATION FUND

Mr. Chairman: Motion is:

"That a supplementary sum not exceeding Rs. 7,75,24,000 be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Working Expenses—Appropriation to Depreciation Fund'."

DEMAND NO. 14.—A—WITHDRAWAL FROM RESERVE

Mr. Chairman: Motion is:

"That a supplementary sum not exceeding Rs. 5,11,030 be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Withdrawal from Reserve'."

DEMAND NO. 15.—CONSTRUCTION OF NEW LINES

Mr. Chairman: Motion is:

"That a supplementary sum not exceeding Rs. 1,99,78,000 be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Construction of New Lines'."

DEMAND NO. 16.—OPEN LINE WORKS—ADDITIONS

Mr. Chairman: Motion is:

"That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Open Line Works—Additions'."

There are two sets of cut motions, one set is from Seth Damodar Swaroop and the other set is from Shri M. Tirumala Rao. Of these only the first cut

motion of Seth Damodar Swaroop and the first cut motion of Shri Tirumala Rao are in order, because the other cut motions could have been moved at the time of the general debate and they have been moved and they have been discussed. So, even if these two cut motions.....

Shri M. Tirumala Rao (Madras: General): Before you give your ruling, may I say a word?

Mr. Chairman: I want to know which of these the honourable member desires to move.

Shri M. Tirumala Rao: Sir, these cut motions are intended to elicit information on certain topics which could not be discussed during the general discussion. Supplementary demand is a deviation from the main Budget for the current year. Therefore this is the only occasion on which we can raise points about the administration.

Mr. Chairman: Perhaps the honourable member knows that he can move only one cut motion.

Shri M. Tirumala Rao: I may be allowed to deal with all the three motions in a brief speech not extending more than 15 minutes to which the Minister for Railways may reply. I will not press the motions to a division.

Mr. Chairman: Will not that object be achieved if the honourable member speaks on the Demand and touch upon all the three cut motions?

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): The practice and the convention of the House....

Babu Ramnarayan Singh (Bihar: General): I rise to a point of order.

Mr. Chairman: Mr. Santhanam is on his legs.

Babu Ramnarayan Singh: Sir, I am rising to a point of order. It is not the practice in this House that anything may be taken as moved or passed. I think this is irregular. I do not know if there is any convention even like that.

Mr. Chairman: It is not a point of order.

The Honourable Shri K. Santhanam: Sir, I simply want to draw the attention of the Chair and of the House to the practice and the convention that under Supplementary Demands only the particular Demand is discussed. General questions of policy should always be confined to the general Budget Debate. Therefore, if there is any particular objection to the Demand or any item included in it, a cut motion may be moved. It is the privilege of the House to do so. But questions of policy should always come under the General Debate.

Mr. Chairman: That is what I wanted to point out to Mr. Tirumala Rao. The cut motion has to be confined to the Demand in question before the House. General questions of policy cannot be discussed under Demands for Supplementary Grants.

Shri M. Tirumala Rao: You can listen to my speech and then come to the conclusion whether it is covered by Mr. Santhanam's objection. Sir, I move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 2,62,000 in respect of 'Railway Board' be reduced by Re. 1."

Sir, you are aware how the Budget discussion took place for nearly four days on the floor of the House and how the Honourable the Railway Minister had to cut short his speech in the middle of an important statement he was making. He has today the ear of the House to make that unfinished speech.

[Shri M. Tirumala Rao]

I do not want to discuss any particular general principal except that is allowed to me confining myself to the four corners of the cut motion. The purpose of my motion is this: that any extra expenditure involved in payment for the Railway Board is not justified. I want to say that the salaries of those incumbents have been already high and they are higher than the salaries of the secretaries of big Departments supposed to be above the Railway Board. This question has been mooted year after year and we have not had any specific reply from the Minister in charge whether this question is being reviewed at all or whether it will be reviewed in the near future in a manner to effect economies in the high salary bill. In spite of the amount already sanctioned for this purpose, I do not understand why the Government have come forward with a supplementary demand for Rs. 2,62,000. No doubt the purpose of this is mentioned in the proceedings of the Standing Finance Committee dated 3rd February. I am not satisfied whether this expenditure is necessary in view of the large establishment that this Department has. You have the Chief Commissioner, you have a Financial Commissioner, three Members, six Directors, one Secretary, all of them drawing salaries from Rs. 2,500 up to Rs. 5,000. The Commander-in-Chief of the Army in India, who is supposed to be in charge of the safety of this country controlling a huge land army, does not get Rs. 5,000 a month. The Secretaries in the Ministries do not get Rs. 5,000 a month. I want an assurance from the Minister that, after August 15th 1947, a new set of principles are governing this country with a view to economise as much as possible consistent with efficiency. No doubt there may be agreements and covenants and certain rules protecting the emoluments and privileges of certain high officials. But this cannot go on for ever. A beginning must be made now and these officials must be told that they cannot have enormous salaries which the general economic condition of the country cannot afford any longer.

I anticipate that I will not be permitted to move the other cut motions. But I wish to say a few words in this connection on the fuel operations. We are paying nearly 10 crores of rupees for freight alone on coal which cost only Rs. 10 crores in 1947. I drew the attention of the Chief Commissioner to this in 1947 and asked why he was unable to produce all the coal needed by the Railways. The total quantity of coal which the Railways consume is 80 lakhs of tons out of which coal lifted from the collieries of the railways comes to only 28 lakhs of tons.

Over nearly 60 lakh tons of coal is produced from private collieries which costs you a good deal and the carriage of this coal to your various railways has cost you nearly 10 crores of rupees. There must be an effective control and a long range plan of minimising the use of high-grade coal. Of course, we are thankful to your Railway Minister for the statement which he has made that they are designing engines which will also use low-grade coal. That is not enough. We are going to have a large scale scheme of electrification. We are going to have big multi-purpose schemes costing 400 to 500 crores of rupees. Two days ago the Electric Power Engineers have met in a conference and our Honourable Shri N. V. Gadgil, Minister for Works, Mines and Power has stated that the next five years will see a programme of electrification of the country costing 300 crores of rupees. I want to know whether the Railway Board has sent up see how far the Railways can get electrification schemes on a large scale. We some of its own engineers, technicians and high officials to that Conference and must minimise the use of high-grade coal. The total quantities of high-grade coal that is available in India is limited, and after 60 years from now, you may be exhausting all the coal resources of this country, if you go at this rate.

Shri Ramnath Goenka (Madras: General): I suppose the honourable member has read the Railway Board's report for 1947-48. It tells you that 1,800 miles are.....

Shri M. Tirumala Rao: I have seen it. What I suggest is that there should be a large scale planning of electrification. You have started, no doubt I am glad, with only 1,500 miles of electrification out of a total length of nearly 35,000 miles in the country. That is not enough. What I suggest is that there must be a co-ordinated plan of not only conserving our coal. A small piece of information is given saying that experiments are being carried with regard to the gas turbine engines. The Railway Board has got its Standards Office as well as their Research institutions to get at this job and see that coal is substituted by other fuel. Therefore, I wanted to draw the attention of the House to this matter. As regards the third item the construction of new lines, I am afraid, the programme is very disappointing.

Mr. Chairman: May I point out to the honourable member that his remark will be out of order.

Shri M. Tirumala Rao: I submit that the Railway Board assumes responsibility for the whole administration, and I do not want to allow this opportunity to pass their extra demand, unless I see whether all the supplementary demands which include their activities, are quite just and reasonable.

I want to say one word with regard to that. With regard to the open lines also I suggest that there should be a comprehensive programme prepared by the Railway Board and they should see that more railway lines are opened and the country is opened up for traffic as well as for trade and commerce.

With these words, Sir, I move my motion.

Shri R. K. Sidhva: Sir, I rise to second the motion moved by my honourable friend, Mr. Tirumala Rao. I wish, Sir, that the House took a little serious view of these supplementary demands when they are presented to them. This is a supplementary demand asking the House to vote ninety-nine crores and some odd lakhs of rupees.

Shri Krishnaswami Bharathi (Madras: General): What is it?

Shri R. K. Sidhva: I do not know whether my honourable friend, Mr. Krishnaswami Bharathi has studied it and whether he knows what these items refer to. I say this because he was interrupting me.

Shri Krishnaswami Bharathi: It is a reflection on the House to say that we are not taking a serious view of all matters.

Mr. Chairman: The honourable Member will see that he does not cast any reflection on any honourable member.

Shri R. K. Sidhva: I am very glad, Sir, that the House has taken a very serious view of it. I wish that the House should have been given an opportunity to discuss this thoroughly and given more time for study of these supplementary grants that have been brought before this House from time to time.

Sir, in this demand, the item relating to the dearness allowance I can understand. If for emergency purposes supplementary grants are demanded, I can quite appreciate, because the Ministry could not have anticipated it when they framed their budget last year, but I fail to understand why crores of rupees under publicity, suspense account and the miscellaneous expenditure, which are ordinary expenses, should have been brought under the supplementary demands. There are no specific reasons given in the Standing Committee meetings which has been circulated to the members as the reasons for which these demands have been sanctioned.

Shri Ramnath Goenka: These are in the revised estimates.

Pandit Thakur Das Bhargava (East Punjab: General): We have not received the book mentioned in the note to the agenda paper.

The Honourable Shri K. Santhanam: In the explanatory memorandum every one of these items have been explained as to the causes for the increased expenditure and the revised estimates were put before the House and discussed.

Shri R. K. Sidhva: This is all right, my point is this.....

The Honourable Shri N. Gopalaswami Ayyangar: May I draw the attention of the House to the fact that this Volume of Demands for Grants was circulated to honourable Members when the Budget was discussed. The fullest explanation of the variations between the revised estimate and the budget estimate are contained in pages 1 and 2 of this document. If the honourable Member had read it, he would probably not have raised the point that he could understand only the increase in the dearness allowance and not other matters.

Shri R. K. Sidhva: Pandit Bhargava raised the point. I stated that we received it.

Pandit Thakur Das Bhargava: There is a note on the agenda paper circulated today which says: Book of Demands for supplementary grants giving detailed information will be circulated to Members in due course.

The Honourable Shri K. Santhanam: It has been circulated.

Shri Ramnath Goenka. This is dated the 18th of February.

Mr. Chairman: It has been circulated.

Shri R. K. Sidhva: I have received this, I must admit. I did not say that I did not receive it. My point is that the House has not been given sufficient opportunity and time to discuss this. I therefore submit that on important items like this, the House should be at least given one day. In the Provincial Assemblies, Sir, on a supplementary demand, one day is always given. I fail to understand why an hour and a half and an hour and a quarter should only be given for such supplementary grants. That is my complaint.

Then, Sir, I was mentioning that I could understand supplementary demand for emergency purposes in items of expenditure which have been incurred by the Ministry being brought before the House and these are items which they could not have anticipated when they framed the budget for last year, but for the other ordinary items such as I mentioned just now, I see no reason why this additional amount should have been spent and merely four lines are given over each item by the Standing Committees. In fact the House is not aware as to what are the specific reasons for the increase under these items. We demand that economy should be maintained, but on the contrary the miscellaneous items such as publicity, suspense account and miscellaneous expenditure are such items where details are not given. Under miscellaneous items, crores of rupees are shown; but no details are given under many heads. Therefore, I desire, in the future, the House should be given a fair opportunity to discuss this amount.

Sir, I want a little information. On page 12, it is stated: "The increase under 'Miscellaneous charges' is due mainly to payment to Messrs. Hindustan Aircraft Ltd. for the first experimental prototype coach (1.13 lakhs)". We know that new coaches were under the consideration of the Railway Ministry for the last three years and some provision has been made for the Silver Arrow; but we do not know what has happened to the Silver Arrow: whether the Ministry has absolutely dropped the construction of the Silver Arrow type which was in exhibition and on which the opinion of the House and various local

Advisory Committees were invited. I want to know whether the Railway Ministry has decided to substitute this prototype of Hindustan Aircraft Ltd. one of the coaches of which is now running in the Grand Trunk Express. I would like to know the definite policy of the Government as regards the new type of coaches. On the floor of the House, various times, it has been stated that there are no facilities in the third class carriages. This Silver Arrow type was more or less recommended by the various local Advisory Committees.

The Honourable Shri N. Gopalaswami Ayyangar: Have we not discussed this question of accommodation to third class passengers to the maximum possible extent during the other debate?

Shri R. K. Sidhva: When there is a Demand before the House.....

Mr. Chairman: I request the honourable Member to confine his remarks to the Demand before the House.

Shri R. K. Sidhva: I am discussing the demand. There is an item, prototype coach and I am entitled to seek information on this point.

What I was saying is, there is no clear-cut policy from the Railway Board regarding these third class new coaches: I want to know whether the Silver Arrow type is under consideration, whether this new type is also under consideration, if so, how many will be constructed, where they are constructed; but no definite answer to that is forthcoming.

As regards the Railway Board, my honourable friend has stated that the high expenditure on the Railway Board and the other item should be cut down. May I tell the honourable Minister that after the separation, the Pakistan Government has abolished the Railway Board in their country and appointed a Secretary to the Ministry and other officers? May I appeal to him to consider this question seriously whether the Railway Board, which is an antiquated one, which might have been necessary in the olden times for the purpose of safeguarding the interests of the British people, is still necessary. I would like him to go into the question whether there is not any overlapping of certain functions with the Railway Ministry, whether the Chief Commissioner has not an overriding power over the Railway Board, as to how the General Managers of the various Railways are functioning under the Railway Board and whether some of the defects in the present administration are not due to the antiquated rules that prevail in the Railway Board. If it is necessary for him to continue this Railway Board in the interests of the country, I will certainly support him.

The Honourable Shri N. Gopalaswami Ayyangar: May I remind the honourable Member that he has already supported the continuance of the Railway Board for the year 1949-50? We are dealing with 1948-49 to-day.

Shri R. K. Sidhva: I am sorry that such a poor and lame answer has been given to my argument. If the House today decided to abolish the Railway Board, I know they are not going to abolish it tomorrow. It will take more than a year to abolish the Railway Board. I have only asked the honourable Minister to bear this in mind and consider the question whether there is necessity to continue this Railway Board. If there is no necessity for this Board to continue, if the House decides to abolish it, I think it could be done only in 1951 because so many formalities have got to be gone through and there has to be a substitute for the Railway Board. The House knows its duty and the House has already raised that point in the general discussion on the budget. I therefore submit in all seriousness that this matter should not be lightly treated by the honourable Minister; he may look into the question. I may assure him that I have an open mind; if the honourable Minister comes and tells me that he has investigated into this matter and is convinced that the Railway administration

[Shri R. K. Sidhva]

will not be efficient and satisfactory without the Railway Board, I shall support him. I only want definitely to know whether he has investigated into the question. I want to know, what are the powers of the Railway Board, and whether the powers overlap or not. From the information that I have got, these things happen and the result is Ministerial orders are not properly carried out. If the Pakistan Government—it may be a small Government compared with us—have successfully abolished the Railway Board, I want to know why we require it here.

Shri H. V. Kamath: Whatever we may do or may not do, should we copy Pakistan?

Shri R. K. Sidhva: There is no question of copying Pakistan. I am only giving an illustration for consideration. I see no reason why it should not be considered if it is good from the point of view of economy and better administration consistently with efficiency. If somebody does a good thing, why not copy it?

As regards the cost of fuel, my honourable friend Shri Tirumala Rao has stated about the quantity of coal that exists. I am taking an absolutely different points as regards fuel. If the report of the Enquiry Committee is pursued, you find they have made a very serious structure of the question. They have given the illustration that the Nizam's State Railway has got a certain system of checking coal which is very satisfactorily working. There is no reason why, the Enquiry Committee says, that system should not be investigated and introduced here. I may tell my honourable friend Mr. Kamath, that Hyderabad is a small State and their railway is a small one when compared with us. The Enquiry Committee presided over by Pandit Kunzru has recommended that system. It does not mean that because a small Government has introduced something, we should stand on our prestige and say, we should not do it. I therefore say, that here is the recommendation of the Enquiry Committee.

Shri H. V. Kamath: On a point of explanation, Sir, I did not say that because Pakistan was a small State we should not copy it. England is a small State and we copy it in many respects.

Shri R. K. Sidhva: What I was saying is, this matter also requires consideration, from another aspect. There is today a three per cent leakage from the place where coal is loaded from the colliery to the place of termination and it is weighed. I want to know whether this coal evaporates during the transit, and where this coal goes. I am sure the Ministry knows, and if the honourable Minister does not know, his officers know, because there has been a reference to it that there is a great deal of leakage in transit. Whether this coal is smuggled or whether it really evaporates is a matter for consideration of the honourable Minister.

An Honourable Member: It is only a guess about leakage.

Shri R. K. Sidhva: It is not a guess; there is the report over this question.

As regards certain other items, under working expenses, I shall not go into the details, I shall only invite the attention of the honourable the Minister, to the suggestions made by the Enquiry Committee. The honourable Minister has been good enough to say that the House will be given an opportunity one day to discuss the Enquiry Committee's report and we are thankful for that. We were told that this report will be examined by the Ministry and then will be placed before us. We were not told whether it would be placed before the Standing Finance Committee and the CAC for Railways. We would request him to place the report before these two committees and then bring it before the House so that the House may have the advantage of knowing their

views. I am sure even if some of the recommendations are to be carried out, it will take a very long time; I know how the machinery moves. Therefore, I submit that this report should be examined by the Special officer that has been appointed, as has been stated to us the other day, and the examination by the Ministry should be expedited.

As regards, electrification, Sir, I may only state that the recent Engineers Conference which met only three days ago have very strongly emphasised that if the coal situation is to be saved, in the interests of economy and in the best interests of the country's transport, electrification of railways should be expedited.

They have given the five railway sections which should be electrified immediately and machinery should be indented without the least possible delay. In the interests of the railways themselves and in the interests of fuel economy they have given the suggestion. I do not know whether that suggestion which has been made only two days ago has come to the notice of the Railway Ministry, but when it comes I am sure that there are certain sections of the railway where already electrification is there and electric trains are running and steps should be taken to extend this electrification with the least possible delay. Some of these electric railways have been introduced since the last fifteen years and no effort has been made to indent for more electric trains or extend their route. In Bombay the largest section is served on the G.I.P. and the B.B. & C.I. and the conference had made very strong recommendations to extend one section from Virar to Ahmedabad and the other from Poona to Bhusawal, and similarly in South India and in Bengal and Bihar. I am confident that the amount of security and the amount of facility that these electric trains give to-day to the passengers will be borne out by the passengers, who travel by these trains. I feel that no serious attention has been paid by the previous Ministry or the Railway Board in this matter, but for what reasons it is best known to them. Probably the question of war may have come in and so many other things. But I want to know whether they have placed orders for the importation of many more coaches and the extension of the electric installations. These electric trains give suburban passengers a very great deal of relief and this matter should receive the attention of the honourable Minister.

I have many more things to say but as time does not permit, I shall with these few words resume my seat.

The Honourable Shri Satyanarayan Sinha (Minister of State): Sir, I move:

"That the question be now put."

Mr. Chairman: The question is:

"That the question be now put."

The motion was adopted.

The Honourable Shri N. Gopalaswami Ayyangar: I shall take a few minutes, referring simply to the points that have been made by the two previous speakers. As you yourself pointed out, Sir, much of what they said had been covered by the debates that had already taken place on the railway budget for 1949-50 and they raised questions of large policy which are not supposed to be proper matters for discussion on supplementary demands. All the same, as certain points have been raised I wish only to say one or two words about each point.

[Shri N. Gopalaswami Ayyangar]

Taking the points in the reverse order, I will tell Mr. Sidhva at once that the Railway Board and the Railway Ministry are as keen about pushing electrification of railways as he is. The resolution of the Power Engineers Conference which will be duly communicated to us will be given all the consideration it deserves, and, wherever it is possible for us to expand electrification, we shall do our best to push it.

The question of fuel raises a large issue which I am afraid I cannot deal within the few minutes at my disposal. As the Honourable the previous speakers have already pointed out, the matter has been dealt with by the Indian Railway Enquiry Committee and the Government are giving their recommendation the best consideration possible. Whatever they have said on this question will be fully investigated and whatever economy can be secured on fuel by giving such effect to such recommendations as can be given effect to will be done.

A big point that was raised by Mr. Sidhva was the abolition of the Railway Board. As I have said, it does not arise on this supplementary demand. But he has appealed to me that, if I think the particular issue he raises is good in itself, I should give effect to it whether that issue was relevant to the present debate or not. I am quite prepared to consider the merits of whatever he has said, and I think I indicated in the speech I made in introducing the budget for next year that the question of what the set-up in the Centre should properly be is a matter which is receiving the consideration of the Railway Ministry consequent on the attention that the Indian Railway Enquiry Committee has already given to this question. That is a matter which requires very careful investigation, and we will give it the best consideration that is possible. I do not say that the Railway Board as it exists today is the last word in the matter of centralised administration of railways. There may be changes that are required. There may be proposed a modification in the set-up altogether which may be considered necessary. But all that will come in good time and it will require legislation of a comprehensive character. It cannot be done by a mere stroke of the pen today. If I did so I would simply upset the transport service of the country.

The other point was raised by Mr. Tirumala Rao about the high salaries that people in the Railway Board draw. I may tell him that as a result of the consideration of the recommendations made by the Central Pay Commission, Government did take this matter into their consideration and they have prescribed certain rates of salary for the Chief Commissioner and Members of the Railway Board, the Directors and Joint Directors, the Deputy Directors and Assistant Directors. They are well within limits which I think both Mr. Tirumala Rao and even Mr. Sidhva would appreciate. The Chief Commissioner's salary has been fixed at Rs. 3,250 instead of Rs. 5,000, and the salaries of other Members of the Board have been fixed at Rs. 3,000. Similar reductions have been made in the salaries of other Members of the Board's office. But all this can be given effect to only when the opportunity occurs for doing so. There are certain people who have come down to us from the old days with certain scales of pay guaranteed to them and, if they elect to retain those scales of pay, we cannot as a Government get out of our commitments in any cavalierly fashion. The main thing we have to take note of is that we should respect our commitments to our employees and officers, and to that extent we have to respect those commitments. For some years to come, certain people will be receiving higher salaries than we consider to be adequate for new officers occupying some positions.

As regards the particular matter in respect of which the cut is moved, let me tell the honourable Mr. Sidhva that, when he said he could understand the increase on account of dearness allowance, almost the overwhelming part of the increase we are asking for is covered by dearness allowance. If you look at page 2 of this document—Demands for Grants—you will find that against the supplementary demand of Rs. 2,62,000, Rs. 2,11,000 are accounted for by dearness allowance, and while we have created a few temporary posts of Directors, Joint Directors and Deputy Directors, we have kept vacant other posts already sanctioned in the cadre because we did not feel the need to fill them or men were not available to fill them. So this Rs. 2,11,000 as well as odds and ends in the adjustment of the various items constitute the Rs. 2,62,000, for which we have presented a supplementary demand.

Sir, I will not take up more time of the House

Shri R. K. Sidhva: What about the Hindustan Aircraft Factory?

The Honourable Shri N. Gopalaswami Ayyangar: We have given you the fullest possible information during the Railway Budget debate as to our programme for building coaches.

Shri R. K. Sidhva: I would like to know whether the Silver Arrow type of carriage is going to be continued.

The Honourable Shri N. Gopalaswami Ayyangar: We have placed an order for 100 coaches of 10 ft.-8 in. Of the Silver Arrow also we have ordered 50. We are trying to substitute all-metal coaches wherever possible. I hope the House will be satisfied with this very brief statement of mine on the speeches that have been made and will vote the supplementary grants.

Shri M. Tirumala Rao: Sir, I beg leave of the House to withdraw my cut motion.

Mr. Chairman: Has the honourable Member the leave of the House to withdraw his cut motion?

The cut motion was by leave of the Assembly withdrawn.

Mr. Chairman: If it is the wish of the House I shall put together all the demands for supplementary grants.

The question is:

"That the respective supplementary sums not exceeding the amounts shown in the third column of the Order Paper, be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of the corresponding heads of Supplementary Demands entered in the second column thereof."

The motion was adopted.

[As directed by Mr. Chairman the motions for Demands for Supplementary Grants which were adopted by the Assembly are reproduced below.—Ed. of Deb.]

DEMAND NO. 1.—RAILWAY BOARD

"That a supplementary sum not exceeding Rs. 2,62,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Railway Board'."

DEMAND NO. 2.—AUDIT

"That a supplementary sum not exceeding Rs. 3,25,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Audit'."

DEMAND NO. 3.—MISCELLANEOUS EXPENDITURE

"That a supplementary sum not exceeding Rs. 13,95,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Miscellaneous expenditure'."

DEMAND NO. 4.—WORKING EXPENSES—ADMINISTRATION

"That a supplementary sum not exceeding Rs. 33,34,300 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Working Expenses—Administration'."

DEMAND NO. 5.—WORKING EXPENSES—REPAIRS AND MAINTENANCE

"That a supplementary sum not exceeding Rs. 4,42,900 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Working Expenses—Repairs and Maintenance'."

DEMAND NO. 6.—WORKING EXPENSES—OPERATING STAFF

"That a supplementary sum not exceeding Rs. 24,88,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Working Expenses—Operating Staff'."

DEMAND NO. 7.—WORKING EXPENSES—OPERATION (FUEL)

"That a supplementary sum not exceeding Rs. 3,25,33,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Working Expenses—Operation (Fuel)'."

DEMAND NO. 9.—WORKING EXPENSES—MISCELLANEOUS EXPENSES

"That a supplementary sum not exceeding Rs. 63,22,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Working Expenses—Miscellaneous Expenses'."

DEMAND NO. 10.—PAYMENTS TO INDIAN STATES AND COMPANIES

"That a supplementary sum not exceeding Rs. 9,28,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Payments to Indian States and Companies'."

DEMAND NO. 11.—WORKING EXPENSES—APPROPRIATION TO DEPRECIATION FUND

"That a supplementary sum not exceeding Rs. 7,75,24,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Working Expenses—Appropriation to Depreciation Fund'."

DEMAND NO. 14.—A—WITHDRAWAL FROM RESERVE

"That a supplementary sum not exceeding Rs. 5,11,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Withdrawal from Reserve'."

DEMAND NO. 15.—CONSTRUCTION OF NEW LINES

"That a supplementary sum not exceeding Rs. 1,99,78,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Construction of New Lines'."

DEMAND NO. 16.—OPEN LINE WORKS—ADDITIONS

"That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Open Line Works—Additions'."

The Assembly then adjourned till Five of the Clock in the Afternoon.

The Assembly re-assembled at Five of the Clock in the Afternoon, Mr. Chairman (Pandit Thakur Das Bhargava) in the Chair.

THE BUDGET FOR 1949-50

The Honourable Dr. John Matthai (Minister of Finance): Sir, I rise to present the Budget for 1949-50.

Review of Economic Conditions

2. Although this is the fourth year since the cessation of hostilities, the return of normal conditions, without which it is impossible to expand production and develop trade, seems still as far off as ever. Over large parts of the world, conditions remain disturbed and the progress of recovery from the ravages of the war is painfully slow. In Europe the *impasse* in Berlin, the civil war in Greece and the emergence of two rival camps among the countries that fought the war as allies are symptomatic of the abnormal conditions which still prevail. The Palestine question, which is a serious threat to peace and stability in the Middle East, is still unsolved. Nearer home, the continuance of civil strife in China, the disturbances in Burma, which concern us deeply in view of our close economic ties with that country and the large interests our nationals have in it, and the unprovoked assault of the Dutch on the Indonesian Republic, all these retard the economic recovery not merely of this largely under-developed area of the globe but of the whole world. Prosperity, like peace, is indivisible and while these conflicts are going on in various parts of the world involving a tragic waste of men and material, the common man in all countries, particularly the less developed countries, continues to pay a heavy price in want and suffering.

3. In our own country, as in most other countries in the post-war period, the major problem has been that of keeping the inflationary trends under control. It is not necessary for me to dilate on the causes of the emergence of these trends since the end of the war. While as a result of the war the purchasing power in the hands of the community increased considerably, the available supply of commodities in the post-war period was not sufficient to meet the increasing demand for them. The shortage of essential commodities, particularly food and clothing, aggravated the situation owing to the rise in the money income of some sections of the community who in the past never competed for food and consumer goods on the same scale. Difficulties in transport and distribution accentuated the shortages while the partition last year and the economic dislocation caused over considerable parts of the country by the movement of population between the two Dominions made the position worse. A steady rise in prices occurred throughout 1947 the general index number of wholesale prices rising from 290.5 at the beginning of the year to 314.2 at the end of December. In the first seven months of 1948 there was a further steep rise in prices, the index number of wholesale prices rising by as much as 76 points to 390.1. Since then the prices have slightly dropped and as a result of the various measures taken by Government prices have remained more or less steady.

4. The answer to the problem of inflation and high prices is to increase the supply of commodities to meet the existing demand and until this position is reached to control the distribution of the available supply of the essential commodities. In the matter of food the supply position still continues to be difficult and last year owing to the poor crops in certain parts of the country we have had to import 2.8 million tons from overseas at a cost of Rs. 130 crores against an estimated import of 2 million tons at a cost of Rs. 110 crores. The position is expected to be still more difficult this year owing to the floods in Bihar and the United Provinces, the damage caused by the recent cyclone in Bombay and the outbreak of famine in parts of Gujerat, Saurashtra, Rajasthan and Cutch and imports may amount to 4 million tons. As the House is aware, it has already been decided to re-introduce food control and it is hoped that this will secure an equitable supply of food grains throughout the country at fair prices. In respect of other commodities the position in regard to interna-

[Dr. John Matthai]

production has, I am glad to say, been encouraging in recent months although it has not been possible in many cases to reach the peak production of the war years or the target that has been set. Last year the production of coal at 29.73 million tons and of steel at 854,000 tons just fell short of the production in the previous year while the production of salt rose from 49.6 million maunds to 59.3 million maunds, of cotton yarn from 1,315 million lbs. to 1,442 million lbs., of cloth from 3,816 million yards to 4,338 million yards, of art silk fabrics from 85 million yards to 114 million yards, of plywood from 28.6 million sq. feet to 38.63 million sq. feet and of soap from 80,000 tons to 190,000 tons. The flow of raw materials to industry has also improved with the improvement in the transport position while with the relaxation of import controls there has been a larger flow of imported goods. Production has also been greatly assisted by the occurrence of fewer strikes and labour disputes. If the present favourable trends in production continue, I have no doubt that it will be possible not merely to arrest the rise in prices but to bring them down gradually.

5. The state of the capital market in the year under review has been a matter of concern to Government. While there is obviously a large amount of money in the country competing for the limited supply of goods, the investment market has been stagnant and there has been little flow of money into either Government loans or into industrial concerns. This stagnation is due in large measure to the prevailing uncertainty in regard to matters affecting industrial development and prospects. My own view is that with the huge potential demand in this country for both consumer and capital goods, there is bound to be for many years a wide field for private enterprise and that in this matter no one who invests money is taking a greater risk than in any other country in the world.

6. As I mentioned a while ago, the fight against inflation has been one of Government's main pre-occupations this year. As Honourable Members are aware, Government consulted various interests and sections of public opinion regarding the measures necessary to deal with this situation. In a matter of this kind, it is obviously not possible to expect complete unanimity of opinion as to either the causes of inflation or the remedies to be adopted. But it was clear that immediate action should be taken to prevent, as far as possible, the further creation of purchasing power in the hands of the community and to take all steps possible to stimulate production and instil a spirit of confidence in industry. With this end in view, in the field of taxation additional duties on certain articles of luxury such as liquor, tobacco, motor cars, silk and art silk fabrics were imposed and an excise duty on super fine cloth was levied. Power was taken to make provisional assessments of income-tax on the basis of returns submitted by the assesseees. A system of interest bearing deposits for income-tax introduced in 1943 was also revived and it was decided to postpone for a further period of three years the refund of deposits of Excess Profits Tax except for approved purposes. A temporary limit was also placed on the amount that may be distributed as dividend by public companies, by an Ordinance, the enactment of which into law is now under consideration by the House. Among measures taken to stimulate industrial production, I would mention the reduction in the import duty on machinery and certain industrial raw materials and the abolition of the import duty on cotton yarn. New industrial undertakings commencing production in the next three years have been given exemption from income-tax for the first five years up to a limit of six per cent. per annum on their capital. The rules regulating depreciation allowances have also been liberalised. In the field of Governmental expenditure a rapid review was conducted of all capital and development schemes

including the Provincial schemes. As a result the total provision for capital and development schemes and loans has been substantially reduced. It was also made clear to the Provinces that in the present financial situation they should not count on Central assistance for implementing their schemes of social or agrarian reform. The House will realise that it was not without regret that we decided to hold up even temporarily the various schemes of development the execution of which is necessary for the well being of the country. But the need for economy was imperative and we had to postpone all avoidable expenditure. But this has not led to the slowing down of any productive scheme or any scheme really essential for the national interest. I would like to take this opportunity to express my sense of gratitude to the Provincial Governments for their ready co-operation in this matter.

Balance of Payments

7. The main features in the external financial position of the country in the year under review have been the sharp decline in the sterling balances held by the Reserve Bank of India, the growing difficulty in the financing of imports from the hard currency areas and the emergence of Pakistan as a foreign country for currency purposes with the separation of its currency from that of India. The sterling balances which reached the peak figure of Rs. 1,733 crores at the end of 1945-56 declined by Rs. 121 crores to Rs. 1,612 crores during 1946-47. This reduction was due mainly to the large imports of food but there were also substantial imports of other goods in satisfaction of the pent up demand of the war years and also a certain amount of repatriation of British capital. During 1947-48 the reduction was somewhat smaller due to the restrictive import policy which was introduced towards the close of 1947 and the balances fell by only Rs. 67 crores to Rs. 1,545 crores. In the first ten months of the current year there has been a (further) drop of Rs. 556 crores in these balances. This heavy reduction is due to several causes. The first is the payment to the United Kingdom Government in accordance with the agreement reached with them last July, of Rs. 284 crores for the purchase of annuities for financing the payment of sterling pensions and for the acquisition of the Defence installations and stores left behind in India by the United Kingdom at the end of the war. The second is the payment to the State Bank of Pakistan of Pakistan's share of these balances following the separation of its currency from that of India. This payment is still continuing as the sterling and other assets of the Issue Department are handed over in instalments as Indian notes are withdrawn from circulation in Pakistan and handed over to the Reserve Bank. Sterling to the extent of Rs. 1,77 crores has so far been transferred to the Pakistan State Bank. The third factor responsible for the decline is India's adverse balance of payments on current and capital account.

8. Government's import policy is largely determined by the trend of the balance of payments. The aim of this policy is so to regulate trade that while it is kept at the highest possible level consistent with the needs and requirement of the country, India should not have an overall deficit in her balance of payments on current account during any particular period of time of more than the amount by which it has been agreed with the United Kingdom Government that India's sterling balances should be drawn upon. Under the present agreement signed last July it has been agreed that India's free sterling account which had a balance at the end of June, 1948 of £ 80 million will be credited with an equivalent sum during the period July, 1949 to June, 1951. In pursuance of this policy and also with the immediate object of reducing the inflationary pressure in the country, import controls were relaxed during the course of the year, and I am glad to say they have resulted in substantially increasing the available supply of goods in the country.

[Dr. John Matthai]

equipment and munitions had to be met by fresh procurement. In addition to our own forces we had to take in service larger forces from the Indian States and the Government of Nepal also loaned us some of their troops for purposes of internal defence. All these measures entailed additional expenditure for which there was no provision in the budget.

17. The increase of Rs. 48.14 crores in civil expenditure is mainly due to three causes. First, the revised estimates include a new provision of Rs. 20.75 crores for meeting pre-partition liabilities for which no provision was made in the budget. At the time the budget was framed, sufficient data regarding the outstanding liabilities were not available and the arrangement with Pakistan for meeting and adjusting these had not also been settled. It was hoped that these liabilities would be met and shared currently by the two Dominions but the Pakistan Government declined to meet these liabilities on the ground that they were initially those of India and that Pakistan would take its share only through the debt settlement. The Government of India do not accept this view as, in their opinion, after the division of the available cash balances between the two Governments, the outstanding liabilities should be paid and currently shared by the two Governments. But in order to avoid hardship to those who had made supplies or rendered services to the undivided Government, the Government of India have agreed to meet the liabilities in the first instance. Certain outstanding payments relating to the pre-partition period, such as the Provincial share of income-tax, are also due to the Provincial Governments now located in India which the Government of India propose to meet. Secondly, the expenditure on the relief and rehabilitation of refugees which has always been difficult to estimate and for which a provision of Rs. 10.04 crores was made in the budget is now expected to amount to Rs. 19.45 crores. This increase is partly due to the carryover of certain liabilities from the previous year, mainly payments to Provincial Governments, which could not be made before the close of the year; partly also to increased expenditure on relief which has to be regulated with reference to the constantly changing requirements of the situation. Thirdly, the expenditure on the subsidising of imported food grains and the payment of bonuses to Provincial Governments on internal procurement is now expected to exceed the original estimate by Rs. 12.05 crores. The House will remember that after a review of the food position last October it was decided that with effect from the 1st October 1948 the Central share of the loss on the supply of imported food grains to deficit areas should be raised from two thirds to three quarters and that a similar concession, limited to the Centre meeting half the loss, should be extended to the Indian States. Part of the increase is also due to the fact that while the budget provided for subsidies up to the end of the calendar year, provision has now been made for the full financial year.

I should also mention a further reason for the increase in civil expenditure. The House will remember that in the budget for the current year my predecessor made a lump cut of Rs. 2.5 crores for economies likely to result from the implementation of the recommendations of the Economy Committee. The work of this Committee has taken somewhat longer than was originally expected and its report on a number of Ministries is still under examination. No savings are therefore likely to be realised this year. For next year I am not making any provision at this stage as it is not possible, until firm decisions have been taken on their recommendations, to estimate the savings likely to be realised. But I may assure the House that this does not mean that I do not expect economies to result from the Committee's recommendations. On the contrary it is my intention to secure the utmost economy possible in public expenditure and the House may rest assured that the recommendations of the Committee will be most carefully and earnestly considered by Government and the resulting economies enforced during the course of the year.

Income-tax Investigation Commission

18. Before I pass on to deal with the estimates for the coming year I should like to mention the progress made in the work of the Income-tax Investigation Commission. Honourable Members will remember that the Act constituting the Commission assigned two duties to it, first, to investigate and report on all matters relating to taxation on income, with particular reference to the extent to which the existing law relating to and procedure for the assessment and collection of such taxation is adequate to prevent evasion and secondly to investigate specific cases referred to the Commission by the Central Government. On a study of the working of the Income-tax law and its administration during recent years, the Commission came to the conclusion that on a long-term view the first task was no less important than the second, and as work on the second had for various reasons necessarily to be slow, the Commission devoted a great part of its time till recently to the first task. This involved the examination of voluminous evidence tendered in reply to a comprehensive questionnaire which was issued, and the Commission has recently submitted a long report in which it has made recommendations on many points of law and of administration. These recommendations are now being examined with a view to the necessary legislation being introduced, and it is hoped that it will be possible to place a Bill before the House at its next session. Copies of the Commission's report, I may say, will be distributed to Honourable Members along with the Budget papers before the House rises today.

19. As regards the investigation of specific cases referred to it by Government, the Commission has completed a few cases. Greater progress was not possible for a variety of reasons. Firstly, it was only in April 1948 that the necessary staff for investigation work could be placed at the disposal of the Commission. This was because it was not possible for the Income-tax Department to spare their more experienced officers for this work before April, 1948, in view of the shortage of officers in the Department and the large amount of arrears that had to be collected. However, this difficulty has now been overcome to some extent, and the officers authorised by the Commission are working in different cities carrying on investigation under instructions and directions given by the Commission. It is the material gathered by them that will form the basis of the Commission's further work.

Another factor which has delayed the disposal of specific cases taken up for enquiry is that it has been found that a good deal of general enquiry and collection of facts and figures is a necessary preliminary to the investigation of the specific cases. These general enquiries and the collation of the materials collected have taken a considerable time, but the work is proceeding apace. Once this is completed, it may be hoped that the disposal of specific cases will be expedited.

In this connection I may add that the possibility of disposing of the referred cases by agreed settlement is being explored, and a Bill will shortly be placed before the House for vesting the necessary powers for making such settlements in the hands of the Commission.

Financial Year, 1949-50

20. I now turn to the estimates for the next financial year. At the existing level of taxation, I place the total revenue at Rs. 307.74 crores and the expenditure charged to revenue at Rs. 322.53 crores leaving a deficit of Rs. 14.79 crores.

Revenue

[Dr. John Matthai]

21. The total receipt from customs is estimated at Rs. 107.25 crores. This provides for a full year's effect of the changes in the tariff in the course of this year as part of the campaign against inflation. Central excises are expected to bring in Rs. 57.75 crores, including Rs. 7 crores from the recently imposed excise duty on superfine cloth. Receipts from income-tax, which include Rs. 11.22 crores on account of Excess Profits Tax and Rs. 12.01 crores on account of Business Profits Tax have been placed at Rs. 155 crores. Honourable members will remember that it was decided last year that advance payments of tax should be taken direct to revenue instead of being treated initially as a deposit and, as a first step in the process of changing the accounting procedure, advance payments of Corporation Tax were taken direct to revenue in the budget for the current year. Next year, as a further step in the process, I have taken credit in the revenue estimates for Rs. 12.5 crores for a part of these advance payments that will be received during the year. I hope that the change will be completed over the next three years. The divisible pool of income-tax is estimated at Rs. 90.7 crores of which the Centre will retain, Rs. 46.85 crores leaving Rs. 43.85 crores as the Provincial share. The profits from Currency and Mint, after allowing for the share of Pakistan are estimated at Rs. 9.7 crores.

The revenue from the Posts and Telegraphs Department is expected to amount to Rs. 30.26 crores and working expenses and interest to Rs. 28.63 crores, leaving a surplus of Rs. 1.63 crores. As in the current year this surplus will be shared equally by general revenues and the department which will get a rebate of interest on its share of the accumulated profits, expected to amount to about Rs. 10 crores at the end of the budget year.

The contribution from the Railways for next year has been taken at Rs. 4.72 crores, the amount provided in the Railway Budget.

Expenditure

22. The total expenditure in the coming year is estimated at Rs. 322.53 crores of which Defence Services will account for Rs. 157.37 crores and civil expenditure for Rs. 165.16 crores.

23. *Defence Services.*—Following the customary procedure I shall first deal with the Defence estimates. The Defence Budget for the coming year shows an increase of Rs. 1.94 crores over the revised estimate for the current year, the excess in which I largely ascribed to the operations in Kashmir. The House may well ask why with the cease fire in Kashmir there is no decrease in the Defence Budget. The main reason for this is that the reduction in the strength of the armed forces cannot be made over-night and the process of demobilisation has necessarily to be spread over a period similar to the recruitment and training of the forces. The current year's revised estimates reflect the expenditure on the gradual building up of our strength while the budget for next year would reflect the gradual reduction in that strength. Since both the processes take time, the average strength of the troops during the budget year is unlikely to differ materially from that in the current year. In framing the budget for next year we have taken into account the improvement in the Kashmir situation following the cease fire and our hope that this cease fire will eventually lead to a peaceful solution of the problem. The House will naturally not expect me to go into greater detail in this matter but I must utter a warning that if for any unforeseen reason these hopes on which we have based our estimates are not realised, it may be necessary to exceed the provision now proposed. It has also to be remembered that the recent grant of an *ad hoc*

earnings allowance to employees of the Central Government has added Rs. 4 crores to the Defence Budget next year. The budget for next year also includes additional provision for the expansion of the Navy and the Air Force. As the House is aware, our Navy till recently consisted of only a few sloops and frigates designed primarily for port defence but with the achievement of independence the Navy has been called upon to shoulder greater responsibilities than before, for which it is necessary to have a balanced force, complete with aircraft carriers, cruisers, destroyers and submarines. With this end in view, Government have recently approved the first phase of a 10-year plan for the Navy, confined mainly to the recruitment and training of the personnel in the various branches of the Navy. The last war proved conclusively the overwhelming importance of the fleet air arm and the House will be glad to know that a beginning has already been made in this respect and that the budget includes provision for the establishment of a fleet air arm. With regard to the Air Forces also, plans for their expansion and development are going forward. It is hoped to train sufficient technical man-power to make it a more balanced and effective force.

24. Before I pass on to civil estimates I would like to refer to a change in the preparation of the Defence Demands for next year. The provision for supplies and stores which was previously pooled together and included under one Demand for all the three Services, except for certain Naval and Air Force stores, has now been split among the three Services—Army, Navy and Air Force. This change will make the estimates for each Service self-contained to a greater extent than before and enable the Defence authorities to exercise a closer and more efficient control over the expenditure in their respective Services.

25. *Civil Estimates.*—I now come to the Civil Estimates. Details of the estimates under individual heads are, as usual, given in the Explanatory Memorandum circulated with the budget papers and it is unnecessary for me to deal with them at any considerable length here. I should like, however, to refer briefly to certain special items for which provision is included in these estimates. The budget next year includes Rs. 9.35 crores for the relief and rehabilitation of refugees. In addition, a provision of Rs. 23.27 crores has been made for the same purpose in the capital budget, Rs. 21.34 crores for loans for rehabilitation including loans to Provincial Governments and the Rehabilitation Finance Administration and Rs. 1.93 crores for buildings. The expenditure on food subsidies and the payment of bonus on procurement under the revised policy is estimated at Rs. 32.97 crores next year. The estimates also include Rs. 10 crores for the meeting of pre-partition claims and Rs. 12.83 crores under the various heads of expenditure for development schemes.

26. Of the total expenditure of Rs. 165.16 crores provided in the budget for next year, Rs. 52.82 crores are accounted for by the expenditure on refugees, the payment for food subsidies and pre-partition payments, leaving Rs. 112.34 crores for normal expenditure. This includes Rs. 10.06 crores for tax collection, Rs. 41.97 crores for obligatory expenditure on payment of interest and pensions and provision for debt redemption, Rs. 2.04 crores for planning and resettlement. Rs. 2.23 crores for expenditure on Currency and Mint, Rs. 2.95 crores for grants-in-aid to Provincial Governments and Rs. 24.20 crores for expenditure in the nation building spheres such as Education, Medical and Public Health, Broadcasting, Aviation and on Scientific Surveys and institutions in which the Central Government largely supplement the work of Provincial Governments. The balance of Rs. 28.89 crores represents the provision for administration, Civil Works, etc. and represents only 17.5 per cent. of the total civil

[Dr. John Matthai]

expenditure. In addition to Rs. 24.20 crores in the nation building spheres mentioned above, provision has also been made for the grant of Rs. 26.81 crores to Provincial Governments for development and 49.25 crores for loans.

27. Honourable Members are aware that in recent months a large number of Indian States have been merged in the neighbouring Indian Provinces or taken over for administration direct by the Centre as part of the policy of unifying the country under the guidance of my distinguished colleague the Deputy Prime Minister. Ultimately the revenue and expenditure of these States have to merge in those of the Provinces or the Centre depending on the subject to which they pertain. But the process of integration is still incomplete and for the present the transactions of these States have been kept separate in a deposit account and not included in the revenue and expenditure of India. If, as may be hoped, the integration is completed in the course of the coming year, these transactions will be included in the revised estimates for the year.

28. On the basis of the estimates of revenue and expenditure that I have explained so far, the anticipated deficit for next year is Rs. 14.79 crores. I shall return to the question of how I propose to deal with this deficit in a later part of my speech.

Post-War Planning and Development

29. I mentioned earlier that as part of the campaign against inflation, Government had to review their whole programme of expenditure and reduce the outlay both in the capital and in the revenue budgets. Even so, substantial amounts have been included in the budget for grants to Provincial Governments and for Central schemes of development. So far as the Provinces are concerned it is not the intention that the scale of assistance promised to them by the Centre for their development schemes and on which they have formulated their plans should in any way be reduced. All that is happening is that the pace of this assistance is being temporarily slowed down in view of the urgent need for economy and in so doing special care has been taken to see that the progress of productive schemes and schemes of long range importance essential for national development is not held up. The House will remember that last year we laid down the policy that the grant each year from the Centre should be limited to half the amount spent on the approved schemes. Some of the smaller Provinces whose resources are limited asked for the waiver of this condition and in spite of our own difficulties we have agreed for this year and for next year to allow them grants up to the total amount they may spend on approved schemes. The budget for next year includes a provision of Rs. 26.81 crores for grants and Rs. 49.25 crores for loans to Provinces for development.

30. For Central schemes of development including resettlement a provision of Rs. 12.83 crores has been made in the revenue budget and Rs. 24.97 crores in the capital budget. Details of the provision are given in the Explanatory Memorandum and among the important schemes I would mention the expansion of the Forest Research Institute, Dehra Dun, the development of the forest estate in the Andamans, the preliminary work on a number of river projects like the Kosi, the Assam Valley, the Narbada, Tapti and Sabar-mati schemes, investigations in Coorg, Central Provinces and Bastar, the re-organisation of the Central Waterways Navigation and Irrigation Research Station, the expansion of the Indian Agricultural Research Institute and the development of basic education. The budget also provides Rs. 2.19 crores for the Central Government's share of the expenditure on the Damodar Valley Scheme, Rs. 90 lakhs for buildings for development schemes, Rs. 4.93 crores for the Fertiliser Factory under construction at Sindri, Rs. 2.92 crores for the expansion of civil aviation and Rs. 96 lakhs for the expansion of Broadcasting.

In the sphere of industrial development a beginning is also being made in the starting of basic industries essential for national development. Among these I would mention the Government Telephone Factory for the manufacture of telephone equipment, the setting up of a Shipping Corporation in which a total sum of Rs. 6.98 crores is expected to be invested this year and next year, the setting up of new steel works and factories for the manufacture of wireless equipment, synthetic oil, machine tools, cables, Diesel engines and heavy electrical equipment. A beginning will be made in the establishment of these industries which will be developed in subsequent years.

Capital Expenditure

31. With regard to capital expenditure I have just mentioned the provision included in the budget for development schemes. The House will doubtless be interested in the provision made in the budget for normal capital expenditure. But before I describe this, I must mention certain special transactions which have been entered in the capital budget this year. The first is the payment to the U.K. Government for the purchase of annuities for meeting the sterling pensions which accounts for a net debit of Rs. 215.68 crores this year and a recovery of Rs. 7.42 crores next year for which credit has been taken. The second is the payment, again to the U.K. Government, as part of the Sterling Balances Agreement of Rs. 133.33 crores for the Defence stores and installations taken over from them against which Rs. 51.57 crores will be recovered this year and Rs. 11.8 crores next year from Pakistan and from the sale of surpluses. The third is the outlay of Rs. 5.93 crores on the acquisition of the shares of the Reserve Bank of India this year. Lastly, there is a provision of Rs. 5.08 crores this year and Rs. 92 lakhs next year for payment to Pakistan for setting up Ordnance factories and other unique institutions. As part of the partition arrangements it was agreed that as most Ordnance factories and institutions like the Security Printing Press and the Currency Note Press were located in India and it was not desirable to break up these institutions, a sum of Rs. 6 crores should be made available to Pakistan for setting up similar institutions in Pakistan. This payment will be added to Pakistan's partition debt to India. Excluding these special items and the provision for development schemes and grants to Provinces the provision for normal capital expenditure amounts to Rs. 44.09 crores this year and Rs. 62.42 crores next year. Of the provision this year, Railways account for Rs. 27.15 crores and the Posts and Telegraphs Department for Rs. 2.91 crores. Next year's budget provides Rs. 28.49 crores for the Railways, Rs. 3.82 crores for Posts and Telegraphs and Rs. 7.9 crores for schemes of State Trading, mainly for the purchase of foodgrains the cost of which will be recovered in the following year.

The House will remember that a provision of Rs. 14.99 crores was made in the budget for the current year for capital outlay on Defence. The actual expenditure is now estimated at Rs. 9.91 crores, the decrease being mainly due to the delay in the completion of certain plans for major works and the procurement of aircraft. For next year a provision of Rs. 15 crores has been included of which Rs. 7.24 crores will be spent on the Army, Rs. 2.79 crores on the Navy and Rs. 4.97 crores on the Air Force.

Ways and Means

32. I now turn to a brief consideration of the ways and means position. The current year's budget provided for a total borrowing of Rs. 150 crores from the market and to a net receipt of Rs. 31.25 crores from small savings. For a variety of reasons to which I have referred in another part of my speech the gilt edged market remained inactive throughout the year with very little investment demand. It was not therefore possible to borrow on the scale originally contemplated. For next year I have made a modest

[Dr. John Matthai]

provision of Rs. 85 crores for market loans. But if, as I hope, conditions improve the scale of borrowing will be raised. Next year Government have the option, of repaying the 3 per cent. loan 1949-52 with an outstanding balance of Rs. 67 crores. I have assumed that this amount will be repaid and in my estimate of borrowing next year I have taken this return of money to the market also into account. In the present inflationary conditions, it is of the outmost importance for the economy of the country that the community should save as much as possible and lend its savings to the State. I trust that the recent measures taken by Government to meet the inflationary situation would help in restoring public confidence and that this time next year I shall be in a position to give a more heartening picture of public co-operation in the Government's borrowing operations. As regards small savings, there has been in recent months some improvement in the net receipts from Savings Banks and in the sale of National Savings Certificates. The House will remember that last April Government issued two new series of certificates with a currency of five and seven years to cater to the smaller investor and also raised the maximum limit of investment in both Postal Savings Bank and National Savings Certificates. It is too early to assess the result of these measures but Government are doing all in their power, in co-operation with the Provincial Governments, to stimulate and sustain the small savings movement. It is hoped that the budget anticipations in regard to receipts from this source will be exceeded this year by Rs. 1.6 crores. For next year I have allowed for some further improvement and taken credit for a net receipt of Rs. 37.56 crores.

33. I now pass on to my proposals for dealing with the deficit of Rs. 14.79 crores anticipated in the coming year.

34. The prospective deficit is substantial and I am sure that the House will agree with me that in the present inflationary conditions it should not be left uncovered.

35. The problem before me is not merely that of raising the additional revenue to cover this deficit. I have also to consider the adjustments in taxation necessary in the light of the experience of the working of the tax system in the period since the House passed the budget for the current year. Fiscal policy is not an end in itself but has to subserve the ends of national policy and in a transitional period like this it is essential to keep the working of the taxation system under constant review and readjust it in the light of changing circumstances.

Apart from inflation, to which I have referred in detail elsewhere, the most disconcerting element in the economic life of the country today is a deep, underlying fear of the future, of which the stagnation in the capital market is an index. In my view one of the most urgent tasks before a Finance Minister today is to concert measures designed to remove this fear and to secure a revival of confidence. It is clear from recent experience that the formation of capital in this country has been seriously affected, with the result that investments in both Government loans and industry have been falling off. Unless this stagnation is checked and conditions are created in which the incentive to save and to invest is revived, the industrial expansion of the country and the execution of the plans for raising the living standards of the people are bound to be delayed. In formulating the proposals which I shall place before the House, I have kept this requirement prominently in mind.

Reliefs in Taxation

36. I shall first deal with the various measures of relief which I propose to give.

In the field of direct taxation, my first proposal is to abolish the Capital Gains Tax. At the time this tax was introduced it was expected to yield a large revenue, but it synchronised with a period of falling values and the yield from this tax has, in consequence, been small. Its psychological effect on investment has, however, been markedly adverse and it has had the effect of hampering the free movement of stocks and shares, without which it is hardly possible to maintain a high level of industrial development. In present circumstances, I consider the retention of this tax ill-advised. The loss of revenue is estimated at Rs. 1 crore.

My second proposal relates to income-tax. Here I propose to give some relief to income-tax payers in the lowest and medium income groups. The tax on incomes upto Rs. 10,000 a year will be reduced by a quarter of an anna from one anna to nine pies in the first slab and from two annas to one anna nine pies in the second slab. This class has been severely hit by the rise in prices and a certain degree of relief in their case is justified. The loss is estimated at Rs. 3 crores.

My third proposal relates to super-tax. Here I propose two reliefs designed to meet the criticism that the existing level of taxation leaves little incentive for saving and investment and that it is illogical to ignore the differentiation between earned and unearned income above Rs. 1½ lakhs. In respect of earned income I propose a reduction of an anna and a half in the rates charged on incomes above Rs. 1½ lakhs, leaving the maximum rate of tax for income-tax and super-tax together at 14 annas. For unearned income, I propose a reduction of 6 pies in the maximum rate of super-tax. The cost of the two concessions will be Rs. 2.1 crores.

Of the total loss of Rs. 6.1 crores involved in these concessions, Rs. 3 crores will fall on the Provinces by reducing the divisible pool of income-tax and the balance on the Centre.

37. Before I leave the subject of direct taxation I would like to mention two changes which I propose to make. The House will remember that in the budget for the current year my predecessor gave a concession to companies with an income of Rs. 25,000 and below by reducing their income-tax to half the usual rates. This concession was meant to encourage the growth of smaller companies but the reduction, which was allowed in income-tax, has given rise to considerable administrative difficulties, wholly out of proportion to the amount involved or the benefit accruing to the companies. I have carefully reviewed the position and come to the conclusion that while the concession should be continued it should take the form of a rebate of half the Corporation Tax, and should be limited further to public-controlled small companies which are not branches or subsidiaries of bigger companies. The result of this change will be that the entire cost of the concession will fall upon the Centre, and the Provinces will not have to share it. The amount involved is likely to be small and I have therefore made no specific provision on this account in the estimates for next year. The second change relates to the taxation of incomes of privately-controlled companies which do not declare their dividends in India. It may be recalled that there was a serious anomaly in the administration of income-tax law relating to the recovery of super-tax from shareholders, in respect of the dividends paid out of Indian profits, by companies incorporated outside this country. It was difficult to obtain from these companies information concerning the names of their shareholders and the amount of dividends paid out of Indian profits and consequently there was a considerable loss of revenue. The problem of plugging this leakage was consi-

[Dr. John Matthai]

dered last year and my predecessor introduced a scheme whereby an extra tax of one anna was imposed on all such companies with a view partially to recouping this loss. As part of the scheme, an amendment was made to the Income-tax Act so as to confer personal immunity from further taxation upon the share-holders of such companies. The amendment, however, had the effect of conferring immunity from super-tax not merely upon the dividends actually received, but also upon the dividends which under the operation of section 23-A of the Income-tax Act could be deemed to have been received from privately-controlled companies. Therefore, if the matter had been left there, the profits of these companies would have escaped with an overall impost much lighter than that to which they were subject under the previous law. This point was met by applying to this category of companies the rates of income-tax and super-tax prescribed for individuals or associations and the definition of "company" was altered to permit of this being done by executive action. The arrangement, however, has not been satisfactory, and after a careful review of the matter I have decided that instead of attempting to tax each such privately-controlled company as an individual, the principle of applying an average rate should be adopted. I accordingly propose that all corporations, whether Indian or non-Indian, should continue to be treated as companies but a further super-tax of one anna should be paid by those privately-controlled companies that do not distribute their profits in India. I propose to apply this method commencing with the current year. It will not involve any change in the revenue estimates.

38. There is one aspect of the complaint about the high taxation in relation to industry to which I would like to make a passing reference. Owing to the steep rise in the level of prices of raw materials, wages and working costs, large amounts of working capital are needed to maintain production. Replacement costs are also higher, and there have been complaints that the calculation of depreciation allowance for purposes of taxation on the original cost of the asset involves great hardship. It has been suggested that industries should be allowed to revalue their existing fixed assets at the present day prices so that future depreciation allowance may be given on the basis of the revaluation. The Government of India considered this problem in all its aspects last October and came to the conclusion that while the difficulty complained of was real the solution proposed was not practicable. It would give no assistance to those who have immediately to replace their worn-out assets and there was no point in giving a concession to others who, at some future date, may not be required to pay the high prices now prevailing. It was, however, realised that some relief should be given to those who were prepared to renew and re-equip their capital assets immediately, in spite of the prevailing high costs. It was decided that for all new plant and machinery installed during the five years from the 1st April 1948, depreciation allowance at double the ordinary rate will be allowed. It has also been decided that if by 1st April 1953 there is a drop in the general level of prices, the difference between the written down value of the assets and the corresponding value at the reduced price will be allowed as an additional depreciation allowance. For existing plant and machinery, it has been decided to grant extra depreciation allowance for increased wear and tear if triple shifts are worked. I trust that these concessions will go a long way in meeting the complaints of industry in this matter. In addition, the concession given last year of a reduced rate of income-tax to companies which do not distribute a part of their profits as dividends, and the recent limitation, for a temporary period, of the amount that may be distributed as dividends will also enable industrial concerns to accumulate reserves for meeting the increased cost of replacement.

39. I now turn to the reliefs in indirect taxation.

The House will remember that in the budget for the current year an export duty was levied on oil seeds and vegetable oils. This was justified at the time by the wide disparity between the internal prices of these commodities and their export prices and it was then felt that the levy of this duty will not affect our export market. The effect of this duty has since been carefully reviewed, and it is now clear that its continuance hampers the maintenance of our exports, particularly to the dollar countries, where we have to meet severe competition. In the interests of the export trade I propose to withdraw this duty altogether. The loss in revenue is estimated at Re. 1.5 crores.

As a measure of assistance to civil aviation and to foster the development of flying clubs and the training of Indian pilots, it is proposed to give a rebate of half the duty on aviation spirit used by air companies, flying clubs and others. This concession is estimated to cost Rs. 40 lakhs.

Honourable Members are aware that it has been the policy of Government to give relief in respect of customs duty on raw materials imported for industry. In pursuance of this policy it is proposed to give relief next year in the case of a number of imported articles, the total cost of such remissions being estimated at Rs. 35 lakhs.

40. The net effect of all the reliefs mentioned so far is a reduction in revenue of Rs. 5.35 crores, raising the prospective deficit to Rs. 20.14 crores.

New and Additional Taxes

41. Before I deal with proposals for new taxation I would mention certain changes proposed in the postal rates. With the rapid development of a network of air services over the whole country, it has been decided to utilise this facility for accelerating the delivery of mails and transmit all first class mails, namely, letter and post cards as far as possible by air. The existing surcharge on air mails will accordingly be abolished and as all mails will hereafter be carried over as much of the distance as possible by air, it is proposed to revise the existing rates for letters and post cards. The rate for letters will be raised from 1½ annas to 2 annas for the first tola or fraction thereof the rate for each subsequent tola or fraction thereof remaining unchanged at 1 anna. For post cards the present charge of six pies will be raised to nine pies, the rate which was in force prior to the 1st July 1946. The net additional revenue from the revision of these rates and the abolition of the surcharge on air mails is estimated at Rs. 2.84 crores.

42. I now come to the problem of covering the remaining deficit of Rs. 17.3 crores. It is obvious that at the present level of taxation there is now no scope for raising additional revenue by an increase of direct taxes. As regards customs duties, the level of our import duties is, in my opinion, so high that no substantial increase in revenue is likely to result from enhancing them. The levy of export duties has to be carefully regulated with reference, not so much to our revenue needs as to be the need for maintaining and developing the country's export trade which earns the foreign exchange necessary for financing essential imports. While some adjustments may be found possible in respect of import duties and export duties could be utilised to some extent, we can no longer rely on customs duties for raising substantial additional revenue and we shall have to depend increasingly on developing excise duties.

43. I shall first deal with customs duties. I propose to retain on the tariff next year the changes made by ordinance in November last as part of the campaign against inflation and complete the process of raising the duties on

[Dr. John Matthai]

luxury items, which was then begun, by a number of further changes in the tariff. To this effect I propose to levy a surcharge on liquor equivalent to the basic duty, to raise the surcharge from one-fifth to one-half on fabrics containing silk, artificial silk, woollens and their mixtures and cotton knitted apparel, to double the surcharge on artificial silk yarn and thread, earthenware and china, and to raise the duty on paper (other than newsprint), stationery articles, glass and glassware including sheet and plate glass, cutlery, metal furniture, flashlights, photographic appliances and clocks and watches. The additional revenue from all these changes is estimated at Rs. 2.4 crores.

I also propose to raise the import duty on motor spirit from 12 annas a gallon to 15 annas a gallon. The excise duty will also be similarly raised. This will bring the duty on motor spirit to the level of 1945-46, when consumption of this article was regulated by more severe austerity standards, and bring in an additional revenue of Rs. 2.55 crores, taking Customs and Central Excise together. I have considered the implications of this course on transport and am satisfied that it will not retard the development of transport or add materially to the cost of road transport.

My next proposal is to raise the import duty on betelnuts from 5 annas a lb. to 7½ annas a lb., with the present preference of 6 pies a lb. for imports from British colonies. This will bring in additional revenue and will also be in the interests of the indigenous grower. The yield is estimated at Rs. 1 crore.

In the sphere of export duties I propose a new duty of 15 per cent. *ad valorem* on exports of cigarettes, cigars and cheroots. I am satisfied that this will not affect the export market for these goods. The estimated yield is Rs. 60 lakhs.

44. I now turn to changes in Central Excise Duties. I have already referred to the increase in the excise duty on motor spirit as complementary to the increase in the import duty. I propose further changes in respect of sugar, tyres for motor vehicles and cotton cloth. I propose to increase the duty on sugar from Rs. 3 per cwt. to Rs. 3-12-0 per cwt. which will yield Rs. 1.5 crores. The duty on tyres used for motor vehicles will be raised from 15 per cent. *ad valorem* to 30 per cent. *ad valorem*, which will bring an additional revenue of Rs. 70 lakhs. As regards cotton cloth, as the House is aware, a duty of 25 per cent. *ad valorem* was levied on superfine cloth with effect from 1st January 1949, as one of the measures against inflation. This duty will be continued next year and in addition, it is proposed to levy a duty of 6½ per cent. *ad valorem* on fine cloth and a quarter anna per yard on coarse and medium cloth. The duty will be confined to mill-made cloth and will not be applicable to cloth woven on handlooms. The revenue from this additional duty on cotton cloth is estimated at Rs. 9 crores.

45. The excise duty on cloth has a long and bitter history behind it and I must explain to the House my reasons for introducing it. In the first place, the circumstances in which we are levying the duty today are different from those in which it was levied by a foreign Government in the interests of a foreign industry. In the second place, it is necessary to replace the heavy loss in revenue resulting from the abolition of the salt duty by developing some other equally stable source of revenue. Cloth, with a large internal production and as an article of universal consumption, offers itself as the most obvious choice for a tax on consumption. Thirdly, in the present conditions, as the price of imported cloth remains high and the import duties thereon

have been enhanced considerably, the proposed excise duty is not likely to affect the indigenous industry. I would also mention that this duty is likely to assist the handloom industry. During the war years when there was no control on handloom cloth and supplies for civilian use were restricted the handloom industry had an assured market for its products. With the Indian mills steadily expanding their production and imports from overseas also tending to increase, the advantages which the handloom industry had during the war years will gradually disappear. The excise duty now proposed, which adds slightly to the cost of the mill product, will, in some measure, help the handloom industry to retain its market. From the point of view of the consumer the incidence of this duty, particularly on the middle and lower middle classes using coarse and medium cloth, will be negligible and in view of the substantial revenue that is expected from it I trust the House will accord its approval to it.

46. While on the subject of Central excises, I may mention the question of rationalising the duty on matches, which I have had under consideration for some time. The ideal arrangement will be to have one standard size of matches but owing to practical difficulties in production it is not possible to achieve this. I have therefore decided that two sizes, namely, 40s and 60s should continue in production and I have made some slight readjustment in the rate of duty. Factories whose annual output is less than 5 lakhs gross boxes will now benefit by the levy of a somewhat lower rate of duty. Necessary amendments to the tariff will be made through the Finance Bill but this will not involve any change in the revenue estimates. With the provision of the two sizes I hope that the retail prices will not exceed 6 pies and 9 pies per box and that the consumer will get the benefit of the partial standardisation without any loss of revenue to the exchequer.

Net result of proposals

47. I may now summarise the net effect of all the proposals that I have placed before the House. The various measures of relief which I have suggested in direct taxes will result in a loss of revenue of Rs. 8.1 crores; the abolition of the export duty on oil seeds and vegetable oils will involve a loss of Rs. 1.5 crores; and the rebate of duty on aviation spirit and industrial raw materials will cost a further sum of Rs. 75 lakhs. As I have already stated, this will bring the total loss of revenue to Rs. 5.85 crores, raising the prospective deficit from Rs. 14.79 crores to Rs. 20.14 crores. The increases in customs duties and, the new export duty on cigarettes and cigars will yield Rs. 6.23 crores the net increase in Postal rates Rs. 2.84 crores, and the increases in Central Excise Duties Rs. 11.52 crores. The final effect of these proposals is to convert the prospective deficit into a small surplus of Rs. 45 lakhs.

Conclusion

48. Sir, I have come to the end of my story. It is not pleasant for a Finance Minister to appear before the House with a record of deficits and proposals for additional taxation but a Finance Minister is as much the creature of circumstances as any one else. Part of the heavy expenditure which Government have now to meet is due to extraordinary circumstances and but for these special demands, the budget would have shown a substantial surplus. As I have mentioned earlier, the present economic conditions in the country make it an imperative necessity to balance the budget. In laying fresh burdens of taxation the House will accept my assurance that I have done my best to secure that they are equitable and that no section of the community is made to pay more than its fair share.

[Dr. John Matthai]

49. On a survey of world conditions today, I feel that we have good reason for taking a hopeful view of our financial position. We are not alone in having to fight scarcities and inflation. These problems confront most countries in the post-war world. We can, however, take comfort from the fact that, unlike some other countries, our financial position is intrinsically sound. We have only a moderate public debt in relation to our national income and we have considerable external reserves with practically no external debt. We have weathered the storm and stress of the partition and its terrible aftermath. In spite of the heavy demands on our resources for the relief and rehabilitation of refugees, the import of food on an unprecedented scale from overseas and the defence of Kashmir against aggression, we are in a position to balance our budget, without sacrificing any of our essential schemes of development. We have made some headway in the fight against inflation. The curve of production is slowly rising and we have plans in hand for increasing the food production of the country. I do not wish in any way to minimise our difficulties or suggest that we can take a complacent view of the situation. A balanced national budget may, and often does, cover a multitude of ill-balanced family budgets. In this respect, we have still a formidable task ahead of us, the task of fighting want, sickness and poverty and raising the living standards of the millions to whom the emancipation of the country will be a mockery unless it is translated in terms of opportunities for a fuller, freer and better life. This task is not beyond our resources but it requires the co-operation of all classes and sections of the community in a spirit of partnership in a high adventure. I have no doubt that this co-operation will be forthcoming and I pray that my stewardship of the finances of the country may contribute in some degree to the accomplishment of this task.

SUMMARY OF FINAL ESTIMATES

Revenue	(In lakhs of Rs.)	
	Revised 1948-49	Budget 1949-50
Customs	117.25	107.25
Central Excise Duties	50.25	57.75
		+3.98*
		+11.52*
Corporation Tax	57.25	41.81
Taxes on Income other than Corporation Tax	190.75	113.19
		-6.10*
Opium	1.08	1.18
Interest	1.42	1.19
Civil Administration	7.05	6.78
Currency and Mint	13.05	9.70
Civil Works	1.02	1.02
Pre-partition Receipts	13.40	
Other Sources of Revenue	6.52	5.37
Posts and Telegraphs—		
Net Contribution	3.73	1.63
		+2.84*
Railways—		
Net Contribution	7.34	4.72
Deduct—Share of Income-Tax revenue payable to Provinces	-41.79	-43.85
		+3.00*
TOTAL REVENUE	338.32	322.98

*Budget Proposals.

Expenditure	(In lakhs of Rs.)	
	Revised	Budget
Direct demands on revenue	9.88	10.06
Irrigation	8	12
Debt Services	39.91	39.29
Civil Administration	38.35	40.50
Currency and Mint	2.76	2.23
Civil Works	8.15	7.32
Pensions	2.68	2.68
Miscellaneous—		
Expenditure on refugees	19.45	9.85
Subsidy on foodgrains	31.96	32.97
Other expenditure	5.30	5.12
Grants to Provinces, etc.	2.96	2.96
Extraordinary items	2.21	2.06
Defence Services (net)	155.43	157.37
Pre-partition Payments	20.75	10.00
TOTAL EXPENDITURE	339.87	322.53
DEFICIT	-1.55	SURPLUS +45

Mr. Chairman: The Budget papers will now be distributed before the Honourable the Finance Minister moves the next motion standing in his name. One of the papers now distributed is the Report of the Income-Tax Investigation Commission. This has been marked confidential and not meant for publication. Any breach of the obligation by the members of the Press will be regarded as a breach of the privileges of the House.

INDIAN FINANCE BILL, 1949

The Honourable Dr. John Matthai (Minister of Finance): Sir, I move for leave to introduce a Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949.

Mr. Chairman: The question is:—

"That leave be granted to introduce a Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949."

The motion was adopted.

The Honourable Dr. John Matthai: I introduce the Bill.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Tuesday the 1st March, 1949.

Part II

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES
(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Tuesday, 1st March, 1949.

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

QUESTIONS AND ANSWERS

(See Part I).

11-50 A.M.

REPEALING AND AMENDING BILL.

The Honourable Dr. B. R. Ambedkar (Minister of Law): Sir, I beg leave to introduce a Bill to repeal certain enactments and to amend certain other enactments.

Mr. Deputy Speaker: The question is:

"That leave be granted to introduce a Bill to repeal certain enactments and to amend certain other enactments"

The motion was adopted.

The Honourable Dr. B. R. Ambedkar: Sir, I introduce the Bill.

CANCELLATION OF MEETING FOR 2ND MARCH, 1949

Shri H. V. Kamath (C. P. and Berar: General): Before we proceed to other business, may I bring to your notice the fact that to-morrow's meeting of the Assembly has been cancelled, but we are meeting on Saturday. In view of this may I request you that the questions tabled for to-morrow may be taken up on Saturday.

Mr. B. Paker (Madras: Muslim): May I know why the meeting for yesterday was cancelled?

Mr. Deputy Speaker: I shall refer the honourable member to paragraph 19(a) regarding the allotment of question time during the Budget Session:

"When the question-hour is eliminated owing to the cancellation of a meeting of the Assembly or its adjournment without transacting any business, all the questions, both starred and unstarred, originally entered in the lists of questions for that day will be treated as unstarred questions for the next meeting, and will be printed along with their answers in the Official Report of the latter day. No fresh lists of such transferred questions will be printed but at the next meeting the original lists, marked as unstarred, will be placed in the House in the sets of agenda papers for that meeting."

Shri H. V. Kamath: May I point out another rule: that the first hour of every day shall be devoted to the answering of questions?

Mr. Deputy Speaker: It is true. That is being complied with so far as Saturday is concerned, because we have no questions tabled for that day.

CHARTERED ACCOUNTANTS BILL.

PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Shri K. C. Neogy (Minister of Commerce): Sir, I beg to present the report of the Select Committee on the Bill to make provision for the regulation of the profession of accountants.

TEA COMMITTEE FOR INDIA BILL.

PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Shri K. C. Neogy (Minister of Commerce): Sir, I beg to present the Report of the Select Committee on the Bill to provide for the development of the tea industry under Central control, and for that purpose to establish a Tea Committee for India and levy a customs duty on tea produced in, and exported from, India.

INDIAN JUDICIAL PROCEDURE BILL.

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

Pandit Thakur Das Bhargava (East Punjab: General): I move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to clarify and modify the law in practice hitherto followed in Criminal applications for special leave to appeal to His Majesty in Council for Criminal cases decided by the Indian Courts, be extended up to the 25th March, 1949."

In the original motion before the House the date is 11th March. With your permission I want to amend this to 25th March.

Mr. Deputy Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to clarify and modify the law in practice hitherto followed in Criminal applications for special leave to appeal to His Majesty in Council for Criminal cases decided by the Indian Courts, be extended up to the 25th March, 1949."

The motion was adopted.

TIME FOR STUDY OF BUDGET PAPERS.

Begum Aizaz Rasul (U. P.: Muslim): Sir, I want to bring to your notice the fact that the two days that have been allowed to the Members of this House to study the Budget is a very short period and I should like to request you to allot more time for its study before the general discussion of the Budget takes place. In the provinces four days are given to the Members to study the Budget papers before the General Discussion takes place.

Mr. Deputy Speaker: Two days have already been allowed—one is a holiday and the other is a working day; all the same honourable members will have two days technically. But I am sure such honourable members as have not been able to study the papers sufficiently will take part in the discussions in the end.

Shri Biswanath Das (Orissa: General): In this connection, may I make a submission, Sir? Even in provinces Members are given more time to study the budget than is given here. This is a very complex budget. We just have one working day and one holiday. Some of us will have to attend committee meetings even on the holiday. Under these circumstances, I would request you to consider the position and extend time.

Mr. Deputy Speaker: I am afraid I am unable to do anything in this matter. This matter has already been decided by Mr. Speaker. However, I find that three days have been allotted for General Discussion—we are all accustomed to the General Discussion. So far as voting of Demands for Grants is concerned, more pointed attention may have to be paid to it and I find that nine days have been allotted for it. Therefore, I do not think that the present time table need be altered.

HINDU CODE—contd.

Shrimati G. Durgabai (Madras: General): It is with great pleasure that I rise to support the motion made by the Honourable Minister of Law. I also feel that I should express my deep debt of gratitude to Sir, B. N. Rau and his colleagues on the Committee who have bestowed great labour on the report which forms the basis of this Bill.

The Bill to codify the Hindu law when it goes on the Statute Book, will be a great landmark in the social history of this country. Before I go in greater detail into the main provisions of this Bill I would like to stress one point. Honourable Members are aware of the fact that the provisions of this Bill are of a permissive or enabling nature. They impose no sort of obligation or compulsion on the orthodox section of the Hindus. Their only effect is to give the growing and clamant body of Hindus, men and women, the freedom to live a life which they wish to live without in any way affecting or infringing their liberty to adhere to the old ways.

I wish to confine my remarks only to one or two main objections that have been raised against the Bill. The first objection is against the attempt at codification itself. It is urged that many of the principles of the Hindu Law are now well-settled, and as it would unsettle the settled law, a code is not called for at all. The other objection is that far from preserving the principles of Hindu Law which have been handed down from generation to generation, an attempt at codification would tend to introduce principles which are quite alien to Hindu society. It has been said that the Legislature has no right to alter the law of *smritis*, *shrutis* and sages of great repute. At 12 Noon other charge against the Hindu Code Bill is that it seeks to introduce changes of a revolutionary character and, therefore, it will destroy the law laid down by *smritis* and *Dharma*. My answer to all these objections is that it is just because many of the principles of the Hindu Law are now well-settled, that an attempt to set down all these principles into a systematised and easily understood code should be made.

Hindu Law as it exists today is rigid without being certain. Many judicial decision and precedents have outlived their usefulness. As an English writer puts it, the case law on the subject has become a luxuriant jungle where it is not possible to see the wood for the trees. There are frequently conflicting decisions of various High Courts given from time to time. Even the decisions of the Privy Council on some of the intricate questions of law are widely felt to be out of accord both with ancient authority and also modern spirit. A uniform and unified law will prove a boon to Hindu society, because it would save considerable time of law students and also practitioners who have otherwise to take a considerable number of years to get to acquire a full grasp of the law. Even the ordinary citizen will also be able to read the code and say to himself, "Within this cover is the whole basis of my rights, privileges and obligations." A code will also minimise the time and labour of Judges and it would also induce the speedy administration of justice. To be without a code is, in my opinion, to be without justice.

The objection that it has introduced changes of a revolutionary character is mainly voiced by vested interests. The subordination of some of the present interests to secure the future interests of the country is always a thing to be welcomed. As a matter of fact, this Code does not really go far enough in that direction and that is my opinion.

The bulk of the agricultural property is excluded from the operation of this Code. Therefore, it is urged that your object to have a uniform law is frustrated. Why attempt a Code at all if this object is defeated? My answer to that objection is this. What is aimed by this Code is to have a

[Shrimati G. Durgabai]

uniform law for all Hindus, but not a uniform law necessarily for all kinds of property. In the interest of agriculture itself, if not for anything else, separate laws and special laws will be enacted by appropriate legislatures which may include a special law of succession which is quite different from the law of succession applying to other forms of property.

Now I come to what I consider as the main objection, that is, the giving of a share to the daughter. This was opposed on many grounds that it would lead to disintegration and fragmentation of property, besides introducing a foreign element in the shape of the son-in-law. And also it is objected to on the ground that the simultaneous heirship of a daughter with a son would simply shatter the Hindu society. Also it is said that if the daughter takes away a share the love of her brothers is lost. It is also said that sons in many families would simply be ruined under the double burden of marriage expenses and also a share to the daughter. May I ask what sort of affection it is of the brothers if only it would involve putting a little more strain on their own self-interest? May I also ask if no share is given to the daughter the sons' love will be greater?

With regard to fragmentation I fail to understand how this question can be raised, as it has already been said that agricultural property is excluded from the purview of this Bill. This point was raised by one of the honourable members of this House and we are all aware that the bulk of agricultural property is excluded from the operation of this code. It would only apply to urban and movable property. What they mean, I feel, by fragmentation is diminution of the share which they will get if the daughter is also given a share. The daughter being of the same flesh and blood should there be so much uproar, I ask, if a share is sought to be given to her?

With regard to the introduction of a stranger into the family my answer is that the property which the daughter takes from her father, if necessary, by legislation may be made to form as part of her separate property. The evil or the good resulting from the legal provision depends also on the particular individual i.e., son-in-law concerned. I do not want to say much about this.

It should be noted that the daughter, as do the sons, demands a share if need be only after the death of the father and there is absolutely no question of her demanding a partition when the father is alive. Therefore I do not see why some honourable members should object to this. As the Law Minister has already dealt with the matter the *smritis* themselves have recognised the share of the daughter to her father's property and therefore there is nothing revolutionary about this and the attempt to exclude the daughter on the ground that she does not contribute to the spiritual benefits of the father or her ancestors is I say unjust and unfair.

In this connection the argument is put forward, why not the daughter take a share in her husband's property and not come to ask for a share in her father's property? This appears to be a compromising formula. I may say straightaway that this compromise formula is not or will not be acceptable to women. We say that we should be recognised on a basis of equality. This code proposes to abolish the distinction that exists on the basis of sex and that should be removed. The daughter should be recognised as an heir and should enjoy her property in her full right as a daughter and as an heir to the father. As regards the question of disintegration I have already dealt with the matter. The evil could be met by different ways. Fragmentation can be stopped and consolidation could be secured by special laws. If the

property goes down to a certain extent that could be sold and the shares could be adjusted. There are different ways how this problem could be tackled and the argument on that score could not be advanced that the daughter should not get a share. Hence the Select Committee has recommended, based on this principle of equality that she should be given an equal share with the son. I appeal to the honourable members of the House to support the recommendation made practically unanimously by the Select Committee in this regard.....

Shri H. V. Kamath (C.P. and Berar: General): Dr. Ambedkar was not in sympathy with that.

Shrimati G. Durgabai: Therefore when it is said that the daughter takes a share both from the father and from the husband and the husband takes nothing, how about this? The Select Committee has recommended that the man also can inherit the wife's property in the same way as the wife inherits the husband's property and also the son will be given a share equal to that of the daughter's in the mother's property just as the daughter claims a share in her father's property. Therefore there should be no difficulty even in this regard. For those who oppose this Bill on these grounds there is one answer given. I do not want to quote because the time is limited and other members are anxious to speak (*Honourable Members*: 'Go on. Take your time'). Mr. V. V. Srinivasa Iyengar pointed out in this connection that those who oppose this legislation on religious grounds labour under a misunderstanding that Hindu law has remained static from the time of Manu. That is not the position.

This takes me on to another subject and that is about the status of women with reference to the holding of an estate absolutely and not in life. The Bill seeks to remove this disqualification attached to woman's estate and it gives her the right to hold property absolutely and not for life only. The main argument in favour of limiting the estate in the case of women is that they are incapable of managing it and also that they are likely to be duped or exploited. Also it is said that they are illiterate and they do not understand the principles of management and hence there will be a strong inducement to designing male relatives to take away her right. My answer to all this is this. The House is aware that the daughter has an absolute estate in Bombay today. Therefore on that ground I do not think they are exposed to any risk. The other argument is that we have scores of instances where women have proved better managers than men. Also there is one more argument. No doubt I agree that women are illiterate but may I ask you how many men are literate? Three out of four men continue to be illiterate today. (*An honourable Member*: 'Nine out of ten'.) Therefore the relative advantage enjoyed by men is confined only to one in four of the male population (*An honourable Member*: 'They are the sons of their mothers'.) and it should also be remembered that the percentage of literacy among women is rising very much faster today than it is among men. (*Shri H. V. Kamath*: 'Question'.) With regard to the quantum of her share I have already stated the position of the Select Committee. We have recommended an equal share to the daughter. I appeal to you that you should be generous enough to endorse the recommendation made by the Select Committee without any hesitation on your part. I will now come to another subject, namely monogamy. However much I wish to speak on this subject, I do not do it because of the limited time at my disposal. Not only that, but this has been dealt with amply by the honourable the Law Minister and also by several other speakers. Many arguments have been put forward on economic and social and other grounds; even religion and spiritualism have been sought in

[Shrinati G. Durgabai]

aid to support their arguments. But feelings were expressed in a very light-hearted manner; if only a man is healthy and wealthy, why not he marry and marry again! Also, that if the rule of monogamy is enforced many Hindus will become Muslims in order to secure the benefits of polygamy! I need not answer this question because I have found one lady witness very ably and effectively answering this point. She said that if the rule of monogamy is not enforced, it may be that women will become Christians in order to secure the benefits of monogamy. But neither of them I think is serious.

Shri B. Das (Orissa: General): Do you think a Christian woman is happier than a Hindu woman?

Shrinati G. Durgabai: As the honourable the Law Minister has already stated, the force of world opinion and the practices prevailing in the whole world are there and they are in favour of monogamy. Therefore I need not deal with this matter any more.

Neither have I time nor is it desirable for me to take the other aspects of the Bill because there are other Members who will deal with the questions like marriage and divorce, but I only wish to say something on co-parcenary. The distinction between *mitakshara* and *Dayabhaga* came as a result of the different interpretations put by the commentators and other interpreters. Fundamentally, the basis of joint family is there common to both. The right by birth and the principle of survivorship is a distinctive feature of *Mitakshara*. The *Dayabhaga* system has in actual experience proved very satisfactory and the Bill therefore seeks to replace the *Mitakshara* system of inheritance by *Dayabhaga*. It is said the greater prosperity of the people in Bengal and their increasing commercial enterprise is due to a large extent to the *Dayabhaga* system. I am told that the commercial enterprise of Nattukottai Chettiyars in Madras is largely due to their ideas of legal relations of the members of their families which approximate more to those of partnership than is the case in Brahmin joint families.

Much has been said on this subject, therefore I do not want to labour this point. I feel that the opposition is more due to their love for this ancient institution, but those who oppose it I think oppose it because they forget the fact that Hindu Law and *Dharma* on these matters remain static and no changes have been made. Various judicial decisions have made changes from time to time into this system and the institution has been simply shorn of its characteristics. This point has been very ably answered by a very great lawyer like S. Srinivasa Ayyangar, who said that under the Hindu Law, as authoritatively interpreted by the Privy Council, the unity is broken by any member at any time by a unilateral declaration of his intention to separate from the family. This is quite sufficient to answer that charge against the breaking up of the co-parcenary or the replacement of the *Mitakshara* by *Dayabhaga*.

I do not want to take more time of the House. Many things have happened since the achievement of freedom and India has been participating in international conferences and pleading for human rights and also for equal treatment of Indians in foreign countries. It will be a great misfortune if at this juncture we fail to enact a Hindu Code within our own borders, in which there will be no discrimination and where there will be equality for men and women to move, to develop and to contribute to the re-building of our India. Our Constitution is in the making, we have already passed the Chapter on Fundamental Rights, and recognised the principle of equality of everyone before law. We have also passed the provision enabling ourselves to have a

uniform Civil Code. Therefore, I make this appeal to you. Let us not be wanting or halting in having a Code of Hindu Law for ourselves which will prove a great boon to our own society in the way in which I have already stated.

Pandit Lakshmi Kanta Ma tra (West Bengal: General): Sir, I am thankful to you for giving me this opportunity to put in a few words what I feel regarding the motion before the House, namely the consideration of the Hindu Code. I know I am in a position of great disadvantage inasmuch as I could not be present when the Motion was debated during the first two days, as I had to be away from this place. I had, in the few moments I could snatch in the midst of my preoccupations, noticed Press reports that my honourable friend the Law Minister, Dr. Ambedkar had, made a magnificent speech in support of his motion. Also, that an equally powerful speech—I am not making any comparison, I rely on reports, though there is a divergence of opinion even among the reporters that an equally powerful speech was made on the other side by Pandit Thakur Das Bhargava.

I listened with considerable attention to the four speeches that have been made in favour of the motion and the one against it. As the debate was going on yesterday, I could see the mood of the House—sometimes hilarious, but when a Member sought to differ from the main provisions of the Bill all manner of gibes and ironical cheers greeted him all through. (Honourable Members: 'No, no.') I am glad it is not so. Well, I think it will give me some encouragement because most members know—I think every single member knows—which way I will speak. I do not know how I came to attain this sort of notoriety—I could not say, fame—that I do not support the provisions of this Bill. I will make no secret of it. (An Honourable Member: Why should you?) because I will speak out my convictions. I know what a delicate task it is for me to be addressing this House, constituted as it is and in the mood in which I find it. I know that I may have to rue the temerity which I have shown by taking courage in both hands to say what I feel. It is rather helpful that immediately before I address this House, I have had the opportunity of listening to my honourable sister, Shrinati Durgabai, who has made a closely reasoned speech in support of this Bill.

I must apologise to my sister for not being able to agree with her in the theories which she has so confidently assumed as being almost accepted by all. She finished her speech with a peroration, appealing to the House to give effect to the principle in the Draft Constitution providing for equality for all in the eye of the law. Yes, we have done that. She also reminded us that we have already passed, as one of the Directive Principles of the Constitution, that there should be a uniform Civil Code for the whole of this country. I am glad she gave me the starting point of my speech today. When this subject was debated a couple of months ago in another place and when it was brought out elsewhere informally, I registered a vehement protest against this provision, as I felt that it was nothing but an outcome of shibboleths and slogans—a uniform Civil Code for a country inhabited by 32 to 34 crores of people professing all manner of faiths: Hinduism, Sikhism, Jainism, Buddhism, Christianity; and last but not the least, Islam! I tabled amendments that the personal law should be secure and that this was an encroachment by the State on the personal law of a person which the State had no right to make.

Maulana Hasrat Mohani (U. P.: Muslim): Hear, hear.

Shrinati Renuka Ray (West Bengal: General): That is the reason why you should support this Hindu Code.

Pandit Lakshmi Kanta Maitra: The honourable sister in front of me says that it is the reason why I should support the Hindu Code. May I say that that is the very reason why I am going to oppose the Hindu Code—one of the main reasons. You must be logical. I can understand the feelings of my sisters. Do not think that I am a hater of women, that I am a misogynist, or that I have no feeling for women. (*An Honourable Member:* 'He is a married man'.) Yes I am a married man. I have a humble wife—married according to Hindu shastric rites,—a simple, unsophisticated lady, bred up and nurtured in the ideals of our Hindu homes. (*The Honourable Dr. B. R. Ambedkar:* 'What a pity') It is a pity! May be, but I have not much of love or liking for the lavender, lipstick and vanity bag—variety of that sex. I am happy, and I am sure out of every hundred Hindu homes, 98 have got these types of wives and are quite happy. (*An Honourable Member:* 'Why 98? 99.9 per cent, are so') I am glad, a friend says it is 99.9 per cent, recurring. That enforces my argument. So I can tell my honourable friend Dr. Ambedkar that I have not felt the necessity for the drastic changes that he has sought to introduce in this Bill. (*The Honourable Dr. B. R. Ambedkar:* 'Neither did I feel any'.) My honourable friend says he also did not feel the necessity. If he did not really feel any necessity for these sweeping changes, then do I take it that it was due to his megalomania that we have got this Hindu Code Bill? I have very great admiration for my honourable friend Dr. Ambedkar, with whom I had the privilege to work for a number of years before this Assembly. I respect him. I know the performance he has been daily putting in in connection with the Constitution Act. (*Honourable Members:* 'Hear, hear') I appreciate him. I admire him. But I will never appreciate what he has been doing in connection with this Social Legislation which is sure to disrupt the Hindu society by the revolutionary changes which very few of us can now realise. (*Honourable Members:* 'No revolution. No, no') Yes, I am glad it is "No, no." If this Bill is passed into law.....

Babu Ramnarayan Singh (Bihar: General): No.

Pandit Lakshmi Kanta Maitra: What no?

Babu Ramnarayan Singh: It would not be passed into law.

Pandit Lakshmi Kanta Maitra: I see. If this Bill is passed into law as it is I will then see who is a better prophet—myself or those who say "No, no."

Shri L. Krishnaswami Bharathi (Madras: General): You wait and see.

Pandit Lakshmi Kanta Maitra: Well, wait and see. Posterity will judge, and I do not think you will have to wait till posterity. You will have to wait only till the next General Election to see what the country has to say about you and your work.

Maulana Hasrat Mohani: Hear, hear. Well done.

Pandit Lakshmi Kanta Maitra: Sir, the first point raised by my sister Shrimati Durgabai was that having passed that Directive Principle, you should not now object to the Hindu Code. When that Directive Principle was accepted by the House, I thought that the snake had been killed—the Hindu Code Bill,—but I now see that the snake was only scotched; it has reared its head again and will in time spread out its fangs of venom. If you are true to your Directive Principles, if you mean to act on them, then why bring the Hindu Code Bill. Bring a Universal Civil Code applicable to

Hindus, to Christians, (*Shri L. Krishnaswami Bharathi:* 'Will you support it?') to Parsis, to Sikhs, to Jains, to Buddhists, to Muslims. You dare not touch the Muslims but you know that Hindu society today is in such a bad way that you can venture to do anything with it. Only a few ultra-modern persons, who are vocal, but have no real support in the country, are interested in this Bill. (*Interruption*).

Mr. Deputy Speaker: Let him proceed.

Pandit Lakshmi Kanta Maitra: Millions of dumb people, ignorant but not the less intelligent or sensible simply because they do not have the collegiate education, or are not members of the legislatures, think that such a radical change in their personal law is not called for. They are not to be ignored.

Shrimati Renuka Ray: Then do not draw up the Constitution.

Pandit Lakshmi Kanta Maitra: I therefore feel that there is no sincerity in the acceptance of the principle of one uniform Civil Code for the whole country; or else, how could you, within two months of it, come out with this Hindu Code Bill which seeks to govern only the Hindus, Sikhs, Jains and Buddhists?

Shrimati Renuka Ray: Hindu Code came much before.

Pandit Lakshmi Kanta Maitra: You have omitted Christians, Muslims, Parsis.

Maulana Hasrat Mohani: Muslims will never accept any interference in their personal law.

Pandit Lakshmi Kanta Maitra: You need not have reminded me. I know that. I perfectly appreciate the proposition of my honourable friend Maulana Hasrat Mohani. But all the same, I think this is a fundamental departure from the accepted principle in the Constitution.

When my honourable friend Shrimati Durgabai said that codification is justified. She tried to prove that an irresistible case had been made out for codification. With all respect to my sister Shrimati Durgabai I submit I stand unconvinced. I can understand the necessity for codification when the law is in a state of flux or that there is much diversity of opinion, or a good deal of vagueness or uncertainty about it. Codification should in such a case be undertaken by the best legal brains in the country sitting together to give shape to the various principles of law which are more or less in a confusing or uncertain state. Is that the case with regard to Hindu law in this country?

Shri Krishna Chandra Sharma (U. P.: General): It is.

Pandit Lakshmi Kanta Maitra: I accept your statement, but I feel deep regret for the colossal ignorance you have exhibited. Hindu law, if my honourable friend is a lawyer and holds that view, he has not practised. He will please excuse this friendly retort. I can stand interruptions. If you interrupt me you will be only adding ginger to my speech. After the advent of the British to this country, the Hindu law got gradually crystallised. They did not dare to touch the personal law of the people of the country.

Babu Ramnarayan Singh: They brought in limited estate for women.

Pandit Lakshmi Kanta Maitra: I am coming to that straightaway. If I forget to reply to that point, kindly remind me. Hindu Law is such a vast subject that I can talk for hours on it, if the Chair permits me to do so. I assure you, Sir, I am not going to do that.

I protest in the first place against the manner in which this Bill has been sought to be smuggled into this House and through this House. It is an extraordinary procedure, Mr. Deputy-Speaker.

Shrimati Renuka Ray: I object, Mr. Deputy-Speaker, to this insult to the House.

Pandit Lakshmi Kanta Maitra: It is not a point of order.

Shrimati Renuka Ray: This is a point of order, Sir. I object to the remarks made against the House.

Pandit Lakshmi Kanta Maitra: 'Smuggling' I have never understood to be an unparliamentary word. If the honourable member thinks that there is any stigma attaching to it, I would use another word in substitution thereof. I would say that the haste with which this Bill is sought to be passed in the House is extraordinary. Is that also an unparliamentary word? If so, give a parliamentary expression for that. You cannot find a substitute for it. (*An Honourable Member:* 'Commendable speed'). It is a most extraordinary procedure that has been adopted in this House. I have some little experience of parliamentary activity in this House. I have never known an occasion when a Bill of this importance and magnitude has been sought to be passed in the way it is done now.

Shri Brajeshwar Prasad (Bihar: General): It will never be passed. (*Interruption*)

Pandit Lakshmi Kanta Maitra: I like interruptions but I could not catch what he said. If the honourable members think that by constantly interrupting me in this way the effectiveness of my speech will be marred they are mistaken.

The Bill was introduced on the last day of the last Budget session.

Babu Ramnarayan Singh: Last hour.

Pandit Lakshmi Kanta Maitra: You know very well how a Bill of this importance and magnitude, a Bill which seeks to regulate the life and conduct of Hindu society was introduced on the last day of the last session; how at the end of the day's work we sat beyond 5 o'clock for two hours and the honourable the Minister for Law was allowed to make a speech committing it to a Select Committee only three or four speakers, under a rigid time limit were allowed to speak and at 7 o'clock after a short session the motion was carried. Thereafter what happened? It went to the Select Committee. The Select Committee reported on it and on the motion for consideration of that report points of order were raised in this House. I am not going to enter into the merits of those vital points of order. They were disposed of. So great was the impatience that in the last session the honourable the Law Minister wanted to simply say that the Bill be taken into consideration and there was no speech. It was somehow got into the agenda. Very well it was done. Points of order were ruled out and it was found that it was within the competence of the House to go on with the measure as reported by the Select Committee. Now look at the way in which it is being dealt with now. In the short interlude between the Railway Budget and the General Budget this is sought to be pushed through. There is no seriousness about it. Nobody feels its importance. The country at large is bewildered by the way in which we are dealing with a piece of legislation of this far reaching importance. If you attach real importance to it, if you really mean business, if you want that something should be done by way of revising the Hindu law as it is

today, this is certainly not the way to do it. Keep the Bill for a special session. For small Banking Bills and the like you are devoting days and days. That being the case, do you mean to say that a Bill which seeks to regulate the life and conduct of the Hindu community should be dealt with in the haphazard way in which it is sought to be done? I enter my emphatic protest against the way in which this important legislation is being considered. You know how at 3 o'clock yesterday there was the Supplementary Demand for Railways and later in the day the General Budget came in. I wish to submit, Mr. Deputy Speaker that I have not been accustomed to this kind of procedure with regard to Bills of this nature. I ask the old Members of the Legislature to recall a single precedent for this.

Babu Ramnarayan Singh: There is none.

Pandit Lakshmi Kanta Maitra: Sir, the question is, is there any real necessity for codification. I see absolutely none, because, as my learned friend Shrimati Durgabai said, the Hindu law is well settled and it has held the field for about hundred years. The ancient Hindu law, when the Britishers came here, was interpreted with the help of Indian Pandits. They used to call them Judge Pandits who ransacked all the *Smritis* and *Dharma Shastras* and interpreted the law. This process continued till they succeeded in evolving from the vast mass of *Smritis* and *Nibhandhanas* and usages a system of judicial principles constituting the Hindu Law which now hold the field.

Sir, it is well known that the Hindu Law has the oldest pedigree of all the known systems of jurisprudence in the world.

Dr. Mono Mohan Das (West Bengal: General): It is unjust.

Pandit Lakshmi Kanta Maitra: Yes, the Hindu law is unjust! Hindu society is unjust! Hindus are unjust! It is not possible for anybody to reply to an interruption that the Hindu law is unjust. It took only three words to compose that interruption. I do not know if I have the capacity to reply to a sweeping charge like that made in three words 'It is unjust'. Whether a system is good or bad, it is for the society to judge; it is not for disappointed or disgruntled persons to judge. But I may say that the one surest proof of its soundness is that it has been able to stand the test of centuries. No system which is intrinsically bad, unsound or unjust can endure for a long time. Hindu law and the Hindu social system governed by it have been able to withstand the shocks and revolutions which have swept over the country during the ages past. Historic cataclysms have swept off the feet ancient civilisations of countries like Greece, Rome, Assyria, Babylonia which have all crumbled down—whereas Hindu culture or community, which cannot date its origin, still continues to function with all the vigour and vitality, and I am sure, Providence will allow it to function, till we set about to undermine its very foundations, by legislating in these reckless and light-hearted ways. If there was anything essentially weak in the foundations of Hinduism it would not have been able to survive the upheavals that overwhelmed it throughout its long and chequered history. This country has been subjected to foreign rule for over a thousand years. History will tell you how she has shown her wonderful adaptability, reflection will reveal to you that the Hindu law has had in it the germs of flexibility and adaptability which have enabled it to adjust itself at all times to the changing needs and to meet the challenges of the times.

Shrimati G. Durgabai: Hear, hear.

Shrimati Renuka Ray: There is a change now. (*Interruptions*).

100

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [1ST MARCH 1949]

Pandit Lakshmi Kanta Maitra: I am glad that I get a spate of interruptions, which gives me breathing time. Please do that singly. Mr. Deputy Speaker, I am not so big a fool as to hope that many will be convinced by what I say, but I do hope that someone of us at least, may give some little thought to what I say. I earnestly plead that Hinduism, the Hindu Law; the Hindu Culture have got immemorial traditions, age-long moorings, which it would not perhaps be wise for us to sweep away by one stroke of the pen. I make this appeal to my friends to the right and to the left. Sir, I am apprehensive this is just what the present Hindu Code Bill is going to do for us. I do not find anything Hindu about it. It can be more properly called an 'un-Hindu' or 'Anti-Hindu' Code.

Mr. Naziruddin Ahmad (West Bengal; Muslim): Muslim Code.

Pandit Lakshmi Kanta Maitra: Whatever else it may be, it is not a Hindu Code. It does not breathe the spirit of Hinduism; it reeks of un-Hindu ideas; a spirit of supreme contempt for anything Hindu permeates the whole Bill from the beginning to end.

Shri H. V. Kamath: What is the Hindu spirit?

Pandit Lakshmi Kanta Maitra: Sir, do you call that Hinduism? You please think over your system of marriage and inheritance which form the cornerstones of Hindu system or Hindu society; are you going to undermine it in the way in which you are going to do? That is the question that you will have to answer not only to us here but to our countrymen outside and to the posterity.

Sir, I do feel that if we codify the law in the way it is sought to be done, as a simple intellectual pastime, codification for the sake of codification, I will plead with my honourable friends that it is unwise to do that. It is not necessary. No need for it has been felt by anybody. Look at the opinions of the judges of the different High Courts and the district courts. They are the people who have to administer the Hindu law. Has the Government got a vast volume of opinion embodying the demands from the judiciary that Hindu law requires codification and that also in the way in which it is sought to be done? No. Has there been such a general demand from the people who have to guide themselves, guide their lives and conduct by the provisions of this law? Have they demanded it? Has there been that kind of demand? My honourable friend to the right says: No. It is perfectly correct.

Shri L. Krishnaswami Bharathi: He supports you.

Pandit Lakshmi Kanta Maitra: My honourable friend says: he supports me. He supports truth. The country will be taken by surprise at what we are doing. Let us not lay the flattering unction to our souls that we are doing a wise thing. I know I cannot deceive myself in the way in which you are doing. Even if it were wise, I would not have thought it necessary to attempt that codification, because of the reasons I have given. You cannot give any uniformity to it whatsoever; and if Hinduism is anything, it is because of its fundamental unity in the midst of diversity. That constitutes the essence of Hinduism, Hindu law and Hindu culture. In a vast country like this you cannot expect a uniformly standardized sort of life ignoring the natural variety. If you did it, it is no wonder that you would come to grief. You may not realize it just now, but realization would come when the time comes. After all even after this codification, is it going to serve your end? I say: no. The honourable member from Mysore yesterday made a speech. He said: Now the work has been made so simple that by buying a publication worth four annas

or six annas you could know exactly what the Hindu law stood for. So many friends shout 'quite right', 'quite right', but do these enthusiasts realize that even the sponsor of the Bill does not pretend that he is going to codify the whole law of the Hindus? In the preamble he makes a modest claim, not that kind of preposterous claim; he says:

"Whereas it is expedient to amend and codify certain branches of the Hindu law now in force in the Provinces of India."

Therefore what is proposed to be done is to codify certain branches, such as the law of marriage, law of inheritance and law of adoption. Broadly speaking these are the main things.

Shri L. Krishnaswami Bharathi: What is left?

Pandit Lakshmi Kanta Maitra: My honourable friend asks what is left in the Hindu Law. Does my honourable friend think that this is all that the Hindu Law stands for? These three branches cover the entire field of Hindu life and activity in this country? I can only sympathise with his ignorance. What about joint family property, partition, joint family business, religious and charitable trusts, gifts, transfer *inter vivos*, and other things? They constitute a much vaster field which is left uncovered.

Shri L. Krishnaswami Bharathi: Wills is also referred to.

Pandit Lakshmi Kanta Maitra: A mere reference to Wills does not mean that it has received a full and comprehensive treatment. In any case, I am grateful to Dr. Ambedkar. He is modest; he never claims to have brought forward an exhaustive Code. If my honourable friends on my right think this is all the Hindu Code, they are out Ambedkaring Ambedkar. Sir, even if this Hindu Code is adopted in the form in which it has been brought before us, it will fail of its purpose for another reason also. My honourable sister Durgabai and my honourable friend from Mysore said yesterday, well, why do you worry about this: this will not lead to fragmentation of agricultural property. I do not know whether they realised that they were furnishing one of the strongest arguments for rejecting this Bill. Unconsciously, my sister and brother have furnished one of the strongest arguments for the rejection of the Bill outright. You are going to regulate the disposition of property. It is now generally accepted that 90 per cent. of the immovable property in this country is in the villages, in the provinces, leaving aside the Centrally administered areas. Therefore, they would be out of the purview of this Code. To house or other immovable property inside the Centrally administered areas, directly under the Government of India, this Code will apply. Then, how is this claim satisfied that this Code applies to all the Hindus in all provinces? This is a very strong argument for throwing out the Bill; throwing out on the ground that it fails in its objective. Besides the three categories I have mentioned, there are so many things which have yet to be covered. The argument would be that provincial agricultural land is purely a provincial subject according to the Constitution Act; so also are religious and charitable trust properties, so also joint family property, and partition, self acquisitions, etc. When this vast field would lie uncovered, I ask the House seriously whether they are really satisfied with the claim of those who think that this is going to be an exhaustive Code or an all embracing Code and that it provides the panacea for all the social and economic ills to which Hindu flesh is heir to. Do they really believe that the 139 sections will be the vitamin tablets which will go to vitalise the whole Hindu society? You may hold that view; the House may hold that view; I do not hold that view. On the other hand, I think this is premature, absolutely premature. Even if the Hindu Code be passed into law, it could not come into force until all the provincial Governments pass

[Pandit Lakshmi Kanta Maitra]

similar legislation in their own provinces for devolution of agricultural land. Every single province will have to do it before this Act could come into force in all the provinces. I am not now talking of the States; I am talking of the provinces. Besides, it is not inconceivable that the provinces may be taking different decisions. It is not for the Central Government to force the Provincial Governments to legislate on a particular line of succession, a particular line of devolution of agricultural property according to its dictates. Then provincial autonomy will fail to the ground and I am certain that the provincial Ministries will not touch such a proposal from the Centre even with a pair of tongs if such direction went counter to their own views.

Mr. Deputy Speaker: May I state for the information of the House that there are as many as 37 members—I have received chits, letters, and so on from them—who are all anxious—most of them, if not all—to put forward their view points on this Bill. I would therefore suggest, however interesting the speech of the honourable member might be, that the points that have been raised on one side in support of the Bill may kindly be answered by others. Thus, all the points would be threshed out and this will contribute to the richness of the debate as well. Dr. Ambedkar has given a clear analysis of the Code with arguments. Of course, the House would like to know how those points are wrong and how they are met on the other side. Therefore, greater attention may be paid to that and also regard may be had to the number of speakers that are in the waiting list.

Shri H. V. Kamath: May I request you, Sir, to consider, in view of the vital importance of this Bill, that two or three days time is hardly adequate and that at least a week or two should be allotted for general discussion?

Pandit Lakshmi Kanta Maitra: With great respect to the views which were expressed by you, Sir, if I have given the impression that I was filibustering, I am sorry. I may tell you, Sir, that this Bill is of such great importance that it would be utterly unfair to the House if you ask us to conclude this general discussion thus. Because, in the first stage, we had not the slightest opportunity to make a speech; this is the stage after getting us committed to the principle of the Bill, in which we have to see how best we can serve our country, even within the limited sphere. If there are 36 speakers, there is the clearest possible indication that the Bill has now attracted serious attention and they want to give their viewpoints. Therefore, there is no particular sanctity to the period that is laid down for debates of this kind.

If we do not conclude the discussion today, certainly more days must be found for further discussion of this. This honourable the Law Minister is very zealous about it; he can give another additional session for this; if not, even in this session four or five additional days could be found. The matter must be thoroughly debated. I hope the House will not accept closure; nor do I think that a closure will be moved by the Chief Whip, and a motion of this kind cannot be close by whipping without ascertaining that there has been a full and sufficient debate.

Shri H. V. Kamath: Another point. May I request you, Sir, that the provincial MLAs who are not present here may also be invited to come and participate in the discussion?

Mr. Deputy Speaker: We will now adjourn....

Pandit Lakshmi Kanta Maitra: I have not yet finished, Sir. I take it I may resume after Lunch.

Mr. Deputy Speaker: Yes. We will now adjourn for Lunch.

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

The Assembl y re-assembled after Lunch at Half Past Two of the Clock, Shri S. V. Krishnamoorthy Rao (one of the Panel of Chairmen) in the Chair.

Pandit Lakshmi Kanta Maitra: Before the House adjourned for the recess, I was trying to explain to it how this Code was bound to fail of its purpose in some of the material particulars. I explained that there was no necessity for codification as the Hindu law in all its aspects was not only well-established but well understood by the people who were governed by it. I also explained that those who are to administer this Act—I mean the Judges, the judiciary of the land, including the highest—have never demanded that the law should be codified, and I also explained that the scope of the Bill was very very limited, and that besides providing for marriage, adoption and inheritance there was a vaster field which was left uncovered. While referring to the agricultural land, I may also point out to the House that according to the series of judicial decisions in this country, the question of land involves and embraces, a vast variety of interests and subjects, from the landlord of the topmost grade down to the tiller of the soil, the man behind the plough; and if the Provincial Governments of the different countries were to regulate the distribution of their property in different ways other than that indicated by the Central Act there was bound to be confusion worse confounded.

Then, Sir, I would like to mention that the Code has not only tried digesting the existing Hindu law within its limited sphere, but in that process of collating and digesting, a number of things have been introduced; a number of subjects, particularly in the matter of marriage and inheritance, which go diametrically against the established notions of the Hindus. Therefore, it is not merely a case of digesting, collating; not also merely a question of amending—because amending is a very mild expression: it does a good deal more than that. It introduces innovations, far-reaching changes, not only in the law of marriage but also in the law of inheritance. Sir, I wish I could explain to the House the full implications of the changes involved. But I am physically unequal to the task. I will try rapidly to explain how I look at these changes.

The two categories of changes which in my opinion and also in the opinion of the vast majority of my countrymen are very radical and sweeping, are those that relate to marriage and inheritance. Sir, my honourable friend has no doubt provided for sacramental marriage in his Code. I do not know if in this country, up to the moment the Bill was drafted and given the shape it has now had, people really demanded of the Government of the land to prescribe a procedure by which marriages in this country are to be contracted. I think it is nobody's case that prior to the introduction of this Bill, people had not been marrying or there was a good deal of difficulty in getting ourselves married. But how the question of marriage would be improved I do not know. My fundamental objection to these marriages is, that while on the one hand it characterises one form of marriage as sacramental marriage, inside this sacramental cover there has been introduced a number of things which cannot conceivably be called sacramental or sacred ceremonial marriage. Look at the prohibited degrees: Look at the character of the parties. It can easily be an inter-caste marriage, a marriage outside caste, marriage of *sagotras*, and at the same time it would be sacramental marriage. It is rather curious, Sir, that while a sacramental form of marriage is being prescribed, along side with it there is a civil marriage. I do not know how it finds a place in the Hindu code itself. However, they provided an entirely different thing but a most objectionable thing is that while in the sacramental form of marriage one particular class of prohibited degrees is put in, in the civil marriage an entirely

[Pandit Lakshmi Kanta Maitra]

different category is put; the ambit of the prohibited degrees is narrowed down, so much so that the marriage in many cases becomes purely incestuous marriages. I do not understand, Sir, what necessity was there for this unless we by this measure, want to give direct encouragement to all manner of moral looseness and lawlessness, which unfortunately is invading the youth of this country. Are we here going to give this the *imprimatur* of our sanction? That is the question I would ask my honourable friend very seriously to consider and answer, not in a spirit of banter or levity but with all the seriousness that a difficult social problem demands.

I feel that the basic conception of Hindu marriage has suffered the rudest possible shock by introduction into it of the matter of divorce which is so repugnant to Hindu notions of marriage. Hindu marriage, as ought to be known to every one who professes himself to be a Hindu, who honestly takes pride in calling himself a Hindu, as I myself do, is a sacrament and not a civil contract and as such it will not be difficult for him to admit that divorce is absolutely foreign to its concept. Union by marriage, according to the Hindu Shastras is sacred and absolutely indissoluble (*Interruptions*). If you want me to cut short my speech you will kindly interrupt me only on important matters. I am not afraid of interruptions—I know how to answer them, I can answer them in my own way. But if you keep on interrupting me, my speech will be unduly long and you also may not feel happy over the replies I will give.

Babu Ramnarayan Singh: It ought to be so:

Pandit Lakshmi Kanta Maitra: The institution of divorce in this country, or in any country for the matter of that, has not been found to promote the well-being of the community for whose benefit it exists. As an humble student of sociology, I have had occasions to read reports of matrimonial courts. An honourable Member referred to Judge Lindsay and I believe he also had in view the "Revolt of the Youth". I do not know whether my honourable friend realised that he unconsciously provided one of the stronger arguments for opposing this form of marriage when he referred to that great Judge. I want honourable members carefully to consider if within the family circle we should permit matrimonial alliances to spring up between a person and his mother's brother's daughter or his father's sister's daughter, as has been provided in this Hindu Code.

Shri H. V. Kamath: It is common.

Pandit Lakshmi Kanta Maitra: It may be common in South India, but South India is not the whole of India. My whole point is that if there is a particular form of practice in a particular part of the country, you should not go out of your way to see that it is provided for the whole country.

I come from a province which is not in the South. It is a backward province, educationally, culturally—call whatever you like that benighted backward province of Bengal. I know of the domestic conditions of the families inhabiting there. Go to any Hindu household in Bengal, you will find that besides the sons, daughters and other natural heirs, all manner of relations, sisters, sons, nephews, nieces, maternal uncles' sons, uncles' daughters all knit together and maintained in the joint family system. They are all regulated and restrained by moral and religious influences. You will find it in almost every household.

The Honourable Dr. B. R. Ambedkar (Minister of Law): What is the difficulty?

Pandit Lakshmi Kanta Maitra: I shall tell you where the difficulty is. There is no difficulty for those who have no family of their own. The difficulty happens in this way. For dividing trouble here I shall illustrate with reference to myself. If in my family my sons, daughters, father's sisters' daughters and sons, mother's daughter's sons and daughters etc. sister's daughters were to live together, and if one of my sons contracts intimacy with his first cousin even when he is a minor or an adolescent, knowing human nature being what it is, do you eliminate the possibility of this attachment growing up and culminating in marriage? If you do, you are poor students of history, poor students of sociology and poor students of psychology. After all, the call of human flesh is there and no legislation, however omnipotent can root out this natural and powerful impulse in mankind. If you sanction matrimonial unions between blood relations,—between closest relations in the household, I shudder to think what would happen to society?

The Honourable Dr. B. R. Ambedkar: Nothing.

Pandit Lakshmi Kanta Maitra: Nothing of course, if you do not care for society; nothing, of course, if you believe in a kind of society only where there are only social butterflies sucking honey here and there and making merry; but I am for a society which has attained or will attain for India the position which is her own, the position for which she is respected all the world over. If you throw away all these things, if you put up a sort of *Vademecum*, a Hindu Code, where you find all sorts of marriages, between first cousins and blood-relations sanctioned, if you legalise all these incestuous marriages the society will be a sink of moral degradation.

Shri L. Krishnaswami Bharathi: We protest against the use of the word 'incestuous'. It is very wrong to condemn outright a system which is prevailing in large parts of the country. It is a reflection on a whole province.

Mr. Chairman: Order, order.

Pandit Lakshmi Kanta Maitra: Therefore, I cannot but raise my voice of protest against such a system, because I believe that marriage between first cousins is not conducive to the well being of society from the biological and eugenic points of view and is opposed to the notions of Hindu Law.

Shri L. Krishnaswami Bharathi: No, no,

Pandit Lakshmi Kanta Maitra: Thus, not only from the point of view of society, but also for the peace and purity of family life, I want that this should be condemned. It is immoral and outrageous.

Sir, my honourable sister, Durgabai, said quite rightly, that monogamy should not be opposed. I do not know of any honourable Member in this House who really does not want monogamy. Monogamy everyone of us want, not for our mere likes; circumstances have forced us to accept this monogamous marriage. It is a fact. Polygamy has passed away completely from the upper classes of this country not by legislation. That is my main contention. If you want to eradicate a social evil you should work up from within not from above. If my honourable friends look to the history of this country, they will find my position amply proved. We all know the miseries and sufferings of Hindu widows. There are so many cases of child and young widows which break our hearts or at any rate it ought to break our hearts. In fact, in the past generation, the late Pandit Vidyasagar of hallowed memory was so much moved by it that he got passed the Hindu Widow Remarriage Act. But the country was not prepared for it and what was the result? The Act virtually became a dead letter and has remained so till now. That is bound to be the fate of all social legislation which have not originated from a demand from within the society.

[Pandit Lakshmi Kanta Maitra.]

I was telling the House that polygamy has virtually disappeared from the country for a variety of reasons such as a growing sense of responsibility in conjugal life, growing consciousness among womanhood and above all the interplay of all manner of forces, most important of which is economic, which makes it impossible to indulge in the luxury of having many wives at the same time. Therefore I say there is no necessity for any legislation for it. It has automatically died out: the custom has fallen into disuse. It may be argued that there are some strata of society where it prevails. There also I want to sound a note of warning. You cannot stop it by force or compulsion. You have got to create public opinion and when these unfortunate brethren of ours come to realise the evils of this system they will discard it. If, on the other hand, without bringing up their standard, without creating a consciousness in them by education and public opinion you try to thrust your legislation down their throats, I would request you to realise the effect that it will have on them. Just as my honourable sister was telling us they will say: This is our society; it is such a castiron mould and they would not allow us to have another wife. We will go to another form of society, embrace another religion where this is permissible. Any sociologist, any man interested in social reform will have to pay heed to that as well. The fear is not altogether an unfounded one. Anyway I feel that if you codified the Hindu law, all that should have been done was to prescribe the essentials of marriage,—the requirements on the part of the contracting parties, their ages, their mental and physical capacity, prohibited degrees of relationship and things like that. Those who believe in social ceremonies and functions, may go through the form of ceremonial marriage but the essentials of marriage should not be allowed to vary between civil marriage and sacramental marriage. If there is a demand in the country for inter-caste marriages I will not stand in its way. If people want to marry outside their castes let them by all means invoke the provisions of the Civil Marriage Act of 1874. There is nothing at present to stand in the way of people who are anxious to marry outside their castes. If there are *bona fide* attachments among intercaste boys and girls it is not that we want to stop or prevent them. They have got the facilities open to them even under the existing law, the law to which I referred earlier. You can change that law. You can repeal or modify certain provisions so that people marrying under that Act will have their children governed not by the Indian Succession Act as at present but by the Hindu Law. I have no objection to that but I fail to understand why in a Hindu Code side by side with the sacramental marriage you are allowing civil marriage. This must be completely taken out of the Code which should have nothing to do with it. There may be a separate civil marriage law for all.

Sir, I personally feel that if you insist on having the question of divorce in it, then you will have to face the music of it everywhere in the country and unless as public men you have your ears stuffed with cotton, as most public men among us have, you will have to pay very very dearly for it. In any case as a Hindu I emphatically protest against the introduction of this heterodox concept of divorce into the scheme of Hindu marriage.

Now let us come to the question of inheritance. There has also been an innovation in this regard though I do not want to go into very great details. But there also I would like to tell my honourable sister, Shrimati Durgabai, that we are firm believers in the judgment of the Hindu law-givers of old; we are firm believers in the equality of the sexes, though not in the sense in which she talks or her friends talk. Equality must be in the sense of equality of opportunity. You cannot make physically man and woman the same.

Equality must therefore have some other meaning. There is no feeling of inferiority attached to women, there is no discrimination with regard to the education of daughters or their marriage. Our shastras have provided:

“*Kanyapyeavam Palaniya, Shikshaniyatigatnat Deya Boraya Vidusha, Dhana Ratna Samanvita.*”

It means that the daughter also should be educated in the same way as boys, and, in the fullness of time, given over in marriage to a proper groom with dowry including rich jewellery. And in my society, in the Hindu society it is enjoined:

“*Yatra Naryastu Puhyante, Ramante Tatra Devata.*”

It means that Gods bless the households where women are honoured.

Women folk has been accorded such a high and exalted place in Hindu society. I do not deny that there may be hard cases: there are hard cases, where women are not treated in the way they ought to be. But if you have fallen off the ideal of your sages, your saints, your law-givers or your leaders they are not to blame for they have not let you down. The blame attaches to us. If you cannot approximate to the ideals of Mahatma Gandhi in your conduct but preach them in season and out of season or take his name in everything but not follow in his footsteps, the fault is not Mahatmaji's; the fault is ours. Similarly you cannot impugn your Hindu Shastras or law-givers. They have set the standards quite high and it is for you to act up to them. Notwithstanding our best efforts it is not possible to eliminate every case of injustice or hardship. Human institutions are imperfect. No human ingenuity can devise any procedure, any machinery or any agency by which all possibilities of social injustice can be completely eliminated. Let us be frank about that and let us try to realise that.

My honourable friend said in connection with the management of property that she knows of women who are better managers of property.....

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): Of men also!

Pandit Lakshmi Kanta Maitra: Exactly, of men also. I do not think there is any single married man in this House who will dispute that proposition. In the household she is the ruler; she is all in all. The tallest of us. The Law Minister or his honourable colleague will have to crouch before her; however much he may thunder here. There you are ruled not by the rod, but by a strange sort of a whip, a soft, sweet silken cord made up of filaments of love which takes off all harshness and roughness, and menfolk have cheerfully submitted to her rule. She is the queen of the household. Many married people, I think most married people, would frankly admit that.

Shri L. Krishnaswami Bharathi: That is how we have cheated them.

Pandit Lakshmi Kanta Maitra: We are now going to cheat them by this Code. Do you think the greatest justice will be done to them if you simply give them right to property. Mr. Chairman, according to the Hindu notions, a girl has a distinct position, a role entirely different from that of a son. Any honourable member who has read Sanskrit literature or has any knowledge of it—I cannot make any presumption either way, whether most people know it or no one knows it.....

An Honourable Member: The Law Member knows it.

Pandit Lakshmi Kanta Maitra: He may know it, he is a scholar. Well, in *Sakuntala* of our immortal poet, after the marriage of *Sakuntala* and her departure to her husband's place, there occurs a *Sloka* which is classical and which gives you in a nutshell how the Hindu law-givers and the Hindu society

[Pandit Lakshmi Kanta Maitra.]

look upon their girlhood. Immediately after Sakuntala left the hermitage for her husband's place, sage Kanwa said, "Today I feel relieved":

"*Artho Hi Kanya Parakiya Eva Tam Adya Sampreshya Pratigrahita. Jati mamayang Bishadah Prakamam. Pratyarpit Nyasa Ivantaratma.*"

This my heart, my inner self today has been relieved of a heavy burden and I get that inner pleasure of relief." What was that burden? A daughter in the family is like a trust deposit of somebody else's money and just as one feels relieved as soon as that trust or deposit is made over to his rightful owner. So do I feel today having made over Sakuntala to her husband (*Interruption*). Not in these days of law of limitation but I am talking of those days. "Nyasa", means a deposit, trust. If my honourable friend Dr. Kamath wants further interpretation, I am perfectly willing to give that outside the Chamber.

Shri H. V. Kamath: But I am not a doctor?

Pandit Lakshmi Kanta Maitra: More than a doctor; you are doctor, philosopher, lawyer, and legislator. I have great respect for you; you are a nice chap and above all a great patriot.

Sir, that is the conception of girls. So, if the Hindu law-givers did not give them a right of ownership equal to that of the son in the family, it was not because of any aversion, not because of any dislike but because of the simple reason that the girl is made for her husband's family; she is not to become a part and parcel of the family where she is born. That is the whole thing. And therefore no question of injustice or inequality arises. I do not know of any school of Hindu law prevalent in any part of the country where a daughter has been given a distinct share equal to that of the son in the property of her father.

Shri A. Karunakara Menon (Madras: General): It exists in Malabar.

Pandit Lakshmi Kanta Maitra: I am glad that in the South they have got so many things.

Sreematty Annie Mascarene (Travancore State): In Travancore too, sons and daughters share equally.

Pandit Lakshmi Kanta Maitra: I am grateful for this information but all such information emerges from the South; and if my friends from the South ...

Shrimati Hansa Mehta: (Bombay: General): Are they not Hindus in the South?

Pandit Lakshmi Kanta Maitra: Yes but if they are proud of all that in the South, let them not deny us our legitimate right to feel proud of our manners and customs in the North and North-East. That is my humble submission to them. I do not like this type of argument. Because some order of succession, some order of inheritance prevalent in Bombay or some other part has been found suitable there, therefore it must be bodily transplanted into Bengal and elsewhere regardless of all considerations whether it is a plant which can grow and thrive in that particular soil. If a particular institution has been found to work very satisfactorily in the South, it must be allowed to work there; But if it is not found suitable for the soil of the North or the soil of the East or the soil of the West, I do not see any reason or justification for forcibly transplanting it there.

In fact my one very serious objection to the Hindu Code is this: for this craze for theoretical uniformity you ignore completely variety; you have got these things in this part and those things in that part; that itself shows that in this vast country of ours, peculiar social manners and customs have developed

according to the needs of particular places or areas. They must be left undisturbed. In clause 7, however, the Bill provides an overriding power by which all usages, immemorial customs which have the sanction of law should be scrapped. I think it is clause 7.

An Honourable Member: It is clause 4.

Pandit Lakshmi Kanta Maitra: I will take it on my friend's authority. Sir, this in my opinion, is highly objectionable. Clear Proof of usage outweighs the written text of Law. This is a well established dictum.

There are diversities of customs and manners because of the diverse needs of the people that compose this vast continent. And therefore:

*Veda vibhinna Smritayah vibhinna,
Nasau munir Yasya matam Na Bhinnam.
Dharmasya Tattvam Nihitam Gulhayam.
Mahjano yena Gatah Sa Pantha*

An Honourable Member: Let us all be mahajans.

Pandit Lakshmi Kanta Maitra: Mahajan does not mean a moneylender.

That is the most unkindest cut of all. That indicates the depth to which society has fallen. We cannot think except in terms of rupee or dollar or shilling or pence. Mahajan has been variously interpreted: as great men; or majority of men. Take it in whatever sense you like:

*Veda khila Sadachar Swashya cha Priyamatmana,
Yasmin Deshe Yadachara.....*

I do not want to weary this House with a lot of other quotations but this is such a subject that I cannot altogether avoid it if I am to convince honourable Members of the justice of my Contention based on Hindu shastras. I have to make myself clear before the House. It may reject what I say; it does not matter; but I represent a constituency—not a purely territorial one—but the constituency of a vast body of men and women who believe in Hinduism and Hindu Society governed by the injunctions of Hindu sages of old. Sir, I represent for the time being the views of that constituency. It is true that I have been returned to this Constituent Assembly by indirect election—with four or five votes only, but I may assure the House that I have fought some of the most contested elections in the country from some of the most important constituencies. Immediately before coming to this Constituent Assembly I was representing the city of Calcutta in the Central Legislature. Before that, I was representing the Presidency Division composed of several districts with lakhs and lakhs of people, and the Presidency Division is admitted to be one of the most cultured divisions in India. I know the people. I know their pulse. My native town is a famous seat of ancient classical learning. It is my district Nadia, in Bengal, that gave the new schools of *smritis*, *Tantras*, *Naya*, *Baishnava* Philosophy etc. I am not digressing but I shall be failing in my duty to the inheritors of this great culture if I did not try to place before the House their views and ideas with regard to these matters of the Hindu Code. I owe it to myself and to my community to give my views so that judgement may not go against us by default. Anyway, Let me hurry on.

I have shown you the place, the honour, which our *Shastras* have given to our women. The famous queen Indumati was dead and King Ajah was bemoaning her death thus:

*Grihim Sachiva Mittah Sakhi Priya Shishya Lalita Kalavidhan,
Karuna Bimalkhena Mrityuna Harata vade King Na Ma Hritam*

"Oh ruthless God of Death! What have you not taken away from me? What mischief have you not done to me? By one blow, you have taken away one, who was my *Grihini*—you know what *Grihini* means, the queen of the

[Pandit Lakshmi Kanta Maitra:]
house—who was my *Sachiva*—*Sachiva* means Minister. She was my minister. Not only was she the queen of my family but my minister, my bosom friend in privacy and my devoted playmate in love.”

That, Sir, is the position which our womenfolk used to occupy in our society. Therefore, it cannot be said that out of sheer greed, grouse, animosity or jealousy or whatever you call it, the womenfolk has been relegated to a position of inferiority. If she has not been given a district status in respect of inheritance co-equal with the son, it is because she is meant for some other family than her father's and that the property is to be settled with the persons who will keep up the family, who will maintain the lineage and preserve the sanctity of the family traditions, manners and customs and who will continue the practices and the ceremonies of the family. As soon as a girl is married she becomes integrated into another family; and according to the Hindu conception the status of a wife in the husband's family is a most respectable status—far more respectable than the status of the girl in her own father's house. I will again quote Kalidas' *Shakuntala*. When Queen *Shakuntala* could not be recognised by King *Dushyanta*, who said: “I do not remember to have married you.” Thereupon *Shakuntala* was exhorted by the Rishi to remain in her husband's House even as a maid as that was a more honourable position than to be in her father's place.

The Honourable Shri N. V. Gadgil: That is how men behave!

Shri M. Tirumala Rao (Madras: General): He was suffering from loss of memory.

Pandit Lakshmi Kanta Maitra: No, he was not suffering from loss of memory. It was because King *Dushyanta* was under a curse by which he was to forget everything connected with his marriage; not that he was guilty of a deliberate moral lapse. Amazing ignorance!

Shri B. N. Munavalli (Bombay States): What an excuse!

Pandit Lakshmi Kanta Maitra: I am not the author of *Shakuntala*. Call it an excuse or whatever you like, I do not mind. But I quoted *Shakuntala* because its author Kalidas is a world Poet commanding respect all over the world; and notwithstanding all your disparagement of *Shakuntala*, it will remain the ideal literary master-piece of the world for all time. There ought to be some limit to which disparagement of our national institutions, culture and traditions can be tolerated. Mr. Chairman, I am reminded of a very famous passage in Plato—I cannot recall his words exactly now—but he said, in effect: “Anybody who is false to his nation's traditions, to his glorious heritage and culture is a traitor and is a person who should be given capital punishment”. I do not understand the patriotism of those, the nationalism of those, who have nothing but contempt and jeer for anything that is their ancient culture and heritage.

Shri H. V. Kamath: You have misunderstood. Nobody is against our ancient culture.

Pandit Lakshmi Kanta Maitra: We might differ on many matters in connection with this Code, but nobody's purpose will be served—neither mine, nor yours—by trying to belittle our great ancient sages. They are not coming here for your applause. They do not care for your radio propaganda and newspaper flashes. They did what they considered to be in the best interests of the Community. If today you are going to make a daughter co-equal with the son in regard to inheritance, I am afraid a good deal of complications would arise. When the girl knows that she is getting a share in her father's property, when her brothers know that their sister is a cosharer and as such the property will pass off to some other family with her marriage, whose interest would it be to marry off the girl? I want to know.

Shri H. V. Kamath: Her own.

Pandit Lakshmi Kanta Maitra: My honourable friend says it will be the girl's own interest to marry as quickly as possible. I feel, Sir, that such a girl will find many a pitfall lying about her way.

Shrimati G. Durgabai: You distrust her?

Pandit Lakshmi Kanta Maitra: Not a question of distrust. The Hindu sages have provided that marriages should be negotiated in the best interests of the pair by the guardians of the pair.

Shrimati Renuka Ray: What did *Shakuntala* do?

Pandit Lakshmi Kanta Maitra: I know that *Shakuntala* did not marry that way, but my friend and sister's interruption reminds me of a story. A man had the *Mahabharatha* and the *Ramayana* recited in his house for six months. Thereafter, he asked his daughter: “You have heard the story. What is the lesson you derive?” “Well,” replied the daughter, “from the *Mahabharatha* I learn that I can have five husbands as *Draupadi* had five husbands.” Enquired from the whole of the *Mahabharatha* this is all that she learnt. The daughter in law replied, about the lesson she derived from the *Ramayana*, the daughter in law replied, “It is very clear. As soon as my husband dies, I can be married to my husband's brother.” “You know what happened after *Ravana* died, his widow *Manbandari* married his brother *Bibhisana*.” Sir, according to Hindu law there have been several systems of marriage. There was the *Gandharva* form of marriage for which we have not provided here, though we have the provisions in the Code for Civil Marriage to cover all manner of such cases. So, I say that in an ordinary Hindu house-hold, under this codified Hindu Law, you are going to bring about a change in the relationship between the various members. Is this going to make for the sweetness of relationship or peace in home life?

Babu Ramnarayan Singh: By no means.

Pandit Lakshmi Kanta Maitra: There is not going to be that sweet relationship between brothers and sisters and sisters' husbands that now exists, because after a girl is married, she will have her husband or her son or somebody else in her father-in-law's house to control the property of her father's family and there is bound to be bitterness, bad blood and jealously litigation and all the rest of it. Ultimately the family will break up. Are we going to enact a Code which will facilitate the breaking up of our households? Will the *summum bonum* of Social life be reached when every single family is broken up and domestic peace driven away? It is for you to consider whether this should be done. I feel that these things are bound to happen.

Sir, a girl may be educated. But after her marriage when she goes to her father-in-law's house she is being guided and dictated in all matters either by her husband or by some relation of his and it will not be in her interest to endow her with a share in her father's property by legislation here. You will say you will pass another legislation to prevent her from being dictated in respect of the property she has got from her father. If you are going to endlessly legislate in that way, in order that you may have the intellectual satisfaction of having a Hindu Code, I would leave you alone. I therefore think that this is a revolutionary change and this should not be introduced. This does not mean that I am against making provision for girls. By all means make provision for them. Make any provision for unmarried girls. Make her marriage and her education the first charge on her father's property. Make it absolute charge on that property so that on her marriage when she will be absorbed in the family of her husband she will be divested of her interest in her father's property. But that is not what you are doing. You talk of equality of sex

[Pandit Lakshmi Kanta Maitra.]

justice and fairness but are allowing the girl the right to inherit not only her father's property equally with the son, but also to share her husband's property or father-in-law's property. This is equality with a vengeance. The girl should not get property from both sides. This will also lead to further fragmentation of property.

Shrimati G. Durgabai: The boy will get a share of his mother's property?

Pandit Lakshmi Kanta Maitra: A daughter whether married, unmarried or widowed will get her mother's property. Let my honourable friend read the Hindu Law. Even as it is under the Hindu Law, all categories of daughters are entitled to *Striedhana* property.

Shrimati G. Durgabai: No, no, no, no.

Pandit Lakshmi Kanta Maitra: I say, yes, yes, yes, yes. Thus the daughter is provided according to the present Hindu law. I cannot go on correcting the misapprehensions of others. The Hindu law is there. The members of the legal profession know it. I need not labour the point, I believe, that there is sure to be more fragmentation. This will inevitably lead to increased testamentary disposition and consequent litigation and ultimate ruination.

An Honourable Member: Already there is fragmentation.

Pandit Lakshmi Kanta Maitra: Yes, but two wrongs do not make one right. Because there is fragmentation already, is no argument for making provision for further fragmentation in the shape of more shares to property.

Sir, in this field of inheritance, another innovation has been introduced and I think that is the most devastating of all changes.

Shri B. Das: That is not the principle of the Bill. You can drop it.

Pandit Lakshmi Kanta Maitra: What is the principle of the Bill?

Shri B. Das: I am referring to partition and that is not the main principle.

Pandit Lakshmi Kanta Maitra: The system of inheritance is the backbone of the Bill. Under this Bill you are going to scrap the *Mitakshara* law. Make no mistake about it. The right to property by birth and survivorship, which is the basic foundation of *Mitakshara* law, is going to be swept away. This *Mitakshara* system of law has been governing the country for hundreds of years till there was evolved in Bengal the *Dayabhaga* law founded on the principle of natural justice and affection. Many of my friends who are supporters of the Bill have told me that I should be the last person to oppose it inasmuch as it introduces the principle of inheritance enunciated in the *Dayabhaga* law of my province. My reply to them was that that was no satisfaction to me. I do not want, even if the well-meaning Social Reformers in India wants that that system should be adopted. Even if a superman or dictator comes and tells me: Look here, the law of inheritance in Bengal should be made applicable to all India, I would be the first man to raise my voice of protest against it. The old system has stood the test of time. The change might suit my province, but not all India. I do not want that this *Mitakshara* law of inheritance should be scrapped in favour of one which is neither the *Mitakshara* law of inheritance nor the *Dayabhaga* law. It is a hybrid mixture of both which is conducive to the welfare of none, tending to bring about the disintegration and downfall of Hindu society as it will completely unsettle a well settled order of things.

I think I have exhausted the patience of the House and must bring my speech to a close. (Honourable Members: 'No, no') I have dealt with inheritance. I have dealt with marriage. I feel that these two branches of Hindu law which

are sought to be drastically amended should get fuller consideration. But it will be a tragedy for India, for the Hindu society, if in the name of reform you uproot the Hindus from their safe and ancient moorings which have protected them from the stress and storm of centuries. Let me again repeat that our *Shastras*, besides making elaborate provisions for all matters of social life, left a wide field to well-established local customs and usages. They have been very salutary in their effect, as stabilizing forces in society. If we ignore them and make a fetish of codification we will cast Hindu Law into a mould absolutely inflexible, rigid and cast iron; we will be importing into it unnecessarily a character which never belong to it. We will be transforming it into some thing, which will never be able to adjust itself to the needs of times, as it has been in the past.

Sir, before I conclude, I will touch on the argument which has been advanced here also, but which has been very lightly brushed aside by those who do not like it. It has been argued—and I believe perfectly rightly—that this Legislature is not competent to deal with it.

Shri L. Krishnaswami Bharathi: Legally incompetent?

Pandit Lakshmi Kanta Maitra: Yes. I feel that it is not competent. In any case, if you take shelter behind legal formation, I will tell you, morally you have absolutely no justification for passing this Code. I know this objection was raised not only from people like us, but by people very highly placed in the political life of this country, by people with high political stature; for instance, by a man of the eminence and standing of the Honourable Dr. Rajendra Prasad, the President of the Indian Constituent Assembly, the sovereign body by which in season and out of season, we are all swearing. I want to know whether or not his views deserve our best consideration. Personally, I have very great respect for him. He is not only the uncrowned monarch of Bihar, but he is one of the undisputed leaders of India. Dr. Rajendra Prasad has given the clearest possible indication. He knows not only the people of Bihar but Bengal as well and also other provinces. He set up his practice in Calcutta and up to the middle of his life he lived in Calcutta. It is not for nothing that he gave the warning that the Constituent Assembly, constituted as it is to-day, ought not to discuss a legislative measure of this nature. I can speak for myself. I cannot speak for others. I honestly feel that I have absolutely no right, legal or moral to be a party to any measure, any legislation, which is not absolutely necessary for the day to day administration. I was returned to the Constituent Assembly with four votes only. I can honestly declare here and now that when I sought all those four votes from the Members of the West Bengal Legislative Assembly, I never promised them that I would give them the right of divorce. Neither did they ask for it. I declare that I never promised them that I was going to scrap up the law of inheritance. I never told them that I was going to the Constituent Assembly to create a fresh Portfolio and a Ministry of Marriage, because I feel that such an institution will be necessary here in the Central Government, if this Bill goes through. Look at the formalities that have been provided here. So personally, speaking, I feel that I have no right to give my assent or dissent to this. I can only tell the House that I am not competent, because I had no specific mandate from my Constituency to do it. When I came in through the General Elections there were clear issues before the Country such as the attainment of the freedom of the country and all the rest of it; and the last time we came here, we were enjoined only to draw the Constitution of India. Therefore, it might gratify our vanity that we as members of the sovereign legislature of the land are competent to enact such a legislation but the claim is shorn of all moral content whatever. Nothing would have been lost if we had deferred the consideration of this Bill to some future date after the next General Elections. I emphatically maintain, Mr. Chairman, that the time chosen for its passage through this House has been

[Pandit Lakshmi Kanta Maitra]

most inopportune. After the attainment of independence, problems after problems have been confronting the National Government. Have we been able to solve them? we have not. Are we in the country very popular? By we I mean 'all' including that side. No. Frankly, because we raised expectations which we have not been able to fulfil. That may be due to a variety of causes over which we have had no control; that may be due to an interplay of forces, which took us unawares, absolutely unprepared. But throughout the country you find simmering discontent. As a matter of fact, I do not feel inclined to disclose my identity as a member of the Legislature, of the Constituent Assembly, when I travel in a railway compartment, because the moment they come to know that, they start vigorously criticising us.

Shri B. L. Sondh: (East Punjab: General): Then go by air.

Pandit Lakshmi Kanta Maitra: I have started going by air. Quite true. There also I fare no better. I am not joking. I really feel that the country has become sick of us, disappointed of us because of our failure to do anything real for the common man. Hitherto there had been the Kashmir question. There is the question of commodity prices. Yesterday we had a brilliant performance with the unfortunate—enhancement of post-card rate and the price of cloth.

Mr. Chairman: The honourable Member may confine himself to the Bill.

Pandit Lakshmi Kanta Maitra: I am only saying that the rise in prices of commodities, labour strikes, the Communist menace, refugee problem etc. have been too much for the Government. Is this the time for us to go on with this luxury of Social reform legislation, and a very highly controversial legislation at that? It is sure to give rise to the bitterest acrimony; and as a matter of fact, it has already brought about a lot of acrimonious controversy. I believe honourable members have been already flooded with literature (*Interruption*). Of course, from the Anti-Hindu Committee, and similar societies and associations from Calcutta and elsewhere. I have got protests from the Women's Association in Poona. I have got protests from Women's Association in Bengal, the members of which come from the highest aristocracy in the land. I have not known of any Bar Association in Bengal which has not protested against this. I have not known any Bar Associations which have supported this Bill. I have in my possession perhaps the whole literature that has been circulated so far in connection with this Bill. I have classified it and the dead weight of opinion is against it, qualitatively and quantitatively. I again say that the time is not opportune. At a time when, according to our Prime Minister's appeal we should close our ranks, put our heads together, devote all our time and energy and work in amity and concert so that we may solve the problems of the land, we should not give another cause for disruption, another cause for discord or grouse or discontent in the country. I do feel nothing is to be lost if we shelve this Bill for the time being. If that is not done, then, of course, I promise that I will have to oppose this Bill at every stage. I oppose this Bill, because I feel that it is a wholly unwarranted measure and that there has been no demand in the country for a legislation of this kind. I oppose it because I feel that in all social legislations we must go slow and that we cannot bring about large scale social reform by legislation alone. The reforms will have to come from within, by force of public opinion which has to be created inside the society. Thirdly, I oppose because of the most irregular manner in which this Bill is sought to be passed in this House. I oppose because I feel that I am not morally competent to discuss this Bill and pass it in the Legislature as it is constituted at present. I oppose this Bill because I feel that it has brought in radical changes in the concept of marriage, in the scheme of Hindu Law including the law of

inheritance and succession. I oppose it because I feel that it will create end-ness and needless complications including such things as Civil Marriage Register, Sacramental Marriage Register, Marriage Notice Book, Director General of Marriages, Registrar Generals of Marriages, Ministry of Marriages, and so on and so forth. I oppose it on the further ground that it would give rise to bitterness, disunion and discord in our families leading to the disintegration of society. I oppose it on the further ground that it is undemocratic inasmuch as a vast body of opinion in the country is against it. In view of all these, I feel I am morally called upon to oppose this Bill with all the force at my command.

With these few words, yes, these are few words in view of the enormity of the legislation, in view of the gravity of the issues involved; these are few words in view of the opposition it has roused and the repercussions it will have on the society. Anybody who really wants society to be protected against this menace coming from the legislature cannot but be articulate and discursive; he has to devote time to the full and dispassionate consideration of things; he must give his humble bit of advice of caution to the legislators so that they may not drive us along the wrong path and that the society may not slip down the declivity into ruin.

The Honourable Shri N. V. Gadgil: I have been somewhat provoked to participate in the discussion on a Bill which undoubtedly is revolutionary. I have heard with the greatest respect the speech of my honourable friend with whom I had the honour to work in this House for more than ten years. If there is anything which distinguishes him most, it is his earnestness which is only equalled by his great eloquence. I entirely agree with him that in matters of social reform one must go slow. On that point, I have not the slightest doubt. But this Bill has proceeded so slow that some of us have rightly complained that it has not been passed much earlier. As far as I know, this Bill or at least the main provisions of this Bill have been before the House or its predecessor and before the country including the members of the Bar for nearly eight years. It cannot be said by any stretch of imagination that this Bill has taken either this House or the country by surprise.

I well remember in 1945, at the time of the general elections, I was opposed by certain groups precisely because I stood for social reform, because I stood for the codification of the Hindu Law. The very fact that I was elected and I am still here is an indication that I carry the views of my constituency.

A point has been made by any honourable friend Pandit Maitra that this House is not competent to pass a legislation of this character. I think this objection I have heard so often in the course of the last fifteen years that every time when a social reform Bill was before the House, the same objection was raised. With what result, everybody knows. If this House is competent to pass the Constitution for free India, I fail to see how it is not competent to pass this legislation. As if to reinforce the argument with a personal appeal, my honourable friend Pandit Maitra referred to the views expressed by Honourable Dr. Rajendra Prasad. I have, and, in fact, every person in this House has, every respect for Honourable Dr. Rajendra Prasad. Yet, there is a duty which every member of this House owes to his conscience and to his constituency and to this great country in which he lives above everything, not merely as a legislator, but as a person who visualises the reconstruction of Hindu society and he would be failing in his duty if he were to take into consideration only the personal views of one eminent person or another eminent person. When I say this, I say it in no spirit of disrespect, but because I feel duty is higher than any respect for any individual.

The main point is, has the time not come for the codification of the Hindu Law; has the time not come for the introduction of certain reforms in the

[Shri N. V. Gadgil]

system of marriage, adoption, inheritance and all other things which go to constitute what is generally known as the Hindu Law. The sources of Hindu Law are so many. I do not want to dilate on this and I do not want to take much time of the House. But there is a clear case established that there must be some uniformity, some definiteness about the interpretation of the law. If the law is not clear, if the law is not uniform, the stability of society suffers. If we have different interpretations of a particular text by half a dozen High Courts, I think the time has come when all this must be put an end to.

Further, my honourable friend suggested that we are attempting to destroy Hindu Society. My own feeling is that here are about 290 persons who are in close contact with Hindu Society; here we can come together, ventilate our views and come to some agreement and adjustment and pass a legislation calculated to secure the further progress of Hindu Society. When Manu, Parashara and Yagnyavalkya wrote their *smritis*, they had not the benefit, I should say, of any legislature. They were undoubtedly great men; but I do not think that the race of great men died with them. On my left, I find a person so great in scholarship and character that it would not be wrong on my part to compare him with some of the old Rishis and law givers. If today in addition to his own deep wisdom and learning he requisitions the help and co-operation of all the 290 persons, I think his hands are strengthened and his views ought to appeal to us.

The main point, as I said was: Has the time come for certain reforms and has the time come for the codification of Hindu Law? If the time has come, it makes no difference whether one man promulgates a Code and the country accepts it, or whether it is accepted by the process of discussion in a democratic manner and the country accepts it. The main point is to judge it without passion, without prejudice and without entering into any extremist considerations. We have in this House to judge it purely on merits and not on sentimental grounds.

After all, what is it that is in this Code? Except for the question of inheritance, there is nothing to which we have not listened so often and to which we have not agreed substantially. My own view is that there are two important things on which the controversy is centred. One is marriage: the other is ending of the co-parcenary in Hindu law. So far as marriage is concerned, there is nothing revolutionary in this. In these days, when everything is pointing towards State control more and more, and when we are talking of nationalization, I think the only sphere for private enterprise is marriage.

Mr. Naziruddin Ahmad: Let that also be nationalized!

The Honourable Shri N. V. Gadgil: Now in this Bill a golden mean is struck. The entry and exit in this sphere is so regulated that a modern man coming from the west would certainly laugh at our backwardness. He would say if marriage is a matter which is calculated to secure the highest happiness for both, then one of the grounds for divorce must be incompatibility of temperament. Have you gone up to that? The grounds in the Bill are very narrow. In fact, I say that this is a very moderate measure. You do not expect a wife to carry on with a lunatic, a leper etc. and there is nothing in this

Bill which runs contrary to the provisions of the *Smritis* or which is inconsistent with the genius of Hindu society and culture. Most of us know the *Smriti*.

नष्टे मृते प्रव्रजिते, कलिवेच पतिते पतो । पतिः अन्यत् तु नारीणाम् विधीयते ।

These are the grounds given in the ancient text and if something approximating to that is not available today in Hindu society, it is because we have become stagnant and all those dynamic urges for progress have ceased to operate. After all whom, and to what extent of Hindu society will this effect? Speaking for my own province, 95 per cent. have already some sort of divorce, not as a matter of law, but as a matter of custom. It is only the two or three per cent. of people of the upper classes who are opposed to it. But taking a fair view, the educated section is completely for it.

On the one hand I agree that divorce must not be made very cheap and that incompatibility of temperament should not be one of the grounds. But at the same time, marriage should not be considered a life sentence, if it virtually comes to that. After all, just as marriage has an individual aspect, it has also a social aspect. If the two spouses do not agree, then the bickering and the bitterness and the lack of harmony is not confined merely to the precincts of the family but it has wider application and effect, and society and the general atmosphere roundabout also suffer. If it is the desire of any law giver that whatever piece of legislation he wants to get through it must have the capacity of securing the results contemplated then we have to judge whether what has been all along with us has really given us the result we have asked for. It is a matter for introspection. If today we are providing some way out from wedlock in order to make people, who are really not happy to get out of it, we are only doing what I think is our social duty.

So far as marriage is concerned, I fail to see how we can object to marriages between persons belonging to different castes. In the year 1949, it would be a sad commentary on our progressive outlook if a single person should stand up here and say—well, marriages between persons belonging to different castes should not be legalised. In free India, I think there is only one caste, the caste of free men: and one religion and that religion of humanity. (Shri H. V. Kamath: 'And free women!') This reform has been before this country so long that those who feel that this means dissolution of Hindu society are enemies of progress; such a Hindu society in my opinion ought to be dissolved. What is this that a man should be called untouchable because he is born in a particular caste. I have never seen a boy born with a broom: I have never seen a boy born in a Brahmin family with a *Yagopavita*, nor a boy born in a Marwari family with a *jarajut*.

जन्मना जायते शूद्रः । संस्कारात् द्विजोच्चते विद्यया याति विप्रत्वं त्रिभिः श्रीत्योच्चतो च ।

All are born *Shudras* and after *Sanskara* a man attains higher status and when he has gone through the different stages of learning and accomplishment he becomes a *Shrotriya*. Here is the real spirit of Hinduism, not the spirit which is evinced by some of our old Sanatanic friends here and outside. If the object of this great country, as has been often given out to be is to make a classless society, then we must see to it that proper institutions, both social and political are evolved and enlarged. I therefore consider that whatever recommendations are made in this Code as regards marriage are not only absolutely necessary, but they do not go far enough. But as I agree with my honourable friend, Pandit Maitha, that in social matters we ought to go slow, I am willing to accept this position for the time being.

[Shri N. V. Gadgil]

The most controversial part of the whole thing is the elimination of the coparcenary from Hindu society. Something was said of public opinion. Something was said of the press and the bar. In my own province there is an association called the 'Dharma Nirnaya Mandal'. In this Mandal are to be found. महामहोपाध्याय तर्कतीर्थ विद्वाचस्पति—men of high learning and scholarship. Very recently they have passed a resolution and expressed views on the proposed Hindu Code:—

"The Dharma Nirnaya Mandal takes this opportunity, when the Hindu Code is on the anvil for consideration in the present session of the Assembly, to express its appreciation of the general liberalizing influence which is brought to bear in the frame-work of the present code. The Mandal sees this influence clearly in the removal of—

- (a) distinction regarding joint-ancestral and self-acquired property;
- (b) different treatment of sons and daughters;
- (c) technical difficulties in the interpretation of Woman's Estate; and
- (d) distinctions between *Mitakshara* and *Dayabhaga* rules of inheritance.

The Mandal believes that the above reforms will go a great deal to minimise court litigations and foster national spirit and engender a feeling of oneness by this one Hindu Code being made to apply to all Hindus in the whole of India. The Mandal notes this as the first attempt ever made in this direction within historical memory.

This is the reason, why in spite of several differences in minor details, the Mandal heartily supports the present measure as it is."

Babu Ramnarayan Singh: What people do they represent?

The Honourable Dr. B. R. Ambedkar: They are most learned and orthodox men.

The Honourable Shri N. V. Gadgil: But enlightened orthodox.

Now, I come to the question of joint Hindu family. The House will no doubt agree with me that a progressive society ought to change with the change in time and that it should evolve appropriate institutions both of property and of laws. The time has now come to assess dispassionately the merits of the joint family system, both as an institution to secure family happiness and as an institution of property. Even today if somebody gives me convincing arguments about the benefits of the joint Hindu family I am prepared to hear him, for I am not dogmatic—I feel that truth is the real thing, not prestige for one's own views.

Now, taking the first point, has the joint family system secured happiness for the individual members of the family? I am not speaking what the daughters-in-law feel when they have to live in a big family. What I have seen and heard definitely goes to show that so far as happiness and harmony are concerned, this institution has ceased to be of any use or value. After all there is nothing new in this. If out of 32 crores of Hindus nearly 5 crores are already governed by *Dayabhaga* and if that system has worked well at least one cannot say that it is absolutely bad and that we must not even think of it. (An honourable Member: 'It is absolutely new.'). That it is new there is no doubt. But what is the society that we are visualising for the future? Is it of a patriarchal type? What is exactly the nature of the society you want to reconstruct? As I understand, that society is going to be one in which there will be equality of status and equality of opportunity because those are the two phrases we have incorporated in the preamble of the Draft Constitution. I think with that Preamble the joint family property system is not consistent.

The real trouble seems to me to be—after having listened to the speeches of various members—what is being given to daughters. But as an institution of property the joint family system must go, because it concentrates wealth. People will ask me, "Well, has it or has it not done something good?" I at once agree that it has done some good. But so far as property aspect is concerned, so far as social credit aspect is concerned, other alternatives have already come into existence, such as co-operative societies and the joint stock companies. Therefore, there is no need of this institution so far as the creation of social credit is concerned. As a mechanism for business other alternatives have come into existence and by experience we have found that they give better results. Therefore, we are not destroying anything without putting something in its place; we are not leaving the whole society in a sort of vacuum as it were. What has outlived its usefulness is being liquidated, so that new India will go ahead with greater speed and may attain greater progress.

Now, the real trouble as I said is about some share being given to the daughter: whether it should be half or whether it should be something less are details which can be discussed later on. But one point is certain and that is that the daughter must get some share. In free India if you are only going to say that—

यत्र नार्यस्तु पुज्यन्ते रमन्ते तत्र देवता

and then say that she should either go to a court of law or ask for maintenance, I say it is not fair.

My own feeling is that some difficulties may arise at the beginning; when new institutions come, when new thoughts generate; society does take some time to adjust itself. The question is not whether these difficulties are great or small; the relevant question is whether the new arrangement proposed is good or bad. If you are convinced that it is good, naturally there will be some difficulty in adjustment. We must not mind the difficulty at all.

It has been suggested that as soon as the marriage is over the bridegroom will start trouble, by suing or otherwise, for the share which his wife has got from her parents. It would be welcome to lawyers. Well, when we are trying to nationalise as much as possible, what little will be left will not be of great consequence, that people would go to the court for a small share of it. In times to come there will be little left both for the boy and the girl. Even if it leads to litigation, does it mean that we should not do justice? Because a good thing may be abused by a few, does it mean that it should be denied to all? It is for the House to decide. It is high time that the general talk of equality of sex must be followed by equality of ownership of property. If we do not do that we will have to face the charge of hypocrisy.

My honourable friend Pandit Lakshmi Kanta Maitra has prophesied all sorts of trouble for the great Hindu society. Such prophets have always been there in the past and they have always proved false. I have not the slightest doubt that Hindu society has got such a flexible nature that it has absorbed various cultures and if it has lived through the ages successfully it is because those who guide the affairs of the society had in time suggested changes suitable to the times. That is the reason why it has survived till now. Here is an attempt to bring the law in line with public opinion. What the law does is that it consolidates the public opinion but public opinion being dynamic by its very nature it goes ahead every now and then. It is like a horizon which recedes the nearer one goes to it. Modern society by its very nature progresses very quickly. Therefore, we have to adjust public opinion and the law of the land. There are other means by which it can be done, like legal fiction or equity

[Shri N. V. Gadgil]

but the best and the honest way is to do it by a piece of legislation. I think here is an attempt in that direction. Although I agree that it is revolutionary it is a planned revolution and therefore it is going to be a success.

Mr. Naziruddin Ahmad: I have but a short time at my disposal, (Dr. B. R. Ambedkar: 'Why? You have your own time'.) I mean comparatively short time for the enormous subject which I have to deal with and I hope the House will give the subject that amount of thought and attention which I have given to it. (*An honourable Member:* 'What have you to do with it?') At the very outset I am asked what I have to do with it. I say I have every thing to do with it. Two very enormous changes have taken place in the country. One is that we have decided to shed our communal character and the other is that we have decided to impose upon ourselves the benefits of joint electorates. Can any honourable gentleman in this House deny the right of a Muslim to think in the same way as a large part of the Hindus think? After all we have to live with Hindus. In West Bengal they form 80 per cent. and we have to live with them and think with them. Come with me to West Bengal. Pandit Maitra put the case of the opposition in Bengal very mildly when he said that there is serious opposition to this Bill.....

Shrimati Renuka Ray: There is equally and more serious support.

Mr. Naziruddin Ahmad: Come with me to West Bengal. I am not speaking on behalf of the orthodox section. With regard to that aspect of this legislation I have nothing to do. I have certain serious questions to raise before the House which have not been raised up till now. The objection in Bengal is so serious that if anybody undertakes a journey to ascertain public opinion—(*Interruption*) I mean intelligent and advanced public opinion,—if anyone will go there, if anyone will make a journey from town to town in West Bengal he will be faced with opposition to the Bill from the most intelligent section, the most enlightened section (*An honourable Member:* 'Which the Honourable Member has not done'). I believe the interruption is not based upon a thorough consideration of the subject. I submit that it will be agreed that the members of the bar are not very conservative people.....

Shri L. Krishnaswami Bharathi: Most of them are orthodox and conservative.

Mr. Naziruddin Ahmad: They are not perhaps the orthodox section.....

Shrimati Renuka Ray: What about the opinion of Mr. Atul Gupta recognised as one of the most eminent lawyers and chosen by Congress for the Partition Committee?

Shri Krishna Chandra Sharma: Does the lawyer line on precedents:

Mr. Naziruddin Ahmad: In spite of these interruptions I submit they are not the orthodox section. You go to any bar library and you will find that this Bill is opposed tooth and nail.....

Shri L. Krishnaswami Bharati: Because their occupation will be gone.

Mr. Naziruddin Ahmad: I do not agree that you eliminate the profession of the bar by this Bill. You are introducing complications which you can not think of. On the other hand I submit that the lawyers in a different capacity, in a professional capacity, will thank this House for introducing this controversial measure. Four judges of the Calcutta High Court, four advanced

Hindu judges of the Calcutta High Court—one of whom now adorns the Federal Court, Mr. B. K. Mookerji have said—that the law is already well settled. The law is well known. The law may be different here and there but that is due to various reasons into which I need not now go. The law is well known.

Shri A. Karunakara Menon: If the law is so settled why Law reports every week?

Mr. Naziruddin Ahmad: It is because I feel that my honourable friend does not realise the subtleties which underlie the law. In fact precedents are necessary. You cannot cover any possible case in anticipation by legislation. So precedents are necessary. They illuminate difficulties and they are helpful in deciding cases in future. The moment mankind gives up precedents, specially in the domain of law, they will cease to be intelligent animals. That is why I submit that lawyers who are not orthodox people are opposed to this piece of legislation, not because it will deprive them of their food.....

Shrimati Renuka Ray: What happens when limited estate for women goes out in regard to litigation in Bengal?

Mr. Naziruddin Ahmad: I only hope that my honourable sister Shrimati Renuka Ray did represent the ladies of Bengal. (*An Honourable Member:* 'She does.') She is only one star in the whole of West Bengal. I will cite at least a dozen stars in opposition who are equally well known as Shrimati Renuka Ray. She is only one guiding star leading the case of the Hindus.....

Shri R. K. Sidhva (C.P. and Berar: General): The only star.

Shrimati Renuka Ray: There are hundreds of women who have gone to Noakhali and other places. There are many guiding stars in Bengal: these women social workers are all leading stars, but they all support the Hindu Code.

Mr. Naziruddin Ahmad: I submit that my honourable sister has not the experience of litigation. He has not lived in the law. If he had lived it he would have seen the enormous possibilities.....

Honourable Members: Say 'she'

Mr. Naziruddin Ahmad:.....for a good thriving business. There is no difference between he and she. According to the latest standards 'he' includes 'she'.

I submit ladies should no longer be called "she", but they should be called "he".

The lawyers are against this measure. Their family system will be seriously disturbed. They are very much averse to the Bill. (*An honourable Member:* 'Are they afraid about their profession?') No, they will get more cases. I assure the House on behalf of the lawyers to which profession I have the honour to belong, that for their personal interests they should all welcome it. (*Shri L. Krishnaswami Bharathi:* 'You are mistaken.'). I am not mistaken, I have lived in the law much longer than my honourable friend has done. I have taken part in litigation. The divorce provisions will introduce endless litigation and will lead to endless complications and endless difficulties for many families and more misery for women than men.

Coming straight to a very important point, I have to submit before the House a very serious state of affairs in connection with this Bill. The Bill was hastily rushed through the Legislature on the 9th of April last. We were

[Mr. Naziruddin Ahmad]

asked by our fair sisters not to oppose the Bill at that stage; it was considered to be so important that no detailed attention need be paid to it—it should be passed. So, at the last hour of the last day we agreed to allow it to be considered. I raise my feeble objection from the Hindu point of view. Am I raising any objection from the Muslim point of view? Certainly not. So, my declaration that the objection was from the Hindu point of view should not have elicited any surprise or any laughter. It is from the Hindu point of view that I am speaking. My learned sister the other day asked me, "Why is it that you are denying to your Hindu sisters rights which you are giving to your own sisters?" That is a very cardinal question. May I reply? My reply is this, that you cannot give the same kind of food to different kinds of persons. You have got to judge the position of a Hindu woman as the Hindu law conceives of it. You have got to consider the position of a Muslim woman as the Muslim law conceives it. We are not here to question the wisdom of one system or the other. I find there are two kinds of Members here: some vegetarians and some non-vegetarians. Would you give meat food to a vegetarian and if anybody gives vegetable food to a vegetarian would you accuse him of partiality? (*An honourable Member*: 'Is it logic? Very strange logic.') The argument is as logical as the question put to me by my sister Shrinati Renuka Ray—it was not logical. You cannot give the same kind of food to two different kinds of persons; they were indeed born and bred differently.

The Bill was rushed through the House on the 9th of April. The Honourable the Law Minister has given us a revealing passage in the Report of the Select Committee. He has made a plain admission that the Bill had not received any consideration on its merits before it was taken to the Select Committee. That was a very wonderful statement to make. Originally the Bill was supposed to be well-drafted—a good Bill—it passed through the Legislature on the 9th of April and was taken to the Select Committee and then comes the realisation that it had not received technical or departmental consideration. Why is it, may I ask, that although it had not received technical or serious departmental consideration at the hands of the Law Ministry, it was rushed through at that stage? (*An honourable Member*: 'We were very near 1st April'). That may be; it was very near the 1st of April and that probably has something to do with the rush. Probably no serious business was meant, some sentimental piece of literature had to be passed through in order to satisfy our fair sisters. The Bill is driven more by "lady sentiment" than by a consideration of the necessities of the case. The Department then undertook a most unprecedented task. They came to the conclusion that the Bill was not properly drafted, that it had some defects, that it had to be re-cast. The Bill was composed of several individual chapters with separate numbering and separate definitions, entirely separate from each other. The Legislative Department thought that this was a blemish and that the Bill should be re-cast with continuous numbering and the whole blended into one complete whole.

I submit that the moment the Legislative Department came to that conclusion, then was the time to withdraw the Bill and to frame a new Bill which the Ministry was able to accept; and present that as a new Bill. Instead of that, the Department went through a process of legislative drafting with which I was never familiar. The whole constitutional history of India and abroad will never offer an example of a departmental Bill being prepared after a Bill is presented and after sending it to the Select Committee. Shri Ramnarayan Singh yesterday asked as to what authority the Drafting Committee had to make a new Bill altogether. (*An honourable Member*: 'It is not a new Bill.') I shall be in the unfortunate position of being able to show that very substan-

tial changes have been made. Although the Honourable the Law Minister yesterday tried to avoid answering the question, still he had to admit in the end that he did not make any changes, that it was the Select Committee that made the changes. I am in a position to demonstrate before the House that the changes were very serious, very radical, and not unsubstantial changes.

Shri L. Kishnaswami Bharathi: Sir, on a point of order. If the honourable member wants to base his argument for re-committing the Bill to the Select Committee on the fact that it was some other Bill that was considered and not the Bill sent to it, that point has been covered by Mr. Speaker's ruling; he need not emphasise on that point. If he has other reasons, he is welcome to do so; he is speaking on his amendment for re-committing the Bill to the Select Committee. But if he stresses his argument, namely, that the Bill considered by the Select Committee was not the Bill sent to it by this House, then that has been covered by the ruling of the Chair which declared that it is the same Bill.

Shri T. T. Krishnamachari (Madras: General): That might be an argument for rejecting consideration.

Shri L. Kishnaswami Bharathi: If that is so, then that point has been thrashed out so much that if he were to argue it again it will merely be taking the time of the House. That aspect has been so thrashed out and arguments have been advanced. He is merely repeating them. I would submit to you, Sir, that we can hear any new arguments but we are not prepared to hear the same arguments being repeated by him.

Pandit Lakshmi Kanta Maitra: May I put in a few words in connection with the point of order raised by my friend Mr. Bharathi? He said that the honourable member Mr. Naziruddin Ahmad in his amendment for re-committal to the Select Committee had been raising the grounds which had been covered by Mr. Speaker's ruling. I do emphatically maintain and the House would also agree that every honourable member is entitled, without disrespecting the ruling of the Chair to give the reasons which lead him to recommend the Bill for re-committal to the Select Committee. There is no point of order as such involved in it. It is a member's legitimate right to place all arguments which he can for making a motion for re-committal to Select Committee.

Mr. Chairman: I think there is no point of order in this, because he is speaking on his amendment that the Bill be re-circulated for purposes of obtaining further opinion thereon and he is just advancing arguments how the Bill has changed; how the original Bill has been altered in the Select Committee.

Mr. Naziruddin Ahmad: I submit the real difficulty of my honourable friend is not there. I believe that an intelligent man as he is, Mr. Bharathi of all persons is well aware of the real difficulties of the situation. That is why I submit he most intelligently wants to intercept me by Mr. Speaker's ruling. I must make a declaration at once here that of all persons in the House I have the greatest respect for the decision of the Chair.

Pandit Lakshmi Kanta Maitra: Why do you go into that?

Mr. Naziruddin Ahmad: I am merely saying that I accept the decision of the Chair. I am not going into that.

Pandit Thakur Das Bhargava (East Punjab: General): You must go into that. Why not?

Mr. Naziruddin Ahmad: But what was the ruling? The ruling was that the consideration of the Bill was not out of order; in fact, the ruling was that

[Mr. Naziruddin Ahmad]

the members of the Select Committee had the old Bill and the Departmental Bill and they must have taken the whole thing into consideration and on that basis the technical objection which I had raised that the Departmental Bill alone was taken into consideration and not the original Bill was not well-founded. That is the effect of the ruling, and that is the ruling. My present purpose would be now to show that although the members of the Select Committee had the original Bill before them, although they had the Departmental Bill before them, although they had both, although they had the opportunity of comparing the two and seeing what glaring interpolations were made in the Departmental Bill, they did not do so. They discharged their duties, I should say with respect in consideration of the importance of the subject, in a somewhat hasty manner and imperfectly and rather perfunctorily. This was the point of view that I was emphasizing.

An Honourable Member: You are inciting the Law Minister to violence!

The Honourable Dr. B. R. Ambedkar: I would not do any such thing, because I have plenty of arguments to meet Mr. Ahmad.

Mr. Naziruddin Ahmad: I submit the Honourable the Law Member is fully conscious of the situation, I have a little suspicion, that he knows by this time without any doubt what serious changes have been made in the Departmental Bill.

The Honourable Dr. B. R. Ambedkar: I do not know. I am waiting to hear, though.

Mr. Naziruddin Ahmad: The Honourable the Law Member said, "There have been certain serious changes, but I did nothing. It is the Select Committee that did so. The Departmental Committee did not make any changes." In fact, yesterday I put a pointed question which he kindly answered, namely, whether the Departmental Committee that was set up was instructed not to make any substantial changes. That was due to the fact that I find in the report of the Select Committee a definite declaration by the majority of the Select Committee: "This revised draft does not make any substantial changes in the body of the original Bill." It was this declaration which I understand was also given to the Select Committee by him that no substantial changes have been made; it was on this basis that, although they had the original Bill with them, they did not look very carefully and compare them with a view to finding out whether any substantial changes have been made.

Shrimati Renuka Ray: On a point of order, Mr. Chairman. Are matters which happened in the Select Committee, are those details allowed to be brought up in this manner?

Mr. Naziruddin Ahmad: With regard to this point of order, I have already to submit that.....

Shrimati Renuka Ray: It is a point of order which I would like you, Sir, to decide.

Mr. Chairman: I think there is no point of order. It is only Mr. Naziruddin Ahmad's inference that the Select Committee did or did not do such and such a thing. I think the honourable member will not cast any aspersions on either the Select Committee or the members of the Select Committee. He may advance his arguments.

Pandit Thakur Das Bhargava: The manner in which the Select Committee behaved is certainly open to the criticism of the House.

Mr. Naziruddin Ahmad: I submit.....

Pandit Lakshmi Kanta Maitra: You are right, Mr. Chairman. Without casting aspersions he may advance arguments.

Shrimati Renuka Ray: But he is casting aspersions.

Mr. Chairman: They are at best inferences.

Mr. Naziruddin Ahmad: Sir, my inference is that members of the Select Committee were definitely assured by the Honourable Minister.....

Shrimati Renuka Ray: I object to this Sir. This is casting aspersions. These inferences are casting aspersions.

Mr. Chairman: Every honourable member is at liberty to draw his own inference.

Mr. Naziruddin Ahmad: I submit, Sir, it can be contradicted at once by any member of the Select Committee.

Shri L. Krishnaswami Bharathi: No, certainly we cannot contradict. But since you are inviting a contradiction, I as a member of the Select Committee, do contradict. I say that we went through the whole thing and we were satisfied that.....

Mr. Naziruddin Ahmad: You are making a statement.

Shri L. Krishnaswami Bharathi: You wanted a contradiction. And I contradict.

Shrimati Renuka Ray: Mr. Chairman, I would like to say that because inferences are made and aspersions are cast, the members of the Select Committee are put in a very awkward position, because then we have to bring forward all that happened in the Select Committee, which we are not supposed to do here?

Mr. Chairman: Order, order. I would request the honourable member not to make any aspersions against the members of the Select Committee; he may address arguments as to how the Bill has been changed.

Mr. Naziruddin Ahmad: I would not willingly make or cast any aspersions on any honourable member unless it is involved in the very exposition of the point. If anything was badly done which affects the fate of 30 crores of people and if any mistake or slip has been done by members of the Select Committee, then I should respectfully but frankly criticise that. This amount of privilege should be given to a member of the House. I submit, Sir, this is a right which every one enjoys and everybody should enjoy. I should stand corrected if I am wrong. I should not cast any aspersions merely for casting aspersions, but I will confine myself to pointing out certain serious changes and errors of procedure affecting the merits of the Bill and the discussion of the same may necessarily involve me in a criticism of the members of the Select Committee. Why should the members of the Select Committee be afraid of a discussion.

Shrimati Renuka Ray: We are not afraid of discussion. Then we must be given the right of speaking on what happened in the Select Committee.

Mr. Naziruddin Ahmad: The so-called sanctity of the Select Committee has been broken in this connection so many times.

Shri Mahavir Tyagi (U.P.: General): There is no sanctity about it. We can discuss it.

Shri L. Krishnaswami Bharathi: We are prepared to discuss it.

Shri Mihir Lal Chattopadhyay (West Bengal: General): Should members be allowed to carry on conversation like this, Sir?

Mr. Chairman: Order, order. I have been seeing it happening. I hope honourable members will kindly allow the speaker to proceed with his argument.

Mr. Naziruddin Ahmad: The Honourable Deputy Speaker the other day asked Dr. Ambedkar to explain why certain things took place. Dr. Ambedkar said that it was due to the influence of his enemies getting the better of his friends, they combined together and did it. Is it not giving out the so-called secrets of the Select Committee?

The Honourable Dr. B. R. Ambedkar: I did not want to interrupt the honourable member at all. But now I think it is my duty to draw your attention and also the attention of the speaker that his motion is that because certain changes have been made in the Bill, it ought to be recirculated. I think what is most germane to that motion is that he should straightaway without and kind of preliminary discussion proceed to point out what changes have been made. I was waiting to know that from him.

Mr. Naziruddin Ahmad: That is what I was going to do when side-issues were raised.

Pandit Thakur Das Bhargava: On a point of order; I beg to submit that this question affects the privileges of the Members of the House. The question at issue is: are the members of the House not entitled to criticise the wrong behaviour or the wrong conduct of the members of the Select Committee in regard to procedure? Supposing a Bill is placed before a Select Committee and that the Bill considered by the Select Committee was not the one referred to another Bill is substituted in its place. Are not the Members entitled to say them by the House? You may give a ruling on the point whether the members of the House cannot criticise this conduct of the Select Committee? Whatever has happened in the Select Committee may not be allowed to be divulged. But the manner in which the proceedings were conducted is open to criticism, otherwise it will mean that the members of the House have no sort of control on a Bill. If a Bill is introduced in the House it becomes the property of the House and every Member has a right to point out the irregularities in the Select Committee.

Mr. Chairman: This is not a point of order. The speaker will go on.

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): May I submit that while the House is entitled to criticise the Select Committee and even censure it, it is not entitled to say that the Bill before it is not the Bill that was referred to it. It is not open to the House to say that this is not the Bill referred to the Select Committee. The House may condemn the Select Committee if it thinks that the Select Committee has not done its duty. Whenever a Bill is presented to us and is under consideration it is not open to us to say that this is not the Bill that was presented to it.

Mr. Naziruddin Ahmad: I submit that I was only going to condemn the Select Committee and nothing more.

Mr. Chairman: The honourable member will be perfectly right if he criticises the Bill as it has emerged from the Select Committee and points out the changes made. He will confine his remarks to the changes that have been made in the Bill.

Mr. Naziruddin Ahmad: I am going to submit to the House that some changes have been made, some serious changes have been made.

The Honourable Dr. B. R. Ambedkar: Point them out. I am awaiting to know the changes made. The honourable member may take his own time, but let him tell us what the changes are.

Mr. Naziruddin Ahmad: I will proceed in my own way.

The Honourable Dr. B. R. Ambedkar: He cannot go on in this manner.

Mr. Naziruddin Ahmad: I submit that the original Bill was introduced by Mr. Jogendra Nath Mandal. It bears the printing date 1st August 1946. This was the Bill which was sent to the Select Committee. A Bill printed on 16th August 1948 is the Bill that came out of the Select Committee with the report.

The Honourable Dr. B. R. Ambedkar: What is the point on that?

Mr. Naziruddin Ahmad: I am coming to that. There are serious discrepancies between these two Bills.

The Honourable Dr. B. R. Ambedkar: That is what we are waiting to know.

Mr. Naziruddin Ahmad: If this is accepted I will proceed to the vital points. There are serious discrepancies between the original Bill and the Bill that has been appended to the report of the Select Committee. (*Interruptions*) This is not the best way of quickening my pace. I submit that in between these two Bills, a very interesting document came in. It is a departmental draft which was printed on 17th July, 1948. It is this draft which came in between the two. All the points of order raised and argued were about this departmental draft. Even in the present discussions, if I understood the Honourable the Minister of Law rightly, he mentioned nothing about this departmental Bill, but said that all the changes were made by the Select Committee and not by him. I am referring to the Bill dated 17th July, 1948.

Shri Mahavir Tyagi: That was before the date of the Select Committee meeting.

Mr. Naziruddin Ahmad: I am grateful to my friend Mr. Tyagi for pointing out that the date of printing, viz., 17th July, 1948, was before the Select Committee was first called to meet. I submit that this Bill.....

The Honourable Dr. B. R. Ambedkar: I would like to curtail this argument of my honourable friend by saying that it is bound to be so. The re-draft was sent one month before the meeting of the Select Committee.

Mr. Naziruddin Ahmad: That is the point I was mentioning. I am grateful for the admission. This draft was complete before the Select Committee met. I should like to state at this stage that the House was not informed about it. The authority of the House was not taken to completely change the original Bill.

Shri Mahavir Tyagi: Is the middle one exactly the same as is appended to the report?

Mr. Naziruddin Ahmad: There have been some changes. The changes made by the Select Committee were slight, but serious changes were made by the Department which the Select Committee never knew.

Shrimati G. Durgabai: It is the Select Committee that has introduced the changes and not the Department.

Mr. Naziruddin Ahmad: I submit that the most important thing is that they never made a detailed examination of the Departmental draft. In fact my contention is that—I would sit down if my honourable friend Shri Santhanam can quote a single example in the whole legislative history of India or in other countries for this—a Bill that has been sent to a Select Committee has been substituted by another completely re-casting the whole thing and put along with it.

The Honourable Shri K. Santhanam: I have been on many Select Committees and in many cases the original Bill has been completely re-drafted by the Select Committee.

Mr. Naziruddin Ahmad: That is another matter.

Mr. Chairman: May I point out to the honourable member that Mr. Speaker has given a decision that it is the original Bill that was considered by the Select Committee along with the draft given to it by the Honourable the Law Minister? In view of that decision, the honourable member may confine his remarks to the point as to how the original Bill has undergone a change in the Select Committee. All the other remarks about what happened in the Select Committee are beyond the purview of the honourable member.

Mr. Naziruddin Ahmad: My point is that, although the Select Committee must be deemed to have considered the original Bill and the departmental draft and to have come to this conclusion, that was done most perfunctorily and imperfectly. My point is this, that although the Select Committee considered or must be deemed to have considered the original Bill and the departmental draft and came to this conclusion and although that is so, my point is that it was necessarily done most perfunctorily and most imperfectly. They must have been, I submit, dominated by the serious changes introduced into the departmental Bill and they must have been completely under the hypnotic influence of a revised draft, a convenient ready made thing, which was placed in their hands. It must have made a tremendous psychological impression on the Members of the Select Committee, so that the Select Committee, although they had the right, largely depended upon the departmental draft and this affects the merits though not the legality of the final Bill.

My point is that any Select Committee has the right to make enormous changes, but it has never happened that a new Bill, completely changed, was placed at the hands of the Select Committee and then they would begin consideration on the new Bill. Although, technically, they had also the original Bill, still they proceeded clause by clause with the new Bill. That was a matter of merit. I submit, that the introduction of this departmental Bill has created considerable amount of prejudice to a fair and impartial consideration of the Bill. I submit that the clauses of the original Bill should have been begun one by one and changes should have been made gradually on the body of the original Bill. Instead of that it seems to have necessarily followed that the departmental Bill was taken up, although there was in them marginal references to the clauses of the original Bill. Still, I beg to submit without any disrespect to the members of the Select Committee, it was impossible for any member to really see readily what enormous changes had been effected in the departmental Bill and it is this, I submit which has affected the merits of the final Bill. I never suggest that the Members of the Select Committee had no right to make any changes or to adopt the departmental Bill or to proceed with the original Bill. I submit that the work was speaking again with respect, necessarily done perfunctorily and considerable responsibility in the work of the Select Committee must rest upon the departmental draft. On a consideration of the departmental draft, therefore, the merits of the present Bill should be considered.

Shri L. Krishnaswami Bharathi: Let us see all the points of difference.

Mr. Naziruddin Ahmad: I submit that the entire legislation began with a blunder and it proceeds from blunder to blunder until we come to a capital blunder, namely, the present Bill. I submit that the mistake first arose in the year 1937. The mistake arose there and I shall show at once that one mistake led to another mistake and that mistake led to other mistakes and all these mistakes led the Select Committee and then ultimately (*Interruption*) I ask Shri Krishnaswami Bharathi in all seriousness, should I be disturbed like this?

Mr. Chairman: If the honourable member addresses the Chair, I think the disturbance will be much less.

Mr. Naziruddin Ahmad: Sir, I submit, you will be pleased to consider that in the year 1937, a Bill was passed into law and that is the Hindu Married Women's Right to Property Act, 1937. That, I submit, was a hasty legislation. It contained within itself ill-digested, little understood law that has led to all this trouble. In fact the author of the Bill was Dr. Deshmukh. So, Dr. Deshmukh—I am happy to find it is not our present Dr. Deshmukh—unconsciously with the *bona fide* belief of doing good to Hindu society, introduced that Bill. The effect of the Bill was to introduce some change in the law of Succession in the Compact series. According to Hindu Law, as I have understood it, when a man dies his heirs are son, grandson and great-grandson. In the presence of the son the grandson by a pre-deceased son inherits—the grandson represents his deceased father and takes his father's share. So in this way the son, grandson and the great-grandson in three generations inherit the property. Dr. Deshmukh was enthused with the idea that the widow must be given a definite status and a definite right. So he made the widow of the propositus a share-holder, and not only the widow of the propositus, but the widow of a deceased son, the widow of the deceased grandson and the widow of a deceased great-grandson. They were also included within the ambit of the shareholders. That, I submit was most ill-considered, although the author was imbued with the highest sense of patriotism and welfare of the community. I submit, that this was then.....

The Honourable Shri K. Santhanam: Would my honourable friend like me to inform him that this Bill was actually accepted by the late Sir N.N. Sircar, who was the greatest authority on Hindu Law?

Mr. Naziruddin Ahmad: I am in a position to show, although not only he, but there was a time when I also accepted it. (*Interruption*). I beg to submit that I am in possession of the House.

Mr. Chairman: The honourable member is going into the history of the amendments to Hindu Law.

Mr. Naziruddin Ahmad: I submit, that the Hindu Married Women's Right to Property Act was the first mistake and I shall show that this contained within it seeds of other blunders culminating in the present Bill.

Shrimati G. Durgabai: That was a serious reflection of the legislature then existing.

Mr. Naziruddin Ahmad: I submit that the mistake was admitted by that legislature itself and I can quote passages that that legislature admitted that that was a mistake. (*Interruptions*).

Mr. Chairman: Order, order.

Mr. Naziruddin Ahmad: I submit, I should show how the mistake came about. In fact in providing for the widow of the propositus of the deceased son, grandson and of the great-grandson, the position of the daughter became absolutely uncertain. Nobody knew what the position of the daughter was at that time, under this Act.

The Honourable Dr. B. R. Ambedkar: An undertaking was taken from my friend Dr. Deshmukh by Sir N. N. Sircar that the Government will support the measure only if he agreed to drop the word 'daughter' and he promised that he would drop the word 'daughter'.

Mr. Naziruddin Ahmad: I am as much familiar with the history of that law as the Honourable Dr. Ambedkar.

Mr. Chairman: Is the honourable member going to take more time?

Mr. Naziruddin Ahmad: Yes, Sir.

Mr. Chairman: In that case, he may resume his speech later and we may now adjourn.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Thursday, the 3rd March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART—II PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Thursday, 3rd March, 1949.

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

QUESTIONS AND ANSWERS

(See Part I)

11-45 A. M. DEATH OF SHRIMATI SAROJINI NAIDU.

The Honourable Shri Jawaharlal Nehru (Prime Minister and Leader of the House): It has become my painful duty, Sir, as Leader of this House, to refer from time to time to the passing away of the illustrious sons and daughters of India. Recently I referred to the passing away of a very eminent son of India, Sir Tej Bahadur Sapru. Then the Governor of a Province suddenly died. He was a very distinguished servant of the State. When we refer to these distinguished sons or daughters of the country, we say often enough that it will be difficult to replace them, that they are irreplaceable, which may be true enough in a partial manner. But, today, I with your leave would like to refer to the passing away early yesterday morning of one about whom it can be said with absolute truth that it is impossible to replace her or to find her like. She was at pains for the last year and a half or a little more as the Governor of a great Province with many problems and she functioned as Governor with exceeding ability and exceeding success as can be judged from the fact that every one in that Province, from the Premier and his Ministers and Government to the various groups and classes and religious communities down to the workers and the peasant in the field, had been drawn to her and had found a welcome in her heart. She had succeeded very greatly as a Governor and as a great servant of the State in an exalted position. But it is not as a Governor that I should speak much of her; for she was a much greater person than Governors are normally supposed to be. What exactly she was, it is a little difficult for me to say, because she had become almost a part of us, a part of our National heritage of today and a part of us individuals who had the great privilege to be associated with her for a multitude of years in our struggle for freedom and in our work.

Sir, it is a little difficult to see persons with whom you have been so closely associated in proper perspective, and yet one can feel that to some extent. And thinking of her one sees a person to whom any number of epithets and adjectives might be applied. Here was a person of great brilliance. Here was a person vital and vivid. Here was a person with so many gifts, but above all with some gifts which made her perfectly unique. She began life as a poetess. In later years, when the compulsion of events drew her into the National Struggle and she threw herself into it with all the zest and fire that she possessed, she did not write much poetry with pen and paper, but her whole life became a poem and a song. And she did that amazing thing: she infused artistry and poetry to our National Struggle. Just as the Father of the Nation had infused moral grandeur and greatness to the Struggle, Mrs. Sarojini Naidu gave it artistry and poetry and that zest for life and indomitable spirit which not only faced disaster and catastrophe, but faced them with a light heart and with a song on her lips and smile on her face. Now I do not

[Shri Jawaharlal Nehru.]

think, being myself a politician which most of us are, that hardly any other gift was more valuable to our National life than this lifting it, out of the plane of pure politics, to a higher artistic sphere which she succeeded in doing in some measure.

Looking back upon her life, one sees an astonishing combination of gifts. One, here is a life full of vitality; one, here is 50 years of existence—not merely existence but a vital, dynamic existence—touching many aspects of our life, cultural and political. And whatever she touched, she infused with something of her fire. She was indeed a pillar of fire. And then again, she was like cooling running water, soothing and uplifting and bringing down the passion of our politics to the cooler levels of human beings. So it is difficult for one to speak about her except that one realises that here was a magnificence of spirit and it is gone.

We shall, no doubt, for generations to come, remember her, but perhaps those who come after us and those who have not been associated with her so closely will not realise fully the richness of that personality which could not easily be translated or transmuted into spoken words or records. So she worked for India. She knew how to work and she knew how to play. And that was a wonderful combination. She knew how to sacrifice herself for great causes. She knew also to do that so gracefully and so graciously that it appeared an easy thing to do and not anything entailing travail of spirit. If a sensitive person like her must suffer from tremendous travail of spirit, no doubt she did, but she did it so graciously that it appeared that that too was easy for her. So she lifted our struggle into a higher plane and gave it a certain touch which I cannot think anybody else can give or is likely to give in future.

Sir, I said she was a curious combination of so many things; she represented in herself a rich culture into which flowed various currents which have made Indian culture so great as it is. She herself was a composite both of various currents of culture in India as well as various currents of culture both in the East and the West. And so she was, while being a very great national figure, also truly an Internationalist, and wherever she might go in the wide world, she was recognised as such and as one of the great ones of the earth. It is well to remember that specially today, when through stress of circumstances we may occasionally drift into a narrow nationalism and forget the larger objectives that inspired the great ones who laid down the foundations of our National Movement. The Great Father of the Nation and this great woman who has also shaped our National Movement so powerfully, not so much on the direct political plane, although she functioned there and adequately functioned, but in those invisible planes, which are so very important, because they shape the nation's character, because they mould ultimately its mental and aesthetic and artistic outlook and without that mental, moral, aesthetic and artistic outlook, any success that we may gain may well be an empty success; because, after all, we seek freedom, to gain which, is good in itself, but we seek freedom to achieve something else. We seek freedom to achieve a good life for our people. What is the good life? Can you imagine any good life which does not have an artistic and an aesthetic element in it and a moral element in it? That will not be a good life; it will be some temporary phase of existence which is rather dry and harsh, and unfortunately, the world grows drier and harsher and more cruel. In our own experience of the last two years political life has become a little harsh, cruel intolerant and suspicious and in the world today, we see suspicion and fear all round, fear of each other. How are we to get over this? It is only through some experience of moral heights that we might overcome it, and that was the way

shown to us by the Father of the Nation, or else the other way is to approach it from the human point of view, from the artistic and aesthetic point of view, and the human point of view is the forgiving point of view, is the point of view full of compassion and understanding of humanity and its failings as well as its virtues. And so Sarojini brought that human point of view, full of understanding, full of compassion for all who are in India or outside.

The House knows that she stood more than any single human being in India for the unity of India in all its phases, for the unity of its cultural content, the unity of its geographical areas. It was a passion for her. It was the very texture, the warp and woof of her life. It is well to remember that when we sometimes fall into narrower grooves, because greatness has never come from narrowness of mind or again greatness for a nation as for an individual comes from a wide vision, a wide perspective, an inclusive outlook and a human approach to life. So, she became an interpreter in India of the various phases of our rich cultural inheritance. She became an interpreter in India of the many great things that the West has produced, and she became an interpreter in other parts of India of India's rich culture. She became the ideal ambassador and the ideal link between the East and the West, and between various parts and groups in India. I do not myself see how we are to find the like of her now or in the future. We shall have no doubt great men and women in the future, because India, even when she was low in the political scale, has never failed to produce greatness in her children. And now, that India is free, I have no doubt that India will produce great men and women in the future, as she has done in the past and in the present, before our very eyes, we have seen these great figures, and yet, that while India produces great men and women, whether she will or can produce just another like Sarojini. So we think of her as a brightness, as a certain vitality and vividness as a poetry infused into life and activity, as something tremendously important and rich, and yet something which in terms of the material world is rather insubstantial, difficult to grip and difficult to describe, as something which you can only feel, as you can feel beauty, as you can feel the other higher things of life. May be some memory of this may go to other generations who have not seen her and inspire them. I think it will, but I do not think we can ever feel that as we poor mortals who had the privilege of being associated with her have felt.

So, in making this reference to this House, I can only recount various ideas that come into my mind, and perhaps I recount them in a somewhat confused way, because my mind feels afflicted and confused as if an intimate part of it was cut off from it and because it is difficult to speak or to judge of people for whom one has a great deal of affection. It was the affection of unity. It was the affection of one who even in his younger days was tremendously inspired by her speech and action and who during the succeeding decades ever grew more and more to love her and to admire her and to think of her as a rich and rare being. That rich and precious being is no more and that is sorrow for us, inevitably, and yet, it is something more than sorrow. It is, if we view it in another light a joy and triumph for us, that India of our generation has produced such rare spirits which have inspired us and which will inspire us in the future.

Sir, it is customary when making such a reference to say that the sympathy and condolence of this House might be conveyed to the relatives of the person who has passed away. I say so and yet, really the bond that held Sarojini to all of us here and to thousands and tens of thousands in this country was

[Shri Jawahar'at Nehru.]

as close and great as the bond that held her to her own children or to her other relatives and so though we send this message of condolence on behalf of this House all of us really require that message to soothe our hearts.

Mr. Muhammad Ismail Khan (U. P. : Muslim): I associate myself with every word that has fallen from the lips of the Honourable the Prime Minister. Many of us who had the privilege and honour of the friendship of Shrimati Sarojini Naidu feel deep sorrow at the passing away of this great Lady of the land and the feeling is so deep that it is not capable of a verbal expression. She will be mourned not only in this country but in every part of the world where she had a host of admirers and friends. The Prime Minister put a question, as to what made her so great? I also have been wondering, and I feel it was the irresistible charm of her personality, her human qualities and her broad mindedness and catholicity of outlook. Even when the country was in the grip of bitter political controversies, there was no group in this country which did not admire and respect her. She took a leading part in the battle for the freedom of this country, and like her brothers, her distinguished brothers, she also cheerfully underwent all the sufferings and trials in freedom's struggle. The very people who put her in prison admired her and no sooner was she out, the ready people entertained. Surely a lady with such a personality is irreplaceable, as the Prime Minister has said. I call her incomparable in her qualities.

She was an orator of a very high order and she kept her audiences spell bound and bewitched them by her elegance of diction and sonorous phrases. Who is there in this House who has not been bewitched in a similar manner some time or other or who has not been inspired by her speeches? It is too early to form a true appreciation of the services which she has rendered. I know, coming as I do from the province of which she was the Governor, how great is our grief at her passing away, and how difficult it will be to replace her with a Governor with the same qualities. It is almost impossible. I do not think her memory can ever be effaced. I feel she will remain for ever an example to the womanhood of India, a source of inspiration to coming generations.

With these words, I associate myself with the sentiments already expressed, and join the Prime Minister in conveying our condolences to the bereaved family. I almost feel I am as much a member of her family as her own sons and daughters.

Mr. Homi Mody (Bombay : General) : Sir, I desire to join in the tribute which has been paid by the Prime Minister to the memory of Sarojini Devi. I can but feebly echo the feeling and eloquent terms in which he referred to the truly great and amazing personality which has just passed away. I had the privilege of knowing Sarojini Devi for over thirty years, and to know her was to love and admire her versatility and tremendous personality. She was, without doubt, one of the most remarkable women of the age, and it is not surprising that her death should have come with a sense of profound personal sorrow to millions of her countrymen.

Reference has been made to her many-sided gifts, and to her infectious charm. I would only add that she was equally at home in the hut of the peasant and the worker as in the palaces of the mighty, and wherever she went, she infused happiness and good-humour all round. Sir, she has left a fragrant memory behind, which will long be cherished by not only those who had the privilege of knowing her in person, but by the millions who had heard of her and admired her brilliance and personality.

Mr. Deputy-Speaker: I wholeheartedly associate myself with all that has fallen from the Leader of the House and the other members who have spoken. In Sarojini Devi Mother India has lost one of her greatest and noblest daughters. She lived a rich and glorious life. Whatever department of public life and activity she touched, there was none which she did not adorn. When she presided over the Asian Conference all of us felt that it was Mother India who was represented, and it was Mother India who spoke. She raised the level of the discussions to a height of which all of us were proud, and we felt that India had at last regained her lost glory and once more attained her position in the comity of nations. She was essentially human. She was the simplest of the simple, and she made no difference between the rich and the poor, or the high and the low.

I have heard many of her comrades and friends call her 'Akka'—elder sister. She was really an elder sister to all; and with her charming manners and affection to all, she enlivened our history over a period of thirty years and more. She was a poet, a patriot and also a stout fighter. These qualities are rare, in one and the same person. She was one of the truest followers of Mahatma Gandhi. We can never forget her. In the last generation, whenever a daughter was born in the house, ten to one, that daughter was called Sarojini. Though Sarojini Devi has left us, she has left her name almost in every house from one end to the other of this great continent. She has indeed, not left us at all. She has implanted herself in our hearts. May God bless her. I am quite sure she has acquired an abiding place in Heaven. May her soul rest in peace! I wish to convey the message of goodwill and condolence to the members of the bereaved family on your behalf and on my own.

As a mark of respect and reverence I request honourable members will kindly stand in their seats and observe silence.

THE GENERAL BUDGET—GENERAL DISCUSSION FIRST STAGE

Mr. Deputy-Speaker: We shall now proceed to the discussion of the General Budget. But before doing so I have to announce to the House that under Rule 93, I fix the time limit for speeches as 15 minutes for each honourable member excepting the Honourable the Finance Minister for whom 45 minutes or more will be allowed, if necessary.

Though the time limit is fixed as 15 minutes, if it is desired by the House that a large number of honourable members should be allowed to participate in the debate, each honourable member wishing to speak, will strictly confine himself to relevant remarks and will avoid repetitions and try to close his remarks within ten minutes. Pandit Kunzru.

Pandit Hirday Nath Kunzru (U. P. : General): The wide departure of the revised estimates from the budget estimates of revenue and expenditure for the year that is coming to a close offers a tempting subject for criticism; but the budget for next year raises such important issues that I must resist this temptation and pass on to a consideration of these issues.

Our economic situation of which our financial position is only a part requires us to pay close and immediate attention to a number of problems, the most important of which seem to be four.

In the first place our food resources must be increased largely by more food being grown in the country. The root cause of many troubles that we suffer from today is the inadequate production of food and this must receive the first attention of everyone who takes an intelligent interest in the public affairs of this country.

[Pandit Hirday Nath Kunzru.]

The second question that seems to me to require our constant attention is the need for increasing our exports in order to be in a position to obtain all those things that we cannot get except from abroad. The Finance Minister has told us that our foreign exchange resources are extremely slender. It is necessary for us therefore to attend to this question as clearly as possible. But this can be done only if we consider the different parts of our economy as a balanced whole.

Apart from this, this question is intimately connected with two other questions, namely, those of greater production in general and of lower prices. The connection between increased exports and lower prices must be clear to everybody who notices the difference between the price levels in this country and the price levels, say, in the United Kingdom and the United States of America. There is a great disparity between the level of prices ruling in India on the one side and these countries on the other. Unless we can bring about a proper parity between our prices and foreign prices the outlook for us cannot be regarded as bright. I am sure that everyone expected that the Honourable the Finance Minister would place these matters in the forefront in his budget speech, but on the first two of the subjects that I have referred to the Honourable Minister is almost entirely silent. On the other two he has had something to say, but it is not of a very reassuring character.

Sir, before I deal with these matters I should like to refer very briefly to some smaller questions—questions that are big in themselves but appear somewhat insignificant in comparison with the issues to which I have ventured to draw the attention of the House. It is very disappointing to know that the economy expected from the labours of the Economy Committee has not so far been realised at all and that the position is so uncertain that the Minister of Finance has thought himself justified in omitting any provision for making a cut in the expenditure as a result of the reports already submitted by the Committee. Sir, the matter, as I have said, is in itself important and I hope that the inability of the Finance Minister to effect any economy so far, or the rather depressing outlook for the future, is not due to the refusal of the various Ministries to give effect substantially to the recommendations of the Committee. I know that the matter rests with the Government as a whole and not with the Finance Minister. But I trust that considering the inflationary forces that are in existence and the need for controlling even development expenditure at the present time, he will cast his influence firmly on the side economy.

Now a word about the taxation proposed by him. The specific measures to which I want to draw the attention of the House are the proposed increase in the rates for letters and postcard, the levy of a duty of a pice per yard on coarse cloth, and the increase in the sugar excise duty. The Honourable Minister has been perfectly frank with us and has told us that the position is such that he has to try and find out ways of making up for the loss of the salt revenue. But there is this difference between the salt tax and the increase in the postal rates for letters and postcards, that however undesirable a tax on the necessities of life may be, the salt tax was paid by those who purchased salt and who therefore benefited in some measure; but so far as letters and postcards are concerned, I do not think that the ordinary man is anxious that their delivery should be accelerated. The poorer people would be satisfied with the present arrangements for their delivery if they were more efficient. It seems to me that such arrangements as have been made for speeding up the delivery of letters have been made in the interests of more fortunate people. I therefore regret the proposed increase in the rates for letters and postcards.

The duty on coarse cloth will certainly be paid by those who purchase the cloth. I do not know what the yield from it is expected to be, but I wish that my honourable friend had thought of some other source of revenue and left the poor man's cloth un-taxed.

These matters would in normal times have required a fuller treatment than is possible today because I should like, after referring very briefly to our Defence expenditure and our Defence requirements, to pass on to the consideration of our capital budget which raises issues of far-reaching importance. Sir, though the Honourable the Finance Minister spoke in cautious terms about future Defence expenditure; it seemed to me, reading between the lines, that he hoped, like his predecessor, for a substantial reduction in it. I have been a strong critic of Defence expenditure for years, but considering the present international situation I do not think that the level of our Defence expenditure is very high. Whatever reorganisation may be made in future, in order to have a more balanced force, I doubt whether it would be possible to reduce this expenditure in any appreciable measure in the immediate future. The burden may seem to be heavy but it is the price that we pay for insuring the life of the nation against aggression from without.

Indeed, Sir, are certain elements that might tend somewhat to increase rather than reduce the Defence expenditure. The first question I should like to refer to in this connection is that of the future of the troops maintained by the Indian States at the present time. Sardar Vallabhbhai Patel has done a magnificent piece of work in integrating the States with India; it is a work for which he will be remembered for ever in Indian history; the vigour and speed with which he has dealt with matters relating to the future of the States deserve our admiration and gratitude in the fullest measure. I hope that he will complete his work by making the first class troops maintained by the Indian States an integral part of the Indian Army. And if this happens, as I hope it will before long, it is possible that the expenditure on the Army instead going down might go up a little.

The second question that I shall deal with in this connection is the dissatisfaction, deep and genuine, among Indian Commissioned Officers with the present rates of pay. The Government of India have fixed their scales of salary after a consideration of the whole matter including the relation between the salaries of Indian Commissioned Officers and the officers employed in the higher Civil Services. But the military officers are in a special position. To mention only one special factor, I would ask the House to bear in mind that the mess expenditure that they have to bear has no counterpart in the family budgets of the civil officers. Then, the life that they lead owing to frequent transfers makes it very difficult for them to educate their children properly or to bear the other household expenses that are apt at times to be heavy because of the need of maintaining two establishments. In view of these considerations, I plead for more sympathetic attention being paid to this question. I do not propose that the scales of salary should be raised, but I think that the military officers should be provided with certain amenities that would make a military career popular and produce contentment among the officers. The suggestions that I would make in this connection are that, say, half the expenditure on the education of the children of officers up to the rank of Lt.-Colonel should be borne by the State. Again some provision should be made in the Defence Budget for the reduction of the house rents and other incidental charges like payment for light and water that the military officers have to pay. I hope that these amenities will not lead to heavy expenditure but in my opinion their provision is necessary if we want to recruit young men of a proper stamp to our Defence Forces.

[Pandit Hirday Nath Kunzru.]

Lastly, Sir, I should like to refer to the Royal Indian Air Force. We have recently been informed of a plan for the development of the Royal Indian Navy. But we are not aware of any such plan for the development of the Indian Air Force. The Honourable the Minister of Finance has said that this matter is under the consideration of the Government. I do not know what Government intend to do, but I hope that the measures that they take now will be such as to enable a speedy expansion of the Force so that, it may at least be doubled very soon.

Now I wish to refer during the few minutes that remain to me, if my time is over, I shall not refer to it. Is my time over, Sir?

Mr. Deputy-Speaker: Two minutes left.

Pandit Hirday Nath Kunzru: I do not think that in two minutes I can deal with the subject that I propose to discuss. Perhaps I shall choose some other occasion for discussing it.

Mr. Deputy-Speaker: The honourable member may have five minutes.

Pandit Hirday Nath Kunzru: Perhaps I could touch the fringe of the subject in five minutes.

Mr. Naziruddin Ahmad (West Bengal: Muslim): We have no objection to his speaking; we shall curtail our own speeches.

Pandit Hirday Nath Kunzru: Sir, I do not want to give rise to any feeling in this House. If any honourable member thinks that having exceeded my time-limit, I should sit down, I am perfectly prepared to do so.

Honourable Members: No, no.

Mr. Deputy-Speaker: They all seem to be anxious to hear the honourable member.

Pandit Hirday Nath Kunzru: During the war we saw the phenomenon of grossly unbalanced capital Budgets and it is these unbalanced Budgets that were responsible for the severe inflationary pressure that existed then in this country. Now, though the war is over, unbalanced capital Budgets continue. Take, for instance, the year that is drawing to a close. Eliminating the special transactions due to the arrangements made for the payment of sterling pensions and the acquisitions of Defence installations and surplus stores, the revised figures seem to show that the deficit was of the order of Rs. 158 crores. Now, in the coming year the deficit will be, according to the Budget figures, about Rs. 134 crores. These deficits have naturally affected our cash balances. They amounted to about Rs. 275 crores on 31st March 1948. On the 31st March, 1949, they are expected to be reduced, according to the Budget figures, to Rs. 163 crores. On the 31st March, 1950 they are expected to stand only at Rs. 58 crores. I am as keen on the development of our moral and material resources as anybody in this House, but we can provide money for these much-needed development plans only to the extent that our economic situation at present allows. The inflationary forces that existed in the past have not ceased to exert their pressure. It is true that so far, the notes in circulation have not increased since July 1948, but if business activity grows as speedily as we all wish it to, it seems to me inevitable that private and public expenditure in the aggregate should have an inflationary effect and should tend to raise prices. The rise in prices of all things except, I believe, raw materials has been checked, but unless Government consider private and public expenditure on development at one and the same time, there is a great danger that the forces that have been to a certain extent brought under control may get out of hand and place us in an extraordinarily difficult situation.

The Honourable Dr. John Matthai (Minister of Finance): If I may interrupt for a minute, I should like to know on a point of information if the honourable member is suggesting that the reduction in capital expenditure which Government has proposed must be intensified?

Pandit Hirday Nath Kunzru: I did not hear what the honourable Minister said.

The Honourable Dr. John Matthai: I said, if we go in for heavy capital expenditure at this stage, there is likely to be a spending force created which might intensify the inflationary forces. On that ground we have reduced the capital expenditure. Is the honourable member suggesting that that capital expenditure should be reduced further?

Pandit Hirday Nath Kunzru: The honourable Minister is right in saying that the revised estimates of development expenditure are lower than the Budget estimates, but taking, say, the grants and loans to the Provincial Governments in the coming year, the total seems to me to be higher than it will be in the current year and it is in that sense that I feel that a better control over capital expenditure is necessary. (Prof. N. G. Ranga: There is a depression now.) I may mention, in this connection, that the net deposits in the Reserve Bank during the calendar year 1948 increased by about Rs. 13 crores and that the outstanding loans and bills of the commercial banks have increased by about Rs. 38 crores. These facts have to be taken together in a complete survey of the situation. I do not want to be an alarmist; I do not want to be a carving critic of the Finance Minister or of the Government, but it seems to me, in view of the position in which we have been for years, that we ought to be more careful in regard to our capital expenditure.

The honourable Minister has tried to increase production in this country by several measures proposed by him—the abolition of the capital gains tax, the reduction of super-tax, specially on earned incomes and provision of higher depreciation allowance for machinery. Are the steps that he proposes to take in order to instil greater confidence in the business community going to bring about an increase in productive activity? I wish him well and I hope that the steps taken by him will prove effective. But I should be false to myself and be a false friend of the Finance Minister if I did not express my doubts on this subject. At the present time it is very difficult to judge how far these measures will produce the effect that they are intended to. But frankly speaking I think that a stage has been reached when we ought to decide whether we are to give enterprise a free hand or whether we are to go in for a socialistic economy. The contrast may seem unduly sharp to my honourable friend the Finance Minister, but I have to state the question in that way in order to compel the attention of those in authority to this matter. Unless the present uncertainty disappears and the question is handled with greater precision and firmness I frankly doubt whether the measures suggested by the Finance Minister will lead to the desired results. I do not want to dwell any more on this subject though it is a matter of cardinal importance. I shall only say that so far Government have met the increase in capital expenditure over capital receipts by drawing on their balances. It is a piece of good luck that they have been able to do so without increasing the note circulation. But, as I have already said, next year we shall have only Rs. 58 crores left in our cash balances. Unless we take steps to put our economy in order I am afraid that Government may have to ask the Reserve Bank to put more paper money in circulation.

I am conscious that I have not developed the subject as fully as I should, but it is not possible within the limited time allowed to us to do full justice to any subject. I hope, however, that what I have said will be sufficient

[Pandit Hirday Nath Kunzru]

to indicate to the House and my honourable friend the Finance Minister the purpose of my remarks and the great need I feel for this matter being dealt with more comprehensively more precisely and with greater determination.

The economists consulted by Government last year recommended that the banks should be compelled to keep a portion of their deposits in the shape of government securities. The bankers consulted by them suggested that Government should resort to a system of selective lending. But Government so far have not given any indication of their mind on these subjects, but the time has come when they must take these matters more fully into consideration than they have done lest the worst should befall this country.

Shri B. Das (Orissa: General): Sir, I want your ruling on a certain matter. We thought that on the second year of our national Budget discussions the whole Cabinet will be present in the House to listen to the discussions. Although a few Ministers are present in the House now, the Minister for Development and the Minister for Defence are not present and the weighty observations of my honourable friend Pandit Hirday Nath Kunzru went astray. Although my honourable friend the Finance Minister will reply to the points raised, I think, Sir, the House must be assured that the Cabinet listens to its criticism.

Mr. Deputy-Speaker: I am sure, the majority of the Ministers are here and arrangements have been made for taking down notes relating to other Ministries. I am sure no honourable Minister would like to leave the House and it is only for unavoidable circumstances or reasons they may have left. They are bearing that in mind and we need not remind them about it.

Shri B. Das: What arrangement is being made in the House to take down those notes?

Mr. Deputy-Speaker: I believe there are arrangements. Unless I call upon any particular Minister.....

The Honourable Dr. John Matthai: Sir, if I may say so, my honourable colleagues had not the slightest intention of being discourteous to the House on this matter, and it is really the exigencies of work that have forced some of them to leave the House. But I will have the suggestion made by my honourable friend conveyed to my colleagues and as far as possible see that their desire is fulfilled.

Shri T. A. Ramalingam Chettiar (Madras: General): I must first congratulate the Honourable the Finance Minister on the approbation he has been able to secure from the Federation of Indian Chambers of Commerce and Industry. That Chamber which has been grumbling about the Congress Government and the socialistic trend that was perceivable in their actions has chosen to extend to the Honourable the Finance Minister its support to all his proposals except one. That probably is a feather in his cap, but unfortunately many of us here are not able to take the same view as the Federated Chamber and we are more likely to look into the Budget that has been presented to us from a different angle than which the Federated Chamber has done. As regards the relief he has given to the industries by way of exemption from customs for raw materials, increase in the depreciation allowance to cover losses on account of falling prices of machinery, and also what was done some time back, namely, exemption from duty on machinery that is imported—they are all for the good and I can wholeheartedly support all of them. I can also support the repeal of the capital gains tax. That is a tax which has failed to achieve anything. It has only led to fraud, to corruption and things like

that. I can give a small instance from my own experience. A money lender purchased a house in a semi-urban area near Coimbatore for Rs. 2,000. I wanted it for a charitable object. I fixed the price at Rs. 5,200. I negotiated with his agent and the document was written. It was sent to the principal. The principal said that the consideration should be shown as Rs. 2,000, the price for which he took it in auction. The transaction fell through. That is how this tax is working. It only leads to fraud. It only leads to misrepresentation of the transactions and their value. So the sooner it is repealed the better it will be for everybody concerned. If, for instance, at the time it was passed, retrospective effect had been given to it for a couple of years, probably Government could have got a fairly good amount. But now, having enacted the law and making it applicable to future transactions, it only leads people, as I said, to fraud and makes people dishonest and also leads to corruption.

Having said that I will also say that the Honourable the Finance Minister has not touched the real reasons for capital not flowing into industries, want of enterprise in starting industries and things like that. He has made us believe—I hope he did not intend it—that it is simply because of the direct taxation or over-taxation as people put it that capital does not flow into industries and enterprise is not coming forward. In my humble opinion it has nothing to do with that. The real reason is that people are talking in all sorts of ways. They say there will be nationalisation, they say there will be acquisition of all the properties on a value to be fixed at random. A person who wants to invest money in an enterprise will not be prepared to part with the money if he is not sure that the enterprise is going to last for some time, that he is going to get some return for it and also that he will get back the capital he has invested when or if it is going to be taken over by the Government. Now what happens? In the first place there is all sorts of talk about nationalisation. My friend the Honourable Minister for Industries says he is going to nationalise a certain number of industries but with reference to others he is going to have control. Control in what matters? I cannot see very much difference between control proposed and nationalisation. The number of items in which he wants to have control practically amounts to taking over control of the whole field of industry. Pointed reference has also been made to the provision that has been proposed in the Constitution Bill, namely, that any commercial or industrial enterprise can be taken over at any price that may be fixed by the Provincial or the Central Legislature as the case may be. What has happened with reference to the zamindaris may or may not be justifiable. It is a matter in which much can be said on both sides. But so far as industrial and commercial concerns are concerned you cannot say the same thing. Money is going to be invested—not only is it already invested but you expect people to go in and invest money in the new enterprises and in the expansion of the present enterprises. Will anybody do it with his eyes wide open that at any moment these concerns may be taken over at any price that may be fixed? Just two or three days back I was looking at *The Hindu* of Madras. There the Honourable Minister for Finance is reported to have said in the local Legislature that he was going to take over the electricity concerns in the Province at a certain valuation which would not be the market value. He was asked what will be the price. He was not prepared to give it out. He said it is a matter which is under negotiation between him and the Central Government. If such is the state of affairs how can you really expect anybody to come and invest capital in enterprises. That is the main reason why capital is not prepared to come in. Not only that. There is the Dividend Limitation Bill which is pending before this Assembly.

Mr. Deputy-Speaker: The honourable member may continue after Lunch. The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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

Shri T. A. Ramalingam Chettiar: I was saying that the help which the industry wanted is not of the sort which the honourable Minister for Finance is proposing. I said that apart from the relief we want to give with reference to machinery, raw materials and depreciation, what is necessary is an assurance with reference to certain matters. I mentioned two of these matters, one is the question of nationalisation and control and the other is the question of compensation that has to be given in cases where the concerns are taken over. There is also a third matter about which some assurance will be necessary before private enterprise can be expected to function satisfactorily. This concerns the managing agency system. This system is needed for starting new enterprises. You want somebody to plan, make the necessary arrangements, get the capital necessary and start the new enterprises. Once the concern is started the necessity for the managing agent may not be apparent. There is therefore necessity for the system of managing agents. And yet there is a demand that this system should go. The Trade Unions have asked for ending the system. The shareholders or investors do not want the agency system. The Stock Exchange does not want the Managing agency system. In these circumstances the managing agents want to be certain of their position in the new set-up. If they are not assured of their future, you cannot expect them to start new enterprises. As somebody says, their future is very dark. Hence they want to be assured of their position in the future before they start new enterprises. I submit it is these things which stand in the way of the development of industries, the industrialisation of the country and proper economy being established between agriculture and industry in this country.

The Honourable Dr. John Matthai: On a point of information, may I ask if the honourable member is suggesting that we should give some indication of the lines on which we propose to deal with the managing agency provisions in the Companies Act or is he suggesting that the existing provisions are sufficient for managing agents?

Shri T. A. Ramalingam Chettiar: It is not that. Unless and until some sort of assurance for the future that they will be allowed to continue for some time or that some compensation will be given to them, they would not exert themselves. Everybody wants some reward for his services. If they are not going to have any reward for their services and if they are going to be sent away bag and baggage out of their business, you cannot expect them to undertake a complicated business like bringing into existence a commercial or industrial concern. That is the position, Sir. I am sorry I have spoken only for five minutes in the forenoon before we adjourned for lunch. Now after re-assembling I have spoken only for another five minutes.

Mr. Deputy-Speaker: The Honourable Member spoke for ten minutes before we adjourned for lunch.

Shri T. A. Ramalingam Chettiar: A few more minutes, Sir. Let us consider the relief which the honourable the Minister for Finance wants to give these people for the purpose of getting share capital for industries and other enterprises. The relief offered consists of two parts. Under the first part he wants to give relief of three pies in income-tax to people whose income is up to Rs. 10,000. How does it work? According to the figures supplied in the 'Explanatory Memorandum' itself, up to Rs. 3,500 there will be a saving of Rs. 20 a year. At Rs. 4,000 it comes to Rs. 26; at 5,000 it comes

to about Rs. 35 and at Rs. 10,000 it comes to about Rs. 120 or so. Does he seriously expect that by giving this relief from Rs. 20 to Rs. 150 he is going to make these people save a lot of money and put them in new enterprises? I consider this is merely a sort of eye-wash, or a token if you like. It is not a token we want now. We want actually something substantial by which we can attain what we want. On the other side, let us see what these people are put to. I may say these people who belong to the middle class go to the mills and buy fine cloth for their apparel. If you calculate the cloth which they purchase for their use paying the excise duty that is proposed, it will come to about half the relief that is given. In addition they will have to pay higher prices for sugar and betel-nuts which are commonly used by many in our part of the country. Then they have to share in the higher duties on motor spirit and tyres. In these days when people have to live far away from their place of business, motor transport is very important. Travel in buses will become costlier and transport of goods by lorries will also become costlier. If we add up all these additional charges I do not think the relief the honourable Minister proposes to give will mean anything. As a matter of fact, the burden that is going to be thrown on these people will be more than the relief proposed.

But that is not all. These are people who are not very badly off. The relief that is sought to be given is to people who are getting Rs. 3,500 and upwards. In other words, these people have an income of Rs. 300 a month and upwards. But the burden which he proposes to impose falls not only on these classes, but also on those whose income is very much less. This is a proposal which in calmer moments we cannot accept. Not only that. If, as I said, the Federated Chamber of Commerce approves of the Budget, it is partly because of the relief they get and partly because of the trend that is shown or the token, as he himself puts it, about the future of the tax-set-up of our country. The choice has always been between direct taxation and the indirect taxation. If we mean anything by what we have agreed upon in the other Assembly that income ought to be fairly distributed and wealth should not concentrate in a few person's hands, it can only be done by direct taxation. If you are going to have indirect taxation, the burden will fall on every body, the rich as well as the poor. Everybody has got to contribute; there is no question of equalising income or wealth. Equalisation of wealth and income can only be done by direct taxation. To reduce direct taxation and replace it by indirect taxation is a method, which I do not think ought to be accepted, after we accepted what we did in the Constituent Assembly.

On other matter about Dividend Limitation Bill. I said the other day that I do not at all consider the limitation as unfair. Six per cent. for new companies and average of two years provided for the older companies is very fair indeed. But my objection is with the incidence who is suffering and who is affected by this limitation? Ninety per cent. of the people who have got shares in these companies are small men who have a few shares. I may in this connection state one experience of mine in a mill in which I happen to be connected. I found, there were five representatives of the Managing Agents and two outsiders including myself on the Board of Management. I said it was very unfair and there ought to be at least a majority of outsiders. After some arguments, they accepted. We went through the list. What did we find? Except us two, there was nobody else qualified to be a director. That shows the way in which the shares are distributed. The shares are distributed among a large number of small men, men with small incomes. If you are going only to touch them, what happens? It is only they who will suffer and you would not get on the other side, the managing agent in whose hands all the money will be free to play with and to expand the business or use the

[Shri T. A. Ramalingam Chettiar]

money in any way he likes. That will be the position to which we have come. (Interruption). Just one or two words about the controls and I will close. As I have said the proposals only lead to the substitution of indirect taxation to direct taxation. Also the other proposal with reference to the bigger income is also very objectionable, for these reasons. I find from a list that has been published by one of the Chambers of Commerce that incomes above a lakh and a half come to only 499 persons and the amount of two crores and odd is to be distributed among these people. As my honourable friend was saying, if those people with this huge income are a few, how are they going to invest their money; they will have to invest them somewhere; they cannot take it away. It seems to me.....

Shri L. Krishnaswami Bharathi (Madras: General): Five hundred persons getting more than a lakh must be much more than five crores. You said two crores?

Shri T. A. Ramalingam Chettiar: I said the total relief is two crores. For those people who have got an income of 1½ lakh and upwards which come to only 499 persons according to the figures supplied to me by one of the Chambers of Commerce, two crores of rupees are going to be distributed among them. What I am asking is. Is it fair? Is it necessary? I am opposing it. It is quite unnecessary that relief should be given to these 499 people at probably the rate of about 1 or 2 lakhs each with the result of throwing the burden on the poorer people from whom in the shape of cloth excise and sugar excise and other things are taken. It is very unfair.

As regards the controls what has the control led to? Let us take these two cases of sugar and cloth with reference to which these proposals regarding excise duties are proposed. Well, within the last eight months of last year, I am told the mills in Ahmedabad alone have made something like 75 crores of rupees in profits and incidentally, they have put in about ten crores of rupees in the pockets of the managing agents. Speaking for Coimbatore about which I know better; about three or four crores of rupees have gone to the mills and about 75 lakhs of rupees have been earned as commission by the Managing Agents. This is what the controls have led to. What happens? The prices are put up. Even with regard to the sugar factories, we saw this morning an answer was given in which it was stated the profits which were eight lakhs last year have increased to 17 lakhs on account of this control this year. That was the answer given by the honourable Minister in charge. Well, these huge incomes have been accumulated at the expense of the consumers. I will say one more thing and that is if you are going to limit the dividends, in many cases it will happen that not only the small investors will be affected, but also the workmen, because according to the award given by many of the arbitrators, there is a link between the dividend that is given and the bonus that will be allowed to these workmen. So, if the dividend is restricted, automatically the bonus is also restricted. So, the sufferer is not only the small shareholder, but also the worker. That is how it is affecting them.

Mr. Deputy-Speaker: May I remind the honourable member, it is very embarrassing to me. Already the honourable member has taken 27 minutes. From 2-30 to 2-47 it is 17 minutes and before lunch he had ten minutes and in all he had 27 minutes.

Shri T. A. Ramalingam Chettiar: Just a minute or two, Sir.

Mr. Deputy-Speaker: I might myself be liable to this temptation possibly after I got down from this Chair. But it is rather inconvenient. I am thus preventing other members from having their due share. Honourable members will therefore bear this in mind. Personally I have the least objection to allow any length of time.

Shri T. A. Ramalingam Chettiar: Only a minute or two, Sir.

Then the question may be asked how the gap is to be filled. For that, if only honourable members will look at the budget that is presented, in several matters, the revenue is under-estimated with reference to the revised estimates and in one or two other matters, expenditure is over-estimated. Not only that; as my honourable friend, Pandit Kunzru stated, no credit is taken for the economies that are bound to be effected as a result of the labours of the Retrenchment Committee and also the need there is for retrenchment in the expenditure of the Governments. If these things are taken together, they will probably cover the whole of it. If as I say, the income-tax relief of five lakhs and odd is not given and if on these three items the savings are effected, it will more than cover the deficit that is expected. There will be no need for any increase of these indirect taxes, and thus throwing the burden so much on the poor people.

Mr. Deputy-Speaker: Professor K. T. Shah.

I should like to enforce strictly the time-limit. I am giving sufficient information of this in advance, to every honourable member. Let me not be misunderstood.

Prof. K. T. Shah (Bihar: General): There is a custom of commencing such remarks as one has to offer on the budget with a volley of congratulations presented to the Honourable the Finance Minister on having submitted a brilliant budget. I am afraid I am no great believer in such a convention. Even so, if I were called upon to concentrate attention on his manner of delivery, on the comprehensive survey he has placed before us, and on the frankness with which he has admitted of having passed "sleepless nights and sleepy days". I must say I would have no hesitation, not only in congratulating him upon himself passing sleepless nights and sleepless days too, but on making me and others pay sleepless attention to what he might be saying on the proper day. Now that the day has come, now that he has put forward his long awaited expose of the country's financial position, and the economic situation, on the contents of that speech, on the detailed material and information presented to us, I am unable to follow that sacrosanct convention of presenting my compliments on a golden salver to the Honourable the Finance Minister. (An honourable Member: 'Gold is costly'.) Gold is made costly by inflation by themselves. If it is costly, I am all the more willing not to have gold or even silver for the matter of that, in this exchange of compliments.

Sir, the speech of the honourable Finance Minister is replete with assurances in a heavily pontifical style, and with remarks like, "I am satisfied" "I have convinced myself". In the remarkable passage in the peroration, for example, of his budget speech, he has said, that in laying these various burdens upon the various classes, he is satisfied, and the House must accept his assurance, that he has laid them on proper shoulders, and that he has made equitable demands upon all classes. I am not quoting the exact words of the honourable Minister, but I think he will not dispute that I have given here the sense of those remarks. But such assurances *ex cathedra*,—how much are they worth, speaking for myself, I find that the budget speech, like the Curate's egg, is good in part, not on the whole. (An honourable Member: 'Question: Not even in part?') If that is so, then it is not good at all. But I would be charitable and admit that it is good in parts.

It is a melancholy spectacle that, so many years after the war has ended, the excuse of the war is still trotted out to tell us why the situation is so depressing, and why deficit is inevitable, and has continued, to the extent that it has continued all these four years after the end of the war. I am aware, that democracy is a costly proposition; and democracy of the type that we are

[Prof. K. T. Shah]

having is bound to be more of a luxury than elsewhere, because, perhaps, we are not experienced, because perhaps we have commitments suddenly thrown upon us, perhaps we are faced with problems which no forethought could have prevented. I am willing to make every one of these concessions. Also, in my great regard for the principle of democracy, in working political institutions, I agree certain expensiveness or extravagance is inevitable especially when all interests have to be satisfied. But when all claims have been met, and therefore, a steady growth of expenditure has become inevitable, are we simply to resign ourselves to the inevitable? India to-day has a great leeway to make up in a good many directions, in social reform and in economic re-building. The present Government has launched on a variety of schemes, which will, no doubt, yield results at a convenient moment.

For all that I am grateful, and I fully recognise the necessity for increased expenditure such as the Finance Minister and his predecessors have had inevitably to provide for. But even after making all these admissions, and even after giving the fullest recognition to the circumstances that be set them, and the problems that faced them, I am afraid that that close scrutiny to economy, that full attention that we should have expected from a seasoned economist of the ripe standing of Dr. Matthai is not visible in this presentment of the budget that he has placed before us.

On an earlier occasion Dr. Matthai was pleased to tell us that if he went back to his old profession, and had to put forward his old views and doctrines of economics, he would have hardly any conviction to present. I am sorry to note that at so early an age he should have been so utterly disillusioned, that he should have to say that he will not be able to teach doctrines that he once had at heart with any degree of belief or conviction. I do not know whether I should congratulate him, or condole with him. But I am myself unable to shed those convictions, however, impracticable they may sound. Ministers, and particularly Finance Ministers, are but the creatures of circumstances. That, Sir, is a fruitful excuse. But I should have thought that lesser man might trot out that as an explanation of his own lack of ability, but not men of the level of Dr. John Matthai. I should have thought that men of his stamp should have been able to mould circumstances to meet their requirements, rather than be victims of those circumstances, and hold that the circumstances have been stronger than themselves.

Sir, I have no desire to trespass upon the time of the House or its patience. But if you look at the various items and estimates presented to us; if you scrutinise the figures that have been given to us with regard to the various items of revenue and expenditure, you will find there is hardly any art of budgetting visible, any foresight noticeable in estimates that the Honourable Dr. Matthai has presented. Take the single item of Customs and Excise Revenue, or take Income-tax, or the Corporation tax. Take any item you like, on the revenue side. And I may add, it is the same position on the expenditure side also. In Customs Revenue, the budget estimate and revised estimates show a variation from 87 crores to about 117 crores. In a single year, in about ten months, you have the budget estimate thrown out of order by something like 47 per cent., or more. This you will find throughout, and we find again and again, on the expenditure side. And what is the explanation? "This thing was not foreseen," "that thing could not be attended to", "this was forced by circumstances". I tell you, if that be the prevailing tune, if that is the rule of conduct for Ministers in administering their departments, if that is the standard by which they are to be judged, they and their performances, I am afraid that the Ministers will not be doing their best by the country.

Circumstances are strong, no doubt. Circumstances are very powerful, and may make it impossible in spite of the best of efforts, to make the estimates correspond very nearly to facts. This may be an excellent excuse when the war was on. But with war gone West these four years, without any famine, without any sudden cataclysm, to upset their calculations, the present budget with such wide variations, does not, I am afraid, give any evidence of good budgetting. There seems to be lack of prevision, lack of close attention, lack of careful calculation in sufficient to tell you that there is at least a watchdog's attention to the finances of the country,—I mean no disrespect—which makes you feel that all is not for the best in this kingdom where Dr. Matthai reigns.

I could take up hours in pointing out the lack of any art of budgetting in preparing this budget, that one would have expected from an economist of Dr. Matthai's standing. I have personally not the slightest doubt about the close attention and careful study that Dr. Matthai is capable of giving to a task like this. I have known him in other connections. I have worked with him in other subjects, and over problems requiring no less attention to details. But I must say that the Matthai of those days who used to be so painstaking, so laborious and meticulous in regard to details, seems to have been changed in the "sleepness nights and sleepy days" that it has been his fate to undergo. (An honourable Member: "Age"): I do not think that I can call myself a younger man; and, therefore, it is not for me to say that he is o'd. Nor do I feel that Dr. Matthai is one who would submit to the ravages of 3 P. M. age to the extent of ignoring or neglecting his duty. I personally am quite sure that if, as I hope, he is spared for twenty more years, age will not tell itself on him. And whatever may be the substance of my remarks hereafter, I certainly and sincerely say here and now, that as far as his ability is concerned, I have not the slightest doubt in his capacity.

Let me now come to a few salient points in the actual Budget that is now before us. On the expenditure side, Sir, you find that it is steadily growing. There are several items in which the excuse has been put forward—this could not be foreseen, that could not be noticed, that there was a sudden calamity and we had to meet it, and so on. A good many of these may be quite true; a good few of these have some substance, but consider this, I think. On the Army side, an increase of 25 or 30 crores of rupees as between the Budget and the revised estimates on the Defence Stores side there is another increase of 21 crores. The explanation that the Honourable the Finance Minister has been pleased to give us is: the Kashmir operations. I could not find from the various papers supplied to me what exactly is the actual cost of the Kashmir operations. I have not been able to discover that even by putting questions; for in answer it is said that it is a matter of high policy, and that it is not in the public interest to give this information to this House. It may be true!

But I do not think that the whole of this increase in the revised estimates—an increase of something like 46 crores—is ascribable to the Kashmir operations alone. The Honourable the Finance Minister may, of course, be "satisfied" about the assurances he has given us; but for my part, I remain somewhat sceptic about these explanations.

The Kashmir operations were, in fact, going on for four months before the Budget was presented. And if that is so, is it for the Honourable the Finance Minister to tell the House that no provision could be made because the "extent and duration" of this could not be foreseen. I do not think it is treating this House with sufficient respect; I do not think it is treating the country

[Prof. K. T. Shah]

with sufficient respect, to come here and tell us that this could not be foreseen, even though the operations were going on for four months before the Budget was presented.

What is this budgeting, Sir, again I ask? In Stores and Supplies alone, in a total budget of Rs. 25 crores, there is a sudden increase of something like 80 per cent. or more, raising it to 46 crores. I am not sure that I will be voicing the sentiments of a majority in this House if I were to say that the whole Defence expenditure needs very close scrutiny. We were given to criticising the Defence item of the Budget year in year out when there was foreign rule. The presence of our own Ministers, the presence of our own Government, does not essentially change this fact, in my opinion, however, much I may be in a minority in thinking so.

I am a pacifist, and make no secret of it. I feel also that, situated as we are, if we desire to maintain our independence, it is necessary to have some Defence provision. But let our provision not be such, as to make it appear in the least degree to be a menace to other, or expose us to the hostility of others who may have aggressive intentions.

This is a very serious matter of policy into which I do not wish to go just now. But there is one characteristic of our Defence expenditure, in contrast with that in other countries, which I would like this House to think seriously about; and I would beg my honourable friend the Finance Minister and his colleagues in the Cabinet also to think over very seriously. In all countries of the world, the last war and the one preceding it—so called war to end war—have left an aftermath of increased unproductive expenditure on the maintenance of the defence forces. And we, perhaps, being in the situation in which we are, cannot be an exception to it.

I fully recognise that. But at the same time, in other countries, they have resources and equipment by which they can meet all their requirements by their own efforts. They are able to meet all their Defence expenditure by a mere transfer of money from one pocket to another within the country itself. On the other hand, we have to import a great deal of our requirements from other countries. The danger of it does not lie merely in borrowing, or getting the things by other means. The danger is much greater and lies deeply buried. In this age of standardised production, once you import a machine from a country, you will have to be dependent upon that country for all the parts and accessories of that machine. As honourable members know, present day Defence is a highly mechanised affair, and too complicated for me to deal with. But we stand on an entirely different footing from other industrially advanced countries like America which during the war used to put out a ship in two days. For us, therefore, the burden of the Defence expenditure lies not only in the budget figures, but in the insidious character of that expenditure in that we are dependent on foreign sources. It inevitably draws us into the vortex of world politics. It inevitably draws us—whether we like it or not—into alignments of two warring camps, one of which may be for the present sympathetic towards us. But who knows how long we may be friendly with them hereafter? Who knows at what time the call of blood may become stronger than all the other ties?

I will try to be as brief as possible in bringing out the facts. I will now pass on from the expenditure side to the revenue side, which is the really dictating factor for the revenue side has to meet the expenditure side. The various sources of taxation, or the various means to make up the gap which the Honourable the Finance Minister has suggested to us make me wonder if the honourable gentleman was speaking to us with his heart in the right place, or

in the wrong. He is actually admitting that, on the current estimates he would have a deficit of 15 crores. And yet he is giving further relief to the industrialists and to those people who have super-abundant income. And this in addition, to those who do not earn through the sweat of their labour. These are the people to whom he gives relief. And to counter-balance this large relief, he is laying a 50 per cent. increase on postcard and 33-1/3 per cent. increase on envelope. How can the Honourable the Finance Minister tell us that he is satisfied with these proposals, that he has done justice to the poor, that he has been equitable and fair to everybody? I for my part refuse to admit it. Without charging Dr. Matthai with any lack of intellectual honesty, I do believe that Dr. Matthai himself does not believe that this is an equitable budget which he has presented to us.

Consider these figures, Sir. He expects 15 crores of revenue from the postcards at three pice a postcard. At the present rate you will get 52 postcards for a rupee, and he expects that for 15 crores 480 crores of postcards will be sold, which means that for a population of something like 35 crores in this country each person will write about 15 postcards at most a year. This means a little over one a month or if you distribute this between letters and Postcards in proportion of 1 to 2, this would give perhaps one letter every two months. This increase has been made to be able to give relief of ten per cent. to people who can afford to pay super-tax on an income of 2-1/2 lakhs and more a year.

I have never been able to understand the justification for this, in a country which has been led by Mahatma Gandhi till now. It may be said that they have been forced by circumstances to do this, and that the circumstances have been stronger than they expected. Even circumstances cannot justify, in my opinion, the laying of a duty on cloth, the laying of a duty on food, the laying of a duty on tobacco, the laying of a duty on communications, the laying of a duty on any kind of instruction and education or whatever they can get hold of.

It is not only the Central Government which is responsible for laying such burdens or which is the only sinner in this regard. It is the provincial governments also, and the Municipalities or District Boards. The Central Government sets the model for the provincial government, so that, if you are tired at the end of the day and seek some relaxation or recreation in a cinema house, there you will have to pay the entertainment tax. If you want to turn on the electric light and have a little reading enlightenment or amusement you must pay the electricity tax. You have got in many provinces even a sales tax, so that if you buy two rupees worth of anything, there is a sales tax on it. So that where the Central Government gives up, the Provincial Government comes in, where the Provincial Government gives up, the Municipalities come in; and where the municipalities give up the District Boards come in. There is a whole series of taxation, and one does not know where one authority ends and another comes in.

One could have expected such a Budget from the hands of the Finance Minister whose great sympathy for the capitalist or industrialists class is known. But from a former Economist, this Budget is unacceptable. He has also increased the depreciation allowance which they never use; and on their super abundant income he is unwilling to charge the maximum supertax. It means a relief of two crores to the richest class consisting of a few hundred individuals, at the expense of the poorest class consisting of hundreds of millions. This is a kind of budget which I confess I cannot excuse in a Liberal of the standing of Dr. Matthai. This is a kind of budget, even in spite of expectations which the Government of the country, led by such large-hearted, warm-blooded, deep thinking nationalists and liberals, and other members more extreme than the Liberals, cannot ask us to accept, on the simple grounds that

[Prof. K. T. Shah]

they have "satisfied" themselves, and that nothing could be more equitable, nothing could be more just than the proposals which they have placed before us.

I would rather have expected or welcomed that they should have left a certain portion of the deficit uncovered, than that it be covered by such burdens. There is no need for them to charge the postcard extra to get the two crores out of that, for it is getting blood out of stone, pennies out of the poor man. There are today only five crores of people in the country, who can lay claim to the barest literacy; and they do not write on an average more than ten or twelve letters a year. And yet the Honourable the Finance Minister asks them to pay 50 per cent. extra on their postcards, and 33 1/3 per cent. extra on their envelopes. And to add insult to injury, he tells us that they are going to be conveyed by air. As if there were aeroplanes enough, as if there were runways enough, as if there were personnel enough for every village to be connected by air. I ask Dr. Matthai to tell us whether in this country, where there is hardly 5,000 miles of air route, where there are 700,000 villages or is it now 500,000 and there are many thousands of towns,—I ask him whether he is prepared to say that, within 12 hours every letter posted anywhere in India will be delivered at its destination. The facts are quite to the contrary. If write to the Prime Minister by air, with an express delivery stamp, on a Friday from Bombay the Prime Minister does not get my letter till the following Monday, and that by air mail with an express delivery stamp. I am not concerned just now with the great efficiency or the lack of it of our postal, telegraph or telephone services. I dare say that these increased charges will make them more efficient. But that efficiency if it is going to be helpful, will help Big Business who have urgent communications to make by sending their letters by air-mail. They will also be helped by the removal of the surcharge on the air mail letters, whereas the poor man is made to pay an extra quarter anna on the postcard and an extra half anna on the letter. Our nationalist Finance Minister is not content with what Raisman did but he out-Matthai's himself when he restores war time post-card of 9 pies, even enough Raisman had introduced the six pies post-card. This increase to nine pies, even though he has no excuse for war-time needs is indefensible. Raisman had it in a war-time budget. My honourable friend the Finance Minister has no other excuse beyond saying "I could not foresee this. This is unexpected. It is circumstances which have forced me." If you are going to plead circumstances to that extent, I for one have no alternative but to say that, if your budget is to be judged by the contents with which you have presented it, and not by your personal knowledge, and integrity, I am afraid it will be condemned unreservedly.

Shri T. Prakasam (Madras General): It is an unbalanced Budget at a very critical time. It is not called an unbalanced budget in plain terms but it is unbalanced. There are two topics which have to be dealt with as the burning topics of the time. One is the high prices and the other is what is called inflation. Each is dependent on the other. Inflation is known proverbially as making the rich richer and the poor poorer. This Budget instead of trying to get over inflation is also calculated to make the rich richer and the poor poorer. That is the position in which the budget stands.

I am anxious to place a few facts before you, before the honourable Minister and the honourable members of this House so that they might consider them having regard to the conditions under which this inflation has been brought about and into which the millions of this country have been plunged and whether there is any little chance of getting over it by the remedies provided by the Honourable the Finance Minister. I do not think the situation can be

saved by any mild measures. If you wish to save this country, if you wish to save the millions of all classes your policy must be a different one altogether. Let us go to the root cause of this inflation. Who is responsible for the higher prices, who is responsible for this inflation? I say it is the Government that is responsible for the high prices and it is the Government that is responsible for this inflation.

Inflation has come along with the war into our country. Inflation gave the opportunity to the English people who were in charge of this country to enhance the circulation of currency notes by printing them in a most unwarranted manner and under most unjustifiable circumstances. I shall just give figures of the currency notes printed before the war.

In 1937-38 the notes in circulation were 182.19 crores.

In 1938-39 the notes in circulation were 174.39 crores.

In 1939-40 the notes in circulation were 198.13 crores.

The general index number of prices was 125.6.

In 1940-41 the notes in circulation were 223.03 crores.

The index number was 114.8.

In 1941-42 the notes in circulation were 287.48 crores.

The price index number was 137. ...

In 1942-43 the notes in circulation were 513.44 crores.

The price index number was 173.

In 1943-44 the notes in circulation were 777.17 crores.

The index rose to 236.5.

In 1944-45 the notes in circulation were 968.69 crores.

The index number was 244.2. ...

In 1945-46 the notes in circulation were 1162.64 crores

The index number was 244.9. ...

In 1946-47 the notes in circulation rose to 1212.52 crores.

The index number was 266.4.

In 1948 the notes in circulation were 1214.20 crores.

The index number rose to 390.1.

Thus it will be seen that from 174.39 crores in 1938-39 the notes in circulation have come up to 1214.20 crores. Year after year there was such an enhancement in the printing of these notes that from 174.39 crores in 1938-39, when the war broke out, by 1948 it has come to 1214.20 crores. I put the question to you and to the Honourable the Finance Minister when the circulation of notes has increased to such an extent, by over Rs. 1,000 crores, that is a liability that has been cast upon this country. How to discharge this debt? What is the good of simply talking of grow more food, this one and that one and similar things? (An honourable Member: "Growing more notes"). The other day one question was put to the Honourable Minister on the floor of this House whether he could not cut off this note circulation in one lump as it had been done in other countries, so that the root cause of this inflation would be first removed and the country would become free. The

[Shri T. Prakasan]

reply came straightway "No". So lightly it was disposed of. When currency notes had been printed and put into circulation in the manner in which it had been done before 1948, seeing that the persons who did it were going to leave the country, it is a legitimate demand of the people of this country to ask as to who is responsible for this debt. And what is the value of these currency notes I am asking you.

In 1930-31 it was that the gold standard was declared off. Before that time the currency notes of India had the backing of the gold behind them and there was a guarantee. The English Government was very clever to get over the trouble that was impending upon them at that time. That was the time of the first world economic distress. With a view to meet their own troubles there they first wanted to get rid of this gold standard liability. The reason was well known. It was not only Britain that did it. Germany did it. Gold had disappeared from their vaults. They had to pay to America the debt which they had contracted for the first world war and so their treasury became empty. If the notes were presented before them they had no backing and the country would be declared insolvent. So Germany put up a notice at the Reich Bank gates "Don't present the Reich Marks which we have issued until now; we have no gold in our treasury; all that has been transferred to America; do not present them because they will be dishonoured". So the German Marks became useless. Hundreds and thousands of the German Mark notes were flying in the streets of India in those days.

With regard to Great Britain she was on the verge of ruin along with Germany. Germany became literally bankrupt. England was about to become bankrupt. At that time they had this weapon of forging anything at any time to save themselves as against the poor people of this country. It was Sir Samuel Hoare or some other person who introduced the Gold Ordinance. It was declared in that Ordinance "so far as India is concerned we would give not 20 shillings as usual but 28 to 30 shillings for a pound". That was a temptation thrown before the unfortunate millions of this land and the millions were thirsting to sell away the little gold they had. What was called distress gold with the labourer, the agriculturist, with the women was all collected by some of the magnates, by the rich men of the land, and exported to Britain so that it reached them in time. Otherwise England also would have put up the same notice board which Germany had put.

These currency notes were brought into existence by the British people who have left us. This liability is one which must be repudiated by the people of this country. I for one would repudiate it. I will call upon my people to repudiate this liability. I tabled a Resolution in this very House for the repudiation of the liability of the country with regard to these currency notes. But the Rules of this Government and the Prime Minister's convention that those Members who sit in the Provincial Legislatures should not come here shut me out. I do not know what happened to that Resolution until now.

Therefore, this is the way in which this inflation has been brought about in this country. In all fairness, the Honourable Dr. John Matthai and his Government headed by the Honourable Pandit Jawaharlal Nehru should repudiate this debt. They should claim this amount from the English people who brought these notes here and foisted them upon our head.

The next point that is known to every one of us but to which we have become so blind and so inconsiderate to ourselves and our country's interests is that growing expenditure is primarily responsible for adding to this inflation. Instead of doing anything to remove this inflation, to reduce its course, they

have been adding to the expenditure. To military expenditure which was already top-heavy, over 34 crores and odd have been added and to civil expenditure 48 crores and odd. When can there be a chance, I ask the Finance Minister and every one of the Ministers on the Treasury Benches, when can we have a chance of getting rid of these liabilities, when can we have a chance of giving food and cloth to the unfortunate people who are suffering, whose name we mention here every time? What are the poor people left with? Not a ghost of a chance. I am talking as a friend. I am giving constructive proposals in order to meet the terrible situation in which the country is drifting.

There should be no mistake about this matter. What is being done now? We have some balances, what are called "sterling balances", in London. What are we doing with the sterling balances now? I have got a very serious complaint about the method that was adopted for dealing with the sterling balances. Sterling balances accumulated in our favour. We were debtors to Britain until the war was declared. After the war was declared it was that their imports into this country decreased; our exports increased; the balance came to our side. The whole of that account was treated as Sterling Balance to our credit. It was our hard earned money—468 crores or some such thing it comes to. It was our hard earned money that is mixed up with war debt, converted into sterling. This country was called upon to pay that war debt. We repudiated—you remember; you must have been one of those who walked into jails—uttering the words of that departed soul Mahatama Gandhi, "This war is not people's war; the cause they are fighting for is not people's cause; they are not liable to pay for any of these things". Uttering those words, after resigning the Ministership and coming into the streets, we walked into jails. Now, what is it that has happened that the war debt has come to us? We repudiated it and we went into jail; we suffered; we made sacrifices. Now that war debt is claimed by the English people as also partly our debt. Their claim is that we must pay half the debt and they will pay half the debt. They had our accounts in their hands. Two accounts were opened: No. 1 and No. 2. In number 2 account our own earnings were entered. We were fully entitled to those things—426 crores—the value of the goods supplied by us. Instead of that being paid to us, they mixed up all that and the whole thing was converted into what was called a "war debt" and a "sterling loan debt". This has been forgotten altogether by the two officials who had gone all the way from here to London to settle this sterling balances dispute. One was Narahari Rao and the other was Shaumukham Chetty. These two gentlemen went there and they would not refer to any of the points I have been stating to you and to the honourable members in this House. They went and entered into one agreement. That agreement was extended by three months first; six months later; now they stand adjourned till 1951. I am glad that has not been closed and that has not been accepted by us as a final binding. The whole of that has to be reopened and re-settled on the basis on which we are claiming. Until that is done, how will we become liable for anything at all here and what is this Budget which the Honourable John Matthai is preparing? I am requesting him; I am appealing to him to go into all these things closely, item by item, and examine whether the steps taken until now are correct ones and whether this Budget can be called a Budget of this country, a Budget of this Government, for the benefit of the people, on behalf of the people. It is not. I respectfully request the Honourable John Matthai and his Cabinet of Ministers and the Prime Minister to examine the whole situation and discover the truth at least now and then give relief to the unfortunate people in a different manner altogether. People are holding their breath, waiting for your Constitution, waiting for your elections, for justice to come some day or other. Those days are receding everytime, because we have been indulging in our own ways, taking our own time. That is the position so far as the Budget is concerned.

[Shri T. Prakasam]

I would not wish to ask for extension of time in this matter, but there is one point I must refer to. The Finance Minister was good enough to say that our Sterling Balances were declining. He pointed out how 121 crores decline came up first; he pointed out how over 17 million declined secondly; and thirdly he pointed out how in one stretch over 553 crores decline came up. The decline is coming. The decline is coming, with a vision which I can command I am telling you. Decline would be coming, perhaps in the same manner in which decline came upon Dalton, the Chancellor of the Exchequer of Great Britain. On August last year or the year before last, he said: "I declare suspension of the agreement between America and ourselves and suspend all our engagements." He said for one day they were losing 13 million dollars; he said for five working days it had gone to so many millions. So, I am telling you we cannot continue this. You will be facing that situation if you continue to go on in this manner.

With all the ignorance that all of us could command here, we have become helpless; we cannot reach you; we cannot convince you. You have got a contempt for those opposite to you. That is why I am trying to put it in the best manner possible, to enable you to understand, with these figures, constructively, so that you will save this country. A country's honour can be saved only by doing the right things in proper time and also by commanding the confidence of the country. The confidence of the country you cannot command unless your administration in the country, not only in Delhi but in the provinces also is properly carried on. If you allow mal-administration to be carried on in the provinces, knowing pretty well that things have gone wrong there, all that would affect upon you and you would be held responsible ultimately for the sufferings that the people have to undergo for years together.

In the Madras Presidency there has been a charge pending against the present Ministry for over a year now. Throughout the year no redress could be got for any of the charges. No reply could be got. Even the Provincial Congress Committees and the Working Committee passed resolutions demanding an enquiry into those charges, but no enquiry was forthcoming. But I may tell you that the one feature of this whole administration, the Prime Minister, he is there. In spite of all his troubles, in spite of all his burdens, he is so quick to understand; he understood the thing; he condemned both in Madras and here the administration in that particular place, but yet he has not been able to do anything.

Do you think that people will be dead for all time to come? You must not think so. You must make the administration pure; you must clear the atmosphere; you must command the confidence of the people in the country. Until you do so, you cannot ask them to confide in the budget.

Pandit Mukut Bihari Lal Bhargava (Ajmer-Merwara): The Budget that has been presented by the Honourable the Finance Minister is the second Budget of free India. Its merit has, therefore to be judged from a common man's point of view, the point of view of the man in the street. It will not be an exaggeration to say, that the first reaction of any person studying the Budget is that the common man is being hard hit by it. It is a rich man's budget; it is the Budget of an industrialist, of a businessman. It is not the Budget of a poor man.

Now, in order to cover the deficit in the Budget certain taxation proposals have been incorporated and we have to see how these taxation proposals hit the poor man. By the imposition of a duty on coarse and medium cloth the poor and middle-class man is affected. It may be said that is a very small

amount, but you can imagine what one pice on every five annas means to a poor man. Again, the imposition of petrol duty will lead to retardation of movement of goods. If I have not misunderstood the custom and excise duty imposed is six annas a gallon which is very heavy. As you know, transport is one of the bottle-necks and today one of the factors which is responsible for the inflationary situation in the country is lack of adequate and suitable transport facilities. In fact, it is the motor transport that is serving the major portion of this country, both in the matter of conveyance of passengers and the transport of goods. The imposition of this levy on petrol is bound to tell on the poor man's pocket. Again take the case of betel-nut. It is not a luxury item. It is the necessity of the average man in the street. It is said that the imposition of the duty on betel-nut will not affect the grower. But there is somebody else besides the grower.

The raising of postal rates from one anna six pies on covers to two annas, and from six pies on post cards to nine pies, is a measure which is certainly bound to tell on the poor man. This enhancement of rates has been done, not to cover the deficit, but to give some relief to the industrialist and businessmen. Why? Because, as the Honourable the Finance Minister, said the business world, the capitalist the industrialist has got no confidence to invest in the undertakings. But what has been our experience for the past two years. This is not the first time that relief has been given to the industrialist. In fact, the policy that was inaugurated by Mr. Liaquat Ali was reversed by the first Chetty Budget and substantial relief was granted to the capitalists. But what is the response? Has the money market situation improved in any respect on account of these concessions? We find that the Government's calculation was that it would be able to get Rs. 150 crores on loan from the market. It found that it could not get more than Rs. 55 crores from the rich investors. On the other hand, look at the middle man's savings. Response to investment in the Postal Savings Banks and National Savings Certificates has been beyond the expectation of the Honourable the Finance Minister. The inevitable conclusion, therefore, is that the capitalist and the rich man will not help the cause of Government.

How, then, does this Budget help to fight the monster of inflation? Shri Prakasam just now gave us an approximate idea of the currency in circulation in the country. In 1939, the total quantity of currency in circulation was Rs. 174 crores. By 1948 it had expanded to over Rs. 1,200 crores. What does this expanded currency represent? In fact, it is the purchasing and the lending power of the community. By what method can you fight inflation. Either you must increase production or you must contract your currency. So far as increasing production is concerned, it can be done only on a long term plan. You know what food imports mean to this country. During 1947 we had budgeted for import of two million tons of food grains at a cost of Rs. 110 crores, but we were compelled to import 2.8 million tons, at a cost of Rs. 130 crores. What is the Budget provision for food grains in the present Budget? It is said to be four million tons. Calculating at the price at which imports were made in the last year, we will find that we will have to pay about Rs. 180 crores for food grains. How does that affect our international position? We are daily consuming more and more dollars and the dollar deficit has been of a very alarming character. We find that in 1948, in the six months April to September the dollar deficit was to the extent of 45 millions and out of these 35 million dollars we had to pay for food grains. In the last 3 months of the year 1948 our dollar deficit is expected to the tune of 48 million. Out of these, 40 million dollars are on account of food grains. The situation therefore is gloomy. How can you meet it? At home you can intensify the food

[Pandit Mukut Bihari Lal Bhargava]

production campaign which will bring about a short term improvement in our international position. But are we doing so? We have the spiral of rising prices here. In regard to this the Honourable the Finance Minister has stated that the rising tendency has been arrested by the anti-inflationary measures taken by the Government since October 1948. But are these measures sufficient? Is there any certainty that the inflationary tendency will not recur in a very alarming form in the near future?

Therefore, the question is how are you going to counteract it. Either you must contract your currency or you must produce more. So far as production is concerned, it is a long-term affair. So far as the contraction of currency is concerned it is for the Government to consider what steps it should take. In reply to my question on this subject the answer given was that the Government had no intention of resorting to such measures. We have to look far ahead. If the industrialists or the capitalists are reluctant to put the black-market money in circulation and are adamant, the question arises whether you will allow the present alarming position to drift or whether you will try to meet the situation by some approved methods? My respectful submission is that we have before us the experience of several countries which have successfully tided over an economic crises of this character in a short time. Look at Belgium; look at Norway and look at England. What was the position of Belgium. In 1946 the deposits in her banks and the currency in circulation were three times what they were before the war, in 1939. The Belgian Finance Ministry took certain anti-inflationary measures which included an order that all currency notes of the face value of 100 francs and above should be surrendered and thus stabilised the prices and the wage-level commensurate with the purchasing power of the people. The Finance Minister also blocked 60 per cent of the deposits in banks and allowed the transfer of the remaining 40 per cent to the current account. The result was that in 1947, production shot up to the pre-war level and in 1948 the financial condition of Belgium improved to such an extent that she refused to accept Marshall Aid in favour of the countries who were worse hit. A similar situation existed in Norway and there also similar steps were taken by the Finance Minister. All currency notes over the value of one or two crowns were declared invalid and the Government froze 40 per cent of deposits allowing 60 per cent to be used for production. Some such step must be taken here in India if we are serious about counter-acting inflation. Otherwise, inflation will create big problems and it would be difficult for us to meet them.

There are so many labour disputes in the country. Why is it so? The wages of the labourers are not able to keep pace with the rising prices and that is the cause of the disputes.

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

If you stabilise the prices at a particular level, then it will be possible to meet the labour situation and if there are no strikes and no disturbances, production will increase under industrial peace. The position which exists in India today is identical with that which existed in Norway or Belgium. Here also the figures show that the bank deposits are swelling. The demand liability of Scheduled Banks which was nearabout 150 crores has risen to 634 crores in December 1948. Similarly the time liability has also risen from 103 crores to about 300 crores in December 1948. Similarly again currency which was in December 1939 standing at 241 crores has risen to 1188.20 crores in December 1948. The ratio of currency and deposits in the banks is thrice the pre-war level. Here also there is similarity to the conditions which prevailed in

Belgium and Norway. It is for the Government of India to consider whether the time has not come to take some steps in the direction of successfully meeting the inflationary conditions in India. Without such drastic steps I do not think it will be possible for India to fight this monster of inflation which has invaded the economic condition of the country. With these remarks I resume my seat.

Mr. Chairman: Before I call upon the next speaker, may I request honourable members to strictly confine to the time limit laid down?

Shri C. Subramaniam (Madras: General): We have heard the third Budget speech. The first was an interim budget and this is the second full fledged budget. In my view, merely looking at the Government finances alone would not give us a correct idea of the conditions in the country and therefore in order for the House to appreciate the real situation in the country, it is necessary to give us what I would call a 'National Budget' along with the Government Budget. Government is, after all only a means to an end. The entire Government system is only for the purpose of enforcing the national policy. If that be so, first we have to understand the national situation before we give our judgment regarding the instrument which is controlling these national resources. So I would request the honourable the Finance Minister and the Government to give to this House and to the country at an early date, a complete picture at what position do we stand regarding our national life, regarding our productions in the various industries and in the various sectors of national activity. Only then, we will be able to know what we have what would be our requirements and in what way we have got to improve. So, in that view, I feel that we will not be competent to pass judgment on the real situation in the country with only the figures given to us regarding the Governmental finances.

It has been stated that the fight against inflation is the main preoccupation of the Government. I agree, but I am sorry to say that we are not at all satisfied with the way in which inflation is being tackled. Experts in various fields were consulted for the purpose of eliciting their opinion in regard to the fight against inflation and one of the recommendations made was that there should be a drastic economy in the Governmental expenditure. All avoidable expenditure should be avoided. The Government accepted that recommendation, but have they implemented it? They did not look into their administrative expenditure and they did not care to find out what are the expenditures which could possibly be cut out. As a matter of fact, an Economy Committee has been appointed and it has submitted its report also. But as far as that is concerned, they have completely ignored it but the first thing the Government did was to find out which are the developmental schemes which could be postponed or dropped. I submit, they have started at the wrong end. It is not as if those developmental schemes are not necessary for the welfare of the country. On the other hand, the honourable the Finance Minister himself has stated. 'The House should realize that it was not without regret that we decided to hold up even temporarily the various schemes of development, the execution of which is necessary for the wellbeing of the country'.

If these schemes of development are necessary for the welfare of the country, did the Government take care to find out in what other matters and to what extent there could be economy in the administrative sphere? Without going into that matter at all, useful schemes of development have been held up, simply because they did not care or did not want to bring about economy in other fields. So I say the wrong end has been chosen and even now, no assurance has been given to us that economy will be effected in the administrative field in the near future during the next year. We have got to see that the Government tackles this problem of inflation properly.

1058

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [3RD MARCH 1949]

[Shri C. Subramaniam]

One other factor, I wish to mention with regard to this fight against inflation. It is stated over and over again that it is a matter of surplus spending power in the hands of the people which is the cause of all this inflation and rise in prices. I have gone to the rural parts in my province and I can say that the surplus amount of money in the hands of the people is restricted only to a very few people, but the vast majority of the people in the rural areas and also the poor people in the urban areas, they are as before. It is not a question of their having any surplus money in their hands. Even now they are unable to purchase their daily rations, their weekly rations and they have to borrow even for that sometimes. They have even to forego the rations which they have to get every week. That being so, this question of surplus money power is only in the hands of a very few people. I would say, perhaps one or two per cent. of the population. With the rest of the 98 or 99 per cent. of the population, it is not a question of surplus money in their hands. This inflation is merely the result of paucity of goods. Therefore, if you want to tackle this problem of inflation, it is not a question of surplus money in the hands of the people, but one of scarcity of goods, one of production and there is not sufficient production in the country. The Government should tackle this problem of production before they think of withdrawing the surplus money in the hands of the people and in that way that problem could be tackled and that is the only way. If the Government is merely taking measures to withdraw the surplus money in the hands of the people, without tackling the problem of production I am afraid, they will not be solving the problem at all. For the purpose of increasing production, the Honourable the Finance Minister has given in this Budget various reliefs. Are not these reliefs enough to the capitalists, in whose hands the means of production are today. They are not content with these reliefs, but they want further assurances. It was said that assurances are wanted regarding the nationalization policy of the Government, regarding compensation which would be paid in case of nationalization and also control. Have not sufficient assurances already been given? The Deputy Prime Minister, speaking the other day in Madras, categorically stated that even if we wanted to nationalise it would not be possible to nationalize the industries in the near future. What further assurances the capitalists want, I do not know. Is it that we should take out the word "nationalization" altogether from our programme? Even if we give this assurance now to them still they should remember that we are committed to a democratic system of Government. Suppose we give this assurance, is it binding on our successors? Certainly not. As long as the capitalists live in a democratic India, they would be bound by the decisions of the majority in a democratic country with a democratic legislature. Even if we give an assurance that there will be no nationalization and that they will have not only just compensation, but something more than that even then, will it be binding on our successors in this legislature or in this House? It is further said that there is something in the new constitution which frightens the capitalists. This Constitution is not unalterable and with a certain majority it could be altered. Therefore, if the capitalists agree to live under a democratic Government, they will have to face the situation as it is. They have got a free hand in the industrial field now. It is not possible for the Government even if they want to, to nationalize the entire industry. Therefore, having regard to these existing circumstances, is it not the duty of every capitalist in this country to see that production is increased? Should they be insisting on further assurances, imaginary assurances, which may not help them at all and continue saying: "We are shy." We are facing a great crisis. We want strong men and therefore, I say, if they feel shy, we have to replace them, that is all. It is not as if because we have love for these capitalist or we have faith in the capitalistic system that we have allowed

these capitalists to operate in the industrial field; but it is because under the existing circumstances, it is not possible and desirable to displace them. That being so, it is necessary that they should fulfil our expectations and if they do not fulfil those expectations but go on saying: We are shy because you are talking of nationalization; we feel shy because nationalization is your ultimate ideal, then the only course for the Government is to see whether these shy creatures should continue to hold the field or it is time to get them replaced. After all an agency has got to be judged by the results. The private enterprise in this country is on its trial. If private enterprise does not fulfil the promises, does not fulfil the expectations, we would be justified in replacing that agency by some other agency which might give us what we want.

In this connection I would like to refer to the attitude of labour also. Labour, it is said, is discontented. But who is not discontented in this country now? Everybody is discontented. The capitalists think that their discontent should be attended to first. Labour think they are entitled to priority. And between these two, they want a monopoly. It looks like a husband and wife quarrelling when the creditor comes to collect his dues. We should not forget that every industry is for the good of the nation as a whole it is not merely for the capitalist, nor is it merely for the benefit of the labour. It is for the entire country. Therefore the Government should take up a policy which would be beneficial to the country, and not merely one of sharing of the profits between capital and labour. I do not mean to say that labour is not entitled to its rights. Most certainly it is entitled to its rights, and Government is granting labour its rights. But in spite of that, it is being formented in certain labour circles that labour is not getting its dues and, so labour must fight for those rights, even go to the extent of paralysing the nation. That kind of thing is not desirable and should stop.

If we want to fight inflation, the only course to do is to increase production and for that you must have a firm policy and say that capital and labour must co-operate and work together. Till we pass the crisis, there should indeed be no question of dispute between capital and labour.

I have only one more point to mention, I will leave off the rest, since time is short. The next point I have to mention is about the controls that are in existence now. We should see if these controls increase production, and whether they are for the benefit of the country. Taking first, the food control, as far as its working in my part of the country is concerned, I can say that it is working to the detriment of the country, and against good production. In my own district, because the cost of production is so high and the controlled price so low many landlords find it uneconomical to grow food grains. I have heard many landlords saying that they will not grow any food grains as long as the controls last. It is quite a different thing when we have state-farming or co-operative farming. But as long as the present conditions continue, we must see that there is as much production as possible. There could not be as uniform policy for all India. We must have some system by which freedom is given to the provincial governments to adjust things as far as the provinces are concerned. When we approach the provincial Government they say that the Centre is very strict about it and that they must enforce the procurement as laid down by the Central Government. Under the present circumstances, food control and the total procurement system prevalent in various parts of the country stand in the way of greater production. It has to be looked into and adjusted so that there is more and more production by landlords, whether big or small. As the Deputy Prime Minister remarked, in Madras, corruption follows control. It may look all right on paper, but in actual working there is a

[Shri C. Subramaniam]

lot of difficulty and corruption. A certain degree of autonomy should be allowed to the provinces in working the procurement and rationing policy. Once the allotment of quota of food grains is made to them, the provinces should be able to work out distribution and procurement according to plans best suited to them.

Shri B. Shiva Rao (Madras: General): Before I proceed to offer a few observations on the budget, I would like to deal with a preliminary point. A few days before the presentation of the budget, we were led to believe that with the budget papers would be circulated reports from the different Ministries giving the salient features of the administration of each Ministry during the current year. These papers, I am sorry to say, have not yet reached the Members of the House, and I am bringing up this point in the hope that before we give notice of cut motions at any rate, these papers will reach us.

In the course of the speeches which have already been made, there has been reference to one striking point in the budget speech, and that is the striking variation between the original budget estimates presented last year, and the revised estimates contained in the budget presented now. Pandit Kunzru, somewhat briefly, and Prof. Shah more elaborately dealt with this point. And if I refer to it, it is only to remind the honourable the Finance Minister of a promise which was tentatively made by his predecessor last year, and that is, to set up, with as little delay as possible, a research and planning section in the Finance Ministry. That is I think of the utmost importance. I know that the Chancellor of the Exchequer in England is willing and indeed would be glad to provide facilities for training three or four promising young men from the Finance Ministry in this country, and I hope that Sir Stafford Cripps' offer will be accepted by the Finance Minister promptly and gratefully. I am referring to this variation between the original estimates and the revised estimates for another reason, and that is to indicate that there is nothing sacrosanct about the forecasts for the coming year, contained in the budget, more especially because my honourable friend has made no allowance at all for economies as a result of the working of the Economy Committee, nor for reduced expenditure under the heading "Defence". So far as the work of the Economy Committee is concerned, I think the proper costume which the Finance Minister should have worn is not a lounge suit, but sack cloth and ashes. If he had been candid to this House, he should have come forward and told us that this Committee has been a complete flop. Last year when his predecessor made a token cut of Rs. 2½ crores, Pandit Kunzru very properly took him to task for unduly under-rating the possibilities implicit in the work of the Economy Committee. This year, profiting perhaps by the experience of his predecessor, Dr. Matthai has been discreetly silent on that point. I am referring to this matter because I think it high time that he did something positive about it. I would suggest for his serious consideration that the various interim reports of the Economy Committee, referring to the several Ministries should be submitted to the respective Standing Committees of the Legislature, and a prompt decision taken, after the House has risen for the Budget session. If necessary, let these Standing Committees sit day to day until the task has been completed.

On the subject of Defence expenditure, I would remind Dr. Matthai of the promise, also made by his predecessor that as soon as normal conditions began to develop, with the cease-fire in Kashmir, he would have the defence expenditure scrutinised, possibly by a separate Committee; and I would like Dr. Matthai to consider whether the defence estimates could now be submitted to a sub-

committee of the Standing Finance Committee. I think that would be a very useful practice and would lead to the development of a full-fledged estimates committee of this House. I am laying stress on this point because while previous speakers have spoken on it only from the standpoint of economy, I am looking at it from the standpoint of the work that is being done in the Secretariat.

Anyone who goes round the different Ministries at the present moment would be struck with one fact that is the steady and serious deterioration both in the quality and the quantity of work done in the Secretariat. There are many reasons for this but I think the situation is much more serious than the House has realised. I know that several officers, senior officers, of ability, experience and integrity, are only looking forward to the time when they can retire from the Government of India. I am afraid it is true that there has been a tendency on the part of more than one Ministry to set at naught the established practices in regard to recruitment and promotion of people in the Secretariat. Men who have been thrown out for proved misdemeanour by the findings of the Public Service Commission have been brought back and given responsible positions. The effect of all this is devastating on the morale of the thousands of people who are working in the Secretariat. This is an aspect of the problem which I think members of the Cabinet would do well to ponder over.

Shri B. Das: They have no time.

An Honourable Member: Which are the Ministries?

Shri B. Shiva Rao: I could not give the details.

Let me now pass on from the work of the Economy Committee to the allied subject of which my honourable friend the Railway and Transport Minister is in charge and that is the reorganisation of the Secretariat from the standpoint of work, not excluding, I believe, even the Cabinet. Last year at this time several of us had suggested that there should be a redistribution of portfolios among the members of the Cabinet and that leading members of Cabinet and in particular the Prime Minister should release themselves as much as possible from the routine problems of administration in order that they may concentrate on the co-ordination of work inside the Government and on the expounding of policies outside. That, I think, is a point which deserves the urgent attention of my honourable friend Mr. Gopalaswami Ayyangar and since he has not completed his task I would venture to put before him and before the House one or two concrete suggestions.

It seems to me that the time has arrived for the separation of Works from Mines and Power. That was a recommendation of the Coalfields Committee two or three years ago of which my honourable friend the Commerce Minister was a distinguished Member. The report of the Coalfields Committee has argued in a convincing manner a case for the separation of Works from Mines and Power including in the latter category, viz. Mines and Power, (as has been done more appropriately in England where the Ministry is labelled Fuel and Power) Coal, Oil, Electricity and Hydro-electric Power. I think the Ministry of Works should be reduced in size and I feel I would be failing in my duty if I did not express the very general dissatisfaction felt by many members of this House with the present functioning of Works, in the W.M.P. Ministry. I think the time has come for infusing into it a new spirit of research, possibly through new personnel.

Attention has been drawn during the last few months, at question time particularly, to the scandalously slow disposal of surplus stores and on this matter

[Shri B. Shiva Rao]

I would like to say this: that although disposals is a part of the Ministry of Industries and Supplies the Minister himself in charge of that subject is not the only culprit. He is not even the principal accused; because on the one side there is the Defence Ministry which takes an unconscionably long time to declare such stores as surplus to their own requirements and on the other side is the Ministry of Relief and Rehabilitation. I took some pains to collect some figures in regard to the working of the Ministry of Relief and Rehabilitation so far as disposals are concerned and the figures are astonishing enough. During the last twelve months the Ministry of Relief and Rehabilitation has imposed a ban on the sale of surplus stores covering goods, I am told estimated at anything between 50 and 80 crores. But what has been the actual purchase by this Ministry during the first three months of 1948-49? Their purchases amounted to Rs. 14,000 and I believe that during the rest of the year the total purchase does not aggregate even a lakh or two. Therefore I would suggest that the disposals, where there has been a criminal waste of most valuable capital goods worth crores and crores of rupees, should be taken out of the Ministry of Industry and supply and possibly amalgamated with the Board of Scientific Research. (An Honourable Member: "With the Board of Scientific Research?") That is a very small section at present administered by the Prime Minister. (Prof. N. G. Ranga: "So that at least the unopened parcels will be opened!") So far as food is concerned we have already had a debate in this House about three or four weeks ago and it is not necessary to cover the same ground again. But the only point I would like to make on this occasion is that since a policy has been laid down and it is hoped that it will be carried out firmly without any vacillation, Food may best be entrusted to a Board of senior and competent officers with much greater powers than the Ministry of Food has over the Provinces. I refuse to believe that the Food situation is quite so desperately serious as we are often made to believe. I have a shrewd suspicion that provincial governments in order to escape the embarrassment of procurement deliberately understate their production. Speaking for myself, I take the strongest exception to 33 crores being set apart in the coming year as subsidies for the importation of food and as bonus on procurement. I would like the Minister for Food and Agriculture to consider whether it is wise to embark on such large expenditure and hand over 33 crores to the provinces unconditionally. If a subsidy is to be given, I would link it up with the measure of co-operation that is really forthcoming from the provinces in rationing and in procurement.

So far as the Ministry of Relief and Rehabilitation is concerned I think it is psychologically wrong and financially ruinous to let the Ministry continue in its present state. I would rather combine it with the Resettlement Directorate of the Labour Ministry and call it by a different name—the Ministry of Social Welfare or some name of that kind—because I think it is wrong to perpetuate the term 'refugee' for all time. (Shri R. K. Sidhva: "They have substituted the word 'displaced' person.") That is as bad as the word refugee.

There is one last point which I would like to make before I sit down. I do not feel that the Finance Minister has taken a sufficiently serious view of the position ahead of us or it may be that he has considered it prudent to conceal his fears regarding the immediate future. I feel that financially and politically the situation is extremely serious at the present moment and we cannot afford to live indefinitely on our dwindling resources. We must do every thing possible to reduce and stop the import of food from outside and we should do all we can to build up our Dollar resources. During the Railway Budget I emphasised a point which I had made last year that every thing should be done to stimulate tourist traffic into this country and I feel the Ministry of Industry and Supply can also do a great deal by encouraging the

export of cottage industry products to countries like America. I mention this because unless you reverse present tendencies both in the financial and in the political fields, next year or the year after we shall feel we are dangerously near the precipice.

India at the present moment is undoubtedly the most important country in Asia and just for that reason we are at the present moment inviting to ourselves the attention of subversive forces from outside which would like to make administration as difficult as possible. The present Government, both at the Centre and in the Provinces, came into power after an era of preaching disaffection against the established order. On the other hand our present leaders have held out great hopes of a speedy betterment of the social and economic conditions of the people on the achievement of independence. If we are frank with ourselves we must admit that while on the one hand the mentality of criticism of the government persists, there is also widespread discontent and disappointment that the higher standards of life which have been promised do not seem to be round the corner. I feel that these subversive influences of which I have just spoken are doing everything possible to exploit discontent for their own ends. And the point to remember at the present moment above all other points is that we cannot think of any better set of men to take charge of the administration of this country, whether at the Centre or in the Provinces. If the confidence of the masses in the present administrations is rudely shaken, the alternative is not another set of men to take their places because, as I have said, there can be no better set of men, but the alternative I am afraid is complete loss of faith, not only in this Government, but in all constituted governments. That, I suggest, is not the mood to encourage in the people on the eve of the introduction of a permanent Constitution.

Sardar Hukam Singh (East Punjab: Sikh): Several eminent economists have spoken on the subject and I must confess I have no pretensions for that status. I will speak as a layman and tell the House the reactions that an ordinary man must have got about this Budget. The first reactions of a layman to this Budget are as have been stated by one or two honourable Members here, that it does not give any relief to the poor though it extends certain concessions to the rich. But we have to understand the difficulties that our Finance Minister has described and view the whole thing in the circumstances that exist at present. In our own country, as has been observed by our Finance Minister, as in most other countries in the post-war period the major problem has been that of keeping the inflationary trends under control. These trends, we have been told, were due to the surplus purchasing power in the hands of the community. My friend, Dr. Subrahmanyam, has doubted that and he has told us that it is not so so far as villages and other places are concerned. But I believe that it is one of the greatest factors that is causing this inflation. As a result of the war, purchasing power increased considerably while the available supply of commodities in the post-war period was not enough to meet all those demands. This Budget, so far as I can understand, has been framed with that object, that is, to fight those tendencies. We have been told that during the year 1947 there was a steady rise in prices and during 1948 there was a steep rise of about 100 per cent. It is agreed that the only solution to this inflation is to encourage production, to bring in more commodities that are required and to reduce expenditure. We will just see from this Budget whether we are really proceeding towards the desired goal.

During the last war we were told that a substantial increase in production was not possible in the near future, and from the present Budget as well we do not think the prospects are so bright. At such a moment those who are

[Sardar Hukam Singh]

experts and economists tell us that we should try to increase our revenues and curtail our expenditure and that spending power should be decreased. Several methods have been suggested in this connection by so many speakers. One of them is the contraction of currency. The gentleman suggesting it also gave the answer of the Government that it was not possible to do it just at present. The other two methods, that is, encouraging production and reducing expenditure, are being tried for the last two years. This is the third Budget which is being presented here with this end in view. The first one of 1947-48, it is advocated by certain gentlemen, had an adverse effect on our production. That has also been doubted by some gentlemen, but I believe that that Budget was presented with a proper motive, and that hit the business community most. The level of taxation in that Budget was so high that it retarded the growth of industries and stunted our development altogether. This was realised when the Budget of 1948-49 was being presented and certain reliefs were extended to the industrialists and to other concerns. Some of these reliefs were that the abatement level was raised from one lakh to two lakhs, the tax rate was reduced in the case of the Business Profits Tax, and certain other concessions were also given. But the desired effect could not be achieved in spite of that.

As has been said, we wanted money and Government floated a loan but that was not subscribed to. The capitalists and those who had money did not come up voluntarily and part with the surplus money they had. I believe this has also been affected by the partition of the country. I can say with confidence that the part that has been taken away from India was very rich, very flourishing. We had great businessmen there, large concerns and factories, though so far as Sind and West Punjab are concerned numerically *Pakistanis* were in a majority, but so far as business was concerned it was entirely in the hands of non-Muslims, who have now left those homes and come over to this side. Now, you can very well imagine what a refugee's Budget would be like. It would be a zero Budget. So you cannot expect such a man to contribute anything towards any loan. The other citizens also have very little to spare, because the ordinary man's economy is such that he has to spend most of his income on buying, I should not say food, because that would include ghee, vegetables, pulses and other things, but cereals alone. Ninety per cent. of his income is consumed in buying wheat or rice. Very little is left with him to spend on other things. If I may say, ghee is a luxury now for an ordinary man. So you cannot expect such a man also to contribute anything towards loans or savings schemes. The concessions, as I said, that were given during the last Budget did not produce the desired result and I am afraid the temptations now offered may also fail so far as our object is concerned.

How then could the Finance Minister make up his revenues—by taxation, direct or indirect? He has given certain reliefs and those have been criticised by honourable members that this is rather giving more concessions to those persons who do not deserve at all and it is on the other side and the Budget does nothing for the poor man at all.

As my time is up, I shall come to taxation directly. The first encroachment made is in postal rates. It is certainly very offensive and directly hits the poor. It is no consolation to the poor man that his postcards and covers would be carried by air. In the first place, very few places are connected by air and there would be no significant reduction in the time taken. Secondly, the ordinary villager is not so much concerned with the time taken as with the cost incurred. So this change cannot be welcomed by anybody. If salt duty can be abolished on sentimental grounds, the postal rates should not have

been increased on psychological grounds. The surcharge on liquor is quite welcome and even increase of surcharge of fabrics containing silk or other luxuries may not be grudged, but the raising of duty on furniture, clocks and watches may affect the middle class people. The increase in import duty on motor spirit from 12 annas to 15 a gallon and the raising of the excise duty as well would adversely affect the poor man, because the combined effect of the duty on tyres would be to make travelling more costly. Not only that. The duty on sugar is increased. Additional duty on cloth is imposed and even coarse cloth is not spared. What is the result for the poor man? He is already groaning under heavy prices of food. We have not given him any relief, nor is there even a ray of hope of our doing so in the near future. We have to offer him apologies and excuses, but this cannot save him.

Shri Krishna Chandra Sharma (U. P.: General): I have great pleasure in congratulating the honourable the Finance Minister for presenting a surplus Budget, because it was an unavoidable necessity in the time of inflation to avoid a deficit Budget, but this is only the equilibrium of expenditure and revenue. The story does not end here.

There are some definite features of modern society and any activity—political or otherwise—has to be judged in relation to them. I am not an experienced man in life like my learned friend Pandit Kunzru, nor have I a profound knowledge of the theories of economics like Prof. K. T. Shah. My task is one of taking the facts, marshalling them, adjusting them to the accepted principles and judging how far they are in consonance with them; how far they do not fulfil the essentials of conforming to accepted rules and therefore defective.

Two constructive forces are working in the modern world. Firstly, there is immense production of articles of consumption. Secondly, humanitarianism, namely, the cry of the common man, the care, the feeling, the concern to uplift him. Any activity—political, social, economic or otherwise—has to be judged from the standpoint of these two outstanding features of modern society.

Taking the production side, the Finance Minister has done well to help industrialists in so far as capital goods, starting of new machinery, new factories and new productive methods are concerned. It will help to produce articles of consumption of which we are greatly in need and we might be able to meet inflation much sooner than expected.

So far as humanitarian aspects are concerned, I am sorry to say that the Budget is defective in that respect. In other progressive countries the tendency of late has been to impose more of direct taxes than indirect, because money is centred in the hands of a few. They are not its rightful owners. It is the very large number of people who work in the field, who work in the factory and who work in other capacity, who are the legitimate owners of this money. But on account of maladjustment of economic forces, one tenth of one per cent of the population have with them the major portion of the wealth of the country. The tragedy of the situation is that those who have got the smaller share of the wealth contribute the utmost for its production. The tendency, therefore, in the progressive countries of the west has been to impose direct taxation on the monied classes with a view to rectify the maladjustment of distribution of wealth. The money realised by such taxation is spent in subsidising articles of consumption of the poor, such as food, and in affording them free education, medical relief and such other things. It is also utilised for giving gratuities to those whose income fall below a certain level and with which it is not possible to live with a minimum standard of life. Of

[Shri Krishna Chandra Sharma]

course, we cannot expect the Finance Minister to work miracles. But what is wanted and what should be aimed at is a slow and steady progress in the direction I have indicated. In that way alone you can win the confidence of the common man. One has to remember that gradual progress does not mean standing still.

The greatest need of the hour is the winning of the confidence of the peasant on the field and the worker in the factory, because they are the people who are to build the future of this great country, not the millionaire on whom these concessions are bestowed. Nor is it the intellectuals like my respected and learned friend Professor K. T. Shah. What he can do is to draw up a plan; but the man who can contribute to give shape to it is the worker. Unfortunately, the confidence of the common man, I respectfully submit, has been rudely shaken. It is not the imposition of a small duty on cloth or the enhancement of the import duty on fine cloth that really matters. I for one do not share the view of people who say that the peasant has been hard hit and that he is starving; nor do I agree with them when they say that the worker is under-clothed and under-fed. Nothing of the sort. The peasant is the happiest man in India today. What was the state of affairs before the war? Hardly 60 per cent. of the working classes could secure employment on rupee one per day. Now, a worker earns Rs. 2/8 per day. While he was finding it difficult to get employment for himself, all the four members of his family are employed now. That means, as against his pre-war family income of Rs. 2½ per day he is now earning rupees ten per day. Even taking it for granted that the cost of living index number has gone up by 400 per cent, the manual labourer is now definitely better off. So, neither the peasant nor the worker has suffered in any way by inflation.

Nor am I worried about inflation as such. On account of expansion of currency, prices have gone up. This would not have happened had there been a corresponding increase in production. At any rate the inflation has not in the least affected the peasant or the worker, and they are not in any way worse off to what they were in 1939. By raising the duty on cotton, on post-cards and envelopes you laid an extra burden on the common man and to that extent your budget is defective, because in the present day we want a dynamic economy, not merely an equilibrium of expenditure and revenue. This could easily be adjusted by any clerk in an office. The need of the hour is a dynamic economics of social purposes. But the Budget is not designed in that direction and the common man will feel bitter against you, because you have broken his confidence, the confidence with which he looked to a Free India. The greatest danger is that the Budget has given a handle in the hands of those whose intention and determination it is to break your organisation, your present structure of the State.

Taking the question of inflation it is not so nerve-racking a matter as it has been shown to be. I shall cite the instance of France after world war I. In the beginning money was increased and the Franc lost 4/5 of its value. But the testing point is not whether the prices have gone up but it is whether the people are hoarding the commodities as against the money. So though the Franc went down 4/5 in value the French Finance Minister held out and France passed through the currency crisis easily. So this crisis in our country will pass on. The country is not going to be ruined and the only thing to be done is to rally the people round you, so that they can work in the fields more honestly and consciously and in the factories with greater vigour and make your social programme the success that you desire it to be.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Friday, the 4th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

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

Friday, 4th March, 1949

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

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

PAPERS LAID ON THE TABLE

REPORTS OF PRINTING AND STATIONERY DEPARTMENT, PETROLEUM DIVISION, GEOLOGICAL SURVEY OF INDIA, INDIAN SCHOOL OF MINES AND APPLIED GEOLOGY AND CENTRAL ELECTRICITY COMMISSION

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): Sir, I beg to lay on the table a copy of each of the following Reports,* namely:

- (1) Administration Report of the Printing and Stationery Department, 1941—47,
- (2) Administration Report of the Petroleum Division, 1942 to March 1948,
- (3) General Report of the Geological Survey of India for the year 1947,
- (4) Annual Report of the Indian School of Mines and Applied Geology for 1947-48, and
- (5) Annual Report of the Central Electricity Commission for the year 1941—47,

Shri B. Das (Orissa: General): Sir, the honourable Minister in charge of Works, Mines and Power has laid on the table five thick volumes of over 500 pages. That means that it will have to be published in the daily Proceedings. It is the practice of this House that whenever any papers are laid on the table by any Minister of the Government, they are published in the day's Proceedings and if a Minister lays all his departmental annual Reports on the table that means considerable expenditure to the Government in printing the Proceedings. Of course they can lay their Ministry's Reports. This is a point of view which I would like you to consider.

Mr. Deputy Speaker: I shall consider that question later.

ESTATE DUTY BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg to move.

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the levy and collection of an estate duty in the provinces of India, be further extended upto the 31st March, 1949".

*Not printed in the day's debates. Copies placed in the Library of the House.—Ed. of Deb.

[Dr. John Matthai]

A few days ago, I asked the House for permission to submit this Report by the 4th of March, but since then we have had two more meetings and we found there are still certain matters that require further consultation and further examination. I hope, therefore, that the House will agree to the Motion that I have made.

Mr. Deputy Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to provide for the levy and collection of an estate duty in the provinces of India, be further extended upto the 31st March, 1949".

The motion was adopted.

THE GENERAL BUDGET—GENERAL DISCUSSION—con'd.

FIRST STAGE—cont'd.

Shri M. Tirumala Rao (Madras: General): The Budget presented by the Finance Minister has received a mixed reception in the country. Though he is a creature of certain circumstances over which he has no control, being a leader of a Government charged with the duty of stewarding its finances, he is expected to control the circumstances instead of becoming a creature of it. He has to canalise the difficult influences that assail a Finance Minister in enabling him to balance a Budget. One cannot but come to the conclusion that he is too much influenced by the orthodox way of balancing his Budget.

With all the assistance which the Finance Department has got of expert advice, which is a very costly advice seeing from the salary bill, the Revised Estimates for the current year show such an amazing disparity between the budgeted amount and the estimated amount. With an occult capacity to somehow find the expenditure for any windfall that may have fallen to them, the Department have very wisely shown the expenditure to the tune of Rs. 80 crores for which they had not originally budgeted at all. I will not imagine that their estimate has gone off the other way about; instead of having a surplus of Rs. 80 crores, the Budget has gone down by Rs. 80 crores of deficit. What would have happened to the Government of India and how would they have faced the deficit? Therefore, I want to say that in these estimates, which seem to be empirical by the results, one should not be carried away by the feeling that a small deficit of Rs. 20 crores should be somehow or other filled by taxing the poor.

The Finance Minister has been very kind towards the industrial and capitalist class who have struck work since 1946. In the year 1946, when Sir Archibald Rowlands presented his Budget, he presented a lump sum, a decent amount of Rs. 80 crores, of the excess profits tax to these industrialists with a view that they will plough back that amount in industry and improve the standard of life of the masses. But it was a disappointment. The figures have shown that hardly Rs. 20 crores have gone into new investment. They have not come into new investment but the financiers and industrialists tell us the reason why they have not been able to re-invest their money into the industry. They throw the blame on the statement of the Ministers, on the disturbed conditions of the country in the year 1947-48, and say that there is no clear policy for the Government of India, that some members speak of nationalization, some others speak of socialization of all the key industries of the country, and that therefore the investor has not got a sense of security in ploughing back the present, made by Sir Archibald Rowlands of the Rs. 80

crores, into industry. Even with that amount you can see how far the production has fallen. I would quote from the figures that have been recently supplied by the President of the Federation of the Indian Chambers of Commerce which is holding its session since yesterday. He says:

"Production of cotton textiles which had reached a figure of 4800 million yards in the peak year declined to 3600 million yards. The production of steel from 1.2 million tons came down to .9 million tons and in 1948 it has further gone down to .85 million tons. The production of cement has come down from two million tons to 1.5 million tons in 1948."

How far the industrialist have co-operated and have made good the opportunity that has been given by a previous Finance Minister, these figures amply prove. The tax reductions which the honourable Member has promised in the coming year to these industrial magnates have to be properly availed of and the goodwill shown should be cashed properly by these industrialists. The Resolutions passed by the Federation of the Chambers of Commerce yesterday have accepted the offer in the spirit in which it has been made but they have not got one word to say about the tax burdens which have been imposed upon the poor in this country. I want to say that it is not necessary for you to increase all the small duties on the poor people. The excise duty on cloth, on sugar, on motor spirit, and the import duty on betel nuts, are not necessary because cloth is a commodity which is used universally, especially medium and coarse cloth—but it has not escaped the notice of the Finance Minister.

With regard to sugar, it is considered an article of diet which is absolutely essential for the caloric heat content of the body. You say you want to improve the standard of living of the toiling masses. A larger number of the people of the lower grade incomes are coming to use sugar. The very fact that your railway grainshops give a compulsory ration of a certain quantity of sugar per head for every member of the railway staff argues that the Government have realised that sugar is being considered as an important article of diet among the lower income groups.

With regard to motor spirit, the tax was lowered in the year 1946 by three annas; now you have restored that tax. I want you to realise how it affects the poor man. The majority of the people in the country use motor transport in the villages and now they will be hard hit. Every gallon of petrol is expected to carry over about 15 to 20 miles by bus and for every journey made by a passenger of 15 to 20 miles he has to pay an extra duty of three annas for his travel. Not only that; a large quantity of goods are carried by motor trucks over long distances, distances covering 400 to 500 miles at a time. All these commodities will now have to pay a higher price in proportion to the duty that has been imposed on motor spirit. Therefore you are hitting the ordinary consumer who has to depend for his travel on the motor lorry and for his consumer goods on motor transport.

With regard to postal rates, that is a psychological thing that will tell very badly upon the Government. You might have created an advantage of quick delivery of mails for only a very limited number of people belonging to the business community, who will again transfer that surcharge to the consumer direct in their expenses. But the poor village people who depend on a postcard will at once say that this is not a Government which is being carried on in the interests of the people. Every little item of tax that has been newly imposed hits the poor man in such a way that it will give a handle (*Pandit Thakur Das Bhargava*: "They will think Government lives in the air!") it will give a handle to every discontented political agitator in the country to go about and proclaim that this is not the Congress Government, that this is not the Government intended to help the people, but this is the Government of the rich people, by the rich people and for the rich people. Therefore, I want you to consider this aspect.

[Shri M. Tirumala Rao]

No doubt, you have given a subsidy by way of reducing the tax on aviation petrol. Development of aviation is absolutely necessary for strategic and defence purposes of this country, but you cannot tax the poor man and transfer that tax to the relief of the rich who are the main users of the air-lines, both as passengers as well as for transit of their freight.

I suggest one concrete measure. Apart from the sentimental attachment which you have for the abolition of salt duty, I want you to consider the point whether you cannot revive the salt duty. We are consuming 500 lakhs of maunds of salt and even if you put a tax of Rs. 2 per maund you will get nearly Rs. 10 crores. There is no use of protesting always by the revered name of Mahatma Gandhi. We have modified our plans, we have changed our principles even, when we thought that it is in the best interests of the country. Was it not Mahatma Gandhi who insisted on all this control being lifted? He argued with the Government of India and saw that the controls were lifted early last year. But now, in the light of experience gained, in the light of the universal effort of black-marketeers and greedy merchants to defeat the controls, the Government of India and the Provincial Governments have come to the conclusion that they cannot act by the advice of Mahatma Gandhi. Therefore, you are now re-imposing all the controls in the best interests of the country. So also on 500 lakhs of maunds of salt consumed by 35 crores of people, if a tax at the rate of Rs. 2 per maund is levied for the whole year, the incidence of the tax will be so light, so invisible that it will not be felt at all by the people.

Shri B. Das (Orissa: General): Thank you for your courage to say that; and I agree with you.

Shri M. Tirumala Rao: Yes, Sir.

Shri L. Krishnaswami Bharathi (Madras: General): It is post card psychology.

Shri M. Tirumala Rao: My friend Mr. Bharathi says it is post-card psychology. He and I are neither rich nor poor; we are hanging in mid-air, but our lot is more with the poor who are in the majority than with the rich who are in the minority. Therefore, I say that the salt duty can be revived without any violence to Mahatma Gandhi's tenets or feelings or ideologies.

Shri L. Krishnaswami Bharathi: Question. He said when he became insane he will revive it.

Shri M. Tirumala Rao: Then there is no coordination between the provincial taxation and the central taxation. Provincial Governments are going in their own way. For instance, Madras which has taken an unduly enthusiastic interest and adherence and attachment to prohibition has adopted prohibition at one stroke, losing a revenue of Rs. 17 crores! They want to benefit the poor man by abolishing drink, but in a direct way they are now putting their hands into the pockets of every poor man by taxing his pepper, by taxing his chillies, by taxing his coconut. Coconut is an article of food in the extreme south, where people use coconut oil in place of til oil. They eat coconut in their food and now coconut is being sought to be taxed. In Bombay electricity is being sought to be taxed. They are going to tax the primary article of cloth again by way of sales-tax. Cloth produced in Bombay will have to pay sales-tax in Bombay. When it is exported to Madras it has to pay another item of sales-tax in Madras. Again, when it goes into another province, sales-tax is collected for third time. It is taxed thrice and the ultimate burden is borne by the poor man who wears the coarse and the medium cloth.

Therefore, provinces, in order to balance their Budgets are having recourse to these injurious ways by taxing the poor people. The Central Government has also done the same thing. Are you not indirectly helping the augmentation of inflation which you are trying to control today? The Government of India has not taken any concrete steps so far to control inflation. On the other hand, you can rest assured that your policy is going to add to the inflation. In our Constitution we have provided for a Centralised Government for purposes of safety, for purposes of defence. Now for purposes of economic safety and even distribution of the tax burden on the whole population, you should immediately bring into existence a Taxation Enquiry Committee which was envisaged as early as 1946 and was not acted upon by successive Finance Ministers. I want you to see that the provinces are not going in their own way with regard to taxation, but should have a coordinated plan, so that the incidence of taxation is not felt by the poor, especially now, when in the formative stages of our country's Constitution, in the early stages of our freedom, Governments cannot easily estrange the poor people, nor can they allow a sort of glaring misunderstanding to be created in their minds that these Governments do not care for their welfare. (Prof. N. G. Ranga: "Hear, hear") With regard to Defence expenditure which is a huge item of 150 crores, the books that are given are a maze of figures which it is not possible to understand for anybody. We have developed the system of Standing Committees. The Standing Committee for Finance is capable and competent to look into the general expenditure on Budget, but the Budget figures are so vast and complicated that we should not be burdened with the task of going into the Defence expenditure also. The Standing Finance Committee for Railways is quite competent and it has developed a sort of tradition behind it that looks to the Railway Budget and scrutinises all the items of expenditure year by year. Why not have a similar Standing Finance Committee—I want to make a concrete suggestion—for Defence composed of members of this House, which will look into the Budget of 157 crores or so and scrutinise what is happening? I may honestly tell you that one Defence Minister cannot bear the burden of this huge Department. This is an important Department, as important as the Ministry of Home Affairs or the States Ministry or Ministry of External Affairs. Therefore, leaders of front rank, people with following in the country, leaders of big political parties with a past and a high political status in the country, must handle this portfolio with the assistance of a Standing Finance Committee to which the Defence estimates and Budget of every year should be submitted for scrutiny and examination.

Mr. Deputy Speaker: The honourable Member's time is up.

Shri M. Tirumala Rao: I am coming to a close. One more minute, Sir.

Mr. Deputy Speaker: I have given sufficient time. The honourable Member must conclude.

Shri M. Tirumala Rao: I am coming to a close, Sir.

One more suggestion I want to make. The history of the Food Department is not quite happy. On the food debate many of the honourable Members have spoken out their minds. I do not know what is in the mind of the Cabinet, but I do think that they are seriously considering the giving of a new orientation to the Departments of Food and Agriculture and see that the huge drain of our resources by way of subsidy to the tune of Rs. 40 crores is stopped by producing more food.

Shri Ramnath Goenka (Madras: General): The honourable the Finance Minister has rightly enjoyed a reputation for honesty, integrity and sincerity and for being a friend of the common man. So far as his reputation for honesty,

[Shri Ramnath Goenka]

integrity and sincerity goes, it is fully justified by this Budget, but so far as its reputation for being a friend of the common man is concerned, it has been belied by this Budget. The budget, I regret to have to say, lacks inspiration and it does not give a definite lead to the country. It does not indicate either the present economic or financial plans, or the future plans in relation thereto.

The budget has been said to be a surplus budget; but when I go to the capital budget, I find that there is a deficit of 134.10 crores in the capital budget. This 134.10 crores has been arrived at after allowing for all the loans which the Government of India can raise. They have allowed for new loans to the tune of 85 crores; they have allowed for Post office Savings Bank Deposits to the tune of 24.71 crores; they have allowed for National Savings Certificates to the tune of 18.40 crores. Allowing for all these, there is still a deficit of 134.10 crores. The intrinsic position of the finances of the Government of India is absolutely sound; because our total debt is only 2408 crores and our interest yielding assets are 1527 crores and only 800 crores are the non-productive obligations on the Government of India. This sum of 800 crores is very nearly a year's income of the provinces and the Centre put together. Even with this position, how is it that we are not able to raise any loans? How is it that we are not able to raise the capital that is necessary? The reason according to me is that we have not tried to get money from the quarters where the money is. According to me, the money has gone to the rural areas, for the time being. (An Honourable Member: "No, no.") There may be difference of opinion on that matter. I make a suggestion to the honourable the Finance Minister in this respect. What has happened to the Reserve Bank? You have nationalised the Reserve Bank. What has the Reserve Bank done? The Reserve Bank has been a good authority for policing purposes; but it has not been an authority for the expansion of Banking in this country. I would suggest to the honourable the Finance Minister to ask the Reserve Bank to open 1,000 branches in the rural areas, and also ask four or five big banks to open branches in various rural areas so that the money which is there in the rural areas will come to the Banks and then could be put in circulation. (Shri L. Krishnaswami Bharathi: "There is no money in the rural areas"). There may or may not be money in the rural areas. But, you have got sooner or later to find out ways and means of bringing that frozen capital into circulation, and the only way in which you can do that is by opening banks, because, in banks you can put your money and take it back the next day if you require it, whereas in the case of the National Savings Certificates, you have to wait for five or seven years and the rural people cannot afford to wait.

If our deficit is 134.10 crores, and if we are not going to raise that money, what should we do? We should effect economies. I find in the whole of the Government of India extravagance instead of economy. I have gone through the whole of the explanatory memorandum for the budget; I see hardly any item in which the expenditure has been reduced. All the Economic Advisers of the Government of India, all the economic Advisers whom the Government of India called from the various parts of the country unanimously suggested that there should be compulsory saving. Has the Government of India attempted compulsory saving at all, in any department? There is, Sir, one figure which is very peculiar. It is on page 27: Anjuman-e-Tarake-e-Urdu 40 lakhs.

Shri B. L. Sondhi (East Punjab: General): No; it is 40,000.

Shri Ramnath Goenka: No; it is 40,000 for Hindi Sahitya Sammelan and 40 lakhs for this.

Shri B. L. Sondhi: I enquired from the Department concerned; they said it is 40,000. It is wrongly printed here.

Shri L. Krishnaswami Bharathi: Is it not possible for the Finance Minister to say whether it is 40 lakhs or 40,000?

The Honourable Dr. John Matthai (Minister of Finance): 40,000.

Mr. Deputy Speaker: It is said to be Rs. 40,000 for each.

Shri Ramnath Goenka: I am glad to hear this, Sir. There are so many other figures which I can quote in which no economy has been introduced; in fact, there is extra expenditure in all the departments. It was the unanimous advice of all the Economic Advisers that there should be a scheme for compulsory saving; that scheme has not been resorted to at all. It was also said that they should try to see that economy was introduced in the various departments of the Government of India. It was also suggested that the provinces should be given the bare minimum of their requirements. But, the result is that we are giving by way of loans and by way of grants to the provinces more than what we did last year. In no department of the Government of India do I find any economy. If there is no economy, if there is no compulsory saving, what do we find? We find 500 lucky people being left out of taxation to the tune of 2.1 crores. It was only 437 people last year; this year it may be 500 people. (Shri T. A. Ramalingam Chettiar: "499"). In the case of these 500 people whose income has been more than a lakh and a half, Government have lifted taxes to the tune of 2.1 crores. Is it economy? You do not want to economise or tighten your belt; but you want everybody else in India to tighten up their belt and also to pay more. Because, the incidence of all this taxation falls on the poor man. The provinces go on taxing the poor man; the Centre goes on taxing the poor man; but you do not do anything to economise. This is part I of my proposition.

The second point which I want to take up is the abolition of Capital Gains Tax. According to me this is a most dangerous abolition, which the honourable the Finance Minister has done. Now let me go back to the history of the case in 1920-21 when there was no Capital Gains Tax. The cost of the plant and machinery of all the Bombay Cotton mills was 18 crores. They reconverted it into 42 crores for the purpose of getting a higher depreciation. The result was, that in 1929-30, the state of affairs of the Cotton Mills was such that they could not maintain themselves and many of them had to close down. What happened after the war? Immediately after the war, the big firms began to reconvert them and over capitalise themselves to get more profit into their pockets without paying any tax upon them. At that time, the then Finance Minister decided to levy the Capital Gains Tax so that the amount of money which was going into the coffers of these big industrialists at the cost of the industry could be checked. The process was immediately checked after the Capital Gains Tax was introduced. It is not a question here whether you get a crore or whether you get five crores out of this tax. The question is whether you should mortgage your industry for all time to come. Take the case of an industry whose plant and machinery were got before the war for, say, one crore of Rupees. By the process of depreciation, the plant and machinery has been written down to ten lakhs. To-day if you value the plant and machinery, they will be worth a couple of crores more because the prices have inflated. If the Capital Gains Tax is abolished, I am warning the Finance Minister to take note that, in the next few months, you will find hundreds of big companies being over-capitalised without paying any tax at all. What is the other ground except psychological ground by which you are justifying the abolition of this tax? This tax is being abolished without assigning any reason. What is the

[Shri Ramnath Goenka]

advantage of this abolition? The disadvantages are that immediately the Capital Gains Tax goes the companies will be overcapitalised and the plant and machinery will be sold to somebody else. You will have to take depreciation at that price. The Finance Minister has decided that he would double the depreciation. I welcome that but what will be the result? In the next 5 years all the capital which has been invested after the 1st April 1948 on these plant and machinery will be written off and the Finance Department will not get any income out of these companies because they will be writing off large sums for depreciation. After five years when it is written off, one fine morning the company is sold to somebody else and the price again is inflated and depreciation claimed thereon. Do you think that it is in the interest of this country, it is in the interest of the industry and in the interest of anybody to allow this tax to be abolished?

Then again there is a proposition that labour should participate in the profits. If you allow them to over-capitalize and if you allow large depreciation on it, there will be nothing for labour to participate in. The participation of labour will come in only if there is a profit. By this process there is no profit left and no participation of the labour in the profits of the companies arises. This is a very big question and I would request the Finance Minister to look at it from the angle I have given him just now and see whether there is any justification for the abolition of this tax. Then all the other taxes which have been laid down, as Mr. Tirumala Rao has pointed out, the incidence of those taxations was on the poor men and the rich men getting all benefit out of it at the same time. I don't know how far the honourable the Finance Minister who, as I said, is reputed to be the friend of the poor and the common man, justifies all this in the budget which he has now presented.

Shri Mahavir Tyagi (U. P.: General): This is an occasion when the voice of the people as it is—it may be sometimes even in a crude form—must be expressed so that the Ministers, those who have the power of administration in their hands, may know how the people of the country are reacting to their Governmental activities. Therefore, I have chosen not to go deep into the figures and not to repeat the arguments which have already been put forward by my honourable friends on either side. I have to submit only one thing with regard to the budget figures and it is that, the honourable Minister for Finance himself has confessed that he got a revenue of 84 crores more than the expenditure we sanctioned for the current year. The whole of this amount ought to have been shown as surplus. This was more than the incidence we had sanctioned. In fact by chance or by whatever means not by unfair ones—there were more exports or imports. And he got more money which meant that the country was taxed to the extent of 84 crores more than we sanctioned last year. This money should have gone towards savings because we never sanctioned the expenditure of that extra money; and this money has been spent and some more has been spent over and above. But there are reasons for that extra expenditure. There were so many problems—we had to fight our wars in Kashmir and then again rehabilitation and famine—all this expenditure had to be incurred; but we don't want to make this expenditure recurring for good. If this 84 crores were extraordinarily spent this year, we don't want this to form part of our usual budget. So this extraordinary expenditure should not have gone into the scheduled expenditure. Most of the money spent last year even for items which were only of a temporary nature goes into the permanent budget just like the practice in the Secretariat to appoint a man temporarily in the first year and to confirm him the next year. What I wanted to warn the honourable Minister about is that once the budget gets inflated, it goes on at the same rate for ever. All the taxes—whether they be by excise, income-tax or customs or postcard all come from the poor.

The country is already being badly taxed. The reaction of the people is not quite like what my friend Mr. Goenka has said. Money has not gone into the villages. In fact the villagers themselves are dissatisfied. The country has got frustrated and the basic complaint is scarcity of foodstuffs. There are so many other things conspiring together. I leave it at that. Indirect taxes hit everybody equally. For instance Tax on salt hit all equally. Cloth, you sanction everyone say 10 yards, it hits all equally, rich and the poor. If you reduce the income-tax, you give benefit to the rich and supplement the loss by indirect taxes, which means that poor are equally taxed with the rich which is not fair. Same is the case with regard to the excise duty on sugar. It is very good for honourable Mr. Kidwai to say that he will fly the post cards, but the card reaches the villager once in eight or nine days. It is no use telling the villager that his card will be flown in the air. In selecting the items of taxation we must also take note as to how it will react on the psychology of the people at large. It is not only that we are required to tax people, but we are also required to tax them in a manner so that the people may not mind the taxes. If you have come out with a proposal that cards which Mr. Kurshed Lal or his boss Mr. Kidwai will fly in the air shall bear more postage, I would not mind. Why tax me. I want to write only to a village a long way off from your aerodromes and I do not mind how it reaches. I don't want to dilate on this.

The Congress party, the biggest party in the country has contributed its best to the Government. The country has given its best to the administration, but still it looks as if there is not necessary appreciation of the achievements of the government. We have our two big leaders sitting to-day on the treasury benches, and they have done a great deal to raise the prestige of our country. It is only due to them that we have come up so far and that we have won the war—our battle for freedom. But the Congress organisation has to that extent become poorer. The towering personalities having come to the Government, the Congress party—I mean the party outside the legislatures has become much less effective. We have lost Gandhiji too. And unfortunately we have no healthy opposition in the country now. Suppose there is something wrong in Pandit Jawaharlalji's administration, where are the people to go to? There is now no equally balanced important party in the country to which they can go. Opposition is the privilege of the people. If the voters were at any time dissatisfied with, say, the Nehru Government they could challenge the Government and say "either agree to our demands or we would join the opposition and throw out your Government." There is no Mahatma Gandhi to whom they could take their complaints. We, as juniors cannot sit on judgement over our seniors. The people, therefore, feel frustrated. People at large are without any vocal capacity. They cannot express themselves. The success of the Government does not really depend on the Budget alone. The real success lies in the street. The index of their success is 'public opinion'. If we are truly democratic, we should see that the people are rallying round us. Let us now see if we have the people rallying round us. According to my judgement, I am afraid, we have failed, judged by this standard. This is so, not because we have not done enough, but because of other reasons. Indeed, we have done too much. In fact, the gains which Pandit Jawaharlal has got for us in foreign lands are exceptional. In such a short time we have become a real nation and have found a place on the map of the world. Sardar Patel, our Deputy Prime Minister has really achieved too much. There is no parallel to it in history. These two leaders are, if I may say so, earning too much for the nation and it seems, as if, the nation is not in a position to keep pace with them and consume their earnings from year to year. But may I inform both these leaders that your public relations department has absolutely failed you. This department has not made the people realise and to appreciate your achievements, how great and important these achievements are. The publicity department has been a failure because the public at large do not really appreciate what you have achieved for them. And

[Shri Mahavir Tyagi]

therefore they are full of criticism. The public is very critical. May be, it is because of scarcity all round. May be because people do not get enough to eat, and so they are critical. It is for you to find out the reasons.

Now that the Congress has come into power, the people want to have access to the Ministers, at least through the proper channels. But this is not found easy because of red-tapism and also because of the 'steel-frame.' The steel-frame, instead of remaining a frame, has now become a steel ceiling. Therefore freedom is not able to filter through down to the common people the old red-tapism is still there, and it has not been controlled at all. We have the same old structure of Governmental machine and the same old speed with which it moves. The Secretariat people are very clever people. They are experienced persons and get very big salaries too. They come before you and talk nice things and they really want to behave as the courtiers did to King Canute. They tell you what is necessary for respectability, what is urgent for dignity, and this and that. They do not really do the work that is expected of them. First of all, they get too much pay, Government of India Secretaries get about Rs. 1,000 more than their contractual pay which they would have got in provincial Government. One Minister told me that they are on contractual pay and so their pay cannot be reduced. But I cannot understand the position. If in the Province, an officer who would at least be only a Commissioner on Rs. 3,000, here in the Secretariat, he gets Rs. 4,000 Rs. 1,000 more as extra. In the olden times when the Britishers were here, they organised a sort of committee in the Secretariat, to control the staff and establishment, and it was with a view to see that the posts of vantage and importance all went to Europeans. The same thing is going on even to-day, I am told. Whether that is true or not, it is for the Minister to say. When Mr. Gopalaswami Ayyangar was without any portfolio, he was deputed or requested by the Prime Minister to look into the whole organisation and see if he could effect any retrenchments or reorganisation. I understand Mr. Ayyangar made a number of proposals. And I am also told that when the Honourable Minister made his report, he said that there are two or three die-hard Secretaries of the Secretariat, and unless they are turned out, the Secretariat cannot improve.

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport): May I intervene? I am afraid what the honourable Member has been telling the House is absolutely without any foundation. I have made no report yet.

Shri Mahavir Tyagi: I see. Somehow or other things have so filtered out like that.

The Honourable Shri Jawaharlal Nehru (Prime Minister and Leader of the House): The remark just made by the speaker that somehow things filtered out, I think, deserves some notice in this House. Many times things are said here which have no foundation at all; and such statements which have no basis or foundation are not in keeping with the dignity of the House. Honourable Members should not make suggestions or insinuations which have no foundation whatever.

Mr. Deputy Speaker: This has often been stated on the floor of the House. As the Prime Minister said, such remarks do not add to the dignity of the House. Therefore, before making any observations, honourable Members will kindly verify if they have any basis or foundation for their observations. If it is only a small margin of difference, there is no harm, but if it is wholly without foundation, it does not add to the dignity of the House.

Shri Mahavir Tyagi: Sir, my request was only to make an enquiry, whether such things are true or not. If they are all baseless, it is all the better, because hereafter nobody need talk about them. I have, indeed helped the Prime Minister in giving him a chance to contradict these rumours. So he must be thankful to me rather than be angry with me.

Then there was an Economy Committee set up. It made certain recommendations, but the Secretaries would not agree to accept them. The Secretaries are too big. I hope the Ministers concerned will agree to look into the matter, and see if the whole Secretariat does not require a regular and drastic overhauling. I understand there is a Committee in the Secretariat consisting of some Secretaries, called Establishment Committee, and without the sanction of this committee no transfers can be effected. Previously a Secretary after spending some three years or more here, used to go back to his Province. But at present they are kept on here. And as I said, this Establishment Committee controls all transfers and postings. I do not commit my previous mistake of mentioning the name of the Minister, but I understand that one Minister made a request that such and such man should be given to him, and this Committee refused to do so. Sir, it is this Committee which really holds the key of the whole organisation. It is just like the old days when the British were here. I therefore say that this should be changed and in the Staff or Establishment Committee there must be one or two Ministers to see to it that positions of vantage do not go to undesirable persons.

And then, there is a lot of nepotism in the Secretariat, and I wish the Ministers would make enquiries from every one of their officers as to how many of their relations are employed there. I am informed by men in the Secretariat that there are three sisters married to three different husbands and all these three are Secretaries of Government. And there are a many other relations of one or the other Secretary.

Therefore, Sir, firstly, we must look into the organisation of the Secretariat. I have a lot more to say, but the time is up and I shall do so during the cut-motions. I am sorry I could not have my full say.

Kazi Syed Karimuddin (C.P. and Berar: Muslim): I congratulate the Minister in charge of Finance for his admirable speech. He is one of the ablest of men in the country but the Budget that he has presented to the House does not contain those proposals which were greatly needed. Because of his administrative experience, many of the theories he has advocated have been given up now.

The most important problems facing the country are food, industry, taxation, sterling balances, borrowings and defence. The honourable Minister of Finance while speaking at the Associated Chambers of Commerce, Calcutta, said:

"The present slump in the investment market is due to high rate of taxation, diminished margin of savings and shattered confidence of investors and uncertainty of Government policy".

As a result of that speech, and as a result of the conclusions to which he has arrived, he has abolished the capital gains tax, given a reduction of tax for incomes up to Rs. 10,000 and in super-tax on earned and unearned income. In 1947 the honourable Finance Minister was the Minister for Railways. While advocating these very taxes he had said that a lower rate of profit had to be considered sufficient under present conditions of the proposals providing incentive to investment. If those who are in charge of great concerns are looking for a rate of return higher than that, then we are going to be faced with a problem which involves serious issues of national policy. The question arises whether the kind of economies you expect from competitive initiative and those pledges associated with private enterprise will not be wasted by increase in capital charges which private investment would employ. If that issue is to be raised in connection with the Budget, the country will have to face the serious question whether it is worth while to continue private enterprise and whether capitalism should have a longer lease of life.

[Kazi Syed Karimuddin]

While these taxes were imposed in 1947, the honourable the Finance Minister was of the opinion that if the capitalists demanded more reduction, then the question before this country will be whether to nationalize the industries or to stop the capitalist system in the country. The conclusion I come to is that he finds that after 1947 the investment was not forthcoming; that the investors did not take advantage of the proposals made even last year and instead of adopting a national economy in this country he has reduced taxation to such a great extent that the poor man is hit by new taxation on sugar, cloth and postage.

Sir, even last year taxes were reduced. We have seen that mere reduction of taxes does not serve the purpose. This may be an incentive to capital but not to labour. The present unsatisfactory position is only due to the theory of mixed economy that has been advocated for the last two years. On the one hand the Government want to tell labour that they will have a share in the profit-sharing. The capitalists either do not agree to this or are reluctant to accept it. On the other hand, the Government pats the capitalist and says that he should go on with private enterprise. This creates an uncertainty in Government's policy and everything is uncertain. The only test is whether by the theory of mixed economy we have been able to solve the conflict between labour and capital. Between capital and labour, the gulf is being widened every day, and unless labour is satisfied, in my opinion it is very difficult to have stabilized industry in the country. Now we are seeing the developments in China and other countries: whereas labour in our country is making growing demands and making slogans of surplus value, unearned increment and profit-sharing. What is the remedy against this? The question is that unless the essential industries are nationalized, labour cannot be satisfied, and if industries are nationalized and if labour is still not satisfied, the entire country will be on the side of the Government. Railways being a national industry, we have seen that in spite of the demands of the railway workers, the country was entirely on the side of the Government. So, in my opinion, the only solution to this problem is that the industries which are essential, should be nationalised, otherwise this problem cannot be solved. Though all taxes are being withdrawn, even then the capital would not flow.

The next question is the agricultural policy of the Government of India and whether any measures have been adopted in this Budget for the improvement of the food position. Sir, I have heard many debates, many discussions and many speeches regarding the improvement of the food situation in India. But I find that while we discuss, and the more we discuss this problem, the more we find ourselves in a whirlpool of confusion and perplexities. Every year there is a shortage of food. Every year all our schemes for the production of more food are failing miserably. In my opinion the only remedy that could have been adopted in the Budget was that this subject should have been made partially a Central subject, and agricultural banks ought to have been opened in every corner of the country, and Government farms and co-operative farming should have been introduced on a very huge scale. It is futile to give a paucity aid to the agriculturist unless you introduce agricultural banks: and unless there is co-operative and collective farming, it is impossible to satisfy the food demands of the country. Therefore I do not find any concrete proposals in the Budget to satisfy the people that there is some chance of improvement in the food situation. In the event of an international war, if this shortage of food continues, it is inevitable that the country will starve.

Another point which I would like to touch is Defence. There can be no two opinions that we want an impregnable military might. As has been remarked by another honourable Member on this side 157 crores out of a total budget of 322 crores in abnormal times may be reasonable but in normal times an expenditure on defence of 157 crores is exceptional and it seems to me that there is a race for armaments, because I read in today's paper that even in

Pakistan out of a total of 111 crores budget they have provided for a defence expenditure of 47 crores. Therefore in my opinion if there is a non-aggression pact between the two countries it will be to the betterment of both the countries. The proposal for joint defence on the east and west will be much more advantageous; the expenditure on defence will be reduced and the internal problems with which we are faced will be tackled much better.

I want to say a word about the sterling balances and our borrowings. On the basis of the figures given in the Budget I find that the sterling balances are being exhausted on account of capital repatriation and on account of pensions and commutation of pensions and also on account of import of consumer goods. We are also short of dollars. I submit that in case the Finance Minister incurs a loan from the International Bank of America for reconstruction and development an assurance to this House should be given that no consumer goods will be purchased from America. Otherwise America's present policy is to capture the commercial markets of the world and to advance loans with the ulterior motive of commercial gains. If India were to be benefited by loans taken from America an assurance ought to be given to this House that the money will be spent on the purchase of capital goods. Therefore my appeal to the Finance Minister is that in view of the speech he made in March 1947 the economy of this country should be changed. Sir, I have done.

Shrimati Renuka Ray (West Bengal: General): I would yield to none in my high regard for the outstanding ability and integrity of the honourable the Finance Minister and it is perhaps for this reason that I am all the more disappointed with the budget that he has presented to this House.

A reference has already been made by previous speakers to the capital expenditure which runs into a huge figure and that has been left uncovered. Perhaps the honourable the Finance Minister has the hope that he will be able to cover this by borrowings during the year but I do think that it would have been better for him not to have said that he has presented a balanced budget under the circumstances. I do not think that there is any particular sanctity or merit in a balanced budget, particularly in a country which has so much leeway to make up in nation-building services and in development plans. It is impossible for us to break through the vicious circle which now confronts us unless we make at least a first attempt in this direction and, there is little or no indication at all in this Budget of any kind of provision for these basic and fundamental needs. I fully realise the difficulties and the anxieties of the honourable the Finance Minister when he is faced with this inflationary situation in the country; but the problem of inflation in this country is mainly a problem of shortage of goods and commodities as against effective demand and therefore the rising prices are the consequent result. Hence it is at this end that this problem must first be tackled. Production and development in its many phases is the way out.

Now there are two very fundamental factors that we have to cope with. The first is the immediate need for capital formation, to meet the requirements of development expenditure. Large scale borrowing is not possible also, unless there is some capital formation and the prospects in that respect are better but new steps have to be taken. It is no use for the Government to follow the beaten track when we are faced with a national emergency. It is no use for the Government to wait on the sweet pleasure of the capitalists for the formation of capital in this country. Last year the previous Finance Minister made many concessions to the capitalists. He reduced the business profits tax and also gave relief to the higher incomes. This year the Honourable Dr. Matthai has done the same. He has abolished the capital gains tax. I won't dwell upon it but I think it was quite unjustifiable. But even so I do not think

[Shrimati Renuka Ray]

that the hope which the honourable Dr. John Matthai has, viz., that it will bring the capital in the market will be realised, for the simple reason that the more the concessions made, the more is the bargaining to be expected. I think that the speech of the President of the Indian Federation of Commerce and Industries yesterday is a very good indication of this. The kind of feeling amongst them is that the Government is being forced to its knees and so why not we hold on until it is absolutely at our feet. That is the kind of feeling among the capitalists. I do not say that there are no notable exceptions amongst them but this is the brand of capitalists that we have in India today and Government has to cope with that situation. Therefore it seems to me that other ways of capital formation can be brought about. If it does not come voluntarily there may be compulsory savings on deferred payment basis for higher incomes. That is the first essential.

I think the yield from the sale of national savings certificates has remained pretty steady. It is something about 34 crores. I think that if a drive is made throughout the country through Congress organisations in the districts and even in the villages, using their services for the sale of national savings certificates, at least 50 crores could be raised by that step alone. Also compulsory savings for agriculturists and others over a certain income level should be introduced. This proposal I think has been recommended to Government and it was the scheme of my honourable friend Mr. Khandubhai Desai and I do not understand why none of these schemes have been given any effect to as yet. I think that if some of these measures are introduced then capital which is very shy just now will be forthcoming. Particularly when it is found that there is no likelihood of very high profits I am quite sure that this capital which will come forward will be satisfied with a little less profit.

Turning to the other fundamental factor, I have already said that the nation-building and development services are the very basis of our economy. I am not speaking from the point of view of social justice or the need for equality of opportunity but from the material point of view alone how can you increase the level of your efficiency and thereby the output in this country unless those on whom rest the basic services are able to cope with them. If you do not have health, if you do not have education, if you do not have food, if you do not have housing, then how can we increase the level of efficiency in this country or of output? It is from that angle that I would ask the honourable the Finance Minister to look at this picture. It is indeed a shame that no beginnings on this seem to have been made in the Budget for this year.

The Finance Minister is waiting for the Report of this Economy Committee. So far as we can understand, it has been rather disappointing for the Finance Minister himself. Development grants in the Centre and the Provinces for the much needed services have been held up for these schemes that have already been sanctioned. Such is the state of affairs in what I consider the most important and the most basic of all services. I am not speaking at all about social justice but speaking only from the point of view of raising efficiency in the country so that our output can be increased.

I will not dwell on the subject of food because we have already had much discussion on this subject before, but I would like to make one suggestion. I think that if the Central Food Ministry is not to remain for ever in the clutches of the Provincial Governments in regard to food subsidies, the first step that they might take is to have a statistical survey—a sample random survey would do—which may not be absolutely correct but which will give the picture of what kind of procurement can be made in the Provinces. It must be the

Centre which lays down the terms of that procurement and if the Province refuses or cannot procure as much, then the food subsidies must be refused to them. I think that would be a very effective method of dealing with this matter.

I will not go very much into the taxation side, many people have already spoken on it. I have given my opinion of the Capital Gains Tax. It is very reminiscent of the budgetary devices of the earlier days, of the old regime, such as that of Sir Jeremy Raisman when we hear of the enhancing of these postal rates and perhaps one or two other items. I feel sure that the honourable the Finance Minister will make these concessions to the views of the House as was done last year in the case of tea and sugar.

Shri B. Das: Please be ready to announce it.

Prof. N. G. Ranga (Madras: General): It is for the Select Committee to consider.

Shrimati Renuka Ray: I will now turn to the expenditure side and dwell only on two important items. Defence has already been spoken about. It is almost half of our expenditure, about 47 and 48 per cent. The U.S.A. spends 25 per cent. of its budget on defence, the U.S.S.R. 17 per cent. and the United Kingdom 13 per cent. We spend 48 per cent. That is one side of it. The other point is that even supposing you do not want to bring down your expenditure on defence, why has no move been made to re-adjust it? I can understand a huge army of occupation in a country under occupation, to subjugate the people, but what right or justice is there in keeping a huge land army in a country which is free? Is it so in any other country? Should we not have instead voluntary or auxiliary forces and National Cadet Corps and such things—You do not keep huge standing land armies in countries which are not under subjugation.

Shri R. K. Sidhva (C.P. and Berar: General): What about our borders?

Shrimati Renuka Ray: Whatever be the problem of our borders, when the people of the country can be armed—and it is not the question as in the old days when the people of this country could not be armed—it can be solved by voluntary or auxiliary forces.

Prof. N. G. Ranga: Wait until they are raised. We ourselves passed Rs. 6 crores in the Standing Finance Committee the other day.

Shrimati Renuka Ray: Sir, 20 per cent. of the money could have been cut on land forces and could have been spent perhaps on the Air Force and the Navy, or it could have been used for re-settling the demobilised soldiers and agriculturists on reclaimed land.

I had something to say about general education but as others have spoken on it I will not reiterate this point at all as there is no time.

Before I conclude, there are two points which I want to make. One is with regard to the general corruption in the country as a whole, in all walks of life. I think it is the clear duty of the Government to make some really exemplary examples of people who are highly stationed in life and to go in all out against corruption and blackmarketing so that it becomes an effective deterrent for the country. If no other way will bring us to honesty at least let us try that way.

Then, we are facing a very grave national crisis and in such a crisis there is need for the closing up of all the ranks who are opposed to the communists who want to disrupt the State and bring India under a new type of imperialist domination. Therefore, there must be a close-up, first of all, in Congress ranks, and group politics should not be allowed. Secondly, there is an

[Shrimati Renuka Ray]

absolute necessity for consolidation in the leftist ranks who are all opposed to the communists. I would appeal to my honourable friend Mr. Harihar Nath Shastri and Mr. Khandubhai Desai that it is time that the Socialists and the I.N. T.U.C. came together in this matter. The recent speech of Shri Jai Prakash Narayan on the Railwaymen's Federation and many of his subsequent statements show that so clearly—if a proof were needed—that the Socialists do not want disruption, that they are as much opposed to the Communists as anybody in this House. Therefore, in this national emergency it is necessary that there should be consolidation in the labour front and in the Government. (An Honourable Member: "But it is the Socialists who have deserted us.") It has been said that it is they who have gone out. I am quite willing to concede that the Socialists have shown a very unrealistic approach. Many a time they have done many things that they should not have done and left many things undone that they should have done, but the Congress is the older Party. They were your comrades during the days when you were fighting for freedom; these were the men and women who stood shoulder to shoulder with you in the struggle of 1942. Surely, when the Congress has shown so much generosity towards those who were clearly outside its ranks before and who today are on the Ministerial Benches, to these people who may have made many mistakes, it is for the Congress to show again that generosity.

Shri R. K. Sidhva: They have gone away on their own account.

Shrimati Renuka Ray: They have gone away, but it is surely for those who are older with more experience, those who are wiser, to ask them to come back today and help in this national emergency. It is only responsibility that can teach a realistic approach to anyone and I feel certain that if today men of the calibre of Shri Jai Prakash Narayan and Acharya Narendra Deo and women like Kamla Devi Chattopadhyaya were associated in helping the country in this emergency, it would be all to the good.

Sir, I am sorry I have taken up so much time. I would merely like to say to the honourable the Finance Minister again that we all have great faith in him, but we are extremely sorry that his Budget this year is not up to the mark.

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

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

Mr. Deputy Speaker: Mr. Wilson.

Mr. T. J. M. Wilson (Madras: General): Sir, I do not wish to speak now.

Mr. Deputy Speaker: Honourable members who have given their names, but are not prepared to speak, will lose their turn.

Shri Mihir Lal Chattopadhyay (West Bengal: General): Sir, after hearing the speeches of so many honourable members who have spoken so ably it is but natural, to expect that the honourable the Finance Minister will sympathetically consider the various proposals that have been made. I do realise that it is really a difficult task for the honourable the Finance Minister to shape his Budget as he would like, with a heavy load of about Rs. 158 crores on defence expenditure. The defence expenditure is a constant headache for a country like India which is so poor and has got so many problems to be solved. But looking at the mounting tendency of the defence expenditure, I feel

the time has now come for us to think very furiously as to how it might be possible to reduce that expenditure. It is really a matter for great concern to a poor country like ours that even in peace time defence expenditure should be as high as Rs. 158 crores.

The honourable the Finance Minister has presented a Budget which has no characteristic, no speciality, of its own. It runs in the same old humdrum fashion and really there is nothing in it to encourage the common man. Whatever praise the mercantile community and commercial interests of this country might shower on the Finance Minister for the consideration that he has shown them in the matter of abolition of capital gains tax and reduction of supertax, the common man has not felt enthusiastic over this Budget; and if consideration is not shown to the extent the common man deserves, I am afraid the day is not far off when it will be difficult to keep him happy and contented.

The revenue is estimated at Rs. 307 crores. I can quite understand that leaving aside the defence expenditure the honourable the Finance Minister has to cut his coat according to his cloth, and that he has hardly Rs. 149 crores to cover the Civil expenditure. Now let us see how this amount is distributed among the various nation building departments, because the common man does not bother so much about defence as he bothers about matters which directly concern him most. Looking to the expenditure side, we find that under heads like Medical, Education and Agriculture, the Finance Minister has not been able to place much money. So far as Education is concerned in the revised estimate of 1948-49 there is an expenditure of Rs. 162 lakhs. In this year there is provision of only Rs. 194 lakhs. For a country where only ten per cent. of the people are educated, for a country which has taken up the responsibility of making one hundred per cent of the population literate at least in 10 years, which is a stupendous task, this amount of Rs. 194 lakhs is very meagre.

Shri C. Subramaniam (Madras: General): Is it not a provincial subject?

Shri Mihir Lal Chattopadhyay: Does not matter—even the Centre has got a responsibility in the matter. Looking into the Budget we find that in 1948-49 there was provision for Rs. 146 lakhs under Medical, but unfortunately this year it has been reduced to Rs. 112 lakhs. For a country which is so much in need of medical aid, where people die in lakhs for want of proper medicine and treatment, in parts of which there are no hospitals even within a distance of ten or twelve miles, there the most essential need is to reach medical aid to the rural areas. But, unfortunately, we find that the provision under this head has been reduced. This, in my opinion, is an extremely regrettable step. Recently I had the opportunity of visiting some rural parts in West Bengal and I found the extreme eagerness on the part of the people to have dispensaries in the rural areas. The Government there was, however, insisting on contribution from the people for starting dispensaries in the Unions and thanas. In one district it was brought to my notice by the District Magistrate himself that nearly a lakh of rupees had been deposited by the people, and in some cases people had made gifts by registered deed of as much as six bighas or two acres of land. Some of these things have been done as late as November and December 1947. There has been no hospital in 1947, there has been no hospital in 1948 and during the time that I was there there was no hospital, even though the people had co-operated in such large measure for the establishment of hospitals in those areas. (Interruption) That is the most unfortunate part of it. We have a doctor Minister and a doctor Secretary in West Bengal.

Coming to agriculture I find in the budget estimate of 1948-49 there was provision for 192 lakhs. I do not know the reason why this amount has been reduced to 112 lakhs in this budget of 1949-50. While we are always under

[Shri Mihir Lal Chattopadhyay]

the expectation that the Government will be devoting more and more attention to the improvement of agriculture in this country to tide over the food shortage is most unfortunate that there has been a reduction in the budget under this head as compared with the budget estimate for 1948-49. On the contrary I find from the figures available here that whereas in 1948-49 there was a provision under the head External Affairs for an amount of 208 lakhs, in this Budget which is under consideration the amount has been increased by 50 lakhs. This shows how the administration has been moving. For most essential needs in the country money in adequate quantity is not being spent but more money is being spent on External Affairs, Embassies and other matters. This is a thing which is not understandable by the common man. The common man wants food, the common man wants medical aid and he wants education. If we have to effect hundred per cent. literacy in this country within a period of ten years I do not know how it would be possible if there is only an increased provision of only 32 lakhs under the head Education as compared to last year.

The Finance Minister has been well appreciated by the commercial community, the reason being that he has been to some extent partial to them or it might be that he wants to placate them to a certain extent in order to get them produce more in the interest of the country.

Prof. N. G. Ranga: He has gone back to his old love.

Shri Mihir Lal Chattopadhyay: I have not much quarrel with him on that matter. If really by showing some amount of indulgence to them he is able to show better results, the future will judge it but the amount of indifference, callousness and to some extent cruelty—I should say—that he has exhibited towards the common man in the country was not expected of a Finance Minister under the present regime. I am really shocked at his proposal to put an additional tax on paper. Ours is a poor country, where only about ten per cent of the people know how to read and write and if it is contemplated by the Finance Minister that paper also should be made more costly it means nothing but a taxation on knowledge, a taxation on learning and education. I think it will adversely affect the spread of education in this country. People in the rural areas who demand free compulsory education will be shocked. They have not got the money to bear the cost of education of their children and if paper is also made more costly by further imposition of duty then the common man who sends his children to the school will find their education even more costly than now. Of all the taxes that he has proposed this is possibly one of the worst.

So many other speakers have spoken about the enhancement of rates on postcards and envelopes. I need not labour that point. If speaking in this Assembly has any value, if expression of opinions by the members of the Assembly have any respect, I earnestly hope that the Finance Minister will consider this matter very seriously. Things are said here not in fun or just or merely for the sake of speaking. Each and every member has spoken very violently on this measure and I feel that the method by which the Finance Minister has attempted to enhance the rate on postcards and letters is not certainly a very straightforward one. He knows in his heart of hearts, he knows absolutely without any doubt in himself that letters in rural areas are not going to be carried by air. He knows that letters are written from one village to another, from one district of a province to another district in the same province and what is the necessity for the honourable Minister to take cover under the false pretext that all letters will be carried by air transport. **(Babu Ramnarayan Singh:** "Cheating!") It is, I should say, not befitting a man of the type of Dr. Matthai. He ought to have spoken quite plainly:

that it is for the convenience of those people who write their letters by air mail that he is doing it. It may be that some losses are being borne on that account and that is to be made good by taxing the people who live in the rural areas and whose letters are never likely to be carried by air mail.

Pandit Thakur Das Bhargava (East Punjab: General): The surcharge also has been removed.

Shri Mihir Lal Chattopadhyay: Yes. Finally I would like to say that I am very much distressed at the budget. If the amount of money that we are getting as revenue is not sufficient to cover the expenditure let the ministers think hard as to how to balance the budget without drawing upon the reserves very much.

There is another regrettable feature which I would like to touch upon. So much has been said about sugar. But I am astonished to see under the head D.—Statement on the capital disbursement by the Central Government—there is an item Reserve Fund for the protection of the sugar industry. About 77,000 were spent last year from this account and again 151 lakhs are likely to be spent this year and this has been provided for. I do not know why this amount is necessary after the industry has made huge profit.

I would request the Finance Minister to devote some attention to the financial condition of the provinces and the States as well and do something to help them in any manner that is possible.

Shri Khandubhai K. Desai (Bombay: General): Sir, while speaking on this budget, there is a mental conflict. As everybody in this House knows, Dr. John Matthai is straightforward, honest and sincere. It is also admitted on all sides that his intellectual attainments are also of no mean order. But, when I scrutinised the budget, there was in store for me disappointment and despondency. I do not know how to describe the budget. The budget has not got in it anything which will strike the imagination of the common man. Neither has the budget got any foresight in it.

There has been a wide disparity between the estimates which were placed before us last year and the revised estimates. Of course, Dr. John Matthai is not responsible for it, as far as the estimates were concerned; but, Sir, he has been responsible certainly for the last six months for the expenditure side of it. The revised estimates as they have been placed before us both for income and expenditure are wide off the mark only to the extent of 33 per cent. I think it is not a budget. And, as everybody knows, if the income continues pouring in, extravagance increases. While scanning through the figures, I found that in one item 'Miscellaneous' the amount for this year has gone up from 35 crores to 59 crores. I do not know what this item 'Miscellaneous' means.

After all, he has not given us any hope for the future economy in the administration. The Economy Committee presided over by a businessman of the calibre of Kasturbai Lalbai is hanging fire, so to say for the last year and a quarter. The last Finance Minister, as a token of his earnestness and sincerity to effect economy, put in a token economy of two and a half crores. But what do we find? Instead of that we have got expenditure mounting up to 33 per cent more. Where is the question of economy? Even today, no hope is being held out that there will be any economy in the administration. This much as far as the estimates are concerned.

Sir, relief has been given. To whom? To persons who never deserved any relief. In the hope that capital will be flowing in industry, that there will be development, that there will be more production, the last Finance Minister gave relief to the tune of six crores. Now, he has given relief to the

[Shri Khandubhai K. Desai]

extent of additional six crores; altogether about twelve crores and this money is being taken out from the common man. What have we seen? During this year again, there is the cry from the rich that they are ruined, they are ruined, they are ruined and the Finance Minister is affected by this slogan. The same cry persists till Doomsday. You will never get them to invest anything in this way. There has been increase in production. But, that is due mainly to the industrial peace that has been there in the year 1948. Even with the increase in production, the prices have not come down. There is something wrong somewhere in the monetary mechanism of the State, of which the Finance Minister himself is the custodian. We are suffering from high prices, inflation. Have we seen anything in the budget which is going to fight this inflation? Nothing, in any shape or form. But, on the contrary, my fear is that the cost of living during the next month or two might go up by at least 15 points. There has been indirect taxation in the shape of excise. Sugar has been taxed; even the coarse and medium count cloth has not been spared; betel nut has been taxed. That is not all. A slogan has gone round, rightly, from the honourable the Finance Minister to the Provincial Finance Ministers—you balance your budgets, do not have any deficits. Let us see how they have balanced their budgets. Most of the provincial budgets are out. They have also gone to the extent of imposing a sales tax on chillies, spices, tamarind and what not.

Shri R. K. Sidhva: One has put a tax on food also.

Shri Khandubhai K. Desai: Tamarind itself is food, I think.

Shri R. K. Sidhva: No; there is some grain also.

Shri Khandubhai K. Desai: All these things are going to come out of the poor consumer and raise the cost of living. I would like to know when are we going to get a reduction in the prices. I am afraid we are in for difficulties during the next year. I certainly expected something better from Dr. John Matthai; but we are disappointed. Inflation has not been fought as he ought to have done with a brave heart and a firm mind. He has not done this as is apparent from the budget.

There is one other point to which I would like to make a reference and that is the abolition of the Capital Gains Tax. If the honourable the Finance Minister thinks that it is quite good after I have placed before this House and before him the implications thereof, he is welcome to have his own views. The Capital Gains Tax is a sound tax on all economic grounds. It is a tax on unearned increments. It is not in the nature of getting money as much as a deterrent and a preventive tax. Immediately this tax is abolished, I am afraid the old companies will go in for recapitalisation. The present paid up capital will go up and you and I would have to pay through our very nose for the next generation the return on that inflated capital. Our future Income-tax return will, in my opinion, be depleted, because depreciation on that inflated amount would have been charged and exempted from taxation. Then all this talk of profit-sharing and fair wages also will go into scrap. If the present companies are permitted to recapitalize and they are bound to do it otherwise why should they insist on the abolition of this tax, then there will be nothing left after giving them even 3 or 4 per cent. on the new paid-up capital and the depreciation on the new capital. Then I would like the honourable the Finance Minister to enlighten us in his reply one point which I could not understand. He has given depreciation at double the rate on all machinery that has been erected after 1948. Naturally the machinery erected upto 1948 would have paid 4 times the normal prices and if the rate of

5 per cent. is made 10 per cent. and if those plant will work 3 shifts then they would have paid 30 per cent. It will mean within 3 years they would have written off the whole of the account and what will happen then. If that is the implication, it is very dangerous and risky and it is a great burden on the community. Because to that extent the income-tax returns will be depleted.

There was a full-fledged food debate and I did not want to say anything much about it but now that the figures have come before us, there is a loss about 32 crores of rupees in food. In rationed areas the food is sold to consumer at the same price as imported price. Same amount is also being spent out from the Provincial Budgets and therefore if 32 crores in addition to the amount that is spent out by provinces is altogether the food subsidy, then I am afraid there is something wrong somewhere and it does call for a very close scrutiny and investigation.

The principle of going in for excise duty increasingly is a very serious proposition in a capitalistic society. If the society is based on profitless motive, excise duty may be probably the only source of income but in a society where there is profit, where there are higher incomes, excise duty certainly is a very bad principle and one should think hundred times before advancing this sort of economy.

Prof. N. G. Ranga: What about handloom weavers? Should they not be protected from your textile mills?

Shri Khandubhai K. Desai: That is a different proposition. If I have time I will discuss it in much detail.

The honourable the Finance Minister will perhaps ask me "you said there should be no taxes imposed, then how I am going to balance the budget." My suggestion is that the relief which he has given to the vested interests has not satisfied them and so let him withdraw that. Six crores are saved and the additional taxes of 14 crores he need not impose, and he must ask the various Departments to economise to that extent and it will not be more than 4½ per cent. Then I think the budget will be balanced and there will be time enough for the honourable Minister to think what to do during the next six months to fight inflation to bring down the prices. With these words, I commend my suggestions to honourable the Finance Minister.

Shrimati Ammu Swaminadhan (Madras: General): I hope the Finance Minister will forgive me if I also start by saying that with the great faith that we in this House and people outside had in him, we were looking forward with great hopes to the budget he was going to present. But after his Budget speech and after reading all the details in it, we find it is a very disappointing one as far as the common man is concerned. I feel the budget of Dr. Matthai will appeal more to the businessmen and to those who are of a higher income level. What has he done for the poor man, who is already burdened with very heavy prices which is prevailing in the country. Every essential commodity has gone up in price and now they will go up still more because of certain indirect taxations. It is true that the lower income man does not pay an income-tax but that is no relief to him at all. I would first like to take up the question of cloth. Every man in this country or in any other country needs cloth and it is an absolutely essential commodity. I have no quarrel with the Minister when he puts up the excise duty on fine and superfine cloth but I would say that he was wrong in putting up the duty on coarse cloth which is what the poor man wears. I wish he could have balanced the budget by raising the duty still more on the fine and super-fine cloth and left the poor man's wearing apparel alone.

[Shrimati Ammu Swaminadhan]

I know many members have already spoken about the second point I want to raise *viz.*, the case of postage charges. I feel very strongly about this and I don't mind repetition of this point and though it has already been mentioned by most of the members I feel that we must really protest against the raising of the postal rates on post cards. The Finance Minister and perhaps members of this Assembly including myself may not feel any hardship because to begin with we hardly ever write on a post card. By all means make the postal rate on air mail letters higher and those who write by air mail do not mind paying a little more for airmail letters. But why make it compulsory for everyone to send letters by airmail. Surely those who write post cards are people of the category of teachers, clerks, villagers, domestic servants and even though the additional cost is only three pies which sounds very small to us when we talk in terms of crores, to a poor domestic servant getting a very small pay three pies is a great deal. So I do feel that if it was a question of increasing the finances and getting more duty on the different commodities, surely more charges could have been put on airmail letters. I entirely agree with Professor Shah when he said that the man in the village does not care whether his letter goes by train or by air and in any case all villages are not touched by airways.

Regarding other commodities, the poor man is already paying very high prices for essential commodities and today when the Central Government does not tax the poor man, the Provincial Government steps in and the prices of such things as chillies, coconuts, oil and lots of other necessary food commodities have also gone up very high due to enhanced taxation on these articles. So while you are having indirect taxation and while the provinces are taxing the lower income man, is it right for the Finance Minister in order to balance the budget to put more burden on the poor man. If you want more taxation, what about the Estate Duty that we have been hearing of for such a long time. Is not the Finance Minister going to introduce Estate Duty and get more money from the rich? This duty will touch only the rich and not the poor man. I find in looking through the estimates for the coming year that there is a great deal of increase in every Ministry. Apart from the Health Ministry and Education Ministry where I don't think any economy should be introduced, I think every other Ministry could have had certain economy introduced.

But instead I find there is a great deal of increase proposed in every Ministry, and I do not think this is the right thing to do. Why have we had this Economy Committee? Why do we have their proposals? As it is, one does not see any economy introduced anywhere. It is always enhancement of taxes or decrease of taxes with regard to business people that we find. Sir, other Honourable Members have already spoken about other taxes which could have been imposed and which would have touched only the rich man. But all those taxes have been left out and again and again the poor man has been burdened with more and more indirect taxation.

Sir, though we have had a food debate, I would like to say a few words now about the food policy of the Government. We seem to be spending enormous sums of money in getting food from other countries. How long are we going to do this? At this rate, will there be any currency left in the foreign countries, to our credit? Will there be anything left with which to buy the machinery so badly needed in our country? We cannot afford to go on at this rate. We must get the Government to do propaganda to the effect that each province should become self-sufficient. Each Province should be told that the food subsidy given to them would be very much more limited. We are not living in war-time. It may be that we are not living in normal times either, but if we allow this policy of getting food from abroad to continue, I am afraid it will never come to an end. It is also making the provinces feel that when-

ever there is shortage, they may appeal to the Centre and get more grain. I do not think that is a right attitude to develop. We should not encourage such attitude. I think, the provinces should be a little more severely dealt with and told that they must make their own areas self-sufficient in the matter of food.

In this connection I would also add that though the people may be used to mono-diet, the Government must do propaganda and make them go in for different diets. Coming from the South as I do, I may say that I am used only to rice and *dal* or certain other grains, but it is time that the Government did sufficient propaganda and made the people understand that in the interest of economy of the country it is absolutely necessary for us to take to other varieties of food. We must also encourage the establishment of dairies all over the land so that people may have more nourishing food, like milk and milk-products.

I do not think it is necessary for me to go into all the detailed proposals in the budget. I do hope that the honourable the Finance Minister when he finally considers his financial proposals he will take into consideration the views expressed by us all here, which I am sure is for the benefit of the common man of our country who forms the greatest part of the population. While I congratulate him for certain reliefs that he has given, I feel they have not been given to the men who really deserve them. Once more I would tell him that in spite of having great faith in him, and great faith in the budget which he was going to present, I am sorry we have been disappointed to some extent, and I hope this disappointment will be rectified to a great extent before we finish with the Budget.

Shri O. V. Alagesan (Madras: General): The criticism against this budget is not confined to this House, and the main critics are not represented in this House; they are outside. That is all the more the reason why that opposition should have been taken into account while framing the budget. But I am sorry to say that that aspect of the matter was not looked into. There is misrepresentation in the country that this is a capitalistic Government. Of course, all of us know that that is not true. But I am forced to admit that this Budget gives a handle to that argument. I am sure the leadership and the rank and file of the Congress are quite sound and they will scotch all harmful influences that may be at work for the time being. This is a famine budget and the provision for the importing of as much as 4 million tons of food grain from other countries and of more than Rs. 32 crores for subsidising distribution bears this out. We are going through a famine and critical period. In a famine period we usually take from those that have and give it to those that have not. But the honourable the Finance Minister has perhaps chosen to follow the Biblical precept, namely that to those that have, more will be given and from those that have not, even the little they have will be taken away.

Sir, I do not want to join the chorus of condemnation that has been going on in this House from yesterday, but I may tell the honourable the Finance Minister that if this budget had come from his predecessor it would not have occasioned any surprise or disappointment. He was careful—I mean the other gentleman—and because he suspected that his budget would be branded a capitalistic budget on the slightest pretext, he was anxious to take into account the other side. Hear, in the present year, the opposite has happened. Our Finance Minister, being a socialist by conviction, has gone out of his way to appease the capitalists of the country. I do not think he was justified in that, and as one of the previous speakers pointed out, he has helped those that did not deserve help. I would like to know whether they have played the game so

[Shri O. V. Alagesan]

far. They have not. The honourable Finance Minister has acknowledged in his speech that labour has played its part. There has been fewer strikes and there has been greater production. But what did the capitalists do? The Governor-General advised them; the Prime Minister appealed to them, the Deputy Prime Minister assured them, and the honourable the Finance Minister has been coaxing and cajoling them. But with what result? Our loans, the loans floated by our National Government were not subscribed. The response has been next to nil. When a loan of Rs. 150 crores was floated, Government got only Rs. 55 crores. What was the position when an alien Government was ruling this country? Their loans were over-subscribed within a very short time. Does this not show that that section which is being appeased is perhaps the most unpatriotic section in the country today? So, this policy of appeasement, I fear, may not bear fruit; it may on the other hand lead to greater demands. After all, they have had everything they wanted from the honourable the Finance Minister. Having practised successful non-co-operation against the Government they have had their pound of flesh, true to their Shylockean tradition.

Sir, all this has been done in the name of greater production. We want more and more investment and so we have to appease this section. That is the argument running through the speech of the honourable the Finance Minister. Since there exists a national emergency today we are going to have a Bill tomorrow asking labour not to strike. We are going to say to labour, "if you strike you will be punished," but what has capital been doing? Was it not tantamount to strike—I should like to ask the honourable the Finance Minister. They have been all the while striking. Will there be a Bill to say to them that they will be punished if they don't co-operate? If they don't invest up to a certain limit and if they don't subscribe to our loans, will this Government say to them that they will be punished? I am sure the honourable the Deputy Prime Minister is capable of doing it—perhaps he is the only force today who is capable of doing that. Many people misrepresent him as being lenient towards capital. I don't think it is true because he is the one person who has seen the last of the feudal relics in this country. It is not too much to expect from him to deal with these capitalists in his own way.

I leave it at that and pass on to the other object of this Budget, namely bringing down the high prices prevailing in the country today. It may seem paradoxical for the Government to speak of high prices when they themselves are regulating the prices. They regulate prices to a very great extent. My excuse for bringing in the question of food prices now is that I was unfortunately not present here when food was debated in this House for two days. Going through the food prices index you will find that when control was there last, that is in the month of December 1947, the index price for cereals alone, which were being controlled by the Government, was 329. Then control was removed and again re-imposed. Now, in the month of January 1949 it is 478. The increase is 149 points. But, pulses which are not controlled have registered a fall in prices. Their index price has come down by 138 points; it stood at 583 in December 1947 and has come down to 445 in January 1949. So also in the case of other food articles. When the combined index of food articles shows only a rise of 64 points, the prices of cereals which are being controlled by Government show a rise of 149 points, that is 2½ times the general index. I may tell you, Sir, how this is caused. Many people may be under the wrong impression that all this goes into the pockets of the producer, the tiller of the soil or the man who owns the land; it is not so. I shall give you some figures which will explain the position. Paddy is procured in the

District of my friend Mr. Wilson sitting next to me—Krishna District of Andhra Desh—at about Rs. 127 per cart load. It is sold in my District (Chingliput district), of course after converting it into rice, at Rs. 189. The difference is about Rs. 62 and, that is a difference of 48 per cent. This wide disparity between the procurement price and the retail price is the main reason and the breeding ground for blackmarket. I will rather go to the extent of saying that the Government does blackmarketing in its ration shops because the present disparity in prices enables both the consumer and the producer to make the transaction between themselves which will be profitable to both the parties. That is the position. But where does this difference of 48 or 50 per cent go? It goes mostly to the pockets of the middlemen, the whole sale dealer; whether he is a single individual or a co-operative society it does not make any difference. My friend Prof. Ranga may take exception to it but if he goes into details of the accounts of these producer-cum-consumer co-operative societies, he will find that they get not less than twenty-five per cent.

Prof. N. G. Ranga: But they have not mulcted it.

Shri O. V. Alagesan: Not only that, I shall tell you another fact which is startling. A maund of rice should be equivalent to 24½ measures and so a bag which contains generally 2 maunds of rice should contain 49½ measures. The Civil Supplies Department of Madras says that it would be enough if the wholesale dealer gave 46 measures for 2 maunds. They allow him to take 2½ measures of rice every bag. What does it mean? They say it is due to the Railwaymen—perhaps they accuse Mr. Santhanam for it—they say the railway men pilfer and so we have to make this margin. Sir, this is what a high-placed official told me and I cannot hide it here because I feel that this is a very serious question and a drastic remedy should be found for it in the very near future by the honourable the Food Minister and by the Government as a whole. It comes to this. You procure 4 measures of paddy from the producer. You should give at least 1-7/8th measures of rice to the consumer whereas you give only 1-3/8th measures to him; that is, one seer of rice is taken away from every man who purchases rice for one rupee and he has to pay a tax of 5½ annas in the rupee for this luxury of rationing being run by the Government. That shows the highest limit of inefficiency of the control organisation and of the distribution organisation of the Government and it requires thorough overhauling. The maximum margin that can be allowed need not be more than 15 per cent. That way you can bring down the prices of cereals by 25 per cent and the food price index will show an automatic fall by more than 40 or 50 points. When the government controls the prices, what is the use of the Finance Minister saying that we are fighting prices? You need not fight them, you can bring them down. Food is the biggest item of expenditure for the majority of our countrymen.

I believe this point will be borne in mind by the Food Minister and will be attended to at once because the other day while answering a supplementary question of mine, he said that the Central Government are responsible both for the wholesale and retail prices. I think the responsibility stops with just approving the prices put up by the Provincial Governments. The Central Government should do a little more scrutiny and see that the over all margin between the procurement price and the retail price at the other end never exceeds 15 per cent. That way you can bring down the prices. I should like to press this concrete suggestion for the attention of the Government.

Sir, I have a few more points which I shall make if you will permit me.

Mr. Deputy Speaker: I am afraid the honourable Member has had his time.

[Mr. Deputy Speaker]

I have got a list of nearly 32 speakers. I find that some of them when I want to call them are not in their seats and others when I call them are not ready. That is what I find. To avoid any inconvenience to honourable Members I propose to call speakers in the following order so that they need not be taken by surprise: Mr. Barman, Shrimati Dakshyanami Velayudhan, Mr. Kesava Rao, Shri Deshbandhu Gupta, Mr. Vijayavargiya, Mr. Siddhaveerappa, and if time permits Mr. Naziruddin Ahmad, for today.

Shri Deshbandhu Gupta (Delhi): Sir, I would like to take my chance tomorrow.

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): The convention is that no one who is called upon by the Speaker or Chairman may decline—if he does so it is a sort of disrespect to the House and the Speaker or the Chairman. I think this convention may be followed by all the Members.

Prof. N. G. Ranga: That is very important. There may be so many other Members who are really anxious to speak but wish to sit down for the convenience of other speakers. I think everyone of us must keep himself ready any moment the Speaker calls upon him to speak. The House is not supposed to be aware of any list.

Pandit Mukut Bihari Lal Bhargava (Ajmer-Merwara): Does the convention referred to by my honourable friend apply before the Speaker has actually called an honourable Member to speak?

Mr. Deputy Speaker: I am afraid honourable Members have misunderstood the position. I receive chits after chits and for my own convenience I have prepared a list of all the gentlemen who stand from time to time so that I may not lose sight of them. Therefore they need not be standing up and down every time. It is only for that purpose I have prepared a list. But when I begin to call the speakers, some of them are not in their seats. At other times I am calling they are not ready. It is not entirely their fault. They cannot be on the tip-toe expectation of being called all the hours of the day. Therefore they may say 'I may be called next'. It is not that they decline. Therefore for the convenience of the House, I do not want to spring a surprise on honourable Members who are really anxious to speak. Therefore, without taking any more time, I have prescribed this order for today. I will call other Members tomorrow. If it is the desire of the House that they must stand up as often as necessary until they catch my eye—I shall follow the other procedure. But until it is found inconvenient the procedure I have already suggested will be followed today. I call upon Mr. Barman.

Shri Upendranath Barman (West Bengal: General): Sir, previous speakers have spoken about the Budget and have criticised it in all possible ways. They have not left out even the slightest defect on the part of the Government that they have detected. But I suppose that the honourable the Finance Minister is not the only person responsible for all the ills that we find in our body politic today. If there is corruption in our system are we not responsible for it directly and indirectly? Is it not our responsibility to co-operate with the Government and also to devise constructive means and offer suggestions to the Government? And if after that Government fails to do that, then we who are part and parcel of the Government in an indirect way may legitimately accuse the Government.

I fully endorse one thing in that criticism, namely, about the proposal to raise the post-card and letter rates. It is a valid criticism why those whose letters and cards won't be carried by air should be asked to pay those rates. That is the unanimous opinion of this House and I hope the honourable the Finance Minister will consider it and reconsider the policy of raising the rates as proposed in the Budget.

When we criticise our Government for their shortcomings here and there we should at the same time remember that only before this Budget session we were praising our Government that have done so many things. There were so many distresses and calamities heaped one upon another, and it is to the credit of our Government for having handled them successfully which any other Government might well imitate and might be proud of. They have averted all those calamities. Not only that. They have piloted the affairs of the State in a most praiseworthy manner. Therefore, when every day practically we were praising our leaders it is not fair to condemn the Budget in the way that we have done. We expect of course that with the advent of independence in this country, not only our leaders but we ourselves also should be conscious of the fact that the down-trodden masses who had been suffering so long from all sorts of tyranny and want should now get relief. We hope that after our calamities have passed away our leaders, assisted by us, would be able to divert their attention and pay full attention to the question as to how relief in all possible ways can be given to the masses. During the British rule all sorts of defects entered into our body politic. Our masses are illiterate, ill-clad, half-fed and they have no medical relief. These are the crying needs of the country today. Now that most of our ills and calamities are overpowered, our Government, assisted by us, should divert their attention to these matters.

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

Within the few minutes allotted to me I shall mention only two facts. But before doing so I shall make one general observation regarding the food policy and the running of the Agriculture Department of the Government of India. Whenever any question about the amelioration of the masses is raised, it is said that it is the Provincial Government that are responsible. It is really so. And if our Provinces, or we ourselves, do desire to maintain provincial autonomy it is high time for us to be alive to our responsibilities. But this food problem is entirely a different matter—at least for the time being. It may be that it shall be the entire responsibility of the Provinces some years after when you have solved the food crisis. But during this critical time I think the Government of India should assume all the responsibility and all the authority over the whole of the country so that they can tackle this problem in the way they think fit.

In our New Constitution, so far as industries are concerned, we have adopted, or propose to adopt a provision that where the Central Government considers necessary, it should have the power to assume responsibility for the industries, irrespective of the power or responsibility of the provinces or states. My own view is that in Agriculture also this is a very essential provision at a time when the country is passing through a grave crisis, when we are actually begging for our daily bread from other countries and when we are wasting our foreign exchange resources on the import of vast quantities of food-supplies from foreign countries. All of us know that in the rural areas there are places where people cannot get even a square meal a day, even though they have the money to purchase it. This being the state of affairs, the Centre cannot absolve itself of its responsibilities by saying that Agriculture is a provincial subject. Whatever might be the future structure of our Constitution, the

[Shri Upendranath Barman]

Centre must immediately assume responsibility for Agriculture. Take for instance, the case of the United States of America. It is, perhaps, the most highly industrialised country in the world; but the Agricultural Budget of the U. S. A. is only next in importance to the Defence Budget, because food is the first and foremost necessity of any country. I am not for a moment trying to compare the Budget figures of the two countries. What I am aiming at is that adequate importance should be given for the development of Agriculture and that the Centre must take responsibility for it.

There is one aspect of agriculture for which the Centre has assumed responsibility—I mean scientific research. There are several agriculture research institutes. But, unfortunately, the fruits of the research are not carried to the peasant, with the result that these institutes serve no useful purpose. The agriculturist is now completely ignorant of what is happening in these institutes; consequently the 'Grow More Food' and similar campaigns have come to nought. Every year, every day, every second, the best part of our soil is being washed away. Our agriculturist does not know what is meant by soil conservation. Instead of preserving the available soil, we are trying to solve the problem, by importing more and more of ammonium sulphate, and starting fertiliser factories. My humble submission, therefore, is that in every divisional town arrangement should be made for demonstration of soil survey and soil conservation. The agriculturist will then naturally be interested in growing more, thereby benefitting himself as well as the whole country. At present the Government of India have certain land reclamation schemes, but according to the confession of the honourable the Food Minister himself, hardly 5 per cent. of the agricultural land has been touched.

Another important reason why I feel that the Centre should take upon itself the responsibility for agriculture is that the provinces with their limited resources and multifarious problems that face them with the advent of freedom, are not able to look after agricultural problems properly.

As regards relief measures so far as West Bengal is concerned, my humble submission is that we are not satisfied with what has been done for the rehabilitation of refugees from East Bengal and the Centre should make more provision than it has done at present. We feel that the way in which the income-tax divisible pool has been distributed has not been fair to West Bengal.

Shrimati Dakshayani Velayudhan (Madras: General): Madam the Budget presented to the House by our able Finance Minister gives us the various aspects of our national economy in terms of the administration of the State. A new feature of this year's Budget is that it is free India's second Budget, for which we can naturally take some pride. I was a critic of last year's Budget in the sense that it showed a trend to pamper the rich at the expense of the poor. Looking from that angle this year's Budget is not in any way better. I must frankly express my feeling that I see no item of the Budget to improve the lot of the common man. The fault does not wholly lie either with the Finance Minister or even in the Government as constituted today. But the fault lies in the whole system which was transferred to us with the Transfer of Power. We have changed the bottle, but not the wine. It is the same old wine in a new bottle and it is for us to see whether there is any change in the wine as well.

India is in a state of transition and without the guidance of the Father of the Nation we are left to shoulder more responsibilities. If we do not bring out a new order on the basis of Mahatma Gandhi's precepts and practices India will have to face a violent revolution. This is my candid reading of

the atmosphere in which we are living today. There is every sign of a revolution from Assam to Amritsar and from Cape Comorin to Himachal Pradesh. We cannot ignore the facts and if we ignore the facts, we will be only following a negative attitude. How are we going to canalise the tempo of the people? I wish that the state should proclaim openly that India will organise a state on the basis of truth and non-violence. We have a psychological advantage in forging ahead in this line because we were following it in one way or the other in the past. I have no doubt that India will have to accept Gandhiji's creed not as a philosophy of life but as a philosophy of the state in the end. If we have foresight we can avoid the conflicts, the signs of which are seen in our neighbouring countries. Our ministers are proclaiming the ideal of Mahatma Gandhi in their day to day utterances. I want to see it practised not only by the Ministers but by the whole Government. The love that the people of the country show to the Father of the nation is spontaneous and this spontaneous outburst is due to their desire to have a peaceful and happy life. The common man does not exploit the name of Gandhiji either for position or for any personal interests.

The real achievements of the Government in the last year can be measured only in terms of the satisfaction gained by the common man. Many schemes, including the one on insurance, were passed in the legislature and they are lying in the files of the secretariat and no actual work has been commenced. Lakhs of villages in India have not been affected in any way by the achievement of our freedom. They know more about Gandhiji than our Government or the working of it. They have more admiration and attraction for the personality of our Prime Minister than for his Government. They are all on the wake up and alertness is seen everywhere.

The high cost of living for which the common man is not responsible has given him a shake up in his attitude. He is ill clad, he is ill-fed and nothing more is done for his education or health. We cannot call any government a good government if it is not going to improve the conditions of the common man and in this direction nothing has been done. Our ministers are going here and there for ceremonial functions and speeches. They speak many things, more irrelevant than relevant. This has become the common talk of the intelligentsia of this country. A minister goes to Bombay and speaks about the budget for 1949-50. This gives to a lot of writing and counter-writing in the papers. Another minister goes to a meeting sponsored by the R. S. S. and thereafter goes to a Congress meeting and addresses them on nonviolence. Yet another minister says that in ten years he will introduce socialism in the country, whereas the Government has said that they are not going to do anything of that kind. The Government has declared their policy that they are not going to nationalise any of the industries in the near future. The same Minister has said that labour should be loyal and humble as he is. Even in small things the ministers interfere and the working of the secretariat has been made a bungling affair. To get a reserved seat in a train from Wardha to Delhi one will have to put through a trunk call to the Premier of the province. Is it not fun if ministers are going to issue chits for reservation like booking clerks issuing tickets for the passengers? A minister had the audacity to speak at a public meeting that ministers are open to corruption and bribery because the people give it.

There is noticed in circles that support the Government a spirit of violence. It is spreading into the vitals of our national life and if the situation goes on I fear of great danger to the future. Newspapers and the press try to make the people believe that the R. S. S. movement has fizzled out, but those who know the truth will say that it is still a strong fascist organisation which has got support in influential quarters both inside and outside the Government.

[Sbrimati Dakshayani Velayudhan]

Government should set an example to develop the national character which we have inherited from the Father of the nation. When there is discipline and national character at the top the people will follow it. The intelligentsia in the country have taken to think that dishonesty has taken the place of honesty.

Coming to the budget proper the *status quo* of the Imperial bureaucratic government is continued. Look at the manner in which the Finance Minister has tried to balance the budget. He has done it by taxing the poor and coaxing the rich industrialists and businessmen. Who are the greatest enemies of this country. Who are the enemies of this country? Are they the Communists or the much dreaded socialists or the workers who strike? Who are the enemies of this country, if not the industrialists or the businessmen who hoard all the money that they have without doing any benefit to the country? In my opinion they are the greatest enemies of the country and the Government, because they are not extending a helping hand to the Government and in my opinion the industrialists and the capitalists have succeeded in bringing the Government kneeling at their feet. Did not the first Finance Minister make many concessions to the capitalists in his first budget? In his speech he said that these measure would bring confidence into the capitalists and industrialists which were shattered by the Liaquat Ali Budget by its taxation proposals. Still they did not try to help the Government. They did not shed their fear complex and come forward to help the Government in their production drive. Why should they still insist on getting more and more help from the Government? They are today trying to get the same amount of profit which they were making during the war time. Madam, they are not the type of people who have got the interest of the country at heart. They are all hoarding money and that by sucking the life-blood of the nation and leaving the Government and the people half dead. They are not at all satisfied and they will never be satisfied whatever concessions Government may give them. They had amassed wealth like anything during the war time and if it is taxed it is only to build up the economy of a new infant state. To leave the progress of the country into the hands of the industrialists will be the greatest blunder that the Government is doing today. To hope to raise the standard of life of the people with the help of the industrialists and the capitalists will be like entrusting the lamb to the wolf. I shall just cite one instance to show how the industrialist is giving too much trouble to the people. Take the case of sugar. That industry is a protected industry and people are left at the mercy of the industry by the Government and now the industry has begun to say that it is not the industrialist that needs protection but the Minister for Agriculture who needs protection. That is how they have brought their demand. The introduction of the duty on sugar will aggravate matters. Sugar is not a thing of luxury: it is an essential commodity and it is most essential for children. Some economists say that money has passed from the hands of the industrialists and capitalists to the people in the rural parts, viz, the agriculturists. It is a fact that money has gone to the hands of the agriculturists but it is wrong to identify the agriculturists with the poor workers in the field. The economists blame that the poor people are not in the habit of putting money in the bank. They have got their own indigenous method of saving money. If they are not going to the bank to deposit money it is because they have nothing to deposit in the bank. If you want to see the truth of this statement, go to the villages. We can see there people who even sell their ration to get a meal for the day.

I am glad that the honourable the Finance Minister has made provision in the Budget for opening a new radio station in Malabar and also that he has imposed a duty on liquor which I advocated last year.

श्री शान्तनु कुमार दास : अध्यक्ष महोदय, हमारे अर्थ मंत्री ने जो बजट पेश किया है, उसको देखने से ही यह माहूम पड़ता है कि यह बजट भारतीय जनता का बजट नहीं है। साधारण जनता का बजट नहीं वह बजट पूँजीपतियों और उद्योगपतियों का है। इस बजट की कीमत जनता नहीं समझती है। जनता को यह एतराज होता है कि चीजें महंगी न पहुँचें। वह चाहती है कि किसी तरह चीजें सस्ती उन तक पहुँचें। बजट घाटे का है या वचत का है जन्ता इस बात में फ़िक्र नहीं करती।

चीजों में कर बढ़ रहा है, करों की वृद्धि होती रहेगी। लेकिन मैं इसके बारे में कुछ कहना नहीं चाहता। क्योंकि कल से आज तक सदस्यों ने इसके बारे में बहुत कुछ कहा है। पोस्टकार्ड, लिफाफा और शक्कर आदि चीजों पर कर की वृद्धि होती है। मैं पोस्टकार्ड के बारे में एक बात कहना चाहता हूँ कि पोस्टकार्ड की कीमत बहुत आन्दोलन के बाद दो पैसे का हुआ था। हमारी सरकार के समय में जो सुविधा दी गई थी उसको छीन लिया गया, और हमारे अर्थमंत्री ने पूँजीपतियों और उद्योगपतियों को तीन करोड़ की राहत दी है। कंपिटल टैक्स पूरा माफ़ कर दिया। सुपर टैक्स में उल्लेखनीय कमी की है। पिछले बजट में पूँजीपति बढ़े हुए करों की शिकायत करते थे। उनका यह कहना था कि सरकार जब मदद नहीं देती तो पूँजीपति तिजोरी से रुपया नहीं निकालेंगे, और नये पुराने जो धन्य हैं उनका विकास नहीं हो सकेगा। हालाँकि सरकार ने पिछले बजट में इस किस्म की राहत दी है, लेकिन इसका खास नतीजा क्या हुआ, कुछ नहीं। हमारे अर्थ मंत्री ने इस विषय को जानते हुए भी कैसे यह राहत दी है। मैं एक बात कहना चाहता हूँ। हमारे देश में खाद्य की परिस्थिति संकटापन्न है। खाद्यमंत्री की आवाज़ कोने कोने में गूँज रही है, लेकिन इसका नतीजा कुछ नहीं हुआ है। गलती कहाँ है। मैं समझता हूँ कि 'शो मोर फूड डिपार्टमेन्ट' में जो अकसर लोग रहते हैं वह कृषि के बारे में कुछ नहीं जानते हैं। कालेजों से पढ़ कर जो युवक आते हैं और युद्ध से फिर कर जो युवक आते हैं वह इस डिपार्टमेन्ट में घुस जाते हैं। कृषि के बारे में वे कुछ जानते ही नहीं। मैं यह अदब से अर्ज करता हूँ कि जो भी लोग इस डिपार्टमेन्ट में आते हैं वह कृषि के बारे में जानकारी रखें तो आप देखेंगे कि फिर से पैदावार ज्यादा हो जायगी। और सब के मुँह में हंसी की लहर दौड़ जायगी।

मैं एक और बात कहना चाहता हूँ कि अर्थमंत्री ने प्राकृतिक दुर्घटनाओं का जिक्र करते हुए कहा कि प्राकृतिक दुर्घटनायें हमारे देश में बढ़ती जाती हैं। पिछले वर्ष में बिहार में बाढ़ हुई, गजुरात में अकाल, बम्बई, मैं

[श्री शान्तनु कुमार दास]

साइक्लोन और मदरास और बंगाल में आंशिक अकाल हुआ है। यह दुर्घटनायें तो जरूर होती रहीं और होती ही रहेंगी। इस लिये मैं कहना चाहता हूँ कि प्राकृतिक दुर्घटनायें के सिवा और भी कुछ अप्राकृतिक दुर्घटनायें होती रहती हैं। यह होता है कि रेल्वे हड़ताल, मिलों में हड़ताल, और डाक तार की हड़ताल तो रोज की चीजें हो गई हैं। यह हड़तालें जब सरकार के कब्जे में आजायगी तो सरकार को सुख मिल सकेगा। मैं इसी लिये कहता हूँ कि चीन और बरमा का सबक हमारे सामने है। जब हम लोग गांव गांव में काटेज इन्डस्ट्री का विकास करेंगे तभी हम अभाव को कम कर सकेंगे। आज प्रान्त में जहां ज्यादा मिलें नहीं ज्यादा कारखाने नहीं वहां काटेज इन्डस्ट्री बढ़ाने के लिये हमारी सरकार कोशिश करे। मैं जानता हूँ कि उड़ीसा में बहुत गरीबी है। काटेज इन्डस्ट्री के बारे में उड़ीसा के लोग काफी अच्छी तरह जानते हैं। काम जानते हैं। जब उड़ीसा में काटेज इन्डस्ट्री शुरू करने के लिये हमारी केन्द्रीय सरकार मदद देगी तभी अच्छा होगा। उड़ीसा में विलीका नामक एक, (Lake) है। हंटर साहब ने एक रिपोर्ट में लिखा है कि यहां पुराने जमाने में ज्यादा साल्ट होता था। यू० पी० और बिहार में उड़ीसा साल्ट सप्लाई करता था। अगर अब यह आमदनी बन्द होती है तो कैसे काम चलेगा। इस लिये मैं बड़े अदब से अर्ज करता हूँ कि यह साल्ट इन्डस्ट्री उड़ीसा में किसी तरह बढ़ाई जाय। उड़ीसा समुद्र के किनारे है उड़ीसा में दो बन्दरगाह हैं। गोपालपुर और चांदवाली। पुराने जमाने में वाणिज्य अच्छी तरह चलता था उड़ीसा की बदकिस्मती से वह वाणिज्य बन्द हो गया है। मैं केन्द्रीय सरकार से बड़े अदब से यह अर्ज करता हूँ कि कैसे इसका जल्दी इन्तजाम किया जाय।

मुझे यह खेद है कि हमारी सरकार का खर्च अर्थमंत्री ने नहीं कमी कर दी है क्योंकि इसके लिये उन्होंने यत्न नहीं किया। और मैं कहना चाहता हूँ कि हमारी सरकार में जो बड़े आफिस होल्डर हैं उनको तीन हजार से ज्यादा तनखाह नहीं लेनी चाहिए। जो तीन हजार से ज्यादा तनखाह पाते हैं उनके हाउस को मैनटेन करने पर ज्यादा खर्च हो जाता है। मैं कहता हूँ कि राजाजी ने एक दफा कहा था कि मैं गवर्नमेंट हाउस में रहता हूँ तो जब मेरे मेहमान आ जाते हैं तो बाहर निकलने के लिए राह नहीं पाते हैं। उनकी यह इच्छा है कि जैसे हमारे पंडित जी और सरदार साहब रहते हैं उसी तरह उनके रहने का प्रबन्ध हो जाय। मैं चाहता हूँ कि उनको उसी तरह रहने के लिए हमारी सरकार प्रबन्ध करे तो अच्छा होगा। कुछ खर्च की भी कमी हो जायेगी।

मैं यह कहकर अपने वक्तव्य को खत्म करता हूँ और उसके साथ साथ मैं यह कहना चाहता हूँ कि मैं इस बजट को पसन्द करता हूँ, पर हार्दिक समर्थन नहीं देता क्योंकि जनता उसका स्वागत नहीं करती है।

(English translation of the above speech)

Shri Santanu Kumar Das (Orissa: General): By merely looking at the Budget presented by our Finance Minister one finds that this is not a budget of the Indian people. It is not the budget of the common people. It is the Budget of capitalists and industrialists. The value of this Budget is not appraised by the people. The people raise the plea that commodities should not come dear to them. They want that somehow commodities should become available to them at cheap prices. The people do not worry about the fact whether the Budget shows a deficit or a surplus.

Tax on commodities is increasing; taxes will go on increasing. But, I do not want to say anything about it because yesterday and today the members have said a great deal. The prices of post cards and envelopes are raised and tax is increased on commodities like sugar. I want to say something with regard to the post-card. The price of the post-card was brought down to two pice after a good deal of agitation. The relief that had been granted has been withdrawn during the rule of our Government, and our Finance Minister has provided a relief of three crores to our capitalists and industrialists. The capital tax has been wholly remitted. Considerable reduction has been made in the super-tax. In regard to the last Budget the capitalists complained about the increased taxes. It was said by them that, when the Government was not prepared to help, the capitalists would not loosen their purse strings, with the result that the new and old industries would not be developed. Although relief of that kind was granted by the Government under the previous Budget, what special results were achieved thereby? Nothing. How has our Finance Minister granted this relief even when he was aware of this position? I wish to say one thing. The food situation in our country is distressing. The voice of the Food Minister is ringing in every part of the country but this has not yielded any results. Where does the fault lie? I feel that the officers of the Grow More Food Department do not know anything about agriculture. Youngmen fresh from colleges and others returned from war service forge their way into this Department. They simply know nothing about agriculture. I respectfully submit that if the people who enter this Department possess knowledge of agriculture you will see that production would increase once again and there would be smiles on every face.

I want to say something else. While talking of natural calamities the Finance Minister said that natural calamities were on the increase in our country. During the last year there occurred floods in Bihar, a famine in Gujrat, a cyclone in Bombay and partial famine in Madras and Bengal. These calamities have no doubt been occurring and will keep occurring. What I want to say is this that besides natural calamities there are also some unnatural calamities which keep occurring. A strike in the railways, a strike in the mills and a strike in the posts and telegraphs have become things of daily occurrence. The Government will be able to find some respite when they will have acquired some control over these strikes. Hence, I say that the lessons of China and Burma are before us. We would be able to remove scarcity only when we start cottage industries in every village. Our Government should make efforts to develop cottage industries in that province which does not at present possess enough mills and factories. I know what great poverty there is in Orissa.

1100 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [4TH MARCH 1949]

[Shri Santanu Kumar Das]

The people of Orissa know a great deal about cottage industry. They know how to work. It will be good only when our Central Government renders help in starting cottage industry in Orissa. There is a lake in Orissa called Chilka. It is mentioned in a report by Mr. Hunter that more salt was produced there in the old times and that Orissa used to supply salt to U. P. and Bihar. How will it be possible to carry on now if this income stops? Hence, I submit very respectfully that this salt industry in Orissa should be developed somehow. Orissa is situated on seashore. It has two ports, Gopalpur and Chandwali. Commerce flourished here in the old days. To the misfortune of Orissa that commerce has ceased. I very respectfully appeal to the Central Government that something should be done in this behalf at an early date.

It grieves me that the Finance Minister has effected no reduction in the expenditure of our Government—he has not endeavoured to do so. I wish to say that the holders of high office in our Government should not receive a salary exceeding three thousand. It costs even more to maintain the houses of those who are in receipt of more than three thousand as salary. Rajaji once remarked, "I live in the Government House, but the guests who visit my house are unable to find the way out. It is his desire that similar arrangements might be made for his residence as exist for the residence of our Panditji and Sardar Sahib. I think that it would be good if our Government could make similar arrangements for his residence. This would also effect some reduction in expenditure.

With this I close my speech. I wish to say incidentally that I like this budget but I do not give it a hearty support because the people have not hailed it well.

Shri V. C. Kesava Rao (Madras: General): This is the second budget after India got independence. All these years, the common man has been thinking that he will be happy when we get full Swaraj; but I am surprised to find that the budget aims at giving relief to the richer man but not to the poor man. I don't know why the super tax on the capitalist has been reduced. It is a wonder to me why the Finance Minister is going to help those tax payers who have made crores of rupees profits during the war, about whom, even the Finance Minister cannot say that they have paid their taxes. Even the expenditure incurred on the Income-tax Investigation Commission has not been realised. I am sorry to find that there is not even a single scheme which would help the common man. The common man wants a house to live in, cloth to wear and food to eat. We, Congress people, have been telling them for more than half a century that they will be happy when independence is attained; but we have now framed a budget for the rich man, and not for the common man.

Speaking about the defence expenditure I am sorry to say that before the war, the defence expenditure was 47 crores whereas now it has gone up to 157 crores. I do not know whether we are aiming at any war. Naturally, last year there was expenditure due to the Kashmir operations. This year, I do not think that there is anything which we can expect. Such being the case, I do not know why we are spending such a large amount as 157 crores for our defence forces. Even during the war, we Congress people have been criticising the British Ministers for spending a lot of money for defence. Another point, I would like to point out in this connection, is that our military is not so efficient as it ought to be. Now, promotions in the military are so rapid. A man who is not even thirty years old has become a Colonel and a Brigadier. I do not think in a country there is a Colonel or a Brigadier who is less than forty-five years of age.

Pandit Thakur Das Bhargava: Should we get the Britishers again here?

Shri R. K. Sidhva: We have got an efficient army.

Shri V. C. Kesava Rao: Comparing any country, the United States of America or the United Kingdom, there is no country where people have attained this rank before forty-five years of age.

Prof. N. G. Ranga: That is not a good thing.

Shri V. C. Kesava Rao: Especially in the military, I think, experience is more necessary than anything else.

Another point I would like to point out is that there is no provision in the budget for observing economy. The Central Pay Commission had suggested not to give any dearness allowance to people getting more than Rs. 1,000. But, the Central Government is not prepared to reduce the dearness allowances for its highly paid officers. Even officers getting Rs. 3,000 are allowed to draw dearness allowances. In this connection, I would like to state that one-third of the postal officers have gone to Pakistan. Even though we ought to have only three fourths of the prepartition number, the number of the officers have increased considerably well beyond this mark and the expenditure has automatically gone up. I want to point out that we are going to establish many Embassies in many foreign countries. As a measure of economy, I say that we should not establish any more Embassies and we should even go to the extent of reducing the staff in the present Embassies.

Then every Ministry has got lump sum grants for miscellaneous expenditure. In every Ministry there is provision for all kinds of expenditure and this miscellaneous expenditure is at the discretion of the Officers to spend in whatever way they liked. If we cut down this miscellaneous expenditure, we will be able to save some money.

The Retrenchment Committee's work has become a farce. They have recommended for retrenchment of officers who were recruited during the war. Till now no Ministry is prepared to retrench even one officer. I understand in the C.P.W.D. one clerk getting 60/- was retrenched. Had they have only one to retrench from the staff? If the proposals of the Economy Committee and the Retrenchment Committee are put into practice, I think we can save a lot of money and by that the inflation may be curtailed.

We have been spending lot of money for imports of foodgrains and last year we spent 130 crores and this year we are going to spend more and I think if we spend a few crores or even a few lakhs for improving our fertilizers or our natural manure like cow dung etc. I think we will be able to produce more. A farmer who wants to produce more is not able to get fertilizers or manure. I wish the honourable Food Minister will spend some money in providing these manures to the farmers. To curtail this expenditure on food some money should be spent on developing the fish industry. We have vast coastlines. If we develop the industry, we can supplement food with fish to a larger extent. I wish that a portion of this money spent for purchasing grains from other countries may be diverted to the development of this industry.

Shri H. Siddaveerappa (Mysore State): Madam, the measuring rod by which we have to see whether this Budget is a Budget for the good of the common man is to see the amount of good it does to the common man. I don't wish to enter into the details as to how far the Budget will help to improve the economic good of the common man. I wish to touch only the general lines regarding that. If you bear in mind that in this country 70 per cent of the people live in villages and most of them—if not all—are agriculturists, you will have to see how far this Budget helps to improve the common man. In the first instance I would like to thank the Government for having helped the agriculturists by increasing the import duty on betelnut and I find that this is the only redeeming feature so far as the indigenous grower is concerned in this Budget. Regarding other points as to how it has become the burden on the common man we will have to say, taken as a whole, this budget is not so bad as is depicted to be and I would like to touch upon one or two points regarding agriculture. We have been seeing that ever since the war there is a chronic disease of food shortage. If we take the period in which we had an economic depression, I think in the years 1930 to 1935 we found that agricultural economy was the worst affected. Nobody ever cared to see whether the crop the farmer produced was sufficient to meet his cost of production. Many stuck to agriculture because they had no other vocation. It is only during the war that this question of food loomed so large with the result that even to-day we are still in the same circle. It baffles the Government. Every year we find that at a time when we want our dollar resources for purchasing capital goods, we are spending enormous amounts for importing our food products. How is it in an agricultural country we are reduced to the pitiable position? You will have to say at least here is a time when we will have to consider our economy in a different way and find out whether in a given time it is not possible for us to see that we are made self-sufficient within a minimum period regarding food. Taken from that standard, in a budget wherein we see that the expenditure estimated is to the tune of about 322 crores and odd, what do we find so far as agriculture is concerned? For the Ministry of Agriculture and Food we see that barely a sum of 80 lakhs has been allotted in this budget. Is it sufficient I would ask. The other day when we had a full-dress debate on Food, the honourable Minister for Food was pleased to tell us that in other countries agriculture is given a proper yard and we find that in America a good deal of money is spent. What are we doing in this country? Have the Government in view any reorientation of policy to see that agriculture is taken as a paying industry and agriculture is encouraged by all means possible by importing machinery, necessary agricultural manure and other goods? The present subsidy does not reach all the cent percent of population. In this country at no time cent percent of the population were on the ration basis. I think only about 5 per cent—mostly townsmen—were under the ration and we should consider that agriculturist, in spite of all his difficulties, was the man who fed the entire population. Most of the people could not be fed on the rationed article. What is it that the Government have done with a view to improve his lot or with a view to importing foreign machinery. We find Governments of other countries have been encouraging starting of several industries for the manufacture of agricultural implements. But here we don't seem to be doing anything to increase the output of fertilizers. It is but natural that we will have to think of this problem and reorientate our policy with a view to seeing that in the minimum period we get the food crops produced in our own country alone and that we are made self-sufficient in food. An honourable member said that surplus money has flown into the rural Parts. I do not believe that the surplus money has ever entered the villages. If the Government want to convince themselves of it, let them start an enquiry and find out what was the agricultural indebtedness before the war and what is the present agricultural

indebtedness. Unfortunately in our country there are no banks who would advance money to the agriculturists. Recently we had to go through a banking Bill which was mostly a bankers' Bill, for about eight or ten days. These banks never lend any money to the agriculturists. Under these circumstances I do believe that if at all there is any class in this country—and they form a majority—who were the most hard hit during the war, it is the agriculturists class. They never had any opportunity to make money by easy methods like permits or any other method. They had to till the soil and raise their crops by the sweat of their brow. They are the persons who were most hard hit, and it is high time that the Government formulated a proper policy with regard to food crops, for the next three or five years. Let them not be left in the lurch, as they were left during the days of depression, when the agriculturists were reduced to such hopeless straits that many of them had even to sell their cattle in order to meet the bare necessities of life.

The next point I want to touch upon is about reduction in governmental expenditure. Before we think of imposing indirect taxes to the extent of about Rs. 14 crores, we must consider the question of rigid economy in all our governmental expenditures. I have with me the figures from 1938 to 1947—for undivided India. In 1938-39, the total figure for governmental expenditure was about Rs. 10,90,00,000. In 1946-47, the figure was Rs. 35,00,00,000, and coming to the present year, 1948-49, it is as much as Rs. 48.14 crores per year. I would request the honourable the Finance Minister to find out whether this poor country is capable of bearing this burden, this unduly heavy burden. In this whole budget of three hundred and odd crores of rupees, the encouragement given to agriculturists amounts to only about eighty lakhs. Of course, I may be told that agriculture is a provincial concern. But the Government of India has undertaken to see that this country is self-sufficient in the matter of food. Therefore, it is absolutely essential that before the financial year runs out, some drastic economies are visibly shown in the budget, with a view to increase the confidence of the country.

With regard to food prices, I would like to say just a few words. We find whenever we ask the Provinces or States about this subject, we are told that it is a Central subject. But we find that in the different places there is not even uniformity with regard to food prices. Between Bombay and the Mysore border, for instance, within about a distance of five miles there is great disparity in the price. Food is sold at a higher price in Bombay and at a lower rate in Mysore border. The result is that smuggling is encouraged. Therefore I would request the Government to see that some sort of uniformity in prices, at least in the border areas is brought about.

Sreematty Annie Mascarene (Travancore State): Madam, it is my peculiar privilege to speak when a lady is presiding. Hitherto, we have been hearing discussion on the Budget, and the Finance Minister there, bearing the brunt of the blows was a pitiable sight to see. I wish to paint another picture. The Finance Minister's speech is an economic survey of public finance and expenditure of free India which is just a year and a half old. The aftermath of the war, the unsettled political and economic conditions having their repercussions in the East and the Middle-East, have culminated in the presentation of a deficit budget, the deficit being to the extent of Rs. 14 crores. Some people state, feeling perhaps the pulse of the nation, that millions have waited with throbbing hearts for the promises of the Finance Minister for the future, and fell back in despair when they were told that they had to pay more for sugar, postage and more for cloth. Other state that this is a capitalist budget, and industrialists beamed with a smile when they were told that there is a reduction of super-tax and income-tax, and the capital gains tax is abolished altogether. But I, as a student of history and politics, take an altogether

[Sreematty Annie Mascarene]

different view. I take this opportunity to congratulate the honourable the Finance Minister for the consummate skill with which he has steered the economic destiny of this young nation, through perilous times. If such a budget had been presented in normal times it would have been scandalous, and scandalous to a professor of economics, and to a nation with such resources and reputation. But we are living under very different conditions. We are living under peculiar circumstances, in a transitional stage, when the last drama—the peroration of the Imperial drama dropped its curtain, and the preamble of the national government entered the arena with a flourish of communal conflicts, when the last stroke of British diplomacy dealt a fatal blow to *Bharat Mata* resulting in a vivisection and the disastrous consequences resulting from it, in death, dishonour, and damnation, driving us to the deepest depths of degradation, and defiling the fair name of the nation. It is under such circumstances the national leaders of the Congress have undertaken the reins of Government to shape the destiny of this young nation—nay, to sway the rod of an Empire. At this juncture the country stood just on the verge of economic crisis. The capitalists who stood by the agitators expected the agitators to become administrators; the labour which organised itself ever since the national government took up the reins of administration also expected very many things to happen and organised itself as a challenge to the capitalists. Placed between the devil and the deep sea, the leaders of the nation had to shape the destiny of this State with great difficulty. They had to deal with distempered Kashmir; disorganized Hyderabad and to provide for food, clothing and shelter to lakhs and lakhs of refugees rendered homeless by the vivisection of India. Under these circumstances I ask, Madam, whether any administrator however great his genius may be could have devised a Budget much better than this. The present need of the nation is to establish democracy on a sound basis. The present need of the nation is to feed the people, to clothe them and to produce as much of consumer goods as are required just now. Who are the agents of production in India today? Has the nation, I ask, the capacity to nationalise all its industries at one stroke? In that case this Budget is not suitable. As we have had only eighteen months before us we had time only to muster our strength together and lay the foundations of future democracy. Under these circumstances it is but natural to look to the capitalist to give as much of production as is required by the nation. But the capitalist, fearing the several 'isms' facing him and fearing the prospects of his capital, had gone underground. The only magic which could bring him out is the magic of abolishing the Capital Gains Tax and reducing the Income-tax and the Super-tax. We need not think that this is going to be for ever the condition in India. No, the present demand must be satisfied; the life of the nation should be maintained and nurtured so that a better life and a better democracy can be shaped hereafter. If the Budget is a desperate one I wish to invite the attention of the House to the desperate character of democracy. Democracy as a form of government never thrived for long in any country in the world. Democracy has been a difficult political form of government. It could not transcend the walls of the city of Greece without half slavery; it could not remain in Rome for long without converting itself into Imperial autocracy. For 1800 years democracy disappeared from the world till it appeared in the Magna Charta, nurtured by Edward I, Rym. Hampden and culminated in 1688 under the Glorious Revolution, reformed itself in 1832 and perfected itself in 1917 with the women's suffrage. That was the history of democracy in England. The history of democracy in America took 150 years and Lincoln 4 years and a million lives to give it the present shape. The history of democracy in other countries was just the same. After the lurid display of revolution in France it disappeared for a time and came back only in 1878. In China in 1911 there was democracy established,

but where is China today? We have to take the lessons and the experience of democracy in other countries before we can establish democracy in our own State which is three times as big as the United States of America and half the size of Europe. Today the administrators, the leaders of the people at the helm of the government, are trying to shape the democracy of India for the time to come, in this transitional period. At this juncture no amount of imagination or political philosophy can help them than to make the best of what the time can afford and build on it the later perfection of democracy. Therefore, if the Budget at the present time looks a bit desperate you cannot help it. The nation has paid heavily for the freedom of India. The nation has to pay still more for the establishment of democracy. Every citizen has to pay for establishing that form of government which has been found from political experience to be the best form of government—the government of the people by the people for the people. Hence I think that the Budget as framed by the Finance Minister is a Budget that was forced upon him by the force of circumstances. If this nation has to be led hereafter, if the administration is to be run on a sounder basis hereafter, this timely budget, this Budget for this year, is necessary and I take this opportunity to congratulate the Finance Minister again.

The destiny of the future is not in our hands. It is true that the proposals in the Budget in respect of postage rates and the sugar tax etc. are the most unkind cuts of all. But we have to remember that every citizen has to pay for his privileges. And who knows what the future is? We are faced with so many difficulties. Time will prove where we are. Many a secret lie hidden in the womb of time like many a gem in the caverns of the sea.

Shri Harihar Nath Shastri (U. P.: General): Madam, the honourable lady member who has just preceded me has paid eloquent tributes to the honourable the Finance Minister. I do not propose to criticise the various points made out by her. I wish that the honourable Minister should have this much satisfaction that he has got at least one member, and that too of the fair sex, who has supported him. There was another honourable member who unfortunately is not present in the House just now who sits by my side—I mean Shri Ramalingam Chettiyar—who remarked yesterday that the honourable the Finance Minister had earned the applause and congratulations of the various Chambers of Commerce in this country. That may be a matter of jubilation for the honourable Minister but let me frankly state that I cannot congratulate him, nor can he expect congratulations from the class of people whom I represent. It has been stated in the course of the various speeches delivered yesterday as well as today that there is no departure in this Budget from that of the previous year's budget. I must say that it was a profound shock and disappointment to me inasmuch as Dr. Matthai has had the reputation of being an economist of progressive, or shall I say, socialistic ideas in spite of his close and long association with the Tatas. I think he said in the course of his Budget speech that the principal motive behind his budget proposals was that he wanted to check or arrest inflation by giving numerous reliefs to the Industrialist. If it were possible, I would have congratulated him, but I must express my grave doubts over his hopes. Today I feel that the profit motive is ruling supreme in the minds of the capitalists of this country and as long as this profit motive lasts there is no likelihood of inflation being checked. I regret that the Budget that has been presented before this House is calculated to accentuate the profit motive and my humble submission is that it is a wrong policy to try to step up production by appealing to the narrow selfish instincts of the capitalist class. And if you persist in doing so there is no justification on your part to appeal to the patriotism of the masses and their high sense of duty. The common man of this country has made great sacrifices in the cause, of the community and it is because of him that you are here and we of course are also here. But let it be clearly understood that

[Shri Harihar Nath Shastri]

the common man of this country will resolutely refuse to make sacrifices in the interests of a handful of men who have thrived on the exploitation of the masses. Even today he is capable of making sacrifices and to put up with hardships if those sacrifices and hardships are meant to advance the interests of the community as a whole and the sufferings are shared by every class of the people.

The honourable the Finance Minister has consoled himself by the assertion that even in other parts of the world conditions are disturbed and progress towards recovery from the ravages of war is slow. Yes, Madam, it is true. It was only about six or seven months back that I had an opportunity of visiting the European countries, in the course of which I was in England for about ten days. The people in England even today are living on austerity diet; they are passing through very hard times. But there is one factor that must not be lost sight of. The sufferings are common to every section of the community. The same quantity of restricted sugar, the same number of cigarettes, the same restricted number of one egg per week are available to a worker in a factory as well as to a mill magnate and that too at a price which is within his easy reach.

Shri B. Das: But black-marketing exists even in England and Russia.

Shri Harihar Nath Shastri: In England black marketing is not even one-tenth as rampant as it is in this country. Today the prices in England are hardly twenty-five per cent above the pre-war level and wages have gone up by about fifty per cent. On the contrary, what is the position today in our country? You introduced rationing, nay, your predecessors, the Britishers, introduced rationing. Swayed by sentiments on the one hand and influenced by vigorous propaganda by interested capitalist classes on the other you gave up the control policy, with the result that prices have shot up in the course of the last six or seven months by about 80 points. The mistake was realised when it was too late to mend it and even now I regret to say that no planned policy is being pursued. In fact, planning is lacking in the whole of our economic policy.

Now, let me submit for your consideration and that of the House two or three salient points that still remain to be dealt with. The one question which of course has been dealt with in great detail is the food problem and various honourable Members have explained the gravity of the situation in this country as a result of food scarcity. It is really a matter of grave anxiety that at the present moment about Rs. 30 to 32 crores are spent on subsidies. A few days back, when unfortunately I was not present in the House, there was the debate on the food problem and the honourable the Food Minister was subjected to a lot of criticism. May I make my own observations on that question? I personally feel that if you put in this office a Food Minister who is a hundred times more qualified person (I know there is none more qualified than the present Minister), if you put in a person who in your estimation is a hundred times more qualified, you cannot solve the food problems of this country by a mere Grow More Food Campaign or some such devices. In my opinion the root cause of the food scarcity and the root cause as to why the food problem in this country is not being solved is that planning is needed in regard to agriculture. What I mean by planning is that it is necessary that you rationalise the production of food and its distribution and that rationalisation in production and distribution is possible only if you tackle the basic problem of the abolition of landlordism in this country. It was

about two or three years ago when the Congress came into power in various provinces that the question was taken up and in some of the provinces legislation was also passed and in others it is on the verge of being passed, but that is not yet put on the statute book. I understand that there are certain difficulties and hindrances which I need not go into. But I must submit that unless you tackle and that too speedily the question of the abolition of landlordism, you cannot satisfactorily and on a lasting basis solve the food problem of this country. If you do that, you will pave the way for cooperative farming, a system in which the peasants shall have full right on the soil and at the same time there will be more produce and the produce can be pooled together and utilised without any chance of hoarding or profiteering for the good of the entire community.

The other point which I would like to finish in the five minutes which you, Madam, has kindly allowed me is in regard to industrial expansion of this country. The other day our great leader, the Deputy Prime Minister in the course of his speech in Madras deprecated loose talks about nationalisation. I am in complete agreement with him and I need not go into the reasons why nationalisation is not feasible much though one may like it at the present moment. But I do make a difference between nationalisation and control. The other day my friend Mr. Ramalingam Chettiar said that there was no difference between control of capitalism and nationalisation. I should like to observe that control is the method through which on the one hand capitalism can have a lease of life in this country and on the other hand the interests of the community also can be guaranteed. So it is necessary that controls should be introduced and that too in a rational manner. The wartime drama must not be repeated now. During that period, as the House is aware, the community made tremendous sacrifices and at its cost the capitalists made enormous profits. There is no time to cite instances, though I have many but I would just in one minute cite the instance of the iron and steel industry, with which my honourable friend the Finance Minister has been connected for a number of years. When iron and steel were controlled during the war this industry was selling defective materials and cuttings of iron and steel at three or four times the price of first class material and was making huge profits on that account. On the other hand articles manufactured from such materials which were of daily use to the common man were sold as they are being sold now at exorbitant prices. This state of affairs must be put an end to. Production, management and profits and distribution must be regulated by the state in the larger interests of the community. Only such commodities should be allowed to be produced that will primarily fulfil the necessities of life of the common man. As for management the time has come when I say, in spite of what was observed the other day by Mr. Ramalingam Chettiar, that the Government should revise its attitude and take a definite decision in regard to the much abused and highly condemned system of managing agency. I need hardly say anything in regard to distribution. The flagrant abuse of the latitude given to industry through the abolition of control has by now convinced the Government that control must be reimposed. Here I should like to make a passing reference to the proposed legislation in regard to the control of industries that is engaging the attention of the Department of Industry. I do hope that when the proposed Bill is put on the statute book it will go a long way in putting the industrial development of our country on a sound basis.

The Assembly then adjourned till Quarter to Eleven of the Clock on Saturday, the 5th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES.

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

Saturday, 5th March, 1949

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

QUESTIONS AND ANSWERS.

(No questions: Part I not published.)

COFFEE MARKET EXPANSION (AMENDMENT) BILL

The Honourable Dr. Syama Prasad Mookerjee (Minister of Industry and Supply): Sir, I beg to move for leave to introduce a Bill further to amend the Coffee Market Expansion Act, 1942.

Mr. Deputy Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Coffee Market Expansion Act, 1942".

The motion was adopted.

The Honourable Dr. Syama Prasad Mookerjee: Sir, I introduce the Bill.

THE GENERAL BUDGET—GENERAL DISCUSSION—*concl'd.*

FIRST STAGE—*concl'd.*

Shri K. Hanumanthaiya (Mysore State): The Budget presented to this House has been called by different names. I for one would call it the "incentive-to-industrialists" Budget; I would give it another name, "agriculturists-nowhere-in-the-picture" Budget. The most serious question that is facing the country and agitating the mind of this House is the problem of food. That problem has in no way been tackled in this Budget. There is not a single proposal, there is not even a word of sympathy for agriculturists. Every proposal made, every sentiment expressed, is for the industrialists. Not that I grudge the concessions made to them, nor do I grudge the incentive given to them—I want this country to prosper industrially. At the same time I want the most serious of the problems that India faces today, namely agricultural production, to be tackled with as much seriousness and with as much earnestness as has been displayed in the case of industrial production. No doubt the learned Professor who happens to be the Finance Minister for the time being dwelt upon food production and its problems indirectly. He says the problem is serious, we are importing food grains worth Rs. 130 crores every year, that our sterling balances are being depleted, and that our balance of trade is upset. He looks at it from the wrong point of view; he does not look at the problem from the point of view of its inherent merit. Sir, this reminds me of a story where a wife began to cry on the deathbed of the husband. She was crying, "Who will hereafter give me jewels, who will hereafter provide me house and comforts and car and cosmetics?" That were the arguments used over the deathbed and *profusely* was she crying too. So also, here agriculture is sympathised

[Shri K. Hanumanthaiya]

with and wept over by the Finance Minister because it has upset the balance of trade, depleted the sterling balances and caused an expenditure of Rs. 130 crores a year.

But what has he done really to see that this agricultural production is stepped up? What is the amount he has allotted for the purpose? What is the incentive he has presented towards that end? He weeps over agriculture in the fashion of the wife in that story. Here he weeps over agriculture for his own reasons, not with a view to give it the incentive it deserves, it needs, and it demands.

Why has agriculture been neglected in this fashion? The primary reason I attribute to the very psychology, the very composition of this Cabinet. This Cabinet consists of people who never had occasion to go to a village and see things for themselves—at least the majority of them—I concede there may be very honourable exceptions, but the majority of them know nothing of the rural areas, their conditions and difficulties. They sponsor Bills to fix minimum wages for industrial labour. Have they ever thought of fixing the minimum wages or the minimum price that we have to pay to the producer of foodstuffs? The honourable Minister for Industry and Supply fixes the margin of profit for the various merchants who deal in controls; take for example cloth, he wants the procurer to have about two per cent. profit, the wholesaler about three per cent. and the retailer about nine per cent. Has any Minister in this Cabinet, including the honourable the Leader, ever thought that the agriculturist also requires an incentive and margin of profit? It is a sad thing to recollect that the father of the nation who led us to freedom had always two things in view, the village and the villager and it is a sad commentary upon the formation of the Cabinet and the policy pursued by our Leader, the Prime Minister, that these two things have gone completely out of the mind and consideration of the Cabinet. I have not seen during these two years of the working of this Cabinet system of government, a single measure introduced in this House for the benefit of agriculturists and for stepping up agricultural production. We no doubt make fiery speeches saying that if we do not produce more food we will perish. All the grievances of the rural population are met with by the speeches, by lip-sympathy, and not by solid concrete action. What is it that impedes agricultural production? The figures show that our deficit is only about 10 per cent. and we were importing that 10 per cent. But now we are importing to the tune of Rs. 130 crores worth of foodstuffs. When Rs. 60 crores worth of cloth was being imported, Mahatma Gandhi saw what a drain it was and he invented *khadi*. He preached the spirit of *swadeshi*. We had to buy the coarse *khadi* cloth at higher prices in order to stop this drain and in order to see that this spirit of *swadeshi* took root in the country. Now the travesty of things are that we are paying a higher price to an agriculturist in America or Argentina and not the same price to the agriculturist in our own country. This is a sad state of affairs and nobody, no Minister including the Prime Minister has paid attention to this aspect of the matter. We have to do three things in order to step up agricultural production, and I shall make three concrete suggestions. Let us consider, who is to produce? After all, the villager has to produce. (Babu Ramnarayan Singh: 'Why not these people') These people will get by way of ration whatever they want, leaving the agriculturist halfstarved. They know how to manage for themselves.

So after all, the villager has to produce. Now, every man who gets educated in a village drifts to the town. Every able-bodied man goes to a factory. The educated and the able bodied go into the town, into the urban area, where the incentive to earn and the means to earn are far greater than what are available in the rural areas. A man who cannot earn Rs. 20 a month in the village

if the same man goes to the town, and if he works as a coolie in the railway station, he will earn Rs. 20 a day almost. That is the state of things. In order to see that agriculturists get incentive, we must first fix the price, not what is called the "fair" price, which is fixed by the whims and fancies of Government officials or Ministers as the case may be. But we must go about it in a methodical manner; we must appoint a Committee composed of consumers, purchasers and impartial people to fix up what is required to produce a given quantity of grain and allow a margin of profit such as you allow to the retail cloth dealer—nine per cent. or so. I would even go to the extent of requesting Government to allow not even nine per cent. but to allow six per cent. net profit to the agriculturist. You have fixed the dividends at six per cent. show the same consideration to the agriculturist. I do not want more consideration than that, fix the margin of profit at six per cent. and then fix the price. You use arguments, what are called the "spiral of inflation" and are arguments of theory which you have learnt from books. But these arguments won't help us in the matter of production of food or in stopping this drain of Rs. 130 crores on food imports.

It is good that Government is making a determined effort in order to solve the agricultural problem. They want more agricultural machinery to be imported and manures to be purchased. For that purpose, they have applied to the International Bank for Reconstruction and Development. Very good. I hope they will be able to get what they want. I am told that the International Bank has got only about 400 million dollars of money and I do not suppose we will be able to get much out of it. We will have to depend upon our own growers than upon external help. Now this Bank and this International Monetary Fund deserve some attention. The International Monetary Fund was constituted in 1945 and the then representatives who went on behalf of the Government of India were not representatives of Free India or of this responsible Government. Sir Jeremy Raisman led the Delegation and he fixed the quota for us. The other day I ask the Finance Minister whether, after the advent of our freedom, he has made any efforts to revise the quota already allotted to us, and he was pleased to say, whether we got independence or not, it did not matter from this point of view. This is the psychology which is holding up the present Government. If we have not been able to satisfy the people, if Congress ideology and psychology have not been implemented in this country, it is because the Ministers entertain such notions about our hard-won independence—"it does not matter" to them—yes, because many of them were careerists in the previous regime and they are careerists now. I am sorry if it hurts the feelings of people. It has become the fashion of the Leader of the Party and the Deputy Leader of the Party to woo people who were either silent or active collaborators of the British imperialism. They think all the first-rate brain is concentrated in the heads of those people. Congressmen are feeling as if they are strangers in their own house. Unless the people who fought for freedom, who know the Congress ideology and who know what Mahatma Gandhi stood for, unless they come into the picture and implement the ideology of the Congress, this Government will continue to be what it is. It will become more and more unpopular, with the result that some of us, poor people, innocent people who have nothing to do with the working of this Government, will ultimately find that we lose our deposits in the elections.

Again, Sir, I was referring to the International Monetary Fund. Even the Raisman delegation has agreed to the present quota with the reservation that they will be able to press their claims later. The International Monetary Fund,

which is a very important international organisation is dominated by America. There are three well known principles in fixing the quota—population, national income and volume of trade. None of these

[Shri K. Hanumanthaiya]

principles have been taken into consideration. It is the power politics that has counted in the matter of composition and the fixation of quota of the I.M.F. Has Government of India ever paid one moment's attention to this aspect of the matter? They go on as merrily as the previous Governments were doing. They think that what has already been fixed by a previous regime is sacrosanct for ever. This is the psychology which they have to change in the interests of the country and in the interests of the Congress and in order to give a good name to the leaders who have chosen these men. That is my humble opinion.

Mr. Homi Mody (Bombay: General): I hope my honourable friend the Finance Minister is not unduly depressed (*The Honourable Dr. John Matthai*: 'No, no.') over the criticisms which have been lavished on his Budget. If he will look up the Budget debates of the last twenty or thirty years, he will find much the same things have been said without doing any damage to anybody. (*Prof. N. G. Ranga*: 'August 15 is the only change.') There never was a perfect Budget, and there never will be. May be that in some age when men have learnt to live without the Army, the Police, the Secretariat, and above all, Cabinet Ministers (*The Honourable Shri N. V. Gadgil*: 'Hear, hear; and members of the House!') then a Budget may be produced which may be carried with universal acclamation, but till that time.....(*An honourable Member*: 'Then there will be no Budget!') But till that time the Finance Minister must make up his mind that he is there to be criticised and condemned and that no consideration will be shown to him.

Speaking generally, the Budget speech is characterised by vigour and lucidity the sort of statement which one would expect from a person of my honourable friend's ability and knowledge of economics. But there are several gaps which I think I ought to point out. The thing that stands out is that in the course of the whole Budget statement, there is no exposition of the monetary policy of Government and that is a defect in an otherwise admirable performance. What sort of policy Government are going to pursue in the matter of regulation of currency and credit is a matter which is of fundamental importance, and I hope, at any rate in the course of his reply to the Budget debate, my honourable friend will say a few things about the way in which he looks at the whole question of monetary policy. Then, again, I wish that my honourable friend had referred in a little more detail to the failure of the borrowing programme of Government in the last year or two. There is a huge deficit in capital account which has duly found mention in the Statement and the Explanatory Memorandum. I would like my honourable friend to dilate a little on that and tell us exactly how he proposes to finance the capital programme of Government.

One other criticism, which is not a criticism so much of my honourable friend as of his predecessors, is that some attempt ought to be made to provide more accurate budgeting. A budget which on the expenditure and income side is out by 60, 70 or 80 crores is not a budget. These are abnormal times and I recognise that what was possible in the happier days of old may not be practicable these days. Both the expenditure and revenue side may show considerable differences from the budget estimates; but, by and large, I think it is necessary that the Estimates should be more accurately framed.

Taken as a whole, I regard the budget proposals as sound. Despite the criticisms which have been made and the criticisms which will continue to pour in for the rest of the month, looking at the present position and the economic malaise from which the country is suffering, the need for restoring confidence, the need for balancing the budget and the need for taking off taxation which proved to be detrimental to progress and production, I say the budget as a whole is sound. My friends say, it is all very well for you to say this

GENERAL BUDGET

1113

for the simple reason that there are several features which are of help to you. (*An honourable Member*: 'That is true.') That may be true; but there are quite a few which are not of help. So far as I am personally concerned, I do not stand to benefit by the reduction of taxation on the top incomes, whereas I may have to pay a lot more for my cigars, wines and the other little things with which I solace myself in a world in which everybody is so harassed and unhappy. Whatever budget my honourable friend may produce, he must make up his mind that there will be plenty of critics who will say that he was friendly to the rich, callous to the poor and indifferent to the middle classes. These criticisms have to be taken with a grain of salt. Incidentally, salt, in spite of the fact that the duty has been taken off, has not been made any cheaper.

There are various types of critics in this House. There are economists; there are lay critics. The only difference between an economist and a lay critic is this: an economist is right on his facts and wrong in his conclusions, while a lay critic is wrong on both. There again, my honourable friend has much reason for comfort when he feels particularly depressed by some virulent criticism of his economics.

My friends are in the habit of thinking, at least they have said so,—what they think is a different matter,—that this is a rich man's budget. What do they want? Do they want direct taxation to go up to 100 per cent? Do they realise that in 1938-39, just before the war, direct taxation bore to the revenues a proportion of 23 per cent. and that has gone up today to 51 per cent. even with the reductions proposed by my honourable friend? Fifty one per cent by way of direct taxation of income, I should say, was good enough for anybody. It will interest my honourable friends to know that this ratio of direct taxation to general taxation is higher in this country than in the United Kingdom and in the Dominions. Take also the incidence on incomes above Rs. 25,000. It is glibly said that the rich man escapes. First of all, I do not know who is exactly rich, barring a few blackmarketeers and profiteers, a very exclusive class to which I do not belong. In fact, I belong to the very happy class of people who are generally not affected by the budget; I live on over-drafts, and if there is a capital levy in the country, they can attach them for all I care. I was saying that if a man is rich who enjoys an income of Rs. 25,000 and over, the rate of taxation is higher actually than in the United States and Canada, two of the leading industrial countries of the world.

The general reactions to the budget, as the Government may have seen, are favourable. But, I must confess that I am disappointed at the reaction of the Stock Exchanges. The prices have actually receded since the budget was announced; but that is not the fault of the budget. I think there is a general malaise which lies too deep for most people to comprehend. I think one reason why this has happened is that a great many people, after the reassuring speeches made by my honourable friend the Finance Minister and other members of Government about the economic position of the country, expected miracles to happen. Some of us did what we could to sound a note of caution. While I do not hold with the pessimism of the stock exchanges and also to a certain extent of the business community, the capital position of today must be fairly assessed. First of all, the great change that has taken place in the last few years is the shift of income from the richer classes to the lower income groups. Unfortunately, Government have not found it possible to tap these sources for contribution to their loans. I think a concerted attempt made for a savings drive or an attractive issue placed on the market for the particular benefit of the smaller man, would bring out considerable sums of money. There is also the

1114 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [5TH MARCH 1949]

[Mr. Homi Mody]

naturally will not come out unless you devise some method of protection. That is a thing which we have to face up to. There are these two reservoirs into which a lot of capital has flown in the last few years, which are not being tapped and cannot be tapped for one reason or another.

Having said this, I would urge, as I have urged over and over again in the last twelve months, the business and the industrial community to shed its fear, and relying upon the growing realism of the Government and their new approach towards the problems of the day, to go ahead and give to the country what the country has a right to demand from it. I repeat the industrial community has a duty towards the country which has too be fulfilled. After all, we are not fair-weather sailors; we have to take the lean with the fat. This is precisely the time when the country wants the industrialist to shed his doubts and come forward boldly to make his contribution to the country. In spite of what has been very recently said about the business and industrial community, it has a proud record behind it. At a time when every conceivable kind discouragement was given to capital and enterprise in this country, a few people came forward and established an industrial structure which, in spite of its deficiencies, still ranks as the eighth largest in the whole world. That has been achieved in spite of Government discouragement and in spite of discouragement from the capital market as it is ordinarily understood. I hope, Sir, that the business and industrial community may have an even prouder role to play.

Now, the key-note of the budget is subdued optimism. I am an optimist and I would like to look at the rosy side of things even in spite of what I hear from these benches off and on. But optimism must be in its place, and I think the time has arrived for jolting the country into a realisation of the situation with which it is confronted. The country must be made to face facts and I would suggest to my honourable friend that, as a preliminary to that an Economic Survey such as is issued every year in the United Kingdom be issued by this Government setting out all the salient features of the Nation's economy, so that economists and laymen would equally understand what the position is. So, Sir, I hope that, before the next budget is out, the country will be prepared for what is coming by a proper knowledge and appreciation of the true economy of the country. So much is glibly said about what is right and what is wrong, with the country altogether, the mass of the people including people in this House—if I may say so without any offence—are not sufficiently instructed in the true facts of the situation.

There are certain salient features of the country's economy which I would like to briefly touch upon before I go on to one or two points which I wish to make about the trend of Provincial and Central taxation. In the forefront stands inflation, and I should say in spite of all that has been done in the last few months that it is still far from controlled. It is true that prices have stabilized themselves. So far so good, but that is not the end of it all; the time has come when they must start receding. I find from the figures that the wholesale prices which have steadied since June last year are still very high, and so far as the cost of living is concerned, which means really the retail price, there has been a longer time lag between it and the wholesale price than is ordinarily the case. Retail prices must start receding and it is only when that happens that we can say that we have seen the end of the peak of inflation. (Shri B. Das: 'What do you suggest?') Increased production.

It has been recognised, and it is a truism, that increased production is the only remedy and when we met in the Central Advisory Council so ably presided over by my honourable friend Dr. Syamaprasad Mookherjee, figures were given which tended to draw a somewhat optimistic picture. Figures can be made to

say anything almost, but looking at them in the right way, I should say that while it may be true that there has been an improvement in production, progress has been disappointing. The real favourable factors are an improvement in the relations between capital and labour resulting in the reduction of strikes and lock-outs and also an improvement to a certain extent in the transport situation. I don't want to give a glowing certificate either to the Labour or Transport Ministry, but it must be acknowledged that there has been some improvement in the situation. So far as the measure which was intended to combat inflation viz., dividend limitation is concerned, it is really ineffective, and as a matter of fact I think it is recognized by the Finance Minister himself that its value is only psychological and as a matter of fact whatever value Dividend Limitation had, has been more than offset by the wage increases which have been subsequently given.

Then I come to another aspect of our economy—the food situation. Regarding production I do not know whether there are any reliable statistics; I don't think there are, and so, whatever I may say is subject to that qualification. So, also, what the Food Minister has to say in that connection should be subject to that qualification. So far as I can judge, the production of foodgrains in 1948-49 was actually less than in the preceding year. I don't know which of us is right, but the fact remains that more and more foodgrains have to be imported; as the Prime Minister observed yesterday it is the very ease with which we are able to import foodgrains from abroad that is coming in the way of our taking drastic steps in the restoration of our own foodgrain economy. We are apt to think that the mere dumping of tractors and enormous quantities of fertilizers is going to do the trick. It certainly is not going to do that. Unless we have trained the agriculturist in the proper use of tractors and fertilisers, they are going to be an expensive luxury and are not going to result in any substantial increases. The truth is that while there has been a great deal of propaganda for growing more food, it has not penetrated to the countryside, and what we need is, some agency set up in the villages whereby the cultivator can be induced to grow more and better varieties of food. In a volume recently issued by one who can speak with some authority—Dr. Burns—he estimates that by improved seeds and improved manure, certain foodgrains can be increased 10 per cent. and others 20 per cent. Let us not therefore think exclusively in terms of tractors and chemical fertilizers. Let us try and see what the agriculturist even with his primitive ways can do and for that I say propaganda has to seek down to countryside.

Then there is the refugee problem which is sadly affecting our economy. The other day, in the course of a Supplementary question, I asked whether any effort was going to be made to come to some understanding with Pakistan over this problem because otherwise I see it is going to be insoluble. There is neither housing nor employment nor food for all the millions of refugees who have been uprooted from their homes. The Prime Minister's reply was an emphatic 'No' there was going to be no approach; later on the Prime Minister qualified this reply. I would say without fear of contradiction that Government will come to a stage very soon when they will have to make some arrangement about repatriation at least of those people who may be said not to have been permanently displaced.

There are one or two other points. We have been fighting inflation, but I hope the honourable the Finance Minister realises that the trends of both Provincial and Central taxation are inflationary—excise on cloth of the Centre, and excises in the provinces on articles of necessity like chillies, turmeric etc. How is the cost of living to come down? Such taxation of necessities arises purely from the reformist zeal of provincial governments, which makes them throw

[Mr. Homi Mody]

away large sources of revenue, and tax the necessities of the poor. And I wonder whether my honourable friend realises also that there is a conflict between the policies pursued by the Centre and those pursued by the Provinces. The Centre gives subsidies for food, but items of daily consumption are being taxed by the Provinces. There are also, encroachments on the sphere of central taxation by some of the Provinces. In one province, there has been a capital gains tax imposed on immovable property. Is that in consonance with the general policy of Government? This is a matter which my honourable friend might look into.

I shall now refer to the question of external trade. I would say that the value of barter arrangements has not been sufficiently realised. It is true that most of our trade has to be by bi-lateral or multi-lateral exchanges, but I think in order to make sure that this country receives in actual quantities what it needs most, namely, foodgrains, it is essential to have some barter arrangements. I believe there was some such barter arrangement in the case of Russia only very recently. We are importing enormous quantities of foodgrains from the Middle-East and South East Asia, in exchange for consumer goods which are just as essential to them as their foodgrains are to us. I hope my honourable friend in the Commerce Ministry will consider the necessity of diverting some of the ordinary channels of trade to barter arrangements with specific countries in respect of specific commodities.

Finally, if I take a peep into the future, I will say I am full of hope and confidence. This country has vast resources in materials. Its human material is rich and in abundance. It may be that the mass of the people are illiterate and superstitious. But considering the mass of people in other countries, there is a considerable degree of intelligence in our masses, which with a proper system of education would produce first-class citizens, citizens who can compare with those of any other country. Then, our credit is high, and our debt position is sound. And above all—and I say this because I have often criticised the Central Government and I hope to keep on criticising them till the end of time—above all, I say Sir, the Central Government has got an inestimable asset in its possession to-day namely, the general confidence of the people of every section. And speaking for an important section of the people, though not numerically, I would say that our Government is more and more pursuing policies which command our confidence and which entitle them to our fullest support. I say that this asset is of inestimable value, and I hope that under the leadership of the Prime Minister and the Deputy Prime Minister, and under the able men whom they have gathered round them, this country will go ahead, in spite of the fact that to-day there are a great many rocks and shoals ahead. I am however, quite certain that when the present economic storms have been weathered—and we are by no means alone in encountering economic storms—our country will have forged ahead and placed itself amongst the leading powers of the world.

Dr. B. Pattabhi Sitaramayya (Madras: General): I had observed scrupulous silence all these days, and coming at the fag end of the debate, I really find myself in an unenviable position. Because I have great regard for Dr. Matthai, therefore my commiseration for him is quite in proportion to that regard. Like most of us in this House, we are unable to locate ourselves between our convictions and our affections. We are democrats to the core; but sometimes aristocrats, at least intellectual aristocrats, or plutocrats or even capitalists. In my home, though by annual income does not average over Rs. 3,000, I am supposed to be a capitalist. My wife is a socialist. My one son is fast becoming a communist. And thus we are representing the tendencies of the times, and perhaps stand to profit which ever party comes into power. This process of transition is inevitable, whether it be in the family or in society or in the legislature. Whom do we represent

in this country? We are the representatives of three and a half crores of population; out of thirtynine crores, and therefore do not represent even one-tenth of the total population. Naturally our tastes and tendencies have been moulded by what we learnt of economics and politics in the last generation, and Dr. Matthai is the brightest representative of that generation. At the same time, he has culture enough to see what is coming ahead. His difficulty, like our difficulty is, to reconcile the past with the future, thus making the present a mere void. In fact, there is no such thing as present, because the present at which I began to speak has already receded into the immeasurable past, and we are facing the future. Apparently Dr. Matthai's colour is coming and going, between a tendency to help the capitalists and draw the fugitive capital into the markets of India, and at the same time to play the part of a democrat. He is playing the parts of a political Hyde and Jekyll. Dr. Jekyll tells the capitalists, "I am doing you a favour" and Mr. Hyde tells the democrats, "I have not been very partial to these people; after all 14 as. as against 15½ as. is not much of a reduction in regard to income-tax." Neither would believe him, and they both have assailed him. It is no wonder, because he who tries to please all, pleases none. This is the position that I see now. Accordingly we have got a budget in which the very members of the party to which the honourable the Finance Minister belongs have assailed him, and assailed him as if they were members of the opposition. This is a most incongruous situation that I see, and I am afraid I may have to take note of it in some other capacity, because either there is party government or there is no party government. If there is no party government, let it be said that there is none, and nobody would be more pleased than myself. But if there is party government, there must be discipline also along with party government. Responsible government is always based upon party principles. This means, unfortunately, that there must be lot of secrecy about the preparation of the budget. The Minister preparing the budget does not break it even to his colleagues till eleven o'clock the day on which it is being presented. Therefore the Ministers themselves are not able to advise him, and even if they do advice, it is perhaps too late, for he has already prepared his speech and it cannot be mended. So this position requires to be looked into and it does not present a very edifying spectacle that members of the Party should descend upon him like a wolf on the fold. But at the same time it requires also that this Budget, to the extent to which secrets can be shared with colleagues, should be prepared in consultation with a certain number of people who can be trusted to keep confidence: in which case all this criticism would not be present. I am only concerned to know that anyone who has watched the proceedings of this House would be over borne by the fact that this House has been cent per cent. arrayed against the Finance Minister. Even those who have given compliments have given left-handed compliments. Our honourable friend, Mr. Das of Orissa has said that he cannot give hearty (हार्दिक) congratulations and the honourable Miss Annie Mascarene, with true Christian sympathy for the Finance Minister, has showered ample encomiums on the Finance Minister.

Now I do not wish to speak on many matters but I would confine myself to a point which has not been stressed by other friends, and that relates to Accounts and Audit. I have been rather proud of making myself unpopular by looking into accounts in every situation, particularly with fellow-Congress men who are not very advanced in the matter of keeping accounts. I am rather meticulous about these matters. I bring the same mind to bear on the events relating to this House and I regret to say that the Appropriation Accounts have not been presented to this House and the Public Accounts Committee has not met for three years. This is a sad story to relate before you all. Mr. Deputy Speaker, whatever be the institutions that one may manage in this world, it is ultimately the cash book that tells. Now I am only proceeding from the cash of the budget to the cash book of Government and from

[Dr. B. Pattabhi Sitaramayya]

a general criticism of the Budget to the ledger side of the accounts. Be it an insurance company, a bank or any concern whatever, ultimately the accounts must be correct and the audit must be there in time. So long as these things are not taking place correctly, you may be absolutely certain that something is going wrong, a rot has set into that Government and you cannot avoid it. Supposing a bank has not produced a balance sheet for three years and it is always taking the sanction of the Board of Directors with regard to the Budget and the items of expenditure which should be incurred but it does not produce the vouchers and when it exceeds the limits of expenditure it does not present a supplementary budget. If, what my honourable friend Mr. Tyagi has said is correct—that Rs. 83 crores have been over-spent the mere fact of a surplus having unexpectedly accrued, does not justify the Government spending it unauthorisedly, and this would not have taken place if the system of audit and accountancy had been as perfect as it ought to be. It is the duty of the Public Accounts Committee to inspect the audit notes and the Appropriation Accounts, and then having made an examination to make its notes which ought to be presented to this House for careful re-examination: otherwise, this presentation of the Budget, these sanctions, these voluminous figures—which no one understands nor has he the time to study—all these are but a semblance of democracy which must be looked into more carefully. This House is naturally jealous of this right which is the ultimate safeguard of all democracy and without which democracy itself would become a zero.

This brings me naturally to what the British used to do till 1938-39. The British Government had an unassailable reputation for correctness in accountancy and in preparing the manuals in regard to every department of administration. They had a Manual of Accountancy, a Manual of Forests, a Manual of Jails, a Manual of Revenue, a Manual of Local Self-Government, a Manual of Police, a Manual of Civil Disobedience and a Manual of Lathi charges. Thus they made the administration foolproof and their audit and accountancy was perfect till the year 1939 when the war began. With the commencement of the war, their morals as well as their meticulousness in accountancy declined. There was a laxity of morals. The British Government were not only the abettors of bribery but also accessories to the affair. All they wanted was participation in the war and counteracting the efforts of the Congress in regard to the resistance to war effort. Therefore although they knew that high-placed men were taking bribes they supported and patronised them and they have left a legacy of moral laxity which we now find it difficult to combat. If, in addition, there is a laxity of accountancy and audit, then I say things are worse. You all know, and we all know that public expenditure has increased to well nigh a thousand crores during these years. While the expenditure has increased so many times, the Audit Department was considerably weakened during the time when the best officers were depleted and taken over to the War Department. I do not know whether they have been replaced. All that I know is that there are volumes and roomfuls of paper waiting to be sorted out in the Accountant-General's offices where there is neither the accommodation nor office furniture to sort all this out. Whatever that may be, one high placed gentleman has been complaining that his provident fund account has not been settled. Well, if Bismarck said that the pulse of the British nation must be felt in the stock market, I say the pulse and the correctness of accountancy must be assured by the celerity with which provident funds are settled either on transfer or retirement of officers. For months together these accounts are not settled and what is the reason of this laxity in regard to this accountancy? That is a point which we have to look into.

Hitherto, we have had a European Auditor-General. For the first time our Finance Secretary has been transferred as the Auditor-General. He is a gentleman of established reputation, who has done yeomen service in London as Assistant to the Finance Minister in the settling of the sterling balances and various accounts with England, and also in paving the way for such settlement by earlier visits. I hope his position will be strengthened by the new Constitution. He must be above all criticism. He is a supreme authority in himself. He is the financial guarantor of all correctness of accounts and he must be looked up to and assisted. His needs of establishment must be met. If this is possible then you will have an Auditor-General of unexceptional ability, who will also be able to have excellent opportunities of overhauling—and not merely overhauling—this Government, but also clearing the Augean Stables in accountancy which I dare say have begun to form.

In the end I will say that the Auditor-General will have to audit the accounts not only of India but also foreign accounts. Our Embassies and our foreign expenditure has grown up to some crores. One does not know what is taking place. One hears fantastic stories. Our delegations go abroad and on more than one occasion the expenditure incurred has become the subject of adverse comment in this House and it is up to the Auditor-General to extend the scope of his investigation to, and to look into, these matters and bring his eagle eye to bear upon the examination of these things. We really want an Indian Exchequer and Audit Act here as in England.

Lastly, Sir, I wonder why the Auditor-General's headquarters is still Simla. When all other people are able to bear the heat in Delhi, I do not see why he alone should be ensconced in Simla and left there to be out of touch with all the progressive departments of the day. If it is possible, his office must be brought down to this city.

Sir, I wanted particularly to confine myself to this one point, because it is a point which seldom appeals to the emotional temperament of members of the legislature. It is a thing which is not popular with any of us and I thought I had better incur the odium of referring to this one aspect.

श्री मोहन लाल गौतम : इस बजट पर जब मैं मोदी साहब को उसकी तारीफ करते देखता हूँ और बहुत से मंत्रियों को इसको क्लिटसाइज करते देखता हूँ तो फिर मेरे दिल में सवाल यह पैदा होता है कि आखिर यह बजट किसके लिये बना है और किसके खिलाफ है। किन लोगों पर इसका बुरा असर पड़ेगा। बजट जो इन वक्त पेश हो रहा है वह मामूली अकाउन्टेन्सी का, इनकम और एक्सपेन्डीचर का हिसाब नहीं है। उसमें बहुत बड़े बड़े उसूल पिन्हां हैं। इन वक्त जब कि स्वराज्य हासिल करने के बाद वह गवर्नमेंट उन लोगों के हाथ में आई, इस गवर्नमेंट के वह लीडर बने जो हमेशा सोशलिज्म का प्रचार करते रहे थे। जब ऐसे लोगों के हाथ में यह गवर्नमेंट आई तो कुदरती था कि जो लोग अब तक अंगरेजों के साथ यहां पर मुनाफा कमाते रहे थे, ब्लैकमार्केट करते रहे थे, टैक्स एवैड (evade) करते

1120 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [5TH MARCH 1949]

[श्री मोहन लाल गौतम]

करते रहे थे उसको यह डर लगा कि यह पंडित जवाहरलाल नेहरू की हुकूमत आखिर हम को कहां ले जायगी। यह सवाल बड़ा भारी उन लोगों के सामने था जो कि इस वक्त इस मुल्क में अपने को एक नई फिजा में पाते थे।

दूसरी तरफ वह लोग थे जो पंडित जवाहरलाल नेहरू के साथ कंधे से कंधा मिला कर आजादी की लड़ाई लड़े थे और वह वादे करते रहे थे जो पंडित जवाहरलाल नेहरू के मुंह से और कांग्रेस के रेजोल्यूशनों से निकलते थे। मैं इस वक्त पहले वादे और पहले कांग्रेस के फ्रैमले दोहराना नहीं चाहता। लेकिन जो हाल में ही, जो पिछले तीन महीने पहिले जैपुर में, दिसम्बर महीने में कांग्रेस हुई थी उसने भी यह ऐलान किया था कि कांग्रेस का यह सन्देश है, यह मेसेज है जिसे कांग्रेसवालों को गांव गांव में ले जाना है कि यहां क्लासलेस सोसाइटी बनेगी। यह हम से खास तौर से कहा गया था और हम जो यहां पर आये हैं तो इसीलिये आये हैं कि इस चीज को पूरा करें जो इस रेजोल्यूशन में कांग्रेस ने पास किया है।

अब देखना यह है कि यह जो क्रिटिसिज्म हो रहा है, जो कांग्रेस मेम्बर इस तरह के क्रिटिसिज्म कर रहे हैं उसकी क्या वजह है। वजह यह है कि उनको रास्ता साफ नजर नहीं आता। उनको यह नजर नहीं आता कि जो यह बजट बना है वह हमें क्लासलेस सोसाइटी की तरफ ले जाता है या नहीं। अगर नहीं तो कांग्रेस वालों को कूदरतन परेशानी होनी चाहिये अगर नहीं होती तो वह अपना फर्ज पूरा नहीं कर रहे हैं। दूसरी तरफ जो प्रोपोजिज्म आये हैं वह इस तरह के हैं, मैं एतराज नहीं करता अगर इस मुल्क को आप इन्डस्ट्रियलाइज करने की तरफ ले जाते हैं। मुझे एतराज नहीं अगर आप एक प्लैन बनायें और उसमें उन जरूरी चीजों को इस मुल्क में पैदा करें जो कि हमें मजबूत बनाने के लिये जरूरी है। लेकिन आज कैपिटलिस्ट्स ने, इन्डस्ट्रियलिस्ट्स ने इस मुल्क में एक कान्स्पिरेसी करके, एक प्रोपेगन्डा करके एक एंटेमास्फियर पैदा कर दिया है जिससे जाहिर होता है कि यह मुल्क तबाह होने वाला है, जिससे जाहिर होता है कि इस मुल्क में कोई अमन नहीं है। वह चाहते हैं कि यहां अमन हो जिसमें यहां इन्डस्ट्रीज पनप सकें। मैं पूछता हूं कि जब लड़ाई चल रही थी, यह पता भी नहीं था कि अंगरेज हारेगा या जीतेगा, उस वक्त इन्डस्ट्रियलिस्ट को ज्यादा उम्मेद थी अपने सिक्योरिटी की कि आज है। उस वक्त क्यों इन्डस्ट्रीज बढ़ रही थीं। जिस वक्त हिन्दुस्तान में अंग्रेजों के खिलाफ लड़ाई थी उस वक्त ज्यादा खतरा था इन्डस्ट्रियलिस्ट्स को या आज है। जब जापान से हवाई जहाज आते थे उस वक्त खतरा नहीं था और आज जब स्व-राज्य हो गया, अमन हो गया है तो आज हमसे कहा जाता है कि सिक्योरिटी नहीं है। इन्डस्ट्रियल पीस हो गई है, लेबर को कांग्रेसवालों ने कोशिश करके स्ट्राइक से

रोका। जगड़े कम हो गये हैं यह बात भी मानते हैं फिर भी इन्डस्ट्रियलिस्ट्स को इसमें तसल्ली नहीं है। उनका फिर भी यही कहना है कि यह बात काफी नहीं है, इससे भी ज्यादा होना चाहिये। मैं तो आपसे कहूंगा, फ़ाइनेन्स मिनिस्टर से आपकी मारफत यह कहना चाहता हूं कि इस तरह की छोटी छोटी बातें उनको खुश नहीं कर सकतीं। वह जो चाहते हैं वह बहुत ही मुश्किल चीज है, जो बात चेम्बर के प्रेजिडेंट ने कहा वह यह था कि जब तक आर्टिकल २४ के तमाम एमैन्डमेन्ट्स को विट्द्रा (withdraw) नहीं किया जाता, जब तक आप प्रापर्टी को अक्वायर करने के लिये पूरा कम्पेन्सेशन देने की कोशिश नहीं करते तब तक वह खुश नहीं हो सकते। असलचीज यह है। इस तरह की छोटी छोटी चीजें देने से इन्डस्ट्रियलिस्ट्स को तसल्ली नहीं होगी। और यही वजह है कि इन्डस्ट्रियलिस्ट्स इससे मुतमैयन नहीं हैं। फिर भी वह क्रिटिसाइज करते रहते हैं, इसलिये मैं पूछना चाहता हूं कि यह बजट जब हम पढ़ते हैं तो हमें इसमें कोई प्लान नजर नहीं आता, कोई पालिसी नजर नहीं आती, कोई स्कीम नजर नहीं आती जो हमको उस जगह ले जाय जहां हम वादा करके आये हैं, अपने चुनने वालों से, कि हम आपको वहां ले जायेंगे। हमने बहुत दिनों से प्रचार किया कि हम जमींदारों को अवालिश करेंगे। तमाम प्राविन्शल गवर्नमेन्ट्स से इतने हद तक चली गई, बहुत से कानून बन गये और आज वह कानून एके हुये पड़े हैं। लेकिन इस तमाम बजट को देखने से भी यह मालूम नहीं होता कि जमींदारी को अवालिश करने के लिये आपने कोई प्रावीजन किया हो, या आप उस तरफ जाना चाहते हैं। कोई चीज इस तरह की मुझे इसमें नजर नहीं आई। आपने इस तमाम बजट में यह कहीं नहीं बताया कि आखिर यह जो हमारी स्कीम है वह इस तरफ आपको आगे ले जायेगी। पहिले भी मिनिस्टर साहब ने जो ज़बान इस्तेमाल की है वह यह है कि : "No man, who is investing money, is taking greater risk than in any other country in the world."

मैं आपसे पूछता हूं कि क्या बरमा से भी ज्यादा खतरा आपको यहां नजर आता है। क्या चाइना से भी ज्यादा इन्डस्ट्रियलिस्ट्स के लिये खतरा यहां नजर आता है। योरप तमाम कम्युनिज्म की तरफ जा रहा है वहां से भी ज्यादा खतरा आपको यहां नजर आता है।

तो फिर क्यों यह साइकालाजी क्रिएट (psychology create) की जाती है कि इन्डस्ट्रियलिस्ट्स (industrialists) के लिए बहुत बड़ा खतरा है। मैं आपसे कहता हूं कि अगर हमको इस खतरे से बचना है, अगर हमें अपने मुल्क को कम्युनिज्म के मिनेस (menace) से बचाना है, तो उसका यह तरीका नहीं है कि हम इन्डस्ट्रियलिस्ट्स को खुश करें और गरीबों की फिक्र न करें। इस

[श्री मोहन लाल गौतम]

बजट में जितने टैक्सेज लगे हैं सब गरीबों पर है। आप कहते हैं कि प्राइसेज स्टेडी (steady) हैं, प्राइसेज स्टेबिलाइज (stabilize) हो गई हैं। लेकिन मैं यह अर्ज करना चाहता हूँ कि चाहे कैपिटल गुड्स (capital goods) की प्राइसेज कम हों, लेकिन जिन चीजों से गरीब आदमी को ताल्लुक पड़ता है, जैसे क्लाथ (cloth) और फुड (food), इनकी प्राइसेज काफी ऊँची हैं और ऊँची होती जा रही हैं। फिर आपका इंडेक्स (index) क्या जाहिर करता है? वह शहर के थोड़े से खान्दानों की हालत जाहिर करता है। गावों की प्राइसेज का डाटा (data) आपके पास नहीं है। इसलिए यह कहना कि प्राइसेज को हम कंट्रोल कर पा रहे हैं यह काफी नहीं है। और अगर यह सही भी हो तो भी आप ने जो टैक्सेज लगाये हैं उनसे कास्ट ऑफ लिविंग (cost of living) का इंडेक्स (index) बढ़ जायगा, और अगर वह इंडेक्स बढ़ा तो फिर वही चक्कर चलेगा। फिर मजदूरों की यही मांग होगी कि उनको ज्यादा भत्ता दिया जाय और फिर वही चक्कर चलने लगेगा। इसलिए मैं यह कहना चाहता हूँ कि यह तरीका कम्युनिज्म को या उसके मिनेस (menace) को रोकने का नहीं है। अस्ल में जो तरीका होना चाहिए था वह यह है जो कि हमारी कांग्रेस के रिजोल्यूशनों में है और जिसका ऐलान कांग्रेस करती रहती है और जिसका थोड़ा सा इशारा कल पंडित जवाहरलाल नेहरू ने अपनी स्पीच में किया था, कि आप यह कोशिश करें कि गरीबों की तकलीफ दूर हो। लेकिन उस तरफ आप नहीं जा रहे हैं। मैं आपसे अर्ज करूँ कि जो चीजें आपने यहां रखी हैं उनसे दिमाग पर क्या असर पड़ता है। आपने नये टैक्सेज क्यों लगाये? क्यों आपको ज्यादा खर्च की जरूरत पड़ी? पिछले साल जो आपने बजट पास किया और उसमें जो रकम रखी उससे आपको ८२ करोड़ रुपया और ज्यादा मिल गया। कुछ रुपया आपने फौज पर खर्च कर दिया इसलिए कि काश्मीर में लड़ाई चल रही थी। उस पर मैं इस वक्त बहस नहीं करना चाहता। लेकिन मैं पूछना चाहता हूँ कि क्या जरूरत थी ४८ करोड़ रुपया सिविल एडमिनिस्ट्रेशन (Civil Administration) पर ज्यादा खर्च करने की। क्योंकि आपको ८२ करोड़ रुपया ज्यादा मिल गया इसलिए आपने सिविल एडमिनिस्ट्रेशन पर ४८ करोड़ रुपया ज्यादा खर्च कर दिया। अगर वह रुपया आपको न मिलता तो आप क्या करते? क्या आप उतने ही रुपये में अपना काम न चलाते? और अगर उस रुपये में आपका काम नहीं चल सकता था तो आपने बताया क्यों नहीं? जो रुपया आपके पास आता है वह खर्च कर दिया जाता है और आप इकानामी (economy) की तरफ नहीं जाते हैं। मैं इस में नहीं पड़ना चाहता

कि आप दो करोड़ कम करें या तीन करोड़ कम करते, मगर आप कुछ तो कम करते चाहे दस पैसा ही कम करते, और फिर आप कहते कि इतने में हमारा काम नहीं चलता। पर आप उस तरफ तो जरा भी नहीं बढ़ते। अगर आप उस तरफ बढ़ते तो यह कहा जा सकता था कि आपने जितनी इकानामी हो सकती थी वह की और उसके बाद आपने टैक्सेज लगाये। लेकिन यह नहीं हुआ। एक कमेटी बनी। लेकिन कमेटी अपना काम कैसे कर पाये। हर मिनिस्टर चाहते हैं कि जितने आदमी हैं उनसे और ज्यादा बढ़ जाय स्टाफ बढ़ता चला जा रहा है। यह आखिर कौनसा स्टाफ है। यह कितना गुना बढ़ा हुआ स्टाफ है। आप मुलाहिजा फरमायें कि लड़ाई में पहले जो स्टाफ था उससे कितने गुना बढ़ा हुआ यह स्टाफ है। लड़ाई के वक्त यह समझ में आ सकता था और इसके अलावा अंग्रेज को लड़ाई लड़नी थी, उसे इस बात से बहस नहीं थी कि इस मुल्क का कितना रुपया खर्च होता है, उसने इतना स्टाफ बढ़ा दिया। लेकिन क्या जो लड़ाई का स्टाफ था उससे ज्यादा स्टाफ की अब जरूरत हो गई। स्टाफ अब भी बढ़ता चला जाता है। दूसरी बात यह है कि लड़ाई के वक्त जो स्टाफ रखा गया था वह छोट कर नहीं रखा गया था, इसलिए कि उस वक्त मौका नहीं था। उस वक्त कम्पिटिटिव (competitive) इम्तहान नहीं लिया जाता था। जो आया उसको ले लिया गया। लेकिन आज आपने उसमें कमी करने की जरूरत क्यों महसूस नहीं की। कमेटी ने अपनी रिपोर्ट सार्त आठ मिनिस्ट्रियों के बारे में दी है लेकिन आपने एक पैसा भी कम नहीं किया है। मैं यह अर्ज करना चाहता हूँ कि करोड़ दो करोड़ रुपये की बात नहीं है। इस मुल्क का बजट ३२२ करोड़ का है, उसमें करोड़ दो करोड़ कम करने से कोई फर्क नहीं पड़ता। लेकिन आप गरीबों पर टैक्स क्यों लगा रहे हैं? क्या आपको टैक्स लगाने की ताकत हासिल है इसलिए आप यह टैक्स लगा रहे हैं। एक तरफ आप फिजूल खर्ची भी किये जाते हैं और दूसरी तरफ आप टैक्स भी लगाते जाते हैं। इसलिए मैं यह अर्ज करना चाहता हूँ कि इसका साइकालाजीकली बहुत बुरा असर पड़ता है। आपने पिछले दफा ढाई करोड़ इकानामी के लिए रखा था, पर इस दफा आपने एक पैसा भी नहीं रखा, इसका बहुत बुरा असर पड़ा है। इसका मतलब यह है कि आप इकानामी की तरफ नहीं गए हालांकि जो बजट आपने पास किया था उसमें आपने इसकी कोशिश की थी। कमेटी ने अपनी रिपोर्ट पेश की है लेकिन फिर भी हम इकानामी की तरफ नहीं जा रहे हैं। मैं आपसे पूछना चाहता हूँ कि जब आप यह साइकालाजी पैदा करेंगे तो उसका क्या नतीजा होगा। नतीजा यह होगा कि लोग समझेंगे कि आप गरीबों का ख्याल नहीं करते हैं आपने गरीबों की जरूरत की चीजों पर टैक्स

[श्री मोहन लाल गौतम]

लगा कर यही असर पैदा कर दिया है। मैं आपसे कहना चाहता हूँ कि कांग्रेस वाले जो सबसे बड़ा वामवशेल (bombshell) इस असेम्बली में फेंका करते थे वह पोस्टकार्ड और लिफाफे का होता था। उस पर बहुत ज्यादा शोर मचा करता था और मुल्क में जितना तहलका इस चीज से फैलता था उतना और किसी चीज से नहीं फैलता था। ११४ और ११६ के एक्स्चेंज को कोई नहीं समझता था और पोस्टकार्ड की बात सब समझते थे। आज आप यह कहते हैं कि एक गांव वाला जो कि दूसरे जिले में अपना खत भेजता है उसका खत चूँकि अब हवाई जहाज से जायगा इसलिए उसे ३ पैसा पोस्टकार्ड का देना चाहिये। आम तौर से पोस्टकार्ड की कीमत से लिफाफे की कीमत दूनी हुआ करती है। जब पोस्टकार्ड की कीमत एक पैसा थी तो लिफाफे की कीमत दो पैसा थी। लेकिन अब लिफाफा दो आने का होगा और वह इसलिए कि वह हवाई जहाज से ले जाया जायगा। कितने सालों में एक जिन्हे से दूसरे जिन्हे को हवाई जहाज जाया करेंगे। मैं समझता हूँ कि इसमें तो कम से कम पचासों साल लग जायेंगे। आज आपने लिफाफे का दाम दो आना करके उन लोगों को कनसेशन (concession) दिया है जो कि बड़े शहरों में रहते हैं जिनकी डाक शाम को कलकत्ता, बम्बई, मद्रास और दिल्ली से जाती है। वह डाक रात को १२ बजे नागपुर में एक्स्चेंज होकर सुबह सूरज निकलने से पहले चारों शहरों में पहुंच जाती है। उनके लिए आपने डाई आने से लिफाफा दो आने कर दिया और पोस्टकार्ड की कीमत भी घटा दी। आप क्यों नहीं कहते कि हमने इन बड़े शहरों में रहने वालों को कनसेशन दिया है और उसमें जो घाटा होगा वह गरीब किसानों को पूरा करना होगा? अगर आप यह कहें तो उसका जो असर होगा उसे आप समझ लीजिये। आपने जितने टैक्स लगाये हैं वह जरूरत की चीजों पर हैं। इसलिए मैं आपसे अर्ज करना चाहता हूँ कि जो कनसेशन आपने अमीरों को दिये हैं वह गरीबों से पूरे किये हैं।

मुझे कोई ऐतराज नहीं कि इंडस्ट्रियलाइजेशन हो। मैं समझता हूँ कि मुल्क में इंडस्ट्रियलाइजेशन करने की जरूरत है। मैं यह भी समझता हूँ कि अभी इंडस्ट्रीज को प्राइवेट हैंड्स (private hands) में रहना पड़ेगा। लेकिन मैं आपसे एक सवाल पूछना चाहता हूँ और वह यह है वह लोग जिन्होंने बड़े बड़े मुनाफे उठाये, जिन्होंने ४०० और ५०० परसेंट प्राफिट (profit) किये, जिन्होंने ब्लैक मार्केटिंग किया, उन्होंने न सिर्फ अपने आपको बदनाम किया बल्कि उन्होंने कांग्रेस को और गवर्नमेंट को बदनाम कर दिया, जिन्होंने टैक्स को इवैड (evade) किया, जिसके लिए आपको एक कमेटी विधानी पड़ी, वह इन्क्वाइरी कमेटी भी

इन्क्वाइरी इवैड कर रही है। मैं इस बहस में नहीं पड़ना चाहता, लेकिन जिन लोगों ने हमारे साथ इस तरह का बरताव किया क्या आपने उनसे कोई गारंटी ले ली है कि आगे मुल्क को इंडस्ट्रियलाइज करने में वह तीन या चार परसेंट से ज्यादा मुनाफा नहीं लेंगे, वह ब्लैक मार्केटिंग नहीं करेंगे और वह चीजें पैदा करेंगे जिनसे मुल्क मजबूत हो, यह नहीं कि कास्मेटिक्स (cosmetics) वगैरह पैदा करें। अगर आपने ऐसा प्रावीजन नहीं किया है तो इंडस्ट्रियलाइज करने के गलत मानी भी लगाये जा सकते हैं। इस के लिए आप का कोई प्लान (plan) होना चाहिए और हमारा उस पर इतना कंट्रोल होना चाहिए कि वह प्लान हमारे मुल्क को मजबूत बनाने की तरफ ले जावे। अगर यह चीज नहीं है तो मैं आपसे अर्ज करना चाहता हूँ कि यह बजट वह कमी पूरी नहीं करता जोकि इसे करनी चाहिए। तो जब इस तरह की चीज है तो मैं आपसे यह अर्ज करना चाहता हूँ कि आपने उनको क्यों कनसेशन दिया है। एक छोटी सी चीज है, कैपिटल गेन्स टैक्स (Capital Gains Tax)। इस टैक्स को जो मैं समझा वह यह है कि आप इंडस्ट्रियलिस्ट्स से यह कहना चाहते हैं कि नेशलाइजेशन नहीं होगा। क्योंकि आज जिस कारखाने की कीमत ५ लाख है, एक दूसरी कम्पनी फ्लोट (float) करके एक बोगस ट्रांजेक्शन (bogus transaction) करके उसको २० लाख में कनवर्ट (convert) किया जा सकता है।

और जब २० लाख का सवाल पैदा होगा, तो कल सवाल पैदा होगा कि ५ परसेंट मुनाफा दीजिये। ५ परसेंट मुनाफा ५ लाख पर तो एक चीज होती है और वह २० लाख पर कुछ परसेंट देना पड़ेगा। जब मुनाफा देने की बात आयेगी तो वह मजदूरों के प्राफिट शियर के साथ आयेगा। तो आपने उनको चौगुना मुनाफा दे दिया तो वह कहां से आयेगा। वह मजदूरों के उस हिस्सों से कटेगा जो उसको प्रौफिट शेयर से मिला है और जो पिछले साल इंडस्ट्रियल ट्रस के वक्त आपने फैसला किया था। और सब से बड़ा सवाल यह है कि कुछ दिनों बाद जो आप Nationalise करेंगे, उस इंडस्ट्री को खरीदने लेंगे तो उसकी कीमत ५ लाख नहीं देनी पड़ेगी बल्कि २० लाख देनी पड़ेगी ऐसा मुल्क के लिए ना-मुमकिन होगा। इसलिए आप फरमा रहे हैं कि बहुत स्कीमें इंडस्ट्राइजेशन की नहीं होंगी।

मैं यह अर्ज करना चाहता हूँ कि इस तरह की चीजें आपके सामने है और यही वजह है कि आज कांग्रेस का लोग इतना क्रिटिस्जम करते हैं। क्योंकि उनकी समझ में यह बात इस बजट से नहीं आती कि आम जनता की भलाई इस बजट से क्या होगी। जयपुर कांग्रेस में जो प्रस्ताव पास किया गया था उसको कांग्रेस वाले किसी तरह से पूरा करेंगे। हमने जनता को जो वादे किये

[श्री मोहन लाल गौतम]

हैं उनको किस तरह से पूरा करेंगे वह इस बजट में नहीं दिखाई देता है। हम जनता की ओर से इस असेम्बली में आये हैं। जब हम यहां से बजट पास करके अप्रैल के महीने में गांवों में जायेंगे तो हम वहां गांव वालों को किस तरह से कहेंगे कि हमने जो वायदे किये थे उनको पूरा कर दिया है। जनता के जो कष्ट हैं उनको दूर कर दिया है। इस बात को जरूर फाइनेन्स मिनिस्टर साहब को बतलाना चाहिये। जब हम लोग गांव वालों को बतलाने से कासिर रहेंगे तो हम लोग कांग्रेस वालों को यहां रहने का अधिकार भी नहीं है। हम यहां जनता के दुःखों को दूर करने के लिए आये हैं। इसके लिए गवर्नमेंट को जरूर कुछ न कुछ करना चाहिये ताकि हम उन लोगों को बतला सकें कि हमने तुम्हारे दुःख को दूर करने के लिये यह २ काम किये हैं।

(English translation of the above speech)

Shri Mohan Lal Gautam (U. P.: General): When I find Modi Sahib speaking in praise of this Budget and a number of members criticizing it the question arises to my mind for whom at last is this Budget meant, whom does it go against and whom it is going to affect adversely. The Budget that is being considered at present is not just an account of income and expenditure involving simple accountancy. It involves very great underlying principles. Now, when, after the attainment of *swarajya*, the reins of Government fell into the hands of those people who had always been preaching socialism and they came at the helm of affairs it was natural that those people who had up till now been making profit here in collusion with the English, who had been carrying on blackmarketing and who had been evading the taxes began to feel frightened and wondered whether this Government of Pandit Jawahar Lal Nehru might take them. This was a great problem facing those people who now found themselves in a new atmosphere in this country. On the other hand there were those people who had been fighting the battle of freedom shoulder to shoulder with Pandit Jawahar Lal Nehru and who had been holding out promises which emanated from the mouth of Pandit Jawahar Lal Nehru and from the resolutions of the Congress. I do not, at this time, want to repeat the old promises and the old decisions of the Congress. But even at the Congress session that was held just recently—three months back, in the month of December—at Jaipur it was declared that it was a message of the Congress which the Congress people had to convey to every village, *viz.*, that a class-less society was going to be formed. This was something conveyed to us in particular and we, who have come here, have come for just this purpose that we might fulfil the mission behind the resolution passed by the Congress.

Now, what is to be seen is this, what is the reason behind this criticism that is being made—the criticisms of this kind that are being brought forward by members of the Congress. The reason is this that they cannot see the way clearly. They are unable to see whether or not this Budget that has been prepared takes us towards a class-less society. If not, the Congress people must naturally feel perturbed and if they do not they are not doing their duty. On the other hand, the proposals that have been received are of this kind. I have no objection if you want to take this country towards industrialization. I have no objection if you prepare a plan and thereby produce in this country

those essential articles which are necessary for making us strong. But, today, capitalism and industrialism have, by forging a conspiracy, by raising a propaganda, created an atmosphere which shows that this country is going to be ruined, which shows that there is no peace in this country. They want that peace should prevail here so that industries might flourish. I ask, did the industrialist have a better expectation of security at the time when the War was going on and it was not known whether the British were going to lose or win or has he got it now? Why were the industries going ahead then? Were the industrialists in greater risk at that time when there was a War going on against the British in India or is it now? There was no risk at the time when there were air raids from Japan, but now that *Swarajya* has come and peace prevails we are told there is no security. Industrial peace has been brought about. The Congress people have, by their efforts, checked the labour from resorting to strike. Disputes have lessened. This too they admit. In spite of this the industrialists do not feel satisfied. They still persist in saying that this is not enough and that still more is required to be done. I would say to you—I would say to the Finance Minister through you—that such small things cannot please them. What they want is something very difficult. What the President of the Chamber said was this that they could not be satisfied until all the amendments to Article 24 were withdrawn, until you made endeavours to award full compensation for property to be acquired. That is the real thing. The industrialists will not be satisfied by getting these small concessions. And, this is the reason why the industrialists are not satisfied with this. Still they keep criticizing. Hence, I say that when we study this Budget we see no plan in it. we see no policy, we see no scheme which might lead us to that goal which we have promised our electors. For long we preached that we would abolish the *Zamindari*. All provincial governments have gone so far that a number of enactments have been passed, but those enactments are held up today. But even a study of the whole of this Budget does not reveal that you have made any provision for the abolition of the *Zamindari* or that you intend making a move in that direction. I have not seen anything of that kind in it. You have not mentioned anywhere in the whole of this Budget whether this scheme of ours would take us forward in that direction. The language used previously by the honourable Minister is this: "No man, who is investing money, is taking greater risk than in any other country in the world."

I ask you if you perceive an even greater risk here than there is in Burma. Do you see an even greater risk here for the industrialists than there is in China? The whole of Europe is marching towards Communism. Do you see an even greater risk here than there? Then why is this psychology being created that there is a very great risk for the industrialists? I say to you that if we have to avoid this risk, if we have to save our country from the menace of Communism the way to do that is not that we should conciliate the industrialists and have no care for the poor. Whatever taxes are proposed to be levied under this Budget all apply to the poor. You say the prices are steady, the prices have been stabilized. I wish to submit, however, that even though the prices of capital goods might be low the commodities that a poor man has to do with, as, for instance, cloth and food, are priced fairly high and are soaring still higher. Now, what does your index show? It indicates the condition of a few families in the city only. You do not have the data of prices prevailing in villages. Hence, it is not enough to say that prices are being controlled. And, even if that be correct the taxes that you are levying would lead up to a rise in the cost of living index and if that index rises the same circle would start. Again the labourers would clamour that they should be given increased allowances and again the same circle would be set going. Hence, I want to say that this is not the way to check Communism or its menace. The proper way should have been that which is shown in the resolutions of our Congress, which the Con-

[Shri Mohan Lal Gautam]

gress keeps declaring and a slight hint whereof was given yesterday by Pandit Jawahar Lal Nehru in his speech—that we should make an endeavour to resolve the difficulties of the poor people. You are not going that way. Let me tell you what impression is created on the mind by the things that you have provided herein. Why have you imposed new taxes? Why should you have come to feel the necessity for extra expenditure? The Budget that you passed last year and the amount that you provided therein brought you an extra sum of 82 crores of rupees. Some of it you spent on the army because there was a war going on in Kashmir. I do not wish to argue about it at this time. But I want to ask where was the necessity to spend 48 crores of rupees extra on civil administration. Since you happened to get an extra amount of rupees 82 crores hence you incurred an extra expenditure of 48 crores. What would you have done if you had not got that amount? Would you not have met your requirements with that much money you had? And, if you could not pull on with that much money why did you not say so? You spend whatever money comes to you and you do not turn towards economy. I do not wish to enter into a discussion as to whether you should have made a reduction of two crores or three crores but you should at least have effected some reduction even if it was just ten pice, and then you could have said that you could not carry on with that much. But you do not make the slightest move in that direction. Had you made a move in that direction it could have been said that you effected whatever economy you could effect and thereafter you resorted to taxation. But this was not done. A committee was constituted. But how could the committee function? Every minister wants that there should be an increase in the number of men already working. The staff goes on increasing. Which staff is this after all? How many times is this staff increased already? Just consider how many times is this staff increased as against the staff that existed prior to the War. It was understandable at the time of the War, and, moreover the British had to fight out the War and he did not feel concerned what expenditure that involved to this country. So he made this increase in the staff. But, has a necessity arisen now for an even greater staff than there was at the time of the War? The staff is still on the increase. The other thing is that the staff that was employed at the time of the war was not appointed by selection because there was no opportunity then for doing so. No competitive examination was held at that time. Whosoever came up was taken. But why have you not felt the need, today, of effecting a reduction in it? The committee has made its report in regard to seven or eight ministries but you have not reduced a single penny. I wish to submit that it is not a matter of one or two crores of rupees. This country's Budget amounts to 322 crores; not much difference would be made by the reduction therein of one or two crores. But why are you imposing taxes on the poor? Are you imposing these taxes because you have the power to levy taxation? On the one hand you go on spending extravagantly while on the other you go on levying taxes. I wish to submit that this has a very bad effect psychologically. Last time you reserved two and a half crores for economy's sake but this time you have not reserved a penny. This has had a very bad effect. This means that you did not proceed towards economy although you did make an effort in that direction in the Budget which you had passed. The committee has submitted its report but in spite of that we are not moving towards economy. I wish to ask you that when you create that psychology what would be the result? The result would be that people would think that you have no regard for the poor. You have created just this impression by levying taxes on commodities which form the necessities for the poor. I wish to say to you that the biggest bomb-shell which the Congress people used to throw into this Assembly was that of the post-card and the envelope. Considerable agitation used to be created thereby.

Nothing else could create the kind of stir that used to be created in the country on that score. Nobody understood the controversy over the exchange ratio being 1/4/- or 1/6/- but everybody understood the matter relating to the post-card. Today you say that since now the letter which a villager sends to another district would go by air he should pay three pice for a post-card. Ordinarily the price of an envelope is double that of a post-card. When the price of a post-card was one pice the price of an envelope was two pice. But, now the envelope has come to be priced at two annas and this for the reason that it will now be carried by air. How many years will it take for aeroplanes to go from one district to another? I feel that this would take at least fifty years. Today, by fixing the price of the envelope at two annas you have made a concession to those people who live in big towns, whose mail goes out in the evening from Calcutta, Bombay, Madras and Delhi. This mail is exchanged at Nagpur at 12 o'clock in the night and arrives in all the four towns in the morning before sunrise. For their sake you have reduced the price of the envelope from two and a half annas to two annas and also reduced the price of the post-card. Why don't you say that you have given a concession to the inhabitants of these big towns and that the loss thereby would have to be borne by the poor peasants. If you say that you can understand what would be the effect caused thereby. Whatever taxes you have imposed apply to articles of necessity. Hence, I want to submit that the concessions which you have allowed to the rich you have made good from the poor. I have no objection to your pursuing industrialisation. I feel that there is need for industrialisation in the country. I also feel that industries would, for the present have to remain in private hands. But I want to put you a question which is this: have you taken any guarantee from those people, who made large profits, who got profits up to 400 and 500 per cent., who practised black-marketing and thereby not only disgraced themselves but also brought a bad name to the Congress and the Government, who evaded the taxes, for which you had to appoint a Committee,—which Enquiry Committee is also evading the enquiry, but I do not wish to enter into that discussion—from people who treated us in that manner, that in future they would not charge a profit exceeding three or four per cent in industrialising the country, that they would not practise black-marketing and that they would produce those commodities which might go towards making the country strong, not that they would engage in the production of cosmetics etc. If you fail to make some such provision a wrong interpretation might also be given to industrialisation. For this you should have some plan and we should have such a control over that plan that it might lead our country to strength. If this thing is not there then I want to submit to you that this Budget does not make up the deficiency which it should make up. When this is the position I want to ask why you have given concessions to them. Take the capital gains tax—a small thing. From what I understand about this tax is that you want to say to the industrialists that there shall be no nationalisation because a factory which is at present valued at five lakhs could be converted into one valued at 20 lakhs by means of floating another company and by going through a bogus transaction. And, when the question of 20 lakhs arises, a demand would arise tomorrow, 'Give us five per cent. profit'. Five per cent profit on 5 lakhs is one thing but on 20 lakhs it will be a different story. When the question of giving the profit arises the question of profit share for the labourers would also come up. If you give them four times the profit where will the other thing come from? It would be deducted from the share of the labourers which falls due to them one of the profit-share which you decided last year at the time of the industrial truce. And, the biggest problem is this that when after sometime you are going to nationalise and are going to acquire that industry you will not have to pay five lakhs as its price but 20 lakhs. This it will be impossible for the country to do. Hence, you say that there will not be many schemes for industrialisation.

[Shri Mohan Lal Gautam]

I wish to submit that this is the kind of things you have before you. This is the reason why today people criticize the Congress so much. They are at a loss to understand what good would result from this Budget to the common people. How will the Congress people fulfil the object of the resolution that was passed at the Jaipur Congress Session. How we shall fulfil the promises which we have made to the people is not indicated by the Budget. We have come to this Assembly on behalf of the people. When, after passing this Budget, we return from here to our villages in the month of April how shall we be able to say to the villagers there that we have fulfilled the promises that we made to them and that we have removed the grievances of the people. This the honourable the Finance Minister must tell us. When we people fail to bring this home to the villagers we, of the Congress, should also have no right to continue here. We have come here to have the grievances of the people redressed. The Government must do something to that end so that we might be in a position to tell those people that these are the things we have done with a view to the amelioration of their lot.

Acharya J. B. Kripalani (U.P.: General): Sir, I have remained silent in this House but friends have told me that I am neglecting my duty as a Member of this House and that I must speak. I had thought that they also serve who sit in silence and listen to the wisdom of others. (An honourable Member: 'Partly'). And I have always thought that there were many veteran legislators here who can put things better than myself, and when I see that people can do things better than myself I do not bring myself forward.

I have very little, Sir, to say upon the Budget because I realise that Dr. Matthai has to act under certain circumstances. What are these circumstances? We threw out the foreign yoke, but while we did that we pledged ourselves to continuity and we have often said that this revolution is not to break the continuity that has been going on. It is useless then to blame Dr. Matthai for having presented a usual Budget which is in continuation of the old Budgets. That is not his fault; this is our policy and he could not possibly deviate from that policy. Another thing which we have to take into consideration is this, that recently through our best spokesmen we have assured capital that their interests would be safe. You will say that we gave assurances to the poor man also. But they were 19 years old; I think they were given in the Karachi Congress and I think they are time-barred. First we must fulfil the pledges that we have given now and Dr. Matthai has done it and I think I should congratulate him.

I also am inclined to congratulate the Government as a whole. Our independence coupled with partition made us face many critical and delicate problems and the Government has tackled them well and efficiently. We have been able to consolidate the innumerable States in which the country was divided; we have further produced a few more Provinces which are more likely to increase in number when the question of linguistic Provinces is decided. Our reputation in the international world is very high: it would appear that we have achieved more of *swaraj* in foreign lands than in our own country. Our representatives are everywhere and if they are able to spend a little more than this poor country can afford, it is also very necessary because only by these means can we become the bulwark of international peace and security. If we are isolated and look only to our country, we will not be as philanthropic as we would be if we spent a little more and sent our representatives to every possible country, from China to Peru and from the North Pole to Timbuctoo.

Then, we have also made the United Nations Organisation respectable. Not only international but even national questions are referred to it. I thought that action in Kashmir was only a 'police action' because the Ruler as also the

people had consented to join the Union. Yet, in order to enhance the respectability of the U.N.O. we referred this purely domestic matter to that body. So, I think we have done very well and I would have congratulated the Government upon all these achievements were it not for the fact that the Ministers themselves do it more copiously and more eloquently. We are always told that they have delicate problems to face and they have done better than could have been possible in any other country. So, you will agree with me that when they and their publicity departments—and I hear each Ministry has a publicity department, whose production is so great and so fine that the ordinary Press may as well disappear—pay such high compliments to the Government, I should not waste my feeble words upon that. But one thing I want you seriously to consider. Whether you are a capitalist or a socialist of the western brand or of the Gandhian complexion, how are you going to build this country? Our foreign masters told us that they were carrying on the Government of this country by means of the 'steel frame'. We have it on high authority that we need this steel frame. I have absolutely no doubt that the steel frame is needed. But what we have unfortunately today is the frame and not the steel. The steel has got corroded. It was corroded during the war. The foreign government was interested at the time in winning the war. It did not matter how much money was spent. It did not matter how the administration went corrupt. This corroding of the steel frame, as we want to have continuity, has been continuing. We could have brushed up this steel frame if we had so desired—and in many countries it has been possible—but as we were pledged to continuity, so we were obliged to carry on this corrosion also. Everybody knew that the services were infected by corruption; they were also lax and inefficient. We kept them as they were and have been carrying on with them. Everywhere we go, in the bazar or in the club or in the market place, we hear of the corruption and inefficiency of the administration. Of course, the Ministers may not be hearing all this. It is quite possible, because they have no time to move in the public. They had time before, because they had not the responsibility of Government, but today they are hard worked individuals. Some of them I know actually work up to 2 A.M. and even beyond. You can understand what the person who works beyond 2 A.M. can produce. So we have continuity, and things going on as they were going on. I cannot see how things in India can improve unless what we hear in the bazar, in the market place, is listened to and due credence given to it. We hear it often said that you need not go to high officials and the lower ones can get things done for you for a consideration. An American friend who came to see me told me that he wanted a First Class reservation from Calcutta to Delhi, and the reservation clerk told him that there was no accommodation. But when he threw a ten rupee note at him the clerk said, "Wait a while. There is some little accommodation" and he got his reservation. When he went into the compartment, the compartment was empty but for himself. All this is from hearsay. I have no personal knowledge for I have no occasion to offer bribes to any official. He will be a bold official who would come to me to be bribed. He knows that for long years I have been a *satyagrahi* and I have fought with powers that be and I have suffered for it. For him to ask a bribe from me would be difficult. Nor have I the necessity to go to the black market. I generally accept very few invitations and issue even fewer. So all that I can say would be from hearsay, Sir, I read in the papers that we should not base our talk here on hearsay and rumours; but there are certain rumours which you cannot ignore, which come so repeatedly to your ears, which come so often and which come from such honourable quarters that you have got to listen to them. If I were to wait to give a bribe to an official, I think I will never discover the truth, because there will be no such occasion for me. If I have to discover that there is black market only through personal experience I would be never aware of its existence. So I have to rely upon rumours and if rumours are persistent, I must give some credence to them. In politics it is not sufficient

[Acharya J. B. Kripalani]

that you are right but it is also necessary that people must know that you are right, and I say that this administration of ours is considered by the general public to be not right, to be not efficient, to be corrupt. It is also supposed by the public to be top heavy and is becoming heavier and more expensive. I say, this is the instrument with which we have to work, this is the only instrument by which we can bring about reform, and 'if the salt loses its savour where with shall it be salted'. I say, if the present state continues there cannot be even a prosperous capitalism in this country. I would not mind if there was capitalism here like that in America and if there were prospects for the poor man to increase his standard of living. Nor would I have any objection to socialism; nor even to Communism. But what are these 'isms' to be based upon? How are we to succeed? We can only succeed if we have an honest and efficient administration which, I am told, we have not. Not only has it to be honest and efficient, it has also to be economical, because Government has to set the standard. If the Government is extravagant or if it is supposed to be extravagant, if the common man believes it is extravagant, then it cannot be effective. Many of my socialist friends say that we are pledged to socialism. I have no quarrel with that, but on what is socialism to be built? The administration which even in the narrow field of political administration is inefficient and corrupt, how can it be entrusted with the whole economic life of the country! When there is nepotism, when, as I hear, even the recommendations of the Public Services Commission are sometimes set aside on some technical ground or other, when there is chit system, how do you expect that there can be nationalisation in this country? It is impossible; it is not scientific; it is not mathematical. Those who cannot do their particular narrow job efficiently, honestly, how can they undertake the whole economic life of the country, I cannot understand. We must make up our minds that as long as we are not able to clear the stables of administration, nothing will be possible. We have spent millions of rupees upon the refugees and yet, I can say with knowledge that we have not been able to rehabilitate even five per cent of the refugees, and I say, the fault is with the administration. The funds that have been spent, have been spent without any plan. We could have accomplished much more even by voluntary agency if we had encouraged that agency. The whole crux of the problem is that we must purify our administration. It pains me to refer to another matter, which however, I must: The Father of the Nation was shot dead. The Judge, on undisputable evidence, has told us that the administration failed, that this life could have been saved. We would have been saved the dishonour, and humiliation of having killed our great man. May I know what has been done in order to bring to book those people who were responsible for this culpable negligence? (An honourable Member: 'The matter is *sub judice*'.) You cannot say it is *sub judice*, because the Government has not preferred an appeal about this portion of the judgment. It is *sub judice* in other matters; it is not *sub judice* in this matter. We must take the judge's findings based as they are on evidence, as conclusive. Any way, there should have been an enquiry. Even if there was the least bit of suspicion, there should have been some enquiry and the people should have been taken into confidence. There were rumours that the administration had failed. In order to give a *quietus* to those rumours, there should have been an enquiry, whether the judgment was delivered or not. This was the least that was necessary. I see it has not been done. I do not know when it will be done. If such a thing had happened in England, I know what would have been done; if such a thing had happened in Japan, I know what would have happened. Some responsible person would have ripped open his stomach and committed *harakiri*. This is no ordinary matter. Therefore, I say, as the basis of all our reformation, of all our budgets, of all our schemes, of our becoming a democratic society, of our ever establishing a new social order—which it was the dream of the Father of this Nation—if we are

to do anything great in the national field, I say we must improve our administration. We must make it really the steel frame that the British people said it was in their days—whether it was or was not. This administration must be like Caesar's wife—above suspicion not because Caesar was Caesar and therefore his wife must be considered above suspicion but because she was really so. Even so our administration should be above suspicion not because our leaders are honourable and they are honest, but because the administration itself is honourable and above suspicion.

Shri H. V. Kamath (C.P. and Berar: General): It is a melancholy fact that the first two budgets of free India have come in the wake of national sorrow. Just a month before the first budget was presented, India and the world were stirred to their very depths by the martyrdom of the Father of our Nation, the architect of our freedom, the prophet of peace and the apostle of non-violence. A day after the second budget was presented, we have lost our bard of freedom, and the hot-gospeller of Mahatma Gandhi's creed. I hope, Sir, that their spirits will continue to guide our activities here so that *Daridra Narayan* for whom they and we of the Congress have worked may come into his own at last, in spite of budgets, in spite of surpluses, deficits, balancing, and what not.

My honourable friend the Finance Minister, through the vicissitudes of his life, from a lawyer, about which he told us a few days ago, to the nation's Treasurer, must have seen life in its many aspects, the bright side as well as the seamy side. I think here was an opportunity for him to have become what I may call Robinhood, not of the old highway type, but a constitutional Robinhood, of robbing the rich and paying the poor and thus redressing the imbalance of our social order. But, unfortunately, he has not come quite up to our expectations, and therein, I must say he has failed us and the country to that extent. Engraved upon the heart of modern society, to a depth reaching to its inmost core, is the motto of an old Birmingham Bank. The motto was, and is, perhaps, "He who has, is". To my mind, this is not all. Today, "He who has, governs." It is a sad reflection upon the economy of modern times; not only of India, but of the whole world, that most governments are under the grip of big business, and finance—capital. That is a world phenomenon to which India is no exception.

It has been said that in India capital is shy today. There is an old Sanskrit *Sloka* about the son-in-law—

"*Sadā vakraha, sadā rushthah, sadā pujām apekshate*

Kanya rashisthito nityam jamata dashmagrahaha."

It means: "Always perverse, always angry, always wants to be worshipped or appeased or adored." As you all know, there are twelve *rashis* in the heavenly zodiac and one of the *Rashis* is *Kanya Rashi*. The son-in-law is the 10th planet of everyman, the 9th planets being, Sun, etc.

Mr. Deputy Speaker: Is there any chance of the honourable member becoming one?

An Honourable Member: Looks forward.

Shri H. V. Kamath: I will only say, Sir, there is a destiny that shapes our ends, rough-hew them how we may. To my mind, capital is not shy, but capitalists are perverse. The Indian capitalist has cultivated studiously, deliberately, the mentality of non-cooperation with the Government, and Government—we have got some of our very best men in the Government—must make up its mind as to how to deal with the capitalist as they threaten to deal with labour if they go on strike. The reaction of big business was brought

[Shri H. V. Kamath]

home to me by reading a pamphlet published by the All India Investors' Association, Calcutta, before the budget was presented. An appeal to the Finance Minister and Government—the pamphlet is entitled 'The economic crisis and the plight of investors' and strangely enough, the remedy suggested by them are among the remedies adopted by my friend the gallant Finance Minister. The remedies they suggested are to the following effect:

Substantial reduction in income-tax and super-tax rates,

Abolition of capital gains tax.

Expedition completion of the investigations by the Income-tax Commission.

Other remedies suggested are—

Grant of large statutory depreciation allowances, particularly in view of the high replacement costs.

Encouragement of import of raw materials for industry and progressive introduction of decontrol.

When I read this, it was strangely reminiscent of the speech of my honourable friend the Finance Minister. It appears to me that business is on the whole pleased with the budget; and I do not know whether there is a tendency on the part of Government—constituted as it is, creature of circumstances and of destiny—towards appeasing them, as said in the Sanskrit Sloka—

"Aho rupam aho dhvani"

Mutual admiration, one saying how nice you are and the other saying what fine concessions you have given. But, Sir, we should not blame the Finance Minister far too much. After all he is human and if he has erred, he will confess that he has erred and he will try to redress whatever wrong he might have committed. I do not propose to go into the various new burdens laid upon the common man because they have been touched upon by my friends already—the various taxes such as increase on postal rates, excise duty on sugar, cloth, paper, stationery, motor spirit and tyres and the import duty on betelnut. The increase in postal rates coupled with the assurance that mails will be carried by air if possible reminds me of a story. I hope I have your indulgence to tell the story and I am sure that Finance Minister will relish it.

Mr. Deputy Speaker: The honourable member will have only fifteen minutes. The whole time may be occupied in the story also, I have no objection.

Shri H. V. Kamath: In America or England—I don't know where—there was an Undertakers' Firm. They were facing some competition from rivals. They advertised one day to the following effect:

"Our disposal is very quick, we will send our own transport and a floral wreath if possible. Give us a trial."

This promise of sending mail if possible by air reminds me of the same. Because the community which will benefit by this promise of air-carriage, is mostly the urban and business community. So I would have liked it very much if the postal rates had been retained as they were for envelopes and post cards and airmail rates increased to three or even three and a half annas. Let the businessman pay through his nose. That community can very well afford to pay that rate, but don't increase the rates for envelopes and cards. I hope this would receive some attention at the hands of the Finance Minister and he will try to revise this unjust scheme of taxation regarding postage. There were other things which he could have taken into account without giving undue relief in the matter of higher income-tax rates.

He could have certainly expedited the measure which has been before the House for the last so many months—the Estate Duty Bill—Death Duties. I am afraid there is a feeling in the country that we are not doing the right thing. It is being postponed session after session and I don't know whether it will come up in this session at all. I venture to say that if prohibition was going to land us in so much difficulty as regards revenue, we might have held it in abeyance as a lesser evil instead of resorting to so much indirect taxation. The price of salt has not been lowered in spite of all our efforts and I do not see why we should not impose a little duty, if necessary.

The other avenues are—

The blackmarket money must be ploughed back somehow and I leave it to the ingenuity of the Finance Minister to grab this money. I am sure he has the gift of the grab, as he has the gift of the gab. Unfortunately I don't know how our Government is moving in this matter, because some time ago our Governor-General is reported to have recently said in Bombay as follows:

"We may fret now about the black-market but who knows whether this evil will not serve some useful purpose and ultimately work out towards a good we know not of?" A philosophical concept perhaps, but I hope the Government will not follow a policy which is in consonance with this dictum. Regarding inflation, I feel the anti-inflationary policy could be carried out either by reducing expenditure or by raising more revenue by direct taxation or both. If you increase indirect taxation on consumer goods, it will only increase the cost of living and aggravate the inflationary spiral.

Then I come to one point which has been very well made out by my friend, the suave and debonair Mr. Shiva Rao. He referred to the Secretariat in general terms. I would like to bring to the notice of one of the Ministers a concrete instance which took place only recently, and I hope he will ruthlessly deal with the slackness and inefficiency which was brought to my notice only a few days ago. I am glad the Honourable Minister too is present here, the Honourable Shri Jairamdas Daulatram, as this relates to one of his Joint Secretaries whose name I shall give outside if he asks for it. A friend of mine went to the Joint Secretary armed with a letter from the Food Minister himself and the Minister in that letter had asked the Joint Secretary to discuss a particular matter with my friend and put up a note. That letter was given to my friend over two months back and he tried to see the Joint Secretary not once but four times but he put him off on some ground or other, and ultimately yesterday the Secretary told him "I am sorry I am going on leave and what is the use of discussing with me. My successor is coming and you might discuss with him." I hope that this sort of thing will not be allowed to go on in the Secretariat, and that when such concrete instances are pointed out to the Ministers stern action will be taken so that the good officers—and there are many—may not think that officers are pushed up or not pushed up just as the Minister likes or does not like them, and that merit does not count. This sort of attitude should not be countenanced. Ministers must take action when there is inefficiency or slackness of their Secretaries and when these are brought to their notice.

Then there is the other point referred to by Dr. Sita Ramayya—the expenditure on foreign embassies. Looking at the figures I find certain disquieting facts.

Mr. Deputy Speaker: The honourable member's time is up.

1136

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [5TH MARCH 1949]

Shri H. V. Kamath: I will take only two more minutes, Sir, if you do not mind, and the House does not mind. Well, Sir, on page 104, of the Demand for Grants, I find that for the Embassy in America, the budget estimate for the pay of officers and establishment is Rs. 1,70,000; for the Embassy in Russia it is Rs. 93,000, and for the Embassy in China whose strength is going to be increased in the current year from four to six, it is only Rs. 97,000. Last year it was Rs. 99,000 and this year's figure shows a decrease, in spite of the fact that its strength is going to be increased. In America and Russia the officers and the establishments are going to be decreased, in America from ten to eight, and in Russia from seven to four. But we do not have a corresponding decrease in the expenditure. And it is a disquieting fact—a disconcerting fact that some ambassadors receive representation allowances more than their salaries. And some ambassadors, I am constrained to say, have not remained at their post—whichever be their headquarters—for any considerable length of time. They have been roaming about, I do not know how much of it was done at the cost of the exchequer, or whether the cost was met out of their own pockets. But certainly it will be very wise to enquire how long during the last eighteen months, each one of them remained at their posts, and how many months they spent in other lands.

Mr. Deputy Speaker: May I remind the speaker that our Ambassadors in foreign countries are official representatives and must be held in very high honour. And as I said yesterday, we should not make remarks without seeing whether they have some foundation. There is no good making allegations that our ambassadors are roaming about, whether at their expense or at state expenditure. The honourable member certainly is at liberty to ascertain the facts from the Honourable Minister, and if no relief is obtained, then this forum may be used. Such allegations, I ought not to allow in this House. I look on these allegations with disfavour.

Shri H. V. Kamath: I am sorry, I was perhaps slightly misunderstood. I only wanted to say that...

Mr. Deputy Speaker: There is no good saying that an ambassador was roaming about in the continent or elsewhere. Unless the member has verified his information, it is wrong to make such allegations.

Shri H. V. Kamath: I personally know of one or two instances. Lastly, I have only to make a concrete suggestion with a view to increasing efficiency to effect as much economy as possible and to root out corruption wherever it may be. With this object, I would insist upon a new Ministry—a Ministry of Vigilance or a permanent Vigilance Tribunal, or whatever you may call it, being constituted. I would say that it should be composed only of tried public men, with no officials on its personnel, but only tried public men with service to the country to their credit. This Ministry must be in charge of the duty of attending to complaints of corruption, slackness, inefficiency, misdemeanour, and also go into the question of appointments made without reference to the Public Services Commission when any recruitment is made by any Ministry. The Ministries have no time to go into these complaints that they receive. So I urge that this Tribunal or Ministry must be constituted at an early date, and all complaints in all the Ministries must come to this Tribunal for disposal.

Before sitting down, I only want to add this. The times are out of joint, and I would only read out from a recent speech of Dr. Radhakrishnan the

following, with your permission, because it is very pointed, and it applies with great appropriateness. He said:

“Our leaders have had a stupendous task in these fifteen months in rehabilitating hundreds of thousands of refugees, in getting Indian States into our political framework in tackling the great social and economic problems. They require the assistance of young men and women of enthusiasm, of earnestness, of integrity of spirit. They have been complaining in bitter terms of the large-scale corruption from top to bottom, of the lowering of standards of administrative efficiency. They deplore the manner in which merit is overlooked in public employment and passed over to satisfy other interests. Our independence seems to have intoxicated and unbalanced us. Success has exposed our weaknesses more than failure. Our country is today on its trial and the great qualities which won us freedom require to be developed if freedom is to be consolidated. Things which are happening in the neighbouring countries of Burma, Malaya and Siam must be a stern warning to us. The attraction of Communism is not due to the intrinsic merits of the Marxist creed. It is due to the fundamental deficiencies of our social order. Poverty and hunger are the fertile soil for the growth of wild fanaticism. If our society is sick, if our youth is frustrated, if there are wrongs and injustices in the social order which are not corrected, if we compromise with corruption simply because it is in high places, if we are weak in defending democracy, if people are filled with despair and seek escape in new evangelists, we cannot complain. Shortages of essential goods, high prices, the failure of the Government to check profiteering to control inflation, produce discontent and loosen the bonds of authority. If we drift toward chaos, it will not be of deliberate intention but because of our weakness and inaction. The...”

Mr. Deputy Speaker: We can take the extract as read.

Members: ‘He may finish it.’ I am sorry, but I have to call upon the honourable member to stop here. It is open to me to curtail a speech to the time fixed, or allow some time more. I do not want the House to go on, reminding me that this thing must be read, or so much more time must be given and so on. I am watching events here, and I am also aware that there are many more members waiting to speak. I call upon Mr. Sondhi to speak now.

Shri H. V. Kamath: I hope that the Finance Minister and our Government in spite of the adverse circumstances that are prevailing will be able to work in such way that *Davidra Narayan* will come into his own and that Government of the people, for the people and by the people will become a reality and the common man will have a life and have it more abundantly.

Shri B. L. Sondhi (East Punjab: General): My difficulty also is that of Mr. Mody though I am not myself a capitalist as he is. There is an uncovered deficit of Rs. 185 crores in the capital expenditure of the current year. There is another Rs. 134 crores uncovered in the Budget for next year. What I have not been able to understand, Sir, is how the Finance Minister is going to cover this. He wants us to believe that the Government is very anxious to fight inflation, but to leave uncovered expenditure like this is in my humble opinion just the contrary. Our cash balances, Sir, are dwindling every day. The Government is not in a position to borrow in the open market. Rs. 163 crores according to the figures supplied to us, will be our cash balance on the 31st March 1949, and according to the Budget it will be Rs. 58 crores only at the end of next year. Excepting that we have some Rs. 800 crores in the sterling balances, I would like very much to know from the Honourable Minister as to what are the prospects for 1950-51. Sir, I know that the borrowing capacity of the Government and the public at large has been very materially affected during the last two or three years. There were half a dozen sources from which we could always draw on this account. Firstly, the Ruling Princes contributed a lot to the loans of the Government as well as the public. They are now just disappearing from the horizon. Secondly, the non-Ruling Princes and the big zamindars were our second line of procurement for capital. They are also disappearing. Thirdly, the British capitalist in India, because he was entrenched here in his business on account of the political advantages that he had, was also interested in investing money here. Some of the money that he made in his business—not all—was invested in India in expanding his business here. He also, Sir, to

[Shri B. L. Sondhi]

the best of my knowledge is not very much interested now. (Kazi Syed Karimuddin: 'Sorry!') The next biggest asset in India was the Punjab. I have some figures showing that as much as 40 to 45 per cent. was contributed by the middle-class from that province towards new investments before the years 1945 and 1946. That Punjab is today lying low. We have not even sympathy from our Ministers. Some Ministers say that they have no legal or moral responsibility for the losses that we have incurred. Some even say that they do not welcome them here in Delhi. Why are they coming here? I do not want to say more because it is my own Government and my own feelings are too well known to the Ministers concerned.

Now, Sir, I have got another grouse against the Provincial Governments' loans and advances that are being given by my honourable Minister. The Provincial Finance Ministers at the Conference held in October in Delhi, were asked to go slow regarding their plans for prohibition and the abolishment of zamindari. They have done nothing of that sort. The other day, our Deputy Prime Minister declared in Madras that we are not in a position to have nationalization for some years and people who are talking of nationalization, when we have not the means to do it, are only crying for leadership. But it was only four days after that, in that very town of Madras that one of the Provincial Ministers gets up and tells them in the Assembly: "we do not agree to that", and that they are going to amend the Electricity Bill, which they cannot do without the sanction of the Government of India, to reduce the compensation for undertakings which they want to buy from the local people there—the electricity undertakings. This is the response which the Provincial Ministers are giving to the Centre.

Under these circumstances, is not it our duty on a basis of reciprocity to tell these gentlemen sitting there that we also have to look to our interests in the Centre: that we are not going to borrow for you from the market because we cannot: we cannot impose new taxes: please look after yourself for this capital expenditure that you want.

My proposal is very simple. Let these Provincial Ministers try their level best to raise as much money as they can through the Savings Certificates and the National Certificates in their own provinces and let the Centre agree to allow them to utilise that for their capital expenditure. We will have no grouse against them. But let it not be said that they are treating the Central Exchequer, in the form of a currency printing press as if we have a bottomless pit here for them to draw upon any time they like.

Mr. Deputy Speaker: The honourable member may continue his speech after Lunch.

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

The Assembly reassembled after Lunch at Half Past Two of the Clock, Shri S. V. Krishnamurthi Rao (one of the panel of the Chairmen) in the Chair.

Shri B. L. Sondhi: Sir, before adjourning for Lunch I was developing the point that our capital resources are drying up one after another. I mentioned the Princes, the ruling and the non-ruling. I mentioned the Britishers who were or are engaged in business here and the class of people who are generally called the higher middle classes in the Punjab. Having dried up all these resources I wanted to enquire from the Honourable Minister as to where he is looking to for the tapping of the resources which he wants to use for

capital expenditure. As you know, the money that is still open for collection for this type of work is either with the war babies called the black-marketeers or some class of agriculturists. The agriculturist as a class are not used to save money and put it in the bank or invest them. These war babies now have the shadow of the Investigation Commission hovering over them. Though our Government have recently decided to make some amendments of the Law to allow the Investigation Commission to have some reasonable compromises with them I do not know how long it will take for that procedure to be adopted. Regarding the agriculturist classes unless the Congress Party men as a whole, who are really well known to these people, take upon themselves this task which is entirely theirs and which they are shirking—I am as responsible as other members of the House—we cannot tap those resources in any way.....

Shri B. Das (Orissa: General): Where are those resources?

Shri B. L. Sondhi: I know it better...

Prof. N. G. Ranga (Madras: General): He knows his own people better.

Shri B. L. Sondhi: There is another difficulty from which I would like my honourable friend to help me out. Before the war sometime between 1931 and 1933 the present paper, steel and cement factories began their expansion. By 1936 or 1937 they had practically got all their expansion schemes completed. They took full advantage of it when the war came but those companies which were floated during the war—there were huge floatations then—they could not do anything except put their money in government securities during the war, because capital goods were not available. After the war the capital goods market became the seller's market with the result that the estimate of all these new concerns became out of date. The result was that these new companies have not been able to launch the schemes for which they had gone into the market. I respectfully submit that something needs to be done in this direction, because unless these companies are allowed to function there will hardly be any additional production. The old companies having worked at a very high speed, sometimes double and treble shifts, their machinery is rotting. They are not producing as much as they would normally have done and no additional production is forthcoming. I for one am very much doubtful if we will be able to keep pace with our requirements.

I now pass on to say something about food. As a layman I have found that this subsidy of 32 crores yearly, for the current and the next year, is to my mind a political hush money. (**Prof. N. G. Ranga:** 'To whom?') To you and me. This is for the urban areas. Most of the money is being spent to buy cheaper grain for the urban people. I would therefore request that this matter be looked at from this point of view. After all we are not here to cater for only 5 per cent. which is really the urban population in India. My friend Prof. Ranga who is so solicitous about the agriculturist and the rural areas, I hope, will go into this matter. (**Prof. N. G. Ranga:** 'It is for the Food Minister. Who am I?') As I have been able to calculate this does not save more than two to three annas a week per man. It comes to about Rs. 7 to 10 in a year. I would therefore request that something must be done in this direction. Moreover there is another angle from which I would like to view this question: The provincial assemblies and governments are crying for more and more food. Why not utilise this huge amount and ask those provincial governments to utilise this amount for producing more grain in their own provinces. After all our Food Minister here cannot produce more grain. He has to work through the provincial governments and if the provinces take up this question in right earnest this deficit of ten per cent is not difficult to make up.

[Shri B. L. Sondhi]

I have a word now to say about the civil expenditure. I find that as compared with undivided India the budget under civil expenditure for this year is more by 13 crores. Most of it has been consumed or is to be consumed by additional posts. I would therefore request the Honourable Minister to use his pruning knife, if he could put it through.

Delhi is well known for its roundabouts but our Secretariat is a big manufactory of red-tapism. It takes six men to dispose of a file which in another country like America or England would have been disposed of by two persons.

I now come to the criticism made in this House by two honourable friends, Mr. Goenka and Mr. Khandubhai Desai, regarding the capital gains tax. They are very much afraid that the companies and their managing agents will swindle the ordinary shareholder in a manner against which there is no remedy here. They forget that there is an office here called Examiner of Capital Issues and no new company can reconstruct its capital without a previous sanction of this Department. That is the negative side. On the positive side when an ordinary middle class investor looks at this picture what does he find? Now that the maximum dividend on ordinary shares has been limited to 6 per cent. and in view of the fact that all new companies cannot declare any dividends for the first few years, what is the attraction for an ordinary investor like you and me to put his money, if he has any, in a new concern if he cannot even participate in the capital appreciation of his shares? From that point of view—not for the sake of the big businessmen, not for managing agents who can be looked after by this Department but for the sake of the common investor—I offer my grateful thanks to the Honourable Minister for boldly taking up this question.

There is another criticism here in regard to which I would like to say a word or two. Rs. 82 crores has been the additional expenditure during the current year. The Honourable Minister has been able to meet it on account of the windfall revenue which he has been able to get. But if we go into the details of these Rs. 82 crores I for one would not blame the Honourable the Finance Minister. Rs. 34 crores out of that is the amount spent for defence. I do not think there would be any person in this House who would not say that the amount was more than justified on account of our Kashmir operations. Then with the drought in certain parts of India we had to import more food. This covers an extra expenditure of Rs. 12 crores. Then, the pre-partition expenditure comes to near about Rs. 21 crores. Relief and Rehabilitation takes another Rs. 10 crores. And we are left only with Rs. 3 or 4 crores.

Mr. Chairman: The honourable member's time is up.

Shri B. L. Sondhi: To close, I would beg this House to take into consideration one more thing and see things from a different angle. We have now termed our Army people, whom we had once called the hired soldiers of the British, as our national heroes; the policemen who used to treat us with their batons are our honoured officers today; the I.C.S. and the Provincial Service people who put us behind the bars are our most trusted colleagues today. Sir, the only class of people who helped us when we were going for fighting the elections and put money into our pockets to cover our expenses. I mean the business classes, I am not mentioning the class of black-market-eers but the common businessmen,—why are we not changing our angle of vision regarding these people? We may again need them tomorrow. The elections are coming very soon. I would therefore beg this House not to create a new class of Harijans but to try to assimilate them and make them as good or as bad as we are.

Shri Deshbandhu Gupta (Delhi): It was my proud privilege to assert for the first time the right of speaking in Hindustani in this House. But the House will excuse me if I speak in English today to make myself intelligible to my honourable friend the Finance Minister to whom Hindustani continues to be as foreign as English is to me. There is no doubt about the fact that the general discussion on the Budget provides an excellent opportunity to members of this House to unburden themselves of the grievances that they keep on nursing against the administration. I see that some members have fully availed of their opportunity. There are others who have showered unqualified praises or congratulations on the Finance Minister for the proposals that he has put forward. I do not propose to emulate the example of the members who belong to either of these categories. I only wish to claim the right of calling a spade a spade. To my mind the Budget that has been presented this time is neither a rich man's budget nor a poor man's budget. It is a compromise budget if I may say so, or an attempt on the part of the honourable Minister to repair the great damage which was done by the Liaquat Ali budget two years back. I do not know whether that budget had the blessings of my honourable friend—some said it had—but I am glad that he has sought to repair the damage which was done to the financial fabric of this country by that budget.

So far, strong objection has been taken to the increase in the postal rates. I think this is common ground that in that respect the *status quo* should be maintained, and I have a shrewd suspicion that the honourable the Finance Minister when he proposed an increase in the rate of post-cards he never meant it; it was merely a bargaining point. He probably thought that he would oblige the House by withdrawing the proposed increase in the rate of post-card, and I hope he will do so.

I would like to apply four tests to the budget and I would like to confine my remarks to these four questions namely, (1) whether this budget seeks to remove unemployment in the country, (2) whether this budget seeks to help the removal of illiteracy prevailing in the country, (3) whether this budget helps to solve the housing problem of the country and (4) whether this budget seeks to offer better facilities from the health point of view. Looking at it from this angle I find that I am not only disappointed but more than disappointed. There is no proposal contained in the budget which would help in the removal of unemployment. As a matter of fact the other day when a question was asked whether we have got the figures of unemployment in our country we were told that no attempt has been made so far even to collect such figures. What to say of solving the question of unemployment, which is giving strength to the Communists, and socialists and other elements, when no attempt has so far been made even to register the number of the unemployed. From this point of view I hope even the honourable Finance Minister will agree that the budget is a disappointing one.

Then comes the question of the removal of illiteracy. We are on the threshold of fresh elections and for the first time in the history of India we are going to have adult suffrage. God only knows what result this experiment will bring to the country. To go to the polls and have adult suffrage with a population even 10 per cent. of which is not educated, to my mind, Sir, is a very dangerous thing. I had hoped, and I think the House also expected that the honourable the Finance Minister would provide in his Budget proposals provision for a drive against illiteracy so that by the time the next elections were held adult education would become a watchword throughout the country, and as result of the general drive the number of educated will go up by 10 to 20 per cent. But I see this thing has not even been thought of.

[Shri Deshbandhu Gupta]

Looking at the Budget from the health point of view, I am equally disappointed. Last time when I spoke on the Budget I had raised the question of the housing difficulties. At that time it was felt that this was a very big necessity at the time and some constructive effort would be made by the Ministry of Health to help to solve this problem. Nothing however has been done so far. Today in Delhi you can get anything but a house. You cannot oblige a person by giving him a small room howsoever influential you may be; you can help him in any way but if he wants a corner in some house to put his family you have to ask to be apologized. This is the position. I am therefore obliged to say that in all these respects it is a stereotyped Budget and no imagination seems to have been brought to bear on it by the honourable the Finance Minister. These were the big problems which are facing us and I see no attempt has been made to solve them.

Much has been said by some of the members against the relief measures that have been put forward by the honourable the Finance Minister. In my opinion it would be wrong to attach undue importance to this part of the Budget. As a matter of fact what needs our attention first is the lack of measures which should have been adopted to economise in the expenditure. Today our expenditure on Defence is Rs. 42 lakhs a day. If we could exercise even 10 per cent. economy there we could have easily saved Rs. 15 crores. Similarly, I find and many other members of this House also have already given expression to that view, that in the expenditure on Services there is no attempt to affect any economy. Partition has brought ruin to lakhs and lakhs of people, many sons of the motherland who had already suffered in the cause of the country have now been totally ruined; values in life have thus changed considerably for them. But there is a class which has benefitted by the partition. I wonder if the honourable the Finance Minister has thought of that class. I see today that the S.D.Os. of yesterday are the Deputy Commissioners of today in many Districts; the Deputy Superintendents of Police of yesterday are at once made the Superintendents of Police today, similarly the Under-Secretaries and Assistant Secretaries of yesterday are today the Deputy Secretaries and Joint Secretaries. They have got a big lift merely due to this accident, the tragedy of partition, and have benefitted from it. I do not grudge them the lift which they have got—someone had to fill up the vacancies—somebody's loss is somebody's gain—I would grudge them this if only they were to put their heart in their work and work in the right spirit and help to build up a strong nation and a strong Government. My reports are that in Pakistan the spirit which animates the services is different from what it is here. I admit, Sir, that there are honourable exceptions, I know there are persons among the services who are working very hard, but I must say their number is few and far between, their percentage is very very small. I would request the honourable the Finance Minister to devote his attention to this aspect of the question and though not reduce their present emoluments which they are getting based on the large promotions in their salaries directly due to the partition, we should at least expect them to effect economies otherwise and put in greater work. It is a general complaint that in the Secretariat people have not got enough work to do. The Economic Enquiry Committee which sat for affecting economies has not been able to produce any report and it is not known whether we will have it even next year. What this delay is costing the exchequer is better known to the honourable the Finance Minister than to me.

Coming to Delhi, I feel that Delhi, Ajmer-Merwara and Coorg are the three Provinces.—I would call them unfortunate—which are Centrally administered areas. Cutch and Himachal Pradesh have already been added to this list and perhaps very soon Bhopal will also be included. Sir, I have more than once

emphasised that Delhi provides an excellent opportunity for the different Ministries to give a proof of their efficiency. But I am sorry to say that if I were to review the work of the Ministries in the light of their achievements during the last two years in Delhi, I am afraid I would be exposing myself to the threat of disciplinary action to which the President of the Congress has hinted today.

I might mention that I have already had occasion to refer to the working of the Railway Ministry in Delhi. I told the House how corruption was rampant in Delhi and how the achievement of freedom has made no difference whatsoever in so far as corruption in that department goes. If I were to tell at length what was happening in other Ministries I am sure the House will be shocked. My honourable friend the Food Minister has already come in for good bit of criticism by the House. I would not like therefore to offer as remarks so far as the working of that Ministry goes. It would suffice to say that so far as Delhi is concerned, the honourable Minister has himself admitted that in the Centrally-administered areas nothing tangible has been done to add to the produce or in other words no progress has been made so far in the annual output of cereals etc. As a matter of fact, in Delhi even today gram and fodder are selling at almost the same rate and I cannot think of a greater condemnation of a Government than that fodder, the food for cattle is sold side by side, the food for man at the same rate. This is the position so far as the Food Ministry is concerned.....Sir, I would crave your indulgence for giving me another five minutes as Centrally-administered areas are directly under the Central Government and I would like to refer to other ministries.

Mr. Chairman: If every member goes on taking five minutes extra, there will not be time left for others.

Shri Deshbandhu Gupta: I have not asked for extension so far. You may give me at least one minute for each Ministry.

Coming to Health, I am sorry the honourable the Health Minister is not here, but to give one illustration, may I point out that there was a Municipal Enquiry Committee which went into the question of having a Corporation for Delhi. I believe it submitted its report in the month of May 1948 and it is more than nine months now but the report has not been able to get even the comments of the different Ministries on it. This was a statement made to me by the honourable the Health Minister herself. She told me that the reports have been circulated but no Ministry has found time to offer any criticism of comment on the same so far. It also took about six months to make a reference to the Chief Commissioner's Advisory Council for opinion. I am afraid at this rate Delhi cannot think of having a Corporation even for another year.

Then, Sir, if you were to look at the work done by the Delhi Improvement Trust or by the Health Ministry in the field of medicine etc., I am sorry that there is nothing to complement the Ministry. I can cite examples after examples to show that there has been absolutely no progress. It appears the Ministry has got absolutely no hand in the working of the Delhi Improvement Trust. It goes on the same old way it was going.

In fact things are getting from bad to worse and there is absolutely no improvement in the living conditions of Delhi as result of its efforts. I am offering this criticism not in a spirit of condemnation or criticism, but with a view to bringing it home to the Ministers that they owe a responsibility to this place where they spend most of the twelve months in the year; it is a pity that this place is receiving such scant attention from them.

[Shri Desbandhu Gupta]

If I am allowed to refer to the Education Ministry, I am afraid, the record of its work is even poorer. To quote one example: the Delhi University has made itself notorious by the manner in which manœuvring was done before the Vice-Chancellor's election this time. Things took place behind the *purdah* which would shock anybody if they can see the light of the day. I will take up this question when my cut motion is moved.

Two minutes more, Sir. As regards the Home Ministry, I cannot but compliment the excellent manner in which they have dealt with the R.S.S. question, the Akali menace and the socialist threat of strikes etc. during the last three or four months. There could be no two opinions that the administration has worked admirably so far as these three things were concerned, but I am afraid the same cannot be said about its achievement in the past. I would not like to go into what happened in the past. I would only say that crime has not decreased in Delhi, although the expenditure on the Police has gone up by at least four to five times. Whereas we used to have only two Superintendents of Police formerly we have more than half a dozen today.

I will just conclude, Sir. A word about the Ministry of Industries and Supplies.—

If my honourable friend the Minister for Industries and Supply were to go to Chandni Chowk he will find how the controls imposed by him on the sales of cloth etc. are working. More than 500 shops today are selling unauthorised cloth in the open market and similarly cereals etc. This is how controls and rationing are enforced in Delhi. Outsiders naturally judge the efficiency of the Government and rightly so from Delhi. And they can have but one opinion about it and that is that the Ministers have absolutely no time to devote to this question so far as Delhi is concerned.

The Honourable Dr. Syama Prasad Mookerjee (Minister of Industry and Supply): May I point out that the control of distribution is in the hands of the Delhi Administration and not in the hands of the I. and S. Ministry at all?

Shri Deshbandhu Gupta: That argument will not hold good so far as Delhi is concerned.

The Honourable Dr. Syama Prasad Mookerjee: It does.

Shri Deshbandhu Gupta: Delhi is the direct responsibility of the Central Government.

The Honourable Dr. Syama Prasad Mookherjee: It is not so. It is entirely in the hands of the Local Administration.

Shri Deshbandhu Gupta: Well, let my honourable friend advocate full autonomy for Delhi and I will be the first person to take responsibility for the happenings in Delhi. I hope he would not hesitate to do so?

Mr. Chairman: I am sorry. The honourable member has already exceeded his time.

Shri Deshbandhu Gupta: You will excuse me, Sir. I wish to make just one suggestion—In fact I wish to repeat the suggestion which I had made last time—that there should be some coordinating authority so far as the Centrally Administered Areas are concerned. Today, sometimes it takes more than six months to get a reply from the Government of India. The file goes from Ministry to Ministry and it takes unduly long to take decision. Therefore, I suggest once again that there should either be a separate Ministry for the

Centrally Administered areas or there should be some coordinating authority to which all these Administered Areas may look to. The Centrally Administered areas are increasing in number and there is no attempt whatsoever made to associate public opinion of these areas with the administration. It is high time that Government opens its eyes so far as these things are concerned and look to the real needs and grievances of the people of the Centrally governed areas. With these words Sir, I resume my seat.

प्रोफेसर यश्वन्त राय : माननीय चेअरमैन महोदय इस समय में जबकि संसार की गति तीसरे महा युद्ध की ओर जा रही है, ऐसे समय में जबकि दुनियां में इकोनामिक क्राइसिस (economic crisis) हो रहा है, हमारे माननीय फाईनेन्स (Finance) मिनिस्टर साहब ने एक वेल-बैलेंस्ड (well balanced) बजट पेश किया है इसके लिये मैं उन्हें हार्दिक बधाई देता हूँ। जहां तक लक्जरी गुड्स (luxury goods) के ऊपर उन्होंने ड्यूटी लगाई है, उसका मैं स्वागत करता हूँ। लेकिन जब मैं यह देखता हूँ कि तांगा ड्राइवर्स भी यह कहते सुनाई देते हैं कि क्या हमारी कांग्रेस सरकार का दिवाला निकल गया है, कि उन्होंने कार्ड की कीमत और लिफाफे की कीमत बढ़ा दी है, तो मुझे दुःख होता है। इसके साथ ही जहां पर उन्होंने कपड़े पर और खांड पर भी जो ड्यूटी बढ़ाई है, उसको देख कर मुझे फिर बहुत दुःख होता है। गरीब लोग जो देहात के अन्दर रहते हैं, उन्हें बिल्कुल ही कपड़ा नहीं मिलता है, उन्हें बिल्कुल ही खांड नहीं मिलती है। लेकिन इस ड्यूटी के बढ़ने से तो जो उनकी हालत आज बुरी है वह और भी बुरी हो जायगी। कितने अफसोस की बात है कि जो मजदूर खांड पैदा करता है और जिसकी मेहरबानी से हमें खांड मिलती है उसी को हम खांड खाने का अधिकार नहीं दे रहे हैं। यह कितने दुःख की बात है कि जो काटन ग्री करता है और जिसका कृपा से हम कपड़ा पहनते हैं उसी गरीब मजदूर को हम कपड़े से (वंचित) डिवार (debar) करते हैं। क्या ही अच्छा होता अगर जो नुवसान हुआ है वह बजाय इन ड्यूटियों के और तरीकों से पूरा हो सकता। रिफ्यूजीज पर जो खर्च हो रहा है और जितना पिछले साल में हुआ है वह सारे का सारा बूथा है क्योंकि उनका जितना अच्छा इन्तजाम होना चाहिये था वह नहीं हो रहा है। आज आप कैम्पों की हालत देखें। दूर जाने को जरूरत नहीं है जो दिल्ली का शहर है उसकी फ़्रील के साथ साथ देखें और सड़कों की पटड़ियों पर देखें तो हमें पता चलेगा कि रिफ्यूजीज की कितनी तरबकी हो रही है। जो हमारे रिलीफ और रिहैबिलिटेशन (Rehabilitation) के मिनिस्टर हैं, अगर वह किसी कैम्प का दौरा करने जायें तो उन्हें पता चले कि कैसी दुर्गति हो रही है। मुझे याद है जब पिछले दिनों वह जालन्धर गये थे तो वहां ट्रैफ़िक बंद हो गया था। इससे साफ पता चलता है कि गरीब लोग जो कैम्पों में रहते हैं वह अपनी शिकायतें उनके पास

[प्रोफेसर यशवन्त राय]

नहीं पहुंचा सकते हैं। बल्कि वहां जो रिफ्रूजी कमिशनर होते हैं या अफसर होते हैं वह ही मिनिस्ट्रों के पास पहुंचते हैं और उनको यह पता नहीं होता कि किसको कौसी तकलीफ हो रही है। अगर हमारे मिनिस्टर साहब किसी काम में ध्यान दें और सिर्फ वहां जाने की तकलीफ करें तो उन्हें सारा पता चलेगा। थोड़े ही दिन हुए कैथल कैम्प के रहने वाले शर्णाथी मेरे पास आये, और उन्होंने बताया कि हम कई दिनों से साग खा कर गुजारा कर रहे हैं, हमें अनाज नहीं मिलता है, आटा नहीं मिलता है। जब हम रिफ्रूजीज को बसाने के लिये इतना खर्च करते हैं तो मेरी समझ में नहीं आता है कि आज डेढ़ साल हो गया है, हम अब तक उन्हें बसाने के काबिल क्यों नहीं हुये हैं। अगर हमारा इन्तजाम अच्छा होता और हम उनको बसा सकते, उनके लिये प्राविजन कर सकते, तो एक तो यह जो खर्च है उसकी वचत होती और साथ में जो रिफ्रूजीज काम करते तो उनकी आमदनी से हमें जो टैक्स मिलता उससे हमारी आमदनी बढ़ती।

तीसरा एक और जरिया है जिससे हम खर्च बचा सकते थे। हम जो ड्यूटी कार्ड और लिफाफे पर लगा रहे हैं, और खांड और कपड़े पर लगा रहे हैं उसको इस जरिये से पूरा कर सकते थे। जितना डिफेंस फ़ोरसेज के लिये रुपया खर्च हो रहा है और काश्मीर के अन्दर खर्च हमें बताया जा रहा है वह कम किया जा सकता है। चन्द ही दिन हुये सब आनरेबल मेम्बर्स के पास पैम्फलेट्स पहुंचे होंगे जिससे पता चलता है कि हमने रुपया व्यर्थ खर्च किया है। जो कुछ काश्मीर में एल्विसाइट से पहले हो रहा है वह बताता है, कि वहां क्या होने जा रहा है, तो इतना रुपया हम किस लिये खर्च कर रहे हैं।

माननीय मिनिस्टर साहब न जो बहुत सारे Relief Measures रखे हैं, उनका मैं स्वागत करता हूं, और साथ ही उन्हें बता देना चाहता हूं कि वह एक बात भूल गये हैं पिछले वर्ष श्री मनुस्वामी पिल्लई ने एक रेजोल्यूशन रखवा था कि वह लोग जो कि सब से ज्यादा गरीब हैं, मेरा मतलब हरिजनों से है, उनके लिये आप एक करोड़ रुपया सेंट्रल गवर्नमेंट से मुक़रर करें। इस पर एक और रेजोल्यूशन रखवा गया जो सेठ गोविन्द दास जी ने रखा था उन्होंने यह कहा था कि एक करोड़ रुपये की बजाय Adequate एडिक्वेट अमाउन्ट कर दिया जाय। वह रेजोल्यूशन पास हो गया था लेकिन मुझे अफ़सोस है कि मैं इस बजट में भी देखता हूं कि इसमें भी हरिजनों के लिये कोई प्रोविजन नहीं है। सेंट्रल गवर्नमेंट ने यह प्रोमिज किया हुआ है कि सेंट्रल गवर्नमेंट साढ़े बारह फ़ीसदी (Reservation in

Service) हर एक डिपार्टमेंट के अन्दर हरिजनों, गरीब मजदूरों को देना चाहती है। लेकिन अभी हाल ही में मैंने (questions) क्वेश्चन किये थे हर एक मिनिस्टर से यह सवाल पूछा गया कि उसके (Department) में कितने हरिजन मुलाजम हैं और 12½ फ़ीसदी को वह कब और कैसे पूरा करना चाहते हैं लेकिन मुझे अफ़सोस के साथ कहना पड़ता है कि किसी मिनिस्टर ने इस बात की तरफ़ तबज़्जह नहीं दी है कि वह जो साढ़े बारह फ़ीसदी है वह कब पूरा किया जाय। यहां तो यह मिसाल (example) कायम की जा रही है कि "चैरिटी विगिन्स ऐट होम"। हर एक डिपार्टमेंट के अन्दर मुझे मालूम है कि कोई हरिजन (Scheduled Caste) नहीं है। माननीय मिनिस्ट्रों की तबज़्जह इतनी भी नहीं है कि वह देखें कि उन्होंने इतने हरिजन आदमियों को काम पर लगाना है। हमारे ग्रैजुएट, हमारे एम० ए० बहुत पड़े लिखे लोग भागे भागे फिर रहे हैं। वह समझते हैं कि हमने इतनी तालीम हासिल की लेकिन सब व्यर्थ है। क्योंकि हमारे लिये नौकरी मिलनी चाहिये। गवर्नमेंट का उसूल यह है कि वह सब को बराबर करना चाहती है, वह कहती है कि वह काश्तकार के साथ है, मजदूर के साथ है, गरीब के साथ है, उनके साथ बड़े बड़े वायदे किये जाते हैं। और कहा जाता है कि उन पर बड़ा खर्च हो रहा है सब जगह मजदूरों का रोना रोया जाता है। लेकिन इन हरिजन लोगों की हालत सबसे खराब है। जिन्होंने गांव का दौरा किया है उनको पता है कि यह लोग कितने दबे हुये हैं। अगर गांव में कोई झगड़ा हो जाता है तो इनके ऊपर झूठे मुकदमे बनाये जाते हैं। जब वह फरियाद लेकर थानों में जाते हैं तो वह क्या देखते हैं कि उनकी कम्युनिटी का कोई भी आदमी वहां नहीं है वहां और आदमी बैठे होते हैं जिनका यह उसूल है कि जो अपनी अपील करना चाहता है उसकी उलटी मार खानी पड़ती है और कैद भुगतनी पड़ती है। यह है हरिजनों और गरीबों के साथ इन्साफ़।

इसलिये मैं आपसे प्रार्थना करूंगा कि अगर आप यह चाहते हैं कि सब को सुख और आराम हो और जहां आपने रिलीफ़ मेज़र्स (Relief measures) पेश किये हैं वहां मैं आपसे यह दख्वास्त करूंगा कि आप कोई ऐसा मेज़र भी अख्तियार करें कि जो इस तरह के लोग हैं वह ऊपर उठ सकें और सोसाइटी एक होस के। वरना कम्युनिस्ट लोग उनमें जाकर प्रचार करते हैं कि तुम्हें रोटी नहीं मिलती है, तुमको कपड़ा नहीं मिलता है, तुमको इतना सख्त काम करना पड़ता है। इन बातों से वह गुमराह हो जाते हैं और उनको पीछे लगते हैं और उनकी लीडरशिप में काम करना चाहते हैं आपका फर्ज है कि आप उनको इस तरह गुमराह होने से बचायें।

इसलिये आखिर में मैं ज्यादा बक़्त न लेते हुये इतना अपने फ़ाइनैन्स मिनिस्टर साहब से रिक्वेस्ट करूंगा कि वह इन बातों पर विचार करने की कोशिश करेंगे।

(English translation of the above speech).

Prof. Yaswant Rai (East Punjab: General): At this time when the world is heading towards a third great war, at a time when the world is faced with an economic crisis, our honourable Finance Minister has presented a well-balanced budget, for which I offer him hearty congratulations. As regards the duty he has imposed on luxury goods I welcome it. But, I am pained when I see that even tonga drivers are heard saying, "Has our Congress Government gone bankrupt that they have raised the prices of cards and envelopes?" At the same time it again pains me very much to see the duty on cloth and sugar being raised. The poor people living in villages do not get any cloth at all; they do not get any sugar at all. With this increase in duty their plight, already bad enough, would grow worse. What a pity that from the very labourer, who produces sugar and through whose kindness we get it, we withhold the right to consume it. How regrettable that we deprive of cloth the very same poor labourer who grows cotton and through whose kindness we come to wear cloth. How nice would it have been if the loss that has been caused had been made up by means other than these duties. The expenditure that is being incurred over the refugees and that which has been incurred during the past one year is all futile since as good measures are not being taken in regard to them as should have been taken. Look at the condition of the camps today. There is no need to go far. If we look along the ramparts of the city of Delhi and along the pavements on roads we shall find what is being done for the improvement of the lot of the refugees. If our Relief and Rehabilitation Minister were to go to make a tour of some camps he would find what wretched conditions prevail there. I remember how traffic was stopped in Jullundur when he recently visited that place. This clearly shows that the poor people who live in camps cannot convey their grievances to him. On the other hand, only the Refugee Commissioners or other officers who are on the spot have access to the ministers and they—the ministers—do not know what hardship any particular person is suffering. If our Minister could attend to this side and just take the trouble of going there he would know everything. Only a few days back refugees from the Kaithal Camp came to me and told me that they had been living on *Sag* only, that they could get neither grain nor flour. When we are spending so much with a view to the rehabilitation of the refugees I fail to understand why we have not yet come to be in a position to rehabilitate them during the period of a year and a half that has already passed. Had our arrangements been good and we could rehabilitate them and make provision for them we would, on the one hand, have saved the expenditure that is being incurred while, on the other hand, the tax that would have been levied on the income of the refugees from the work done by them, would have gone to increase our revenues.

There is a third source whereby we could have effected a saving in the expenditure. The money that we propose raising by the levy of a duty on cards and envelopes and sugar and cloth could be raised by this means. The amount that is being spent over the defence forces and the expenditure which, we are told, is being incurred in Kashmir could be reduced. The pamphlets which must have been received by all the honourable members only a few days back reveal that we have spent the money in vain. The things that are taking place in Kashmir before the plebiscite show what is going to happen there. Then what for are we spending so much money?

I welcome the several relief measures which the honourable Minister has proposed. At the same time I want to tell him that he has forgotten one thing. Last year Shri Munishwamy Pillay tabled a resolution that "Rupees one crore be reserved by the Central Government for those people who are the most poor, viz., the Harijan." Upon this another resolution was tabled by Seth Govind

Dasji. He suggested that an adequate amount be substituted for Rupees one crore. That resolution was passed. But I am grieved to find that even in this budget there is no provision for the Harijans. The Central Government have given a promise that they want to give 12-1/2 per cent. reservation in services in each department to Harijans and poor labourers. But only the other day I put questions and enquired from each minister as to how many Harijans were employed in his department and when and by what means did he propose to complete the 12½ per cent., but I am sorry to say that no minister has paid attention to the fact as to when is that twelve per cent. to be completed. This is going to be an example of 'Charity begins at home'. I know there is no scheduled caste in any department. The honourable ministers cannot even give so much attention to this matter as to see that they have to employ so many Harijans. Our graduates, our M.A.s, highly educated people are running from pillar to post. They think that they have acquired all this education in vain unless they get jobs. It is a policy of the Government to equalize all. They say they are with the cultivator, with the labourer, with the poor man. Big and high promises are made with them and it is said that considerable expenditure is made over them. Everywhere their sad tale is told. But the plight of these Harijans is the worst. Those who have toured the country-side know how much suppressed these people are. If there is a quarrel in the village false cases are trumped up against them. When they take their complaint to a police station they find that there is no man belonging to their community there. There are other people sitting there whose principle is that anyone who wants to present his appeal has, on the reverse, to undergo beating and suffer imprisonment. This is the kind of justice meted out to the Harijans and the poor.

Hence I would appeal to you that if you want that everybody should be happy and comfortable you should, among other relief measures that you have brought forward, adopt some such measure whereby the status of the people of that category could also be raised and society could be equalized. When this is not done the Communists go and preach amongst them, saying, 'You get no bread, you get no cloth, you have to work so hard.' They are misled by this talk, follow them, and are inclined to work under their leadership. It is your duty to save them from being misled like this.

Not taking any more time I would, in the end make a request to the honourable the Minister of Finance that he might try to give these matters his consideration.

Shri S. M. Ghose (West Bengal: General): I should like to confine my general discussion on this budget only to a few observations, not in connection with the working of any particular Ministry, but relating to the underlying principles of the budget as a whole.

Every one of us knows, and it has been expressed by almost every honourable member that the problem of the common man today is the problem of food and cloth. There is another aspect of national problem about which we should not remain unmindful, and that is, how to make our nation great, how to make our people conscious about the role that India shall have to play in world affairs, and also to remember the great teachings of Swami Vivekananda, Aurobinda and other great leaders of India, who taught us that India has a message to the world and that India has a mission to fulfil.

Now, after achieving our independence, when we are balancing our budget and at the same time trying to remain conscious about our future role, when we are trying to meet the needs of the common man, we are confronted with one thing and it is this: how best we can create facilities for the common man to earn his living and contribute his mite to building up the future India, which was the dream of our great leaders of the past. We know and most of us have

[Shri S. M. Ghose]

expressed that opinion also that without making a great effort to develop our industries, we cannot even touch the problem. How to stimulate the industries? Many of us at first thought that without nationalising industries, without having a complete programme of socialism, our problem cannot be solved. Many of us believed also that when we had achieved our independence, when the Congress was in power, a serious attempt would be made to have a complete programme of nationalisation and socialism. But, I am sorry, Sir, and I regret to say, that our effort has only produced confusion.

Now, having failed in that direction, having our eye on the present day need of the common man, as well as the failure to induce our industrialists or capitalists to co-operate with us, I do not see why we should not sympathise with our honourable Finance Minister for the way in which he has tried to approach the problem; not that he had not in his mind the problem of the common man, not that he does not know how to nationalise or bring in socialism; but as he has already said in his speech also, the international and national set up in which we function today compels us to take up this course of compromise.

Having said that, now, I come to the question of refugees, especially the problem of the refugees from East Bengal. There are two aspects of that problem: one is of those who have come to the Indian Union, how to rehabilitate them; and the other is of those who are still in East Bengal in a sense of insecurity, trying every day to come out. And by coming out from East Bengal, they will no doubt add to the difficulties of our Government for rehabilitating those who have already come.

In this connection I would like to point out that those now living in East Bengal, their number is more than a crore. Although they are citizens of another State, we cannot remain quite unconcerned about them because I feel strongly that it is the concern of our Indian State and it is a first class problem for us. Sir, if those little over a crore of people are forced to come out from East Pakistan to India, I don't know how far and how long this newly born State of ours will be able to bear such strain and burden. Therefore although they are living in a different State, I consider that it is a great problem of ours too. We shall have to think not only in terms of how to rehabilitate these 15 to 16 lakhs of people who have come but also to find out some means by which we can create a sense of security in the minds of those who are still living in Eastern Bengal. Sir, in this connection my submission is that a Security Insurance Corporation may be set up with the participation of both Governments which might look after the security of the minorities in East Bengal as well as in West Bengal if they so desire. The value of life and property of those living in East Bengal may be registered and some sort of insurance certificate may be issued against any damage done by communal aggression.

Then the condition of the Hindus in East Bengal has so much deteriorated that something should be done by a joint move of both Governments to improve their economic condition. I submit another suggestion for the middle-class Hindus, i.e., those who are living in East Bengal to give some hope in their minds. Being full fledged citizens of East Bengal, they may be entitled for service in both the Bengals. The right to contest election of local bodies also may be given to the minorities of both the Bengals. It can be done if a new restricted citizenship is created so far as Bengal is concerned. So far as rehabilitation of those who have come is concerned, the problem is such and the grievances of everybody interested are so enormous that unless Government is determined to rehabilitate these people immediately, something very grave at any time may happen. The problem of rehabilitation as I have seen so far as West Bengal is concerned, they proceed on a certain line on the understanding

that the Central Government will help then after a few months when they have accumulated all the facts and collected materials but suddenly they are told from the Centre that they are to proceed entirely on a new basis. I am giving only one instance. At first it was given to understand that loans will be given to individual refugees and on that basis several thousand applications were received, examined and a few hundreds selected. Suddenly after 3 or 4 months when those applications were selected, a circular went there from the Centre that loans should not be given to individuals but only through Co-operative Societies and the refugees should be asked to form Co-operative Societies. Sir, in this way I don't know why the Central Government should allow such huge wastage of public money as well as the services of our Government officials. If Central Government had a plan not to give loans to individuals that ought to have been made known to Provincial Government from the very beginning instead of asking them to prepare lists for individual loans. Then the camps should immediately be abolished and the people should be rehabilitated. Another complaint of Bengal against the Central Government is regarding the allocation of income tax and jute duty. I am reading from the speech of the Finance Minister of West Bengal:

"In spite of our representation, the Government of India has decided that till 31st March 1950 :-

(1) the Government of West Bengal will receive only 12 per cent of the total provincial share of income-tax as against 20 % allowed to Bengal under the Niemeyer Award, and

(2) the share of jute duty allocable to the provinces will be reduced from 62½ per cent. awarded by Niemeyer to 20 % only of the net proceeds and that the total provincial share will be distributed among the jute growing provinces in proportion to the amount of jute grown in each province".

Then the Finance Minister says:

"I regret to have to say that on questions like these the Government of West Bengal has a feeling that its case does not receive adequate attention in Delhi".

I would like to draw the attention of the Finance Minister to this question.

Then before I resume my seat I would have been glad if there was some provision made in this Budget as token grants to the services rendered by the Rama Krishna Mission and Sri Arambindo Mission in spreading our culture outside India throughout the World and enhancing our prestige also. I would have been very much glad if there was some provision made in this Budget as token grants to these institutions. With these remarks, I resume my seat.

Maulana Hasrat Mohani (U.P.: General): Sir, may I point out that the time is up for this discussion, and we should start the other business.....

Mr. Chairman: I know when the time is up.

Shri Radhavallabh Vijaivergiya (Madhya Bharat): One aspect of the budget which has given satisfaction to many of us who come from the States is that in matters of finance and economy of the country, the States are also coming on the same level as other provinces, and our central budget is really becoming the budget for the whole India. And to-day the representatives from nearly all the States are here in the House and taking their due and active part in the deliberations of the House and the people of the States are sharing the responsibilities and the advantages like their brothers and sisters of the Provinces.

The States, with a few exceptions, have been neglected so far. There are vast possibilities in the States, awaiting development, say in the matter of land reclamation, irrigation, etc. so that our food production which is so very short of our requirements, may be increased. Besides these, there are possibilities in the States for commercial and industrial development, and also in connection with our forests and mineral products. I would invite the attention of the various ministries here to give special attention to these areas in the States where there are such vast possibilities for different kinds of development.

1152

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [5TH MARCH 1949]

[Shri Radhavallabh Vijaivergiya]

In this connection I would like to refer to the wonderful, almost miraculous work which our Deputy Prime Minister has done in such a short time, in bringing about the integration and consolidation of about 600 Indian States. I might also here make mention of the fact that things are not all well in the different Unions. Of course the reason for that is that the process of integration is going on and interim arrangements are being carried on there, and so in the changes that are being brought about, the people of the States, especially those of small States are facing great inconveniences and hardships. Therefore I would request the State Ministry to arrange for a proper machinery to give more attention to the grievances of the people in the small States.

Sir, coming to the budget proper, it is true—and we cannot deny it—that it is very difficult within two years of our independence to form or bring out our budget of finances and economy on a sound basis. Especially so when our country has been under foreign rule for the past two hundred years, and that foreign rule has left the evils behind, of a foreign economy. There were also the difficulties caused by the effects of the war. There were also the disturbances which followed Independence. But still, I would like to ask whether this is the best budget that we could have had. Could we not have had a better one? I feel we could have had a better one, even under the present difficult circumstances. Sir, the common man, the masses of our people measure your budget in terms of food, cloth and fuel, and if they find that their difficulties in these matters are decreased, or increased, they form their opinion of your budget accordingly. If we look at the budget in that light, we find that the prices of commodities have been on the increase. For instance, in February 1947, the price index of food was 290.6, in February 1948, it was 343.5 and the present index for February 1949 is 384. Similarly about the price index for textile products. For February 1947 the figure is 312, for February 1948, it was 374 and for February 1949 it is 381. The general price index in February 1947 was 292.2, for February 1948 it was 342.8 and for February 1949 the figure is 370.5. Therefore, for the common man, things have been becoming worse and worse, and this budget has not evoked any enthusiasm or support from the common people.

The big business in our country is well-organised, they have all the necessary resources to make their influence felt on the intellectual people of India and also on the Government. And therefore they have succeeded in obtaining several reliefs. The honourable the Finance Minister has given relief to the extent of over Rs. 6 crores to big business in his budget proposals, just to gain their confidence, the confidence of the business community and to provide incentive for investment and production. But what about gaining the confidence of the common people? After all, it is the common people who are going to count and we cannot ignore the grave dissatisfaction that is present in the common people on account of the difficulties they have to experience at the present day. After all the real asset, the real strength of the country are the millions of our nationals, and if they are happy, if they are good and if they are strong, and united, then our country too and its finances are strong and our freedom will become stronger and stronger, and we will move on the right path. But if these people lose confidence in the Government, or if difficulties are increased day by day, and if there is discontent among them, then we cannot progress far. We cannot move far. After all their support is the main thing. This morning my friend Mr. Modi emphasised that the Government had great strength because the whole country was with them, and that the millions of our countrymen were with them. It is true the country is with the Government. But it is not with the Government to benefit the big business and the capitalists. The country is with the Government to strengthen the whole country and raise the standard of life of the people. Sir, our

civil expenditure has been increasing, and we must call a halt somewhere. In the revised estimates for 1948-49, there has been an increase of 48 crores in the civil expenditure. How long are we going to increase this expenditure? And as the cost has gone up, has the efficiency increased? No. It is clear and I think that is the general consensus of opinion that the efficiency of the administration and of the civil service has not increased. Many high officials here and responsible people inform me that there is favouritism in most of the Departments. What happens is, when one officer becomes in charge, he to entrench himself brings in his friends and tries to create new posts and further brings in more and more of his own people. Also in the appointments, what happens in the Public Service Commission is this. Appointments are made beforehand and after a few months when the matter goes to the Public Service Commission, the same appointments are approved, because one of the Secretaries of the Department is there sitting on the Public Service Commission, while making the decision. Therefore efficiency has not increased. We must aim at increasing efficiency. We must also give relief to the common people. Last year we gave some relief to big business, and this year, again we have given them further relief, at the cost of the poor people. The price index of all the necessities of life has been increasing, and we have now raised the duty on even coarse cloth and sugar and on articles of transport. Similarly, we have increased the postal rates on postcards and envelopes. Who are going to get the advantages of these postcards and envelopes which are now to be sent by air to different parts of India. It is clear that the big business is going to benefit from this arrangement at the cost of the poor people. For instance I come from the States. I know that in the States the ordinary means of communication are not even well developed, leave alone air communications. When there are not even proper systems of roads and railways, what benefit are those people going to derive—those 9 crores of people—from this movement of letters and postcards by air? It is clear that the whole thing is that big business is going to benefit at the cost of the ordinary people.

Then, Sir, the matter of abolition of the Capital Gains Tax is a very serious matter and it is fraught with serious consequences—perhaps dangerous consequences. For if this taxation is removed, then many industries will re-capitalise their plant and later on if nationalization takes place the nation will have to pay very high costs, or they will derive benefits in other ways in the depreciation value that they will be allowed and by way of dividends. Therefore, I strongly oppose the abolition of the Capital Gains Tax.

Similarly, in the Capital Budget, we have to be very careful. In 1948 we had 274 crores as balance and at the end of the next financial year, that is March 1950 our cash balances will be Rs. 58 crores. This is quite a serious matter.

Similarly, we have to organise our export trade also on a better and sounder basis. As our honourable the Finance Minister pointed out we are finding great difficulties and having deficits in hard currency.

Similarly this matter of food: we are very short of food and yearly we are increasing our import of food and spending more money on them. We have imported 150 crores worth of food from foreign countries and we have spent nearly Rs. 32 crores on subsidies in these food matters, this year. The Ministry of Agriculture is carrying on a Grow More Food Campaign. There is a lot of pamphleteering but real work is not so much as perhaps could have been done. So, what should be done is that these Grow More Food campaigns should be organized on sounder basis and there must be a plan drawn up—a short-term plan and a long-term plan—and effectively implemented and the required machinery reformed in the Centre and in all the provinces: there should be very strict supervision over each province and State to see that the programme is being carried out according to Schedule.

[Shri Radhavallabh Vijaivergiya]

In the end I would merely say that to go forward we must mobilize the nation for freedom: we must gain the full support of the nation. There is great dissatisfaction all round and if we are to succeed, if we are to reap the fruits of freedom, the nation must be mobilized. The nation must feel the glow and blessings of freedom and the common man should feel enthusiastic in the budgets and in the freedom of the country. Therefore, we must organise our budget and our finances in such a way that the common man gets the greatest benefit and the greatest relief possible in matters of taxation, and the price index and the cost of living come down and inflation is checked as early as possible.

Mr. Tajamul Husain (Bihar: Muslim): I was going to make a complaint to you before I had begun my complaint against the honourable the Finance Minister. But since you have very kindly allowed me to speak I think I had better not make that complaint.

Mr. Chairman: I may point out that the honourable member has only ten minutes.

Mr. Tajamul Husain: Everything will finish in time. I will not be long. I think I will make my complaint. My complaint is to you. I do not care how long it takes but it is for future guidance and not for the present only.

This Budget belongs to the Congress Government: it belongs to the Congress Party: it belongs to every honourable member of the Congress Party. Every member of the Congress Party is equally responsible for the Budget. I am not in the Congress Party. I find that more time has been given to the members of the Congress Party than to those who are not in their party. Since this morning I have been trying to catch your eye and I have not been able to. But I am grateful that at last

Pandit Thakur Das Bhargava (East Punjab: General): Many other honourable members have spoken who are not in the Congress Party.

Mr. Tajamul Husain: I say that more chances have been given to them than to those who are not in the Congress Party.

Honourable Members: In proportion to their representation in the House!

Mr. Tajamul Husain: Now I will begin my budget speech.

Mr. Chairman: The honourable member has already taken three minutes in his introductory remarks. He is left with only seven minutes more.

Mr. Tajamul Husain: There is an universal cry. What is that cry? The universal cry is to reduce the poor man's burden. Everybody says: reduce the poor man's burden. Whether this universal cry is wrong or right is not the point now. The only point before us is whether the honourable the Finance Minister is going to listen to the universal cry of the poor people or not. I have not the least doubt that the budget has many good points. I say this in spite of the fact that every member of your party has been condemning it. I say that there are many good points in the budget. In fact I am prepared to say that the budget is a good one. But I am not going to speak on the good points of the budget. Those points are obvious. I will mention only a few points which in my opinion are bad. I have just now said that there is a universal cry that the poor man's burden must be reduced..... ("An honourable Member: "That is a good point!") If the Chairman allows me time I will mention all the good points. A tax on luxuries undoubtedly is a

good thing but there are certain things which have been treated as luxuries although in fact they are not luxuries. Take the case of sugar. Sugar is a thing which everybody takes and which people cannot help taking. You are really taking a thing which is not a luxury but a necessity. It will affect both the poor and the rich but the rich will not feel the few extra pies which they have to pay for sugar whereas the poor will be affected by it.

As regards petrol it is now more a necessity in certain matters than a luxury. The poor man uses the motor transport and if the duty on petrol is going to be increased the poor man will be affected. The honourable the Finance Minister has proposed that as regards petrol used for aviation the tax will not be increased but decreased. Who goes by air? Not the poor people but the rich. So you have given benefit to a certain extent to the rich people. I would suggest that the duty on petrol for aviation should be increased and the duty on petrol for buses and transport meant for the poor should be decreased.

As regards cloth, as a result of the taxation the price will go up and the poor will feel it, though not the rich.

Other honourable members have dealt with postcards and letters. Because this is a poor man's necessity I would also like to say a few words on it. One consolation is that letters will in future go by air as it is possible and then take the ordinary route. In the villages and in the interior of the country there are no air services and so how does this benefit the poor man in the villages. If a poor villager writes a letter from Delhi to Tundla it cannot go by air. It won't go to Cawnpore by air and then back to Tundla. So this is of no benefit to the poor at all. The Finance Minister expects 2.85 crores from this increase. He has given a relief of two crores to the supertax-payers. It means that he takes money from the poor and gives it to the rich. Therefore I will just make a few suggestions. Let there be no increase in postage. Let the postcards and letters go as previously by train but increase the postage on air mail letters. In this way the poor man will not be affected at all.

As regards the exports which we send outside we have received complaints that they are of inferior quality and the imports are so expensive that the poor man cannot afford to buy them. So in this way the poor are affected.

The Honourable Dr. John Matthai (Minister of Finance): Sir, I have no doubt that the House is relieved that this long debate has at last come to an end. It is a relief which, I confess, I share. It has been in many ways an interesting, informative and revealing debate, and I have greatly benefited by this debate. We are in many ways a new and an untried democracy and I think a debate like this, covering the whole range of our national administration, has revealed, if I may say so, all the known characteristics of a young democracy. We have a great sense of idealism and a keen ambition to realise those ideals but we are still somewhat at a loss to understand the problems and the precise difficulties with which we are faced.

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

We are getting increasingly impatient with the earth and all that is in the earth. We would like to find our way to Heaven but we have not as yet been able to find it. For the moment I am speaking both of myself and of every member of the House—we are for the moment floundering in space not knowing where to locate ourselves.

I had the rather difficult and unpleasant task of formulating the budget this year. I wonder if in recent years there has been a year when the economic and financial circumstances of the country have been more difficult to assess or to estimate and to provide for. We have prepared

[Dr. John Matthai]

a great many unorthodox budgets in recent years. May I begin with the Budget of 1946, the Budget which was introduced by the last Finance Minister of the unreformed Government. That was a curious budget. That budget was framed with the main idea of providing influences which would counter the inevitable deflation which was expected to arise after the war. When war expenditure had ceased it was feared widely that there might be a lessening of demand for things and therefore it was necessary to pump more and more money into circulation to stimulate demand. So the last Finance Minister of the old Government tried to remove all the taxes which he could possibly eliminate from the tax structure of the country. But the result was that at that time capital goods were not available and difficulties of one kind or another stood in the way of increasing production and the money which was released by the elimination of taxes was used for purposes which had very little to do with production. What happened then was an unhealthy boom in the share market. That continued almost until August or September 1946. Now that date August or September 1946 is a very important date constituting a landmark in the recent financial history of our country. Honourable members will remember that it was in August 1946 that the great communal massacre occurred in Calcutta and it was about that time that a sharp reaction was experienced against the boom that inevitably started with the release of more and more money into circulation as the result of the budget of 1946. That was accentuated by the further communal massacres that took place later in the year. Then in February 1947 came the budget of the Coalition Government, for which Mr. Liaquat Ali Khan was responsible. That budget was framed against an inflationary prospect as Sir Archibald Rowland's budget was framed against a deflationary prospect. The Budget of 1947 was based on the assumption that there was far too much money in the country, that commodities were going up, the inflationary position was worse than ever, the share markets were experiencing an unwholesome boom and it was thought necessary that the process should be reversed. Therefore new taxes and heavy taxes were imposed, the very reverse of the process which found expression in the Budget of 1946. The budgets of 1946 and 1947 were both unorthodox budgets, sensational budgets, and the country has not yet recovered from the cumulative effect of two unorthodox budgets. When the Prime Minister did me the honour of asking me to take charge of the Ministry of Finance under the very difficult circumstances which were developing in the country last October I say to myself, knowing the difficulties and the complications that had resulted from sensational budgets, that as far as in me lay I would produce an orthodox, routine, straightforward budget. This unfortunate country has been knocked about for two years in many ways. What it needs today is a little rest, a little room for recuperation, for convalescence. The period will not be long, but that period is essential if the country is to get back its health. Sir, there is nothing sensational in my budget. It is a straightforward statement of the country's financial position.

We are faced with extraordinary expenses. I have been told more than once that the Government of India have shown very little inclination to implement the oft-expressed desire of the House to effect economy in public expenditure. In fact I think one of the most constant notes which have been struck in the course of this debate is that this Government of which on the financial side I happen to be the responsible spokesman have shown a callous disregard of the anxiety felt by the House and the country in the matter of economy in public expenditure. If the House will be patient with me I should like to tell honourable members that as far as the Economy Committee is concerned there is nothing which I said in the budget or which I left unsaid in the

budget which provides any kind of foundation for the suspicion that we are not going to take the most serious notice of the recommendations which have been made to us by the Economy Committee. The reason why I have not made any definite provision in the Budget for 1949-50 is that we did make a hypothetical provision in the budget of 1948-49 but due to circumstances over which we had little control that hypothetical provision could not be implemented. As far as I was concerned the position in which I found myself was that the Committee had not completed its investigation—a few interim Reports had come—but the final Report which is to set out the general principles and the main considerations on which the recommendations are based is yet to come. And these interim Reports which have come in—valuable Reports—are Reports which give the recommendations more or less in the form of summary proposals, more or less in the form of small cause court decisions. Unless I know precisely the general considerations which govern the outlook of this Committee it is not possible for me to formulate definite serviceable conclusions on these recommendations. Further, as Minister of Finance I am primarily responsible for seeing that every possible measure of economy is adopted. But I have got to consult other Ministries with reference to whom these recommendations have been made, and if I am not in possession of the general considerations on which these recommendations are based, however anxious I might be to introduce economy it would not be possible for me to maintain my stand in the necessary discussions that arise between my Ministry and the other Ministries. I found myself therefore in this position that however anxious I was for economy, however anxious my Government was for economy, I was not in a position to put in the budget a figure which I would be able exactly to implement. Rather than put a hypothetical figure I said to myself I would take the House into my confidence and say I am not in a position to do it but I give my solemn assurance to the House that whatever recommendations are made by the Economy Committee would be recommendations which would receive my most earnest attention.

Shri T. A. Ramalingam Chettiar (Madras: General): The whole of the gap that exists need not be covered. Something may be left over for the economies that are likely to be effected by implementing those recommendations.

The Honourable Dr. John Matthai: That does not improve the position as I have set out. The real point to which I would like to invite the attention of the House is this. Honourable members in the course of their speeches have more than once referred to this fact. The items of expenditure under which substantial economies can be effected are not the items of expenditure covered by the reference to the Economy Committee. There is for example our defence expenditure. There is our expenditure on food subsidies. There is our expenditure on the relief and the rehabilitation of displaced persons. I for one would venture to prophesy that at any rate a very substantial part of these special temporary expenses could probably be eliminated before the year 1949-50 is out if for example the Rs. 35 or 40 crores which represents in the budget of 1949-50 the excess of the defence expenditure due to special developments such as Kashmir—if a substantial part of that—could be eliminated. If developments take place in Kashmir as we anticipate, if as the result of exercising a little more pressure on the procurement policy of the Provincial Governments, if as a result of improving our production schemes aimed at immediate production of food, if as a result of a fall in the level of international prices of foodgrains, if the monsoon is going to be a little less unkind to us in the coming year than it has been in the past few years. It is quite possible that under the expenditure on food subsidies we might be able to make a substantial reduction. As regards the work on displaced persons

[Dr. John Matthai]

we are trying as soon as possible to transform the work done in that Ministry from relief to rehabilitation. If that transformation takes place—part of it is completed—then the expenditure, once it gets transformed from relief to rehabilitation, will cease to be revenue expenditure and will become capital expenditure and in the revenue budget therefore there might be some substantial relief. As far as I am concerned if I happen to be in charge of this Ministry this time next year my anxiety would be during the twelve months between now and then to strengthen the forces which are likely to give me economies in these three substantial spheres of expenditure. If that happens—it is a dangerous thing for a Finance Minister to forecast—but subject to this qualification that no untoward developments occur, if for example we are not faced with another war situation, if we are not going to be faced with another general international economic depression I would venture to make this forecast that when the time comes for this House to consider the budget for 1950-51 our finances would be definitely more comfortable than they are today. Well, if we are so favoured, if it happens that the budget shows a substantial surplus next year as I hope it may, then it is possible for us to use that in two directions both of which are directions which the House favours, we might be able to provide for substantial tax relief on the one hand and we might be able to contribute much more than we have done since we assumed office for the development of those essential nation-building activities on which honourable members have set their heart and on which Government is as keen as any Honourable Member in this House. I hope, Sir, things will develop as we anticipate. If they do, then I venture to think that the year through which we are going to pass in the next twelve months will probably prove the most critical period in our financial history since the country became independent.

A great deal has been said in the course of the debate on the problem of inflation. Inflation, as the House recognises, is a question of the supply of money on the one side and goods and services on the other. I think several honourable members expressed the fear that not enough has been done in the way of drawing away super-abundant supply of money from circulation. I would like to tell the House quite briefly what, in my opinion, is the present money position in the country from the point of view of inflation. If you think that the quantity of money which is operating in our economic system today is to be measured exactly by the amount of currency notes in circulation and the amount of bank deposits you will be very much mistaken. That gives you no indication of the effective money supply of the country today because, remember, a good deal of this money that is represented by the figures of money circulation and bank deposits has gone underground, is dormant, is not in circulation. There is a good deal of that money which has been hoarded because it has passed into the hands of people who are not used to investment and, therefore, for effective purposes that money does not function. There is a very considerable part of that money which is locked up as working capital in larger quantities of stocks than before because the whole process of distribution and transport is now slower than it used to be before the war. In other words, what I am trying to point out is that the pace at which money turns over is very much less than it used to be before. Therefore, my first proposition is that the amount of superfluous money in the country is much less than we are apt to imagine.

Now I come to my second proposition which is this. What money there is in circulation, relatively little of it is going into the investment market because when it comes to industrial investment the whole trend of opinion among investors for some time has been that industrial investment is a matter

which is attended with special and serious risks. So money avoids the industrial investment market. On the other hand that money is being drained off in increasing quantities into investments in purchase and sale of readily marketable commodities which involves no risks. When that happens, the inevitable result is that all these consumer goods, the prices of which determine our cost of living, are going to be in demand much more. That is the position that we are seeing today. On the one hand you have got a sharp rise in prices of consumer goods, and a large amount of surplus money is floating about. On the other hand, there is extreme stringency of money in the money market. That is the kind of conundrum with which we are faced, and I tell the House with every sense of responsibility that the real problem before us—if we are convinced that production is the final answer to the problem of inflation—the real problem before us is to reverse this process and gradually divert the money from the market for consumer goods back into the investment market. If there is any general principle behind by budget, it is that. I feel there is no other solution for the problem of inflation except increased production and unless you can divert this money in increasing quantities back into the investment market, you are not going to find a solution for it.

As the result of the partition, this country's economy has suffered much more grievously than many of us have yet begun to appreciate. There is hardly an aspect of the economy of our country on which partition has not reacted directly and adversely. Take for example the question of transport. My honourable colleague the Minister for Transport will tell you more than 50 per cent. of the troubles of our railway transport is due to partition. My honourable friend the Minister for Commerce will tell you the whole trade structure of the country has been disorganised as the result of partition. My honourable colleague the Minister for Food will tell you that if our food position has been so acute as it is today it is due in a very large measure to the partition. And as Minister for Finance I know that if our foreign exchange position today is so difficult it is to a very large extent due to partition. If our Defence expenditure is so high today it is due to a large extent to partition. If I have met large bills on account of pre-partition liabilities, what is it again but partition? What the House has got to realise is this, that as a result of the various circumstances that started occurring from August 1946, the country has got into a position today where its economic structure has been most seriously damaged. The result of the damage that has occurred to our economic structure is that the wheels of production now have come almost to a standstill. I feel today, both as Minister of Finance and as a student of economics, that the most urgent problem before me is to set the wheels of production moving again. I am not interested today in what the future organisation of our economic society is going to be—that problem will arise in the future, there will be enough time to consider it. Today I am concerned with this problem: here is this whole economic machinery of ours going to pieces; I want to piece them together and make the wheels of our economic machinery move again.

That is the great problem before us and that brings us to this question that we are all agitated about and to which we are giving, in my opinion, more thought and time, than the problem at present deserves. Are we going to nationalise our industries, or are we going to leave our industries to private enterprise? My answer to the question is this. So stagnant today is the whole of our economic system that we need all the resources which are available in the country, whether public or private; all the resources which we can muster in the country we need every bit of them for making the productive system of the country function again in the way it ought to.

[Dr. John Matthai]

In framing this Budget, I have felt that one thing that is necessary is that those who are prepared to consider investment in industrial concerns; those who are prepared to devote their energy and ability to organising industries in the capacity of entrepreneurs, both these groups of people have got to be given a sense of assurance and certainty about the immediate future. Without that sense of certainty, neither of these classes can be brought back into work in the way in which they ought to be. Whether we are going to keep it there after ten years or not, that is a question with which we are not concerned for the moment. What we are concerned with today is that these two classes of people, the enterprisers and the investors, must be made to come back into the field where their services are so urgently required. If the State's resources—resources of finance and personnel—are adequate, the State will certainly take up industries and do its part in this business of developing production, but the State's resources are limited and therefore every available resource in this country must be mustered if this country is to be saved from economic stagnation. That, Sir, is the basis of my Budget.

I have given very little by way of encouragement to investors and enterprisers. What I have done is to give tangible evidence of Government's desire to assure them as regards the immediate future that if they put their ability into this business of production, if they put their money into this business of production, Government will see to it that their interests are legitimately safeguarded and I think every community, every section, of the country which plays its part in the development of the country's economic activity has a right to that assurance, and I do not apologise to anybody for giving this little tangible proof of the assurance that they need and need so badly. On that point, therefore, I am fairly confident that there is no criticism that can be urged against me which I cannot meet with reason. (An Honourable Member: What about the capital gains tax?) I am coming to that. I am coming to a number of other things. Now having said that, Sir, I want to echo and endorse what Mr. Homi Modi said this morning. I have framed this Budget, put it forward before the country, deliberately as a challenge to the business community of the country. It is a Budget which calls upon them to rise to a great and important occasion. If they do not do so, I think they will be held guilty of a serious lapse at the bar of public opinion in the country. We have gone as far as we could in the very difficult financial circumstances in which we are placed. We have gone as far as we could to give them that assurance for which they have been asking. They have been complaining that what stands in the way of production is loss of confidence. We have given them this assurance and if this assurance does not give them the confidence that they have asked for, there must be something fundamentally wrong with the business community as a whole.

Maulana Hasrat Mohani: You justify it in giving this assurance.

The Honourable Dr. John Matthai: Now, I come to the various tax proposals which have been the subject of criticism in the House. With regard to the capital gains tax, the point was made—and it is quite an effective point that with all this liberalisation that we have made in the depreciation allowances, there is just a possibility of these allowances being abused for the purpose of sales of depreciated machinery at higher values and the excess value escaping liability to taxation. That is a point which I have seriously under consideration and I am hoping at an early date to place legislative proposals before the House which will provide sufficient safeguards against that abuse.

Now, I come to the question of post cards. In fact, I find that of all the proposals embodied in my Budget, that is the proposal which seems to have attracted the most interested attention. I would like to place a few plain, straightforward facts before the House and ask the House to judge these facts for what they are worth. First of all, my honourable colleague the Minister for Communications has given me a statistical statement which leaves me at any rate in no doubt as regards the fact that the existing cost of production of post cards—the manufacture of the cards and the handling of the cards—is exactly 8.2 pies, so that even if there was no question of transporting these by air the very fact that the cost is 8.2 pies provides, a *prima facie* justification for the proposal to which the House has raised such very strong objections. Sir, in many ways our sister Dominion has set us an example in economic matters. They still have a charge of 9 pies for their post cards. The House will remember that for about fifteen years on end, until February 1946, our post cards were priced 9 pies. If you take the rates for post cards in other countries such as the U.K. making the fullest possible allowance in the difference in levels of national income, 9 pies is as low a figure as you can strike. (Shri H. V. Kamath:) "Not in India, Sir" I am not for a moment suggesting that the House must necessarily come to a conclusion on these figures, but I do submit to the House that these figures constitute at least a *prima facie* justification for the proposal that has been put forward.

Babu Ramnarayan Singh (Bihar: General): No.

Pandit Hirday Nath Kunzru (U.P.: General): You did not give that justification in your Budget speech.

The Honourable Dr. John Matthai: Well, I was looking forward to a general discussion of the Budget, a general discussion which has given me precisely the opportunity that I wanted for explaining matters in which the House is interested.

There is another point which I would like to place before the House. I did a certain amount of statistical calculations myself, and I took the total of post cards which were delivered in the course of the last latest year for which I have figures. Then, I took the proportion of the literate population of the country. I divided one by the other and then multiplied it by 3 pies and then the figure that I got was an average extra expenditure of exactly 3½ annas a year. Now that is divided by the literate population, but supposing I divide it by the whole population or a substantial proportion of the population including the illiterates, it would be considerable less than 3½ annas. I put these facts before the House and honourable members will no doubt turn these facts over in their mind.

I come to this question of the excise duty on coarse cloth. The House will accept my assurance that it was with the greatest diffidence that I finally decided to recommend the duty on coarse and medium cloth to the Government. I had various reasons in my mind for making this proposal, however reluctant I was to face the proposal. The loss of the salt duty has undoubtedly been a strain on our revenue position. To my mind, it is quite out of the question to bring back the salt duty. Apart from everything else, it has a symbolic significance which we of this generation cannot afford to ignore. But I do think from an economic point of view, there is more to be said, if the principle of an excise duty on an article of universal consumption is accepted, an excise duty on cloth than an excise duty on salt. I will tell you what the reason is. It is not an original reason, because the abolition of salt duty was decided up on two years ago when I had the honour of filling the post of Finance Member in

[Dr. John Matthai]

the Interim Government. I came to that decision after a great deal of wavering in my mind. Mahatma Gandhi did me the honour of asking me to meet him and I had several long discussions with him. Although on purely economic grounds I was very reluctant to accept the proposal for the abolition of the duty, I can still remember looking back over these two years, ultimately I decided that he was right and I was wrong and I accepted the proposal. When I placed my proposal before the Cabinet for acceptance by the Government, I had no kind of mental reservation.

The difference between the excise duty on cloth and the excise duty on salt is this. However wealthy you might be, however large your financial resources may be, or your purchasing power may be, you do not consume more than a limited quantity of salt fixed by your physical requirements. But if you had an increasing amount of purchasing power available, you can buy more cloth. In other words, salt stands practically on the same footing as air and water. It is one of the essential things of life, on which to levy a tax, I think goes counter to the principles of humanity on which any modern State is based. May I give the House this somewhat interesting fact—at any rate, it interested me when I was considering this matter. If you take the excise duty at the rate we have proposed, on coarse and medium cloth, a quarter anna per yard, the average incidence of it per year is less than half the average incidence per head of the salt duty. I ask the House to consider with me, if you are prepared to allow that there is justification for an excise duty on an article of universal consumption, whether there is not a *prima facie* case for considering this.

I had also another idea in my mind when I was examining this proposal; I referred to it in my budget speech. The hand-loom industry in this country if the premier cottage industry and I for one believe that whatever kind of economic organisation may ultimately arise in this country, cottage industry must fill an important place, and typical of the cottage industries of the country is the hand-loom industry. The hand-loom industry had a privileged position during the war. Now, mill production is increasing, imports are coming in, in increasing quantities into the country. A time will soon come when the hand-loom industry in the country will be faced with a crisis. If you are at all interested in safeguarding the position of the industry in the country's economy, I suggest that it would not be possible for you to give any assistance apart from the device of an excise duty. I was the Chairman of the Indian Tariff Board of 1932 which went into the question of the Cotton Textile Industry and this question was raised before me over and over again in every part of the country that I visited. The hand-loom industry was suffering from actual competition from the mill industry and I was asked over and over again, "what are you going to do about it." I thought at that time of an excise duty. But a foreign Government was then ruling the country and an excise duty levied by that Government had odious associations which made it quite impossible for me to consider it then. Today, the position is entirely different. That kind of sentimental consideration that prevented me from examining an excise duty as a means of safeguarding the interests of the hand-loom industry is not present today. Before honourable members make up their minds for themselves, I would ask them to look at this question from both these points of views.

Shri T. A. Ramalingam Chettiar: Do you think that the proposal for an excise duty on cloth is really going to help the hand-loom industry, to put that industry on its legs?

The Honourable Dr. John Matthai: These question of detail, I suggest, may be held over till the debate on the Finance Bill.

There has been a critical reference to the increase in the excise duty on sugar. We are following the same principle there. The excise duty does not apply to *gur*; it does not apply to *khandasari* sugar; it applies only to mill made sugar. In fact, throughout the whole structure of our excise duty, this principle will be borne in mind, that is to say, if it is possible by means of this to give some of the much needed assistance that the hand-loom industry requires, it will be given in this way.

With regard to excise duties generally, a suggestion that I would place respectfully before the House is this. We are in for a time when, whatever rates of duty you adopt with regard to income-tax whatever rates of duty you adopt with regard to customs duty, these two sources of revenue would begin to decline. We are a democratic society trying to function as an independent Government. Honourable members know as well as I do that while democracy is a priceless blessing, it is a very expensive blessing. The more democratic our society becomes, the more it becomes a positive organ of social and economic development, the more you will find the financing of it is going to strain your resources. I have not the slightest doubt in my mind that, if not today, at some time in the near future, you would be seriously faced with the question of accepting excise duties as an inevitable source of revenue for financing the fundamental functions of a democratic Government.

A great deal of reference has been made to the question of provincial taxation. I am aware of the problem that has been created by the conflict and overlapping which have arisen in the matter of taxation as between the Centre and the Provinces. I entirely agree with the view expressed by honourable members that it was time, in the country's interests, in the interests of India as a whole, that this problem was handled and a solution found for it. I will tell the House quite briefly how I am going to face this problem. There are two ways in which you can find a solution for it. You can bring about a convention by agreement between the Centre and the Provinces, and among the Provinces themselves. By agreement, a convention can be created by which this overlapping and conflict may be reduced to a minimum. I held a conference of provincial Finance Ministers a few months ago and one of the questions that we discussed at that conference was how to eliminate this element of conflict and overlapping from one, at any rate, of the taxes levied by the provincial Governments, namely, the sales tax. There was very considerable agreement on major points by the various provincial Governments, but ultimately, it was not possible for us to reach a clear-cut final decision on that point. By exploring the possibilities of agreement between us and the Provinces, it may be possible to reach a solution. Failing a solution on these lines, then, it seems to me we have got to consider in connection with the financial proposals to be put into the Constitution whether we cannot devise a formula which would enable us to eliminate this conflict and overlapping in the matter of taxation by the Centre and the Provinces. There was a certain amount of reference to what is called the Capital Deficit in the budget. It is perfectly true there is a capital deficit shown in the budget statement of roughly about 134 crores. Now I could have avoided that deficit altogether if I had said in my budget speech that instead of estimating 85 crores as my market borrowing, I could have put my estimate at 150 or 200. But I decided to be realistic. I decided that in the circumstances in which I found myself it was necessary that my estimate should bear a fairly close relation to facts. There is another way in which I could have avoided this and that is by telling both the Departments in the Central Government and Provincial Governments 'Nothing doing in the way of capital loans for next year.' Now

[Dr. John Matthai]

a criticism has been made that while you are trying to balance your revenue budget, here is this enormous gap in your capital budget which is going to create inflation and all sorts of difficulties. In fact it has been suggested that this capital deficit is so serious a feature of this budget that it deprives it of all right to consideration. Mr. Deputy Speaker, I don't know if you consider 'nonsense' an un-parliamentary expression.

Mr. Deputy Speaker: Not if it is uttered by a Finance Minister.

The Honourable Dr. John Matthai: May I say, I have seldom listened to such nonsense as has been spoken on this subject. This deficit of 134 crores is being met out of our balances. Now we have got sufficient balances out of which to finance this deficit. Even after allowing for this deficit, at the end of 1949-50 we will have roughly about 58 to 60 crores. In pre-war years, if you take the last pre-war year, our cash balance was somewhat about 18 crores. If you make due allowance for the increase in our budget since then, about 58 or 60 crores is the equivalent of our pre-war normal cash-balance. Of course if it happened that during 1949-50 I am unable to raise the amount of loans in the market that I expect and if demands of the provinces and the Central Government of capital expenditure go on rising, it is of course possible that I may find myself in a difficult position but we have got to take risks. Life and particularly the life of a Finance Minister is a gamble.

Now I will conclude on the note on which I started that I feel barring untoward, unexpected developments, that if we are able to see our way through 1949-50—a very critical year in many ways, a period so to speak marked by a precarious financial balance, if we are able to see our way through that, then I think we shall have broken for some years to come the back of our financial problem. I personally take the view as I said in the budget that our financial future is hopeful. I believe that there are bright days before us. I believe also that these bright days will come sooner than many of us think. If I may say so, Mr. Deputy Speaker, Providence has been good to this country through all the ups and downs of the centuries and if there is one thing of which I am more confident than any other, it is that God's Mercy will not forsake us in this hour of transition and trial.

ESSENTIAL SERVICES (PREVENTION OF STRIKES) BILL

The Honourable Shri Jawaharlal Nehru (Prime Minister and Leader of the House): Sir, my colleague the Home Minister was to have moved for the House to take into consideration a Bill to provide for the prevention of strikes in certain essential services. He has asked me to express his regret for his absence on this occasion because he had to go out of Delhi on an important engagement. He has asked me further to read out to the House a certain statement which he would have read himself if he had been present. This is the statement:

"I beg leave of the House to withdraw the Essential Services (Prevention of Strikes) Bill. In asking for this leave, I should like to explain that when the question of introducing a measure declaring certain strikes illegal was first considered the Railway and Communications Ministries who were threatened with strikes in their respective departments, felt that a Bill prohibiting strikes in those two essential undertakings was necessary to deal with the situation. Subsequently matters improved in that the All India Railwaymen's Federation decided against a strike and the problem was of dealing with strikes sponsored by Unions which did not obey the Federation's mandate and the threatened postal strike. It was then considered that it would suffice to have a more enabling measure with somewhat wider scope so as to cover certain other essential undertakings in which strikes or threats to strike had become a matter of frequent occurrence to the detriment of the morale and interests of the general community. Now the position has further improved in that the strike threat is at present confined only to certain Railways the Unions of whose employees are dominated by the Communists.

But as against that improvement must be set the grave deterioration which has occurred as a result of recent events in Calcutta and elsewhere. I am sure the House realises, in the light of the statement made by the honourable the Prime Minister the other day, the full import of these incidents and appreciates that the problem is not confined only to possible strikes by certain dissident Railway Unions, but is one of law and order generally, involving, as it does, a violent and brutal challenge to the State. This situation has to be carefully considered and suitable measures devised to meet it. We propose to do this and, if necessary, to approach the House again for such directions and powers as may be deemed necessary".

May I, Sir, add a few words of my own. This statement which I have read out on behalf of the Home Minister, I need hardly add, is a statement with the full concurrence of Government. There have been a number of criticisms in regard to the proposed Bill that it proceeds on certain wrong assumptions and it has been stated by some people that the Government was trying to aim a blow at the Trade Union Organizations or their general right to strike. Government have no such intention. That we have repeatedly declared. Fortunately in the present instance, there is no organized or what might be called regular strike envisaged. And the situation has changed for the better, and to some extent in another direction, for the worse. We have to deal with a situation now which is not a strike situation at all, but something entirely different. I do not know exactly how it might develop. But from statements made, sometimes publicly and sometimes otherwise—and we have a considerable record of these statements—it seems clear, as I indicated the other day, that certain groups are bent, not so much on a strike, but on creating disorder and chaos and indulging in acts of sabotage. The other day I reminded the House of the incidents that happened in Calcutta. These incidents were bad in themselves. They were brutal in the extreme. But what was even worse I think, was not unfortunate fact of some persons being killed—that is bad enough—but the fact that some people of our country should be brutal and mad enough to think of such acts and indulge in them. Unfortunately, that kind of atmosphere has been deliberately encouraged by some groups of people in the country. I am quite sure that the vast majority of people and workers are not affected by it and strongly disapprove of it. I should like, therefore, to make it perfectly clear that we do distinguish definitely between these groups who are bent on these anti-social activities and the large majority of workers or employees—employees of government or other employees—in the country. We have to meet therefore, this position created by certain anti-social elements in the country. That is not a labour situation. That is not a strike situation. That is an entirely different situation. Unfortunately, even a small number of misguided or malevolently inclined individuals can cause trouble. Therefore one has to take care, and we propose to take every precaution and proper care. But in doing so, I should like not only this House, but the country at large to realise the nature of the problem that we have to face. That is problem again, not of labour as a whole, or of strikes—those are separate things which can be dealt with in their proper context—but the problem of certain groups who are out, not for the economic benefits of labour, not for the normal labour or trade union activities, but to create certain chaotic conditions out of which perhaps they would.....

Maulana Hasrat Mohani (U. P.: Muslim): What is the use of this ex-parte judgment?

Mr. Deputy Speaker: Order, order. No interruption please.

Maulana Hasrat Mohani: I suggest this an ex-parte judgment. Where is the use of it?

Mr. Deputy Speaker: The honourable member will kindly not interrupt here after.

The Honourable Shri Jawaharlal Nehru: It is not quite clear what the honourable member meant by *ex-parte* judgment. *Ex-parte* to whom or what? I should like to make it clear that, whether it is *ex-parte* or not, it is the judgment of the Prime Minister and the Government of this country, and so long as this government lasts it is going to act according to that judgment. I do not know if the honourable member belongs to that other party which apparently he thinks is not represented here, except by himself. I think that matter must be made clear. If any member tells you that this is an *ex-parte* judgment, what exactly does he mean? When I am talking of certain anti-social elements in this country, elements which have committed murder, dacoity, arson, loot, and the most horrible crimes, elements which the other day in Calcutta threw two persons into a blazing furnace—I think it is horrible.....

Maulana Hasrat Mohani: The Communist Party has denied the thing. They are not responsible for it.

The Honourable Shri Jawaharlal Nehru: I do not know if the honourable member here represents the Communist party or not. That I would like to know from him.

Maulana Hasrat Mohani: I appreciate the communist principles, but I do not belong to that party.

The Honourable Shri Jawaharlal Nehru: May I make it perfectly clear that I am not discussing any economic or political or other principles here at the present moment. So far as this government is concerned, we have tried to give the largest latitude to expression of views, even though those views may, according to some of us, be wrong views. But we are dealing with a situation, not of expression of any views, but with a situation when violent acts, dangerous acts, subversive acts, are committed. These have nothing to do with views as such. I want the House and the country to realise that, because if this government or any government accepts under the guise of expression of views, violent activities, then that government or the structure behind that government cannot last. That is obvious. Are we committed to peaceful activities in this country or to violently subversive activities? That is the point at issue. I submit that no government can admit violent activities, violently subversive activities—and I use the words together I do not mean even theoretically subversive activities, but violently subversive activities, no government can possibly tolerate them. Apart from that, I suggest to the House to consider that the type of activities that we have had to face, that is even worse than what might be called violently subversive activities, an open rebellion of people with arms or otherwise, becoming violent facing an army or things of that kind. Such a thing the Government can meet. But infinitely worse is the person who comes and stabs you in the back. Think of persons being hurled into a blazing furnace. I can imagine nothing more despicable than that.

And the House will remember that I did not use the word "Communist" or "Communism". It is the honourable member who used the word (*Shri H. V. Kamath*: "It just fitted him") I state that whoever indulges in such activities will have to be suppressed and stopped by government, whoever he may be. There are in the country people, a number of small groups, small in numbers, come associated with the Communist Party and some not associated with the Communist Party—it is immaterial what political creed they profess. But if as part of their creed, as part of their activities they indulge in this type of violently subversive activities, then we have to deal with that situation, and I should like to appeal to labour in this country. There may possibly be differences of opinion in regard to labour matters between members in this House or between the Government and the representatives of labour occasionally. But one thing

I shall beg this House and labour generally, to realise, and that is this: This government as a whole is bent on not only improving the general condition of labour—that is rather a weak way of putting it—but of giving its rightful place to labour in the governance of the country. Even if there are differences of opinion with regard to that, I do submit that there should be no difference of opinion even between persons who have different approaches to these other matters, there should be no difference of opinion when we have to deal with a kind of situation that, to some extent, is facing us to-day.

I do not wish the House or the country to imagine that we are frightened of the situation. We shall deal with it adequately, we are quite confident. But it is not the extent or the danger of the situation that rather distresses me, but the nature of the situation, that there should be some persons in our country who are so entirely misdirected or wrongly inclined as to think in such terms. The types of slogans that are used, they are murderous slogans, and the types of activities that are seen in various parts. Who are behind them, what group or party, or what individual, that is another matter which we shall consider at length and have enquiries made. The fact is that there are groups of individuals who do these things and that they deliberately indulge in acts of sabotage which are not only dangerous for the community but may result in grave disorder in a large number of the Provinces, quite apart from the economic aspect. That is a point on which there should be no two opinions—whether labour or those occupied in other activities in the country. It is because we did not wish the issue to be confused that the Government decided not to proceed with 5 P.M. this Bill, which really had been thought of in different circumstances. Therefore, on behalf of the Home Minister, I beg leave of the House not to proceed further with this Bill.

Mr. Deputy Speaker: The question is:

"That leave be granted to withdraw the Bill to provide for the Prevention of Strikes in certain essential services".

The motion was adopted.

The Assembly then adjourned till Quarter to Eleven of the Clock on Monday the 7th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES
(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Monday, 7th March, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS
(See Part I)

11-45 A.M. PAPERS LAID ON THE TABLE

PARTITION PROCEEDINGS

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): Sir, I beg to lay on the table* a copy of the Partition Proceedings, Volumes I to III.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898".

The motion was adopted.

The Honourable Sardar Vallabhbhai Patel: Sir, I introduce the Bill.

INDIAN WIRELESS TELEGRAPHY (AMENDMENT) BILL

Shri Khurshed Lal (Deputy Minister of Communications): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Wireless Telegraphy Act, 1933.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Wireless Telegraphy Act, 1933".

The motion was adopted.

Shri Khurshed Lal: Sir, I introduce the Bill.

THE GENERAL BUDGET—LIST OF DEMANDS

SECOND STAGE

Mr. Speaker: The House will now discuss the Demands for Grants in respect of General Budget. I understand that a time table showing the dates on which the Demands for Grants in respect of the various Ministries will be taken up has already been circulated to honourable Members. Today, the House will take up the Demands for Grants in respect of Defence.

* Not printed in the day's debate. Copy placed in the Library of the House.—(Ed. of D.)

[Mr. Speaker]

As regards time limit for speeches the usual practice has been to fix a time limit of 15 minutes for all speakers including Movers of the Cut Motions if any and 20 minutes or more for the honourable Ministers replying.

If it is desired by the House that a large number of members should be allowed to speak, each honourable Member wishing to speak will strictly confine himself to very relevant remarks, avoid repetitions and close his remarks within ten minutes. I trust this suits honourable Members.

I place before the House the various Demands for Grants in respect of Defence.

DEMAND No. 28—MINISTRY OF DEFENCE

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 35,82,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Defence'."

DEMAND No. 76.—DEFENCE SERVICES, EFFECTIVE-ARMY

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 1,32,64,38,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March 1950, in respect of 'Defence Services, Effective-Army'."

DEMAND No. 77.—DEFENCE SERVICES, EFFECTIVE-ROYAL INDIAN NAVY

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 8,64,17,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Defence Services, Effective-Royal Indian Navy'."

DEMAND No. 78.—DEFENCE SERVICES, EFFECTIVE-ROYAL INDIAN AIR FORCE

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 13,69,41,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March 1950, in respect of 'Defence Services, Effective-Royal Indian Air Force'."

DEMAND No. 79.—DEFENCE SERVICES, NON-EFFECTIVE CHARGES

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 13,41,31,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Defence Services, Non-effective charges'."

DEMAND No. 103.—DEFENCE CAPITAL OUTLAY

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 3,20,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Defence Capital Outlay'."

The Honourable Sardar Baldev Singh (Minister of Defence): Sir, last year, during the debate on Defence Expenditure, I expressed the hope that it might be possible to present the Defence Budget to the House separately in the same manner as the Railway Budget. The proposal has since been examined from all aspects and it has been found that it is not possible to do so as ours is only a spending department and has no revenue. I am sorry to have given an impression to the House which it has not been possible to carry out. The proposal was in fact contrary to the practice in other countries.

In the statement of the activities of the Defence Ministry which has been circulated, the honourable Members have a brief account of what we are doing. I would, with your permission, like to place some more details in order to help the members to have a clearer picture.

Our Armed Forces have made history since the 15th of August, 1947. We know all that fell to our lot immediately before and following the attainment of freedom. During those months of grim trials, till very recently, it was the

Armed Forces on whom fell the heaviest responsibilities of all manner and types and it was their loyal and patriotic work, labour and devotion to duty which has meant so much to so many of us over such a short period of time.

The full tale of how the Armed forces were placed at the time of partition cannot be told just yet. You remember we had begun tackling the problem of peace time strength and nationalisation of Armed Forces, almost immediately after we assumed office in September 1946. A Committee was appointed to study the nationalisation problem under the Chairmanship of Shri N. Gopalaswami Ayyangar now my colleague. The Report was completed by the end of 1947. Before that, however, the British Cabinet Mission had arrived and it soon became clear that the country would have to be divided. After the 15th of August, 1947, it was no more the question just of nationalisation; we were now also to divide the Armed Forces as a necessary consequence of the division of India. The problem was indeed grave. There were, on the one hand, widespread disturbances and on the other a process of rapid break-up of the Central and Regimental organisations almost all along the line. On Independence Day, as the Statement in your hands shows, we had at Headquarters but a mere skeleton staff of some 150 officers and 567 other ranks, both civil and military. Elsewhere, some units ceased to be, others were broken up and disabled for effective functioning. Such, very roughly, was the condition of the Army. Nevertheless the situation was faced boldly and without demur.

And, what we have since been able to do, is for the country to see. Lakhs of uprooted men, women and children, driven out of their homes were tended, led and brought away. Battles have been fought and won. Side by side, the problem of reorganisation was not ignored and that process too went steadily on. How it has all been done is indeed a marvel. Of more than 8,000 British officers in the Army before the 15th of August 1947, we have less than 200 today—and almost all of them in technical or advisory jobs. Executive command and control is now entirely in the hands of Indians. Many Indian officers had to be promoted far beyond their service and experience but on the whole they have worked extremely well. In this work of reorganisation and integration, we were given valuable help and guidance by General Sir Roy Bueber, the late Commander-in-Chief and other British officers and the process of nationalisation was completed when on the 15th January last, for the first time in the history of modern times, an Indian, General Cariappa was appointed Commander-in-Chief of our Army.

The House will be glad to know that he has made a good start. The process of nationalization of the Indian Air Force needs a little elucidation. This service as such was already almost completely Indian, our young men having taken to the air from its start as if naturally. The problem now in hand is one of expansion and development. Today, except the Commander-in-Chief and less than a dozen R.A.F. officers on loan, the entire Force is manned by Indians. On the technical side we have only 14 British civilian technicians in various installations.

In the Navy which is in its infancy, the process of nationalization, as the statement shows, must necessarily be slow. As in the case of the Air Force, but to a larger extent, we will need foreign assistance in our Navy for yet some time to come. I am glad to be able to say that our Air Marshal of the Air Force and the Vice-Admiral of the Navy have been doing a magnificent job in assisting us with their rich experience and knowledge. Their interest and enthusiasm are of the greatest value to the Indian officers and men of these services.

[Sardar Baldev Singh]

During the year, in spite of our other commitments and preoccupations we have taken steps towards the organization and development of both the Territorial Army and the National Cadet Corps. The statement before you gives details of what has been done so far. I hope the honourable Members will agree that within the limitations to which we are bound, the progress is by no means meagre. Recruitment in the Territorial Force will begin early in the new financial year. As for the Cadet Corps, it has also gone into stride in most of the Provinces and States. The response of our young men in universities and colleges has been very encouraging and we are already planning to add to the number of units for which we originally planned.

A word about the facilities for higher and intensive training which we are providing for our armed forces will interest the House. Such training is the basis of an efficient Force. Until we attained freedom, we were dependent in this sphere almost wholly on the facilities available in the United Kingdom. This could not continue. In Free India we must have our own institutions for every type of training for our officers both in the technical spheres and in the ancillary services as well as in the higher field of scientific research and military strategy. The field of work is formidable but as such training is the basis of an efficient Force, we have given first preference to the building up of these institutions in all the three Services. It is my hope that within a few years we shall have in our own country facilities for every kind of higher training of a high standard. Reference to some of these new institutions has been given in the statement. Among these the most important are the proposed new National Academy, the School of Military Engineering, the Armed Forces Medical College, the Defence Science Organization and the proposed Air Force and Naval Technical Schools. We cannot go ahead as fast as we would wish, as our effort is to lay secure foundations and our speed is limited by our resources.

My narrative of such institutions will be incomplete without a mention of our Ordnance Factories. It is in these factories that we produce our munitions of war and other equipment, such as small arms. Fortunately, some development had already taken place in this direction. What we possess of these factories therefore is a national asset of considerable importance. But here again we do not have all we need: nor is our technical staff sufficiently advanced, particularly in the higher grades. Therefore, during these last few months we have attempted to provide training to selected Indian technicians to enable them to assume more responsible positions. Ordnance Factories by themselves however are small comfort, however well-equipped or efficiently run.

To make them function at their best we must find the necessary material, raw or processed within the country itself. In the past we depended for these on the United Kingdom. We are grateful for all the help we received and continue to receive from them, but we do need to develop our industrial potential on as wide a basis as possible. Basic industries have to be established; steel and other metals of requisite standards must be produced within India. The steel plant to which my colleague, the honourable the Finance Minister referred to in his Budget Speech will take some years to operate. But we have to go steadily ahead and until our own requirements have been completed, we must of necessity depend on imports to meet our requirements. And remember also, along with the development of industries, our own nationals must require technical knowledge and specialization of a high order, so that we may not have to depend on outside-

assistance for long. All this will take time. Meanwhile we have to meet our present needs. These are being met in the existing Ordnance Factories or from foreign countries. Here I will again emphasize that with the first-class manpower we have and an Armed Force which the world recognises as one of the finest in war, we must also find equipment and armour of the highest standard for in the sum total of any appraisal of a fighting force, it is the armour, the equipment, the supplies that count as much as the fighting qualities of its men. The Government is conscious of the imperative need to make our Armed Forces self-sufficient and will take action to that end.

An important factor that we have to bear in mind while planning our new Ordnance Factories is that in time of peace they can be utilised for manufacturing civil requirements without in any way effecting adversely the production of Ordnance Stores and other Armed Forces' equipment. All this is an ambitious programme and it involves huge sums of money. Much of it, as honourable Members will appreciate is inescapable. Some perhaps could be avoided. This has been done as we are not unmindful of the strain of this heavy expenditure on the economy of our country. The avoidable expenditure has been cut down wherever possible without however risking our supreme objective, namely, the security of our country.

In an earlier part of my speech I said that on assuming office we had actually began planning a return to the peace-time strength. This was as far back as 1946. Indeed, the process of demobilization had by August 1947 already gone forward to a very large extent but soon after for reasons already referred to, we were compelled to call a halt, and indeed had somewhat to strengthen our forces. Increased expenditure was inevitable and here I would like to give in brief some of the reasons which caused this toll of money.

Firstly, there was the campaign in Kashmir and the police action in Hyderabad. The police action lasted only a few days, it is true. But we could not take chances and much work had to be done and an organization had to be built up on land and in the air so as to ensure a speedy decision. Indeed, the reason why this police action ended so quickly and with so little loss of life and property was that in spite of our other commitments, we were able to concentrate on it a scheme of combined operations which worked with clock-like precision. But in terms of money the cost of this police action was heavy.

Secondly, we had to borrow forces from the States and this has added to the expenditure.

Thirdly, we had to borrow a contingent of Gurkha troops from Nepal to meet the needs of our internal security. The House knows well the important role that the subjects of Nepal have played in the Indian Army in the past. Gurkha units still form a part of our land forces and will continue to do so in the future. Our relations with the Government of Nepal have been most cordial and I am grateful to His Highness the Maharaja for having helped us with these contingent of troops at the time of our need.

Its cost of course had to be borne by us.

Fourth: there had to be increased provisioning of armour, equipment and stores. This item alone is responsible for a large increase in the expenditure.

Fifth: as a result of the division, a very substantial part of the permanent accommodation of the Army has been lost to us in the Frontier and the West Punjab. We have had to make improvisations, and new accommodation will cost a good deal of money.

[Sardar Baldev Singh]

Sixth: the rise in prices all along the line has contributed in no small measure to the increase in our expenditure. We have tried to do our best to economise; but have often found ourselves against a dead wall!

Finally, I am sure the House will appreciate that the increase in expenditure is inevitable with an increase in the strength of the Forces. The strength of the Forces had to be increased considerably. Unfortunately, for obvious reasons, I am not in a position to disclose this strength.

All this has made the bill of expenditure formidable. The main difficulty, as I have explained, has been that ever since our Independence, the call on our Forces has increased for reasons beyond our control. I would however like to assure the House that we are ready to take up the schemes of further improvement whenever practicable and reduction in expenditure as soon as normal conditions are in sight, because it is obvious that in normal times our expenditure on the Armed Forces must bear a much lower ratio than at present to the resources of our country. Comparisons may be odious. But a look at the following facts may be worthwhile without of course in any way suggesting that thereby we justify our own expenditure. The revenue estimate of the Government of India for 1949-50 including the net contributions to the general revenues from the Post and Telegraphs and Railway is Rs. 322.98 crores and the corresponding estimate of our neighbour's i.e., the Government of Pakistan is Rs. 66.66 crores. The estimates of net Defence Expenditure (met from revenue) of the two Governments for the year 1949-50 are Rs. 157.38 crores and Rs. 43.62 crores respectively. The percentages of Defence Expenditure compared with the total revenues of the two Governments thus come to:

Government of India	48.7 per cent.
---------------------	----------------

Government of Pakistan	65.4 " "
------------------------	----------

I need say no more.

Some of the honourable Members referred to the new Scales of pay and how this has hit our officers particularly the younger ones. The new scale of pay was fixed after careful consideration by a committee which had representatives from the three services. In view, however, of the high prevailing prices some concessions have already been given. They are:

- (a) Abatement of "War Excess" i.e., the difference between the emoluments drawn under the old pay code and those admissible under the new pay code, in nine instead of six half yearly instalments;
- (b) grant of free accommodation and allied services for the officer himself when he is posted to a station in which he cannot be provided with family accommodation;
- (c) special priority for accommodation at the ports to the families of Naval officers who are serving in afloat establishments;
- (d) reimbursement within certain limits of excess charges for furniture hired privately with the approval of the M.E.S.;
- (e) a fresh outfit allowance after every seven years of commissioned service;
- (f) Qualification pay for officers of the rank of Commander, Lieut.-Colonel, Wing Commander and below who possess or acquire special qualifications which may be useful to the services;
- (g) an entertainment allowance to senior officers holding certain selected command appointments such as independent command of sub areas or Areas, Groups, etc.;

(h) A flying bounty to certain categories of officers of the RIAF after completion of a minimum number of flying hours in service aircrafts;

(i) Service officers, ratings and other Ranks of the three Services are to be eligible to join the Postal Life Insurance Fund, from which they were previously excluded, on payment of the normal rates of premia payable by civilian government servants. The extra premia over the normal rates chargeable from such personnel on account of special risks of services will be met from the Defence Services Estimates;

(j) Forty per cent of the seats of the Schools in Lovedale and Sanawar have been reserved for children of officers and men in the Armed Forces. The question of giving scholarship to deserving students is under consideration.

I would like to assure the House that the Government has the interests of all their officers and men at heart and would try their best to minimise the difficulties and hardships within the basic principles laid down by the Pay Committee and the limited resources of the country.

One feature of some of our new activities, I would like to mention is the organisation we have set up to look after the rehabilitation of the displaced members of the family of our soldiers. A very large number of such families were among the lakhs of people who lost their homes in Pakistan. Their plight was a source of great anxiety to our men in service and affected their morale. The problem was serious. We therefore established a rehabilitation wing of our own under the command of a senior officer well qualified for the job. The relief since this wing was started is considerable.

Now, Sir, I have done with my explanation of the expenditure said of the Defence Ministry's activities. Unfortunately, the Ministry is one that has no income to its credit so far at least as money credit is concerned. But money is not all in the sum total of life of a nation as it certainly is not in the case of an individual. We have other things of which we can justly take credit. Last year it was my privilege to relate to you how after literally an overnight decision, our army aided by our Air Force had been rushed to the assistance of the people of Kashmir and how in spite of almost impossible conditions of communications, terrain and weather, we cleared the beautiful valley of marauding bands of looters who had entered Kashmir from across the borders. Since then, as the House knows, and particularly after the arrival in India of the United Nations Kashmir Commission, it could no longer be denied that in addition to tribesmen and others, the regular forces of Pakistan were also operating on a very large scale on every front wherever our troops were detailed. But now there is a lull on that front. A cease fire has been agreed to and ordered. I will not therefore say more for we long with all our hearts not only that the present cease fire may give way to a truce but that circumstances may lead to a final solution of the problem we are confronted with in that part of our territory. We sincerely hope for and desire peace in Kashmir and with our sister Dominion of Pakistan. This however does not prevent me from bearing witness to the magnificent manner in which our Army and our airmen fulfilled the mission assigned to them. They had a tradition to keep, a tradition of valour, grit and resolute will in action. In my judgment they have surpassed this tradition. They have literally broken all records. Fighting in Kashmir was a novel experience particularly for our youthful officers holding Command Ranks. I feel proud when I say that almost everyone of them, Officers and Men alike, has proved true to the trust placed in them by their Commanders. Rarely, even in the last Great World War, was warfare conducted in such terrain and weather conditions as our Forces had to face here. They carried heavy armour on altitudes as high as 16,000 feet and more and on roads so called, sometimes improvised within the space of a few hours. Our engineers and sappers cleared jungles and hills and built roads and

[Sardar Baldev Singh]

bridges in all manner of conditions often under heavy enemy fire, in places where no armies had ever ventured before. They faced unheard of difficulties, beat time, and then they beat the enemy wherever they could find him. The campaign will make an epic in the annals of the deeds of our Forces.

The part played by the Air Force was equally praiseworthy. The young pilots and Ground Officers and Men carried out duties that bear comparison with the most arduous and complicated tasks known in the history of aerial warfare. Their exploits, particularly the daring landings they made at high altitudes, in narrow river-beds unknown to them, except for a spot on maps, and on short shell ridden strips under gun-fire—both during day and night—were some of the deeds of which they and we all will ever be proud. All this was accomplished by our young pilots without much experience or any help by outsiders or foreigners.

We have lost valuable lives—Brigadier Usman, Col. Rai and many other Officers and Men—valiant, noble and true sons of India. Their memory is for ever enshrined in the hearts of their brothers-in-arms as in ours. I am sure the House will join me in paying homage to them.

Before I close my remarks I would like to say a word about the part played by the State Forces. They have fought side by side with our troops and everywhere have shown courage and comradeship of a high order. It is our plan to see that State Forces are trained and equipped on the same standards as our own Army. We are aiming at uniformity—particularly as the States are being reorientated and realigned and cast into new and bigger units.

And finally, I would, by your leave, Sir, like to express here in the House our sentiments of joy and pride that our Armed Forces have proved true and loyal to their Government, their people and their country. They have kept out of politics: caste or creed barriers have not influenced them. I have not the least doubt that these Forces will continue to serve our Motherland loyally, magnificently and faithfully at all times.

Shri R. K. Sidhva (C.P. and Berar: General): Sir, I pay my high tributes and compliments to the men of the army, navy and air force and their officers for the able, courageous and marvellous performances that they have made after the attainment of freedom. They have, as the honourable Minister has just now stated in his speech, proved their ability by their actions in the miniature war that took place in Kashmir. From all quarters encomiums have been paid to our men and officers. So magnificent was the planning by our Generals and Commanders of the police action in Hyderabad that it concluded within four days and it has been appreciated from every quarter. I remember in 1940 from the adjoining House of this House—I mean in the Council of State—the British Commander-in-Chief, while on the subject of Indianisation of the army officers, stating that India has not got the ability and the caliber to produce that type of officers who could command the army and their men. How false this opinion was has been proved beyond any doubt within such a short period of our attaining independence by our officers.

When independence was achieved we had nearly 300 British officers and the honourable Minister has stated that during 1948 the number gradually came down to 257 and in the pamphlet that he has circulated to the House he says on the 31st March, that is 23 days hence, there will be only 190 British technicians for the purposes of the army. It is a gratifying result. Though the people of India had never any doubts in the matter the Britishers who

wanted to keep their hold here and keep an army of occupation were always sceptical and doubtful about the efficiency of our officers. This they have amply proved, as I stated just now and as every word of the statement of the honourable Minister points out, in the miniature war which was played in Kashmir under extraordinary circumstances.

Having said that I do feel that our men in the army, navy and air force should be sufficiently paid and should be given all conveniences and comforts. I shall not today touch the strength of the army, navy or air force, nor do I want to discuss their emoluments. But I would certainly like to point out to the salaries and allowances that have been fixed for them, to which he made a reference, and I would like to state that the revised salary is certainly liberal. (Mr. Frank Anthony: 'Question'). Well, I will show to you. If you turn to page 89 of the Defence Budget, the second lieutenant gets Rs. 350, the lieutenant Rs. 400 to 450, the Captain Rs. 450 to 700, the Major Rs. 700 to 1,050, the Lt. Col. Rs. 1,100 to 1,400, the Colonel Rs. 1,450 to 1,550, the Brigadier Rs. 1,600 to 1,800, the Major-General Rs. 2,250, the Lieut. General Rs. 2,750 and the General Rs. 3,000. That is not all. If you see page 88 they are entitled to several allowances varying from the small officers to the big officers from Rs. 400 to 700 per month. These are the allowances—Parachute pay Rs. 45, Dearness allowance Rs. 40 to 150, Compensatory and Local Allowance admissible in Bombay and Calcutta Rs. 50 to 100, Specialist pay Rs. 75, then free accommodation, furniture free, lights and fans free, and conservancy free. Then fresh outfit allowance and uniform upkeep allowance Rs. 120. Officers of the rank of Lieut.-Colonel and below get Rs. 75 or Rs. 50 according to the special technical and staff qualifications they possess. Then there is entertainment allowance. Of course that goes to the Brigadier only. But having worked it out, it comes to on an average Rs. 500. Therefore, I do feel that while I appreciate what has been stated by the honourable the Defence Minister, I do not think there will be any justification for a grouse on the part of the officers for whom we have great regard and whom we want to see that they are sufficiently well-paid.

Having said that, I would certainly like to mention the items under 'Stores' to which the honourable Minister has referred. He stated that there should be no consideration of money but we should bear in mind the efficient Army, Navy and Air Force which we possess. In principle I accept that but it does not mean that we should overlook the extraordinary expenditure that is being incurred on stores. I shall give you some figures which are startling as compared to the salaries and allowances. The total expenditure is Rs. 157.37 crores. Pay and allowances of all sorts to the Army come to Rs. 54.48 crores, to the Navy Rs. 3.21 crores and to the Air Force Rs. 4.5 crores, making a total of Rs. 61.74 crores. Coming to Stores, Transportation, Purchase of Stores, Miscellaneous Items, Maintenance of Buildings, all these come to Rs. 93.13 crores—it is 1/3rd higher than the salary of the staff. Under this heading of 'Stores', the Army consumes Rs. 78.12 crores, the Navy Rs. 5.40 crores and the Air Force Rs. 9.61 crores, giving a total of Rs. 93.13 crores. Rs. 93.13 crores as against Rs. 61.74 crores for salary! Non-effective which includes rewards and pensions comes to Rs. 13.44 crores—I have no quarrel with that because that is pensions and rewards.

Now, what are these stores and what are these miscellaneous items? Has the honourable Minister given any attention on this matter to see that there is no leakage? Was this not raised in the House last year and was not an assurance given by him that he will closely go into the matter and see that economies are effected? Sir, on the contrary I find the expenses have increased and I fail to understand it. I want an explanation on this point. Of course I do not agree with some of the criticisms that took place during the General

[Shri R. K. Sidhva]

Discussion that the Army is heavily paid and that we have incurred much more expenditure than what we were spending during the pre-freedom period. But my friends forget that we have to maintain two borders; during the British regime we had only one border but now all the four corners, North, South, East and West, have to be maintained. Sir, I was one of those who used to criticise the Military Budget from the time when it was Rs. 20 crores till it rose to Rs. 42 crores. Pre-war it was something like Rs. 49 crores and we were criticising it. Today we have to pay Rs. 157 crores—I do not mind that because the circumstances are such. I associate myself with what has been stated, but at the same time I do not want any departmental leakage. In the name of an efficient Army we should see that we look to these discrepancies from time to time.

As I said above, what are these stores? If you refer to page 32 there are no details against it. Right up to page 31 there are some details provided but from page 32 there are no details. Against page 32 for an item Rs. 13.16 crores, there are no details, the page is blank. Then page 34, total Rs. 30 crores, the explanatory note is left blank. Page 36, Rs. 1.72, explanatory note blank. Page 38, Rs. 8.29 crores, explanation. Page 40, Rs. 12.81 crores, explanation—blank. These are stores; I am mentioning stores, not salaries—remember I am not touching that question at all. Page 42, up to page 48, Rs. 9 crores, explanation blank. (An honourable Member: 'These are receipts') Some of these are receipts, I am sorry. Barring that all is blank. If you see page 34, purchase of stores for R.I.A.S.C and I.A.O.C. etc., the total amount is Rs. 30.65 crores. There are some details given, although the explanatory note is blank. 'Provision' itself comes to Rs. 16.92 crores. And what is this provision? Fruits, vegetables, fish, meat, eggs, fowl, ice etc.—fuel, charcoal, coal and firewood are separate, petrol is separate. Rs. 17 crores is the amount on fruits and other items. Now, how are the tenders invited? They are invited in various Commands for three month and six monthly periods. The items mentioned there are so many thousands of bananas, so many thousands of guavas, so many lbs. of grapes and so on and so forth. The interesting feature about this tender is that about ten or twelve items of these fruits—oranges, melons, etc.—are mentioned and the quantities and prices are shown against each item. The officer, whosoever he may be, who receives the tender draws the whole total, that is to say, if the banana is quoted at Rs. 4 a hundred and the oranges at Rs. 2, the total of the whole is divided by that item and considers the lowest tender and the order places. That is all right, but what happens? When the order is placed, the highest item of banana is placed without any consideration as to whether the remaining quantity is supplied or not. I would like the honourable Minister to go into this question. If he calls for the Controller of Military Accounts and sees the bills he will come to realise that the quantities which are mentioned in the tender and agreed to by the contractor have not been supplied.

The articles which were supposed to have been supplied according to the order have not been supplied and this leads to considerable leakage. He must therefore pay attention also to the actual delivery. I know of ice. Ice is tendered by other than factory owners. The merchants' tender. There are in each city a limited number of factories. I know of instances where an anna per lb. was the rate of ice. The tender was accepted at 9 pies. You can very well understand that although the production of ice is very cheap, but the quantity given was so much less that between the price the other loss was reaped.

Then there is another item of Rs. 2 crores, miscellaneous, about which no details have been given. A separate Budget has been given to us; we are very

glad that this new innovation has been introduced, but the House is entitled to have all this information about this rupees two crores and other such so-called secret items.

Mr. Speaker: The honourable Member has already exhausted his fifteen minutes.

Shri R. K. Sidhva: I would not take much time. Sir, I will finish in two or three minutes, with your permission.

Then there is employment of labour. The Railway Ministry has done away with the employment of labour through middle-men. They are employing directly through their headmen. There is a good deal of leakage in this and this forms a very large part. So it should be done away with.

I will now refer to the Cantonments. There are fifty three of them in the whole of India and they are governed by the municipalisation of Cantonment Boards. Despite that, we know that before 1926 there was nothing like a Cantonment Office or Director General in the Government of India. Now we have one Director of Military Cantonments and Lands, three Deputy Directors, three Assistant Deputy Directors and nine Military Estate Officers and the other paraphernalia in the Department. Now, when the Cantonment Boards are already in existence for purpose of maintenance of lands under the municipal local-self government acts, I do not see the necessity for continuing such a large force in the Secretariat. I would suggest to him to consider this point. I raised this matter and suggested the appointment of a committee. I am thankful to honourable Minister that he has appointed a committee and at the request of this House all the Ministers of the provincial governments who were here at the instance of the Minister for Health attended. They unequivocally said that the Cantonment areas should be revised and I am glad the Minister has taken some action. But one point I would like to know from him. He has appointed two official committees and a general committee. I want to know whether the general committee will have the power to investigate details or merely to examine the reports of the two official committees. This is not clear. If this is not done, the object of this committee will be frustrated.

With these words, I once again pay my compliments. I hope that the honourable Minister will look into the miscellaneous and store charges which form a major portion of his Budget, not minor but major, compared with the salaries and allowances of officers.

पण्डित ठाकुरदास भार्गव:—माननीय स्पीकर साहब, जब मैं यह ब्याल करता हूँ कि १५ अगस्त को अंग्रेज यहाँ से गये और इस मुल्क को स्वराज्य मिला तो उसकी आर्मी, ऐयर फोर्स और नेवी की क्या हालत थी, हमारी आर्मी ने किस तरह से मुसीबतों का सामना करते हुए हमारे देश की इज्जत कायम रखी और देश का मान बढ़ाया तो बिला ताम्बुल के मैं अपनी तरफ से और हाउस की तरफ से आनरेबिल डिफेन्स मिनिस्टर साहब को इस चीज के लिए मुबारकवाद देता हूँ। पांच हजार मील का हमारे देश का सी.कोस्ट (Sea Coast) है और दो तरफ से हमारे देश का फ्रान्टियर है। इतना बड़ा मुल्क है उसको हमले करने से बचाना है। इस वास्ते हमारी बदकिस्मती है कि इतने बड़े देश के लिए जब अंग्रेज यहाँ से गये तो उन्होंने यहाँ कोई बैटलिशिप नहीं छोड़ा, न कोई ऐयर फोर्स ही थी। जो कुछ वह यहाँ छोड़ गए उन चीजों के लिए भी हमारे देश को योरुप का

[पंडित ठाकुर दास भार्गव]

मुंह ताकना पड़ता है। ऐसी हालत में मेरा ख्याल है शायद रोम वालों ने ब्रिटेन को न छोड़ा होया। डा० मुन्जे ने सन् १९२८ ई० में इसी जगह खड़े होकर जहां मैं खड़ा हूँ अंग्रेजों से कहा था और भविष्यवाणी की थी कि आप हमारे साथ ऐसा सुलूक न करें। हमारे वास्ते हमारी ऐयर फोर्स और हमारी नेवी को पूरा विकास दें क्योंकि आप रोमन्स की तरह हमें छोड़ कर जा सकते हैं।

सन् १९४७ ई० में जितनी आर्डिनेन्स फैक्ट्रियां थीं उनकी भी हालत दिगर्ग हो चुकी थी। वहां पर काम करना बन्द कर दिया गया था। जब अंग्रेजों ने इस देश से जाना तय कर लिया तो उन्होंने इन फैक्ट्रियों की कोई परवाह नहीं की और जब पार्टिशन हुआ तो उनकी हालत और भी खराब हो गई। हिन्दुस्तान की दो तिहाई एकामोडेशन रिहाइश की जगह जो बर्री और बहरी व हवाई फौजों के लिये थी पाकिस्तान के अन्दर चली गई और २/३ फौजे हमारे हिस्से में आ गई और हमको सख्त मुसीबत के अन्दर काम करना पड़ा। लेकिन हमारी फौज ने जैसी की हमें उम्मीद थी अपना काम जानिसारी से किया और दुनिया में अपना नाम रोशन किया।

इससे पेशतर वह अपना पूरा कामकाज सम्भालते उनको काश्मीर के अन्दर और हैदराबाद के अन्दर और जूनागढ़ के अन्दर काम करना पड़ा। यह तो सब को ही मालूम है कि हमारी फौजों ने जिस तरह से काश्मीर और हैदराबाद में काम किया है उसकी मैं इस हाउस की तरफ से मिनिस्टर साहब को और अपने फौज के सब आदमियों को मुबारकबाद देता हूँ। हमारे कमान्डरों ने और हमारे सिपाहियों ने जो कारनामों आजादी हासिल करने के बाद दिखाये हैं उससे सारे हाउस, और देश का सर ऊंचा होगया। इतना ही नहीं, हमारे सिपाहियों ने १६ हजार फुट ऊंचाई वाले पहाड़ों पर लड़कर अपना नाम रोशन किया। इतना ही नहीं हमारे सिपाहियों ने जो कि काश्मीर के लोगों की सहायता के लिए गये थे उनके साथ इनसानियत का सुलूक किया और काश्मीर के बाशिन्दों का दिल उन्होंने जीत लिया। जिन आदर्शों को हमारे पूज्य महात्मा जी बता गये थे उन्हीं आदर्शों को कायम रखते हुए हमारी सेना ने काश्मीर में काम किया और गांधी जी के अनुयाइयों की शान को चार चान्द लगा दिये। काश्मीर की जनता को उन्होंने अपना भाई समझा और अपने भाई की तरह से उन्होंने अपनी खुराक में से भी उनको हिस्सा दिया उन्होंने अपने इन कारनामों से काश्मीर के लोगों के दिलों को जीत लिया और इस देश का नाम सारी दुनिया में ऊंचा किया। इन सब चीजों के लिए हम सरदार बलदेव सिंह जी को मुबारकबाद देते हैं।

लेकिन जब मैं दूसरी साइड की तरफ आता हूँ तो मुझे सिवा अफसोस के और कुछ नहीं होता। डिफेन्स डिपार्टमेंट की स्टेनडिंग कमेटी के मेम्बर की हैसियत से नेवी बेसेज देखने के लिए मैं बम्बई गया था। मैं वहां जाकर "दिल्ली" जहाज को देखा। दिल्ली जहाज को मैंने अच्छी तरह से देखा और उसके आदमियों से जो उसमें काम करते थे मैंने बहुत से सवाल पूछे तो जवाब मिला उसमें जितने औजार मशीन, टॉरपीडो राडर और जो भी जहाज का सामान है वह सब हमको बाहर से मगाना पड़ता है और दूसरे देशों का मुंह ताकना पड़ता है। मैंने उनसे पूछा कि अगर इसमें जितना सामान काम में आता है अगर वह बाहर से न आया तो क्या हम अपनी हिफाजत कर सकते हैं। तो मुझको जवाब मिला, और ठीक जवाब मिला, कि डिफेन्स का जितना सामान है वह किस्मती से हमको बाहर से मांगना ही पड़ेगा। अगर हमको बाहर से सामान नहीं मिला तो हम अपने मुल्क की हिफाजत नहीं कर सकते हैं। अगर हमें किसी बड़े मुल्क से लड़ना पड़े तो खुदा न खास्ता हम अपने को बचा नहीं सकते।

इस चीज के लिए यह जरूरी है कि हमको इन सब चीजों को अपने ही देश में तैयार करना चाहिए। इसके लिए डिफेन्स डिपार्टमेंट को बहुत तेजी के साथ काम करना चाहिये। लेकिन इसके लिए जो कोशिश हो रही है वह कोशिश भी बड़ी आहिस्ते से व सुस्ती से चल रही है। दुनिया के मुल्क हमको जबान से हमदर्दी करने को तैयार हैं मगर सामान हमको नहीं मिलता। हमारे वास्ते सिर्फ एक चारा रह जाता है वह यह कि हम जल्दी से जल्दी अपने मुल्क के अन्दर इस तरह की फैक्ट्रियां तैयार करें जिनके अन्दर हम अपना फौज का सब सामान पैदा कर सकें। इस काम को इतनी तेजी और मुस्तैदी से करना चाहिये कि हम हर चीज में सेल्फ सफीसेन्ट (Self-Sufficient) हो जायें। मेरी समझ में नहीं आता कि इस बजट के अन्दर १५ करोड़ का प्रोवीजन किया गया है जिसमें से ११ करोड़ ८० लाख का सामान विलायत की कीमत है बाकी रह गया ३ करोड़ २० लाख, लेकिन इतने बड़े मुल्क के लिए यह बिल्कुल नाकाफी है। मैं चाहता हूँ कि इस काम के लिए जितना डिफेन्स मिनिस्टर मांगे उतना उनको दिया जावे। हमारे देश में सिपाहियों की कमी नहीं है। हमारे देश में अक्ल की कमी नहीं है। जिस चीज की कमी है वह सामान की और आजकल के जमाने में साइन्स की लड़ाई होती है जिसके जरिये से नये किस्म के हथियार बनाये जाते हैं। हमारी सरकार को हथियारों को बनाने के लिए हर मुमकिन कोशिश करनी चाहिये। हमारे देश के सिपाही दुनिया के किसी सिपाही से कम नहीं हैं।

[पंडित ठाकुर दास भार्गव]

लेकिन जहां तक साइन्स का सवाल है हम अभी बहुत पीछे हैं। मुझे खुशी है कि यह रिपोर्ट डिफेंस मिनिस्टर साहब ने हमारे हाथों में दी है। इसके अन्दर दर्ज है कि अभी इस नये डिपार्टमेंट का रीआरगेनाइजेशन हो रहा है। लेकिन मैं अदब से अर्ज करूंगा और जोर के साथ अर्ज करना चाहता हूँ कि इस काम को आप पर लगा दीजिये, इसको आप तेजी के साथ जल्दी चलाइये। अभी यह बड़ा आहिस्ता आहिस्ता चल रहा है। अभी तक तीन साइंटिफिक एडवाइजर और एक अंग्रेज एडवाइजर, जिनने सब स्कीम हमें इसके वास्ते बना कर दी हैं, सिर्फ यही मौजूद हैं। और जो ४० सीनियर और १०० जूनियर साइंटिस्ट्स हैं उनको मुक़र्रर नहीं किया गया है। आप उनको मुक़र्रर कीजिये, जिससे आपके रास्ते में जो भी रेस्ट्रिक्शन्स हों वह आपसे दूर हो जायें। मुझे खुशी है कि एक ऐसा डिपार्टमेंट खुला है और वैम्पायर एरोप्लेन्स भी आये हैं। लेकिन अगर हम इन्हीं तीन वैम्पायर्स के पीछे पड़े रहेंगे तो दुनिया तो बहुत आगे निकल जायगी और हम पीछे ही रह जायेंगे। जो लोग हथियारों के मालिक हैं और जो हमको हथियार देते हैं वह हथियार बहुत पुराने होते हैं। इसलिये इस देश की गवर्नमेंट को इस तरह का काम करना चाहिये जिससे यह खुद रिसर्च करके आगे बढ़ सके। इस एज (age) के अन्दर नये हथियारों का काम है। इस एज के अन्दर हमारा फ़र्ज़ है कि हम अपने दिमाग से काम लें। अब एटॉमिक एज (atomic age) का ज़माना है। यह लाठी और राइफल का ज़माना नहीं है। जब मैं आर्डनेंस फैक्टरी की तरफ़ निगाह डालता हूँ तो मैं अपने देश में सिर्फ़ छोटे हथियारों की फैक्टरी देखता हूँ—बड़े हथियार हम नहीं बनाते हैं। यहां एक राइफल फ़ैक्टरी भी है। लेकिन मैं अर्ज करना चाहता हूँ कि यह लाठी और राइफल का ज़माना नहीं है आपके पास बड़ी बड़ी मशीनों के बनाने की न आरमी की फैक्टरी है न नेवी की है और न एयर की है। आप सारी तबज़्जह, सोल (Sole) तबज़्जह, पूरी तबज़्जह, सिर्फ़ इसकी तरफ़ दें अगर आप चाहते हैं कि यह देश ठीक तरह से तरक्की करे। इसलिये मैं अर्ज करना चाहता हूँ कि जो अब स्कीम साइंस बोर्ड की हमारे सामने रखी गयी है यह महज़ एक स्कीम है। अभी तक इस पर अमल दरामद नहीं हुआ है। लेकिन मैं इसकी शिकायत आपसे कैसे करूँ क्योंकि मैं जानता हूँ कि आप जो कुछ कर सकते हैं वह कर रहे हैं। अभी आपको दूसरे देशों पर निर्भर होना पड़ता है। यह सब मैं जानता हूँ और इसलिये कैसे आपसे शिकायत करूँ। लेकिन मैं यह अर्ज करना चाहता हूँ कि आप इसके अन्दर ज़्यादा से ज़्यादा तेजी अक़्तियार करें। मैं इस पर इससे ज़्यादा जोर नहीं दे सकता।

अब मैं पांच छः छोटे सजेशन देना चाहता हूँ। जो कुछ मैंने आपकी इस रिपोर्ट में से पढ़ा और जो कुछ मुझे मालूम है उस वक़्त हुई जब कि मैं वतौर

मेम्बर स्टैंडिंग कमिटी के फैक्टरीज़ को देखने और नेवल बेस को देखने बम्बई और कलकत्ते गया उस वक़्त जो चन्द चीज़ें मेरी नज़र में आई उनकी बिना पर मैं आप से यह अर्ज करना चाहता हूँ। एक बात जो मैं अर्ज करना चाहता हूँ वह यह है कि इस रिपोर्ट में मैंने पढ़ा है कि एयर, नेवल और आर्मी सर्विसेज़, इन तीनों को कोऑर्डिनेट करने के वास्ते हमारे डिफेंस मिनिस्टर साहब हैं और वह इनको कोऑर्डिनेट करते हैं। मुझे इसमें कोई शक़ नहीं कि डिफेंस मिनिस्टर साहब इस काम को निहायत अच्छी तरह से करते होंगे। लेकिन मेरी अदब से यह गुंजारिश है कि इस मामले में अगर इन तीनों फ़ोरसेज़ के ऊपर एक अफसर मुक़र्रर किया जाय जो इन तीनों फ़ोरसेज़ के टेक्नीक से वाकिफ़ हो और वह इन तीनों को कोऑर्डिनेट करे तो शायद ज़्यादा मुनासिब होगा। ऐसी सूरत में हमारे डिफेंस मिनिस्टर साहब सिर्फ़ उसकी पालिसी की तरफ़ तबज़्जह दें और उसके जनरल इनचार्ज रहें तो वह उस काम में ज़्यादा तबज़्जह दे सकेंगे। अगर सिर्फ़ इस तरह का काम उनके जिम्मे हो तो वह ज़्यादा काम कर सकेंगे। लेकिन यह काम ऐसे आदमी के हाथ में होना चाहिये जो कि तीनों फ़नों में पूरा माहिर हो और जो आदमी इन तीनों के चार्ज में हो वह डिफेंस मिनिस्टर साहब के मातहत हों।

दूसरी बात जो मैं अर्ज करना चाहता हूँ वह यह है कि मैंने इस रिपोर्ट में पढ़ा है कि टैरीटोरियल आरमी जिसके वास्ते हमने पिछले सितम्बर सन् १९४८ में ऐक्ट पास किया था उसकी तरफ़ तबज़्जह तो दी जा रही है लेकिन:

“recruitment will start in the course of the year 1949”.

मैं अदब से अर्ज करूंगा कि मैं इस टैरीटोरियल आरमी की तरफ़ खास तौर पर तबज़्जह डिफेंस मिनिस्टर साहब की दिलाना चाहता हूँ। आज एक अरब ५७ करोड़ रुपये का खर्च इस एस्टीमेट में पास करने को हम तैयार हैं। जब तक कि ट्रांज़ीशन का ज़माना है आप जितना चाहते हैं खर्च कीजिये क्योंकि हम जानते हैं कि काश्मीर का मामला अभी तय नहीं हुआ है। कितने ही भूत हमारी तरफ़ देखते हैं जो हमें हड़प करना चाहते हैं। उस सब के लिये हमें तैयार रहना है। लेकिन अलटीमेटली इतनी बड़ी भारी आरमी हिन्दुस्तान नहीं रख सकेगा और इसका इलाज सिर्फ़ एक ही है और वह यह है कि टैरीटोरियल आरमी इसकी जगह ले। मैं अभी स्विटज़रलैंड गया था। वहां कोई बड़ी भारी आरमी मौजूद नहीं है। लेकिन वहां का हर आदमी और औरत २४ घंटे के अन्दर फौज में शामिल होकर फौज को तैयार कर सकता है और कई लाख की फौज स्विटज़रलैंड में इस तरह २४ घंटे में जमा हो सकती है। मैं जानता हूँ कि स्विटज़रलैंड

[पंडित ठाकुर दास भार्गव]

एक छोटा सा मुल्क है और वहां की कंडीशन्स और हैं। लेकिन मैं चाहता हूँ कि आप टैरीटोरियल फोर्स को जितना बढ़ा देंगे उतना ही आप खर्च कम कर सकेंगे। यह टैरीटोरियल फोर्स एक तरह से सब से बड़ी भारी गारंटी है इंटरनल पीस की। यह नहीं कि सिर्फ दो चार लाख की यह टैरीटोरियल फोर्स हो, इसको आप २० लाख तक कम अज कम बना दें। पिछले मौके पर हमारे डिफेंस मिनिस्टर साहब ने फ़रमाया था कि उनके ख्याल के मुताबिक दस लाख की टैरीटोरियल फोर्स बन सकेंगी अगर उम्र २० और २५ तक की ली जाय। यह बतलाया गया था कि इसके लिये २५ करोड़ रुपये का खर्च होगा। मैं अर्ज करूंगा कि लॉग टर्म व्यू से देखते हुए आप इस टैरीटोरियल फोर्स को बढ़ाइये जिससे इस खर्च की कमी का हम पूरा फायदा उठा सकें।

इसके आगे मैं यह अर्ज करना चाहता हूँ कि यह जो बजट हमारे हाथ में दिया गया है उसके मुताबिक मिस्टर सिधवा साहब ने कुछ चीजें आपके ख़बर अर्ज कर दी हैं कि इस बजट के अन्दर बहुत सी ऐसी चीजें हैं कि जिनके समझने के हम काबिल नहीं हैं। मैं आपकी तवज़्जह मिलिटरी फार्म्स की तरफ दिलाना चाहता हूँ। एक करोड़ ८० लाख का खर्च हुआ है और मिस्सेलेनियस (Miscellaneous item) के नीचे खर्च ४ करोड़ ८२ लाख ७९ हजार का दिया हुआ है और इस खर्च के डिटेल्स इसमें नहीं दिये हुये हैं। हम यह समझने से कासिर हैं कि आया यह खर्च मुनासिब हुआ या नहीं। हाउस का वोट आप चाहते हैं तो हाउस के लिये ज़रूरी है कि वह इस चीज़ को देख सके। तो इसमें ज्यादा डिटेल्स देने की ज़रूरत है। मैं टेक्नीकल और सीक्रेट (secret) डिटेल्स जानना नहीं चाहता। लेकिन आपको यह बतलाने में क्या हेंजीटेशन हो सकता है कि कितने डेरी फार्म हैं और वह किस तरह काम करते हैं। इन चीज़ों के डिटेल्स मालूम होने से कोई सीक्रेट जाहिर नहीं होगा। हाउस को कम से कम यह तो मालूम होना चाहिये कि जिस बजट को हम पास कर रहे हैं उसको हम समझ भी रहे हैं या नहीं और इसको अच्छी तरह से देख रहे हैं या नहीं।

इसके अलावा मैं आपको तवज़्जह इस तरफ दिलाना चाहता हूँ। मैंने कलकत्ते में एक स्कूल देखा, गालिबन् वह राइफल फैक्टरी के साथ था लेकिन उस स्कूल को देखकर मुझे बड़ी तकलीफ हुई। उसके अन्दर भरती होने के लिये १०० लड़कों की गुंजाइश है। उसमें १०० लड़के टेक्निकल ट्रेनिंग हासिल कर सकते हैं। लेकिन बदकिस्मती से वहां सिर्फ ४० लड़के हैं। इस की क्या वजह है? जिस स्कूल में १०० लड़कों की गुंजाइश हो, टेक्निकल

एजुकेशन के लिये, उसमें सिर्फ ४० लड़के पढ़ते हों तो यह एक बड़ी भारी किमिनल नेग्लिजेंस है। जो हमारे देश में सबसे ज़रूरी पढ़ाई का काम है वह टेक्नीकल ट्रेनिंग की पढ़ाई का काम है। हमारे देश में टेक्निकल एजुकेशन की ज़रूरत है, टेक्नीकल परसानल (technical personnel) की ज़रूरत है। मैं यह नहीं मानता कि यहां फूडग्रेन्स की कमी है। अगर हमारे मुल्क में टेक्नीकल एजुकेशन हो तो काफी फूडग्रेन्स पैदा हो सकते हैं। तो ऐसी हालत में ऐसे स्कूल में जो आरमी रन (run) करती हो, जिसका सारा खर्च आरमी देती है जिसके अन्दर वज़ीफे आरमी देती हो, उसमें १०० लड़के न मिलें। यह बात मैं नहीं समझ सकता। यह बात नहीं हो सकती कि इसमें भरती होने के लिये काफी लड़के न मिलें। इसलिये मैं चाहता हूँ कि आप इसकी तरफ तवज़्जह दें।

एक चीज़ मैं आपसे शिकायत के तौर पर अर्ज करना चाहता हूँ और वह यह है कि आपके जो रिक्लूटमेंट आफ़िसर्स हैं उनके बारे में मुझे इल्म है कि वह हरिजनों को रिक्लूट नहीं करते जब तक कि वह अपने आपको ऐसी कौम के अशख़ास जाहिर न करें कि वह मांशियल रेसेज के हैं। मैं जानता हूँ कि यह फर्क अब मांशियल रेसेज का और नान-मांशियल रेसेज का नहीं है और आपने खुद इसको खत्म कर दिया है। बजाय पुरानी मांशियल रेसेज के आज मद्रासियों ने इतनी बड़ी ऊंचाई पर फ़ौज में, काश्मीर के अन्दर, वरफ (आइस) के अन्दर रह कर जो काम किया है उसने यह सब फर्क खत्म कर दिया है। लेकिन ताहम अगर हरिजनों के साथ यह सलूक होता है तो हम उनको क्या मुंह दिखला सकते हैं। हमने पास कर दिया है कि यहां अनटचेबिलिटी नहीं रहेगी। लेकिन अगर हरिजनों के साथ यह सलूक होता है तो हम फिर क्या कह सकेंगे। इसलिये मैं अदब के साथ अर्ज करना चाहता हूँ कि हरिजनों के साथ बेहतर सलूक होना चाहिये। तो आपकी इजाज़त से एक बात और कहना चाहता हूँ। मुझे आज जिस तरह फैक्टरियों में इन्तज़ाम है, उससे मुझे तसल्ली नहीं है। मैं यह मानने को तैयार नहीं हूँ कि जब तक आप उन स्टैन्डर्ड्स को जिन के मुताबिक सारी दुनिया की फैक्टरियां चलती हैं, जब तक आप उन स्टैन्डर्ड्स को अपनी फैक्टरीज में कायम नहीं करेंगे, उन्हीं तरीकों को इस्तेमाल में नहीं लायेंगे, जब तक आप इकौनिमिक इन्तज़ाम फैक्टरीयों का ठीक नहीं कर सकते, न तो वह फैक्टरियां डेली कास्ट दिखलाते हैं और न कामंशियल कास्ट दिखलाते हैं, इस तरह से आप कैसे फैक्टरीयों का इन्तज़ाम कर सकते हैं। फैक्टरीज के कर्मचारी कहते हैं कि हम किसी को इस तरह का हिसाब नहीं देते हैं। मैंने पूछा कि क्या आप बतला सकते हैं कि अगर आपका यह ज़ोब (job) जो रेलवे से मिलता है और फैक्टरीज जो काम करती हैं, क्या वह सस्ती करती हैं, या मंहगी करती हैं। लेकिन उनमें

[पंडित ठाकुर दास भार्गव]

से कोई साहब इसका तसल्ली वरुश जवाब नहीं दे सका। इसलिये मैं अदब से अर्ज करूंगा कि आप करोड़ों रुपया देश का खर्च करते हैं, आपके वास्ते चीजें मुहय्या करते हैं जैसे कपड़ा, मशीनें वगैरह। लेकिन वह सब का सब जहां तक कि उनकी वर्किंग का ताल्लुक है वह तरीके से होना चाहिये। आप इन का जरूरी इन्तजाम करें।

मैंने जो बात अर्ज करनी थी, वह अर्ज कर दी। घंटी बज चुकी है और मैं हाउस का ज्यादा वक्त नहीं लेना चाहता। मैं आपकी खिदमत में फिर मुबारिकबाद पेश करता हूं, आपके काश्मीर के रेकार्ड के बारे में और आपने जो इस फौज के अन्दर तीन चार बातें जो कायम रखी हैं, उनके लिये। जब राउन्डटेबिल कन्फ्रेन्स हुई थी और महात्मा गांधी वहां पर तशरीफ ले गये थे, लार्ड शेन्की ने उनको ताना दिया था कि जब तुमको स्वराज्य मिल जायेगा, तब यह बतलाओ कि तुम यह सारी फौज कैसे कायम रखोगे। आज आपने उसका अच्छी तरह से जवाब दे दिया है, वह बेहतरीन है और अंग्रेजों की जो यह एक मेन्टल ट्रबल थी उसको बेवुनयाद जाहिर कर दिया है। पिछले साल मैं खुद काश्मीर गया था, और मैंने देखा कि आसकी फौज बिल्कुल नान-कम्युनल थी और हर एक आदमी जो फौज के अन्दर मौजूद था, वह जिस तरह से काम करता था जो उसका फर्ज था, मैं उसकी जितनी तारीफ करूं उतनी थोड़ी है। मेरे दिल से यह आवाज बेसावता निकलती है कि अगर हिन्दुस्तान में किसी मिनिस्टरी ने शानदार काम किया है तो दो मिनिस्टरीयों ने काम किया है वह है डिफेंस और स्टेट्स मिनिस्टरी। स्टेट्स मिनिस्टरी ने करीब करीब सारी रियासतों का सवाल हल कर दिया और जो डिफेंस मिनिस्टरी हैं उसने हमारा नाम हर तरफ बढ़ा दिया और दिखला दिया कि आजाद हिन्दुस्तान की फौज किसी भी बाहरी ताकत का या अन्दूनी झगड़े का मुकाबला हर समय करने को पूरी तरह तैयार है। और उसकी रक्षा में हमारा देश महफूज है।

(English translation of the above speech).

Pandit Thakur Das Bhargava (East Punjab: General): When I think that, when on 15th August the British left and our country attained freedom, what was the condition of her army, air force and navy. So for the manner in which our army facing great odds upheld the honour of our country and exalted her prestige, I, on my own behalf as well as on the behalf of the House without any hesitation highly congratulate the honourable the Defence Minister for this.

Our sea-coast extends to five thousand miles and forms the frontier of our country on two sides. Such a vast country is to be defended against invasions. To our greatest misfortune when the British quitted India then for such a vast country they did not leave behind any battleship, and there was no air force

even. The things that they have left here, for them also we have to look towards Europe. I think that perhaps the Romans even would not have left Britain in such a condition. In 1928 Dr. Moonje, speaking in this very House where I am standing today, visualised all this and told the British not to treat us in this manner. He asked them to expand our air force and navy for us as he feared that the British could quit and go back like the Romans.

The conditions of those ordnance factories that were present in 1947, had also become deteriorated. There the work had been stopped in those factories. When the British decided to quit India they do not take any care of these factories and when partition took place the condition deteriorated still more. Two thirds of the military accommodations meant for army, air force and navy went over to Pakistan and two thirds of India's forces fell to our share, and we had to labour under great hardships. But our troops discharged their duties, as we expected of them, with great devotion and acquired a name for themselves throughout the world.

Before they could set to work they had to discharge their duties in Kashmir, in Hyderabad and in Junagarh. Everybody is well aware of the fact as to how our troops discharged their duties in Kashmir and Hyderabad, and for this I, on behalf of the House, congratulate the Honourable Minister and the all personnel of the Indian army. By the deeds of bravery done by our commanders and troops after attaining independence the prestige and honour of this House, of the whole country has been raised. Not only this our soldiers made a name for themselves by fighting on mountains at a height of 16,000 feet. Not only this, our soldiers, who had gone to render help to the people of Kashmir, behaved towards them with utmost gentleness and thus they won the hearts of the people of Kashmir. Upholding the very same ideals that had been laid by our much respected Mahatma Gandhi, our troops conducted operations in Kashmir and raised the honour of the followers of Mahatma Gandhi to an exalted height. They took the people of Kashmir as their brothers and like brothers shared with them their rations also. By such deeds they won the hearts of the people of Kashmir and made a name for this country throughout the world. For all these things we congratulate Sardar Baldev Singh.

But when I turn towards the other side then I feel nothing except regret. As a member of the Standing Committee for Defence I had gone to Bombay to see the naval bases. There I saw the cruiser "Delhi". I made a thorough inspection of "Delhi" and when I asked the officers working thereon they told me that they had to import from foreign countries all the instruments, machines, torpedoes, radar and spare parts of the ship, and so have to look towards other countries. I asked them that if as much materials that are utilized here could not be got from foreign countries then can we defend ourselves? Then I got an answer and a right answer of course, that we will unfortunately have to import from foreign countries all the materials required for the defence of the country. If we fail to obtain these materials from foreign countries then we cannot defend our country. If we had to fight against some powerful country then God forbidding we can not defend ourselves.

Thus it is essential that we must manufacture these things in our country. For this the Defence Department must work at top speed. But what ever efforts are being made in this direction these efforts are going on very slowly and indolently. The other countries of the world are ready to pay lip sympathy towards us but we do not get war materials. Then the only course that is left to us is that we should at the earliest possible set up such factories in our country wherein we could manufacture all our war materials for the forces. This work should be done with such a speed and promptness that we may become self sufficient in all these things. A provision of 15 crores has been made in this Budget and which includes the amount of 11 crores and 80 lacs as the

1188

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [7TH MARCH 1949]

[Pandit Thakur Das Bhargava]

value of the things imported from foreign countries leaving a balance of 3 crores and 20 lacs; I cannot understand this, this amount is highly insufficient for the needs of such a vast country. For this work whatever amount the Defence Ministry demands should be given to the Ministry. Our country does not lack good soldiers. Our country does not lack intelligence. The thing that we lack are materials and goods. These are the days of scientific warfare and for this sake new types of weapons and arms are manufactured. Our Government should make every possible efforts to manufacture these modern types of arms in this country. The soldiers of our country are in no way inferior to those of the other countries. As far as the question of science is concerned we are far backward. I am glad that the Honourable the Defence Minister has given this report to us. It is mentioned in the report that just now the re-organisation of this Department is being done. Very respectfully I would submit and with full emphasis at my command I like to submit that you should do this work with top speed, proceed with this work as quickly as possible. For the present the progress is very slow. Till now there are only three Indian scientific advisers and one English adviser, and they have prepared for us all the schemes for the re-organisation. The other 40 senior and 100 junior scientists have not yet been appointed. You must appoint them at the earliest so that whatever restrictions might be in your way may be removed. I am pleased to learn that such a department has been set up and some Vampire aeroplanes also have come. But if we were to dance attendance on these three Vampires only then the world would advance far beyond us and we would be left behind lagging. The countries that manufacture arms and the arms that they give to us are generally old. Therefore the Government of our country should act in such a manner whereby this country by doing research work herself, may make rapid progress. In this present age modern arms are wanted. In the present age it is our duty that we use our intelligence. This age is the Atomic Age. This age is not of lathis and rifles. When I turn my attention towards Ordnance factories, then in my country I see factories for making smaller arms, we do not manufacture heavier types of armaments. We have here a rifle factory also. But I like to submit that this is not an age of lathis and rifles. You have no big factory either of the army or of the air force or of the navy for the manufacture of heavy machines and armaments. If you wish your country to make sound progress then you must pay your sole and undivided attention towards this only. Therefore I wish to submit that the scheme of the Board of Science, that has been placed before us, is merely a scheme only. The scheme has not yet come into operation. But how does it lie in my mouth to make a complaint about this when I see that whatever you could do you are doing. As yet you have to fall back upon other countries. I know all this and so how can I make a complaint. But I wish to submit that you should give more acceleration to this work. I cannot lay any more emphasis than this on the point.

Now I wish to give five or six minor suggestions. Whatever I could gather on going through your report and whatever things I could see when as a member of the Standing Committee I went to Bombay and Calcutta to inspect the factories and naval bases there; I wish to submit something based on these experiences. One thing that I wish to submit is that I have read in this report that for the co-ordination of the air, naval and army services there is the Honourable the Defence Minister and he himself co-ordinates these services. I have not the least doubt that the Honourable the Defence Minister must be doing this work most efficiently. But very respectfully I beg to submit that if for this co-ordination work an officer well conversant with the techniques of all the three kinds of forces is appointed and placed at the head of the three forces, and if he were to do this co-ordination work then it would be far better and expedient. Under these circumstances if the Honourable the Defence Minister were to pay attention towards the general policy and remain

in the general charge then he would be able to pay more attention to this work. If only such work is placed in his charge then he would be able to do more work. But this work must be entrusted to such a person who must be an expert in all the three branches of the defence forces and all the persons in charge of all the three branches must be subordinate to the Honourable the Defence Minister.

The second thing that I wish to submit is that I have read in this report that though attention is being paid towards the Territorial Army, for which we had passed an Act in September 1948, yet "recruitment will start in the course of the year 1949". Very humbly I would like to submit that I wish to draw the attention of the Honourable the Defence Minister particularly towards the Territorial Army. Today we are ready to sanction an expenditure of 157 crores of rupees in this estimate. Till the transition period lasts you may spend as much as you like because we know that the problem of Kashmir has not yet been settled. Many evil spirits look towards us and who wish to swallow us up. We have always to be ready for them. But ultimately India would not be able to maintain such a big army and the only solution for this is that the Territorial Army may take its place. Quite recently I had gone to Switzerland. There is no big regular army. But there within 24 hours every man and woman can report for duty and enlist in the army and so in Switzerland within 24 hours an army of several lakhs in this way can report for duty. I know that Switzerland is a small country and there the conditions are quite different. But I know the greater expansion you would give to the Territorial Army the lesser the expenses you would have to incur. This Territorial Army is in a way the biggest guarantee of internal peace. It may not be so that the strength of the Territorial Army may be only 2-4 lakhs you should raise an army of at least 20 lakhs. On the last occasion our Honourable the Defence Minister had stated that in his opinion a Territorial Force of 10 lakhs strength could be raised if the age limit was to be restricted to 20-25 years. It was stated that this would entail an expenditure of 25 crores of rupees. I would submit that taking the long term view in consideration. You should expand the Territorial Army so that we may be able to take full advantage of this reduction in expenditure.

After this I like to submit that about the Budget, that has been presented before us, Mr. Sidhva has submitted some facts for your kind consideration and has stated that there are certain items in the Budget which we are not competent enough to understand. I wish to draw your attention towards military farms. On this item Rs. 1,80,00,000 has spent, but under Miscellaneous Items the total of expenditure is given as Rs. 4,82,79,000 and no details of this expenditure are given.

We are quite unable to understand whether this expenditure has justly been made or not. If you want to get the vote of the House then it is essential for the House that it may be able to judge this thing. So it is necessary to give more details. I do not want to ascertain technical and secret details. But what hesitation can you have in informing us as to how many dairy farms are and in what manner they function. By knowing the details of these things no secret information would be disclosed. The House must at least know this that the Budget we are passing we are understanding it or not and are critically examining the same or not.

Besides this I wish to draw your attention towards this side. At Calcutta I saw a school which was perhaps attached to the rifle factory. But I was highly pained to see that school. The school has accommodation sufficient enough for admission of 100 students. Therein 100 students can get technical training. But unfortunately, there are only 40 students. What is the reason for this? In a school where accommodation be sufficient for 100 students for technical education only 40 be getting training then this is a very serious type of criminal negligence. In our country the most important

[Pandit Phakur Das Bhargava]

branch of education these days is the imparting of technical training. In our country there is a need of technical education, and a need of technical personnel. I do not admit that there is a shortage of food grains in our country. If there be technical education in our country then sufficient food grains can be grown here. Then in such circumstances I am not able to understand that such a school, which is run by the army, whose entire expenditure is footed by the army, wherein scholarships also are given by the army, cannot attract even 100 students for admission. It cannot be the case that sufficient number of students may not be found for admission to this school. Therefore I want you to pay more attention towards this.

I wish to submit one thing by the way of complaint. Your recruiting officers, as far as it is in my knowledge, do not recruit Harijans till the time they do not disclose that they are members of those castes that are termed as martial races. I know that now there is no differentiation of martial and non-martial races, and you yourself have ended it. Instead of the old martial races the deeds of glory done today by the Madrasis, who have been recruited in army, while fighting at great heights and in snow fall in Kashmir have ended all this differentiation for good. Yet still if this treatment is meted out to Harijans then how can we appear before them with confidence. We have passed that untouchability will not be allowed to exist. But if such treatment is meted out to the Harijans then what would we be able to say. Therefore I respectfully like to submit that better treatment should be meted out to Harijans.

Sir, with your permission, I wish to submit one more point. I am not satisfied with the present system of management in the factories. I am not prepared to accept that till you would not establish those standards in your factories, according to which all the factories throughout the world run, till you would not utilize them properly; you cannot set the economic management of the factories in order. These factories neither show daily costs nor commercial costs. Then how can you manage these factories? The officers of the factory say that they do not give such accounts to anybody. I asked them if they could tell me whether the job work that they get from the railways, and the factories that do the job, do it cheaply or dearly. But none of them could give a satisfactory answer hereof. Therefore I would respectfully submit that you spend crores of rupees of this country and provide many things like cloth, machines etc. But all these things, as far as their working is concerned, should be done systematically. You must certainly organise them.

What I had to submit I have submitted. The bell has gone and I do not want to take more time of the House. I once again congratulate you for your Kashmir record and for maintaining the two or three salient features of the army. When the Round Table Conference was called and Mahatma went there to participate in it, then Lord Shanky taunted him by saying that when you would attain Swarajya then how would you maintain the entire army. Today you have given an appropriate answer to that gibe. Your answer is the best and has proved the Britisher's mental trouble, to be perfectly groundless. Last year I myself had gone to Kashmir and there I saw that your army was absolutely non communal and everybody in the army did his work in a manner as befitted his obligation and duty. However much I praise the army it would always fall short. Spontaneously my heart gives out that if any Ministries have done splendid work then only two Ministries have done so and these are the Defence Ministry and the States Ministry. The States Ministry has solved the problem of nearly all the States and the Defence Ministry has glorified our name and prestige in the eyes of the world and has shown that the armies of Independent India are always fully prepared and competent to combat any external forces or internal squabbles and under its protection our country is perfectly safe and secure.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Mr. Speaker: I presume the honourable Minister will require about half an hour. That means we carry on the discussion up to 4-30. I will request honourable Members to keep strictly within the time limit.

Kazi Syed Karimuddin (C.P. and Berar: Muslim): I congratulate the Minister in charge of Defence for the reorganisation of the army in spite of the tremendous difficulties after the partition of this country. We really pay a tribute to the Army for bringing refugees, for fighting the police action in Hyderabad and our operations in Kashmir.

It has been referred to in the speech by the Minister that the process of nationalization is being completed. I lay very great emphasis on the point of nationalisation of the Technicians in the Army and Navy. If all soldiers are recruited from India and if the key posts of the technicians and experts go to foreigners, I would say that there is no nationalisation at all. In the set up of international politics today, Military being the most important department, I would urge that there should be complete nationalisation as far as technicians and scientists organisation is concerned. I would urge upon the Minister in charge that speedy steps should be taken for this and within at least two years, if not more, the entire band of technicians should be recruited from India.

Shri B. Das (Orissa: General): But, it takes a long time to train them.

Kazi Syed Karimuddin: My next point is the expenditure on Defence. I entirely agree with these speakers who have said that looking to the politics, international and domestic, it is necessary to maintain the Army as we are maintaining. Happily for me, I have got a ground of argument and discussion, because the Minister in charge of Defence compared the figures for Pakistan and India. We find that the Defence expenditure is 157 crores in India and 47 crores in Pakistan. If the Minister in charge quoted these figures to show that there is a race for armaments and a justification for these armaments to be increased, then, my submission is, that a stage has been reached when Pakistan and the Government of India should examine and find out whether there is any conflict for which such huge armies ought to be maintained. We have succeeded in our police action in Hyderabad and now, about Kashmir, the matter is left to the plebiscite. The Prime Minister of India and the Government of India have declared not once, but on several occasions that they have no intention to attack any other country, that they have no schemes of aggrandisement. It would be madness to suppose that Pakistan can invade India with our resources, with our military, and with our strength, as the Minister in charge has said. If there is no occasion for any conflict now, it is up to the Government of Pakistan and the Government of India to reduce their armaments with a view to have the internal economy of the country improved and with a view to see that both countries enhance their reputation in the economic and other fields. The only method by which this race for armaments can come down is, as I have suggested at the time of the general discussion, the signing of a non-aggression pact. If it is a question of prestige as to who should approach, we are having several inter-dominion conferences and if there is no cause for any conflict now, it passes my imagination why there should not be a non-aggression pact between the two countries, and why there should not be joint defences, to the lasting good of both the countries. When there is no conflict except the elections in Kashmir, my submission is that this should be resorted to if the defence expenditure is to be brought down from 157 crores. About the good intentions of the Government of India, if any proof is needed, the

[Kazi Syed Karimuddin]

proof is there that at a time when there was undeclared war between India and Pakistan, the Government of India made a reference to the UNO about the Kashmir affair. That is proof of the good intention of the Government of India that they did not want to declare war against Pakistan. When such proofs are forthcoming, when good intentions are there and both realise that there should be amity and friendliness between the two countries, there is no reason why such a pact should not be signed, and there is no reason why joint defences should not be created. Both the countries have got to meet the menace of chaos and anarchy on both sides. East and West. In view of this, and in view of the fact that we should have an Asian bloc to fight out foreigners on our soil, it is very necessary that such a pact should be translated into action.

Shri B. Das: Who will bell the cat?

Kazi Syed Karimuddin: That is the point.

One thing more, and I have done. I was very glad to hear when the Minister in charge of Defence stated that with our Army in India, there was no question of caste, creed and community. I was very glad to know that communal considerations never weighed with our fighting forces either in Kashmir or Hyderabad. We have also found that the Muslims, particularly in the Hyderabad action, were entirely with the Government of India. I would respectfully submit that the recruitment of Muslims in recent years after August 1947 has been very negligible. If there are political reasons which are cogent, they should be stated on the floor of the House. If you have Sheikh Abdulla in Kashmir and a band of loyal Muslims, in the country, there is no reason why Muslims should be excluded as a class from general recruitment to the Army and Navy. Therefore my submission is that there would be a time in the country when Muslims should fight shoulder to shoulder for the honour and prestige of this country and there is no reason why they should be excluded from the defence of this country when they regard themselves as nationals of this country. In the great war of 1914-18, the Muslims of India fought against Turkey. They have fought against Arabia. Even your troops have fought in Kashmir. Therefore my submission is that exclusion of those people as a class, if at all it is resorted to, is not correct. I say that there has been a negligible recruitment of Muslims into the Indian army. If such is the case, this policy should be reversed, and I would make an appeal to the Minister in charge not to allow the Muslims of India to feel that they are humiliated or insulted on the ground that they are not fit to be in the army.

Shri C. M. Poonacha (Coorg): At the outset I wholeheartedly associate myself with the tributes paid by the honourable the Defence Minister as well as by all sections of this House to our Armed Forces. The previous speakers associated themselves in a similar manner with the sentiments expressed by the honourable Minister for the magnificent services rendered by our Armed Forces, both in the Kashmir campaign and also to what is now historically known as the "Police Action" in Hyderabad. From point of brevity I would like to confine myself to a few things which have not been covered by the previous speakers. I do not intend to traverse the same points which have been made out by the previous speakers.

After having heard my honourable friend, Mr. Karimuddin, I felt that in so far as our discussions relate to this Defence Budget, there is a sort of feeling which has given expression to some sort of misleading conclusions. I mean to say that certain references made here give a false impression that India is, on a sort of "War Path" (**Kazi Syed Karimuddin:** 'I have never said that!')

or on a sort of "Amendment Race." No. I shall say, far far from it, India is not at all on the path of what might be called by a few as an Armament Race, because if you look into the Budget and scrutinise the figures, you will very clearly find there that because of certain unavoidable circumstances which have placed India in a very pitiable condition compelling factors have forced our hands to develop certain things in so far as defence measure are concerned. Mostly, they are of the nature of building accommodation, providing equipment, buying stores, and more than all these things, providing the minimum amount of training facilities for our Armed Forces. It has been said that on account of the partition the set up of our Armed Forces suffered very much. We lost practically two-thirds of our accommodation establishments and we were just left with one-third of the housing accommodation in India, whereas two-thirds of it went over to Pakistan. On the other hand, according to the division of the Indian Army of the undivided India, we got two-thirds of it—two-thirds of the personnel to be accommodated with this less than one-third of the housing accommodation. It is a problem by itself, and most of our expenditure, if you would like to go into it in detail, would be for housing the armed personnel, the equipment, the stores and all manner of things, and then above all these to afford the minimum amount of scientific training facilities for our three Services, particularly the Navy and the Air Force. Therefore, it has been a sort of unhappy reference in this particular matter and I should like to clear all doubts in the minds of every one here that so far as India is concerned there is absolutely nothing like a race for Armament. Much more than that, I should say that this budget is not the one which arises out of a Fear Complex. We do not see any signs of aggression from any side. On the contrary we are in very happy company as our neighbouring States and Governments are so friendly with us that there is no possibility of any sort of threat across our frontiers and we are quite sure about it. Therefore, there is no point in India trying to resort to what might be called in the modern term a Race for Armament. On the other hand, the standard of our defence forces is so low as compared to the modern standards of armies, that it is necessary that we have got to develop, and do research with a view to improve the capacity as well as the constitution of our armed forces. That is an inevitable thing. No nation can escape that and in that line we are attempting to make a very slow humble and modest progress. I welcome this Budget from that point of view.

If we could just look into the figures of expenditure of the other nations, we could just find that a country like Australia spends about twelve times more on defence than what it used to spend before 1938-39. America today spends ten times more than what she used to spend before 1938-39. The United Kingdom and the U.S.S.R. in similar manner spend more than three times its pre-war budget figures of 1938-39. Supposing if we compare our own, we will find that we have in no way exceeded these limits except for the compelling reasons that we have been subjected to on account of the partition of India.

Next I come to the point of demobilisation. In the speech of the honourable Minister for Finance, there was a mention that demobilisation would be resorted to in a very progressive manner. I for one feel that this would be a rather very unwise step to resort to at the moment. I do not at all endorse the idea of demobilisation and in any case I do not think that the present strength of the Indian Army or the Armed Forces of India is in any way out of proportion to the requirements and considerations of our country. I would like to suggest that before resorting to any plan for demobilisation our Government must first think of absorbing all the forces of the Indian States and then bring them under one unified Command, and after that review the whole position and if we find that there is surplus of armed personnel, by a method

[Shri C. M. Poonacha]

of categorisation we can plan for a sort of demobilisation. Not until we have integrated all the Armed Forces of the different States in India should our Government think of demobilisation.

Incidentally I would like to refer to another point also. While we have got to integrate all the State forces in India it is also necessary that we should look into the other side of the picture. I see in quite a number of provinces semi military units called the *Gram Rakshak Dals* or Home guards etc., which have been raised by the provinces. I do not agree with this idea. So far as internal security is concerned I think the Police Force should be adequate to meet the requirements of the provinces. Apart from that there should not be anything like *quasi* or semi military units being raised in the provinces. On the other hand, the Government of India, particularly the Ministry of Defence must go ahead with the scheme of the Territorial Army and also the National Cadet Corps so that they can build up a second line of defence and not allow the provinces to develop their own organisations in a haphazard manner. I hope the Defence Minister will take up this matter at a very high level and deal with the provinces and see that there is uniformity brought about in this respect, because any kind of military organisation should be organised and constituted on an all India footing. It cannot be on a purely provincial footing. So far as provincial requirements are concerned the training and constitution of the police force is sufficient and is more than enough.

I would now like to deal with the question of amenities to troops. In this respect I would request the honourable Defence Minister to pay sufficient attention to create more recreation centres for our Armed Personnel and thus see that more amenities are provided for our fighting forces.

So far as the new Pay Code is concerned, Mr. Sidhva made out a point that there is no hardship to the officers. I beg to differ from him. I should like to tell him that so far as the lower rungs of the officer class are concerned they have been hard hit by the new Pay Code. It is so full of anomalies, which require revision and they should be set right.

Shri R. K. Sidhva: What are the anomalies?

Shri C. M. Poonacha: I have very little time to give the details and I have some other points to speak upon. So far as the pay scales are concerned I think they require careful examination and revision. As regards pension terms I was happy to note that the honourable the Defence Minister in his statement referred to this point and I hope that he will look into this question and see that the terms are revised and brought up to date.

Then I come to the Reservists who have a liability to be called for active service whenever required. They are given a paltry sum of five rupees per month. On the face of it this is very unjust and requires revision, because this was fixed some twenty or thirty years ago. This allowance must be suitably enhanced.

I come to the question of accommodation, particularly married accommodation for the rank and file. So far as the army is concerned they have hardly about ten to fifteen per cent. married accommodation, whereas in the Navy and Air Force it is completely nil. I wish sufficient attention is also paid to this question. The Armed Forces Accommodation Committee which was constituted by the Ministry of Defence sometimes ago submitted its report sometime in 1947. I wonder whether the suggestions made by that Committee have been taken into consideration.

There is the question of the compulsory age of retirement. In normal times only Cadets were taken into the officer class but during War time on account of the demand they had to recruit personnel from higher age groups, so much so the compulsory age restriction for retirement works very adversely on this class of Officers who have been recruited from the higher age groups. This should be examined and suitable rules must be framed to remove the hardships.

With these remarks, Sir, I resume my seat with the hope that the honourable the Defence Minister will take these few suggestions of mine into consideration.

श्री मोहन लाल गौतम : जनाब स्पीकर साहब, अभी कुछ एतराजात जो पेश किये गये हैं उनमें मैं समझता हूँ काफी जान है। जब यह कहा जाता है कि डिफेंस पर हमारा १५७ करोड़ रुपया खर्च होता है, और हमारे कुल बजट का ४८ फी सदी रुपया खर्च हो जाता है, तो वाकई बात यह है कि इस गरीब मुल्क के लिये जो भूखा है, नंगा है, यह काफी बड़ी रकम है। लेकिन सवाल यह पैदा होता है कि क्या यह रकम खर्च करना जरूरी है या नहीं। अब तक अंग्रेजों के जमाने में आर्मी के दो काम थे। एक तो External aggression से अपने आप को बचाने के लिये और दूसरे Internal security कायम रखने के लिये। मैं समझता हूँ कि स्वराज्य हासिल होने के बाद, हालांकि अब तक यहां हालत ऐसी पैदा नहीं हुई है कि Internal security के लिये हमें फौज की जरूरत न हो। लेकिन मुझे यह उम्मीद है, और मैं यह समझता हूँ कि हमारी गवर्नमेंट को इस तरह चलना होगा कि Internal security के लिये फौज का इस्तेमाल न किया जा सके। और सबों और मुकामी जगह वह इस तरह का अपनी पुलिस का इन्तजाम कर सके कि वहां फौज की जरूरत इन्टर्नल सिक्योरिटी के लिये न हो। लेकिन जब तक यह नहीं होता, जब तक हम यह देखते हैं कि बंगाल में आज फौज की जरूरत है इन्टर्नल सिक्योरिटी के लिये, और दूसरी जगह भी, तब तक हमको यह देखना पड़ता है कि जितनी फौज हमारे पास है, वह हमारे लिये काफी है या नहीं। काश्मीर का मसला आज हम देखते हैं तय हो गया है, लेकिन कहा नहीं जा सकता कि दोबारा फौज को आप हुकम देंगे लड़ाई लड़ने के लिये या नहीं। यह अभी हम या गवर्नमेंट नहीं कह सकते। लेकिन यह रुपया कम खर्च हो सके तो ठीक है, लेकिन जितना खर्च हो रहा है उसमें बहुत ज्यादा criticism की गुंजाइश नहीं दिखाई देती।

मैं समझता हूँ कि जो कुछ रुपया खर्च हो रहा है उससे कहीं ज्यादा खर्च हो सकता है अगर हमारे मुल्क में इतनी गुंजाइश हो, अगर हमारे मुल्क के पास इतना रुपया हो कि वह खर्च कर सके। शायद लोगों को अन्दाजा नहीं है, जैसा कि अभी हमारे दोस्त मौलाना साहब ने कहा है, कि हमारे

[श्री मौहनलाल गौतम]

पास फ़ौज तो दो तिहाई आई लेकिन एकोमोडेशन (accommodation) एक तिहाई ही हमारे हिस्से में पड़ी। फ़ौज के मकानों की हालत बहुत काफ़ी खराब है। हम कह सकते हैं कि हमारे लैंड फ़ोर्सेज तो काफ़ी अच्छे हैं, लेकिन जहां तक समुद्री बेड़े और हवाई बेड़े का ताल्लुक है वह नाकाफ़ी है। समुद्री बेड़ा तो हमारे पास न होने के बराबर था, अब शायद धीरे धीरे कुछ हो रहा है और शायद आपको यह सुनकर ताज्जुब होगा कि अगर दस साल तक हम लगातार कोशिश करते रहें तब भी हमारे समुद्री बेड़े की ताकत उतनी न हो सकेगी जितनी कि आज एक छोटे से मुल्क न्यूज़ीलैंड की है जिसकी आबादी सिर्फ २० लाख है। बीस लाख की आबादी के मुल्क के पास हमसे इस वक्त समुद्री बेड़ा ज्यादा है और हमारे पास उतना बेड़ा दस साल के बाद तक नहीं होगा जिसको कि हम करोड़ों रुपये खर्च करके यहां बनायेंगे। हवाई फ़ौज का भी यही हाल है। उनके पास इक्विपमेंट (Equipment) नहीं है। समुद्री बेड़े के पास इक्विपमेंट (Equipment) नहीं है। एक क्रूज़र (Cruiser), बड़ी मुश्किल से मिला है। तीन डेस्ट्रॉयर्स (Destroyers) आ रहे हैं। यह हमें नहीं मालूम कि वह किस किस के होंगे। मैं यह नहीं मानता कि कोई मुल्क अपने यहां से फ़र्स्ट क्लास इक्विपमेंट आपको दे देगा। इसलिए मैं समझता हूँ कि अभी रुपया तो बहुत ज्यादा खर्च करने की ज़रूरत पड़ेगी। इसलिए यह मानते हुए भी कि यह रकम बहुत काफ़ी बड़ी है, हमें यह भी आगे के लिए ध्यान रखना होगा कि हमें इससे और ज्यादा खर्च करना है। लेकिन जब मैं यह कहता हूँ तो उसके मानी यह नहीं हैं कि जो कुछ खर्च हो रहा है उसमें हर तरह से जितनी इकोनोमी (Economy) हो सकती थी वह हो रही है और इससे ज्यादा नहीं हो सकती। मैं समझता हूँ कि डिपार्टमेंट और मिनिस्टर साहब कुछ कर रहे होंगे हर तरह की इकोनोमी के लिए, लेकिन फिर भी गुंजाइश इस बात की है कि हमेशा इस तरफ नज़र रखी जाय, एक सख्त और कड़ी नज़र रखी जाय इस बात पर कि फ़िज़ूलखर्ची न हो। उसके लिए मेरी तजवीज़ यह है कि कोई कमेटी इस बात के लिए बिठाई जाय जो हमेशा यह Watch करती रहे कि फ़िज़ूलखर्ची न हो।

अभी जैसा मैंने अज़ किया कि हमको समुद्री बेड़ा या हवाई ताकत काफ़ी बढ़ानी है, वहां दूसरी चीज़ यह भी है कि हमारे पास आर्डिनेंस फ़ैक्टरियां जो हैं वह छोटे हथियार ज़रूर बना लेती हैं, लेकिन बड़े हथियार बनाने के लिए हमारे पास कोई आर्डिनेंस फ़ैक्टरी नहीं है। उसको हमें बनाना पड़ेगा। आर्डिनेंस फ़ैक्टरीज़ के मुताल्लिक में दो एक बातें आनरेबिल मिनिस्टर साहब की खिदमत में अज़ कर देना चाहता हूँ। वह यह है कि आर्डिनेंस फ़ैक्टरीज़ के लिए एक

ऐसा प्लान होना चाहिए जिसको कि आप कुछ साल तक पूरा करने के बाद एक ढंग की आर्डिनेंस फ़ैक्टरीज़ को इस मुल्क में जारी कर सकें। मैं नहीं जानता कि जितनी आर्डिनेंस फ़ैक्टरीज़ हैं वह सब महफूज़ जगह पर हैं या नहीं। अगर ऐसा नहीं है तो आपको अल्टीमेटली (Ultimately) उनको वहां से बदलना पड़ेगा। आर्डिनेंस फ़ैक्टरीज़ में जो पुरानी मैशिनरी है उसको भी आपको बदलना पड़ेगा। और सबसे बड़ी बात यह है कि आर्डिनेंस फ़ैक्टरीज़ के मुताल्लिक एक कोऑर्डिनेशन (Co-ordination) चाहिए। हमारे यहां इस कोऑर्डिनेशन की कमी है और उसकी तरफ मैं खास तौर से गवर्नमेंट की तवज्जह दिलाना चाहता हूँ। इंडस्ट्रीज़ डिपार्टमेंट और डिफेंस डिपार्टमेंट दोनों अलहदा अलहदा नहीं किये जा सकते। अभी कुछ हफ्ते हुए कि इंडस्ट्रीज़ डिपार्टमेंट की तरफ से एक कान्फ्रेंस बुलाई गई थी, लेकिन उसमें डिफेंस डिपार्टमेंट का कोई आदमी नहीं बुलाया गया। मैं समझता हूँ कि यह बहुत बड़ी ग़लती है कि इंडस्ट्रीज़ डिपार्टमेंट और डिफेंस डिपार्टमेंट में कोई कोऑर्डिनेशन नहीं है। हमको आर्डिनेंस फ़ैक्टरीज़ को भी इस तरह संगठित करना होगा कि लड़ाई के जमाने में वह हथियार बनायें और जब लड़ाई न रहे तो इस तरह की चीज़ें तैयार करें जो कि आम जनता को मुहय्या की जा सकें। जब तक ऐसा न होगा तो उसका नतीजा यह होगा कि लड़ाई के वक्त तो जो टेकनीशियन आपने रखे हैं वह कुछ चीज़ें तैयार करेंगे मगर ज्यों ही लड़ाई खत्म होगी आपको मजबूरन उन टेकनीशियन्स को निकालना पड़ेगा क्योंकि वह जनता के काम की चीज़ें नहीं बना सकेंगे। टेकनीशियन्स चले जायेंगे और दूसरी जगह काम शुरू कर देंगे। अगर फिर दोबारा आप उनको चाहेंगे और फ़ैक्टरी को पूरी ताकत तक चालू करना चाहेंगे तो वह आपको नहीं मिल सकेंगे। इसलिए मैं समझता हूँ कि टेकनीशियन्स को ट्रेन करने के बाद खो देना डिफेंस डिपार्टमेंट के लिहाज़ से अच्छा नहीं होगा। जहां तक हो सके ऐसा नहीं होने देना चाहिए। लेकिन जब आप इस तरफ तवज्जह देंगे और मजदूरों और टेकनीशियन्स को वहां रखने की सोचेंगे तो कई एक और सवालात पैदा होंगे। वह यह है कि मजदूरों के बारे में ऐसा मालूम होता है कि पिछली पे कमीशन ने बहुत सी ऐनामलीज़ (Anomalies) छोड़ी हैं। मैंने यह सुना है कि डिपार्टमेंट ने एक मिस्टर साहनी को इसके लिए मुक़र्रर किया है, लेकिन १४ महीने हो गये अभी तक उनकी कोई रिपोर्ट नहीं आई है और यह मालूम नहीं होता है कि वह उन ऐनामलीज़ को किस तरह दूर करने की तजवीज़ कर रहे हैं।

जैसा कि आम्बे फोर्सेज के बारे में है, वैसा ही फ़ैक्ट्री लेबर के लिए भी हाउसिंग का प्रोबलम एक बड़ा प्रोबलम है। रिपोर्ट में लिखा हुआ है कि कलकत्ते के मजदूरों को मकान मिलना मुश्किल है। अगर आप उनको मकान मुहय्या

[श्री मोहन लाल गौतम]

नहीं करते तो मैं आपसे पूछता हूँ कि कलकत्ते में मजदूर किस तरह रह सकते हैं। इसलिए आपको फ़ैक्टरीज को इस तरह आर्गेनाइज (Organize) करना होगा कि लेबर भी कन्टेन्टेड (Contented) रहे। यह न हो कि जब तक वह स्ट्राइक की धमकी न दें उस वक्त तक आप उनकी बात ही न सुनें। मैं समझता हूँ कि यह गलत है और अगर आपने इस तरीके को कायम रखा तो आप कहां जायेंगे मैं यह नहीं कह सकता।

मजदूरों में एक बड़ा भारी मसला है जैसा कि आर्ड्स फोर्सेज में भी है, और वह है टैम्पोरेरी लोगों का। ऐसे बहुत से लोग टैम्पोरेरी हैं जो कि दस दस, बारह बारह, पंद्रह पंद्रह और २० २० साल से मुलाजिम हैं। आप ख्याल फ़रमाइये कि उनको इतना अर्सा हो गया और वह टैम्पोरेरी हैं। उनको पता नहीं कि वह कब निकाल दिये जायेंगे। उसे मालूम नहीं कि अगर उसे कल निकाल दिया गया तो उसे कहां मुलाजिम मिलेगी, और दूसरी तरफ वह यहां पर रह कर भी पूरा ध्यान अपने काम पर नहीं दे सकता। इसलिए उसका इनएफ़ीशेंट (Inefficient) हो जाना जरूरी है। इसलिए मैं समझता हूँ कि यह मसला एक बार तै हो जाना चाहिए कि आप कितने आदमियों को Assimilate कर सकते हैं और टैम्पोरेरी लोगों का कुछ इन्तज़ाम हो जाना चाहिए।

हमारे मिनिस्टर साहब ने जब अपनी सुबह की स्पीच दी तो उन्होंने रियासतों की फ़ौज की बहुत तारीफ़ की थी। उन्होंने कहा था कि वह फ़ौज बहुत माकूल है। और उन्होंने बहुत अच्छा काम किया, यह आज सुबह हम मिनिस्टर साहब से सुन चुके हैं। मैं समझता हूँ कि अब वह ज़माना आ गया है कि जिस तरह से स्टेट का इंटीग्रेशन (Integration) हो गया और जिस तरह से कि मुल्क को एक बना दिया गया है, उसके बाद यह जरूरी नहीं है कि रियासतों के मातहत अलग अलग फ़ौजें रहें। उन सबको भी एक हो जाना चाहिए। वह सब फ़ौजें एक कमांड में और एक आर्गेनाइजेशन में होनी चाहिए और रियासतों के हाथ में सिर्फ़ पुलिस रह जाय। इससे फ़ौजों के खर्च में बहुत सा ख़या भी बच जायगा और जो बहुत सी इनएफ़ीशेंसी छोटी छोटी रियासतों की फ़ौजों में है वह दूर हो जायगी और आपकी फ़ौज की बहुत ताक़त बढ़ जायगी। मैं समझता हूँ कि हमको इस तरफ़ बहुत जल्द ध्यान देना होगा और इस फ़ौज को भी Integrate करना होगा।

एक चीज़ जिसकी तरफ़ मैं गवर्नमेंट की ओर तवज्जह दिलाना चाहता हूँ वह यह है कि, और जिसके बारे में अभी तक हमको बहुत दिक्कतें बायद नज़र आती हैं, कि हमें अपनी फ़ौज के लिए बाहर से सामान मंगाना पड़ता है।

मुझे इसमें शक है कि हम जो कुछ भी सामान मंगाते हैं वह हमें फ़स्ट रेट मिलता है। इसके अलावा हम दुनिया के किसी भी हिस्से से माल लें, हमको यह भी देखना होगा कि हम उसको अपने यहां किस तरह बनायेंगे। अगर हम बाहर से सामान लेंगे तो उस पर असर फ़ारिन पालिसी का भी पड़ेगा। यह एक बहुत बड़ा मसला है जिसके बारे में मैं उस एक या डेढ़ मिनट के वक्त में जो मेरे पास है ज़्यादा अर्ज नहीं कर सकता। लेकिन हमें अब इस बात पर अच्छी तरह ग़ौर करना होगा कि हम अपने मुल्क को किस तरह से मजबूत बना सकते हैं और किस तरह हम यह सामान दुनिया से ले सकते हैं। इसलिए मैं यह अर्ज करता हूँ कि जो कुछ हो रहा है हालांकि वह काफी है लेकिन अभी बहुत कुछ बाकी है।

अभी यह कहा गया है कि हमारे यहां यूरोपियन टैकनीशियन हैं। मैंने भी इस मसले को देखा है और इसकी काफ़ी जांच की है। मैं समझता हूँ कि जो कोई भी हमें हिन्दुस्तान में मिलता है वह रख लिया जाता है, लेकिन हमारी वदकिस्मती यह है कि अभी हिन्दुस्तान में ट्रेड टैकनीशियन्स काफ़ी संख्या में हैं नहीं और उनको ट्रेन करने में देर लगती है, और यूरोपियन इस वजह से रखने पड़ते हैं कि हमारे पास हिन्दुस्तानी टैकनीशियन नहीं हैं। जिस वक्त मिल जायेंगे उस वक्त उनको हम रख लेंगे। उनकी ट्रेनिंग के लिए इन्तज़ाम हो रहा है और अब वह ट्रेन किये जा सकते हैं।

इन शब्दों के साथ मैं उम्मीद करता हूँ कि मिनिस्टर साहब जो कुछ मैंने उनकी खिदमत में अर्ज किया है उस पर ध्यान देंगे।

(English translation of the above speech)

Shri Mohan Lai Gautam (U.P.: General): I think there is sufficient force in some of the objections which have just now been raised. When it is said that our Defence Expenditure amounts to Rs. 157 crores and it constitutes 48 per cent. of our total Budget, then it is in reality a fact that this is a very huge amount for this country to bear—a country poor, famished and naked. But the question arises as to whether such an expenditure is absolutely necessary or not. Uptil the time of the British regime the Army had to perform two functions viz. firstly to safeguard the country against any external aggression and secondly to maintain internal security. I feel that even after the attainment of independence, conditions have not yet been restored here which may obviate the necessity of maintaining an Army for internal security. But I hope and also feel that our Government shall have to change its line of action and abandon the use of Army for preserving the internal security, and it should make arrangements to employ its own Police Force both locally and in the Provinces and thus the necessity of maintaining the Army for internal security may not be felt any longer. But as long as this is not done and so long as we find that there is a necessity of keeping an Army in Bengal and other places for the maintenance of internal security, then we shall have to see whether the Army which we have is sufficient to meet our requirement or not. Today we see that the Kashmir problem has been solved, but it can not be anticipated whether

[Shri Mohan Lal Gautam]

you will give fresh orders to the Army to fight or not. Neither we nor the Government can visualize this at the moment. But it would better if we can reduce this expenditure and there is apparently not very much scope for criticism of the whole expenditure that is being incurred at present. I realize that if our country can afford, we can spend far in excess of what we are doing at present but this all depends on our country's finances. Perhaps 3 P.M. people have no idea, just as my honourable friend Maulana Sahib has stated, that while we got two-third of the army we got only one-third of the accommodation. The condition of the buildings intended for the Armed Forces is bad enough. We can say that our Land Forces are quite sufficient but so far as our Naval and Air Forces are concerned, these are inadequate. Our Naval Force existed in name only. Now perhaps its strength is being raised gradually. You will perhaps be wonderstruck to know that even if we strenuously try for the next ten years, we cannot raise the strength of our Naval Force to the extent it is possessed by a small country like New Zealand which has got a population of 20 lakhs only. A country with a population of twenty lakhs has got at present a much stronger Naval Force than that owned by us, and we will not be able to raise the strength of our Navy to that extent even after the expiry of ten years, and spending crores of rupees. The same is the case of our Air Forces. They have not any equipment. The Navy also lacks in equipment. We could get one Cruiser and that only after much difficulty. We are shortly receiving three Destroyers. We do not know even as to what their type would be. I do not think if any country will like to part away with its first-class equipment for our sake. I therefore, feel that we have still got to spend a lot. Even though after taking this as granted that this is a huge expenditure, we shall have to keep in view that a far greater amount has got to be spent further. But when I say this, it does not mean that all possible economy is being effected in the present expenditure and nothing more can be done in the matter. I think the Honourable Minister and his Department might be doing something to launch economy drive in every direction, but still there exists an ample scope for doing this and exercising a strict vigilance that no extravagant expenditure is incurred. To achieve this end, I would propose the setting up of a Committee which should always watch that no money is spent extravagantly.

Just as I have now stated, we have to raise a sufficient strength of our Naval and Air Forces. Apart from this, I would like to say that our existing Ordnance Factories do manufacture small arms only but we have not got any such factory which is capable of manufacturing big arms. We shall have to set up such a factory. I would like to tell the Honourable Minister one or two things in connection with Ordnance Factories, namely that a plan covering a number of years should be formulated so that after the expiry of a specified period you may be able to set up a particular type of Ordnance Factory in this country. I do not know whether all the Ordnance Factories are located at safe places or not. If this is not the case, you shall have to shift these ultimately from those places. You shall have to replace the worn-out machinery in the existing Ordnance Factories. And above all, there should be some sort of co-ordination in respect of Ordnance Factories. Such sort of co-ordination is lacking here and I would like to invite special attention of the Government towards this aspect. Both the Industry and Defence Departments cannot be separated from each other. Only a few weeks ago a Conference was convened by the Industry Department, but no representative from the Defence Department was invited to attend that. I think it is a great blunder that no co-ordination exists between the Defence and Industry Departments. We shall also have to reorganise Ordnance Factories in such a manner that these

should manufacture ammunition in the time of war and after the cessation of hostilities these should be employed to produce such articles as might be made available for the use of the general public. So long as this is not done, the result would be that the technicians which are employed during the war-time will only manufacture a few articles, but as soon as the war is over, you will be compelled to discharge them because they will not be able to manufacture goods of public utility. The technicians will go and seek employment elsewhere. Next time if you want to re-employ them and run the factory to its maximum capacity you will not be able to get them back. Therefore, I think it will not be advisable from the point of view of the Defence Department to lose the technicians after having trained them. Such a state of affairs should be obviated as far as possible. But when you look towards this respect and devise various ways to absorb the technicians and labourers, then this would give rise to many other questions. These are: it so appears that in the case of labour the last Pay Commission have left over many anomalies. I have been told that the Department have appointed one Mr. Sahni for this purpose. But a period of fourteen months has elapsed and he has not as yet submitted any report and it is also not known as to how he proposes to remove all those anomalies.

Just like the Armed Forces, the housing problem has assumed a gigantic form in the case of factory labour as well. It has been mentioned in the report that it is well nigh impossible for the labour to get accommodation in Calcutta. In case we do not provide them with accommodation, then I would like to know as to how can the labour manage to live in Calcutta? For this reason you shall have to organise the factories in such a manner so that the labour may remain contented. This should not be the case that so long as they do not threaten to go on strike, you should not listen to them. I feel that this is a wrong course and if you continue to act in this manner, then I cannot say as to what would be the consequences?

Just like the Armed Forces, there is another serious problem which confronts the labour and that is of the temporary personnel. There is quite a large number of such temporary personnel who have put in ten to fifteen and twenty years of service. You may just see that even after having rendered such a long service, they are still temporary. They do not know as to when they might be discharged. They also do not know where to go in case of their services being terminated the next day, and moreover, while continuing to be employed here they cannot put heart and soul in their work. Thus they are surely bound to become inefficient. Therefore, I feel that this problem viz., as to how many men you can assimilate should be tackled once for all, and some arrangements should be made in respect of temporary personnel.

While speaking today morning, our Honourable Minister paid glowing tribute to the States' Army. He stated that they are perfect armies and have rendered meritorious services. This we have heard today morning from the Honourable Minister. I think the time has now come that after the integration of the States and unification of the country, it is no longer necessary that the States should be allowed to maintain separate armies under their control. All these should also be integrated. All those armies should be brought under our Command, and one Organisation and the police only should be left under the control of the States. This would not only result in a considerable saving being made under the Defence Expenditure, but would also remove the inefficiency that exists in the Armies maintained by smaller States and increase the strength of your Army. I feel we shall have to devote our immediate attention to this aspect and integrate these armies also. Another aspect to which I would like to invite the attention of the Government and in respect of which we have perhaps upto now been feeling many difficulties is that we have to import from abroad the equipment for our Army. I doubt it that whatever

[Shri Mohan Lal Gautam]

goods we purchase, we get first-rate. Apart from this, from whatever part of the country we may obtain the goods, we have got to see as to how will we be able to manufacture these in our country. If we purchase the stores from abroad, it will also affect our foreign policy. This is a very gigantic problem over which I cannot say much within one or one and a half minutes which is left at my disposal. But now we shall have to consider over this matter carefully as to how can we make our country strong and how can we purchase these stores from the other parts of the world? Therefore, I would submit that although adequate action is being taken, yet there remains lot to be done.

It has just been stated that we have got European Technicians. I have also studied this problem at a great length. I think that whoever is available in India is employed by us. But unfortunately, we have not as yet got a sufficient number of trained technicians in India and it takes time to train them. The Europeans have got to be employed on account of the reason that we do not have adequate number of Indian Technicians. As soon they become available, we shall employ them. Arrangements have been made to train them and they can now be trained.

With these words, I hope that the Honourable Minister would consider over the various suggestions which I have ventured to make.

Shri Biswanath Das (Orissa: General): Sir, I rise to congratulate my friend for having been able to raise an efficient Army, which is in formation, out of the ashes of the combined Indian Forces that we lost as a result of August 15th, 1947. Sir, the Cabinet Mission in its plan of 15th May 1946 have given weighty economic, administrative and above all military reasons against the partition of India. They had laid special stress on the military aspect of the question and I do not think I could do better than quote one sentence out of it:

"The Armed Forces have been built up as a whole for the defence of India as a whole, and break them into two would inflict a deadly blow".

Sir, we were necessarily very nervous when this partition came, and it is to the glory of the Cabinet and especially of my honourable friend to have brought out something brilliant and glorious out of the ashes. Without meaning any exaggeration, I think our defence position is fairly secure and we today have a fairly good Army enough to give us security in the whole of South-East Asia.

All these have been effected certainly at a heavy cost. We have to spend 48 per cent. of our revenues this year, as has been plainly stated by my honourable friend. The question, therefore, comes in whether we have to accept bread and butter or guns and munitions. I must, in this connection, draw the attention of the honourable Members of this House to the severe comments offered by the *Eastern Economist*. It claims that the defence expenditure could have been cut short by at least Rs. 35 crores, fixing it at about 120 crores. But, Sir, we have to realise that we are in a stage of formation. When Britain left us, the British Navy was guarding the Indian shores, the British personnel was commanding the Indian Army and we were dependent upon not only British officials but also on British equipment and research. Therefore, our Army, big or little as it is, is in a stage of formation, it is still forming, and it would be ideal to criticise today about the finances involved or the expenses that we have to incur. The world conditions, and above all the internal security conditions and also the feelings of neighbours, all combined—which have been brilliantly summarised by my honourable friend the Minister for Finance—make it incumbent on India to spend more for her se-

curity. It is unfortunate that our expectations have not been fulfilled, namely, of the League of Nations, of which India is a permanent Member. She was expected to have an international army to look to the peace and security of all the nations of the world. Our anticipations have so far been falsified; we have neither peace nor any sense of security. Pakistan, our neighbour till yesterday was with us and part of us, but it is difficult to find out what her intentions are. Sometimes she gives us kicks, sometimes kisses. What to accept, kisses or kicks?—it is difficult to know. I realise the anxiety of my honourable friend Mr. Kaumuddin and I reciprocate his feelings. The time has come when there should be a sort of a defence agreement or arrangement with Pakistan but how long it will take remains to be seen—God alone knows it.

Some of my friends have consoled themselves with the idea that we are having a good Army and we are having some amount of security. But to what purpose? So long as your Army is merely Indian without Indian equipment, I think to that extent our dependence is lasting and our so-called independent Army is nothing. Therefore, I would appeal to my honourable friend the Minister in charge, and especially my honourable friend the Minister for Finance to take every step in order to keep for India a ready and efficient Indian Army for her security purposes. For this, India should also be able either to start different industries and have Indian armaments herself by starting State organisations or take all necessary and possible action to encourage private enterprise so that India will have very soon not only Indian troops but also Indian equipment. In this connection, let me say this about the purchase of battleships and cruisers, old, antiquated, probably some of them rotten—I do not know—but I have to believe our military officials. We have to purchase these—to what purpose? Why not take up a building programme? America, England and all other free countries have taken to such programmes, why not India do it? Do it yourself or encourage private enterprise. We have got enough possibilities for encouraging ship-building yards in different parts of the country. Stating as a witness, Capt. Choudry gave very good evidence before the Indian Industrial Commission which sat between 1914 and 1916, advocating the starting of a ship-building yard in Orissa at that time. He said that in the East Coast there are very good places where ship-building yards and the ship-building industry could be started. Why not do it? Why depend on British and American antiquated, and rejected ships?

Having stated so much about equipment, I come to the question of the Indian Army. Sir, I have nothing but praise for them. They have none of the protection provided for them under Sections 232 to 239 of the Government of India Act. The adaptations have taken away all the protection that was given to British officials and today our men are as nationalist as nationalists could be. I thank them through you and request the Minister in charge of the Department to convey our feelings to them.

Not only this, but the Commander-in-Chief of the Indian Forces is no more His Excellency today. Nor is he drawing the fat salaries that his predecessors were drawing, and yet he is called upon to take heavier responsibility and more onerous duties. He has to defend India, he has to defend our frontiers, he has to defend the coast. It falls to me therefore to give him a warning. When the Japanese war came, the first naval action took place in the Orissa coast and I still recollect the hurry with which the officials in Orissa had to receive the injured and pay attention to the distressed that had to land as a result of the naval action. Now, you have neither Akyab nor Chittagong to help you in giving protection and as for Pakistan, I have told you it is a question of

[Shri Biswanath Das]

alternative kicks and kisses. Unless they come to some sort of understanding with the Government of India, I think it is fair that the Government of India should see that the eastern coast, particularly the provinces of Bengal and Orissa, are properly safeguarded.

Need I, in this connection, state that you have got the Chilka lake, which is the biggest one in India. My honourable friend Sri Umacharan Patnaik, a member of the Orissa Assembly, who was in the Territorial Forces, has written a valuable book on this problem of utilisation of Chilka for purposes of defence and trade. Looking to history you will see that there was a time when Chalka was a very flourishing port in the eastern coast. I would therefore appeal to the Ministry of Defence and the other concerned Departments to explore the possibilities of utilisation of this great natural benefit that God has given to India.

Now, I come to another question and that is equally important. Having shaken off our dependence on the British Navy, we have to build up our Navy. We have to prepare ourselves to build our Navy. You are building up institutions in Cochin. Why concentrate your activities only at concentrated places? Why not have it diffused in three or four places in the wide coastal line of 4000 miles, so that you will have them at various places. You do not know from what direction troubles come. Sometimes they come from the west; sometimes they come from the east. Is it not fair, necessary and desirable to have institutions at different places instead of concentrating them at one place? I, therefore, appeal to you to give due consideration to this aspect of the question.

I had a number of things to say, but I am sorry there is little time at my disposal. I have stated and I will state again that the time has come when I would appeal to my honourable friend to instruct the Commander-in-Chief and the Generals to visit various provincial headquarters and also university centres and give our young men an idea about the Military, the Navy and the Air Forces, so that they will get some instructions about defence and discipline which is so much wanting in educational institutions and thus you will find very good recruiting ground in these universities.

As my time is up, I wish to repeat as I have begun. I thank my honourable friend and also our Army for the very good and splendid way in which they have discharged their responsibilities equally both in war and in peace—war, because in Kashmir and Hyderabad as also in other places they have shown their mettle. Even Muslim friends have joined the Indian forces giving a direct lie to the anticipations and expectations of communalists, in peace because at times of internal trouble our Army has shown its grit. Although it is now mainly Hindu and Sikh, it has given enough protection to Muslims. I, through you, Sir, convey our sense of appreciation of the Army.

One word more and I shall have done. It is this. Mr. Karimuddin sounded a note of warning in the sense that there are very few Muslims in the Army. I think my friend will agree with me that the Ministry and the Army have shown the greatest confidence by allowing General El Edroos to command even today the army in Hyderabad. No further proof is necessary to the world and to my honourable friend of the genuineness of non-communal feeling of the military, the Ministry and the Cabinet.

Mr. Frank Anthony (C. P. and Berar; General): Sir, in the short time at my disposal, I do not propose to elaborate on the tribute that I feel it is necessary to pay to the officers and men of the Armed Forces. Personally, I do not think

any tribute which is too high can be paid to the officers and the men for the manner in which they have weathered the shock of division, our Army was denuded of senior officers and we had to carry on with junior men, many of us felt justifiable misgivings at that time as to whether we would be able to recapture the first-class standards which had been obtaining in our Armed Forces. Today I do not believe that any one who has any knowledge of our Armed Forces has any misgiving whatsoever. I believe that the first-class standards of efficiency, soldiering, discipline and leadership which obtained and for which our Armed Forces have been rightly famous have been more than recaptured.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Pandit Thakur Das Bhargava (one of the Panel of Chairmen.)]

Sir, it is because I am anxious that these acceptedly high standards of leadership, efficiency and discipline should be maintained and if possible strengthened, that I wish to draw the particular attention of the Defence Minister to a matter which, I believe, is creating widespread discontent among all sections of the officers of the Armed Forces. I refer, Sir, to the new Pay Code. It is only right that members of the Armed Forces should not be allowed to agitate for the redress of their grievances. That is an accepted axiom in all the democracies, but while we have this axiom that they should not be permitted to agitate for the redress of their grievances, to that extent it places a greater responsibility on the Defence Minister and those dealing with this problem to see that no removeable grievances exist among officers and men. We would be blinking at facts if we were told that there is no widespread discontent among the officers today as a result of the new Pay Code. If my honourable friend will listen to me, I feel that he will be inclined to agree with what I am attempting to tell this House. It is a known fact that the officers today receive very much less than they were receiving formerly. That by itself is no justification for giving them the former scales of pay. But this is a fact. I was a member of the Pay Commission. Comparing what the Pay Commission gave to his civilian counterpart, I feel that the New Pay Code has not been completely fair with the Army Officer. The Pay Commission accepted a fundamental principle that no officer would have his salary reduced. For instance, if an Officer was getting Rs. 1,100 by no process could he be made to get less than Rs. 1,100. When the question of promotion came, he might have been promoted to the next higher grade and put at a point where he would get a little more than Rs. 1,100, but at no point of time would he be made to receive less than the pay he was receiving, namely, Rs. 1,100. But what has happened in the Armed Forces? My friend there will say: 'Though we have reduced their salaries, we have staggered the reduction over a period of four to five years.' I can give him hundreds of instances. Majors with wives and children who were getting Rs. 1,400 to 1,500 today find their salaries reduced. They have received promotions only in name. They are Colonels and so far commanding battalions. Their positions are much more responsible now and yet they are now getting about Rs. 350 less than what they were getting formerly. Sir, I join issue with my friend Mr. Sidhva. I do not think he has studied this question as much as I have done. He was satisfied with the answer that the Defence Minister gave that the scales given to the new men are liberal. I join issue on this statement. I say that they are not liberal. They are definitely unfair. I hope my honourable friend the Minister is aware of this and would not like me to say that the facts given by him are incorrect. I know of Captains today who are getting Rs. 450 a month. They have wives and on an average three children. They are paid this flat rate. You have done away with their marriage allowances, children's allowances and the like. What is the result? Captains are living today in the different messes in little better condition than that of coolies and servants. I have seen

[Mr. Frank Anthony]

this for myself. They have to pay rent and live in conditions suited to an officer. You expect them to live like officers and gentlemen. They have to pay rent and messing charges for their wives and children: these account for as much as Rs. 420 out of the Rs. 450. You leave a Captain with Rs. 30 to pay for his servants and all his other needs. This is what is happening today. My friends will never understand this. They want to apply the civilian standards to the Army. You expect these men to subscribe to certain minimum standard. You want them to maintain the standards of gentlemen, a certain smartness and the like. My friends there do not understand these things and they will never understand these things. My friend will be quite prepared to make Captains and Majors live like coolies going about the streets shabbily dressed. This will undermine their morale and their smartness. If you apply civilian standards to the army you will be reducing it to a second class army, make it a rabble army such as in the Middle East.....

Prof. N. G. Ranga (Madras: General): Does not the Government provide them with uniform?

Mr. Frank Anthony: That is the trouble. There is so much gross ignorance. I am talking with some authority. I know something about the subject. When a man is commanding a battalion.....

Shri R. K. Sidhva: What is your authority, may I know?

Mr. Frank Anthony: I have done some soldiering and was for many years a member of the National Defence Council.

Prof. N. G. Ranga: All rank snobbery.

Mr. Frank Anthony: There are certain imponderables that may be maintained if you want to maintain first class leadership. Our soliders are the best in the world. But this is an axiom that an Army is only as good as its leadership. Take away the first-class leadership of the army and you will reduce it to a rabble army such as we see in the Middle East. I feel very strongly about this matter. I meet officers of all ranks and they tell me that this is what is happening. There is a perceptible undermining of the efficiency of the officer class. Two results have emerged immediately. There is bitterness. How can you expect these officers to live on lower incomes with added responsibility? If you allow your senior officers and your junior officers and the Air Force men the right to premature retirement, tomorrow 80 per cent. of them are likely to leave, because they get much more as salaries in civilian life. I do not want to cause any sense of agitation among the officers. I am asking you to give them a reasonable standard of life. Why are we maintaining discrimination between the Sandhurst men and Indian trained men? Your pay scales are iniquitously inadequate that a Sandhurst man is getting much more than an Indian trained man. You treat the Sandhurst man as a key man and he refuses to accept the iniquitously low salaries you are paying his counter part trained in this country. (Interruption). There is this differential treatment between a Sandhurst man and an Indian Commissioned officer, because the Sandhurst man will not accept the new Pay Code and you have willy-nilly to pay the Sandhurst man more. What need is there for this discrimination? Is it your intention that the Indian trained officer should not have a reasonable standard of life? I cannot help feeling that this is false economy, fatal economy. I am not pleading any particular man's case, because I have no axe to grind. But it is false economy. If you think that you cannot meet the bill of an army of the present size, cut down the army; have a small force led by first-class men. But don't have a large rambling army or undermine the qualities of leadership which we have built up over several decades.

There are only two more points I wish to make. I am very glad that a person of the stature of General Cariappa has been appointed Commander-in-Chief. I feel that his appointment has met with general approval. I am certain that with him as the head of the army, the old standards of efficiency, discipline and leadership will be maintained.

There is one other matter I wish to refer to. The army and the armed forces have set up an exemplary standard in the matter of unity, brotherhood and the complete absence of communalism and sectarianism. I am one of those who feel that all those traditions of unity and sense of nationhood should be maintained. I feel that every possible step should be taken immediately to remove the last vestiges of sectarianism in the armed forces. I remember that the Wilcox Army Re-organisation Committee recommended that all communal names of units, communal units, etc. should be abolished immediately. I would ask the honourable Minister to see that this is done immediately.

I want to refer to one other matter. I feel that while our armed forces ensure the protection and the integrity of the country, they will do so only as long as the intrigue and nepotism of civilian life are not allowed to seep into the armed forces. Army men are expressing the fear that the nepotism and intrigue of civilian life are seeping into the armed forces. This is one of the greatest of responsibilities that the Minister for Defence and his Department face. I feel that the Commander-in-Chief with his high reputation will set his face sternly against any attempt at nepotism. But it should be the business of the Ministry, to strengthen his hands and see to it that politicians, the members of your Ministry, civilian members, do not interfere with the running of the Armed Forces. In a new found freedom, there is an understandable tendency for politicians and civilians—I am both—to over-reach themselves, to interfere in matters which they do not understand. I would like the honourable Minister to see to it that his Secretaries, joint Secretaries or Under Secretaries, merely because they happened to have passed the Indian Civil Service Examination, do not think that they have a greater mental calibre than the Generals commanding the army, and dictate that this or that should be done with regard to the Armed Forces. This is a grave danger. You have professional men, first class men. Let them do the job of soldiering. It is almost gratuitous for me to emphasise that this whole approach to the Armed Forces today is perhaps the most vital problem that faces us. It is our greatest trust and our greatest responsibility, and on how we discharge that trust will not only depend the integrity and strength of our Armed Forces but also the safety and existence of India.

Shri B. Shiva Rao (Madras: General): Sir, as I sat listening to the debate, it struck me that if my honourable friend, the Finance Minister could feel envious of a colleague—he has very good reason to be so of the honourable the Defence Minister; because while in the course of the general discussion of the Budget, speaker after speaker raised the point of economy in the Civil administration, today the debate has been more in favour of extra expenditure rather than that of economy. I am not against extra expenditure on Defence, if I can be assured of full value for my money. It is of the utmost importance in a world where the situation is uncertain and may indeed break down, it is of the utmost importance that Independent India should build up as soon as possible an efficient, balanced and all-round fighting machine. But I would like to be assured that the money spent is well spent, and that the utmost economy is exercised in putting forward schemes for expenditure. I was not impressed this morning when the Defence Minister made a comparison between the Defence Budgets of the Government of India and of Pakistan. It may be true that Pakistan spends a larger proportion of her annual budget this year on defence than we do in this country. At the same time, we must remember that a nation with a smaller budget is bound to spend a larger proportion on defence

[Shri B. Shiva Rao]

than a country with a much larger budget like ours. I hope, Sir, that the Finance Minister will remember to have a separate scrutiny of Defence expenditure at the end of the Budget Session and satisfy himself and the House that every scheme that is put forward is necessary to improve the efficiency of the fighting forces. The main reason why I have intervened in this debate is to put forward what I may call the 'lay man's point of view' in regard to certain aspects of schemes of development and the re-organization of the Armed Forces to which the Defence Minister referred in his speech this morning.

At the end of the First World War, there was Lord Esher's Committee which went comprehensively into the structure and methods of the Army of that time. I remember that in the very first session of the Reformed Legislature in 1921, the main business of the Budget Session of that year was to review Lord Esher's report and to base certain conclusions thereon. I can well understand that during the last eighteen months, the Defence Ministry has been preoccupied with numerous problems of Kashmir and Hyderabad and the maintenance of law and order. But now that those preoccupations are beginning to recede into the background, the time seems to me ripe for the formulation of long-term plans for the building up of our fighting forces; but before the Defence Ministry proceeds very far, I hope the House will have an opportunity of knowing first hand from him, to the extent that he can take us into confidence, the objectives he has in view in building up our own fighting machine.

Speaking for myself, I welcome the provision in the Budget for the appointment of 40 senior scientists and 100 junior scientists to work on scientific problems in relation to the Army, Navy and Air Force. Sir, science has gone so much into the technique of war, that we cannot hope to build a modern fighting machine without a very large demand on scientific research. There is another aspect to which I would devote a moment. Just before the beginning of the war there was Lord Chatfield's Committee which went into the question of mechanization of the Army, and I believe the process of mechanization has gone very far today; but I would like the Defence Minister to consider whether having regard to the conditions in this country, it is either practicable or desirable to complete the process of mechanization. I am saying this because I remember that in the early phases of the war, when Burma was overrun very rapidly by the Japanese, the British Commander in charge of the Allied Forces in Burma at a Press Conference, which he held here, confessed that one of the blunders which led to the disaster in Burma was that while the Japanese did not hesitate to use country-craft and even bullock-carts in Burma, the British threw into a country with very few communications a highly mechanized force. I think that too is an aspect to be borne in mind in going ahead with our plans for the building up of the Army.

Turning to the Budget estimates for this year, I welcome the provision for an expansion of the Territorial Forces and of the National Cadet Corps; but like my honourable friend, Mr. Poonacha from Coorg, who spoke earlier this afternoon, I too have my apprehensions about allowing provinces to develop their own battalions for the maintenance of internal security. On the one side, I think it is undesirable that our Regulars should be called upon to help the civil authorities in the maintenance of law and order. On the other hand, in a Federal Constitution, I think one must proceed with a certain amount of caution in allowing the provinces to develop provincial battalions. I say this particularly because last August I raised a short Notice question in this House on a communication issued by the East Punjab Government in the course of which that provincial Government said that it had offered certain terms and conditions to General Mohan Singh to build up a volunteer corps in certain districts in the East Punjab. I think, Sir, on the question of law and order, the Government of

India will have to think afresh and see whether it cannot have a National Militia rather on the lines of the Canadian Military Police, entirely at the disposal of the Central Government and distinct from the regular Army. Sir, there is very little in the explanatory memorandum which has been supplied to us and in the statement which was made this morning to explain why almost a crore of Rupees is being spent on the Frontier Corps. I would like to know when the Defence Minister speaks on this subject later some more details as to the nature of this expenditure. I am referring to it because until very recently, the Frontier meant the North West Frontier. I know how many crores of Rupees were spent from year to year on it by the British on a policy which seemed to be a combination of coercion of the tribes and bribery. Having spent a few days in Waziristan on the eve of the war, I was convinced that the right policy would have been to increase the expenditure on hospitals, on schools, on irrigation schemes, rather than in keeping the tribes under submission by methods of repression. I hope the present Government of India will lay more emphasis on social development and on the formation of local militia very much on the lines of the Waziristan Scouts so far as the maintenance of law and order is concerned.

There is one final point I would like to make before sitting down. War today is global. When war is declared, the top-ranking military officers have to take into account a great many things more at the present moment than in the earlier wars. It seems to me the time has come when the Defence Ministry should apply its mind seriously to adding to the courses at the Staff College at Wellington, subjects such as economics, politics, sociology and science. It is very necessary that the Ministry should attempt to build up both in the Staff College at Wellington and in the regimental units libraries dealing especially with international problems.

I was interested in the suggestion which was made by my friend opposite regarding the possibilities of a non-aggression pact with Pakistan. Recently, immediately after the Asian Conference on Indonesia, which was held here, the leader of the Ceylonese Delegation in a speech which he delivered under the auspices of the Indian Council of World Affairs, threw out a similar suggestion, not a non-aggression pact, with one country only, Pakistan, but a Defence Pact which could cover Ceylon, Pakistan, Burma, Malaya and Indonesia. I do not say that the time is ripe for going ahead with any scheme of that kind. On the other hand, I think that the Defence Ministry should have one section which would devote very careful and serious attention to possibilities of this kind. There is at the present moment, a joint defence scheme between Australia and New Zealand, which covers a great many subjects. It is possible for these two Dominions to have coordination not only in regard to the organisation, equipment, training and exercise of the Armed Forces, but also joint planning, interchange of staff, production of munitions, aircraft and numerous other items necessarily be considered in connection with defence problems. I do not say that it would be possible for us immediately to think in these terms; but, there are looser types of joint action, like the Atlantic Pact for instance, or the Union of the Latin American Republics. I suggest this because, all the countries which I have just mentioned have achieved independence recently and the burden of defence for independent countries is becoming so intolerably heavy that one is compelled to think in terms of joint action. Anything that we can do to facilitate such action, I suggest, must be welcome to the Defence Ministry.

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, I congratulate the honourable Minister of Defence for the esteem and affection which he enjoys of his countrymen. We are certainly grateful to him for his achievement of the past two years. Though insufficiently equipped, by dint of constant

[Srijut Rohini Kumar Chaudhuri]

vigilance and restless activity, he was able to avoid a situation which might have been more serious. By and by, he has been able to instil in our minds a sense of security which is very beneficial for the welfare of the country. If I covet any office, I am frank in this matter, my other friends are not so frank, I covet the office of the Minister for Defence. With the able guidance of two of our foremost leaders, namely Pandit Jawaharlal Nehru and Sardar Vallabhbhai Patel, he, I am sure, will be able to bring back to India the past glory of *Bharat Varsha*.

He is now trying to build up the Army, Navy and the Air Force. We all wish him God speed in this. My only grievance, and a personal grievance, against him is that he does not look as formidable as the Defence Minister should be. His adonis like appearance,—I am only quoting one of the ladies who has just spoken,—his soft look, his gentle manners, tempt many of the politically minded ladies to waste some of his time. But I hope when his age grows, as time passes on, he will be able to put up a sterner appearance and a more luxurious beard on his face which will carry an impression of awe which a Defence Minister ought to carry. Particularly, because, we have not today a Commander-in-Chief who also occupies the position of a Minister and I stoutly disapprove the idea of having a Commander-in-Chief now who will be able to stand out stoutly to three other Commanders. I hope if I am here next year, I would be able to see in my honourable friend a sterner appearance which he ought to possess.

I have heard the criticism, not so much in this House, as outside it, that we are following the British budget so far as military expenditure is concerned. I ask the honourable Minister,—I have no particular axe to grind at the present moment,—if he is satisfied with the amount which has been given to him. If he is satisfied well and good; if he is not satisfied, I would be prepared to vote further grants. The reason is quite obvious. We have seen what our position is with regard to the Navy. On 15th August 1947 when the partition took place, we had only a few sloops, and frigates; nothing that could be called a really equipped force. Most of the Navy men who belonged to Pakistan, left us and joined the Pakistan force. We had practically nothing in our hands and we had to get a lot of things. If we want to have a fully equipped Navy, we have a long list to acquire; at the present moment we have none. Similar is the case with the Air Force. What we have is quite insufficient. I want my country to be so fully equipped that my Army, my Navy and my Air Force will be the pride of the world. I want such a force as would be able to maintain not only peace in Asia and India, protect Asia and India, but by dint of its own strength, by show of its force, would be able to make war a rare thing in this world. It is for this reason that I unhesitatingly say that I am prepared to vote for him further grants if he is only in the position to spend it properly. I fully endorse the viewpoint which has been put forward by my honourable friend, Mr. Anthony. I know that this armed force had acquitted itself wonderfully well in spite of the great personal disadvantages which they had to undergo. That was due to a sense of patriotism; that was due to a sense of relief from a transfer of control from the British to Indian hands. But are you going to bank on this feeling for a long time? Can you really depend on this feeling and continue to reduce their pittance to the present position in which they are now? My honourable friend, Mr. Anthony, has explained by giving figures whereby it is clearly shown that it is impossible for any officer to make both ends meet now after all their allowances have been reduced in the manner that it has been done. Has the necessity of the defence of our country been less now than it was during the British regime? What then is the justification for the sudden reduction of

expenditure on allowances? If you really want to have a good army, make it well contented. It is no use, as Mr. Anthony has said to have a big and huge army, most of which is discontented. I believe in a well-dressed, and well-equipped officer and soldier. I do not want an officer to be reduced to a position where instead of smoking cigarettes he will have to go about smoking a *biri*, and instead of having his tobacco he should go about chewing *pan*. I cannot picture that kind of an Army officer. I do not wish to see an officer going about with a uniform which is crumpled: an uniform that has not been ironed for days together. But all this I tell you is going to happen in a short time because you have not left any other alternative on account of the poor pay, on account of the poor position to which you are driving them. They must go and see a *jatra* performance: they must smoke *biris* and they must go on chewing *pan* and bespatter their dress. This is a state of affairs that is haunting me now.

I do not really understand what is the object of doing away with the marriage allowance altogether. If the honourable the Defence Minister discourages—either on account of his personal experience or otherwise—the idea of marriage, or of having children I could quite understand. But there are in his Forces already married men and already men who are fathers of children. What is he going to do with them? It is impossible for them to bring their wives and live in hostels because the allowance is too little for them. Does he want a perpetual separation as a sort of compliment to the advocates of the Hindu Code—separation between husband and wife? If that is his intention, I cannot have much to say. If that is not so, then I submit that all these allowances should be restored.

I would like to draw the attention of the honourable Minister to another aspect of the matter. On account of the poor allowances and pay which they get they are not able to insure their lives in a proper manner, with the result that when a sudden casualty of an officer takes place—as I know of an officer who has met with death recently, who has left behind a wife and three children—the wife gets an allowance of Rs. 200 p.m., and this is a Major's wife. How can that family exist? Is this the treatment which you should meet out to the family of a man who has lost his life in the service prematurely? All those criticisms on military expenditure were of a type when the British were ruling: but those criticisms will not apply to military expenditure today.

We have budgeted almost the same amount as the Pakistan Government has budgeted in their own Dominion and yet it is known to every one that Pakistan is much better off than ourselves so far as the military position is concerned. They have not hesitated to budget as much as we have. This allotment of money for defence expenditure has been misinterpreted by some public men and an important daily paper in India to mean that we are in an armament race in which Pakistan and India want to vie with each other. So far as we are concerned, I think the honourable Minister will bear me out that we have no such intention. We have provided so much money because we need not only this but more than this amount. There is no question of an armament race and there is therefore no question of a compromise or an agreement so far as defence expenditure is concerned between Pakistan and India.

As I close, I would only like to draw the attention of the honourable the Defence Minister to my own province, the Eastern Frontier. There is danger brewing in that frontier. There is a State which is on the border of India, and that State as far as my information goes—I may be wrong or I may be right—is already full of Communists: and from that point—from that State to the neighbouring districts, that is the neighbouring tribal areas—the march

[Srijut Rohini Kumar Chaudhuri]

is only of a few hours. God forbid if anything should happen to Burma! The conquest of Assam, Bengal and even Bihar will be only a question of time. The forces which come from the tribal areas do not care much for the whip of the Bihar Minister. If they can only cross the Assam and Bengal frontier, it will not take the twinkling of an eye for them to get hold of Bihar. So, I say, that you must take time by the forelock and you must see to it that proper defence arrangements are made for Assam. I regret to have to say that the Government is not giving the attention which was due to the making of roads in the province. The road to Tripura is lying absolutely unprotected.

Shri R. K. Sidhva: There is a provision for Assam.

Srijut Rohini Kumar Chaudhuri: Unless you have a road from Shillong to Tripura through Silchar, you will not be in a position to protect Tripura in an emergency and yet the Government of India is quarrelling at the present moment with the Government of Assam as regards the allocation of expenditure for those roads. The road to Ledo.....

Shri R. K. Sidhva: Rs. 50 lakhs have been provided for Assam.

Mr. Chairman: May I remind the honourable Member that there are two more members to speak. May I request him to close his speech.

Srijut Rohini Kumar Chaudhuri: If you request me, I shall stop.

Mr. Chairman: Certainly. I do request you.

Srijut Rohini Kumar Chaudhuri: So, I have two words more to say. The road which is there from Ledo to China, which was built at considerable cost, has been neglected and that is the road which is necessary for our purpose. The road from Golaghat to Dinapore through which only transports can go from Assam to Manipur State is also in a dilapidated condition and it will give way.

श्री गोपीकृष्ण विजयवर्गीय : श्रीमान अध्यक्ष महोदय, आज वैसे तो कटमोशन्स के लिय समय था, लेकिन जनरल डिसकशन के तौर पर ही हम लोगों को कुछ कहना है। हिन्दुस्तान अंग्रेजों के कब्जे से निकल कर अब आजाद हो गया है और हम सब लोगों पर यह जिम्मेदारियां बढ़ गई हैं, जैसे देश के रक्षा की। यहां जितने मेम्बरस हैं वह उन सबको यह महसूस करना चाहिये कि देश की रक्षा की जिम्मेदारी हमारी है, यह सिर्फ कैबिनेट या गवर्नमेंट की ही जिम्मेदारी नहीं है, बल्कि हम सब को इस विषय में सोचना चाहिये और देश की रक्षा के वास्ते पूरी गम्भीरता से विचार करना चाहिये। यहां जो कुछ भाषण हुये हैं, उनके विषय में मैं यह कहना चाहता हूं कि कुछ साहबान ने कहा फ़ौजी अफसरों की तन्ख्वाहें कम हैं और उनको ज्यादा मिलनी चाहिये। इसमें कोई शक नहीं है कि हम एक नुमाइन्दे के तौर पर या कुछ लोगों की इस विषय में कठिनाइयां व्यक्त करें, लेकिन उससे कुछ अच्छा असर पैदा होने वाला नहीं है। हम लोग अगर देखेंगे तो उधर रेलवे में हम काफी मजदूरी नहीं दे रहे हैं, उधर हम गवर्नमेंट सरवेन्ट्स को काफी तन्ख्वाहें नहीं दे रहे

हैं, उधर हम फ़ौज के लोगों को काफी तन्ख्वाहें नहीं दे रहे हैं, तो आखिर आप इतना रुपया कहाँ से लाने वाले हैं। सवाल यह है कि आज जब देश में हमें अपने बजट को बैलेन्स करना है और जो देश के थोड़े से resources हैं, या जो साधन हैं, उनके अन्दर काम चलाना है। तो हम यह यहां नहीं कह सकते कि उनकी amenities या हर तरह के एलाउन्सेज (allowances) बढ़ाये जायें। थोड़ा बहुत करने के लिये तो मैं जरूर मुनासिब समझूंगा। लेकिन जो अफसरान हैं अगर तन्ख्वाहें और दूसरे एलाउन्सेज उनके नहीं बढ़ाये जाते, तो और दूसरी सहूलियतें बढ़ाने के विषय में डिफ़ेंस मिनिस्टरी को गौर करना चाहिये और मैं समझता हूं कि वह इस पर गौर करेंगे। लेकिन जहां तक कोई ज्यादा खर्चा बढ़ाने का सवाल है, मैं समझता हूं कि कुल बजट को देखते हुये जो कि इस वक्त भी काफी बड़ा हुआ है, मुनासिब नहीं होगा। फ़ौज पर हम १३२ करोड़ रुपया देने वाले हैं। समुद्री सेना पर ८ करोड़ ६४ लाख और हवाई सेना पर १३ करोड़ ७५ लाख और दूसरे खर्चे (Defence Services Non-effective) १३ करोड़ के हैं। इस तरह से कुल खर्चा १६८ करोड़ के करीब आ जाता है। जब यह कुल इतना बड़ा मालूम हो रहा है तो मैं नहीं समझ सकता कि हम अफसरों की तन्ख्वाहों और एलाउन्सेज किस तरह से बढ़ा सकते हैं। यहां के भाषणों में एक भाषण इस विषय का रहा कि हम पाकिस्तान से कोई डिफ़ेंस पैकट कर लें। हिन्दुस्तान जैसे लम्बे चौड़े मुल्क के लिये यह कहना कि वह इस समय race of armaments में पड़ा हुआ है, गलत है। मैं समझता हूं कि यह महज पाकिस्तान की पार्लियामेंट में जब वहां बजट पेश किया गया और वहां फ़ौज का खर्चा पेश किया गया, तो उसको जस्टीफ़ाई करने के लिये जो दलील दी गई है, उससे जो सिलसिला चालू हुआ वह सिलसिला हमारी पार्लियामेंट में भी शुरू हो गया। मैं समझता हूं कि हमको इस तरीके से कोई मुकाबिला करने की जरूरत नहीं है। हिन्दुस्तान तो पहले भी self-sufficient नहीं है। हम यहां फ़ौज पर इतना भारी खर्चा कर रहे हैं, हम अपनी नेवी पर और ऐयर फ़ोर्स पर बहुत ज्यादा रुपया खर्च कर रहे हैं। हमारी नेवी का खर्चा ८ करोड़ और हवाई सेना का १३ करोड़ है। लेकिन असलियत यह है कि यह बहुत ही नाकाफी है और आजकल क जमाने में आप आरमी चाहे जितनी बढ़ाते चले जायें, लेकिन जब तक आपकी हवाई फ़ौज ऐसी न हो, और उसको बनाने के लिये बड़े-बड़े कारखाने न हों, जब तक आप यहां डिफ़ेंस इन्डस्ट्रीज यहां पर अच्छी तरह कायम नहीं करते, तब तक आप मुल्क की कोई तरक्की नहीं कर सकते। इसलिये जरूरत तो यह है कि जैसा अभी श्री चौधरी साहब ने कहा कि आरमी की हमें बहुत जरूरत है। हिन्दुस्तान इतना लंबा चौड़ा मुल्क है, और हमारे पास नेवी इतनी कम है कि हमको नेवी की तरफ ज्यादा ध्यान देना चाहिये, हमको हवाई सेना की तरफ ज्यादा ध्यान देना चाहिये, और इन बातों की तरफ इस बजट में बहुत कम गुंजायश है। मैं समझता हूं कि

[श्री गोपीकृष्ण विजयवर्गीय]

इन दो सेक्शनस में हमको बहुत ज्यादा गौर करने की जरूरत है और जो डिफेंस इंडस्ट्रीज हिन्दुस्तान में बनने वाली हैं, उनकी तरफ ज्यादा खर्चा करने की जरूरत है। तो इसलिये यहां armaments की रेस तो है ही नहीं, जैसा कि काजी करीमुद्दीन साहब ने कहा था। यहां हिन्दुस्तान इस दृष्टि से आगे नहीं बढ़ रहा है। हिन्दुस्तान किसी का मुकाबिला नहीं करना चाहता, हिन्दुस्तान किसी मुल्क से लड़ना नहीं चाहता। इसलिये race of armament की दलील देना गलत है। हम अभी तक अपने पैरों पर खड़े होने लायक अपनी फ़ौज और हवाई सेना और नेवी नहीं बना पाये हैं। नेवी के एक्सपैन्शन (expansion) का जो प्रोग्राम है, वह अभी अधूरा है। श्रीमान् अध्यक्ष महोदय मैं अभी बम्बई गया था और वहां नेवी के विषय में थोड़ा देखा। हमारी नेवी हमारे मुल्क की लम्बाई चौड़ाई के लिहाज से काफी नहीं है। दूसरे मुल्कों के पास जैसी नेवी है, उसके लायक हमारे पास बिल्कुल नहीं है और इसलिये हमको बहुत जल्द अपनी नेवी को बढ़ाना चाहिये और हवाई फ़ौज को बढ़ाना चाहिये। और उसके लिये बजट में जो गुंजायश रखी गयी है, प्राविजन रखा गया है, वह बहुत कम है और उस तरफ गवर्नमेन्ट को ज्यादा ध्यान देना चाहिये, ताकि हम दुनिया के दूसरे मुल्कों के मुकाबिले में कमजोर न रहें। इसमें कोई शक नहीं है कि पिछले दिनों पिछले साल काश्मीर, हैदराबाद और दूसरे कारणों से ज्यादा खर्चा हुआ है। और उसमें हमारी फ़ौज ने बहुत अच्छा काम किया है।

लेकिन फ़ौज के जो यह दो हिस्से हैं अंग हैं उनको हमें बनाना है नेवी और ऐयर फ़ोर्स की तरफ बहुत जल्द ध्यान देना चाहिये और डिफेंस इंडस्ट्रीज हमारे यहां बहुत जल्द बनाई जानी चाहिये।

श्री अध्यक्ष महोदय मैं एक रियासत से आता हूँ जिसका नाम है मध्य भारत। मैं रियासती फ़ौज के विषय में कुछ कहना चाहता हूँ। देश की कई छोटी छोटी रियासतों में नाम मात्र की फ़ौजें थीं और कहीं तो बहुत छोटी रियासतों में दस सिपाही तक थे और कहीं पन्द्रह थे और इन सब का नाम फ़ौज था। न उनके पास ठीक वदियां थीं, न हथियार न एम्पुनीशन, कुछ भी नहीं था। वह तो महज एक तमाशा थीं। अब कई छोटी छोटी रियासतें इकट्ठा होकर एक यूनियन बन गई हैं और उसमें जो फ़ौजें हैं उनमें जैसी हिन्दुस्तानी फ़ौज में efficiency होती है, वैसी नहीं पाई जाती। इसलिये मैं कहना चाहता हूँ कि रियासतों में जो फ़ौजी खर्च हो रहा है, वह बहुत बेगरज है और गवर्नमेन्ट को इसकी तरफ ध्यान देना चाहिये और रियासती फ़ौजों को हम आल इन्डिया (All India) फ़ौजों में शामिल कर लें। वहां उनके अलग राजाओं के राजप्रमुख कान्स्टीट्यूशनल हेड्स (Constitutional heads) की तरफ से रक्षा कर रहे हैं, ना उनका अलग फ़ौजों को रखने

की जरूरत नहीं है। वह तमाम रियासती फ़ौजें हिन्दुस्तान की फ़ौज में इनकोरपोरेट (incorporate) हो जानी चाहिये और रियासतों में अलग अलग फ़ौज रखने की जरूरत नहीं है। मैं हिन्दुस्तान की बड़ी फ़ैक्टरीज के विषय में एक शब्द कहकर खत्म करता हूँ। बड़ी फ़ैक्टरीज में हमको चाहिये कि हम अपने ही एक्सपर्ट्स और अपनी ही इंडस्ट्रीज तैयार करें, ताकि वह हिन्दुस्तान में हर तरह का शस्त्रास्त्र तैयार कर सकें। अभी तक जो बड़ी बड़ी फ़ैक्टरीज है, उनमें जैसा कि मालूम हुआ है कुछ चुने हुए यूरोपियनस हैं। इसमें कोई शक नहीं है कि वह बहुत वफ़ादारी से और ईमानदारी से हिन्दुस्तान के लिये काम कर रहे हैं, लेकिन हमारी आज जरूरत यह है कि हम हर जगह पर हिन्दुस्तानी आदमी रख सकें और ऐसे हिन्दुस्तानी एक्सपर्ट्स हों जो हथियार तैयार कर सकें इसलिये बड़ी बड़ी फ़ैक्टरीज में यूरोपियनों के साथ साथ हमारे देश के लोगों को काम सिखाया जाय और बाहर भी भेजा जाय और इस तरह से जितनी जल्द हो सके हिन्दुस्तानी एक्सपर्ट्स और विशेषज्ञ तैयार किये जायें ताकि हमारा देश दुनिया के दूसरे मुल्कों से पीछे न रहे।

(English translation of the above speech)

Shri Gopikrishna Vijayavargiya (Madhya Bharat): Sir, though the day was allotted for the discussion on Cut Motions, yet we have to say something by way of general discussion only. India has now been emancipated from the yoke of the Britishers and the responsibilities of all of us have been considerably increased; especially the defence of the country. All the members present in this House should realize that the responsibility for the defence of the country devolves on us—it is not merely to be confined either to the Cabinet or the Government, but all of us should consider this matter and seriously think over the problem of the Country's defence. With regard to the speeches delivered in this House, I would like to observe that some of my honourable friends have stated that the military officers are not being paid adequately and an increase should, therefore, be made in their salaries. There is no doubt in it that our action in representing the difficulties experienced by certain individuals is not likely to yield any wholesome effect. If we see, we will find that we are not giving a fair wage in the case of Railways. Here we are not paying handsomely to the Government servants, and we are also not paying adequately to the Defence personnel. After all where from do you expect to get all this money? The question is that today we have to balance our Budget and depend upon whatever meagre resources are available in the country. Therefore, we cannot urge here that they should be provided with all sorts of amenities and their allowances increased. I would, however, deem it proper to give some relief at least. But if the salaries and the allowances of the officers are not increased, the Ministry of Defence should consider over to allow them other facilities and I hope they will do the needful. But so far as the question of increasing any extra expenditure is involved, I feel that it would not be advisable to do so at present, specially when the whole Budget anticipates very heavy expenditure. We have provided for Rs. 132 crores in respect of Defence Services (Army); Rs. 8.64 crores for Royal Indian Navy; Rs. 13 crores for Royal Indian Air Force and Rs. 13 crores for other expenditure viz., Defence Services, Non-effective. Thus the total expenditure comes to about Rs. 168 crores. When this itself appears to be a very heavy amount, I fail to understand how can

[Shri Gopikrishna Vijayavargiya]

we increase the pay and allowances of the officers? In one of the speeches made here; it has been suggested that some sort of Defence Pact should be entered into with Pakistan. It would be quite absurd to say that a vast country like India is in armament race at present. I realize that this very argument was put forth in the Pakistan Parliament at the time of the presentation of the Budget proposals merely with a view to justify the huge defence expenditure shown therein; and as an offshoot of that this has been put forth in our Parliament too. I think it is not necessary for us to vie with each other in armaments. India is not even self-sufficient. We are already spending such a huge amount on our defence expenditure; we are incurring a heavy expenditure in respect of our Navy and Air Force. The expenditure under Navy and Air Force amounts to Rs. 8 and 13 crores respectively. But in reality, this is quite inadequate. To whatever extent you may expand your Army, but so long as we have not got an Air Force and big factories for the manufacture of necessary material and you do not establish the Defence industries in a proper manner, you cannot make your country a progressive one. Therefore, just as my honourable friend Mr. Chaudhuri has stated there is a great necessity for having an Army. India is a very vast country but we have got a relatively small Naval Force and we should, therefore, devote more attention towards the building of Navy. We should also pay more attention towards the Air Force. But very small provision has been made in this Budget in these respects. I feel that there exists a vital necessity for us to devote particular attention to these two branches of the Army, and still greater is the necessity of investing more money in the Defence industries contemplated to set up in India. Thus, there does not exist here any race in armaments, just as had been pointed out by my honourable friend Kazi Syed Karimuddin. India neither wants to have any rivalry nor does it desire to fight with any country. Therefore, it would be quite improper to put forth the argument of 'race of armaments.' We have not as yet been able to build up our Defence, Naval and Air Forces by means of which we may stand on our own legs. The Naval expansion programme is still incomplete. Sir, I had recently gone to Bombay and happened to see there a few things concerning the Navy. Our Navy is not quite adequate as compared to the length and breadth of our country. Our Navy does not stand any comparison with that possessed by other countries, and, for this reason we should forthwith expand our Navy as well as Air Force. The provision made in the Budget in these respects is quite inadequate and Government should devote more attention towards this aspect so that we may not remain weak as compared with other countries in the world. There is no doubt in it that during the last year we had to incur a heavy expenditure on account of Kashmir and Hyderabad operations and other reasons and our Defence Forces have throughout played a very meritorious role. But we have to build these two Branches of the Army viz., Navy and Air Force and should devote immediate attention to this matter. Defence industries should also be established in our country without any delay.

Sir, I come from a State which is called Madhya Bharat. I would like to say something in respect of the State's Army. In some of the smaller states in this country, the armies existed in name only and most of the smallest states had hardly ten to fifteen soldiers and still they were termed as 'Army'. They had neither the uniforms, nor arms nor ammunitions. They had nothing. That was all a fun. Now some of the small states have integrated into Unions, and the armies they have do not display the efficiency that is found in the Indian Army. Therefore, I would like to say that the expenditure which is being incurred towards the maintenance of armies in the states

is altogether a waste and Government should pay attention to this and merge the States' Armies with the All India Army. There the Rajpramukhs on behalf of the Princes acting as Constitutional Heads are safeguarding their interests and there seems absolutely no necessity for maintaining separate armies. All those States' Armies should be incorporated in the Indian Army and there is no longer any necessity to keep separate armies in the states. After saying a few words with regard to the working of big factories in India, I would conclude. We should train our own experts and develop our industries in the big factories so that these may be able to produce locally all sorts of arms and ammunition. Just as we have been told, there are still some European experts employed in these big factories. There is no doubt in it that they are working for India most honestly and faithfully but today we are faced with a primary necessity to employ Indians in every place and we should have such Indian experts who are capable to manufacture arms. Therefore, I would urge that the Indians should be trained along with the Europeans in all the big factories and they should also be sent abroad for training and thus Indian experts and specialists may be trained as early as possible so that our country may not lag behind the other countries of the world.

Shri Upendranath Barman (West Bengal: General): I join in the chorus of appreciation of the performance of our Defence Forces and for what they have done since the partition of our country. Within the limited time at my disposal I think it prudent to refer to two most important matters. One is that from all quarters of this House the Honourable the Defence Minister has got benediction and good-will for his budget. I also have no hesitation in according my approval to it because of the condition of time and the circumstances that we are passing through. But I would like to tell the honourable Minister for Defence that he should not be complacent about the future. The national economy of our country has so many demands on it that such a huge expenditure cannot be approved by the country for any more years to come. But at the same time we realise the importance of defence which is a defence of our civilization and of our independence. I therefore ask the honourable Minister and the Cabinet to think over the matter and take a comprehensive view of all things so that the defence budget may be reduced consistent with efficiency and that a larger and larger portion of it may be released every coming year for national reconstruction and development. It is poor consolation to a man who has not enough to eat to be defended by an expensive force. I think for that purpose my honourable friend Mr. Anthony has made one suggestion that instead of maintaining a huge army the Ministry should think over here and now to make the army efficient and reduce it as far as practicable and at the same time equip it with the best of machinery that are prevalent during this scientific age—keeping that force which is absolutely necessary contented and well equipped.

Having said that I would refer to another matter for due consideration of the honourable the Defence Minister. I know that even without my mentioning the honourable Minister has got it in his mind, but still as the matter directly concerns us it is my duty to refer to it—and that is the Eastern Command. By the partition of the country unfortunately more than about 800 miles of frontier have been added to our eastern frontier. The frontier that existed before partition was quite unsafe and unscientific; there was practically no boundary demarcation or scientific boundary between Burma, Tibet and India. In addition to that we have now got another 800 miles to defend. It may not be a defence against Pakistan army—or if may be, I do not know—but the eastern frontier is now threatened in many ways from many ideologies. There is no doubt about it and the recent occurrences must

1218. CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [7TH MARCH 1949]

[Shri Upendranath Barnian]

have given some indication to the Cabinet here. In regard to the safeguard of the eastern frontier I would like to say to the honourable the Defence Minister that just as in the western frontier it is the Punjabis that have been brought up as a martial race by the British it is necessary to look with the same consideration to the east also. After all it is Assam and Bengal first and foremost which will have to bear the onslaught if there be any attack in the future. And the first and foremost consideration for a man is to protect his hearth and home. Therefore it can be expected that if the Bengalis and Assamese can be now trained militarily they will do the best in order to protect that frontier than perhaps anybody else. They will not hesitate to pour their life-blood like red wine in order to defend their hearth and home, the prestige and honour of their women, and also to protect India. I would submit that Bengal had been denuded of that glory after the British conquest because Bengalis were always suspected. But even in the first world war the Bengali regiment proved its mettle in the fields of France. Even today—I may not boast very much—we take pride that it is the Bengalis, Bengali youths, Bengali Captains, Generals that have fought our enemies in Kashmir, in Hyderabad and at other places. (Shri H. V. Kamath: "And Netaji.") My honourable friend Mr. Kamath mentions here revered name of Netaji. I can tell you that even in the British days it was in Bengal that the throne of England was first attacked. It was on the soil of Bengal that a young boy of 17 years of age did not hesitate to attack the Chittagong Armoury and did it successfully. I do not want to say much now. All these things are passing into ancient history. I can only say this to the honourable the Defence Minister that provided opportunities are given the Bengalis and the Assamese will prove as much heroic and chivalrous as other regiments under his command and it is their just right and claim that they should be given the opportunity which will help my honourable friend in defending the eastern frontier. With these few words I congratulate the honourable the Defence Minister for the task that he has accomplished.

The Honourable Sardar Baldev Singh: I rise to thank the House for the valuable support that they have given me during the discussion on the defence budget. The eloquent tributes that have been paid to the armed forces of this country will go a long way to encourage them and infuse them with greater enthusiasm to work for the safety of this country. Several suggestions have been made during the discussion and I would like to take up the more important ones first and if time permits I will deal with the others later on.

To begin with Mr. Sidhva complained about the lack of information that has been given in this book. I admit that the explanations are not exhaustive but he was referring to some pages which do not contain any explanation at all. I would refer him to page 13, main heads 5 and 6, which give the information which he wanted in connection with the Military Lands Department and the provision of stores, etc.

Another point that he raised was in connection with the appointment of the Committee for the Cantonments. The Defence Ministry has appointed a Committee to go into this matter and with this view we have appointed several Primary Committees in almost all the Cantonments that we have in this country. These Primary Committees will collect factual data and they will put all the relevant information before the three Command Committees. All this matter, after careful scrutiny will come before the Central Committee. I would like to assure him that these Primary Committees and the three Committees which have been formed in the three Commands

will not in any way interfere with the working of the Central Committee. In fact, if the Central Committee does not feel satisfied with the working of these Primary Committees or is not satisfied with the information that has been collected by them the Central Committee is at liberty to ignore the recommendations of the Primary Committee and start their work afresh and visit any Cantonments they like. While appointing this Committee, we did not have any reservations; we want to go thoroughly into this question and make such amendments as are considered necessary.

Then I will come to the question of the ordnance factories. Several honourable Members have given valuable suggestions; they will be borne in mind. But may I point out that the question of ordnance factories is not an easy one? Some honourable Members have pointed out that we should immediately proceed with complete nationalisation and turn out every foreigner that is now working in the ordnance factories. Sir, I am conscious that we should have as far as possible Indians in almost all posts. As the House must have noticed from my speech this morning, we have proceeded with nationalisation as far as we possibly could, but the case of Ordnance Factories stands on quite a different footing and I would like to assure the House that whereas I am anxious that we should have Indians in almost all the important places, at the same time I would like to say that I will not hesitate to get the best possible expert advice from foreign countries and if necessary to bring experts from outside, not for permanent employment but to train our officers. Sir, the country has become independent; we should not be afraid of a foreign technician working here and there. In fact, we should welcome them and the best way that we could train our officers is to bring experts here and give training on a bigger scale than send a handful of our officers abroad for training. The Department is following this policy and I am sure in the next few years you will see what the result has been of the policy that we have adopted.

Then reference was made by my friend Mr. Anthony to the new Pay Code of the officers. This morning when I stated some of the amenities that we have given to our Indian Commissioned Officers, most probably he was not present in the House. I would like to state, for the information of the House that before the War the difference in the pay of the K.C.I.Os. or Sandhurst officers, as my honourable friend put it, and the pay of Indian Commissioned Officers, was great. During the War, the Indian Commissioned Officers agitated and I think it was in the year 1941 or 1942 that the pay of Indian Commissioned Officers was raised to the same level as that of King's Commissioned Officers, with the clear understanding that after the termination of the War the scale of pay would be reduced to the same level as before the War. These officers, young officers, have done really good work and I have got every praise for them and realising the difficulties, the hardships that have been caused to them due to rise in prices, my Ministry has taken every possible step to give them the maximum possible relief. If I were to reopen the question of their pay now it would create innumerable difficulties. The King's Commissioned Officers of whom we have got about 90 in our Service will disappear in the course of the next twelve or fifteen years and after that we will have only Indian Commissioned Officers and the disparity which is causing so much discontent now will not exist any longer. During this period we are taking steps and we have already taken steps, as I mentioned this morning to give the maximum possible relief within the basic principles laid down by the Pay Committee. May I mention one more point, namely that this Committee which went thoroughly into the question also examined the scales of pay of officers in other countries. I have not got the figures before me, but I went into them and examined them and on a careful examination I found that the scales of

[Sardar Baldev Singh]

pay under the new Pay Code that have been proposed here compare very favourably and I should say in some cases they were higher than the pay given in other countries. But some increase has been given in other countries and I would say it will be wrong on our part if we compare the scales of pay in this country with the scales of pay in other advanced countries.

Mr. Frank Anthony: May I ask my friend whether he will consider restoring the marriage allowance? That is all I ask—not the basic pay.

The Honourable Sardar Baldev Singh: Sir, if my honourable friend will wait, I was coming next to this question. This morning as I stated, quite a large number of concessions have been given and I will be prepared to consider any further relief that can be given within the basic principles of the recommendation of the Pay Committee, but it is impossible for me to go beyond the recommendations of the Pay Committee.

Coming to marriage allowance, to which my friend Mr. Rohini Kumar Choudhuri also referred, this question was thoroughly examined by this Pay Committee. The present scales of pay have been fixed after taking into consideration the marriage allowances. Therefore, this marriage allowance was abolished in the new Pay Code.

I was rather pained to hear some remarks from my honourable friend Mr. Anthony about the interference on the part of the Joint Secretaries or Secretaries in the Defence Ministry. I have kept a careful watch and I can assure the House and I can say it with all the confidence at my command, that as far as I know there is not a single case which has been brought to my notice where there has been interference by the Secretary or by the Commander-in-Chief in each others work. There are bound to be complaints; I hear lot of rumours—people come to me and complain and when I enquire into these allegations they are not substantiated. If Mr. Anthony has got any substantial data in his possession, I would request him to come and discuss with me and I can assure you, Sir, that as long as I am here it will be my endeavour to see that in the Armed Forces nepotism or favouritism does not get in as is alleged in the case of the civil side.

I come next to the criticism of my honourable friend Mr. Karimuddin. From the remarks that I made about Pakistan's Budget, he construed that there is a race for armaments between the two countries. Sir, I have nothing of the kind in my mind. I can assure you—I cannot stand guarantee for what others do—but as far as this country is concerned, we have only one consideration, namely that we want to go ahead without expansion programme, we want to establish training institutions, and we do not care for what other countries do. I simply made a reference to Pakistan budget to show that the impression which the speech of the Pakistan Finance Minister gave as if we are to blame for everything, as if we are guilty, as if we are spending more on the Defence forces as compared with Pakistan, is not correct. I just wanted to show to the House that as far as India is concerned, we are not at all competing with any country and our expenditure on defence is less as compared with Pakistan expenditure. I would repeat that we have got every desire, it is our earnest desire—the Prime Minister has stated it on several occasions, that we want to have friendliest relations with Pakistan. I would therefore suggest that we have already given a lead in this matter and Pakistan should take the lead that we have given and reduce their expenditure on defence to the same level as we have done.

Then, Sir, Mr. Karimuddin referred to the recruitment of Muslims in the Armed Forces. The House is aware that we had a large number of Muslims in the Armed Forces. On 15th of August 1947 the percentage of Muslims in the Indian Armed Forces was about 33. Almost all of them, except a few, I should say about half a dozen officers and perhaps a few hundred other ranks, opted for Pakistan. That is the main reason why the percentage of Muslims in the Indian Armed Forces is low.

Then, again, he also is perhaps under the impression that there is a certain bar for the employment or recruitment of Muslims. May I assure the House that as far as this country is concerned, the recruitment to the Armed Forces is open to all the communities, irrespective of caste or creed? I would invite all Muslim friends who are living in this country and who are prepared to make equal sacrifices for this country, to join the Armed Forces; and as far as my information goes, we have recruited all those who offered themselves for recruitment and were found fit from medical point of view.

Babu Ramnarayan Singh (Bihar: General): What about Harijans?

The Honourable Sardar Baldev Singh: Now to come to the employment of Harijans in the Armed Forces, I regret that recently a circular did go out which created misunderstanding, particularly in Bihar, and as soon as it was brought to the notice of the Government it was withdrawn and revised instructions were issued expressing regret for the mistake and making it perfectly clear that Harijans are welcome to the Armed Forces. I can assure the House that there is no bar. For some arms there were in the past some conditions attached before Harijans could be recruited to certain units, but that distinction has now disappeared and the Services are open to everybody.

A reference was also made by my friend Mr. Shiva Rao whether the time has not come to have joint defence with Pakistan. As I have said before—perhaps the House does not know—this question was discussed several times in 1947 in the Joint Defence Council and examined thoroughly and after careful consideration of the matter we came to the conclusion that the time was not ripe then to have an organisation of this kind. Both Pakistan and we were reluctant due to the intense feelings then prevailing. But ultimately when the bitter feelings that have existed disappear, when cordial relations are restored I am sure that some proposal of this kind would be examined and before it is finalised, I am sure the House would have an opportunity to discuss it. It is difficult for me to say anything more definitely for the present—several suggestions have been made—and all I would like to say is this, that we have every desire to be on the best terms with Pakistan.

Reference was again made regarding the Territorial Army by my honourable friend Mr. Bhargava. He wanted to expedite the recruitment to the Territorial Force. As the House will realize the main difficulty in this has been the shortage of officers. We are trying to overcome this, now that the cease fire in Kashmir has taken place. As soon as arrangements can be made, I am sure the Territorial Force will make a start.

Then, Sir, suggestions were made and to some extent dissatisfaction was expressed with the slow pace at which we have proceeded with the scientific organisation. This organisation is absolutely essential in the defence science and also for development in the Ordnance Factories. With that point of view and to meet this difficulty, we have established the science organisation with Dr. Kothari as the head scientist. This organisation has not made rapid progress on account of its peculiar difficulties, but I would like to assure the House that as far as the employment of junior and senior scientists is concerned,

[Sardar Baldev Singh]

the recruitment has to be made by the F.P.S.C.—it does not rest with my Ministry—it must go through the F.P.S.C. and the F.P.S.C. will naturally take some time in advertising, then interviewing and finally selecting candidates. As far as we are concerned, we are most anxious that this organisation should be brought to its full strength as early as possible.

Criticism was again made about the huge expenditure on stores. Mr. Sidhva perhaps this morning forgot when he was mentioning the amount of Rs. 16 crores under the head "provisioning" that it did not include only bananas, onions and stuff of that kind; it included rice and atta also.

May I inform the House that, as far as the purchase of stores is concerned, my Ministry assesses its requirements and forwards them to the Ministry for Industry and Supply. It is that Ministry that settles the prices and finalises the contracts.

Sir, as far as equipment is concerned, we are faced with peculiar difficulties. Under the old regime, these difficulties were not there. Then there used to be a British Commander-in-Chief and he used to be also Minister in charge of Defence. Under that arrangement, whatever developments were made in the United Kingdom, they were automatically adopted here. But that is not the position now. The House will have to bear in mind that we are now an independent country and to some extent we have to depend on the help of foreign countries. Most of our equipment in the Army, Air Force and the Navy comes from the United Kingdom. It will be idle to think that we will be in a position to manufacture all our requirements in the next few years. As I said this morning, we are now proceeding with the establishment of an iron and steel industry. It will take five to seven years before it starts functioning and only after that we can proceed with the manufacture of a large number of items that are required by us. The House will fully realise that today there is an extreme shortage of iron and steel in this country. Iron and steel are the main items that are required for the manufacture of arms and equipment as far as the requirements of the Armed Forces are concerned. It will interest Members to know that iron and steel prices have gone up tremendously and therefore it will be difficult for us to make any headway unless these supplies are made available locally.

There is another point regarding the large number of vehicles that we are using. We are fortunate in having large stocks from the last war and we are carrying on with these stocks left over here by the United Kingdom and the United States of America. Now new developments have taken place. The United Kingdom and the United States of America have discarded all the vehicles that they used during the last war. They have now designed new vehicles and in their own country they have scrapped the vehicles they were using during the war. In the next two or three years when our present stock of vehicles runs out, and these spare parts are not available, we will again have to incur heavy expenditure in replacing all the vehicles that we have at present. I am just mentioning this for the information of the House to illustrate the difficulty, the big difficulty that we have to face. It will take some time before all our requirements can be manufactured in this country.

I have nothing more to say. It is difficult for me to reply to all the points that were raised by honourable Members. (Shri Harihar Nath Shastri: "What about labour in Ordnance Factories?") About labour in ordnance factories, I may say that there are two kinds of labour. One section consists of temporary

employees who have been working for a number of years and the other type is extra temporary establishment where the number is very large. The temporary establishments are on a different footing. As regards the temporary labour working in the factories, that question is being examined and those who are found fit for promotion will be promoted to permanent jobs.

Now I would like to thank the House for the valuable support given to me. I am encouraged by that support and I will endeavour my best to do what we can for the Defence Forces in the matter of equipment. I shall also economise expenditure as far as possible. I do hope that the House understands the difficulties that we are faced with. In the end I thank the House again for the support they have given me.

Shri Biswanath Das: The honourable Minister in the course of his speech referred to some expansion. May I know whether he means expansion of training institutions? He might be misunderstood by people who read in between the lines.

The Honourable Sardar Baldev Singh: Yes, What I said was that we have now decided on an expansion programme of all the institutions necessary for the Army, Navy and the Air Force.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 35,82,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Defence,'"

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 1,32,64,38,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Defence Services, Effective—Army,'"

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 8,64,17,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Defence Services, Effective—Royal Indian Navy,'"

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 13,69,41,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Defence Services, Effective—Royal Indian Air Force,'"

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 13,41,31,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Defence Services, Non-effective charges,'"

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 3,20,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Defence Capital Outlay,'"

The motion was adopted.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Tuesday, the 8th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Tuesday, 8th March, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS
(See Part I)

11-45 A. M.

THE GENERAL BUDGET—LIST OF DEMANDS—*contd.*

SECOND STAGE—*contd.*

Mr. Speaker: According to the arrangement, the House will today take up the Demands for Grants in respect of the External Affairs and Commonwealth Relations Ministry. I shall therefore place the Demands before the House.

DEMAND NO. 19—MINISTRY OF EXTERNAL AFFAIRS AND COMMONWEALTH RELATIONS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 51,17,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of External Affairs and Commonwealth Relations'."

DEMAND NO. 39 — TRIBAL AREAS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 1,04,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March 1950, in respect of 'Tribal Areas.'"

DEMAND NO. 40—EXTERNAL AFFAIRS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 2,59,40,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'External Affairs.'"

The Honourable Shri Jawaharlal Nehru (Prime Minister and Minister of External Affairs and Commonwealth Relations): Mr. Speaker, Sir, this House is no doubt interested in the many aspects of our foreign policy and foreign affairs and how they affect India, and questions are often put on these various aspects. Probably, in the course of the debate today, attention will be drawn to many of these factors, but with your permission, Sir, and the indulgence of the House, I should like to deal with the general aspects of foreign affairs and foreign policy as they affect India and as we look at them rather than to say much about the smaller aspects of this main problem.

[Shri Jawaharlal Nehru]

Even before that, I should like to say something in the nature of a general survey not only of foreign affairs but of India itself. We have had in the course of the last few days a great deal of criticism of the Budget proposals and many of the failings of Government have been pointed out, with, more or less, force. So far as I am concerned, I welcome every type of criticism and I do believe that it would be unfortunate if this House became just, shall I say, a static House, a subservient House, a House which just says "Yes" to anything that the Government might put forward. Eternal vigilance is the price of liberty, and every member of this House has to be vigilant and the Government, of course, must be vigilant. But there is always a possible tendency for those in authority to become a little complacent. Therefore, I repeat that for my part I welcome the vigilance of honourable members of this House in drawing our attention to our failings or any other error or delinquency on the part of the Administration. I hope that that criticism is offered in good spirit, in a friendly way, and that it does not challenge the *bona fides* of the Government. Of course, if the *bona fides* of the Government are sought to be challenged, I do not mind that, provided it is clear that that is the issue.

I have felt in listening to these criticisms during these days or reading about them that perhaps we are concentrating too much on the trees and not looking at the whole wood. We are not looking at the whole picture of India today and what has happened in the course of the last eighteen months or so. It is rather important for us to keep this whole picture before us, or else any amount of attention to detail would not, help us, because it is that big picture that counts—not the small parts of it here and there. Look at this picture eighteen or nineteen months ago and look at it today. Look at it as far as you can, objectively—as if you were at a distance and saw this changing scene. I think if you could transport yourself to the period a year and a half ago and to all that was happening then and to all that has happened since then, I think you will find that there has been not only a great change in India, but that India has gone ahead in many ways in spite of all our difficulties and all the travails that we have passed through.

Speaking for myself—and the House realises that our Government, to some extent particularly myself—we have had to carry very heavy burdens and we have to carry them still and there are great difficulties ahead of us; nevertheless, in all honesty, I have a feeling of achievement, not failure and I look upon the future—and may I say I do not mean the distant future but the near future—with full confidence and feel a certain secret emotion at being privileged to participate in the service of India at this tremendous stage of her history.

May I say, as you have referred to the Budget proposals, that this Budget itself contains provisions, many of which may not perhaps be pleasing to some members, may be we might have done better here and there, but the Budget itself, I think, is a sign of our strength and the strength of the nation. (Hear, hear.) I think that the House and the country will see that the care and foresight given to this Budget by our Finance Minister will be paid in full measure in the months and years to come. We have proceeded cautiously, because, frankly speaking, we dare not take risks with this great trust we have got. Many a thing that we would like to do we have refrained from doing, because we cannot gamble with India's future or India's present. It is too serious a matter for us to go ahead even with our own theories or ideas on the subject, if there is any risk or danger involved in them. So we have

proceeded cautiously. It may be that somewhat quicker results might come to us if we were a little more dashing in this matter, but I personally entirely agree with this cautious approach at this present critical time, and apart from any small matters here and there. I should like to pay my tribute to my colleague, the Finance Minister, for the courage and vision and high ability with which he has tackled our problems.

The Indian Union is an infant State, an infant free State, a year and a half old, but remember that India is not an infant country. India is a very ancient country with millenia of history behind her,—history in which she has played a vital part not only within her own vast boundaries but in the world and in Asia in particular. India now, in this last year or more, emerges again in the main trend of human affairs.

Now, that is something of great historical significance. India I said. I could have said that Asia emerges in this main trend of history. Asia, in the long millenia of history, has played a very important part. So has India, of course, but during the last two hundred years or so, certain developments of science and technology in Europe, and America a little later, led to Asia coming under the domination of Europe and to a restriction of her activities in the world at large. She became confined and restricted. Various changes took place internally in India and in Asia during this period. But, generally speaking, India and other countries of Asia were under this political and economic domination of Europe. Now, that period and that epoch has ended and India now comes I think into the forefront in national affairs and world events.

One of the major questions of the day is the readjustment of the relations of Asia and Europe. When we talk of Asia, remember that India, not because of any ambition of ours, but because of the force of circumstances, because of geography, because of history and because of so many other things—inevitably has to play a very important part in Asia. And not only that; India becomes a kind of meeting ground of various trends and forces and a meeting ground between what might roughly be called the East and West.

Look at the map. If you have to consider any question affecting the Middle East, India comes into the picture inevitably; if you have to consider any question concerning South-East Asia, you cannot do so without India. So also about the Far East. So, while the Middle East may not be directly connected with South-East Asia, both are connected with India. So, even if you think in terms of regional organisations in Asia, you may have to keep in touch with the other regions. And whatever regions you may have in mind, India cannot be ignored her important part. So India plays a very important part in Asia.

Now, I said, one of the major questions of the day is the re-adjustment of the relations between Asia and Europe. In the past, especially by virtue of her economic and political domination, the West ignored Asia, or at any rate did not give her the weight that was due to her. Asia was really given a back seat and one unfortunate result of it was that even the statesmen did not recognise the changes that were taking place. There is I believe a considerable recognition at this stage, but it is not enough yet. Even in the Councils of the United Nations, the problems of Asia, the outlook of Asia, the approach of Asia have failed to evoke the enthusiasm that they should. There are many ways of distinguishing between what may be called the approach of Asia and the approach of Europe. Asia today is primarily concerned with what may be called the immediate human problems. In each country of Asia—underdeveloped countries more or less—the main problem is the problem of food

[Shri Jawaharlal Nehru]

of cloth, of education, of health. We are concerned with these problems. We are not directly concerned with problems of power-politics. Some of us, in our minds, may perhaps think of that. Europe, on the other hand, also is concerned with these problems no doubt in the devastated regions. Europe has got a legacy of conflicts of power and of problems which come from the possession of power. They have the fear of losing that power and the fear of somebody else getting greater power and attacking one country or the other. So that the European approach is a legacy of the past conflicts of Europe. It is no good blaming this country or that country for that. It is a legacy and the consequences of the past conflicts of Europe—Europe having been the dominating continent in the world, quarrelling sometimes within its own area for the domination of the world. Well, that domination is largely gone. That legacy of conflict remains in Europe.

12 NOON Sir, I do not mean to say that we in Asia are in any way superior ethically or morally to the people of Europe. In some ways I imagine we are worse off. There is a legacy in Europe of conflict. In Asia at the present moment at least there is no such legacy. The countries of Asia may have their quarrels with their neighbours here and there, but there is no basic legacy of conflict such as the countries of Europe possess. Now, that is a very great advantage for Asia and it would be folly in the extreme for the countries of Asia and India to be dragged in the wake of the conflicts in Europe. We might note that the world progressively tends to become one—one in peace and it is likely to be one, in a sense, in war. No man can say that any country can remain apart when there is any major conflagration. But still one can direct one's policy towards avoiding this conflict and being entangled in it.

So the point I wish the House to remember is this. First of all, this emergence of India in world affairs is something of major consequence in world history, not because we are giant figures. We who happen to be in the Government of India or in this House are men of relatively small stature. But it has been given to us to work at a time when India is becoming a great giant again. So, because of that, in spite of our own smallness, we have to work for great causes and perhaps elevating ourselves in the process.

When India became independent a year and a half ago, we chose the time, or if you like, fate and circumstance chose the time for us, which was one of exceeding difficulty. There were the damages and the consequences of the last great war. And immediately we were independent, there were volcanic upheavals in India. It would have been difficult enough for us if there had been complete peace in India to face all the problems that had accumulated during the period of our arrested growth in the past. But added to that came new problems of colossal magnitude. How we faced them the House remembers, and it will be for history to record whether we failed completely or we succeeded or succeeded partially. Anyhow we survived and that, at any rate, was some success. Anyhow we survived and made good in many ways, apart from mere survival. And gradually we have overcome those problems and gradually we have made of India a single political unit. And may I point out to this House that the political unit that is India today is the largest political unit, in terms of population, in the world? But population and numbers do not count, it is quality that counts. I would say further that from the point of view of our potential resources and our capacity to use those potential resources, we are also potentially the biggest unit in the World. I say that not in any spirit of vain glory but let us recognise the huge trust we have in our keeping and let us then think of it in terms of the great burden and the great responsibility upon us and not in smaller terms. Now this is the background.

Shall I put to you another background? That was this. We, the great majority of the members of this House and vast numbers of people in this country have spent our lives in what might be called a revolutionary activity, in conflicts with authority. We are bred up in that tradition of revolution etc. and now we sit in the seats of authority and have to deal with problems, difficult problems. That adjustment is not an easy adjustment at any time for anyone, more especially now. Then again, not only were we revolutionaries and agitators and breakers of many things but we were bred up in a high tradition under a great man. That tradition was an ethical tradition, a moral tradition and at the same time an application of these ethical and moral doctrines to practical politics. That great man placed before us a technique of action which was unique in the world, which combined political activity and political conflict and a struggle for freedom with certain moral and ethical principles. Now I dare not say that any of us, not all of us, lived up to those ethical and moral principles but I do dare say that in the course of the past 30 years or so, all of us in smaller or greater degree, and the country itself in smaller or greater measure, was affected by those ethical and moral doctrines of the Great Master and Leader. And now with that idealism and ethical background we faced practical problems and it becomes an exceedingly difficult thing to apply that particular doctrine to the solution of those problems. That is a conflict which individuals and groups and nations have often had to face. It came to us in very peculiar circumstances and it was intensified by those circumstances and so there has been this travail of the spirit in most of us.

We have often thought of Gandhiji and his great doctrine, of his great message and while we praised it often enough, we felt 'Are we hypocrites, talking about that and being unable to live up to it. Are we deluding ourselves and the world?' Because if we were hypocrites, then surely our future was dark. We may be hypocritical about the small things of life but it is a dangerous thing to be hypocritical about the great things of life. And it would have been the greatest tragedy if we exploited the name and prestige of our great leader, took shelter under it and denied in our hearts, in our activities, the message that he had brought to this country and the world. So we have had these conflicts in our minds and those conflicts continue and perhaps there is no final solution of those conflicts except to try continually to bridge the gulf between that idealism and that practice which is forced down upon us by circumstances. For after all if we are in charge of any work, if we are in seats of authority and responsibility to face a particular situation, we can only do so, on the one hand according to the way that we think will meet that situation. We cannot and I am quite positive that our great leader would not have had us function as blind automatons just carrying the same thing which he had said without reference to change in events. On the other hand, we have to keep in mind those very ideals to which we have pledged ourselves so often. There is always a great difficulty between the approach to a problem of a Prophet and of a Politician. We had the combination of a Prophet and a great Statesman but then we are not Prophets nor are we very great, possibly, in our statesmanship and so we cannot be judged by that high standard. All we can say is that we should do our utmost to live up as far as we can to that standard but always judging a problem by the lights of our own intelligence, otherwise we will fail. There is this grave danger, on the one hand of denying the message of the Prophet, on the other of blindly following it and missing all its vitality. Both happen. By just repeating some phrase or dogma without realising what the truth lay behind it and thus perhaps killing the spirit of the Prophet even more than by denying that message. We have therefore to steer through these.

[Shri Jawaharlal Nehru]

Then a Politician or statesman, call him what you will, has to deal not only with the truth but with men's receptivity of that truth because if there is not sufficient receptivity of it from the politician's or statesman's point of view, that truth is thrown into the wilderness till minds are ripe for it. And certainly a statesman cannot function and in a democratic age much less can he function unless he can make people believe in that truth. So unfortunately but inevitably compromises have to take place from time to time. You cannot do without compromises but a compromise is a bad compromise if it is opportunist in the sense that it is not always aiming at the truth. It may be a good compromise if it is always looking at that truth and trying to take you there. So in the past year and a half we have faced these difficult problems and the difficulty has been obvious enough to many but perhaps not many have thought of this travail of the spirit under which we suffered all the time; and this fear that we are becoming too much slaves of events, carried away by them, too much opportunists, and it may indeed be very difficult to draw the line. So all we can do is to pull ourselves back occasionally, look at our activities and examine them from that high standard which was laid down and try to remain as near to it as possible.

It was a curious thing that we who carried on the struggle for freedom in a non-violent and peaceful way should immediately have to be confronted with violence in its intensest form, civil violence as well as, what may be called, military violence, that we should have to undertake a kind of war in a part of the country. The whole thing seemed to be a complete upset of all that we stood for; and yet circumstances were such that I am quite convinced that we had no other way, and that the way we took was the right one.

May I mention to the House that towards the end of October 1947, when this question of Kashmir suddenly came upon us, when we heard that raiders had come into Kashmir and were destroying and looting, it was a very difficult question for us to decide. It was difficult enough from the military point of view, because we were isolated and far away, and the sending of arms or troops by air was no light undertaking from the purely military point of view. But the real difficulty before us arose from inside, it was a difficulty of the spirit. What will this land us in? That was the difficulty. On the one hand there was the powerful call of the people of Kashmir, those people who were being attacked and destroyed. We could not say "No" to them. On the other hand we did not quite know where it would lead us. And in that difficulty of the spirit I went—as I often did—to Mahatma Gandhi, for his advice. It was not natural for him to give advice about military matters. What did he know about them? His struggles were struggles of the spirit. But listening to me, if I may with all respect say so, he did not say "No" to the course of action that I proposed. He saw that a government as we were, had to follow its duty even in the military line, when certain circumstances arose. And throughout those few months, before he was taken away from us, I conferred with him on many an occasion about Kashmir, and it was a great happiness to me that I had his blessings in the steps we took.

So, looking back on this year and a half, we have built up India as a single organized political unit, and in this, as the House knows, my respected colleague, the Deputy Prime Minister, has played a supremely vital part. We have some little further to go in that matter. But I hope those further problems also will be settled very soon. There is the problem of Kashmir. There are the problems of what are called foreign possessions in India,

Pondicherry, Chandarnagore, Goa, and the rest. And all along we have stated that we want a peaceful and co-operative solution in regard to these foreign possessions. But it is quite clear that there is only one future for these possessions, and that is complete integration with India. We are prepared to wait a little for it, to avoid conflict etc. We do not want that, we want peaceful solutions of these and other problems. But it is an inconceivable thing that in this new, resurgent India, bits of territory should belong to powers far away. So we are trying to the best of our ability to find a peaceful solution of these problems.

May I point out another thing? The House, very rightly is vigilant about avoidance of waste, about growth in our administrative services etc. There is an Economy Committee sitting, and there are other committees considering this problem. That is right. But please remember that the Government of India which has been functioning since the 15th August, 1947 has had to face many other problems than any other Government of India had to face previously. First of all, the previous governments, although they were endowed with certain social objectives, they did not think of them as primary functions, or of the same importance as we necessarily must. Secondly, take this field of foreign affairs about which I am speaking. There were no foreign affairs then. It has been an entirely new adventure for us, building up our foreign and international position. This has meant necessarily additions to our staff here and in foreign countries, large additions and large expenditure of money. It may be that some economy is possible; but that should be considered and looked into. But you cannot be an independent nation, and not have those foreign relations—the two are incompatible. Indians are spread out all over the world. We have to look after their interests. Apart from Indians living in other countries, we have various interests, trade interests and other interests. We have to buy things. We have to sell things. It is quite impossible for any independent country, more especially a great and big country like India, to carry on its normal existence without these foreign relations, with foreign establishments, foreign embassies, legations, trade missions and the like.

I mention this because often enough there is criticism of our spreading out all over the world with our foreign embassies etc. It is perhaps thought that this is just a gesture to satisfy our own vanity. And I am told, sometimes, that I have got some kind of a bee in my bonnet; that I forget the troubles in India, and I do not consider them, our domestic problems, that I think only of sending ambassadors from Timbuktu to Peru. Well, I should like the House to consider this matter and be quite clear about it, because to refer to Timbuktu and Peru in this connection does not appear to me to be the height of wisdom. It shows quite an extraordinary lack of appreciation of what India is and what internally and domestically India requires. If we do not go out and have our foreign establishments, somebody will have to look after our interests. Who is that somebody? Are we going to ask England to look after our foreign interests in other countries as Pakistan has done in many countries? Is that the type of independence that we imagine? What does independence consist of? It consists fundamentally and basically of foreign relations. That is the test of independence. All else is local autonomy. Once foreign relations go out of your hand, into the charge of somebody else, to that extent and in that measure, you are not independent. So, if we are an independent nation, we must have foreign relations. In fact, we cannot carry on without them. If we had foreign relations we have to have the establishment necessary to carry on those foreign relations. And foreign relations though they involve

[Shri Jawaharlal Nehru]

be, because, as I said a little while ago, India is interested in several regions of Asia: whether all should be grouped together or separately, I do not know. That is for us to consider together as to what is more feasible but in any event two facts have to be borne in mind. One is that whatever structure of co-operation we might build up will be entirely within the scope of the Charter of the United Nations. Secondly, there will be no binding covenants in it but largely one of consultation and co-operation that naturally flow from common interests. So our policy will continue to be not only to keep apart from power alignments but trying to make friendly co-operation possible. Fortunately we enter upon our independence as a country with no hostile background in regard to any country. We are friendly to all countries. Our hostility during the last 200 years was mainly directed towards the dominating power here and because of India's independence that hostility has largely vanished, though it may survive in some people's minds, but that is not important. So that we approach the whole world on a friendly basis and there is no reason why we should put ourselves at a disadvantage, if I may say so, of becoming unfriendly to any group. I think that India has a vital role to play in world affairs.

The various ideologies that confront the world today, the various 'isms' which threaten conflict repeatedly may have a great deal I think to commend themselves but all of them have been derived, if I may say so, from the background of Europe. Well, the background of Europe is not something apart from the background of the world and there is much in the background of Europe which is present in India or in other countries. Nevertheless, it is true that the background of Europe is not completely the background of India or the world and there is absolutely no reason why we should be asked to choose between this ideology or the other *in toto*. India is a country with a tremendous vitality which it has shown through its history: it has often enough imposed its own cultural pattern on other countries not by force of arms but by the strength of her vitality, culture and civilization. There is no reason why we should give up our way of doing things, our way of considering things, simply because of some particular ideology which emanates from Europe. I have no doubt at all that we have to learn a great deal from Europe and America and I think that we should keep our eyes and ears completely open. We should be flexible in mind and we should be receptive: but I have also no doubt at all that we should not allow ourselves, if I may use the words of Gandhiji, we must not allow any wind from anywhere to sweep us of our feet.

So we should approach these problems, whether domestic or international problems, in our own way. If by any chance we align ourselves definitely with one power group we may perhaps from one point of view do some good but I have not the shadow of a doubt that from a larger point of view, not only of India but of world peace, it will do harm. Because then we lose that tremendous vantage ground that we have of using such influence as we possess—and that influence is going to grow from year to year—in the cause of world peace.

What are we interested in world affairs for? We seek no dominion over any country. We do not wish to interfere in the affairs of any country, domestic or other. Our main stake in world affairs is peace: our main stake in world affairs is to see that there is racial equality: our main stake in world affairs is that people who are still subjugated should be free. For the rest we do not desire to interfere in world affairs and we do not desire that other people too should interfere in our affairs. If, however, there is interference with us, whether military, political or economic, we shall resist it.

So it is with this friendly approach that we look at the world. It is true that in doing so we are often likely to be misunderstood, because passions have been roused all over the world and sometimes each country thinks that if you are not completely lined up with it you are its enemy or opponent. It is unfortunate if people think so: we cannot help it. We may sometimes even lose some petty advantage, because of this fear and suspicion in other people's minds. But even now other countries are beginning to realise that we are playing an independent role: that we are not tied up to anybody, that we consider problems dispassionately and objectively, in so far as we can judge them on the merits and not from that other point of view, which is becoming very common, that is to say from the point of view of a certain manoeuvring for a possible future war. That is the point of view from which problems are dealt with today.

If there is a future war what should be done now to better our position or to get this territory or this country on our side and prevent it from going to the other side? It is not for me to criticize other nations and their policies. But I just do not see why India should function in that way or should become a part of this world manoeuvring that is going on. So we have to keep apart from that and at the same time develop the closest relations with all those countries. It so happens that because of history and chance our relations—economic and trade—are far greater with some countries than with others. Well, we will continue them always seeing that they do not come in the way of our growth, do not hamper us in our progress.

The supreme question that one has to face today in the world is how can we avoid a world war? Some people seem to think that it is unavoidable and therefore they prepare for it and prepare for it not only in a military sense but in a psychological sense and thereby actually bring the war nearer. Personally I think that is a very wrong and a very dangerous thing to do. Of course no country dare take things for granted and not prepare for possible contingencies. We in India must be prepared for any possible danger to our freedom and our existence. That is so. But to think in terms of the inevitability of world war is dangerous thinking. I should like this House and the country to appreciate what a world war means, what it is likely to mean. It just does not matter who wins in the world war because it will mean such utter catastrophe that for a generation or more everything that we stand for in the way of progress and advancement of humanity will be put an end to. That is a terrible thing to contemplate and everything should be done to avoid this catastrophe. If it is unavoidable—of course we do not run away from anything because we are afraid of it—we have to face it. I feel that India can play a big part, and may be an effective part, in helping in the avoidance of war. Therefore it becomes all the more necessary that India should not be lined up with any group of powers which for various reasons are in a sense full of fear of war and prepare for war. That is the main approach of our foreign policy and I am glad to say that I believe that it is more and more appreciated.

We are at the present moment on friendly terms with all countries. With our neighbours—with Pakistan I think the situation is improving from day to day. It is much better than it was a few months ago; I hope it will improve more. With Afghanistan and Nepal—although Afghanistan is not our immediate neighbour now: anyhow it has been our neighbour—we are on the friendliest terms with them. With other countries in Asia and in Europe our relations are getting closer and closer, our trade is expanding and so on and so forth. We should utilise this position I think in the United Nations and elsewhere to fulfil the cause of peace, and it is possible that a number of other

[Shri Jawaharlal Nehru]

countries which are not happy at the prospect of war may also support the attitude that India might take up when occasion arises in regard to it. We have dealt with questions in the United Nations as individual separate questions,—for instance, in regard to Korea, in regard to Palestine, in regard to some other matters too, and we have displeased people because we have dealt with individual questions and gave our opinion on the merits. Of course the merits cannot be divorced from various other possible consequences. I think people have realized often enough that the advice that India gave and which was not accepted then was the right advice and the trouble would have been far less if the advice had been accepted then.

There are many aspects of this question which I can speak about, but I have already taken a great deal of the time of the House. I would beg the House to look upon the matter from this wider point of view that I have placed before it, that is the emergence of India and Asia into this trend of human affairs, the inevitability of India playing an important part by virtue of her tremendous potential, by virtue of the fact that she is the biggest political unit in terms of population today and is likely to be in terms of her resources also. She is going to play that part. If we have to play that part we have to look upon this question from this bigger point of view and not from the small difficulties and problems that may face us and that part must essentially be one of promoting peace and freedom in the world, of removing racial inequalities.

And may I in this connection say that it has been a matter of deep grief to us to learn of the racial riots that took place at Durban in South Africa? I do not wish to say much in regard to that except that if racialism is encouraged anywhere it is bound to yield such trouble. But it is a matter of deep grief to us that Indians and Africans should be involved in such rioting. It has been, not today but over years past, our definite instructions to our envoys in Africa and elsewhere that we do not want Indians to have any special interests at the cost of the Africans anywhere. We have impressed upon them to co-operate with the Africans in gaining the freedom of those Africans and we have repeated these instructions again. I hope that after this unfortunate experience of Durban, Indians and Africans will come together again. Indeed there is evidence from East Africa and elsewhere of a great measure of co-operation between Indians and Africans.

So I hope that this House and this country will approve of the general lines of policy that I have suggested and indicate that it is India's desire to play this important part in favour of world peace and thereby perhaps help in avoiding that supreme catastrophe, that is, a world war.

Mr. Speaker: If the House is agreeable, instead of having an unfinished speech for five minutes, I think we may now adjourn and re-assemble at 2.30 P.M.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Seth Govind Das (C.P. and Berar: General): The Honourable the Prime Minister today reminded us that our country is an ancient country. No doubt, Sir, it is an ancient country with an ancient history, with an ancient civilisation and with an ancient culture. On account of the Honourable the Prime Minister reminding us, I suddenly remembered the days of our great emperor

Asoka. In his days, Sir, we had relations with various countries and today I am glad to find that after our freedom we are again developing such relations. (An Honourable Member: 'Not the empire!') Not the empire. Even at that time of Asoka we had cultural relations; we had no idea of winning any country even at that time. We want to develop the same sort of cultural relations today after India has become free.

Fast communications have made this world very small. Every country has come closer to one another and therefore the importance of international relations, and importance of international policy has become very great. After we achieved freedom our prestige has increased in the world. On account of the methods which we used for achieving our freedom, it has increased still more and after achieving our freedom the way in which we dealt with various problems—the latest of them being the problem of Indonesia—our prestige increased still further. Much depends upon the policy which we shall follow in future. It should be based no doubt on ethical and moral standards and if it is based on ethical and moral standards we shall consider nothing but human problems. Every country considers these human problems, but most of them consider them only with respect to their nationals. Our motto had been—“*Atmavat sarva bhuteshu*”,—and on account of this motto we were pledged to *vishva-prema*, universal love. Our master taught us the same even in these days of bloodshed.

The honourable the Prime Minister has rightly said that today the greatest problem is the readjustment of the relations of Asia and Europe. I am sure that if we follow the policy which we have followed so far, we shall be able to readjust the relations of Asia and Europe—not only the relations of Asia and Europe but of the whole world. Compromises are necessary. Even in the philosophy of *satyagraha* there is compromise—how many times Mahatma Gandhi made compromises with the British Government? But no compromise should be made sacrificing our objectives, and therefore the two declarations which the honourable the Prime Minister made today, one with respect to our foreign possessions and the other with respect to our relations with Commonwealth countries, will be hailed throughout the country. He rightly said that we do not want to force those possessions to join our territory but at the same time it is but natural for them, if not today then tomorrow, if not tomorrow then the day after, to join us. And as far as the friendship between the Commonwealth countries is concerned, we have to keep intact the decision which we have made in our Constituent Assembly that India is going to remain a Sovereign Republic. We have done right in not joining any of the blocs in the U.N.O. and I think we should pursue the same policy.

The honourable the Prime Minister said something with respect to Indians abroad. It has been a subject in which I am interested for the last 25 years. He said the status of our brethren abroad has increased. On account of our independence it has, I admit; but if we see the real conditions there we find that there has been no improvement in the material conditions there. I shall give examples only of two countries because I have very few minutes at my disposal. I shall first deal with East Africa. As far as East Africa is concerned, we find that the inter-territorial organisation of the four colonies there—that is Kenya, Tanganyika, Uganda and Zanzibar—has come into existence. The whites were important in Kenya, but on account of this Inter-Territorial Organisation, they have become important even in Tanganyika, Uganda and Zanzibar, where they are in a microscopic minority. East Africa is a country with which we had oldest relations and new immigration Acts have been passed there barring our immigration altogether. Another trouble has

[Seth Govind Das]

sprung up there. That is communal trouble and on account of some communal feelings in our community there, the whites took advantage of it. They exploited those feelings and wanted to have separate electorates in Kenya. The Government of India pressed for not having separate electorates and though separate electorates have not come into existence, yet in Kenya Legislature, reservation of seats has been made and there are three seats for non-Muslims and two for Muslims. In South Africa things are much worse than they ever were. The Durban riots were a very sad event and it is feared that the Commission which has been appointed by the Union Government might whitewash the whole affair.

Thus we see that though our status might have gone up in the Commonwealth countries, the condition of Indians in these countries is practically the same. In Mauritius, Fiji and Trinidad there are no problems today, but in Burma, in Ceylon and in Malaya also we have to face these problems. In Malaya the trade unions are under communist influence and that is the reason for the trouble there. In Burma, the question of nationalisation of land has been taken up. Of course, we cannot oppose it on principle, because we ourselves are abolishing the *Zamindari* system; but we have to see that adequate or at least reasonable compensation is given to the persons who own that land. Unfortunately, in Ceylon, we have not the same cordial relations with the indigenous population as we used to have. To me it appears that the only solution of the problems of Indians abroad is that we should never fight there for any exclusive rights for ourselves or any privilege for ourselves. We should merge our interests with those of the indigenous population there and we should make a united front with them against these whites who have usurped the rights of all.

In conclusion, I wish to say that India has been an idealistic country. The honourable the Prime Minister said that we have much to learn from Europe and America and I say that Europe and America have also much to learn from us. If we stick to our ideals, if our Government, if our Embassies abroad, stick to those ideals, ideals which have come down to us from times immemorial, ideals which our masters have taught us, I am sure that it will not be this country which would be learning much from Europe and America but it would be Europe and America which will be learning something from us. I congratulate the honourable the Prime Minister for all that he has been doing since he has become our Foreign Minister and I hope that if we go on doing what we have done in the last eighteen months, our country will have a unique place in the international world.

Prof. N. G. Ranga (Madras: General): I am glad to say that most of the members in this House are very much in agreement with the general line of foreign policy that our Prime Minister has been pursuing and the line that he has taken also in the statement he has made to us this morning.

To take up the point that my honourable friend Seth Govind Das has just now raised, I am glad that he has also declared himself in favour of the principle that Indian nationals in these various countries abroad should not fight for any exclusive rights for themselves, and on the other hand, they should make common cause with the peoples of those countries. It is a very important statement that he has made, in that he has interested himself in their cause and he has developed wide contacts among Indians abroad. But unfortunately, our nationals abroad do not seem to be pursuing such a policy in their own relations with the local nationals. Except for Kenya and may be in one or two other places in West Indies etc. our nationals seem to have got into certain privileged positions and are unwilling to take into partnership the local

nationals. Only recently, we were told that in South Africa, even in running the buses when the Negroes wanted a share in it, our friends were not willing to make any concessions and I have been receiving from time to time a number of complaints from the Negro nationals and their leaders, especially in Kenya, Uganda and Nyasaland about our own attitude. Therefore, they have expressed the hope that we in India anyhow will not be taking up the same attitude that those Indian traders are taking up in those countries. It is as well that our Commonwealth Department makes it clear in unmistakable terms to these nationals abroad that they cannot expect any support from our Government if they were to pursue this policy of trying to get concessions from the whites and not yielding anything at all to local peoples and not trying to take them into comradely relationship and partnership.

Then, coming to what our Leader of the House has said this morning, I have felt that he was not quite as seriously conscious of the actual existence of a cold war, of an ideological war, of an economic war, that is today going on in different parts of the world, that is being waged by two great nations and two great Powers backed as they are by their own satellite countries,—United States on the one side, and the U.S.S.R. on the other. If you go to Yugoslavia you find that Marshal Tito is complaining of economic non-cooperation from Stalin. If you go to Czechoslovakia, you find a similar complaint being made against U.S.A. If you go to the Scandinavian countries, similar complaint is being made against Russia. Coming to the Asian continent, we find that in a number of countries including Indo-China and Burma, Russia has been playing a role which is not very honourable to herself or useful to the world cause of peace. It is true that the hand of either the United States or the U.S.S.R. is not so easily discernable in what is happening in all these countries; but nevertheless their agencies are at work in order to queer the pitch and to create confusion and create economic unsettlement. In between these two great Powers comes Great Britain together with her friends in Western Europe. They are still interested in imperialism. They are still anxious to retain not only their Asiatic possessions, but also to develop their interests in African possessions. They are bent upon carrying on a policy of exploitation.

What is happening in Malaya is something which should upset many minds. It is true that in Malaya the Communist party has been playing a role which is really destructive. It has taken to violent means and violent ways and necessarily its guerilla warfare has to be put down by legitimate means including the use of armed forces. But if such steps had been taken by a National Government of Malaya it would have been possible for the rest of the world to appreciate. But when British Empire has had to take this step, necessarily the position of people like us who have been so closely associated with the Commonwealth becomes very difficult to justify. Even in Africa, not to speak of South Africa, the role that the British Government has been playing is not very honourable and, in regard to Indonesia, the attitude taken up by Great Britain is certainly objectionable. It is under these circumstances that we have to make up our minds whether we can agree not only to be friends with Great Britain but also to be one of the partners in the Commonwealth. Our position in the Commonwealth will certainly become stronger and more useful in advancing the cause of the world, if Great Britain were to make up her mind to shed imperialism and give freedom to all these people and help them to establish strong, powerful and stable national governments. Until that happy day dawns, I am afraid the position that India will be taking up in the Commonwealth is likely to be the butt of criticism, as well as talk on the part of the various other countries. That is where the softest or the weakest point lies so far as our foreign policy is concerned.

[Prof. N. G. Ranga]

Then, the United States of America has been asking the rest of the world to believe in her democratic professions. But is she fully democratic? That is where doubts arise. Has she been pursuing a policy of democracy, looking at the whole world as one unit, treating every country as equal to every other country and treating every people as equal to every other people, deserving of equal consideration, help, assistance and *camaraderie*? The answer is in the negative. She has been trying to help western European nations. Why? Is it only to help them to rehabilitate themselves after the war? Not only that; it is also to save them from the advancing tentacles of totalitarian monsters that are raising their heads all over the world. Very well. If she is right in doing that, then why is it she has played such a disastrous role in China? She had been blowing hot and cold with regard to that country. She had been giving false hopes to Marshal Chiang Kai Shaik and he had been pursuing a line in the hope that he would get help. But where is he today? When he became very badly in need of American help, they refused him that help and left him in the lurch with the result that the poor Marshal has been obliged to flee his own country. Does she want India and other countries also to pursue the same disastrous policy and come to a disastrous end? These are the questions that America has to answer. These are the questions also that our own Foreign Department has got to place before itself in its dealings with America and our own friends.

If the peoples of the world are to be saved from totalitarianism, they have got to be quite clear what they mean by totalitarianism. Communism is one brand, Sovietism is another, capitalism and imperialism are a third. We do not want to have anything to do with these three. But nevertheless, if these people are to be saved and helped to stand on their own feet, some help is needed.

We are told that the world is one in prosperity as well as in poverty. But what do we see? There is this prosperous country of America and there are the poorest people on the continents of Africa and Asia. Is it possible for these two parts of the world to feel in one and the same way towards all problems when they are placed in opposite extremes so far as their economic condition is concerned? Naturally it is not possible. It is the duty of the statesmen of the world to see that the world is made one. But if it is to be made one—this is what Truman has told us—did his Foreign Secretary Marshall offer to place their wealth at the disposal of other countries, not as loans or gifts but as their offering towards the promotion of this conception of the unity of the world? Did they use their resources in men and money and expert aid and materials to raise the economic level of other countries?

What is it that America has done so far as Asia is concerned? Nothing. And what is more? We have asked America to help these countries in the same way as she has been helping Western European countries. Until today she has not made up her mind to come to the rescue of Burma, Indonesia, India, China or China. If the economic condition of the masses in these countries had been raised to at least the minimum necessary level of decency, would it have been possible for those people to become a prey to the destructive agencies and elements that are now gaining more and more sway there? We have been told by the American Government and by Western countries that Western Europe was saved from the clutches of the Communist party because that territory was flooded with American capital goods and that with these they salvaged those people. Why is it that they did not think of doing the same so far as Asia is concerned?

I want our Foreign Department to concern itself with this aspect of the matter and then tell America and the rest of the world: 'Look here, if you are keen on championing the democratic cause and developing democracy all the world over as against the expanding and advancing world totalitarian front, then come to the rescue of people of this part of the world in regard to food, clothing, capital goods and other essential basic industrial equipment that this country needs. We want assistance. There is only one country which can provide that assistance and that country is America. But America is not playing the game.'

Then on the other side there is Soviet Russia. She has also been trying to help her own friends of the south-east European countries. They have been helped economically by Soviet Russia and in the East also, Russia is trying to help those countries friendly to her. Because of our policy we have been pursuing of not aligning ourselves with Russia or America, we have not been able to get any assistance from either of these political blocks. Therefore what shall we do? Even at the risk of having to hug our own poverty, as our own Prime Minister declared, we should not definitely align ourselves with this or that group. Then what are we to do? As I said last year, we have been pursuing that line in this country of not joining either group. Then are we to be neutrals? I have said before that it is not becoming of this country that we should be tainted as neutrals. We should take a positive line. I am glad that our Prime Minister has been pursuing such a positive line. I am very glad he has taken the initiative in calling an Asian Conference here in regard to the Indonesian problem. He is going to call another Conference and I am happy to see in the World Press the lead he has given has come to be appreciated very much except in the Soviet press. I can understand why it is so. I cannot understand why the Russians are so very keen in criticising the initiative taken by the Honourable Pandit Jawaharlal Nehru. Do they want the Britisher to take the initiative? Or do they want the Americans to take the initiative? If India had not taken the initiative it would have helped the Imperialist cause and not the cause of peace. India has no interest in imperialism or power politics. As she has taken the initiative, it is only fair to expect Soviet Russia to appreciate the lead given by India. We cannot be content with the present state of things.

We cannot rest on our oars and that is where our Foreign Ministry has got to take sufficient steps in order to build up a peace front. It is necessary that they should come out into the world definitely and positively say that we are not in favour of either capitalist totalitarianism or idealistic totalitarianism or even economic totalitarianism but on the other hand we are out for the establishment of a true and full-fledged democracy and in order to building up that democratic front, we wish to pursue our foreign policy not only here in this country, but only in our relations with individual countries but also in our activities in the UNO.

Mr. Speaker: In order to enable me to accommodate a larger number of people who are anxious to speak, I would earnestly request the members to restrict their remarks to ten minutes instead of fifteen minutes. Otherwise it will not be possible to give chance to more members.

Mr. Tajamul Husain (Bihar: Muslim): We got independence about a year and a half ago and now we are considered to be one of the greatest nations in the World. How this wonderful thing happened in such a short space of time? It is due entirely to the effort of one man and that is our Prime Minister Pandit Jawaharlal Nehru. He raised us in the eyes of the world and I am sure if he remains our leader for at least ten years more, we will become the greatest nation in the world.

[Mr. Tajamul Husain]

As regards the Commonwealth Relations we have not as yet decided whether we will remain a member of the Commonwealth or not. There are no doubt both advantages and disadvantages in remaining a member of the Commonwealth but I submit this is not the place to discuss this point. This point will be decided later on by the Constituent Assembly. If at that time we find that it is beneficial to us to remain a member of the Commonwealth, we will decide accordingly but if we find that there is absolutely no advantage to us by remaining a member of the Commonwealth, we will decide that we will not remain a member of the Commonwealth. But one thing I have not been able to understand, viz., recently the Australian Prime Minister said that Australia was meant only for the White people. He also said that our Prime Minister Pandit Nehru agreed with him with regard to this policy of Australia. I would like to know whether it is true or not.

As regards Burma, as far as I am aware, there is an Act called the Burmese Nationalisation of Land Act of 1948 by which the Burmese Government can purchase all lands and houses belonging to Indians in Burma and also that Indians in Burma are not allowed to bring back sale-proceeds of the land and houses to India if they want to come to India. We are not allowed under the same Act to bring the profits from trade and commerce. So it has become impossible for Indians to come back to their own country if they so desired. There were many Indians there who were in the service of the Burmese Government and they had been dismissed but they were not allowed to bring their hard-earned money which they had saved out to their own country. If they want to remain there they cannot do so and they cannot come back to India because they are not allowed to bring back the money. They could not stay there because the right of citizenship had been denied to them. I understand that our Government have taken up the question of valuation of land belonging to Indians in Burma. This is very good, but not enough. I suggest that the Government of India should take up the question of valuation of house property and business also. I would like to say a few words about Embassies. We have just attained independence and naturally we want to become also the greatest nation and I have no doubt we will but it will no doubt take time and we must go slow. My suggestion is that on no account should we side with any foreign powers in case of war. We must remain neutral atleast for about ten years. By that time we will become stronger than what we are now. There is no doubt that the embassies in the foreign countries are doing good work. We are spending a lot of money over them. My only prayer is we do not get ourselves involved in their power politics of the United States of America or Russia and lastly I will say one word about the French and Portuguese possessions in India about which the Prime Minister has already enlightened us. No Indian would like any Foreigners to remain in any part of India as part owner of India. It will be dangerous for us especially in case of war if we allow them to remain and so something should be done about it and I am glad that the Prime Minister has told us something about it.

Shri Harihar Nath Shastri (U.P.: General): I would not deal with the question of high foreign policy over which three of my distinguished friends have already spoken. I would simply submit in a nutshell that the policy that our great leader has been pursuing since the achievement of Independence is the only correct policy and that policy has raised India high in the estimation of the world. But at the present moment I desire to confine myself to one particular aspect of the External Affairs, namely, the working of our embassies in other countries. I feel that this is a very delicate subject and moreover I feel somewhat overwhelmed by the presence of one for whom during the last 25 years of my public life I have had profound regard mingled with considerable

awe. Still, I rise to say something in this regard because of a sense of duty which inspires me to open my mind on the present occasion. In doing so, I should like to assure the House and my Leader that I have no personal prejudice, no dislike against any particular individual. On the contrary, I have every respect for every one of our ambassadors. They are honest people, men of integrity, and they are doing onerous duty to this country, for which they deserve the wholehearted support and protection not only of the Government but also of this House. My comments are entirely impersonal and based on expediency and a certain amount of experience.

I would, in the first place, make a few remarks in regard to the principle that should govern the appointment of our ambassadors in future. In regard to this question, I have two suggestions to make. Firstly, that the appointment of our ambassadors should be confined to public men of standing and distinction in this country, who have been conversant with and who have been through thick and thin in the politics of this country. My second suggestion is—and I would invite my Honourable leader to consider whether it has any weight—that local men are, as a general rule, not appointed as our ambassadors. (Mr. Tajamul Husain: 'What is meant by local men?') The honourable member will please try to understand what I say. The reason why I make this suggestion is that due to long association with any particular country, an Indian who has been in a foreign country for, say, twenty or twenty-five years, develops conflicting loyalties, gets involved in intrigues and manipulations and the result is that these things stand in the way of the proper discharge of his duties, and also undermine his efficiency. So I humbly suggest that this aspect may be taken into consideration.

Then, there are two or three other suggestions that I should much like to make. The first is in regard to the question of foreign publicity. I felt, while I was in England, and in some of the continental countries last year, that the publicity of our country in foreign countries was very much ignored and I was pained to find that even in a country like England which had long association with this country colossal ignorance was prevailing in regard to the affairs in India. I met, eminent people, particularly leaders of the trade union movement, and I was astonished to find that there were baseless impressions in their mind in regard to this country. One of the impressions was that civic liberty in this country was completely suppressed and that there was a fascist regime in this country. The second and still more regrettable impression that prevailed at that time in that country was that the Cabinet of this Country was divided and that there was one section that stood for civic liberties whereas there was another section which stood for complete suppression of civic liberties. It should be, and it should have been the duty of our ambassador that such impressions should not arise and if they exist, they are counteracted effectively.

The third suggestion that I want to make is with regard to having adequate personnel having a fair knowledge of foreign languages. I found in course of my tour, that in our embassies people having a fair knowledge of the languages of the countries were very much lacking, and there were interpreters in certain continental countries who did not belong to India, but to those countries. I think that arrangements should immediately be made to start an institution under the External Affairs Ministry to train young men to take up this work.

Within the next two or three minutes that I have at my disposal I would like to touch on one important question, namely, the handling of confidential work. In course of my tour I noted that in some of the embassies, there were stenographers who were handling confidential work. And again, up to this time, ciphering work is also done in certain places by people who are foreigners. And

[Shri Harihar Nath Shastri]

still more amazed was I to find one thing in a particular country—I do not want to name that country. It was that our ambassador in that country went out on some official business for two or three weeks and during his absence, instead of his confidential files being handled by the Deputy High Commissioner, that work was handled by and looked after by his Private Secretary who was a foreigner, belonging to that country. I feel, that our Foreign Affairs Ministry should see to it that the confidential work in our embassies should be looked after by responsible people who belong to this country.

I have touched upon some of the points, and before I conclude, let me join in the high compliments that have been paid to my leader by my distinguished friends. I do say that he has very successfully handled the foreign affairs of our country. There is only one observation I have to make with regard to our foreign policy. There is an impression in this country which has found echo in one of the speeches at least, that the time has come when we should directly or indirectly align ourselves with a particular bloc. In this connection I want to give a warning. Let no false sense of security and, no temporary resentment against any particular country or against any particular party, cloud our judgment and goad us to follow a policy that may in the long run prove disastrous for our country.

Shri B. Shiva Rao (Madras: General): I want to utilise the brief time at my disposal for placing before the House some points arising out of India's participation in the last Session of the United Nations General Assembly. Before I do that I would like to make a suggestion to the Prime Minister that attempts should be made to place on the table of the House, with as little delay as possible, the reports of all Indian delegations to International Conferences, not only to the United Nations General Assembly but to such conferences as are held by the F.A.O., or U.N.E.S.C.O., or any other organization connected with the United Nations. Secondly, I would like him to consider whether it would not be possible to give this House an opportunity more frequently than once a year, to have debates on different aspects of foreign affairs. He spoke to us this morning comprehensively for almost an hour and a quarter, covering many points of the greatest interest and importance, and the House is expected to deal with them in the space of two and a half hours. I am aware, Sir, that because of the late arrangements that were made in regard to the budget discussions this year, it was perhaps not practicable to give more than one day for the discussion of the estimates of the External Affairs Ministry. But I hope this aspect will be borne in mind next year. Thirdly, I would like to repeat a suggestion which I made in the course of the budget discussion last year, and that is that inside the External Affairs Ministry there should be built up a section which would deal with all international conferences, whether they relate to commerce, or to public health or to cultural activities or to any Ministry in the Government of India. That I think would ensure a co-ordination of policies to be pursued by our Delegations which go abroad.

Now, coming to the Session of the General Assembly held in Paris last year, I think I must confess that it was even more barren of achievement than its immediate predecessor in 1947. In the main the lack of achievement was due to two factors: one was the uncertainty created by the presidential elections in the United States, which lasted until the beginning of November: the second was the deepening crisis over Berlin. Sitting in Paris and watching the almost interminable debates, particularly in the Political Committee, I was often reminded of a saying which I heard in this House many years ago, when in the place of the Prime Minister there sat the British Home Member of the then Government of India and the Leader of the Opposition was the late Pandit

Motilal Nehru. The Home Member in concluding the debate quoted a Bengali proverb, and translated into English is something like this: "those who live on the banks of a river must learn to make friends with the crocodiles." In Paris I felt that we lived on the banks of more than one river well stocked with crocodiles of various sizes and shapes; some almost friendly looking, some more true to form.

Last week in one of the questions which Mr. Sidhva put he raised a series of supplementaries in regard to South Africa's designs on South-West Africa, and he almost seemed to suggest that the Government of India had somehow failed in not securing the support of the Dominions and the other powers for the resolution that India had sponsored in regard to South-West Africa. I think it is necessary to understand the limitations under which a delegation works at an international conference like this. At the Committee stage it is necessary to secure a simple majority for any resolution before it can be passed on to the Plenary Session of the General Assembly. In the Plenary Session itself it must have at least a two-thirds majority. Now it is not in India's power, not belonging to any bloc as the Prime Minister pointed out this morning, and not having any power of influence over the voting of other members of the United Nations, it is not possible except by persuasion to secure the support of other members of the United Nations. And so far as South-West Africa is concerned, although India sponsored a resolution in the early stages, which we felt was necessary in order to register an emphatic protest against South Africa's design on South-West Africa, we found that in the later stages of the debate, even in the Committee, it was not possible to secure a simple majority for our resolution, and therefore we were compelled by the force of circumstances to support a resolution which was sponsored by one of the Latin American countries. Our regret was not only that it was not possible to prevent South Africa from annexing virtually South-West Africa, but that in our efforts to secure justice for South-West Africa we could not in the later stages of the debate get the support of a great many members of the United Nations from Asia. Ten or eleven of them, after promising support in the early stages fell away rather mysteriously.

Now, I refer to this item of South-West Africa, not only because it was an item on the agenda in which we took special interest, but Africa today is one of the danger spots in the world. It is in Africa, largely due to the intolerant, racial spirit of the Malan Government, that the seeds of future conflicts are being sown, and sooner or later, unless the other powers look out, there may be a conflagration which might spread to other parts of the world. The issue does not concern only a few lakhs of Indians in South Africa, or a few lakhs of the coloured people in South-West Africa. The issue is, broadly speaking, the right of the coloured races, all over the world to the same rights and privileges which members of the United Nations enjoy. It is here it seems to me that India can, and in fact is playing her most important and her most significant role. We have gained our independence by the principles taught to us by Gandhiji and we have succeeded in our efforts without loss of goodwill or friendship of the imperial power which held sway over us for many decades. Therefore, we are in the best position today in the world to secure the same rights for the other subject races who number something like two hundred million. I do not think it is easy for a colonial power at any time to relinquish its hold over a territory, with all the economic and political privileges which go with Imperialism. But just now I think there is a further complication in that the colonial powers of Western Europe have a grave fear that if they were to grant increasing freedom to territories under their control, the peoples of those territories may not enjoy their freedom for long but may be influenced by another power with a different ideology. It is for India to persuade these colonial powers to give up those rights and it is also for the British who are still

[Shri B. Shiva Rao]

today the greatest colonial power in the world to influence the other colonial powers to take the same line as they have done in India, Burma and Ceylon.

There is one other point to which I would like to refer before I sit down. I think we can legitimately derive great satisfaction from the fact that in all the elections for which India stood at the last session of the General Assembly—the Economic and Social Council, the International Law Commission and the Committee on non-self-governing Territories—not only did we succeed but we polled practically the highest number of votes that any country could get. We lost the election to the International Court of Justice not for any lack of appreciation on the part of the other powers of the merits of our candidate but entirely for high political reasons unconnected with India. I think it was our misfortune that India was not free at the time of the inauguration of the United Nations in 1945. I think by our size, by our population and more than anything else by the contribution that we can make to the strengthening of the foundations of world peace I think India is entitled to regard herself as amongst the big five or six. Unfortunately our claims were not recognised at that time. Nevertheless in view of the rapidly increasing influence that India wields today in world politics I think we should be undeterred by any considerations of false modesty but we should seek membership of the Trusteeship Council and of the Security Council, because I know that many countries in the world, particularly the colonial areas throughout the world, look to India for leadership and for protection.

Shri H. V. Kamath (C. P. and Berar: General): It is a matter for gratification that India since her recent emergence into world affairs has, under the wise guidance of our Foreign Minister, so far steered clear of the shoals and rocks of international power politics. While over Europe the Dollar and the Rouble are contending for mastery and while over large parts of Asia the same conflict is being waged in other ways and other forms; and in spite of the debacle in China, the retreat of democracy in Indonesia, the stagnation in Indo-China, the division of Korea, the upheaval in Malaya, the civil strife in Burma and the ferment in Palestine, we are happy to know that India has successfully pursued a natural and independent foreign policy. My anxiety is to see that this policy is pursued not merely today in peace but even in a future war—God forbid that it should come! With this idea in view I think that the first thing we have to do—which is the *sine qua non* for pursuing such a policy, completely neutral and independent foreign policy in foreign affairs—is to cut ourselves off from the Commonwealth. With the greatest defence to the Foreign Minister's view in this matter I am constrained to say that so long as we continue to remain in the Commonwealth we will not be able to pull our full weight in world affairs or even in Asian affairs.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Shri S. V. Krishnamoorthy Rao (one of the Panel of Chairmen)]

The Prime Minister in his speech referred to the Commonwealth as the "so-called British Commonwealth" or the "former British Commonwealth". But it is disquieting to note that Dr. Evatt, the Minister for External Affairs in Australia recently said, I think it was last month, to the following effect in the Australian House of Representatives: "There has been no change in the title of the British Commonwealth and we were delighted to see that the phrase was used by the King in his speech in Christmas time. In matters of life and death the British Commonwealth sticks together."

I hope this is a misrepresentation by the Australian press of Dr. Evatt's speech. But if that represents the correct state of affairs, I think it is high time that we seriously reconsider the desirability of breaking off from the Commonwealth. Moreover, if we continue in this Commonwealth we are liable to the charge of being a party if not a party at least as conniving at

the racialism and colonialism that are still the dominant features of the Commonwealth today. The battle between colonial servitude and political liberty or democracy is being waged today in Asia and I am sure it will be waged tomorrow in Africa and so long as the Commonwealth continues to be what it is today, I think we as the youngest democratic nation in Asia have no place and we should not desire to have any place in the Commonwealth.

There is another factor against our continuance in the Commonwealth and that is this. Britain being the oldest member of the Commonwealth is likely to be the *primus inter pares* or the first among equals, among members of the Commonwealth and Britain, as world affairs show us today, has linked herself indissolubly and inevitably with the United States of America and there is hardly any genuine democracy in America today. What with the negroes being oppressed, and denied civil liberties, and what with the attitude of America towards the undeveloped and under-developed countries of Asia as was revealed in the proceedings of the Economic and Social Council of the United Nations as well as in the ECAFE conference at Lapstone, Australia, in November or December last, there is hardly to my mind any genuine democracy in America today; and if we link ourselves with the Commonwealth it follows automatically, as night follows day, that we will be within the Anglo-American orbit. My anxiety is to see that we continue a completely and entirely independent foreign policy and the first essential is to break ourselves from the Commonwealth and sever all links with it.

Our next task would be to build up in Asia a United Nations of Asia by means of multilateral or bilateral pacts, regional alliances, not contrary to the United Nations Charter and its framework but within the United Nations framework; build up regional alliances within Asia and also bilateral and multilateral pacts in Asia and Europe relating to trade, commerce and even defence. If small countries like Norway, Sweden, Denmark can afford to be free without the shelter of the Commonwealth, why not we a great and ancient nation, that has shaken off the foreign yoke; why cannot we stand on our own legs and enter into friendly alliances with all the countries in the world and build up this neutrality? In war it is not enough to say that we are neutral. Such neutrality should be borne of strength. Mahatma Gandhi used to say that he would prefer violence to the non-violence of a coward. The neutrality of the weak is no neutrality at all. It should be the neutrality of the strong and if we cannot build up our armaments, we certainly can build up the spirit of the people, the psychology of the people and that is what is wanted today, a militant neutrality of the people, just as Mahatma Gandhi in the days of 1942 built up this sort of psychology, the psychology of militant neutrality. This we can and should build up today. I am sorry to state that the psychology of the people is not being built on the right lines. I hope it will be done so that our neutrality policy will be successful in peace as well as in war.

Adverting to the embassies I would only like to say that firstly we have got to have a close watch and scrutiny over the expenditure not merely in connection with embassies but also with delegations and missions that go abroad. We must have full audit, both pre-audit and post-audit if that be necessary. We must take the earliest steps to see that all the embassies are completely staffed by Indians from top to bottom. Today there is the danger of espionage. Espionage is not merely done in war but also before war. We know how before the second world war some countries had their espionage systems in several other countries. This is a risk which we cannot afford to take. Therefore it becomes important that our embassies should be completely staffed by Indians from top to bottom. Our embassies must radiate culture and goodwill: they must be centres of Indian culture. Because, mutual understanding is today an important essential in world affairs. I

[Shri H. V. Kamath]

would further remind the House that Mahatma Gandhi in his post-prayer speech just before his martyrdom stressed this fact as regards the expenditure on embassies—that a poor country cannot afford to spend too much on embassies. But today one is inclined to think that we care more for prestige abroad than for prosperity at home. To my mind prestige abroad and poverty at home go ill together. Prestige abroad without prosperity at home is an empty shell.

Before I close I would only say this that I believe that the second half of this century will show that Europe and America are not the whole world and that the future course of human civilization will be determined not on the Rhine, the Danube or the Volga but on the Yangtze, on the Nile and on the Ganga. To us in this century this opportunity has come now. There is a tide in the affairs of men which taken at the flood leads on to fortune. I hope we shall be able to take advantage of this tide and march on to victory of peace, freedom and democracy not merely in Asia but in the world and we shall be able to build a world not half-slave and half-free as it is today, not a world divided against itself but one free world of peace, democracy and socialism—may I say, where the *atman* has triumphed over the atom bomb, where men are citizens of one free world and mankind one family rooted in the living God. I will only join the Prime Minister in his prayer for world peace and the welfare of mankind and I hope that ere long the spirit of Europe will give place to the Empire of the Spirit. *Om shanti, shanti, shanti.*

Mr. Nazruddin Ahmad (West Bengal: Muslim): The subject is very vast but the time is very short. I shall therefore deal with only one aspect of this subject, namely, the problem of maintaining peace. War is not inevitable, but much preparation is necessary and in fact one condition of peace is that every country should have sufficient military strength. If a country is weak from a military point of view other countries will find it easy to take possession of her. But even individual strength of a country from a military point of view is not enough; there must be collective security. Without collective security a country will not find herself safe. I submit therefore that India should be looking out for defensive alliance wherever and however possible. The weakness of international law in the past has been that international law is the vanishing point of jurisprudence. Whatever decision was taken by an international body, that body had not sufficient sanction behind it and it could not enforce its decisions, and therefore its decisions were not respected. As a consequence, might became a test of right. But we have in the U.N.O. the seeds of an effective world organisation. I suggest that India should try to strengthen the U.N.O. There should, I submit, be a federation of independent states. The army of the entire federation of federated countries should be one and unified. There should, I suggest, be a legislature of the entire federation and there should be a federal court of the federated nations. That should be the ideal towards which we should move. The idea of isolationism is absolutely meaningless and it will not lead to the maintenance of peace. Nobody knows how a world war starts. The seeds of war are to be found everywhere. All that is wanted is a little spark here or there. There is endless trouble in China, there is enough trouble in Burma, there is trouble in Malaya and other places and what is more, there is trouble inside India. The sooner therefore we begin to organise the different countries together on a common basis the better. The danger to peace may possibly come from the Russian side, and to avert any possible danger from that side it would be highly desirable for the democratic countries—those who want to come in—to combine together. It is from that kind of a combination of all democratic countries that a defensive organisation will be possible. It will not do to say

that we should sit on the fence and look to our interests; when a war starts we will be involved in it. The better thing would be a preventive method, namely, to seek a defensive alliance. If all the countries or as many countries as possible combine together, unite their army together, have a common legislature, common court and common army to give effect to their decisions, then I think the combination would be too strong for any possible disturber of peace to attack. In this way we can build up the defensive strength of the world and ensure peace.

The other subjects are very vast and I do not wish to take the time of the House. I should like that the suggestions which I have made be considered by the Government.

Srijut Kuladhar Chaliha (Assam: General): Sir, while my predecessors have taken you to overseas and to embassies I shall take you to places nearer home—to the land of Gaidalu Rani of the Naga Hills, the land of Chitragada the land of Rukmini? (An Honourable Member: "Kamrup.") no, not the land of Kamrup which is rather already a developed country. Sir, in the eastern frontier between the administered territory and the McMahon Line which came into existence as a result of the agreement with Tibet in 1914 there live a lot of people known as Monalsas inhabiting the land, then we find the Lamai, Nisu (Dafias), Abors and others. These people have been practically loyal to us though we have not done anything yet for their education, health or in the matter of communications. It is really difficult to run roads in that area, but should we not attempt? We find that in this area we have our own *Brahmakunda* and *Parashramkunda*. Up to that extent we have run a road, but beyond that we have not done it. I trust you will look after these people, that you will start schools and build roads. They have been given too much to the Christian American missionaries who have taught them to think that we are foreigners and that Europeans are better friends. Indians are not allowed there. This system is still prevailing that without a permit even now no man—Congressman or whoever he is—is allowed into that territory. This system should go; it is causing a great difficulty in that area. I last went there in 1941 and I had to take a pass. I was followed by a C.I.D.—that was of course during the war—and we could not go beyond Margherita. So, I should like to request the honourable the Prime Minister that this permit system should be abolished.

Then I shall take you to the other area which is called Lekapani through which runs the Stilwell Road which is under great disrepair. I think it was through this country that we were successful—or the British were successful—in stemming the tide of the foreign invasion. We should get this road in proper order if we want to be successful in future and avert dangers in good time. The Stilwell Road should be tackled properly; I think the length along the Indian and Burmese border should be repaired. Without this road we will have to face difficulties. Of course, beyond this we have the Kachins and Burmans—they are slightly friendly with us yet trouble may flare up in a day because we find that beyond 100 miles, south of Mandalay, there have been Communist troubles and it is only about 300 miles from Mandalay to Lekapani. We should be careful to move our army in time—even now, I think.

Then I shall take you to the Naga hills where the people are restive. There we find Gaidalu Rani who was inspiring the people to fight against the British so that they may join with Mahatma Gandhi in his attempt to do away with the British regime. She joined hands with us. Today she is rotting somewhere. I do not know where, but she is still there. I think our Prime Minister knows it very well—it was he who made her famous throughout the world. (An Honourable Member: "She is still in jail?") No, she is out, but we have not made any provision for her. We should make a provision for her so that she may be an example to us and an inspiration to the

[Sri Jut Kuliadhar Chaliha]

rest of the world. (An honourable Member: 'A national pension') I suggested that long ago when the British regime was there, but we failed then; we suggested that she should be brought even up to Mathura or Brindaban and kept here but we failed there.

I shall now take you to Manipur. It is an acceding State but we have troubles there. We have the Communists and the people are restive; I do not know if even a Minister is a Communist there. We should watch this area very carefully and we should repair the road *via* Jorhat to Danshri; that road is cut away by the Danshri River. If you do not keep that road to Jorhat *via* Dimapur, Palel and Tamu, I think in times of danger we shall have to rue for it. That road is a national highway but it has not been kept in proper repair; the patch between Dimapur and Golaghat is very bad. It should be repaired in the interests of the tribes and for the protection of our frontiers. It is also necessary that the Commander-in-Chief should visit these places—I think he has an idea to visit them. There—there is the Communist menace, south of Aijal and Langleh. The Communists have come up to Akyab, they can come up to Langleh, then to Manipur and then to Silchar. The roads through these areas should be developed. If the roads from Langleh *via* Aijal and then to Silchar and then from Manipur to Silchar *via* Bishenpur are not improved we shall have some trouble in future. The Communists have got there. Possibly during the War you must have heard of Bathedung and Rathedung and through these areas the Communists are infiltrating. Therefore, it is necessary that that road should be properly looked after.

I shall now come to the Budget. I find that a crore and four lakhs have been allotted for 'Tribal areas', but out of that I find Rs. 88 lakhs have been provided for the Assam Rifles. I think no attention has been paid to the improvement of the tribal areas. Out of a crore and four lakhs if 88 lakhs are taken out very little is left for the improvement of these areas. This sum should be taken under Defence. I do not know if I am wrong but I do not find any item under the head 'Education'; it is a blank item. It may be that you have a five year plan and possibly you have included education there. But if it is not included, I shall request the honourable the Prime Minister to see that the proper amount is included for the education of the Nagas, for the education of Lushais and for the education of the other tribal people. Hospitals should also be run in these places and we should not let them remain alone in the hands of the Christian missionaries who have been, practically speaking, disloyal to us and who have been teaching that we are bad people, that we are not friendly to them that we are a people who look upon them as *harijans*. This feeling should be eliminated, and I think the British and American missionaries should, as far as possible, be brought out of these areas.

I also find that these areas are very rich in forests. There is a forest area of about 1800 square miles, much better than the Nicobar Islands. We have such an excellent place where timber can be extracted and tea chests made out of it. At present we have got two mills. We require about 50 to 100 lakhs of tea chests and possibly the entire quantity can be had from this area provided we invest money. I have been in consultation with people here in Delhi and they say that about Rs. 15 lakhs in one mill and about Rs. 20 lakhs in another will be quite sufficient to produce all the tea chests that we require for the country. Also, these chests will give the Government of India a duty of possibly about Rs. 50 lakhs or more, even if they charge eight annas a chest, and the entire cost can be met out of the tea chests if the mills are undertaken either by the Government or through private agencies.

As regards health, we do not run hospitals in those areas as the Christian missionaries have done. They have got a hospital in the Naga hills, in Sadiya. We should proceed in the same way, in the missionary spirit; we should run hospitals with nurses so that the full weight of our civilising influence and the influence of the Indian Union is felt. Then and then only will we earn the gratitude of the people of Assam, the people of Naga hills and the people of other hills.

Shri M. Tirumala Rao (Madras: General): I do not want to take much of the time of the House, coming as I do at the 4 P. M. fag end of the debate, but I want to offer a few remarks. Foreign policy is not an isolated activity of a Government. It has got an organic and indissoluble connection with finance, business and the economic situation in the country. Therefore, if we are to judge whether our foreign policy is sound, whether it is intended to consolidate the position of the country in the world politics, we have also to look to the country from within. Unless we are internally strong with regard to our defence, our counsel or our word in international gatherings will not carry much weight, and in order to build a sound defence in a new democracy that has been just born, you require all the assistance of a willing Finance Minister who should be able to allot as much money as is demanded by the Defence Department.

Our country has already a name and a fame that has established itself even before we won our independence. When we were slaves under the British, our country had no foreign policy. It was controlled by our masters and a few Yes-men were always taken to these international gatherings of limited status and were asked to go into the meetings and get out of the meetings at the sweet will of the ring-master who invariably used to be a British politician. But even though we had no status in international circles, the country's moral stature has gone so high that our great savants like the late Rabindranath Tagore, Mrs. Sarojini Naidu and Mahatma Gandhi, have placed this country on a pedestal which is far above the rest.

Within the short time we have had freedom, the indefatigable energy of our Prime Minister has spread the position of our country into the counsels of the world. As one who has witnessed our Prime Minister addressing the United Nations Organisation recently on November 1st, last, I could see how he was far above the tallest of those that were gathered there from the international Councils. I had the good fortune of going in the Parliamentary Delegation from here where we had contact with delegations of all the Commonwealth countries. They were all politicians, members of Parliament, who were vying with one another, both ladies and gentlemen, to see our Prime Minister and shake hands with him, because from their respective High Commissioners and their big officers and Prime Ministers they had heard that our Prime Minister was easily the outstanding personality at the Prime Ministers' Conference. Therefore, though I am not here to praise him to his face, this is the only opportunity when I can tell you, my comrades in this House, of the impression which he created in the world abroad. But to carry out his ideals, he requires a strong country behind him, a prosperous country behind him and an invulnerable defence behind him. It is not enough if we go on developing in a lopsided way.

I do not agree with the very unjustified and cynical remark that fell from an *ex-President* of the Congress that we are more prosperous abroad than inside the country. If you go about and see what prestige this country has built up and that in a short time, you will understand what it is. All the countries that are now under the heel of the Western Imperialism are looking to India for their emancipation. The recent conference in India on Indonesia which was attended by 19 nations proves that a white nation, with a white policy, like Australia was compelled to come down here and take counsels round the table.

[Shri M. Tirumala Rao]

in New Delhi. That means the Eastern Hemisphere and South East Asia has got its own problems and in their solution India is going to play a great role in the near future. The position in Burma, the position in Ceylon and the position in Eastern and Western Pakistan are not very happy. It taxes all the intelligence, all the diplomatic skill and also the physical strength of this country if we are to eliminate the trouble spots on the frontiers of India. With all the goodwill that is at our command, we are not able to bring round Ceylon to treat our nationals there properly. The South African problem has become an eye sore to all of us and we need not wonder if it becomes a world problem which will easily lead to a fresh war.

To develop all these things, we require not only the foresight and capacity of our Foreign Minister. He has to be assisted by a well-trained army of workers. We had no diplomatic corps worth the name before the British left us. They had naturally kept all the strings in their own hands under the Foreign Department which was entirely manned and controlled by Europeans. However high placed an Indian official may be, even if he belongs to the omniscient I.C.S., it is a new department for them and when I see the Embassies I find that nearly half of them are manned by officials. Out of the 19 Legations and Embassies, I find nine officials and eight non-officials. I want that the non-officials should be encouraged and there should be further recruitment from the non-officials of this country to fill these places. With all respect, I want to bring to the notice of the Prime Minister that officials have been brought up in a certain groove, in a certain atmosphere, which has not been changed by the democratic influences in the country. You send a high official to America or elsewhere. He goes about his business in the wonted way and comes out without any human contact with those people that are working there. Therefore, I suggest that officials are good Secretaries to carry out the policies of politicians and statesmen. I want that the Foreign Department and our Prime Minister should take note and try to select a class of public workers, men from public life, who would go and fill these places with credit and honour to the country.

I want the Foreign Department to observe some continuity with regard to these Conferences. In this Conference, the Economic Commission for Asia and the Far East, which was held in Ootacamund, you sent Mr. Sitarama Reddy, one of the Ministers in Madras, as the alternate leader and you sent our Deputy Speaker, Shri Ayyangar. But when this Conference was held in Australia, the Department—I think it was the Commerce Department that was concerned, but I hope the Commerce and External Affairs Departments will work in coordination—they had not even the courtesy to ascertain whether these gentlemen who had given their time and attention to this Conference would be willing to go as delegates to this Conference. They deputed one senior official. I have no quarrel with senior officials. I have got very great respect for them and for their ability and integrity. But that is not the point here. You cannot always depend on a particular class of public servants to represent this country in all international conferences. Where is the harm if these two gentlemen who are capable and gave their time to this Conference were at least consulted and it was ascertained if they would be able to give their services. They were actually ignored and were left behind. So also with regard to delegations. The Commonwealth delegation which was sent from here consisted of all legislators. We have gathered good experience. We have established very good contacts with friends from the rest of the world and it is time that we think of public men in this connection.

Shri Braieswar Prasad (Bihar: General): Sir, I suggest that the Government of India should approach the Governments of Russia and America to guarantee our neutrality in the event of a world war. I feel that such a course

of action will be in perfect consonance with the main trend of our foreign policy. We do not want to be the palatquin bearers of the leaders of Russia or America. Our own economy is not at present fully developed. We want time for that. We do not want that our growing economy should be shattered as a result of participation in war. Our experience has been that countries who have participated in war have found themselves, after a period of time, to have been losers in a political sense. After the first world war, it appeared that England won it, but where is England now? As a result of participation in two world wars England has lost the position of power she enjoyed once in the Councils of the World. It is too early to say whether America has won this war in the political sense of the term. Military victory does not necessarily connote political victory. I feel that the time may not be far off when it will be fully realised that neither America nor Russia have won this war. As my friend Mr. Kamath pointed out, the future lies with the people of Asia, Egypt, China and India. The lesson of history has been that countries who did not participate in wars did not suffer in any sense of the term. Switzerland kept out of the two wars and remained neutral. She has not suffered in consequence. I want to know whether Turkey and Ireland have in any way suffered as a result of non-participation in the second world war? I want to know whether Japan which did not take any part in the first world war suffered (*Inter-ruption*). My main contention is that participation in wars does not promote national greatness and non-participation does not mean that the country concerned loses its status and place.

A point was made yesterday that we should enter into a joint defence pact with this country or that. I am opposed to that, because the question of defence is intimately connected with the question of foreign policy. Unless the countries with whom we are advised to enter into defence pacts have the same aspirations and the same foreign policy as ourselves, there is no meaning in seeking an alliance with them. Unless the Governments of Pakistan and Nepal and South-east Asia pursue the same foreign policy that we are pursuing, there cannot be anything beneficial in a joint defence pact. We are pledged to peace and unless those countries are also pledged to peace, there can be no pact with them. I personally feel that the whole picture of South East Asia will undergo a radical change if we ask the Governments of England and America and Russia to guarantee our neutrality. We will then know who is our friend and who is our enemy. Let Russia deny that position which we want. Let America deny that status which we want to achieve. What will be our next step if that recognition is not given to us, it will be for us to decide. I know what we should do next. I feel that a strong South East Asian Federation can only be built on the foundations of peace. A strong and stern refusal to participate in a coming war will be the only basis on which the South East Asian Federation can be established.

Shri Raj Bahadur (United State of Matsya): The foreign policy of a country is as vitally important for its security and freedom as its military capacity and preparedness for the defence of its frontiers. That our foreign policy has been a success none can doubt. The very fact that the establishment of our State has been achieved and that the ship of our state has weathered the severest storms and tempests speaks volumes for the soundness and wisdom of that policy.

It may be realised that for the success of any foreign policy a well-organised, and efficient publicity department is essential. It was but meet and proper that in June last the Information Branch of our Foreign propaganda was entrusted to the Foreign Ministry itself. From a practical point of view, it may be said without any fear of contradiction, that during the course of the centuries during which we have been slaves under the domination of foreign countries, a mountain of prejudice and superstition has grown up against our nation. I am saying this from my personal experience. During last

[Shri Raj Bahadur]

summer I had the opportunity of a short visit to England and happened to be in a hotel where a schoolmaster of a secondary school resided. He invited me to go and speak about India to his boys in the school. The boys were between the ages of 16 and 18. I went there and had a talk for about 1-1/2 hours. At the end the students put me certain questions which stunned and shocked me. The first question was: Do you worship snakes and cows? Is it a fact that many Hindus have got as many as 1,000 wives each? Is it a fact that every Indian is found chewing twigs in the morning? Is it a fact that some Indians are not allowed to travel in trains or go to the wells for drawing water? These strange questions culminated in the query whether there were cannibals in India. One can imagine my feelings when I was thus faced by such a question. As far as untouchability was concerned, I could not easily controvert that, but even so I told them that the evil of untouchability was similar to the evil of Race prejudice "colour bar"; and while we have already got over the evil of untouchability to a great extent we are confident that we would completely overcome it long before the day the so-called white races banish the evil of "colour-bar". As regards the question of using twigs was concerned I answered their question by saying that the twigs freshly cut from trees of known medicinal value every day were definitely better for the teeth than using the same brush for weeks and months. I was also asked whether cattle were left astray in the streets and I told that while it may probably be true in remote villages it was certainly not true for bigger towns and cities. I was confronted with a book on geography containing the picture of a cobbler sitting on the foot-path with cattle standing around him. This is the type of information that is being given to students in England. Such pictures damage the reputation of India. In one of the News-Picture Houses I happened to visit, I saw a picture about the supposed uprising of the people of Jaipur in June last, alleged to be clamouring for independence. There was another picture depicting Mahatma Gandhi murder trial. Wherein the principal accused was prominently featured and the running commentary described him as "smiling when he faced the camera". The third picture portrayed Sydney Cotton as a hero. His so-called mercy mission of flying medicines from Karachi to Hyderabad was depicted prominently. Yet another picture shown there related to the so-called benevolent rule of the Nizam. The screen was thus full of hostile propaganda. The press also was fully anti-Indian and hostile. It is therefore very essential that the mountain of prejudice that has accumulated in foreign countries against us should be removed. We have got to undo the wrong. Mahatma Gandhi in one of his moments of intense feeling once called the British rule "satanic". That rule, apart from the social, cultural, moral and political ruination of our country created a mountain of prejudice against us in Western countries. So, one of the most important things that the External Affairs Department has got to do is to annihilate that mountain of prejudice. We are proud of our civilisation and culture. But we have got to impress upon the Western people the excellence of our civilisation and culture and prove to them that it is not the whole truth to say that "we have a lot to learn from Europe and America". The whole truth would be if we add that they have also got to learn a lot from us. In conclusion may I submit that the masses all the world over are definitely averse to any sort of war. They are not at all interested in any scramble for raw materials or markets. They are not interested in power politics or in the loaves and fishes of jobs in the United Nation's offices. They are interested only in their bread and in the peace and security of their hearths and homes. As such, if India has got to lead, as our honourable Prime Minister has justly remarked, we have got to carry the Master's message to the world

for which the masses are pinning. We have got to play a vital role in the avoidance of a Third World war. If India's message has to be taken to the outside world, we have got to see that our Publicity Organization is brought upto the required standard. We see that there is danger lurking on all sides of our frontiers. We see what is happening in China, we see Burma is seething with a bloody struggle. We also see that things are not quite alright on our northern and western sides also and in such a critical time it is very essential that we are interpreted correctly and rightly to the entire world.

Shri O. V. Alagesan (Madras: General): While listening to the speech of the honourable the Prime Minister this morning my mind went back 17 years to a meeting in the Madras Beach which was addressed by Panditji when he was the President of the Indian National Congress. That meeting was presided over by our late lamented leader Satyamurti who after the speech of Panditji characterised it as "the feast of reason and flow of soul." I was reminded of more words when I was hearing the speech on foreign policy by our Prime Minister this morning. It is said that this Government is fortunate in that it is able to command not only the political support of the people of the country but also the sentimental affection and loyalty of the people. That is true; but let us consider the other side also. Can anyone assess the benefits that have flowed to this country from the possession of such a rare personality as our Prime Minister at the helm of affairs. Is not the country fortunate in having his leadership? He has put India very prominently in the international map. It cannot be denied that in spite of the fact that we may be the biggest political unit in point of potential strength and population, our international stature is small compared with that of several other countries today but the international stature of our leader is nothing less than that of any other personality in the world. It is no exaggeration to say that he even overshadows the other leading personalities of much bigger countries than ours. I welcome the statement that he made this morning on the French possessions in India. He said that ultimately they cannot but end in integration with India. But we should remember that the people of these foreign possessions in India have waited long. These possessions in the present context are an anomaly and an anachronism. They cannot continue—these little bits—when the rest of India has become free, to be under the control and administration of foreign powers. It is unnatural. It is high time that we say 'Quit India' to all these powers that hold these bits of India in their possession today. Taking the French possessions, we know what has happened there. There was a farce of an election conducted as a result of a compromise arrived at between our Government and the French Government. It was not possible for our Government to send its official observers to that election. Non-official observers were present on behalf of the Indian National Congress and they have since told the country what election it was that took place. People, who know the state of affairs in French India, will say that there can be no such thing as a free democratic election there as is understood in the rest of India. It is always the party that is backed by the Government that wins there. This is clear from the fact that not one seat was captured by the pro-merger group there, that is, by the French India National Congress. All the seats went to the party which was supported by the money and goondaism of the French Administration in Pondicherry. Now we are told as a result of the very same agreement that a referendum will be taken when these newly elected representatives so decide. The principle of referendum cannot be acceded to by our Government. We cannot agree to the principle that portions which are part and parcel of India should go to the polls and decide to join India and vote for re-union with India. The people themselves in these possessions consider that

[Shri O. V. Alagesan]

to be a challenge to their self-respect and nationalism and patriotism. It should be taken for granted that these people want re-union with India and negotiations should be set a foot and results achieved quickly. Because, I may remind the House here that the peoples' agitation in these possessions was stopped at the bidding of Mahatma Gandhi who advised them that since there is a National Government in power today, since Panditji is taking care even of Indonesians, he will certainly take care of the French Possessions in India and what he will see to it that they are merged with the rest of India. On that advice the people stayed their hands and are from that day following the advice of the Indian National Congress. It is but fair to them that we should see that they are re-united with India at the earliest possible moment. More than one speaker referred to the situation arising out of the Land Nationalisation Act in Burma. There are about 30 lakhs of acres—worth 90 crores that belong to Indians and it is not known whether any compensation will be paid to these nationals of our country who hold these properties there. It was observed earlier that nobody can object to the principle of nationalisation. That is true. But, it should be treated as the national property of India and negotiations should be started with Burma Government and a satisfactory solution found for this. Also there is another question as to how Burma Government treats the properties of nationals belonging to other countries. If there is any discrimination in their favour, then we have a right to demand that the property of our nationals also should be dealt with in the same manner. At least our nationals in Burma may be called somewhat well-to-do people and they may take care of themselves but when I turn to Ceylon, the position of our people there—more than seven lakhs mostly labourers—is pitiable. The question of Indians Overseas is mostly a question of Tamils Overseas and as one hailing from that part of the country, I am naturally very much interested in their well-being. I do not mean to say that the Government as such is not taking sufficient interest. In fact, it has. The long correspondence that took place between our Prime Minister and the Prime Minister of Ceylon makes a sad reading. Our Prime Minister has approached the problem with a vision and insight which was not reciprocated by the other side. He has written: "I have approached this problem, not as one between two disputing parties in which each has to make concessions to the other but as one requiring a joint effort by two Governments to do justice and to bring contentment to an important section of the population of Ceylon, which though Indian in origin, has made substantial contribution to the economic development of Ceylon." This was the approach of our Prime Minister but it was not reciprocated. Since this correspondence took place, the Indian Residents (Citizenship) Act has been passed by the Ceylon Government. Though 32 members of the Ceylon Assembly opposed it, it was passed by the support of 52 members of that Assembly. Under this Act, the disabilities imposed on Indians in the way of their registering themselves as citizens of that country are so great that it is well-nigh impossible for them to do so. It will not be possible for them to register themselves as citizens of Ceylon because they will have to prove that they had lived there from the beginning of 1939, in the case of married persons and 1936 in the case of others. Even after this registration, there are further discriminations made against citizens by registration and citizens by descent. With all these disabilities, many of our people will not be able to take part in any of the economic activities of that country. It is a serious situation and this also can be settled only by high-level negotiations and friendly approach. I hope the Government will take sufficient notice of this and do the right thing.

I have only one thing to add, and I have done. The honourable Prime Minister in another place, while referring a recent appointment of our representative in a foreign country explained the back-ground of that

appointment. I wish that the same background is kept in mind when making appointments to those countries whose Indian population is largely the Tamil.

Dr. B. V. Keskar (Deputy Minister for External Affairs and Commonwealth Relations): I have listened with great attention to the speeches of my honourable friends and to the various expositions of what they think our foreign policy should be, of what is their conception of the lines on which we should shape our foreign policy, and I have also listened with very great attention to the various suggestions and points that they have placed before the House.

In regard to certain points raised by them, for example the one raised by Shri Shiva Rao, let me at the very outset say that we would be very glad to place such of the reports of our international delegations on the table of the House as are not confidential, and care will also be taken in future to have reports placed on the table of the House and specially prepared for the House. We would also welcome more frequent debates on our foreign policy. It will be of great help to the Government to know the mind of the House. And on the occasion of an important international event, we would very much like to have debates. I might also add that the meetings of the Standing Committee for the Ministry of External Affairs which are also in the nature of a restricted debate on such topics would be more and more frequent. They are, even now held frequently.

With regard to the principle on which our foreign policy has been based, my friend Prof. Ranga said that the honourable Prime Minister in his speech did not appear to be very conscious that there is a cold war going on at present between the United States of America and Russia. I think I listened to the Prime Minister's speech very carefully and it was nowhere said that we are not conscious of this cold war. I would rather call it a mental and moral tug-of-war that is going on at present. In fact the present power blocks to which Prof. Ranga referred are really based on this tug-of-war. So, this cold war is felt by all of us everywhere. It is not only in the countries to which my honourable friend referred that you feel it. For example, he referred to Yugoslavia and Czechoslovakia where you feel it every instant. I would say that we feel it everywhere in the world, in some countries more intensely and in others less intensely. That is the reason why in his statement on foreign policy the Prime Minister referred to our position with regard to these two big blocks. I know he referred also to the question whether we should be neutral and some other honourable member also referred to the question of our neutrality. I would like to say that there should not be any misunderstanding. We do not join this block or that; but it does not mean that we will be passive onlookers of the great drama going on in the world. We will also participate in it. I know honourable members wanted that we should participate. But the question is how we should participate in this great drama that is going on. The Prime Minister very clearly indicated the lines on which we are going to proceed. Ours is a positive policy of encouraging peace and all forces of peace in the world. I think that is the best and the only policy, not only for this country, but also for the rest of the world. How that policy should be developed and on what lines, these are questions of detail into which we can go later on. I do not think at this moment, this is the right time to go into them. I may assure the Members of this House that at no time we would follow the policy of pure neutrality. Ours would be what I would call a positive and constructive approach to world peace.

Another honourable member, Shri Brajeshwar Prasad referred to the question of maintaining world peace and suggested that we must ask the United States of America and Russia and also England to guarantee the neutrality of

[Dr. B. V. Keskar]

India. He also referred to the example of Switzerland. May I say, in reply to this suggestion that the country which requires such a guarantee of peace from other powers is a frail one, and it is a manifest admission of weakness and helplessness on our part. If we claim that we are going to play a positive and strong role in maintaining and achieving international peace, I think it is a very weak and wrong attitude on our part to take. Do you think that paper guarantees given by U.S.A. or Russia or any other country counts in the ultimate shape of things? At the proper time, such a guarantee may possibly be regarded as a scrap of paper, if it suits any particular power to choose to violate our neutrality. Neutrality, or what I would call our particular position always depends on the situation of things, on our own strength, on our attitude and our own relations with other powers in the world. I do not think that a guarantee of neutrality would guarantee peace for India or peace for the world.

Shri Brajeshwar Prasad: If a pact of neutrality can have no meaning, has any pact any meaning?

Dr. B. V. Keskar: Questions have been raised by my honourable friends, Seth Govind Das and Prof. Ranga with regard to the position of Indians overseas. Naturally every year there have been discussions in this House and outside. We have been very anxious and very occupied about them and we have always followed the conditions of Indians overseas. But as the Prime Minister said in his speech, their position to-day is different. After August 1947 our attitude with regard to the question of Indians overseas had to undergo a considerable change. We had to look at it from a new angle. All those of our countrymen who are settled in large numbers in our neighbouring countries, and certain countries far away, like British West Indies, in the new shape of things have to choose whether they would like to be Indian nationals or they would like to be citizens of the country where they are living. Our policy has been very clear. We have encouraged Indians who have settled down in various countries to take up the nationality of, and to merge themselves with, the people of those countries and their interests, and not to remain as an alien bloc in those countries, because that always creates conflicts, creates suspicion in the minds of the people and leads to trouble and bitterness. Ultimately, as they claim to be our nationals we have to go to their help and sometimes it is very difficult to do so.

Prof. Ranga rightly referred to the question of Indians in certain neighbouring countries who have got interests which are in conflict with the interests of the people there: those who have banking interests and capital interests, and which the people of those areas resent. Naturally, in any question of the Government of that country trying to curb or limit their powers the question would always crop up whether we should support our nationals there or not.

So, on the whole, our policy has been that Indians in different countries should try to merge their interests with the people of the country there. Certainly that does not mean that we are indifferent to their fate. We are always very carefully following the situation of Indians in different areas and we do our best to help them.

I would like to modify the statement made by my honourable friend, Prof. Ranga in one instance. It would not be right or absolutely correct to say that Indians have in quite a large number of countries interest which can be called banking or capital interests. If you will look at the figures, you will see that the vast number of Indians abroad are labourers and of very poor class of people and unfortunately they have been exploited up till now. It is therefore

only right that as they are ignorant people, who are unable to look after their own interests, who are not educated, and who are our country-men, that we should look to their interests and guide them.

Shri B. Das (Orissa: General): But he had Burma in mind.

Prof. N. G. Ranga: They did not come into conflict with the locals there!

Dr. B. V. Keskar: I agree. With regard to Indians overseas, the question of Burma came up. Mr. Tajamul Husain and Shri Alagesan referred to the situation in Burma. I think Shri Alagesan had misunderstood the situation there. The question of paying compensation to Indians, as has been stated many times on the floor of the House, is one which has been occupying the attention of the Government all along. He quite rightly said that the Burma Government has every right if it decides to nationalise land in Burma: the question is what is the form and amount of compensation to be paid to Indians in Burma who held land. That question had been taken up with the Government of Burma. All along we carried on negotiations through our Ambassador there and through direct correspondence on several occasions. Honourable Members will also remember that a Delegation was to go to Burma composed of the Congress President and two of the Ministers from Madras and other interested persons, who were to negotiate with the Government of Burma with regard to this important matter. Unfortunately, the situation in Burma has worsened and it is not possible for the moment to carry out these negotiations. As a result of this, the implementation of the Land Nationalization Act is not taking place because the Burma Government is fighting for its own life, but I might assure him that the question of compensation, and other matters connected with the well-being of Indians in Burma will be always considered by the Government, and when the proper time comes negotiations will be resumed.

My honourable friend, Mr. Chaliha, touched on the question of the tribal areas. He has made the statement that we have done nothing, or practically nothing, to help the people of the tribal areas in developing themselves, in educating them and in creating better communications and means of modern amenities in those areas. As honourable members know, this vast area, which is on the borders of India, and which is our frontier with two or three countries, is a very vital one, and it is for that reason that it is in the External Affairs Department and not under the Home Ministry as such, or under the Provincial Government. I would like Mr. Chaliha to know that we have a five-year plan for the development of this area, and I think he has been wrongly informed that no scheme has been put in motion or is being implemented with regard to education and the cultural contacts with the people of these areas. If my honourable friend will look into the details of this year's budget, he will find that a sum of Rs. 600,000 is set apart for the educational and economic development of this area. There is a scheme for developing all roads, for the development of medical facilities, for agricultural improvement and for the construction of hospitals in this area. In fact, the construction of two or three hospitals is being taken up immediately. They have already constructed a base hospital and about twelve dispensaries in this tribal area. The question of education is also engaging the attention of the Government and our immediate scheme is to have a training school for training teachers from the local area who will take up the education of their own people.

Some complaints were made by my honourable friend that Congressmen are not allowed to go into these areas and this is something which the present Government cannot tolerate. But the question is not so simple as it looks. The

[Dr. B. V. Keskar]

fact is that the people of these areas themselves privately approach the Government and sometimes publicly that outsiders should not be allowed to go there because they feel that they may be exploited.

Srijut Rohini Kumar Chaudhuri (Assam: General): That is the old story. That was in the British days. They do not say so now.

Dr. B. V. Keskar: We have had some consultation with the tribal people, very recently and they take the same stand. It does not mean that no one is allowed to go there. Anybody interested in working in the tribal areas or seeing things for himself, members of the Central Assembly or members of the Assam Assembly, are given permission immediately. There is no question of their not getting permission. But my honourable friend would take into consideration the question that this is a delicate matter, and we do not want to raise up suspicion and hostility in the minds of the tribal people that we are trying to put up schemes or do things which are going to bring about their fall or upset the state of things which existed with them till now. Our five year plan is really a scheme for bringing them into contact with modern amenities and modern methods of administration and we propose to do it gradually. Being ignorant and being isolated and not being in contact with other more civilised life they should be brought gradually and slowly on a par with the administration that exists in Assam and other neighbouring areas. We are all agreed on that. I think in the opinion of the Government it should be done gradually and slowly.....

Shri H. V. Kamath: What about the issue of India's relations with the so-called Commonwealth and also the issue of building up a psychology of militant neutrality in India to which I referred?

Prof. N. G. Ranga: Neutrality has already been answered.

Shri H. V. Kamath: I mean active neutrality and not passive neutrality.

Dr. B. V. Keskar: I think the honourable the Prime Minister referred to it this morning. Our approach is positive and how it is going to be achieved something for all of us to ponder over.

I come now to some of the points raised which I would like to deal with...

Shri H. V. Kamath: About the Commonwealth is that the last word? Can the Deputy Minister throw any light on this?

Dr. B. V. Keskar: There is nothing like the last word. I will deal with it.

My friend Mr. Harihar Nath Shastri referred to the question of public being ineffective, and inefficient or rather there being incompetency in the matter of knowledge of languages in our representatives abroad and hence some of our confidential work being entrusted to foreigners. There is also the question which has run through not only most of the speeches here but it has always been hinted on the floor of the House many times and outside, viz., too much expenditure and the necessity for economy in our establishments abroad. I have only one or two observations with regard to this.

Looking at this problem from the point of view of principle, as the Prime Minister said this morning, first of all we have to decide whether India as an independent country has to establish relations with foreign countries or not. I think this is something which we need not discuss, though one or two friends did say that there is no need for us to have so many foreign relations. I think if we have to live as an independent country we have to have foreign relations, otherwise we cannot lead an independent life. If you look at the comparative figures of expenditure incurred by different countries on their foreign

missions abroad you will see that ours is proportionately the lowest and most economical foreign office in the world. I am not referring to England whose expenditure is many times more than ours or the U.S.A. whose expenditure is bigger still, but the expenditure on foreign establishments of even smaller countries is much bigger.....

Shri H. V. Kamath: How it is in relation to the *per capita income*?

Dr. B. V. Keskar: If you want our country of 300 million people to be represented abroad and if the honourable member wants as he himself said in his speech that India should play a certain role in the international world, I do not think it can be done without an adequate and first class foreign establishment. Especially I would like honourable members to bear in mind that ours is a newly independent country. I would go further than the Prime Minister and say that for a country which has newly won its independence, which has not got a foreign establishment, which wants to develop an adequate and first class foreign establishment, it ought to spend much more, because initial expenditure in such things is always bigger. For example you all know that most of the foreign countries have got their missions for decades and centuries. They have their own big buildings, offices: they have a tradition behind them. We have to create all that and that involves more expenditure than ordinarily would be required. If you look at the details of our expenditure you will see that in order to economise as much as possible taking into consideration the financial situation of our country, the Government have thought fit to proceed cautiously with regard to the establishment of our foreign missions abroad, even though we know that we should develop our contacts with the world as soon as possible.

A reference was made to external publicity. How are you going to have external publicity and have effective publicity too if you do not want to spend money on it? There are two different and contradictory points of view expressed by my honourable friends. Some friends want that we should spend less and at the same time we should be effectively represented abroad and should also have effective propaganda in the outside world. I think that is not possible. We have to spend and spend adequately. Naturally we take into consideration the financial situation of our country and try to economise our expenditure as much as possible.

Shri H. V. Kamath: Have it also audited properly.

Dr. B. V. Keskar: There are special auditors appointed to audit the accounts of our missions abroad and adequate care will be taken to see that every pie is spent properly.

Shri R. K. Sidhva: What is the cost of the British Embassy in India?

Dr. B. V. Keskar: I am sorry I cannot give the figures but I can tell my honourable friend that the expenditure of the British Foreign Office as a whole is several times bigger than ours.

Babu Ramnarayan Singh (Bihar: General): Ours is a poor country.

Srijut Rohini Kumar Chaudhuri: Sir, I would like to remove the wrong impression created in the mind of the Honourable Deputy Minister. The statement that the tribal people do not like Indians from the plains to go to them and that they welcome Europeans and American should not be allowed to go uncontradicted. In reply to a question put by me it was said that in a conference held in 1946 such a sentiment was expressed by the tribal people but during those days in all the political areas the political officers were Europeans and no Indian was allowed to work in those areas. Therefore they expressed an opinion which was tutored.

Dr. B. V. Keskar: I never said that. I think my honourable friend has not heard what I said. I did not say that they did not want Indians to go there. They do not want any outsiders to go there, whether Europeans, Americans or Indians.

Sir, I have dealt with most of the points raised by my honourable friends in the debate. I would only like to express my appreciation of the very kind and appreciative tone of my honourable friends who have been kind enough to praise the work done by this Department during the year.

The Honourable Shri Jawaharlal Nehru: I am reluctant to take up the time of the House again but there are one or two matters on which perhaps I might be able to enlighten honourable members, more especially my colleague, Shri Kamath who has been ranging from militant neutrality to the audit of every pie. May I inform him that if he wants militant neutrality I am going to be neither militant nor neutral. Therefore I disregard his suggestion and I am not going to follow the policy that he is advocating as it is a completely wrong policy. That is point No. 1. I shall explain why. I do not understand this business of neutrality. Neutrality comes in in times of war. It has to be considered then. But it does not come in in times of peace. It has no meaning whatever. It makes no meaning whatever by saying that 'I shall be a permanent neutral whatever happens'. Nobody can say that as nobody knows what will happen. To say that shows utter lack of appreciation of reality.

Shri H. V. Kamath: May I ask what is the meaning of the neutral foreign policy that we are supposed to be pursuing?

The Honourable Shri Jawaharlal Nehru: My friend Shri Kamath might have used that word; I have never used that word. I consider that expression completely wrong as a description of our policy. Our policy is a positive constructive policy as my colleague Dr. Keskar said. What I venture to point out is this. Normally speaking the foreign policy of every country is based on its own interests naturally and on certain interests, shall we say, of world peace or better relations with other countries. But the first thing that normally prevails is inevitably every country thinks of its own interests. When its own interests coincide with wider interests it becomes very anxious about those wider interests also. In any intelligent view of world affairs today one can say that every country's interests lie in the maintenance and promotion of peace and the avoidance of war. That is the main thing. What happens in peace time is another matter. Normally in a country's foreign policy every item is considered on its merits—every matter that arises. When a country aligns itself with another country in times of war then they support each other apart from the merits of the case. So today in the United Nations questions are often considered not on the merits but with a view to attaining a position, by manoeuvring or otherwise, so as to be strong enough to meet a possible war in future. That is the approach often enough on questions today. India's approach has been different: that is to say, while it naturally has to take all facts into consideration, in the main it considers the question on the merits. I gave one or two instances. I shall give another instance—the instance of atomic energy. When this matter came up before the United Nations at the Paris session a few months back there was a great deal of difference of opinion between the two rival approaches. As it happened the Committee that was appointed had for its Chairman a distinguished Indian, and he brought quite a different approach to it, that is, a legalistic and judicious approach of trying to find out on the merits what should be done and not merely trying to counter this or that position. The approach was such a different approach that it immediately made its mark and everybody in the U. N. felt that here is somebody considering the question judiciously on merits and not merely as a game of chess to counter the other. We therefore propose to consider every

question on the merits and more especially in its relation to the problem of world peace: that is we want to minimise the conflicting elements and as far as possible to encourage those forces that tend to maintain peace. I do not wish to exaggerate our capacity to do so. May be we cannot do so; things have gone too far. May be that our attempts appear rather ridiculous to some people. But the point is first the negative point that we do not wish to encourage hostility in the world, and secondly the positive point that we wish in so far as we can to encourage the positive policy of peace—maintaining peace within the countries and peaceful relations and not rushing into a fray against this country or that country in the excitement of the moment or otherwise which does not do any good and which merely adds to the bitterness of the situation. Therefore our policy is not a policy of sitting on the hedge; it is not also a middle on the road policy as some people imagine. It is a positive policy of always seeking to do something which may somewhat lessen the tensions of the moment and thereby possibly prevent any great catastrophe from happening: because that catastrophe will injure us tremendously as it will injure every other country in the world. As I said it will be presumptuous on my part to say that we can affect the pace of world events. I do not say so, that we can do it or that we are likely to affect it very much. Nevertheless I think that we might affect it to some extent; to a small extent we do affect it. That extent might grow. It is worth trying and we are going to try.

This morning I ventured to say that India by virtue of her past genius if you like, culture if you like, has got perhaps a special role to play. I generally do not encourage the idea, which is a peculiar product of intensive nationalism, of each person thinking his country as a chosen country of God—normally the people of each country think that they are the chosen people; whether it is in America or Europe or Asia we all tend to think that we are the chosen race—I do not wish to encourage that idea. I am proud enough of my people, my country, my heritage, but it is a narrow-minded view to think that we are the chosen people and all the others are outside pale. Nevertheless I do think that India has played a tremendous role in history—a vital role—and in spite of her subject condition and degradation there is tremendous vitality in her, and now that the fetters and the bars that prevented her from going ahead have been removed that vitality will come into play again. That vitality has something distinctive about it. It may be that that distinctiveness may make a difference to world affairs. I think it might. It is a curious parallel if I place it before you, but still it helps a little. Today possibly the symbol of the West is the atom bomb. People think in terms of it. People are frightened of it. People prepare for it and devote all their energies to it. It is a curious combination: it is almost a symbol of the West today. You devote all your energies to promoting something which you fear most! Everybody is frightened of it. It is a terrific thing, and yet all energies are spent in making that. So the atom bomb has become the symbol of the age today so far as the West is concerned. I do not want to make the atom bomb the symbol of India. Our Great Leader gave us the spinning wheel as the symbol of India. That spinning wheel with a certain variation we adopted in our National Flag and thereby we brought in not only that idea of peace but also that ancient idea of Indian culture which is represented by this wheel for thousands of years in India. Now we may be unworthy people to come up to our Great Leader's expectations or to the symbol of the wheel in our Flag. Nevertheless it does symbolise India. And that is the difference—the Atom Bomb on the one side and this Wheel on the other. And, weak or strong, we shall stand by this Wheel and carry on our foreign policy accordingly.

Mr. Chairman: I shall now put the demands to the vote of the House.

The question is:

"That a sum not exceeding Rs. 51,17,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of External Affairs and Commonwealth Relations'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 1,04,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Tribal Areas'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 2,59,40,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'External Affairs'."

The motion was adopted.

The Assembly then adjourned till a Quarter Eleven the Clock on Wednesday, the 9th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES
(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS).
Wednesday, 9th March, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I).

11-50 A.M.

THE GENERAL BUDGET—LIST OF DEMANDS—*contd.*

SECOND STAGE—*contd.*

DEMAND NO. 29—MINISTRY OF INDUSTRY AND SUPPLY

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 23,57,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Industry and Supply'."

DEMAND NO. 55—INDUSTRIES AND SUPPLIES

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 3,91,95,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Industries and Supplies'."

DEMAND NO. 56—SALT

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 1,29,50,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Salt'."

The Honourable Dr. Syama Prasad Mookerjee (Minister of Industry and Supply): Sir, I have circulated to the House a report of the activities of my Ministry and along with that a copy of a memorandum which was placed before the last meeting of the Central Advisory Council of Industries. These two documents will give some idea to the members of the House as also to the public outside of the manifold activities and the problems which came within the purview of this Ministry during the last year. It is not my intention to repeat what has already been included in these two documents.

I do not propose in my opening speech to discuss matters of detail. There will be a number of speakers who, I believe, will bring to the notice of the House several matters affecting both policy and administration and it will be my endeavour at the close of the debate to reply to them.

1947 was a bad year for India. So far as production was concerned we recorded a fall which was almost unprecedented in the history of India during the last quarter of a century. 1948 fortunately has shown some improvement in the industrial production of the country. The increased production on percentage basis will be somewhere between 12 and 16. I am not suggesting that this increased production indicates that all is well or there should be

[Dr. Syama Prasad Mookerjee].

any slackening of effort on the part of the Government or of industry or of labour. There need be no undue self-complacency. At the same time we can confidently claim that we have turned the corner. If we are able to pursue a policy of progressive development depending on the co-operation of industry, labour as also of all sections of the public I have no doubt that we will be able to tide over the very difficult situation that confronts India today.

Sir, in course of 1948 we declared our Industrial Policy. It is not my intention now to repeat in minute detail what that policy is. But I would briefly say that that policy kept before it the essential interests of the country as a whole. We did not make any fetish about any particular abstract theories or 'isms' but we were anxious to place before the country a programme which we thought was a balanced one, was fair and equitable to all concerned, and which while it should give incentive to the industrialists would also hold out hope and a message of good cheer to labour and to others who were connected with industries in India. We decided that we would ourselves undertake some projects which we considered to be of a basic character, of a fundamental character, and at the same time we would encourage private enterprise to develop some of the industries which we thought should receive our first attention. We were anxious that there should be an all-India policy for industrial development. Industry has mainly remained a provincial subject, but as time marches on, as we realize the significance of the unity of India, we feel it essential that there must be an all-India, centrally regulated, policy at any rate in relation to the major industries of this country.

Now, in course of 1948 you may ask what is it that Government has done with a view to implement the promises which Government made in course of the budget discussion of last year. Among the new projects—I am not going into the details—we have already sanctioned two schemes, one for the establishment of a dry core telephone cables factory and another for the establishment of a penicillin, sulpha drugs and paludrine manufacturing factory. We have under active consideration the project reports which we have received for the establishment of one or two factories for the manufacture of one million tons of steel. We have selected heavy electrical machinery, manufacture of radio equipment and radar, synthetic oil from coal, tractor, and machine tools as five of the main projects which are now under examination and it is my hope that in course of this year we will be able to take preliminary steps for the purpose of implementing at least some of them. Members of the House will see that there is a provision in the budget for a sum of about Rs. 3 crores for development purposes. Obviously, if these schemes are to mature fully in course of the next four or five years we will have to spend anywhere between Rs. 200 and 300 crores. Where that money will come from, how these schemes will be financed and conducted are matters which will have to be examined by Government in course of this year. In course of time I expect that we will have to come up before the House for final approval of our policy.

I may pause here for a moment and briefly refer to the procedure which Government have followed for the purpose of considering these big projects. We called to this country some of the big and well-known consultants and experts from different parts of the world and we have asked for their assistance in preparing the project reports. These experts have come not from one selected or favoured country: they have come from U.S.A., from England and from many countries on the continent. They have gone round our country. We have placed our preliminary reports before them. They have examined the position regarding raw materials, transport facilities and also the requirements of the country, and the project reports which they have prepared bear direct relation to the facts which we placed before them.

In addition to this, Sir, we have two or three other big undertakings which we have already taken in hand. The first and foremost is the Sindri factory for the manufacture of fertilisers. As the House will remember, our programme is to manufacture 350,000 tons of fertilisers, and this, I believe, will be the biggest fertiliser factory in the whole of Asia. I am in a position today, as unfortunately I was not in course of my last budget speech, to say that we have completed in course of this year three-fourths of this factory and that everything goes on well, we will be able to start production somewhere between early and middle of 1950. We have selected a large portion of our staff. The policy we have pursued is to select Indians; we have sent them abroad; nearly twentyfive of them have gone to England and America and are working in different factories for the purpose of equipping themselves well and coming back to Sindri and taking charge of their work. We have made it a rule that every foreigner whom we may have to select for a temporary period has an Indian under-study attached to him.

Apart from fertilisers, we have also decided to establish a cement factory which will be producing about 250,000 tons of cement per year. In the course of the next two or three weeks we expect to complete the acceptance of tenders for the purchase of plants and machinery for the establishment of this factory. Here, Sir, I may say that there was a certain delay in receiving plants and machinery for the main factory from England but with the assistance of our High Commissioner in London, who acted with the full support of the U. K. Government, it has been possible for us to obtain high priority for many of our plants and machinery which have already arrived on the spot.

Babu Ramnarayan Singh (Bihar: General): Where will this factory be started?

The Honourable Dr. Syama Prasad Mookerjee: At Sindri in Bihar.

Babu Ramnarayan Singh: I was asking about the cement factory.

The Honourable Dr. Syama Prasad Mookerjee: At the same place, Sir, we had one difficulty and that was with regard to gypsum. As you know, gypsum we expected, when the scheme was originally passed, would come from Pakistan. But I am now happy to announce that we have satisfied ourselves that sufficient stocks of gypsum will be available from within India, from Bikaner and Jodhpur in particular. We have sent certain sample quantities abroad and we have got a completely satisfactory report regarding their quality and durability. It will not be an easy job; we will have to move 2,000 tons of gypsum every day for the purpose of keeping the factory going, which means—if metre gauge has to be used—we will require nearly 200 wagons per day. But we are in close touch with the Transport Ministry and with their co-operation we are now arranging to move a sufficiently large quantity of gypsum to Sindri for the purpose of piling it for use as soon as the factory is in a position to start.

Shri Mahavir Tyagi (U. P.: General): What is the distance between Sindri and the area of the gypsum ore?

The Honourable Dr. Syama Prasad Mookerjee: Same distance as between Sindri and Jodhpur.

So far as the other factory which we have under our control is concerned, that is the Hindustan Aircraft Factory at Bangalore.....

Shri M. Tirumala Rao (Madras: General): Sir, he could not give the distance between Jodhpur and Sindri. That is the efficiency of the honourable Minister's Department.

1268 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [9TH MARCH 1949]

Shri Mahavir Tyagi: I only wanted to point out that it is too far away.

Mr. Speaker: Let him proceed.

The Honourable Dr. Syama Prasad Mookerjee: The distance is about 1,000 miles. So far as the Sindri factory is concerned, what I propose to do is this. There is some misgiving in the minds of honourable members as to what has been done there. We have taken cinema pictures of the progress of work in the factory and in the course of the next fortnight or so I hope to be able to invite members to an exhibition of the film.

With regard to the Hindustan Aircraft Factory, during the last one year it has done work which deserves praise from all concerned. Apart from repairing and re-conditioning aircrafts which have been in use not only for internal purposes but also abroad, we have now started our new Designing Section and that section is completely under the control of an Indian. Several foreign experts came and visited the factory during the last year and every one of them complimented not only on the way in which work was being done but on the general programme that we have been able to formulate. It is our intention to secure the services of a foreign design consultant; during the last fortnight we have received an offer from a German expert who holds an international position in the world and we have already invited him to come out to Bangalore for the purpose of remaining with us for a limited period and for giving training to the Indian staff which is working there. We are now producing a type of aircraft which will be required mainly for the Defence Ministry and we will be able to go in for production in the course of the next month or two. Of course, this we are doing under special "licensing" arrangements with a firm in England but we are also hoping that the work which is now being done in our own design shop will produce results in the course of a year and half and we will be able to produce in India an aircraft which was designed by an Indian and manufactured mainly by a staff of Indians under Indian control.

We have also during this year made arrangements with a British firm which has been doing special work in our coal mines for open-cast mining operations. That was completely under the control of a British firm and at the end of the lease it has been decided that future work will be done by a company of which ultimately the major shareholders should be the Government of India. It appeared that this specialised work was done only by foreigners; during the last few years there was no provision for training Indians and one of the first conditions that we have laid down is that in the course of the next five or six years a sufficient number of Indian technical personnel will be trained so that the entire work may be taken over by Indians.

We have also developed a scheme for the Mathematical Instruments Office which is now manufacturing instruments of high precision. We hope to secure the services of two experts from Germany—we have sent a cable to Germany for the purpose of engaging them and they are expected to come here in the course of the next few months to help us to reorganise the work of this department.

"Sir, so far as private enterprise is concerned, the bulk of industrial activity in India is naturally in the hands of private people. I do not wish to go into details with regard to the work which has been done in this field, but it has been our endeavour during the last year to establish much closer contacts than hithertofore between industrialists and the Government of India. We have got today twenty-five development Committees each representing a major industry and the object of these Committees which will meet every quarter is to discuss problems, such availability of raw materials or of capital goods

or of transport difficulties. We will try to fix up a target figure for our production and we try to see how by a process of mutual help it is possible for us to keep up to the target of production that we may fix upon. We have been able during the last one year to help to the best of our ability and here we have acted—Ministries of Commerce, Transport and Industry and Supply—with the closest possible co-operation. We have not been able to establish a Planning Commission yet; but there is a Cabinet Sub-Committee functioning which is called the Economic Committee of the cabinet under the chairmanship of the Finance Minister. We meet at least twice or thrice a month for the purpose of discussing problems of mutual interest and evolving a common policy of economic development affecting various Ministries.

The Industrial Finance Corporation which functions under the control of the Finance Ministry, although it is more or less an autonomous organisation, came into existence only about six months ago and during this short period this Corporation has found it possible to help about twelve different industries in different parts of India and the total financial assistance which the corporation has already sanctioned comes to Rs. 2.25 crores. (*An honourable Member:* 'How many industrialists?') Twelve limited companies in different parts of India. Now, that also indicates the anxiety of the Government not merely to offer advice but also to offer financial assistance so that the total industrial development may proceed on lines which are approved by Government.

I have just referred to the progress which we have made with regard to the heavy industries. Government lay considerable stress on the need for development of cottage and small-scale industries. This is a sphere on doubt which is mainly for the provinces to deal with, but for the first time we have appointed an All-India Board which met about two and a half months ago and we have formulated a programme of action which, if implemented by the provinces as also by the Central Government, will I have no doubt solve a very difficult economic problem which now faces us today. We, no doubt, will lay every possible stress on the development of large-scale industries. We will see that those industries are distributed in a rational manner in all parts of India, but we do not wish to commit the mistake of concentrating only on large-scale industries. I feel, Sir, that the future of this country lies in a proper adjustment of the claims of large-scale industries and small-scale industries. In fact, if we really want to revitalise the rural life of this country, if we really want to tackle the grave problem of unemployment that faces the country today, we can do so not only by having industries in different parts of the country but by a regional planning of small scale and middle-size industries. We have, therefore, put ourselves in close touch with the Provinces. This is a sphere of work which we do not wish to take away from provincial control. Complaints are sometimes made that the Government of India are taking away all powers with regard to industrial development. What we have done is this. Apart from certain industries which the State may itself bring into existence, we are adopting a general policy of development of centrally regulated industries. Naturally, to that extent, the power of the provinces will have to be curbed, but apart from that, the provinces will have a very large sphere of activity left to themselves, and one sphere of activity on which the provinces can and should concentrate is to explore how to develop not only cottage industries but also medium size industries.

We have received a report of the working of conditions in Japan. I do not wish to trouble the House with regard to the details, but it is clear that if we can proceed more or less on the same lines as Japan for the purpose of developing cottage industries, we will be able to solve one of the most important and difficult problems that faces India today.

Babu Ramnarayan Singh: Anything towards *khadi* and *charkha*?

The Honourable Dr. Syama Prasad Mookerjee: So far as *khadi* is concerned, propose to include it as part of our activity.

So far as control is concerned, I do not propose to go into the details. I believe in the course of our debate, reference will be made to the several commodities which are now under control, but the most important of them relates obviously to textiles. I know, Sir, what the difficulties are in regard to the administration of control, but I can definitely assert that so far as control on our textiles is concerned, generally it has succeeded. There is no doubt that prices have been controlled; there is no doubt that production has increased; there is no doubt that today there has been a larger distribution of cloth in all the provinces in India than was the case previously. The only difficulty which has arisen is with regard to the accumulation of cloth in certain producing areas mainly arising out of the inability of the provinces to lift them in time. With regard to that also, we have now provided a new system. If a province fails to purchase the cloth quotas allotted to it by the end of the month following the month for which the quota is given, then it will be open to the mills under certain conditions to sell these stocks and distribute them through ordinary trade channels. I have got the latest figure—I got it last night—regarding accumulation. I find, so far as Bombay and Ahmedabad are concerned, the accumulation comes to about four weeks only. That is the figure which I received last night.

Shri R. K. Sidhva (C. P. and Berar: General): What is the quantity?

The Honourable Dr. Syama Prasad Mookerjee: Four weeks production. So far as the other areas are concerned, the accumulation varies from six to ten weeks.

Shri C. Subramaniam (Madras: General): What about Coimbatore?

The Honourable Dr. Syama Prasad Mookerjee: I am not going into the details. Later on in the afternoon I shall come to that.

Prof. N. G. Ranga (Madras: General): There is the growing shortage of supply of cotton.

The Honourable Dr. Syama Prasad Mookerjee: I am coming to that. I am going to refer to that point just now.

So far as accumulation is concerned, the House should not forget that normally about six to eight weeks accumulations did exist in the past, but of course this time in certain areas accumulations are more. Difficulty arose out of the fact that in December the total quantity of stamped cloth which the mills price-marked was nearly 30 to 50 per cent. higher than the average for the previous three months. The reason why this was done was that from January the prices were reduced and mills were anxious that whatever they had, should be stamped by the end of December, 1948. I am not blaming the mills. That was a natural tendency, but that also led to accumulation of cloth. The other reason was that Pakistan has been unable to lift nearly about 100,000 bales of cloth allotted to it. Arrangements have now been made for Pakistan to purchase its stocks within a short time and if that is done, I believe in the course of the next month or so the position will be considerably relieved.

But Sir, I would sound a note of warning with regard to the future of textile industry in relation to cotton. This is a serious matter. The House probably knows that we use nearly about 42 lakhs of bales of cotton. So far as our own production is concerned, we expected about 28 lakhs of bales this year, but we have been told by the Agriculture Ministry that we cannot expect

more than about 23. There will be a deficit of 5 lakhs of bales here. With regard to the ten lakhs of bales of cotton that we used to get from Pakistan, the quantity has been reduced to 6½ lakhs of bales. We have got a certain quantity of imported cotton from Egypt and from certain other places like East Africa, but taking all these together I find that this year will come to a close with a deficit of about seven lakhs of bales of cotton which will have to be taken out of the surplus which we already have with us. This means we will absorb a good portion of this surplus, and will be left only with about eight or ten lakhs out of a total reserve of nineteen lakhs of bales. This matter is already engaging the attention of the Agriculture Ministry. If we want to utilise more areas for cultivation of cotton to the detriment of food, obviously the country will not like it. (An honourable Member: What about the question of price for cotton?) The price is a different question. Even if we increase the price, the quantity will not increase. So far as the price is concerned, we are going to take up this matter before the next sowing season starts and I hope that in the course of April we will be able to arrive at a decision on this matter. So far as the price of cotton coming from outside is concerned, we are paying obviously much more. As the members know, for every piece of cloth nearly 50 to 60 per cent. goes to cotton. If we have to purchase cotton at very high prices, it will naturally affect the price of cloth as well.

So far as the other controlled commodities are concerned, I can only make this general observation that it has been our policy to delegate as much power as possible to provincial governments. It is not feasible for the Central Government sitting here in Delhi to administer control of all commodities which are spread throughout the length and breadth of India and to issue detailed orders from here. We have delegated as much of the powers to the provinces as is possible. With regard to industries which are of all-India importance, obviously the allotments have to be made by the Central Government. Further, we have appointed Advisory Committees with regard to almost all the commodities so that consumers, manufacturers and other people who are interested may come to know the basis on which allotments are made, may offer their suggestions, which are always considered by us. We also consult representatives of the provincial governments from time to time. We put our heads together and bearing in mind the availability of the materials which are with us, we try to make allotments that are fair and just to all.

Of course, one difficulty has been with regard to transport, but that also has improved during the last few months. Apart from the Central Transport Advisory Board meeting regularly every month, we have other special priority Committees and whenever we get complaints from certain industries, we bring the matter to the notice of the transport authorities and there is a genuine attempt on the part of all to solve the difficulties which confront us.

With regard to disposals, I find that is one of the matters which will come up for discussion. I do not propose to go into detail now in regard to it. I can only just say that up till now we have sold Rs. 112 crores worth of goods and still Rs. 140 crores worth of goods—book value—remain to be disposed of. Now, members will please remember the difficulties that confronted Government since 15th August 1947. Soon before partition, the purchases slowed down. Immediately after partition, on account of the Punjab disaster, there was a ban put on the sale of the disposals stocks. The Defence Ministry also, quite rightly, placed a ban on the sale of the stocks for reasons which are obvious to honourable members. In fact, I can just give one figure. Defence Ministry used about Rs. 22 crores worth of goods from the Disposals during the period when hostilities were in progress.

If those goods had had to be purchased from the open market, the Government would have had to pay at least forty crores, nearly double the amount

[Dr. Syama Prasad Mookerjee]

which had to be spent through the Disposals organisation. In any case, today, all the bans have been withdrawn and I am hoping that in the course of 1949 we will be able to sell at least 75 per cent of the stocks that we have in hand.

Shri M. Tirumala Rao: Is it not Government property that you hold in the Disposals?

The Honourable Dr. Syama Prasad Mookerjee: It is Government property. If the Government had to purchase those things from the open market for the requirements of Defence, then, the Government would have had to pay much more.

Here, there is some conflict of opinion. Some people want quick disposal, no matter where the things are sold. Others feel that there should be proper checking and we should not allow the bulk of these stores to pass into the hands of speculators and middlemen, who will make huge profits. The policy that we have pursued is that we give preference to the Government indentors, Central Government, Provincial Governments, States, Educational and Scientific institutions. Then, we give the next preference to industries. If the industries want any goods for their own use, we certainly give them preference. Last comes the category of ordinary traders and merchants who desire to purchase them for the purpose of re-selling them. We are in consultation with the Finance Ministry and we are trying to evolve a system whereby it will be possible for us to make these surplus goods available to Governments and also to organised *bona fide* industries for the purpose of their own use in a much better way than what it was before.

Babu Ramnarayan Singh: Where are these stores kept?

The Honourable Dr. Syama Prasad Mookerjee: All over India.

So far as the purchase organisation is concerned,—that is the last subject which I propose to touch—in the course of 1947 including the portion of 1947 when we had an undivided India, the Government of India purchased stocks worth about 92 crores of Rupees including purchases in England and the United States of America. In 1948, up till October, when we have divided India, we have purchased for Rs. 92 crores. In other words, by the end of March 1949, we shall be purchasing to the extent of nearly about Rs. 125 crores. It appears that the purchases made in India have also increased enormously, which means so much more goods produced in the country, which have been purchased by the Government for their own use. If any questions are asked with regard to the purchase organisation particularly in England or America, I have got full details and I shall only be glad to answer them.

I know there are some defects and weaknesses in our organisation. But, I can say that during the last one year, it has been our constant endeavour to improve the efficiency of our machinery. Today, the Government must look upon their activities from a new angle of vision. When private industries or others which are struggling, come to us for assistance, we do not want merely to say, no, to them or create difficulties for them. No matter whether it is a big industry or a small industry or from whichever part of the country one comes, it is the moral duty of the Government, if the Government believes in industrial development, to give every assistance to them. That has been the policy of the Government. We may have failed in some cases; but if the difficulties are pointed out, we shall only be too glad to improve them. I am hoping that in the course of the next year, with the co-operation of all concerned, we will be able to march towards further progress and development which will redound to the credit of our country.

Shri B. L. Sondhi (East Punjab: General): What about retrenchment, Sir?

The Honourable Dr. Syama Prasad Mookerjee: It is dealt with in the report.

Shri Mahavir Tyagi: Evidently, the House has given unanimous approval to the speech of the honourable Minister and his policy. Personally, I am slightly unhappy because, whatever my points were, he has outwitted me. I had many things to say; the several points about which I had suspicion, he has clarified in advance. It was really cruel of him to have dealt with every point in advance. We feel now that he knows what we feel and I am glad that from that point of view, he has been quite a great success as a Minister, and I must congratulate him for the grasp he has over his department.

But my grouse still stands. In my enthusiasm to lay stress on certain points, which I feel are of great importance, I may be permitted to repeat a little. Sir, industrial development can be viewed only in the background of the conditions that prevail, conditions that are obtaining in the country. At present, there is inflation. Everybody knows that and I do not want to lay stress on it. But, one thing which is lost sight of is that along with this inflation, there is equally strong, equally widespread deflation also in the country. This is my feeling. If deflation means no purchasers in the market, if deflation means that commodities are lying in the market unsold, if deflation means that there is no money with the people to purchase the commodities, then, I say there is deflation in the country. With inflation, I repeat, there is equally widespread and an equally dangerous type of deflation prevailing in the country. If you go into the bazar, you will find that shop keepers do not sell their things because probably the requirements of food do not leave any money in the hands of the people. A man has now to spend more on food, every family budget is hard pressed for money for purchasing food. When people have no spare money, where is inflation, I cannot see. There is inflation with regard to food; but with regard to other commodities, there is deflation. Things are not being sold and purchased. In the present setting of our economy these conditions are apt to occur and re-occur.

My objection is to the very economic structure of India. When Mahatma Gandhi was alive, the world was looking to him to give a correct lead to the world. In fact, he stood not for political freedom. In his view, political freedom was only a means to an end. This political freedom of which we have been so proud, from the point of view of Mahatma Gandhi, was meaningless without the achievement and realisation of higher things which he laid stress on. He stood for a universal revolution of the outlook of human society. What he wanted was a change of values. Today we find that society is fast taking to monetary values alone. It seems as if money were everything in life, and all the rest of values human, moral and otherwise, are going down. Mahatma Gandhi wanted to introduce these human values, moral values into world society. That was really meant by *Ram Rajya*. Since he died, that work could not be pushed further. To achieve that *Ram Rajya*, his basic plan was to re-arrange our economic structure in such a manner as to enable us to have those values in the fore front. His slogan was cottage industries and the *charka*. He was opposed to big industries. If he had lived for say, 20 years more, as he expected to live, he would have made great achievements in India and would have earned for India a place in the history for ever. He opposed mechanisation of Industries on such a big scale as the world in the west is doing. As I appreciate Mahatma Gandhi's ideals, I am also opposed to big industries, and big concentration of industries. They do not only take away from us moral values and impose fictitious value of money on us; but, they, in fact, totally demoralise society. They create unemployment. In fact, *Swaraj* has no meaning to the real India which lives in the villages unless the villagers are approached by means of the cottage industries. There is unemployment in the villages; they suffer from deflation

[Shri Mahavir Tyagi]

because they have no work to do. Industries are being concentrated in big towns. If things go on like this, *swaraj* will become the *swaraj* of the urban people and our rural people will be deprived of even their daily bread. What is happening is this. The villagers who have good muscles are going to the machine. Today, the sole motive is the profit motive. Industries are not being run on the motive of service. What Mahatma Gandhi wanted was to substitute service motive in the place of this profit motive. The profit motive is the supreme motive with which society acts today, with the result that these industries are not progressing. The industrialists feel that they are not getting enough profits. Now, the middleman is getting more profit than those who run the industries. They are afraid of one thing or the other and they are withdrawing from the industries. The middleman's profit in exchange of goods is great. The result is that the most of the trend and stress in the society in India is now on those professions which do not produce and which only deal in exchange and get middle-men's profit. Black market pays more than toil. In middlemen's trade there is a much higher percentage of profit than in the business of the man who works with muscles or who works with machines. The result is that there is too big a rush on exchange and distribution, which results in hoarding and black-market. Production is slow. Another difficulty is labour. We are quite enthusiastic about labour and we go on raising their pay too. Although it is an unpopular slogan for a politician who goes to labour for votes, I must submit that the wages in Industry are going much higher in relation to the wages of the village worker. I come from a village. Why not think of the village wage earner also who is nowhere in the picture? The result is that the villager gives away his field work and goes to a mill where he can get a higher wage. I want higher wages to urban wage-earners because living is dear; but at the same time there must be a proportion between the labourer who works on the field and the one who works on the wheel. Agriculture is a thing of more importance than cloth or other necessities of life. A man who works in industry gets more than the one who toils in the field with the result that peasants are not getting enough labour to work in the field and so agriculturer is not producing enough. I would invite the attention of members who represent labour to the fact that the productivity of labour is also fast diminishing. It is a clear case of diminishing results. I find that in 1939 the average index of the productive capacity if it was 100 units per wage-earner in textile mills, it has now been reduced to 80.4. In coal mines in 1939 monthly production was reported to be 10.18 tons per head and now it has come to 6.87 per head. There is therefore a demand for rationalisation in the industry because although the worker is getting more money and his dearness allowance is guaranteed, production is persistently going down. When the productive capacity of workers goes down, the consequence is that the Industry engages more labour to enable it to produce more. Engagement of more labour means less profit. Then there is a justification of rationalising industry with the result that wage earners from the mills are turned out and there is unemployment. This vicious circle goes on like a spiral giving rise to all sorts of troubles. The revolutionary trend will go on increasing so long as you concentrate industries in urban areas. It is inevitable. Therefore Mahatma Gandhi wanted that industries should be decentralised and villagers must have their own little industries. He wanted every wage-earner to be an industrialist in his own home. It raises their moral capacity and stature. Because now villagers are being torn off their homes and they go to strange environments and they lose all their natural tendencies of 'love' and 'truth'. It is only when a man is with his wife and children that his love for them grows and he begins to care for them and becomes human. Bereft of his home life when he goes out, he begins to behave like a stranger and gets demoralised. So I submit that

industry in their own homely environment is the only solution of the human society. India is an agricultural country, and high industries like the one the honourable Minister mentioned little suit our conditions. The factory at Sindri will be very costly. The raw materials will have to go from Jodhpur to Sindri and then the finished product will be distributed all over the country; just think of the cost of transport to and fro. I submit that the fact that it is the biggest industry in the world is not a matter of pride. I am really sorry for it. It should have been broken into small units and spread over the whole country so that the distribution of its product could be easy. In the same manner there are other industries which are being started. Regarding the manufacture of synthetic oil an American firm Koppers and Co. a steel industry in America has been given the charge of this Synthetic oil factory. The project is required to produce one million tons which is a huge amount. Nowhere in the world such a big project has ever been put. Germany produced 4 million tons of synthetic oil during the war annually, but its production was distributed between dozens of projects. None of the projects was producing more than 10 million tons. But we have such a huge project that it will require a specially big size of machinery. In America also they had small units. I doubt whether these bigger units will be profitable at all.

The Honourable Dr. Syama Prasad Mookerjee: The unit you have suggested is 1 lakh tons.

Shri Mahavir Tyagi: Then it requires 40.0 million gallons of water daily and perhaps 7 lakh tons of coal daily. I am not criticising your project. You are doing it for the good of the country but it should be a smaller unit. I stand for cottage industry. Many of my points, as I have already said, have been covered by the honourable Minister in his speech.

Now open general permits are being given for imports. There are many such Industries which were only recently started, they will suffer. Take for example bicycles. India has begun to produce cycles. If import licence is general and every one is free to import any number of cycles, our industry will fail. Even cycle Industry, I wish to submit, could be broken into small units and they too could be manufactured as cottage Industry. Japan is doing it. Mahatma Gandhi himself was not against machinery altogether and so I am also not against it. What I want is that machinery should be uniformly given to the villagers. Let the villagers be their own industrialists and labourers together, let every home be a small factory in their villages; and I want them to work with electricity and produce more. Even the big weaving mills I do not like. They too should be broken into small pieces—units. In Japan they have one or two looms in a cottage and the woman of that cottage produces 200 to 400 yards of cloth by the close of every evening. In this way these textile mills could be broken into units and distributed in say 200 homes in each village and the produce could be easily collected and sent to the market. In that manner alone we can bring into play the productive capacity of the society. This will bring socialisation of the means of production and this will be distribution of both labour and leisure among people equally and then only we shall achieve our object of economic freedom to all and equal opportunity to all; otherwise equal opportunity is a dream which will never be achieved through the present system of economy. I therefore emphasize that the cottage industry should be encouraged and villagers must be kept in the picture because India belongs to villagers and not to urban. We are at present doing all for urban areas.

Mr. HOMI MODI (Bombay General): My honourable friend, the Minister for Industry has placed before the House an illuminating survey of the work

[Mr. Homi Modi]

accomplished by his Ministry during the last year, and I desire just to say a few words in elaboration with the picture he has presented.

After the confusions and uncertainties of the earlier period, a more or less clear pattern of industrial policy is emerging, and I think that is a matter for congratulation not only for the Government but for the whole country. My honourable friend spoke of Government not wanting to make a fetish of any 'isms', and I am increasingly glad to find in the last few months that the cry of nationalisation has been put in its proper perspective. Now, at any rate, every section has come to realise that the prime national objective is increased production, and that can be achieved, not by threats against capitalism such as have been uttered unfortunately in the past, but by securing the cooperation of industrial interests, and also of the representatives of labour. As I have said, on a number of occasions, and I take this opportunity of repeating it to-day, that Industrialists must take courage in both hands and discard all their apprehensions in regard to the trends of governmental policy and in regard to the economic progress of the country. By and large, this country has a great future, and the industrial community has a great part to play in building up that future.

Shri B. Das (Orissa: General): Only if you have courage and confidence.

Mr. Homi Modi: I for one, have enough courage.

The progress achieved in 1948 has been referred to in the honourable Minister's Speech and also set out in the brochure which was placed before the members of the Central Advisory Council of Industries. I think it necessary to correct somewhat the picture given there and to say that the progress so far as most of the heavy industries are concerned was disappointing; at the same time, there was encouraging progress in the matter of small-scale and medium-scale industries. And I entirely agree with my honourable friend Dr. Mookerjee when he said that a proper balance has to be struck between heavy and light industries, if the progress of the country as a whole is to be achieved and the standard of life of the people raised within the near future. I hope, therefore, that a great deal more will be done to promote light and medium-scale industries, in the course of the next few years.

Now, how has this progress been achieved? It was because the ministry took the right steps to secure the cooperation of the interests concerned. The first step they took in that direction was the Industrial Conference held in Delhi in December 1947, and at that Conference the honourable Minister had the satisfaction of securing the cooperation of both interests—industry as well as labour—and both interests were committed to the adoption of far reaching changes in the economic structure. Development committees were set up at this conference, and these committees produced valuable reports which were placed recently before the Central Advisory Council of Industries. At this meeting of the Central Council, the difficulties of various industries were threshed out. Every section was fully represented there, and I think a great deal of work was done in the matter of ironing out differences. I would like to say here that my honourable friend, the Minister for Industry and Supply, makes an ideal chairman. He has got a bland manner and benign countenance—altogether misleading, of course—but he does manage to wring out of both interests—labour as well as industrialists—a large measure of agreement. As I said at the conclusion of the Central Advisory Council meeting, in thanking him on behalf of the industrialists, he has a technique of his own. We keep on fighting, and at the end, my honourable friend gets up, and winding up the proceedings says, "It is gratifying that there has been such a large measure of agreement on all the issues, and we will proceed to frame the report", and before we know where we are, he has committed us to something which we had never bargained for.

Then there was also another step taken, and that was the measure which is under contemplation, of centrally regulating the most important industries in the country, and a small committee was appointed for the purpose of advising Government on the lines on which such central regulation and control should be laid down and exercised. This Committee recently met the Economic Committee of the Cabinet and placed before it its views. Here again, I am afraid the honourable Minister is going to produce a rabbit out of a hat, because several objections have been lodged which he has lightheartedly brushed aside, but I hope that when the Bill is placed before the House, it will be found to have taken into consideration the various points that have been urged.

All these things have resulted in close collaboration between the Ministry and industrial interests, and I would like in this place to pay a tribute to the very devoted work of the Secretariat which my honourable friend commands. They work hard; they probably know no holidays, like most people in the Secretariat; and they have served the Ministry and the country exceedingly well.

In the field of labour also a great deal has been done, and my honourable friends who represent labour here will bear me out when I say that every attempt has been made in recent months to try and establish closer understanding between industry and labour. Very recently a committee, at which I assisted, has formulated principles which should govern the regulation of fair wages and that report will go out to all the provinces, and I hope that uniform principles of fair wages will be laid down for the whole country.

As regards profit-sharing, that is a more difficult job. But there again we have a committee, and though we have not yet been able to come to any definite conclusions, I hope that with moderation on both sides, we shall be able to evolve a formula which will be acceptable to all.

My honourable friend who spoke just before me seems to be against all heavy industries. He has advanced some novel arguments in support of his thesis. He suggested that the industrial worker who went out for the whole day ceased to have any interest in his wife and family. That has not been my experience; and I should have thought that absence made the heart grow fonder. I wonder what takes place in the families of my honourable friends who come from thousands of miles, if it is suggested that being absent for the day impairs the relationship between husband and wife!

Now, Sir, let us not be too optimistic about all that has happened. Let us put the results which have been achieved in their proper perspective. I see considerable difficulties ahead; difficulties in the way of labour producing all that can be expected of it, difficulties in the matter of raw materials, and transport, and also difficulties in the way of the functioning of controls. My honourable friend has lightheartedly dismissed the suggestion that the control on cloth has not been working satisfactorily. It may be working adequately in some places. I would still like to warn him, as I did only a week ago when I appeared before him with half a dozen other industrialists, that control will require to function far more satisfactorily before we can say that position is right. There is a great deal, Sir, that remains to be done—a great deal of hard thinking and hard work. I would like this country to emulate the example of Great Britain where a remarkable recovery has been effected in spite of the fact that there is a great deal of apprehension with regard to the future of industry in that country. Results there have been achieved which are positively remarkable and which are a tribute to every section of the people.

Prof. N. G. Ranga: May we know whether the honourable member has been asking the Government for any concessions so far as this textile industry is concerned, and if so, what are they?

Mr. Homi Mody: No concessions. I do not make speeches for a consideration. I say exactly what I think and I think exactly what I say. I have not the slightest intention of asking for anything. All that I want is efficiency of control and that is the only point that I was making.

Prof. N. G. Ranga: Hear, hear. That is something.

Mr. Homi Mody: It is all very well to embark on grandiose schemes of development of the country's resources, but the outstanding factor of the situation is that even the existing capacity of industry is not being fully utilised for one reason or other. Let us see first and foremost that all the industries are producing to their capacity before we embark upon big adventures. I hope, Sir, in that connection my honourable friend will see to it that proper financial checks are imposed upon the formulation and establishment of such industries as Government have undertaken and are about to undertake. These checks which industrialists impose upon themselves are entirely absent when it is a Government that establishes industries, and I hope that from time to time the honourable Minister will place before the House a picture of what exactly has been happening, the progress which has been achieved, whether the estimates have been worked up to, and whether everything is working out according to plan.

One more word. My honourable friend spoke of his establishing in conjunction with the Sindri Fertilizer factory a cement plant of 250,000 tons. I am very glad about that. I hope from time to time my honourable friend and I will be comparing notes as to who can produce cement cheaper and more efficiently.

Shri B. Das: And I will bet on you!

Mr. Homi Mody: I think you are very wise. I am prepared to take a bet on myself and I promise my honourable friend that he will learn a great deal from us if he will only have the humiliation to sit at the feet of those who can teach him!

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Mr. Speaker: I would like to know what time the honourable Minister will require for his reply?

The Honourable Shri Satyanarayan Sinha (Minister of State): Half an hour.

Mr. Speaker: I shall then try to accommodate the speakers suitably. I think the time limit should be 10 minutes.

Kazi Syed Karimuddin (C. P. and Berar: Muslim): Sir, I want to speak.

Mr. Speaker: It is not going by mere application. The honourable member must catch the eye of the Speaker.

Shri S. V. Krishnamoorthy Rao (Mysore State): Sir, I also congratulate the honourable Minister on the performance of his Ministry during the last year. Except steel all the other commodities have gone up in production during the last year. In fact even in the present Budget as much as 12.63 crores have been provided for industrial development and grants for development to provinces amount to nearly 25.45 crores. Only eight lakhs have been provided for cottage industries. All these certainly go a long way in stepping up the

industrial production of the country. So far as the policy is concerned fundamentally I agree that it is sound but there are many loose ends which have to be tightened up. In the brochure that is given to us in the last page it reads:

"The import and export policy of the government is also designed to encourage industry and trade, while safeguarding the interests of the consumer. The Ministry of Commerce which is mainly responsible for import and export policy acts in close consultation with the Ministry of Industry and Supply and the Ministry of Finance."

Certainly it is a very desirable thing. But as I said there are certain loose ends and I am only referring to these. I want particularly to refer to the Hindustan Aircraft Limited and the machine tool industry and the match industry.

The Hindustan Aircraft Limited is a great asset which has come to us as a war effort. Of course the honourable Minister said that it has been working satisfactorily and that a new designing section has been started in the Aircraft factory. But I doubt very much if we will get the full benefit from the Hindustan Aircraft Limited. In fact during the war time I learn that there were 17,000 workers working in three shifts. In addition to this many job works were given to smaller industrial units not only in Bangalore but also in distant places like Coimbatore. But now the labour has been reduced to 3,500 and only one shift is working. That is my information. Of course I am open to correction and I will be very glad to hear that the maximum benefit is being derived from the Hindustan Aircraft Limited. As a matter of fact it is one of the best equipped factories, I think, in Asia. I learn that machine tools were brought to the Hindustan Aircraft Ltd. not only for the factory itself but also from the Eastern Zone and also the African Zone. If we can only make the best use of the Hindustan Aircraft Ltd., I think we can step up our industrial production to a very great extent. In fact in industrially advanced countries like America, Japan and Switzerland nearly 60 to 70 per cent. of the half finished materials are drawn from smaller industrial units. That was being done during the war period even in the Hindustan Aircraft Ltd. The job work was given to the smaller industrial units and thereby a number of subsidiary industries were developed round about Bangalore. But I learn that now even job works are taken by the Hindustan Aircraft Ltd., so much so that some of the smaller industrial units have suffered round about Bangalore. My submission is that the honourable Minister should see that the best use is made of the Hindustan Aircraft Ltd.

The honourable Minister referred to the construction of railway coaches. Last year the Railway Minister was pleased to tell us that as many as 300 coaches would be put on the rails by the end of 1948 but we learn that only 20 carriages have been put on the rails. I understand that if proper use is made of the machinery available nearly a carriage every two or three days can be constructed in that factory. I do not see why efforts should not be made to step up the production of the railway coaches in the Hindustan Aircraft Ltd.

I was fortunate enough to visit recently England in connection with the Commonwealth Parliamentary Delegation. The Singer Sewing Co., which was manufacturing shells during the war is today manufacturing 8,000 sewing machines per week and nearly 2½ million needles per week and still they are not able to meet the demand. They have similar factories in other parts of the world: they have eight or nine factories and I think they have one in India also. Every one of these factories has been able to adjust itself from war economy to peace economy and they have been producing materials and England has been able to step up its production by nearly 24 per cent. more during the current year as compared with 1946.

[Shri S. V. Krishnamoorthy Rao]

I do not see any reason why we should not make use of this factory to step up our production also. Efforts should be made to produce other articles to see how these machines could be utilised. In fact I learn that the machine shop is working only with 40 per cent. load. There were about 480 men working in three shifts in it, but today there are only about 150 men working in one shift. There are automatic screw machines and spindle automatics which are not made full use of. The Tool room is not sufficiently loaded with work. In the Foundry the strength has been reduced from 150 to 85. It is competing with jobbing factories in Bangalore. They can specialise in non-ferrous castings for which there are no facilities in South India. The Welding Department is not provided with good load. There is a good saw mill and the strength here has been reduced from 500 men to 75 men. This could be made use of for mass production of standard door and window frames. The acute nature of the housing problem in our country is well known. I ask the honourable Minister why such a fine saw mill—one of the best equipped saw mills—should not be made use of for the mass production of window frames and door frames to meet the housing problem. Then there is the Sheet Metal department. It had a strength of 500 which has been reduced to 150, and it is also working only one shift now. There are Hydraulic Presses, Punch Presses of different sizes, Plate and Sheet Shears, Power Brakes, Spot Welding machines and Routing and Shaping machines. I may mention that the Percival factory in England which manufactures aeroplanes has only two punch presses whereas in the Hindustan Aircraft Limited we have seven punch presses. Why are we not making use of these presses for developing our industrial output? Attempts should be made to utilise them for the manufacture of electric light fittings, telephone exchange equipment—there is no factory in India to manufacture telephone equipment—telephone parts, refrigerators, washing machines and thermos flasks. There is also a Painting and Varnishing department in the Hindustan Aircraft Company. It has very good equipment for nickel-plating, chromium-plating and anodizing. But nothing is being utilised.

In this connection I would submit that the Defence Department, the Railway and other transport services, the Posts and Telegraphs Department, the Electrical departments both of Government and private agencies, Water Supply and Sanitary Engineering—all these Departments should co-ordinate and they must tell Government what their needs are; and all these needs could, if possible, be manufactured in the Hindustan Aircraft Company.

Then I come to the machine tool industry. Here also the Government has an idea of starting a machine tool industry. But there are six first-class machine tool industries in India and I had occasion to visit the Harihar factory which was started during the war period. Their output during the war was 30 to 40. Today it is only 19 or 20. They can step up the output to 70 to 80 machines. But today I find Rs. 2 lakhs worth of machine tools lying idle because they have no market. The import controls are not working properly. The vested interests, especially the importers and their foreign agents are trying to evade the tariff protection given to the industry by slightly altering the specifications. This loophole should be blocked. We are importing a number of industrial plants. Among the industrial plants there are a number of machine tools which could be manufactured and which are being manufactured in India. Why should these machine tools be imported from abroad?

I shall read here one advertisement which appeared in one of the foreign papers. This is an extract from Machinery Lloyd, No. 17, August 1948, page 131:

"Machinery required for Punjab Rehabilitation Scheme. The Department of Industries to the East Punjab Provincial Government in Simla is setting up workshops in which refugees from the West Punjab are to find employment in general engineering trades. In this connection the Department urgently requires machinery and equipment, both new and second-hand, including the following: 30 four-ft. lathes; 103 six-ft. lathes; 100 eight-ft. lathes; 58 ten-ft. lathes; 40 twelve-ft. lathes; 23 fourteen-ft. lathes."

I don't want to read the whole of the extract. All these machine tools are manufactured in India and can be supplied from the Indian machine tool industry. It is not only the Harihar industry that is suffering. There is one in Calcutta, one in Bombay, one in Mysore and there are three others, and all these machine tool industries are suffering because the importers and their foreign manufacturers are trying to get over the tariff protection given to the industry. I request the honourable Minister for Industries and also the honourable Minister for Commerce to look into this matter and give proper protection to the machine tool industry.

Kazi Syed Karimuddin: I congratulate the honourable Minister in charge for his very eloquent speech today and if results are to be judged by the quality of the speech I think he has succeeded. But his speech disclosed that whatever he said was based upon hopes and expectations and the expectations that he has raised do not depend on the achievements we have in the past or the present but achievements that we are going to have in the future. I have heard the speech of Mr. Homi Mody in this House and he has congratulated the Government and the Minister in charge for the measures he has taken for increasing the production as far as the industrialists are concerned. He has also praised the secretariat for the co-operation they have shown. It seems the industrialists, particularly Sir Homi Mody is satisfied with the measures that have been adopted by the Government of India. This is a still greater reason and occasion for examining the proposals, whether it is at the cost of labour or whether it is in the interests of the industries alone that the present policy has been moulded; and there is still greater reason to examine the work of the secretariat and collaboration of the secretariat with the industrialists in view of the praises showered by my friend.

Shri B. L. Sondhi: Why are you always getting so suspicious?

Kazi Syed Karimuddin: I am not suspicious. I want you to examine it. Then I would like to refer to one matter to which the honourable Minister in charge has referred and that is the textile industry. I come from that part of the country, that is Berar, where cotton is produced in abundance. I am very sorry to say that the present policy of the Government of India in regard to control of the prices is not only detrimental but it is suicidal to the growing of cotton in our part of the country. The result is that much of the cotton area is being curtailed in favour of groundnut. In Berar, which was known for cotton and which was annexed by the British Government from the Nizam only on the ground that cotton from there was being sent to Manchester, you will find the groundnut area increasing every day because of the price control. And I can assure the Government of India and the Minister in charge that the cost of production of cotton is not realized by the cultivator today; and I am prepared to face any enquiry being a cultivator myself. Therefore either the Government has to revise the policy and stipulate the growth of cotton in Berar or people will be allowed to grow any other commodity like groundnut to the detriment of the nation. It has been said that the control over textiles has succeeded to a great extent. My own feeling is, and I think it must be the feeling of many members, that the control over cloth has miserably failed, particularly in our part of the country and as I see in Delhi. In spite of the controls that have been imposed we see hundreds of shopkeepers dealing in blackmarketing in regard to cloth. The poor cultivator for whom these controls were really meant is the greatest sufferer and I would really like that the Government of India should examine this question.

[Kazi Syed Karimuddin]

By adopting measures in favour of the industrialists our chief aim is that the production which has fallen in the past should increase. Now it is an established fact that the capital goods to the extent we want are not available from America or England; an assurance has been given by the Minister in charge that they are being received, but as far as I know they are not available to the extent we want for increasing our production. Then what is the other remedy that you should adopt? The only thing is that as far as the textile industry is concerned, we have to introduce double-shift and treble-shift, and for that the co-operation of labour is very essential. We have been talking of assistance to the industrialists, we have also to see how labour can be reconciled. Sir, I do not support the exaggerated claims of labour, as probably my friend Mr. Sondhi is expecting from me. I say this is a National Government and in every measure that is adopted by the National Government labour's legitimate grievances should be considered and labour should not be made to resort to strikes. The point is whether, in view of the growing conflict between labour and capital, it is possible now to reconcile their claims. Around us, in many countries we find chaos and anarchy prevailing and spreading. Is this not the time when we have given assurances to the industrialists to come forward and do their job well, but we have seen in these twelve months that in spite of the assurances given last year nothing has been done by the industrialists and whether the industrialists would do it in the future cannot be said.

In India, as you find in the Railways and in other industries, we find that there are notices of strikes. Labour is going on strike. What is the remedy? The remedy that is suggested by the Government of India is that we want to give a share in the profit. But that theory is indefinite, that theory has not been worked out in detail, and it has not been settled as to what would be the share in profit given to labour. We are talking about vague generalizations about profit-sharing. What Sir Mody said about that was that they were going to evolve a formula regarding profit-sharing; when that formula is to be evolved we do not know. In the meantime we find labour is uneasy in the country. Sir, I do not justify the present attitude of labour. We find there are three parties working in that field: one is the Communists, the other is the Socialists and the third is the Congress labour leaders. My submission is that unless we satisfy labour it is not possible to increase production. My only suggestion—though it is a cry in the wilderness—is that in order to reconcile the conflict of labour and capital, there is no other remedy except to nationalize the key industries. The nation will be with the Government of India if there is a nationalisation of industries. In the surrounding countries we find that after once the economy is broken it is difficult; even the Government of India or the Congress or any other organisation will not be able to improve it. Before it is too late, change the economy of the country. There is no shame or humiliation regarding that. This is a National Government and a Government of the people for the people. Therefore the key industries have to be nationalised. People laugh at the idea because they think it is impracticable but they should see round them; they should see China, they should see Burma and see what is happening there. The only remedy for us is that we should nationalise our key industries; you should have co-operative training in farming. This is not an idea to be laughed at. You will be sorry if you don't change the economy of the country very soon.

Shri Prabhu Dayal Himatsingka (West Bengal: General): I was glad to hear the honourable Minister giving facts and figures about the steps Government has taken to step up production and to help the different industries. I was also glad to observe the note of co-operation that he has struck in the activities of the Government and the suggestion that he has made that Government is going to seek the co-operation of all the interests that count in production.

The present state of the nation's economy is so low that the great mass of people in India are below the subsistence level. Therefore, it is absolutely necessary that to increase the standard of living we should be able to produce more, and produce more as quickly as possible. You will notice that in about 1930 when the then Government promised protection to sugar, sugar factories grew up in the course of two or three years all over the country and our country is now more or less self-sufficient in the matter of sugar. Similarly, in spite of difficulties that were present at the time, cotton mills grew up and the country can get 15 to 16 yards of cloth per head of the population. Similarly other industries also grew up. What is necessary for the Government is to define a planned policy and to encourage various industries and industrialists to come forward and set up factories and take all possible steps necessary to give all possible encouragement and help whenever needed.

If you take the figures of production in our country, you will be surprised to note how far behind we are compared to other countries. I will give two or three cases only. In the United States of America, the *per capita* consumption of textile cloth, including woollen cloth, comes to 90 yards whereas in India it is less than 16 yards. The *per capita* consumption of sugar in America is 120 lbs whereas in India we get only 6 lbs. In paper the *per capita* consumption is 250 lbs whereas in India it is 1½ lbs and out of this 1½ lbs only half a pound *per capita* is produced in India and the rest is imported. Similarly, if you take steel which is one of the requirements which will go to build houses and all other industries, the production in America is 100 million tons per year whereas in India which is more than double in population the production is less than one million—1/100th of the production that you have in America. Therefore, what is necessary for the honourable Minister to do is to give all kind of help to private industrialists and other to set up factories so that we can have more production and quicker production.

At present I find from the report that has been circulated by the Ministry of Industry and Supply that various steps are being taken to place large orders for 136,000 tons of Belgian steel, 2 lakh tons of American steel and so on. My point is that we cannot go on buying these things from foreign countries. We must take steps, and immediate steps, so that we can produce these things in our country. We must not waste our foreign exchange which is available with difficulty, in purchasing these stores. On the contrary all possible steps should be taken to start factories as soon as possible.

There are certain industries which need immediate attention, for instance, the chemical industry and the engineering industry. We are very deficient in these two departments. We have not got much of either fine chemicals or light chemicals or heavy chemicals. Similarly, we have not got many factories producing durable consumer goods from the engineering department. It is necessary, therefore, to give all protection, and the first step that I suggest is that instead of allowing open general licences for import of these things, let high revenue duties be imposed so that if the things come from outside the Government will be able to realise revenue. But in the meantime various people will be able to set up factories and they will get indirect protection so that in course of time we will be able to save our money from going out of the country. I hear at present there is a new kind of economy that is being followed in the Government Departments. Previously, we used to be told that even if a thing costs a little more in our country, we should go in for that in preference to a foreign article. I am told that now that policy is being changed and in the name of inflation, if something is cheaper outside India, that should be purchased in preference to things made in India.

Prof. N. G. Ranga: Where do you get that from?

Shri Prabhu Dayal Himatsingka: That is what I have been told. I find from page 14 of the report that even if the Indian prices were a little higher...

Shri B. L. Sondhi: That goes against you!

Shri Prabhu Dayal Himatsingka: I am glad that the information I had was wrong.

As regards the engineering and chemical industries that I mentioned, they are very difficult to build. They need very costly technicians and people with specialised knowledge. If necessary, Government should come in and help them in getting technicians from outside and give them all kind of help.

We must not forget that it is the industry and commerce that give more than 50 per cent. of the revenue of the Government of India. Income-tax and super-tax and corporation tax come to about 50 per cent. of the total revenue and also customs and other things also come from trade and commerce. If there is prosperity in business, railways also earn more. Therefore, the more we produce in the country, the more we will be able to raise the standard of living of the people and raise more money which can be spent in nation-building departments.

As regards controls, the honourable Minister was pleased to say that they are working satisfactorily. So far as stocks of cloth are concerned, I am told that in Ahmedabad and Bombay they are about six weeks, not four—there may be some difference as to the date for which the facts have been collected, but in any event steps should be taken to reduce the stocks. I am told in Madhya-bharat the accumulation is ten weeks production. The reason is that some of the nominated buyers are not lifting the goods. The instruction which the Honourable Minister said had been issued has not reached most of the mills and steps should be taken to see that it reaches the proper quarters so that it may be effective and the co-operation of persons who could help Government in carrying out their programme of industrialisation should also be invited.

श्री लक्ष्मी नारायण साहू : माननीय शिल्प मंत्री का भावण बहुत अच्छा हुआ। लेकिन मैं इतना कहना चाहता हूँ कि १९१८ ई० में यहाँ इंडस्ट्रियल कमिशन की रिपोर्ट निकली थी। उस टाइम को आज ३० बरस हो गये। और इस टाइम में हिन्दुस्तान के हर एक गांव में जो आदमी रहते हैं उनकी उन्नति हो गयी है या वह गिर गये हैं इसको जब देखते हैं, जब हम यह देखते हैं कि इस तीस बरस में उनकी उन्नति हो गयी है, स्टैंडर्ड आफ लिविंग जिसको बोलते हैं, जीवन का नाप, उसकी उन्नति हुई है या नहीं तो इसका तो कुछ पता ही नहीं चलता।

मैं उड़ीसा देश से आता हूँ। उड़ीसा का प्राचीन नाम था कलिंग और कलिंग का नाम ही है कपड़ा। कलिंग देश इतना कपड़ा पैदा करता था कि सुमात्रा, जावा, बोर्नियो, सब देशों को भेजता था। अब ऐसा हो गया कि उड़ीसा में हमको कपड़ा बाहर से खरीदना पड़ता है। इसके बाद भारत सरकार से “बन्दे मातरम्” शुरू करके हमने कहा था कि हम विलायती कपड़ा नहीं पहनेंगे और हम विलायती कपड़े को जला देंगे तो आज तो विलायती कपड़ा बाजार में बहुत ही ज्यादा है। तो गवर्नमेंट की पालिसी क्या है, नीति क्या है, कुछ समझ में नहीं आता। साल्ट के बारे में उत्कल देश इतना नमक

दानता था कि सारे उड़ीसा प्रान्त को और फिर मध्य प्रान्त को, सी० पी० को भेजता था। ब्रिटिश गवर्नमेंट के टाइम में ऐसा हुआ कि उड़ीसा से सी० पी०, नागपुर, की जो लाइन थी वह रास्ता साल्ट को बन्द करने के लिये बन्द कर दिया गया और इस तरह उड़ीसा का साल्ट का कारबार सब खराब हो गया। आज तो हम भारत सरकार की यूनिट हैं। तो भारत सरकार को ऐसा देखना चाहिये कि हर एक यूनिट, ऊपर को उठे। हर एक यूनिट अगर उन्नति नहीं करेगा तो वह भारत सरकार भी गिर जायगी। तो उड़ीसा में आदमी को खाने को नहीं मिल रहा है। हम लोग यहाँ चिल्ला रहे हैं कि जीवन का नाप बढ़ाना चाहिये और सब लोग कहते हैं कि प्रोडक्शन कम हो गया। तो प्रोडक्शन कम क्यों हो गया यह जरा सोचने की बात है। हमने अपने हर एक देश से काटेज इंडस्ट्री को निकाल दिया है। उसको निकाल देने के बाद हमने जो बड़ी बड़ी मशीनरी लगाई है उससे हमारी उपज और कम हो गयी है। मेरी बात तो आप जाने दीजिये। इस किताब “Danger Spots in World Policy” में यह लिखा है:

“There is very good reason to think that in India the displacement of village and cottage industries by factory work is being accompanied by a real decline in the individual productiveness of large sections of the agricultural population, which constitutes three-fourth of the whole. The industrial development necessarily results in a large amount of unemployment for the artisans of the villages when the customary articles of local manufacture are made in factories.”

इसी से, इस तरह बड़ी बड़ी फैक्टरी बनाने से हम लोगों के जितने ७ लाख गांव थे वह सब बरबाद हो गये। और अब हम सोचते हैं कि जो बड़े बड़े शिल्प हम बनाना चाहते हैं उनमें जैसा कि माननीय शिल्प मंत्री जी ने भी कहा, हम लोगों की पालिसी थोड़ी डीसेंट्रलाइजेशन (विकेन्द्रीकरण) की होगी। क्योंकि केन्द्रीकरण करने से ऐसा हो जाता है कि हिमालय पहाड़ के मुआफिक तो आप के हाथ में पावर आ जाती है लेकिन जब गिर जाता है तो गिरता भी वह हिमालय पहाड़ की तरह है। इसीलिये हम सब को थोड़ा सोच समझ कर चलना चाहिये। इंडस्ट्रियलाइजेशन तो हम सब करते हैं लेकिन मशीनरी वगैरह के लिये हम अमेरिका के पास जाते हैं और उनकी कृपा पर निर्भर रहते हैं।

कपड़ा-फैक्टरी बनाने के लिये कितना कहा गया था लेकिन कहीं भी अभी फैक्टरी नहीं बनी है, एक जगह उड़ीसा में फैक्टरी बनी है और शायद एक जगह दिल्ली में बनी है। दूसरी जगहों के लिये मशीनरी नहीं मिली।

[श्री लक्ष्मीनारायण साहू]

तो जब सन् १९१८ में इंडस्ट्रियल कमीशन बैठा था उसी वक़्त से हम कहते थे कि यहीं मशीनरी पैदा करें और उसी पर ध्यान दें और जितनी मशीनें हम यहां पैदा कर सकेंगे उन्हीं से सन्तुष्ट होकर हम यहां माल पैदा करेंगे। लेकिन हम तो अभी मशीनें अमेरिका से लाते हैं और इस तरह हम उनके गुलाम बन जाते हैं और हिन्दुस्तान में १९०५ का हमारा जो "बन्दे मातरम्" का वादा था कि विलायती कपड़ा नहीं पहनेंगे अब विलायती कपड़ा यहां भर गया है। इसीलिये मैं मंत्री जी का ध्यान इस तरफ़ दिखाना चाहता हूँ कि आप अच्छी तरह से सोचें कि हर एक जाह में काटेज इंडस्ट्रीज़ और स्माल इंडस्ट्रीज़ और हर एक रीजियन में होनी चाहिये। ज़में जिस रीजियन में कपड़ा होता था वहां फिर वैसा कपड़ा होना चाहिये और जिस रीजियन में साल्ट बनता था वहां अब फिर साल्ट बने। यह ख़याल रखना चाहिये। हम तो कहते हैं कि दो चीज़ कपड़ा और साल्ट का ख़याल रखना चाहिये और खाने की चीज़ें तो गांव गांव में होती हैं। यह जितने कंट्रोल हम बनाते हैं सब टाउन के लिये, सिटी के लिये बनाते हैं कि ऐसा हम कंट्रोल नहीं करेंगे तो वहां के आदमी मर जावेंगे क्योंकि वहां पर खाने की चीज़ें नहीं रहेगी। सब आदमी एक दिन में मर जावेंगे अगर खाने की चीज़ें नहीं मिलें। लेकिन गांव में तो कोई नहीं मरेगा क्योंकि गांव गांव में तो उपज करते हैं। इसीलिये मैं चाहता हूँ कि सोच समझ कर हमको सिटीज़ को भी ज्यादा नहीं बढ़ाना चाहिये। हम फ़ैक्टरी बनाते हैं और एक एक जगह में कई बना डालते हैं। इसीलिये हम चारों तरफ़ से घिर जाते हैं और समस्या, प्रोब्लेम, इतनी ज्यादा हो जाती है कि काम नहीं चलता।

सर होमी मोदी ने कहा और मेरे मित्र माननीय त्यागी जी ने भी जो कहा कि एक आदमी को बालबच्चे लेकर रहने का सुभीता नहीं मिलता। लेकिन सर होमी मोदी ने उनका ऐसा जिक्र किया कि एक बरस नहीं रहने में क्या हो जाता है। लेकिन मैं कहता हूँ कि जो आदमी ऊपर में रहते हैं वह तो बालबच्चे लेकर रहते हैं और उनको तो बहुत सुभीता है। लेकिन जो आदमी, लेबरर है वह काम करता है और उसको अच्छा घर, अच्छा मकान, जब रहने को नहीं मिलेगा, वह बालबच्चे लेकर अगर काम नहीं करेगा तो उसको उपज का अच्छा मौका नहीं हो सकेगा और स्ट्राइक ज़रूर होगा। स्ट्राइक का क्या मतलब है? हम लोग यह चिन्ता करते हैं कि काम्युनिस्ट स्ट्राइक कराते हैं। मैं तो कहता हूँ कि काम्युनिस्ट या सोशियलिस्ट कोई कुछ नहीं करते हैं और वह कुछ नहीं कर सकेंगे अगर जो लेबर है उसको

खाने को और रहने को अच्छा मिले। अगर उसको रहने के लिये अच्छा मकान मिले तो आदमी काम्युनिस्ट उसको कुछ नहीं कर सकते। हर एक आदमी चाहता है कि वह सुख से रहे। इसलिये मैं चाहता हूँ कि शिल्प मंत्री जी का जो रीजियन्स की उन्नति करने का ख़याल है मेरे विचार में वह हर एक रीजियन में जिस तरह की इंडस्ट्री चाहिये उस तरह की इंडस्ट्री वहां चलावेंगे।

उड़ीसा के बारे में मैं इतना ही कहता हूँ कि वहां इतनी मछली पड़ी है, इतनी मछली वहां होती है कि उस तरफ़ ध्यान देना चाहिये। हमारे शिल्प मंत्री जी तो मछली खाते हैं, बंगाल वाले तो मछली खाते हैं और हम लोग भी मछली खाते हैं। तो वहां इतनी मछली पैदा होती है उसका कुछ बंदोबस्त करना चाहिये। वहां साल्ट का भी प्रबन्ध होना चाहिये। अभी तो वहां साल्ट ऐसा हो गया कि एक तरह की मनोपरी हो गयी है। हम लोगों ने साल्ट टैक्स उठा दिया लेकिन हमको उससे कोई फ़ायदा नहीं होता है। गवर्नमेंट जब से नैशनलाइजेशन करना चाहती है तो मैं तो चाहता हूँ कि साल्ट का नैशनलाइजेशन कर लिया जाय। और इस तरह बहुत अच्छा काम होगा और सब को फ़ायदा होगा। अभी तो वहां उड़ीसा के रहने वाले उड़िया को कुली मानते हैं। बंगाल में एक लाख उड़िया कुली हैं, बर्मा में आधे लाख हैं, और शायद जमशेदपुर में २४-२५ हजार हैं और उड़िया का नाम ही है कुली। क्योंकि वह ऐसा नीचे गिर गया है कि जब कोई उनमें से उन्नति करता है तो वह अपने को छिपाता है, उड़िया बोलने से कोई कह देगा कि वह कुली है। इसलिये मैं कहना चाहता हूँ कि आप सब यूनिट को एक लेवल पर लाने की कोशिश करें और जो आप स्टैंडर्ड आफ़ लिविंग को बढ़ाने की बात कहते हैं तो उसको बढ़ाने के लिये यह कोशिश होनी चाहिये कि हर एक जगह में छोटी छोटी काटेज इंडस्ट्रीज़, और स्माल स्केल इंडस्ट्रीज़ का प्रबन्ध होना चाहिये। और बाहर से जो मशीनें लाकर हम बड़े बड़े कारखाने बनाते हैं मैं नहीं कहता कि उसको एकदम छोड़ देना चाहिये लेकिन हमारी जितनी ताकत है उसी के अन्दर रह कर उनको हमें यहां बनाना चाहिये। अगर हम ऐसा करेंगे तो इसमें बँलेंस रहेगा। आप अभी जो इंडस्ट्रीज़ बनाते हैं तो एग्रीकल्चर से जो आदमी उसमें आते हैं सो सब वहां से एकदम घर छोड़ कर आते हैं और सब बालबच्चे वगैरह बाहर रहते हैं और जैसा कि इंडस्ट्रियल लेबर कमेटी ने कहा है उसका दिल अच्छी तरह काम करने में नहीं लगता है। इसलिये मैं चाहता हूँ कि मंत्री जी अच्छी तरह से सोच विचार करके इस पाज़िसी को ठीक करेंगे।

(English translation of the above speech)

Shri Lakshminarayan Sahu (Orissa: General): The speech of the honourable the Minister of Industry and Supply was really fine. But I wish to submit

[Shri Lakshminarayan Sahu]

only this that the Report of the Industrial Commission was published in 1918. Thirty years have passed since the publication of the report. When we see whether during this period the people living in the villages of India have made progress or have declined, whether their standard of living has gone up during these 30 years or not, we do not make it out clearly.

I come from Orissa. The ancient name of Orissa was Kalinga, and the word Kalinga itself means "cloth". Kalinga used to produce so much cloth that it was exported to Sumatra, Java, Borneo and other places. Now the condition in Orissa is that we have to import cloth from outside. After this by starting the "Vande Matram" Campaign we had told the Government of India that we will not wear foreign cloth and will make bonfires of the foreign cloth instead but today the foreign cloth is flooding the markets. What the policy of the Government is we fail to understand. As regards salt the country of Utkal used to make so much salt that it was sent to whole of Orissa and then to Central Provinces. During the reign of the British Government it so happened that in order to destroy the salt industry of Orissa the Railway line that connected Orissa with Nagpur in Central Provinces was dismantled and thus the entire salt industry of Orissa was ruined. Today we are a unit of the Indian Government. So it is essential for the Government of India to see that every unit makes progress. If every unit will not make progress then this Indian Government also will fall down. The people in Orissa are not getting even sufficient food-stuffs. We are agitating here that the standard of living must be raised and all the people say that the production has gone down. Why the production has gone down is a matter that requires careful thinking. We have driven out cottage industries from every part of our country. After driving them out we have installed huge machineries and hence our production has gone down still more. Leave aside what I say, but in this book "Danger spots in World Policy" it is written:

"There is very good reason to think that in India the displacement of village and cottage industries by factory work is being accompanied by a real decline in the individual productivity of large sections of the agricultural population, which constitutes three-fourth of the whole. The industrial development necessarily results in a large amount of unemployment for the artisans of the villages when the customary articles of local manufacture are made in factories."

For this reason only, by erecting huge factories our seven lakh villages have all been ruined. And now we think that for the big industries that we want to set up, as was said by the honourable the Minister also, our policy to some extent will be for decentralization. If we successfully centralize we can have enormous controlling power but if we are unsuccessful in centralization it means a huge failure. Therefore we must proceed after due consideration. We all want to do industrialization but for machineries we have to run to America and have to depend upon their mercy.

How much was said about the starting of cloth mills but no factory has yet been installed anywhere. One factory has been installed in Orissa and perhaps one at a place in Delhi. No machinery could be had for other places. Since 1918, when the Industrial Commission was set up, we have been saying that machines should be made here and attention be paid towards this; and whatever machines we would be able to make here, we would produce goods with them only. But till now we import machines from America and thus we become their slaves; and in spite of our promise of "Vande Matram" that we gave in 1905, promising that we would not wear foreign cloth, the foreign cloth has flooded the market. Therefore I wish to draw the attention of the honourable the Minister towards this point and request him to consider that cottage and small industries should be established everywhere and in every region. The cloth industry should be revived in the regions where cloth was

made, and where salt was made salt should again be made. This point must be kept in mind. I say that particular attention be paid towards two things only cloth and salt, because food-stuffs are produced in each and every village. Whatever controls we devise, we devise for towns and cities, because if we would not enforce such controls there, the people living therein would die of starvation because no food-stuffs would be available there. All the persons there would die in a single day if food-stuffs are not procured for them. But nobody would die in the villages because food-stuffs are produced in villages after villages. Therefore, I wish that after a thoughtful consideration we must not increase the number of towns and cities any more. We set up factories and at one place instal several of them. The result is that we become surrounded from all the sides and the problem becomes so acute that it becomes difficult to continue the work.

Mr. Homi Mody said and he was supported by Shree Mahavir Tyagi that one does not even get an opportunity of living there with family and children. But Mr. Mody has also mentioned as to what happens by not living in this condition for a year. But I say that the people who belong to the higher strata of society and live with their families do get a good deal of comfort. But one who is a labourer and who works and toils there, if he would not get a good house to live in, if he would not work and labour along with his family and children then he would not get good chances of making progress and strikes will surely take place. What is the motive behind these strikes? We shout that communists instigate strikes. I do say that the communists or socialists do nothing and they will not be able to do anything provided the labour class was to get enough food and good living accommodation. If he were to get a good house to live in then your communists cannot at all make him do anything. Everybody wants that he may live in comfort. Therefore I wish that the idea that the honourable the Minister of Industry and Supply has for the development of the regions I think that he will set up those industries in a region where local conditions would be suitable.

I would say this much about Orissa that large quantities of fish are available there, and this fact should not be forgotten. Our honourable the Minister for Industry and Supply takes fish; people of Bengal take fish and we also take fish. So much fish is available that some arrangement should be made about it. Proper arrangements for the supply of salt also should be made. The position about salt these days is such that a monopoly has been set up. We have abolished the salt tax but we do not get any benefit out of it. When the Government wants nationalization I do wish that salt should be nationalized, and in this way a lot of good work will be done and everybody will be benefitted. Now the people of Orissa, the Oriyas, are regarded as coolies. In Bengal there are one lac of Oriya coolies, in Burma half a lac, and about twenty or twenty five thousand in Jamshedpur, and the word 'Oriya' has become synonymous with a 'coolie'. They have gone so much down in public estimation that when any one becomes of some importance he conceals his identity lest by speaking Oriya he is called a coolie. Therefore I wish to submit that you should try to bring all the units to one level and whatever you say about raising the standard of living, then for raising the standard your efforts should be that small cottage and small scale industries should be established at each and every place. I do not say that we should by one stroke discontinue the practice of setting up big factories by importing machines from foreign countries, but we should try to manufacture here as many machines as lie in our power. If we would do so then a balance would be maintained. The industries, that you set up these days, attract people from agriculture, they come leaving their homes for good and all of them keep their families away; and as the Labour Industrial Committee has found out they do not set their hearts properly on their work. Therefore I wish that the honourable the Minister would set the policy after a careful and thoughtful consideration.

Shri Basanta Kumar Das (West Bengal: General): The previous speaker laid emphasis on the necessity of having decentralised industries and cottage industries. This morning the honourable Minister gave us a picture of how big industries have been working; but we have not been able to have a picture of how the small-scale and cottage industries have been working in the rural areas. The Government of India when they enunciated the industrial policy in April last, wanted to coordinate the cottage and small scale industries with the big industries, and the Government of India accepted a certain responsibility in respect of cottage and small scale industries. Accordingly, a Cottage Industries Board has been set up and last January the Board resolved that a Central Training Institute be started, an Emporium be started in Delhi, and a cottage industries journal be published. These are steps in the right direction no doubt. But, I am sorry, Sir, that the progress has been so slow. The recommendation of the Industries Conference was made in December, 1947. The meeting of the Cottage Industries Board was held in January 1949. It took one year to formulate a policy regarding cottage industries; I do not know what practical steps have been taken to coordinate the cottage industries with the big industries. I do not know what has actually been done by the provinces. The honourable Minister told us this morning that he does not like to disturb the autonomy that the provinces are enjoying in respect to cottage industries. In spite of industry being a provincial subject, he has thought it fit, and the Government of India has enunciated a policy that they would do something in the matter of industries. It is necessary therefore that the Government of India must take this matter urgently in hand and do something tangible in the field of cottage industries also.

Last year, when we heard our Finance Minister speaking about the Finance Bill, he emphasised the point that we must take to cottage industries to fight inflation. The honourable the Prime Minister also, when he addressed the meeting of the Federation of Chambers of Commerce and Industries, emphasised that point. He said that apart from his conviction as a congress-man, from experience he felt the necessity of cottage industries. I do admit that the Government is aware and that the Government is conscious of the fact that cottage industries should form a very important sector of their industrial endeavours. But, I am sorry that proper attention and proper steps have not yet been taken. I shall take one instance. We have been given to understand that we are importing foreign salt to the tune of one crore maunds and an Experts Committee was appointed to explore the avenues to find where salt could be produced. I know they visited some parts of Bengal where salt can easily be produced and in fact the salt industry in Bengal was a great industry. Bengal used to supply salt not only to the big province when it was undivided but it also exported to many other parts of India. I do not know whether the Experts Committee have presented the final report but what we have come to know is that there are atleast 8,000 acres of land capable of being utilized by the salt industry in one district of Bengal alone and there is a big sea coast still left in Bengal which can also be explored for the purpose. Here is a great necessity of coordination. There are cottagers who used to prepare salt from the very old days. After the cyclone in 1942 the fuel problem has been great and they find themselves in great difficulty to produce salt. The solar evaporation method is not known to them. Government have taken no steps as yet to introduce and to popularise that solar evaporation method among the cottagers. On the one side a big factory may be started in the areas that have already been reported by the Experts Committee and on the other hand these cottagers must be saved and their industry must be saved. Government ought to take immediate steps for these cottagers. Therefore there is great necessity of co-ordinating this big industry and the small-scale industry. Of course, in that part of Bengal, Government have taken no steps for production of salt as yet

[**Shri Basanta Kumar Das**]
but if they try to start any big industry there it is of utmost importance that at first steps should be taken to save those cottagers so that they may have their living from that salt that they used to produce. There are other industries which have no competition in the field like the Mat industry. The Mat industry in one part of Bengal is a very big industry and it has very much dwindled. Government may do many things that can revive that industry and a lot of people can be saved from ruin because this industry is dying. I can name many other industries but my only point is that urgent steps should be taken so that there is a proper co-ordination of the industries. I don't know when the institution that is going to be started will take up the research work and when the training work will begin. A sum of 8 lakhs has been provided in the budget. I consider this sum to be too small. An honourable Member has already pointed out that we have provided so great an amount in the budget for improvement of big industries but only 8 lakhs for cottage industries. This is only for the work of the Cottage Industries Board. I plead that the Government should take the matter urgently in hand and see that the Board begins work immediately and greater sums are granted for the improvement of cottage industries.

Shri B. P. Jhunjhunwala (Bihar: General): From the speech which the honourable Minister for Industries has delivered this morning I find that he has given a very optimistic idea of what will happen in the future but his speech is conspicuous by absence of anything which we can achieve immediately with the available resources, available industries and available other materials in the country. The Minister has said that he has got many big schemes in view, e.g., Steel, Penicillin, Telephone and oil making from coal and other things. He said that for these we shall be expecting plants from abroad and then we shall be manufacturing all these things here. One big example and performance of our Government he has given is that of the Sindhy Factory. While discussing the Industrial Policy of the country, one criterion was taken in view and that was that whether it is a nationalised industry or private industry, that the industry runs economically and with the best efficiency possible. If that criterion is absent from any of the industry, be it nationalised or be it private, I think that industry should not receive any encouragement from Government. Sindhy Factory was conceived by the previous Government. It was in 1946 that this scheme was taken up and at that time it was said that there will be production in 1948 of fertilizers. The scheme which was taken up in hand was according to the report of the Technical Mission, to cost us 10,53,00,000 for erecting the factory, building, machinery and everything and this will produce 3,50,000 tons of fertilizer every year. It is now 1949. Uptil now we don't see a pound of that fertiliser. We are importing every year worth 5 crores or fertilisers from foreign countries and if we take that into account, we have imported uptil now 20 to 25 crores worth of fertilizers.

That is twice the cost of the Capital, Block money required for the Factory, but then Sir, it is the time factor that is the most important one in our country at the present time when we require increased production of foodstuffs, and so fertiliser was of great immediate importance, but this project here has exceeded the time limit very much.

Now let us come to the expenditure that has been incurred. A question was put regarding this and the honourable Minister for Industry in his reply in June 1948 said that till now 4.01 crores of rupees were spent, out of which Rs. 0.54 crores on buildings, and Rs. 1.02 crores on machinery. That means, Sir that a total of Rs. 1.54 crores has been spent on capital goods and construction. What happened to the remaining sum? 2.5 crores was not accounted for.

1292

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

[9TH MARCH 1949]

[Shri B. P. Jhunjhunwala]

We do not know how or where it has gone, or how it has been spent. No further report has been given or placed before us. The point I am trying to bring forward is that this report of the technical mission said that fertiliser could be supplied at half the cost at which we are importing it from abroad. But even now how much it will cost, we do not know. We do not know what will be the production cost. At the time when the site for this factory was selected at Sindhri, near Dhanbad, there was no question of bringing gypsum from as far away as Jodhpur. Just look at the enormous cost we have to incur in bringing it all the way from Jodhpur to Sindhri and then distributing the fertiliser all over the country.

The Honourable Dr. Syama Prasad Mookerjee: At that time the idea was to get gypsum from even a greater distance, from West Punjab.

Shri B. P. Jhunjhunwala: Then Sindhri was a very wrong selection. I should say.

The Honourable Dr. Syama Prasad Mookerjee: For that we are not responsible.

Shri B. P. Jhunjhunwala: Even if you are not responsible still a sum of two or three crores of rupees was not much in view of the running cost and consequent increase in cost of production, a different site could have been selected.

The Honourable Dr. Syama Prasad Mookerjee: That is a different question.

Shri B. P. Jhunjhunwala: No, that according to me was a very important question. Well, Sir, I was saying that there were other proposals also before the Government at that time, proposals which could have led to production of fertilisers within two or three years. But all these proposals were rejected and this one scheme was taken up. A wrong selection was made in the matter of site for the factory. The cost of production is certain to go up. If our industries are going to be run in this way, our nationalised industries, I do not know where we shall stand.

In the beginning I was saying that there was nothing tangible by which we can say that we shall have production soon in this country. As has been said by so many speakers, the small industries, the cottage industries can produce a lot of things. Indeed there is nothing in our day to day necessary consuming of goods which they cannot produce and which are produced by the big industries. Go to the many resettlement and re-employment sections and areas and you will find people there employed in making so many different things. All sorts of tools and tackles and all materials necessary for small scale industry are being produced there. Our Industry Minister said that there was a conference of the Provinces, and they discussed this matter at that conference. I had expected that apart from the fact, that we had appointed this board and that committee, that in view of the fact that there is so much demand for greater production of consumers goods and in view of the fact that if we had turned our minds towards cottage industries and production on a small-scale decentralised system, we could have placed before the country and before the provinces concrete suggestions, with some such plans and shown to the provinces how to organise small-scale industries. The immediate problem before the Industry Minister should be how to organise these small-scale industries, and produce more and that has not been done.

Shri B. L. Sondhi: That is a provincial matter.

Shri B. P. Jhunjhunwala: But if the provinces do not organise these industries, then the Centre should show them the way to do it, and also, if necessary, take up the small-scale industries. That will not be interfering with the provinces at all. The Centre should tell the provinces and give them the target that this much should be produced in your province and ask them why it is not produced there. To say that it is a provincial matter and sit idle is, I am afraid, shirking the responsibility of the Centre. Sir, I was just saying that the immediate problem before our Industry Minister should be to see how small-scale industries can be organised in the different provinces. Let him give the provinces the names of these industries, and how they should be started, and how the products should be stocked and marketed and all that. There are many people—middle class people—who are employed in these small-scale industries. They must be given financial and other encouragement. If this is done, the production is certain to go up. During the war time, it is not through big industries alone that the Government was able to meet the requirements. So we must not be satisfied only with these future big schemes. We have to take recourse to the small industries which can give us immediate result and have to see that the existing industries be they private-owned or nationalised give the maximum result.

श्री आर० एल० मालवीय: मैं एक ऐसे क्षेत्र से आता हूँ, जहाँ कोयले की खानें ज्यादा हैं, और इन कोयले की खानों में मैं इंडियन नेशनल ट्रेड यूनियन कांग्रेस (Indian National Trade Union Congress) के कार्यकर्ता की हैसियत से पिछले दो सालों से काम कर रहा हूँ। कोयले की खानों में जैसी हालत है, उसको देखते हुए यह जरूरी मालूम होता है कि मैं वहाँ की दिक्कतें हाउस के सामने रखूँ, और माननीय मिनिस्टर साहब के सामने वह दिक्कतें पेश करूँ, ताकि वह दूर हों। यह कहने की जरूरत नहीं है कि कोयले की उत्पत्ति हमारे देश के लिये कितनी जरूरी है। जहाजों, रेलों और कल-कारखाने सब उसके बल पर चलते हैं। मगर यदि हम देखें, कि उत्पत्ति कितनी हुई है और इन कल-कारखानों को पूरा कोयला मिला है या नहीं, तब हमें पता लगेगा कि हमें इस बात की बड़ी जरूरत है कि कोयले की उत्पत्ति बढ़े, और कल-कारखानों को पूरा माल मिले, जिससे हमारा उद्देश्य कि देश में हर एक चीज की उत्पत्ति बढ़े, पूरा हो। मैं इस रिपोर्ट के ३२ आइटम्स (Items) में से केवल तीन-चार आइटम्स बतलाता हूँ, जिनसे पता लगेगा कि कारखानों की मांग कितनी थी और इनको कोयला दिया कितना गया है। रेलों की मांग एक करोड़ सात लाख चौत्तीस हजार चौरानवे टन थी, और उनको मिला है अठासी लाख नौ हजार तीन सौ सैंतीस टन। स्टील इंडस्ट्री को (allot) किया गया था तीस लाख चवालीस हजार छै सौ टन और उसको मिला है पच्चीस लाख पच्चासी हजार सात सौ इक्तीस टन। कपड़े की मिलों के लिये मांग थी उन्नीस लाख अड़तालीस हजार आठ सौ चौबीस टन की और उनको दिया गया है सोलह लाख अठानवे हजार अठारह टन। इसी

[श्री० आर० एल० मालवीय]

तरह से सीमेंट फैक्टरीज की मांग थी नौ लाख दस हजार दो सौ टन की और उन्हें मिला है छे लाख सात सौ चौतीस टन। इससे साफ़ जाहिर हो जाता है कि कल-कारखानों को जितनी जरूरत थी उतना कोयला उन्हें नहीं मिला है, जिसकी वजह से उत्पत्ति कम हुई है। इसके साथ ही साथ मैं एक बात और मिनिस्टर साहब के ध्यान में लाना चाहता हूँ। और वह यह है कि कोयले की खानों में जो concessions और जो सहूलियतें गवर्नमेंट ने मजदूरों को दी हैं वह सहूलियतें शायद किसी दूसरी इंडस्ट्री को नहीं हैं। जितना ज्यादा रेट बढ़ाया गया है, मालानों की अच्छी सुविधा दी गई है, और welfare fund खोलकर जीवन की और दूसरी सुविधायें दी गई हैं, उतनी सुविधायें किसी दूसरी इंडस्ट्री को नहीं मिलीं, इस पर भी हम यह देखते हैं कि कोयले की खानों में आये दिन strikes हुआ करते हैं। सन् १९४७ में strikes से एक करोड़ सतालीस लाख और ४८ में स्ट्राइक से ६९,३६,१५३ दिनों का नुकसान हुआ था। मैं यह नहीं कह सकता कि इसमें कोयले की खानों की हड़तालों से कितने दिनों का नुकसान हुआ, मगर जनाव मेरा कटु अनुभव है और मैं जानता हूँ कि कोयले की खानों में हड़तालें हुई हैं और उनसे देश का बड़ा भारी नुकसान हुआ है। अब इसके सबब की तरफ मैं हाउस का ध्यान आकर्षित कराना चाहता हूँ। गवर्नमेंट ने सन् ४७ में बिहार और बंगाल के लिए Conciliation Board बिठाया था और (C. P.) सी. पी. के लिए (Fact Finding Committee) बिठाई थी। इन दोनों ने मजदूरों को जो सहूलियतें दी थीं, इनकी वजह से कोयले का रेट भी निश्चित किया गया था और बिहार में साढ़े तीन रुपया फ्री टन व मध्यप्रान्त में तीन रुपया फ्री टन कोयले का रेट बढ़ा दिया गया था। कोरिया के क्षेत्र में जहां से मैं आता हूँ व जहां कोयले की खानें हैं, वहां यद्यपि गवर्नमेंट की खानें हैं, वहां भी एक रुपया दो आना फ्री टन की तरक्की दी गई थी। मगर इतनी तरक्की मिलने के बावजूद हम यह देखते हैं कि वहां strikes हुआ करते हैं। इसका सबब क्या है? इसकी वजह यह है कि खानों के मालिकान जो एवार्ड्स (awards) कन्सिलियेशन बोर्ड (Conciliation Board) ने या फैक्ट फाइंडिंग कमेटी (Fact Finding Committee) ने दी है और जिनको कि गवर्नमेंट आफ इंडिया ने ऐप्लाई (apply) कर दिया है, उनको वह ठीक तरह से नहीं मानते। मैं अपने क्षेत्र की बात जानता हूँ कि कन्सिलियेशन आफ़ीसर व इन्स्पेक्टर आफ़ माइन्स (Conciliation Officer and Inspector of mines) ने मालिकों को बड़ा

समझाया और उन से एवार्ड्स (awards) को मनवाने की बड़ी कोशिश की है। मगर उनके बहुत कोशिश करने पर भी उन्होंने मानने से इन्कार कर दिया है और कई बातें ऐसी हैं जो उन्होंने नहीं मानी हैं। मुझे दुःख के साथ कहना पड़ता है कि ऐसे बड़े बड़े लोगों में जो एवार्ड को नहीं मानते हैं, कर्मचन्द थापर और विरला जैसे आदमी हैं। मैं यह अर्ज करना चाहता हूँ कि जितनी कोशिशें मजदूरों की तरफ से एवार्ड मनवाने के लिये हुई, उस में से एक भी कामयाब नहीं हुई। उसका सबब यह है कि उन एवार्ड्स में कोई ऐसा बन्धन नहीं है, कोई ऐसा provision नहीं है जो कि इन मालिकों को मजबूर कर सके, इन एवार्ड्स को मनवाने के लिये। कन्सिलियेशन आफ़ीसर (Conciliation Officer) जाता है, इन्स्पेक्टर आफ़ माइन्स (Inspector of Mines) जाता है, वह सिर्फ़ उनसे अर्ज कर सकता है, समझा सकता है। इसके अलावा वे और कुछ नहीं कर सकते, और नतीजा यह होता है कि मालिक मानने को तैयार नहीं होते। मुझे कहना तो बहुत था, सभापति महोदय, मगर घंटी बज चुकी है। इसलिये जल्दी-जल्दी दो-तीन बातें मैं अर्ज करना चाहता हूँ। मुझे असली शिकायत और सब से बड़ी शिकायत चीफ़ माइनिंग इंजीनियर (Chief Mining Engineer) के आफ़िस से है। चीफ़ माइनिंग इंजीनियर का दफ़्तर कलकत्ते में एक सरकारी दफ़्तर है, मगर मुझे दुःख के साथ कहना पड़ता है कि जितनी वेत-रतीबी इस दफ़्तर में है, वह किसी प्राइवेट दफ़्तर में भी नहीं है। लोगों के हिसाब वर्षों के पड़े हैं, हिसाब तय नहीं होते। छोटे-छोटे कन्ट्रेक्टरों के हिसाब तय नहीं होते। टेकों की मंजूरी महीनों नहीं आती। ग्रेन शाप में जो चीजें मिलनी चाहियें, उन चीजों की Sanction ठीक-ठीक नहीं आती और इसका नतीजा यह होता है कि मजदूरों में असंतोष है और वह हमेशा हड़ताल के लिये तैयार रहते हैं। मैं आपको एक उदाहरण बतला दूँ। अक्टूबर सन् ४८ में ऐसी परिस्थिति आ गई थी कि कोरिया के क्षेत्रों में, गवर्नमेंट की कोलरीज में कुली सरदारों को बन्द कर दिया गया। इसकी वजह से मजदूर हड़ताल करने पर तैयार हो गये। मैंने जब चीफ़ माइनिंग इंजीनियर को २ अक्टूबर को एक तार और तारीख ४ अक्टूबर को एक चिट्ठी भेजी। उनका आज तक जवाब नहीं आया। और यह तार व चिट्ठी मैंने छत्तीसगढ़ कालरी वर्क्स फेडरेशन के सभापति और इस हाउस के मेम्बर की हैसियत से भेजी थी। उसका भी कोई जवाब नहीं। मैं नहीं जानता कि दूसरों के खतों का क्या होता होगा, दूसरे

[श्री० आर० एल० मालवीय]

जवाब पाते हैं या नहीं, मुझे तो नहीं दिया गया। मैं यह अर्ज कर देना चाहता हूँ कि यह हालत है कलकत्ते के चीफ़ माइनिंग इंजीनियर के दफ़्तर के अफ़सरों के कारण। उन्होंने उस दफ़्तर की हालत दिवालिये की दुकान जैसी कर दी है। न तो वहाँ कोई हिसाब देने वाला है न कोई ठीक वक्त पर बात सुनने वाला है, न देखभाल करने वाला है नतीजा जो इसका होता है उसका पता स्ट्राइक के रूप में लगता है।

एक बात आखिर में मैं कहना चाहता हूँ और वह मजदूरों के लिये है। मजदूरों को जो सुविधायें दी गई हैं उनका नतीजा यह होता है कि जो रुपया उन्हें ज्यादा मिलता है, उसका उपयोग वह शराब में करते हैं, या जुआ में और या दूसरी-दूसरी वदेमाशियों में। मैं यह अर्ज कर देना चाहता हूँ कि लेबर वेलफेयर फंड (Labour Welfare Fund) की आमदनी जो कोयले के (Loss) के रूप में काटा जाता है, उससे सोशल एजुकेशन (Social Education) के लिये भी खर्च किया जाना चाहिये। अभी तो वह मलेरिया आदि में खर्च होता है। इंडस्ट्री और लेबर दोनों को मिल कर इसके लिये कोशिश करनी चाहिये।

(English translation of the above speech.)

Shri R. L. Malviya (C. P. and Berar States): I come from a place which is predominantly a coal-mining area; and I am working in the coal-fields as a functionary of the Indian National Trade Union Congress for the last two years. Keeping in view the conditions prevailing in the coal mines, I feel duty-bound to place before the House the difficulties existing there and explain them to the honourable Minister so that, these may be removed. It is needless for me to emphasize as to how far the production of coal is necessary for our country. Ships, Railways, and all industrial undertakings are run with coal. But if we see as to how much quantity has been produced, and whether or not, the coal requirements of these industrial undertakings have been met with, then we will find that we are faced with a dire necessity to step up coal production, and make available to the industrial concerns adequate supply of this commodity, and thus achieve our object to increase the production of every article in our country. Out of 32 items of this Report, I would refer to only three or four from which it would be found as to what was the demand of the factories vis-a-vis the quantity of coal actually supplied to them. The demand put forth by the Railways amounted to 1,07,34,094 tons, against which 88,09,337 tons were supplied to them. The Steel Industry was allotted 30,44,609 tons but actually 25,85,731 tons were supplied to them. The demand made by the Textile Mills was 19,48,824 tons, whereas these were supplied 16,98,018 tons. Similarly the Cement Industry demanded 9,10,200 tons but actually 6,00,734 tons were supplied to them. From this it is quite apparent that the industrial undertakings were not supplied the same quantity of coal that was required by them and on account of which there has been a fall in production. Along with this, I would like to mention one thing more for the information of the honourable Minister and that is that the concessions and facilities which the Government have provided to the labour employed in the coal mines has not perhaps been granted to any other industry. Despite the fact that the wages

GENERAL BUDGET—LIST OF DEMANDS

1297

have been considerably increased, more housing facilities afforded and other social amenities provided by starting the 'Labour Welfare Fund', and that no such facilities have been given in any other industry, there are still frequent strikes in the coal mines. During the years 1947 and 1948, 14,717,303 and 6,936,153 man-days were lost respectively on account of strikes. I cannot say as to how many man-days were lost on account of strikes in the coal mines, but, Sir, it is my bitter experience and I know that there have been strikes in the coal mines which have adversely affected the country. Now I would like to draw the attention of the House to the causes leading to such strikes. During the year 1947, the Government had constituted a Conciliation Board for Bihar and Bengal and in the case of C.P. set up a Fact Finding Committee. After taking into account the facilities which were given to the labour as a result of the recommendations made by these two Committees, the price of coal was fixed, and it was increased at the rate of Rupees three and a half and Rupees three per ton in Bihar and C.P. respectively. Even in the case of the Korea mining area from where I come, the rate was increased by Rs. 1/2/- per ton, although the Government have got their own collieries there. But in spite of all this increase in the wages, we find that still there are strikes. What are the reasons for this? This is due to the reason that the colliery-owners have scant regard for the awards given both by the Conciliation Board and the Fact Finding Committee which the Government of India have accepted and made applicable. I know the case of my own area where the Conciliation Officer or Inspector of Mines tried his best to impress upon the Colliery-proprietors the necessity of compliance to the award. But in spite of their best endeavours, they refused to accept it and there are so many other things to which they have not agreed. I am constrained to say that big persons who do not honour the Award are men like M/S. Karam Chand Thapar and Birla. I would like to submit that none of the efforts so far made by the labourers to get the award implemented have fructified. This is due to the reason that these awards do not envisage any compulsion nor do enjoin upon these proprietors to accept the provisions thereof. Both the Conciliation Officer and the Inspector of Mines approached them. They can only stress upon them and beyond this they cannot do anything, and ultimately what happens is, the proprietors are not amenable to accept this. Sir, I had to say a lot but the bell has rung. Therefore, I would like to say two or three things hurriedly. The most genuine and serious complaint which I have got is against the Office of the Chief Mining Engineer—which is a Government office located at Calcutta. But I am deeply pained to say that the chaotic state of affairs which prevails in this office will not perhaps be round even in any private office. The accounts of private persons are pending for the last so many years—these are not settled at all. The accounts of petty contractors are not settled. The sanction to the contracts is not communicated for months together. The sanction to the supply of authorised commodities at the grainshops is also not properly accorded. This consequently results in discontentment among the labourers and they always keep themselves in readiness for going on strikes. I would quote an instance. During October, 1948, a situation had arisen in the Korea mining area—where the Government have got their own collieries—when the system of the appointment of Cooly Sardars was abolished; and as a result of this the labourers threatened to proceed on strike. I sent a telegram to the Chief Mining Engineer on the 2nd October, and subsequently wrote to him a letter on 4th October, but no reply to this has been received as yet. This letter I had written in the capacity of the President of the Chattisgarh Colliery Workers Federation and a Member of this House. No reply to this even has been given. I am not aware as to what actually happens with the letters addressed by other persons—whether they get any reply or not—at least I was never given any reply. I would like to submit that this is all due to the Officers working in the Office of Chief Mining Engineer, Calcutta. They have reduced the condition of that office to that of a bankrupt's shop. There is none there who can render the accounts

[Shri R. L. Malviya]

or look into the matter at the proper time and exercise proper supervision. All these factors culminate in strikes.

Lastly, I would like to say one thing more, and, that is, in respect of the labourers. The concessions which have been given to the labour often result in their spending the additional amounts thus received by them in drinking, gambling and indulging in other vices. I would suggest that a part of the contributions made towards the Labour Welfare Fund which are recovered in the form of a levy of Coal-cess should also be spent for the social education of the labourers. At present this is being spent on Malaria operations only. Both the Industry and the labour should make joint efforts in this respect.

Shri C. Subramaniam: High compliments and in my view well-deserved compliments, were paid to the honourable Minister for Industries to-day. May I tell you, Sir, the secret of his success and popularity? He took care to consult the Standing Committee attached to his Ministry in all important matters, whether it be a matter of policy or the implementation of a policy. Even before a matter went to the Cabinet for decision, he called us and had our views on the matter, so much so it could not be said later on that the Cabinet had come to this view and therefore we are unable to change it. He has had as many as fifteen meetings of the Standing Committee during the current year, which I think is a record for any Ministry.

The enunciation of a policy, however important and necessary it might be is a comparatively easy matter. But the achievement of a Ministry lies in the implementation of that policy. Viewed from that aspect, the Ministry of Industry and Supply is a grand success. That is my view, having come to know intimately the affairs in that Ministry, being a member of the Standing Committee attached to that Ministry. To-day the control of the Government extends to the entire field of industry. There is control on the import of machinery, there is control on the procurement of raw materials, there is control in the distribution of various essential articles and there is control of prices. But if these controls are to be worked effectively and expeditiously in the industrial field I would commend the suggestion made from various quarters to the honourable Minister, namely the formation of a high power development board consisting of men trained in business and in management. The Civil Service, however efficient it might be, with its training and tradition in red-tapism, in my view is not equal to the task of tackling industrial problems. It is only persons with experience in the industrial line who would be able to deal with the day to day problems which arise in the field of industry.

The next point I wish to touch on is about the working of the cloth control. Even the honourable Minister agreed that there was a certain amount of stagnation of goods in the mills. Sir, I come from a town which is a centre of the textile industry in South India. When I was returning from Madras last week representations were made to me that in one particular mill alone whose paid up capital was about 6 lakhs or so, Rs. 35 lakhs worth of yarn was lying unmoved. That was the case in various other mills also. On an average in Coimbatore about ten weeks of production is lying unmoved. There is the difficulty of finding the finance and not only that they have to meet the insurance charges. Further there is the question of storing them properly. They have to meet all these expenses and they are finding it a great strain. The honourable Minister said that it has now been ordered that if the goods are not moved within a month the millowners could sell them or distribute through other trade channels. But there is a certain lacuna in this. When a certain allotment is made there are various varieties and some varieties could be sold at a profit and some only at a loss. As far as the agent is concerned, the agent who has been nominated by the provincial government, takes the most profitable variety and leaves the variety which would prove a loss to him. Therefore when a millowner is asked to nominate an agent later on, to take those unmoved goods

that agent would have to take delivery of the variety which would sell at a loss. I do not know how this difficulty could be met. Perhaps the only way to meet this would be to ask the Government agent to take over the entire allotment or leave it. Of course in the working of this policy there are likely to be some difficulties. For that matter we would find difficulties in any scheme or system.

The cloth control has to be looked from another aspect, viz., control of cotton. You would have seen from the papers that the millowners of the Textile mills at Coimbatore have already given notice that they would have stop production, at any rate they will have to stop one shift at least and give the labourers a partial holiday for want of cotton. This is a very serious matter. In fixing the price of cotton also there has been many inequities. The millowners of Coimbatore say that even at the existing yarn price they could pay Rs. 100 to 115 more than the ceiling price per candy for the local cotton available there.

There is one other aspect which is to be considered: when cotton is controlled, the *kapas* is not controlled, so much so the mills which are unscrupulous can go into the market and purchase *kapas* at any rate they like. That means that the control of cotton price is effectively circumvented and that puts the law-abiding mills at a disadvantage.

The next point which I would like to mention is about the handloom industry. Thanks to the control system, at every remote village cheap mill cloth is made available. Therefore the handloom industry is finding itself at a disadvantage. If we want to protect that industry—and that is an industry in which about 2½ million workers are involved and about 10 million are dependent upon that for their living—the only course is to allow that industry to export its products without any restriction. They have a good foreign market but on account of the restrictions imposed they are unable to export the cloth to foreign countries. I know a time limit has been fixed during which unrestricted export could be made but even after this period unless the handloom industry is given unrestricted scope for export, I can tell you, it will not be able to survive.

There are only two more points and then I am done. With regard to the disposals many complaints have been made that there is a lot of stagnation. But if we take a realistic view of it we will find that it is mainly due to the fact that the entire goods have been frozen by the Relief and Rehabilitation Ministry. I was surprised to find that not only goods which would be useful for them but even aircraft, wireless transmitters and parachutes were frozen—I do not know for what purpose; and they were not allowed to be sold. It took sometime to release even those things. Unless the Relief and Rehabilitation Ministry acts expeditiously and releases goods we cannot blame the officials. We cannot blame the department saying that there is stagnation and that nothing is being done.

In this connection I would like to make one suggestion. The goods have got to be classified into categories—useful articles, likely to be useful articles and articles which would not be of any use to us. Articles which would not be of any use to us should be disposed of expeditiously whatever be the price, because the longer you store it the greater the expense incurred on it. Besides deterioration takes place in those articles. As far as articles likely to be useful are concerned an investigation should be made as to what are useful and those that will not be useful should be disposed of. In fact I know that there is some such scheme in the offing but a decision should be made on the scheme very soon.

The last point is about match factories in the South. About 121 factories in Tenkasi in Tinnevely District have closed down and I also hear that the Mysore Match Factory is following suit because of the competition in the industry and export of this article to Pakistan is banned. Unless as in the case of cement zonal distribution is arranged it would not be possible for the industry to survive.

I hope the Honourable Minister will take these points into consideration and give the necessary reliefs.

Dr. P. S. Deshmukh (C.P. and Berar: General): It is certainly true that the Honourable Minister's speech has removed the edge of criticism or the pointedness of it and it is no wonder that my honourable friend Mr. Tyagi found the wind taken out of his sails. None theless when we hear profuse compliments being paid by a man like Mr. Homi Mody the House and the country gets a bit suspicious.

My first complaint Sir, is with regard to the inadequacy of time to deal with a Ministry of these dimensions. There are so many committees, there is the work they have done and then in addition there are so many boards. If you look at the report copies of which have been provided to us you will find that there are as many as 26 development committees. And these do not coincide with or include the Silk Board, Coffee Board, the Tea Committee, the Tobacco Committee the Cottage Industries Board, and other bodies that have been set up. It is difficult within the time allotted to us even to make an adequate preface to a discussion of an important Ministry like the Industry and Supply. But even so I must to the task. I can imagine how difficult it must be for the honourable Member faced with the work of these committees and all that they stand for to evolve a really co-ordinated plan which will be put forth and executed in the shortest possible time. Having gone through the whole material presented to us I feel I can but barely state my conclusions and my final views about it. I feel that there are far too many committees, for too many boards and there is lack of forceful action about which some of us feel like complaining. I, for one feel that the complaint is justified. An instance has already been given by my honourable friend Mr. Jhunjhunwala as to how a factory like the one at Sindhri has taken inordinately long to come into existence. I also feel that there is no proper co-ordination between the various Ministeries. The Honourable Minister told us that some of the Ministers meet occasionally and that although there is no Planning Board or the Planning Commission in existence they always try to co-ordinate their plans. I think there is much room for improvement in this direction because I find there are schemes worth crores of rupees—hundreds of crores of rupees in fact—which some of the Departments and Ministries are busy formulating and trying to give effect to in an independent and isolated manner. I have not been able to find much trace of the fact that all these schemes are co-ordinated. For instance I may just mention that there is a scheme for land reclamation being formulated by the Ministry of Agriculture. That scheme is likely to cost near over Rs. 150 crores. There are schemes with which our Honourable Minister for Works, Mines and Power is busy. They are also estimated to cost crores. There are electrical factories, tractors, fertiliser machinery, fishing boats and what not that is required. And it appears to me that all these things are going on not as part of a concerted plan of development but in their own fashion unrelated to anything else. Nor is there the intensity of effort or the driving force behind them which it is absolutely necessary there should be. Although after hearing the Honourable Minister's speech one feels that he is earnest about his work and that he has been able to put in considerable energy into the process of industrialisation of India yet I feel it is possible to intensify the work and achieve better results. I would like him to bear in mind that "reconstruction and development are a war in the reverse gear; they should be worked on the very same principles". I am sure nobody in the world is going to wait for our industrialisation. If we delay and take more time than is necessary we will be faced with the same problem as we are faced with in other industries, namely, we will have to maintain our industries at the cost of our people. We will have to ask our people and force them to buy only Indian things even if the foreign things are available for one-fourth or one-eighth of the price. This sort of calamity, Sir, should not be permitted to overtake us. If we want to encourage our own effort and production—we may and should give the Indian effort as much protection as possible. But the necessity for such protection should be minimised by intensified effort and by taking quick action. (Shri B. Das: 'Like

sugar.') My honourable friend is perfectly right. That was exactly the instance I had in view but I wanted to save time and it was for this reason that I had omitted the mention of it. There are so many things I would have liked to point out. But for want of time all that I can do is to merely summarise what I feel and what I wish to suggest.

I would like now to take up the question with which I am most familiar and which intimately concerns us the residents of Berar; and that is the price of cotton and the cultivation of cotton. I can assure the Honourable Minister that if he can decide forthwith that the price of cotton will be economical to a cultivator and will be such as to make it worth while for the cultivator to grow cotton that many of his difficulties will disappear. (I can promise him that the deficit with which he is confronted will never be there at any rate not so baffling. The Central Provinces and Berar where I come from is principally a cotton growing area. Provided the agriculturist is assured that he would get a proper price there will not be so much need of importing so much cotton. At the present time the Honourable Minister knows that statistics have been given by no less a body than the Indian Central Cotton Committee itself that the present prices of cotton are unreasonably low. The Indian Central Cotton Committee have passed the same resolution twice, but the Government has yet to awaken itself to the needs of revising and raising the prices. Secondly Sir, is no earthly proportion between the prices of textiles and the prices of cotton. This has been demonstrated with facts and figures which are borrowed from none else but the government departments themselves; and yet I regret my honourable friend has not been able to take steps to increase the prices of cotton. Actually the merchants are paying more than the prices fixed by him. If that is correct and no merchant is a fool that itself shows the true position, viz., that the textile prices are proportionately much higher as compared with the prices of cotton. The textile industry as every body knows, is not running at any loss although my honourable friend Sir Homi Mody might have certain suggestions to make on behalf of that industry. I am sure textile industry is on its proper legs now. We do not want to harm it. At the same time we do not want them to be faced with a lack of supply of cotton. This should be remedied by taking necessary remedial action immediately. If this action is not taken then my honourable friend will I fear not even get the cotton that he is getting this year. He will get much less. In fact, the Berar agriculturist, as I had mentioned before, is absolutely on his last legs and if you do not assist him in the right way by giving him good seed and manure free of cost he will be ruined. If you do this you will get more cotton and there will be no necessity of importing any cotton on such a large scale. We are importing cotton at a rate which we are not prepared to pay to our own people. That is the tragedy of the whole situation. We are importing at an enormously high rate from outside. Our own cultivators are complaining that this is not a rate at which they can grow the stuff and yet, Sir, we have not awakened ourselves to the need of increasing the prices.

My friends tell me that so far as coal is concerned the price has been fixed instead of there being a ceiling price. There is a suspicion, I may tell my honourable friend quite frankly that this fixed price policy in the case of coal has been brought about to protect the Bengal coal which is said to be of inferior quality. I would request my honourable friend to look into this matter.

The Honourable Dr. Syama Prasad Mookerjee: The prices were fixed long before I came.

Dr. P. S. Deshmukh: Then it is time to revise them. Coal in these days of scarcity of fuel has become a necessity of the common man but we find that it is sold in Delhi at Rupees seven per maund. That was at any rate the price I found in the Bengali Market. I thought that at least the Bengali Market would get a lot of coal from Bengal at a cheaper rate.

[Dr. P. S. Deshmukh]

I wanted to refer to a lot of other questions, for instance the question of private enterprise *versus* nationalisation. So far as our present state of industrialisation is concerned I feel there is ample scope both for nationalisation as well as private enterprise. In respect of large scale industries for which private enterprise is not prepared to come forward Government should make haste and establish them. While the smaller and medium sized industries may be left entirely to private enterprise. There is also said to be a conflict between cottage industries and industrialisation. Here also I feel there is a lot of room for co-ordination and adjustment. At the present time when we are in need of so many articles of daily use there need not be any fear that our cottage industries will go down or that industrialisation will annihilate them. There is ample room for production through cottage industries and it should be possible for my honourable friend, as indeed he has in mind, to encourage the growth of cottage industries along side the establishment of large scale industries.

I wanted to say a couple of words about the Disposals Policy of Government. Whatever explanation my honourable friend has given I must say frankly it does not satisfy me. Either he or the Defence Minister must stand guilty so far as the disposals policy is concerned. Otherwise they must be subscribing to a tenet that by keeping goods longer they improve its quality. There are tons and tons of food stuffs that have gone waste. My honourable friend said when we were asking supplementary questions that there was no inefficiency in his Department, no waste and no loss. I would like to ask him how many tons of food stuffs have gone waste simply because of the disposals policy and in not disposing it in the proper manner and at the proper time.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Pandit Thakur Das Bhargava (one of the Panel of Chairmen.).]

The whole market is full of them when it is utterly spoilt. They should have been the first articles which should have been disposed of. Similarly about textiles. What to speak of vehicles? There was a time a couple of years back when there were no vehicle available. The whole country was clamouring for cars and buses. And yet we found thousands and thousands of vehicles standing in the rain year after year with nobody to look after them. Even if the two Honourable Ministers who sit near each other had given these vehicles to some people or the other they would have served a highly useful purpose without detriment to any one. And if this Government did want them they always have the power of taking anything from anybody. They have recently taken over for the Hyderabad crisis motor cars and jeeps that belonged to private individuals because they wanted them for the necessities of the State; they could have done absolutely the same thing so far as all these vehicles standing in Deolali and elsewhere were concerned. They could have been put on the road and could have been utilised by the people and they could have been utilised by the Defence Ministry or the Industry and Supply Ministry if and when they needed them.

Sir, I am afraid I do not like the way in which democracy or parliamentary Government is being worked by us. I feel very strongly that there should be more time and better opportunity to ventilate the peoples grievances so that the feeling may not grow that those in authority are themselves the public opinion and therefore there is no use of listening to anybody. It is necessary in order to educate public opinion that there should be more time for Members to speak; otherwise before we come to the point, the time is over. You are in a haste. Of course, Sir, it is not your fault. Probably it is nobody's fault. But the fact remains. There is also a somewhat humorous suggestion made by some of our friends. The suggestion is that—we are now speaking only according to the list and we have to wait for our names to be called—but in days to come the Chief Whip will give us only transcribed manuscript to read out and then ask us to go home.

Shri Sita Ram S. Jajoo (Madhya Bharat): I offer my heartiest congratulations to the honourable the Minister of Industry and Supply. His morning speech was so lucid, clear and impressive that it has disarmed most of the criticism against his Department. A young man like me feels much gratified and elated when he hears a national Minister of his country give him a picture, in which not only for the day but for the future also, he shows a very bright and rosy picture and says that we have turned the corner, and that our industrial that we can be proud of that achievement. As a representative from an Indian progress is put on right lines so that we will be industrialised very soon and State, I feel all the more that we must make haste in that direction.

We people in the Indian States are much grateful to our honourable the Deputy Prime Minister for his great achievement of consolidating and unifying the Indian States. By achieving that great task he has brought the down-trodden people of the Indian States on par with the provincial people or on par with other people living in this vast country. But when we see that there is a little lack of co-ordination, lack of such treatment which we expected so far as the industrial policy or other economic policies are concerned, we feel a little constrained that we must in all humility complain to you that this way it does not help us in the Indian States.

I would like to say a few words on quotas. As regards the allocation of quotas from the Industry and Supply Department, we feel that a fair deal is not being meted out to the Indian States. I come from Madhya Bharat and in Madhya Bharat since the formation of the Union, that is the 18th June, 1948, we have not received the cement quota nor have we received the iron and steel quota. Whatever used to be the iron and steel quota for all the 22 States individually, in the Madhya Bharat it has been not allotted to us now. Whereas formerly the quota used to be 650 tons now only 495 tons have been allotted. On the one hand our great Deputy Prime Minister has consolidated our States and allowed us to take the advantage and share the benefits of our joining the Indian Union, on the other hand we see that even our due quota is reduced! The reason given is lack of co-ordination in certain Departments of the Government of India, particularly the Transport Department. The reason is lack of wagons. But here too I have got a confession from a Government officer who says that whereas private individuals can get the wagons the Government officials cannot. Any way, most humbly I would like to draw your attention to this fact with the confidence that this will be remedied very soon.

I am further glad that much has been done or is being done for the improvement of the handloom industry. But I would like to point out that the handloom industry can be divided into two parts; one which utilises the hand-spun yarn and the other which uses not the hand-spun yarn but the mill made yarn. In this respect I would request you to be very careful about one thing that the yarn is distributed in the rural areas according to their needs and that it does not go in the black-market.

As regards controls, according to the dialect in my part of the country, control is called *kanth rog* which means disease of the neck. I agree corruption is there in controls but one thing can be done and that is that the human touch which the honourable Minister possesses in abundance could be imparted to some extent in the control authorities there; if this is done I think 70 per cent. of the troubles will be removed and only 30 per cent. will remain. For that too, if a little industry is put in the officers there and a check is put on the evil practices there, I think that 30 per cent. also can be removed.

As regards salt which is an essential commodity of human consumption and we struggled hard against a foreign Government for the removal of the excise duty on salt under the leadership of the Father of the Nation Mahatma Gandhi, and other leaders like our present Prime Minister and Deputy Prime Minister. But today we find ourselves in a very difficult position that salt

[Shri Sita Ram S. Jajoo]

has become scarce in the rural areas. I would request the honourable Minister to allocate a certain quota for rural areas just as he has done in the case of iron and steel where he has allotted a certain quota for agricultural purposes. In the rural areas salt is consumed by the cattle as well, but what to talk of the cattle when it is not given even for human consumption? Also, there is a huge disparity in prices on the border areas of one Union of States and another Union or a Province. You say that you have been doing all that is possible. I do not deny that. I have full confidence in you, but this is the only place and you are the only person to whom I can go and complain about; otherwise there is no use.

So far as the allocation of these quotas is concerned, you are following a policy of carrying coal to New Castle. If cloth is produced in one place, that cloth is not given to that region but is sent to some other region and another cloth is brought from other regions to that region. I will give you the case of cement. We are producing cement at Bamor in Madhya Bharat, but the Bamor cement is not given to Madhya Bharat but to some other region. Similarly in salt, salt produced in Dharangadhara in Saurashtra is not given to the neighbouring areas but to U.P. and Bihar and similar is the case with salt from Sambhar and other places. I can understand that this may be the policy chalked out not by the present national Government but by the previous foreign Government, but it is high time that it is revised in such a way that the disparity and inconvenience are removed as soon as possible. We see that our basic industries are being carried on towards nationalisation lines, but we see that chemical industry which is another necessity is not being developed in any way. Certainly sulphur drugs, penicillin and some other things are being developed here, but other things are not being developed in the same way. Medical aid is a primary necessity of human life and majority of people in India are from rural areas, so if a little attention is paid to the development of our Ayurvedic medicines, I think much will be achieved.

As regards controls, I wish to point out that in regard to iron and steel and cement the stockists are not nominated by provincial or State governments, but are nominated by the Controller at Calcutta. He does not know the antecedents of the local dealers and these people do not care for the provincial or state governments because they are appointed by him. I think in that respect a little more co-ordination and consultation with provincial and state governments is necessary.

As regards coal, we see that because we cannot supply coal to the general people, vast jungles are being cut down and the wood is converted into charcoal. We hear that forests are our wealth and they must be preserved at all costs, but due to lack of attention in this matter these forests are being wasted and destroyed.

As regards disposal, I would say that the criticism going on in the public is too much. But I am sure that the honourable Minister for Industries and Supplies is himself conscious of the defects and shortcomings of this branch of his Department and he has stated in his speech that he will look into these things and mend them. I have every confidence that this will be done.

As regards cotton, there are restrictions on its movement from one part of the province to another and also from one province to another province or one Union of Indian State to other Unions. On account of these things, there are very great difficulties in developing industries.

One thing more, and this is an important thing on which I would like to lay stress. There are so many potentialities and chances for industrial development in the Indian States. The British Government for their own political purposes did not give due attention to this subject. I expect, not

only I expect but feel confident that our National Government will try to explore ways and means and send their technicians and experts to the States to look into their industrial development and what possibilities there are. I know of places where cement industries can be started easily and also places where cotton grows in abundance but there are no mills. There mills can be installed and many things can be done.

Shri R. K. Sidhya: I have very little time at my disposal. So I will hurriedly give some figures relating to disposals which are very interesting in this connection. When the British left they left with us Rs. 233,73,70,572 worth of goods—book value. We know how scandalously managed was the disposals under the British Government. They took away the best machinery, best aeroplanes, best motor trucks, best motor cars, for a song. I have been putting interpellations on this subject and this session it was disclosed that one plane was sold for Rs. 25,000 whereas its value was Rs. 2 lakhs, and an European who was responsible for it has absconded. In another transaction the British Government sold away 3,000 motor trucks worth about Rs. 7,500 each for Rs. 2,500. Now what is the position? Up to January 1949 we have made sales of Rs. 154,43,23,375. That leaves a book value balance of Rs. 49,30,47,002. But what is the actual position? While book value sale is Rs. 154 crores, the actual cash sale is Rs. 85,06,82,043; in other words, a definite loss of Rs. 69,36,41,527. I do not know what remedy the Minister has got for this loss of Rs. 69 crores brought about fraudulently by the British Government in the book value. This is as far as the British goods are concerned.

As regards the American surplus, I really cannot understand what the total amount is. The honourable Minister in his booklet supplied to honourable Members says that up to end of December 1948 we have disposed of goods worth Rs. 64 crores, but he could not enlighten us about the amount actually left by the Americans. It however appears that it was something like Rs. 224 crores—book value. There is one consolation in the American goods. I find that under an agreement with the U.S.A. up to 50 million dollars, value of goods sold, come to us; there will be no charge to U.S.A. Over and above 50 million dollars, half will remain with us, and the other half would not be claimed by U.S.A. but will be disposed of according to the decision of Government of India. I will quote the speech made by the honourable Minister in the last session. This is what he says:

"In fact, the agreement reached between India and United States is, whatever is sold up to 50 million dollars will remain with India. The U.S.A. will have no claim whatsoever up to 50 million dollars. Whatever is sold beyond 50 million dollars, half of it will go to U.S.A. and half will remain with India. Now the value of the half which will go to the share of the U.S. Government will not be taken to U.S.A. but will be spent on some purpose which will be beneficial to India in consultation with the Government of India.

"We have already sold American stocks worth more than 50 million dollars and my information is that the share due to U.S.A. is somewhere between 5 and 6 crores of rupees in other words, this amount which is bound to increase in the months to come is available for use in India for a certain beneficial purpose."

Now I want to know from the honourable Minister as to what beneficial measure—betterment of industry or labour—he has devoted this money for. Where is that money shown? I have seen the Budget receipts and I do not find any entry, except perhaps if it is included in "Miscellaneous". I should like to know where this money is credited and what happened to it. What are the beneficial items on which it has been spent and how much has been spent or has it been kept in reserve. What is the position? I want to know the exact position. At least as far as this matter is concerned, I may tell him that we are spending 1,10,44,000 Rupees on the salary of the staff of the Disposals Department. I would urge on him, if we are to go on in this manner, where will this lead to. I can tell him there are thousands of

[Shri R. K. Sidhva]

articles in Bombay which are unsaleable. There are thousands of scarfs which were meant for military purposes whose book value is Rs. 3-2-0. They cannot be sold for even two annas. There are neck ties, thousands in numbers whose book value is Rs. 3 and I am told they cannot be sold for even few annas each.

The Honourable Dr. Syama Prasad Mookerjee: No one uses neck ties nowadays.

Shri R. K. Sidhva: Yes, in that case it is better they should be disposed of soon. Why do you keep them? Why are you keeping them and incurring overhead charges? If you keep them, you have to have a godown and keep a number of men to look after the goods and pay them salary. My complaint is that there are so many articles which are unserviceable. I can give the instance of the naval articles which the naval people do not want. I mention the instance of electrical goods which are of 110 volts, and commercially they are not wanted. There are millions of buttons which the naval people do not want. Dispose them so that heavy overhead charges which are growing every day would be saved. I would therefore suggest to the honourable Minister to fix a date for closing this department; say, before the end of 1949, all these goods must be disposed of.

As far as the Relief and Rehabilitation Ministry is concerned, I do not know from where my friend Mr. Shiva Rao brought the figures the other day that it was only a few thousands Rupees of goods that the Relief and Rehabilitation Ministry purchased. My information is that from October 1947 to January 1949, the Relief and Rehabilitation Ministry has purchased goods from the Disposals of the value of 1,13,84,000 Rupees, of which textiles alone account for 76 lakhs of rupees. I think that information was not correct. The Defence has purchased goods worth Rs. 20 crores. There is a ban that before disposing of any goods, the Relief and Rehabilitation Ministry should be consulted, that the Defence Ministry should be consulted and that the provincial Governments should be consulted. My point is this. They take a lot of time in answering the enquiries. I would request the honourable Minister to screw them up that they must give their decision without delay. Unless he fixes the time limit, these people will never come to any decision. We know their wheels move slowly. I would like the honourable Minister to see that a dead time line should be fixed for the disposal and this sum of Rs. 1,14,00,000 spent on staff, should at least be saved. Whatever be the book value and whatever be the sale value of the goods, and whatever the loss: at least dispose of all materials, so that this sad chapter be closed once and for all. As I said already, I would like to know the latest position with regard to the receipts from disposals, that I have raised, where the money has gone, is it credited somewhere, or is it reserved or earmarked.

About the manufacture of salt, several of my friends have spoken. I have also received a copy of the representation which has been presented to the honourable Minister that the Darangadhra Salt industry is now producing large quantities of salt, that some zonal region has been fixed and that about 50,000 tons of salt is lying in stock since long, but no arrangement is made for removal. These people used to supply to Bihar and U.P., that they have now been asked to supply to different places with the result that neither Bihar nor the other people are getting the salt and the salt is lying there.

Another factor, Sir, a representation has been made by the Gandhi Irwin Salt Manufacturing Association in Tuticorin a copy of which has been sent to me which is really worth considering. It says that under the Agreement and under the recent communique issued by the Government of India in April

1948, anybody who had only ten acres could manufacture salt in pans or by boiling brines. I understand that another communique has been issued recently whereby this concession has been withdrawn. I would like to be enlightened whether that is correct. The communique says, "with reference to the press note dated 23 April 1948, it is further clarified that if more than one small factory of less than ten acres are grouped in a particular area and the total acreage exceeds ten acres, the manufacturers shall have to get a licence before they can go on manufacturing salt in the said area and they will be subject to the regulations governing the licensing of factories." Formerly, no licence was issued for 10 acres and under; nor did they come under the Factory laws. I would like to know if this is true. It would be breach of the arrangement that had been arrived at.

I should like to refer to one point before I sit down. I fail to understand why there should be dearth of salt. I have some knowledge of production of salt in Karachi. It is a very simple process of manufacturing. A canal from the sea has to be constructed and in a natural process in pans, it could be manufactured by ordinary persons. Karachi was producing best white salt. Every fortnight a chartered steamer used to carry that salt to Calcutta. We have got miles of sea shore in Bombay, Kathiawar and Madras. No heavy expenditure is required for the manufacture of salt. Why not introduce this simple process and produce salt at once? This simply surpasses my comprehension. I do not know where the difficulty is. If we had no sea shore, I can understand. Madras has got a very long sea shore; similarly Bombay and Kathiawar. I would request the honourable Minister to bear this in mind and see that sufficient salt is produced and not depend upon imported salt.

The Honourable Dr. Syama Prasad Mookerjee: I am thankful to the members of the House for the general support extended to my ministry. I welcome the criticisms which have been made. Many of them are based on insufficient information. I am sure if I had the time, I shall be able to satisfy the members with regard to most of them.

With regard to some of the matters which have been raised, I would like to take them together instead of dealing with each point individually. I shall take first Mr. Jhunjunwala's remarks about Sindhri. This is one of his hardy annual. I thought from what I had said this time, at any rate, there will be some appreciation from him if not from anybody else. Now, what is the position with regard to the Sindhri factory? When we came into office on 15th August 1947, the progress of construction made at Sindhri—I have calculated—came to about one-fortieth of the total project. Today, we may claim that we have completed about three-fourths of the construction. If Mr. Jhunjunwala, in spite of this, says that this being an industrial undertaking directly under Government, Government have failed to produce any results, I can only feel sorry for him.

With regard to the actual cost of construction, obviously, it has gone up by nearly about six or seven crores on account of the increased cost of plant and machinery and also the general rise in the cost of living. Today, we are importing fertilisers and we are paying about Rs. 300 per ton. Even taking into account the higher cost of production, which has become more or less inevitable, I expect that we will be able to sell fertilisers from our factory at the rate of Rs. 200 per ton, which will be Rs. 100 less per ton than the imported price, which comes to five and a half crores a year.

With regard to gypsum, undoubtedly, the area was fixed by the previous Government; we are not responsible for the site. But I do not want to be unfair to the previous Government either. I have gone through the records. It appears that various considerations were taken into account. There was the question of availability of coal, of power, of gypsum. Taking all things into consideration, apparently, the previous Government decided to situate it in some part of Bihar. Of course, whether

[Dr. Syama Prasad Mookerjee]

it could have been sited elsewhere or not, is a matter which is very difficult for me to answer. I have invited Mr. Jhunjhunwala that he should personally visit that area and see how the work is being done and if there is anything which is open to objection, where improvements could be effected, I shall be the first person to accept suggestions coming from any quarter. I hope it will be possible for Mr. Jhunjhunwala to accept my invitation, at least before the next budget discussion takes place.

Next, I shall take up the Disposals. I thought I had explained the position sufficiently clearly. We did pass through very difficult times since 15th August, 1947. I am not blaming the Relief and Rehabilitation Ministry; far less can I blame the Defence Ministry. Circumstances took such a turn that a ban had to be imposed on the sale of goods. That ban has now been withdrawn and I have said that according to our present calculations, we will be able to dispose of at least 75 per cent. of our stores in the course of 1949. Mr. Sidhva asked about the huge amount of money which is being spent every year—1-1/2 crores. Perfectly true, but he being a master of facts and figures, why did he not take the care to inform the House that since we came to office, the expenditure has been reduced by nearly a crore of rupees. It used to be 2-1/2 crores and now it is 1-1/2 crores. I feel it stands, at any rate, to the credit of this Government that we have reduced the annual expenditure by a crore of rupees. That would have been a complete statement of facts to which we are accustomed from Mr. Sidhva. Mr. Sidhva rightly drew the attention of the House to the arrangement by which India retains the first 50 million dollars of the proceeds of American Disposals and half of whatever is realised in addition. That is perfectly true and the statement which he read out is entirely correct. The five crores I mentioned would represent the total divisible sum after we have taken the 50 million dollars. About two crores of this has already accrued and that is kept in Suspense Account. Neither the Finance Minister nor myself have transferred it to any other Banking Account. It is there in the coffers of Government.

Shri R. K. Sidhva: What about the 50 million which was given free to us?

The Honourable Dr. Syama Prasad Mookerjee: That, I believe, has been swallowed by the Finance Minister and it has been added to our revenues. A separate item has been shown with regard to this sum in the Suspense Account. The amount due to the U.S. Government will be spent by them in India for beneficial purposes in consultation with us. The utilisation of our share is a matter on which we have not come to any decision and it will have to be considered not by my Ministry alone but by the entire Government. And speaking for myself and without committing the Government in any way which I have no right to do at this stage, my proposal would be to transfer the entire sum which is at our disposal for the development of cottage industries in India. Instead of frittering this away for various purposes in different parts of the country, we can straight off start a fund which will be exclusively devoted to the development of rural areas, particularly through cottage industries.

Prof. N. G. Ranga: In fact we have absorbed three crores.

The Honourable Dr. Syama Prasad Mookerjee: So far as the position of handloom is concerned, we are fully aware that some help has to be given to this industry. Now we decided that we would allow free export upto end of June 1949 to all countries except Pakistan. With regard to Pakistan we fixed it at 50 million yards provided it came out of the total quota allotted to Pakistan. I received representations from various parts of the country that on account of this restriction it has not been possible for any handloom cloth

to go to Pakistan because Pakistan is not prepared to take anything within its allotted quota of mill-made cloth. For this reason we have now decided that this 50 million yards of handloom cloth will be allowed to go to Pakistan outside the quota fixed for that country. But here I would sound one note of warning. I have told the representative organisations of Handloom industry and particularly I have impressed upon Professor Ranga who has very often discussed this matter with me that while no doubt Government will do everything possible to allow export of handloom cloth in sufficient quantity, we must now evolve a scheme whereby more of handloom cloth may be produced which will be usable in India. It is no use the handloom weavers saying that they can produce only *lungis* which will be usable in Pakistan. After all this country also wants cloth. We are having cloth shortage in many parts of the country and it will be desirable for the handloom industry not to come to us every year and say that there is a large accumulation of cloth which is unusable in India and therefore we should allow it to be exported. We should devise the scheme in such a way that while some quantities will be exported in any case, a larger quantity should be available for use by the people of this country.

Babu Ramnarayan Singh: Will anything be done towards production of *Khadi*?

The Honourable Dr. Syama Prasad Mookerjee: So far as *Khadi* is concerned, in the new Textile Advisory Board which I have appointed I have included representatives of producers of *Khadi*, and I have suggested to them that they might give us a scheme which will enable Government to make an experiment in some selected areas so that production and distribution of *Khadi* may be popularised. But of course as the honourable Member knows the difficulty is, that this production is not economical, and without some sort of subsidy you cannot compel people—unless they voluntarily wish to use *Khadi*—to purchase it. But I have asked them to give me a scheme which I shall be prepared to consider at any rate for the purpose of making an experiment with regard to particular areas.

Now with regard to cotton Dr. Deshmukh has rightly spoken about the serious position. But here I would ask the honourable Members of the House to bear one thing in mind. No doubt those who have spoken have spoken genuinely in the interest of the cultivators but we often find much crocodile tears being shed for cultivators by middlemen and exploiters who made crores and crores during decontrol period. Now what is the position today? We have not fixed any price for *kapas*. *Kapas* is completely decontrolled. Even in C.P. and Berar *Kapas* is selling at a fairly high price. I am told it is selling at 300/- whereas the price of cotton which we have fixed should not justify its sale beyond 250/-. The control price relates to cotton which after being ginned is sold by the merchants. Here there is no central control of cotton. Under the present law the Central Government cannot issue any legal orders. We may request the provincial Governments to pass uniform laws in relation to all provinces. That is a very unsatisfactory state of affairs but unfortunately that is the constitutional position. With the approval of the provinces, we propose to come up before the next session of the Constituent Assembly for amending the Constitution and making cotton a centrally regulated commodity. But meanwhile we have suggested to provinces that they should pass cotton licensing orders and believe me it has taken the Central Government nearly three months before all the provinces could be persuaded to pass one kind of law which will be applicable throughout India. My young friend spoke for the Indian States. I quite appreciate his anxiety and enthusiasm but there were States which declined to pass these orders and only after I could get pressure to be put upon them by the States Ministry, they came and passed the orders.

Shri Sita Ram S. Jajoo: I want that there should be no pressure from the States Ministry but your own pressure should be there.

The Honourable Dr. Syama Prasad Mookerjee: Sometimes my pressure is not sufficient and Sardar Patel's is necessary. With regard to the provinces, to-day I got a telegram from Pandit Shukla that C.P. has promulgated the licensing order which will come into force from 15th March. Now the various provinces in India and the States have the jurisdiction to requisition cotton from merchants wherever they consider such requisition necessary. But we cannot say that whatever was done, has very much touched the cultivators. Mr. Karimuddin has gone away, but he also shed crocodile tears about the sad plight of cotton cultivators. He also said that production of cotton has gone down because of control order. That is a most amazing statement. It could not have gone down. There was no control previously and then cotton was selling at exorbitant prices. The cotton available now was sown long before the control order was promulgated. I agree with Dr. Deshmukh that before the next session starts, the Government of India must finalise their policy. I intend to invite representatives of provincial governments, also merchants and cultivators so that after a full discussion we may fix a price, a reasonable price, which will be fair to the cultivator, and also will be just to the consumers in the country.

Dr. Deshmukh referred to coal prices. I am sometimes accused of many things. But I never knew till now that the coal prices fixed were benefiting specially Bengal. He may believe me that this is the first time that I learn, that that is the position. I have not fixed the coal prices. They were fixed long ago and on expert report. Now the position is that we have coal prices fixed at certain levels. They are not ceiling prices. There have been representations made to the Government of India with regard to coal for brick-burning—low-grade coal—suggesting that we should sell them at lower prices. There were certain collieries who are prepared to sell the stocks at lower prices. But that represents only about five per cent. of the total coal production of the country. So Dr. Deshmukh should understand—he is not easily misled—that this agitation is going to benefit no large portion of the industry but only five per cent. of it. We have also received representations from the smaller collieries that if we allowed coal to be sold at lower prices, the small collieries would go out of existence. I was at one time in favour of removing the fixed prices and turning them into ceiling prices. We discussed it in the Cabinet, and we decided that it is an unsafe step to take at present, when the whole future of the coal industry is under examination. The present level of prices is under examination. We are rather late in giving effect to the recommendations of the Indian Coal Fields Committee. We must have a National Coal Commission appointed which should be able to take complete charge of the coal industry. This is a matter which cannot be dealt with departmentally. For that purpose legislation is necessary. I am hoping that by the time the next Session of the legislature sits, we shall be able to place before the House a comprehensive Bill to regulate and control the production and distribution of coal in the whole country.

With regard to salt, I know that Mr. Sidhva is an authority on this subject. And without disclosing any secret I may say that I am going to appoint an Advisory Committee on salt and I am going to put Mr. Sidhva on it so that his knowledge and experience may be available not only to this House but to the whole of India. Now, with regard to salt, we have got a zonal scheme of distribution. This has come into effect from 1st January, 1949. This zonal scheme has been undertaken mainly at the request of the Transport Ministry which told us that unless we helped them to rationalise distribution of salt throughout the country, it was impossible for them to help. We consulted all the provinces. I did not want this scheme to come into operation without taking the view-points of the various provinces, and also the States. Practically all of them said that we should go ahead with the scheme. So we have

given effect to it for the last two and a half months. One net result of it is that to-day every day about 80 wagons or more of salt are moving throughout the country than what was the case before the zonal scheme came into operation. It may be that some merchants have been affected, or that there is some accumulation in some areas. But we are watching the situation very carefully, and next time when we revise the scheme, we shall certainly see to it that all the defects in it are removed. If there are large accumulations, say for instance at Dharangdhara or Bombay, some special orders should be issued for their proper distribution. I have not seen the Tuticorin memorial, but if the Tuticorin people are the friends of Mr. Sidhva, I may tell him that much of Tuticorin salt is bad, and people refuse to accept it. That salt ought to be improved. I have said that instead of importing salt, I shall give preference to salt manufactured in India, and we are prepared to do so, provided the salt is acceptable to the consumers. It was remarked that we have not made any progress since last year. In salt alone, I may tell the House that production has increased by more than twenty per cent. from 1947 to 1948, and I thought some appreciation would be forthcoming. But probably the gentlemen do not eat Indian salt and so do not appreciate the result achieved. It is the policy of Government to see that India should be self-sufficient in salt by the year 1951. We are going ahead with our schemes. We have already got two interim reports and I hope to have the final report also ready very soon. Members of the House know that India on an average consumes less salt, than other progressive parts, in the whole world. We used to consume *per capita* 12 lbs. But now we have increased it to about 14 lbs. We hope to supply much more, if the transport position improves.

Some suggestion was made by Mr. Das, "Why not do something for manufacture of salt in Bengal?" Here, I should like to impress one matter on Members of the House. They cannot expect the Government of India to take up every industry throughout the country, either finance it or organise it. On the one hand, there is the cry, do not nationalise. On the other hand, Government are asked to do everything. We cannot have it both ways. Government are prepared to give every possible help. I have told the West Bengal Government that they should set up a concern with the help of experts for the purpose of producing large quantities of salt in Midnapore area. Last time when I was there, I found certain schemes had already been evolved, and I hope something will be done in that respect soon. So far as the States are concerned, I agree that we should be able to give equal treatment to their requirements just as we are doing with regard to the Provinces. In future we will consider the point of view of the States in arranging the allotments. Of course, there are difficulties like transport, and distribution arrangements into the details of which I do not propose to enter here.

One question was raised, and that was about our import and export policy. That is a matter which will be dealt with by my honourable friend the Commerce Minister when the debate on Commerce Budget takes place. But speaking as the Minister in charge of Industry, I would just say one thing. It is the duty of the Government to see that the import policy does not operate in such a way as to hit hard or kill Indian industries. But at the same time, Indian industries will never be able to develop if they continuously desire to rest on artificially restricted imports. Some one mentioned the difficulties of bicycles. So far as bicycles are concerned, I gave the figures some days ago. We produce in India to-day only about ten to twelve per cent. of the total requirement. The prices of imported bicycles are much higher than those manufactured in India. If even then it is said that we should not allow the import of bicycles, that obviously is a matter which it will be very difficult to accept. One other point has been accepted, and the honourable the Commerce Minister will no doubt explain it in greater detail. Whenever any protection is asked for for any industry, it should be referred to the Tariff Board,

[Dr. Syama Prasad Mookerjee]

After there is a full enquiry made by the Tariff Board it will be the policy of the Government, wherever possible to act in accordance with such recommendations. If during the interim period it is felt that without waiting for the Tariff Board's recommendation some positive steps should be taken even then the Commerce Ministry and Industry and Supply Ministry will sit together and consider each case on its merits. We are constantly re-examining and revising the lists and I am sure with the co-operation of the Commerce Ministry we will be able to evolve a system which will be to the good of the industry as a whole.

Shri H. V. Kamath (C.P. and Berar: General): Firstly, may I ask, whether the Hindustan Aircraft Factory, Bangalore is going to work under the joint control and co-ordination of the Industry and Supply and Defence Ministries in view of the importance of aircraft for defence; and secondly, whether there is a proposal to effect economies in this Department by shifting offices like the Directorate of Statistics and similar offices from Simla to Delhi?

The Honourable Dr. Syama Prasad Mookerjee: My friend has taken me in one breath from Simla to Bangalore. But I shall try to answer him.

So far as the Hindustan Aircraft factory is concerned, certain useful suggestions were made by Mr. Krishnamoorthy Rao. There was one mistake in his statement. At present the number of workers who are engaged to-day is not 3,000 but 6,000. We have been able to increase our total output of work and we have been able to engage more hands. We expect to receive larger orders from the railways for the building of railway coaches. We have acted according to programme. I just asked Dr. Matthai, who was then the Railway Minister, whether any announcement was made that 300 coaches would have to be delivered last year. That is not correct. We had orders of 100 only. We manufactured them according to programme. Even now there is some idle capacity left and the question is how to utilise it. One possibility may be that we will allow small industries to grow up in the place, but experts who have visited the factory have spoken against it. They say that our object should not be to start small things and thus compete with others. Our object should be to concentrate on producing aircraft and also some big subsidiary things, like railway coaches. I may tell the House of one scheme which I have in contemplation, namely, the building up of motor-bus bodies. We are in touch with some big manufacturing firms in England, and I believe we shall be able to utilise much of this idle capacity for producing motor-bus bodies and if we get an additional order from the Railway Department, that will absorb much of the idle capacity.

So far as Shri Kamath's question is concerned, there is no question of placing the factory under the joint control of the Defence Ministry and the Industry and Supply Ministry. That factory is now being controlled by a private company, of which the two shareholders are this Government and the Government of Mysore. The representatives of the Government of India are Mr. J. R. D. Tata and myself; and the representative of the Government of Mysore is Sir Ramaswami Mudaliar. There is no question of the Defence Ministry coming in. But we have two technical committees there. We have a committee consisting of representatives of the Railway Ministry, of the Communications Ministry and of the Defence Ministry, who examine the programme which we make and give us a report as to the progress made. Separate to that, we have a special technical committee, represented mainly by the Defence Ministry. In fact, the Defence Ministry has sent a special officer who is sitting there at the factory, and he is watching the progress of the work. They are constantly in touch with its activities and whenever necessary I myself meet the representatives of the Ministries concerned in Delhi. In this way we are trying to co-ordinate our activities.

With regard to the offices in Simla, the office of the Director of Statistics, we have suggested, should be brought down to Delhi because it interferes with our progress of work. The Economy Committee has made a similar recommendation, but there I shall be in the hands of my friend, Shri Gadgil. I shall have to make him agree before it can be accepted.

I shall only say a few words about the point raised by Mr. Sahu. The fact that I called the first meeting of the Cottage Industry Board at Cuttack showed that I was anxious that a smaller province like Orissa should be given prominence. Mr. Sahu complained about want of cloth in Orissa. He may be surprised to know that Orissa is one of the Provinces that has been asking me month after month not to send mill-made cloth.

Shri Lakshminarayan Sahu: I was complaining about imported cloth.

The Honourable Dr. Syama Prasad Mookerjee: That is really a factor which does not count. India is producing 4,000 million yards of mill-made cloth and 1,500 million yards of handloom cloth and we are importing only 50 million yards of cloth. So there is no question of imported goods coming in and being dumped to such an extent that our indigenous industry may disappear.

Shri Lakshminarayan Sahu: I was talking of the rehabilitation of the weavers in Orissa.

The Honourable Dr. Syama Prasad Mookerjee: So far as that is concerned, I have offered, and I offer here again as much yarn as Orissa may want, which I shall arrange to be sent to Orissa from Coimbatore and other places. But Orissa is not able to absorb more than it can digest.

I shall conclude by saying this. I have heard some compliments from Mr. Mody and also I have heard some compliments from others. But I would like to say that the policy which the Government of India have accepted is not a policy of sacrificing India's economic or industrial interest to any section of the people. We have not sacrificed the interests of the country to the industrialists. Those who spread such statements outside, either do so deliberately or through ignorance. The policy that we have adopted envisages complete and full control by the Government of India with regard to all the important industries in the country. My friend, Mr. Mody, spoke of the draft Bill which has been prepared. It stands to the credit of industrialists like Mr. Mody, Mr. Birla and Lala Shri Ram, and also to Labour leaders like Mr. Khandubhai Desai and Mr. Ashok Mehta whom we invited to get the benefit of their advice, that they felt that in this national crisis it is the Government and the Government alone who should be vested with those wide powers for the good of the people as a whole. When the Bill comes to you, you will see that the powers the Government propose to take are of a drastic nature. No industrialist need be afraid so far as the present Government are concerned. We do not wish to exercise those powers to the detriment of any section of the people provided they play the game. Why is it that the industrialists have a bad name? It is because of the fear which is in the minds of the people that they may profiteer more than they are entitled to do. But today that question of making larger and larger profits is receding into the background. Many industrialists find it difficult to carry on. If Government are satisfied there will be no undue profiteering, and if labour gets what is its due, if a standard of fair wages is adopted, and if production goes up with the mutual co-operation of all, I am sure there will be none in this country who should object to the policy of the Government of India. We are passing through a period of transition which is truly critical. We do feel that the only solution that lies before us is to increase our production. We may talk about inflation, but unless we can produce more and distribute equitably at reasonable prices so that the mass of the people may be benefited, this Government will have no right to exist as a

[Dr. Syama Prasad Mookerjee]

Government. We are proceeding towards that end. And with that end in view we venture to ask for the co-operation of all industrialists, labour people belonging to all political organisations and also the public generally. Undoubtedly it is not the Government of India alone that can work miracles. We have to work with the machinery which we have in our hands. That machinery needs remodelling. That machinery is not suited always for exercising those large powers which Government desire to take upon themselves. We have also to work through the machinery of the Provincial Governments. When people talk about control, and about blackmarketing, obviously it does not depend only on the officers of the Government or on Government agencies only. It depends also on the standard of morality and the outlook of the people themselves. If there is a determination on the part of people; whatever their politics may be, to act fairly and justly, if we want to save this country in this crisis and do not want to see repeated here China, Burma or Malaya, the only way in which we can act is to maintain industrial truce and to carry on vigorously the policy which we have enunciated, which I feel is fair, just and equitable to all concerned and is intended to serve the best interests of our motherland.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 23, 57,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Industry and Supply'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 3,91,95,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Industries and Supplies'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 1,29, 50,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Salt'."

The motion was adopted.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Thursday, the 10th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDING OTHER THAN QUESTIONS AND ANSWERS)

Thursday, 10th March, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

CRIMINAL LAW (REMOVAL OF RACIAL DISCRIMINATIONS) BILL

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): Sir, I move for leave to introduce a Bill to provide for the removal of certain existing discriminations in favour of Europeans and Americans in the criminal law of the Provinces of India.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the removal of certain existing discriminations in favour of Europeans and Americans in the criminal law of the Provinces of India."

The motion was adopted.

The Honourable Sardar Vallabhbhai Patel: Sir, I introduce the Bill.

MERCHANT SHIPPING LAWS (EXTENSION TO ACCEDING STATES AND AMENDMENT) BILL

The Honourable Shri K. C. Neogy (Minister of Commerce): Sir, I move for leave to introduce a Bill to amend the Merchant Shipping Act, 1894, and to provide for the extension of the laws in force in the Provinces of India relating to merchant shipping to Acceding States and for certain other matters.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Merchant Shipping Act, 1894, and to provide for the extension of the laws in force in the Provinces of India relating to merchant shipping to Acceding States and for certain other matters."

The motion was adopted.

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

GENERAL BUDGET—LIST OF DEMANDS—contd.

SECOND STAGE—contd.

Mr. Speaker: The House will now take up the Demands for Grants in respect of Works, Mines and Power. I shall therefore place those Demands before the House.

DEMAND No. 8.—IRRIGATION (INCLUDING WORKING EXPENSES), NAVIGATION, EMBANKMENT AND DRAINAGE WORKS MET FROM REVENUE.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 12,15,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works met from Revenue'."

DEMAND No. 23.—MINISTRY OF WORKS, MINES AND POWER

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 12,05,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Works, Mines and Power'."

DEMAND No. 44.—GEOLOGICAL SURVEY

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 36,65,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Geological Survey'."

DEMAND No. 45.—MINES

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 15,38,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Mines'."

DEMAND No. 69.—CIVIL WORKS

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 4,95,30,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Civil Works'."

DEMAND No. 73.—STATIONERY AND PRINTING

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 1,88,84,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Stationery and Printing'."

DEMAND No. 99.—DELHI CAPITAL OUTLAY

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 1,50,50,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Delhi Capital Outlay'."

DEMAND No. 100.—CAPITAL OUTLAY ON CIVIL WORKS

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 4,06,18,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Civil Works'."

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): Mr. Speaker, I am giving as briefly as possible a review of the activities of the Ministry over which I have the honour to preside. I am also giving very briefly what the Ministry proposes to do in the course of the next financial year.

This Ministry is essentially concerned with development, and as such it has to deal with large numbers of men and a large amount of material. This Ministry has a number of sections, such as, the Central P.W.D., the Geological Survey of India, the Indian Bureau of Mines, the Petroleum Division, the Central Electricity Commission, the Central Waterways, Irrigation and Navigation Commission, the Central Board of Irrigation, the Damodar Valley Corporation, and Stationery and Printing. These are some of the main divisions which are under the control of this Ministry. It will be only appropriate if I begin with the Central Public Works Department's activities.

I know, that this Department has somehow or other been associated in the opinions of the public with corruption and occasionally with inefficiency. Having worked in this Department for eighteen months, I can honestly say that to the extent possible for any human being, inefficiency has been largely and substantially curtailed. As regards corruption; I should claim a fair measure of success in putting it down.

Babu Ramnarayan Singh (Bihar: General): Is it so?

The Honourable Shri N. V. Gadgil: When we hear all round in the House and outside responsible public men criticising not only the officials but citizens it is a matter for deep consideration, not because it particularly affects a section of the community, but as a matter of fact it is the whole community that is being condemned. Therefore, as I said, as much as was possible in this connection had been done, and if some honourable members in the course of the discussion in the afternoon raise any particular issue or emphasize this, I am prepared to detail the steps that have been taken, and I shall also state what success has followed these measures. But at the same time, I would just appeal to honourable members to consider whether it would be in the best interest of progress to continuously hammer at these people who have been working, most of them honestly and loyally; or whether it would not be better to appeal to their better judgment and their patriotism, and at least occasionally to utter a word of cheer and appreciation, so that they may also enlist their energy and effort in the progress of this country.

I do not want to give full details of what this Department has done, but I will take out two instances in which the Central Public Works Department has distinguished itself very well. I will refer to the construction of sixty-five miles of road from Pathankot to Jammu. It was an achievement and as such it has been appreciated all round not only here in India, but those from abroad who know something about road-building and engineering have also appreciated what the much abused and much maligned Central P.W.D. has done. Out of these sixty-five miles of road, nearly fourteen miles were causeways, bridges and culverts. There were innumerable cuttings; and if I had only to give you some idea, you would be surprised to learn that dozens of special trains were ordered, about 96 bulldozers were working, and at one time 40,000 workmen were employed day and night.

Dr. P. S. Deshmukh (C. P and Berar: General): Was not this done only by the Defence Department?

The Honourable Shri N. V. Gadgil: Just wait and see! In this particular task, there was another feature, and very welcome too, namely the co-operation of two Departments. Two companies of the Defence co-operated in the matter of assembling three bridges, but the rest of the work was done by the Central P.W.D. If it is the intention of my honourable friend, Dr. Deshmukh, to take a little from the credit of this Department, I am prepared to make the whole of it as a present to him, because ultimately we work on the principle of collective responsibility.

[Shri N. V. Gadgil]

Now a high military engineering authority, when I visited this work—and I visited it several times in order to put cheer into our officers and men—told me, 'well' your boys are rather too optimistic and will not be able to complete this work by the 30th June, 1948. I told him that I had ordered them to see that everything was ready and I must get the telegram on the 30th June evening that the car has passed from Pathankot to Jammu and I did get that telegram.

Another example of how things were done fairly, quickly and efficiently was the construction of the Kurukshetra Camp and also the construction of the refugee camp at Jammu. I do not want to give further instances but I am only pleading that if you give the officers a little appreciation they will do much more and in the course of this speech I propose to show that they have done wonderfully well also in other matters.

In the next year's programme the most important matters which this Ministry proposes to undertake are the development of 200 acres of land in the south-west part of New Delhi for allotment to foreign missions in Delhi, laying out of a park and erecting a memorial at Rajghat, a new Telephone Exchange building at Calcutta, Reconstruction work in the Andamans, preliminary work for an alternative road to Kashmir, construction of office and residential accommodation for the new press, the Central Waterways, Irrigation and Navigation Commission and the Central Electricity Commission, which are proposed to be transferred from Delhi and Simla to Nasik, the construction of the building for the Federal Court and additional residential accommodation for members of the Parliament at Delhi.

I know how keen are the members of this House to have fairly good accommodation for themselves. I know that the increase in the number of membership has made it somewhat difficult to find accommodation and good accommodation for all the members. I am quite aware of some inconvenience caused in the matter of maintenance and in the matter of adequate supply of furniture. But all I can tell honourable members at this stage is that as soon as the financial position improves all these complaints will be removed. Apart from this to the best of my ability and to the utmost extent of availability in the matter of accommodation I have given as much satisfaction to honourable members of this House as possible and also to those for whom they occasionally asked for accommodation.

The new construction for the members of this honourable House or rather the successor of this honourable House is based on the assumption that the new constitution will be working early in the year 1951 and the total membership of both the Houses of the Central Legislature would be about 750. For this purpose a new design has been approved, probably it may be called a design based on austerity standards on which all Members are very keen in these days of equality and democracy. I have therefore decided to live up to that ideal, anyway, so far as the houses for members of the legislature are concerned.

In connection with housing innumerable complaints have been made to me about the Estate Office but let me make one point clear, viz., that this Government has not accepted the obligation of giving accommodation to every government servant but short of that all efforts are being made by this Ministry to give accommodation to as many people as possible. At present there are just about 1,600 residential quarters and the number of applicants is 70,000. Before the war the position was with respect to office accommodation that the Central Government offices required just 8 lakhs sq. ft. but in 1948-

the figure rose to 60 lakhs sq. ft. The total accommodation now available is just 57 lakhs sq. ft. As regards residential accommodation as I have said already there are at present 1,600 residential quarters and the number of applicants is 70,000. The corresponding figures in 1939 were 700 houses and 1,100 applicants.

The problem now that faces this Ministry on account of this acute situation about accommodation is either it must go ahead with building more or in the alternative remove certain unimportant or subsidiary offices outside New Delhi and the decision of the Government is that those offices which can be conveniently removed from New Delhi may be removed to such places as may be found suitable. In this connection certain places have been visited by our engineers. We have not yet finally come to any conclusion except in regard to three offices which it has been decided to shift to Nasik, which has got a very good climate. Another advantage from the point of view of cost in construction is that in Delhi you have to provide for air-conditioning and central heating, whereas in places like Nasik this expenditure can be avoided.

I have been asked several times the question regarding removing the capital from New Delhi to some other place. All I can say is that the race of Mohammed Bin Tughlak is not yet dead and there are some people who still ask for a change in the capital. But so far as the Government of India is concerned Delhi will continue to be the capital of this country.

An Honourable Member: We want an alternative capital.

The Honourable Shri N. V. Gadgil: Another sentimental appeal was that Delhi has been the grave of several empires.

Shri H. V. Kamath (C. P. and Berar: General): Cradle.

The Honourable Shri N. V. Gadgil: For my own part I believe that those empires which were based on force and not on the consent of the people have vanished. This State is not only morally but legally based on the consent of the people and as far as I can see it will continue to prosper and prosper.

Shri K. Hanumanthaiya (Mysore State): What about the extremities of climate?

The Honourable Shri N. V. Gadgil: The extreme cold of Delhi in the winter is balanced by its extreme heat in the summer: so that gives a fair balance. Occasionally as a result of these two extremes some people lose their temper but on the whole I think if it has done good during the last thirty-six years it is bound to do good in the future also.

I shall now come to the next activity of this Ministry, the Geological Survey of India. In 1939 there were just 26 officers and now there are 160 officers. How important is this activity is fairly indicated by the fact that several questions are asked every session about this particular department. However, after the 15th August 1947 innumerable enquiries are made of this Ministry and requests have been received from the various provinces and states for surveys of particular areas, quantitative or otherwise. So great is this enthusiasm that very recently I received a letter from a Sadhu telling me that there is a hill called Hemagiri which contained quite a lot of gold and asking me to send an officer to investigate it. Probably the Sadhu was carried away by the name of the hill. On enquiry I found that the hill contained no gold but chalk. However, the point remains that here is an activity which must be expanded. In the United States of America there are 6,000 Geologists doing all sorts of work in the matter of exploration and mining. In Soviet Russia I am told the number is more than 10,000. Compared with that we are far far behind. However, new expansion is contemplated, and if

[Shri N. V. Gadgil]

the honourable members who are on the Standing Finance Committee take to this kindly and if what has been visualized by my honourable colleague the Finance Minister happens, I have no doubt the expansion will soon be undertaken.

Just to give an idea of what this Department did in the last year, besides attending to the work of geological mapping, the field programme of the Geological Survey of India for the current field season includes 211 special investigations. These relate mainly to prospecting for oil, coal in connection with the synthetic petroleum plant, Gypsum in connection with the Sindri Fertiliser Factory, investigations of dam sites, water supply and underground water, and prospecting for minerals like bauxite, iron ore, copper, graphite, mica etc. In the coming year on account of the increased strength of the Department, the Geological Survey of India will be able to undertake a still larger number of investigations. Although the staff had increased from 26 to 160 in certain branches of this particular Department we have not been able to recruit the right type of men. It is therefore necessary that we must find out foreign experts and some have been recruited on the principle that they will be here for a definite period and on terms which we think are reasonable.

Allied with this, in order to develop further the mineral resources of this country we have constituted very recently the Indian Bureau of Mines. Honourable members of this House know very well that in the matter of minerals the Provinces have got concurrent jurisdiction. In order to have some central policy it was decided a few months ago that central legislation should be undertaken and an Act was passed only last September. The Rules under the Act are being drafted. In fact they are ready, and after consulting the Provincial and State Governments they will be finalised and copies of the same will be laid on the table of the House as required by the provisions of the said Act. This Bureau has several functions from collection of statistics and giving information to laying down policy and giving direction, so that our position with respect to this will improve. I may mention to the House that roughly we can divide minerals into four categories: firstly in which we have a sort of world monopoly, secondly in which our minerals can stand a fair competition in the world market, thirdly in which we are self-sufficient, and fourthly in which we have to depend upon foreign imports. About 53 per cent. I am told, of the imports that we receive in this country are from materials which we send abroad. Here is a proposition worth considering. When we lay down a policy it must be such that instead of sending raw materials abroad and importing finished and processed commodities it would be far better that we should develop corresponding industries in this country so that export trade of manufactured articles will increase. In short this Bureau will supply the necessary information, guidance and direction for other Departments as well as for Provinces and States. In connection with this activity this Ministry has also to look after the Indian School of Mines and Applied Geology at Dhanbad. Originally the intake of boys here was just twenty four. We went into this question, appointed a Committee, and the Committee recommended sixtyfour. Immediately we have arranged to take forty-eight and the classes have already started. Here again there has been some difficulty in recruiting the right type of men, and with great difficulty we have succeeded. Our greatest headache is that we cannot offer more than what has been recommended by the Central Pay Commission, and the Finance Department very rightly would not allow us to do that, with the result that private concerns and even private colleges and educational institutions compete in this field. As it happens in many of the cinema companies where the stars are abducted from one company to another it has happened

in the case of some of the institutions conducted by the Government also. Here is a proposition worth considering whether there should not be uniformity of pay scales not only in the Governments of Provinces and the Centre but also in private enterprises if we have already accepted the principle of controlling the activities of many of the industries.

In this connection I might state that there is what is known as the Petroleum Division. This division was started during war time and it has continued up till now, and it is necessary that it should continue hereafter also. This division deals with the supply of petrol and petroleum products. We have done our best to secure adequate supply, but there are difficulties such as the non-availability of dollars. But more than that the present position is that we will have enough supply although our demand in this has increased nearly by ninety per cent. in relation to our demand before the war. The only difficulty is about transport. Here again with the co-operation of the Transport Ministry a plan has been drawn by which in the course of the coming eight or ten months about 200 tank wagons from Canada and other countries and about 300 locally manufactured ones will be in commission. When that is done there will be no complaint about inadequacy of supply.

Another small activity of the Ministry is the Explosives Department. I do not think I should take the time of the House with that.

The next of the most important activities is the Central Electricity Commission. Formerly there was the Electricity Commissioner and the Central Technical Power Board. They were combined into one and the present organisation is the Central Electricity Commission. This Commission has to advise the various Governments on the administration of electricity legislation, to assist Provincial and State Governments in the investigation, survey and preparation of schemes, to prepare when required by the Central Government project reports outlining electric power development schemes and to execute them if so directed, to review and lay down for the whole of India standard voltages and practices for generation, transmission and distribution of electrical energy, to conduct experiments researches and propaganda, to collect, maintain and publish statistical data.

Dr. P. S. Deshmukh: Would it not save the time of the House if those matters which are detailed in this Report are not repeated by the honourable Minister? I think that will give some more time for the other honourable members to speak.

The Honourable Shri N. V. Gadgil: That is a good suggestion if the assumption that it has been read by all the members of the House is correct. If the honourable Dr. Punjabrao has been as attentive as he apparently seems to be he would have found that a considerable portion of the matters referred to by me in my speech is not covered by this Report.

This Central Electricity Commission does planning and looks after utilization and also the commercial aspect. Everybody is aware that if India is to industrialise more and more, what is needed most is power, and if power is needed there must be some organisation commissioned with the work of direction and research, and planning and execution, wherever necessary. This is exactly the function the Central Electricity Commission is expected to perform. In the course of the last year, Central Electricity Commission did work for the Damodar Valley Corporation and many other projects but what is more important is that two schemes prepared by the Central Electricity Commission in the matter of rural electrification have received approval all round. One is for the C.P. and Berar, for the progress of which I think Dr. Punjabrao is greatly interested.

Dr. P. S. Deshmukh: Yes, Sir.

The Honourable Shri N. V. Gadgil: I may point out to him that an area of 1,608 sq. miles containing 800 villages with a population of 9 lakhs will be covered by this scheme which has been accepted by the Central Provinces and Berar Government. Another scheme which was prepared for Assam has been now finally revised and accepted. This will cover 57 towns and important villages in an area of 1,209 sq. miles. It will cost Rs. 45 lakhs initially and Rs. 110 lakhs by the end of the construction. This is what has been done so far as rural electrification is concerned.

Load surveys have also been undertaken and the honourable members of this House know very well that unless there is some plan and some co-ordination there is bound to be lopsidedness one way or the other. So, in order to take a review of the whole position, very recently a conference of power engineers was called and this wider question was thoroughly gone into. We visualized what will be available and what will be the kind of material available, and in terms of resources and technical skill a concrete plan has been drawn so that whatever is uneconomic will be avoided and whatever will be most paying and most urgent will be undertaken.

Another activity of this Department is what is carried on by the Central Waterways Irrigation and Navigation Commission. The honourable members of the House know very well that this organisation is of very recent growth but in the course of the last two or three years I should say unhesitatingly that it has done very good work. Not only does it carry out preliminary investigations, but in one case—in the case of Mahanadi and the Hirakud Dam—it has undertaken the construction of the whole project on behalf of the Orissa Government. I also understand that the Government of Bombay proposes to engage this organisation for the construction of a barrage near Surat and some other projects. These matters are under consideration.

The main line of activity of this organisation is that we go on investigating several projects. When the investigations are complete and the stage for construction has come, those projects are taken which can be adequately financed and the whole idea is that at no time should the country find that it has money but no plans are ready. Investigations are going on continuously. I may inform the honourable House that at present there are nearly twelve projects which are under investigation and the idea is that no Province should be left without a fairly big project. Fortunately for us, the river system in this country is so well dispersed that there is no area which cannot be reached by some appropriate project near about. How huge our potentialities are may be guessed from the fact that today out of the water resources available, we only use 6 per cent. If some of these schemes which are under construction and which are under investigation are completed in the course of the next 20 or 25 years India will be producing 40 million K. W. of power. Today India produces a little less than 2 million K. W. and out of this nearly 50 per cent. is absorbed by four towns.

Shri B. L. Sondhi (East Punjab: General): In the report you say the total production is half a million K. W.

The Honourable Shri N. V. Gadgil: I am talking about both hydro and thermal power. The figure half a million refers to Hydral power.

Nearly half of the present power production is absorbed by industries and people living in the four towns of Ahmedabad, Kanpur, Calcutta and Bombay. Our idea is that in the future development, the needs of the rural areas must

be given their due share. If as I said all the schemes which are now under construction and investigation are completed, they will be generating 40 million K. W. of power and all these schemes are multi-purpose schemes—water will be available for irrigation, and I think we will be in a position not only to supply enough food even for the growing population of this country, but also we will be in a position to export.

As regards some other schemes such as the Rampadsagar, there has been some criticism in this House. I can only say at this stage that it is not the intention to delay any one of them indefinitely but as soon as the financial position improves those schemes which do not give quicker results but which are ultimately beneficial—on that there is no dispute—will be undertaken.

As regards the Damodar Valley Project which is entirely managed by the Damodar Valley Corporation, I will briefly state that considerable progress has been made. An order for 2,00,000 K.W. Thermal plant has been placed. Designs for the construction of 3 dams, Tilaiya, Konar and Maithan are fairly complete. Preliminary engineering work is also going ahead. Some road survey and other matters have also been completed. Geological survey of a considerable portion has also been made and reports submitted. On the whole, I think things are moving as expected and as has been said very often, this scheme will be completed within the scheduled time.

Another activity is about printing and stationery. Government of India has five Presses. The work has increased so much and especially when the Constituent Assembly or this honourable House is sitting, the work is so much that we have to take help of private presses. In fact, last year work to the extent of Rs. 24 lakhs was placed with the private presses. However, in order to cope with the increase in work, new press machinery has been ordered and we are getting delivery of the same part by part. It has been decided to locate this Press at Nasik.

That sums up the activities of this Ministry. This is just a prosaic account. I know that what has been achieved may not be much in relation to what has been aspired. However, I should say the achievement is a fair dividend on effort undertaken. (Prof. N. G. Ranga: 'Question'). There is more in promise than in performance. I do not want to overstate the activities, but at the same time, it would leave me sad if what my Ministry has done is not appreciated. This is the Department connected with the development of power for industry, water for irrigation and employment all round. When the Mahanadi project is completed, it will be the incoming of Mahalakshmi in that province. When the Damodar Valley Project is completed, it will not be Bihar alone that will be prosperous, but I always believe and I have always believed that prosperity is indivisible. When at last these two schemes and the Nangal and Bhakra schemes in Punjab are completed, I have no doubt the whole economy of this country will change. With the experience that we have gathered in the past, with the efforts that we are making in the present, and the high aspirations for the future—when they are all combined, I have no doubt we will give you the results that you expect of this Ministry. Sir, I have done:

Shri B. Das (Orissa: General): Sir, out of evil cometh good. The Atlantic Charter, though it was drawn up by Roosevelt and Churchill, though it is not a recognised Charter and is dead politically, it gave birth to the policy of Western countries including America and England particularly, how they would exploit Asian countries, how Asia would produce the raw materials and England and America would supply capital goods and luxury goods. That was the conception of 1945, but in 1946 the then bureaucratic government here created two Ministries, one the Ministry of Works, Mines and Power and the

[Shri B. Das]

other the Ministry that we discussed yesterday,—Ministry of Industry and Supply. They will add to the prosperity of this country if both the Ministries properly work in the spirit which my friend the honourable Mr. Gadgil envisaged.

Sir, it has been talked often in the lobbies that the honourable Member's Ministry should be known as Ministry of Fuel and Power and the other one should be known as the Industries Ministry, not Industry and Supply Ministry, because supply has a bad odour during the years from 1943 to 1946. Whether my honourable friend's Ministry is known as the Ministry of Fuel and Power or as Works, Mines and Power, it has the supreme control to co-ordinate all our resources in power—water power, coal power or fuel oil power—it has also the control of the Geological Department and Mining Bureau whereby those resources may be worked not for the benefit of foreign exploiters but for our own benefit. In the past, the name of the Geological Survey stank in our noses, because everything that was discovered was known first in England and decades afterwards Indians had to know it. Today, it will serve one great purpose, namely, how India's resources can be utilised for the prosperity of India.

My honourable friend is in charge of Corporations and multi-purpose schemes. I thank him for mentioning that *Mahalakshmi* will spread in my province of Orissa when the Mahanadi Valley Project is completed. But I have to offer some criticism; some diffidence on the part of the public exist about the rate at which the grand ideas are coming out from his Ministry every now and then and the slow way these are being given effect to.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Shri S. V. Krishnamoorthy Rao (one of the Panel of Chairmen).]

All ideas are good. Multi-purpose projects are good. But at the same time I hope that they will be executed properly, economically and efficiently to scheduled time so that some benefit will accrue to the general public to which my honourable friend and I belong. Twenty five years is no attraction to me, or that twenty five years hence India will export food outside has no charm.

I will refer mainly to certain financial aspects of the budget of this Ministry. In the explanatory memorandum of my honourable friend Dr. John Matthai, one line gave me cause for alarm. In reviewing the position of expenditure on Printing and Stationery Department he says that while the Budget estimates on purchase of paper alone was rupees one hundred and eighty five lakhs the revised estimate is Rs. 314 lakhs. I am a little confused. My honourable friend the Finance Minister has provided that rupees one hundred and ninety lakhs will be spent on purchase of paper in the next year (1949-50). This inflated expenditure of paper is no doubt due to the inflated staff in the Secretariat. If you reduce the strength of the staff you will consume less paper and other articles of stationery.

While I am on this subject I would like to refer to page 218 on the Final Estimates where provincial recoveries are not shown under Stationery. Recovery was estimated at 143 lakhs and it grew into 181 lakhs. In the coming year it has been estimated to be 139 lakhs. This figure does not include somehow the provincial withdrawals on the Central Government. This leads one to think that the extra expenditure on paper—the huge sum of one crore and fifteen lakhs—is due to the lack of proper control in all the Departments of Government. While I congratulate my friend the honourable Mr. Gadgil

that he is going to have a Central Printing Press at Nasik, I must say that I see no reason why every Ministry should have a pocket printing press. All printing and publication should be centralised. While the Information and Broadcasting Department has its own printing establishment the Agricultural Ministry is utilising the whole machinery of the Survey of India at Delhi and Dehra Dun for printing in lithographic numerous publications and statistics. If all printing is done under one agency there would be great saving under this head.

The Statistical Department of the Government of India is not centralised and therefore each Ministry brings out its own statistics to suit its own purpose. I will discuss this issue in detail and various other aspects of over-budgetting and multiplication of expenditure when the House will discuss the Ministry of Finance on the 16th instant.

Regarding the Damodar Valley Corporation, I would say it is a bold conception. But I must point out that the way the details of expenditure have been furnished is unhelpful. You have not shown the progress of expenditure in the current year. We have got a Financial Adviser there. But as he came from Burma he does not know the manner in which financial control is being exercised in India. This Damodar Valley Corporation finances should not be compared with that of the Railway Board. Accounts of the Railway Board are properly maintained and audited and we have full financial control over the Railway expenditure. I hope in the next year's Budget details of the progress of expenditure on Damodar Valley will be shown.

I come next to the Delhi Central Electric Power Authority Corporation. This history of these corporations is interesting. When the old bureaucrats realised that we were going to get political power, they somehow managed to have corporations of this kind started in order to be outside our financial control. As the report shows, they paid 82 lakhs for taking over dilapidated assets and forming that corporation with a capital of two crores of rupees. The Government issued bonds and stocks over two crores, but the management did not come into the hands of the Government completely and the Parliament exercises no control. I was surprised to find in the Balance Sheet of 1948 that there is a cash balance of seventy lakhs of the Corporation lying with the Imperial Bank. That cash balance does not merge into the General cash balance of the Government.

In this respect I must congratulate the honourable Minister for Works, Mines and Power who has provided under Section 29 of the Damodar Valley Corporation Act that funds advanced to the Corporation should be deposited in the Reserve Bank. The result is that any cash balance merges into the general balances of the Government. Let me quote, "Incidentally, as provided for in Section 29 of the Act, this whole amount was deposited with the Reserve Bank of India in a personal ledger account operated in accordance with the needs of the Corporation so that, under this arrangement, the benefit of the undrawn balance accrues to the Government". This is not the case with cash balance of Delhi Central Electricity Corporation. Government derive no benefit from this huge cash balance nor our ways and means budget is benefited. The Finance Ministry must examine this anomaly and end it. All cash balances of such Corporations, State Industries must merge into Government cash balance. Referring again to the Delhi Electric Supply Corporation I would suggest to the honourable Minister to appoint a high power committee to examine the assets thereof. I am certain that the assets have been overvalued purposely to pay huge sums to the European management concerned.

Delhi and New Delhi are the constituency of Shri Deshbandhu Gupta. New connections for the supply of electricity are difficult to get here. The Chief Commissioner does not allow new connections on the ground that

[Shri B. Das]

no power is available. But if you take a stroll into Connaught Place one evening you will find the numerous shops almost flood-lit with hundreds of powerful lights all round. The New Delhi streets are over illuminated. I would suggest that if this wastage of electricity is stopped in an emergency like this, a lot of supply can be made available for household purposes. I hope my honourable friend will consider this suggestion.

Sir, I had hoped that my honourable friends the Minister for Works, Mines and Power, and the Minister for Finance will sit together and devise ways of controlling corporations of the type I have named and also the Hindustan Air Craft Factory at Bangalore and the other State Industries controlled by the Ministry of Industry and Supply, it may be possible to reduce our borrowings.

Sir, I am not satisfied with the progress of expenditure in the Capital Budget of the Central P. W. D. on their multi-purpose projects. I congratulate the Minister for saying that the officers are honest. I cannot understand why the progress of expenditure has not been shown in the Budget. The budget for huge expenditure every year and get financial sanction which they do not utilise. I know that the Central P. W. D. does work for the other Ministries such as External Affairs, Tribal Areas, Industry and Supply and so on. But I wonder why they provide for works in the Budget when they have neither the material nor the requisite staff to execute such works during the budget year. We have no method of carrying forward balances of capital programme in building till next year. Such over-budgeting, whether capital or revenue, must cease and should be in future carefully examined in the Ministry of Finance. The only State Industry, the Ministry of Works, Mines and Power is concerned is the hiring out of certain electrical plants held in stock. I hope that such war time activities and war time ideas should be closed up so that if there is any war in the near future, we may have at least scope of free start.

Shri Kala Venkata Rao (Madras: General): Sir, I rise to support the demands moved by the honourable Minister. In a country like India in which we mainly depend upon agriculture, water is the primary need. It is said that in the world there is a race between food and growth of population and that population is winning and that food is losing. It is particularly more so in India. We have heard in this House many complaints about the need to have more food and grow more food in this country. We cannot achieve that object, unless we husband all our water resources in this country. According to the estimates, there are as many as 51 billion cubic feet of surface water flowing in this country and we are hardly using 6½ billion cubic feet of water out of that source. Therefore, I feel, Sir, that we should concentrate upon this subject if we wish that this country should prosper. Our aim should be two fold: one is that we should conserve all our water resources and put them to the beneficial use of society; the second is that we should repair and maintain the existing irrigation works in a manner that full benefit flows out of them. I am very glad to learn from the honourable the Minister that attempts are being made today to see that both these things are being done.

I must say that we should have a target and a working plan. In order to achieve both these objects, I would suggest that the old idea about irrigation projects must be given the go-by. What I mean by that is this. Till recently, the idea was that no irrigation work should be undertaken unless the return therefrom would be equal to the interest normally earned on Government paper. That is, unless any work yields out of its proceeds the market rate of the Government bonds, such a work should not be undertaken. But, now, Sir, I am very

glad that this policy is being gradually changed in all the provinces, particularly in Madras. I do hope that this is the policy of the Central Government also. Not only should we calculate the return on the investment, but we should also base our future plans on the possible benefit that will accrue out of that irrigation work to the society at large in the locality and to the country. On this basis, I think three criteria should guide our plans. Firstly the work should be able to give a normal supply to the area which it is envisaged to irrigate. Secondly, the soil in the vicinity must be amenable to the cultivation of wet crops; thirdly, the quantity of food raised on account of the construction of this work must be commensurate with the outlay. If these three points are satisfied, we may undertake that particular irrigation work and I hope that the honourable Minister will take this suggestion into consideration.

The honourable Minister has painted a rosy picture about the Damodar Valley Corporation, the Hirakud Dam, and a number of other projects which are being investigated just now. In this connection, I would like to lay stress on one aspect, namely that the "quicker results test" which is being applied by the honourable Minister should not be the only test that ought to be applied in such cases. I would like to illustrate my point by quoting the situation in Madras with which I am very familiar. In Madras, we have got three sets of irrigation schemes. One set is, the small schemes which number 300 of which 100 have already been sanctioned, for which we have to spend six or seven crores of Rupees. The Second set consists of the mid-term schemes which number 23, some of which are in progress, for which we have to spend 40 crores in the next five or ten years. The third set consists of the river valley schemes, the Tungabhadra, the lower Bavani, The Rampadasagar and the Krishna Pennar projects. In spite of the Grow More Food campaign and the crores of Rupees we have invested in the small schemes in order to get quicker results, I may state that we could bring under the plough under these schemes, only four lakhs of acres of land which are yielding only two lakhs of tons of paddy. Therefore, I say, if famine is to disappear from this country, if our population is to have nutritive food, we should also tackle simultaneously not only those quick result schemes, but also the long term river valley schemes. The other day, the honourable Minister said that for the Rampadasagar scheme, it will take 19 years to complete. That is really so; I do not disagree with him. But, when is the first year to begin? Why not begin today? If we begin today, the results will be coming in at the end of 19 years. If we begin in 1955, the results will come only in 1974. Therefore I plead that these small schemes, the mid-term schemes and the long term schemes should be simultaneously undertaken. In this connection I would like to state that we are not going to meet these investments from out of the current revenues. The honourable Dr. John Matthai cannot provide the requisite amount from out of the revenue budget. It is impossible even in 1955 to provide the requisite amount from the revenue budget. Therefore, the amount must come from out of the capital budget. Capital budget means borrowing. I say why should we not borrow more and invest on these schemes. Then comes the other question as to whether we are not adding to the inflation in the country by doing so. This is a vicious circle.

The Honourable Dr. John Matthai (Minister of Finance): Whether we can borrow at all.

Shri Kala Venkata Rao: That depends on the capacity of the Government. If India is so poor as she is not able to borrow at all, then, that is a different matter. We feel there is scope for borrowing. If the honourable Minister feels that there is no scope for borrowing, the whole developmental scheme which the honourable Mr. Gadgil has pictured to us will also fail. If there

[Shri Kala Venkata Rao]

is scope for borrowing, my submission, is, do borrow and do invest because this would be a good sop for inflation itself. More production means less inflation. I think that the 1,200 crores of Rupee notes now in circulation in this country is not real inflation. In a country of this vastness and resources, we must have a circulation of not 1,200 crores, but 12,000 crores. More production means more wealth and not more notes. I know Dr. Matthai can order the printing of 400 crores of notes more and create more projects. But, if along with the printing of the notes, production also increases, it is not at all inflation. It is one of those important things in which we have to take a certain amount of risk, if we have to survive. Therefore, I would like to impress on the honourable Minister for Works, Mines and Power to look into this aspect in a broader perspective, have for a target more schemes and try to put them into operation and begin them in the near future so that the results may flow not only quickly, but more quickly and most quickly.

Then Sir, I would like to plead something more for these river valley schemes. The T. V. A. scheme which was the mother of all these conceptions was thought of at a time of repression when coffee seeds were being burnt and when wheat was being burnt in America but now we are in a different position. We have to produce more and more. Therefore all those schemes which integrate flood control, navigation and hydro-electricity must be given priority. I am glad that the Damodar Valley Project is now under way. In this connection I must plead for the Ramapadasagar Scheme about which the honourable Minister just now mentioned. It is a huge project. After all we know our deficit and unless some such big project comes into vogue, there is no scope of preventing famine and want in this country. For the Ramapadasagar Scheme the dam will have 234 ft. depth at bed level and it will rise 192 ft. above the river bed and the lake will be spreading over 587 sq. miles. It will be very useful. Not only will it produce food in about 1½ million new acres of land, but it will also give sufficient water to the existing areas in the Godavari Delta and Krishna Delta. If you give more water to the Godavari Delta then our produce will increase by more than twenty-five per cent. From any point of view there is no point in postponing this scheme. It will solve the food problem of Madras and therefore I would very much impress upon the honourable Minister to undertake this at an early date.

Now I would like to mention only one more point about irrigation and that is about the Tungabadra Project. It has been mentioned more than once that it will be finished in 1952. It is not going to be finished because that great engineer of Hyderabad who was in charge of it did not worry about laying bricks but he was busy with manufacture of arms for Hyderabad State till recently. Unless the Minister uses his whip hand from here, it will not be possible to continue the work on this dam. Therefore I would very much request the minister to look to it and realise that unified control alone will result in the early realisation of this scheme.

Regarding development of electricity, I feel that electricity alone will be able to change the whole organisation of technique of industry in this country. It will be useful in a number of ways. I would like to say that out of the 3356 million k.w. of energy that is available about sixty-three per cent. goes to industry and 3.73 per cent. only for irrigation. We have to make power more available for irrigation purposes.

The Electricity Act, of 1948, seeks to create a Provincial Electricity Board. In Madras we have invested ten crores in electrical undertakings and under the existing working schemes we have to invest twenty crores more. We are far

advanced towards nationalisation. That Board should not be made compulsory but Madras should have the option to proceed in its own way because it has already invested crores into the electricity producer concerns. Another thing is, Madras has sent here a bill about purchase of private licenses which number about 42 and whose capital is 2 crores. I know that many of these are rotten concerns and are not able to cater to the requirements of their localities even. Therefore I would request you to give favourable consideration to that bill and give your concurrence. As it is a concurrent subject and they want concurrence, I would again request you to examine this question in detail and see that it is concurred to, so that Madras may proceed further with its developmental schemes.

You want to establish a Heavy-power production Plant. I have to press the case of Avadi in Madras. The essential raw materials, needed for the electric products like mica, rubber, silk etc. are nearby at hand. There is and will be a very good local market for all your products.

One thing more. In former days politicians were getting votes by simply promising a post-office here or there. To-day we have to promise a new world and really we are out to create a new world in India because our Great leader promised Ram Rajya to this country. We have to achieve that ideal and have to create happiness for the crores of people in our country. We will have to work very hard for this purpose and must have a target and plan. I do hope, that the Honourable Mr. Gadgil, who is now practically the dynamo working here, will use a well planned high pressure drive and see that electricity, irrigation and navigation will prosper in this country and thus make this nation a self-sufficient one.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Shri Arun Chandra Guha (West Bengal: General): The demand for this Ministry covers a wide range of activities. It has so many ramifications and branches, that it is something like a labyrinth for a new man like myself. Sir, there is an adage that "Charity begins at home" and in keeping with that I should like my criticism to begin with things at home. That brings me to the housing accommodation with which in addition to the members of the general public, as Members of the House we are also interested. After the war it has become a problem all over the world but in India we see the problem has become so acute that it has become something like a national scandal. In the report of the Ministry it is stated that in the Centrally administered areas, and perhaps in Delhi alone, there are 70,000 applicants on the waiting list, and their accommodation is only for 16,000. If, Sir, this is the position, I think I need not say anything more on this point. This figure itself reveals the whole picture.

As for our own accommodation, apart from the paucity of accommodation, the little amenities that are provided in our accommodation are very niggardly supplied. Even an electric bulb when fused cannot be replaced even in weeks or in a month's time and that after repeated reminders.

The honourable Minister himself has admitted that the Central P.W.D. or the P.W.D. in general has not much of a reputation as regards efficiency, and integrity also. But I am ready to accept the assurance of an honoured colleague like Mr. Gadgil that this department is coming out of that stigma, and I hope he will be able to clean the Augean Stable and put it in good order. But, Sir, I must endorse the statement of the Minister that in spite of its drawbacks and its reputation for slow movement, this department deserves our

1330 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [10TH MARCH 1949

[Shri Arun Chandra Guha].

heartly congratulations for the way in which they have completed the Jammu-Pathankot road, and the way in which they have completed the refugee camps. I should say that really this department has shown some quickness and some efficiency which is not generally associated with this department in these two matters. I hope, therefore, that they will maintain this reputation in other matters also.

In this connection, Sir,—perhaps that may not belong to this department—I should also mention another road, the road on the Zo-Jila Pass, over 12,000 ft. high. It was really an engineering and military feat, for which this Government deserves hearty congratulations from the country and from the House. In the Defence Budget debate that item ought to have been mentioned and whether it be the Defence or the Public Works Department that is concerned I give my congratulations to this Government for that piece of work also.

Then, Sir, as regards the general development of the country, much depends on this department. Its sphere of activities starts from supplying some harmless articles like stationery, paper, pens, ink and adhesives to the control of high explosives. It has within its jurisdiction irrigation works, controlling and marshalling of water power as well as furnishing furniture and printing. To start with the most harmless thing, printing, I endorse what my honourable friend Mr. B. Das has mentioned, that all printing of the Government of India should be put under one department. It would save a lot of overhead charges on behalf of the Government of India. It may not be within the jurisdiction of the Minister for Works, Mines and Power, but I hope the honourable Minister for Finance will take note of this so that each Department may not have printing arrangements of its own but there should be one printing department for the whole of the Government of India. The chief activity of this ministry centres round what is called the CWINC of course not the famous ink by that name. It is shorter form of the Central Waterways Irrigation and Navigation Commission. This department is in charge of a very important section of our national life. In the post war or post-independence reconstruction of this country, this Department is invested with a responsibility which is unparalleled and which no other department of the Government has in its jurisdiction. The natural resources of the country should be utilised and exploited and that depends practically entirely on this Department.

As regards our food supply there has been a debate recently and almost every day the food questions come up in a large number in the House during the question hour. Day before yesterday during question hour there were 22 questions regarding food and agriculture and I was rather sympathetically looking at the honourable the Food Minister when he was answering series of questions and innumerable supplementaries. The food problem cannot be solved unless we can improve our irrigation, unless we can control and marshal our water powers and unless we can electrify the country. For electricity there is another body under this department. It is called the Central Electricity Commission. I do not know what is the utility of having so many separate bodies. I think the Minister might look into it. I do not know if the Economy Committee set up by the Government have considered the question of having so many separate departments, which means extra overhead charges for every one of these boards and commissions.

Shri B. L. Sondhi: Do you want amalgamation of this? With what department?

Mr. Speaker: The honourable Member should address the Chair.

Shri B. L. Sondhi: I am addressing the Chair, Sir.

Shri Arun Chandra Guha: After the Russian Revolution there was a famous saying of Lenin, that Soviet *plus* electrification is Communism. That was a slogan given by him simply to stimulate the work of electrification. I should say that similarly for our Government, electrification should be the first charge or responsibility.

I now come to the Damodar Valley Corporation. The budget that has been supplied to us is too vague. That body has been set up as an autonomous body and it should be allowed to work as such but at the same time the Act has provided ample scope for control and supervision by the Central Government. The budget that has been supplied to us should have contained more details. This autonomous body should be allowed to work as quickly as possible, so that the country may derive the benefit of the money that the nation is going to invest in it as quickly as possible.

I must say something about my own province of West Bengal, which is the most industrialised province in India and it is so much over-populated that it has to be industrialised still more, if it is to maintain its population. Its density of population now is 800 per square mile and there are possibilities of its industrial development, which this Department can undertake. The Ganga Barrage should receive better attention of the department. The partition of India has not only partitioned the country but has partitioned our rivers also. Almost all the rivers of India that is in northern India have become international rivers. The fear that Pakistan may intervene and come in should not deter us from exploiting the resources of these rivers. Ninetyfour per cent. of the water flowing down these rivers go to waste and only six per cent. is used for irrigation and other purposes. Then in the Duars side there are immense possibilities for exploitation of mineral resources. I think the Minister should have a geological survey conducted there soon.

In this connection I might mention some of the tribal areas of Assam also.

As regards electrification, rural and urban, from my experience in Calcutta I would draw the attention of the Government to the fact that the suburban railways in Calcutta should be electrified so that the congestion in Calcutta would be relieved. With more electrification there would be proper industrial development of Calcutta and West Bengal also.

With these few remarks I commend the sanction of these Demands.

चौधरी रणवीर सिंह : सभापति महोदय, हमने अपने देश को हमारे माननीय नेता, महात्मा गांधी जी की लीडरशिप में लेइते हुए आजाद कराया था । इसलिये उनका ध्येय हमें हमेशा अपने सामने रखना चाहिये । वह हमेशा डीसेंट्रेलाइजेशन के हक में रहे । वह पावर या इकानामिक पावर के एकीकरण के खिलाफ रहे और कांग्रेस के झंडे के अन्दर जो चख्ती है वह भी डीसेंट्रेलाइजेशन का प्रतीक है । सभापति महोदय, हमारे नेता पंडित जवाहर लाल नेहरू और सरदार वल्लभ भाई पटेल ने हमारे देश के रास्ते में जो बड़े बड़े पहाड़ व रोड़े थे उनको साफ कर दिया है । हमारे देहात में एक मिसाल है कि जब कोई खेत बोया जाता है तो उस खेत के बीने से पहले उसमें सूड़ करना होता है यानी कूड़ा करकट को साफ करना होता है । हमारे देश के रास्ते में बहुत सारा कूड़ा करकट था । सरदार वल्लभ भाई पटेल ने उसको साफ कर दिया । लेकिन हमारे देश का भविष्य और

[चौधरी रणवीर सिंह]

हमारे देश की तरक्की हमारे आनरेबिल मंत्री श्री गाडगिल जी के महकमे के हाथ में है। उनका महकमा बेसिक महकमा है, वह हिन्दुस्तान की तरक्की के लिये बुनियादी महकमा है। अगर हमें वापूजी के सबक को कार्य रूप में लाना है, तो हमें इस बात की तरफ ध्यान देना होगा, जिस की तरफ कि आज प्रातः हमारे मंत्री महोदय ने थोड़ा सा इशारा भी किया था, अर्थात् रूरल इलेक्ट्रिफिकेशन। जिस वक्त उन्होंने रूरल इलेक्ट्रिफिकेशन के बारे में कहा कि हमें उसको इम्पार्टेंस देना चाहिये तो मैंने उस वक्त अपनी जगह से एक आवाज लगाई कि यह टाप-प्रायरिटी की चीज होनी चाहिये।

आपने देखा होगा कि हमारे मंत्री जी के कार्य के बारे में जो कागज दिये गये हैं उनके अन्दर एस्टेट आफिस का एक महकमा दिया गया है और उसमें बतलाया गया है कि कितनी हजार एप्लीकेशन्स गवर्नमेंट सरवेंट्स की उनके पास अभी तक बाकी हैं जिनके लिये वह कोई मकान का इन्तजाम नहीं कर पाये हैं। यह मसला रोज दिन ब दिन बढ़ता जाता है। मगर इसका कोई हल है तो यही है कि देहात का इलेक्ट्रिफिकेशन किया जाय और देहात के अन्दर वृत्त रेजीडेंशियल हाउसेज हों। आज लोग देहात में क्यों नहीं जाना चाहते, क्योंकि न तो वहां बिजली है और न पानी का नलका है। अगर दिल्ली के देहात में श्री आनरेबिल गाडगिल साहब बिजली का इन्तजाम कर दें तो यहां के गवर्नमेंट सरवेंट्स की जो प्राब्लेम है, मकान की, वह उनके सामने बाकी नहीं रहेगी। वरना गवर्नमेंट को उनके लिये मकान बनाने पड़ेंगे और बड़ा भारी खर्चा उनको इसके लिये उठाना पड़ेगा। अगर रूरल इलेक्ट्रिफिकेशन हो जाय तो हर एक गवर्नमेंट सरवेंट दिल्ली के देहात में जाकर बसना पसन्द करेगा क्योंकि वहां जीवन इतना कीमती नहीं है जितना की शहर के अन्दर कीमती है। तो इसलिये मैं रूरल इलेक्ट्रिफिकेशन के लिये अपनी पुरजोर मांग करते हुए इसके साथ ही साथ आगे जो दूसरी चीजें मंत्री महोदय के हाथ में हैं उनकी ओर ध्यान दिलाता हूं।

यह देश एक कृषि प्रधान देश है और कृषि प्रधान देश के लिये नहरें बहुत जरूरी हैं, खास तौर पर ऐसे प्रदेश में जहां पर कि वारिश बहुत थोड़ी हो, राजपूताना और नारदर्न इंडिया में इनकी खास तौर पर जरूरत है। मैं ईस्ट पंजाब का रहने वाला हूं। एक वक्त था कि हमारा प्रान्त तमाम देश में अनाज देता था। लेकिन जब देश में आजादी आई तो बदकिस्मती से हमारे प्रान्त की तकसीम हुई और हमारे प्रान्त का जो गेहूं देने वाला इलाका था वह पाकिस्तान में गया। अब अगर आप चाहते हैं कि देश के १३० करोड़ रुपया सालाना अनाज के लिये दूसरे देशों में

न भेजे जायें तो उसका हल एक यही है कि आप इरीगेशन प्रोजेक्ट्स को ज्यादा से ज्यादा तरक्की दें। पिछले सालों में बड़ा जोर था और बड़ी बड़ी स्कीमें देश के सामने रखी गयी थीं। लेकिन मुझे डर है कि जिस वक्त उन स्कीमों का वक्त आया तो हमारे दूसरे भाई, जिनको दर असल आगे चल कर फायदा होता, उन्होंने उसके खिलाफ आवाज उठाई कि देश के अन्दर इनफ्लेशन के कारण बलवे हो जावेंगे और इस तरह डरा कर इरीगेशन की स्कीम में बहुत हद तक सुस्ती पैदा कर दी। अगर देश को दर असल किसी चीज की जरूरत है तो वह इरीगेशन स्कीम्स की है और देश में सही मानों में फूड प्राडक्ट्स और खुराक ही की कमी दूसरी चीजों की कमी की वजह है। कोई चीज आप ले लीजिये, इंडस्ट्री लीजिये। अगर आप रूरल एरिया को इलेक्ट्रिफाई कर दें और वहां पर नहरें वगैरह चलवा दें तो इंडस्ट्री के समान खपाने का भी कोई मसला नहीं रहेगा। इसलिये मैं इस बात की प्रार्थना करना चाहता हूं कि आप देश की इस जरूरत को ध्यान में रखते हुए जैसे कि अब तक आप इसमें समय व ताकत लगा रहे हैं उसी तरह बल्कि उससे भी ज्यादा दें।

एक और चीज मैं इस सिलसिले में कहना चाहता हूं और वह यह कि हमारे यहां काम्युनिकेशन्स का महकमा है। उसके लिये एक डिप्टी मिनिस्टर दे दिया गया। लेकिन इस महकमे में जहां कि एक नहीं बल्कि कई मिनिस्ट्रियों की आवश्यकता थी उसके लिये कोई डिप्टी मिनिस्टर नहीं दिया गया। मैं समझता हूं कि अगर हमारे देश के भविष्य को बनाना है तो जो बेसिक चीज है, जिससे कि देश की तरक्की होने वाली है, और जिस महकमे पर सारे देश का भविष्य निर्भर है, उसके लिये एक नहीं बल्कि कई मिनिस्ट्री पृथक पृथक होनी चाहियें। मैं तो यह चाहता हूं कि इरीगेशन प्रोजेक्ट्स के लिये एक अलहदा मिनिस्ट्री होनी चाहिये और जो दूसरी चीजें हैं उनके लिये अलहदा मिनिस्ट्रीज बनें। लेकिन अगर ज्यादा मिनिस्ट्री आपको नहीं बढ़ानी है तो कम से कम काम्युनिकेशन्स जैसे महकमों के बजाय यहां आप डिप्टी मिनिस्टर बढ़ाइये ताकि गाडगिल साहब को जो भी समय मिले और वह देश को ज्यादा से ज्यादा और जल्दी से जल्दी खुशहाल बनाने वाली स्कीमें तो तय्यार करा सकें।

मुझे कहनी तो बहुत सी बातें हैं और कई एक शिकायतें भी मैं मिनिस्ट्री से करना चाहता हूं लेकिन समय बहुत थोड़ा मिलता है। मेरी इच्छा तो बड़ी थी कि उन्होंने जो कार्य किये हैं उनके में गीत गाऊं, क्योंकि आप जानते हैं कि मैं तो एक किसान हूं और जब हमें यह खयाल आता है कि भाकरा डैम तकरीबन जल्दी ही कम्प्लीट होने वाला है जिससे कि सब खुशहाल होंगे तो फिर उनकी कृतज्ञता प्रकट न करना तो मैं समझता हूं कि बहुत ही बुरा है, मैं तो चाहता था कि उनके लिये कृतज्ञता

[चौधरी रणवीर सिंह]

प्रकट करने के लिये काफी देर बोलता। लेकिन चूँकि समय निश्चित है तो ज्यादा समय उधर न लगा कर मैं कुछ बातें और भी कहना चाहता हूँ जिनको मैं महसूस करता हूँ।

आपका महकमा इस देश के लिये बड़ी बड़ी चीजें बनाता है। जिन लोगों के पास मकान नहीं हैं उनके लिये मकान देता है। लेकिन क्या आपने कभी यह भी सोचा है कि कुछ ऐसे भी आदमी हैं कि जिनके घर और खेत उजाड़ दिये जाते हैं दूसरे लोगों को बसाने के लिये। एक वक्त था कि आज से कोई बीस पचीस वर्ष पहले जहाँ हम आज बैठे हुए हैं वहाँ कई देहात बसते थे। पचीस बरस हो गये होंगे लेकिन आज तक वे गरीब अपने नये घर नहीं बसा पाये। यह कहना कि साहब आपको मुआवजा दे दिया गया सब शान्ति कर लेते हैं। लेकिन मैं आपको इस सिलसिले में इतनी बात कहना चाहता हूँ कि खेती करने वाले के लिये कोई मिला नहीं कहा जा सकता जब तक कि आप उसको ज़मीन के बदले में ज़मीन न दें। अभी हाल में यहाँ दिल्ली के करीब विदेशी राजदूतों के लिये कोठियाँ बनाने के लिये कहा गया है। मुझे डर है कि उसमें बहुत सारे बदकिस्मत देहाती घर गायब उजाड़ दिये जायेंगे और उन लोगों को बेघर होना पड़ेगा। (एक आवाज़: नहीं होना पड़ेगा)। अगर ऐसा है तो मुझे खुशी है।

आज ही दोपहर के वक्त मेरे पास एक भाई आये थे। उनका गांव है पसोड़ा, यहाँ से कोई आठ नौ मील पर है। वहाँ एक हवाई अड्डा बनाया जा रहा है और उसकी वजह से उनका गांव जहाँ कोई चार हजार की आबादी है उजाड़ा जायगा। हालांकि अगर वहाँ से एक फरलांग हटा कर अड्डा बनाया जाय तो इधर से उधर करने में किसी को बेघर नहीं होना पड़ता। वह लोग दूसरी ज़मीन देना चाहते हैं। लेकिन वह चीफ़ इंजीनियर से मिल कर आये। उन्होंने कहा कि किसी न किसी को तो उठना ही पड़ेगा। उस बेचारे ने बहुत ज्यादा समझाने की कोशिश की कि अगर आप मेरी बात मानेंगे तो किसी को भी नहीं उठना पड़ेगा। लेकिन उनका कुछ ऐसा माइंड बन जाता है कि वह अपने आफिशियल डम के ढंग से ही सोचते हैं। तो मैं आपसे यह नम्र निवेदन करता हूँ कि देश की आप तरक्की कीजिये, देश के लिये आप नये नये डैम बनाइये और विजली पैदा कीजिये और जो बेघर गवर्नमेंट सर्वेंट्स हैं उनके लिये मकान बनवाइये। लेकिन मैं इसके साथ साथ आपसे यह भी प्रार्थना करता हूँ कि जहाँ आप किसानों को बड़े बड़े हवाई अड्डे बनाने के लिये बेघर करते हैं या और दूसरी स्कीमें बनाने के लिये बेघर करते हैं तो उनकी तरफ़ आप ज्यादा ध्यान दीजिये। और उनको बसाने के लिये भी अवश्य प्रयत्न करें।

(English translation of the above speech).

Ch. Ranbir Singh (East Punjab: General): Mr. Speaker, Sir, we liberated our country fighting under the leadership of our venerable leader Mahatma Gandhi. So we must always place his ideals before us. He was always in favour of decentralization. He was always opposed to the consolidation of economic power. The charkha in the Congress Flag also symbolises decentralization. Mr. Speaker Sir, our much respected leaders Shri Jawaharlal Nehru and Sardar Vallabhbhai Patel have removed the great obstacles and rubbles that were in the path of our country. There goes a proverb in our villages that when a field is to be sown then before sowing seeds that field has got to be cleared of all the rubbish and waste matter. Much rubbish lay in the path of our country. Sardar Vallabhbhai Patel has removed the whole of it. But the future of our country and the prosperity of our country lies in the hands of the honourable Shri Gadgil's Department. His is a basic Department and forms the foundation of the future progress of India. If we have to give practical shape to the teachings of Bapuji then we will have to turn our attention to that matter, about which the honourable Minister dropped a small hint today morning, that is rural electrification. When he mentioned about rural electrification and said that we should give it due importance then at that time from my seat I called out in a loud voice that this ought to be a thing of top priority.

You must have seen that in the report describing the work of the honourable Minister, a Department named Estate Office is also mentioned, and it is given out in the report as to how many thousand applications of those Government servants are still lying with them for whom the Estate Office has not been able to make any arrangements for residential accommodation. This problem is getting bigger and bigger every day. If there is any solution to this problem, it is only this that rural areas be electrified and a number of residential houses be constructed in rural areas. Today why people do not want to go back to villages, simply because there is neither electricity nor water pipes. If the honourable Shri Gadgil were to make arrangement for the electrification of the rural areas of Delhi then the housing problem of the Government servants will not remain before him. Otherwise the Government will have to get houses constructed for them and will have to bear a great deal of expenditure on this count. If rural electrification is done then every Government servant would like to go and live in the rural areas of Delhi because there the living is not so costly as it is in the city itself. So besides making a strong demand for rural electrification I wish to draw the attention of the honourable the Minister towards those other things as well that lie in his hands.

This is mainly an agricultural country. For an agricultural country canals are of great importance and specially for those areas where the average rainfall is less. The necessity is specially felt in Rajputana and Northern India. I belong to East Punjab. There was once a time when our province used to supply food-grains to the whole country. But when independence dawned upon India then unfortunately our Province was partitioned, and our wheat producing areas went over to Pakistan. Now if you wish that annually 130 crores of rupees belonging to this country may not be given to foreign countries for the purchase of food grains then the only solution of this problem is that you give maximum advancement to irrigation projects. During the last few years a great stress was laid on this and a number of grand schemes were presented before the country. But I fear that when time came for the implementing of these schemes then our other friends, who really would have been benefited in the long run, raised their voices against these schemes, saying that riots will break out as a result of inflation; and thus frightening the Government caused a great deal of slackness in the irrigation schemes. If our country does in reality require anything it is the irrigation schemes, and in fact the

[Ch. Ranbir Singh]

scarcity of food products is directly responsible for the scarcity of other materials. You may select any thing, say industries. If you electrify the rural areas and get canals etc. made there, then there would not arise any problem for finding a market for the industrial products. Therefore, I beg to submit that you, taking into consideration this dire necessity of the country, go on paying more and more attention in future also as you are doing today.

I wish to submit one more thing in this connection. To the Department of Communications a Deputy Minister has been appointed but for this Department, where not one but more than one ministries were needed, no Deputy Minister has been given. I think if we have to keep in view the future of our country then for this basic Department upon which depends the progress and the future prosperity of our country, instead of only one, several separate ministries should be set up. I do wish that a separate ministry be set up for irrigation projects and for other things also separate ministries be set up. But if you do not wish to increase the number of ministries then at least instead of departments like Communications etc. you should appoint a Deputy Minister in this department, so that whatever time Shri Gadgil may get he may utilize the same for devising at the earliest quick prosperity schemes for the good of the country.

I have to submit many things and I also want to make certain complaints to the Ministry, but time at my disposal is very little. I had a strong desire to harp upon the works he has done, because you know that I am an agriculturist and when I think that Bhakra Dam Scheme is to be completed in very near future whereby everybody would become prosperous, then it would be a sacrilege I think not to express gratefulness. I wished to have spoken for a length of time in order to express my gratefulness for him. But as the time is fixed so instead of spending more time in showing gratefulness I wish to submit some more things that I think necessary.

Your Department constructs huge structures for this country. It provides houses to those who have none. But have you ever thought that there are some such persons whose houses and fields are demolished in order to re-habilitate other persons. Some twenty or twenty five years ago there was a time when a number of villages existed at the place where we are sitting today. Twenty five years have lapsed but these unfortunate people have not yet been able to set up their new houses. We feel contented that adequate compensation has been paid to them. But in this connection I wish to submit before you that no compensation can be called adequate to an agriculturist unless you give him land in exchange of the land taken from him. Quite recently it has been given out that here in Delhi a scheme has been drawn up to lay out a diplomatic colony. I fear that for this perhaps a number of houses belonging to unfortunate villagers will be demolished and they will have to become homeless. (An honourable Member: "No, they will not have to become homeless"). If it is so then I am really pleased.

A friend came to see me only at noon today. His village is Pansoda. It is at a distance of about eight miles from here. There an aerodrome is being made and for this reason his village which has a population of some four thousand will be demolished. The fact is that if the aerodrome is shifted a furlong away no one has to become homeless. The villagers wish to offer an alternate site for the aerodrome. They went to see the Chief Engineer who told them that after all some one will have to become homeless. The poor fellows tried their level best to make him understand that if their scheme is approved nobody will be homeless. But the official mind becomes so set that it always think in manner of officialdom only. So I very humbly beg to submit that you work

for the advancement of the country, construct new dams for the country and generate electric energy and get houses constructed for the homeless Government servants, but besides this I also beg to submit that you should pay more attention and do not render peasants landless and homeless by making aerodromes and by launching new schemes. You should make special efforts for their rehabilitation also.

Srijut Kuladhar Chaliha (Assam: General): Sir, the Honourable Mr. Gadgil has presented us this budget in such an unobtrusive and quiet manner that you can hardly find any fault with him. But he must hasten slowly. Sometimes some suggestions have been thrown that we should go ahead with the schemes and the money should be provided for the purpose. But I see there is a danger and the Finance Minister should be careful about advancing schemes by printing notes. If you cannot control prices, as we have not been able to control in our country, I think we will be in a dangerous trap. So the suggestion should not be carried out unless you can control—and control is impossible in India with our present psychological background. I therefore suggest that when we launch on any scheme we should hasten slowly. I do not say that we should not advance any schemes but in our present context, in our present economic condition and in our present situation we should be careful about investing money where the return will not come back.

Our economic transport and industrial structures are so built up and are based entirely on oil and coal. Have we been able to produce all the oil that is wanted? The only oilfield is in Digboi and there was one in Kohat in West Punjab which we have lost. I do not know whether in Central Rajputana we will find any oils. The production in Digboi oilfield used to be 17 million gallons, but the production has gone less and less there and we are getting only 14 million gallons as was revealed the other day in an answer to a question.

We ought to find out the causes that have led to this decrease in production. Certain other areas also which produced oil have dried up and are not being worked. In Iran when they reached a depth of 5,000 feet the stopped-production, but the American engineers went to 10,000 feet and found perpetual springs from which they could get a large supply. So, here you have gone up to 5,000 feet; should you not go up to 10,000 feet so that you may have more oil? But to do this we must have a proper geological survey and I request the honourable Minister to see that we should have a full geological survey throughout the country and we should have more drilling. Near about the Naga hills oil was found and we must explore its further possibilities. If we do not do all these things, the whole industrial structure will fail. Your aeroplanes, your navy and your engines, everything depends on oil and if we cannot produce it I think we will suffer immensely. There will be a time when we may be cut off from Iran. Therefore, we ought to take time by the forelock before it is too late.

We have also got oil fields at Massimpur but we have not done much to explore them. Patharia is another place where there are possibilities, but Patharia is a place for which a Commission has been appointed—on which my honourable friend on the right is represented—to get it back from Pakistan. We made a mistake in giving it to them. We are trying to get it back as if in a court of law, but we may not get it. Areas near about Jorhat and Bandarsalia also need exploration and proper geological survey.

Assam possesses coal in various parts. We have got coal at Mawphbing and Cherro near Shillong, and at Pynasulla, it is also found in the Mikir hills where you have not done any geological survey, though I think very long ago there was a party which surveyed it. Mikir Hills produce coal which is supplied to the Assam Railway; the total output is five per cent. of Assam's requirements. But if you tackle the Mikir Hills near about Dimapur, I think this

[Srijut Kuladhar Chaliha]

coalmine can be worked very well. Of course the question is linked up with roads which can be tackled with Defence and with Transport Ministries. In the Garo Hills, as I stated during discussion on the Railway Budget, you have got coal but then you are cut off by Pakistan. Unless a road is run from Garo Hills to Pandu—about 150 miles—I do not think this valuable deposit of coal and other minerals could be tapped. Sir, we want these facilities and I trust the honourable Minister will take note of this.

Further, you will be surprised to hear—possibly it will be news to you—that Assam has gold as well. It is found in the Subansiri River. We find a reference to it as early as the Kautilya's Arthashastra where it is mentioned in Book Two, Chapter XI that gold dust was sold near Kamrup at Suvarman Kudya (Sonkorihia). We have to wash the gold sands and with the present high price we can wash it after getting it from the Subansiri River. It is up the hills and we must go to the source of the hills where from the sands are washed down. I suggest a geological party should explore this.

An Honourable Member: Why do you not form a company?

Srijut Kuladhar Chaliha: Yes, if I had money like you. Then you will be surprised to hear that platinum is found in the sands of this river; this was confirmed by a survey made by a geological party. I don't know what percentage is found and whether it will be possible to extract this valuable metal in a commercially paying way, but I think it should be tried.

Silver also is available in these hills. It is available near about Pataki Hills on the Burma-Assam border. Amber also is available. Of course amber will not be useful to the Works, Mines and Power Ministry, but it will be useful for ornaments for people like my honourable friend Mr. Jhunjhunwala and others of our party. It is very valuable and I think it should be worked.

Will it be still more surprising if I say that iron is also available in some quantity. It is called dojara in our part of the country and is used in metalling roads. With the present high price of iron, we should try and see whether this can be extracted and smelted. I do not say it should be done at once but experiments should be made. It is near about Mekir hills.

Sir, I thank the honourable Minister for Works, Mines and Power for giving us a little gift in the shape of the Assam electrification project. He has given one scheme near Kamrup District costing about Rs. 101 lakhs, but there was another scheme. The Pussighat scheme which is as big as the Tenessy Valley Scheme and it should be worked properly and taken in hand in the near future. It will be as big as Hirakud or Damodar and the whole of the Province can be electrified. We have so many tea estates there that electric power can be supplied to them even and oil and other fuel can be saved. I hope the honourable Minister will look into that as well.

As regards geological scholarships, I think you ought to give more of these. Your requirements are so much that you have not been able to put in the proper number of officers. We want the entire country to be surveyed. We are spending our energy on political matters, but I should request the House through the honourable the Speaker that they should divert their energy to finding out these valuable minerals and bringing them to the notice of the House. The honourable Minister will do well to send out more young men to foreign countries for geological knowledge and bring it back to our country.

Sir, with these words I conclude and in doing so, thank the honourable Minister for presenting an optimistic report.

Babu Ramnarayan Singh: I thank you, Mr. Speaker. I succeeded in catching your controlled eye. I request you not to agree to any proposal to curtail the speeches of honourable Members. I do not mind it, if I am not allowed to speak. I think that ten speeches of 20 minutes duration may be preferable to 20 speeches of 10 minutes duration each.

Mr. Speaker: I entirely agree with the honourable Member. But I find that everybody is so anxious to speak and feels a sort of disappointment if not resentment actually if he is not given a chance. The honourable Member himself remarked that he was able to catch my eye, though controlled. There has been nothing of any kind of control. But he can make room for other people by giving up his right to speak on this occasion.

Babu Ramnarayan Singh: I congratulate my honourable friend Mr. Gadgil for his frank speech. Sir, he was rightly called by Mr. Venkata Rao that he is a dynamo. I agree with him.

Sir, in the beginning of his speech, my honourable friend referred to the old notoreity of the Central P.W.D. for corruption. He assured us that there is some improvement. Sir, if there is improvement I congratulate him and the Department. But I tell him that, so far as my information goes, things have not improved. I assure him and the other Members of the Cabinet that it is no pleasure to talk of corruption among our own countrymen. We hang our heads in shame when we have to talk of these things. So, if at all we refer to such things we do so only with a view to bring about purity in the administration. Everybody knows that unless there is purity in the administration of the country no public good is possible. But there appears to be some misunderstanding. Our friends in the Cabinet want us to thank them for what they have done. We can do that; but at the same time we should be allowed to criticise them for what is wrong with their department. They want us to support anything and everything that is done in every Department. We congressmen have captured the machinery of Government and sent some of our men to control that machinery for the good of the country. They can so control the machinery of Government only when they take our co-operation. But what we find is that our friends appear to have identified themselves with the Departments and with the help of the Departments want to control us. This is misunderstanding the position. This process would not do and this will not help the cabinet or any of us here.

I thank Mr. Gadgil for what he has done with regard to the Damodar Valley scheme. The Corporation has begun the work in the Damodar Valley and we have begun to receive reports to the effect that the people who have been occupying the lands in those regions have been asked to vacate entire villages without notice, without proper acquisition and without compensation and all that. I may remind my friend Mr. Gadgil that when the project was hatched, there was agreement arrived at among all the Governments concerned that the people who will be ejected from lands will get lands for lands and that those people who will be displaced from their homes will get homes elsewhere.

Sir, in the Budget presented to us, there is a reference to model villages. I am very glad to hear that. But here the position is that those people who are to be displaced altogether from the villages that are to be submerged by the dam are to get lands and value of lands in advance in order to enable them to erect new houses. It is only after the erection of model villages and after the occupation thereof by the people that they should be asked to give up their lands and houses for the purpose of the dam. This should be strictly adhered to if you want to do justice to the people.

[Babu Ramnarayan Singh]

Then in connection with this dam construction there is a report that as this is a national concern all people through out the country should get representation—in its services. All the same we have to see that one community does not predominate over others in the construction in the concern. The construction of the dam is a national programme. We welcome it. The people of the locality and all of us are ready to co-operate. But justice has got to be done. My honourable Friend in answer to a question on the subject said that he will enquire into the matter and later said that the enquiry has already begun. I thank him for all these, but I ask him to see that nothing illegal or unlawful is done there.

I have just received a copy of the *Indian Nation* of Patna dated 8th March.

Mr. Speaker: The honourable Member has two minutes more.

Babu Ramnarayan Singh: I request you to give me a few more minutes. I have to refer to two or three matters.

Mr. Speaker: I have no objection; but the other members will have to be denied the opportunity to speak.

Babu Ramnarayan Singh: This paper contains a resolution of the Bihar Provincial Congress Working Committee. They are coming on deputation to the honourable Shri Jawaharlal Nehru. They have to thank the Central Government for what has been done, but they have to regret the hopeless slowness with which the Government is moving in the matter.

Sir, there is flood almost every year in Kosi and it has been ruinous and devastating to crops, to cattle and even to trees. And human suffering is indescribable. Of all the projects which the Government can take up this is the most important from a humanitarian point of view. I wish that the honourable Minister sees to it that this project is also expedited.

Sir, I have one or two points more and I have done. In Delhi, we have got the Rent Control Act. This was meant to give relief to the poor tenants against unscrupulous landlords. I do not think it was meant to discourage people from building houses. I do not think it was meant to extend to areas which are altogether undeveloped till now. There is an area called Sarai Rohilla, which is not yet developed. When want of accommodation was felt keenly in the town, there was an appeal from the leaders to the people to erect houses. In this business, even people of ordinary means also come forward to invest their money to afford people accommodation. I hear that there is an instruction from the Department that rent will be allowed only at six per cent per annum. This is simply ludicrous. It is difficult to build a house in these days which will fetch an income of six per cent only. It is said that there was a conference between landlords and tenants and by way of agreement this has been arrived at. Sir, this may be right and proper for the old investments; but this cannot do well now. I think my honourable friend will see to it.

There is shortage of accommodation in this City. High Government officials, and even members of this House are given accommodation in the Constitution House, Western Court, Pataudi House and some other Government hotels. This is well and good. At the same time, the boarders are forced to take the meals provided there. There is a suspicion that this is by way of help to big contractors. In the hotels, meals are provided in a stereotyped manner. Sometimes, the meals are not good. Why should the boarders be forced to take meals provided by the hotels? Government give the accommodation all right. At the same time, it is only proper that they must not be forced to take the meals provided by the hotels.

I thank you, Sir, you have given me time. I have got much more to say I think the points referred to by me will be considered by my honourable friend Mr. Gadgil and that he will see that the Kosi project is begun at once. I may say this. If the Government is kind, good, just and humanitarian, this project must be taken up at once.

Prof. K. T. Shah (Bihar: General): On occasions like this, when honourable Ministers come before the House presenting their Grant Estimates for expenditure, congratulations are so common that any word of lack of it will not, I trust, be misplaced.

I have, indeed, come here as Mark Antony said long ago, "to bury Caesar and not to praise him". Therefore, it is not for me to raise any old difficulties which may sound a note of lack of harmony in this admirably constituted mutual admiration society, in which congratulations and compliments are the order of the day, and any word of censure is only dismissed as destructive criticism. I am afraid in this case, however, I am not going to make my remarks entirely unavourable. If an occasional grain of sugar creeps into my observations, I trust the honourable Minister will not suffer from indigestion from taking up the sugary stuff.

For, I confess, when I remember the performances of other days, and see how rapidly, how eloquently, how recklessly, how courteously we pass in a couple of hours estimates running into 12 or 150 crores, with hardly a word of criticism for one minor point here or there. I cannot help commending the modesty of the honourable Minister for Works, Mines and Power, in asking us only to pass a budget of 12 crores in two hours,—or it is going to be three hours,—I do not know. After all, this House passing four crores or forty crores an hour does not lend itself to any close scrutiny, of detail, to any suggestion of economy or retrenchment, or even for the matter of that, a close examination of policy which is involved in matters of this kind.

Sir, the honourable Minister has told us that he has been satisfied with the measure of efficiency his department has achieved, and that he is also satisfied that there is a "fair measure" of honesty in his department. I wonder if "fair measure" is an official euphemism for something quite contrary. At any rate, in common parlance, P.W.D. which is now transformed into W.M.P. used to be regarded as a Public Waste Department, and it may now be regarded as Waste, Mistakes and Profusion Department. While I do not agree with this, I do confess that these initials, which have become a perennial plague in the language of public affairs are confusing. One is liable, without ever intending to do so, to be betrayed into a misconception from the very initials in which these things are presented. I wish to point to, however, only two or three important matters, so that I might not only economise in my own time, but also in the patience of the House as well.

In the first place, as I have just stated, the various grand schemes comprised in this Budget are large projects spread over in time and in space to such an extent that men's minds forget, their brain loses sight completely of the details involved in it. The honourable Minister has presented such a fancy picture, in such wonderful rainbow colours, that one looks and marvels at the colours only, though it may be all empty behind. I am not suggesting at all for one moment that the projects that the honourable Minister has presented before us are lacking in any substance. But I would most humbly draw his attention to the fact that these are bound to be spread over ten or fifteen years until they are completed and that in the meanwhile there must be some guarantee of sticking to the original aim and purpose, for which any such project is taken in hands; and that any deviation from that is likely to cause difficulties which we may not be able to correct.

1342 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [10TH MARCH 1949]

[Prof. K. T. Shah]

Ministers have told us again and again that they are creatures of circumstances. If these circumstances affect in the course of a year or two or three the whole outlook radically, then, I suggest that a period of ten or fifteen years is sufficient for us to take heed; and that from the start we bear in mind and take steps to see or give guarantee that eventually avoidable mistakes may not occur; and if they do occur, their effects are minimised.

To illustrate my point, there is an extremely great need of co-ordination, not only as between the several projects, and the several purposes for which the various projects included in this ministry's Budget are concerned, but also as between the over-all, comprehensive National Plan in which these are integral parts so to say. Yesterday, we had the very wonderful spectacle of being called upon to pass another substantial estimate, in which the illustration of the Sindhri project was mentioned. Ministers are very ready to take credit for projects which have been taken in hand or thought of long before they came to office; and the Sindhri project was one of that. Even granting that this is a human frailty—after all, and that the present Ministers are only the successors of the same form of Government, for the spirit of Government has hardly changed even though the personnel may have changed since August 15, 1947, I would like to say that when one comes to hear that the Fertilisers manufacturing industry is situated, let us say, in Sindhri, that the raw material has to be got from Jodhpur, that it would require about 200 railway wagons to go 800 or 1,000 miles, I wonder what co-ordination is there between the transport system, the raw material system, the wastage of time involved in sending hundreds of empty wagons back from Sindhri to Jodhpur if they have no traffic to carry backwards.

I am told—I do not speak on my own authority—that it would be a marvel of speed and economy if a goods train metre gauge of 200 wagons could accomplish even a 100 mile a day. If even that much, it means you will have 1600 wagons on the road at any given time for carrying this traffic in raw material to the seat of manufacture, and if you consider that these will have to be all coming back in another eight days or ten, you will have something like 3,000 wagons devoted to this matter alone. Would anybody give any attention to the co-ordination of this matter? Has any body considered that this is to be reconciled mutually?

Shri B. L. Sondhi: Is the honourable Member in order in discussing things that were discussed yesterday? The honourable Minister is not there to reply.

Mr. Speaker: The honourable Member may continue his speech.

Prof. K. T. Shah: In this particular case, for instance, there are claims of several purposes, there are claims of several provinces, there are claims of various articles which are expected to be produced by these various projects. There is power, there is industrial growth as consequence of easily accessible and cheap power, there is food growth as consequence of better water supply and irrigation, there is navigation or transport facilities. All these would come out of this Ministry's very great projects.

There is also the mines and the untold wealth of minerals in which this Union is very rich. But at the same time if the honourable Minister told us correctly, we are still not absolutely self-sufficient in the matter of mineral requirements either of peace or of war. If all these are to be mutually correlated, if there is to be a co-ordination between these—and I am not suggesting that the honourable Minister has not tried to give it some kind of co-ordination

at least within his own Ministry, then only will you be able to reap the fullest fruits of these very grand projects, which, in their entirety, when they are completed, will cost you several hundreds of crores perhaps.

At each stage you go on creating new problems like, for instance displacement of people whose lands you take up for purposes of building barrages or reservoirs or otherwise, and they are unable to use that land for the time being. How are these people to be resettled or rehabilitated? how are these people to be re-employed? how are these to be compensated? how are these to be given some alternative places of residence and work? These are problems which are insuperably inter connected. I hope the honourable Minister will agree with me that these are integral matters that need to be co-ordinated as carefully as the other illustration I gave about which my friend is so very sensitive. The point, however, is that in the budget as we see it, in the various items—very imposing as they are—we lose sight of the ultimate aim that ought to be a careful integration of all these considerations.

Take again the establishment of industry in all these regions where such ambitious projects are constructed. There has been a cry from almost every corner of this House that if you generate such large quantities of power, how are you going to utilize it, if the rural areas or villages don't benefit. How are the villages going to benefit from abundant energy? If it is the intention that the benefit will be in the form of, let us say, electric traction, or electric agricultural machines for cultivation, then I am afraid, the present agrarian economy of this country is such that it would be very difficult for us economically to employ these means.

Then again take the need for small industries, the so-called cottage Industries. There, again some honourable Member might become sensitive that the Minister is not there and that, therefore, I cannot even mention 'Industry'. I am afraid I cannot help. These industries are possible to be developed by means of decentralized power—somebody used this expression; and decentralisation is a factor which has to be properly appreciated not merely in word, not merely by verbal sympathy, but by actual translation in the economy of the country. There is a great possibility of our scattered small economic cottage producers who only need to be organized, who only need to be equipped, who only need to be financed and advised properly and given every facility in marketing, all the shortages of supply that we see to-day will be wiped out within a very much shorter time than these projects will take time to fruition.

In this connection if you will pardon my saying so,—it is not a bee in my bonnet if I point out that all these arguments tend to one central fact viz., the necessity of having a planned economy, that is to say, not one item but every item, every Department, every activity of the country should be co-related and integrated into a single pattern with definite objective and definite stage and definite norm fixed by which we can judge from year to year the progress we are achieving.

Secondly I repeat that when several Ministries as they come before us we do feel so important and I find that we do lose sight of the ultimate aim. I hope that all the planning commission that is being talked about and the promises that are being made of, some day a national plan will be presented. While planning that I cannot help warning the Ministers that there is a great danger of their being too much absorbed in the very beautiful plans that they create for their own Departments or for single items for which they may be responsible and run the risk of overlapping the over-all picture of the nation's progress which I hope, we are all striving for.

Shri C. Subramaniam (Madras: General): Sir, in the Government of India there are two Ministries which have got to play a vital role in the progress of the country, in the development of the national wealth. The first is the Ministry of Industries and the second is the Works, Mines and Power. I am not stating this in the order of importance. Looked at from a certain aspect, the Ministry of W.M.P. is more important and has got to play a more important role. For the industrialisation of the country, the development of power is the basic requirement and it is only by the extent of development of power the pace of industrialisation has to be set. Therefore the progress of the country very much depends upon the working of this Ministry. According to the data available now, we find our supply of coal is very much limited and supply of oil is also very much limited in our country. So the only form of power which we should develop is electricity. Perhaps in the distant future or perhaps even in the near future, this energy may be replaced by atomic energy. When that would come we don't know. Therefore our attention should be focussed on the development of electricity and I am glad to find very many schemes have been taken up, hydro-electric schemes, river valley schemes which would produce electricity, necessary for the development of our country. But if we want to utilise the energy so produced in these projects, it is necessary there should be a certain amount of co-ordination—not the general co-ordination which the previous speaker was referring to but co-ordination between the Ministries of W.M.P. and the Industry and Supply.

[At this stage, Mr. Speaker vacated the Chair, which was then occupied by Shri S. V. Krishnamoorthy Rao (one of the Panel of Chairmen)].

When electricity is produced, it has to be distributed throughout the country to the villages. Now a situation has arisen in Madras. There is electricity available and there are very many villagers who are prepared to take electricity for pumping water from their wells. But we find that there are no materials available, neither transformers, nor the poles, nor the wires, nor the switches, nor any other material. Because of the shortage of these materials, they are finding it impossible to supply electricity to the rural areas. Therefore, alongside with the development of these schemes for the production of electricity, there should be co-ordination with the Ministry of Industry for the manufacture and production of electrical machinery, the machinery which would be required to distribute this energy to the various nooks and corners of the country. That should be the first point that should be taken note of by the Government.

Speaking of electricity, I wish to mention about the position in Madras, to which my honourable friend, Mr. Kala Venkatarao referred to in the morning. He pointed out that in Madras the main producing concerns are State-owned and State-controlled and there are a few small concerns situated in urban areas supplying electricity to certain municipalities. They are private-owned and their machinery has also become almost obsolete. They are unable to replace it. Therefore, there is a proposal by the Provincial Government of Madras that these concerns should be taken over by the Government and the entire system of production and distribution of electricity should be a State concern.

My honourable friend, Mr. Sondhi, when speaking on the Budget at the time of the general discussion, said that in spite of the promises and assurances made by the honourable the Deputy Prime Minister while in Madras, that there would be no nationalization, the Government of Madras is defiant in this matter. He was referring to an answer given by the honourable Minister of Public Works in Madras in connection with the taking over of these few electricity concerns that whatever might have been said by the honourable the Deputy Prime Minister it did not apply to these concerns. That answer

has been misrepresented and a charge was laid on the floor of this House that the Government of Madras was flouting the instructions from the Centre in spite of the fact that the honourable the Deputy Prime Minister himself gave this assurance in Madras. I wish, Sir, Mr. Sondhi, before making this charge against the Madras Government that they were flouting the instructions from the Centre, had taken care to find out what the honourable Minister of Public Works was referring to when he said that the remarks of the honourable the Deputy Prime Minister did not apply to these concerns.

One other matter I wish to refer to and that is with reference to the development of Greater Delhi. We find that one crore of rupees has been asked for, for the development of Delhi and for the construction of quarters there. Before launching upon this project and taking up building activities here, I wish to say that we should come to a decision whether we are going to have the capital of India permanently in Delhi. I know that whenever this matter is mentioned it is brushed aside. It is not that I want that a decision should be taken here and now, but it is a matter which has got to be thoroughly gone into and a decision taken at the proper time. But before that, let us not commit ourselves. Let us not spend too much here in Delhi, so that at a later date it may not be said we have sunk so many crores in this place and how can we leave it. It has been said by the honourable the Prime Minister that this Government is a caretaker Government. So let us not tie the hands of the future Government that they should continue in Delhi as the capital.

Apart from this there is another aspect of the matter. We find that certain departments attached to the Ministry of Works, Mines and Power are to be shifted to Nasik and the honourable Minister has stated in the report submitted to us that he has consulted other Ministries of the possibility of sending some of their departments to other places. It is not only a matter for the decision of the various Ministries, but it should be a decision of the Government itself as far as possible to disperse the various departments in the various parts of the country so that there may not be overcrowding in Delhi. For example, we have been asked to sanction Rs. 5 lakhs for the building of the Federal Court. Where is it to be located? Is it to be located in Delhi or in any other place? As far as I can see for a Supreme Court of Appeal Delhi is not the proper place. There is not even a proper bar here. So we have to come to a decision before we make this grant regarding the place where this building has to be constructed.

I hope the Government will take a decision soon on this point, and if any decision has been taken by Government, they will let us know it.

Srijut Rohini Kumar Chaudhuri (Assam: General): They say that "Charity begins at home". I shall therefore first of all touch on the Estate Office. I do not know how the honourable Members of this House have offended the Estate Officer. But it seems to me that we are, on account of faults which we have not committed, or on account of things which we have omitted, *persona non-grata* with him. Take the amount of money which is taken by that department for the Assembly quarters. If the honourable Members of the House, placed in my position, sometimes scan this Bill, they will find that a certain amount is taken as the rent every month. Then about Rs. 25/- per month is taken for the use of the furniture. Then Rs. 2/8/- is deducted for flowers. As a matter of fact the amount of flowers you get from the flower-bed in the whole year will cost only Rs. 2/8/-, but we have to pay Rs. 2/8/- every month. Then there are garden charges of Rs. 7/- per month. I have hunted several times to find that garden in the Assembly quarters but I have not been able to find it and yet Rs. 7/8/- per month is taken from me as garden charges.

[Srijut Rohini Kumar Chaudhuri]

Then, Sir, we are given some furniture for which we have to pay Rs. 25/- per month. It requires four persons to carry outside one of the chairs from the drawing room. You cannot carry it out alone so that your friends may be able to sit down. That is the position of the furniture.

As regards the bed, after using it for a few months, even after putting a mattress there, and though you may use it as a single bed, the whole thing crumbles down to the ground. The bed simply touches the ground after use for four or five months.

An Honourable Member: After four or five days.

Srijut Rohini Kumar Chaudhuri: I used it as a single bed and still it did it.

There is another very interesting item which beats every thing else:—viz., Rs. 25/- for other services. We have to pay separately to the municipality for electricity, then we have to pay separately to the municipality for water, we are not given any *durwan* or any servant. What are the other services for which we have to pay Rs. 25/-? There is no bed tea served, nor breakfast and still they take Rs. 25/- for other services. I do not know what are the other services rendered for which they take Rs. 25. (*Shri H. V. Kamath: "Charity"*).

Your rent is deducted every month by the Legislative Assembly Department during the session. Then after four or five months after one has forgotten every thing there is a call for the payment of arrears for four or five months. In 1948 you have to pay the arrears for 1946 and in this month you may have to pay the arrears for last October or November. Why should not the sum be recovered during the same months and why should the arrears be charged after we have forgotten all about it. I am speaking on behalf of all the members in this House and I hope they support me.

Shri B. L. Sondhi: From Rs. 123 it has gone up to 200.

Srijut Rohini Kumar Chaudhuri: I come now to the C.P.W.D. (Central Public Works Department). It used to be said that C. stands for corruption, P. for partiality, W. for waste and D. for delay. As the honourable Minister has assured us that there is no corruption automatically with the going of corruption partiality also disappears. Then will the honourable Minister be pleased to admit and agree with me that waste and delay still continue.

I would first of all refer to the refugee houses in Delhi. I have seen them. I do not know whether the idea was that a refugee family after all the casualties they had suffered in the Punjab and elsewhere should comprise more than two or three persons, including a baby. If the houses had been built on that idea I could understand it. But as we all know there are families with 7 or 8 members and even then a small house where only two persons can live is allotted to them. If my honourable friend the Minister and I go together we will find it difficult to enter the house. These small houses fit for the accommodation of two or three people only have been built at a considerable cost and they will be of no use later on. So all this waste has taken place in the construction of those refugee houses. These houses have a small open latrine adjacent to the kitchen. They are so near each other. Then there is a drain which drains nothing and the water stagnates round about. Is it fair to compel the refugees to live in that kind of houses. If you build houses for the refugees you should build them in a way so that families can live in common decency and free from danger to their health.

Now I shall speak about electricity. I could not follow my friend Mr. B. Das when he complained that there is too much light in the Connaught Place, that there was too much electrification at the cost of some other areas in the town. Does my honourable friend and his companions who accompany him to the Connaught Place in the evenings mean that they illuminate the whole place so much that no more *lighting* is necessary? My friend Mr. Das has been here for the last twenty five years and knows the kind of fashionable people who wander about the place and probably from his own experience he would prefer the Connaught Place to be a little more under dark shade and should not have too much of light. So far as the poorer sections of the people are concerned who buy their goods from the pavement shops they would like to have a little more light there. I do not advocate the policy which my friend Mr. Das has advocated that you should cut down the lights in one place to provide more light elsewhere. On the other hand you must improve the supply of electricity so that everyone can get equally. Some months ago we noticed that on the Ferozshah Road the lights on one side, including the place where the Chief Whip resides, went out but the lights on the other side were working. I brought this matter to the notice of the Government by way of a question.

Sir, I wanted to speak about the aerodromes in Assam. Air service has been going on regularly since the last year and still the aerodromes are in an uncared for condition. It was said that the regular aerodrome would be built shortly but so far nothing has been done about it. There is a lot of delay in constructing the aerodromes in Gauhati and other places also.

I have only one more point to make. There is a road in Bengal which connects Darjeeling with Tibet through a place called Gantok. Why not a similar road be constructed to connect Assam with Tibet, so that the traffic will be diverted on to that road.

As regards petrol Nemesis has overtaken the Government. Petrol is drying up in Assam, because Assam has never been given the quota to which she is entitled. The province never got her quota for the year and therefore the oil wells are drying up. Even though the budget has not been passed, the Government has allowed the petrol depots to charge Rs. 2/9/- per gallon even from now on. In anticipation of the budget being passed they are already charging Rs. 2/9/- per gallon.

Shri B. P. Jhunjhunwala (Bihar: General): Sir, as far back as 1869 the project of the Kosi valley was investigated. The ravages wrought by the river on the people living in its catchment area can better be seen rather than described here in a few minutes. The story of the people there is a pathetic tale. When the floods of the Kosi come they take away whole villages together and converts the whole area into a sea and later on into a desert. This project which was first conceived by the old Government was not at all mentioned by my honourable friend Mr. Gadgil this morning. I was looking forward to hear that something might have been done and was being done to remove the calamities of those people. It is an area of about twenty-three thousand square miles where the ravages of this Kosi river spread, and it affects about one-third of the population of the whole of Bihar. As I have said, I do not know what is being done regarding this Kosi project. As has been pointed out by my honourable friend Prof. K. T. Shah, before taking up these big projects there must be some plan thought out as to how the people who will be affected by these projects will be rehabilitated, how the power which will be created by these projects will be utilised, whether it will be utilised in a centralised way in the form of big industries or by distribution in the form of small industries—all these things should not be allowed to be done in a drifting

[Shri B. P. Jhunjunwala]

way, but a clear plan should be thought out from the very beginning before any such project is taken in hand. Lakhs and crores of rupees are spent in making these projects. Preliminary investigation is made, then other investigations are made and then reports are published. Still the reports, when they come out, are defective in the sense that they have no well organised plan as to how all these things will be co-ordinated when the scheme succeeds. So far as Damodar Valley is concerned of course a part of Bihar is affected by that. But if you will consider the question of the ravages caused by the

river Kosi with any other dam, the ravages done by the river Kosi are far greater than those done by any other river. If that fact is taken into consideration, namely the ravages caused and the consequent agonies and miseries to which the people are put, it should have been the first concern of this Government to take up this Kosi project and see, apart from getting something which we hope to gain by other projects in the future, that at least the miseries and the agonies to which these people are put every year are removed; this area of 23,000 square miles is first flooded in the form of sea and then it is converted into a desert as stated above. I do not want to take the time of the House. The only point which I wanted to stress upon the honourable Minister was regarding the Kosi project. It was in 1947 that the honourable Minister Mr. Bhaba who was in charge, had gone to the site of dam. He had also gone to the other places where the ravages are done by this river and there was a great public meeting in Nirmati. It was a sight to see how those people were first anxious and then felt relieved when the Minister drew up a picture as to what will happen in the future—when this project will be fulfilled all these areas will be electrified, all these areas will look green with green crops and all the people will have their houses electrified! But when I was hearing the speech of the honourable Minister naturally I felt anxious not finding the mention of Kosi. As I have said, I have to request and impress upon the honourable Minister that if the whole project is not going to be materialised due to any reason, looking to the miseries and agonies and the pathetic tales of these people, funds at least should not be the consideration for this Government. Bihar is a poor Province in its revenue income: though it is rich in everything but it is undeveloped. All the big revenues from income-tax on profits made in Bihar go to other provinces under the present arrangements.

Shri B. Das: How are you poor?

Shri B. P. Jhunjunwala: Because we are not given back what is taken in the form of income-tax and other things; we are given very little share. So it is not possible for us to take up the scheme ourselves.

I shall again invite the attention of the honourable Minister to this aspect that if that big scheme due to any reason is not taken up, I shall beg of and impress upon the honourable Minister at some other means of opening up big canals or putting up small dams here and there should be taken in hand immediately to give relief to the people.

Shri Satish Chandra (U.P.: General): Sir, the honourable Minister has given an overall picture of the work that the Government have done and propose to do in the near future, explaining the nation-building activities of his Ministry. Many people may imagine that the work has not gone with the speed with which it should have gone. But considering the nineteen anxious months that have passed after the attainment of freedom—including tragic days of bloodshed and violence—I think that the schemes are making satisfactory progress.

Prof. K. T. Shah has, a few minutes before, referred to the existence of a 'mutual admiration society' in this House. I am proud of being a member of that society. But I think that the name that he has given to that society is rather incorrect, because we who shower praises and admiration on the Ministers do not receive them in turn. After all what admiration do we get, and how is it 'mutual'—I fail to understand. But if we praise our Leaders and Ministers I am equally prepared to praise my learned honourable friend Prof. Shah for his ability, integrity and great knowledge—theoretical knowledge—of economic affairs.

Sir, reverting to the subject, I only wish to make one or two brief remarks about the work of this Ministry. An influential honourable Member from Madras, Shri Kala Venkata Rao, and my two honourable friends from Bihar Shri Ramnarayan Singh and Shri Jhunjunwala, have advanced the claims of Rampadsagar project and the Kosi dam. I, on the other hand, think that the main difficulty—why work is not proceeding satisfactorily—is that too many projects have been taken in hand at one and the same time, and cannot be executed speedily with the material and resources that are available to us. Only a few days back I was told by an officer of the U.P. Government with a technical knowledge of these matters, that various schemes in the United Provinces are held up not on account of the lack of finances of the U.P. Government which are available in plenty, but due to lack of material and due to lack of technical skill in the country. He told me that the U. P. Government's plans which are scheduled to be completed in ten years will take 200 years to complete if material is made available to them at the speed with which the U.P. Government obtained them during the last year. I, however, imagine that the pace of the projects will gain momentum as they make progress and that with the disappearance of our present difficulties we shall be able in future to speed up those programmes. After all, most of our leaders and workers in the field have been telling the peasants that India shall be a country of plenty and prosperity in ten or fifteen years time. Let us see that whatever schemes we take up, whatever schemes we announce and publicize are completed within the scheduled time so that there might not be a feeling of frustration if they could not be completed. Let us see that false hopes are not raised which may not materialise within a reasonable time.

Therefore, Sir, I think there should be greater co-ordination between the Centre and the Provincial Governments because after all the Central Government have taken up only a few big schemes like the Hirakud Dam or the Damodar Valley Corporation's multipurpose river-training project. But equally important schemes—though they might be slightly smaller in size—which will generate lakhs of kilowatts of electrical energy and which will be useful for flood control and in other ways, should not suffer simply because the Central Government's attention is diverted to a few projects under their own direct control. There should be an overall planning which not only incorporates the central schemes but all such schemes under the central and the various Provincial Governments.

Sir, there is a huge shortage of petrol in this country. While we are going ahead with schemes for civil aviation and have to depend more and more on motor transport, I really wonder what we have done so far, or how far the Geological Survey has paid its attention to finding out sources of petroleum in this country. After all, petroleum is a product for which we cannot at all times depend on foreign imports only. In this connection, I would say that in U. P. we have got power alcohol plants with an installed capacity of 55 lakh gallons per year, but the actual production is hardly half of this figure. Some research work should be carried on to improve the quality of the power alcohol which may to some extent gradually replace petrol. Moreover, there is a type of coal found in Sangroli in Mirzapur District from which—it has been claimed—petrol can be very easily manufactur-

[Shri Satish Chandra]

ed. I do not know if any steps have been taken so far to manufacture petrol out of that coal, or whether experiments have been carried out in other parts of the country and if so with what results, but it is surely a field for investigation.

In the end, I would only say that the nation-building activity is a long process the foundations of which are being laid now. I am sure, a magnificent superstructure shall be raised and raised quicker than many of us imagine, and that the standard of living of the common man shall be considerably raised.

Shri O. V. Alagesan (Madras: General): Mr. Chairman, I do not think this Government suffers from want of opposition as Prof. Shah would have us believed. First of all, there is the opposition by the Party itself as was witnessed during the General Discussion on the Budget. Again, when Professor Shah is there, who can say that there is no opposition to this Government? He constitutes the intellectual opposition to this Government, and coming down, Mr. Naziruddin constitutes, if I may say so, the grammatical opposition to this Government. The role that our Ministers have to play is a difficult one. They have first of all to carry the bureaucratic machinery with them, to make them do the work they want out of it, and they have also to carry the non-official supporters with them. Sir, this, everyone will admit, is a difficult task. It is not dissimilar to that of a man with two wives. But I can say from my experience of the honourable the Minister for Works, Mines and Power that he has done his task with consummate skill and the success of his Department is not a little due to that.

The honourable Minister mentioned the construction of the Jammu-Pathankot Road. We all rejoiced that there has been a happy consummation of the Kashmir fight. There has been a cease fire on the 1st of this year. It is not a little due to the construction of this road, which helped our military in its valorous deeds to a very great extent. This House should appreciate the good work done by the department.

More than one speaker spoke at length on the river valley schemes. These schemes are romantic schemes: they raise before our mind's eye a very prosperous picture of our country in a few years, say in ten or fifteen years. So everybody is dazzled by these schemes. It is but natural that provincial and regional claims are put forward. As one coming from Madras, I would certainly ask that the Ramapadasagar scheme should be taken up as early as possible. The projects that are on paper have to be translated in terms of materials, plant and machinery, personnel and other equipment. The difficulty of the job will be known only when this is attempted. Many Members advocate the taking up of new schemes. In Madras the Tungabhadra project has been already taken in hand and excavation work has been completed. But masonry work has been held up, I read in the papers yesterday, for want of cement. There will be such maladjustments if you do not prepare an overall plan for the execution of these attractive schemes spread over a number of years.

Whenever a project is taken in hand most of the fruits of it go to the industrialists. As my honourable friend Sri Kala Venkata Rao pointed out this morning, only 3.7 per cent. of the electricity produced goes for irrigation purposes now. This process should not be continued. More electricity should be made available for agriculture and for other irrigation purposes. Thousands of wells were sunk in Madras under the 'Grow-more-food' scheme. If electricity could be made available for pumping water from at least half the number of such wells, the food situation would have very much eased in Madras. So the honourable Minister should see to it that he does not give all the electricity to Mr. Mody, but that a considerable portion of it is given to Professor Ranga also. This should be borne in mind when power projects are taken in hand.

This Department is one of the major spending Departments and so I do not think it will be out of place if I now touch on the economy aspect of it. In the Budget papers circulated to us there is an item called 'Other charges'. I am told that this single item covers many a sin. What are these 'other charges'? Nowhere do we find an explanation of them. This morning there was mention of staff cars. I do not deny that some Ministries may require staff cars. But a scrutiny may be made into the use of these cars and the number restricted to bare necessity. If this is done I am confident that the honourable the Finance Minister will be able to save about 15 lakhs. It appears that these 'Other charges' also include touring charges. There are tours and tours. When you can go by train, you may travel by plane and when you can go by a service plane, you may charter a plane and go. All these lead to unnecessary expenditure and extravagance which should be cut down and the amount saved made available for more useful purposes. I believe that the Finance Minister will have a scrutiny made into these items and thus reduce the deficit now found in the Budget.

گیانی گورمکھ سنگھ مسافر : سبھا پتی جی ! میں وقت توڑا ہونے کے باعث کسی تمہیدی بات یا رسمی مبارکباد کے بغیر ہی اپنی بات کو جو کہ میں کہنا چاہتا ہوں شروع کرتا ہوں۔ اور میں سمجھتا ہوں کہ ہمارے ورکس مائنس اور پار کے منتہی مبارکباد کے اتنے محتاج بھی نہیں ہیں۔ جو کچھ انہوں نے اپنے کام کی رپورٹ میں لکھا ہے اور جو کچھ انہوں نے آج صبح اپنے بہاشن میں بتایا ہے اس سے ظاہر ہے کہ انہوں نے اپنے محکمے کو ترقی دینے کے لئے بہت کام کیا ہے۔ جیسا کہ میرے بہت سے ساتھیوں نے کہا ہے۔ یہ ٹھیک ہے کہ ورکس مائنس اور پار کے ڈیپارٹمنٹ (department) کے کام پر بہت سی باتوں کی ترقی کا انحصار ہے۔ میں اس وقت بولنے کی زیادہ ضرورت نہ سمجھتا ہوں اگر جو باتیں میں کہنا چاہتا ہوں ان کو کسی اور ممبر صاحب نے کہہ دیا ہوتا۔

اس وقت پنجاب کی حالت بہت ہی زیادہ توجہ کی محتاج ہے۔ پچھلے دنوں ہمارے قیدی پرائم منسٹر سردار پٹیل جی نے انبالہ میں پنجابیوں کو مخاطب کرتے ہوئے کہا تھا کہ پنجابیوں نے بہت کچھ کھویا ہے اور اب انہیں ایسٹ پنجاب میں اسے ملانا ہے۔ تو ایسٹ پنجاب کو سب سے زیادہ ورکس مائنس پار کی منستری کی توجہ اس وقت زرخیز بنا سکتی ہے۔ یہ ٹھیک ہے کہ باکھوا ڈام کی اسکیم کو عملی شکل دے کر بہت کچھ کام ہو رہا ہے اور گورنمنٹ آف انڈیا سے مدد مل رہی ہے۔ مگر جیسا صبح مانڈیہ منتہی نے کہا اس وقت انکی ایک درجن سے زیادہ پروجیکٹس (projects) چل رہی ہیں۔ تو جس رفتار سے کام ہو رہا ہے اس سے پنجاب کی حالت کے متعلق مجھے ایک فارسی کی مثل یاد آتی ہے۔

تا تریاق از عراق آوردہ بود

مار گزیدہ مردہ۔ بود

یعنی جب تک عراق سے دوا آئے گی تب تک سانپ کا کاٹا مر جائے گا۔

[گیانی گورمکھ سنگھ مسافر]

درب موئے نوکا ملے
کت کام نہ آوے۔

جس دھنگ سے کام ہو رہا ہے اس طرح تو پنجاب کو سات یا آٹھ سال تک ایوری گیشن (irrigation) اور بجلی سے کوئی فائدہ حاصل نہیں ہو سکتا۔ اس لئے میں ایک چھوٹی سی تجویز کرنا چاہتا ہوں۔ کہ پنجاب میں ایک چھوٹا سا دو آب کا علاقہ ہے اس کی زمین بہت زرخیز ہے اور اس میں بہت اناج پیدا کیا جا سکتا ہے مگر پانی کی کمی ہے۔ وہاں ایک چھوٹی سی ندی ہے جس کا نام ہے دریغی، اگر اس ندی کا ایک چھوٹا سا پراجیکٹ بنا لیا جائے تو اس سے بہت سا علاقہ زرخیز بن سکتا ہے اور وہاں اگر جلد کام کیا جائے تو اس سے پنجاب کے ایک حصہ کو بہت جلد فائدہ پہنچ سکتا ہے۔ کیوں کہ پنجاب خستہ حالت میں ہے اور وہاں ریست پنجاب کے لوگ اچھی اچھی زمینیں چھوڑ چھوڑ کر آئے ہیں۔ اس سے ان کو بہت شانتی ملے گی۔ اور میں سمجھتا ہوں کہ ہندوستان کی بھی بھلائی اسی میں ہے کہ پنجاب خوش حال رہے۔ اور اس میں آبپاشی کے انتظام بہت جلد کئے جائیں۔

دوسری بات جسکی طرف میں خاص طور سے توجہ دلانا چاہتا ہوں وہ سڑکوں کی بابت ہے۔ جو بات میں نے ریلوے بجٹ کے وقت کہی تھی وہی بات میں پھر کہنا چاہتا ہوں کہ اس وقت ایسٹ پنجاب کی وہی پوزیشن ہے جو کہ یونائٹڈ پنجاب کے وقت میں ریست پنجاب کی تھی۔ ریست پنجاب میں خاص طور پر اچھی سڑکیں بنائی گئی تھیں۔ لاہور سے ہی یہ اچھی سڑکیں نکلی تھیں۔ اگر آپ لاہور سے پشاور تک اور دہلی سے امرتسر تک سفر کریں تو آپ کو پتہ چلے گا کہ دونوں میں کتنا فرق ہے۔ اُس طرف سڑکیں بہت اچھی ہیں اور ادھر بہت خراب ہیں۔ امرتسر۔ فیروزپور اور گورداس پور جو تین بارڈر کے ضلعے ہیں ان کو ملانے کے لئے کوئی روڈ لنک نہیں ہے۔ جس طرح کہ کوئی ریلوے لنک نہیں ہے۔ اسلئے اسٹریٹجک (strategic) نقطے خیال سے۔ کمرشل (commercial) نقطے خیال سے اور ایوری گیشن کے خیال سے۔ سڑکوں پر توجہ دینا بہت ضروری ہے۔

تیسری بات میں اس محکمہ کی افی شینسی (efficiency) اور کوالیٹی (quality) آف ورک کے متعلق کہنا چاہتا ہوں۔ میرے دوست چودھری روہنی کمار جی نے مزاحیہ لہجہ میں اس کا ذکر کیا ہے۔ اس لئے میں سمجھتا ہوں کہ اسے کہیں مزاق ہی نہ سمجھ لیا جائے۔ میں چاہتا ہوں کہ میمبر صاحبان ان کوارٹروں کو دیکھیں جو کہ پوسا روڈ پر رفیوجیز کے لئے بنے ہیں۔ میں عرض کروں گا کہ وہ اگر انکو دیکھیں گے تو اسی نتیجے پر پہنچیں گے کہ نہ وہاں سیلی ٹیشن (sanitation) ہے۔ نہ وینٹی لیشن (ventilation) ہے اور نہ

اکوموڈیشن (accommodation) ہے۔ اور نہ ڈیوریشن (duration) ہے۔ یعنی ان مکانوں میں کوئی بھی خوبی نہیں ہے۔ عاں اگر کوئی خستہ حال سڑک پر پڑا ہے تو اسکو سر لکانے کے لئے جگہ ہے۔ اور وہ مجبوراً وہاں آگئے ہیں۔ مگر دراصل وہاں روپیہ برباد ہی کیا گیا ہے۔ میں منسٹر صاحب کی خدمت میں عرض کرنا چاہتا ہوں کہ وہ پانی پت میں جو کوارٹر رفیوجیز کے لئے بنے ہیں ان کو دیکھیں کہ وہ کتنے اچھے بنے ہیں۔ اگر وہاں اچھے مکان بن سکتے ہیں تو یہاں بھی بن سکتے ہیں۔ میں یہ مانتا ہوں کہ یہ کام تھیکہ پر کروایا گیا ہے۔ ہمارے پنجاب میں ایک مثل مشہور ہے کہ جو لوگ یا لڑکی خوبصورت ہوتا ہے اس کو کہا جاتا ہے کہ ایشور نے اسکو اپنے ہاتھ سے بنایا ہے اور بد صورت کے متعلق کہا جاتا ہے کہ یہ تھیکے پر بنایا گیا ہے۔ تو ان تھیکے پر بنائے گئے مکانوں کی حالت اتنی خراب ہے کہ اگر ایک چارپائی بچھا لی جائے تو کوئی باہر نکلنے کی جگہ نہیں رہتی۔ کوئی سینیتیشن کا انتظام نہیں ہے۔ پچھلے دنوں جب بارش ہوئی تو میں نے دیکھا کہ بارش کا پانی اندر پھر گیا تھا۔ اور سب لوگ گھروں سے باہر تھے۔ ان کے پاس جو سامان تھا وہ بھی بہت خراب ہو گیا تھا۔ لوگوں میں یہ خیال ہے کہ رفیوجیز کو دہلی میں برداشت نہیں کیا جا رہا ہے۔ میرا کہنا یہ ہے کہ اس طرح کے مکان دیکر اس خیال کو پکا نہ کیا جائے۔

چوتھی بات میں لیبر ریکشن کے بارے میں کہنا چاہتا ہوں۔ ہارڈنگ ایوری نیو کیسپ میں جہاں کہ پہلے ملٹری کے افسر رہتے تھے اب وہاں رفیوجیز رہتے ہیں۔ وہ کرایہ بھی اتنا ہی دیتے ہیں۔ وہاں پر پہلے چالیس سویپرز (sweepers) صفائی کا کام کرتے تھے۔ اب آٹھ دس ہیں۔ پہلے وہاں ۲۵ چوکیدار تھے۔ اب ۷-۵ چوکیدار رہ گئے ہیں۔ اس سے سینیتیشن خراب ہو گیا ہے اور چوری کا اندیشہ ہے۔ اس تھوڑی سی لیبر کے گھٹانے سے محکمے کو کوئی زیادہ فائدہ نہیں ہو سکتا۔ اگر کسی بڑے افسر کو کم کر دیا جائے تو اس سے ساری کمی پوری ہو سکتی ہے۔ میرا مطلب یہ ہے کہ لو پید آدمی کے گھٹانے سے بجٹ کم ہوتی ہے اور نقصان زیادہ۔

آخری بات میں سبھا پتی جی کی وساطت سے اپنے ملتیری جی سے یہ کہنا چاہتا ہوں کہ اکانامکس (economics) کے پلندتوں کی ہندوستان کے متعلق یہ رائے ہے کہ : "India is a rich country with poor people" تو یہ ہمارے مانندیہ ملتیری جی کے ہاتھ میں ہے کہ وہ اس خیال کو بدل سکتے ہیں۔ قدرت نے ہندوستان کو دو چیزیں دی ہیں۔ پانی اور معدنیات۔ ان دونوں چیزوں کا استعمال روکس، مائنس پاور کے منسٹر صاحب کے ہاتھ میں ہے۔ پانی سے بجلی بنانے کا کام تیزی سے کیا جائے۔ معدنیات کے استعمال کے بارے میں لمبی باتوں کو چھوڑ کر۔ میں ایک ہی مثال لیتا ہوں۔ ہندوستان میں بہت سے معدنیات ہیں۔ ان میں سے

[گیانی گورمکھ سنگھ مسافر]

ایک کو خاص طور پر نظر انداز کیا گیا ہے - وہ ہے مائک یا ایپرک - اس کا استعمال ہم لوگ کسی اور ڈھانگ سے کرتے ہیں - مگر جو اس کا اصلی استعمال ہے اس پر ہماری توجہ نہیں گئی ہے - اس کا کوئی سبستی ٹیوٹ (substitute) نہیں ہے - جسکی وجہ سے اسکی قیمت بہت زیادہ ہے - جب تک ہمارے بجلی کے پراجیکٹ پورے ہونگے اور یہاں بجلی کا سامان تیار ہوگا تب تک یہ مائک موجودہ رفتار میں اکسپورت کرنا ختم ہو جائے گا - اس لئے میں منسٹر صاحب کی خدمت میں یہ پیش کرنا چاہتا ہوں کہ اس پر کچھ چیک لگانا چاہیئے - ہندوستان میں دنیا بھر کے آٹے سے زیادہ مائک پیدا ہوتا ہے - اور ہر سال دو کروڑ روپیہ کا یہ ایکسپورت (export) ہوتا ہے - ہمیں اس دو کروڑ روپیہ کی خوشی میں اس کی دیکھی میں ضرورت کو نہ بھول جانا چاہیئے - اور اس کی سنبھال ہونی چاہیئے - ایسا نہ ہو کہ جب ہمارے ملک میں بجلی پروڈیوس (produce) ہونے لگے اور ایکٹرک گودس تیار ہونے لگے تو مائک ختم ہو جائے - اس طرح جو اس قسم کی اور معدنیات ہیں انکے بارے میں بھی کہا جا سکتا ہے مگر وقت نہیں ہے - ان الفاظ کے ساتھ میں اپنی اسپیچ کو ختم کرتا ہوں -

(English translation of the above speech)

Giani Gurmukh Singh Musafir (East Punjab: Sikh): Sir, as the time at my disposal is short, so without any introduction or customary thanksgiving, I begin to submit whatever I have to say in my speech. I know that our honourable the Minister for Works, Mines and Power does not stand in need of any thanksgiving. From what he has mentioned in his report and what he has told in his speech this morning it is clear that he has done a lot for the advancement of his Department. As many of my honourable friends have said it is true that on the working of the Works, Mines and Power Department depends, to a great extent, the advancement of many things. I would not have felt the necessity of making a speech at the present, had some other honourable member submitted the things that I want to submit.

The present condition of Punjab deserves a great deal of attention. Some time back while addressing the people of Punjab at Ambala our Deputy Prime Minister the honourable Sardar Patel, had said that the Punjabis have lost much and now they have to re-build the same in East Punjab. So a prior and careful attention of the Works, Mines and Power Ministry can now make the East Punjab prosperous. It is true that a good deal of work is being done by giving practical shape to the Bhakra Dam Scheme, and help is also being received from Government of India. The honourable Minister said this morning that at present more than one dozen projects are being carried on. Keeping the Punjab in view the speed with which the work is progressing reminds me of an old Persian proverb:

تا تریاق از عراق آورده بود

مار گزیده مرده بود

(By the time the medicine could be had from Iraq the snake-bitten man would die.)

(If one gets a boat after he is drowned it is of no use to him).

By the manner in which work is being carried on then Punjab cannot get any benefit in respect of irrigation and electricity for seven or eight years hence. For this I wish to make a small suggestion. In Punjab there is small doab tract, the soil of which is very fertile. Much food grains can be grown there, but the tract is deficient in water supply. There flows a small river called Reni. If a small project is made of that river, then with its help a large area can be made fertile, and if work there is expedited then it can prove beneficial to one part of Punjab at a very early date. Punjab is in tottering condition and there have come those people from West Punjab who have left behind very fertile lands. This would give them a great deal of relief. I think that the welfare of India depends upon the prosperity of Punjab and so speedy measures may be taken for intensifying irrigation projects.

The second thing, which I wish to draw your attention particularly, is about the problem of roads. I wish to repeat all what I said at the time of the Railway Budget, that at present the position of East Punjab is identical with the position that West Punjab had in the time of United Punjab. Good roads were specially made in West Punjab. All these good roads diverged from Lahore only. If you travel from Lahore to Peshawar and from Delhi to Amritsar then you would come to know how much they differ from each other. There the roads are very good and here they are very bad. There is no roadlink connecting the three border districts of Amritsar, Ferozepur and Gurdaspur, in the same way as there is no rail link between them. So from the strategic point of view, from the commercial point of view and from the irrigation point of view, it is very essential to pay more attention towards the roads.

The third thing I wish to submit about the efficiency and the quality of work of the department. My friend Shri Chaudhuri Rohini Kumar has referred to it in a humorous way. I think lest it may be considered a piece of humour only, I wish the honourable Members may see for themselves the quarters that have been built for refugees at Pusa Road, I would submit that if they would see them they would come to this very conclusion that there is neither sanitation, nor ventilation, nor accommodation, meaning thereby that there is no convenience in these houses except that they provide only a roof to those unfortunates who were lying on roads in the open, and have occupied these houses out of sheer helplessness. In fact money has been wasted there. I wish to submit to the Honourable the Minister that he may go and see how nice are the quarters that have been constructed for the refugees at Panipat (East Punjab). If good houses can be constructed there then they can surely be constructed here also. I agree that this work was got done on contract basis. In the Punjab there is a proverb which means that the children who are beautiful that God has made them with his own hands, and about ugly ones that they have been made on contract basis. So the condition of these houses, made on contract basis, is so bad that if a cot is placed therein, then no passage for exit is left. There is no arrangement for sanitation. When it rained a few days back I saw that the rain water had collected inside the houses and all the people came outside their houses, and whatever goods they had were all soaked and spoiled. The people think that the refugees are not being tolerated in Delhi. I wish to submit that these surmises may not be strengthened by giving such houses to them.

The fourth thing I wish to submit about labour reduction. In Hardinge Avenue Camp, where previously the military officers lived, now live the refugees. They pay the same amount of rent. There previously 40 sweepers used to do the conservancy work but now the number is only 5 or 10. Previously there were 25 chowkidars, now only 5 or 7 chowkidars are left. For this the

[Giani Gurmukh Singh Musafir]

sanitation has become bad and there is apprehension of thefts. The department cannot gain much benefit by reducing this small amount of labour. If the services of one high placed official is terminated then by this all the deficit can be made up. I mean to say that by reducing low paid labour the saving is always less but the inconveniences increase.

With your permission Sir, the last thing that I wish to submit to our honourable the Minister is that the expert economists hold this opinion about India that, "India is a rich country with poor people". So it is within the power of our honourable the Minister that he can change this opinion. The Nature has given to India two things—water and minerals. The operation of these two things lies in the hands of the honourable the Minister for Works, Mines and Power. The work of generating hydro-electric power may be speeded up. As regards the utilization of these minerals, leaving aside tall talks, I wish to submit only one example. India has a number of minerals. One of them has been expressly disregarded, and that mineral is Mica. We use Mica in quite a different manner, but about its fundamental utility we have paid no attention. There is no substitute for Mica and for this reason its price is very high. Till the time our electricity generating projects would be completed and electrical goods manufactured here, then, at the present rate of export, our supply of Mica will be exhausted. Therefore, I wish to submit this for the kind consideration of the honourable the Minister that some check must be placed on this. India produces more than half of the world output of Mica and every year Mica worth 2 crores of rupees is exported. In sheer joy of getting 2 crores of rupees we must not forget the needs of our own country and so care should be taken to retain it. It may not so happen that when electricity begins to be produced in bulk in our country and electric goods are manufactured the supplies of Mica may be exhausted. This can be said about such other minerals, but there is no time at my disposal. With these words Sir, I finish my speech.

The Honourable Shri N. V. Gadgil: Mr. Chairman, thirteen honourable members have participated in the discussion this day. I shall deal with the various points raised by the honourable members; but before I do that, I would like to refer to the general observations made by the honourable Member Prof. K. T. Shah.

He described this House as a mutual admiration society. At least I was present in this House on the 3rd, 4th and 5th of March and I did not carry that impression and the impression that was carried by the public tallied with mine. I am surprised that the House should be described as a mutual admiration society. When I hear from my socialist friends that there is no party of opposition in this House, it may be true in a formal sense, but substantially, every proposition, every Bill is considered here on merits irrespective of party affiliation. This only shows how eminently we are fit to run a democratic Government.

The honourable Prof. K. T. Shah rightly referred to the absolute necessity of having an over-all plan so far as the industrial development of this country is concerned. I agree with him that in any planned economy, there must be complete integration between the various resources, that there should be target fixed in terms of time and that they should be realised by adequate agencies that may be evolved by the Government of the day. I do not think that the Government is unmindful of this fact. As a matter of fact, when there was some financial difficulty, the Government appointed a Priority Committee and the respective merits of every project were considered, not only the projects

of this Ministry, but projects which were sponsored by the Ministry of Industry also, and a proper integrated plan has been evolved. At the same time, I appreciate his anxiety and I have no doubt the Government will give this particular aspect due consideration in course of time.

Another general observation that was made by my friend Babu Ramnarain was about efficiency and corruption. Efficiency has been described as a process which secures optimum result with minimum resources in terms of time, space and material. Judged by this test, I am hopeful that what this Ministry has done will be considered to have been done with a fair measure of efficiency. The other point which was referred to by my friend Babu Ramnarain was about corruption. I may point out to him that all possible efforts are being made to put down corruption. Every complaint whether it is signed or unsigned, is enquired into. When I feel that there is a *prima facie* case, the matter is referred to Special Police, prosecutions have been launched, disciplinary actions have been taken. With all that I feel after nearly 18 months that after all fear is not a state of mind which would give me the required constructive approach to the solution of my problems. I have therefore made some slight changes in the approach to this problem. I have since sometime been appealing to the finer instincts of the officers and in one of the meetings I said "If you only believe that we are partners in a great co-operative enterprise and none of us is insignificant and at the same time none of us is indispensable, we will have a fair and a balanced view of our own duties" I still feel that by an appeal to the finer instincts of our officials we will get better results. At the same time I do not propose to give up the other approach in proved cases or in cases where there is *prima facie* evidence. That I propose to take all the steps I have mentioned already. I have already placed before them the ideal of industry, integrity and anonymity and my experience is I should say that I have received full co-operation from the Secretary down to the sweeper engaged in the Ministry. Not that they don't generally partake of those movements which are abroad occasionally, they are lethargic sometimes, they don't work sometimes, they threaten to strike but so far as dealing in a manner which is somewhat unorthodox is concerned, it has given me good results. I have introduced what is called the Whitley Council system in our Ministry. Every month the Head of the Section meets the subordinates, then the Heads of Sections meet the Departmental Head and the Departmental Heads meet me every month. It is a sort of informal gathering where no individual complaints but problems which relate to conditions of work and efficiency are discussed and anything said in these meetings is never taken into consideration against him and never prejudices the chances of any particular officer. After all we may describe Government as a machine but it is not the machine—not the mechanics of it, but it is the personality of the worker that is important and unless you give that personality a fair chance to expand and show initiative and show constructiveness, you cannot expect any progress in the country.

Now taking the point made by several honourable Members, my old friend Mr. B. Das made certain remarks about certain items in the budget. I may tell him that so far as the Delhi Electricity Authority is concerned, the amount is deposited with the Reserve Bank and as against that orders are placed. The other precautions which he urged in connection with the framing of the budget of Damodar Valley Corporation are welcome and they will be passed on to the appropriate authorities. So far as the budget estimates that have been presented by me a few days ago, I can only say this is the first time and the year started not exactly on the first of April but somewhat in the middle of the normal financial year. I now go to points raised by my honourable friend Kala Venkata Rao. He made two points, one was with respect to the right

[Shri N. V. Gadgil]

approach to such problems as irrigation and power. I entirely agree and he must have noticed not merely from what I have said often but what we are doing and in the way we are doing that we look upon expansion of irrigation facilities not in terms of dividend or profit but we feel that it has an insurance value and it is a matter which must be done. Just as in the matter of defence of a country, financial considerations are irrelevant and invalid, and the country has to be defended I think in the matter of food, equally all considerations of finances or economic considerations must be similarly irrelevant. It is with that definite view we have decided to go with these multi-purpose projects. When I said that I am concentrating attention on those which give me quicker results, it did not mean that I am going to neglect or postpone indefinitely any other project which are under investigation or which are complete so far as the investigation stage is concerned. He is rightly worried over the Rampadasagar Project and questions that have been asked in this House also show what great interest at least the members from the South take in this particular project. I said in 1942 on Dussehra Day when I was in the Yeravada Jail and when we gathered together to celebrate it in spite of Jail Manual, "I am so confident of ultimate success that although I was born in a slave country, I am going to die in a free country. On the 15th August 1947 not only I found myself in a free country but by a singular stroke of good fortune I found myself included in the first cabinet of this country, I said somehow or other my words are like those of the old Rishi—

ऋषिणाम पुनराधाम् वाचमर्थोन्धावति (Meaning follows the words uttered by great sages.)

Let me make another prophecy and that is 'I shall die in a prosperous country' and I pledge every moment of my life, every ounce of my energy that I shall spare neither in pushing those schemes which are going to make my country prosperous and full of everything we need. With that determination not only I am proceeding but somehow or other I have been able to inject that enthusiasm in my officers and if anyone of the honourable Members care to visit while they are working in the Secretariat or much more on the projects, we will find how conscientiously, how courageously they are fighting the forces of nature and carrying out plans which it is their duty to do. When I said that I am preferring schemes which will give quicker results, it was with this object. For we have been spending over 100 crores round about on the import of food annually and the sooner I am in a position to produce more food in the country the better. Rampadsagar is going to be one of the wonderful engineering feats. If the Taj Mahal represents the highest watermark in art, Rampadsagar, if and when completed will represent the highest watermark in engineering skill. But what my country needs today is not an engineering record, but solid actual facts which will give me quicker results. With that object in view, if I have delayed it, it is not only in the interest of Andhra but also in the interest of the whole country. I repeat my assurance that when financial circumstances improve, I shall certainly do my best to push this scheme also. A friend of mine suggested that this should be taken section-wise. But these schemes are such that they cannot be divided. You cannot take one section after another. Either you take up the whole or you do not take it at all.

Prof. N. G. Ranga (Madras: General): The engineers have said so!

The Honourable Shri N. V. Gadgil: You are going to commit the country to an expenditure of Rs. 130 crores for a scheme which will take seven years for the filling up of the foundation, 12 years for the irrigation aspect, 19 years for complete development, absorbing in its wake all the engineering staff of

Madras and all the steel and cement that is made available for Madras. I have now to judge between these two alternatives—whether I shall go in for the Rampadsagar scheme or delay it for some time because the interest of the country requires that I should concentrate more on something else. The House will agree that while on the one hand I am not prejudiced against the Rampadsagar scheme, on the other hand I am doing something which is entirely in the interest of this country. If there is anything that can be attributed to me, it will be an error of judgment but there is no *mala fides* on my part.

Then, Sir, my honourable friend Kala Venkata Rao suggested certain financial proposals in order to finance big schemes. I am not an indifferent economist but on this particular point I do not want to venture any suggestion, because a greater authority is present in the House, and I am sure at some due moment the honourable Dr. John Matthai will deal with it. But let me state briefly that if we follow these suggestions we will only meet with disaster and nothing else.

Shri B. Das: Specialists will follow it!

The Honourable Shri N. V. Gadgil: Then, Sir, a reference was made by my honourable friend, Babu Ram Narayan Singh and Mr. Jhunjhunwalla about Kosi. As a matter of fact, I am not only not neglecting it, but my officers had to fight several times in order to get some amount sanctioned for the continuance of investigations which are going on and for the ensuing financial year Rs. 20,26,000 have been sanctioned.

Shri B. L. Sondhi: But this is all that you wanted!

The Honourable Shri N. V. Gadgil: Honourable Members who are from Bihar naturally feel very keenly about it. I share their keenness. I know nearly 20,000 square miles are affected as well as 3,00,000 acres of good land. But at the same time how difficult is the problem will be realized if honourable Members know that this whole area is in the earthquake region. Where shall I put the dam? Suppose I make the slightest mistake and spend about Rs. 75 crores over this project, and if by some freak of nature the whole thing topples, not only I lose Rs. 75 crores but the consequential damage will be still greater. Therefore, I am taking the most expert advice available and also seeing things for myself. It may interest my honourable friend from Bihar that I am leaving for Kosi tomorrow afternoon. All that I want them to know (Shri H. V. Kamath: 'Take them with you!') is that the Government is not neglecting this scheme. Government propose to go ahead with investigation and when the investigations are complete the results will be submitted to a high expert committee. As I said I do not want to take a chance nor any risk with such huge financial commitments.

My honourable friend, Rohini Kumar Chaudhuri, in his inimitable way said something about furniture and other matters. As a matter of fact, furniture is designed according to the normal size of a person that would occupy them. If some calamity happens in odd circumstances surely the P.W.D. is not responsible for it! He enumerated several charges. I am just thinking whether to justify the past criticism of my department I should offer, if not free boarding at least free lodging to the Members of the House and in case I do that I am sure to carry my demands unanimously (Honourable Members: 'No, no').

Shri B. L. Sondhi: We are not selfish!

The Honourable Shri N. V. Gadgil: I want to recover fair rent. Those charges which he has mentioned are with respect to the chaukidar, maintenance and the garden. At any rate, when I was staying in one of the Ferozshah Road bungalows there was something like a garden: of course, not like the one in the Governor-General's House!

Shri R. K. Sidhva (C. P. and Berar: General): The Ministers!

The Honourable Shri N. V. Gadgil: However, if there is any particular grievance, I promise I shall look into it and I am sure the experience of the honourable Member has been that wherever any complaint has been made, at least on my part I have tried to remove it promptly.

A point was made by my honourable friend, Mr. Chaliha about the possibilities of finding further oil in Assam. I have already stated on several occasions that it is the intention of this Government to tap further sources but all that is conditioned by the supply of officers that we have in our Survey of India Department. At present one party is already working in Assam. We hope to succeed in expanding our staff, so far we know that Assam is the place where oil is likely to be found in abundance, and there is one consideration that the province is not combustible like Bengal. So more attention will be paid in future, and all those places which only an Assamese can pronounce have been somehow or other taken down by me—I do not know with what correctness—and they will be just looked into and forwarded to the Geological Survey Department.

A reference was made to rent control and the housing problem. Let me repeat that this Government has not accepted fully the obligation of housing all the officials. So far as housing for the general non-official public is concerned, no definite obligation has yet been accepted by the Government. The only obligation is to accommodate refugees and some houses have been built.

A complaint has been made in this House that those houses are not all that they should be. But they have been designed by the Relief and Rehabilitation Ministry and my Ministry is only the construction agency. At the same time, I have visited those houses and I feel that they may not be palaces but that they are fairly good and they are meant for the time being to meet the immediate demand and not to be the solution of the long-term housing problem.

About rent control and building of new houses, the complaint seems to come not very much from the bottom of the heart of my friend, Babu Ram Narayan Singh. It seems that somebody has communicated to him something and he has placed that complaint before the House. I want to assure him that this Government is very anxious to encourage building programmes on the part of non-officials because to that extent the trouble will be less for me individually. But I may say that if new houses are built. I am determined that the landlord shall not exploit the tenant.

On that make no mistake and the agency for determining the standard rent is there and it is drawn up according to the provisions of the law. 5 P. M. If any particular landlord satisfied the authority that he has spent so much then in terms of that amount the standard rent will be fixed. If there is any particular grievance of any individual I am quite prepared to go into it and recommend such just action as may be appropriate in that case.

Sir, I have come to the end of my speech. Brick by brick and dam by dam these projects are being completed and I should say that brick by brick we are building up the Temple of Prosperity. It has been given to this generation to put its best efforts, so that when the results come they will be available to the generations that will follow us. I am sure that in this task we shall all co-operate whole heartedly. We shall do something and not remain mere spectators, for I feel that if you want to bring in a classless society, which undoubtedly is the object of the party to which you and I belong, it is only possible to have that classless society if we create conditions in which there will be abundance

and not scarcity. It is only when there is plenty there is prosperity: it is only when there is abundance there is less of those vices which come up before criminal courts. If we are successful in creating those conditions we will be creating a classless society and we would be, I should say, translating the dream of Mahatma Gandhi into actual reality.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 12,15,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works met from Revenue'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 12,05,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Works, Mines and Power'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 36,85,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Geological Survey'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 15,38,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Mines'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 4,95,30,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Civil Works'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 1,88,84,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Stationery and Printing'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 1,50,50,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Delhi Capital Outlay'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 4,06,18,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Civil Works'."

The motion was adopted.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Friday, the 11th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Wednesday, 16th March, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

11-50 A.M.,

(See Part I)

THE GENERAL BUDGET—LIST OF DEMANDS—*contd.*

SECOND STAGE—*contd.*

Mr. Speaker: The House will take up the Demands for Grants in respect of Finance. I shall, therefore, place these Demands before the House, and in doing so I shall take the respective heads; and mention the amounts under each head.

DEMAND No. 1—CUSTOMS.

Mr. Speaker: Motion is :

“That a sum not exceeding Rs. 1,46,74,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of ‘Customs’.”

DEMAND No. 2—CENTRAL EXCISE DUTIES.

Mr. Speaker: Motion is :

“That a sum not exceeding Rs. 3,45,78,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of ‘Central Excise Duties’.”

DEMAND No. 3—TAXES ON INCOME INCLUDING CORPORATION TAX.

Mr. Speaker: Motion is :

“That a sum not exceeding Rs. 1,87,06,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of ‘Taxes on Income including Corporation Tax’.”

DEMAND No. 4—OPIUM:

Mr. Speaker: Motion is :

“That a sum not exceeding Rs. 1,04,77,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of ‘Opium’.”

DEMAND No. 5—PROVINCIAL EXCISE.

Mr. Speaker: Motion is :

“That a sum not exceeding Rs. 3,30,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March 1950, in respect of ‘Provincial Excise’.”

DEMAND No. 6—STAMPS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 1,06,21,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Stamps'."

DEMAND No. 20—MINISTRY OF FINANCE.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 94,50,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Finance'."

DEMAND No. 31—PAYMENTS TO OTHER GOVERNMENTS, DEPARTMENTS, ETC., ON ACCOUNT OF THE ADMINISTRATION OF AGENCY SUBJECTS AND MANAGEMENT OF TREASURIES.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 18,73,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Payments to other Governments, Departments, etc., on Account of the Administration of Agency Subjects and Management of Treasuries'."

DEMAND No. 32—AUDIT.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 2,33,95,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Audit'."

DEMAND No. 66—MISCELLANEOUS DEPARTMENTS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 1,69,37,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Miscellaneous Departments'."

DEMAND No. 67—CURRENCY.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 92,22,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Currency'."

DEMAND No. 68—MINT.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 1,28,47,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Mint'."

DEMAND No. 71—TERRITORIAL AND POLITICAL PENSIONS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 22,72,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Territorial and Political Pensions'."

DEMAND No. 72—SUPERANNUATION ALLOWANCES AND PENSIONS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 2,40,46,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Superannuation Allowances and Pensions'."

DEMAND No. 74—MISCELLANEOUS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 35,71,23,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Miscellaneous'."

DEMAND No. 80—GRANTS-IN-AID TO PROVINCIAL GOVERNMENTS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 2,25,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Grants-in-aid to Provincial Governments'."

DEMAND No. 81—MISCELLANEOUS ADJUSTMENTS BETWEEN THE CENTRAL AND PROVINCIAL GOVERNMENTS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 62,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Miscellaneous Adjustments between the Central and Provincial Governments'."

DEMAND No. 82—RESETTLEMENT AND DEVELOPMENT.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 3,55,95,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Resettlement and Development'."

DEMAND No. 84—PRE-PARTITION PAYMENTS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 10,00,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Pre-partition Payments'."

DEMAND No. 91—CAPITAL OUTLAY ON THE INDIA SECURITY PRESS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 28,82,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on the India Security Press'."

DEMAND No. 94—CAPITAL OUTLAY ON INDUSTRIAL DEVELOPMENT.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 13,14,62,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Industrial Development'."

DEMAND No. 97—CAPITAL OUTLAY ON CURRENCY.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 4,16,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Currency'."

DEMAND No. 98—CAPITAL OUTLAY ON MINTS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 87,95,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Mints'."

1404 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [16TH MARCH 1949]

DEMAND No. 101—COMMUTED VALUE OF PENSIONS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 23,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Commuted Value of Pensions'."

DEMAND No. 102—PAYMENTS TO RETRENCHED PERSONNEL.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 1,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Payments to Retrenched Personnel'."

DEMAND No. 104—CAPITAL OUTLAY ON SCHEMES OF STATE TRADING.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 7,89,60,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Schemes of State Trading'."

DEMAND No. 105—CAPITAL OUTLAY ON DEVELOPMENT.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 33,41,56,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Development'."

DEMAND No. 106—PAYMENTS TO GOVERNMENT OF PAKISTAN FOR UNIQUE INSTITUTIONS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 92,02,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Payments to Government of Pakistan for Unique Institutions'."

DEMAND No. 107.—INTEREST-FREE AND INTEREST-BEARING ADVANCES.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 20,09,83,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Interest-free and Interest-bearing Advances'."

The Honourable Dr. John Matthai (Minister of Finance): Mr. Speaker, it is with a feeling of hesitation almost amounting to reluctance, that now-a-days I rise before the House to talk about financial matters. I have been in constant attendance at the House ever since the general discussion on the Budget began, and I have been present here also at the debate on the estimates of every Ministry. It has occurred to me that there is a marked difference between the attitude of the House to the great spending departments of Government and its attitude to the Finance Ministry which has to find the money. As I listened to the debate on the estimates of these spending Ministries, I found that the House throughout was in a very generous mood. I found honourable members making very generous promises regarding additional funds if they wanted them. And, Sir, when I come round with my

collection bag in order to raise the money required for implementing these generous assurances, the attitude of the House suddenly changes. The House curses me, swears at me, throws stones at me, and nearly chucks me out of the compound right over the fence. I have come to the conclusion that in any modern governmental set-up, the life of a Finance Minister, like the proverbial policeman's lot, is a very hard one and so he sits here in his little corner of the House, listening to these criticisms, subjected to these attacks, and looks for all the world like a maimed dog, licking his wounds all the time!

Sir, with this cheerful introduction, may I get down to the business of the day.

I do not intend this morning to refer to matters of detail relating to the Budget, or to matters of detail relating to our financial administration, because these are things which were very much under discussion during the general debate. I take it that many of these matters will come up for discussion again when the Finance Bill comes before the House.

I thought therefore probably the most useful way in which I could spend the time which the House has placed at my disposal, would be to draw the attention of honourable members to some of the bigger, broader problems which underlie the budgetary position of Government, so that the House may have an opportunity of expressing its views on these matters which otherwise might escape attention and discussion altogether.

The first of the problems to which I would like to refer is the problem of inflation and high prices, a problem in which, both the House and the country are so deeply and so vitally interested. Let me first give the facts as disclosed by the index numbers that we have.

If you take the wholesale index number prepared by the Economic Adviser to Government the position is that since November when our anti-inflationary programme had been put in operation, the general index number, taking the composite figure, shows a decline of somewhere about 10 to 11 points: that is to say, taking the latest index figure as compared with the index figure last November. Manufactured and semi-manufactured articles also show a fairly marked decline. Similarly if you take all the food articles together, not merely cereals but pulses and all food articles together, that also shows a decline. But when you come to food grains, and industrial raw materials, mainly agricultural products, then you find that there is a difference in the situation. As regards cereals and industrial raw materials and position seems to be still one of flux. Prices are still fluctuating and it is almost difficult to tell from these fluctuating figures whether any definite trend is discernible.

I would like to draw the attention of the House to one or two matters regarding cereals and industrial raw materials, because these are the things that concern us most today.

As regards cereals the position seems to be—and I say it from a fairly careful analysis of our index number—that but for the price of wheat probably cereals also would have shown a downward trend. As the House knows, the price of wheat at Amritsar has been showing a downward trend for some weeks now but the position has been different in the Hapur market and it is really the position of wheat in the Hapur market that is responsible largely for the fact that cereals so far have not shown a downward trend.

Regarding industrial raw materials I find on a similar analysis of the index number that the fact that there has been no decline is largely accounted for by the position regarding oilseeds. Oilseeds recently have been the subject of a great deal of speculation and the fact that, as the result of speculation,

[Dr. John Matthai]

the prices of oilseeds have not merely been remaining on the whole at a high level but fluctuating at that level, is the reason, I think that the index of industrial raw materials has been disclosing on the whole a somewhat unsatisfactory trend. Now that is as far as the wholesale index number is concerned.

I would like to tell the House at the same time, that since more than 50 per cent of the cost of living index is represented by food grains, the position with regard to cereals in the wholesale index number is reflected in the cost of living index. Until we are able to find a solution for our food problem we are not likely to see any perceptible decline in the cost of living index. As far as the food position is concerned I have no doubt that my honourable colleague, the Food Minister, will deal with the matter in greater detail later. But I would like to say this and it is a point which I think I mentioned during the question hour a few weeks ago, I personally do not think that we shall find a downward trend in the prices of food grains until the *Rabi* harvest has come in, because although Government have resumed the policy of food control, that policy is not likely to be effective until the supplies are better ensured. In other words, when the *Rabi* harvest has come in and we are able to get more and more of the imported food grains which we are expecting, and as the procurement policy of the Provincial Governments shows better results, until that position is reached, it is not possible for Government to give full effect to the rationing policy to which they are committed. And, if I may venture a forecast, I think, it would be somewhere about the end of April that we shall begin to find a downward trend in the matter of food grains and personally I am rather hopeful that between May and the six months following May we shall find that the position has assumed a more satisfactory aspect.

There has been a great deal of criticism regarding Government's anti-inflation policy, mainly on the ground that the results have not been perceptible in a shorter time as the country would have expected. (*Babul Ramnarayan Singh*: 'Because of no active steps.') Now the policy of Government is what now throughout the world is generally referred to as a policy of "disinflation" rather than deflation—I do not like to use this kind of economic jargon—but the point of it, is this: that at a time when prices are rising and inflation is almost what

12 Noon I may call of the galloping variety—and that is the sort of inflation that we had between January 1948 and August or September 1948—the right way of tackling it is not to try and bring about a drastic reduction but to try, in the first place, to put a stop to the rise, because if you are able to prevent a rise in prices and keep the prices at a fairly stable level for a short period, then you are in a better position to bring about a downward trend in prices. Inflation is somewhat like water: if you can check the flow of it, then it takes a direction quite the reverse: it cannot stand still. The reason why it is necessary to go rather slow with this process of bringing about a downward trend in prices is this. You must see to it at each stage that there is a proper relationship maintained between the level of prices and the level of costs. Suppose for example, in regard to agricultural produce—and that is the thing in which we are most interested—we are able by reducing the money supply in the country and thus curtailing the purchasing power, to bring about a sudden reduction. If that happens then it is going to react upon the agricultural producer in a serious way, because you can reduce the price of your food grains overnight but it would not be possible for the agricultural producer straightaway in the same period of time to reduce his cost. Labour is a very important item of cost in agriculture. The prices of food grains may be brought down but you cannot go straightaway and tell your labourer that he should accept wages at a lower rate. Failing this you are likely to bring about a situation where the producer would find it difficult to regulate his economy. That is what, in my opinion, is one of the most serious problems that we have

got to take into account. When people throughout the country, particularly in industrial areas, complain about the high level of agricultural prices and express great anxiety about bringing them down, to my mind, what they do not realise is that when they do that they are going to create a situation in which the position of the agricultural producer would be seriously disorganised. The same thing applies to manufactured goods. You can by very drastic measures, as some countries have attempted, bring about a drastic fall in prices. But if you are not in a position at the same time to bring down labour costs you are going to create disorganisation in the economy which ultimately would affect the position of supply and make inflation still worse.

We have been criticised for not taking active steps, for example, in regard to the money supply of the country. We consulted various sections of public opinion last year regarding the measures to be taken to stop inflation. They suggested some summary measures regarding the money supply of the country. They said "you freeze bank deposits; you demonetise currency notes; have a scheme of compulsory saving." Supposing we had done all that the result would have been in the first place a drastic reduction in the prices of manufactured goods and food grains without a corresponding reduction in the costs on which these are based. Apart from that, one of the considerations which weighed with us was this that if you freeze bank deposits and demonetise currency notes—and do things of this kind in a country which yet has got to get used to investment—there would be a feeling of insecurity which is going to affect ultimately the whole problem of production. And, I said in the course of my reply to the general debate we are already suffering from a state of acute stringency in the investment market. We cannot therefore afford to bring about any drastic reduction in the money supply available.

There is one point with regard to this question of food grains to which I would like to ask the attention of the House. One reason why we are not able to bring down the price as quickly as the House would like and the country would like is that we have fixed the procurement prices at a somewhat higher level than the prices which prevailed just before we abolished control. If you take the prices of December 1947 the procurement prices that we have now fixed are about 25 to 50 per cent higher than the prices which prevailed in December 1947. Therefore the control prices themselves are higher by that margin than the prices which prevailed before we went back on control. The reason for doing that is this. If you carefully examine the food position with reference to the control policy towards the end of 1947, you will find that where our control policy failed was in regard to procurement. At the prices which prevailed in December 1947 it was impossible for Government to implement its procurement policy on which the whole question of flow of supplies depended. We realized therefore that if you want to ensure a continuous flow of supplies you must be prepared to fix your prices at a level which would make it easy for the agricultural producer to bring his supplies into the market. So long as our procurement prices today are higher than the procurement price of 1947 there is bound to be a certain delay in the reduction of prices to the levels that we expect.

When we examine this question of the level of prices and of inflation I would like the House to realize that our economy is not an isolated economy. We are closely bound up with movements in these matters in other countries. Honourable members who have been following discussions in the press about the movement of world prices will have realized that there is a rather interesting phenomenon gradually developing in the United States of America. The United States have had a bumper crop in the leading agricultural products. In fact, I believe from such reports as I have seen, they have not had so large

[Dr. John Matthai]

a crop for a period of ten or twelve years. There has been better production of food grains in other parts of the world also like Canada and Australia and even on the Continent of Europe. With all this large supply on the horizon there has been a definite downward trend in the prices of food grains in America. The problem whether this fall in prices is the beginning of a large downward trend which may amount to something like an economic depression of the kind that we had round about 1930 is one that is exciting the interest of American economists today; there is a great deal of discussion going on. On the whole the prevailing opinion appears to be that this is not the beginning of a depression; it is what might be called a process of readjustment. In fact they like to describe their policy also in terms of disinflation. In other words they would like to control and regulate the fall of prices, not to allow the fall of prices to get out of hand so that you are unable to control its consequences. Whatever may be the opinion which experts in these matters hold regarding the present price position in America I think it is wise for us to be prepared for something like a general decline in prices throughout the world. If that happens it is quite conceivable that that would react rather seriously on the level of prices in this country. If that happens, if we are having a very intensive anti-inflationary campaign in the country and if that coincides within a period of a year or eighteen months with a marked downward fall in world prices, we might find ourselves in a position where the situation might entirely get out of hand. I therefore think on the whole that while we should proceed with our policy of bringing about a gradual reduction in prices it would be wise on our part not to attempt anything like a drastic fall because we might get caught in world forces which will take the problem entirely out of our hands.

With regard to this question of inflation I want to make a reference to the budget because budgets and inflation are linked together. As the House will have noticed, throughout the country this year, both at the Centre and in most of the Provinces, Governments have tried to avoid a deficit. They have tried as far as possible to achieve a surplus and in any case to balance their budgets. That was done more or less in accordance with the policy which we at the Centre laid down in connection with our anti-inflationary campaign. Of course I am well aware of the uses of a deficit budget,—its uses under certain conditions. For example, if we are passing through a period of acute depression it is worth while providing for a deficit budget because that would mean putting more and more purchasing power into the country and raising the level of demand which is precisely what President Roosevelt did at the time of the New Deal. But in our country today when we are passing through a period of acute inflation it seems to me it is a dangerous matter to leave a deficit uncovered. We have proceeded on these lines. I therefore hope that the budgetary policy which both the Central Government and the Provincial Governments have adopted this year is a policy which will help in solving the problem of inflation.

While that is so the point may be raised: if you are going to achieve a balanced Budget by means of indirect taxes, then, while on the one hand you are following an anti-inflationary policy, on the other hand you are following a policy which probably will take you in a different direction. That is a matter which I have carefully considered. Whatever view the House might hold regarding the way in which income has been recently distributed in the country, among various sections of the community, it is certain that large numbers of people who have not been used to higher incomes have now higher incomes at their disposal, and one way in which you can mop up this purchasing power is by putting up the prices of commodities in which they are likely to invest their

income. Taking the particular point that has been raised in connection with our Budget here, for example the excise duty which we have proposed on coarse and medium cloth, the point might well be raised: Are you not thereby introducing into the country a force which is definitely inflationary? My answer to that is this. In the first place, as I pointed out in my reply to the Budget discussion, the incidence of this additional tax is about half or less than half the average incidence per head of the salt duty when that duty was in force. As the House probably knows, Government have under examination a reorganisation of the price structure of cotton textiles with reference to current prices of raw cotton. If we revise the prices of cotton textiles with reference to major factors like the price of raw cotton, ultimately it will be found that the extent to which this excise duty on coarse and medium cloth tells on the final price will be almost negligible; it will be hardly perceptible in the final prices that would result from a reorganisation of the present price structure. With regard to the sugar duty, my reply is that the excise duty does not touch *gur* which is the poor man's sugar, it does not touch *khandsari*, the cottage industry sugar. Therefore, so far as these main indirect taxes are concerned, I submit that the extent to which they are likely to nullify our anti-inflationary policy is greatly exaggerated.

There was a point which was raised over and over again with reference to the effect of our Budget on the present inflationary conditions. The point is while you have tried to achieve a balance in your revenue Budget, should you not achieve a balance in your capital Budget because there are about 134 crores which you have taken as a deficit on the capital side? As I explained to the House, this deficit would be met out of our balances. But these balances are unspent money remaining with the Government. If you take this money out of these unspent balances and spend it then you are introducing a certain amount of increased purchasing power in the country. If you will closely analyse the figures in the Budget statement, you will find that for the year 1949-50, if you take all our expenditure from revenue, from capital, and from cash balances, you will find that about Rs. 180 crores out of that is being spent not in this country but abroad. About 134 crores is the figure shown in our Budget statement as the amount which is being drawn from the cash balances. In other words, the position is: far more than what you draw from the cash balances is being spent abroad, the net result being that the amount of money, Rs. 180 crores, is being withdrawn from the country and being spent abroad, and therefore this so-called deficit in the capital Budget instead of being inflationary is really an anti-inflationary force; against 134 crores in the cash balances, you have got a little more than 180 crores expenditure abroad; all the money that you get from your cash balances and a little more is being spent abroad. Therefore, in the last analysis you will find it is not an inflationary force as it is supposed.

I would like, Sir, at this stage to make a brief reference to our borrowing programme because that also has a direct bearing on the inflationary position. I have fixed our borrowing programme for 1949-50 at what I called in my Budget speech a very modest figure. I did that because looking at the conditions prevailing in the money market at the time I framed the Budget, I found that if I fixed the figure at anything above 85 crores I would be giving the House a somewhat unrealistic picture of the situation. We provided for a much higher amount of borrowing last year, we were unable to reach the target. I said to myself, "The only way in which I can give the House a correct, honest picture of the situation is to fix my borrowing at a figure which will have some close relation to the realities of the situation". I have also another idea in mind. There is great stringency in the investment market. We want industries to develop, we want industries to find more and more money for financing

[Dr. John Matthai]

their projects, and I thought to myself that on the whole if I were to leave enough scope for industries to raise capital, it would be better for me to reduce the demand that I make on the limited supply of capital available. Therefore the fact that Government has only a modest borrowing programme is a fact which is likely to help industries in their borrowing. But I want to make it perfectly clear that while I have fixed my programme for the moment at Rs. 85 crores, if conditions improve—and I cannot help thinking, scanning all the reports which have come to me during the past two weeks, that within a few months probably there would be an improvement in the conditions of the money market and if that happens, certainly it is my intention to go into the market and borrow more than I have provided in the Budget.

In regard to this particular matter, I would like to take this opportunity to make an appeal, particularly to the great institutional investors of the country, to do everything that they can to make the borrowing programme of Government a complete success. A great deal depends on the institutional investors of this country, like the insurance companies, banks, and so on, and I would like, therefore, to make this appeal to the institutional investors that in view of the improvement that is already visible in the conditions of the money market, both in their own interests and in the interests of the country, they should provide more in their investment portfolio in the form of Government securities.

Shri T. A. Ramalingam Chettiar (Madras: General): Then why repay the loans?

Shri B. L. Sondhi (East Punjab: General): It may be reinvested. Why do you worry?

The Honourable Dr. John Matthai: My honourable friend Mr. Ramalingam Chettiar has raised a pertinent question. It is necessary, if Government is to achieve success as a borrower, that Government must be in a position to return moneys in due time. As a matter of psychology, I think it is better for Government to stick to their time schedule as exactly as they can because it helps in the end to enhance their credit. I should like to make another point in this connection. If what I indicated to the House in the course of my reply to the general debate had any force in it, that is to say, if in 1950-51 onwards, we are going to find an improvement, and a marked improvement in our expenditure position, it ought to be possible for us, not merely to provide more for ration-building activities in the country, but it ought to be possible for us also to give more relief in the way of taxation. If we are able to do that, then it seems to me that the net income that investors are likely to derive from investments in government securities is likely to prove better as the years go by. The question has been raised more than once. I think my honourable members in the course of the Budget debate and also in the various press discussions of the Budget, as to what exactly is the Government's monetary policy. I would like to state our policy as far as I am in a position to do so at present. The fact that there is stringency in the money market, that is to say, that money from the investment point of view is scarce, is an argument for raising the rate of interest, in the same way in which, in regard to any commodity, if you want to increase its supply, you provide greater inducement by way of better prices. On the other hand, if you raise the rate of interest, then it means straightaway a decline in the market values of all existing securities. That is to say, while on the one hand you try to induce investors to put more and more money into Government securities in response to higher rates of interest, on the other hand you create a general sense of insecurity in the market, a feeling of depression, because of the reaction of the higher rate of interest,

on the values of existing securities. If I were to place myself in the position of the average investor, owing to the fluctuating conditions which prevail in the country today I would say, "now that the Government has raised the rate of interest to this level, who can tell whether they will stop there, or where they will stop. They may raise it a little further after a while. If that is so, why put the money in now?" You are placing the investors in a state of mental uncertainty. In my opinion, this rise in the rate of interest is not exactly a satisfactory course to adopt. I have discussed this matter carefully with the Governor of the Reserve Bank, and we have come to the conclusion that balancing one consideration against the other, the right course for Government to follow is to maintain its present policy.

I would like to say a word about capital formation, which to my mind, is one of the biggest problems that face us today. There is not the slightest doubt that capital formation in recent years has been badly affected in our country, and if we want to promote production, particularly industrial production, it is necessary that the process of capital formation should receive definite encouragement. When I say that it is necessary to encourage capital formation, I would like to make it absolutely clear that it applies not merely to private enterprise, but equally to nationalised industries, because whether it is Government-run industry or privately-run industry, for both you want capital. Whether the borrower is Government or a private agency, unless there is a firm foundation of capital formation, it is not possible for you to go forward. What really stands in the way of capital formation? Capital formation is the result of two things. First of all, people must be in a position to save. Secondly, when they have saved, they must be induced to invest that saving. It is a question, partly of saving and partly of investment. What is preventing saving today apart from the high prices, it is certainly the level of direct taxation today. There is no use burking the issue. We have to face the uncomfortable fact that the level of taxation today is definitely standing in the way of capital formation. What is standing in the way of investment of that saving? I should say, the general feeling of political and economic insecurity throughout the country. As far as political security is concerned, there has been a marked improvement. But unless, we can at the same time, also give a greater sense of economic security, even if you are in a position to promote savings, we will find it difficult to promote investment. I have from the beginning looked upon the Budget which I have had the honour to present to the House as a small first step in this direction, and I believe that although you are not likely to see any marked results in the immediate future, there are sufficiently promising signs to encourage one in the belief that we shall find better times in the near future.

In this connection, I would like to make a reference to the small savings movement. The small savings movement in recent months has shown better results than it has for the past two or three years. And I am hoping that by intensifying our propaganda, and by enlisting more and more non-official assistance, we shall be able to show even better results than we have achieved in recent months. And I would like, in this connection to make an appeal to the House. There is a great deal that honourable Members can do in the way of helping the progress of the small savings movement. Those with local influence can do a great deal to induce people to put money into Government bonds.

So, the position I have reached now, in the matters I have placed before the House is that as far as Indian capital resources today are concerned, we have not nearly enough for all the purposes that we have in mind. In view of the big developmental projects that we are trying to promote, the amount of capital now available in the country is hardly sufficient. Therefore the question arises whether the time has not come for us to supplement our resources

[Dr. John Matthai]

with resources from abroad. The whole question of foreign borrowing is now becoming very important, from the point of view of the country. I want to put one or two ideas in this connection before the House. It is not merely the fact that there is not enough capital available in the country that makes it necessary for us to consider foreign borrowing. We want not merely finance, we want plant, we want equipment, we want technical skill and experience; and all these can be got only from abroad. And if you want to get things from abroad, you have to find not merely money, but also exchange, and if you go in for foreign borrowing, you will be able to get not merely the finance that you require, but also the foreign exchange you require. That is a very important matter from our point of view today. Since the United States of America, in the matter of capital goods have a larger surplus capacity than any other country today, it is natural that we should look more and more in the direction of the United States of America. As I have told the House more than once, we have been in touch with the International Monetary Fund and with the International Bank. The International Monetary Fund lends for very short periods, entirely for the purpose of rectifying the maladjustment in the balance of payments, so that for the purpose of long term development, the International Monetary Fund is not likely to be of assistance. Therefore, we approached the International Bank for assistance, and as the House knows a Mission was here and examined the projects that we put before them against the general background of Indian economic conditions. I have not seen their report and it may not be ready for some time yet, but I believe that the Mission has done very valuable work. It has been a good discipline as far as our own officers are concerned, because the Mission has been able to draw their attention to the real problems that call for attention. But there is one thing that I would like to mention in regard to the International Bank, which applies equally to other institutions in the United States of America, which we might approach for assistance such as the Export Import Bank. I do not yet know what the final rate of interest is likely to be in regard to our loans, but the rate of interest generally suggested is of the order of $4\frac{1}{2}$ per cent. Now when you want to finance long term developmental projects on a basis of $4\frac{1}{2}$ per cent. interest, you are going to accept financial assistance at rather a heavy cost. It is not merely that. If you get a loan from the International Bank, for a period of 20 or 25 years; it may be that while our developmental projects are still under construction, they may be induced to give us a short breathing space, a short moratorium, but the time will come when we would have to make annual equated payments against amortization of the whole debt, that is, not merely your interest but the principal in instalments and these payments would have to be made in Dollar currency. Therefore a time will come, if you go in for assistance from institutions of this kind on a large scale, when you find yourself burdened with a debt which might seriously embarrass you. If that summary of the position is correct, then it seems to me the only other source left, as far as foreign lending is concerned, is private investors in other countries. That is to say, if we have on hand a big industrial project, an industrial project in which there are people of experience, of acknowledged skill and reputation in other countries interested, if we are able to enlist their assistance in the sense of participation in the capital structure of the Indian concern, it might be possible for us to get foreign assistance in a less burdensome form. That raises a very important problem, and in my opinion, the House would be called upon, if not today, but in the very near future to face this problem squarely. The advantage of foreign participation in that sense is this. If you go to great lending institutions like the World Bank and the Export Import Bank, you get assistance first of all in the shape of fixed interest bearing loans and secondly

the interest is of a fairly high rate. If we could get people to participate in Indian concerns on the basis of sharing the loss as well as the profit, the burden that would be imposed on industrial projects would, I think, be considerably less. I am raising this problem, because I think now that we are up against this question of foreign borrowing and all our developmental work is so closely bound up with that question it is about time that the House applied its mind to it. I do not want to say anything more about this because the matter is under Government's consideration and I expect before the session is out, the Prime Minister would be in a position to make a statement to the House on the conditions on which we consider it desirable to go in for foreign borrowing.

In this connection, there is one point that I would like to mention regarding our Sterling Balances. Honourable Members who have followed the discussions regarding the recent trend of economic events in the United Kingdom will have seen that they have various projects in hand for strengthening the position of Sterling. Recently there was a plan put before the Economic Recovery Administration in Paris by the Government of the United Kingdom. The plan was that in the course of about four years it ought to be possible for the United Kingdom to achieve a balance in regard to their international payments. There has been a great deal of criticism as to the accuracy and the validity of many of the figures and propositions in that plan. But if it happens that the United Kingdom is able in a relatively short period to achieve a balance in their international payments, then Sterling will become a much less soft currency than it is today, that is Sterling will become in that process a more freely convertible currency. That is entirely to our advantage, because if we have all these balances in Sterling, it is to our interest that Sterling should become available to us more and more in the form of an internationally convertible currency. The point that I am trying to suggest is this. On a careful consideration of the whole problem, it is necessary that we should as far as can co-operate with the efforts which are being made by the United Kingdom Government to strengthen the position of Sterling, because it is going to be definitely to our advantage. Having said that, may I also say this? I am not satisfied that the Dollar releases we obtained last year have been good enough. I think we were entitled to a larger release and as events have turned out the Dollar releases we have been permitted for the last year are a good deal less than our requirements warrant. Therefore I want to say with every sense of responsibility that while we are prepared to co-operate with the U.K. Government in every effort that they are making to improve the position of Sterling and their general economic position, we are not satisfied that the assistance that they have given us so far in the way of Dollar releases has been reasonable and fair. (*Hear, hear*). I propose to do all that I can in order to obtain a better and more satisfactory release of hard currency from the United Kingdom Government in regard to our next year's programme.

Sir, some reference has been made to the question of a general enquiry into our taxation structure. That is a matter which I have considered with some care. I want to tell the House briefly what the conclusion is that I have provisionally reached. I feel that it would not be possible for us to make satisfactory proposals regarding our taxation structure unless we have a clearer picture than we have today of what our national income is and how that national income is distributed among the various sections of the community. I propose, therefore, and my colleagues agree with me, that we should institute at once an expert committee of high-ranking economists—both Indian and foreign economists—to take up the question of the national income. I hope within a short period we shall be able to get at least provisional estimates of the national income of the country and its distribution on which a taxation enquiry could be based.

[Dr. John Matthai]

Just one last point, Sir. The House has taken very great interest in the question of economy in public expenditure.

Babu Ramnarayan Singh (Bihar: General): Nothing of control?

The Honourable Dr. John Matthai: What control?

Babu Ramnarayan Singh: Control of prices.

The Honourable Dr. John Matthai: I will refer to it later. A great many questions were put to me, during the general discussion, as regards what we are going to do with the recommendations of the Economy Committee and I gave the assurance to the House in the course of my reply to the general debate that the Government would give its most earnest consideration to the proposals of the Economy Committee. What I want today to say is to how we propose to proceed with this matter. We are instructing all the Ministries to take up the proposals made by the Economy Committee at once with the Standing Committees of the Legislature attached to their Ministries and when matters have been clarified with the Standing Committees, the proposals would be put before a special meeting of the Standing Finance Committee so that they may have an opportunity of examining the proposals of the Economy Committee in the light of the Government's views thereon.

Dr. P. S. Deshmukh (C. P. and Berar: General): Will it be completed in five years?

The Honourable Dr. John Matthai: I knew that my honourable friend or somebody else would ask that question. I have in fact already circularised the Ministries in regard to the reference of these matters to the Standing Committees. I expect this to be done in the course of two or three weeks. Then I propose to have a special meeting of the Standing Finance Committee if possible before the end of this Session, but if that is not possible to have it shortly afterwards. I do not want more than two or three months to elapse before we come to a final conclusion.

Shri B. Das (Orissa: General): I am sure the House will join me in offering congratulations to the honourable the Finance Minister for the very lucid exposition of our financial position and the soundness of it in spite of the difficulties we are experiencing.

Sir, the one thing that emerges from the speech I heard a minute ago is that the Central Government's finances are sound, but that we must have the co-operation of the industrialists and the workers. I am glad to see that my honourable friend Mr. Mody offered the other day full co-operation of the industrialists to our Government in financial matters. The Honourable the Finance Minister also wants the full co-operation and the sweet reasonableness of the labour element in India to be there so that production be raised and prices be brought down.

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

We want co-operation of labour on the man-hour basis and not on the salary level basis. If that sort of co-operation can be had, we can expect India to take rapid strides forward towards our national prosperity. My honourable friend Dr. Matthai felt gratified that U.K. will have its national recovery soon. Sir, that is no solace to me, if India's national recovery is not in the offing. U. K. has been my *bete noire* during days of our subordination. U. K. is my *bete noire* even to-day. U. K. is responsible for all our troubles and miseries, inflation, high prices and financial stringency all are due to the policy of exploitation during the War. Nearly Rs. 4,000 crores worth of stores were purchased at pre-war controlled prices for U. K. and U.S.A. and hence the inflation in our currency and hence the high prices.

Today inflation is our main difficulty. I assess that 50 per cent of it is due to the exploitation by the United Kingdom administration and the absence of a National Government in our country during the war. They not only exploited

our country but during the war have frozen 600 million sterling that we had in the Bank of England. I feel ashamed that we have agreed to a further period of two years for facilitating their national recovery. We have to co-operate. I listened most respectfully to the speech of our Minister. I am not in a mood today to co-operate with the United Kingdom for its recovery, seeing that it forced us to tie down the rupee to the sterling. Of course I know that today we can delink the rupee. That is a question which requires very careful examination. I hear the honourable the Prime Minister will talk a few days hence on the matter of the investment of foreign capital in this country. I hope he will bear in mind the sufferings and the sorrows that India went through during the last 150 years. The House must also remember the Government of India Act of 1935, where safeguards were provided for British capital and British exporters. Bearing all these in mind the House should consider the proposals which the Honourable Minister will bring forward in the course of this month.

We hear a good deal about inflation. Professors, economists and industrialists all talk of inflation. All our shortcomings lay at the door of inflation. I do not come under any of these categories, I do not say that inflation is the root cause of all evils and that inflation must be done away with immediately. We are aiming at lowering the price level, but the thing cannot be done if the industrialists and the producers take it into their heads to raise the price of cotton piece-goods and sugar when de-control takes place. In this vicious circle I do not quite see how the price levels can be immediately reduced. I do not think that inflation can be done away with unless my honourable friend Shrijiut Homi Mody gives some hints as to how it can be done. My reading of the situation is that Government could have done away part of this inflation by exercising stricter financial control over the Budget expenditure. There is inflation everywhere. There are inflated numbers of Ministries and Ministers on the floor of this House. There are inflated staff in the Government of India Secretariat. The staff has increased in the course of five years five to six times and the salary level has also been raised to that extent. There are inflated demands on the part of labour—demands for more wages,—and people in the Railways want more dearness allowance, grain shop allowance, etc.—my friend Mr. Santhanam is not here—railway labour want all sorts of advantages. None of the labour leaders, I am surprised to find have thought that the production of the labour, be it on the railways or the industry, should be on a man-hour basis, they must produce so much minimum work, whereby production will increase and whereby alone the high prices can be checked.

Pandit Harihar Nath Shastri (U. P.: General): What about 15 per cent increase in production?

Shri B. Das: Thank you, but the rise in salary has been 150 per cent. That is the greatest misfortune of a country struggling after it has been bled white by the foreign rulers and we cannot find our feet again as yet. I feel that we have no control over the detailed Budget expenditure. I pointed out the other day when I was talking on the Works, Mines and Power Ministry's Grants how there is no tendency in each Ministry to control Budget expenditure. The honourable the Finance Minister has not got Financial Advisers for each Ministry. He has divided it into five groups. One Financial Adviser cannot control half a dozen Ministries. Let each Ministry have one Financial Adviser. Then we would not have this inflated tendency of the Ministries and their way of always getting inflated by our creating so many new Ministries.

Shri Mahavir Tyagi (U. P.: General): They are working on war level.

Shri B. Das: I have watched the Budgets of the Government of India for the last twenty-five years. I have come to the conclusion that it is high time that the Finance Minister should have a Financial Adviser. He has divided his set-up into four compartments. But where is the co-ordination? Who

[Shri B. Das]

is to co-ordinate the policy of the different Ministries? It is not done today and it must be done; otherwise, we are going to have a back slide and it would not be national recovery but it will be some disaster which I predicted some two years ago when I spoke in the 1947 September session.

Why is there over-Budgeting? Why is every Ministry anxious to have more money than the situation justifies? I find Ministries like the External Affairs, Health, Education, even Defence and Works, Mines and Power have no financial sense. The Finance Minister said nobody sympathises with him. I do sympathise with him that he does not get sufficient taxation to meet the hungry children, the various Ministries of the Government of India. In respect of the External Affairs Ministry, the expenditure last year was Rs. 3:55 crores, this year it has been estimated at Rs. 4:15 crores. Education was Rs. 2:87 crores, now it is Rs. 4:77 crores. (Kazi Syed Karimuddin: 'Very good.') Yes, it is very good, but why are you resenting this taxation, why are you raising your voice against it? In the Budget discussion everybody resented one or the other item of taxation. If you want improvement, then pay for it but not pay for it by taxing such an item as opium of which my honourable friend Mr. Rohini Kumar Chaudhury is rather fond or the betelnut I am so fond of. Defence expenditure has not been criticised. We have supported our Defence Ministry. But simply for the reason that they have achieved some successes, that does not mean that the Defence expenditure should be Rs. 172 crores or something like that and that the expenditure should be put on the way the Britishers introduced. Capitalisation of Defence expenditure has little value for me. It would not be assessed like that in any international forum. I do hope that Defence expenditure must be brought down to Rs. 100 crores limit.

Mr. Chairman: I hope the honourable Member will be able to finish within five minutes.

Shri B. Das: I will try as far as I can.

I will speak again on the Finance Bill, but I do hope that our foreign exchanges could be improved through tourist traffic and by cottage industries. Dr. Mukherjee has earmarked rupees five crores got out of sale of American Disposals, but we are doing nothing to improve our Dollar position except by borrowing in the international market and going abegging to London to get a few thousand more Dollar and foreign exchange from the starving, shifty British people, who if they do not apply a moratorium to the £600 million sterling they owe us, would be bled to death.

There should be a production drive if we at all want to do away with inflation and reduce the price level. But for that, there should again be a tripartite conference consisting of Government, the industrialists and labour. I do suggest that Srijut Jai Parkash Narain has shown a spirit of co-operation by calling off the strike of railways. He as a labour leader has shown that he is anxious to co-operate. Why not call a conference with Srijut Jai Parkash Narain, so that labour may realise, labour may recognise, the primary duty of working and producing, and producing on man-hour basis. That is my last suggestion.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Shri K. Hanumanthaiya (Mysore State): Sir, I listened with great respect to the speech made by the honourable the Finance Minister. To begin with, he referred to the criticisms made against his Budget on the floor of the House. I really congratulate him that he has taken the criticisms levelled against his Budget very coolly and with great equipoise. He was speaking about the prices and the vagaries of the market. I very much wish that prices and the markets

followed his example in being steady, equipoised, and balanced. Before I come to the contents of the Budget, I would like to suggest a few unimportant things. It may be that they are unimportant from the point of view of the importance of the subject we are discussing, but these few suggestions would go a long way in making this House understand the Budget better.

I have had occasions to go through the Budget papers of some of the Provincial Governments and the Government of my own State, and I have also gone very carefully through the Budget papers presented to us by the Finance Minister, this year as well as last year. My impression is that the papers given to us in this Assembly give us too summarized a view of the matter. We need greater details and explanations. For example, there are items in the Budget papers like "Other Charges". There are several headings like that and each heading has several lakhs of rupees against it. There is also a heading "Miscellaneous". Headings like these when totalled would amount to crores and crores of rupees. Still we are not in a position to know how this money is being spent, or the policy that is being adopted in spending this amount. In regard to expenses as against administration, we would rather like to know how many Secretaries are employed in each Department, and how much money and allowances are being paid to them. That information is supplied to us in the Budgets of the Units. I have given only a few examples. It would be better if, from next year onwards at least, the Finance Minister gives us a fuller picture of the Budget in his annual statement of the financial condition of our country.

The second aspect is this. My impression is that the printing and get-up of the Budgets of the Units is also far better. I would like the Finance Minister to enhance, the prestige of the Central Government in being the first in the matter of get-up of the Budget.

The Finance Minister was explaining the question of "prices" and how prices rise and fall. He incidentally referred to agricultural prices. I would ask him, Professor as he is, Economist as he is, to fix agricultural prices on some basis and on some data: and not fix them arbitrarily as he has done, or as every Government upto today has done. It is not particularly the fault of the present Finance Minister. It is not the fault of this Government alone. It is the fault, in my view, of every Government in this country present and previous. So far as agriculture is concerned, they have fixed prices not upon data but upon what is so-called the "previous price". They take some price that used to prevail at a certain period prior to the fixing of the prices and fix it up by a certain percentage. If Industrial production is determined on the basis of the production cost, and if the industrial labour is paid minimum wages, I would request this Government to show the same kind of consideration to agricultural production and agricultural labour.

If I criticized the Ministry in my Budget speech, it was because the peasants have been left alone by this Government, in spite of its being the first Government of a free country and in spite of its being the Government of Pandit Jawaharlal Nehru and Sardar Vallabhbhai Patel. I have to make this observation because I love and admire these two leaders very much. But I love the ryot, the agriculturist in a greater measure. If it is a question of who should have my allegiance, as well as the allegiance of many of us, it is the agriculturist and not the Prime Minister nor the Deputy Prime Minister. It is a pity that their attention has been diverted to other issues. The consolidation of the country has become the affair of the Deputy Prime Minister and foreign affairs has become the playground of the Prime Minister. But the ryot is cared for by none in this Ministry. The concessions that I want for the agriculturists

[Shri K. Hanumanthaiya]

is not pity, kindness or favour: it is a price based on data: it is a price that is fixed by the same considerations by which prices are determined in other economic fields.

I have had the privilege of listening to, and participating in the discussions on the Budgets of both last year and this year. Last year the Finance Minister made a fervent appeal to the industrialists and gave several concessions to them. The present Finance Minister has also repeated the same example. In view of world conditions I would respectfully request them to see whether this special appeal is not after all overdone. The cry of the common man has taken the form of Communism and is sweeping the world. It has already swallowed half of Asia and is almost at our doors. In spite of this phenomenon it is very strange that our Government is still wooing a few industrialists. Take, for example, super-tax. Honourable the Finance Minister has shown what is called a concession to the super-tax payers to the tune of 2.1 crores. I am told that this concession affects only about 400 people. If 400 people are to be given a concession of 2.1 crores, it is a gift that this Government makes of Rs. 55,000 and odd for each industrialist. Whether this concession, which is almost like ransom money, is justified or not I leave it to the House to judge.

I will now make only one point and close. The honourable the Finance Minister was speaking to us about foreign exchange. Gold may not be the sole currency in all countries but still gold happens to be the axis round which every currency system in the world rotates. Therefore in order to avoid this exchange difficulty I would request the Government of India to pay attention to this aspect of the matter. In the South, at least we have one gold mining company working and two other mines have been discovered. If the Government of India is earnest it can find in India many more gold mines. It would be profitable for us to take these gold mines as national concerns. If you are not able to take these gold mines as national concerns, at least I want the Government of India to purchase all the gold produced in India and keep it as government property, so that they may make use of it to facilitate foreign exchange.

श्री लक्ष्मीनारायण साहू: वाचस्पति जी, पहले अर्थ सचिव ने जो बातें कहीं हैं, उनसे यह सबक निकलता है कि उनको ज्यादा रुपये की जरूरत है, और हम लोग उनकी समालोचना करते हैं कि उनको उतना ज्यादा रुपया sanction होता है। लेकिन भारत देश भर में जब अर्थ सचिव ने पोस्टकार्ड और लिक्वाफ़े का दाम ज्यादा बढ़ा दिया, तो सब आदमी कहने लगे कि अर्थ सचिव हम लोगों के Shylock the Jew बन गये हैं। हालांकि यह बात जरूर है कि इसमें अर्थ सचिव का कोई दोष नहीं है, क्यों कि हमलोग रुपया चाहते हैं, और उनको रुपया देना है। मैं कहता हूँ कि रुपया कैसे आता है उसके बाद हम लोगों को सोचना चाहिये कि आदमी जब अच्छा होगा, तो रुपया बहुत मिलेगा। आदमी अच्छा न होने से रुपया ज्यादा नहीं मिलेगा। यह बात थोड़ा सोचने से अच्छी तरह मालूम हो जाती है। आज हम लोगों को देश में रुपये की कमती है, इसलिये जो आदमी हैं वह आदमी ठीक तरह से अभी नहीं रहते हैं, स्वास्थ्य उनका अच्छा नहीं है और उनको जो इन्डस्ट्रियल लेबर (industrial labour) में काम करते

हैं, सुभीता नहीं मिलता है, इसलिये वह ज्यादा पैदावार नहीं कर सकते, और जब पैदायश ज्यादा नहीं होती है, तो रुपया अर्थ सचिव को नहीं मिलता है। हम लोग अभी कम से कम मालूम होता है कि २५०० करोड़ रुपया ऋण लिया और इतने रुपये में से १५०० करोड़ रुपया तो हम लगा देते हैं, जिससे कि पीछे फ़ायदा हो सकता है। २५०० करोड़ रुपये में से हमको मिलना है ३०० करोड़ रुपया पकिस्तान से। मैं जानना चाहता हूँ कि पाकिस्तान से जो ३०० करोड़ रुपया मिलना है, वह शायद मिलेगा भी या नहीं। और बाकी जो सात सौ करोड़ तक रह जाता है, वह तो एक दम हम लोगों का loss में चला जाता है। किस तरीके से हम लोग प्रवन्ध करें कि यह सात सौ करोड़ रुपये का जो हमारे सिर पर dead weight है, उसको कैसे हटायें। अर्थ सचिव ने इन्क्वायरी कमेटी (Inquiry Committee) बनाने की तरफ़ इशारा किया है, उसके सिलसिले में मैं एक बात कहना चाहता हूँ। हम लोगों का जो Rupee Ratio एक शिलिंग छः पेन्स है। उसको ज़रा ध्यान में रखना चाहिये क्योंकि उससे हम लोगों का बहुत सा रुपया इधर से उधर हो जाता है। एक बात और मैं अर्थ सचिव के ध्यान में लाना चाहता हूँ कि आज तक हम लोग Statistics पाते थे, अभी नहीं पाते हैं, वह अगर मिल जाये तो बड़ी अच्छी बात होगी। फिर एक बात मैं कहना चाहता हूँ, वह थोड़ी शायद इस बात पर ठीक नहीं मालूम होती है, लेकिन मैं सोचता हूँ कि वह बात ठीक है। जब यह डोमीनियन पार्लियामेंट है और हर एक यूनिट इसमें शामिल है तो हर एक यूनिट से एक एक प्रतिनिधि Cabinet में रहना चाहिये ताकि यहां का काम अच्छी तरह से चले। मैं बराबर देखता हूँ कि हर एक province का ख्याल यहां नहीं होता है, और एक बात हमारे अर्थ सचिव को यह सोचना चाहिये कि opium के cultivation के वास्ते जो हम लोग subsidy अदा करते हैं, उसको एकदम हटा देना चाहिये। जब ओपियम (Opium) के बारे में बहुत बहस हुई थी और हम लोगों ने कहा था कि यह जो Immoral रेवेन्यू है, उसको हमें हटा देना चाहिये। आसाम में देखिये क्या होता रहा है। कितनी कोशिश उसको बन्द करने की की गई, लेकिन वह बन्द नहीं होती है। अब स्टेट्स में जहां केवल ओपियम (Opium) ग्रो (Grow) की जाती है वहां भी इसकी तरफ़ हटाने की दिशा में कदम बढ़ाये जाने की सख्त जरूरत है। दुनिया में हर प्राविन्स, स्टेट और मुल्क में आदमी को अच्छा बनाने के लिये यह ओपियम (Opium) को हटा देना चाहिये, और दारू भी हटा देना चाहिये। गवर्नमेन्ट अक्सर यह देखा जाता है कि प्रोहिबिशन (Prohibition) पालिसी को slow कर देती है, यह बड़ी खराब बात है और इसकी तरफ़ हमें तेज़ी से ध्यान देना चाहिये। दुनिया आज जब इतनी तेज़ी से आगे भाग रही है, तो हम भी

[श्री लक्ष्मी नारायण साहू]

उसके साथ मिलने के लिये, इतना रुपया लोन (Loan) ले लेते हैं, यह ठीक नहीं है। यह तो मामूली बात है कि 'One should cut his coat according to his cloth' हमको अपनी इन्डस्ट्रीयल एकोनॉमी (industrial economy) ठीक करने के लिये हमें कितना बाहर से लाना है, और कितना हम यहां कर सकते हैं, इस पर खूब गौर कर लेना है। मैं तो सोचता हूं कि आपने बिज़नेस वालों का पहले से इतना गला घोट दिया है, कि उसको बहुत-डर हो गया है, इसलिये अर्थ सचिव को रुपया ज्यादा नहीं मिलता है। ऐसा उपाय करने से बिज़नेस पीपुल (business people) के हाथ में जो रुपया है, उसकी ओर हम लोगों को ज्यादा ध्यान देना चाहिये। हां एक बात है कि हमारे अर्थ सचिव जब अच्छा लेजिस्लेशन (legislation) कर सकते हैं तब उससे हमारा मुल्क अच्छी तरह से चल सकेगा। यह ख्याल हम लोगों का अच्छा होगा कि हम सब decentralise करें। मैंने उस दिन भी कहा था और आज भी कहे देता हूं, कि अगर हम सब इस तरह में सेन्ट्रलाइज (centralize) करते जाते हैं, तो हम हिनालय पहाड़ के मुआफ़िक ऊंचाई की जगह से नीचे गिर जायेंगे। इसलिये मैं चाहता हूं कि अर्थ सचिव इस पर ज़रा ध्यान देंगे कि हम इन्टरनल ट्रेड एन्ड कामर्स (internal trade and commerce) को जितना कंट्रोल करते हैं, उसको थोड़ा अब छोड़ देना चाहिये और छोड़ देने से जब नारमल चैनल (Normal channel) में बिज़नेस में चलेगा, तो हम लोगों का फ़ायदा होगा, ऐसा मैं सोचता हूं।

और उड़ीसा प्रदेश की तरफ़ ज़रा अर्थ सचिव को ख्याल रखना चाहिये। हम लोगों ने सरकार से रुपये की मदद मांगी है और जो चालीस लाख रुपया हमने सरकार से subvention के तौर से पाते हैं, वह बहुत कम है, क्योंकि इन्फ़्लेशन (inflation) ज्यादा है, इसलिये उड़ीसा को ज्यादा रुपया देना चाहिये और फिर २५ लाख एबोरिजिनलस (aboriginals) जो स्टेटस के (merge) होने की वजह से आ गये हैं, इसलिये उनको बहुत ज्यादा रुपया देना चाहिये। इस लिये मैं चाहता हूं कि अर्थ सचिव इस पर ज़रा मेहरबानी करके ध्यान-पूर्वक सोचेंगे, और इस प्राविन्स को ज्यादा मदद देंगे। मैं और ज्यादा समय नहीं लेना चाहता हूं। अन्त में मैं अर्थ सचिव को बधाई देता हूं और अपना भाषण समाप्त करता हूं।

(English translation of the above speech.)

Shri Lakshminarayan Sahu (Orissa: General): Mr. Speaker, Sir, it is quite apparent from the statement made by the honourable Minister for Finance that he needs more money; whereas we people criticize him while sanctioning such a huge amount. When the honourable the Finance Minister raised the rates of letters and post-cards throughout the whole of India, all the people began feeling that he has assumed the role of Shylock the Jew. In fact the

honourable the Finance Minister is not to be blamed in this matter, for we need money and he has to provide it. But I would like to say how we are to get it. After that we are to consider that if the man is good, we may have plenty of money; and in case he is otherwise we may not get much. A little bit of thinking will elucidate it. Today our country is short of money, and for this reason its inhabitants are not living in a decent manner. They do not keep good health and those of them who are employed in the industrial labour are not afforded any facilities, and for this reason they cannot produce more, and when the production is less, the honourable the Finance Minister is unable to raise more money. It so appears that we have now borrowed at least 2500 crores of rupees; and out of this amount, we spend about 1500 crores which can yield some benefit later on. Out of Rs. 2500 crores, we are to get 300 crores from Pakistan. I would like to know whether we are likely to get back this sum of Rs. 300 crores from Pakistan or not? And the balance which thus remains amounts to about Rs. 700 crores and it is straightaway reckoned as a loss. How should we manage to throw this dead weight of Rs. 700 crores which we are carrying on our heads? The honourable the Finance Minister has given an indication towards the setting up of an Enquiry Committee and I would like to say one thing in connection therewith. We should devote some attention towards the exchange ratio of rupee which is at present 1s. 6d. because we have to sustain a good deal of loss by such transactions. Another thing which I want to bring to the notice of the Honourable Minister is that till lately we used to be supplied with statistics, but we do not get these now. It would be of immense use, if these are made available now. And one thing more I would like to say, although it is not perhaps quite relevant to the point at issue, yet I feel it has got some bearing on the subject. When this Dominion Parliament consists of representatives from each unit, it looks all the more logical that one representative from each of the Provinces should be included in the Cabinet so as to ensure smooth working at the Centre. I usually find that every Province is not represented here. And one thing which I would like our Finance Minister to consider is that he should immediately stop the grant of subsidy for the cultivation of opium. During the course of a lengthy discussion on opium we urged that we should cease to realize this 'immoral revenue' which is derived from the sale of this commodity. Take the case of Assam. What is happening there? In spite of all possible endeavours having been made there, its growth could not be stopped. Now it is the high time that some preventive measures in this direction are taken in the case of States also which grow opium only. In order to produce better men in this country, the use of opium should be banned in all the Provinces and States. Liquor too should be prohibited. It has generally been noticed that the Government slows down its prohibition policy and we should devote our urgent attention towards this aspect. It is not advisable that one should borrow such a huge amount simply to keep pace with the other countries of the world which are forging ahead with such rapidity. It is a common saying that 'one should cut his coat according to his cloth.' We should carefully consider as to how much we are required to import from abroad to balance our industrial economy and how much we can produce here. I think you have already throttled the business community and they have become considerably nervous. And for this reason only, the honourable the Finance Minister is not able to raise more money. We should devote more attention towards this aspect and devise some measures to obtain the money which lies in the hands of the business people. Yes, there is one thing and that is when our Finance Minister can evolve a wholesome legislation, our country will surely have a smooth sailing. This is a good idea that we should decentralize everything. I said that day and repeat today also that if we go on centralizing everything in this manner, we are apt to fall down from heights such as of the Himalayas. Therefore,

[Shri Lakshminarayan Sahu]

I would urge that the Honourable Minister should devote a little attention to this aspect and permit some relaxation being made in the existing controls regulating the internal trade and commerce. This would result in the business being conducted through the normal channels which would prove beneficial to our interests. This is what I think.

The Honourable Minister should devote some attention to the Province of Orissa. We people have approached the Government for the grant of some assistance and the sum of Rs. 40 lakhs which is paid to us in the form of subvention is quite inadequate, because there is much inflation and on account of this Orissa should be given more money. And, moreover, he should give adequate sum of money to cope with the expenditure to be incurred in respect of 25 lakhs of aboriginals belonging to the States that have since merged with Orissa. Therefore, I would submit that the Honourable Minister should carefully consider over this and give more help to this Province. I do not want to take much time.

With these words, I would congratulate the honourable the Finance Minister and resume my seat.

Kazi Syed Karimuddin (C.P. and Berar: Muslim): There is no doubt that the honourable the Finance Minister has delivered an admirable speech. Before I make any criticism I fully realise the tremendous difficulties that he has to face in running the administration and overcoming the economic difficulties of the country. It may be said and it is commonly supposed that the taxation policy that he has introduced is incentive taxation, that is, with a view to stimulate production in the country. In my opinion it is not incentive taxation but it is riding a horse in all directions. On the one hand there is relief to the industrialist with a view to stimulate production and on the other there is an indirect taxation on the necessities of life which will raise the standard of life of the poor. If there is no co-operation between these two factors, that is, the increasing purchasing power of the capitalist and the higher standard of life of the poor, if these two factors cannot be reconciled by more production, then my submission is that the honourable the Finance Minister will be faced with a very critical situation next year.

All the estimates that he has made, all the policy that he has enunciated today is based on the speculative system that production is bound to rise in case incentive taxation is introduced. I congratulate him for that, but if production does not increase considerably I have my own apprehensions that there will be a financial collapse. In my opinion one of the items that ought to have been accepted by the Finance Minister, as has been done in many European countries, was that alternatively there should have been an idle-money tax. Suppose the proposals are not accepted by the capitalists. We see the reactions of the market as reported in several papers—that the money market or the share market is not affected and that they have not accepted it very favourably. In that case the only alternative ideal is to have idle-money tax or hoarding tax. Without that it would be impossible to induce these people to go into the field of production.

Another point which I want to emphasize and give a warning about is regarding external public debt. It is an accepted principle in economics that external public debt is not generally good for the progress of a country unless a country is compelled to incur a loan. I realise and I fully appreciate the point of view held by the honourable the Finance Minister that there is a shortage of dollar. We have already incurred a loan of 92 million dollars but the purpose for which this has been incurred has not been fully detailed and the House is not aware as to how our needs have been met by incurring this loan. The

two defects of foreign borrowing as generally laid down in books of economics are firstly that the terms on which the foreign loan is incurred must not be to the detriment of the country and secondly the period for which it is incurred has to be a very long one, as has been stated by the honourable the Finance Minister. Otherwise, if the debts are tried to be realised by a foreign Government, if our political policy is not in keeping with Americanism, then our country will be faced with the very great difficulty of making a repayment or of giving raw materials or goods which are required for our own production in the country. The honourable the Finance Minister neither in the Report that has been supplied to us nor in the speech that has been delivered today has given any idea as to what conditions have been laid down by the foreign capital although he has remarked that in a subsequent statement by the Prime Minister we will have those conditions. But my submission is that every pie of loan that we incur in this connection should be in connection with our production, with the expansion of our industry and agriculture. But if the loan is incurred and there is no expansion of industry and agriculture, if there is a shortage of capital goods coming from the foreign country; and if these dollars that we are getting are spent towards our political needs, then I give a warning today that this will be to accept Americanism. There will be expansion of the American movement not only economically but there will be political domination and economic domination of America which is bound to be resisted by the people of India.

The second thing which I want to bring to the notice of the honourable the Finance Minister is I entirely agree with the reasoning he has given that the release of dollar from the Sterling Area, that is from England, is not satisfactory. One suggestion that I want to make is this. Why should we spend away our sterling in the capital repatriation of the Britishers in India? We can insist that before there is a capital repatriation there should be a release of dollars in favour of India and we should have greater amount of sterling released in our favour in order that capital goods may be imported from there. One complaint generally is—of course I have not any exact idea of it—that from England and America last year we had consumed goods which are luxury goods, goods which were not very necessary for the expansion of industry. If it is not true I will be happier, but I make a request to the honourable the Finance Minister that in the future, that is next year, goods which are not very useful or which are luxuries should be discouraged in satisfaction of the sterling balances or in connection with our borrowings from America.

The third thing which I want to impress upon you is the Bill that has been proposed in the Report submitted by the Finance Department about the Payment of Taxes. For the few Muslims who are now intending to go away from India we are going to have a legislation which will affect thousands of people in this country. The Government has already declared that Muslims are coming back in numbers and very few are going to Pakistan. For the few who intend to go you will be surprised to find that today Hindus and Muslims—everybody—is harassed by the Registration Department in regard to the clearance certificate. In his noble words the Speaker the other day expressed that it will give full scope for corruption. They are words which are weighty and as a lawyer I can say that it will give a very wide scope for corruption. The then Finance Minister, the Honourable Mr. Neogy, did not write on the file but had agreed that it would be dropped. When one Finance Minister had agreed to drop it, I think special reasons should be stated by the present Finance Minister why he takes it up. As Sir Homi Mody said, it was an emergency measure and it was all right then, but in ordinary times I do not think people should be subjected to harassment. You will be surprised to find even today that people who want to get their properties registered or sold are harassed by the Registration Department which is open to great corruption.

[Kazi Syed Karimuddin]

Therefore, my submission is that when a promise had been given—on the floor of this House, Mr. Neogy had expressed that it was agreed to be dropped—there is no reason why the present Finance Minister should revive it. My submission is that, in view of the great harassment, in view of the great scope for corruption, and when a man of the experience of the honourable Speaker is of that opinion, the honourable the Finance Minister should drop that Bill.

Shri Moturi Satyanarayana (Madras: General): During the recent months whenever I had a chance to meet friends and discuss the problems connected with our finances, I always found that the people had very great apprehension that the Central Government's Budget was going to be a very deficit Budget, that we are nearing a situation when we will witness a very great crack in the monetary set up of the country. It looked as if it was practically true, before the Budget was introduced. I am very glad to say that the skilful handling of our finances and the great imagination and experience of our present Finance Minister has averted this crisis.

I have been listening to the speeches delivered on the General Budget and I found there was a lot of opposition mostly to the new taxes introduced; it has been already dealt with by a number of Members. I want to take a particular point of view about this Budget as it has been explained to us. The Finance Minister, during the last one or two years, has been fighting inflation and this Budget has got two important features, one to fight the inflation, and the other to get a better incentive for the purpose of capital formation and get capital for more production.

Sir, I find this inflation being discussed day in and day out, but where does it exist? It exists especially in the urban areas. If you just look at the figures supplied to us, during the last three or four years the figures have been going up and these figures have been creating a kind of nervousness among the urban population. I find from the figures that in a place like Kanpur the cost of living index has gone up by 508, Bombay 302, Calcutta 251, Madras 321, Delhi 130; probably it is much more but this is a little old figure. What does this show? This shows, as the Finance Minister explained to us in his introductory speech, that mostly these inflationary figures comprise the food stuffs. Who produces these food stuffs? The villager produces them. He is not willing to part with his food at a lower price and therefore he is demanding a very high price; that is why there is a great deal of inflation. The city man refuses to buy food at a high price and the village man refuses to part with his production at a low price. Therefore there is a tug-of-war between the city-dweller and the villager. Why? All these years, during the last 100 or 150 years, when the money economy had grown to play a very important role, the village man had been completely neglected and the urban man had prospered. The money was there in the city, the village man had absolutely no taste of the money. Thanks to the war and the cheap money policy of the Government, the Government has introduced five times more currency in the market, circulation has been going on like anything, and it has percolated in the villages. The villager now feels that he has got money, he will keep it and unless and until he is paid more price he is not prepared to give his production. The Government should, therefore, either coerce him to give it at a lower price or tempt him to produce more and more in order to relieve the inflation and give food to the cities. Instead of doing that if the Government gives a little more price and just reverses the economy from the city point of view to the villager's point of view, it is probable that in the course of one or two years we will be able to improve our money economy. Probably the only harassment or embarrassment that will be experienced will be by the city man, not the village man.

If we look at the national income, we find that out of the total income of this nation, 54 per cent is contributed by the villager, only 21 per cent contributed by the industrialists and industries, and the balance of the income is contributed by miscellaneous things. Our town population is only 20 per cent, our village population is 80 per cent. 80 per cent of the population contributes only 54 per cent and the city population of 20 per cent contributes 21 per cent. This proportion looks very anomalous. If you just look at the wealth, you will see that it is not the capital that matters, it is not the money that matters, it is not the industry that matters,—it is the huge population that matters. So many crores of people living in the villages, waiting for getting some work, and with able-bodies, with skill, with talent, capacity and energy, are not being given sufficient work and are not being treated properly; no resources are available to them for doing more work. If you are able to get 21 per cent of the national income from the cities by utilising the hands and bodies of only 20 per cent of the population, how much more can you get if you utilise the services of all the villagers by giving them the necessary facilities that are absolutely not available to them?

Therefore, I want to urge on this particular aspect, that hereafter our money economy as it is today should have a definite approach, the approach being the real approach as to how this money, as it has been introduced today, could be utilised for the purpose of employing the people and getting our wealth increased.

There is one particular point I want to say in this connection. Studies which I have made and discussions that I had with friends reveal to me certain factors that this circulation of money today is distributed throughout India. It is generally the impression that large amounts of money are in the hands of city people. My own feeling is that on account of high prices, on account of temptation for getting more money, there is also sufficient money in the villages—the money has percolated to a very large extent into the villages also. This money the villager is not willing to part with until and unless he is given some incentive. Supposing he invests in savings certificates or in any industry or in a Government Bond, what will he get? It will be for something with which he is not connected. Therefore, he must be told definitely and a definite promise given to him that whatever money he is in possession of today, if he is to part with it either for investment or for anything similar, it will go for a productivity in which he is directly interested. Therefore, it is absolutely necessary that if you want to have a savings campaign today it must be utilised for the villages and the rural areas so that you will be able to get sufficient money and use it for productive purposes.

I want to make a definite proposal in this connection. If it is possible for the Government, then it must immediately try to see that a kind of a campaign is conducted throughout India, especially in the rural parts, that a part of the villager's income—whatever his savings are either on the basis of the acres that he cultivates or on the income that he derives on the produce—say ten per cent of his total income should be saved for the purpose of productivity, which will be kept by the Government of India or by the Provincial Government so that this money at good time may be made available for a kind of capital formation which will be used for rural purposes. Elaborating this point a little further, I would say that we have today nearly a rural income of 2,800 crores. Government must evolve some suitable scheme for effecting a saving of say some 280 crores out of this income. They can base the scheme either on the total acreage under cultivation or some other basis. Today we have nearly 185 lakhs of acres under cultivation and either on the acreage basis

[Shri Moturi Satyanarayana]

or some other basis, some suitable scheme may be evolved by which within three years this saving could be effected. If we collect, say Rs. 10 certificates, it is quite possible that by propaganda and by making an appeal to the patriotic sentiment of our rural population, it is quite likely that we will be able to get Rs. 280 crores. And this sum should be treated exclusively as capital for the purpose of promotion of the interests of the rural areas, for instance a small scale project, an irrigation project, rural industries, electrification projects for the villages, credit facilities for housing rural populations, rural markets and warehouses. There are many other things for which the villagers are craving and this money should be made available to the rural population to enable them to get some of these things.

There is only one thing more I have to mention, within the short time at my disposal. Every villager must be made to feel that whatever money he saves now will be devoted for his benefit. And he should also be made to understand how the Rs. 10 he saves now, when the inflation influences go away, and prices come down, this sum of Rs. 10 will become Rs. 15. If he is made to understand the real position, and if we get his confidence, and when he feels convinced that it is for his benefit, he will certainly participate in the scheme evolved by Government. Therefore, I want for the stabilisation of prices, for the stabilisation of our whole economy the rural population must co-operate with us. We must win their confidence. We have been, by various methods wooing the capitalists and asking them to invest more and more. But when they actually invest, then there will be a kind of non-co-operation from the other side. Therefore we have to see that both the sections of the population properly contribute so that we may have a balanced economy and a balanced distribution of wealth and a balanced distribution of labour in this country so that all those who have able bodies may get a chance to work and that work will bring in enormous wealth.

In conclusion, I wish to support the honourable the Finance Minister, and again congratulate him on having brought forward a balanced budget. I request him to have this rural approach and try to work out some of the suggestions I have made.

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I whole heartedly support the proposals which have just been elaborated by the previous speaker. I too had similar proposals to make and since he has elaborated them, I do not want to take up the time of the House by elaborating them again. I have only to add that if we have bonds issued, and named after the projects which are to be initiated or developed in particular parts of the country, that will have a very good psychological value. For instance, in the East Punjab, they have got the Bhakra Dam project. They can have the Bhakra Dam bonds. Similarly they can have the Damodar Valley Bonds, and many persons who have benefited by the rise in the price of food grains will certainly contribute for these bonds. In this way large sums of money can be attracted into the Government's coffers.

As regards the capitalists, I want to submit one specific suggestion for the consideration of the Government. It has been said that in the money market, there is great stringency, and that capital is very shy; that Government floated a loan which was not fully subscribed. Also we know there are complaints that investments are not made on capital works now. What is the reason for all these things? One reason may be that there is no money in the country. The other reason may be that there are certain circumstances which made it very difficult for capitalists to bring out their money. I for one do not believe that there is dearth of money in the country. I do believe there is ample

money; but people are afraid and they do not bring out this money. A long time back, I read one novel named Zanooni by Lord Lytton—it is a mystic novel—and in that novel a figure was depicted as a monster at the gate which would not allow any one but a particular class of people to enter the gate. Its eyes were so consuming and its look so compelling that no person who had not the requisite qualification could enter in. My example may not be very apposite, but I am afraid, at the same time, that the effect of this Investigation Commission is exactly the same as that of the monster in the novel. When we come to this aspect of the case, which I propose to elaborate further, I have to submit that we must consider all the circumstances which have given rise to this state of things. During the war, people made huge profits and they did not pay taxes. The income-tax department of the previous Government was absolutely inefficient. It was corrupt also. The whole Government was corrupt, and during the war when these huge profits were made, nobody cared to tax those profits, those contractors, etc. Thousands of people in the Supply Department made profits and they have gone away and they are not in India. Now these people who are here, feel that if they come out with their money, they may be taxed, and they might have to part with some of their illegal profits. If during the war, they had been asked to part with 66 per cent of their profits they might gladly have parted with it. But after the war, our country was in an awkwardly peculiar position. The interim Government came and Sir Liaquat Ali brought out his budget of 1947 and gave birth to this Investigation Commission. Now, this Investigation Commission was something like a still-born hybrid, because it had nothing but a skeleton. There was no power in it. For one year it went on and nobody looked at it. Afterwards, this egg of a crow was hatched by the cuckoo and our previous honourable Finance Minister gave it life and flesh and invested it with power. But even then, what do we find now? In his Budget speech, the present Finance Minister says no results have come out, and I do not think any results can come out of it, because when we invested it with powers, we invested it with wrong powers and made it simultaneously the complainant, the investigator and the final judge. Now the position is this. If any person brings forth money to invest it on a property or in a factory or in some such venture, the hounds of this Commission go to him and pester him and ask him, "Wherefrom have you got this money?" and that man is as a matter of fact, at the end of his wits. At the same time, Sir, the tax dodgers love their money very much and they are afraid that as soon as they bring out their money, they will be caught. This is going to be a vicious circle. When I look at the figures of the tax dodgers, I am certainly staggered. I feel that the arrears of this income-tax are so large and have been so large in the last few years that there is no wonder that people have not tried to pay their dues. With your permission, Sir, I will just give some of the figures.

On 31st July, 1948, 2,86,274 cases were there in arrears and there were 359 cases of 1943 and 1944 and earlier

In 1944-45	17,627 cases.
In 1945-46	37,923 ..
In 1946-47	77,121 ..
In 1947-48	1,54,344 ..

These are the arrears.

Now, Sir, if out of these people of 1944-45, when the War had not ended, if people made a good amount of money and their cases have not yet been

[Pandit Thakur Das Bhargava]

decided and there are still arrears, may I know the fault of the man who hides his money and does not want to pay the tax? Circumstances may have changed during these four years and a fair amount of money may have also been lost by him. The temptation for non-payment becomes too great and a person may even prefer to go to jail, rather pay lakhs of rupees now. So the difficulty is that this mentality which we all condemn has been as a matter of fact abetted or at least brought up to a considerable extent by the inefficiency of the Department. What we should have done at the time when our National Government got into power was that they should not have pursued the course initiated by Liaquat Ali Khan i.e. Investigation Commission. They should have taken a bold course. Abnormal situations call for bold courses. After one year of the new Government coming into power the result is that the arrears are there and the Income-tax Commission has not brought forth any result whatsoever.

We find from the speech of the honourable the Finance Minister that they have taken to some other work. They have taken to the work of finding out how can evasion be tackled. I think it is a more fruitful work and perhaps they will do better there. The only promise that has been held out to us is that there will be a third Bill to amend the original Bill and after the third Bill of amendment is passed it may happen that if some powers are given to the commission for the purpose of making agreed settlements, it is possible some result may be shown. As a matter of fact we should have the courage of performing a surgical operation when the attempted cure by physicians have failed. We must dismiss this Commission or, take advantage of this Commission in some other way; they have amassed a wealth of material and from that we can take some advantage.

All the same, I beg to seriously propose for the consideration of the honourable the Finance Minister a proposal like this. You fix a date. I believe, Sir, that the honourable the Finance Minister has certainly heard of the Bran pie system by which the Police get hold of arms from those who possess them illegally. They fix a date and by that date every person who is in possession of illegal arms comes forward and delivers his gun and dagger in some place and then the Police take possession of them and the person, who delivers these arms is not penalized and in this way illegally possessed arms, are disgorged. In Delhi those persons who took possession of the Houses could not be evicted and their possessions were confirmed. Let a date be fixed and let a notification be issued that all persons who have not paid their taxes should come forward and file their returns on a condition that if they do so, they will get a 25 per cent. rebate and the rest will be recovered. If after that date, it is found that those persons have not behaved well, you can proceed under section 34. But I would proceed further.

Shri Mahavir Tyagi: Will the same process be repeated next year?

Pandit Thakur Das Bhargava: No, Sir. I am going to propose something more. If my honourable friend had just heard the whole scheme, then he would not have put that question. I want another Bill of a penal nature to be also passed saying that if any person is proved to have concealed his income or not given his true income to the Commissioner of Income-tax, then in that case he shall be punished with an imprisonment for seven years. This is what I want to suggest. After all, Sir, this is a position in which by our own conduct by not taking the tax as it ought to have been taken, we ourselves have brought it about by our own inefficiency. This is a proposal which I have discussed with certain friends and this proposal has been going round for a long time, and I submit this proposal for the consideration of the honourable

the Finance Minister for whatever it is worth. I for one think that in a matter like this when crimes are committed on a mass scale for the last four or five years, we should adopt other measures and not allow this humdrum Investigation Commission to proceed in this manner.

I wanted to say many more things, but I am sorry the time is very short and I will take advantage of the Finance Bill later on. With your permission, I will just submit two points more for the consideration of the honourable the Finance Minister.

In regard to the Investigation Commission's present report, the report is said to be confidential and I will therefore not touch the recommendations at this stage, but all the same, with all the emphasis that I can command, I very humbly suggest to the honourable the Finance Minister that the approach by the Commission in regard to the question of the Joint Hindu Family has not been fair. I received a questionnaire from that body in which they told me that they have to look at the question from the point of view of evasion and now I understand they have been pleased to report in respect of the liabilities of the Joint Hindu Family for taxation also. My feeling is that when they framed the particular question about Joint Hindu Family from the point of view of evasion only and said so in the note accompanying the questions they had no right to make any sort of proposal in regard to the Joint Hindu Family. Last time when this question was raised on this very date, the previous Finance Minister told us that he will consider the question. Now on every Budget occasion when I have been in this House, this question has been raised and every Finance Minister has always admitted that injustice has been done to the Joint Hindu Family and last time the previous Finance Minister said that he would look into the question but I do not think the question is going to be looked at. I have got some faith in the honourable the Finance Minister as I have seen him at work in regard to the Bill about which my honourable friend Syed Karimuddin spoke and I found then that he was not obsessed by the idea of getting more money from the public and approached the question at issue from the right point of view. If he wishes to inspire confidence in the public he should know यथा राजा तथा प्रजा (As the King is so the subjects are likely to be).

If he keeps up this sentiment and acts up to this principle, I hope, he will be able to inspire confidence among the people and I also hope that he will look at this question from a dispassionate point of view.

And one thing more, I must submit for his consideration and that is this. I know from the report that he has circulated that the number of arrears was 3,85,000 and that he has been able to reduce it to 1,97,000 and his officers have worked well in 1947-48. Out of 38 crores which was the arrears in regard to completed cases it appears that he has been able to realize some thing like 15 crores. Though this amount contains some of the advances also, all the same I congratulate him for this work. There is one more thing about which I would plead respectfully. In all sessions and criminal cases three months is the period in which the case is to be finished and I want him to make it a rule that in every assessment of income-tax case not more than one year shall lapse. Unless he does make a rule like this, I do not think that the Income-tax authorities will take it seriously. I believe some such rule is necessary. I have to submit many more things, but I do not want to take advantage of your indulgence and, therefore, I sit down.

Shri Arun Chandra Guha (West Bengal: General): The honourable Minister for Finance has in his speech this morning placed his difficulties before the House. I think the honourable Members need not be reminded about the difficulties of the Finance Minister, particularly in a country like India at this

[Shri Arun Chandra Guha]

time. We have problems along with the general economic condition all over the world due to the post-war conditions; but over and above all these power having been transferred from alien rule to our own hands, we must have some development plans, some economic readjustments which also have given birth to new problems. Moreover, we have problems arising out of the Partition of India, I am glad that the Government of India have at last come to realise that the effects of partition of India are tremendous and that they are affecting every sphere of our national life. Coming as I do from Bengal, I feel the effects of partition more keenly than the Members coming from other parts of India. We have been asking our leaders for some sort of customs union or economic understanding with the Pakistan Government. At last I am glad to see that the honourable Ministers for Finance and Commerce have said something to that effect and that the Government have realised that some understanding should be reached.

Then there is another anomaly in our economic condition. During the last two years we have been talking of inflation and of fighting inflation. I would like to say that the honourable Minister for Finance has done some injustice to this House by not taking it into his full confidence.

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

I would ask him to tell the House if the Budget for 1949-50 is an anti-inflationary budget or something else than that. In his Budget speech he has given us some vague warning. "In the economic life of the country today there is a deep underlying fear for the future". Sometime ago the Economic Adviser to the Government of India—I wish he was more discreet—told the country that the country had almost reached a stage of depression. We can see that there are certain symptoms in our economic life which may give some warning to that effect. Cost of living has increased; money is abundant in the commodity market; but money is stagnant when the question of capital investment comes. That is a sign which may be taken as symptomatic of depression. I hope the honourable the Finance Minister will take the House into confidence if he is really apprehensive that depression is coming.

On another point the Finance Minister has not been quite frank with us. We expected from him a clear declaration as to the economic policy of the Government for the coming year. Of course it will be premature now to raise the question of complete nationalisation. I have no quarrel with him to admit that private enterprise has yet enough scope in the country and that we need it. I would not grudge the honourable Minister giving some inducement so that private capital may come forward for increasing production in the country. But I would like to have a clear declaration from the Government as to whether we are going in for centralised economy or whether we are in favour of decentralised economy. This is a very vital problem for us. Every Congressman in the House feels committed to the doctrine of decentralised economy. This is not merely an economic principle. From the experience of the last war we have realised that decentralised economy is more suitable to meet the emergencies of war. Centralised economy can be very easily made the target of air attacks and things like that. We are living in a time when, I am afraid, nobody will be able to be free from anxiety and fear of war. So, apart from our personal economic convictions, from the standpoint of world conditions today, we should have a clear declaration that the Government of India are committed to the principle of decentralised economy.

As regards the question of effecting economies in the administration I wish first to point out that our national income has increased since 1938-39 by about 100 per cent. But our Government expenditure has increased by about 400

per cent. There should have been some parity between these two figures. Members of the House have been rather outspoken in their criticism of the services. We do not grudge them the pay if we get the required efficiency. In this connection I would like to remind the Government that the nation has treated the Services most generously. If any single sector of the national life has benefited by the transference of power, it is the services. And I must say that they have not contributed anything towards it. On the other hand they have fought definitely against the transference of power and yet the country and the nation have treated them most generously. The House therefore expects that they make some gesture in response of this generosity.

During the British rule, the services on certain occasions were made to impose a voluntary cut in their salaries. After the transference of power I think it is not too much to expect that these same services would make a similar gesture by voluntarily surrendering a part of their salary. We have been told in this House by our Ministers that it is a contractual obligation to pay the services the stipulated salaries. I would like to know if that is the attitude of services today. Do they want the full pound of flesh? If that is their attitude then I must say that they are not playing their role.

As regards inducing the capitalists to make more investments, if need be, I admit that there may be some inducement given to them. But last year also some inducements were given. But in this House sometime ago more than one Minister plainly told us that capital has not played its role. I only hope that the capital this time will accept the challenge of the honourable Minister for Finance and will play the game by responding in a generous way to the trust that has been reposed in them.

As for economy the Ministry of Finance has a very unpleasant duty to perform. It has got something like a censorial duty to supervise the expenditure of all Departments. There is a Standing Committee attached to all the Departments. Most of the expenditure has to be passed by those Standing Committees. I would like that there should be some liaison between these Standing Committees and the Finance Department, so that the Finance Department may know on what considerations the Standing Committees of those Departments have to pass those items of expenditure. Some of the members might have put forward some arguments against the sanction; some members might have said one way or another and the Department again might have their own arguments. If there is a liaison between the Finance Department and these Standing Committees, I think the Finance Department may know the mind of the members of the Standing Committee, why some of them might have objected to a particular grant or why some of them might have supported it.

Some of the articles of basic necessity are subjected to taxation at three or four points. It is something like a competition between the Centre and the provinces in taxing these articles. The cotton that is produced in C. P. as cloth goes to Bihar or Bengal or Assam via the Bombay and Ahmedabad factories; and in between these, from the producers of cotton to the retail purchasers of cloth, I think there are at least four stages of taxation and this is in fact a factor tending to inflate prices. I hope there may be some arrangement between the Centre and the provinces by which such articles should be taxed only once. Pakistan Government has centralised the sales tax. I do not know if the provinces here would like that, but there should be some arrangement by which this multiple taxation—something like a competitive spirit in taxation between the Centre and the Provinces, might be stopped.

[Shri Arun Chandra Guha]

Then, one question which affects my province most vitally is the allocation of the jute tax and the income-tax. The Finance Minister this time has put the revenue due to income-tax remission at rupees six crores less and he has consoled us that out of these, rupees three crores would come out of the share of the provinces. But that would simply increase their burden. Of course, the Finance Minister has given us a useful dictum, "A balanced national budget may and often does cover a multitude of unbalanced family budgets". That is no solution for those poor men whose family or provincial budgets have been unbalanced. I would say that the whole Niemeyer Award and the allocation of jute and income-tax duties should be revised. There is no reason why West Bengal, after having all those calamities, should be discriminated against.

Another point is that in the report of the Ministry of Finance, my honourable friend has mentioned, "A minor banking crisis developed in West Bengal towards the end of September". It is not at all a minor banking crisis, it is a major and a very major financial crisis in the province. If I am allowed to say so, it is something like the South Sea Bubble of the 17th century in England. It is something like that for West Bengal and I would implore the Finance Minister that he may take some drastic steps as regards those banks which have closed—not only those scheduled banks but other small banks also—so that their easily realisable assets may be pooled together and some Reconstruction Bank may be started and as far those men who are responsible for this disaster, even their personal belongings may be investigated and if their honesty be found wanting in managing those banks, then they should be prosecuted. In any case some drastic steps should be taken.

One thing I would like to place before him. Those men who have brought about this financial disaster in my province, they are now engaged in other forms of business and the Government and other banks are giving them banking facilities and accommodation. I would at least ask the honourable the Finance Minister to write to other banks of Bengal that these men should be stigmatized and should not be given any banking accommodation unless their conduct in regard to those banks have been clearly proved to be beyond any stigma.

Shri Khandubhai K. Desai (Bombay: General): I intervene in this debate at this stage in order to supplement certain suggestions which I made at the time of the general discussion. Of course, I must admit that the reply which the honourable the Finance Minister has made at the end of the discussion has carried certain satisfaction to me and to most of the Members of the House. Particularly, he has stated that he has got unfortunately to deal with a situation which has been made worse by the last three Budgets, and he has tried to bring in, according to him, a sort of normal Budget, and particularly his reference to the relief granted to the capitalist class I welcome, because he said that this is the last dose of relief that is being given and if they do not still play the game, something more drastic would have to be done and certain other methods and technique would have to be found but in order to plough in capital which is lying hidden.

This morning the honourable the Finance Minister has given certain explanations regarding the prices and inflation but I am not satisfied as there is no assurance of the concrete steps which he has in view for the coming year. (**Babu Ramnarayan Singh**: 'Nothing.') The impression that has been left on my mind is only the assurance that the present process will continue, it has steadied, and you need not worry about it. He has not given us any assurance

of doing something which will bring down the prices, but I feel that he is somehow or other believing in the theory of "drift", I would say, fatality—something may happen in America and probably we will be out of our economic crisis soon. That is what he is thinking about. (*The Honourable Dr. John Matthai*: 'Certainly not.') I think during the next year he ought to take some positive steps with a view to see that prices go down and the middle class, particularly those living in urban areas, will have a happy and easy time. (*Shri B. Das*: 'He wants your advice.') I am really very glad to know when we were told this morning that the honourable the Finance Minister has got in view the examination of the taxation structure, and for that he is appointing a sort of high-power commission to go into the national income and its distribution among different sections and cross-sections of society, so as to evolve an equitable system of taxation. But I hope it will not be one of those Commissions which might take years to come to decisions. He must give a time limit and that Commission should report in the course of the next six or eight months, so that at the time of the next Budget he will be able to evolve his system of taxation on the basis of the data thus obtained, and with an eye on the capacity to pay.

Regarding the formation of capital, there is one thing which I would like to place before him. During the last ten years, there have been phenomenally abnormal profits throughout the country. One does not know where those profits have gone. They say that a certain amount has been taken out of those profits by way of taxation to the extent of 80 to 90 per cent. That money would have come to the coffers of Government. Again it would have gone out and from that very money again profits would have been made. So it was a continuous process of making profits and today in the year 1949, there should have been enough capital in the country for capitalising most of our industrial concerns, and developing new industries but the capital is not forthcoming. What must have happened is this. There seems to be something wrong somewhere because the capitalist would like to invest his money even at one per cent. instead of keeping the capital idle. So, while thinking over this, I came to the conclusion that a certain exemption was granted in 1942. A person who at that time lived in India and earned money in the State was exempted from paying tax. And since 1942 I find that in a large number of States were started quite a considerable number of mushroom banks. I feel that these banks must have been interested in these questions and most of the profits earned in India might have been shown as earned in the States. They may have been shown as earned in the States and even from the States this money might have been transferred from London or New York. This phenomenon has diverted the money from India.

There is one question on which I was giving some attention and it is this. This time the export duty on oil-seeds has been removed in order to earn dollars in the foreign market. I do not know whether the whole question has been examined thoroughly. For aught we know, there are duplicate firms working for the same interests, both in the States and in India. It is the same firm with different names and oil-seeds and such other articles being surplus in the States, they are being sold by one firm to the other firm belonging to the same interest for profit, and this profit, in my opinion may, according to the law, legally have been earned in the States and for which they will pay no taxes. So particular oilseeds may have been bought in a particular State for Rs. 10 or Rs. 12 and it may have been sold for the export trade for Rs. 22 making the profits of Rs. 10. But it is earned in the States and so they are not taxable and the prices at the port may be Rs. 22 but in the export market possibly they might be fetching Rs. 22/8. So all the tax you get is on eight annas only. This is a question which requires close examination and I should

[Shri Khandubhai K. Desai]

think that the Government of India now, after the integration of the States and the formation of Unions among States, should take adequate powers to see that such evasions, which may be legal technically, though morally they are evasions, do not take place. This is the technique by which capitalists managed to evade taxes throughout this period.

With these few words, I would place the last suggestion before the honourable the Finance Minister to take immediate action and take steps to remove the exemption granted in 1942.

Mr. Chairman: May I know what time the honourable the Finance Minister would require for his closing reply?

The Honourable Dr. John Matthai: This debate is in the nature of the whole House thinking aloud together on certain problems. I do not think I would weary the House with a long reply. If you give me fifteen minutes, that would suit me.

Prof. Shibban Lal Saksena (U.P.: General): Madam, I very carefully heard the speech of the honourable the Finance Minister. There was some pathos in his declaration that while every Ministry which came up for supplies was generously voted their demand, he himself was censored for his proposals, when he went to collect the money for that expenditure. But that is natural. The country needs expenditure on all items. What really we criticised was that he being the custodian of the Finances of the nation should so arrange things that all the needs are supplied and that the country develops in a manner and with a speed which we all desire. It was only a difference of opinion on the method of raising the funds and not that we did not want to raise funds. He should therefore not feel that we are partial to some Ministers and not to him. We have a very high respect for him and we only wish that he only tried to recast his proposals in the best interests of the nation in consultation with this House.

He has dealt with inflation and he has delivered a learned speech and met many of the criticisms levelled against him in the press, in the House and elsewhere. But I feel that inflation cannot be met without more production. The ultimate solution of inflation is more production, both in the fields and in the factories. No amount of jugglery in financing or other methods can really solve the problem. Just now a friend pointed out that production this year has increased by 15 per cent. That is not satisfactory for a State like India, which is starving for want of sufficient food. This budget which the Finance Minister has prepared, in fact depends entirely on the goodwill of institutional investors and the capitalists and it is a sort of an abject appeal to them to come forward with their money bags to help him. I feel that his appeal is misdirected because these people will always see whether it is profitable to them to come forward or not, and national interests are hardly a consideration with them.

I feel that for production we must boldly plan and nationalise the key industries and have proper distribution. It is now too late in the day to deny that the capitalist system has failed, and that appeals to industrialists will not help our country. We have to plan, to nationalise the key industries as we have already decided, and ultimately to distribute the incomes in a manner which will promote the wealth, happiness and well-being of the country.

I am sorry that whenever it is suggested that the state should itself plan and start nationalised key industries, it is argued that capital will become shy. I think in our country there is so much field for new production that even if we do not nationalise a single one of the existing industries, the State can

plan and start any number of new industries and spend any amount of money upon them and leave private enterprise also to prosper and add to the wealth of the country. Even in Russia they did not nationalise everything at once.

In fact when we compare our production with that of other great countries ours is less than 1/100th of theirs. The other day I compared our production in iron and steel with that of Russia. Ours was nine lakhs tons whereas Russia is producing 45 million tons of steel and iron per year under the present five year plan. Russia is producing 45 million tons of both iron and steel whereas through private capitalists we are producing only nine lakh tons. There is not enough of iron and steel in the country and if the State also installs its plants it can produce more steel without injuring the existing interests in steel. The same is the state of affairs in regard to the production of coal and oil. In fact the argument dangled before our eyes that capital is shy and industrialists will not invest is quite superficial and utterly false. We have already declared that there is enough scope for private industry and yet nothing is done by the State in the matter of production.

In fact today those who have read the papers would have seen that in Russia they have reshuffled their supreme cabinet and the following are the industries in charge of separate ministries. There are nine ministries which are devoted to production. There is a ministry for forestry and the paper industry, another for light industries, a third for chemical industries, a fourth for the oil industry, a fifth for fisheries, a sixth for coal production, a seventh for food stuff production, an eighth for industry and machine production and a ninth for metal production. You will see from this what amount of attention they pay to production. Let us compare their Budget figures of income with ours. Their income is 4,46,043 million roubles which comes to about 22,000 crores of rupees. In fact it is about 75 times our income according to the present Budget. How have they been able to get so much income? It is because they produce much more and therefore they can impose and collect more taxes. Only twenty years ago they were lagging behind our country.

The honourable Finance Minister will therefore have to give up his supplication to the industrialists and institutional investors. He will have to plan boldly and execute his plans boldly. He will have to nationalise key industries, not necessarily those already existing in private hands but he will have to develop new industries, so that our country may come into line with the other advanced countries. Unless he does that there will not be any solution for inflation or poverty.

As regards agriculture it is a pity that we have to spend 100 crores for importing food grains and also pay rupees 32 crores in subsidy. If that amount was spent in developing our agriculture I think we could have wiped out this import of food grains. I feel that we are not giving the same attention to the food production as we ought to. If we had done that I am sure this amount of four million tons of imported food grains can be produced in the country in a very short time. I therefore think that there can be a good deal of economy in this matter of import of and subsidy for food.

Apart from production which can give us more income, we must also economise our useless expenditure. I have seen the Budget estimates. I feel that the civil administration has become a white elephant. Comparing the figures for the last ten years, published by the *Modern Economist*, we find that in 1938-39 our civil expenditure was 10.90 crores. In this budget our civil expenditure for a partitioned India is 48 crores. Three-fourths of the 1938-39 expenditure which should be the proper sum for partitioned India's share is 7.5 crores but our present expenditure is 48 crores i.e. it is seven times as much. This is a very big increase in civil expenditure and much of it is due to the creation of more and more departments and high salaried posts. I think

[Prof. Shibban Lal Saxena]

here there is great scope for economy. From 7-1/2 crores to 48 crores is something which requires serious attention and we can economise here by at least 18 crores. We must not spend more than 30 crores on civil departments. In fact I am surprised that while we are going on with retrenchment of petty employees we are creating more departments and spending huge sums on high salaried posts for absolutely new men. I want that all the existing surplus trained personnel should be employed in new departments and there should be no waste of the trained young men and new men should not be recruited so long as existing surplus trained personnel is available. Thus we shall solve both the problems of retrenchment and economy.

For Defence we have passed a budget for 157 crores. I am very happy that we are trying to be very efficient in defence. But modern armies cannot be put into the field unless there is a very strong industrial structure in the country behind them. I therefore feel that instead of spending money on defence we should spend it on industries, so that industry may be able to supply the needs of the army. I want a cut of 37 lakhs under this head of Defence and this should be spent in developing more industries.

As regards food subsidies we should abolish them and instead spend about 15 crores of the money saved on the development of agriculture and we should see that not a single grain is imported. If we make that rule and make it stringent it is quite possible to meet all the needs of the country without importing any food from abroad and thus wasting huge sums of money. In this way we can save 75 crores in all.

Then there is tax evasion, which has been another white elephant on the exchequer. We should be able to collect at least 25 crores more in the existing taxes by stopping evasion and in this way we can save 100 crores of rupees with which we can develop our industry and agriculture according to a bold plan so that we may be able to meet all the needs of the country. Then in the course of a few years the budgetary position and the economic condition of the country will be much more sound.

Pandit Mukut Bihari Lal Bhargava (Ajmer-Merwara): We heard an excellent speech from the honourable the Finance Minister this morning. There are certain features which I think will be welcomed from every section of the House. Firstly it has been announced that the Government of India intends seriously to tackle the problem of top heavy expenditure and that it is determined in the next few weeks to examine the report of the Economy Committee appointed by the Government of India in respect of the departments about which reports have already been submitted. I hope that the Finance Minister will stick to the policy that he has announced and the Economy Committee's recommendations which have been submitted after a great deal of labour will be given due effect and implemented at an early date. This matter has given a great deal of satisfaction to us, viz., that this drive for reduction of top heavy expenditure is intended to be given a momentum by the Government. In fact as has been pointed out by previous speakers there has been an enormous expenditure rising to four or five fold. If you refer to the number of secretariat staff you will be staggered to see the number of Secretaries, Joint Secretaries, Deputy Secretaries, etc., rising from 46 to 334. The number of clerks have risen from 1,305 to 6,902. And the number of fourth grade staff—that is: chaprassis etc.—has arisen from 800 and odd to 3,000. (Shri Mahavir Tyagi: 'Scandalous!') This expenditure must be curtailed. It is rather surprising to find that even the very small token cut that was proposed in the last Budget by Shri Shanmukham Chetty could not be given effect to. I hope matters will improve this time.

Then the second declaration that has been made by the honourable the Finance Minister and which I think must have been welcomed by the House is that he realises that the Sterling Balances Agreement which his predecessor entered into with the Government of the United Kingdom was not to the satisfaction of India. If I have rightly understood him I think he has felt that there was absolutely no reason why the Sterling Balances Agreement should have been arrived at on such terms which in no way were beneficial to this country. This Agreement will hold good for three years, but on the lapse of three years I think the Finance Minister intends to revise the Agreement on more beneficial terms to this country than has been done in the past. In fact the foreign capital—the British investments—in this country are being rapidly liquidated at very very inflated prices and are being transferred from British hands into Indian hands; and it is rather strange that our Government has not taken any benefit of similar Agreements that were made by the United Kingdom with countries like Argentina, etc. If our Government had been more vigilant and if it would have insisted upon the purchasing of the British assets in India in liquidation of sterling balances, I think we would have fared much better.

The third declaration that has been made is that the Government of India thinks it essential to make an enquiry into the national income of the country and to collect the requisite data and to take steps for the revision of the taxation structure of the country. It is absolutely essential because the taxation structure must be based on sound lines and the distribution of national income must be made equitably among all classes of people. But there is one thing.

As I have mentioned at the stage of the general discussion and which I reiterate today the approach of our Finance Minister to the conditions existing in India is of a very conservative and orthodox type. While the conditions existing in the country are not of a normal but of an extremely abnormal type the approach of our Finance Minister is not of a type commensurate with the exceptional conditions existing in the country. Our Finance Department has been taking a rather fluctuating course. Sometimes it recommends economy of a socialist type, at other times of a capitalist type. The Liaquat Ali Budget was framed on a socialist model. That policy has been reversed and it has been substituted by a policy of appeasement of our capitalist and industrialist—nay, the present budget is not only a budget of appeasement of the industrialist but in a way a budget of surrender to the industrialists and capitalists. Let us see how far this policy of appeasement succeeds and is likely to bring the result that is intended, that is, more money in the investment market. So far the reaction has been of a more or less disappointing character because not only there is satisfaction at the abolition of the Capital Gains Tax but the demand now is for the removal of the Business Profits Tax as also for the reduction of the Corporation Tax. How our economic structure will be able to bear this additional burden I for one am unable to understand.

Therefore it is not likely that the policy of calling for voluntary loans will have a greater degree of success than it had in the past. Last year only Rs. 55 crores out of a target of Rs. 150 fixed was subscribed. This year the target fixed is Rs. 87 crores but another debt that has to be paid comes to Rs. 67 crores and therefore the target is only about Rs. 20 crores. Will this small amount of loan satisfy the development programme which is essential for this country? We have certainly attained political freedom but economically we must feel we are still under thralldom. Our country is dependent for everything, from a needle to the biggest machinery, upon foreign countries: nay, in a way our economic condition today is worse than it had ever been. In the past India had never been dependent for its food on foreigners. But now we are dependent on them even for food. Let us see what is the programme that our National Government and our Finance Minister has fixed for the next five

[Pandit Mukut Bihari Lal Bhargava]

or ten years to follow. Does their budget contain anything which assures that on the expiry of, say, a period of five or ten years this country will be economically independent and will be able to stand in the world erect unaided, unassisted and not dependent upon any other country? Suppose today a war comes—and the clouds of war are already hovering and nobody can deny the possibility of such a contingency—what will be the fate of India? For our food we will be dependent upon foreign countries. So far as our defence is concerned we are absolutely dependent: we cannot manufacture our aeroplanes. We cannot have our own fleet, air fleet or sea fleet. For everything we are dependent upon supply from foreign countries. Is it a state of things with which we should remain satisfied?

The only way in which you can tackle these problems which are by no means of an ordinary character is that you must undertake a bold and courageous financial programme, and a fiscal policy must be moulded not on a conservative and orthodox type but on a liberal type and in a way in which you may be able to successfully meet the abnormal requirements of your country. This is nowhere to be seen. As I have already pointed out, the response of the industrialist and the capitalist, upon whose mercy we depend as has been depicted in our budget, is poor. There is absolutely no sign that that response is going to improve in the future. Therefore, if you are not getting any money by voluntary loans, what is the alternative suggestion before the Government of India to have the money requisite for our development and programmes? The Minister for Industry and Supply and the Minister for Works, Mines and Power envisaged a programme which requires, say, at least Rs. 500 crores in the next three years. Wherefrom is the money to come? If the capitalist and the industrialist cannot be appeased and wooed to part with his money then I say that Government should either sit idle or admit its failure, or it must take a bold and courageous stand. That can be done only by way of raising money by compulsory saving process or by compulsory borrowing. In this approach alone we can counteract the evil and the monster of inflation on the one hand and at the same time bring into the coffers of our country sufficient money to meet the industrial requirements of this country. Unless such a bold and courageous policy is coming forth from our Finance Department, I think the future for this country is not very good.

Shri Krishna Chandra Sharma (U. P.: General): I congratulate honourable the Finance Minister for his lucid explanation of the different aspects of the situation. I feel one difficulty. Honourable the Finance Minister wants to meet inflation. Inflation is an evil and it has bad effects, but it is not an unmitigated evil—it has its good aspects as well. It has given employment to the people. It has given money to people who were always in debt, who were starving, who had no will of their own, who were leading the lives of the dumb-driven cattle; it gave some hope to such people.

When you meet inflation and contract the currency, the natural result would be that there would be less of employment. But the only way left of meeting inflation is by cancelling the currency or contracting it. High taxation is another way whereby you take away the money from the hands of the people. Their purchasing power should be lessened. The moment you lessen the purchasing power, the moment you take the money from the capitalist or the industrialist there would always be less of employment because when the prices go down overnight the wages will not go down and the natural result would be that many of the industries shall have to be closed down. What will you do then? This country has always been having a lot of unemployment and it cannot bear any further unemployment resultant on having the measures to meet the inflation.

My own solution is that you have given a long rope to the industrialists, you should expect them to rise to the occasion. The difficulty to my mind has been not that they do not have the good intention, not that they are the blackest people in the world, but the trouble has been that they have not been trained in the way the European capitalists are trained—they know the way to produce money, to earn income, to amass wealth in a way no capitalist in the world outside and no industrialist in the world has ever done. The black-market as it is here in India has been unknown in the world. Under-paying the labourer, not marking him present, not paying overtime wages, are some things unknown in the world outside but they are going on here in mills and factories and many other things which beyond India have long ceased to exist. So, to expect from them that they would carry on with increased industrial output under the modern conditions is an impossible proposition. It is not the fault of the intention of the man, but it is the fault of the lack of training.

In inflation the fundamental trouble is that owing to the uncertainty and owing to the expectation of a rise in prices people do not send their commodities to the market. Take the case of a peasant. The general tendency in the past was that in the last week of April he would sell half his saleable produce in the market, another one-fourth would be sold before the beginning of the rainy season and whatever was left to be sold would always be sold in the month of October. After October it was difficult for the peasant to keep any extra commodity in the house as it was not likely to rise in price after October. But the present tendency is that they will not sell it for the whole year; they will keep it for the next year in the hope that the prices will go on rising and rising.

On the other hand, a man who wants the commodity for one month's expenditure, will go in the market and try to buy it for six months because he is uncertain whether the commodity will ever appear in the market again and whether he shall not have to pay higher prices. This situation creates trouble as it badly affects the people as a whole, especially the labourer or the man whose income is low.

As I said above, one compensatory factor of inflation is the rise in employment. By combating inflation you certainly lower down the average of employment and this country is not able to bear such large unemployment. My suggestion is that in order to have capital in your hand you should impose death duties, capital levy and have borrowing and cancel some of our currency. In England and in other countries there are duties on higher incomes to the extent of 65 per cent. Nature has given man dominion over his property for his life; beyond life nobody has any natural right to will as to where the property should go and where it should not go. It is a natural justice if we have this duty. You should take the earliest opportunity to have that duty levied so as to have money in your hand and then contract your currency a bit and also have a capital levy. By all these means you shall have a lot of capital in your hands. It is no use waiting and seeing how the capitalists move—how the industrialists move; they have never moved, they have been dragged on by the circumstances and now the circumstances refuse to drag them on. They cannot go their own way. So, it is much better and more in the fitness of things that you take the people's lot in your own hands, start your own State industries, have new avenues of finding production, starting new ameliorative measures, so that the people instead of looking to the accumulation of capital in the hands of the capitalists or the industrialists, would invest the money in the labour—you create better man, better labourer, better clerk, better manager, better Secretary in your offices, and better educated men in every part of life; a better citizen would make the lot of the country better.

[Shri Krishna Chandra Sharma]

Before I sit down I earnestly appeal that the time of orthodox balanced way of doing things has gone. You cannot flee from the incoming onrush of the circumstances or their result and run into the lap of a mother like a child; you cannot at the same time jump to action like the blind man; but the need of the situation is that of a creative genius, of judging the things present, by negotiating with them and boldly confronting them and going on to the future to create a happier and better country.

Shri Upendranath Barman (West Bengal: General): I do not propose to deal with the financial and budget proposals as such, but only with one subject which the honourable the Finance Minister dealt with, both in his Budget speech, and this morning. And that is as regards the monetary policy of the Government, so far as capital formation is concerned. It is the accepted view of this House that we need more production industrial and agricultural. Then the question arises that in our industrial development we want capital both in the hands of the Government by way of loans and also investments by private capitalists. This is again a proposition which is accepted by us. But in the speech of the honourable Minister, he raises some apprehension that the capital in the hands of private capitalists is stagnant, and that that is due to deep-lying fear about the future. That, of course, is in addition to the inflationary causes that he has given us in his budget speech, and in order to remove that fear, the honourable Prime Minister, the honourable Deputy Prime Minister and other Ministers also gave assurances times without number. In the last Budget, by the honourable Finance Minister's predecessor, similar assurances were given and some relief was also given in the taxation proposals of last year, all in the hope that capital will be forthcoming during the course of this year. But these hopes have been belied, and the honourable Finance Minister has again this year come with further proposals of relief. At the same time he says this is a challenge to the capitalists, and their spirit of enterprise. I am not in a position to controvert him in this proposition, and in his assessment of the facts. But at the same time we find in the same budget speech, in para 5 he has the following words:

"While there is obviously a large amount of money in the country competing for the limited supply of goods, the investment market has been stagnant and there has been little flow of money into Government loans or into industrial concerns."

Here the question arises whether it is due to the high taxation measures that capital is tied up or from the fear about future. The honourable Minister says that though there is enough capital in the hands of the capitalist it does not come either to the help of the Government or to the needs of the industry of the country. Therefore, the question may be asked, which of these two propositions is correct. If the statement of the honourable Finance Minister in para 5 of his Budget speech is correct, then the question of further concessions to capitalists, so that they may have more capital and more surplus money, to spend either on Government loans or in their own undertakings does not arise at all. Then the only question that can be asked is, if there is money enough in the hands of the capitalists, and yet does not come out, what are they doing with that capital?

The honourable Minister gives us the reply to this question also, when he says that they are competing for goods which are in short supply. In other words, they are more interested in doing unfair business, in black-marketing, than in honestly giving help either to the Government or to the industrial needs of the country. If that be correct, there is only one answer to this. Either Government must be up and doing, in checking black-marketing, or Government will accept defeat at the hands of the capitalists. No matter how much gesture it may show to the capitalist. This black-marketing

is the root cause. If a man has some capital, and if he finds that by investing it in black-markets or in doing unfair business, he gains more, then why should he come and invest his capital in Government loans or in private industrial undertakings, where your taxation officer will come and check his doings, and inspectors will disturb him? So this is the only question that looms very large in our minds, whether Government is tackling the matter strongly, so that this scourge on our lives, on Indian life may be scared away. This requires very strong measures, and no amount of gestures will do any good to the country at this stage.

It has been suggested by many concerns and by many private individuals also that it is not shyness of capital alone that is responsible for this shortcoming in industrial investment or on government loans. Really in all big undertakings, the real investment, the bulk of the investment, came largely from middle or small-class shareholders. Now, this middle-class and small shareholders are so much upset with the inflated market that they have no surplus money at all to invest. It is only a very few capitalists—perhaps 20 per cent. or less than that—who really hold up this money from playing its part in our industrial life. How much of this statement is correct, it is for the honourable Finance Minister who has more facts in his possession to say. But my first proposition remains that unless and until we can deal with black-marketing firmly, there is no hope of the situation becoming better. Now we cannot wait till the capitalists are placated fully, and they come out with their capital to give us help. In the meantime, the country is suffering so much, that we cannot wait looking at the capitalists alone. My own view is that—and it is the general view—my view as a layman is that Government should no longer look to the capitalists, but should draw this dead line, that there should be no more capitalist formations in this country. We do not disturb the old capital investments. But henceforward, our Government should undertake to develop industry and agriculture from its own resources, and for that purpose, do whatever is possible. We have got sterling balances outside. We acquire some trade balances also in foreign countries. So, instead of inviting the private investors to form companies and purchase capital goods from outside and undertake industrial concerns, it is high time that Government should utilise all the resources that they have got to launch State concerns for these purposes.

Then another point is this. As regards agriculture, we may be dependent on others to some extent for indenting capital goods such as improved agricultural implements, tube-wells, etc., but it is only to a small extent. But on the whole we must depend absolutely on our own resources within the country and develop our agriculture. For that purpose I propose to the honourable Minister to finance all sorts of agricultural development undertakings in due course from our own resources and if our revenue resources do not permit them being taken up, then we should have recourse to our currency making powers that is the Nasik Press. What I say is this that when we find that any agricultural undertaking or industrial undertaking will give immediate results in the shape of goods produced out of that undertaking, there should be absolutely no hesitation in using our Nasik Press for financing it.

I have seen in my own province a renowned gentleman, Sir Daniel Hamilton, purchasing an absolutely barren land in the Sundar Bans area. He introduced a certain currency called *Gosaba* note. He utilised that note. Of course he had to purchase some food and other things to supply labour and when the grains were produced those notes were paid back to him. They were utilised as payments from the tenants to the zamindars and he gave rights in the lands to the tenants. Those dead notes which were absolutely valueless so far as they themselves are concerned were utilised in producing tons and tons of goods in the shape of food crops. This is some thing which we should consider in respect of our national economy in this crisis.

The Honourable Dr. John Matthai: I do not wish nor would the House wish me to reply to all the various suggestions which have been made in the course of the discussion. All that I would say is that it has been an extremely useful discussion. There has been a useful interchange of views on important questions and I have not the slightest doubt that all that has been said in the course of the debate will be of great help to me and to my colleagues in coming to correct decisions on these matters of great importance.

I would like only to make a few comments on some of the more specific matters which have been referred to by honourable members. I quite agree, as I said in my speech this morning and as I said also in my reply to the general debate, that there is probably no more important problem before the Government these days than to look for possible economies in every direction in public expenditure, but I think there is a general feeling in the House that there are more possibilities of economy in the direction of Civil rather than of Defence expenditure. I think it was my honourable friend, Mr. Das, who referred to the question of Defence Expenditure. I would like to tell the House briefly because I think the matter is important, what my own personal reaction is to the problem of Defence Expenditure. I agree when the country's security is in jeopardy, there can be no limit at all to the expenditure that we should be prepared to incur in order to make the country absolutely safe. But in normal times, I would like to say that an expenditure of 157 crores a year is a good deal more than the economy of this country can stand (*Hear, hear*). We can maintain an expenditure at this level only by maintaining taxation at an un-economic level and by denying the country essential nation-building activities on which the future welfare of the people depends.

Reference has been made to the Taxation Investigation Commission. I think that Commission...

Shri Mahavir Tyagi: What about the Civil expenditure about which you were also speaking in the morning?

The Honourable Dr. John Matthai: What I said about the Economy Committee has reference to Civil expenditure. I have already put the House in possession of my views as regards Civil expenditure.

Pandit Thakur Das referred to the question of the Taxation Investigation Commission. I do not agree with him regarding his views about the Taxation Investigation Commission. In my opinion, that Commission has already done useful work. The report that has been produced, I think is an extremely valuable report and I propose to examine that report at as early a date as possible and place legislative proposals before the House.

As regards the question of enquiry into the specific cases of evasion which have been referred to them, I think a few weeks ago in reply to a question in the House, I said that they had reached decisions and sent us reports in regard to four cases. Recently they have completed or very nearly completed six more cases, and as far as I can tell the total amount of revenue involved must be somewhere about a crore or more. The important point to remember is that you cannot deal with all these cases until the necessary spade-work has been done in regard to the general lines on which evasion has been practised. I believe the Commission has reached a stage now where it would be possible to expedite the work of enquiring into specific cases and speaking for myself, I am satisfied that the Commission so far has done a good job of work.

Pandit Thakur Das Bhargava: Will it deal with all the evasion cases 1,200 or 1,500 or more? Your predecessor said there may be only 12 or 13 cases and your reply to a question was there were 1,200 cases referred to this Commission.

The Honourable Dr. John Matthai: That was really the point I was coming

to. There are certain common features to all these cases and until these common features are sufficiently elucidated, you cannot make any progress, but once you are able to get a clear picture of the way in which evasion has been practised, the progress that you can make thereafter would be much quicker and I expect, therefore, the rate at which the work will be done hereafter would be expedited.

Shri R. K. Sidhva (C.P. and Berar: General): How many cases have been referred to the Commission?

An Honourable Member: 1,200.

The Honourable Dr. John Matthai: A little more than that. There has been a good deal of talk about the incentive which the Budget has gone out of its way to provide for the capitalists. I am not by any means capitalist in my outlook. I have had a good deal of examination done into this problem of capital formation. I have examined the distribution of capital in many representative joint stock concerns and I want to tell the House that I have been really surprised at the extent to which shares are being held in these concerns by people who belong to the middle income and the lower middle-income groups. In fact in many representative concerns that I looked into, if I could strike an average, if you take the total number of share-holders, somewhere about 90 per cent. would belong to the classes to which you and I belong. Therefore, when you say the investor is shy, it is the small man who is shy and necessarily so, because the small man with his limited resources would I think feel much more shy than the big man to risk his resources. He has got to take very much greater care and I think in these discussions that we are having about the investor, it is necessary to have a clear picture of this fact, namely the distribution of share capital in our joint stock concerns is such that the man who is mainly interested and mainly affected by it is the middle-class investor.

I think it was my honourable friend Mr. Moturi Satyanarayana who made a suggestion as regards what we ought to do with our loans and our revenues in the interests of the agriculturist. If, I am fortunate enough to be in charge of a Budget which discloses a considerable surplus, what I would like to do is not to reduce the level of indirect taxation, but to take the surplus that you can get out of it and spend it in a form which would make a direct appeal to the people in the country-side. What you have got to do is to provide him with services which will not merely be of interest to him but which would make an appeal to him. There is nothing that I would like better to do than to have a surplus at my disposal with which to constitute the nucleus of a national development fund from which, as occasion arises, it would be possible to finance schemes that would make directly for the welfare of the agriculturists.

Pandit Thakur Das Bhargava referred to the question of the Joint Hindu Family, a matter to which he refers almost every year. I cannot pretend that I have a clear understanding of the problems of income-tax in relation to the joint family. But this is a matter which has been discussed in the report of the Taxation Investigation Commission and I propose to go carefully into that report to see whether something can be done to relieve the position.

Shri Mahavir Tyagi: That promise is also given every year.

The Honourable Dr. John Matthai: That may be so. But now that we have detailed information in this report we can apply our minds better to this problem.

1444 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [16TH MARCH 1949]

Pandit Thakur Das Bhargava: The Commission has not investigated the matters thoroughly. They did not invite opinions on this question and yet they have proceeded to give their recommendations conjecturally. This is wholly unsatisfactory.

The Honourable Dr. John Matthai: It is quite unnecessary for me to say, to such an experienced lawyer as Pandit Thakur Das Bhargava, that when you proceed to frame your proposals on the basis of the investigations made by a Commission, it does not mean that you are committed to the whole of the report. Since Government are committed to making legislative proposals in that matter, it would be possible for us to sit together in Select Committee and see whether a satisfactory solution cannot be arrived at.

The question of opium was raised by Mr. Sahu. He knows as well as I do since he was one of the deputationists that waited on me on this question that we are going to have a conference of the Central Government and representatives of provincial Governments on this question. As far as the Government of India are concerned, we have little revenue interest in this matter. So I approach this question with a disinterested outlook. I hope it will be possible for us, as a result of this Conference, to arrive at a satisfactory settlement of this longstanding issue.

I think my honourable friend Mr. Guha referred to the banking crisis in Bengal. I have been watching developments in Bengal carefully. The position at present is that the financial affairs of those banks are being enquired into by the Joint Registrar of Joint Stock Companies there. I believe he has completed his report. But since many of these banks have branches in Pakistan the registrar in Pakistan has also to make an enquiry and report. Meanwhile these investigations are going on. I cannot possibly take disciplinary action against those banks before getting the facts disclosed in the report. It will not be long delayed.

Shri Arun Chandra Guha: I have made another suggestion that those men who are responsible for the bank failures should not get accommodation from other banks.

The Honourable Dr. John Matthai: That depends on the financial and police investigations. I cannot proceed against people without evidence against them.

Shri Khandubhai Desai raised the question of States in regard to income-tax. He suggested that the existence of Indian States has been a means of evasion of tax by certain influential people. As the House knows, there is a committee which is now going into the question of the financial integration of States. I hope as a result of the investigation made by this Committee it will be possible for us to reach a satisfactory solution as regards this problem.

Then, I think my friend Professor Shibban Lal Saksena referred to the example of Russia in the matter of planning and increased production. I have been for some years a student of Russian economic problems. With regard to Russian planning, the figures quoted by him indicate the success of the planning. The success of that planning turns on a method of remuneration which is referred to generally as the Stakhanovite method. It is based on individual and private gains as an incentive to production. To say that Russia has eliminated the motive of individual gain is the very denial of facts. This fact is frequently overlooked.

I think my honourable friend Mr. Barman referred to Sir Daniel Hamilton. There was a stage in my life when I was associated to some extent with Sir Daniel when he was engaged in the task of reclaiming the Sundarbans. He devised a system of currency notes that was accepted by people because he had the reputation of being the wealthiest European in India. It was really his

personal credit that was at the back of his notes. If I start issuing notes on a large scale for our national concerns Government will not long retain their credit. I think I have covered the specific points raised. I will take into serious consideration all the suggestions that have been made.

Shri R. K. Sidhva: As regards the military expenditure, although the House was of the view that there should not be any curtailment in the Army, Navy or Air Force, the House desired that the Minister's vigilance should not be relaxed in the purchase of stores, supplies and items under the head miscellaneous.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 1,46,74,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Customs'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 3,45,78,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March 1950, in respect of 'Central Excise Duties'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 1,87,06,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March 1950, in respect of 'Taxes on Income including Corporation Tax'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 1,04,77,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Opium'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 3,30,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March 1950, in respect of 'Provincial Excise'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 1,06,21,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Stamps'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 94,50,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Finance'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 18,73,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Payments to other Governments, Department, etc., on account of the Administration of Agency Subjects and Management of Treasuries'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 2,33,95,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Audit'."

The motion was adopted.

1446

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [16TH MARCH 1949]

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 1,69,37,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Miscellaneous Departments'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 92,22,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Currency'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 1,28,47,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Mint'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 22,72,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Territorial and Political Pensions'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 2,40,46,000 be granted to Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Superannuation Allowances and Pensions'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 35,71,23,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Miscellaneous'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 2,25,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Grants-in-aid to Provincial Governments'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 62,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Miscellaneous Adjustments between the Central and Provincial Governments'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 3,55,95,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Re-settlement and Development'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 10,00,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Pre-partition Payments'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 28,82,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on the India Security Press'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 13,14,62,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Industrial Development'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 4,16,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Currency'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 87,95,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Mints'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 23,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Commuted value of Pensions'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 1,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Payments to Retrenched Personnel'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 7,89,60,000 be granted to the Governor General to defray the charges of which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Schemes of State Trading'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 33,41,56,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Development'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 92,02,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Payments to Government of Pakistan for Unique Institutions'."

The motion was adopted.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 20,09,83,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Interest-free and Interest-bearing Advances'."

The motion was adopted.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Thursday, the 17th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES.

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

Thursday, 17th March, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11. 45. A. M.

THE GENERAL BUDGET—LIST OF DEMANDS—*contd.*

SECOND STAGE—*contd.*

Mr. Speaker: The House will take up Demands for Grants in respect of Home Affairs and the States Ministry. I shall therefore place these Demands before the House. I presume that there will be no special allotment of time in respect of each of these, but they will be taken as a common one.

The Honourable Shri Satyanarayan Sinha (Minister of State): We propose to take up the Home Ministry till 3-30 and we want to start with the States Ministry at 3-30.

Mr. Speaker: Then the arrangement is that up to 3-30 the Demands under the head 'Home Affairs' should be discussed and from 3-30 to 5 P.M. the Demands under the 'States Ministry' should be discussed. I believe the House is agreeable to that?

Honourable Members: Yes, yes.

Mr. Speaker: May I know if the honourable Minister is going to have separate speeches on both occasions or a joint speech at the beginning?

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): I should like to deal with them separately as was done previously.

Mr. Speaker: Then the time may be adjusted accordingly, so that the members may be left some time for discussion. So, I shall, therefore place these Demands before the House one by one.

DEMAND No. 10.—CABINET.

Mr. Speaker. Motion is:

"That a sum not exceeding Rs.12,55,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Cabinet'."

DEMAND No. 13.—MINISTRY OF HOME AFFAIRS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 54,97,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Home Affairs'."

DEMAND No. 34.—JAILS AND CONVICT SETTLEMENTS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 2,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Jails and Convict Settlements'."

DEMAND No. 35.—POLICE.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 30,64,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Police'."

DEMAND No. 63.—CENSUS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 7,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Census'."

DEMAND No. 83.—CIVIL DEFENCE.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 1,74,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Civil Defence'."

DEMAND No. 85.—DELHI.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 1,85,73,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Delhi'."

DEMAND No. 86.—AJMER-MERWARA.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 65,71,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ajmer-Merwara'."

DEMAND No. 87.—PANTH PIPLORA.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 30,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Panth Piplora'."

DEMAND No. 88.—ANDAMAN AND NICOBAR ISLANDS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 1,08,21,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Andaman and Nicobar Islands'."

The Honourable Sardar Vallabhbhai Patel: Sir, the House I believe has got the review of the Ministry of Home Affairs, as I believe the reviews have been circulated to the honourable Members. Now from the review, honourable Members will see that the activities of the Home Ministry consist of two parts, one being the establishment and maintenance of the Services, the I.C.S., the Indian Administrative Service, the Police Service, the Secretariat Service and the other part being the internal security of the country. So far as the internal security of the country is concerned, the direct responsibility of the Home Ministry is with regard to the Centrally Administered areas, namely, the Provinces of Delhi, Ajmer-Merwara, Coorg and one or two small areas such as the Andamans, but a large part of the activities of internal security, so far as law and order is concerned, vests in the Provinces. In the Provinces, the Centre can exercise its influence by way of giving them advice and co-operation and seeking also their co-operation. I am glad to inform the House that so far as the co-operation of the Provinces is concerned, the Central Government has met with a ready and full response from all the Provinces and we have no reason to complain. In several cases they have also gone out of their way and sought our advice. Our relations with the Provinces in this critical period have thus been very happy and cordial, and I have no doubt that we will continue to do so.

As regards the Services, I need hardly dilate at length on the necessity of maintaining their discipline and morale and keeping them contented; in no other circumstances can we get out of the Services loyal and efficient service except by trying to appreciate their difficulties and their work. We have often criticised the Services, which we have a right to, but Services, after all, are composed of human beings and unless we put ourselves in their place, we are not likely to appreciate their full worth. Therefore, in my speech on the last occasion when the Budget was presented, I had appealed to honourable Members of this House that it is our duty to see that the machine with which we have to work is kept in good humour and good temper. We are entitled to criticise them, but we are also bound to see what type of service we have got. This is a 'Service' which we had inherited from the past Government, which had created it for a particular purpose. It has served that purpose very efficiently and admirably. That Service has a reputation of efficiency and strength. Honourable Members of the House are aware that Service is considerably depleted and a large part of its main strength was taken away immediately on the transfer of power. Those who used to rule this country by their strength, by their power, by their capacity and by the resources of the Empire behind it, have all left. The increasing activities of the Government of India in several Departments and the creation of new Departments have also made larger calls on that Service. So we have the strength of the Service considerably depleted. That Service was known or styled as the Steel-frame. Whatever may be the meaning attributed to that name by which it was known, I have no reason to believe—and you will also agree with me—that if we know how to take work from that Service, there is no reason why they should not give better work than they gave to the foreign masters.

Now, there is complaint about corruption. I realise that there are cases of corruption and dishonesty and misbehaviour. We should all search our own conscience and ask ourselves, who amongst us has not erred, and then judge the extent and nature of these failings. We must allow for the ravages of war on men's morals and material resources. We must concede that what they get today is, in reality,—on account of the rise in the cost of living and the increased burden of taxation—only half to one-third of what they were getting before. I am sure if we allow for all these, we will find that, on the whole, despite their individual lapses and short-comings, they have stood us and the country well.

1452

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [17TH MARCH 1949]

[Sardar Vallabhbhai Patel]

in crises. In judging therefore the Civil Servants of any grade of Service, the House should bear in mind the difficult circumstances and the exceptional stress and strain through which the Services have passed and are, like the rest of us, passing, and must also appreciate the immensity and the heaviness of the burden that has devolved on them with their ranks terribly depleted, with their standards definitely lower on account of much quicker promotions and on account of all round discontent with the conditions of living and employment.

Now, almost the first question which I took up when I assumed charge of this Department was the securing of the liquidation of the Secretary of State's Services and their replacement by Indian or Indian-controlled services. I convened a conference of Prime Ministers of all the Provinces and held long discussions on this question in the last week of October 1946. I am glad to see that the timely and advance action that we took not only helped us in hastening the change over from European to Indian control but also to lay down the foundations of a new Service which the honourable Members will find described at length in the Review. It was after considerable discussions and much correspondence that it was possible to finalise the plans.

The House will re-call for instance, the long discussions I had with Mr. Arthur Henderson, the then Under Secretary of State for India. I am now confident that if we treat the new Services with the consideration and sympathy which the permanent services deserve, we shall go sufficiently far in promoting not only a unity of administration, but also a uniformity of administrative efficiency in all provincial units. The House will notice that we have also a plan to extend the Services of this type to all the States who wish to join in this plan. And I have no reason to doubt that there will be no State in India which will keep out of this plan. If, as I hope, all of them accept this plan, for the first time we shall have achieved the integration of key services in India on a country-wide basis and I am sure we shall have laid the sure foundations of an administrative structure which will be a great asset in fighting disruptive or fissiparous tendencies all over India.

We had also to deal with a shortage of man-power which was forced on us partly as a result of war and partly by the growing demands of expanding departments. To make up this shortage, we had to tap all available resources—the retired and superannuated personnel, promotions from amongst the existing personnel, and other services, and direct recruitment. Nevertheless, a substantial gap was still left in the various services for which we are now making an emergency recruitment by means of a special recruitment board which has toured the majority of the provinces and has sent in their recommendations. Some of these new recruits, in accordance with the recommendations made by this Board, have already come. We have been training them in our Training Schools and the reports that we get are very satisfactory. They have favourably impressed those in charge of the training and I am confident that when this deficiency is made up, we shall be able to settle down to our task of administration with greater confidence in its efficiency and high standard.

I know the House is considerably exercised over the question of efficiency of the Secretariat, the despatch of work and the improvement in the methods of work. The House will have seen from the Review that has been circulated that we have already undertaken some enquiries and that it has been possible to devise a scheme for the re-organisation of the Secretariat Services—a scheme which has already made headway in its implementation. We realise the need of despatch and of proper and efficient methods of work is great. The improvement of the Secretariat organisation in that respect is the subject of investiga-

tion by the honourable the Railway Minister on behalf of the Cabinet, and I can assure the House that, as soon as his report is received, Government will finalise their views on it with all possible despatch and see that it is implemented as soon as possible. In the meantime, we have made some improvements on the basis of previous reports and I can assure the House that the result of these improvements has been a somewhat better organisation and standard of work than we started with.

Now I shall deal with the complaints of corruption among Government servants. The House is aware that to deal with such cases we have employed a special agency called the Delhi Police Establishment, whose record of work the House will judge from the statistics furnished in the Review circulated. I think that, within the limitations in which it has worked and having regard to the staff employed, it is a fair record. But we wish to improve upon it and to enlarge its field of usefulness also. With that view we have indented for more staff and I have also appointed a Committee from among the Members of this House to go into the existing anti-corruption laws and suggest such changes to strengthen those laws as it might deem necessary.

The Ministry has also to deal with a large number of refugee employees and those who formerly served in Pakistan but opted for service in India. The House will observe that within a comparatively short period of 18 months, almost the whole of this huge establishment has been catered for. I realise that many are not so well-off as they were before and that many questions of seniority, fixation of salaries, promotions, etc. are still agitating the minds of these employees. But our first task was re-settlement so that these employees may not wander about for want of suitable jobs. We are gradually taking up other questions as well and finding equitable solutions. I am sure it is clear to the House that in resettling these employees and in dealing with other incidental questions we have to bear in mind that the administration cannot be at a standstill and its wheels have to be continually kept moving and that we must secure a balance between experience and ability of our existing employees and the need for giving a fair deal to the "refugee" employees without any appreciable loss of efficiency. If we bear this essential point in mind, I am sure we shall be able to appreciate correctly the worth of the work done by this Department.

I have also had for a long time under review the question of a large number of temporary employees under Defence and other Ministries—mostly those which have been newly created. I fully sympathise with them in the conditions of hardship which a temporary tenure imposes and the many disabilities under which they suffer. So to mitigate these and to bring their conditions of service on to a better standard I have reached certain conclusions which I have placed with the concurrence of the honourable the Finance Minister before the Cabinet. We hope shortly to finalise and announce those decisions and thereby hope to create a better feeling of contentment and stability among this important and useful class of Government servants.

The House will, I am sure, concede that there is no aspect of maintaining the efficiency and stability of the service structure that has escaped our attention and that we have taken many useful steps in building up the services of a free India. If the House will judge the task accomplished in the light of the difficulties and impediments in which it was done, it will be appreciated that a long stride has been taken to place the administrative machinery of the country on sure and steady foundations. I regard it as a privilege to have been associated with the modelling and planning of that structure and with devising its training on new democratic lines. I know the House is keen to see that the Services change their mentality and outlook. Already there are visible signs that the change is on. That change will come much quicker with sympathy and patience, with generosity and goodwill than

[Sardar Vallabhbhai Patel]

with constant criticism and no praise or with lack of appreciation of the worth of their work. I plead for the indulgence and cooperation of honourable Members in quickening the pace of that change and in consolidating the gains we have undoubtedly registered in this sphere.

Shri Mahavir Tyagi (U.P.: General): They are not visible yet.

The Honourable Sardar Vallabhbhai Patel: I shall now deal with the position relating to the maintenance of internal security and law and order. On this question, I have throughout been guided by two principles, namely, that the country must be rendered safe against any threats of internal peace from whatever quarter it may come and that it should be the exclusive responsibility of the police to deal with internal disorder leaving the Military free to deal with any threat of external aggression. I claim that in the implementation of these two principles we have had a very large measure of success and that except for the disorder that engulfed the East Punjab, Delhi and some other small areas immediately after independence, the country has steered clear through such threats of disorder as it was faced with. These threats have been both communal and communist. The communal threat has come principally from the R.S.S. and the *Akali Dal*. In regard to the R.S.S. our position has been made clear more than once. In so far as the R.S.S. might seek to bring about a regeneration of the Hindu community by peaceful and legitimate means, there can be—and need be—no quarrel with its activities. It is only when it seeks to achieve this object by spreading poison and hatred against other communities who are entitled under the law to equal protection from the Established Government and when it seeks to achieve its object by resort to unlawful or violent means then it pits itself against the forces of law and order. We cannot forget that it was partly if not largely the activities of this organisation that created psychological conditions which made possible the assassination of Gandhiji last year. If Government had not taken strong steps against this organisation when it threw a challenge against the established authority, it would have succeeded not only in spreading the communal virus, but in creating a situation in which it would have been impossible to maintain that balance between communities on which the existence of a secular State largely depends. None is more conscious than myself of the zeal and energy which lie contained in the youth of this organisation. I have made more than one appeal to the members of this organisation to give up their wrong methods and to follow constitutional means. The final reply to these appeals came in the form of the so-called *Satyagraha* movement of December last year. The House is fully aware of the subsequent history. I am glad that the Leader of the organisation accepted the suggestions made to him for the calling off of the movement. It now rests in his hand to retrace the steps which he has taken and to place the movement on cultural and lawful lines which would bring its activities within permissible limits. It is only then that we can satisfy ourselves that there has been that change and revolution in the mentality of the sponsors and followers of the R.S.S. movement which would make it no longer a threat to communal peace and security of the country. I should like also to acknowledge the assistance and co-operation which the general public have extended to us in dealing with this movement and to say that never did I expect our action to meet otherwise than with understanding and support from the general public.

So far as the *Akali Dal* is concerned, I have made my position quite clear in the speech which I delivered at Ambala and to which I would again invite the attention of the honourable Members. None can be more sympathetic to the claims of the Sikh community. None has done more to serve the cause of that community than myself. I have been their constant friend

and I am glad to say that they have been very considerate to me. I still recall with pleasure and gratitude the response that they made to my appeal at Amritsar at a very crucial time in the evacuation of mass populations between East and West Punjab. I fully appreciate their apprehensions and the disquiet with which they have to approach their position which has been so badly dislocated by the partition and its aftermath. I have nothing but admiration for the manner in which they have accommodated themselves to the new facts of geography and political history and to have settled down in the various spheres of life seeking new openings everywhere. It was, therefore, most painful to me that a section of the community was misled into putting their faith in a futile and harmful extremist policy of which Master Tara Singh was the exponent. We dealt with him and that section of the community with patience and forbearance and it was only when they took to overt acts of defiance of the law and became a serious threat to peace and security of the capital city that we had to take action. None would be happier than myself to see Master Tara Singh released but as I said at Ambala, the key to that lies in the hands of his followers. If they will convince him by their action of the utter futility and wrongness of the methods they are pursuing, it will not take long for Master Tara Singh to be released.

Perhaps I may say a word about the Muslims of India. Except for sporadic activities of their old organisations, such as the Muslim League and the Muslim National Guards, which I think they would do well to forget and give up in the light of present conditions, they have on the whole kept the peace of the country and have settled down, somewhat disillusioned but more or less willingly to their new loyalties. I can assure them that, so long as they behave as loyal citizens of this country, they shall have every protection to their life, property and religion, which this Government can extend to them. No better proof of this could have been given than by the steps we took to guarantee their safety in the City of Delhi itself. We willingly agreed to keep their houses vacant against the return of those who had fled to Pakistan, although a large number of homeless refugees were at our hands. The work of restoration of mosques, which has been virtually completed and the one-way traffic of the return of refugees from Pakistan, are sufficient testimony to the peace and amicable relations which prevail in this country. High posts, both in the Army and Civil Service as well as in public life, continue to be shared by them. Thus, the cause for which Gandhiji fasted and for which he had to lay down his life, has been fulfilled. In return for all this, the State does not expect from the Muslims anything more than what it demands from other communities, namely, a complete and unquestioned loyalty to their State. I feel certain that the more the Muslim community settles down peacefully and loyally the greater would be the impression that they would create on the majority community and their position would be much more secure and safe and free from any apprehension.

As regards the Communists, the House has already heard the statement which the Prime Minister made on the floor of the House the other day. I should like to assure the House that we do not seek to exterminate the ideology underlying Communism. Our quarrel with them is in regard to the methods which they employ, those anti-social and anti-national activities which they pursue with such ruthlessness and remorselessness. Their philosophy is to exploit every situation to create chaos and anarchy, in the belief that, in such conditions, it would be possible for them to seize power. We have seen, alas, only too well how their methods have been put into force with such violence in the neighbouring countries in the Far East. I have no doubt that the House will not in any way tolerate those methods in this country. We are wedded to constitutional progress and peaceful means.

[Sardar Vallabhbhai Patel]

It is open to the Communists to use those means to change the social order, or to change the Government, but if they resort to other methods or means, violent, treacherous and mischievous, then Government must take up that challenge and suppress them with all the forces at their command. I am glad that the country has solidly stood behind Government in dealing with this threat. Their attempts to stage strikes have generally been unsuccessful. Where we have dealt with such threats with firmness and determination, we have generally succeeded in achieving our object with popular support. I have no doubt that, if we continue to follow the same, as I hope to, so long as I am here, we shall be able to deal with this threat to internal security successfully and efficiently.

I know that another question has been agitating the Members of this House, namely, the question of Civil Liberties. Faced with the threats to which I have referred and the aftermath of partition, both Central and Provincial Governments had no alternative but to resort to the extraordinary powers which they have taken under the various Public Safety Acts. These Acts are temporary in duration and come up for review before their respective Legislatures from time to time. Even so, they have been designed for an emergency and are being treated as such. They have been used very sparingly. The number of persons detained, considering the size of the country and the magnitude of dangers that it is passing through, must be considered extraordinarily small. On the 15th February, for which statistics are readily available, the total number of persons detained for communal activities such as the R.S.S.S. was 1,400, and for Communist activities 1,611. The latter figure may have gone up as a result of the preventive measures taken by Government to deal with the threat of Railway strike. But I am sure the House will agree that, considering the dangers with which we were faced, these are comparatively insignificant figures. We have advised Provincial Governments that they should set up administrative tribunals to ensure that the actions of the Executive authority are properly scrutinised and confirmed. If these actions are scrutinised by a tribunal appointed as suggested by us, the danger of Civil Liberties being jeopardized unreasonably will be minimized. In the Centrally Administered Areas also, we have recently taken that step, and I hope the House will be satisfied that, whatever action we have had to take was dictated by a painful necessity, and that the moment the threats become a thing of the past, these extraordinary powers would also disappear.

As early as May 1947 I impressed on Provincial Governments the necessity for so organising their Police force as to render it unnecessary for them to call in the Army in aid of the Civil power. I am glad to inform the House that the Provincial Governments have generally accepted this advice and that they have made substantial additions to their Police force at not inconsiderable cost to the Provincial revenues. The result has been that the occasions for calling in the Army have been very few, and generally the new forces combined with the old ones have succeeded in maintaining intact the peace of the country.

I should now like the House to compare the conditions which existed on the 15th August 1947 and those that exist today. But before doing that I should also like to draw the attention of the House to the fact that I have not touched on the question of the possibility of the large-scale disturbances anticipated when we were compelled to take police action in Hyderabad. All those forebodings of friends and foes had been set at nought and we are glad to say that there was no untoward incident throughout the country during that period.

I was asking the House to compare the conditions that existed on the 15th August 1947 and the conditions today. Immediately after independence, we were engulfed in a period of turmoil and uncertainty of which there was no parallel. We were wondering whether we would be able to weather the storm. We lived through those troublous times. Hardly had we turned the corner, when we were faced with the greatest tragedy which has ever engulfed this country, or for that matter, any other, namely the loss of the Father of the Nation. We kept our body and mind together and succeeded in meeting that crisis as well. Then came the challenge of the R.S.S.S. and the Communists, which is also under control. We have thus reached a degree of internal stability, which no one would have dared to predict on the 15th August 1947. There are immense tasks ahead, especially in the economic field, and if Government is to succeed in improving the economic conditions in the country, it is essential that there must be complete peace and order. It is my desire, and it is my ambition, to produce those conditions, so that this country of ours can settle down to the tasks of peace with as much enthusiasm, single-mindedness of purpose and devotion to duty as the conditions demand. It would be idle to pretend that every thing is well with the country but I can make bold to say that so far as internal peace and tranquillity are concerned the country is not faced with any serious threat now. We can take the measure of our enemy and deal with him from whichever quarter he may come but I can assure the House that we shall not relax either our vigilance or our preparedness.

I have now given the House an account of the manner in which we have been able to maintain intact the administrative machinery and the peace and security of the country. I shall not be able within the short time at our disposal to deal with many other problems of a comparatively minor character in which the House may be interested. I can assure the House that it is our earnest desire to improve upon our performance and not in any way relax our efforts to place the country on a solid and sound foundation, so that it can by its own exertions carve out for itself a future of peace, prosperity and contentment. In achieving this goal the country will no doubt be faced with difficult and sometimes almost impossible tasks. But as long as we maintain our solidarity, sense of public service and self-sacrifice I have no doubt that we shall continue to march on the road to progress. The country needs today sustained efforts to exploit successfully the peaceful situation in which it finds itself. If we fail to avail ourselves of this opportunity we shall have none to sympathise with us and no one else to blame but ourselves.

I would now commend the grants for the Home Ministry for the vote of the House.

Mr. Speaker: In view of the shortness of the time at our disposal, I propose to place a time limit of ten minutes for speeches.

Shri Deshbandhu Gupta (Delhi): Sir, may I request you to give at least 15 minutes so far as the Centrally administered areas are concerned.

Mr. Speaker: As I have very often said, I would prefer a smaller number but longer speeches but the desire of the House seems to be to have a larger number of speakers to express their views. In the circumstances, I have no alternative but to curtail the time limit of the speeches and I would therefore request honourable Members to restrict their remarks strictly to the time limit. I shall not be able to extend the time limit particularly today as the debate on this Ministry is to end at 3-30 P.M. and the honourable Minister would require 30 minutes for his reply.

Shri Mahavir Tyagi: Sir, as the honourable Member comes from a place which is directly administered by the Home Ministry he may be given a concession in time.

Pandit Hirday Nath Kunzru (U.P.: General): Sir, I have given notice of certain cut motions. Are the cut motions to be taken up first or is this discussion of the cut motions to be followed by a general discussion?

Mr. Speaker: The honourable member is at perfect liberty to move his cut motions. As I have already called upon Deshbandhu Gupta to address the House I will allow the honourable Member next to move his cut motion.

Pandit Hirday Nath Kunzru: I do not care when I am asked to speak but I should like to know as a matter of procedure whether specific items should be considered first and the general discussion should follow or is this order to be reversed?

Mr. Speaker: Unfortunately the honourable Member did not happen to catch my eye in the beginning, otherwise I would have permitted a discussion on the cuts in the beginning. But after Mr. Deshbandhu Gupta has spoken I will take his cut motion and then the discussion will go on.

لاہ دیس بندھو گیتا : میں ہوم منسٹر صاحب کو انکے سندر بھاشن پر اس بیان پر جو مسبران کے پاس بھیجا گیا ہے ہاروک بدھائی دیتا ہوں - حقیقت یہ ہے جناب سپیکر صاحب ! کہ جہاں تک ہوم منسٹر صاحب کا تعلق ہے جو نہ صرف ہوم منسٹر ہیں بلکہ سارے ملک کے مسابہ لیڈر ہیں اور اسمیں ذرا بھی شک نہیں ہے کہ آج اگر ہمارا دیس سکھ اور شانتی کی نیند سو رہا ہے، اگر آج یہ ہوتے ہوئے بھی کہ ارد گرد کے دوسرے ملکوں مثلاً برما اور چین میں چاروں طرف آگ لگی ہوئی ہے اور بدامنی پھیلی ہوئی ہے ہمارا دیس ان مصیبتوں سے بچا ہوا ہے اور یہاں امن چین ہے تو اسکا بہت بڑا فخر ہمارے ہوم منسٹر صاحب پر ہے -

جناب صدر ! انہوں نے جو باتیں کہی ہیں اور صحت کی خرابی کے ہوتے بھی اس ایک سال کے عرصے میں ملک کی بڑی بڑی کٹھن سمسایوں کو سلجھانے کی جو کوشش کی ہیں میں سمجھتا ہوں کہ یہ انہیں کا حصہ ہے - اور یہی وجہ ہے کہ اس میں ذرا بھی کلام یا سندیہ نہیں ہے کہ آج نہ صرف یہ ہاوس بلکہ سارا دیس اُن کے پیچھے ہے - جو قدم نہوں نے دیس کے امن کی حفاظت کے لئے اٹھائے ہیں انکے پیچھے دیس کے ۳۵ کروڑ آدمیوں کی آواز ہے - اسلئے میں انکو ہاروک بدھائی دیتا ہوں - سروسز کے بارے میں جناب صدر ! انہوں نے جو کچھ فرمایا ہے اسیں شک نہیں ہے کہ سروسز میں بھی یزاشکئی تبدیلی لانے کی کوشش کی گئی ہے - اور بدلے ہوئے حالات کے ساتھ وہ بھی بدلے ہیں - میں ایسے لوگوں کی دل سے قدر کرتا ہوں، میں ایسے بہت افسران کو جانتا ہوں جو کہ رات دن اُس اسپرٹ سے کام کرتے ہیں جس اسپرٹ سے ہمارے ہوم منسٹر صاحب کام کرتے ہیں لیکن یہ ماننا پڑیگا کہ باوجود اسکے جہاز تک سروسز کا تعلق ہے انہیں اتنی تبدیلی نہیں ہوئی جتنی کہ ہونی چاہئے تھی

جیسا سپرے دوست مسٹر تیاگی نے ابھی کہا ہے - مجھے معلوم ہے ارد میں سمجھتا ہوں مجھے سے زیادہ خود ہوم منسٹر صاحب کو اس کا احساس ہے کہ ہمارے پروس میں جو دوسری قومیں ہیں وہاں کی سروسز کی اسپرٹ یہاں کی سروسز سے مختلف ہے جو لوگ ہمارے ہاں سے وہاں گئے تھے وہ وہاں سے یہ اثر لیکر آئے ہیں کہ وہاں کی سروسز کے لوگوں کی یہ دھن ہے کہ ہمکو ایک نیا قومین بنانا ہے ہمیں پاکستان کو مضبوط بنانا ہے اور وہ اسکے لئے اڑتھک کام کرتے ہیں - لیکن مجھے افسوس ہے کہ جہانتک ہمارے ہاں کی سروسز کا تعلق ہے یہ بات یہاں نہیں پائی جاتی، اُنکا دھنگ ابھی تک نہیں بدلا ہے - حالانکہ اسے بھی اب بدلنا چاہیئے - آج اگر آپ سیکریٹریٹ میں جا کر دیکھیں تو پتہ لگےگا کہ بہت سے لوگ ایسے ہیں جنکے پاس پورا کام نہیں ہوتا - وہ خالی بیٹھے رہتے ہیں اور انہیں اسبات کی فکر نہیں ہوتی کہ آج انکے ایک ایک کھلتے کا بوجھ قومی خزانہ پر پڑتا ہے -

جناب صدر ! اب میں سنٹرل ایڈمنسٹریٹو ایریاز کے حالات کی طرف ہوم منسٹر صاحب کی توجہ دلانا چاہتا ہوں - جہانتک سنٹرل ایڈمنسٹریٹو ایریاز کا تعلق ہے پچھلے سال بھی جناب صدر ! میں نے انکی دہلی اور دہلی کے ساتھ اجمیٹ اور گورک اور دوسرے علاقوں کی شکایات بیان کی تھیں - مجھے افسوس ہے کہ ابھی تک جہانتک ان علاقوں کا تعلق ہے اگرچہ انکے لئے نہ صرف ہوم منسٹر صاحب براہ راست ذمہ دار ہیں بلکہ دوسرے منسٹروں کا بھی ان سے تعلق ہے لیکن ابھی تک انہیں یہ محسوس کرنے کا موقع نہیں دیا گیا کہ یہاں کی جنتا کو بھی سوراچیہ ملا ہے - آپ کو جناب صدر ! اس پونے دو سال کے عرصے میں کئی پولیٹکل کانفرنسیں یہاں منعقد ہوئی ہیں - جن میں یہ پرسٹاؤ پاس کئے گئے کہ ان علاقوں کو بھی اپنی حکومت کرنیکا حق دیا جانا چاہیئے نیز دہلی میونسپل بورڈ دہلی کی ایڈوائزری کونسل دہلی پراونشل کانگریس کمیٹی نے اور اسی طرف اجمیٹ کی پراونشل کانگریس کمیٹی نے ریزولوشنوں کے ذریعہ یہ مطالبہ کیا ہے جناب والا ! دہلی کی آبادی بھی اب بہت بڑھ گئی ہے اندازہ کیا جاتا ہے کہ یہ اب ۲۰ لاکھ کے لگ بھگ ہوچکی ہے حکومت کو اس آبادی کا بھی خیال کرنا چاہیئے اور یہاں کے ایڈمنسٹریشن میں مناسب تبدیلی کرنی چاہیئے - اسمیں شک نہیں کہ اس وقت دہلی میں کئی اعلیٰ افسران ہیں خاص طور پر ہمارے چیف کمشنر صاحب بہت توجہ سے کام کرتے ہیں چنانچہ انکے انتخاب پر میں ہوم منسٹر صاحب کو مبارکباد دیتا ہوں لیکن سوال یہ نہیں کہ افسران کیسے ہیں بلکہ یہ ہے کہ کیا دہلی ایڈمنسٹریشن یا اجمیٹ ایڈمنسٹریشن میں یہاں کی جنتا کی آواز شامل ہے ؟ جناب صدر ! یہ پمفلٹ جو ہوم منسٹری کی جانب سے سرکولہٹ کیا گیا ہے - میں نے اسے غور سے پڑھا ہے، اسمیں چیف کمشنر کی ایڈوائزری کونسل کے کام کا بھی ذکر ہے اسکو دیکھنے کے بعد میں

[شری دیھس بلھدو گپتا]

بہت معافی چاہتے ہوئے جناب ہوم منسٹر صاحب کی سیوا میں عرض کرونگا کہ میرا تورو دو سال کا ایڈوائزری کونسل کا اتنا تلخ تجربہ ہے کہ اسکی بناء پر یہ کہنے پر مجبور ہوں کہ یہ ایک مذاق (farce) ہے۔

اب دو سال کے قریب ایڈوائزری کونسل کو بنے ہوئے ہو گئے ہیں لیکن اس کی حمایت یہ ہے کہ اسکے سامنے وقت پر بجٹ بھی نہیں آتا گورنمنٹ جو اہم فیصلہ کرتی ہے وہ ایڈوائزری کونسل کے سامنے نہیں لائے جاتے اور نہ اُنکے بارے میں ایڈوائزری کونسل سے صلاح لی جاتی ہے، نیز ایڈوائزری کونسل نے اب تک جتنے پرستاؤ پیش کئے ہیں میرے پاس اُنکی لسٹ ہے جناب صدر! چہ چہ آٹھ آٹھ مہینے تک ان پرستاؤں پر عمل درآمد نہیں ہوتا۔ ایک نہیں جناب صدر! اس پروگرام کی اب تک مثالیں دیجاسکتی ہیں کہ جن سے یہ ثابت ہوتا ہے کہ ایڈوائزری کونسلیں متکس تھونگ ہیں۔ یہی وجہ ہے کہ ہم لوگ پہلے دن سے یہ مطالبہ کر رہے ہیں کہ سنٹرل ایڈمنسٹریٹو ایریاز کی حالت کو بھی درست کیا جائے اور نئے دھماں کا انتظار نہ کرتے ہوئے جس کے بلنے میں دو سال یا تیرہ سال کا وقت صرف ہوگا موجودہ ایڈمنسٹریشن میں ہی ایسی تبدیلی کی جائے کہ دھالی اور اجیر میرواز کے لوگوں کو بھی یہ محسوس کرنیکا موقع ملے کہ ایڈمنسٹریشن میں اُنکی بھی آواز ہے۔

جناب صدر! دھالی میں پچھلے دو سال کے عرصے میں حکومت کی طرف سے جو اہم قدم اُٹھائے گئے انہیں سامنے رکھتے ہوئے میں یہ کہہ سکتا ہوں کہ اس عرصہ میں کبھی بھی ایڈوائزری کونسل کے سامنے انہیں پیش نہیں کیا گیا۔ اور نہ ہی اُسکے پرستاؤں پر دھیان دیا گیا چنانچہ پچھلے سال ایڈوائزری کونسل نے پرستاؤ پاس کیا تھا کہ دھالی میں سرکٹ کورٹ ہونا چاہیئے لیکن آج تک اس پر عملدرآمد نہیں کیا گیا بلکہ ہوم منسٹری کے پمفلٹ میں یہ کہہ کر قال دیا گیا کہ سرکٹ کورٹ مکان نہ ملنے کی وجہ سے نہیں قائم ہو سکتا۔ میں عرض کرونگا کہ اس بات کا خیال نہیں کیا جاتا کہ دھالی کے کئی لوگوں کو ہر مہینے شام کی پہاڑیوں پر جا کر اپنے کیسز کی پیروی کرنے میں کئی تکلیف اُٹھانی پڑتی ہے۔

دھالی کی حالت یہ ہے کہ اُسے پنجاب کے ساتھ نہ ہی کر دیا گیا ہے دھالی کی سروسز پہلے پنجاب سے لہجانی تھیں حال میں یہ فیصلہ کیا گیا ہے کہ ۵۰ فیصدی سروسز پنجاب سے لہجائیگی اور پچاس فیصدی یو۔ پی سے شاید ہوم منسٹر صاحب کو معلوم ہو کہ یہ فیصلہ بھی ایڈوائزری کونسل کے مشورے سے نہیں کیا گیا۔ آج یہاں کے تمام افسران پنجاب اور یو۔ پی کے ہیں اور دھالی والوں کا ان میں کوئی دخل نہیں ہے۔

میں مودبانہ عرض کرونگا کہ مجھے راجدھانی کی مشکلات کا بخوبی اندازہ ہے۔ میں ایک منٹ کے لئے بھی یہ نہیں چاہتا کہ دھالی کے ایڈمنسٹریشن میں کوئی ایسی کمزوری آئے جس سے کہ مرکز کو مشکلات کا سامنا کرنا پڑے۔ میں یہ بھی نہیں چاہتا کہ آئیندہ جو کانستٹی ٹیوشن (Constitution) بلے اسمیں بھی کوئی ایسی باتیں رکھی جائیں کہ جن سے ہمارے سارے دیس کے ہتوں پر کوئی اُلٹا اثر پڑے۔ لیکن میں عرض کرونگا کہ ایسا کوئی راستہ نکالنا ہمارا فرض ہے جس سے دھالی والوں کی شکایت دور ہو آخر دھالی والوں نے بھی شروع سے ہر ایک مومو میٹ (movement) میں حصہ لیا ہے۔ وہ بھی اس ملک کے باشندے ہیں۔ دوسرے صوبوں کے لوگوں کی طرح وہ بھی یہ حق رکھتے ہیں کہ اُنکے ایڈمنسٹریشن میں ان کی آواز ہو۔ آج حالت یہ ہے کہ دھالی والے ہر لحاظ سے گھاتے میں ہیں مثال کے طور پر پنجاب کی جانب سے پابندی لگانیکا یہ تمغہ ہے کہ دھالی سے آٹھ دس میل کے فاصلے پر جو چٹا آٹھ روپیہ من بک رہا ہے۔ وہی دھالی میں تیرہ چودہ روپیہ من بک رہا ہے۔ روز گئی سو چپکڑے کھلے طور پر جاتے ہیں اور پنجاب سے چٹا چھپا کر smuggle کر کے لاتے ہیں۔ ہم نے کئی بار درخواست کی کہ راشننگ کی اغراض کے لئے دھالی کو پنجاب میں شامل کر لیا جائے۔ لیکن اس پر کوئی غور نہیں کیا گیا۔ جتنی گھاتے کی باتیں ہیں (disadvantages) ہیں وہ سب دھالی کے لئے ہیں۔ دھالی کے لوگوں کے لئے سروسز میں جگہ نہیں ہے۔ یہاں تمام افسران یو۔ پی اور پنجاب سے لائے جاتے ہیں۔ یہاں کے اسٹوڈینٹس (students) کے لئے سروسز میں کوئی گنجائش نہیں۔ یونیورسٹی کی جو حالت ہے وہ کسی سے چھپی نہیں ہے۔ امپروومنٹ ٹرسٹ (Improvement trust) نے دس دس سال سے دھالی والوں کی زمیٹوں کو نوٹی فائی (notify) کر کے چھوڑا ہوا ہے۔ نہ وہاں انہیں لیتے ہیں نہ چھوڑتے ہیں بلکہ حالت یہ ہے کہ وہاں صفائی تک نہیں ہوتی اور نہ دھالی والوں کے لئے وہاں مکان بنانے کی سہولیت ہے۔ کہا جاتا ہے یہ سب کچھ لارجر انٹریسٹ (larger interest) میں ہو رہا ہے بجارے دھالی والوں کی کوئی آواز نہیں سنی جاتی۔ بجٹ (budget) میں جو پروویژن (provision) پوسٹ وار (postwar) ڈیولپ میٹ (development) کے لئے کیا گیا تھا وہ بھی کولڈ اسٹوریج (Cold storage) میں قال دیا گیا ہے۔ لہذا میں پھر درخواست کرتا ہوں کہ اب کوئی ایسا طریقہ نکالنا چاہیئے جس سے دھالی والوں کی آواز ایڈمنسٹریشن میں ہو۔ ہماری یہ مانگ ایک واجب (legitimate) مانگ ہے۔ اور اسکا انحصار جناب منسٹر صاحب پر ہے کہ وہ اسے کس حد تک منظور کرتے ہیں میں جانتا ہوں کہ ان کے دل میں بھی دھالی والوں کے لئے درد ہے۔ وہ دھالی والوں کے مخالف نہیں ہیں۔ ہمیشہ دھالی والے انہیں شردھا (श्रद्धा) کی نظر سے دیکھتے آئے ہیں۔ اب جب کہ دھالی والوں کو یہ محسوس رہا ہے کہ راج (स्वराज्य) کو آج دو سال ہو جانے کے بعد بھی دھالی کے ایڈمنسٹریشن

[شری 'دیش بندھو گپتا']

میں دہلی والوں کی کوئی آواز نہیں ہے۔ تو وہ اس پر ہمدردانہ غور کرینگے اور اس کو اس وقت تک کے لئے ملتوی نہیں کر دینگے جب تک کہ نیا کانسٹیٹیویشن نہیں بن جاتا۔

ہوم منسٹر صاحب کی خدمت میں میں ایک تجویز (suggestion) کر کے بیٹھ جاؤں گا۔ اور وہ یہ ہے کہ اگر آپ ایڈوائزری کونسل (Advisory council) کی جگہ اور کوئی بہتر سسٹم (system) جاری نہیں کر سکتے تو اس کے اختیارات کو تو آپ بڑھا سکتے ہیں۔ اور کم سے کم ایک بات تو کی جاسکتی ہے کہ ایڈوائزری کونسل کے ایک یا دو نمائندوں (Representatives) کو بھی ان مشوروں میں شریک کر لیا جائے۔ جب کہ دہلی کے ایڈمنسٹریشن کے متعلق فیصلے کئے جاتے ہیں۔ پچھلے دور میں جبکہ کئی صوبوں پر سیکشن 93 (Section 93) کا اطلاق کیا گیا تھا تو بھی ایڈوائزرز (advisers) مقرر ہوئے تھے۔ ان کے اختیارات دہلی کی ایڈوائزری کونسل کے ممبروں کی نسبت بہت زیادہ تھے۔ کیا وہ اختیارات بھی انہیں نہیں دئے جاسکتے؟ دہلی کی ایڈوائزری کونسل کی حالت تو یہ ہے کہ دو سال ہو چکے ہیں۔ لیکن حکومت ابھی تک یہ فیصلہ بھی نہیں کر پائی کہ اس کے ممبروں کو کیا الاؤنس (allowance) دیا جائے کرے۔ حالانکہ ایڈوائزری کونسل کی دو تین مہینہ میں ایک دن کے لئے ایک بار میٹنگ (meeting) ہوتی ہے۔ اور ممبروں کے لئے الاؤنس کوئی اہمیت نہیں رکھتا لیکن حکومت کی سردمہری اس بات سے ظاہر ہے۔

آخر میں میرا امید کرتا ہوں کہ دہلی اور دیگر سینٹرلی ایڈمنسٹرڈ ایریاز (Centrally administered areas) کی حالت پر جناب منسٹر صاحب غور فرمائیں گے اور جلد کوئی ایسا راستہ اختیار کریں گے کہ ان کی واجب شکایات دور ہوں۔

(English translation of the above speech).—

Shri Deshbandhu Gupta: I heartily congratulate the honourable Home Minister on his fascinating speech and the statement that has been circulated to Members. The truth is that so far as the Home Minister is concerned he is not only the Home Minister but also the accredited leader of the whole country and there is not the slightest doubt that if our country is today enjoying the blessings of peace and happiness, if today, in spite of the fact that the other neighbouring countries such as Burma and China, are in flames and disorder reigns supreme there. Our country is free from such turmoil and peace prevails here, and the greatest credit for it goes to our honourable Home Minister.

In view of the things he has said and the efforts he has made to solve the most difficult problems of the country during the period of the last one year I feel that this redounds exclusively to his credit. And, this is the reason that without the least doubt or question he has today the backing not only of this House but of the entire country. The steps he has taken for the mainten-

ance of law and order in the country have the sanction behind them of the 35 crore people of the country. Hence, I offer him my hearty congratulations.

As regards the things he has stated about the services, there is no doubt that efforts have been made to bring about a change in the services as far as possible, and that, with the changed circumstances, they too have changed. I sincerely esteem such people. I know a good number of such officers who work day and night with the same spirit as that which actuates our honourable Home Minister. But it must be confessed that, in spite of all this, so far as the services are concerned, the change that has come about in them is not such as should have been expected, as has just been stated by my friend, Mr. Tyagi. It is known to me, and I think the honourable Home Minister himself knows it even better, the spirit of the services in the neighbouring Dominion is different from that of the services here. Those people from amongst us who went there have returned with the impression that the people in the services there are fired with the passion that they have to form a new dominion, that they have to make Pakistan strong and they work indefatigably to that end. But I regret to say that this is not the case with the services here. Their ways have not changed yet although a change is called for now in their case too. If you go to the Secretariat today you will find that there are a number of people who haven't got enough work. They keep sitting idle and it does not worry them that the burden of idle hours falls on the national exchequer.

Now I want to draw the attention of the honourable Minister to the conditions prevailing in the Centrally Administered Areas. In so far as the Centrally Administered Areas are concerned, last year too I related the grievances of Delhi and, along with Delhi, of Ajmer, Coorg and other areas. I regret to say that so far as these areas are concerned, although not only is the honourable Home Minister directly responsible for them but the other Ministers are also concerned, the people there have not yet been afforded an occasion to feel that they too have got the *Swarajya*.

Several political conferences have been held here during this period of about two years, wherein resolutions were passed demanding that these areas should also be granted the right of self-government. The Delhi Municipal Board, the Delhi Advisory Council, the Delhi Provincial Congress Committee and similarly the Ajmer Provincial Congress Committee have put forth that demand by means of resolutions. Sir, Delhi's population too has very much increased now. It is estimated to have gone up to 20 lakhs approximately. The Government should also consider this population factor and make a proper change in the administration of this area. There is no doubt that at this time there are several such officers in Delhi, particularly our Chief Commissioner, who work most diligently—I congratulate the honourable Home Minister on his selection of this officer—but the question is not what are the officers like but whether the people have any voice in the administration of Delhi or of Ajmer.

I have carefully read the pamphlet that has been circulated by the Home Ministry. It also mentions the work done by the Chief Commissioner's Advisory Council. Having noticed it I would very apologetically submit to the honourable the Home Minister that I have such a bitter experience of my two years' membership of the Advisory Council that I am constrained to say on the basis of that experience that it is a farce.

It is about two years now that the Advisory Council was formed but the position is such that even the budget does not come up before it in time. Whatever important decisions are made by the Government are not brought before the Advisory Council, nor is the Advisory Council consulted about them. Besides, I have a list of all such resolutions as have been brought forward by the

1464

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

[17TH MARCH 1949]

[Shri Deshbandhu Gupta]

Advisory Council. No action is taken on these resolutions for six or even eight months. Not one but innumerable instances of that kind could be cited which would prove that Advisory Councils are just a farce. This is the reason why we people are demanding from the very start that the condition of the Centrally Administered Areas should also be set right, and, without waiting for the new constitution, which would take two years or a year and a half to be ready, such modification be made in the existing administration that the people of Delhi and Ajmer-Merwara may have the occasion to feel that they too have a voice in the administration.

Keeping in view the important steps taken by the Government in Delhi during the past two years I can say that during this period they were never brought before the Advisory Council, nor was any attention paid to its resolutions. For instance, the Advisory Council passed a resolution last year that a Circuit Court should be established in Delhi but this resolution has not been given a practical shape to this day. The pamphlet issued by the Home Ministry simply puts it off by saying that the Circuit Court could not be founded by reason of non-availability of a building. I would submit that it has not been considered what inconvenience has to be suffered by a considerable number of people belonging to Delhi in going to the Simla Hills every month to conduct their cases.

The position of Delhi is that it has been made an appendage of the Punjab. The personnel for Delhi services was previously requisitioned from the Punjab. Recently it has been decided that 50 per cent. of the personnel for these services would be requisitioned from the Punjab and 50 per cent from the U.P. The honourable Home Minister might know that even this decision was not taken in consultation with the Advisory Council. Today all the officers here belong to the Punjab and U.P. and the people of Delhi have no share in the services.

I would respectfully submit that I fully appreciate the difficulties of the capital. Not for a minute would I have it that some such weakness might creep into Delhi administration whereby the Centre might have to face difficulties. Nor would I desire that any such provisions be made in the new constitution as might have some adverse effect upon the interests of our country as a whole. But I would submit that it is our duty to devise some such method whereby the grievance of Delhi people might be redressed. After all Delhi people have also taken part in every movement from the very beginning. They too are inhabitants of this country. Like the people in other provinces they too are entitled to have a voice in their own administration. The position today is that the Delhi people are losers in every respect. For example, the result of restriction on import of food-grains from the Punjab is that the grain that is selling at eight rupees per maund at a distance of eight or ten miles from Delhi is selling in Delhi at thirteen to fourteen rupees per maund. Daily hundreds of carts openly go out and smuggle in grain from the Punjab. We have represented time and again that Delhi should be included in the Punjab for purposes of rationing but no heed has been paid to this request. People of Delhi are thus put to all sorts of disadvantages and there is no place in the services for the people of Delhi. All officers are imported from U.P. and the Punjab. There is no scope in the matter of services for students belonging to Delhi. The condition of the University is not hidden from anybody. The Improvement Trust notified lands belonging to the people of Delhi, in some cases as far back as ten years, but the matter stands there. They would neither acquire them nor release them. On the

other hand the conditions are such that, not even sanitation is attended to nor are any facilities available for the people of Delhi to build houses. It is said all this is being done in the larger interests. No heed is paid to the cries of the poor people of Delhi.

The provision that was made in the Budget for post-war development has also been put in cold storage. Hence, I request again that some means should now be devised whereby the people of Delhi might have a voice in the administration. This demand of ours is a legitimate one and it is for the honourable Minister to see how far he can meet it. I know that he too has a soft corner in his heart for the people of Delhi. He is not hostile to them. The people of Delhi have always regarded him with reverence. Now that the people of Delhi are feeling that even after the lapse of two years since the advent of *Swarajya* they have no voice in the administration of Delhi it is hoped he would consider the matter sympathetically and not postpone it until after the framing of the new constitution.

I shall resume my seat after offering one suggestion to the honourable the Home Minister. It is this that if he cannot devise some better system in place of the Advisory Council he could at least enlarge its powers. At least one suggestion could be adopted, viz., that one or two representatives of the Advisory Council are consulted when decisions affecting the Delhi administration are taken. During the previous regime too, when section 93 was enforced, Advisers were appointed. They enjoyed much larger powers than the members of Delhi Advisory Council. Could they not even be vested with those powers? The position of the Delhi Advisory Council is such that although two years have elapsed the Government have not yet been able to decide what allowance should be paid to its members. Although the Advisory Council meets only once in two or three months, and that too just for a day, and the allowance has no value in the eyes of the members, yet this should afford an indication of the indifference shown on the part of the Government.

In the end, I hope that the honourable Minister would give consideration to the case of Delhi and other Centrally Administered Areas and soon devise some means to redress their genuine grievances.

Pandit Hirday Nath Kunzru: Sir, may I move both my motions together?

Mr. Speaker: Yes.

Policy re Subversive Organisations

Pandit Hirday Nath Kunzru: Sir, I move:

"That the demand under the head 'Cabinet' be reduced by Rs. 100."

Policy re Military or Semi-Military Organisations established by Provincial Governments.

Pandit Hirday Nath Kunzru: I further move:

"That the demand under the head 'Ministry of Home Affairs' be reduced by Rs. 100."

Sir, in February 1948 Government took action against certain organisations of a communal character and their policy generally speaking had the support of the country and of this House. The Deputy Prime Minister has told us that action was taken against them because of their subversive activities. The review of the work of the Ministry of Home Affairs that has been circulated to honourable Members says that the communal organisations to which I have referred, namely the R.S.S.S., the Muslim League National Guards and the *Khaksars*, were becoming a menace to the public peace and tranquility and that therefore Provincial Governments were advised in February 1948 to declare these organisations unlawful under the Criminal Law Amendment Act, 1908.

[Pandit Hirday Nath Kunzru]

That policy, as the Deputy Prime Minister has told us, is still the policy of the Government of India. The other day, however, when my honourable friend Lala Deshbandhu Gupta put a Question about the arrest of the Communists, the Prime Minister who made a long reply said:

"Government have refrained from taking any action against the Communist Party of India as such in spite of a virulent propaganda and incitement to violence which the Communist Party members have indulged in. Where violence has been actually attempted or encouraged Government have taken action; such action has been limited to individuals who are connected with this violence or encouragement of violence."

He then went on to say,—I am quoting from his reply:

"The Communist Party of India has during the past year adopted an attitude not only of open hostility to Government but one which can be described as bordering on open revolt. The policy has been given effect to intensively in certain limited areas of India and has resulted in violence including murders, arson and looting as well as acts of sabotage. The House is well aware of the Communist revolts that have taken place in countries bordering on India. It was presumably in furtherance of the same policy that attempts were made in India to incite people to active revolt."

He added later on that:

"Government had a mass of evidence in their possession to indicate that organised attempts were being made to conduct campaigns of sabotage more especially on the railway system, and that the Communist Party had pursued a technique of terrorising those who did not agree with its policy."

Referring to the Dum Dum raids, he said that:

"After the Dum Dum raids, a meeting was held in the Calcutta maidan when under the auspices of the Bengal Provincial Trade Union Congress which is a body dominated by the Communist Party, speakers urged the seizure of power by violent means. A student of the Bengal Provincial Students Federation which is also dominated by the Communist Party of India stated that a saboteur gang of students was ready for action."

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Shri S. V. Krishnamoorthy Rao (one of the Panel of Chairmen).]

Now, Sir, this reply shows that the action taken by the Communists was in pursuance of the policy of the Communist Party. It was not action taken by certain misguided individuals who called themselves communists or who belonged actually to the Communist Party, but action taken in furtherance of the policy of the Communist Party of India. Speaking at Puri on the 12th March, the Prime Minister said:

"The Communist objective was not inspired by a national standpoint but was at the behest of the interest outside India".

He said as politely as he could that the Communists were not interested in the welfare of the masses but were fifth-columnists acting contrary to the interests of their country. Yet, he told us that the policy of the Government was to take action only against individual Communists who were guilty of violence or incitement to violence.

I should like to understand the policy of the Government in this matter. Their policy should be consistent. I am sure that they cannot say that one policy is necessary in the interests of the country in the case of communal organisations and another policy is called for in the case of the Communist organisations. If the activities of both kinds of organisations are a menace to law and order, if they are detrimental to the vital interests of the country, is there any reason for dealing with them differently? I should like the honourable the Deputy Prime Minister to enlighten us on the policy of the Government in regard to this matter and to show how the policies followed by them in regard to the two sets of organisations are consistent.

Sir, in this connection I should like to make a suggestion before I proceed to the discussion of the question raised by my second motion. Government, I have no doubt, will be faced with increasing difficulties at least for some time to come. It is necessary therefore that the Central Intelligence Bureau should be in a position to collect information promptly about the activities of

subversive organisations and forewarn Government. The powers of the Bureau, however, are limited. I suggest that this Bureau should be given the powers of investigation that the Federal Bureau of Investigation possesses in the United States of America. If in America the existence of autonomous States has not militated against the existence of a Federal organisation with much greater powers than in India, I see no reason why Provincial autonomy should militate against the establishment of a similar organisation in this country. Again, as the staff of the Bureau has been considerably depleted, I suggest that some of the members who are on deputation in the Bureau and some other members should be sent to other countries like Britain and the U.S.A. to study modern methods of investigation. I hope, Sir, that this suggestion will receive the serious attention of the Government.

And now, Sir, I shall briefly discuss the question raised by me in my second motion which relates to the policy of Government in respect of military or semi-military organisations established by the Provincial Governments. We have read from time to time in the newspapers of various kinds of organisations started by the Provincial Governments. Their names may be different, but their purpose is the same, and that is to help in the maintenance of law and order, and to deal with emergencies as they may arise. The Deputy Prime Minister has told us in the course of his speech that in view of the special circumstances existing in the country, and the fundamental importance of maintaining peace in the country, he advised the provincial Governments to strengthen their police forces. It is a matter of pleasure to us to know that the Provincial Governments have followed the advice of my honourable friend in this connection, and we have no doubt that so long as he is in charge of the Home Ministry, adequate steps will be taken both by the Centre and by the Provincial Governments to see that peace and order in this land are not threatened by evil-doers of any kind. But it is rather surprising, Sir, that when the police forces, including the armed police force have been strengthened, the Provincial Governments which have not got an abundance of money should be spending large sums on establishing, organizing and training military or semi-military organisations. I do not possess, Sir, accurate information in regard to any province except my own—the United Provinces. The budget of the United Provinces Government tells us that it proposes to spend a sum of about Rs. 40 lakhs next year on an organisation called the *prantiya Raksha Dal*. Now, taxes upon taxes are being levied there. I should like to know why, at a time like this, the Provincial Government is spending so large a sum of money on the establishing and training of this organisation. I should also like to know whether this organisation was established with the knowledge and approval of the Government of India, or whether the U.P. Government and the other Provincial Governments have taken the bit between their teeth and acted as they pleased. Sir, this *Prantiya Raksha Dal* is being trained on military lines. Officers who formerly belonged to the I.N.A. are training the members of this organisation. If it is necessary for the security of this country to have organisations trained on military lines, I suggest that the strength of the army should not be unduly reduced. It seems to me to be a danger, Sir, that the Provincial Governments should be allowed to maintain organisations of this kind. Two or three years ago it would have seemed impossible that any Provincial Government should dream of having such an organisation. But now, when conditions are normal—the firm action taken by the Deputy Prime Minister having placed law and order in the country on a firm footing—there is no reason why provincial governments should be permitted to start such organisations. I would add, Sir, before sitting down, that several Ministers of the U.P. Government have stated in the past that the *Prantiya Raksha Dal* is to consist of about twelve lakhs of volunteers. I understand that at present about 26,000 are under training, though I do not claim

[Pandit Hriday Nath Kunzru]

my information on this point to be quite accurate. Even granting that some force other than the army is needed, or rather other than the army and the police forces is needed, to maintain the security of the country, do we really need a force which is to consist of 12 lakhs of people in the U.P.? Again, I would like to know whether this target figure of 12 lakhs has been fixed with the knowledge and approval of the Government of India. If the answer to this question is in the negative.....

Prof. Shibban Lal Saksena (U.P.: General): It is a kind of national militia.

Pandit Hriday Nath Kunzru: It is not the business of the Provincial Government to have a national militia. It is the Central Government that must maintain a national militia. And in any case, if the Provincial Governments are to be given any administrative or other authority, they can have it only with the approval of the Government of India.

Sir, I have done; and I hope that the Deputy Prime Minister will be able to tell us what action he proposes to take in this respect. He knows as well as any of us, the uneasiness that exists both in the country and in this House on this score, and I trust, therefore, that he will take action to bring all organisations of this character, if it is necessary to maintain them, under the control of the Central Government, and not allow any other authority to maintain any force of this kind.

Mr. Chairman: Cut motions moved:

- (i) "That the demand under the head 'Cabinet' be reduced by Rs. 100."
- (ii) "That the demand under the head 'Ministry of Home Affairs' be reduced by Rs. 100."

The discussion on these will continue after 2-30 P.M.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Dr. P. K. Sen (Bihar: General): Sir, the subject on which I expected to raise a discussion is the out-of-the way subject of Prison reform. It is generally considered a very unimportant subject. We have attained independence, but people who have lost their independence by some anti-social act and have been confined in a prison appear to have lost all rights to consideration. There was in the olden days a great deal of indifference and apathy, but I feel that before a House like this one pleading for prison reform will have the utmost possible sympathy, because most of the members are quite aware of all the trials and tribulations which the prisoners have got to pass through. Therefore, I do expect that a sympathetic consideration will be extended to this subject. The very first question that may arise is: Why should this subject be raised here, because at the Centre there is nothing to be done. It is a Provincial subject and, therefore, it rests with the Provinces themselves to make proper arrangements with regard to prison reform. I am quite conscious of that, but the proposal that I wish to make here is really something that will convince the members, I dare say, that this reform can only come from the Centre. There is absolutely no trained jailor, warder, wardress, probation officer or parole officer at the present moment. If there is to be any prison reform at all, that prison reform must be on lines of individual treatment of prisoners; and that individual treatment must be a psychological treatment, not from the old antiquated point of view, that if a man has committed an offence, an anti-social act, the only way to deal with him is to put him within the walls of the prison and thus practically segregate him and save society from his depredations. This confusion of the mind can easily be dispelled. Thousands and thousands of prisoners are coming out every day from the prison and other thousands are taking their places by reason of their having been convicted for crime. Therefore, there is a constant commerce going on between those who are in prison

and those who are out of prison. We have not successfully segregated them at all. They are still members of our society and directly their terms of imprisonment have been worked out, they will come out and they will have all the privileges of free citizens. They will mix with others and contaminate society. Therefore, the apparent segregation is of no efficacy. Imprisonment is really no preventive at all to contamination of society. If we really want, therefore, that these people should come and become an acquisition to society, when they are released from prison, then they must be individually treated there. The point of view of the officers in charge should be not vengeance or punishment or expiation of their offence, but really correction and rehabilitation. It is the uplifted rod in which the prison staff believes. From the jailor downwards to the humblest man who is on the staff of the jail, they all believe only in the uplifted rod. They know that if they can come down on these prisoners and keep them in their proper places and get the quantity of work allotted to them, by extraction, as it were, by those means, then alone their duty will have been done. I say this with a full sense of responsibility, because I have visited prisons all over India, and I have visited prisons in foreign countries also. It has been the subject of my study for years—and I say this with confidence that in India at the present day, the amount of indifference that is shown towards prison reform is something astounding. Nowhere in any part of India, is the up-to-date method followed or prescribed. I do not mean by 'up-to-date method' that you must necessarily imitate everything from the West. But by adaptation and by acceptance of the principles which have been laid down in the old Hindu Penology, which really rose to a very high level, by acceptance of those principles and also by acceptance of the principles which obtain today in the Western world, we can make prisons a different place altogether from what they are at the present day. Now, in order to do this, I submit that the one thing needful is to have an Institute for the proper training of jailers, warders, wardresses, probation officers, parole officers and the like. In order to have that, I submit that the only place from which reform can start is the Centre. Each province cannot afford to have a Training Institute of that kind. It will be terribly expensive and, therefore, I submit that this function belongs to the Centre and to the Centre alone. If there is a Central Institute of training, then we can have all the officers necessary for the different provinces recruited from this institute. (*Pandit Thakur Das Bhargava: 'Even for warders? A central Institute for warders?'*) Yes, Warders are most important—A central institute for the training of jailors, warders, wardresses and every one that is responsible for the individual treatment of a prisoner, because the treatment will now have to be, not by inflicting fear, not by inspiring terror into the hearts of the prisoners, but by inspiring confidence, power of initiative, self-reliance and also an ambition to deserve well of the society against which he has committed the anti-social act. I will not take more time. I have briefly placed my proposition before the House and I do hope that the Government at the Centre will take some notice of this great demand from every part of India.

Prof. Shibban Lal Saksena: Mr. Speaker, I had no intention of taking part in the debate, but I was stunned to hear the speech of my honourable friend Pandit Kunzru on the cut motion which he has moved. I think those who heard him speak must have felt that the Premier of my province, the Honourable Pandit Govind Ballabh Pant was raising an army of 12 lakhs of persons to march on Delhi and capture the capital for himself. But I would invite the attention of Pandit Kunzru to page 35 of the Review of Home Affairs of the Government of India. He will find there the information which he tried to give the Minister for Home Affairs already printed. The Review says:

"At the instance of the Government of India, the Provincial Governments undertook the task of modernising the arms and equipment of their Police Forces and Home Guards, etc. This Ministry have assisted them in the procurement of arms and ammunition and wireless equipment."

[Prof. Shibban Lal Saxena]

Then in paragraph 8, the Review states:

"In response to a widespread demand from the public for auxiliary police, in which they could serve and be of help to the Government in times of emergency for the maintenance of law and order, schemes for Home Guards were drawn up both for Delhi and Ajmer Merwara and a beginning was also made in the recruitment of Home Guards. It was, however, found that in order to be effective, the Home Guards had to be trained and equipped for full-time duties. This made the cost of the Home Guards as much as that of similar units of armed police and moreover, suitable volunteers were not forthcoming in adequate numbers. The Home Guards organisations in the two provinces have therefore been wound up and it has been decided to replace them by *Prantiya Raksha Dal*, which would be less costly and at the same time of a larger size. The scheme for a *Prantiya Raksha Dal* for Ajmer has already been drawn up by the Chief Commissioner in consultation with his Advisory Council and has been approved by the Standing Advisory Committee attached to this Ministry. Further steps to implement the scheme are being taken. The Delhi Administration has been asked to frame a similar scheme."

From this it is obvious that what the United Provinces has done is not only known to the Home Minister but that he has appreciated it and has asked the Centre to introduce it in Ajmer and Delhi. So the information which he brought to the notice of the Home Minister is stale. I would ask him to acquaint himself with this scheme which I consider to be the most important of the schemes evolved during the last 18 months by the Congress Government in my province. Its purpose is to train 12 lakhs of volunteers in the one lakh of villages of my province in the use of modern arms. Each village will have a unit of 12 volunteers under a captain or naik. In this way there will be 12 lakhs of people trained in the use of arms. The U. P. Government provided 55 lakhs of rupees in the last year's Budget and in this year's Budget there is provision for Rs. 44 lakhs. With this sum of rupees 99 lakhs spread over two years they have been able to create a force of 12 lakhs of people trained in the use of fire-arms and spread over in one lakh villages. These people have been also given training in physical drill which helps them to serve the villagers with greater efficiency and in a disciplined manner.

Sir, my Premier, Pandit Govind Ballabh Pant has got many great schemes to his credit. One of these is the holding of elections to the Village Panchayats. About 3 crores of voters elected about 35 lakhs of representatives for the panchayats in almost all the one lakh villages of my province. Every village will now have self-rule and it is obvious that these panchayats should have some volunteers at their service. The P. R. D. Volunteers will fulfil this need. I think that this system is the most economical too. In fact I remember last year Dr. Pattabhi Sitaramayya, our Congress President, brought before this House a resolution for raising a National Militia and the House appreciated it and wanted the Government to take steps to put that scheme into operation. But imagine the cost of a National Militia on full military scale. Probably it will cost crores of rupees. In Russia where there is a huge army and compulsory military training, they will spend Rs. 4,500 crores on the military budget this year which is 30 times our military budget. And our Central Government has not been able to do much so far in the direction of raising this National Militia. But my province has demonstrated how a National Militia can be raised with the utmost quickness and with very little cost. The Premier of my province, the Honourable Pandit Govind Ballabh Pant has been able to train 12 lakhs of people in one lakh of villages at a cost of only 99 lakhs during a period of 18 months. And yet he is criticised here where he is not present to reply and we are told that he is having this army which is objectionable. I see that the honourable the Home Minister has already copied this scheme of Pandit Pant in Delhi and Ajmer-Merwara. I hope he would recommend it to all Provinces. Pandit Kunzru is alarmed at the figure of 12 lacs. But the Premier of my

Province aims at providing such voluntary military and civil training to every adult in my province and I long for the day when that dream of his is realised, and we have not only 12 lacs but nearly four crore adults in my province trained in civic duties and self defence with the use of modern arms. The enthusiasm for the P.R.D. Movement is so great that the volunteers pay half the cost of their uniform and part of their training expenses are realised from public subscriptions. Of course I would agree with Pandit Kunzru if he wants that the schemes of this nature in all the provinces should be co-ordinated and should be brought under the control and guidance of the Military Department of the Centre. Military officers should be lent to the provinces for the purpose of training and there should be liaison officers also. The Centre should also give financial help and should provide sufficient arms. Such a force will be very useful in times of emergency. In these circumstances, to say that the force is intended to march on Delhi or to be a rival to the military forces of the Central Government is not correct. It would be a valuable auxiliary to the military forces as millions of British Home Guards were in Britain during the War. I have been personally connected with this movement in my own district of Gorakhpore with 20 lac population. We have 50,000 P. R. D. volunteers. Only three days back on the 14th of this month I visited a camp where 600 men of my district were being trained. These were the group leaders each of whom has been entrusted with training 50 volunteers in four villages. I was surprised to see the change brought about by the P. R. D. force in Gorakhpore where the people were usually afraid of Police and the zamindars. Now the position has completely changed. They are now able to stand erect in the face of goondas of the villages. Grazing offences and the like have very much diminished in number. They are also able to assist the Police in many places. I therefore think that this scheme is a very useful one and fit to be copied by all provinces. In any case this should not be criticised. I request Pandit Kunzru to withdraw his motion, because he has been misinformed about this scheme. Pandit Kunzru knows that I am not a blind supporter of my Government, but where praise is due, it must be given.

Regarding the rest of the Demands I think our Home Minister has given a very able speech. I do not think I need say anything about it. I welcome the promise he has made of extending the civil liberties. We should see to it that nobody is kept in prison without adequate cause, and without trial.

I support the Demand.

Sardar Hukam Singh (East Punjab: Sikh): Sir, I have listened with rapt attention to the references made by the honourable Minister for Home Affairs to the Sikh community. I am glad to find that he recollects all right the response given by the Sikhs at a very critical time. It is also gratifying to note that the honourable Minister was pained to order the arrest of Master Tara Singh. No body denies that he had a soft corner for the Sikh community. This is not alleged by anybody that he has changed. If that be so then I can assure him that the Sikhs have also not changed including Master Tara Singh. They are true to the Government and the country and faithful to him as they were in 1947. The Sikh community has the same regard and respect for him as it had before. I hope he would concede this much as well that the Sikhs have not lagged behind in any fight for freedom that the country has launched; rather they can be proud that their contribution towards the winning of freedom was greater, considering their numbers, than that of any other community.

The complaint is that, as some Press journals put it, after the partition of the country the Sikhs were only an over-blamed people, but now they are over-misrepresented and over-misunderstood. That is my submission, I might

[Sardar Hukam Singh]

make it clear from the very start that they have no suppressive inclinations. They do not ask for a separate State. They are not disruptionist. This may be understood very clearly. Violence is far from their ideas. Their only fault is that they are straightforward, they are frank to the core, and therefore they have been misunderstood in certain quarters.

What has brought about this misunderstanding? I will come to the reasons that I think have contributed to this undesirable result. One reason can be found at page 31 of this Review. It says that on the 3rd April the Constituent Assembly of India (Legislative) passed a Resolution to regulate communal organisations. Action according to that Resolution was deferred till the Constitution was passed, but certain orders were issued and they are:

"(a) No notice should be taken by Government and its officers, local bodies, State-aided institutions etc. of petitions or representations from communal organisations on political matters.

(b) Interviews should be denied to leaders of communal organisations who wish to make representations on political matters. Deputations of such communal organisations should not be received by any Minister or officers of Govt."

In my estimation that is one of the causes that has led to his misunderstanding. If as they say expression of one's mind is a safety valve for any resentment or anger, if open discussion had been allowed, if Master Tara Singh had been allowed to interview the Ministers and particularly the honourable Minister for Home Affairs who, even Master Tara Singh believes, has got a soft corner for the Sikh community, certainly he would have placed all that he desires and after discussion of those matters, something useful must have come out. Either he might have given up his stand, or perhaps if his position was considered reasonable, that might have been considered by the honourable Minister. I may say at this moment that I can claim that the Sikhs are not communal. If the honourable Minister were to give me time, I am prepared to explain it to him, or if he does not get time himself, if he were to ask me to interview some other honourable Member of this House, I am prepared to place all the demands that the Sikhs desire, and I am sure that nobody would say that any of those demands are communal. I am certain their demands are just to be adjusted in the framework of the Constitution,—the principles that you have already conceded—and I am sure if any impartial gentleman were to hear them he would not say that these are things that ought to be decried. There is no time, so I will not go into those demands at present, but I do desire and request that these things should be carefully gone into and proper appreciation should be made of the facts that really exist, and the desires and anxieties that are present in the minds of the Sikhs. Simply by telling them that you should not feel any anxieties and you should do this or simply by slogans that there are no minorities, this thing cannot go. So my humble submission is that these things can be very easily understood and for once they are understood I am sure most of the trouble would go.

Then, what is the second thing that has brought about this misunderstanding? The Sikhs are a poor community.

Babu Ramnarayan Singh (Bihar: General): What are the demands, Sir?

Sardar Hukam Singh: If I am permitted I will go into them, but it cannot be done within the time at my disposal.

Mr. Speaker: The honourable Member has only four minutes left.

Sardar Hukam Singh: The second thing that has brought about this misunderstanding is that the majority community in the Punjab do not allow the real facts to come out in the Press but they are misrepresented and therefore that has the effect on all other Indians here. I can assure the House that I have had an opportunity of talking to certain honourable Members of this House and to as many as I have spoken to, they have agreed without any exceptions that these demands are reasonable and should be considered.

Babu Ramnarayan Singh: I want to know those demands.

Sardar Hukam Singh: Yes, Sir. I can tell you.

Mr. Speaker: He may know those demands from him later on.

Shri Gopikrishna Vijayavargiya (Madhya Bharat): It is not high time that these minority questions should be given up?

Mr. Speaker: Let him proceed.

Sardar Hukam Singh: Thirdly, Sir, the reason that brought about this untoward arrest of Master Tara Singh is, I believe, the undecisive and wavering attitude of the District Magistrate during those fifteen days when he was corresponding or negotiating with the organisers of this Conference. I can tell you, Sir, that the letter that he wrote on 17th of January and 9th of February stated therein clearly that there would be no objection to a meeting of their committee if it was held in Delhi. Later on it was demanded on the 19th in a letter written on 18th February but delivered on the 19th at 6 A.M. that permission would be necessary to hold a meeting and for granting permission time, date and place would be required. Before the letter asking for this information was received, a complaint had already appeared in the *Hindustan Times* of that day that the organisers had not intimated, that they had not replied to that letter. The letter asking for information was delivered later but the complaint was published earlier. Then even, for that committee meeting permission was applied for and then it was another letter came saying that permission for Gurdwara Rikabganj could not be given but if another venue was chosen, permission would be given. The Sikhs were prepared to go to that extent as well and they decided to hold it in another place. They were running after the Deputy Commissioner, but before that, he had precipitated matters by the arrest of Master Tara Singh. My submission is that if in the very beginning it had been made clear that permission could not be granted in Delhi even for the holding of this meeting, then certainly matters would not have come to this pass, as they have done.

Then again, my second point is that the letter of the Deputy Commissioner dated 9th February raised certain apprehensions (and there is still even) in the minds of the Sikhs, as to their rights to hold meetings in a Gurdwara, because the letter said:

"Government are surprised that it should be the intention now to hold the Conference in a Gurdwara."

Secondly, it said:

"We would be prepared to permit a purely religious *Divan* to be held in a Gurdwara."

Now I am trying to submit that the Sikhs consider that so far as purely religious *diwans* are concerned, the Government should not have that discretion and it has never exercised it so far. It is purely for the community. If they want to hold a purely religious *diwan* then certainly it should not be within the discretion of the District Magistrate to say that he would be prepared to permit it. That means that he assumes that he has the discretion to permit or not to permit even a purely religious gathering of the

[Sardar Hukam Singh]

Sikhs in a Gurdwara. I might submit at this moment, that the order that has banned all these meetings—the assembly of five or more persons—does not exempt even the morning prayers. It says all assemblies of five or more persons. We have certain processions which are more or less religious ceremonies: but there are no exceptions made, not even with regard to the morning daily prayer.

Shri Mahavir Tyagi: This is also a ceremony!

Mr. Speaker: Order, order. Let there be no interference.

Sardar Hukam Singh: I do not care if the honourable Member says that it is also a ceremony. To my mind a ceremony is a different thing. What is political and what is purely religious are mingled together and this has brought about the trouble on the 2nd March in Amritsar. There was a certain congregation there. They said they were going to offer prayers for the good health of Master Tara Singh and his early release. The ministers of the Gurdwara said they would not allow it, so there was a clash and trouble. So it is difficult to say whether offering prayers for a certain thing is religious or political. I can assure the honourable Members who are interfering that our *Netas*, who occupy the highest position in the country nowadays, have always been using these Gurdwaras for public meetings, for Congress programmes, for political discussions. Even the revered Mahatma Gandhi did use those Gurdwaras. When during the days of 1942 there was no other platform Dr. Kitchlew used to go there.

Mr. Speaker: Order, order. I think there will be no end to this discussion. The honourable Member has already exceeded his time by three minutes.

Sardar Hukam Singh: My submission is that the Sikhs feel an apprehension that even their legitimate rights of religious liberty have been interfered with in this way. It had been given out at first that religious *Diwans* would be allowed but ultimately that was banned and before anything could be done the matter was precipitated by the arrest of Master Tara Singh, and things could not be brought to a desirable conclusion.

Shri Deshbandhu Gupta: Is it a fact that the representative of the Sikhs gave an undertaking to the Chief Commissioner and the Chief Commissioner had made it perfectly clear to them that there would be no interference so far as religious ceremonies and *diwans* were concerned?

Sardar Hukam Singh: I have all the correspondence if he wants to see it.

Mr. Speaker: Order, order. Let there be no discussion.

Pandit Mukut Bihari Lal Bhargava (Ajmer-Merwara): This morning we had a very lucid statement of the achievements of the Home Ministry. If we keep in mind the history of the past fifteen months, no one can help paying the highest tribute to the great achievement of this Department under the leadership of the veteran, Sardar Sahab. In fact, Sir, the structure of the Services has been reorganized and the Administrative Civil service and the Secretariat services have been remodelled on a very good design, after it had undergone the strain of the transfer of powers as also the strain of partition. This was in itself a great achievement. That will go down in history as a bulwark that maintained the National Government. Without an efficient administrative service, no Government can stand.

The other achievement, and in no way less glorious, is the way in which the period of civil disturbances, of unprecedented character in the history of this country has been successfully tided over, consequent on migration and influx of refugees and mass communal disturbances on a very large scale.

Now, Sir, coupled with this there was a threat to disrupt and disintegrate the political unity of this country, inasmuch as no less than 562 States were let loose as the forces of disruption, and it was the unique statesmanship of the veteran Sardar Sahab that brought about the political unity of the country.

Now, Sir, these are the greatest achievements of this leader which will go down in history and which is unparalleled in the annals of the world.

With regard to administration of centrally administered areas, my friend, Shri Deshbandhu Gupta, has already drawn the attention of the honourable Minister. In fact, Sir, the problem of these centrally administered areas is comparatively of such small importance to the Government as compared with problems of all-India wide importance, that they have not received due attention yet. Grievances have been ventilated from the platform of the Assembly as also from the platform of political conferences and Provincial Congress Committees held from time to time in these areas, requesting for the establishment of a responsible Government in these areas almost on democratic lines. But for one or other reason this has not been possible so far. It must be admitted that the regime that prevails today is of an autocratic and bureaucratic type and it does not differ in character much from the administrative machinery that existed in these areas during the British period. They are the conclaves of bureaucratic regimes and the advisory councils that were introduced in these areas for the first time on the advent of the Interim Coalition National Government has outlived the utility for which they were established. In fact, Sir, every criticism that has been levelled against the character of these advisory councils by my friend, Mr. Deshbandhu Gupta, has full and wholehearted support from me. In fact, Sir, the time has come when these advisory councils may either be ended or mended on democratic lines, otherwise there is no use in keeping them in the present form.

So far as Ajmer is concerned, in the booklet that has been circulated by the Ministry of Home Affairs, we find that the merger of Ajmer and Coorg and Panth Piploda is under consideration of the Government of India. I would like to place before the House and the honourable Minister the views of the people of Ajmer in this concern.

In the year 1947 as also in the year 1948, there have been a number of political conferences where this demand of the people of Ajmer-Merwara has been repeated in unequivocal and unambiguous terms that Ajmer is linguistically, culturally, geographically, historically and strategically a part of the province of Rajasthan. As such when the question of the formation of Rajasthan comes into the picture Ajmer should have its due place therein. I am not unaware of the great difficulties that stand in the path of the Ministry but all the same the question has to be tackled and it has to be considered as to what is the proper stage at which this question of merger is to be taken into consideration. So far as the pamphlet circulated by the Ministry is concerned it is already said that the matter of merger is under the consideration of the Ministry. Ajmer-Merwara admittedly is not a viable unit and its permanent exclusion from Rajasthan is an impossibility. The question arises as to what is the proper stage for the consideration. So far as the people of Ajmer are concerned, so far as the Provincial Congress Committee is concerned, so far as the successive political conferences held at three different places (Ajmer, Mhow and Beawar) are concerned, it is the definite view of the people that the question of merger of Ajmer should be taken in hand simultaneously with the formation and announcement of the

1476 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [17TH MARCH 1949]

[Pandit Mukat Bihari Lal Bhargava]

Bigger Rajasthan, which we welcome and which is due to come into existence within a very short period. As I have tried to point out, if the question of the merger of Ajmer is not taken simultaneously with the inauguration of the Bigger Rajasthan the people of Ajmer will have no voice in the shaping of Rajasthan which is yet in the making. It is but just that from the beginning and commencement Ajmer should have its due share.

As regards Ajmer I might also be allowed to make another reference. Its geographical position in the heart of Rajputana can hardly be disputed. Col. Todd, the great and celebrated historian of Rajput History, has characterised Ajmer as 'the political key to Rajasthan'. It is strategically and geographically the heart of Rajasthan. If the Bigger Rajasthan is the heart of political India, as has been described by the honourable Minister in Jodhpur, in all humility may I point out that Ajmer is also the heart of Rajasthan. During the whole course of 2,000 years history, during the time of the Chauhans, during the period of the Pathans, during the period of the Moghuls and the Marathas as also during the British period Ajmer has been the pivot round which the entire political events in the surrounding states of Rajasthan have revolved. It has been the centre all through the course of history. I am confident that the case of Ajmer will have full justice at the hands of our veteran leader, Sardar Patel.

Shri V. C. Kesava Rao (Madras: General): Sir, I rise to congratulate the honourable the Deputy Prime Minister for his successful running of the Home Ministry during the period under review. His handling of the problem of R.S.S. satyagraha, the Akali agitation as also the Communist menace is really commendable. I want to point out only two things and they relate to corruption and bribery and the reorganisation of the Central Secretariat.

As regards corruption and black-marketing I want to say that during the last financial year there were 476 registered cases and out of them only 62 cases were disposed of. I find that the police is not doing their work properly. The public is not helping the Government in detecting cases of black-marketing and corruption. I would suggest that the Government should adopt the practice that is followed in the Customs Department. The person who gives information as regards black-marketing or corruption should be given a share in the fine collected from the convicted person. I think that if this system is followed many cases will be detected and it will help the police and the Government to a certain extent to curb black-marketing and corruption.

Another point I would submit is that the Central Secretariat Reorganisation is being done very slowly. The honourable the Deputy Prime Minister has stated in his speech that they are going to reorganise the whole secretariat within two or three months. I think this question has been before the Assembly for the last two years or more. During the war new posts were created to a large extent. In 1939 there were 10 secretaries and in 1949 there are 27: there were 10 Joint Secretaries in 1939 and 49 in 1949: as regards Deputy Secretaries the figure rose from 19 to 90 and as regards Assistant and Under Secretaries it has gone up from 40 to 248. I do not understand why there is this delay in organising the secretariat or even in reducing the strength of the secretariat. When the country was divided we filled up the vacancies created by the partition. When the country has been divided I do not know where is the need to fill up the gaps created by the people who opted to Pakistan. The Reorganisation Committee should complete its work as early as possible. Of course the honourable the Deputy Prime Minister has stated that there is a shortage of man power but this shortage will not be made good by increasing the number of officers in the secretariat. I do not think that by increasing these officers in the secretariat and by paying them more than what the Pay Commission has recommended it will help our reorganisation work.

As regards retrenchment I must say that the victims have been only the men from the scheduled castes. I have got a list and out of 150 who were given notice of retrenchment from the Central P.W.D., thirty are from the scheduled castes. I am glad that the Deputy Prime Minister has been helping the scheduled castes, who are backward in almost all respects, in getting them appointments and in throwing open to them every kind of appointment. There is something wrong in the machinery.

As regards recruitment I am sorry the figures are very poor with regard to the I.A.S., I.P.S. and other services. I am sorry that the Special Recruitment Board has not been able to select even a single candidate from this unfortunate backward community. I earnestly request the honourable the Deputy Prime Minister to give special attention to the problem of helping the Scheduled Castes who have throughout been at the back of the Congress and who have been contributing their mite in getting independence.

As regards efficiency in the Secretariat I want to say something. Every Ministry has got a Standing Committee. But the Standing Committee is not given any work. The members are not trusted, nor is any scope given to them to help the Ministries. The Standing Committees meet only once or twice in the year. If the Standing Committees are given a hand in the administration, in shaping the policy of Government, I think they will be able to help the Government and they will be able to help the Ministers who are overburdened with their Department's work and with the more important problems of the day. I find that in the Secretariat they are going to create new grades, that is, Assistant Superintendents. I do not see why these new grades are created and in what way these will help the country. On the one side they are going to abolish the grade of Assistant Secretaries and on the other they are going to create a grade of Assistant Superintendents. I think by reducing the strength of officers and by increasing the strength of the Assistants and clerks the Secretariat will become more efficient than it is now.

मास्टर नन्दलाल: सभापतिजी, होम मिनिस्ट्री एक ऐसी मिनिस्ट्री है कि जिसके गिर्द तमाम मिनिस्ट्रिया घूमती हैं। यही एक मिनिस्ट्री है कि जिसके हाथ में हिन्दुस्तान की ताकत है। मैं समझता हूँ कि जिस तरह से हमारे प्राइम मिनिस्टर ने इंटरनेशनल मामलात के अन्दर जो कार्रवाई की उससे हिन्दुस्तान का दर्जा दुनिया के सामने बढ़ा उसी तरह हमारे डिप्टी प्राइम मिनिस्टर ने इंटरनल एडमिनिस्ट्रेशन में जिस खूबी से काम किया उस खूबी ने हिन्दुस्तान का दर्जा दूसरे मुल्कों की निगाह में बढ़ाया है। दुनिया का कोई आदमी यह गैस भी नहीं कर सकता था कि जिन सैकड़ों रियासतों को अंग्रेज हिन्दुस्तान के अन्दर छोड़ गये वह इस तरह चन्द महीनों के अन्दर ठीक हो जावेंगी। आपने उनको चन्द महीनों के अन्दर साफ़ कर दिया। वह हमारे लिये खुशकिस्मती है यह कोई खुशामद की बात नहीं है बल्कि सच्ची बात है कि जो लोग कांग्रेस के नेताओं को जानते हैं वह यह मानते हैं कि हिन्दुस्तान में इंडियन नेशनल कांग्रेस के पास इन जैसा और कोई नेता न अभी है और न आसन्दा कभी मिलेगा।

[मास्टर नन्दलाल]

लेकिन इन तमाम कार्यवाहियों के बावजूद और प्राइम मिनिस्टर ने जो कुछ किया उसके बावजूद अवाम के अन्दर बेचैनी है और उनको मैं यह कहते हुए सुन चुका हूँ कि आप राम राज्य को बनाने में ना कामयाब रहे हैं। बल्कि यहां तक कहते हुए सुना है कि 'The present government is British government plus corruption minus efficiency and discipline' में इस चीज को नहीं मानता लेकिन मैं यह सुनता आया हूँ। यह अवाम का ख्याल है। सन् १९२१ में भी हमने यह सुना था जब गांधी जी ने लोगों के सामने यह रखा कि एक साल के अन्दर मैं हिन्दुस्तान को स्वतंत्रता ले दूंगा अगर हिन्दुस्तान यह यह काम करे। लेकिन जनता ने काम तो किया नहीं और सन् १९२२ में यह कह दिया कि गांधी जी नाकामयाब रहे। आज भी यही हाल है कि जब हमने जनता से यह कहा कि यह जनताराज है तो जनता तो यह समझने लग गई है कि अब वह आजाद है, वह जो चाहें करें। इसी तरह अगर कोई आदमी मुलाजिमत में पड़ा हुआ है तो वह अपने आपको आजाद समझने लग गया है। अवाम का हर एक बच्चा अपने को आजाद समझने लग गया है और यह भूल गया कि उसकी भी कोई जिम्मेदारी है। ऐसी हालत में अगर तमाम अवाम में डीमारेलाइजेशन हो जाय और नेशन की नेशन डीमारेलाइज्ड हो जाय तो मैं नहीं समझता कि गवर्नमेंट क्या कर सकती है। लेकिन इसके बावजूद भी, सभापति जी, आज हमारे डिप्टी प्राइम मिनिस्टर ने अपनी तकरीर में यह इशारा किया कि कांग्रेसमैन भी अपने अन्दर देखें कि उनके अन्दर भी कोई चीज है, क्या उनके अन्दर भी वही चीज मौजूद है जिसके सहारे उन्होंने देश को आजादी दिलाई थी या वह उस से नीचे गिर गये हैं तो मुझे शर्म आती है। मैं समझता हूँ कि अवाम का कसूर नहीं है। अवाम तो जैसे लगाया जाय लग सकता है। लेकिन यही कांग्रेस की एक जमाअत थी जिसने अवाम का मारेला बढ़ाया था। लेकिन इसी एक जमाअत में कुछ अशखास सारे के सारे तो मैं नहीं कहता क्यों कि अभी भी उसमें काम करने वालों की तादाद बहुत ज्यादा है लेकिन कुछ अशखास ने अपने अमल को इस जमाअत के हिसाब से गिरा दिया और इसी वजह से हमें जयपुर सेशन के अन्दर रिजोल्यूशन पास करना पड़ा। मैं अपने सरदार साहब की तवज्जह उस रिजोल्यूशन की तरफ़ दिलाऊंगा जो कि वरकिंग कमेटी की तरफ़ से आया था। उसमें एम० एल० एज० का जिक्र था लेकिन उसमें एक तरमीम कर दी गई कि कैबिनेट का भी उसमें नाम रखा जाय। कुछ बहस के बाद वह अमेंडमेंट हट गयी लेकिन यह चीज क्या जाहिर करती है कि एम० एल० एज० में भी डीमारेलाइजेशन पैदा हो गया और कुछ कुछ कैबिनेट में भी यह पैदा हुआ। हम लोग डीमारेला हो गये। लेकिन इसकी जिम्मेदारी किस के सिर पर है?

अगर माफ़ किया जाय तो मैं तो यही कहूंगा कि इसकी जिम्मेदारी सिर्फ़ सरदार पटेल के सिर पर है और किसी पर नहीं। मैं यह समझता हूँ कि हिन्दुस्तान के अन्दर एक यह ही शक्ति ऐसा है जो हिन्दुस्तान की क़िस्ती को पार कर सकता है, जो हिन्दुस्तान के अन्दर ला एण्ड आर्डर कायम कर सकता है। हम लोग तो बच्चे हैं। अगर मां बाप बच्चों के सिर से तवज्जह हटा लें तो बच्चे तो खराब हो जाया ही करते हैं। सन् १९३६ में जब आप ने हुकूमतें संभालीं थीं तो आपके हाथ में उनकी लगाम थी। उस वक़्त हुकूमतें खराब नहीं हुई, उस वक़्त एम० एल० एज० खराब नहीं हुए, कैबिनेटें खराब नहीं हुई। उस वक़्त हाल यह था कि जिस कैबिनेट के मिनिस्टर ने थोड़ी भी ग़लती की तो आप ने उसको निकाल दिया। तो मैं समझता हूँ कि अगर आप थोड़ी सी तवज्जह स्टेड्स से हटा कर इस काम में लगावें और थोड़ा वक़्त इस तरफ़ दें तो आप इसको अब भी ठीक कर सकते हैं। इस काम को सिर्फ़ आप ही कर सकते हैं और दूसरा कोई नहीं कर सकता।

इसके अलावा दूसरा ऐतराज़ मेरा यह है जैसा कि आपने भी कहा था कि यह मशीनरी हमें बरासत में मिली है अंग्रेज़ से। गांधी जी ने जिस निराले हथियार से हिन्दुस्तान को आजाद कराया वह दुनिया के सामने निराले क़िस्म का स्वराज्य पेश करना चाहते थे और वह था रामराज्य। वह रामराज्य के लिये जीना चाहते थे और यहां रामराज्य कायम करना चाहते थे। तो क्या आप समझते हैं कि अंग्रेज़ों की दी हुई मशीनरी से हम रामराज्य कायम कर सकते हैं? क्या आप यह उम्मीद कर सकते हैं कि रामराज्य इस तरह से पैदा हो सकता है? क्या आप यह उम्मीद करते हैं कि जिस तरह से यह डिमाक्रेसी काम कर रही है उससे रामराज्य पैदा होगा? अगर रामराज्य पैदा हो सकता है तो वह इखलाक के आधार पर पैदा हो सकता है। हमारे राष्ट्र का बाप हमें बतला गया है कि अगर रामराज्य पैदा हो सकता है तो वह करेक्टर पर हो सकता है। यह डिमाक्रेसी मैटीरीलज़म पर चलती है। गांधीइज़म हमको इखलाक सिखलाता है, प्रेम सिखलाता है, दुनिया के साथ मोहब्बत करना सिखलाता है। तो आप इस कांग्रेस के तरीके पर चलने से हिन्दुस्तान में रामराज्य कायम कर सकते हैं, न कि इस डिमाक्रेसी के तरीके पर चलने से। हमें यकीन है कि महात्मा गांधी के जो पैरो हैं और उनके तरीकों पर चलने वाले लीडर हैं वह इस तर्ज़ हुकूमत को बदलेंगे। यहां इस हुकूमत में इन्सानों को बदलने की ज़रूरत नहीं। आदमी तो काम करने वाले हैं, जैसे आप चाहेंगे वैसे करेंगे लेकिन तर्ज़ हुकूमत को बदलने की बहुत ज़रूरत है।

(English translation of the above speech)

Master Nand Lal (East Punjab: General): Sir, the Home Ministry is such a Ministry round which revolve all the other ministries. This is the only Ministry that has the entire power of India in its hands. I think that as the honourable the Prime Minister has by his exploits in the international matters enhanced the prestige of India in the eyes of the world, in the same way our Deputy Prime Minister so nicely handled the internal administration, that this excellence of administration has also raised the prestige and status of India in the eyes of the other countries. No one could even think that the problems of the hundreds of States, which the British left in India, would be solved in a few months time. You have squared them up within a few months. It is to our good fortune. It is not flattery. The reality is that the people, who know the Congress leaders, realise that in India the Indian National Congress has no other leader like him nor will there be in future.

But in spite of these things and in spite of all that the honourable the Prime Minister did, a great deal of restlessness pervades in the public and I have heard the people saying that you have failed to establish Ram Rajya. But I have heard them saying even so much that, "The present Government is British Government plus corruption minus efficiency and discipline." I do not agree with this view, but I have heard it said very often. This is the opinion of the public. We heard this very opinion in 1921 when Gandhiji made a promise to the people that he would get for them independence within a year provided India was to follow a certain line of action. But the Public did not indeed follow his line of action and in 1922 proclaimed that Gandhiji has failed. Today the condition is the same. When we told the public that this is a people's Government the people have begun to think that they are quite free to do anything. They may do whatever they like. In the same way those in service also have begun to think themselves free. Every child in the public has begun to think himself free and has completely forgotten that he also has some responsibilities. In these circumstances if demoralization sets in the public and if the Nation as a whole becomes demoralized, I do not think what the Government can do. But in spite of all this, Mr. Speaker Sir, our Honourable the Deputy Prime Minister dropped a hint in his speech today that the Congressmen should also introspect and see whether they have any virtues in them; do they still have the same enthusiasm by which they secured the independence of the country or have they gone down; if so I will feel ashamed. I think that the public is not at fault. The public can be led as desired. But it was only this organisation of Congress that had raised the morale of the public. But certain person in this organisation, I do not say all because there are still a large number of sincere workers in this organisation, but at least some persons have degraded their conduct below the standards of the organisation and for this reason only we had to pass a resolution in the Jaipur Session of the Congress I will draw the attention of our Sardar Sahib towards the resolution that had come from the Working Committee. The resolution referred to the M.L.A.'s but it was so amended as to include the name of the Cabinet also. After some discussion the amendment was rejected, but what this shows is that demoralization has set in the M.L.A.'s, and to some extent in the Cabinet also. We have become demoralized. But who is responsible for this? I may be pardoned, I would say that the responsibility lies entirely upon the head of Sardar Patel and on no one else. I know that he is the only person in the whole of India who can deliver the goods in India and can establish law and order in India. We are but babes. If the parents do take their attention off their children then the children indeed become bad. When you took up the reins of the Government in 1936 then you had them completely under your control. At that time the Governments did

not go wrong; the M.L.A.'s did not become corrupt, the Cabinets did not get spoiled. At that time whichever Minister committed some fault you removed him. I, therefore, think that if you were to shift your attention from the States for the time being and devote some of your time to this problem then you can still set it right. You and only you can do this work and no one else can do it.

As the honourable Minister also observed my second point is that this machinery has been inherited by us from the British. Gandhiji liberated India and used a novel weapon. He wanted to present to the world a new type of *Swarajya* and that was Ram Rajya. He wished to live for this Ram Rajya and wanted to establish here Ram Rajya. Do you think that we can establish Ram Rajya with the help of the machinery handed down by the British? Can you hope that Ram Rajya can be created in this way? Do you hope that Ram Rajya will be established in the manner in which this democracy is working? If Ram Rajya can be established it can only be established on the basis of morality and ethics. The father of the Nation has pointed out to us that if Ram Rajya can be established it can be established only by force of character. This Democracy works on materialism. Gandhism teaches us morality and love and teaches us to love the world. Then by following these ideals of the Congress you can establish Ram Rajya in India, and not in the way this democracy is working. I am confident that the devotees of Mahatma Gandhi and the leaders who follow the Gandhian ideology will change this form of Government. Here in this Government it is not necessary to change the personnel. The persons are indeed sincere workers, they will do as you would ask them to do, but it is very necessary to change the form of the Government.

The Honourable Sardar Vallabhbhai Patel: Sir, I have heard several interesting speeches that have been made, the last of which was most important because the honourable gentleman attributes to me perhaps powers of which I have not ever dreamed—of possessing, powers of infinite capacity for taking decisions and controlling the machinery not only of the Congress, of the Government, but also of the fate of millions of people in this country.

I do not know whether he had got a vision or not, but I shall still think that his was more of a Congress platform speech than a speech in the Assembly.

I do feel that people should not assume that every virtue is confined to the particular kind of uniform that one puts on. Many vices are covered under certain kinds of dress, but it is too much to assume that all virtues are covered if you put on *Khaddar* dress. Therefore, to say that the bureaucracy or the service that has been handed over to us by the past Administration, because it does not put on a certain kind of dress must be full of evils, is a thing which has ruined this country and is going to ruin the country if we do not understand our limitations and our responsibilities. After all, we are not following the principles that Gandhiji laid down when we attribute all virtues to a particular kind of dress—in fact, it has been becoming a caste, and I must protest very strongly against Congressmen attributing all vices to people who do not adorn or imitate the dress that we, for certain reasons which we considered to be the best, have adopted.

I think it has been a habit amongst certain people unthinkingly to attribute all evils to the service. I assure you, unless you change that mentality you are not going to serve the country. Of course there are evil-minded people among the services as well as amongst us, but to condemn all because we have got a service from the foreign power which left it behind, and say that you cannot do anything unless you change this service—that idea

[Sardar Vallabhbhai Patel]

is a thing which I cannot understand. As a responsible man sitting in this office, I advise young men who want to serve the country to open their mouth less wide and less often than I myself did for many many years before I learnt to open my mouth; and even now I do not know it really—when I want to speak, I tremble because I am afraid of making a slip. Any word that I would use would have considerable influence outside. Therefore, I rarely speak. But young men think that service is confined to using a platform and in oratory. That is not true. Service has no platform to defend. You must remember that our service people are not allowed to speak but many of them are worth their weight in gold and but for their service we would not have been able to achieve what we have achieved. We can achieve much more. I tell you, if we encourage them to do their duty, but if everyone who thinks himself important comes and has a dig at the service, take it from me that you cannot take work from the service. Let us have criticism, but let it be balanced criticism, criticism which would apply as well to us as to them. Therefore once again I make a plea before this House. Let the service people be criticised outside; on the floor of this House let the criticism be restrained and let it be helpful criticism. If you have any individual officer against whom you have a complaint, by all means send it to me and I will not fail to do justice in the matter. If my attention is drawn to any incident in the service anywhere, in the question of employment, promotion or favour or disfavour, you have simply to draw my attention and I assure you will not find me wanting. But I appeal to you: many of you have come in this House for the first time. Perhaps next election will give you no opportunity of coming in this House. Therefore do not enter into a competition of speech-making with the elder people who have passed many years of experience as to how to speak, when to speak and what to speak.

Now, on the question of my taking the responsibility for the Congress. The honourable gentleman thinks I can correct the Congress, and therefore it is my fault. I tell him that I am now 74 years and if the Congress entirely depends upon me that Congress is worth nothing. But I do not believe that Congress depends upon any single individual. It has many young men of ambition and strength who can even find fault with me. The Congress has a bright and good future and it has inherent strength. Let us look to ourselves and to our own shortcomings.

The first speaker who spoke was the honourable gentleman from Delhi. He has often spoken to me about the condition of Delhi, particularly the constitutional position of Delhi. Now, all of you will agree that Delhi has passed through very bad times. No city has suffered during recent years as much as Delhi. There has been a shift of population unheard of, and there are many newcomers in this City who have left their everything behind. They have either come from the Punjab or from Baluchistan, Frontier, Sind or from many other places. Some of them are full of anger, some of them have no roof, have nothing to look to. Now the population has already been doubled. It is difficult for me to conceive of a constitutional change that would fit in with the conditions of this City at the present. The only thing that I have to look to so far as Delhi is concerned is that it does not lose its reputation as the Capital City of India. Therefore it must conform to the standards of capital cities. I am afraid it is far behind at present because of this upheaval. Delhi's sanitation is abominable, is getting worse. Delhi's condition of a peaceful city is maintained to a certain extent, but occasionally we hear of theft, robbery or a dacoity which disturbs it. You heard only the other day of a lady going in a tonga whose purse was snatched

by people who were arrested from Rothak. I heard that a gang of people who were employees in the Secretariat—because they were refugees, they were employed—raided the Supply Department, pointed a revolver at the treasury clerk and took away some lakhs of rupees.

This is the condition in which Delhi is, and if you ask me to have a constitutional set up under which Delhi will have a normal constitution, I find it difficult, really. Therefore, have patience. I advise you to keep a little more patient, till the Constituent Assembly is able to deal with this question. It is not far now when the Constituent Assembly will finalise its job.

You will remember that I introduced this Advisory Council, after my coming here. Before that there was nothing. I introduced the Advisory Council for Delhi and Ajmer, for both cities practically go side by side. One is a capital city and the other harbours the ambition of being the capital city of Rajasthan. Whether that is possible or not, I do not know. But I do know this that capital cities have capital responsibilities, and their citizens also have capital responsibilities. The citizens of Delhi at present need much training about their responsibilities. You see stalls growing up everywhere in Delhi. You never saw stalls on foot-paths in New Delhi. You never had flies moving about over you. New Delhi is fast becoming uninhabitable. But the Refugee Minister, if he wants to remove any stall-keeper will have a crowd of people at his door; if he does not listen, then they will go to the Prime Minister, or to the Deputy Prime Minister or to some other Minister. The police are in a fix, between the devil and the deep sea. If they want to help the Refugee Minister, they will come into trouble. It is not an easy situation. And Delhi, you see, has a double advantage so far as the legislatures are concerned, I mean as far as the representatives of Delhi in this House are concerned. They can represent the province in all matters and they can represent the Central Government also. They have got a double advantage. People of no other part of the country have such a double capacity as these gentlemen have.

Now, the only place in India where you may say there is Ram Raj is Coorg, where there is no complaint, nothing. Even if there is no constitution, they do not complain. Their Commissioner retires practically with death. Even after his death, they do not complain. Some retired officer from Madras is made the Commissioner there and he lives there and as long as he lives he is the Commissioner. There is no theft, there is no robbery, no crime. They drink merrily and are happy. My friend Mr. Modi, I think, would like to go and live there.

Now, so far as Delhi is concerned, I can ask the Commissioner to hold more meetings, and give more weight to the advice given by the Advisory Committee. But I would advise the Advisory Committee not to waste their time on their allowances and things of that kind.

Shri Deshbandhu Gupta: It has never done so.

The Honourable Sardar Vallabhbhai Patel: Along with Delhi goes the question of Ajmer, and my friend Pandit Mukut Bihari Lal who is the sole representative of Ajmer says several Congress Committees have passed resolutions for the merger of Ajmer into Rajasthan. Now, Congress Committees were never expected, after so long a period of struggle for liberty, to learn the lesson of going under Indian Princes, after attaining liberty, and to merge free areas of the country into their territories. This seems to be a new lesson they have learnt after so much sacrifice. But I feel hesitation in persuading

[Sardar Vallabhbhai Patel]

the Government of India to accept that position. Therefore, I have to say, for God's sake, wait a little. Let me see how Rajasthan and the new set-up there which is called Greater Rajasthan, and its machine, function. I have to say so, because it is not an easy thing. Greater Rajasthan is unknown in the history of India. We have seen bits of Rajasthan all over in history, but this kind of Rajasthan is a new experiment. It imposes a heavy responsibility on those who put their hand to it, and the people and the princes will watch with considerable anxiety how that machine functions, and how the people who will get power will discharge their heavy responsibilities. If you are interested, you can see some of the Rajasthan papers. They have already begun to attack me, and to dub me as a fascist, because I do not listen to them as easily as they expect. They expect that a particular place should be the capital, they expect that a certain city should be inside Rajasthan. They expect me to agree to what they say; otherwise I am either a fascist or I do not know what word they would coin for me. But Rajasthan you must agree—and not only Rajasthan, but many States,—had no democratic set-up before and had no experience. Many of our young friends ask, "What are the Provinces doing, and what are we doing at the Centre?" Many such ideas come into their heads. They think they have nothing to learn and everything to teach. But those who take on heavy responsibilities have much to think and much to consider before they can consider merger of free areas. Therefore, I would advise Mr. Mukut Bihari Lal and his friends to wait and see, and also help us in seeing that the machinery of Rajasthan functions effectively and for the interest of the people of Rajasthan, so that, then we can put in Ajmer or even any other area he wishes to be put in. My idea is to carve out as few provinces or units as possible and amalgamate as much of India as possible with neighbouring areas so that the whole of India may in future, for centuries to come, be a strong and powerful country in the world.

Now, the other question referred to was by my friend Pandit Kunzru. He has complained about discriminative treatment between the Communists and the R.S.S. I would assure him that it is not for the love or the hatred of either of the one or the two that we have made any discrimination. It is not easy for us to disclose in matters of law and order and to lay down our cards on the table, as to what we shall do in the future and why we have adopted a particular course in a particular case. I can tell him this, that I dislike the policy of the R.S.S. much more in once sense, that they should pervert the mind of immature youths. If only you can, help me in this—in persuading R.S.S. leaders not to commit this mistake of persuading the children of tender age to disown their own parents. When children are arrested for making ugly demonstrations, and the parents come and stand security, the children say, "They are not our parents". Is that the way Indian culture is to be taught to the rising generation? Therefore, I feel considerable sympathy for the young men whom I have to arrest at that tender age, and I try my best to persuade them.

But some how or other the secret pledges that they take or they are made to take, come in the way of these people and they refuse to listen.

Now, so far as the Communists are concerned, I do not know whether my honourable friend is aware or not, but that organization is already declared illegal in Bengal for a long time now. (Pandit Hriday Nath Kunzru: 'Yes, I know it.') When the Prime Minister said that our policy is as far as possible to make individual arrests, it is not particularly with Communists alone; if our purpose can be served by individual arrests, we do not touch the organization,

but if the organizations make it impossible for us to deal with them individually, then we are forced to take action. So far as the Communists are concerned, we feel that for the present we are able to deal with them by individual arrests and, therefore, we will not touch their organization, if we think it unnecessary. But if I feel it will be necessary, we will have no hesitation in declaring the whole organization illegal. Trust to our discretion; but do not think that we have a soft corner for them and we are hard on the R.S.S. people. To me Indians of any party or any organization are equal, so far as the machinery of law and order is concerned, it will function uniformly with the same respect, with the same regard, with the same fairness. Whenever I have to use this machine, I remember that I was in jail for ten years and the Prime Minister also has been in jail for many years. We know what it is. We know what we feel within the walls in spite of the facilities that we had. Therefore, when we put people in jail, we pass sleepless nights, but when we see that keeping them out will jeopardise the security and the safety of our country and there is a danger of losing what we have gained by immense sacrifice, then we have no other way left. Even now after putting them in jail, I am putting my best efforts to get them out of jail, if I can persuade them.

Another point that he has raised is about the *Raksha Dhal* in the U. P. Our friend Mr. Saksena has explained the objectives of the *Raksha Dhal*. Government does not allow any private army to function in this country, but so far as the Provincial Governments are concerned, they have openly and with the concurrence guidance and advice and perhaps with the help of the Centre started what is called the Home Guards, in other words called the *Pranthia Raksha Dhal* and by whatever name you call it. It is admitted on all hands and by those who have seen it that it is a very useful thing and it perhaps saves young people from going astray. They are being trained to be of help, of social service to the people in the villages in time of stress, in time of floods, famine, epidemic, distress or other accidents as well as of saving the people against attacks from robbers, dacoits and other people. The object is laudable and if there are defects, it is, of course, up to us to point out to the Provincial Governments the defects that may be remedied, but if the institution is good then it is worth encouraging. It is not in one province, but in several provinces that these Home Guard institutions have been started. It is in C. P., in Bombay and other places also, but if my honourable friend will point out that there is any danger in it, we shall certainly consider and see that no dangers come from such organizations that have been brought up by us.

Then there is another point which he raised and that is about the Central Intelligence Bureau. So far as this Department is concerned, I wish to inform the House that its functions are not of taking the responsibility over investigation. Its functions are simply to gather all possible intelligence or information. The Central Government get a lot of information from all over the country, in the States and even from outside and in the formation of its policy regarding law and order, it gets considerable help from the Central intelligence. It supplies information also to the Provinces in order that they may be warned or be kept prepared; they have got their own intelligence also. We co-operate with the provinces and the provinces co-operate with us and we have a co-ordinated policy. The head of the Central Intelligence went to England this year for about 3 or 4 weeks and he had his experience there; he got his information from there, whatever he wants to do. It is our idea to send him to America also, but I do not think it is advisable to send people at the lower level to outside countries. Therefore, unless we expand the functions of the present Intelligence Department, we must at present be content with the present situation. The Intelligence Department was a

[Sardar Vallabhbhai Patel]

closed chapter so far as Indians were concerned. Even when I took charge, not only my own past record, but the records of every Congressman were destroyed, before I took office. I wanted to see my own picture of what they thought of me, but I could not find it. So also their own actions in the past as to how they managed secret things, they would not allow us to see, and particularly the Political Department of the Government of India, we cannot find its very existence in our records. It functioned for so many years over one third of India. Its very existence cannot be traced and there is no Political Department here. So we have to go on from a scratch, so far as the Intelligence Department is concerned, but you will be surprised to learn that our people when put to trial and given opportunities rise up to the highest level.

Now my honourable friend speaking about the question of the *Akalis* raised certain questions and attributed certain actions to the Commissioner or the Deputy Commissioner of Delhi. I can assure him that on not a single occasion he could take any action without consulting me and that I had not allowed any order to be passed by him except with my concurrence. When he wrote that letter, it was written under my direction and it was seen by me word for word. The *Akalis*, I must say, wanted to be too clever for us and they thought they were clever lawyers, but we with a little clever common-sense could not be deceived, and therefore, by the time Master Tara Singh came here in the train, at a certain distance, there was a complete proof of his determination to defy the order of not holding the Conference in Delhi. In the train itself, slogans were used and he was ordered to be arrested and that was also when the final order was taken from me. There was no scope left for us. So in all the correspondence where he finds any trickery, it was the trickery on the other side and in which we could not be taken in. Therefore, I would appeal to them that if they want to create trouble, let them give fair trouble; we will meet it.

But the use of Gurudwaras or religious places as a cloak for putting the Government in the wrong, we shall not allow. Therefore, my officers in Delhi in this matter are not to be blamed. I assure them that if any blame attaches to it, it must fall on me. They have not done anything without consulting me. In future also I will not allow them to do anything towards any organisation without consulting me. My shoulders must be broad enough to take the burden of any such action. It was not an easy action. To take Master Tara Singh and put him in jail is not a small thing because he is a life-long friend and comrade; he has made many sacrifices; he has suffered much; he is an acknowledged leader of a particular class of people who have suffered much and who are brave. But if I were to do the same thing that he did, I will pass the order for my own arrest. That is all. I would appeal to my friends the Sikhs and I would congratulate them for the restraint they have shown. I would congratulate my colleague who issued a statement giving the correct lead. Let there not be any impression in their minds that they will be able, by challenging the Government in any manner, to get his release. No man in jail under this Government will be able to get his release by challenging the authority of Government, because this is not a foreign Government. It has the will of the people behind it. I would not be worth my salt if I sit here with any hesitation in my mind about the public support behind me.

Now, Mr. Sen raised the question of prison reform. It is a good thing to do no doubt. I can assure him that those who have been in prison have greater experience of what prison life is than a man who has passed his life on the Judicial Bench can ever have. The conditions of the prisoners are never out of our minds. The House must be aware that in Bombay, the Government have taken an elaborate step in this matter. They are under-

taking prison reform on an extensive scale, on a revolutionary scale. The other Provinces have already appointed committees to enquire into his question. It is not as easy as it is supposed to be. Now Mr. Sen wants us to open a central school for training warders, jailers and other officers. Well, I have done much in this direction. It is a difficult thing. I have experience of a friend who was a jailer under whose charge I was. Once I asked him whether he knew all the prisoners and he said 'Yes'. What crime have they committed, I asked him. He said that they had committed the crime of being detected and added: "Well, we have not been detected. That is the only difference between the persons who are out and the persons who are in." So, even the jail officers will be out till they are detected. Once they are detected they will be in jail. That is the only difference. It is difficult to start schools of all kinds and all at the same time. So if we have patience we can see that everything is done in good time.

I think most of the points that have been raised have been disposed of by me. But if anything remains I will request honourable Members to write to me and I will explain.

Mr. Speaker: First I shall dispose of the cut motions. May I know what the intention of the honourable Mover is?

Pandit Hirday Nath Kunzru: With the permission of the House I would like to withdraw the first motion which relates to the policy followed by Government with regard to subversive organisations in the country. But I would like the other motion to be put to vote.

Mr. Speaker: Has the honourable Member leave of the House to withdraw his first cut motion relating to the policy of Government with regard to subversive organisations in the country?

Honourable Members: Yes.

The cut motion was, by leave of the Assembly withdrawn.

Mr. Speaker: The question is:

"That the demand under the head 'Ministry of Home Affairs' be reduced by Rs.100."

The motion was negatived.

Mr. Speaker: Now I will put the Demands to the vote of the House.

The question is:

"That a sum not exceeding Rs. 12,55,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Cabinet'."

The motion was adopted.

Mr. Speaker: The question is:

"That a sum not exceeding Rs. 54, 97,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March 1950, in respect of 'Ministry of Home Affairs'."

The motion was adopted.

Mr. Speaker: The question is:

"That a sum not exceeding Rs. 2,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March 1950, in respect of 'Jails and Convict Settlements'."

The motion was adopted.

Mr. Speaker: The question is:

"That a sum not exceeding Rs. 30,64,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Police'."

The motion was adopted.

Mr. Speaker: The question is:

"That a sum not exceeding Rs. 7,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Census'."

The motion was adopted.

Mr. Speaker: The question is:

"That a sum not exceeding Rs. 1,74,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Civil Defence'."

The motion was adopted.

Mr. Speaker: The question is:

"That a sum not exceeding Rs. 1,85,73,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Delhi'."

The motion was adopted.

Mr. Speaker: The question is:

"That a sum not exceeding Rs. 65,71,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ajmer-Merwara'."

The motion was adopted.

Mr. Speaker: The question is:

"That a sum not exceeding Rs. 30,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Panth Piploda'."

The motion was adopted.

Mr. Speaker: The question is:

"That a sum not exceeding Rs. 1,08,21,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Andaman and Nicobar Islands'."

The motion was adopted.

Mr. Speaker: Next I place before the House the Demands in respect of the Ministry of States:

DEMAND No. 27.—MINISTRY OF STATES

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 10,39,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of States'."

DEMAND No. 89.—RELATIONS WITH INDIAN STATES

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 51,29,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Relations with Indian States'."

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): So far as the Ministry of States is concerned its policy has met with almost universal approval and therefore I need not take the time of the House and prevent honourable Members from utilising the time for stating their views. I would like rather to hear them than give my own views at this stage.

What I have to say I have already said in the Review already circulated and in the White Paper about the States. Therefore I need not say anything on the subject at this stage.

Mr. Speaker: If the honourable Minister proposes to reply we may have a few minutes for the purpose towards the end. We may hold the sittings if necessary for 15 or 20 minutes after 5 P.M.

I suggest to honourable Members that the time limit may be shorter than ten minutes. It may be about 7 minutes.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar).]

Dr. Y. S. Parmar (Himachal Pradesh): Sir, it is a privilege to be allowed to speak on the Budget relating to the Ministry of States. If there is one Ministry which has enhanced the reputation of this country all over the world, it is the Ministry of States, which has handled the matter of the States in a very short period. When India was partitioned in 1947, the country was partitioned not only just in two bodies—India and Pakistan—but 562 other Pakistans had been created by the British to be left over as a legacy, to be dealt with by the Indian Government. But we find that within a short period of one year all this balkanisation which the foreigner had tried to bring about in this country had been frustrated and that it did not last even a couple of months. We are happy today that all the States in India have been either merged into the provinces or formed into Groups, Unions or independent States, which are now a part and parcel of the great Indian Union. It is an achievement worthy of any nation and for this credit must go to our worthy Deputy Prime Minister, Sardar Vallabhbhai Patel.

At certain stages voices were heard that Hitlerian methods were used to make the princes part with power or that undue influence was exercised over them. We as the representatives of the people of the States feel that not only was there no question of undue influence, but the States Ministry has, in fact, due to the intervention of our great leader, saved many an ugly position for the princes in this country and a happy relationship has been brought about under his leadership and by his wisdom.

The one task which now awaits us after this integration is that constitutionally the States Unions should stand on a par with the provinces. This is an objective which has been before us for all these months and the reactions of the people of the States were conveyed to the States Ministry a couple of months ago. We feel, Sir, that this step should be hurried up. Of course, a committee consisting of representatives of Indian States and other eminent constitutionalists has been appointed to look into this matter and I hope that after their report is received, this matter will be taken up in hand speedily.

In this connection, we have only to mention that it is not our intention or demand that any covenants or agreements which the Indian Government has drawn up with the princes should not be honoured, but when the constitution is drawn up, it should not vary with the constitutions in the other provinces of India, it should be absolutely on a par with the rest of the country.

In the same connection, we will have to consider the separate armies which the Indian States have kept. It is high time that these Indian States Forces

[Dr. Y. S. Parmar]

are integrated with the rest of the Indian Army. Some of them were used for specially reactionary purposes and I hope the honourable Minister is aware of them. They have been playing a specially reactionary role and with the integration of the States with the rest of the country some thing has changed, but all the same it has become necessary that there should be absolute absorption of the States Forces into the Indian Army and as far as possible the present personnel should be changed from the places where they were located to other parts of the country.

A word about the Advisory Councils which have been given only to areas which have been taken under Central Administration. The feeling is that their functioning is not at all satisfactory. Their powers should be enhanced as the honourable Minister has already suggested; otherwise, it will become difficult especially without the representatives of popular organisations to carry on with the administration. Not only is there no association, it may be surprising to know that instructions have been issued that members of the public services should not even approach members of the Advisory Council. That is certainly a situation which I believe the Government does not want. We the popular representatives are there, we only want to improve their lot and also to imbibe the spirit in which they would be able to do their duty more efficiently.

I might say a word about one small State which has been disturbing the States peoples' minds, and that was the small State of Bilaspur. But I am glad to find in the morning's paper that that State too has been covered by the States Ministry and we can expect happy relations there as well.

A word about Himachal Pradesh and I shall have finished. I am glad to find in the report that the matter of development of communications is in the minds of the Ministry. It is a matter which is very dear to us, for we can go ahead, we can improve and build the province of our dreams only when there are roads and communications. Only then can our mines and minerals, forests and forest products etc. can be explored and exploited, so that all the money would be sent to Government in the form of returns. I am glad that this point has already been noted.

I will finish with this word, that the people of the States are glad that they have merged into the Centre, that they have integrated into the provinces. They have no regrets whatsoever for the action which they have taken, which they took after long deliberation. They are confident of playing an important role in the things to come, so that they can make this country happy, prosperous and strong.

Shri V. Ramaiah (Madras States): Sir, the honourable Minister has left his policy and his work to us for comment without a speech. Coming from one of the merged States, I was particularly interested to meet all the representatives from the merged States in this Assembly. I had talks with them many times and I found that they all a bit dissatisfied with the arrangements they got from the time of the merger and the administration they are having today has created a little dissatisfaction. Representing Pudukottah, one of the merged South Indian States, I know that people are not satisfied with the present arrangements of just dragging on the administration without any definite decision as to what the State will be. I hope and I appeal to the honourable Minister to take steps to come to a final decision. I trust that in coming to that decision, he will take the wishes of the people and decide the future set up accordingly.

Sitting here for the last few weeks, I find that everyone has been talking something against the permanent services. I have come into contact with the States Ministry, especially with the Political Adviser of that particular Ministry, and I definitely feel that he has done a great service by bringing the whole policy to a great success. I wish all the Secretaries take up the lead that he has given by going out of the way to do things for the benefit of the people which they are convinced will be the best.

Sir, to meet the discontentment of the merged States, I wish the honourable Minister appoints a small committee from the representatives of these States to go into the matter and to point out how best a solution can be found to their difficulties.

Further, Sir, these States have had a certain pattern of Government for hundreds of years, and all of a sudden they have been forced into a Government of another pattern which they are unable to understand or carry on with at once. So if some time is given to them to come into this pattern and familiarise themselves with the new type of administration which they have been given, I feel much benefit will come to them.

سردار بہوپالندر سنگھ مان : صاحب صدر! میں مبارکباد دیتا ہوں کہ جہاں تک سارے ہندوستان کا تعلق ہے ہمارے قیامی پرائم منسٹر صاحب نے تمام ریاستوں کو اکٹھا کر کے ہندوستان کی ایک چھتی کو قائم رکھا ہے۔ اور اس طرح ہندوستان سے جاتے وقت کی انگریزوں کی اس چال کو نکما کر دیا جس کے ذریعہ سے وہ چاہتے تھے کہ پارٹیشن (Partition) کے بعد اور فوٹہ دارانہ فسادات کے بعد ہندوستان چھوٹی چھوٹی ریاستوں کے جزیروں میں تقسیم ہو جائے اور ہمیشہ کے لئے کمزور ہو جائے۔ باقی سارے ہندوستان میں بڑا شاندار کام ہوا ہے۔ مگر مجھے شکایت ہے کہ جہاں تک ایسٹ پنجاب کا تعلق ہے وہاں اس حکمت عملی کے ساتھ کام نہیں لیا گیا ہے۔ ایسٹ پنجاب ایک لٹا ہوا صوبہ ہے۔ اس کی بہترین زمین اور بہترین سڑکیں پاکستان میں رہ گئی ہیں۔ سرحد پر ہونے کے باعث اور بھی تقاضہ ہے کہ اسے مضبوط بنایا جائے۔ لیکن پنجاب کے عین درمیان میں ریاستیں ہیں جن کے ارن گروڈ ایسٹ پنجاب کا علاقہ ہے۔ قدرتی طور پر یہ طوق ہونی چاہیئے تھی کہ ان ریاستوں کو صوبے کے ساتھ مریج (Merge) کیا جاتا۔ خاص طور پر اس بات کو پیش نظر رکھتے ہوئے یہ اور بھی ضروری تھا کہ یہ صوبہ سرحد پر واقع ہے اور اسے مضبوط بنایا جائے۔ مگر ایسا نہیں کیا گیا۔ جو رپورٹ اریسہ کی اسٹیٹس (states) کے متعلق ہے اس کے صفحہ ۵ پر اریسہ کی اسٹیٹس (states) کے بارے میں یہ رائے دی ہوئی ہے :—

"The problem of integration was first faced in Orissa, where the States formed scattered bits of territory not linked to each other and with no geographical continuity. These States had therefore no future except that of merger with the provinces."

اس اصل کو جہاں تک پنجاب اور اس کی ریاستوں کا تعلق ہے مد نظر نہیں رکھا گیا۔ ایسے علاقے ریاستوں سے ملائے گئے ہیں جن کا ریاستوں سے کوئی تعلق نہیں ہے۔ پٹیالہ اور کپورتھلہ کے درمیان جالندھر اور لدھیانہ ہیں۔ ان کا ان ریاستوں سے کوئی تعلق نہیں ہے۔ لیکن ان کو ان میں جوڑ دیا گیا ہے۔ دادری اور نارتھک اور کوڑگاؤں کے نزدیک ہیں ان کا پٹیالہ سے کوئی رشتہ نہیں ہے لیکن ان کو بھی پٹیالہ کے

[سردار بھوپندر سنگھ مان]

ساتھ جوڑ دیا گیا ہے - میں سمجھتا ہوں کہ اس طریقے سے پنجاب کے ساتھ بے انصافی کی گئی ہے - بڑودہ کی ریاست کو جس کی آبادی تیس لاکھ ہے بجنی کے ساتھ ملا دیا گیا ہے - اگر ان ریاستوں کو بھو اسی طرح پنجاب میں مرج کر دیا جاتا تو ایک مضبوط یونٹ (unit) بن جاتا - اگر ان ریاستوں کے بھجوت کو دیکھا جائے تو ان کو زیادہ تر روپیہ ڈسٹیلریز (distilleries) سے ملتا ہے - کئی دفعہ میں سوچتا ہوں کہ یہ پتیالہ یونین ہے یا الیکوہل (alcohol) یونین ہے - تمام پتیالہ یونین میں اتنی ڈسٹیلریز ہیں کہ سارے یو۔ پی۔ (U.P.) یا ایسٹ پنجاب کے صوبے میں نہیں ہیں - ان ریاستوں کے بھجوت کا بڑا حصہ شراب سے آتا ہے -

اس کے علاوہ جب تک یہ یونین نہیں بنا تھا - تب تک ان ریاستوں کے دو نمائندے اسمبلی میں بیٹھا کرتے تھے - لیکن یہ یونین بن جانے کے بعد وہ نمائندے بھی نہیں رہے ہیں - نابھہ، فرید کوت اور کپورتھلہ کا ایک نمائندہ آیا کرتا تھا - لیکن پتیالہ ریاستوں کا یونین بن جانے کے بعد وہ حق بھی چھین لیا گیا ہے -

میں یقین دلایا گیا تھا کہ جب وزارت بمائی جائے گی تو تمام پارٹیوں کی وزارت بمائی جائیگی - لیکن یہ تمام چیزیں غلط ثابت ہوئیں - یہ واقع ہے کہ تین چار وزیر جن کا کہ کانگریس کے ساتھ تعلق تھا وہ براہ راست لے لئے گئے - ایسی چیزیں کبھی کبھی کانگریس اور کانگریس کے بیچ چلا کرتی تھیں - لیکن ہم اسے ناپسند کرتے تھے - انہیں چیزوں کو پتیالہ میں لایا گیا ہے - اور یہ پتیالہ کانگریس کے یونیونی مس ریزولوشن (unanimous resolution) کے خلاف کیا گیا ہے - دوسری پارٹی وہاں اڈالی دل کی ہے - وہ بھی اس کے خلاف ہے - تیسری پارٹی راجا صاحب کی ہے - ان کے چنچا وزیراعظم ہیں - ایک ایسی وزارت بنادی گئی ہے کہ پتیالہ کے مہاراج کو ایک ریاست کے راجا کے بجائے آٹھ ریاستوں کا بادشاہ بنا دیا ہے - اس کے متعلق سوال بھی ہمارے سامنے آئے ہیں - اسٹیٹ منسٹر صاحب نے جواب دیا تھا کہ اس میں کوئی شک نہیں کہ راج پرمکھ ایسٹ پنجاب کے صوبے کی سیاست میں داخل دیتے ہیں - کیونکہ وہ سکھوں کے نمائندے ہونے کا خواب دیکھا کرتے ہیں - ساتھ میں انہوں نے یہ بھی شکایت کی کہ پنجاب کے وزیر بھی ان کی ریاست میں داخل دیتے ہیں - میرا خیال ہے کہ دونوں طرف سے ایک دوسرے کے معاملات میں داخل دیا جاتا ہے - اس لئے اگر کوئی ایسی صورت نکالی جائے کہ دونوں کے درمیان کوئی حد نہ رہے تو زیادہ اچھا ہوگا - راج پرمکھ کی حیثیت ایک گورنر کی سی ہے - اور گورنر کو کسی سیاست میں داخل دینے کا حق نہیں ہے - راج پرمکھ دس ہزار روپیہ

پنٹھک (Panthik) دربار کو دیتے ہیں اور تمام پنجاب کی سیاست میں دلچسپی لیتے ہیں - بلکہ پنجاب کی وزارت کے جوڑ توڑ میں بھی حصہ لیتے ہیں - یہ کہنا کافی نہیں ہے کہ پنجاب کے وزیر بھی ان کی ریاست میں داخل دیتے ہیں - وہ تو سیاسی پارٹیوں کے نمائندے ہیں اور ان کو پورا اختیار ہے کہ وہ سیاسی میدان کے اندر پورا داخل دے سکتے ہیں - میں اس میں قطعی طور پر شک نہیں رکھتا کہ کپورتھلہ - دادری - نارنگول اور پہاڑی علاقوں میں جو کہ پتیالہ کے ساتھ جغرافیائی طور پر کوئی تعلق نہیں رکھتے - بے انصافی کی گئی ہے - میرے دل میں رتی بھر بھی شک نہیں ہے کہ اگر آج پلیمبی سائٹ (plebiscite) لیا جائے تو 99 فی صدی لوگ پتیالہ کے حق میں ووٹ نہیں دیں گے - لیکن ان کو ایسا کرنے کا حق نہیں دیا گیا ہے -

میں اسٹیٹس منسٹری کو جہاں اور جگہ پر مبارکباد دیتا ہوں وہاں اس کی توجہ اس نہایت اہم مسئلہ کی طرف دلانا چاہتا ہوں کہ پتیالہ اسٹیٹس یونین ایک کمیونل (communal) اور فیوڈل ری ایکشن (feudal reaction) کا قلعہ بن چکا ہے اور جب تک آپ پنجاب کو کنسالیڈیٹ (consolidate) کرنے کی کوشش نہیں کریں گے اس وقت تک کوئی راستہ نہیں نکل سکتا کہ پنجاب اور پتیالہ اپنے پاؤں پر کھڑے ہو سکیں - آپ پنجاب کو دارالخلافہ بنانے کے لئے تیس کروڑ روپیہ شائد دینا ہے - پنجاب کا صوبہ سرحد پر واقع ہے - اس کی اسٹریٹجک (strategic) پوزیشن (position) ہے - اور یہ صوبہ لٹا ہوا ہے - اس کو نیا دارالخلافہ بنانا ہے - اگر یہاں کمیونل (communal) اور فیوڈل ری ایکشن (feudal reaction) رہا تو خیال کیجئے کہ یہ کتنا بڑا بوجھ ہوگا - ان تمام چیزوں کا ہل میں ایک ہی صورت میں دیکھتا ہوں - اور وہ وہی ہے جو کہ آریسہ کی ریاستوں کے لئے کام میں لایا گیا ہے - اسی طریقے کو ایسٹ پنجاب میں کم میں لایا جاوے -

(English translation of the above speech)

Sardar Bhopinder Singh Man (East Punjab: Sikh): Sir, I congratulate the honourable the Deputy Prime Minister that he has, as far as the whole of India is concerned, maintained the unity of India by merging all the native states; and has in this way rendered ineffective those schemes of the British with which they hoped India after partition and communal disturbances to become divided up into very very small groups of states and thus to become a weak nation for ever. In the rest of India splendid work has been done. But I have a complaint to make that, as far as East Punjab is concerned, the same tactfulness has not been made use of. East Punjab is a plundered province. Her best lands and best roads have fallen to the share of Pakistan. Being a frontier province it is still more necessary to make her strong. But in the very centre of the Punjab are situated some states, on all sides of which lies the territory of the Punjab Province. Naturally it should have been anticipated that these states were merged with the Province. Particularly taking into consideration the fact that this Province is situated on the frontier

[Sardar Bhopinder Singh Man]

and has got to be strengthened, it was still more essential to do so. But this was not done. On page 5 of the report on Orissa States the following recommendation has been made about the Orissa States:

"The problem of integration was first faced in Orissa, where the states formed scattered bits of territory not linked to each other and with no geographical continuity. These states had therefore no future except that of merger with the provinces."

As far as the Punjab and the states in the Punjab are concerned this principle was not kept in view. Such territories, that have no connection at all with the states, have been merged with the states. Between the states of Patiala and Kapurthala lie Jullundur and Ludhiana. They have no connection at all with these states. But they have been attached to them. Dadri and Narnaul are situated near Rohtak and Gurgaon, they have no connection whatsoever with Patiala, but they also have been attached with the Patiala State. I think that in this way grave injustice has been done to the Punjab. Baroda, which has a population of 30 lacs, has been merged in the Bombay Presidency. Had these states also been merged in the same way with the Punjab then a strong unit would have been formed. If the Budgets of these states be examined then they get a major part of their income from the distilleries. At times I begin to think whether this is Patiala Union or else an alcohol union. The Union of Patiala has so many distilleries that they far exceed in number to those in U. P. or East Punjab. A greater portion of the budgetted income of these states comes from wine.

Besides this, so long this Union was not formed two representatives of these states used to sit in the Assembly, but after the formation of this Union these two representatives have ceased to be members. Nabha, Faridkot and Kapurthala used to send one representative each. But after the formation of the Patiala States Union they have been deprived of this right.

We were made to believe that when Ministry will be formed, an all-party ministry would be constituted. But all these things proved wrong. It is a fact that 3 or 4 ministers, who were in some way connected with the Congress, have directly been taken into the ministry. Such things sometimes used to take place between the British and the Congress, but we used to disapprove them. The same have been introduced in Patiala and all this has been done against the unanimous resolution of the Patiala State Congress. The other party there is of the Akali Dal. That party also is opposed to this. The third party is of the Maharaja himself. His uncle is the Prime Minister. Such a ministry has been set up that the Maharaja of Patiala, instead of being the ruler of one state, has been made the ruler of eight states. In this connection certain questions have also come before us. The honourable the States Minister had given a reply that there is no doubt about the fact that the Rajpramukh does interfere in the politics of the Province, because he always dreams of becoming the sole representative of the Sikhs. In addition to this he has lodged this complaint that the Ministers of the Punjab also interfere in the matters of the state. I think that from both the sides interference is being made in one another's matters. Therefore if some such means be found out that there may not remain any limitations between the two then it would be far better. The Rajpramukh has the status of a Governor, and the Governor is not authorized to make interference in any party politics. The Rajpramukh donates Rs. 10,000 to the Panthik Darbar and takes an active interest in the party politics of the whole of the Punjab, not only this, but he takes an active part in the shuffling and reshuffling of the Punjab Ministry. The explanation, that the Ministers of the Punjab also make interference in the matters of the state, is not enough. They are the representatives of political

parties and they have full authority to make any interference they like in the political field. I do not in the least doubt that injustice has been done towards Dadri, Narnaul, and the hill tracts of the Punjab, which have no geographical connection whatsoever with Patiala. I have not even an iota of doubt in my mind that if a plebiscite is taken today then 99 per cent. of the people will not vote in favour of Patiala. But they have not been given this right.

Besides congratulating the States Ministry in other matters I wish to draw the attention of the Ministry towards this most important fact that the Patiala States Union has developed into a citadel of communal and feudal reaction, and so long you would not try to consolidate the Punjab till then no ways and means could be devised whereby the Punjab and Patiala may be able to stand on their legs. Perhaps you have given three crores of rupees to the Punjab for the new capital. The Province of the Punjab lies on the frontier. It enjoys a strategic position and in addition to this it is a devastated province. It has to build the new capital. If communal and feudal reaction were to persist here, consider what a heavy burden this would be. I see the solution of all these ills in one way only, and that is the same that has been resorted to in the case of the Orissa States. The same procedure may be adopted in East Punjab also.

Shri B. N. Munavalli (Bombay States): Sir, I rise to congratulate the honourable Minister for States for the gigantic achievement he has turned out within a period of 18 months. If we remind ourselves of the days, about 18 months ago, we can see that there were 562 bits of administrative units and the area of these states was about 45 per cent of the Indian Union, with a population of 93 millions. Fortunately, by the work and assiduous efforts of the honourable Minister, many of the states have been merged; he has brought many of them into unions; and only three bigger states remain. Of these three bigger states also, I have read in the papers, that Travancore and Cochin are going to be amalgamated into a union. The only question that remains is about Mysore. Even as regards Mysore some efforts are being made by the leaders of Mysore along with the leaders of Karnatak. It is a happy news to hear that a negotiating committee, appointed by the All Mysore Congress Committee has been touring since 9th March and it will complete its tour in Karnatak by the 18th, that is tomorrow. They are touring in order to explore the ways and means of how they can combine together and form a union of Karnatak as an administrative unit. On account of the merger of many states the area of many of the provinces has become unwieldy for administrative purposes. Under these circumstances the bigger provinces should be divided and homogenous units be formed, so that proper limited provinces will come into existence. In this connection I may bring to the notice of the honourable Minister that the Kannadigas, whose area was divided into so many bits, had cherished for a long time a desire to have the unification of Karnatak and this is the time when the Honourable Minister of states can help them to fulfil their desired object by unification of the Karnatak and thus having a separate province of Karnatak.

As regards the grievances of the people of the merged areas they are bound to be there, because even when there were states there were the grievances. After the merger also the grievances are bound to be there. But they should not be allowed to accumulate. I want to draw the attention of the Government to one thing and it is that in the states the assessment is higher. They have been made to pay the local cess which is higher in the other territory, so that the people in the merged states shall have to pay inordinately higher cess. This point may be taken note of to get it remedied.

[Shri B. N. Munayali]

There are other grievances too. The weaving class of people have a grievance that they are not given a proper quota of yarn. All these things can be remedied if there be representation for these people. In the Deccan States which have been merged, those people have neither an Advisory Board nor have they got any representation in the legislature. Anyhow by the amendment of Section 290A of the Government of India Act 1935 a provision has been made to give representation to such areas. I therefore request that as early as possible, these areas should be represented in the local and Provincial legislatures.

Last year I had brought to the notice of the Government that many people who in the movement for establishing responsible government, had lost their property. Their properties should be restored to them. The honourable Mr. Gadgil replied for the States' Ministry and said that he would look into the matter. But I am sorry to say that nothing has been done, up till now. I therefore urge the Government that the properties of the sufferers in the movement should be restored to them.

Shri Sita Ram S. Jajoo (Madhya Bharat): Sir, at the very outset I offer my most respectful congratulations to the honourable the Deputy Prime Minister for his grand achievement in consolidating the Indian States. In the history of the world no single person has, in such a short period, achieved such a great result of consolidating a country which was broken and torn off into bits by a foreign government. He has done this with a view to enabling this country to achieve its own old cultural heritage and establish its political prestige in the eyes of the world. As a matter of fact, this single achievement of our honourable the Deputy Prime Minister is such that it justifies the confidence of the Father of the Nation, Mahatma Gandhi. And there is no other country in the world that has with truth and non-violence brought about a change in the hearts of its princes and thus brought about a bloodless revolution by unifying the country.

Here not with a view of complaining or criticising but in a spirit of only putting before the honourable the Deputy Prime Minister for his consideration, I would like to mention certain things. It is mentioned in the Report on the working of the States Ministry before us that a Committee has been appointed to look into the financial integration of the States as well, and it is expected that the Committee will submit its report by the end of April. But we have to fight inflation. Income-tax is already in force in the Indian provinces. And if something is not done in the States as well I am afraid inflation will not be fought adequately and efficiently in the country because some of the capitalists will divert their capital from the provinces to the Indian States. I am fully aware that the States Ministry is moving in this direction, but I would submit to the honourable the Deputy Prime Minister that if this thing is taken up at an earlier stage it will serve the purpose of the Government in dealing with inflation.

Another matter on which I am quite certain that the House will agree with me is that the Indian States, whether they are States Unions or separate State Units, must be brought on par with the Provinces in all respects. There are certain people who say that the States should not be brought on par with the Provinces in certain respects. But I feel, and feel strongly, that there is no other go-out for us than to bring the States on par with the Provinces in every respect, whether it is in respect of Federal finance or taxation. It is a matter for gratification that in the revised Covenants it has been mentioned that all subjects have been acceded to, to the Indian Union except the matters of taxation. I would submit that even that should also be considered. We

feel that unless that is done the whole economic structure of the country cannot be brought on a sound basis, and for that purpose it must be considered. In that regard my suggestion is this. It is mentioned in the Covenants that there shall be separate Constituent Assemblies for all the Units. I submit that that provision should be deleted and whatever constitution is drawn up by the Constituent Assembly of India for provinces should be applicable *mutatis mutandis* to the State Units as well. I do not know the constitutional difficulties facing the honourable the Deputy Prime Minister. We have complete faith and complete trust in his sagacity, wisdom and statesmanship. We have firm faith in him and I expect that he will do whatever is necessary in this respect.

One word about the Indian States forces. The armed forces in Indian States should be absorbed into the Indian Union forces. Even in the regime of the British Government the Indian States used to feed the Indian Army. We had the famous Rajputana Rifles. The men used to come from the Indian States. Similarly, many of the Mahrattas from the south used to come from the Kolhapur State. So there is no question of any distinction between the worth of a man coming from one area and another. When our national government has already abolished the class distinction I hope that our people from the Indian States Armed Forces, if they are given the same facilities and opportunities, will prove worthy of the great Indian Military which we are going to have. They have got a record: they have fought on the Kashmir and Hyderabad fronts. For example, the Gwalior Army fought on the Hyderabad front and I do not think they were second to any other force.

As regards Administrative Services, it is a matter of pleasure that Indian States will be incorporated so far as these Administrative Services are concerned. But I would like to submit that Indian States people should also be given opportunities to enter the Administrative and other allied Services.

I would like to say that most of the Princes or Jagirdars who come before the honourable the Deputy Prime Minister speak here in a humble tone; but after their departure from Delhi they encourage all kinds of reactionary, anti-national and anti-social elements in their area. Perhaps our honourable the Deputy Prime Minister must be knowing these things and he may say—he will certainly say—that a young man has uttered this thing. But I wish to say that I have uttered this thing with complete trust and faith in him and I have come here in the spirit of a disciple with the teaching of the Gita.

तद् विद्धि प्रणिपातेन परिप्रक्षेन सेवया

“*Tad Viddhi Pranipatena Pariprashnena Sevaya.*”

In that spirit I put things before him and not in any kind of carping criticism or the like.

Kazi Syed Karimuddin (C.P. and Berar: Muslim): Sir, I was really tired of waiting to speak and I am therefore grateful to you that after all I have been called. Sir, I join in the chorus of praise for the Deputy Prime Minister regarding the integration of States in India; but I know he does not like praises but likes healthy criticism.

At the time of the police action in Hyderabad I was one of those who spoke on the Nagpur radio supporting the police action in Hyderabad. I want to discuss a few problems that have arisen after that police action. There is not the least doubt that the Government of India and the State Department under the Military Governor have brought peace to the people and stopped the communal movement which was going to be suicidal to the growth of

[Kazi Syed Karimuddin]

society there and for the growth of democratic institutions in that part of the country. But I must tell the honourable the States Minister that the policy regarding the reduction of the number of Muslim government servants in Hyderabad State is not a very healthy one. I do realise that the minority cannot aspire to have 90 per cent of the service monopolised by them in the State as in the case of the Muslims they had occupied it. There is no doubt that the majority community will have to be represented to the proportion they occupy in the State. But today we find that on one ground or the other they are being ousted and the main charge that is levelled against them is that they were sympathising with the Razakar movement there. My submission is that as the honourable Minister has praised those government servants who arrested him once and arrested many nationalists of this country because they were supporting the government in power and obedient to them, in this case also these people should be treated in the same manner for they were supporting the government which was in power then. I fail to understand that while the Nizam who was carrying on the government and with whose connivance and consent the whole country was ruled is ruling today, those who were serving under him and carrying out his orders are being removed or dismissed.

Shri H. V. Kamath (C. P. and Berar: General): Were Razakars part of the Government of Hyderabad?

Kazi Syed Karimuddin: I think so.

Prof. N. G. Ranga (Madras: General): They were *goondas*. What else were they?

Kazi Syed Karimuddin: The second matter I want to bring to the notice of the honourable Minister is this that there are more than three thousand persons who have been taken into custody. What I wish to submit is that those who are accused and found guilty of offences of violence and subversive activities must be prosecuted and punished. But during these five months no cases have been started against them. Those who are found to be innocent should not be detained any more and they should be released.

Another thing which I want to submit is regarding the question of the rehabilitation of Hindus and Muslims. There is not the least doubt that lakhs of Hindu refugees had come to the border districts. I come from Yeotmal district from where not less than one or two lakhs of Hindus had come. In the case of the Hindus it is necessary to rehabilitate them. Even in the case of the Muslims who after the police action left the Dominion or were displaced they have to be rehabilitated. The military government of Hyderabad had placed a sum of Rs. 75 lakhs for the rehabilitation of Hindus and Muslims. In my opinion this amount of Rs. 75 lakhs is insufficient because there is a large number of Hindus and Muslims who have been displaced.

In the end I wish to place on record the selfless services rendered by the Military Governor and the non-communal attitude he has exhibited. And it was because of his marvellous character that the Muslims in Hyderabad City have been safe. I congratulate the Ministry of States. It is because of its non-communal attitude that peace and security have been restored in the Dominion of Hyderabad.

گیانی گورمکھ سنگھ مسافر: سبھا پتی جی! سٹیٹ منسٹر کی حیثیت سے ہمارے سردار صاحب کی جو خدمات ہیں اور جو انہوں نے تدبیر سے سارے کام بنائے ہیں یہ سب میری زبان سے زیادہ تعریف کے محتاج نہیں۔ کچھ اعتراضات ہو سکتے

ہیں جیسے کہ ایک معزز ممبر صاحب نے فرمایا کہ ریاستوں کی آرمی کو انڈین آرمی میں شامل کرنا چاہیئے اور دوسرے راج پریمکھوں کی تلخوہ کے متعلق بھی کچھ اعتراض ہیں۔ عوام کی خواہش یہی ہے کہ ان کی تلخوہ کم ہونی چاہیئے۔ لیکن جن باتوں کی ذمہ داری سٹیٹس منسٹری پر نہیں ہے ان کو سٹیٹس منسٹری کے ساتھ منسوب کرنا ٹھیک نہیں ہے۔ اور اس کے متعلق میں ایک دو باتیں ضروری کہنا چاہتا ہوں۔ یہاں پر ہمارے مانڈیہ ممبر نے کہا ہے کہ جو ایسٹ پنجاب سٹیٹس اور پٹیالہ سٹیٹ کی یونین بنی ہے اسکو ایسٹ پنجاب میں merge کرنا چاہیئے۔ جہاں تک پنجاب کو بڑا کرنے کا سوال ہے میں اس کی مخالفت نہیں کر سکتا ہوں۔ میں تو یہ چاہتا ہوں کہ بیشک پنجاب کو اتنا بڑا کر دیا جائے۔ کہ اس میں دہلی و میرٹھ اور آگرہ بھی شامل کر دئے جائیں تاکہ پنجاب ایک بڑا پنجاب بن جائے۔ مگر یہ کہنا کہ سٹیٹس منسٹری نے ایسٹ پنجاب سٹیٹس اور پٹیالہ سٹیٹ کی یونین اپنی مرضی سے بنائی ہے اس میں کوئی سچائی نہیں ہے۔ کیونکہ سکھوں کی طرف سے یہ آواز اٹھائی گئی تھی کہ پنجاب سٹیٹس کی یونین الگ بنائی جائے۔ گیانی کرتار سنگھ جو اس وقت شرومنی اکالی دل کے پردھان تھے انہوں نے اعلان کیا تھا کہ پنجاب سٹیٹس کی الگ یونین بنائی جائے۔ تو میرا جہاں تک خیال ہے شرومنی اکالی دل نے یہ ظاہر کیا تھا کہ وہاں الگ یونین بنائی جائے۔ اب جو اعتراض یہاں پر میرے دوست سردار بھوپندر سنگھ نے اٹھایا ہے وہ اس وقت شرومنی اکالی دل کے جنرل سیکریٹری تھے۔

Sardar Bhopinder Singh Man: Sir, on a point of explanation. Since my name has been referred to, I want to point out that I was not the General Secretary at the time the demand was put forward.

گیانی گورمکھ سنگھ مسافر: میرا جہاں تک خیال ہے میں اب بھی یہ کہتا ہوں کہ سردار بھوپندر سنگھ شرومنی اکالی دل کے جنرل سیکریٹری تھے اور اگر نہیں تھے تو میں اپنے الفاظ واپس لیتا ہوں۔ مگر مجھے یقین ہے کہ یہ جنرل سیکریٹری تھے۔ اور گیانی کرتار سنگھ پردھان تھے۔ میرا مطلب تو یہ ہے کہ شرومنی اکالی دل والوں کی خواہش تھی کہ ایک الگ یونین بنائی جائے۔ جن کی خواہش پر الگ یونین بنائی گئی اب کسی وجہ سے وہی اس پر اعتراض کریں تو اس میں سٹیٹس منسٹری کا کیا قصور ہے۔

دوسری بات جو انہوں نے فرمائی ہے کہ پٹیالہ میں جو نئی منسٹری بنائی گئی ہے اس میں میجر یارتیز کے آدمی نہیں ہیں اور ساتھ ہی یہ بھی کہا گیا کہ پٹھک دربار ایک فرقہ دارانہ جماعت ہے اور مہاراجہ پٹیالہ اس کو ۱۰ ہزار روپیہ ماہوار دیتے

[گیانی گورمکھ سنگھ مسافر]

ہیں - جہاں تک پلنٹھک دربار کے متعلق مجھے معلوم ہے وہ فرقہ دارانہ جماعت نہیں ہے اور مہاراجہ پٹیالہ وہاں سے استعفیٰ دیکر الگ بھی ہو گئے ہیں - ان باتوں کی دلائل میں میں نہیں جانا چاہتا ہوں - میں یہ عرض کرنا چاہتا ہوں کہ سردار صاحب نے جو یہ فرمایا ہے کہ وہاں پر تمام میجر پارٹیز کو consult نہیں کیا گیا اور شرومنی اکالی دل کو consult نہیں کیا گیا تو اس بارے میں میں یہ کہونگا کہ شرومنی اکالی دل ایک فرقہ دارانہ جماعت ہے - اور ماسٹر تارا سنگھ اُس کے پردھان ہیں - اگر اسکو consult نہیں کیا گیا تو بہت ہی اچھا کیا گیا ہے - ایک طرف تو میرے دوست سردار صاحب کہتے ہیں کہ شرومنی اکالی دل کو consult نہیں کیا گیا اور دوسری طرف پلنٹھک دربار اس لئے برا سمجھتے ہیں کہ وہ فرقہ دارانہ جماعت ہے - ایک طرف سے یہ ایک فرقہ دارانہ جماعت کو اہمیت دیتے ہیں اور دوسری طرف کو فرقہ دارانہ کہہ کر اس کی مذمت کرتے ہیں یہ contradictory statement ہے -

تیسری بات وہاں کی کانگریس کے متعلق ہے - انہوں نے کہا ہے کہ وہ بھی اس سے متفق نہیں ہے - لیکن جہاں تک مجھکو علم ہے وہاں کے پراونشل کانگریس کے پریذیڈنٹ نے سیٹھ رام ناتھ جی کو جو کہ اس وقت وہاں منسٹری میں بھی ہیں کو ایک چٹھی دی اور کہا کہ وہ سٹیٹس منسٹری سے negotiations کرے اور اس کے بعد یہ منسٹری وہاں پر بنی - اس کے بعد جو کچھ اس بارے میں وہاں پر ہوا اس کے متعلق مجھے کو کچھ عام نہیں ہے - اس بات کو میں زیادہ نہیں بڑھانا چاہتا ہوں مگر میں یہ ضرور کہنا چاہتا ہوں کہ یہ جو کچھ ہوا ہے بہت اچھا ہوا ہے اور بالکل ٹھیک ہے - اب جو یہ کہا جا رہا ہے کہ وہاں پر جو سٹیٹس منسٹری ہے اس میں اکالی سکھوں کی نمایاں کمی نہیں ہے یہ ٹھیک نہیں ہے - ہاں اتنا ضرور ہے کہ وہاں پر ماسٹر تارا سنگھ جی کے گروپ کے اکالی سکھ نہیں ہیں اور موجودہ حالت میں وہ ہو بھی نہیں سکتے تھے - جو منسٹری اس وقت وہاں پر بنی ہے بہت اچھی ہے اور مضبوط اور پائدار ہے اس سے وہاں پر امن اور شانتی ہوگی -

جہاں تک کانگریس کا تعلق ہے - میں اسکا حامی ہوں اور ہم کو چاہیئے کہ ہم کانگریس کی امداد کر کے اسکو مضبوط بنائیں - ان الفاظ کے ساتھ میں اپنے جذبات کا اظہار کر کے بیٹھ جاتا ہوں -

(English translation of the above speech.)

Giani Gurmukh Singh Musafir (East Punjab: General): Sir, it is needless for me to eulogize the services rendered by the honourable Sardar Patel, as the Minister-in-charge of the States, and the political diplomacy exhibited by him in tackling the States problem. There may be some objections: as one of the honourable Members had stated that the States' Armies should be merged with the Indian Army, and, secondly with regard to the salaries paid to the Rajpramukhs. It is the general desire of the people that their salaries should be reduced. But it is not advisable to attribute things to the

States Ministry for which it is not responsible. I should like to mention one or two things with regard to this. One of the honourable Members in this House has stated that the existing Patiala and East Punjab States Union should be merged with the East Punjab. So far as the question of making a 'Greater East Punjab' is concerned, I cannot oppose this. On my part, I would like that the Punjab may certainly be made greater to such an extent that Delhi, Meerut and Agra may be included in it. And thus a 'Greater East Punjab' may be formed. But there is no truth in it that Patiala and East Punjab States Union was formed at the instance of the States Ministry. On the contrary, a voice was raised on behalf of the Sikhs that a separate Punjab States Union should be constituted. Giani Kartar Singh who was at that time the President of the *Shiromani Akali Dal* had made an announcement that a separate Union of the Punjab States should be set up. Therefore, so far as I know it was the *Shiromani Akali Dal* who had expressed a desire that a separate union should be constituted there. Now an objection has been raised here by my honourable friend Sardar Bhopinder Singh Man who was at that time the General Secretary of the *Shiromani Akali Dal*.

Sardar Bhopinder Singh Man: Sir, on a point of explanation. Since my name has been referred to, I want to point out that I was not the General Secretary at the time the demand was put forward.

Giani Gurmukh Singh Musafir: So far as I think, and, I would still affirm that Sardar Bhopinder Singh was the General Secretary of *Shiromani Akali Dal*. And in case he was not holding this office, I would withdraw my words. But I am sure that he was the General Secretary and Giani Kartar Singh was the President. What I mean to say is that it was the desire expressed by *Shiromani Akali Dal* that a separate union should be constituted. And it was as a result of compliance with their wishes that a separate union was formed. If they now raise any objection to this for one reason or the other, the States Ministry is not to be blamed for this.

Another thing which he has stated is that the Ministry which has been formed in Patiala does not include representatives of the major parties; and apart from this, it has also been alleged that *Panthic Darbar* is a Communal body and the Maharaja of Patiala is paying them Rs. 10,000 per month. So far as my knowledge of the *Panthic Darbar* goes, it is not a Communal body and the Maharaja of Patiala has even resigned from this and severed his connections with it. I do not want to go into the details of these arguments. With regard to the allegations made by my honourable friend that all the major parties there were not consulted and the *Shiromani Akali Dal* was also not consulted, I would say that the *Shiromani Akali Dal* is a communal body and Master Tara Singh is its President. It is good that it has not been consulted. On the one hand, my honourable friend has stated that the *Shiromani Akali Dal* was not consulted, and on the other, he reprehends the *Panthic Darbar* for its being a communal organisation. While on the one hand, he attaches importance to a communal body, he condemns the other by dubbing it as a communal organisation. So this is a contradictory statement.

Thirdly, he has referred to the Congress Committee there. He has stated that he too does not see eye with it. But so far as I am aware of, the President of the Congress Committee there wrote a letter to Seth Ram Nath who is at present included in the Ministry directing him to start negotiations with the States Ministry and it was after this that the Ministry was formed there. I am not at least aware of as to what actually happened there subsequently. I do not want to dwell upon this subject at any great length, but I cannot help saying that all that has happened is perfectly alright and quite justified. There is absolutely no truth in the allegations which are being made now that the States Ministry there does not include any representatives of the

[Giani Gurmukh Singh Musafir]

Akali Sikhs. Of course it is true that the Akali Sikhs belonging to Master Tara Singh's party are not included in it, and it was not at all possible to do so under the existing circumstances. The Ministry which has now been formed there is sufficiently strong and stable and it will surely create peaceful conditions.

So far as the Congress is concerned, I am a supporter of this, and would urge that we should stand at its back so as to make it strong. With these words, I would, conclude and resume my seat.

Shri A. V. Thakkar (Saurashtra): Sir, I am taking the time of the House not to congratulate the honourable Sardar Patel—he has had enough of praise and his shoulders are very broad for the same—but I want to put some load on his shoulders, and it is this. Please take care of all the backward States that are merged in the Provinces and that are integrated into the Unions. I am specially talking to-day, for the first time. Talking of the two States which have been taken directly under the Central Administration, that is Cutch and Himachal Pradesh; both of these are very backward areas and it has been an excellent thing that they are taken directly under the Centre.

Next, speaking of those States, small or large, which have merged into the Provinces of Orissa, Central Provinces and Bombay. It is a very good thing for the subjects of those autocratic rulers who were there before. I myself come from one of the advanced States of Kathiawar, now Saurashtra, and I am proud to say that the Ruler of that State acceded and placed all his resources and all his area and the administration before the feet of Mahatma Gandhi and before Sardar Patel. However, let me plead a few words on behalf of those backward people of the States that have merged in Orissa, that have merged in the Central Provinces, that have formed the Union of Bundelkhand and Bagelkhand, now called Vindhya Pradesh they are all backward. Just as a civil servant whom I know well, a good administrator, has been placed as an Adviser to the Orissa Government for the Orissa States, similarly everywhere else good administrators, seasoned and senior officers, must be placed in charge of those States. Otherwise they will go very bad. At present it is said that the Vindhya Pradesh is going on in a very bad condition. I hope the administration of that area will be improved very soon. Moreover, there are very backward people also in these areas *Adibasis* are residing there in very large numbers—almost 50 per cent. of the population in some cases, in some cases more than 50 per cent. or say 75 per cent. of the people, are *Adibasis*. They are all backward and they are all ignorant and steeped in poverty. Unless the Centre comes to their help with men and money nothing will be done for them, I am sure of that. The resources of Orissa are very poor. The resources of C.P. are a little better I know, but those help either willingly or unwillingly in order to expedite their progress. Otherwise those people will remain in the same backward condition, in the same 18th century condition in which they are now.

Shri K. Hanumanthaiya (Mysore State): Sir, I did not wish to speak, but my friend Mr. Munavalli drew Mysore into the controversy and I want to make clear the position.

The Honourable Sardar Vallabhbhai Patel: Never mind what Mr. Munavalli said. It won't affect you at all.

I have purposely not made my opening speech, because I thought the time was too short and if I spoke and made a review of the activities of the States Ministry during this period, it would take up the whole time. So I thought it was better to hear the criticisms or remarks that the Members may have to

make. I shall take another opportunity, in some other session, when the Ministry's work is nearing completion, to make any speech, if I have to make one, to acquaint you in a consolidated form with the whole work. I am now in mid-stream, in the middle of the work, and therefore I hope you will watch the activities of the States Ministry with your usual sympathy and goodwill.

Now, taking the last speech of our seasoned leader, on the most suppressed, depressed and oppressed people—Thakkar Bapa who has passed all his life in this work, he has passed certain remarks. They are disinterested remarks coming from a man who has at his heart, the good of the people of the States. Sir, my friends the representatives coming from the States resent the least criticism of their administration. They feel they have nothing to learn. Thakkar Bapa now says that I must put good advisers. That is my policy. But some of the representatives of the Union who have to take responsibility, resent that, and they feel that in a democratic set-up, an adviser in an anachronism, and therefore, they should not have any advisers. I am trying to induce them or persuade them to agree, and say I myself need an adviser, and so they need not be afraid of an adviser.

Now, he has spoken about a Union—the Vindhya Pradesh. The Vindhya Pradesh has a Premier who has been the President of the Provincial Congress Committee for many years of the C.P. You cannot call him an inexperienced man. Another Minister has been the President of the Allahabad Congress Committee for some years. They are good experienced people, and what Thakkar Bapa has spoken here is a certificate which they have earned. I do not want to say anything. I have my fingers on the pulse, and I have told them that disruption of the Union and merger of the States into the adjoining provinces is the only alternative if there is no good administration. When I formed the Union on behalf of the Government of India, I took the heavy responsibility. Wherever I am forming a Union, my colleagues who are working in the States are tried friends who have made considerable sacrifices. But sacrifices and comradeship in jail and in struggle is a different thing from comradeship and struggle in building up a nation. Therefore, I am trying to persuade them to open the doors of the Congress wide open, and take all elements in the States and the Unions with them. Do not make it a caste system. Otherwise the burden will be too heavy on you, and when the elections come you will find out that you are nowhere. This ticket will not continually pay you unless you pay the premium. You must add to the premium by further sacrifices. That is what I am impressing on them. But it is not easy to have self-introspection, and therefore they find it difficult. But I have hope, because people who have made good sacrifices for a good cause will eventually learn that it is better to tread the path of sacrifice than to walk on the path of mere power. Now I will continuously endeavour to persuade and prevail upon the friends who are taking up the great responsibility of forming these Unions to do one thing. You have here a great opportunity, in making the history of India. We have got freedom, and if we want to make that freedom worth our while, we want to stabilise this country during our lifetime, and stabilise it in such a manner that India may be the envy of the world. Therefore, although we have changed the map of India, it is only the beginning. This is an opportunity. It is not the goal. We have got this opportunity to make India great, and in this work, I will want your co-operation. Therefore to the representatives from the States who have come here I wish to appeal that this House is not the place merely to learn dialectical tactics or the arts of debate. It is a good thing, of course, but Congressmen are past-masters in the art of debate and they have learnt that on many platforms. But the art of administration is a very difficult thing and therefore you who have got responsibility or will be getting responsibility will have sleepless nights. And if you do not remain awake and if you sleep, you will be doing injustice to yourself and you will be betraying the cause of the country. Therefore, friends, learn now that this is an oppor-

[Sardar Vallabhbhai Patel]

tunity which you have to put to the best use. Our friend from Patiala or the Punjab States every now and then pleads the cause, the cause of East Punjab and complains about the formation of its ministry. Other friends stand up from the other side and give him replies. The Union was formed at the desire of the vast majority of the Sikh population. They wanted a union of the States, and therefore it was formed. When I formed it, I was invited there to open, to inaugurate it. What happened? On the day I went there, just when I was going to inaugurate the Ministry, the leader who was supposed to be the premier-backed out; he said he did not agree to the formation of the Ministry. I tried to persuade him, for several hours, but he did not listen. Eventually I had to come, swallowing the insult, and come back here to Delhi. Coming here I gave them a warning that if they did not form a ministry in three weeks' time, I would put in an interim Government of the best men that I can find in the service. I said so because eventually the ministry will be formed by election. The people who claim to be representatives to-day, do so because they happen to be chosen Congressmen, not by the electorate. As a result of circumstances they happen to be there—they have been delegates, and therefore they claim to be representatives, more representative than I can claim to represent the country. Therefore, I was forced to form a Ministry called 'an Interim Ministry of Officials'. This official Ministry worked for a certain period and then several people came from the State several times and I told them: "It is open to you to form a Ministry. Bring a united formula for the formation of a Ministry and I will immediately ask the officers to hand over the power to you." Well, those people who claim to represent the bulk of the population came to me and they formed the Ministry. I asked the officers to hand over the power to the Ministry. But it does not suit the representative who is sitting here and every time he is raising this question in this Assembly. What am I to do? If this is the type of agitation in the forum of this Assembly, it won't help East Punjab, it won't help the Sikhs and it won't help you. It is for you to make up your minds, settle your differences; ask the Sikhs to settle their differences. Be united. What are you quarreling for? What is the use of all these? It is not my responsibility. I have no share in the Patiala State or in the other States. I do not want anything and my Government does not want anything. It is for you to serve the Sikhs, but not to do disservice by creating cliques and parties in that area. If you want a merger of all these States in East Punjab, you create public opinion for that. You create conditions for that. If I have created unions all over India, why should I not do that there? I have no particular interest there. I would be very glad if the Sikhs are willing and say we want to unite the Punjab, the rest of the Punjab and I shall be very glad, but if you quarrel amongst yourself, you will be doing a disservice to the community and to the country. Therefore, my appeal to you is if you cannot unite, do not raise these questions in the Assembly. We have suffered much by raising communal questions and making the Assembly a forum of communal controversy for many years. Do not repeat that here. It won't serve you and it won't serve the country.

Another friend has raised the question of Hyderabad. I do not know whether I should lay before you the whole question because there is no time and it is a very big story, but the limited question he has put before the House is that this personnel of the service should be kept in tact or the service that now exists should not be touched or some of them may be removed, but the large majority of them should be kept in tact. I must tell my honourable friends and I must tell the Members of the House that the Hyderabad arrangement is also a temporary one. It is a care-taker Government till the elections rolls are completed and the elections take place. When the elections take

place, which we shall try to hasten and bring about as soon as possible, you will find that there will be elected representatives forming the Ministry; it will be a democratic set up. I have to see and it is the duty of this House or the responsibility of this House to see that you entrust the elected representatives the machinery which would function and which would work and not one which would break. There are 90 or 95 per cent. of Muslims in a vast and largely populated Hindu State and their relations in the past have been very bad. The Service has played a particular part in that set-up and apart from that many of them are useless, indifferent and unfit for service. It is the duty of the representative of the Government of India there to make a clean sweep of all these useless people and in the year's time at his disposal put an efficient service, so that the popular representatives may be able to run the Government efficiently. So instead of helping in creating an atmosphere of a smooth administration in that State, if you plead the cause of those who cannot fit in there, you will not be doing any service to the cause. You must remember that I am a plain speaking man and I will not conceal anything. Therefore, I have told them there also: "Weed out people who are unable to serve". They must go. If in the past there have been in the service a superfluous large number, because they belong to a particular community in the State, and the State belongs to that community—I will not punish them, I will not allow them to starve. I will make arrangements for either a proportionate pension or give them some gratuity or some compensation, which would be adequate under the circumstances; except those who will be found guilty of misbehaviour or misconduct, the rest will be treated as we have treated our own service generously when they left. We could not keep them, we could not run an administration, a popular administration, a democratic administration with a foreign service and we disposed of them. We had no hesitation and as such in Hyderabad also we must follow the same example. It is not a question of vindictiveness or a question of injustice being done to anybody, but a question of doing justice and fairness to all concerned. That is my position so far as Hyderabad is concerned. If there are prisoners in Hyderabad, we must remember that there were 13,000 people before and it has come now to 4,000. Their cases are being scrutinised and the atmosphere is being watched. If there are people who are not mixed up in any crimes of violence, it is not our intention to punish them or to detain them any longer, but we must see the reaction. I have, as my Administrator says, burnt my finger in releasing some responsible people, who went to Pakistan and made very damaging statements and false statements at that against the administration. I do not want to repeat that story. So I want to assure all friends, both Hindus and Muslims that the administrators in Hyderabad will deal with the administration and deal with every body with firmness, with justice and equity, but it will not allow conditions of chaos to be created or allow intrigue to take place again. There are people still who carry on propaganda. Hyderabad is still on the agenda of the Security Council; that agenda is too long and in any case the case is always there on the agenda, but Hyderabad is a settled fact which nobody can alter (*Hear, hear*). It is a domestic affair and in the domestic matter of India, India is powerful enough to resist anybody. Therefore, I would advise friends not to raise these questions here. It is an affair of the Hyderabad Administration, which is capable of dealing with it. When I went to Hyderabad, both Hindus and Muslims were full of admiration of that administration. The other thing that I found in Hyderabad was that nobody now there is under any delusion. Everybody, Hindus and Muslims, even officers have understood the position in which they are and what their future is, because I made clear everything of what the future will be and I have also disabused them of any expectations of any help from outside, or anywhere in the world.

Now, another friend has raised a question about the Army, in the levelling up of the States on a line with the Provinces. I can assure the House that nobody is more anxious than myself to level up the States or to bring up the

[Sardar Vallabhbhai Patel]

administration of the States on a line with the provinces and to bring the administration as quickly as possible on provincial lines, but it is not an easy job. The States have enjoyed a certain amount of advantage over the provinces; there are certain agreements, certain conventions and many things that have been left in the past to us as a legacy. We are looking into that. We have practically no papers, no records nothing to trace, and therefore, we are doing our best under the circumstances to study the situation and bring about a situation in which the States could willingly and readily agree to come to the level of the provinces. If the States would not agree to that, we cannot coerce the people. We have the power or the authority, but we cannot exercise that authority or the power by coercing our own people. Have patience. In one year or 1-1/2 years, we have been able to persuade all those Princes to fall in line, but now it is not the princes who are the obstacles, it is our own people. So we have to deal with our own people. To persuade them is a difficult job. I want the co-operation of the House in creating the necessary atmosphere.

Now about the Army. The Army in the States are each different one from the other. Some States have very good Army. In some the army is not very efficient. Several States have poor armies which compared to our Police are much inferior. We have to look into these. We have appointed an officer for the purpose from our Defence Forces. He goes about visiting the States and tries to bring their forces into line with our Defence Forces in point of equipment, in point of efficiency, pay, conditions of service and so on. He tries to point out the defects and improve them. We shall tackle this question tactfully and carefully and obtain the approval and the consent of the Princes and the people. So far as the Princes are concerned, I have to tell you and I have no hesitation in saying that they will agree to whatever advice I give them. They have accepted me as their adviser and they have no hesitation in accepting my advice. I have often expressed my admiration of them and I have also congratulated them for rising to the occasion. I once more take this opportunity on the floor of this House to say that the Princes of India have done well by us and I assure them that we will do also well by them in future when our help may become necessary. But, to the people to the representatives of the people, I shall once more appeal not to be impatient. On the type of administration that you now put up will depend the future of India and if you resent the advice given by the officers sent to you and do not listen to my advice you will yourself come to grief. One day you will realise that my advice was right. Till the elections are over after the completion of the electoral rolls, take me as your guide. Do not resent the advice and do not consider the advice as an encroachment on your powers. Even if these officers make mistakes the people's representatives can come to me and I will correct those mistakes. I will always do my best to help you. It is up to you to accept that help and benefit by it. That is all I have to say.

Mr. Deputy Speaker: I will now put the Demands to the vote of the House.

The question is:

"That a sum not exceeding Rs. 10,39,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of States'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 51, 29,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Relations with Indian States'."

The motion was adopted.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Friday, the 18th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Friday, 18th March, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M. PAPERS LAID ON THE TABLE

NOTIFICATION *re* RULES FRAMED UNDER INDIAN AIRCRAFT ACT, 1934

The Honourable Mr. Rafi Ahmad Kidwai (Minister of Communications): Sir, I lay on the table a copy of Notification No. 10-A/28-48, dated the 25th February, 1949, issued by the Ministry of Communications relating to the rules framed under the Indian Aircraft Act, 1934, together with an Explanatory Note.

MINISTRY OF COMMUNICATIONS

NOTIFICATION

New Delhi, the 25th February, 1949

No. 10-A/28-48.—In exercise of the powers conferred by section 5 of the Indian Aircraft Act, 1934 (XXII of 1934), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Aircraft Rules, 1937, the same having been previously published as required by section 14 of the said Act, namely:—

In the Schedules annexed to the said rules:—

I. In Section C of Schedule II, in paragraph 2—

(a) In sub-paragraph (1)—

(1) for sub-clause (ii) of clause (c) the following shall be substituted namely:—

"(ii) For multi-engined flying machine.—General flying, with an examiner (check pilot approved by the Central Government on board, during which the following flight tests applicable to the type shall be carried out, with the aircraft loaded at maximum landing weight, namely:—

a. All manoeuvres used in normal flight, including take-off and landing.

b. Landings with one engine inoperative using alternate engine(s).

c. Emergency manoeuvres, including simulated engine failure after take-off and approach to the staff in both level and banked attitudes";

(2) in clause (d)—

(i) for sub-clause (ii) the following shall be substituted, namely:—

"(ii) For single-engined flying machine.—Three landings of which at least two shall be made without the aid of a flood-light";

(ii) after sub-clause (ii) the following sub-clause shall be inserted, namely:—

"(iii) For multi-engined flying machine.—General flying, with an examiner (check pilot) approved by the Central Government on board, during which the following manoeuvres shall be carried out, namely:—

- a. With one engine inoperative, using alternate engine(s).—All manoeuvres used in normal flight including landings.
- b. At maximum landing weight.—All manoeuvres used in normal flight including take-offs and landings.”;

(b) in sub-paragraph (2), for the proviso the following shall be substituted, namely :—

“Provided that an applicant for the addition to his licence for the first time or subsequently of a type of a flying machine with two or more engines shall be required to carry out the general flying tests prescribed in sub-clause (ii) of clause (c) and sub-clause (iii) of clause (d) of sub-para. (1) of this paragraph”;

(c) after sub-paragraph (3), the following shall be inserted, namely :—

“(4) The flying tests prescribed in sub-clause (ii) of clause (c) and sub-clause (iii) of clause (d) of sub-paragraph (1) of this paragraph must have been carried out within the period of six months preceding the date of application and must all have been witnessed and certified by the same examiner (check pilot)”;

II. In section C of Schedule VIII—

(a) in paragraph 2,—

(i) for the word “Pilot”, where it occurs for the first time, the word “Pilots” shall be substituted ;

(ii) against item B in the last column, the following words shall be omitted, namely :—

“The Pilot shall demonstrate his ability by making three take-offs and three landings in the type of aircraft in which he is to serve”;

(b) for paragraph 6, the following shall be substituted, namely :—

“6. All pilots while engaged on a licensed air transport service shall, every three months, undergo a check in instrument flying in actual flight, or for each alternate check in approved simulated conditions, under the supervision of an examiner (check pilot) approved by the Director General, this check to include—

(a) 180° turns with 30° bank to port and star-board, variation in height not to exceed 200 feet ;

(b) let-down procedure applicable to the aerodrome in use ;

(c) recovery from unusual attitude”;

(c) after paragraph 6, the following paragraphs shall be inserted, namely :—

“7. All pilots before flying as pilot-in-command of an aircraft with two or more engine on a licensed air transport service shall demonstrate to an examiner (check pilot) approved or appointed by the Director-General their proficiency in the performance of the following flight tests on the type of aircraft to be operated, namely:—

(1) For operation by day :—

(a) Six take offs, circuits, and landings, at varying degrees of load to include one take-off at maximum landing weight.

(b) Stalls, to the point of warning, with wheels and flaps up and down, during normal and asymmetric flight.

(c) Asymmetric flight, including landings, using alternate engine(s) and emergency action with simulated failure of one or more engines during take-off.

(d) One approach at too low a height and one approach at too great a height, with one or more engines inoperative.

(e) A check in instrument flying, in actual flight, comprising :—

(i) One figure-of-eight turn with 30° bank, variation in height not to exceed 200 feet.

(ii) Recovery from unusual attitudes, loss in height not to exceed 1,000 feet.

(iii) Asymmetric flight to include 180° turns with and against inoperative engine(s), loss in height not to exceed 200 feet.

(iv) Let-down procedure applicable to the aerodrome in use, variation in speed during descent not to exceed 5 m.p.h. above or below the stipulated speed.

2. For operation by night :—

Night flying tests.—

(a) As in (a), (b), (c) and (d) above for operation by day.

(b) Let-down procedure applicable to the aerodrome in use ; variation in speed during descent not to exceed 5 m.p.h. above or below the stipulated speed:

Provided that the Central Government may exempt from any or all of the tests prescribed in this Paragraph a Pilot whose experience is so long and varied as to indicate his proficiency up to the requisite standard; and provided further that a Pilot who, on the first day of September 1948, is already employed as a Pilot-in-command, may continue to act in that capacity subject to the completion of the tests prescribed in this Paragraph by a date not later than the 31st day of May, 1949.

8. All the flying tests prescribed in paragraph 7 must have been carried out within the period of six months preceding the date of application and must have been witnessed and certified by the same examiner (check pilot) :

Provided that where more than one examiner (check pilot) is employed by a licensed air transport service, the flying tests may be certified jointly by two examiners (check pilots) one of whom witnessed each test ; and provided further that a test already performed during the previous six months for the endorsement of the Pilot's 'B' licence in respect of an additional type of flying machine, in accordance with Schedule II, Section C, paragraph 2, sub-paragraph (1), clause (c), sub-clause (ii) and clause (d), sub-clause (iii) of these rules, need not be repeated where an identical test is prescribed in paragraph 7 of this Section”.

K. V. VENKATACHALAM, Dy. Secy.

Explanatory Note

It is considered that the existing provisions of the Indian Aircraft Rules, 1937, with regard to flying tests of commercial pilots (B licence pilots) on multi-engined aircraft, whether employed on licensed air transport services or otherwise, are out of date and are failing to provide a sufficient standard of operational safety. The acute shortage of technical personnel of all grades in this country has created a state of intense competition between the Companies for the services of all available men, with the result that every “B” licence pilot—good, bad or indifferent is absorbed and the normal process of elimination of those who are of inferior ability has ceased to exist. This situation has tended to cause a lowering of the standards of safety and efficiency. The introduction into this country of aircraft of advanced design, e.g., Vikings and Constellations, makes it necessary that the crews operating them should have a high standard of operating technique. The operating Companies themselves have realised the necessity for the lightening up of the Aircraft Rules relating to flying tests for a commercial pilot who has to handle multi-engined aircraft and also for the introduction of flying tests of a much higher standard for pilots authorised to act as pilot-in-command of such aircraft when employed on a scheduled air transport service. The Government have accordingly decided to amend the Rules suitably, taking also into account the new regulations which have been approved for international adoption by the International Civil Aviation Organisation. The rules as amended will provide for stringent tests for as well as for periodic checks of the pilots by authorised examiners. The proposed amended rules have been accepted by the air transport companies.

PROTECTIVE DUTIES (MISCELLANEOUS PROVISIONS) BILL

The Honourable Shri K. C. Neogy (Minister of Commerce): Sir, I move for leave to introduce a Bill to extend the date upto which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect, to determine or levy protective duties in certain other cases and further to amend the Sugar Industries (Protection) Act, 1932.

Mr. Speaker: The question is:

“That leave be granted to introduce a Bill to extend the date upto which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect to determine or levy protective duties in certain other cases and further to amend the Sugar Industries (Protection) Act, 1932.”

The motion was adopted.

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

GENERAL BUDGET—LIST OF DEMANDS—contd.

SECOND STAGE—contd.

Mr. Speaker: The House will take up today the Demands for Grants in respect of Health, Education, Labour and Transport. Obviously, all these four will be taken up one after the other and, looking at the time at our disposal, the allotment of time will be one hour for Health—I am not speaking of the

[Mr. Speaker]

time limit as to the speeches of honourable Members—Education one hour, Labour one hour and Transport 45 minutes. That is the allotment of time. I believe these are generally acceptable.

That means the time allotted for Health will be from 11-45 to 12-45. We will be left with 15 minutes before Lunch and Education will proceed in compartments and after we meet again, we will take up Education. Discussion on Labour will be one hour and Transport 45 minutes.

The Honourable Shri Satyanarayan Sinha (Minister of State): May I suggest that the honourable Ministers in charge of these Departments should be requested not to make an opening speech, so that they may give an opportunity to other Members to speak?

Mr. Speaker: It is entirely a matter for the honourable Ministers and the House to choose among themselves whether the Ministers should or should not make a statement, but I believe the books have been circulated. So, I shall first place before the House the Demands for Grants in respect of Health.

DEMAND NO. 18—MINISTRY OF HEALTH

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 7,82,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Health'."

DEMAND NO. 51—MEDICAL SERVICES

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 29,59,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Medical Services'."

DEMAND NO. 52—PUBLIC HEALTH

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 69,05,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Public Health'."

I do not know whether the honourable Minister proposes to address the House now or at the end.

The Honourable Rajkumari Amrit Kaur (Minister of Health): In view of the very short time that has been given, I think it would be better for me to speak at the end after the honourable Members have spoken.

Mr. Speaker: Shall I leave 25 minutes for her reply?

The Honourable Rajkumari Amrit Kaur: Yes.

Mr. Speaker: Very well. The time limit for members has to be in any case between seven to ten minutes.

Mr. Frank Anthony (C.P. and Berar: General): Sir, I request your permission to move a cut motion.

Mr. Speaker: Is it a cut motion with reference to the Health Ministry? The honourable Member is perfectly entitled to do so.

Improvement of conditions of Nursing Services.

Mr. Frank Anthony: Sir, I move:

"That the demand under the head 'Ministry of Health' be reduced by Rs. 100."

Sir, I have given notice of this cut motion in order to focus attention on the deplorable conditions, which in some parts of the country appear to be getting worse, conditions under which nurses today are having to live and to work. Sir, I know that our honourable Minister for Health will say that while she has the greatest sympathy for the terrible conditions under which nurses have to work and live, she will plead inability to intervene effectively, because nursing is essentially a provincial subject. I feel, Sir, that we must call a stop to pious declarations, pious promises, professions of sympathy. In spite of the fact that nursing is essentially a provincial subject, I feel that very much can be done if more drive and more initiative is shown from the Centre in order to make the provinces realize their serious dereliction of duty in this matter. Sir, the language I use or will use will perhaps be regarded as a little strong, but I feel that this is a subject which requires not only strong language, but equally strong measures.

Sir, we hear and read of frequent appeals by the honourable Minister for Health and persons like the Governor-General, pointing to the acute shortage of nurses, requesting the womanhood of India to make up this acute shortage. Sir, I am quite convinced that all these appeals, from whichever direction they are made will be still born. And I go further and say that these appeals deserve to be still born. No person in authority has the right to ask India's womanhood to join the Nursing Services unless he is prepared to take accompanying and corresponding measures to see that the present terrible conditions under which our nurses are made to work all over this country, to see that conditions where they are under-paid, under-fed, under-housed, and over-worked deliberately exploited to the extent of destroying the health of many of the women, to see that these conditions are immediately improved.

Sir, I feel and any one who knows something about the nursing profession must feel that the present scales of pay are not only niggardly, but that they are scandalously disgraceful. What does the probationary nurse get? She gets 20 or 22 rupees a month; she gets another Rs. 20 a month as dearness allowance. From this total figure of 40 or 45 rupees a month, she has to pay house-rent, for her food, deductions are also made on account of linen that may be destroyed, on account of breakages. She is left if she is fortunate with a paltry sum of Rs. 20 a month with which to meet all her requirements in the way of civilian clothes, toilet requisites, recreation and amusement. A nurse after she has completed her training, starts on an initial salary of about Rs. 45 a month. With regard to uniform, the allowances in some provinces are so scandalously low that I know of cases where two nurses share one single uniform. A girl as she completes her day duty takes off that uniform and hands it to her colleague who goes on night duty. Sir, the position with regard to food is equally bad. I receive almost universal complaints that the food is not only inadequate, but it is regarded as dog food, that this inadequacy and poor quality of food is leading progressively to the under-mining of the health of these girls who take up the nursing profession. And I say, Sir, that the exploitation with regard to work beggars description. I do not know whether honourable Members realize that a nurse is required to do at least eight hours regular duty a day. Unlike persons in other services, a nurse gets no day of rest during the week. A nurse is lucky if she gets one Sunday off in the month as a day of rest. And it is

[Mr. Frank Anthony] with regard to the position concerning night duty, Sir, that I wish to draw particular attention. I consider this position as absolutely scandalous. In every three months, a nurse is required to do one month's continuous night duty. She is required to do 12 hours duty every night for 30 consecutive nights. This is a matter which I feel requires the immediate attention of the Minister of Health. And we must remember this also, that unlike other services, a nurse is required to undertake hard study. In addition to hard rigorous duties of work, nurses are required to pass severe and difficult examinations both theoretical and practical. Sir, I feel that much of the difficulties of the nurses in the country are due unfortunately to the attitude of contempt towards and deliberate neglect of our nurses in this country. Unfortunately there is a widespread feeling in India even in the highest civilian official circles that the nursing profession is ignoble, low and demeaning. In all progressive countries of the world, the nursing profession is regarded not only as a fine profession but as one of the noblest of all professions. And I feel that our attitude in this respect is largely responsible for the continuing neglect of the nursing service.

What is happening in Madras? I am told that the scales which were already inequitously low have been further reduced. I know that in Bangalore—in the Bowring and Lady Curzon hospitals—the scale of pay of the nurses has been reduced and that as a result even the probationary nurses are going out and the staff nurses also are leaving the hospitals. I feel that even in the Centre not enough is being done in the matter. We hear professions of sympathy for the Service. We hear views expressing approval for the need to improve the condition of the nurses. But what has happened in the Centre? I have heard complaints from the Irwin Hospital. The girls have complained to me that the food given to them is nothing but dog food. When I suggested to them that they should have made representations about it, they said that if they made representations they would be immediately victimised as agitators. I told them: 'You have a fine Christian lady as Minister. Why don't you complain to her?' The trouble is that the Health Minister is too good a Christian, with a superabundance of faith in human nature with the result that any cock-and-bull story is accepted as gospel truth. The girls said, therefore, that they did not go to the Health Minister, because their last condition would be worse than the first. When I asked them whether the Health Minister does not inspect the Hospital, they said that when she pays an official visit everything is put in top-notch condition but if only the Health Minister visited the hospital *incognito* and took her dog with her, that animal would refuse to take the usual fare given to the nurses. I know that the Health Minister is sympathetic and that her sympathy is active and real. But unless something is really done not only you will not get new recruits to the profession, but my own fear is that even those that are there will progressively go out.

Mr. Speaker: Cut motion moved:

"That the demand under the head 'Ministry of Health' be reduced by Rs. 100".

Shri H. V. Kamath (C.P. and Berar: General): Mr. Speaker, the Health Minister is charged with the essential and very arduous task of nursing a sick nation back to health. The vital statistics in our country go to show that the state of health of the nation is alarmingly poor. Life expectation, infant mortality and maternity hospital returns show at what a low level of health the nation as a whole is. The primary needs of man include among other things, medical aid; and medical aid, to my mind, includes both preventive and curative aid. I would like to point out that so far as India is concerned, with our low per capita income, the only system of medical aid we can encourage today is the ancient science of Ayurveda the fifth Veda and the system of Yoga, especially Hatha Yoga and Yogic therapy. I am happy to note that the Chopra Committee has made a specific recommendation in this

behalf. I shall with your permission read out an extract from that Report. It is this: "The approach to research should be more in accordance with the systems themselves" (The reference is to the Indian Medical system) 'That is, not only through observation and experimentation in the laboratory, but also through meditational and intuitional means as practised by ancient savants'. Obviously 'meditational and intuitional means' refer to Yogic practices as practised in India in ancient times.

It is a well-known fact that Magasthenes the Greek traveller who visited India during Chandragupta's time testified to the fact that "this nation is a nation of Gods." He visited India at a time when all our sciences were very much advanced. Among the sciences that had thus advanced, the foremost place was taken by Ayurveda and Yoga.

The other day, the Health Minister, replying to a question on Psycho-Therapy said that she was willing to advance it if it was conducted on modern scientific lines. I do not know what she meant by 'modern scientific lines'. You should not however make a fetish of science. Science is all right. But I wonder what exactly 'science' connotes. Science in the widest sense connotes knowledge, even the highest knowledge. Certainly the ancient savants referred to by the Chopra Committee did attain to a very high level of knowledge as regards the Science of health. As regards modern medical science, you may have heard of the common saying 'Operation was successful, but the patient died'. That is perfectly scientific! I hope that the Health Minister would pursue a truly scientific policy. I would not discard anything ancient, just because it is an ancient thing and has fallen into disrepute in some places in the hands of quacks. Yesterday, I believe in reply to a question on Naturopathy the honourable Minister said that no proposals had been received from Naturopaths in the country. I hope Government will not be so indifferent with regard to health, but will take the initiative in this matter and promote the system of Yogic Therapy as practised today in Bombay and Lonavala. When the Minister goes to Bombay, if she would take a stroll along Chowpatty, she would find an institute called Kaivalyadhama on Chowpatty. There they practise Yogic or Psycho-Therapy of a fairly high order. I hope Government will invite the founder of the institution, who is the chairman of the Board of Physical Education of the Bombay Government, and ask him to submit proposals for the encouragement of Psycho-Therapy, especially Yogic Therapy in this country. The two institutions in Bombay and Lonavala are doing very good work not only with regard to preventive aspects but also with regard to the maintenance of health. It is not enough to build up muscles of iron for health. The nerves should be of steel, as it is the nervous system that is the base of health. Yogic therapy and Ayurveda promote the healthy growth of the nervous system in man.

Now I want to say a word about the B.C.G. vaccine which has been lately introduced in this country. I hope Government will go slow with this B.C.G. vaccine. Opinion is not unanimous with regard to this and there is a very fundamental cleavage of opinion amongst experts and health authorities. One health authority goes to the extent of saying that—

"the public should note that B.C.G. is a dangerous unstable product and other world experts and the Health Departments of many countries have not permitted its use because it is a live vaccine and should be used within a short period of its preparation. Moreover, the virulence of the B.C.G. is not fixed and harmful reactions may occur if it is too virulent."

I hope, therefore, that B.C.G. will not be used on too wide a scale in this country before its value and its harmlessness are ascertained beyond the shadow of a doubt.

[Shri H. V. Kamath]

Then, Sir, there is the other question of housing. A factory has been set up in this country for manufacture of pre-fabricated houses and the general problem of housing is looked after by the Works, Mines and Power Ministry and the Health Ministry. I wish that housing should be entirely under the Health Ministry and should be dissociated from the Works, Mines and Power Ministry. It must be looked after by the honourable Minister for Health as it is done in the U. K. In the U.K., I understand, the housing portfolio is part of the Ministry of Health. I hope that it will be done here too in our country.

As regards pre-fabricated houses, it is a novel experiment but I was sorry to note the other day that before the plan was finalised Indian housewives who are the most vitally interested in this problem,—in the housing problem and household management in general—were never consulted at any stage before the plan was finalised. I do hope that at some stage in the future, before the plans for pre-fabricated houses are finalised or before these houses are finally built housewives will be taken into consultation, will be taken into confidence, by the Health Minister.

Shri Mahavir Tyagi (U.P.: General): Housewives or midwives?

Shri H. V. Kamath: Lastly, Sir, there is the question of the medical licentiates and the medical graduates. I feel that the Indian Medical Councils Act has done an injustice to the Indian medical licentiates in our country. I hope that it will be revised ere long so as to bring the licentiates and graduates on a more or less equitable level, if not absolutely equal level.

Finally, Sir, I hope that the Ministry of Health will function in such a way that it will look after Health not merely in the Centrally Administered Areas, but also will have coordinating powers in regard to health matters in the provinces. I hope also that there will be an All-India Medical Institute in this country before long and I also wish and ardently hope that there will be a Central cadre to supply the staff needed for post-graduate teaching and research institutes in this country.

May I end with this observation that on the portals of the Ministry of Health must be inscribed the ancient motto of our country:

Shareeramadyam khalu dharmasadhanam

Shareera means bodily health, which is the pre-requisite of the higher life. I hope that we in this country will resurrect our ancient systems which maintained our nation in supreme health and that the sick nation that it is today will ere long be hale and hearty and—I would not say alive and kicking—but certainly restored to that state of health in which it can prosecute vital tasks of national reconstruction with greater energy and vigour. Our genius has always looked upon the health of man as only a means to an end, as a means to the performance of the highest *Dharma* and the achievement of *Moksha* for man.

Sreematty Annie Mascarene (Travancore State): Sir, of all the fundamental problems that await solution at the hands of Government, public health is the most important. Other problems like Industry, Commerce,—in fact, all development schemes—can wait, but problems like, Food, Health and Finance cannot wait, and if neglected, the nation will perish. If the health of the nation is the wealth of the nation, a grave duty devolves on the Government to look after the nation's health and build up the nation on sound healthy basis.

The hygienic aspect of Indian life, Sir, has been a long neglected subject. India has been a scene of famines, diseases, epidemics, all carrying a heavy toll of human life. The recent Bengal famine, and its consequent epidemics recorded in the annals of history is a lasting blot on British administration. Public health has baffled all administrators and in India it has been a standing problem. Poverty and disease—the twin sisters of destruction—have taken a long stride over the teeming population, carrying millions with them.

During the last twenty years, between the First and the Second World Wars, the population of India has increased by 85 millions. The present estimated increase of population is about 3 millions. If India has got the highest record of death rate, namely, 22 per thousand, it has the highest record of birth rate, namely, 34 per thousand. Over-population and under-feeding have characterised the socio-economic life of the Indian people. The present condition of health is very unsatisfactory indeed.

Statistics regarding diseases in India had been published in one of the American journals, the *Readers Digest*, in an article called "India—poor and starving" appearing in the 1949 January issue. In that article, they had given the statistics as follows. India is said to have only 45,000 doctors. That means an average of one doctor for every 7,000 citizens. In the C.P. there is only one doctor for every 14,500 citizens and one hospital for every 1 lakh 5 thousand people. The Health Ministry estimates the minimum need of the country to be 1 lakh and 85 thousand doctors. Look at the time we have got to make up for all this loss.

But what surprises me most, Sir, is the present policy of Government to throw the licentiated medical practitioners overboard. So many villages in India are in need of a midwife and a nurse. Would it not be better if we can provide them also with a licentiated medical practitioner? And what about the doctors' case? A doctor who spends so many years of his life in preparing himself to be fit enough to serve the nation, to fight with death and save men, women and children, he starts his life on a pittance of Rs. 150. A Radio announcer is getting Rs. 400 for his very voice. A clerk starts on Rs. 160. Why is the medical practitioner, the doctor, why is he so under-rated when his services are so very necessary for the nation? We have got to fight epidemics, not with Radio announcers, not with clerks, but we have got to fight epidemics with doctors and their skill. It looks from the statistics that we have at our hand that the country is badly in need of doctors. It looks as if the heritage that we are going to leave to posterity will be one of tuberculosis and malaria—malaria that eats like cankers into the heart of the nation, kills a million a year. 500,000 people die of tuberculosis a year and in the population there are about 2½ million people suffering from tuberculosis. Not to count the number of people who are carried away by small-pox, dysentery, and other epidemics and the weapon we have to fight with these is the inadequate number of doctors. I would like to make a few suggestions to the Government with regard to the weapons to fight the poor conditions of living and the want of sanitation all of which contribute to the growth of vice as well as to the growth of epidemics.

In order to enlighten people, whose literacy is not above 17 per cent., we have got to scheme how to teach them to fight against epidemics. Visual education, that is teaching the villagers through films, to live under sanitary conditions and to fight against epidemics, will be a proper scheme. It was adopted in Travancore and has been found to be successful. Similarly radio talks on health, will be another means of helping the villagers to fight against epidemics. Above all, the real cure lies not with the Health Minister but with the Food Minister. A country which is fed with food bought from the world pool cannot

[Sreematty Annie Mascarene]

last long to continue in the health we are having now. The best thing is for India to produce as much food as possible, for the nation lives not by drugs but by food. Therefore, if the Food Minister and the Health Minister—and of course the Finance Minister—put their heads together I think we can solve the problem.

There is one more point I wish to deal with and that is with regard to maternity and child welfare. Even Delhi has not got a qualified Maternity and Child Welfare doctor: I mean one who has a diploma on Maternity and Child Welfare. It is a great pity that this nation cannot give sufficient medical help to women in labour. Our infant mortality is 176 out of every 1,000—the highest in the world next to China. Unless we take proper care of our women and children, the nation is not going to grow healthy.

I would suggest that the Health Minister will train as many doctors as possible in maternity and child welfare service so that our nation may be better looked after. The children's mortality should be fought out by clinics, established or organized all over the country in every village. Unless every village can afford a midwife and a nurse, I do not think that this problem can be solved.

With these words, Sir, I thank you for the opportunity you have given me.

Dr. V. Subramaniam (Madras: General): I take this opportunity of placing a few facts before the honourable Members in this House. The first thing is that the previous speakers have given some statistics and some facts about midwifery and nursing. As far as nursing is concerned, it will take at least 50 years or more if we want to train nurses in sufficient numbers for the villages and towns. So I will make one suggestion. If it is feasible, the honourable Minister can take it; or otherwise, after taking expert opinion reject it. After the age of 15 or 16 in the girls' curriculum of studies, a course can be taken in midwifery and nursing, so that when such a girl goes out and marries, she can become the nurse and midwife for her daughters and neighbours. If some such method is adopted and also village *dhais* or nurses or young ladies prepared to take some training for six months are sent to villages and settle there, then the profession of nursing and midwifery will be an easy matter. Even today nursing and midwifery is being practised by so many village women and respectable ladies, but some instructions must be given. Unless some such method is adopted, it will be a long time before this problem is solved.

The other thing is the medical profession, and the relief that is given by allopathic doctors, Ayurvedic and homeopathic doctors, and so forth. In the field of allopathic doctors, there are Licentiates and Graduates. In the matter of registration, Licentiates and Graduates in the provinces are registered under one Act and one Register and in the Centre they are not registered under the All-India Medical Register. In the case of Licentiates, there are anomalies and caste-distinctions. Those distinctions were kept by the foreign Government probably for some political motives. But now it is high time that all these caste-distinctions are abolished and one All India Medical Register is created, where all the Licentiates and the medical graduates can be registered. Unless this is done there will be some sort of bickering even in the allopathic profession and I hope this matter will be taken up and the Indian Medical Council Act amended accordingly. In this way the Licentiates can be given some encouragement. Fortunately, the provinces have closed the licentiate training schools and there is only one graduate course now.

The other thing is that the minimum qualification for registration must be fixed in the Act. It is said "maximum qualification". But unless the minimum qualification is fixed and registration is started, we need not fix the maximum qualification. People wanting the latter qualifications can go to America, and England and obtain the knowledge which is required.

The other thing is that by the allopathic field, or state medicine only 15 to 20 per cent. of the population are being given medical aid by the Government. What is happening for the rest of the 80 per cent. of the population? They are being treated by the local *Vaid*s under the Ayurvedic system, which is an indigenous system. Certain Provincial Governments have started their own colleges. It is the Central Government's duty, especially after the report of the Indigenous systems of medicine Committee has been published to chalk out a clear policy and give a lead to the provinces. I know medicine is a provincial subject and research alone is in the central field. Unless the Central Government gives a lead and takes measures to organise research institutions the indigenous system will not be able to become self-sufficient. In the matter of science, the Ayurvedic medicine is a science in itself. It has been in existence for 5,000 years and even today 80 per cent. of the people are treated effectively for all diseases. The question is whether the State is going to condemn that system or whether they are going to improve and encourage only the foreign system, however scientific the former may be. Even after all these thousands of years, the Ayurvedic system is based upon certain principles, though it has its defects and one such defect is in the field of surgery. As an Ayurvedic practitioner, I know where the shoe pinches because that system has been neglected for 200 years. Before the British came the Ayurvedic system was catering to the needs of the people including military. But after the Britishers came, the system was neglected. It is a perfect system though it has some defects. It is the duty of the civil Governments not only in India, but also in the medical world at large to encourage that system, which has stood up to the needs of people for generations to come.

The Ayurveda on the other hand has analysed all organic life as structures on the primal five called the *Panchabootas*, corresponding to the modern Nuclear theory, that is, the law governing matter. Deducting from this theory it has built up a wonderful system of medicine whose efficacy has been confirmed by experience of the past some 5,000 years. So medical relief and education as I conceive will be lopsided and partial if it does not take into account all the systems of prevention and cure applied by mankind till now.

Medical education to be complete in India should mean full knowledge of the ancient systems of the land combined with the modern conception of medicine and knowledge.

Medical colleges should be able to impart a synthetic knowledge of these systems *Ayurved*, *Siddha*, *Unani*. The practice may crystallise into any one of these channels but the knowledge of the other systems should be there. That is my candid opinion about medical relief in this country.

As regards the other point, fortunately a medical institute has been recommended by the Chopra Committee. There are so many other recommendations of the Committee which will take a long time to be implemented. But before all that a minimum qualification or a minimum knowledge must be insisted on in regard to all doctors who come into the profession. Unless a man has the minimum knowledge or qualification he must not be allowed to practise. That much I am prepared to admit. As I said the Central Government will have to take strong measures to see that some sort of lead is given not only in India but for the whole world, because Ayurveda is the science of life. It is a science which

[Dr. V. Subramaniam]

deals not only with the human body, the flesh and blood of it, but also with the soul of man. So both these aspects of man are combined in Ayurveda. There is no cure of the body unless there is also cure of the mind. The science of life or Ayurveda deals not only with the human world but it also recognises that man has also other duties to perform. It recognises that unless we have a strong mind in a healthy body we cannot fulfil our goal in life. I, therefore, request the honourable Minister to take proper steps for the organisation of medical relief in the country. Whatever may be the systems, every thing good in any system must be accepted and consolidated and a national medical system must be encouraged in this country. Sir, I support the Demands.

The Honourable Rajkumari Amrit Kaur: Sir, I have listened with considerable interest to the various points raised by the honourable Members who have spoken on the budget demand on Health and I only hope that the speeches they have made are indicative of the growing interest in this subject.

The brief report of the activities of the Health Ministry, which has already been circulated along with the Budget papers, must have given honourable Members some idea of the more important items of work which the Ministry of Health has undertaken in the current year and accomplished and which we have programmed to do in the coming year.

Before I reply to some of the suggestions that have been thrown out in the speeches made by honourable Members I would like briefly to dwell on the policy, as I conceive it ought to be, of the Central Ministry of Health. As honourable Members are aware most of the subjects in the field of health fall in the provincial sphere and the executive responsibility in the matter of sanitation, Public health and medical relief lies largely with the provincial governments. While saying this I do not for one moment wish honourable Members to go away with the impression that I take a narrow view of central responsibility in the vital matter of national health. On the contrary, my work and experience in the Ministry which I have the honour to serve, have left no shadow of doubt in my mind that health administration in every part of India is a matter of direct and deep concern to the Central Government and in the promotion of health in all its aspects throughout the country and in the enforcing of the maintenance of high standards of efficiency in teaching, in research and generally in medical institutions the Central Government must always play a big and positive part. This has always been my endeavour and it will continue to be so. Apart from subjects like International Health Organisations, port quarantine, central agencies and institutions for research, professional or technical training and health in the centrally administered areas, for which the Central Government have direct responsibility, the Central Government's functions in regard to the matters which are primarily a provincial responsibility can be stated in very general terms to be co-ordination, provision of facilities for discussion, the supply of information, competent advice and guidance and such other assistance as they can give to the provinces for the promotion of the health and wellbeing of the country. It is only by the Centre acting with imagination and sympathy and extending its help to bring together the different administrative units of the Indian Union, with their varying resources and different levels of health, that the past neglect of public health and particularly that of rural India, can be rectified and an improved state of affairs brought into being within a reasonable period of time.

Therefore the idea that some people seem to have that health is a provincial subject and there is not much for the Centre to do is not quite correct and such people are, in my humble opinion, taking a very shortsighted and narrow

view and are following the path of evasion of responsibility. We have therefore endeavoured to take the initiative and given a lead wherever possible to the provincial governments and it was with the object of promoting active co-ordination in the promotion of health under local government administration that I convened a conference of Health Ministers, Ministers of Local Self-Government and Chairmen of Improvement Trusts last year. It was with the same object of promoting co-ordination of health policy throughout India and of providing the necessary advice and guidance to provincial governments and administrations that committees of enquiry were appointed to report on the indigenous systems of medicine, on environmental hygiene so intimately connected with rural medical aid, homeopathy, vital statistics, and leprosy and finances of local bodies also. Again, it was with the same idea of promoting coordinated development of certain important professions intimately connected with health that legislation to regulate the professions of pharmacy, nursing and dentistry were sponsored by the Central Government last year.

I mention all these instances in order to show that the general policy of my Ministry is to promote actively the cause of public health throughout the country to the maximum extent possible within the prescribed constitutional and financial limitations and here I would like to commend the keenness that has been evinced by the Provincial Ministers of Health and of Local Self-Government and Chairmen of Improvement Trusts throughout the country at the conferences held last year. I believe the provinces are forging ahead with their plans for health. They would forge ahead much more quickly but they too like the Centre suffer from financial disabilities.

It must be admitted, and I am sure the House will be at one with me when I say, that the money we spend on health is very much less than what is needed to provide an adequate health service for the country. Our hospitals and our health organisations are under-staffed. They are not always adequately equipped and unless more money is forthcoming progress must remain unsatisfactory. Sir, I stand before the House today with almost a guilty conscience when I am asking sanction for demands which do not go any length whatsoever towards fulfilling the needs of this vast land of ours in the field of health. None of the many plans we have in mind for increase of production can fructify if the health of the nation is not up to mark. Even armaments will be worth nothing if the men of the armed forces are physical weaklings. I am alarmed at the growing deterioration in the general health of the populace and particularly in the health of our children. We have to save them. We have to save our youth and all our people from mal and under-nutrition and disease, if we are to raise our stature in any sphere. But how can we do so if 50 per cent. of our revenues go towards defence and less than 5 per cent. is spent on health as a whole in the country and less than 1 per cent. in the Centre? I want the House to ponder very deeply over the figures that I am putting before it and I want to know how it expects me to do things if it does not give me the money wherewith to carry out my plans. I think sooner or later—and I hope sooner rather than later—the House will have to decide as to whether it is going to continue to starve this most vital Department: in other words, are they going to choose guns instead of butter?

There are schemes in the sphere of health which cannot brook any delay in being brought into action. The All-India Medical Institute must be brought into being. We have attained political freedom no doubt but we need well qualified men and women in every sphere of life if we are to obtain the fullest benefit from it. A handful of young men and women sent abroad for study will not suffice. We want to give every facility for post-graduate study and research to vast numbers in our own land. Those Members of the House who are anxious to have a Medical College in Delhi must join hands with me in pushing forward the scheme because it is only money that deters me.

[Rajkumari Amrit Kaur]

Meanwhile I would like to say for the benefit of those Members who are, I know, very agitated about the lack of medical education that can be provided in Delhi that in the Centrally administered areas and in Delhi steps are being taken to reserve seats in the Medical Colleges of neighbouring Provinces—at Agra, Indore, Jaipur, Gwalior and in the Glancy Medical College at Amritsar.

Babu Ramnarayan Singh (Bihar: General): How many seats?

The Honourable Rajkumari Amrit Kaur: I think we have got about twenty-five seats in all in these places, but I am trying to get more if I possibly can. But I entirely share the opinion of honourable Members that there should be a college here. For that, as I say, give me the money.

An honourable Member of the House has talked, and talked very strongly, about the nursing services. I need hardly say to him that I am in entire agreement with every word that he has said and I know how extremely badly staffed our hospitals are, how over-worked nurses are and how shockingly under-paid they are. I would like to assure him that no branch of the medical profession has had more not only of my keen sympathy but also of my active sympathy in bettering their lot than this one and I put Nursing specially on the agenda of the last conference of Health Ministers that I called. Even more than scales of pay I agree it is the unsatisfactory living conditions which stand in the way of many girls joining this profession. I would like to assure the House that we have proposals now for the provision of adequate living quarters for nurses near the Irwin Hospital. I have long since taken up the matter of the extra food allowance of the nurses in the hospitals in Delhi. It is not that I am not available to the nursing profession in Delhi. They come to me. They tell me their grievances and I take up their cause at once. But there again it is a question of finance. We have all along been drawing the attention of the Provincial Governments to the need of improving the conditions of the service of nurses, of raising the status of the profession and of improving facilities for training. I am glad to inform the House that many Provincial Governments have included plans for these purposes in their post-war development schemes. To raise the status of the profession gazetted status has been conferred on nurses of the rank of Nursing Sisters and above. The House is also aware that with a view to improving nursing education and to provide a highly trained class of nurses, who, it is hoped, will eventually provide the leadership for the profession, a nursing college affiliated to the Delhi University was established in Delhi two years ago. It has on its rolls at the moment 49 students studying for the B.Sc. degree in Nursing in the Delhi University. It also has 12 students undergoing training in Hospital Administration and other subjects. Selected nurses who have already undergone training in India are also sent abroad for post-graduate training. I can assure honourable Members that everything possible will be done to raise the status and efficiency of the nursing profession. But there again I have to plead as to how I can pay them adequately when we have not got the money, when health is not given adequate funds. The lack of funds for buildings even for the Nursing College here and the forcible occupation by the refugees of even some of the meagre hutment accommodation that I have for the Nursing College in Delhi is retarding the progress of this institution, and I say it is retarding the progress of this institution and adding to the detriment of the cause of nurses in India.

I agree that probationary nurses are under-paid, and their hours of work are too many. There again how am I to get more money for them and more food. But I assure the House once again that this is being sought to be done. I think that the attitude of contempt that the honourable Member referred to

has now really vanished and that many nurses from very good families are willing to come forward if only we could give them the facilities for training and if only they could be assured of proper pay, proper living accommodation and proper food.

There is the question of the cause of the indigenous systems of medicine which is almost a hardy annual. I would like to reiterate every word that I said in regard to this on the floor of the House last year. It is not that Government is not anxious to give all the facilities that it can for research in indigenous systems of medicine and also indigenous drugs. I consider that it is extremely necessary. But I do want the House not to be guided purely by sentiment in this matter and not to think that because these systems are ancient and because they belong to India they are the only or the best systems of medicine.

Shri H. V. Kamath: They have stood the test of ages and proved their efficacy.

The Honourable Rajkumari Amrit Kaur: India can not, must not, dare not, run away from or not give every encouragement to modern science. We would belittle ourselves in our own eyes and in the eyes of the world if we did so. Only those methods in medicine can be accepted which can stand the test of scientific scrutiny. Therefore basic training in modern science and its methods is necessary for anyone who claims to cure human disease, be it by whatsoever method.

I am glad one of the Members has raised the question of registration of all medical practitioners. All medical practitioners must be registered if we are to banish quackery from our land. They must have the same minimum standard of training. This does not preclude research in our indigenous systems and indigenous drugs. Ever wider opportunity for such research must be provided so that we may see to what extent indigenous systems and homeopathy too can be developed and regulated for medical relief in the country but not, I say again, in any spirit of rivalry with allopathy.

Shri H. V. Kamath: In a spirit of co-operation.

The Honourable Rajkumari Amrit Kaur: Rural medical relief has been mentioned by certain speakers. That subject is very near my heart and I may say that in the Centrally administered areas I have given priority 'A' to rural medical relief and two primary centres, according to the recommendations of the Bhore Committee, have been sanctioned for the Delhi Province. The foundation stone of one has been laid and I hope that both of them will be functioning within a year. This is a definite step forward.

I may also say this for the Delhi Province. I would like to make it a model province before I leave this Ministry. We must have plans for providing health education for the people because I feel that prevention is better than cure and that we must teach people how to live properly. We could banish 50 per cent. of the diseases if they knew this art. I hope that the housing department under me will also function well, not only in producing houses which may come under the prefabricated housing factory but also in the entire matter of housing and in laying out proper plans for villages much more even than for our towns. I am also going to have for Delhi mobile dispensaries which will, at any rate, go out daily and serve the rural areas.

I have spoken enough about the lack of money. Being a spending department as health must be, it cannot make any real progress without adequate grants.

[Rajkumari Amrit Kaur]

The problem is too vast to be dealt with in a short time, and if honourable Members are at liberty to criticise the Ministry of Health, I think I may be permitted to say, Sir, that it is scarcely fair for subjects so vital as health, education and labour welfare to devote only one working day for discussion thereon with a fourth subject thrown into the bargain. These are constructive activities; in them and in their proper development lies the happiness, moral, mental and physical, of our people. We are passing through critical times. We have to begin to build from scratch in every phase of activity. Nothing can be given priority. It is often said that we must have this and that and that health and education can wait. I entirely disagree. Nothing can wait, nothing can be given priority; everything is inextricably bound up with everything else. Sir, I beg of the House not to ignore health. That way lie danger and disaster. May I inform the House that in the U.S.A., in spite of complete autonomy in the States, under the Federal Security Act the Surgeon-General of the Federal Public Health has a large amount of money placed at his disposal for assisting the States in the development of their health plans. These grants are given to the States with certain specific conditions attached to them. There is a Bureau of Health Services under an Assistant Surgeon-General with an adequate number of technical experts whose services are utilised partly for assignment to health organisations in the States whenever necessary, and partly for ensuring supervision over the execution of the schemes for the grants-in-aid that are given.

I would also recommend to honourable Members to study the latest national health programme of U.K. which makes available free of charge every medical amenity to everybody in the country. They have not counted the cost in terms of money; they have laid the greater emphasis on human health and happiness. These surely are the lines which we should also follow.

I ask the House Sir, not only to pass this Budget without altering one iota of it, but to press for more money for this life-giving and life-saving Ministry. I not only ask for money, but I ask for adequate and highly-qualified staff in order to carry out our plans for development on a scale worthy of our country and its fair name. Anything less would be unworthy of the millions committed to our charge.

Mr. Frank Anthony: Sir, in view of what the honourable Minister has stated, I would request permission to withdraw my cut motion.

Mr. Speaker: Has the honourable Member leave of the House to withdraw his cut motion?

The cut motion was, by leave of the Assembly, withdrawn.

Mr. Speaker: I will now put the Demands to the House.

The question is:

"That a sum not exceeding Rs. 7,82,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Health'."

The motion was adopted.

Mr. Speaker: The question is:

"That a sum not exceeding Rs. 29,59,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Medical Services'."

The motion was adopted.

Mr. Speaker: The question is:

"That a sum not exceeding Rs. 69,05,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Public Health'."

The motion was adopted.

Mr. Speaker: We now take up the Demands in respect of Education.

DEMAND NO. 16.—MINISTRY OF EDUCATION.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 33,76,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Education'."

DEMAND NO. 46.—ARCHAEOLOGY.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 28,71,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Archaeology'."

DEMAND NO. 49.—OTHER SCIENTIFIC DEPARTMENTS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 1,81,40,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Other Scientific Departments'."

DEMAND NO. 50.—EDUCATION.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 93,41,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Education'."

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar).]

प्रोफेसर यशवन्त राय : महोदय, Education इतना वास्तविक (vast subject) है, और इसके लिये इतना कम समय रखा गया है, इसके लिये मुझे बहुत दुख है। एड्युकेशन एक ऐसा Important Subject है कि जिसको इण्डिया (India) के Development Plans में First Priority मिलनी चाहिये। लेकिन दुख की बात है कि हमारा देश एक ऐसा देश है, जिसके अन्दर ८५ फीसदी लोग अनपढ़ हैं और फिर भी हम Education को इतना महत्व नहीं दे रहे हैं। दूसरे जितने आजाद मुल्क हैं, उनके अन्दर Education को बड़ी भारी importance दी जाती है इसलिये Education को discuss करने के लिये बहुत ज्यादा समय की जरूरत होती है।

जिस वक्त यहां पर अग्रजों की हकूमत थी, वह हकूमत एक bureaucratic Government थी और वह लोग यह चाहते थे कि अनपढ़ों की मदद से या सपोर्ट (Support) से इस देश में राज्य कर। लेकिन आज की हमारी सरकार तो एक

[प्रोफेसर यशवन्त राय]

प्रजातन्त्र सरकार है। हमें चाहिये कि जितनी ज्यादा से ज्यादा हम education को इस देश में फैला सकें, उतना फैलाने की कोशिश करें। हमारे माननीय एड्यूकेशन मिनिस्टर साहब ने Basic Education की, जो स्कीम रखी है, उसके अन्दर बहुत ज्यादा खर्चा होगा और मेरे ख्याल में जो स्कूलों में आजकल education है उस पर विचार करते हुये यह स्कीम impracticable है और इस पर ज्यादा रुपया खर्च करने की जरूरत नहीं है। बल्कि नये विधान में हमने जो Adult Franchise दिया है, उसके लिये जरूरी है कि हम masses को educate करें, और masses को educate करने के लिये इतना ज्यादा रुपया खर्च करने की जरूरत नहीं है। चाहे हम social education दें, चाहे हम adult education दें, लेकिन तीन आर (3 R's.) की education होनी चाहिये उसमें reading, writing and arithmetic का provision होना चाहिये। इसलिये education के बहुत से items पर जो हम, इतना ज्यादा रुपया खर्च करने जा रहे हैं, वह मेरे ख्याल में कम हो सकता है। हमारा सबसे पहला आदर्श इस समय यह होना चाहिये कि हमें तमाम masses के अन्दर एक education फैलाना चाहिये जिससे masses को कम से कम अखबार पढ़ने का या हमारी सरकार जो कार्य उनके लिये करने जा रही है, उसका ज्ञान होना चाहिये।

दूसरा point जो मैं पेश करना चाहता हूं वह यह है कि हमारा जो मौजूदा education system है, वह पूरे का पूरा overhaul होना चाहिये। यह बिल्कुल western ideology जो हमने अपने education system के अन्दर रखी है, यह India को suit नहीं करती है। पंजाब केसरी श्री० लाला लाजपत राय जी कहा करते थे "Go back to the Vedas" Professor Maxmuller ने कहा है "Rig Veda is the earliest book in the library of the world"। यह चीजें साफ जाहिर करती हैं कि हमारा जो अपना Culture है और सभ्यता है वह बहुत पुराना है उसकी तरफ हमें आज जाना चाहिये। अगर हम चाहते हैं कि हमारा राष्ट्र मजबूत हो, एक भाषा हो, एक culture हो, और एक देश हो, तो हमें अपनी पुरानी ideology को अपने Education system में लाना होगा। एक विद्वान ने कहा है कि अगर हम यह चाहते हैं कि हमारे विचार सारे देश के अन्दर फैल जायें तो हमें उन विचारों को उस देश के स्कूलों में भर देना चाहिये। इसलिये स्कूलों के tone को बदलने के लिये और उनके अन्दर जो western ideology है, उसको बदलने के लिये यह जरूरी है, कि हम अपने Eastern culture की तरफ ध्यान दें जो इतना समय बीत जाने के बाद भी और इतने (Invaders) के आने के बावजूद भी आज कायम है, उसको आनायें। हमारा कन्चर इतने time

के बाद भी कायम है और हम सब tides को stand कर सके हैं यह हमारी पुरानी ideology बहुत अच्छी है और हमें फिर से उसे अपने education system के अन्दर लाना चाहिये।

Education का aim होता है सुख और शान्ति हासिल करना। जैसा कि शास्त्रों में कहा है :

“विद्या ददाति विनयं—विनयादयाति पात्रताम्।

पात्रत्वात् धनमाप्नोति धनात् धर्मं ततो सुखम् ॥”

यानी विद्या का aim है सुख को लाना। लेकिन आज हम क्या देखते हैं। आज स्कूलों में और कालेजों में विद्यार्थी आये दिन बिना सोचे समझे गवर्नमेन्ट के खिलाफ उठ खड़े होते हैं। उन्हें ऐसा करने से पहले इस बात को समझ लेना चाहिये कि यह उनके हित के लिये है यानी फायदे के लिये है जो सरकार उनके लिये कर रही है, या नुकसान के लिये है। उन्हें बिना सोचे समझे सरकार के खिलाफ खड़ा न होना चाहिये। मैं तो इसका यही सबब समझता हूं कि उनके अन्दर राईट टाईप Right-type की education नहीं है बल्कि वह western education की चीजों को लेते हैं जो कि हमारे देश के हालात के लिये Impracticable हैं। John Stuart Mill एक बड़ा भारी विद्वान हुआ है। उन्होंने इस चीज को discover किया है कि education जो है, वह तीन एच (3H's) की होनी चाहिये, यानी head, hand and heart (हेड, हैंड, एंड हार्ट)। आज के प्रचलित education system में head and hand की तो education है, लेकिन heart की नहीं है क्योंकि यह western ideology पर चल रही है। लेकिन हमारे पुराने आर्य समय में तीनों एच (3H's) की Education होती थी लेकिन जो western countries हैं, उनके अन्दर दो एच (2H's) की ही education है, तीसरी यानी heart की education नहीं है, जिससे कि उनके अन्दर एक दूसरे के प्रति प्रेम भाव नहीं रहता है और वह एक दूसरे को divide करती है और वह लोग एक दूसरे को वरबाद करने पर तुले रहते हैं। इसलिये हम चाहते हैं कि हमारे देश के अन्दर तीन एच (3H's) की education हो और heart की education भी हो, ताकि हम लोगों में एक दूसरे के प्रति प्रेम भाव हो और भाई भाई की तरह मिल कर रहना सीखें। पुराने समय में हमारे देश में बहुत बढ़िया technical education थी और पिछले जंग में अंग्रेजी सरकार ने भी टेक्नीकल एड्यूकेशन पर बहुत ज्यादा जोर दिया, और उनको भी इसके लिये Technical and Vocational Centres खोलने पड़े। इसलिये इस Atomic-Age में technical education को हमारे एड्यूकेशन सिस्टम में ज्यादा से ज्यादा स्थान मिलना चाहिये। मैं आप से प्रार्थना करता हूं कि हमें technical education पर बहुत ज्यादा रुपया खर्च करना चाहिये। हमें सिर्फ इस बात से खुश न होना चाहिये कि हमने इतना रुपया इसके लिये ग्रांट कर दिया है, और

[प्रोफेसर यशवन्त राय]

हमारे विद्यार्थी Tailoring, तरखाना, लुहारा और साईकिल मरम्मत सीख रहे हैं बल्कि अपने स्कूलों में सही टेकनीकल एड्युकेशन, यानी अस्त्र और शस्त्र बनाने की शिक्षा देना चाहिये। मैंने इंग्लैंड में देखा है कि वहां पर स्कूलों और कॉलेजों में हवाई जहाज बनाने की शिक्षा देते हैं, मोटर बनाने की शिक्षा देते हैं और दूसरी मशीनों और पुर्जों के बनाने की शिक्षा देते हैं। हमारे स्कूल और कॉलेजों में भी इन सारी चीजों की शिक्षा का इन्तजाम फौरन होना चाहिये। Technical education के साथ साथ हमारी ज्यादा से ज्यादा तबज्जह physical education की तरफ भी होनी चाहिये, ऐसा नहीं होना चाहिये कि वेस्टर्न western philosophy के अन्दर हमने physical education को बिल्कुल ignore सा कर दिया है। हमें अपने विद्यार्थियों को बलवान् बनाना है और चरित्रवान् बनाना है। पुराने आर्य समय में जब विद्यार्थी सबसे पहले अपने गुरु के पास जाता था तो गुरु यह कहता था :— “अशमा भवतुः ते तनुः”—“तेरा शरीर वज्र (पत्थर) हो”। अर्थात् तेरा जो शरीर है वह वज्र समान होना चाहिये। और इसके साथ ही गुरु कहता था “आत्मा वै पुत्र नामोसि”। “तू आत्मा है पुत्र तो तेरा नाम है” दूसरे मानों में वह बताता था कि तेरी आत्मा बलवान् होनी चाहिये। इसलिये इन दोनों बातों का ख्याल रखते हुये कि आदमी आत्मा और शरीर इन दो चीजों का बना हुआ है, आत्मा और शरीर दोनों का development होना चाहिये। तभी एड्युकेशन ठीक हो सकती है। आजकल जो एजुकेशन हो रही है उसमें Students हमारे बखिलाफ हो जाते हैं और Interested parties आकर उनमें Indiscipline करा देते हैं। इन बातों से छुटकारा तभी हो सकता है जब कि हम इस बात को मान लें कि हमको थ्योरी और प्रैक्टिस (theory and practice) में अपने ideals को लाना है।

मैं अपने विद्या मंत्री जी को धन्यवाद देता हूँ क्योंकि वह माहत्मा गांधी जी के सच्चे follower हैं। वह चाहते हैं कि इस देश में Classless Society हो। इसलिये उन्होंने backward classes के लिये दस लाख रुपये की Sanction दी है। लेकिन मैं यह कहना चाहता हूँ कि पंजाब के जो हरिजन विद्यार्थी हैं उनको अभी तक वजीफा नहीं मिला है। यह यूनिवर्सिटी का कसूर है क्योंकि उनके Result निकालने में देरी की गई है। इसमें विद्यार्थियों का कोई कसूर नहीं है। इसलिये उन्हें वजीफा जरूर मिलना चाहिये।

मनुस्मृति के अन्दर एक श्लोक आता है :

एतद् देश प्रसूतस्यः शकाशादग्रजन्मनः

स्वं स्वं चरित्रं शिक्षेन् पृथग्या सर्व मानवाः ।

इसका अर्थ यह है कि भारतवर्ष में जो ब्राह्मण होते थे वह सारे जगत के गुरु होने थे। हम अपने विद्या मंत्री जी से यह आशा करते हैं कि वह ऐसा करें कि जिस तरह हमारे विद्यार्थी इंग्लैंड और दूसरे देशों में विद्या पढ़ने जाते हैं, उसी तरह सारे संसार के विद्यार्थी भारतवर्ष में विद्या हासिल करने के लिये आया करें। Lord Christ भारतवर्ष के एक सबसे बड़े विद्यार्थी थे जो कि नालन्दा आर तक्षशिला में पड़े थे। इसको जानने के लिये हमें “Unknown life of Christ” जो कि N. Notovitch ने लिखी है, पढ़नी चाहिये।

इस देश का सत्यानाश जब हुआ तब भी हमारे देश की शक्ति ब्राह्मणों के हाथों में थी और आजकल भी देश की शक्ति ब्राह्मणों के हाथों में है। मेरा ख्याल है कि जिन ब्राह्मणों ने इस देश का सत्यानाश किया था वही इसका पुनरुद्धार करेंगे।

(English translation of the above speech)

Prof. Yashwant Rai (East Punjab: General): Sir, I am deeply pained to say that such a short time has been allotted for the discussion of a vast subject like Education. Education is such an important subject that it should be accorded first priority in All India Development Plans. But it is a matter of great regret that although our country consists of 85 per cent. of uneducated people, yet we are not giving the same importance to this subject as it deserves. Secondly, in all the free countries, great importance is attached to 'Education'. Therefore, considerable time is required to discuss this subject.

During the time of the British regime in India, a bureaucratic Government was in power and the Britishers aimed to rule India with the support of the illiterate people. But at present we have got a democratic Government. We should make maximum possible endeavours to spread education in our country. The Basic Education Scheme which has been presented by our honourable Minister for Education is likely to involve a lot of expenditure; and in my opinion, keeping in view the education imparted in the schools at present, it seems to be somewhat impracticable, and it is not considered expedient to incur a heavy expenditure in this direction. On the contrary, it is most essential that we should educate the masses keeping in view the fact that we have provided for Adult Franchise in our new Constitution, and there is hardly any necessity for spending such a huge amount for the purpose of educating the masses. May it be social or adult education; but we should give education in the three R's viz., provision should be made in respect of reading, writing and arithmetic. For this reason, I believe that we can reduce the huge amount which we are going to spend in respect of various items under the head 'Education'. Our first and foremost object at present should be that we should try to spread some sort of education among our masses by means of which they may be able to read the newspapers or at least understand the implications of the plans formulated by our Government for their benefit.

Secondly, I would like to suggest that our existing education system should be thoroughly overhauled. The entire western ideology which is imbibed in our present education system does not suit India. The Lion of Punjab late Lala Lajpat Rai used to say “Go back to the Vedas”. Prof. Maxmuller has observed “Rig Veda is the earliest book in the library of the World”. All these things amply prove that our culture and civilization are very old, and we should switch back to that direction at present. If we want that we should build a strong nation, have a common language and culture and unified country, then we shall have to imbue our education system with our old

[Prof. Yashwant Rai]

ideology. A certain scholar has observed that if we want to spread our thoughts throughout the length and breadth of the country, then we should infuse those thoughts through the schools of that country. Therefore, with a view to change the tone of the schools and the western ideology prevalent there, it is considered necessary that we should devote attention towards our Eastern culture, which still exists today even after the lapse of such a long period and the visitation of so many invaders, and adopt it. Our culture continues to exist even after the ravages of such a long period and we have been able to stand the tide that betook us from time to time. Ours is a high ideology; it is ancient, and we should try to assimilate this in our present education system.

The aim of education is to attain peace and happiness, just as has been laid down in this *Shastras*:

*Vidya dadati vinayam vinayadayati patratam
Patratvat dhanawapnoti dhanaddharmam tatosukham.*

(Education imparts politeness; from politeness one becomes receptive; after that wealth follows. With the help of money, one can practice Dharma which leads to eternal happiness).

In other words, the aim of education is to achieve happiness. But what we find today is quite different. Now-a-days the students in both the schools and colleges make agitation against the Government in an irresponsible manner. Before launching upon such a course of action, they should realize as to whether what the Government are doing for their sake is likely to benefit them or not. They should not make any agitation against the Government without any cogent reasons. I would, on my part, attribute this delinquency not only to the lack of right type of education but to the fact that they are enamoured of the traits of Western education which are impracticable under the conditions existing in our country. John Stuart Mill was a great learned scholar. He has discovered this thing that the education should consist of the three "H's" viz., head, hand and heart. In the present education system, the faculties of head and hand do exist, but it is lacking in heart, because that is being run on the basis of the western ideology. But in our ancient Aryan age, education in the three "H's" used to be imparted whereas in the western countries, education is given in the two "H's" only. Education in the third direction viz., heart is lacking and as a result of this they cannot foster any mutual concord or harmony and it tends to divide one against the other, and those people are bent upon ruining each other. Therefore, we desire that education in the three "H's" should be imparted in our country which should include 'heart' also; so that we may be able to engender mutual love and should learn to work as members of One Brotherhood. In the olden days, very high standard of technical education existed in our country, and during the last war also, the British Government laid a great emphasis upon this matter, and for this purpose they had to open vocational training centres. Therefore, in the present atomic age, our technical education should be given a very conspicuous place. I would urge that we should spend a very large amount on our technical education. We should not feel complacent by the mere fact that we have sanctioned so much amount in this respect; and our students are getting training in the various trades, viz., Tailoring, Carpentry, Blacksmithy and Cycle Repairing, etc., etc., but we should also give technical education in our schools for the manufacture of arms and ammunition. In England, I saw that education in respect of building of aeroplanes, manufacture of motors and other machine tools and accessories is given both in the colleges and schools there. Immediate arrangements should, therefore, be

made to give education in all these trades in our schools and colleges. Along with the technical education, we should also devote our maximum possible attention towards the physical education. This should not be allowed to happen that we totally ignore physical education under the influence of the western education. We have got to make our students physically strong and ideal in their character. In the primitive Aryan Age when the student went to his teacher for the first time, the latter used to say:

Ashma bhavtu te tanuh. ('May thy body be adamant') And simultaneously the Guru (teacher) also used to say: *Atmavai putra namosi*, i.e., "you are soul, son is thy name."

In other words, the teacher exhorted him that he should have a powerful soul. Therefore keeping in view both these factors that a man is made up of two elements, body and soul, these should be developed. It is then only that education can have true meaning. In the present day education system, our students rise against us and interested parties intervene and create a sense of indiscipline in their ranks. We can get rid of such malpractices only when we admit the fact that we shall have to act upon our ideals both in theory and practice.

I congratulate our honourable Minister of Education because he is a true follower of Mahatma Gandhi. He wants that there should be a classless society in this country. Therefore, he has sanctioned the grant of Rs. 10 lacs for the benefit of the backward classes. But I would like to say that the Harijan students coming from Punjab have not so far been awarded scholarships. This is the fault of the University because there has been a delay in the announcement of their results. The students are not to be blamed for this. Therefore, scholarships should be awarded to them.

There is a sloka from *Manusmriti*: *Etaddesh prasutasya sakashadagrajan-manah.* *Svayam svayam charitram shiksheran prithvya sarvamanavah.*

"(From the Brahmanas born of this land, learned their character and sciences, all the men of the world)"

which means that the Brahmanas who were born in this country used to be the teachers of the whole world. We hope that our honourable Education Minister will so arrange that students from different countries of the world come to India for studies just as we send our students to England and other countries to receive training.

Lord Christ was the greatest scholar of India who had studied in the Universities of Taxila and Nalanda. To know this fact, we should read the book "Unknown life of Christ" which has been written by N. Notovitch.

This country was ruined at the time when the power vested in the hands of the Brahmanas and even today it is they who hold sway over this country. I hope that the same very Brahmanas who were responsible for the ruin of this country will resurrect it.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Shrimati G. Durgabai (Madras: General): Sir let me at the very outset.....

Pandit Hirday Nath Kunzru (U.P.: General): Sir may I ask you whether you will allow the general discussion first or allow me to move my cut motion first?

Mr. Speaker: Yes. As I said yesterday, the cut motion will surely be allowed to be moved. In fact, on the previous demands of the Health Ministry, I allowed Mr. Frank Anthony to move his cut motion. In case any honourable Member wishes to move a cut, it is better if intimation is given

[Mr. Speaker] before-hand, so that I may call upon him first. In this case, I have asked Shrimati G. Durgabai to speak first and therefore after she had finished, the honourable Member can move his cut motion.

Shrimati G. Durgabai: Sir, let me at the very outset offer my congratulations to the honourable the Minister for Education for what he has been able to achieve with the limited resources available for the working of his Ministry. Sir, some of his schemes, like the establishment of a National Museum of Art, Archaeology and Anthropology and also the establishment of a National Cultural Trust for the promotion and fostering of Art, Painting and Drama and also a college of Carnatic music at Madras and an Academy of Hindustani music at Lucknow, they are all praiseworthy and highly commendable, but it is also gratifying to note from the report issued by his Ministry that the schemes of liquidating illiteracy and also universal social adult education have been placed as the first and foremost of the programmes. Sir, if we judge the provisions of this Education Budget in this background, we are sadly disappointed to find that hardly anything is done to achieve these ends. Sir, out of a total budget of 362 crores, only 4½ crores are provided for education, only 1¼ per cent. a very poor percentage indeed, in comparison to the sums allotted to various other Departments. Sir, the bulk of the money is earmarked for Delhi University and also help to the other universities, grants-in-aid to the scientific institutes and other educational institutions, leaving very little surplus for education proper as such. Scores of crores, could be found to all the other departments, but hardly anything is done for elementary education of our masses, 85 per cent. of whom could not even read or write. Sir, it is a very painful thing to talk of mass illiteracy in this country though we are talking boastfully of our Independence and also of international prestige. I consider that unless we launch upon a vigorous propaganda and a vigorous drive to liquidate this illiteracy, our boastful talk of our international prestige and also Independence of India will remain a mockery.

Sir, today, the chief object of my participating in this debate is to draw the attention of the Ministry to the fact that very little has been done to the women's education. Sir, I may not be accused of ventilating sectional grievances, but I have read the pamphlet detailing the activities of the Education Ministry from August 1947 to 1948, and except in a single instance where they have given a grant to the Indian Women's university at Bombay, they have done hardly anything either to encourage or promote the women's education.

Sir, women's education is a provincial subject, I know, but as all Education is a provincial subject this is also to be so, but may I ask what is the purpose in having a Central Advisory Board of Education and also a Bureau of Central Education working under the auspices of this Ministry? Sir, this problem of women's education is so stupendous that it deserves the attention of the Central Advisory Board of Education. In the report of 56 pages, issued by the Ministry, not a single line has been allotted to describe the efforts or the achievements of this Ministry towards promoting women's education. I know, Sir, this problem of women's education is a very old subject, but there is a new way of looking at it. When I am urging the Education Ministry to promote women's education, I am not supposed to be asking them to start more colleges or more schools or give more scholarships.

Mr. Speaker: May I point out to the honourable member that the subject is a provincial one?

Shrimati G. Durgabai: Yes, Sir, I know that it falls within the scope of this Ministry and I have read the report in which they want to liquidate illiteracy and also their programme seems to be to make 50 per cent. of adults literate within a course of five years. I am talking about the women's education, because women form more than 50 per cent. of the population and therefore, I am urging upon the Ministry to make a special note of this matter.

Sir, the problem of women's education is essentially a problem of adult education. You may start more schools; you may start more colleges, but you cannot make the generality of women school-minded or college-minded, because in the case of 99 out of 100 women, their education stops after the Secondary school and also there are ever so many difficulties coming in the way of a married woman. Now they have to prosecute their studies and they will have the leisure to prosecute what they have left at a school-age or at the age of 13 or 14 when they are 25 or 27.

Mr. Speaker: I may again point out that what she is speaking is not irrelevant. That is not my point, but the subject being provincial, any detailed criticism in this House will not be of much avail. I may remind that she has only two minutes now.

Shrimati G. Durgabai: My only recourse is the honourable the Minister for Education. I cannot raise my voice. I am urging him to advise the Provincial Governments to do something more.

This problem is not peculiar to India. England and America have solved this problem by encouraging private studies. But the Educationists in India think that education is education only when a student has put in 85 per cent. or 90 per cent. attendance at a school. Therefore it is that I am urging upon this Ministry to encourage private study. Here I want to pay a tribute to the Benares Hindu University. No University in India has done greater service than the Benares University which has allowed women to appear privately and has thus encouraged a number of private institutions to spring up for women's education. Women's clubs have started coaching students privately. Therefore they have done a great service. Here I am only drawing the attention of the Ministry to one fact. I urge upon the Minister to give incentive to women's education by allowing them to appear privately for all the University examinations. If this is allowed, with a little assistance women will complete their studies at home and appear for University examinations. This will bring university education within the reach of all.

The scheme of universal adult education with a view to make 50 per cent. of the adults literate in a period of five years is a very gigantic one. We require a number of teachers for this purpose and there is a very great demand for qualified women teachers also. But there is lack of incentive for women to go and work, because they have got various difficulties. In addition to the difficulty of transfers where the man and the woman are in Government employment, there is the difficulty of six-hours' compulsory attendance at school. Therefore I urge upon the Education Minister to create facilities for part-time service with a proportionate allowance for them. If this is done we can draw upon the services of a large number of women who are today available and willing to place their services at the disposal of the Minister who has to solve this mass illiteracy problem.

As my time is up, I sit down.

Transfer of Colleges in Delhi to the University Area.

Pandit Hirday Nath Kunzru: I move:

"That the demand under the head 'Education' be reduced by Rs. 100."

Sir, when the Delhi University was established, the first grade colleges in Delhi were in a very difficult position. The localities in which they were situated were such as to make the creation of an academic atmosphere almost impossible. Besides, the accommodation in the colleges was also limited and there were no grounds attached to them. It was therefore realised that they

[Pandit Hirday Nath Kunzru]

should be shifted as soon as possible to new sites. Accordingly, some years ago, new sites were allotted to them and in the Budget for 1947-48 a provision of 5½ lakhs was made to enable Government to give grants to the colleges to put up new buildings, and I suppose, new hostels. The colleges submitted their plans. Nothing was done and the budgetted sum therefore lapsed. In the Budget for the next year, that is for the year 1948-49, a similar provision was made for the same purpose. The Vice-Chancellor called the representatives of the colleges together in order to decide how the money given by Government was to be distributed amongst themselves and the scheme agreed to by the colleges was communicated to the Government. In May 1948 the colleges were asked to submit plans for their development on a five-year basis. This was done, but again the Government, for some reason that we are not aware of, took no action and the budgetted sum again lapsed.

Now, owing to the rise in the cost of building materials, the buildings that were originally expected to cost about 10 lakhs now cost Rs. 30 to 40 lakhs. At first negotiations were carried on between the Government and the University authorities on the basis that the colleges and the Government should share the cost of the new buildings in equal proportion. The Government never expressly agreed to this distribution, but as it did not express its dissent, the University authorities hoped that the basis suggested by them had the approval of Government. Now, however, owing to the increased cost of putting up new buildings, the colleges would find it impossible to collect 20 or 30 lakhs and they are therefore asking that 75 per cent. of the cost of the buildings should be met by Government. I do not know whether this question has been considered by Government. I realise what the financial position of the Government is, as well as any other person. But the University authorities do not want that the Government should find all the money that is required in one year. The Government themselves asked some months ago for plans that could be given effect to fully in five years. The matter still awaits their decision. In the meanwhile, the Delhi University, that was established with high hopes, is unable to carry on its work as efficiently as was expected. I hope, Sir, that the Government will soon arrive at a decision that would enable the four colleges, still remaining where they were, to plan their future development and thus enable the Delhi University to achieve the purpose for which it was founded.

Mr. Speaker: Out motion moved:

"That the demand under the head 'Education' be reduced by Rs. 100."

श्री० अजीत प्रसाद जैन : जनाब स्पीकर साहब, मैंने एजुकेशन मिनिस्टरी की रिपोर्ट देखी है। उसमें इस मिनिस्टरी के मनसूबे और इरादों का जिक्र है। वह क्या करना चाहते हैं, यह बताया गया है। उसमें इस बात का जिक्र है कि बेसिक तालीम, सोसियल तालीम के बारे में क्या करने का इरादा है युनिवर्सिटी कमिशन मैन-पावर-कमेटी जो मुकर्रर की गई है उनकी तजवीज के बारे में जिक्र किया गया है। यह तमाम अच्छी बातें हैं, लेकिन इस वक्त तक जो कुछ हुआ है वह तो कोई हिम्मत बढ़ाने वाला नहीं है। रिपोर्ट में स्क्रीमों का जिक्र है लेकिन वाकई तौर पर क्या २ बातें हासिल की गई इसमें बहुत कम मिलती हैं। मैं मौआजिज मिनिस्टर साहब या उनकी मिनिस्टरी पर विशेष इलजाम नहीं लगाता क्योंकि उनकी मिनिस्टरी

को आज्ञादाना तौर से कायम हुए तकरीबन पौने दो साल हुए हैं। और इस असे में ३३ करोड़ आदमियों को तालीम देना कैसे संभव था इतने बड़े मुल्क में जो कि बहुत दूर तक फैला हुआ है। मुझे यह उम्मीद है कि जिस कदर आला प्लानिंग की तजवीजें उन्होंने अपने रिपोर्ट में रखी हैं उनको वह बुलन्द हिम्मती से पूरा करने की कोशिश करेंगे। अब मैं चन्द मामलात की तरफ मौआजिज मिनिस्टर साहब का ध्यान दिलाना चाहता हूँ। मौआजिज मिनिस्टर साहब ने देखा होगा कि दिल्ली युनिवर्सिटी के बारे में उन नुमाइन्दों ने, जो इस असेम्बली से चुनकर युनिवर्सिटी कोर्ट पर भेजे गये थे, एक पैमफिलेट शायी किया है। वह पैमफिलेट करीब २ तमाम मेम्बरों को दिया गया है और उस पैमफिलेट में दिल्ली युनिवर्सिटी की हालत पर एक अजीब किस्म की रोशनी पड़ती है। उन तमाम वाक्यात के ऊपर मौआजिज मिनिस्टर साहब की मैं तवज्जो दिलाना चाहता हूँ जो इस पैमफिलेट में है। जो २ बातें इस पैमफिलेट में की गई हैं वह लाजमी तौर पर सही हैं ऐसा मेरा दावा नहीं। लेकिन मेरा दावा है कि इसमें बहुत सी ऐसी बातें हैं जो तकाजा करती हैं कि इस मामले पर तहकीकात की जाय।

पिछली बार दिल्ली युनिवर्सिटी में वाइस चान्सलर का इन्तखाब हुआ। उसके बारे में यह शिकायत की गई कि एक साहब जो एग्रीकलचर-कालेज के प्रिंसिपल थे उनको इस इन्तखाब में हिस्सा लेने का हक था लेकिन उनको इससे महरूम किया गया और कहा गया कि एग्रीकलचर कालिज का प्रिंसिपल इसमें हिस्सा नहीं ले सकता है। इसके बारे में दलील यह दी गई डीन की हैसियत से एग्रीकलचर कालेज के प्रिंसिपल हिस्सा ले सकते हैं। पैमफिलेट लिखने वालों ने यह दावा किया है कि प्रिंसिपल की हैसियत से पहिले हिस्सा लेते थे। इसी तरह से एक और शिकायत है डीन आफ मेडिसन के मुताल्लिक वाइस चान्सलर के चुनाव से एक रोज पहिले डीन का चुनाव किया गया और वह कायदे से नहीं चुने गये। कोरम चार का होना चाहिये था मगर उनको तीन आदमियों ने चुना। अगर यह वाकया है कि वाइस-चान्सलर का इन्तखाब इस किस्म की बेजाबतगी से हुआ, तो मैं चाहूंगा कि मौआजिज मिनिस्टर साहब इस तरफ ध्यान दें क्योंकि जब चोटी में इस कदर बदअमनी है तो युनिवर्सिटी के नीचे हिस्सों में भी काफी गड़बड़ होनी का एहतमाल है। मौआजिज मिनिस्टर साहब को खास तौर पर इन बातों की तरफ तवज्जो देनी चाहिये।

जो रिपोर्ट इस डिपार्टमेंट की ओर से पेश की गई है, उसके सफे २६ पर यह कहा गया है कि वह तालीबेइल्म जो तालीम के लिये बाहर भेजे जाते हैं उनको खास और मखसूस कामों के लिये टेक्निकल और साइन्टिफिक तालीम

[श्री अजीत प्रसाद जैन]

हासिल करने के लिये बाहर भेजा जायगा ऐसी तालीम जो हिन्दुस्तान में नहीं मिल सकती। आगे अब इस बात का ख्याल रखा जाय कि जब वह तालीम हासिल करके लौटे तो उनको यहां पर मुनासिब और ठीक जगह पर मुकद्दर किया जाय। इसमें शक नहीं कि गवर्नमेंट को बहुत से आदमियों की जरूरत है। इसमें शक नहीं कि कारखानों को भी बहुत से आदमियों की जरूरत है। इसमें शक नहीं कि पढ़ेलिखे और खास किस्म की तालीम पाये हुए और एक्सपर्ट्स की मुल्क को जरूरत है। लेकिन दूसरी तरफ देखने में आता है और मेरा जातीय तजुर्बा स्पेशल रिक्रूटमेंट बोर्ड के मेम्बर होने की हैसियत से है। मैं इस सिलसिले में मुल्क के मुखतलिफ हिस्सों में घूमा। बहुत से तालीवेइल्म जिनको एजुकेशन डिपार्टमेंट की ओर से बाहर भेजा गया था खास तालीम सीखने के लिये, वह हमारे सामने बेकार की हैसियत से आये। यह लोग इन्डियन सिविल सर्विस और इन्डियन पुलिस सर्विस के उम्मीदवार थे। मैं नाम तो यहां पर किसी का नहीं लूंगा मगर मैं एक मिसाल हाउस के सामने पेश करता हूं। एक साहब ग्रेस्टोलौजी की तालीम के लिये बाहर भेजे गये थे और वहां से वह आला तालीम पाकर आये। हमारे मुल्क में चरागाह की कमी है। हमारे मुल्क में चारे की कमी है। आये दिन इस असेम्बली में सवाल होते हैं कि हिन्दुस्तान का मवेशी क्यों गिर रहा है, क्यों उनकी तरक्की नहीं होती? लेकिन ये साहब जिनको ग्रेस्टोलौजी के लिये बाहर भेजा गया था वह अब एडमिनिस्ट्रेटिव सर्विस में भर्ती होना चाहते हैं। मैं समझता हूं कि वह मुल्क और हकूमत जहां इस तरह की तालीम पाये हुए आदमी बेकार घूमें और उनको जगह न दी जाय और उस तरह से उनकी खास तालीम को जाया करके उनकी खिदमात को हासिल न किया जाय, अच्छा नहीं है। आइन्दा इस बात का ख्याल रखा जाय कि इस तरह की काबलियत पाये हुये आदमियों को बेकार न रखा जाय। यह ठीक, मगर जो आज बेकार हैं उनके बारे में आप क्या करेंगे? इनकी आप फेहरिस्त बनवायें और काम पर लगायें।

एक और बात जिसकी तरफ आनरेबिल मिनिस्टर की तवज्जो दिलाना चाहता हूं, वह नेशनल लायब्रेरी के मुतालिक है। कलकत्ता में नेशनल लायब्रेरी एक मुल्की इदारा है। लेकिन मैं यह समझता हूं कि इतने बड़े मुल्क में एक नेशनल लायब्रेरी से काम नहीं चल सकता है। आपको चाहिये कि आप बहुत सी लायब्रेरी जो देश के भिन्न-भिन्न हिस्सों की पहुंच के अन्दर हों कायम करें। ताकि जो तालीवेइल्म हाइर एजुकेशन और रिसर्च का काम करना चाहें वह इन लायब्रेरी में जाकर इमदाद हासिल करें।

माननीय मिनिस्टर ने अपनी रिपोर्ट में कहा है कि वह एक नेशनल म्यूजियम आफ आर्ट एण्ड आरक्यालाजी बनाने जा रहे हैं। उन का यह इरादा अच्छा है, और उस के लिये मैं उनको मुबारिकबाद देता हूं। इसमें संदेह नहीं कि स्कूल से शिक्षा फैलती है लेकिन देश में जागृति पैदा करने के लिये दूसरी संस्थाओं की भी आवश्यकता होती है। Picture Gallery, Museum, Art Collections, ये सब ऐसी चीजें हैं कि जिन से जन-साधारण को अपने इतिहास और नीति का पता चलता है। मैं समझता हूं कि माननीय मिनिस्टर साहब को ऐसी संस्थाएँ बनानी चाहियें कि जहां आर्ट, आरक्यालाजी और anthropology के खजाने इकट्ठे किये जाय, तस्वीर और पत्थर पर खुदाई की चीजें संग्रह की जाय जिससे कि जन-साधारण को कुछ दिलचस्पी भी मिले और उनकी शिक्षा भी हो। एक बात और याद आई, कुछ दिन हुए मैं तंजौर गया था वहां पर मरहूठा राजा की बनाई हुई एक लायब्रेरी है उसमें कई हजार मैनूस्क्रिप्ट हैं और जिन में कितने ही ऐसे हैं जिनका मिलना बहुत कठिन है, लेकिन वहां न तो ठीक जांच है न कोई खोज। सरकार की तरफ से थोड़ी सी मदद दी जाती है। आनरेबिल मिनिस्टर का मैं इस ओर ध्यान दिलाना चाहता हूं कि ये इस लायब्रेरी को सुसंगठित करें, इस से एक बड़ी कीमत वाली चीज बरबाद होने से बच जायेगी। बातें तो मुझे और भी बहुत कुछ कहनी थीं, पर मेरा समय पूरा हो चुका है, और मैं यह व्याख्यान समाप्त करता हूं।

(English translation of the above speech)

Shri Ajit Prasad Jain (U. P.: General): Sir, I have seen the report of the Education Ministry. It contains a mention of this Ministry's plans and intentions. It tells us what they propose to do. It mentions what they intend to do with regard to basic education and social education. There is a mention of the proposals made by the University Commission and the Man-Power Committee. These are all good things but whatever has been done so far is not quite hope-inspiring. The report contains a mention of schemes but it makes very little mention of actual achievements made. I do not lay any particular blame on the honourable Minister or on his Ministry because it is only about a quarter less than two years that his Ministry started having an independent existence, and how was it possible, during that period, to educate 33 crores of people dispersed over such a vast country, extending far and wide. I hope he will try to carry out, with courage whatever highly planned schemes he has formulated in his report.

Now, I wish to draw the attention of the honourable Minister to a few matters. The honourable Minister must have seen the pamphlet about the Delhi University that has been issued by the persons elected by this Assembly as its representatives on the University Court. A copy of that pamphlet has been supplied to every Member. That pamphlet throws a strange kind of light on the affairs of the Delhi University. I wish to draw the attention of the honourable Minister to all the facts set down in this pamphlet. I do not claim that whatever allegations have been made in this pamphlet are all correct but I do assert that it contains a lot of such things as would warrant investigation.

[Shri Ajit Prasad Jain]

With regard to the last election for the office of Vice-Chancellor of the Delhi University, a complaint was made that a certain gentleman who was the Principal of the Agriculture College and was entitled to take part in this election was deprived of that right. It was said that the Principal of the Agriculture College could not take part in it. The reason advanced in this connection was that the Principal of the Agriculture College could take part in the election in the capacity of a Dean. The authors of the pamphlet have made the assertion that he used to take part in it previously in the capacity of the Principal. Similarly there is another complaint in regard to the office of the Dean of Medicine. The election of the Dean was made one day prior to the election of the Vice-Chancellor. The election was not made in the regular way. The quorum should have consisted of four persons but he was elected by three only. If it is correct that the election of the Vice-Chancellor was conducted with such irregularity then I would like the honourable Minister to give his attention to that matter because when such disorder exists at the top there is a probability of considerable confusion prevailing in the lower strata of the University. The honourable Minister should specially attend to these matters.

It is mentioned at page 26 of the report that has been presented on behalf of this Department that those scholars who are sent abroad for education would be sent out for special and specified purposes—to acquire technical and scientific education—such education as cannot be acquired in India. In future care must be taken that when they return after having acquired the education they should be appointed here on proper and suitable posts. There is no doubt the Government is in need of lots of men. There is no doubt the factories are also in need of plenty of men. There is no doubt the country is in need of educated people, persons with special training and experts. On the other hand, what do we find? This is my personal experience as a member of the Special Recruitment Board. I have had a round of the different parts of the country in that connection. Several scholars who had been sent abroad by the Education Department for acquiring special instruction appeared before us as unemployed persons. These people were candidates for the Indian Civil Service and the Indian Police Service. I am not going to name anyone here but I would cite one instance before the House. One gentleman had been sent out for studies in Grastology. He came back after receiving high education. Our country lacks pastures. Our country suffers from scarcity of fodder. Every time questions are asked in this Assembly why are the cattle in India deteriorating and why there is no improvement on that score. But this gentleman who had been sent out to study Grastology now wants to get into the Administrative Service. I think it is not a good country and it is not a good Government where men who have been so educated should go about unemployed and should not be provided with jobs, where their special education is allowed to be wasted and their services are not availed of. Care should be taken in future to see that such qualified persons are not kept unemployed. That being settled, what are you going to do about those who are unemployed today? You should have a list of such persons prepared and provide them with jobs. There is one thing more to which I wish to draw the attention of the honourable Minister; this relates to the National Library. The National Library in Calcutta is a national institution. But I think it will not do to have just one national library for such a big country. You should establish a large number of libraries which might be within the reach of the different parts of the country, so that those students who should desire to pursue higher education and carry on research work might be able to draw upon these libraries.

The honourable Minister has stated in his report that he is going to found a National Museum of Art and Archaeology. This is a good proposal for which I congratulate him. There is no doubt the school is an instrument for the

spread of education but other institutions are also necessary for the sake of creating an awakening in the country. A Picture Gallery, Museum, Art Collections are the things whereby the common people come to know about their history and politics. I think the honourable Minister should establish such institutions where the treasures of art, archaeology and anthropology might be stored up and collections of paintings and sculpture might be kept which might not only serve as objects of interest to the public at large but also provide for their education.

Here I am reminded of something else. Some days back I went to Tanjore. There is a library that was founded by a Mahratta Raja. It contains several thousand manuscripts including many rare ones. But, there is neither a proper appraisal nor research. Some little aid is given by the Government. I wish to draw the attention of the honourable Minister to it and would ask him to have it reorganised. This would save a very valuable thing from being lost. There are many more things that I had to say but my time is over and so I close.

بیگم اعجاز رسول : جناب اسپیکر صاحب ! میرا مقصد اس وقت اس مباحثہ میں حصہ لینے کا یہ ہے کہ میں جناب وزیر تعلیم کا دھیان ایک خاص اور اہم مسئلہ کی طرف مبذول کرلوں۔ یہ ضرورت اس لئے پڑی کہ میں نے جب اس رپورٹ کا مطالعہ کیا جو ایجوکیشن منسٹری سے ہم کو دی گئی ہے۔ تو اس میں اس مسئلہ کے متعلق کوئی ذکر نہیں ہے۔ جناب وزیر تعلیم اس امر سے بخوبی واقف ہیں کہ اس پچھلے ایک سال کے عرصہ میں اس خاص ضرورت کی طرف جناب منسٹر صاحب کا دھیان دلایا گیا ہے اور وہ ہے اقلیت کے بچوں کی ابتدائی تعلیم کا مسئلہ۔ جناب والا ! چونکہ اس رپورٹ میں اس اہم مسئلہ کے متعلق کوئی گورنمنٹ کی پالیسی کا ذکر نہیں ہے اس لئے میں یہ کہنا چاہتی ہوں کہ یہ ایک ایسا مسئلہ ہے کہ جس کے متعلق ہمیں امید ہے کہ سرکار اپنی پالیسی کا بہت صاف طریقہ پر اظہار کر دیگی۔ آپ کو معلوم ہے کہ پچھلے کانستیٹیوٹ ایسبلی کے سیشن میں اس مسئلہ کے اوپر بحث مباحثہ ہوا۔ یہ امر قابل قبول ہی نہیں بلکہ دنیا کے تمام ملکوں میں یہ اصول مان لیا گیا ہے کہ بچے کی ابتدائی تعلیم اس کی مادری زبان میں ہونی چاہیئے۔ اس پر مجھے گورنمنٹ سے دوبارہ کوئی اصرار کرنے کی ضرورت محسوس نہیں ہوتی۔ لیکن مجھے ضرورت اس چیز کی اس لئے محسوس ہوئی کہ جناب وزیر تعلیم کے پاس اس کے متعلق بہت کافی مصالحہ موجود ہے کہ کس طریقہ پر پچھلے ایک سال میں اس مسئلہ کے اوپر صوبوں کی سرکاریں عمل کر رہی ہیں۔

جناب والا ! یہ مسئلہ کسی خاص مذہب یا کسی خاص کمیونٹی سے تعلق نہیں رکھتا ہے۔ یہ ایک ایسا مسئلہ ہے جو سب مذہب اور فرقے کے لوگوں کے لئے خاص اہمیت رکھتا ہے۔ بچوں کی ابتدائی تعلیم کے لئے ضرورت ہے۔ کہ وہ

[بیگم اعجاز رسول]

ان کی مادری زبان میں ہو - جس وقت یہ مسئلہ کانستٹی ٹیوٹیلنٹ اسمبلی میں زیر بحث تھا اس وقت جناب وزیر اعظم نے مجھے ایک خط تحریر فرمایا تھا جس میں انہوں نے اس چیز کو قبول کیا اور اس اصول کو پورے طور پر مانا کہ یہ ضروری ہے کہ بچوں کی ابتدائی تعلیم ان کو مادری زبان میں دی جائے - اس لئے میں سمجھتی ہوں کہ گورنمنٹ کے لئے یہ ضروری ہے کہ وہ اپنی پالیسی کا صاف طور پر اظہار کر دے اور صوبوں کو ہدایت دے کہ پالیسی پر عمل کریں - ہمارے صوبے میں ۱۰۰ سالہ تجربہ پچھلے سال میں یہ رہا ہے کہ باوجود گورنمنٹ کے ان خیالات کے سب سے زیادہ نقصان مسلمان بچوں کو پہنچ رہا ہے - کیونکہ ان کے لئے کوئی انتظام اس سلسلے میں نہیں ہوا ہے - ان کے لئے یہ بہت ضروری ہے کہ ان کی تعلیم ان کی مادری زبان میں ہونی چاہیئے اور زبان ہی نہیں بلکہ Script کا بھی مسئلہ ان کے لئے بہت حد تک صاف ہو جانا چاہیئے - یہاں میں اس بات کو صاف طور پر ظاہر کر دینا چاہتی ہوں کہ ہم میں سے کوئی بھی ایسا نہیں ہے جو اسٹیٹ کی زبان سیکھنے یا اپنے بچوں کو سکھانے یا پڑھانے سے انکار کرے - میں سمجھتی ہوں کہ ہر فرقہ کے لوگوں کے لئے ضروری ہے کہ جہاں کہیں وہ رہتے ہوں وہاں کی اسٹیٹ کی زبان وہ اچھی طرح سے سیکھیں کیونکہ یہ انہیں کے لئے فائدہ مند ہے - جس سے کہ وہ آگے چل کر ملازمتوں میں اور ہر طرح کے کاموں میں پورا حصہ لے سکیں - اور اگر نہ سیکھیں گے تو انہیں کا نقصان ہے - لیکن جیسا کہ میں نے کہا بچوں کی ابتدائی تعلیم ان کی مادری زبان میں ہونا ضروری ہے اور یہ ایک ایسا مسئلہ ہے کہ اس پر جب تک سنٹرل گورنمنٹ کی طرف سے صاف طور پر اظہار نہیں ہو جاتا تب تک بہت سے لوگوں کو غلط فہمی ہونے کا اندیشہ ہے - میں نے جیسا کہا یہ صرف ہمارے صوبہ سے ہی تعلق نہیں رکھتا ہے بلکہ ہر جگہ سے تعلق رکھتا ہے - مثلاً اگر مدراسی یا بنگالی بچے اتنی تعداد میں ہوں کہ اگر وہ اسکول میں جاتے ہیں اور اگر اسکول میں ان کو ان کی مادری زبان میں تعلیم دینے کے بجائے کسی اور زبان میں ابتدائی تعلیم دی جاتی ہے تو اس سے بڑا نقصان پہنچتا ہے - یہ ضروری ہے کہ ان کو ابتدائی تعلیم انہیں کی زبان میں ملے اور اسی حالت میں ان کی تعلیم مکمل ہو سکتی ہے - اس لئے میں یہ سمجھتی ہوں کہ اگر ایسے بچے اتنی تعداد میں اسکول جاتے ہوں کہ وہاں مدرسوں میں ان کی مادری زبان میں تعلیم دینے کا انتظام ہو سکتا ہے یا ہونا ضروری ہے تو ان کے لئے یہ انتظام ہونا چاہیئے - وہاں پر ان کے لئے استاد مہیا کئے جائیں جو ان کو انکی مادری زبان میں تعلیم دے سکیں -

اس لئے میں سمجھتی ہوں کہ یہ مسئلہ صرف مسلمانوں کا ہی مسئلہ نہیں ہے بلکہ تمام اقلیتوں کے لئے یہ صاف ہو جانا ضروری ہے اور اس مسئلہ پر گورنمنٹ کی پالیسی کا اظہار ہو جانا بہت ہی ضروری ہے - اور اس پر عمل کرنے کا انتظام بھی ضروری ہے -

جناب والا ! چونکہ وقت زیادہ نہیں ہے میں کچھ اور باتیں بیان نہیں کر سکتی - میں جناب وزیر تعلیم کو مبارکباد دیتی ہوں کہ انہوں نے جو اسکیمیں پیش کی ہیں وہ بہت ہی قابل قبول اور قابل مبارکباد ہیں - یونیورسٹی کمیشن جو مقرر ہوا ہے میں سمجھتی ہوں کہ اس کی رپورٹ جلد سے جلد ہمارے سامنے پیش ہو گی - یہ بہت ہی اہم اور ضروری مسئلہ ہے جس کے لئے تمام ممالک بہت بے مہدئی سے انتظار کر رہا ہے کہ یونیورسٹی کی تعلیم آئندہ کس لائن پر چلائی جائے گی - میں اس کے لئے جناب وزیر کو مبارکباد دیتی ہوں -

(English translation of the above speech).

Begum Aizaz Rasul (U. P. Muslim): Sir, my object in participating in this discussion at present is that I should invite the attention of the honourable Minister to a very important and vital issue. This necessity arose 3 P.M. after I had gone through the Report which has been presented to us by the Ministry of Education and found that it did not contain any mention to this effect. The honourable Minister is very well aware of the fact that his attention had been drawn to this vital necessity during the preceding year, and that is, the problem of primary education concerning the children of the minorities. Sir, since this Report does not mention anything with regard to the Government's policy towards this important problem, I would, therefore, like to submit that we have every hope that the Government will elucidate their policy in this direction in a very explicit manner. You know that there was a heated discussion over this matter during the last session of the Constituent Assembly. Not only is this an admitted fact but this principle has been accepted in all the countries of the world that the primary education of a child should be imparted in his mother-tongue. It is, therefore, hardly necessary for me to emphasize upon this point any more. But I felt the necessity for the obvious reason since the honourable Minister has got sufficient data in his possession which would reveal as to how the various Provincial Governments have been acting upon in this direction during the preceding one year.

Sir, this problem does not affect any particular religion or community. On the contrary, this problem vitally affects almost all the religions and communities. It is necessary in the interest of the primary education of the children that that should be imparted to them in their own mother-tongue. When this matter was under discussion in the Constituent Assembly, the honourable the Prime Minister wrote to me a letter wherein he admitted this fact and accepted this principle *in toto viz.*, it is essential that the primary education of the children should be imparted in their mother-tongue. Therefore, I feel that the Government should necessarily clarify their policy and issue instructions to the Provinces to follow this.

In our own Province, our experience during the past year has been that in spite of these views having been expressed by the Government, it is the Muslim children who are being hard hit, because no arrangements have been made for

[Begum Aizaz Rasul]

them in this respect. In their case, it is most essential that the medium of the primary education should be their own mother-tongue. Not only is the question of their mother-tongue involved, but the question of their script also should be decided to a very great extent. I should like to make it quite clear that there is none among us who could either refuse to learn the State language himself or let his children read and write it. I feel that it is essential for the people of every community, irrespective of the fact as to where they reside, to acquire sufficient knowledge of the State language in vogue there; because this will stand them in good stead, and also enable them to get full share in the services as well as other activities in future. And if they do not learn this, it is they alone who will suffer. But just as I have stated, the medium of primary education of the children should necessarily be their own mother-tongue. This is a vital issue and unless the Central Government elucidate their policy towards this aspect, it is apprehended lest it may not give rise to misunderstanding amongst a large number of people. Just as I have pointed out, this does not only affect our Province, but concerns every place, for instance, if there is a sufficiently large number of Bengali and Madras school-going children and they are imparted primary education in a language other than their own mother-tongue, then it is likely to affect them adversely. It, therefore, follows from this that it is most essential, that the medium of their primary education should be their own mother-tongue, and it is then only that their education can be complete. Therefore, I think that if arrangements can be made in the schools for imparting education to such a large number of school-going children in their mother-tongue, or in case it is considered expedient to do so, then this should be done. They should be provided there with the teachers who may be able to teach them through the medium of their mother-tongue.

Therefore, I feel that this problem does not only affect the Muslims alone, but the whole position should be clarified for the sake of the other minorities as well; and it is most essential that the Government should elucidate their policy in this respect; and it is all the more necessary to implement this.

Sir, I cannot dwell upon this matter at any greater length for lack of time. I would congratulate the honourable Minister for Education that the schemes which he has presented are worth accepting. I think the Report of the University Commission which has been set up will be presented to us as soon as possible. This is a very vital and important issue for which the whole country is awaiting very eagerly as what the future set up of the University education will be. For this, I would congratulate the honourable Minister.

Shri A. V. Thakkar (Saurashtra): I am speaking today as a common man in the street. I am not a highly educated man. I have not got any degree in Arts or Science. I was a mere working engineer, and therefore I speak like a common man in the street, in the village and in the field.

We are told, and it is dinned into our ears, that education is a provincial subject. If so, why should there be a Ministry of Education in the Centre? If this Ministry takes full interest—and I do not grudge that it is taking the fullest interest—in the colleges, in technical subjects, in Arts and Science, in anthropology, in Archaeology, even in museums and national art galleries, I welcome it but at the same time why do you give a go-by to the common man. The honourable the Education Minister has said in his report, and every one who is here knows it that a scheme of Rs. 540 lakhs for distribution in the provinces for advancing compulsory, basic and social education has been turned down. It has not been accepted by the Cabinet. I am making an humble appeal to the Finance Minister whether the axe of economy should have fallen on this poor Ministry of Education. Why should it be so? We are all pledged

to adult franchise. Is this the way to carry out adult franchise by denying everything and every proposal of health to the Provincial Ministries, to the Provincial Governments and cutting it down? I was glad to see that a sum of one crore of rupees that was demanded by the Education Minister for social education has been accepted. That is one relieving feature of this Budget. But why has the whole of the grant of Rs. 540 lakhs been cut down altogether, except for a small item of Rs. 50 lakhs which is ear-marked for the training of ordinary teachers? And let me tell you, Sir, that elementary education, the compulsory education, has been delayed for decades and decades. The late Mr. Gokhale introduced the first resolution and the Bill in the year 1910 and 1911. Forty years have rolled by and nothing practical has been done. Excuse me, I am not misjudging the Provincial Governments that have done a part of their work. Bombay and Madras have advanced far in that respect. But the other provinces cannot do it for want of money. Unless we from the Centre help them in the starting of compulsory education, they will never be able to take it up. The Minister of Education set up the Kher Committee, and again, Mr. Kher, modest man as he is, recommended that only 30 per cent. of the expenses on compulsory education should come from the Centre and 70 per cent. will be contributed by the provinces but there is not a single pie in respect of that 30 per cent. coming forward, at least in the coming year 1949-50.

Mr. Sargent evolved a scheme for us, which when it was in full fruition would cost us Rs. 400 crores. That scheme, may I say, is almost being forgotten. The Kher Committee brought down, or tried to bring down the period from 40 years to 16 years. But I find that it is as far away as possible and I see no signs of its coming, not even of the first step being taken towards realizing compulsory education in the country. As it is known I am a man who even in my present state of life likes to go into the villages and find out their wants and needs and into whichever village I go—if it is a school-less village—the first thing they ask for, is a school. I roam in the Adibasi areas of Orissa, the Central Provinces, the Vindhya Pradesh, Rajputana, Madhya Bharat, etc., and even those Bhils, Gonds and Santhals ask for schools, schools and schools. How can the Provincial Governments with their limited resources give them the adequate number of schools? And in order to give them good schools, good teachers is the first requisite, and unless we have scores of training colleges, primary teachers' training colleges spread throughout the country, and that at the expense of the Centre alone, the number of requisite teachers will never come forward and the quality of their work will never improve. It is said that the army of teachers would come by conscription. It is easy to say that it should come by conscription but conscription itself is a very very costly process. You will have to give honorariums and T.As. You cannot go and simply *paldo* the people and make them teach in schools. So you must provide proper remuneration for the teachers. So the provision of teachers is the first necessity.

The provision of girls' schools is another very great necessity. I support the fervent appeal of sister Durgabai. She has made a very good appeal on behalf of women. Only 6 per cent. of the women in our country are literate and 94 per cent. are illiterate. Can we make any progress at this slow rate in the year 1949? I am afraid not.

I sympathise with the honourable Minister in charge of Education. This morning I was almost weeping with the Minister of Health who said that she had no funds, no funds and no funds. The same is the case with Education Minister. If the Finance Minister is not able to spare more than 20 crores out of a revenue budget of 322 crores, how can we go on? How can the nation build its future? It is not possible. It may be said that we are just now

[Shri A. V. Thakkar]

under the stress of economy and we must cut down every thing. But every thing is not cut down. It is only the poor departments of Education, Health and Labour, nation-building departments, which are cut down, ruthlessly, if I may say so.

People talk of adult franchise. Why do we give adult franchise to illiterate people? Better stop it. Let us say to the world that we are not ready for it yet. Two of our important leaders have said so already,—Dr. Rajendra Prasad and Mr. Harikrishna Mehtab of Orissa. They have said that we are not fit for adult franchise. Of course with our 80 per cent. of male illiteracy and 94 per cent. of female illiteracy how can we make progress? Therefore I make an earnest appeal to all of you, one and all, that unless we give much more attention to free compulsory, social and basic education we can never make any progress.

آنریبل مولانا ابوالکلام آزاد: جناب! چونکہ میری طبیعت اچھی نہیں ہے اس لئے آپ مجھے اجازت دیجئے کہ میں بیٹھے ہوئے تقریر کروں۔

سب سے پہلے میں وقت کے بارے میں چند الفاظ کہنا چاہتا ہوں جو تعلیم کے بجٹ کے لئے اس برس رکھا گیا ہے۔ عام طور پر شکایت کی گئی ہے کہ وقت بہت کم رکھا گیا۔ نہ صرف تعلیم کے لئے بلکہ عیالت اور لیڈر ممبروں کے لئے بھی وقت کی کمی محسوس کی گئی ہے۔ مجھے اس شکایت سے پورا اتفاق ہے۔ بلاشبہ ضروری ہے کہ اس طرح کے معاملوں میں جو براہ راست فیڈ بیک بلڈنگ کے کام سے تعلق رکھتے ہیں، ہم ان کے لئے زیادہ تفصیل کے ساتھ اسکی چھان بین کرسکیں۔ میں آپکو یقین دلاؤنگا کہ جہاں تک اس بلڈج کا تعلق ہے جہاں سے میں اس وقت بول رہا ہوں، یہ ضرورت پوری طرح محسوس کی گئی ہے، ہم نے طے کر لیا کہ آئندہ برس سے پورا ایک دن تعلیم کے لئے رکھا جائیگا۔ ہیلتھ اور لیڈر کے لئے بھی امید ہے کہ وقت زیادہ نکالا جائیگا۔

شری بی۔ ایل۔ سونڈھی: توانسپورٹ کے لئے بیٹی؟

آنریبل مولانا ابوالکلام آزاد: ہاں اسکے لئے بھی کافی وقت ہونا چاہیئے۔

اس سلسلہ میں کل چھ تقریریں ہوئی ہیں۔ سب سے پہلی تقریر کا مقصد جہاں تک میں سمجھ سکا ہوں یہ تھا کہ ہمیں اپنی قومی تعلیم کا نقشہ بنانا ہوئے صرف ریسترون ایجوکیشن کی نقالی ہی نہیں کرنی ہے بلکہ خود اپنی ایک خاص قومی جگہ بنانی ہے میں سمجھتا ہوں کہ یہ ایک ایسی مانی ہوئی بات ہے۔ جس میں دو راہوں کی گنجائش نہیں۔ بلاشبہ ہم مادی سائنس اور مادی علوم کی تعلیم سے منہ نہیں موڑ سکتے۔ ہمیں علم کے راستے میں آگے بڑھنا ہے۔ یہ سچ ہے ہمارا ہٹنا ہے۔ لیکن اسکے ساتھ ہی ہمیں کچھ اور باتیں بھی یاد رکھنی ہیں۔ ہم انہیں کسی طرح نہیں بھلا سکتے۔ ہندوستان اپنی ایک خاص تہذیب رکھتا ہے۔ اسکی ایک خاص تاریخ ہے۔ خاص فلسفہ ہے خاص مہیاؤں کا۔ وہ اپنی سماجی اور روحانی زندگی

کی خاص روایتیں رکھتا ہے اس نے انسانی عام اور تہذیب کی ترقی و اشاعت میں ایک شاندار اور نمایاں حصہ لیا ہے۔ ضروری ہے کہ ہم اپنے اس شاندار ورثہ کی حفاظت کریں اور اپنی قومی تعلیم کا نقشہ ایسا بنائیں جسکے رنگ اور روغن میں ہندوستانی تہذیب اور ہندوستانی روحانیت کا رنگ پوری طرح چھلک رہا ہو۔ ہماری قومی تعلیم کا جسم ماتن ہونا چاہیئے مگر روح ہندوستانی ہوئی چاہیئے۔ میں اس سانس کو یقین دلاؤنگا کہ ایجوکیشن کمیشن کے سامنے ایسا ہی نقشہ ہے۔ اور جہاں تک اس مقصد کا تعلق ہے، گورنمنٹ پوری طرح ان کے ساتھ ہے۔

میرے آنریبل دوست نے ایک اور بات پر بھی توجہ دلائی ہے۔ وہ تسلیم کرتے ہیں کہ اونچے درجہ کی سائنٹیفک اور ٹیکنیکل تعلیم کے لئے ہندوستانیوں کو باہر بھیجنا چاہیئے۔ لیکن وہ چاہتے ہیں کہ یہ کام اس طرح کیا جائے کہ جلد سے جلد ہمارا مقصد حاصل ہو جائے۔ اور پھر ہمیں باہر بھیجنے کی ضرورت باقی نہ رہے۔ مجھے اس خیال سے پوری طرح اتفاق ہے۔ میں انہیں یقین دلاؤنگا کہ اورسٹیز اسکالرشپ کی نئی اسکیم گورنمنٹ نے یہی مقصد سامنے رکھ کر بنائی ہے جس پر نئے مالی برس سے عملدرآمد شروع ہونے والا ہے۔ یہ اسکیم ہر برس ایک خاص تعداد ہندوستانی و دیارتھیوں کی باہر بھیجنا چاہتی ہے، مگر اسلئے بھیجنا چاہتی ہے کہ باہر بھیجنے کی ضرورت جلد سے جلد ختم ہو جائے۔ اس مقصد کے حاصل کرنے کے لئے ضرورت تھی کہ پہلے ملک کے تمام موجودہ انسٹی ٹیوشنوں کی تعلیمی حالت کی جانچ پڑتال کی جائے اور معلوم کیا جائے کہ انکے کنڈر پھاؤ کیا کیا ہیں؟ پتہ چلوں کہ ضرورت ثابت ہوں، انہیں طاقتور بنانے کے لئے تعلیم کے خاص خاص مضمون چنے جائیں اور انہیں مضمونوں کے لئے طالب علموں کو باہر بھیجا جائے۔ ساتھ ہی اونچے درجہ کی ٹیکنیکل تعلیم کے انتظام کے لئے موجودہ انسٹی ٹیوشنوں کو خاص طور پر مدد دی جائے اور جہاں تک جاد ممکن ہو، نئے انسٹی ٹیوشن بھی قائم کئے جائیں چنانچہ ایجوکیشن کمیشن کی اس طریقہ پر کام کر رہی ہے اور آپ اسکی تفصیلات ممبروں کی رپورٹ میں پتہ چکے ہیں۔

آپ کو معلوم ہے کہ اورسٹیز اسکالرشپ کی اسکیم پچھلی گورنمنٹ نے ۱۹۴۵ ع میں جاری کی تھی، اور دیارتھیوں کی کئی کھپیں بکمر کے ماکوں میں بھیجی جا چکی تھیں۔ لیکن ۱۵ جنوری ۴۷ ع کو جب میں نے ایجوکیشن کمیشن کا چارج لیا، تو فوراً یہ بات میرے سامنے آئی کہ یہ اسکیم تھیک طریقہ پر نہیں چلائی گئی ہے اور چند بنیادی غلطیاں اسکے اندر کام کر رہی ہیں۔ سب سے پہلی غلطی یہ ہوئی ہے کہ کام کا کوئی ایسا نقشہ نہیں بنایا گیا جس میں تمام ضروری پھاؤں کو سنبھالنے کی کوشش کی گئی ہو۔ صرف اس بات پر زور دیا گیا کہ ٹیکنیکل مضمونوں کے لئے زیادہ سے زیادہ تعداد لوگوں کی باہر بھیج دی جائے۔ لیکن جن مضمونوں کے لئے بھیجی جائے،

[انٹریڈن مولانا ابوالکلام آزاد]

انہیں کس طرح چنا جائے کہ وہ ہماری موجودہ ضرورتوں اور تعلیمی انسٹی ٹیوشنز کی کمزوریوں کو ٹیکہ طور پر پورا کر دیں؟ اس پر کافی توجہ نہیں کی گئی۔ نتیجہ یہ نکلا کہ اسکیم کا فائدہ بہت تذبذب ہو کر رہ گیا اور جس قدر فائدہ اس سے ملک کو پہنچنا تھا وہ نہیں پہنچ سکا۔

ایک اور غلطی بھی ہوئی جسکی وجہ سے ایک نئے طرح کا انچارج پیدا ہو گیا ہے۔ یعنی اب جو لوگ باہر سے اپنی پڑھائی پوری کر کے واپس آ رہے ہیں، ان سب کو فوراً کام پر لیا دینا مشکل ہو رہا ہے۔ ابھی ایک انٹریڈن ممبر نے تقریر کرتے ہوئے کہا تھا کہ ان کے علم میں ایک ایسے شخص کا معاملہ آیا ہے جسے اورسین اسکالرشپ اسکیم کے ماتحت باہر بھیجا گیا تھا۔ اب وہ اپنی تعلیم پوری کر کے واپس آ گیا ہے لیکن بیکر بیٹھا ہے۔ میرے انٹریڈن دوست کے علم میں تو صرف ایک شخص کا معاملہ آیا ہے میں انہیں بتاؤں گا کہ ایک سے زیادہ مثالیں میرے علم میں آچکی ہیں اور مجھے اندیشہ ہے کہ آئندہ اور زیادہ مثالیں ہمارے علم میں آئیں گی، کیونکہ یہ پچھلی اسکالرشپ اسکیم کی غلطی کا لازمی نتیجہ ہے ہم حالات کو سدھارنے کی کوشش کر رہے ہیں لیکن پچھلی غلطیوں کے نتائج سے بچ نہیں سکتے۔

اس اسکیم میں یہ بات طے کی گئی تھی کہ سنٹرل اور پرائیویٹ گورنمنٹوں کے مختلف ڈیپارٹمنٹوں سے دریاغ کیا جائے کہ انہیں آئندہ اپنے اپنے کاموں کے لئے کس طرح کے آدمیوں کی ضرورت پیش آئیگی؟ اور کن کن ٹیکنیکل مضمونوں کے لئے وہ چاہتے ہیں کہ اسکالر باہر بھیجے جائیں؟ چنانچہ پچھلے ایجوکیشن ڈیپارٹمنٹ نے ایسا ہی کیا اور تمام ڈیپارٹمنٹوں کو سوالات بھیجے گئے۔ زمانہ لڑائی کا تھا اور خیال کیا جاتا تھا کہ لڑائی کے بعد ڈیولپمنٹ اسکیمیں ضرور شروع ہوں گی، اور ان کے لئے ٹیکنیکل مضمونوں کے ماہروں کی ضرورت ہوگی۔ اس امید اور توقع کے خیالی نقشے کو سامنے رکھ کر ہر ڈیپارٹمنٹ نے بہت سے مضمون چن لئے اور ایجوکیشن ڈیپارٹمنٹ کو بھیجے دیئے۔ ڈیپارٹمنٹ نے انہیں مضمونوں کا اعلان کر دیا اور ساکشن بورڈ نے امیدواروں کو چن کر باہر بھیج دیا۔ اس اثنا میں لڑائی ختم ہو گئی۔ مگر ماک کی پالیٹیکل اور فنڈیشنل حالات نے ایسی شکل اختیار کی کہ جن ڈیولپمنٹ اسکیموں کا خیالی نقشہ بنایا گیا تھا وہ شروع نہیں کی جا سکیں اور ابھی تک نہیں کہا جا سکا کہ شروع کی جا سکیں گی یا نہیں۔ نتیجہ یہ نکلا کہ اب گورنمنٹ کے بھیجے ہوئے اسکالر اپنا دو برس یا تین برس کا کورس ختم کر کے واپس آئے ہیں تو ان میں سے بہتوں کو معلوم ہوتا ہے کہ جن کاموں کے لئے انہیں بھیجا گیا تھا وہ ابھی تک شروع ہی نہیں ہوئے ہیں اور اسلئے انہیں فوراً کام پر نہیں لگا دیا جا سکتا!

پھر ایک اور رکاوٹ بھی پیدا ہو گئی ہے جس کا پہلے کسی شخص کو علم نہ تھا۔ یہی ہو سکتا تھا۔ یعنی ملک تدریس ہوا اور سرکاری ملازمین کی ایک بہت بڑی تعداد پاکستان کر صوبوں سے الگ ہو کر یہاں آ گئی ساتھ ہی پرائیویٹوں کے بھی ایک بہت بڑے گروہ کو انڈین پرنٹنگ کا رخ اختیار کرنا پڑا۔ ان مصیبت زدوں کو کام پر لگانا گورنمنٹ کا پہلا فرض تھا۔ اسلئے ہمیں فیصلہ کرنا پڑا کہ جو جگہ بھی خالی ہو، اس میں پہلا موقعہ ان لوگوں کو دینا چاہیئے۔ نتیجہ یہ نکلا کہ ان اسکالرز کے لئے سرکاری ملازمت میں جو جگہیں نکالی جا سکتی تھیں وہ بھی بہت حد تک رک گئیں۔

یہ دو کچھ میں نے آپ سے کہا ہے اس کا مطلب یہ نہیں ہے کہ موجودہ گورنمنٹ چھپائی گورنمنٹ کے سر سارا بوجھ ڈال کر خود الگ ہو جاتا چاہتی ہے۔ گورنمنٹ ایسا نہیں کر سکتی اسے اپنی ذمہ داری کا پورا احساس ہے۔ وہ پوری کوشش کر رہی ہے کہ ان لوگوں کو جلد سے جلد کام پر لگایا جائے اور انکی تعلیم سے پورا فائدہ اٹھایا جائے۔ چنانچہ اس وقت تک چلنے اسکالرز واپس آئے ہیں، ان کی بڑی تعداد کام پر لگائی جا چکی ہے، اور جو باقی رہ گئے ہیں، وہ بھی علاقہ بے کام پر آگے بڑھیں گے۔ آئندہ گورنمنٹ یہ ضرور توقع رکھتی ہے کہ جو ضرورت حال پیدا ہو گئی ہے، اس کے لئے وہ ذمہ دار نہ سمجھی جائے۔

شریمتی درگا بائی نے جس بات پر زور دیا ہے۔ اس کے مقصد سے مجھے پورا اتفاق ہے۔ قومی تعلیم کا کوئی پروگرام بھی صحیح پروگرام نہیں ہو سکتا اگر وہ سوسائٹی کے آگے حصے یعنی عورتوں کی تعلیم اور ترقی کے کام پر پورا دھیان نہیں دیتا۔ اس سلسلہ میں سنٹرل گورنمنٹ کو کچھ کر سکتی ہے کر رہی ہے، اور اور زیادہ تیزی کے ساتھ نکلے گی۔ مگر جن باتوں کا تعلق پرائیویٹ کی حکومتوں سے ہے۔ یا یونیورسٹیوں سے ہے۔ انکی نسبت میں پورے بھروسے کے ساتھ اس وقت کچھ نہیں کہہ سکتا۔ سنٹرل گورنمنٹ انہیں مشورہ دے سکتی ہے۔ اور ایک خاص حد تک زور بھی ڈال سکتی ہے۔ لیکن آخری فیصلہ انہی کو کرنا ہے۔ بہر حال میں انہیں یقین دلانا کہ اس بارے میں گورنمنٹ جس قدر کوشش کر سکتی ہے ضرور کریگی۔

انٹریڈن ممبران ہر دے نانہ کنزرو نے اس طرف توجہ دلائی ہے کہ تعلیمی کے کالجوں کو پروفیشنل گراؤنڈ میں منتقل کرنے کی اسکیم ابھی تک عمل میں نہیں آئی ہے۔ اور اس میں تاخیر دیر ہوتی رہی ہے۔ جہاں تک حالات میرے سامنے آئے ہیں۔ میں کہہ سکتا ہوں کہ اس صورت حال کی ذمہ داری گورنمنٹ پر نہیں ہے۔ حالات اس طرح کے ہو گئے تھے کہ اسکیم فوراً عمل میں نہیں لائی جاسکتی تھی۔ اسکیم کا جو نقشہ بنایا گیا تھا۔ وہ کئی برس پہلے کا تھا۔ لڑائی کے بعد حالات بالکل بدل گئے۔ جو عمارت پہلے ایک لاکھ روپے میں بن سکتی تھی اب پانچ لاکھ میں بھی نہیں بن سکتی۔ پھر تعمیر کا سامان مانے میں جو مشکلیں پیدا ہو گئیں۔ وہ بھی سب

[آنریبل مولانا ابوالکلام آزاد]

کے سامنے تھیں۔ ضرورت پڑنا ہوئی کہ پورے اسکیم کا نقشہ نئے سرے سے بنایا جائے۔ اور ہو کالج کے معاملہ کو نئے سرے سے جانچا جائے۔ بہر حال میں انہیں یقین دلانا کہ گورنمنٹ کی طرف سے اس کام میں غفلت نہیں ہوگی۔ پوری کوشش کی جائیگی کہ اسکیم جلد عمل میں آجائے اور اب زیادہ مدت تک لٹکی ہوئی نہ رہے۔

Shri Deshbandu Gupta : Sir, may I interrupt the honourable Minister?

شری دیش بندھو گپتا : کیا یہ امر واقعہ نہیں ہے کہ ہندو کالج دہلی کے ہوسٹل کی بلڈنگ دین سال سے پڑی ہوئی ہے اور اس پر گورنمنٹ نے کوئی توجہ نہیں کی ہے؟
آنریبل مولانا ابوالکلام آزاد : جہاں تک حالات میرے علم میں آئے ہیں۔ میں کہہ سکتا ہوں کہ اس بلڈنگ کے بارے میں ایک مقدمہ عدالت میں چل رہا ہے۔ جب تک اس کا فیصلہ نہ ہو جائے گورنمنٹ کچھ نہیں کر سکتی۔

شری دیش بندھو گپتا : جی نہیں۔ کیا یہ واقعہ نہیں کہ گورنمنٹ نے اب تک اسپر کوئی غور نہیں کیا ہے۔ اور نہ کوئی انکوائری کمیٹی بٹھائی ہے؟
آنریبل مولانا ابوالکلام آزاد : اس بارے میں میں کچھ نہیں کہہ سکتا۔

شری دیش بندھو گپتا : میں یہ دریافت کروں گا کہ کیا وائس چانسلر سے اسکے متعلق پوچھا گیا ہے کہ گورنمنٹ کس حد تک ذمہ دار ہے اور کیا اس پر تین لاکھ روپیہ خرچ ہو چکا ہے۔

آنریبل مولانا ابوالکلام آزاد : کیا ایجوکیشن منسٹری کے علم میں یہ بات لائی گئی ہے؟

شری دیش بندھو گپتا : جی نہیں۔

آنریبل مولانا ابوالکلام آزاد : جب ایجوکیشن منسٹری کے سامنے یہ معاملہ نہیں لایا گیا تو پھر آنریبل مینبر شاکیت کس بات کی کر رہے ہیں؟ کچھ معلوم ہوا ہے۔ وہ صرف یہ ہے کہ بلڈنگ کے متعلق ایک مقدمہ عدالت میں زیر غور ہے۔ اور اسکے فیصلے کا انتظار کیا جا رہا ہے۔

ایک آنریبل مینبر نے دہلی یونیورسٹی کی بعض بے قاعدگیوں کا ذکر کیا ہے اور اس سلسلہ میں ایک پمفلٹ کا حوالہ دیا ہے۔ میں سمجھتا ہوں واقعات اپنی اصلی شکل میں انکے سامنے نہیں آئے ہیں۔ جب اصلی حالت انکے سامنے آئیگی تو مطمئن ہو جائیں گے۔ اس معاملہ کا تعلق دہلی یونیورسٹی کونسل کی اس کمیٹی سے ہے جو وائس چانسلر کے انتخاب کے لئے گوشہ ہوسٹل میں منعقد ہوئی تھی۔ جس دن کمیٹی کے ہونے والی تھی اسی دن یہ معاملہ میری نوٹس میں لایا گیا تھا۔

میں نے بلا تاخیر تحقیقات کی اور باضابطہ تحریری جواب یونیورسٹی سے طلب کیا۔ تحقیقات کے بعد جو حالات معلوم ہوئے ان میں کوئی ایسی قابل اعتراض بات نہ تھی جسکی بنا پر گورنمنٹ مداخلت کرتی نتیجہ یہ نکلا کہ معاملہ اسی حد پر ختم ہو گیا۔ میں نہیں سمجھتا کہ اب چار مہینے کے بعد اس معاملہ کو پھر از سر نو اٹھانے کی کیا ضرورت پیش آئی ہے؟ ہمیں ہاؤس کو بتلا دوں کہ اصلی معاملہ کیا ہے؟ یونیورسٹی کے قواعد کی رو سے کالجوں کے پرنسپل ایگزیکٹو کونسل کے ممبر قرار پاتے ہیں۔ اعتراض یہ کیا گیا ہے کہ اگر کالج کے پرنسپل کو کونسل کے ممبر کی حیثیت سے نہیں بلایا گیا۔ وائس چانسلر کا بیان یہ ہے کہ اگر کالج اس وقت تک ایک ریگنڈاؤ یونیورسٹی کالج نہیں ہوا ہے۔ اور اس بارے میں اگر کالج منسٹری سے یونیورسٹی کی خط و کتابت جاری ہے۔ جب تک اس معاملہ کا فیصلہ نہیں ہو جاتا اور کالج ریگنڈاؤ حالت کی حیثیت حاصل نہیں کر لیتا اس کا پرنسپل ممبر کی حیثیت سے کونسل کی میٹنگ میں حصہ نہیں لے سکتا۔ اس بیان کے جواب میں کہا گیا ہے کہ اگر کالج کالج کا سابق پرنسپل کونسل کی میٹنگ میں شریک ہوا تھا۔ اسکے جواب میں وائس چانسلر نے وثوق کے ساتھ بیان کیا ہے کہ وہ ممبر کی حیثیت سے نہیں بلایا گیا تھا۔ خاص دعوت دے کر بلایا گیا تھا۔ اور بہر حال ووٹنگ میں شریک نہیں ہوا تھا۔ اب سوال یہ ہے کہ یہ دونوں واقعے صحیح ہیں یا نہیں؟ اگر صحیح ہیں تو کسی طرح کی بے قاعدگی ثابت نہیں ہوتی گورنمنٹ کے سامنے کوئی بات اس طرح کی نہیں آئی ہے کہ وہ ان دونوں واقعوں کی صحت میں شبہ کرے۔ اور اسکے کوئی وجہ معلوم نہیں ہوتی کہ وہ یونیورسٹی کے اندرونی انتظام میں مداخلت کرے۔

ایک دوسرا معاملہ قین آف میڈیسنس کے انتخاب کا بیان کیا گیا ہے کہ اس کا انتخاب صحیح طریقہ پر نہیں کیا گیا۔ اس میں یہ ہے کہ میرا وقت ختم ہو گیا ہے۔ اس لئے میں زیادہ ترنویل کے ساتھ اس معاملہ میں نہیں جاسکتا۔ وائس چانسلر کا بیان یہ ہے کہ کچھ ممبروں کی کمیٹی ہے۔ کوئی خاص تعداد کورم کی نہیں ٹھہرائی گئی ہے۔ دو ممبروں نے اجلاس سے پہلے اپنی رائے اسرار کے حق میں لکھ دی تھی اور عذر کیا تھا کہ وہ اجلاس میں شریک نہیں ہو سکیں گے۔ امیدوار ایک ہی تھا۔ ایک سے زیادہ امیدواروں کے مقابلہ کا کوئی سوال پیدا نہیں ہوا تھا۔ بقیہ ممبروں کا اجلاس ہوا اور انہوں نے اسکے حق میں رائے دے کر اسے چن لیا۔ اب فرمائیے۔ اس بیان کے مطابق صورت حال میں کونسی بات قابل اعتراض ہوئی جس کی بنا پر گورنمنٹ مداخلت کا فیصلہ کرتی؟

یہ بات یاد رکھنی چاہیئے کہ یونیورسٹی ایک اتانمس باقی ہے۔ اور جب تک معقول وجوہ گورنمنٹ کے سامنے نہ آئیں۔ وہ اسکے اندرونی انتظام میں مداخلت

[آنریبل مولانا ابوالکلام آزاد]

نہیں کر سکتی ان دونوں معاملوں کی نسبت میں نے جو کچھ بیان کیا ہے۔ اس پر آنریبل ممبر غور کریں اگر ایک پاس کچھ اور معاملات ایسی ہیں جن سے یونیورسٹی کے موجودہ انتظام میں بے قاعدگی کا صاف ثبوت مل سکتا ہے۔ تو انہیں گورنمنٹ کے علم میں لانا چاہیئے گورنمنٹ کہیں گزارا نہیں کرے گی کہ دعویٰ یونیورسٹی کے انتظام میں صریح بے قاعدگی ہو۔ اور وہ خاموش رہے۔

.....

لالہ دیپن بندھو کہتا

Mr. Speaker: The time is already up for the other demands and let us not prolong this by further discussion.

Shri Deshbandhu Gupta: On a point of personal explanation.

Mr. Speaker: The honourable Member has already distributed the pamphlet.

Shri Deshbandhu Gupta: I only want to ask whether the honourable Minister has himself gone into the matter and whether he is satisfied.

آنریبل مولانا ابوالکلام آزاد: میں نے خود تحقیقات کی ہے اور اگر اب بھی معلوم

کہ جو باتیں کہی گئیں ہیں وہ غلط ہیں تو اور تحقیقات کرنے کو تیار ہوں۔

بیگم اعجاز رسول صاحبہ نے اس بات پر توجہ دلائی ہے کہ بچوں کی ابتدائی تعلیم مادری زبان کے ذریعے ہونی چاہئے اور گورنمنٹ آف انڈیا کو چاہئے کہ اس بارے میں ایک صاف فیصلہ کر دے۔ میں انہیں یاد دلاتا کہ اس بارے میں صاف اور قطعی فیصلہ ہو چکا ہے اور کوئی بات بانی نہیں رہی ہے۔ سنٹرل اتھارٹیز بورڈ آف ایجوکیشن نے صاف اور قطعی لفظوں میں یہ فیصلہ کیا ہے کہ بیسک تعلیم مادری زبان کے ذریعے ہونی چاہئے، کیونکہ تعلیم کا قدرتی اور صحیح ذریعہ یہی ہے۔ گورنمنٹ آف انڈیا بھی گزشتہ سال اگست میں ایک ریزولوشن کے ذریعہ اس اصل پر زور دے چکی ہے اور عام طور پر یہ بنیادی بات تسلیم کر لی گئی ہے۔ دراصل ایچ۔اے۔اے۔اے وقت پیدا ہوتا ہے جب ایک گروہ کی زبان میں اور صوبے کی حکومت کی زبان میں اختلاف ہوتا ہے۔ مثلاً بہار میں بدگالی زبان بولنے والی جماعتیں ہیں اس صورت میں سنٹرل اتھارٹیز بورڈ کی تجویز یہ ہے کہ ابتدائی تعلیم مادری زبان کے ذریعے ہو اور پانچویں درجہ کے بعد اسٹیٹ کی زبان کی پڑھائی شروع کی جائے، لیکن ذریعہ تعلیم مادری زبان ہی رہے۔

مولانا حسرت موہانی: پوری تعلیم نیچے سے لیکر اوپر تک مادری زبان ہی میں کیوں نہ ہو؟

مولانا ابوالکلام آزاد: اگر ایک گروہ کی مادری زبان وہ نہیں ہے جسے صوبے کی حکومت نے سرکاری زبان قرار دیا ہے، تو اس صورت میں یہ ماننا پڑے گا کہ صوبے کے ہر باشندے کو اسٹیٹ کی زبان سیکھنی چاہئے ورنہ خود اسی کا نقصان ہوگا۔ یہ بات

بھی ظاہر ہے کہ یونیورسٹی درجے کی تعلیم مختلف زبانوں کے ذریعے نہیں دی جا سکتی۔ ایک ہی زبان ماننی پڑے گی۔ اور وہ سرکاری زبان ہو گی۔ اس کے سوا معاملہ کا کوئی عملی حل نہیں ہو سکتا۔

اس سلسلہ میں میں تسلیم کروں گا کہ بعض صوبوں سے برابر اس طرح کی شکایتیں آ رہی ہیں کہ وہاں اس بنیادی اصول پر پوری طرح عمل نہیں کیا جا رہا ہے۔ اگر یہ شکایتیں صحیح ہیں تو میں اعتراف کروں گا کہ یہ حالت نہایت درجہ قابل افسوس ہے اور ضروری ہے کہ اس کی اصلاح کی جائے۔ گورنمنٹ آف انڈیا اس بارے میں بعض صوبوں کی حکومتوں سے خط و کتابت کر رہی ہے اور بہت ممکن ہے کہ اس سلسلہ میں صوبوں نے ایجوکیشن منسٹروں کی ایک کانفرنس بھی بلائی جائے۔ بہر حال میں بیگم صاحبہ کو یقین دلانا کہ گورنمنٹ کو اس مسئلہ کی اہمیت کا پورا احساس ہے اور وہ پوری طرح کوشش کرے گی کہ جائز شکایتیں دور ہو جائیں۔

اب میں چند الفاظ آخری تقریر کی نسبت کہوں گا جو میرے آنریبل دوست تھاکر بابا نے کی تھی۔ دراصل تعلیم کے بارے میں اصلی سوال وہی ہے جو انہوں نے اٹھایا ہے، اگر تعلیم کا مسئلہ قومی ترقی کے لئے بنیادی مسئلہ ہے، تو کیا اس کی ضرورت نہیں ہے کہ سنٹرل گورنمنٹ کا ریونیو اس کام کے لئے اس سے زیادہ روپیہ نکالے جس قدر روپیہ اس وقت نکالا جا رہا ہے؟ پچھلی گورنمنٹ تعلیم کے لئے زیادہ سے زیادہ دو کروڑ خرچ کرتی تھی جو سنٹرل بجٹ کا ایک فی صدی حصہ بھی نہیں تھا۔ پوائنٹ پانچ تک پہنچتا تھا۔ میں نے اب لگاتار دو برس کی کوششوں کے بعد اسے پانچ کروڑ تک پہنچایا ہے، اور اب کہا جا سکتا ہے کہ سنٹرل بجٹ کا ایک فیصدی حصہ تعلیم کے لئے خرچ کیا جائیگا۔ لیکن میں پوچھتا ہوں کہ ایک ایسے ملک کے لئے جس کے باشندوں کی لٹریسی یعنی حرف پڑھانے کی استعداد پندرہ فی صدی سے زیادہ نہ ہو، یہ رقم کافی ہے؟ اور کیا اتنی رقم خرچ کر کے ہمارے کانڈنسنس کو مطمئن ہو جانا چاہئے؟

آج ملک کے لئے کوئی معاملہ بھی اتنا اہم اور ضروری نہیں ہے جتنا یہ معاملہ ہے کہ ہم انڈین یونین کی پچاس فی صدی آبادی کو اس کا یہ پیدائشی حق کب تک دے سکیں گے کہ وہ حرف کو پڑھنا اور لکھنا سیکھ جائے؟ سارجنٹ اسکیم نے چالیس برس کی مدت کا اندازہ کیا تھا، لیکن میں نہیں سمجھتا کہ آج ہم سے کوئی شخص بھی اتنی مدت تک انتظار کرنے کے لئے تیار ہو گا۔ میں نے ایجوکیشن منسٹری کا چارج لیتے ہی اس مسئلہ پر توجہ کی اور بیسک ایجوکیشن کے جوئیہ درجے کے لئے ایک نئی اسکیم تیار کی جس کی رو سے زیادہ سے زیادہ دس برس کے اندر اس درجہ کی ابتدائی تعلیم یونیورسل اور کمپلسری ہو جائے گی۔ کہیں کمیٹی اس اسکیم پر

[مولانا ابوالکلام آزاد]

غور کرنے کے لئے ہتھائی گئی تھی - کمیٹی نے معاملہ کے سارے پہلوؤں پر سوچ بچار کیا ہے اور سولہ برس کی ایک مکمل اسکیم تیار کر کے پیش کر دی - دس برس جونیئر بیسک ایجوکیشن کے لئے اور پھر مزید چھ برس سینئر بیسک ایجوکیشن کے لئے - ایجوکیشن منسٹری چاہتی تھی کہ نئے مالی برس سے اس اسکیم پر عملدرآمد شروع ہو جائے - اس کے لئے پانچ کروڑ چالیس لاکھ روپیہ کی ضرورت تھی - مجھے سخت دکھتے ہوئے دل کے ساتھ کہنا پڑتا ہے - کہ اس کا انتظام نہیں کیا جا سکا اور اسکیم کا کام ملتوی کر دینا پڑا - مجھے یہ دیکھ کر نہایت خوشی ہوئی کہ تھاکر بابا صاحب بھی میرے دل کے اس دکھ میں شریک ہیں اور دوسرے ممبروں نے بھی روپیہ کی کمی پوری طرح محسوس کی ہے - لیکن میں آپ سے کہونگا کہ صرف اتنا ہی کافی نہیں ہے آپ کو پوری سنجیدگی کے ساتھ اپنی ذمہ داری محسوس کرنی چاہیئے اور غور کرنا چاہیئے کہ اس صورت حال کا علاج کیا ہے؟ کئی دوستوں نے فنانس منسٹری کی شکایت کی ہے اور اسے توجہ دلائی ہے کہ وہ نیشنل بانڈز کاموں کی اہمیت زیادہ محسوس کرے مگر میں کہونگا کہ فنانس منسٹری کی شکایت معاملہ کو حل نہیں کر سکتی - دراصل معاملہ کا اصلی حل خود آپ کے ہاتھ میں ہے - فنانس منسٹری آپ کے خزانے کا حساب کتاب رکھتی ہے لیکن خرچ کرنے کا اختیار آپ کو ہے - اگر آپ واقعی محسوس کرتے ہیں کہ تعلیم کے لئے زیادہ خرچ کرنا چاہیئے تو آپ کو ایک صاف اور چٹھی تلی تجویز اس ہاؤس میں منظر کوئی چاہئے کہ سنٹرل ریونیو کا کم از کم دس فیصدی حصہ تعلیم کے لئے نکالا جائے - جب تک اس طرح کی کرنی کارروائی نہیں کی جائیگی قوم کی تعلیم کی گتھی کبھی نہیں سلجھیگی -

(English translation of the above speech).

The Honourable Maulana Abul Kalam Azad (Minister of Education): Sir, as I am not feeling well therefore I think you would kindly allow me to speak while sitting.

At the very outset I would submit a few words about the time that has been allotted this year for Education Budget. It has generally been complained that very little time has been allotted and not only for Education but for Health and Labour Ministries also an acute shortage of time has been felt. I am fully in favour of this complaint. Without the least doubt it is essential that we may take more active interest in those matters that pertain to the nation building activities and be able to scrutinise the matter in more details. I assure you that the treasury benches also, from where I am speaking, have also felt this necessity. We have decided that from next year one full day will be set apart for Education. As regards Labour and Health also I hope more time will be allotted.

Shri B. L. Sondhi (East Punjab: General): For Transport also.

The Honourable Maulana Abul Kalam Azad: Yes, sufficient time should be allotted for this also. In this connection only 6 speeches have been made. The object of the first speech, as far as I have been able to understand, was that while planning the scheme of national education we have not to copy the

Western education only but have to plan our own particular scheme of education. I think that it is such an acknowledged fact that there can be no two opinions about it. Without doubt we cannot refrain ourselves from imparting instruction in modern sciences and knowledge. We have to go forward on the way of learning. We have not to recede. But besides this we have to keep in mind certain other facts also. We cannot forget them in any way. India has got a definite civilization of her own. India has a history of her own and has well developed philosophy and metaphysics. She has her own traditions about mental and spiritual life. She has taken a conspicuous and splendid share in the development and diffusion of human knowledge and civilization. Hence it is essential that we should preserve our splendid heritage and draw up such a scheme of our national education, in the outline of which the influence of Indian Culture and Spiritualism may be fully apparent. The outline of our national education should be modern but the spirit must be Indian. I will assure this House that the Education Ministry has before her such a plan and as far as this aim is concerned the Government is wholeheartedly with them.

My honourable friend has drawn attention towards one more point. He acknowledges the fact that for higher studies in scientific and technical subjects Indian students should be sent to foreign countries. But he likes this work to be done in such a manner whereby our objective may be achieved at the earliest and then after that we may not stand in need of sending any more students to foreign countries. I am fully in support of this view point. I would like to assure them that the Government have drawn up the new overseas scholarship scheme with this very objective in view and this scheme has to come into force from the new financial year. Under this scheme the Government wish to send every year a certain number of Indian students to foreign countries. But the object of sending them to foreign countries is that necessity of sending students abroad may at the earliest come to an end. For attaining this object it was essential to investigate the educational facilities that are available in all the existing institutions of the country and to ascertain their weak points also. Then in order to substantiate those aspects that may prove to be weak, particular educational subjects be selected, and for those subjects only students be sent to foreign countries. Besides this special help may be given to the existing institutions for making suitable arrangements for higher technical education and as far as possible new institutions also be started at the earliest. So the Education Ministry is working in this manner and the details you have read in the report of the Ministry.

As you know the over-seas scholarship scheme was started by the previous Government in 1945 and some batches of students had been sent to the foreign countries. But when I took charge of the Education Ministry on 15th January, 1947 then at once I came to know that the scheme has not been worked on proper lines and some defects of fundamental character are working therein. The first and foremost defect has been that the scheme was not planned in such a way whereby efforts may have been made to take into consideration all these important aspects. Special emphasis was laid on the fact that maximum number of students be sent to foreign countries for technical subjects but sufficient attention was not paid for the selection of the subjects for training for which students were to be sent abroad so that they might properly make up our present needs and deficiencies in the educational institutions. The result was that the sphere of benefit accruing from this scheme was considerably narrowed down and as much benefit the country was to have could not be had.

One more mistake was committed whereby a new type of complication has been produced, namely, a great difficulty is being felt in giving immediate employment to all the students who are returning from foreign countries after completing their studies. An honourable member has just given out in his

[Maulana Abul Kalam Azad]

speech that he has come to know of the case of a certain gentleman who was sent abroad under the over-seas scholarship scheme. He has now returned after completing his studies but is sitting idle. The honourable member has come to know only of one such case, but I would like to tell him that more than one such cases have come within my knowledge and I fear that in future more such cases will come to our knowledge, but this is the inevitable result of the defects of the previous over-seas scholarship scheme. As far as possible we are trying to improve the situation but we cannot escape the consequences of the past mistakes.

In that scheme it was decided that the various departments of the Provincial and Central Governments may be consulted as to what kind of persons they would require for their work in future and for which technical subjects they want students to be sent to foreign countries. So the Education Department of the past did likewise and questionnaires were sent to the different departments. It was war-time and it was generally thought that the development schemes would surely be started after war and for these schemes technical experts would be required. Keeping this imaginary plan of hope and expectation before them every department selected a number of subjects and referred them to the Education Department. The Education Department announced those very subjects and the selection board after selecting the students sent them to foreign countries. In the meantime the war came to an end but the financial and political condition of the country assumed such a trend that the development schemes, whose imaginary plans had been drawn up, could not be started and even now it cannot be said whether they can be started or not. The results is that when these state scholars return after finishing their courses of studies of 2—3 years then a majority of them come to know that the projects for which they had been sent have not so far been started and so they cannot be given immediate employment.

Now one more obstacle has also sprung up, about which no one could have the slightest doubt or suspicion, namely, the division of the country took place and a large number of Government servants migrated to this country from Pakistan. Besides this a huge influx of refugees had to turn its face towards India. It was the foremost duty of the Government to provide employment to these unfortunate persons. So we had to come to the decision that the refugees should be given first preference while making appointments for all those posts that might fall vacant. The result was that the vacancies that could be created for these state scholars in Government service, were to a great extent filled.

From what I have said to you I do not mean to say that the present Government wants to shirk its responsibility by laying the fault on the previous Government. The Government cannot do so. The Government are fully conscious of its responsibilities. The Government are making all possible efforts to give employment to these state scholars so that the maximum benefit of their education could be had. So a greater number of the state scholars, that have so far returned from foreign countries, have been given employments and the remaining ones also will be given employment in the very near future. Of course, the Government expects at least so much that it may not be held responsible for the state of affairs that has been created.

I am in full agreement with the motive behind the things upon which stress has been laid by Shrimati Durga Bai. No program of national education can be appropriate if it does not give full consideration to the education and advancement of one-half of the society, that is the women. The Central Government is doing whatever it can in this connection and is going to do it with an even greater speed. But with regard to those matters which concern the

provincial governments or the universities I cannot say anything with absolute confidence at this time. The Central Government can give them its advice and can also exert pressure to a certain extent but the final decision has to be made by them. At any rate, I should assure her that the Government would certainly make whatever endeavours it can in that direction.

The Honourable Pundit Hirday Nath Kunzru has drawn attention to the fact that the scheme to shift the Delhi colleges to the university grounds has not been put into practice yet and the matter has constantly been deferred. In so far as matters have come to my notice I can say that the responsibility for that state of affairs does not lie with the Government. Matters had taken such a turn that the scheme could not be put into effect immediately. The scheme had been planned out several years back. The circumstances changed completely after the war. A building that could then be built at an expense of one lakh rupees cannot now be constructed even at a cost of five lakhs. Then the difficulties that have arisen in the matter of procurement of building material are also known to everybody. The necessity arose that a plan of the entire scheme be prepared anew and the case of each college judged afresh. At any rate, I would assure him that there would be no negligence on the part of the Government in this behalf. Full efforts will be made that the scheme be put into effect at an early date and that it should not remain in abeyance for long.

Shri Deshbandhu Gupta (Delhi): Sir, may I interrupt the honourable Minister? Is it not a fact that the hostel building of the Hindu College, Delhi has remained as it is for the last three years and the Government has paid no attention to it?

The Honourable Maulana Abul Kalam Azad: In so far as matters have come to my notice I can say that a case is going on in court in regard to this building and the Government cannot do anything until this case is decided.

Shri Deshbandhu Gupta: No, Sir. Is it not a fact that the Government has paid no attention to it so far, nor have they appointed any enquiry committee?

The Honourable Maulana Abul Kalam Azad: I can say nothing in that connection.

Shri Deshbandhu Gupta: I would enquire whether the Vice-Chancellor has been asked about it. How far is Government responsible for it? Have rupees three lakhs been spent in this connection?

The Honourable Maulana Abul Kalam Azad: Has this matter been brought to the notice of the Education Ministry?

Shri Deshbandhu Gupta: No, Sir.

The Honourable Maulana Abul Kalam Azad: If this matter has not been brought before the Ministry of Education what is the honourable member complaining about? Whatever I have come to know is just this much that a case about the building is pending in court and its decision is being waited for.

An honourable member has mentioned some irregularities of the Delhi University and has, in that connection, referred to a pamphlet. I feel that the facts have not come before him in their true perspective. When the true position comes before him he will be satisfied. The matter relates to that meeting of the Delhi University Council that was held in November last for the election of the Vice-Chancellor. The matter was brought to my notice on the very day this meeting was to be held. I made an inquiry without delay and duly called for a written reply from the University. The facts that emerged as a result of the inquiry did not contain anything so

1554

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [18TH MARCH 1949]

[Maulana Abul Kalam Azad]

objectionable as to call for intervention on the part of the Government. The result was that the matter ended at that stage. I fail to understand what necessity has arisen now after four months to reagitate this matter all over again.

May I tell the House what the true position is? According to the rules of the University principals of colleges are appointed members of the Executive Council. The objection has been raised that the Principal of the Agriculture College was not called in his capacity as a member of the Council. The Vice-Chancellor, however, states that the Agriculture College has not yet become a recognised University college, that correspondence is going on in this connection between the University and the Ministry of Agriculture and that until this matter is decided and the college attains the status of a recognised institution its Principal cannot take part in the meeting of the Council in the capacity of a member. In reply to this statement it has been said that the ex-Principal of the Agriculture College did participate in the Council meeting. In reply to this the Vice-Chancellor has stated positively that he was not called in the capacity of a member but by special invitation and that, at any rate, he did not take part in the voting. Now the question is are both these facts true or not? If they are correct no irregularity of any kind is proved. No such thing has come to the notice of the Government as might cause them to doubt the correctness of these two facts and hence there appears to be no reason why it should interfere in the internal administration of the University.

Another case cited is that relating to the election of the Dean of Medicine. It has been alleged that his election was not conducted in a proper manner. I regret my time is over and I cannot therefore go into this matter in greater detail. The Vice-Chancellor's version is like this. The Committee consists of six members and that there is no specified quorum. Two of the members have already recorded their vote in favour of the candidate before the meeting and made a plea that they could not participate in the meeting. There was only one candidate. The question of a contest between more than one candidate did not arise. There was a meeting of the remaining members who gave their vote in his favour and elected him. Now, I should like to know, in view of this statement, what was the objectionable part of the business on the score of which the Government might have decided to intervene.

This fact should be kept in view that the University is an autonomous body, and so long as concrete instances are not brought to the notice of the Government, they cannot interfere in its internal administration.

The honourable member should consider the statement made by me in respect of these two points. If he has got any further information that would give a clear proof of the irregularities in the existing management of the University, then he should bring it to the notice of the Government. The Government can never suffer the presence of any sort of irregularities in the administration of the Delhi University, and that they should keep quiet over it.

Shri Deshbandhu Gupta: I would.....

Mr. Speaker: The time is already up for the other demands and let us not prolong this by further discussion.

Shri Deshbandhu Gupta: On a point of personal explanation.

Mr. Speaker: The honourable Member has already distributed the pamphlet.

Shri Deshbandhu Gupta: I only want to ask whether the honourable Minister has himself gone into the matter and whether he is satisfied.

The Honourable Maulana Abul Kalam Azad: I have myself made necessary enquiries and even if it is found that whatever I have stated is incorrect, then I am prepared to institute further enquiries.

The honourable Member Begum Aizaz Rasul has drawn attention towards the necessity of imparting primary education to the children in their mother-tongue and urged the Government of India to lay down a clear-cut policy in this respect. I would like to tell her in this connection that this question has already been decided once for all and there is nothing more to be done. The Central Advisory Board of Education have explicitly laid down that the medium of basic education should be the mother tongue, because this is the natural and appropriate medium for imparting education. The Government of India have already emphasized upon this principle through their Resolution of August, last year and this fundamental principle has generally been accepted. As a matter of fact, the difficulty arises only at that time when there is a difference between the language spoken by one group of people and the State language of the Province concerned, e.g., in Bihar there are Bengali speaking classes. In such a case, the Central Advisory Board have proposed that the medium of primary education should be the mother tongue, and after the fifth class the State language should be taught. But the medium of education should strictly be the mother tongue.

Maulana Hasrat Mohani (U.P.: Muslim): Why should not the entire education from the lowest to the highest be given in the mother tongue?

The Honourable Maulana Abul Kalam Azad: If the language spoken by a certain group of people is not the same which has been adopted by the Provincial Government concerned, then in such a contingency it shall have to be admitted that every inhabitant of the Province should learn the State language; otherwise he will himself suffer. This is also obvious that the University education cannot be given through the medium of different languages. One language only shall have to be adopted and that shall be the State language. Except this, there cannot be any practical solution of this problem.

In this connection, I shall also admit that complaints are regularly pouring in from certain provinces to the effect that this fundamental principle is not being fully acted upon. If these complaints are correct, then I must admit that this is really a deplorable state of affairs and it is most essential that it should be remedied. The Government of India are already in correspondence on this subject with certain Provincial Governments, and it is very likely that a conference of the Provincial Education Ministers may be convened in this connection. In any case, I shall assure the honourable Member, Begum Aizaz Rasul, that the Government are fully alive to the importance of this matter, and they shall do their utmost to remove genuine complaints.

Now, I shall say a few words with regard to the last speech delivered by my honourable friend Mr. A. V. Thakkar. As a matter of fact, the point raised by him is the crux of the entire subject of education. If the problem of education is treated as the fundamental basis for the uplift of the nation, then is it not necessary that more money should be earmarked out of the revenues of the Central Government for this purpose than what is being spent at present? The previous Government used to spend Rs. 2 crores at the most for the purposes of education which did not form even one per cent. of the Central Budget. It was hardly 5 per cent. After having put in strenuous efforts for the last two years, I have been able to get it raised to Rs. 5 crores, and now it can be said that 1 per cent. of the Central Budget shall be spent for the purposes of education. But I would like to know whether this amount is adequate for a country whose literate population does not exceed 15 per cent. even. And should our conscience feel satisfied after spending this amount?

[Maulana Abul Kalam Azad]

Today, there is no other matter which more vitally affects the country than this problem. When will we be able to confer upon 85 per cent. of the subjects of the Indian Union their birth-right of learning 3 R's? The Sargeant Scheme had contemplated a period of forty years. But I do not think that today any-one of us shall be prepared to wait for such a long period. On my assuming charge of the Ministry of Education, I devoted myself towards this aspect; and prepared a fresh scheme for imparting basic education in the junior standards by means of which the basic education upto this standard can be made universal and compulsory during a period of ten years at the most. 'Kher' Committee was set up to consider this scheme. This Committee considered all the aspects of the matter and prepared a comprehensive scheme covering a period of sixteen years, viz., 10 years for junior basic education and again six years more for senior basic education. The Ministry of Education were eager to implement this scheme from the beginning of the new financial year. A sum of Rs. 5,40,00,000 was needed for this purpose. I am deeply constrained to say that this could not be arranged and the implementation of the scheme has had to be postponed.

I was rather much pleased to find that my honourable friend Mr. Thakkar shares with me in my present predicament, and other members too have seriously felt the paucity of funds. But I would like to tell you that this is not quite sufficient. You should realize your responsibility in right earnestness and think over as to how to remedy this state of affairs. Certain friends have complained against the Ministry of Finance and drawn their attention for attaching more importance to the nation-building programme. But I will dare say that the mere complaint against the Ministry of Finance cannot solve the problem. As a matter of fact, the real solution of the problem lies in your own hands. The Ministry of Finance merely maintains an account of your treasury, while you have got full powers to spend it. If you really feel that more amount should be spent under 'Education', then you should accept a plain and well-balanced proposal in this House that at least 10 per cent. of the Central revenues should be allocated to this head. So long as no such action is taken, the Gordian knot of the national education shall never be disentangled.

Shri H. R. Guruv Reddy (Mysore State): Sir, we could not follow a syllable of what the honourable Minister said. It seems to be a very interesting reply, and we have to ask for a translation of his speech.

Mr. Speaker: He will get it, in due course.

Now, what is the position about the cut motion of Pandit Kunzru? Does he want it to be put to vote?

Pandit Hirday Nath Kunzru: With the permission of the House I wish to withdraw it.

Mr. Speaker: Has the honourable Member leave of the House to withdraw his cut motion?

The cut motion was, by leave of the Assembly, withdrawn.

Mr. Speaker: I now put the Demands to the House.

The question is:

"That a sum not exceeding Rs. 33,76,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Education'."

The motion was adopted.

Mr. Speaker: The question is:

"That a sum not exceeding Rs. 28,71,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Archaeology'."

The motion was adopted.

Mr. Speaker: The question is:

"That a sum not exceeding Rs. 1,81,40,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Other Scientific Departments'."

The motion was adopted.

Mr. Speaker: The question is:

"That a sum not exceeding Rs. 93,41,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Education'."

The motion was adopted.

DEMAND No. 22—MINISTRY OF LABOUR

Mr. Speaker: We now take up the Ministry of Labour.

Motion is:

"That a sum not exceeding Rs. 23,97,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March 1950, in respect of 'Ministry of Labour'."

There is a cut-motion by Mr. Sahu. He will speak on his cut-motion and then Mr. Shastri will follow.

Unity of Trade Union Organisations

श्री लक्ष्मीनारायण साहु: वाचस्पति जी, मैं मिनिस्टरी आफ लेबर को डिमान्ड नम्बर २२, में यह कट मोशन मूव करना चाहता हूँ—

"That the demand under the head 'Ministry of Labour' be revised by Rs. 100."

यह कट मोशन जो मैं इस हाउस के सामने पेश करता हूँ, तो पहिले मैं यह बतलाना चाहता हूँ कि चौदह फरवरी सन् १९४८ में श्री केशव राव ने एक प्रश्न पूछा था। उस पर गवर्नमेंट ने जवाब दिया है कि ऐसी ७६ ट्रेड यूनियनस हैं जिन्हें गवर्नमेंट ने रेकगनाईज किया है, उसमें रेलवे वर्कमेन्स की, वर्क्स, माईन्स एन्ड पावर की, Industry and Supply की, Communications, Defence, Finance की और हेल्थ की, शामिल थीं। अब हमें देखना चाहिये की लेबर की पोलीशन क्या है। अभी रेलवे में कम से कम १० लाख लबरर्स हैं। Plantation और Mining में १० लाख, फ़ैक्टरीज में २५ लाख हैं और बाकी पांच लाख हैं। और एक बात यहां सोचना चाहिये कि १९२२ से आल इन्डिया ट्रेड यूनियन कांग्रेस बनाई गई थी और वह बगबर चलती रही। लेकिन ऐसा हुआ कि एक रात को जब हम दूसरे दिन सवेरे सोकर उठे तो देखा कि एक नई इन्डियन नेशनल ट्रेड यूनियन कांग्रेस बन गई है और उस

[श्री लक्ष्मीनारायण साहू]

रोज हमने सोचा कि अब देश में लेबर की हालत बहुत खराब हो गई। इसका क्या सबब था कि १९४७ में इतनी जल्दी एक दूसरी ट्रेड यूनियन कांग्रेस बनाई गई, जहां आल इंडिया ट्रेड यूनियन कांग्रेस सन् १९२२ से था। इस से यह नतीजा हुआ कि लेबर की जो आरगनेजेशन है, उसमें कुछ झगड़ा आ गया है और आज लेबर के बीच में हमने और चार दल खड़ा कर दिया — All India Trade Union Congress, Indian National Trade Union Congress, Hind Mazdoor Panchayat और United Trade Union Committee—बेकार का झगड़ा पैदा कर दिया है। और यह झगड़ा किस आदमी ने शुरू किया है, वह जब मैं सोचता हूं तो देखता हूं कि वह आदमी गर्वनमेंट है इसके पीछे कौन है यह जब मैं ढूंढता हूं तो मेरा विश्वास हो जाता है कि मेरी गर्वनमेंट ने इसके पीछे पड़ कर यह सब खराब कर दिया है।

अभी जो रिपोर्ट निकली है, उस रिपोर्ट में कहा जाता है कि अभी पन्द्रह परसेंट ज्यादा प्रोडक्शन हुआ है, यह कैसा प्रोडक्शन हुआ है, इसका ज्यादा जिक्र जब तक नहीं होगा, हमें विश्वास नहीं हो सकता। मैं देखता हूं कि यह जो हिन्दुस्तान में लेबर मूवमेंट है, वह मर सा गया है। Labour Movement का भीष्म पितामह का माफिक जो ये मिस्टर जोशी थे वह अब कहां हैं? उनको labour field से एक दम निकाल दिया गया है ऐसा मालूम होता है।

Prof. N. G. Ranga: Whose fault was it that Mr. Joshi was out of it? It is his own fault.

Shri Harihar Nath Shastri: It was the S.I.S. who first expelled Mr. Joshi.

Shri Lakshminarayan Sahu: Nobody, expelled him from the S.I.S. He resigned from the S.I.S.

Prof. N. G. Ranga: He resigned from the A.I.T.U.C. also.

The Honourable Shri Jagjivan Ram: He is in the Mazdoor Sabha.

श्री लक्ष्मीनारायण साहू : मैं देखता हूं कि अब हिन्दुस्तान में चार ट्रेड यूनियन बन गई और उनमें ज्यादा से ज्यादा झगड़ा होता है। एक कांग्रेस के हाथ में है, एक सोशलिस्ट के हाथ में है, एक कम्युनिस्ट के हाथ में है और एक बिल्कुल अलग है। गर्वनमेंट को यह देखना चाहिये कि कैसे इन चारों में जो झगड़ा है, वह कम हो, खत्म हो और इन चारों जमातों को मिला सकें। लेकिन मैं देखता हूं कि गर्वनमेंट जो कांग्रेस इन्डियन नेशनल ट्रेड यूनियन कांग्रेस है उसके नुमाइन्दों को तो हर कमेटी और जगह में स्थान मिलता है और बाकी तीनों लेबर की जमातों का कोई स्थान नहीं होता है। इसलिये हम

लोगों का हाल बहुत खराब हो गया है। मैं ज्यादा नहीं कहना चाहता हूं। मैं कहता हूं कि ये जो चार कमेटीयां हैं (१) Central Advisory Committee, (२) Profit Share Committee, (३) Employees State Insurance Corporation, और (४) Standing Labour Committee इन में सिर्फ कांग्रेस के ही मेम्बर हैं हम अब तक यह कहते आये हैं कि हम डेमोक्रेटिक इन्स्टीट्यूशन बनाने की कोशिश करते हैं, जो जिसका हिस्सा है उसको देने की कोशिश करते हैं लेकिन हम वह देते नहीं हैं। हम सबका गला घोट देने हैं और अपना ही फायदा चाहते हैं। जिस तरह से आदमी घोड़े के लगाम पकड़ कर घुमाना चाहता है उसी तरह से हम लोगों की आंखों में blinds (पट्टे) लगा कर घुमा रहे हैं। जिधर जैसा चाहा वैसा कर दिया। इस तरह से हम डेमोक्रेटिक इन्स्टीट्यूशन नहीं बना सकते हैं जिसकी बनाने की हम सब लोग कोशिश कर रहे हैं।

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar).]

लेबर फील्ड में भी बहुत असंतोष है। मैं देखता हूं कि लेबर फैक्टरी लेजिसलेशन बनाया गया है लेकिन मैं पूछना चाहता हूं कि इनको जल्दी से जल्दी क्यों नहीं काम में लाया जाता है। जब तक यह सब कानून काम में नहीं लाये जायेंगे तो इनको बनाने का क्या फायदा होगा। मैं ज्यादा इस वक्त इस बारे में नहीं कहना चाहता हूं।

अभी उस रोज हमारे सरदार पटेल साहब ने कहा कि अब आर. एस. एस., कम्युनिस्ट और सिक्ख सबको दबा दिया गया है और अब किसी प्रकार की अशान्ति का डर नहीं है। मगर मैं कहता हूं कि हमारा देश इस समय एक ऐसी अवस्था में है कि किसी समय एक्सप्लोजन (Explosion) हो जायेगा तो सब कुछ चकनाचूर हो जायेगा। इसलिये अभी हमको यह कोशिश करनी चाहिये, गर्वनमेंट को यह कोशिश करनी चाहिये कि जो यह चार बखेड़े हो गये हैं, चार भाग हो गये हैं वह सब एक हो जाय। हमारे श्रम मंत्री जी की और हमारे मित्र हरीहर नाथ शास्त्री जी की और जो वहां पर बैठे हैं सब को मिल कर यह बात सोचनी चाहिये। यह नहीं, कि हम उसको दबा देंगे - सबको दबा देंगे और हम बैठेंगे, इस तरह से यह काम नहीं हो सकेगा। इसलिये मैं ज्यादा नहीं कहना चाहता हूं। इतना कह कर मैं अपना कटमोशन मूव करता हूं।

(English translation of the above speech.)

Shri Lakshminarayan Sahu (Orissa: General): I wish to move the following cut motion to demand No. 22 of the Ministry of Labour:

“That the demand under the head ‘Ministry of Labour’ be reduced by Rs. 100.”

[Shri Lakshminarayan Sahu]

In moving this cut motion before this House I wish to say that on the 14th February, 1948, Shri Keshva Rao asked a question in reply where to the Government stated that there were 76 trade unions that had been recognized by the Government, which included those pertaining to Railway workmen, and people employed under Works, Mines and Power, Industry and Supply, Communications, Defence, Finance and Health Departments. Let us now see what is the position of Labour. Just at present there are at least 10 lakhs of labourers employed in the Railways, 10 lakhs in Plantation and mining, 25 lakhs in factories and 5 lakhs who are employed otherwise. There is one thing here that requires to be considered. The All-India Trade Union Congress was formed in 1922 and it continued functioning smoothly. But, it so happened on a certain night that when we woke up in the morning, next day, we found that a body styled as the Indian National Trade Union Congress had come into existence and on that day we felt that the condition of Labour in the country had become very much deplorable. What was the reason for the formation of a second Trade Union Congress in 1947, with such haste, when the All-India Trade Union Congress was there since 1922? This leads to the conclusion that some discord has entered into the organisation of labour. We have today created four blocks in the labour camp, viz., the All India Trade Union Congress, Indian National Trade Union Congress, Hind Mazdoor Panchayat and the United Trade Union Committee and brought about dissensions for nothing. And, who started these dissensions? When I think of that I find that that person is the Government. When I look about to discover who is behind all this, I come to the certain conclusion that my Government pursued this matter and brought about this deterioration.

The report that has just come out says that there has been a fifteen per cent. increase in production yet. What kind of production is this? Until we are told more about it we are not inclined to believe this. I perceive that this labour movement in India has rather gone into decay. Where is Mr. Joshi now, who was a kind of Bhisma Pitamah of the labour movement? It appears as if he has been expelled from the labour field all at once.

Prof. N. G. Ranga (Madras: General): Whose fault was it that Mr. Joshi was out of it? It is his own fault.

Shri Harihar Nath Shastri (U.P.: General): It was the S.I.S. who first expelled Mr. Joshi.

Shri Lakshminarayan Sahu: Nobody expelled him from the S.I.S. He resigned from the S.I.S.

Prof. N. G. Ranga: He resigned from the A.I.T.U.C. also.

The Honourable Shri Jagjivan Ram (Minister of Labour): He is in the Mazdoor Sabha.

Shri Lakshminarayan Sahu: I find that four trade unions have now come to be formed in India and that the greatest dissensions prevail among them. One of them is in the hands of the Congress, one is in the hands of the Socialists, one is in the hands of the Communists and one is quite unattached. It is up to the Government to see how the conflict that exists among these four might be reduced and resolved and all these four organisations united. But, I find that the Government assigns the representatives of the Indian National Trade Union Congress a place on every committee whereas the other three labour organisations have no such place. That is why our condition has grown so deplorable.

I do not wish to say more. I say, however, that these four Committees, viz. (1) the Central Advisory Committee, (2) the Profit Share Committee, (3) the Employees State Insurance Corporation and (4) the Standing Labour Committee, consist exclusively of members of the Congress. We have been proclaiming all this time that we are trying to evolve democratic institutions and that we are trying to give their share to those whom it is due but we are not doing so. We strangle them all and seek our own good alone. Just as a man holds a horse by the bridle and turns it in whichever direction he likes in the same way we have blindfolded the public and are turning them about. We turn them as and where we like. Not in this manner can we form democratic institutions to the formation of which we are bending our efforts.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar).]

There is also a good deal of discontent in the field of labour. I find that factory legislation has been framed for the benefit of the labour but I wish to enquire why it is not being put into operation at the earliest. What would be the good of enacting these laws if they are not to be enforced? I do not wish to say more on that subject at this juncture.

Only the other day the Honourable Sardar Patel stated that the R.S.S., the Communists and the Sikhs had all been suppressed and that there was no longer any fear of disorder of any kind. But, I say our country is at this hour in such a state that an explosion might occur at any time which might blow up everything. Hence, we should even now make an endeavour, the Government should make an endeavour that these four factions that have been formed, these four divisions that have been created might all unite into one. Our Labour Minister our friend Harihar Nath Shastriji and the others sitting there should all combine and think it out. It will not do to think that we will suppress all,—that we will suppress all but keep our position. That way this object will not be achieved. I do not wish to say more and, having said this much, move my cut motion.

Mr. Deputy Speaker: Cut motion moved:

"That the demand under the head 'Ministry of Labour' be reduced by Rs. 100."

Shri Harihar Nath Shastri: Mr. Deputy Speaker, within the few minutes that you have been gracious enough to allow me, all that is possible for me is to offer my hurried comments on a few important subjects in regard to the labour policy. Before doing that, I wish first of all refer to the speech that has just been made by my honourable friend, Mr. Lakshminarayan Sahu. I mean no disrespect to him when I say that the views or the ideas that he has expressed betrays a colossal ignorance of the situation in the trade union movement in this country. It is a mistake to think that the Indian National Trade Union Congress was sprung up by any individual or set of individuals overnight. The real fact is with the advent of freedom and realization on the part of the working class of this country of their duty to the community, a realization came amongst them that the time has come when they must get rid of the anti-social, disruptive and opportunist elements in the trade union movement in this country, which have so far hampered their progress and it was due to this realization that we find that in the course of the last 18 months, the Indian National Trade Union Congress was set up. It has become by far the most representative organisation in this country and my honourable friend says that the Government should take steps to see that only one organization should exist in this country. I may assure my honourable friend that it will be due to any efforts on the part of the Government, but it will be due to increasing realization on the part of the working class of this country that in a very short time only one organisation and one alone will exist in this country and that will be the Indian National Trade Union Congress.

[Shri Harihar Nath Shastri]

Now, Sir, I come to a very important question and that is the question of industrial relations. As the House may be aware the Indian National Trade Union Congress ever since its inception has been continuously working for the maintenance of industrial peace in this country as a condition precedent to industrial progress and economic prosperity of our nation, and to realize that object, it accepted the lead of the honourable the Prime Minister when it accepted the three years Industrial Truce and it was in order to implement that resolution and that policy that the Indian National Trade Union Congress accepted and has been persistently following a policy of responsive co-operation in regard to the employers. I have no hesitation to admit that there is a class of employers in this country who are conscious of the objective situation in this country and who have been doing their best to explore all possibilities for amicable settlement with the labour and it has been our pleasure, and it has been our best efforts to work to the best of our capacity for the good of labour in co-operation with such employers, but on the other hand, Sir, I regret to say that there are elements amongst the employers, who by their narrow, selfish and short-sighted policy, have hampered industrial peace in this country. (Maulana Hasrat Mohani: "Have any of them been prosecuted or imprisoned as yet?") That is for the honourable the Labour Minister to answer. Now, Sir, so far as these set of employers are concerned, we have fought against them under the framework of the Industrial Disputes Act and while doing so, we have been faced with certain difficulties. We found that the Industrial Disputes Act is inadequate; it is dilatory and it is ineffective and it was, therefore, that 14 months back when the Industrial Conference took place, we insisted that a clause should be inserted in the resolution in regard to the Industrial Truce and that the Industrial Disputes Act should be amended and that proposal was accepted. I again raised that issue from the platform of the Indian National Trade Union Congress. The matter has already been unduly delayed, but I am glad to hear that a Bill is in the making and I hope it will be coming very soon and when it does, many of the defects in regard to the working of the Industrial Disputes machinery will be rectified.

Now, Sir, the other point that I desire to refer to is in regard to social legislation. So far besides many measures, three main important measures namely, the Factories Act, the Minimum Wages Act, and the Workmen's State Insurance Act, these three acts have been passed in the course of the last 12 months and I must say that at least the last legislative measure is a great landmark in the history of the working class movement in this country. But I might submit that there are two more measures that call for immediate attention. One of these is the provision for old age pension and the other is the unemployment insurance. Unemployment insurance has already come into existence in most of the countries of the world and I am sure that with a net-work of employment exchanges spread throughout the country, it will not be difficult to take in hand this most important measure.

Lastly I come to the question of housing. I raised the question of housing at the Industrialists Conference last year. I raised it at the time of the last Budget also when the Finance Minister assured the House that adequate funds will be found to start the construction of workmen's houses. I am grateful to the honourable the labour Minister who spoke at some public meeting in Bombay and said that the Government was planning to construct one million houses for the working classes of this country. Sir, these classes will be grateful if the honourable Minister would today give us an idea as to what concrete steps are proposed to be taken to implement this promise.

Shri A. V. Thakkar (Saurashtra): In how many years will these one million houses will be constructed?

Shri Harihar Nath Shastri: There are many other points to which I wanted to refer. There is the question of the working class employment insurance, the question of re-settlements; the question of the Labour Conferences, Ratification of International Conventions and agricultural labour. Owing to shortness of time I am unable to speak on them.

But before I sit down I must express my gratitude to the Honourable Sri Jagjivan Ramji. I hope that any criticism I have offered will not be taken as want of confidence in him. On the contrary I feel that in a critical situation like the one our country is passing through he has handled the labour affairs of this country with admirable skill and efficiency. My congratulations, the congratulations of the country and of the working classes are due to him.

Mr. Deputy Speaker: I would like to remind the House of the time table we started with. We started this Demand at 3-45 p.m. The Honourable the Minister for transport is waiting. One hour was allotted for Labour and one hour for Transport. We have just started the debate on Labour. If we can conclude this Demand by 4-30 p.m. and then take up the Demand for Transport, we can conclude by 5-30 p.m.

Prof. Shibban Lal Saksena (U.P. General): Sir, I am very thankful to you for giving me an opportunity to speak on this Demand. I have given notice of several cut motions, but I am not moving them. I will refer to the substance of those motions for the consideration of the honourable Minister.

I have just now heard the speech of my honourable friend Mr. Sahu as well as the speech delivered by Mr. Harihar Nath Shastri. I could not appreciate the manner in which my friend Mr. Shastri dismissed the earnest request made by Mr. Sahu that all the four Central labour organisations in this country should be merged into one Central organisation. Instead, he said that soon there would be only one organisation and that will be the I.N.T.U.C. So he is out to wage a war for the extermination of the other organisations. He feels that the Government and the employers' recognition and support to his organisation will ensure his victory in this war. As a Congressman, I wish the I.N.T.U.C. prosperity and success; but Mr. Shastri's present policies if persisted in by the organisation will certainly spell its doom. A labour organisation cannot prosper for long on the support of the Government and the employers. The history of the Indian Federation of labour is there to warn everyone. The I.N.T.U.C. has today a great opportunity. It can sponsor a movement for the unity of at least all the non-Communist labour organisations in the country into one single Central Trade Union Organisation in the country like the British Trades Union Congress. Such an independent non-Communist Trade Union Organisation will have a vitality of its own and it will not depend upon the support of the Government or the employers. Congressmen can predominate this organisation and keep it under their influence if they dedicate themselves to serve labour disinterestedly in their thousands. This was just what the honourable Mr. Ayyangar had in mind when he advised all the Railway Labour Unions in the country to unite under one single organisation. This would strengthen labour, and for the Government also there would be then one single organisation to negotiate with. Today the Congress Governments are accused of being partial to the I.N.T.U.C. I feel there is some truth in the accusation. That lowers Congress prestige, and damns Congress in eyes of labour.

Then, with regard to the appointment of representatives of labour on various governmental and international committees and conference, I would like to suggest that some definite principles should be observed. The other day I read of a gentleman being sent from our country to Italy to represent India on

[Prof. Shibban Lal Saksepa]

the Roadways Committee of the I.L.O. He has never worked in any organisation connected with the roadways. He has no knowledge of the problems of labour working on roadways (Interruption). I know the gentleman very well. I am President of the U.P. Roadways Federation. The gentleman sent is a textile worker and not of roadways. What I suggest is that in nominating people to such Committees or other International bodies, the Government should not lay itself open to the charge of favouritism or nepotism. It would add to the prestige of the Government if it asks those labour organisations in the country which are the most representative of that particular branch of labour in the country to elect representatives for such committees. That is the best way in which you can promote the welfare of each branch of labour. The real purpose behind those conferences will also be then fulfilled. I have to make a complaint against the delay in enforcing legislation passed by this House. Sir, the Dock, Workers' Regulation Act of 1948 has not yet been enforced in Calcutta and Madras. Rules under the Trade Union Amendment Act for compulsory recognition of trade unions have not yet been framed. I hope they will be framed soon.

In the end, I wish the I.N.T.U.C. people to change the spirit in which they work. Then alone it will become a great force; then alone it will become the one single labour organisation in the country.

Prof. N. G. Ranga: Sir, I wish to congratulate the Labour Department upon the excellent work that they have done during the last year in bringing forward quite a considerable amount of labour legislation and getting it passed through this House and also trying to give effect to as much of it as possible. I should also like to congratulate our Government as well as the Labour Ministry on the fact that its distinguished Secretary, Mr. Lall, has come to be elected the Chairman of the Governing Body of the I.L.O. This is indeed a great honour done to an Indian and to India and I certainly take pleasure in congratulating him also personally.

Secondly, Sir, I am not able to agree with my two honourable friends, Messrs. Sahu and Shibbanlal Saksepa in regard to the remarks that they have made about the I.N.T.U.C. Let me assure them and the House that in truth not only the I.N.T.U.C. but also the Socialist Labour Organisation and the Communist Labour Organisation have come to be represented on a number of Committees which Government has appointed. Only recently, there was the Profit Sharing Committee, also the Fair Wages Committee, on which you will find representatives of the Socialist Mazdoor Sabha. What is the good of our closing our eyes to these facts and saying that the Government is favouring only the I.N.T.U.C.? My honourable friend Mr. Shibbanlal Saksepa says that he also has great love for the I.N.T.U.C., but most unfortunately for me, I am not able to find any evidence of it at all in practice.

Maulana Hasrat Mohani (U.P.: Muslims): Is the I.N.T.U.C. an officially sponsored organisation?

Prof. N. G. Ranga: It is true that he has recently fasted for the rights of our workers. I certainly congratulate him on that, for having put to the test, for having shown to the people how strongly he feels in regard to some of these matters, but I have felt for some time that he has not been taking a correct attitude at all in so far as the I.N.T.U.C. is concerned. On the other hand, he has been allowing some of his personal prejudices against some of the leaders of the I.N.T.U.C. to get the better of his judgment and there is where I feel very sorry indeed in regard to my own friend.

Thirdly, my honourable friend Mr. Sahu has said certain things in regard to our good old friend Mr. N. M. Joshi, which to my mind are not quite correct. Mr. N. M. Joshi has not been dropped by the Labour Department at all, nor has he been dropped by the Indian National Congress. Indeed, it was the Indian National Congress which was responsible for getting him into this House after the British Government had neglected to nominate him on the last occasion, and while he was here, every time he was free to criticise the National Government and he did criticise it. Nevertheless, none of us had resented, because of our own great respect for him, and I claim to be one of the disciples of Mr. N. M. Joshi in so far as the labour front is concerned, but at the same time I could not agree with him in the policies that he was pursuing in the latter days of his career in this House as well as outside. It was he who fought tooth and nail the I.N.T.U.C. while it was being brought into existence. It was he who tried his best to see that the I.L.O. would not recognise the I.N.T.U.C. at the San Francisco Conference, it was he who sent not one but many more representations to the Governing Body of the I.L.O. in order to throw dust in their eyes. In spite of all these things the I.L.O. continued to recognise the I.N.T.U.C. and upheld the judgment that the Government of India had come to that the I.N.T.U.C. represented the majority of the members of the organised trade unions in this country. And why has he left the trade union field, or rather the trade union that he had himself established? He at one time was faced with the threat of the Communists and therefore formed a rival organisation. My friend wants to have only one organisation in this country. The veteran trade union leader in this country has himself found through his own practical experience that so long as politics is allowed to come into play in the trade union world, there cannot be one organisation but there would be many and he was himself instrumental in forming a rival organisation known as National Labour Federation, if I mistake not. Recently he himself resigned from the A.I.T.U.C. which he thought was the best and the most representative in the country and I am afraid that he is joining the third organisation—Is that it or he has joined the third organisation. If this is the experience, if this is the view of the veteran labour leader in this country, then I can only say it is not going to be possible to bring into existence only one labour organisation. My honourable friend Mr. Shastri was saying that he was happy that the I.N.T.U.C. would come to be the only organisation in this country. I am afraid the facts are not going to be like that as long as you have a communist party in the country. As long as there is a communist party, it will see to it that there is a rival organisation. As long as you have got another party like the Socialist Party which is out to exploit trade unionism and trade unions in order to subvert the Government that there is and establish its own political regime there is bound to be a rival organisation. Therefore, let us not be afraid of the existence of any of these rival organisations at all. My friend was complaining that this Government was showing partiality to the I.N.T.U.C. On the other hand, for the last two years, I have quarrelled with the Railway Ministry for having shown too much partiality to this All-India Railwaymen's Federation and not recognising a number of other labour organisations that have come into existence in rivalry to the communist controlled organisations. There are the Unions organised by the Running Staff and also those organised by the Clerical Staff of the Railways, to mention only two, and these have not been recognised by my honourable friends—first Dr. John Matthai, now Mr. Santhanam. Mr. Santhanam was good enough to simply say that they would be given the privilege of corresponding with their high officials. Is that the kind of partiality which my friend is having in his mind when he says that this Government is showing partiality to the I.N.T.U.C.? My complaint is that this Government is too much afraid of these communist controlled trade unions which through threats of strikes are bent upon subverting this Government and are creating destructive and disruptive strikes for the purpose. Therefore, it is wrong for my honourable friends and it is rather late in the day for them to come forward and

1566

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [18TH MARCH 1949]

[Prof. N. G. Ranga]

give this sermon to our Government that it should not show any sort of partiality at all to the I.N.T.U.C.

Then, Sir, I wish to make an appeal to my honourable friend to come together and walk in line and in step with all of us in building up the I.N.T.U.C. in such a way that it will be possible for our National Government to develop our industrial structure without unnecessarily being troubled and worried by constant threats of strikes. Strikes for what purposes?—Not for industrial purposes, not for wages, allowances and various other things, but for the purpose of subverting this Government. Let them make up their mind whether they want this National Government to rule in this country or they want a Communist Government to rule in this country. If they do not want a Communist Government to rule in this country, then we must be prepared to be indifferent about our own personal interests, our group interests, our individual, local, union interests, and make common cause with all those patriotic people in this country, among the workers as well as outside,—their friends—and see that this Government and its industrial policy are strengthened in every possible manner.

Lastly, I am glad my honourable friend the Minister for Labour has placed on the Statute Book the (Agricultural) Minimum Wages Act, and I sincerely hope that he will also see to it that the provincial governments try to give effect to it and bring into existence the necessary machinery that has been envisaged in the Act in order to prescribe minimum wages for agricultural workers. Once he is able to achieve it, it will certainly redound to the credit of this Government, because for the first time in the history of this country, more than 60 million workers will come to be protected in the most essential manner.

श्री० बलवन्त सिंह मेहता : माननीय स्पीकर महोदय : मैं देशी राज्यों की ओर से श्रम-मंत्री जी को इस वर्ष के सुन्दर कार्य के लिये मुबारकवाद देना चाहता हूँ जिससे देशमें प्रोडक्सन बढ़ा और श्रमिकों को राहत । लेकिन साथ ही मैं आपका ध्यान देशी राज्यों में मजदूरों की हालत की तरफ दिलाना चाहता हूँ । देशी राज्यों में यहां से पूंजीपति इनकम-टैक्स और-सुपर-टैक्स आदि कई टैक्सों से बचने के इरादे से देशी राज्यों में चले जाते हैं जहां वह इन टैक्सों से बच सकें । इसके साथ ही उनको वहां कई तरह की रियायतें मिल जाती हैं लेकिन इसके बाद आप देखेंगे कि वहां मजदूरों की हालत इतनी खराब है कि कहीं नहीं जा सकती । अगर माननीय मंत्री साहब या इस भवन के सदस्य वहां आयें तो मैं विश्वास के साथ कह सकता हूँ कि उनकी आंखों में आंसू आये बिना नहीं रह सकते ।

आजकल वहां के मजदूर कई तरह की मजदूरी करते हैं । वहां पर कई तरह की खानें हैं जैसे जिनक, माइका, इत्यादि और कई तरह की वहां कल-कारखाने हैं । जैसे सूगर मिल, टैक्सटाइल मिल और सब तरह की वहां मिलें चल रही हैं । लेकिन प्रायः सब जगह वहां के मजदूरों की हालत बहुत खराब है । वहां पर मजदूरों को चार आना, छः आना और आठ आना तक भी मजदूरी मिलती है । उन लोगों के लिये पानी पीने का भी वहां पर कोई खास इन्तजाम नहीं रहता है । वहां पर गन्दी इमारतें हैं और न वहां हवा जाने का ही ठीक तरह से प्रबन्ध है । साथ ही उनके लिए वहां पर रहने की ऐसी व्यवस्था है कि आसपास ही जानवर भी इस तरह से रह सकते हैं । छोटी छोटी कोठरियां हैं और

उन में दस दस और बीस बीस आदमी रहते हैं । उनके रहने के लिए कोई भी उचित प्रबन्ध अभी तक नहीं किया गया है जब कि सारे देश में मजदूरों के रहने के लिए अच्छे प्रबन्ध किये जा रहे हैं ।

जब मजदूर लोग अपना संगठन करते हैं तो ये पूंजीपति लोग उनको संगठित नहीं होने देते । उनके संगठन को तोड़ने की कोशिश करते हैं और नये आदमी उन संगठनों में अपने फायदे को चलाने के लिए रखने की कोशिश करते हैं । ऐसी हालत में वहां पर मजदूर लोग अपना संगठन नहीं कर सकते हैं । इस तरह की दयनीय हालत इस समय देशी राज्यों में मजदूरों की है । मैं यह अर्ज करना चाहता हूँ कि अभी तक देशी राज्यों में कम्युनिस्टों का होल्ड नहीं है मगर हाल में ही उनका प्रवेश होना शुरू हो गया है । अगर हम लोगों ने इस तरफ मजदूरों की दशा की तरफ ध्यान नहीं दिया तो कम्युनिस्ट वहां पर सब अपना होल्ड कर लेंगे । तो मैं श्रम-मंत्री जी का ध्यान देशी राज्यों के मजदूरों की ओर दिलाना चाहता हूँ कि जल्दी से उनकी दयनीय हालत की तरफ ध्यान देकर सुधार करें ।

दूसरी बात की तरफ मैं आपका ध्यान दिलाना चाहता हूँ वह यह है कि वहां पर मजदूरों के लिये कोई कानूनी व्यवस्था नहीं है । तो यह भी लेजिस्लेशन के द्वारा ठीक हो जाना चाहिये और जो भी लेजिस्लेशन हम लोग यहां पास करें वह सब वहां लागू होना चाहिये । वहां पर बाज़ वक्त कोई ट्रिब्यूनल का अवार्ड होता है तो उसकी भी कोई पूर्ति नहीं होती । साथ ही उनको बोनस के लिये बराबर झंझट रहता है । उनको कोई बोनस नहीं दिया जाता और वहां की मजदूरी भी बहुत कम है । इस प्रकार वहां कोई भी इस प्रकार के कानून लागू नहीं किये जा रहे हैं ।

साथ ही एक और बात की ओर मैं आपका ध्यान दिलाना चाहता हूँ । वहां खेतिहर मजदूरों की जो दशा है वह बहुत ही खराब है । वैसे उनके लिये कम से कम कोई न्यूनतम वेजेज, जिनको मिनिमम वेजेज कहते हैं, होनी चाहिये । उसके लिये भी लेजिस्लेशन हो जाना चाहिये जिससे उनको राहत मिले ।

दूसरे वहां पर बहुत सी ऐसी ज़मीनें हैं कि जो रिक्लेम की गयी हैं । वहां पर उन लोगों को प्रेफ़ेरेन्स दिया जाना चाहिये और उनको ऐसी ज़मीनों के लम्बे पट्टे दे दिये जाय जो बहुत असें से पड़त भूमी है । इसके साथ ही वहां स्त्री लेबर की दशा बहुत खराब है । इसके लिये मैं आपको एक सुझाव देना चाहता हूँ और वह यह कि कोई स्त्री डाइरेक्टर मुकर्रर कर दी जाय । सेक्स रेशो भी ऐसी प्राब्लेम है कि जिसकी तरफ ध्यान देना बहुत जरूरी है ।

[श्री बलवंत सिंह मेहता]

इससे कई प्रकार की खराबियां पैदा हो जाती हैं। सोसियल इन्श्योरेंस का जो फ़ायदा है वह वहां पर नहीं मिल रहा है। इसके साथ ही वहां शिक्षा का भी प्रबन्ध होना चाहिये। वहां छोटे छोटे बच्चों को काम पर लगाया जाता है। उन्हें कतई बन्द कर देना चाहिये।

(English translation of the above speech.)

Shri Balwant Sinha Mehta (United State of Rajasthan): Sir, on behalf of the States I wish to congratulate the honourable the Minister for Labour for the splendid work done during this year, resulting in increased production in the country and more comforts to the labour-class. But besides this I wish to draw your attention towards the condition of the labour-class in native states. Many capitalists migrate to the States from here in order to evade the Income-tax, Super-tax and other taxes. They migrate to the States so that they may escape these taxes. Besides this there they get certain types of concessions and then you would see that the condition of labour there is indescribably bad. If the honourable the Minister or the honourable Members of this House choose to come there I can say with confidence that they cannot help weeping.

These days the labourers there do different kinds of labour work. There are many kinds of mines like zinc, mica, etc. and many kinds of mills and factories are there like sugar mills, textile mills, and all kinds of mills are running there. But generally everywhere the condition of the labour-class is very bad. There the labourers get as. 8, as. 6 and as. 4 also as wages. There no special arrangements are even made for providing drinking water to them. The buildings there are dirty and no proper arrangements are made there for ventilation and ingress of fresh air. Moreover the housing condition of these labourers there is such that perhaps animals even could not live under those conditions. Small cells are given to these labourers and 10-20 people live in each cell. No proper arrangements for their housing have so far been made, although good arrangements are being made in other parts of the country for the housing of the labourers.

When the labourers organise themselves then these capitalists do not allow them to organise themselves. They try to break up their organisations and try to inject new persons in those organisations in order to meet their own ends. Under these circumstances the labourers there cannot organise themselves. Such a pitiable condition is of the labourers in the States today. I wish to submit that as yet the communists do not have any hold in the States but since quite recently their infiltration in the States has begun. If we did not pay attention towards this and the condition of the labourers there then the communists will have a complete hold there. So I wish to draw the attention of the honourable the Labour Minister towards the labourers in the native states so that paying due attention towards their pitiable condition their lot may be improved at the earliest.

The second thing towards which I wish to draw your attention is that for these labourers there are no rules and regulations. This also should be set right through legislation and whatever legislations we pass here should be enforced there. There if at any time a tribunal gives an award then the conditions thereof are not fulfilled. Moreover they always have a tussel for the bonus. They are not given any bonus and there the wages also are very scanty. In this way no rules and regulations are being applied there.

Besides this I wish to draw your attention towards one more thing. There the condition of the agricultural labourers is very bad. So some minimum wages should be fixed for them. A legislation for this also should be passed so that they may get some relief.

The second thing is that there are many such lands that have been re-claimed. There they should be given preference and they may be given long term leases of such lands that have been lying fallow since long. The condition of female labour is still bad. For that I wish to submit a suggestion namely that some lady director may be appointed. The sex ratio also is such a problem that demands necessary consideration. This creates many kinds of difficulties. The labourers there are not getting the benefits of Social Insurance. Along with this arrangements should also be made for education. There small children are employed. This should definitely be stopped.

Mr. Deputy Speaker: I am sorry there is no time for other speakers. I will now request the Honourable Shri Jagjivan Ram to reply. I believe he will take fifteen minutes.

The Honourable Shri Jagjivan Ram: No Sir. More than that.

A brief note enumerating the current activities of my Ministry has been circulated among the Members and most of the points that have been raised by the various speakers have been covered in those notes, and I do not propose to repeat them.

The Labour policy of the Government has at various times come in for criticism from both employers and labour—sometimes as being pro-capitalist and sometimes as too prone to placate labour. I consider the existence of criticism from both sides on the balance equal in intensity, as proof of the impartial and progressive labour policy which Government have been trying to follow, namely, a policy based not on the exigencies of the moment but on a long-term consideration of the economy of the country.

Our industrialists, nurtured in the atmosphere of *laissez-faire* of the pre-war period and protected, though undoubtedly controlled and regulated during the war years, have, I am afraid, been somewhat slow to realize the prodigious strength of the mass labour movements witnessed in practically every country in the post-war world. Whatever the political label of a country, labour movements throughout the world have asserted themselves in a manner they have never done before. It is, therefore, up to all who seek to understand and influence society—and I say this particularly to industrialists who have so much to do with labour—to realize the implications of the new consciousness aroused in labour as a result of the sufferings of two world wars. Sheer necessity, if nothing else, should, and I am sure will, convert our hitherto critical employers into willing partners in a game that can hereafter be carried on only through co-operation and not coercion. I am glad to say that some employers have already adapted themselves to the changing circumstances of the times but that is not true of many. These “no-changers” are still on the defensive in the hope that they will eventually be able to meet what they consider the new menace in their own way. To them I say that they will live and learn but only at the cost of much harm to themselves.

To my anxious labour friends I would counsel patience. The present Government stands committed to the unalterable course of improving the lot of the common man by steady, but by no means too slow, methods. We propose to proceed as fast as circumstances permit. Those who criticise Government for not doing enough to labour forget what Government have been able to do during the last two years. The one measure that has done the largest good to labour is the Industrial Disputes Act which, with all its admitted defects, has not merely settled disputes but increased wages and improved the working conditions of labour. Government propose to bring a Bill before the House to amend that Act comprehensively so that it may serve the purpose better. The

Employees' State Insurance Act has yet to be implemented, but when its full effects are felt, it will be found to be a measure of fundamental importance to the working class. That Act is limited in scope for the present, but it provides a firm foundation on which any powerful edifice can eventually be built. The Bonus and Provident Fund Schemes Act applicable to collieries extend legislative protection to two important benefits which hitherto had been held to be mere *ex-gratia* payments liable to be terminated at the will of the employer.

With experience, we should be able to extend these benefits to other industries. I do not wish to take up the time of the House with a narration of the provisions of the various other enactments passed during the last two years, but certain current development deserve more than a passing mention. As honourable Members are aware, Government approved of a resolution last year accepting in principle the payment of fair wages to labour and the evolution of an equitable scheme of profit sharing. A scheme of profit sharing has been drawn up by a Committee set up for the purpose and will soon be finally examined by the Central Advisory Council of Labour. The question of fair wages is now receiving the attention of another Committee which is expected to submit its report within a month.

There have been criticisms that in spite of all that has been done for labour, labour has not implemented the Industrial Truce Resolution or responded to the call for greater production. I do not share this view. The total number of man-days lost in 1948 was 8 millions compared to 16.5 millions in 1947 and 12.7 millions in 1946. Out of the 8 millions, 1.6 millions were due to lockouts particularly in Bengal. If allowance is made for a further 1.9 millions caused by the continuance of the strike in the textile mills of Coimbatore in the early part of the year, i.e., before the Industrial Truce Resolution has had time to convince waverers, the statistics show a magnificent earnestness on the part of labour to respond to the call for greater production. I have tried to obtain corresponding figures for the U.K. and the U.S.A. While the number of man-days lost decreased in India by as much as 52 per cent since 1947, there was only a small decrease by 13 per cent in the U.K. and in the U.S.A. there was an increase by 3 per cent. Again, while the average duration of a strike was six days in India the corresponding figures for the U.K., U.S.A. and Canada were 4.6 days, 16.8 days and 22.3 days respectively. This shows that though we have had a number of lightning strikes, most of the strikes were settled promptly and only a few dragged on with any determined doggedness.

The return of better relations between employers and labour is reflected in the greatly increased production in 1948. The production of cotton yarn showed an increase of 9.7 per cent. over the 1947 figures and that of cotton cloth an increase of 13.6 per cent. Coal showed a slight decrease of less than one per cent. due wholly to transport difficulties. This is clear from the fact that the stocks at collieries mounted up to 2.2 million tons against a normal stock of 0.7 million tons. Steel production declined by 4.4 per cent. due to the breakdown of the machinery in the Steel Corporation of Bengal, but iron castings increased by 61.9 per cent. Salt production showed a welcome increase of 19.6 per cent. while sugar went up 8.1 per cent. It is in the electrical goods and chemical industries that the increases have been substantial, if not spectacular. The production of electric lamps increased by 20 per cent. and that of dry cells by 40 per cent. Electric motors and transformers showed increase of 58 per cent. and 248 per cent. Bicycles, however showed only a small increase of 6 per cent. The quantity of superphosphates manufactured increased from 5,000 tons to 21,400 tons. Sulphuric acid, caustic soda and plywood registered increase by 30 to 33 per cent. Those of us who look forward to the rapid development of the country cannot but feel greatly heartened by this

upward trend in the production and I must sincerely congratulate labour on the magnificent way they have responded to the call of the nation. I take this opportunity to congratulate employers as well. The real significance of this decrease in strikes and loss of man-days and of the increase in production can be appreciated only if we take into consideration the condition of the working class in this country, and the restrictions that were placed on them during the war time, along with the fact that there are political parties in the country which try to stir labour unrest in order to advance their own purposes. In spite of all these the working class has not wavered from its path as has been demonstrated by the employees of the Railways and Posts and Telegraphs and hence it deserves all the more to be congratulated.

There is a complaint which I have heard from time to time that the efficiency of labour has markedly deteriorated and that though production in terms of the total quantity might have gone up, the labour force employed and the wages bill paid have not been commensurate but disproportionately large. If this is true, it is indeed a very disquieting feature of recent labour developments, for it will then show that in the struggle for better terms and conditions of work, labour has forgotten its duty, viz., the maintenance and improvement of its efficiency wherever possible. Where payment is by piece, the point to be examined is not whether the labour force has increased disproportionately but whether the wages bill has also risen disproportionately, for I know that in some industries at least, employees have generally been willing to share their work with others to reduce unemployment. The data available at present is not sufficient to lead to any definite conclusions and I propose to pursue the matter further.

With the growing deficit in our food requirements public opinion is focusing itself on the condition of the agricultural labour. It is being realised more and more that in order to make the country self-sufficient in food requirements it is necessary to improve the condition of the workers in the field. Complaints are made that so far Government has concentrated its attention on industrial labour and completely ignored the agricultural labour. This is largely correct. All our legislations and even administrative measure have been directed up till now towards the industrial workers.

The Minimum Wages Act, 1948, provides *inter alia* for the fixation, before the expiry of three years from the commencement of the Act, of minimum rates of wages payable to persons employed in agriculture. Although a large majority of people depend upon agriculture, it is a highly unorganised industry. The factual data available is inadequate to enable provincial governments to fix minimum wages. It is therefore proposed to hold an enquiry into agricultural labour conditions, particularly as regards earnings, employment, consumption budget and indebtedness of agricultural labourers. Besides enabling the various Governments to fix minimum wages, the enquiry will provide the foundation on which future labour legislation in respect of agricultural labour will be built.

In the Directorate General of the Resettlement and Employment, the foundation of a national employment service has been laid. Though this organisation was established with the sole purpose of resettling the demobilised war personnel, its scope is being gradually widened to cover civilian population also. The training wing is producing thousands of technicians and skilled artisans who are so badly required for the industrial development of the country. We are gradually building up this organisation with our eye on planned economy so that we may be in a position to take up the work of man-power budgeting, for the country.

Several points have been raised by my friends Mr. Sahm and Saksena and they have been effectively replied to by two other friends from this side. I want to make one thing clear, that the Government's attitude towards the representation of organisations of the workers in this country to various committees has been one of impartiality. We have been giving representation to those

[Shri Jagjivan Ram]

who are more representative or those who command majority of the workers in a particular industry and I challenge anybody to show that on any occasion we have been partial to any organisation in giving representation in any of our committee here or in the international organisation. If anybody says that we have given preference to any particular organisation I must say that he betrays colossal ignorance on his part. A specific mention has been made that on the Committee on Profit Sharing and Fair Wages no representation have been given to the All-India Trade Union Congress. I admit that there is no representation of the All-India Trade Union Congress on those Committees. The reason is this. In December 1947 we passed a Resolution here in Delhi on Industrial Truce. The representatives of employers and workers were parties to it. The representatives of the All-India Trade Union Congress were a party to that Resolution. But when their representatives went away from the Conference they brazen-facedly refused to accept that Resolution. Do you wish Government to nominate a person who does not believe in that Resolution to work out the details for the implementation of that Resolution? That will be a foolish Government which will nominate such a person on that Committee. And that is why the All-India Trade Union Congress has not been given representation on those Committees. Any person who will bestow any thought to this question will agree with me that Mr. Sahu is committing a mistake in raising these questions or that he has been badly briefed by those who brought these things to his notice.

As regards representation to the International Labour Organisation or to the Committees of the I.L.O. it has been our persistent policy to give representation to those Central organisations which are the most representative of the working class in this country. So long as the All-India Trade Union Congress was the most representative organisation we used to give representation to it. When the Indian National Trade Union Congress came into being and by its wise policy was able to command the confidence of the majority of the workers in this country Government has no alternative but to recognize this Central organisation and give representation to it.

The question has been raised that there has been a multiplicity of Central labour organisations in this country and my friend Mr. Sahu has been kind enough to blame the Government for it. I must say that he has not cared to read the working class movement in this country. The Indian National Trade Union Congress is not the first rival organisation that was formed, and one fine morning Mr. Sahu woke up and found it has been formed. Had he cared to read the working class movement in the country he would have found that the Indian Federation of Labour was formed long before the Indian National Trade Union Congress came into existence and that too was a rival organisation to the All-India Trade Union Congress of which Mr. N.M. Joshi, the friend of Mr. Sahu, happened to be the life-blood or the father of trade union movement. Time there was when Mr. Joshi claimed that the All-India Trade Union Congress was a genuine trade union movement and when I told Mr. Joshi that he was mistaken he challenged my view and my opinion. But Mr. Joshi has come to realise that what he was trying to ignore was a hard reality, and today Mr. Joshi has had to resign from the All-India Trade Union Congress because he found that it was dominated by Communist elements and it was impossible for others to work with the Communists in the All-India Trade Union Congress. Today what has happened? That veteran trade unionist has been instrumental in forming the third Central organisation—the Hind Mazdoor Sabha. Afterwards he may find, as he found, though too late, in the case of the All-India Trade Union Congress, that this Hind Mazdoor Sabha is also dominated by a political party with which it may be impossible for any genuine trade unionist

to work. Time will show him that. But so far as Government is concerned our work becomes complicated no doubt when there is a multiplicity of Central organisations. But our attitude or policy in giving representations to these Central organisations is that we give representation to that organisation which is the most representative of the workers in the industry concerned. And we will pursue this policy.

The same accusation has been levelled by my friend Mr. Saxena that the Government encourages the Indian National Trade Union Congress. I have enunciated my policy or the attitude of the Government as regards the various Central organisations. But he is very sore about the U.P. Government. That is their local quarrel and the Provincial Assembly would have been the better forum for giving vent to his feelings or the grouse that he has against the U.P. Government. I do not hold any brief for the U.P. Government. But I may inform the House that anybody who has to deal with the difficult labour situation in the country at present will certainly see to it as to what organisation commands the confidence of the majority of the workers in a particular industry. If one organisation commands the confidence of the overwhelming majority of the workers and there is one rival Union in a small unit in that industry the question is whether it will be desirable or practical to give recognition to a small unit in that industry whereas the overwhelming majority of the workers in that industry are with another organisation. That is for the person on the spot to decide and the U.P. Government must have decided on these lines. I find nothing wrong in it.

Similarly as regards representation on the Works Committees that policy may be followed. If on a regional basis or an industry-wise basis one finds that 90 per cent of the workers are with one organisation and 10 per cent of the workers are in another organisation confined to one or two units of the industry, the question is whether in the interests of maintaining peace in that industry it is necessary to give recognition to the 10 per cent of workers or to the 90 per cent.

My honourable friend has drawn my attention to the delay in the scheme of decasualisation of dock workers. I am afraid my friend was too preoccupied in the U.P. affairs that he could not follow the trend in this House. Otherwise he would have found that I have already introduced an Amending Bill to give effect to the decasualisation schemes.

The condition of the workers in the Indian States has been worse than what it is in the Provinces. With the accession of a large number of States to our Union and with the integration of very many States in the Provinces I think we will try as soon as we can to bring the Labour Acts in those areas on par with those in the Provinces.

In regard to forced labour, as has been indicated in the notes that we have circulated, we have already appointed a special officer to study the various pieces of legislation regarding forced labour so that we may be in a position to undertake legislation if necessary or take such administrative action as may be called for to eliminate forced labour from the country.

Shri R. K. Sidhva (C.P. and Berar: General): What about the Committee that was promised to be appointed in this House?

The Honourable Shri Jagjivan Ram: After we receive the report of the special officer we will be in a position to decide whether the appointment of a Committee to go further into the question of forced labour is necessary or whether we have sufficient data furnished by the special officer to proceed straightaway to take legislative or administrative measures as the case may be.

Shri R. K. Sidhva: The honourable Minister was not present then but the honourable the Minister of State made a statement that a Committee will be appointed and not an officer.

The Honourable Shri Jagjivan Ram: I have already stated that we have appointed a special officer who is studying the various things. On getting his report, if we find that a Committee is necessary, we will appoint it, but if we find that we have sufficient data before us to proceed straightaway there is no necessity to waste further time by appointing a Committee or a roving Commission.

Sir, I must say one word about strikes. I am myself a firm believer in the efficacy of negotiation, conciliation and adjudication. It is only when all these avenues of a peaceful settlement of a dispute have been exhausted that the last weapon in the armoury of the labour may be wielded—and that also only for economic reasons. A strike as a political weapon is doomed to failure and will be resisted with all the energy and resources at the disposal of the Government. The large majority of labour realises this and is prepared to be guided by safer counsels but there are groups here and there whose object is not betterment of labour's rights and privileges but exploitation of labour's difficulties and weaknesses for purely political purposes. To them, Government's declared policy of protection and encouragement of labour will bring no succour. No Government can tolerate activities calculated to challenge and overthrow its authority, even if they be advanced in the name of labour. Let labour be on its guard against the machinations of such unsocial elements whether within or without its ranks. It has always been my earnest endeavour to make the worker responsible and stand on his own. So long as he is not conscious of his rights and obligations, unscrupulous outsiders will try to exploit him for their own purposes and there would be no end to the exploitation of the working classes. Therefore, it is my policy to encourage workers to run their own organisations without any outsiders interfering in their affairs. As for some time to come they will require help from outsiders, genuine trade unions may be permitted to assist them and they may be members of the trade unions, but in as small a number as may be possible. I hope labour leaders, if they have the real interests of the working class at heart, would not only welcome the policy but will help in making it a success so that we may achieve our cherished objective, the co-operative commonwealth.

Mr. Deputy Speaker: May I ask Mr. Sahu if he intends that I should put his cut motion to vote?

श्री लक्ष्मीनारायण साह : जो प्रस्ताव मैं ने दिया है अगर अनुमति मिल जाय तो मैं उस को withdraw करना चाहता हूँ ।

Shri Lakshminarayana Sahu: Sir, I beg leave of the House to withdraw the cut motion.

Mr. Deputy Speaker: Has the honourable member the leave of the House to withdraw his cut motion?

The cut motion was, by leave of the Assembly, withdrawn.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 23,97,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Labour'."

The motion was adopted.

DEMAND No. 25.—MINISTRY OF TRANSPORT

Mr. Deputy Speaker: Now we will proceed to the Demands relating to Transport.

I hope the House is agreeable to sit until we pass these Demands on Transport.

Honourable Members: Yes.

Mr. Deputy Speaker: Motion is:

"That a sum not exceeding Rs. 36,91,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of the 'Ministry of Transport'."

DEMAND No. 58.—DELHI TRANSPORT SERVICE

Mr. Deputy Speaker: Motion is:

"That a sum not exceeding Rs. 63,68,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Delhi Transport Service'."

DEMAND No. 70.—CENTRAL ROAD FUND

Mr. Deputy Speaker: Motion is:

"That a sum not exceeding Rs. 2,20,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Central Road Fund'."

Shri Moturi Satyanarayana (Madras: General): I have no intention to inflict any speech on a subject like this just at the fag end of the day. There are two points on which I would like to stress. It is said that we have freedom from foreign domination. We have got political freedom, we have got cultural freedom, but we are also trying to get commercial freedom. But when I look back to the history of the railways, I find these Railways are still being run on commercial lines. I am fully conscious that today we are discussing subjects other than Railways, but my intention in mentioning the Railways is that these Railways, when they were introduced, were introduced exclusively for the benefit of the commercial people of the British, and therefore they had given certain special advantages to them. When we discuss all these matters, my mind goes back to the old age when the transport system of this country was being solved by our people. We had our own roads, we had our own bullock carts, we had our own boats. Those two things, the bullock carts and the roads, which were responsible for building up a very great civilisation, which were responsible for building up great empires and liquidating great empires, now they are completely being forgotten by the modern Government, by the Swaraj Government. In my young days, we used to travel by boats from place to place. In my own Province, the Madras Presidency, people used to go from one end to the other for education, for commercial purposes or for any enterprise that they wanted to undertake, in countryboats. The Railways have completely smashed the possibility of the countryboat industry and the waterways.

Sir, I was just trying to look into the pamphlet and literature that was given to us for study, to see whether there is any mention there of one of our transport industries, namely the countryboats, but I see there is absolutely no mention, no encouragement given to it. Sir, if we go to the Malabar, countryboats play a very great role in transport and if we go to Bengal they have got a very important part to play in transport. But now I see that in Malabar in South India as well as in many other parts of our country the countryboats are being completely neglected. Therefore, I want specially to draw the attention of the

[Shri Moturi Satyanarayana]

Transport Ministry to see that there is a proper co-ordination for all the transport facilities, namely the boat industry, the bullock-cart, the railways and the motor cars. There are interests who take charge of the Railways because the coal industry is there and coal is supplied to run the Railways. There are people who take a good deal of interest in the motor cars because there is a good deal of foreign capital and foreign petrol and other things to support the motor industry and therefore it is being taken care of. But there are no people to take care of this boat industry on account of which thousands and lakhs of people get their maintenance. This industry was used not only for transport but for many other purposes. Therefore, it should be taken care of by this Government after getting *Swaraj*. It may be argued that this boat industry or transport by village roads are completely provincial subjects. But I see that the Centre is taking interest in Provincial subjects also. Recently it was said that in the matter of roads, the Central Government are taking part by subscribing a certain amount to the roadways. They have also subscribed to many of the enterprises the Provincial Governments have started, from railway funds. In the same way certain moneys from the railway funds, either from the Reserve Fund or from the Depreciation Fund or from any other Fund which the Railways have got, may be set apart for the purpose of encouraging these boats. Even today we find that wherever possible the Railways are blocking the canal traffic. Just to mention one case, in Madras near about the Basin Bridge, there is a bridge which is used by the Railways and it was mentioned that the Provincial Government as well as the Central Government were anxious that this bridge should be so re-built that boats could also pass under it. But the Railway has been putting all kinds of obstacles in the way and nothing has been done so far. In the same way, there may be several bridges like that where previously the Railway Companies deliberately blocked the bridges and therefore it is up to the present Government to see that wherever possible the inland navigation system is encouraged and the boat industry of this country is encouraged.

Generally it is said that in democracy, numbers always count, but in this country numbers do not at all count as far as the rural population and the rural interests are concerned. It is said that in our country we have got nearly 87,15,500 bullock-carts and we are spending for the roads on which these bullock-carts go only Rs. 30 crores. It is said that we have got 1,44,694 motor-vehicles and for them we spend nearly Rs. 320 crores. It may be said that these motor cars and motor-vehicles are being used for the rapid transport of produce. But if we take into consideration the total tonnage that is covered by the bullock-carts, that will certainly be much larger. Therefore their number should be taken into consideration and whatever support and help that is possible ought to be given to the villager for the purpose of using his bullock-carts. Generally, it is said that we have absolutely no funds at our disposal, and that all the funds are being used for our national highways and our provincial highways and for other roads, and for the big bridges. That may be quite true. But it is quite possible for Government to have a bias for the village roads also, and pay sufficient attention to see that the villager also gets his roads to transport his village produce to the market places, and that the necessary finances and facilities are provided for that purpose. The other day it was said that there is a huge quantity of gram lying idle in Punjab whereas Punjab gram is not getting any kind of facility to go either to the market or to other provinces. Therefore it is rotting. Therefore, in that way inflation of the price of foodstuffs goes on and the foodstuff rot. If we encourage village people to form co-operative societies and give them all the facilities, it is quite possible that with the aid and subsidy that Government

gives, they will be able to form own co-operative societies for starting their own small transport industries, whether through bullock-carts or any kind of improved vehicles. In this way they can also do a good deal.

Pandit Thakur Das Bhargava (East Punjab: General): The difficulty about the gram in the Punjab was due to the provincial prohibition against moving the foodstuff.

Shri Moturi Satyanarayana: I am very glad to hear that it was only due to some barriers on a provincial basis that that gram could not be moved, and I take it that there is absolutely no bottle-neck in the transport. But there is also good deal of difficulty in moving produces from place to place, especially from villages away from the towns. If there is no such difficulty in the Punjab, I am very glad to know that. But in other provinces there is a great deal of difficulty. The village man cannot take his produce to the market place, mainly for the reason that there is no transport facility, and the Government are not in a position to give the necessary support for putting up proper roads. I am however, very glad to see that our Government is now removing the obstacles, by providing bridges over the big rivers and canals, such as the Godavari and several other big rivers. I would like to mention that there is a big river over which there is no bridge, and the absence of a bridge is causing a good deal of difficulty, I mean the Krishna river. It is one of the biggest rivers and would like very much to draw the attention of the Transport Ministry to see that the proposal to put a bridge over the Krishna also is given effect to as early as possible.

With these words, Sir, I support the Demand.

Shri Satis Chandra Samanta (West Bengal: General): Sir, the Ministry of Transport deals with Railway transport, Road transport, Inland waterways and Ports. In the short time at my disposal, I want to deal with some minor points. As regards railway transport, as a result of partition, we are seeing that Assam is disconnected from the Indian Union. Our Transport Ministry is not inactive in the matter and there is under contemplation a scheme for running a railway line from Assam to Munihari Ghat. It is under construction but it should be expedited. It is proposed to be a meter gauge line, and at the point where it reaches the Ganges—the Munihari Ghat, the wagons have to be brought to the other side. Therefore a wagon ferry should at once be constructed there to avoid unnecessary delay in transshipment. We all know that 500 million tons of Tea come to Calcutta port from Assam and a huge quantity of forest produce also reach the Indian Union. For these reasons, the railway work which has been started should be expedited.

Another point in this connection which I want to mention is that wagon loads will be brought from Assam by a meter gauge line. But there is no meter gauge line from Munihari Ghat to Calcutta. So a meter gauge line should be constructed or a broad gauge line should be converted into a meter gauge for the purpose so that.....

Mr. Deputy Speaker: These remarks would be more appropriate during the Railway Debate, I think.

Shri Satis Chandra Samanta: I only draw the attention of the honourable Minister to this subject in order to expedite the matter.

As regards road transport, the Ministry is trying to nationalise bus services in the Centrally Administered Areas. In Delhi the bus-service has been nationalised. Provincial governments are also nationalising their bus services at the instance of the Centre. Recently in Bengal the bus-service in Calcutta has been taken over by the Provincial Government and the other day we read in the

[Shri Satis Chandra Samanta]

newspapers that in the half-yearly accounts, a fair amount has been earned by that business. So I hope our Ministry will encourage the nationalisation of all bus-services, especially in the cities in all the Provinces and States, and issue necessary directions on the matter.

Then, coming to inland waterways, though this is a provincial subject, when inter-provincial waterway services are considered which pass from one province to another, they come under the jurisdiction of the Central Government. If these inland waterways services are expedited, we will be benefitted much and pressure on railway traffic will also lessen and communications as regards goods as well as passengers will be eased for the Indian Union.

Then I come to ports. There are five major ports in India, Calcutta, Madras, Bombay, Vizagapatam and Cochin. There are minor ports and harbours. We are hearing about the congestion at Bombay and to relieve that congestion, our Ministry is constructing a major port at Khandla. To expedite the matter, survey work from Khandla to Ahmedabad and Khandla to Delhi should be expedited. To avoid congestion at Bombay, not only Khandla port should be constructed from the Centre but also other minor ports, harbours, such as the Kathiawar ports and some harbours in South India should also be taken into consideration to convert them into major ports.

As regards the Port Trust Act, the Honourable Minister in the last Budget Session gave us a promise that the Port Trust Act will be amended to meet the necessity of our time. (Shri R. K. Sidhva: "They have promised, but they have not got the amended Act.") That is not yet done. Perhaps the promise was given by the predecessor of the present Minister.

Mr. Deputy Speaker: I think honourable Members agreed to be in the House till 5-30 or 6 o'clock, but I find one member after another is leaving. As there is no quorum, I will have to close the debate.

(At this stage the bell was rung and quorum obtained.)

I do not want to make any aspersions, but I am exceedingly sorry that when an honourable member is speaking on a very important subject and when the Ministers are here, other members are going away. They should have said at 5 o'clock that they were not willing to continue, in which case, I could have adjourned the House to allow the Transport demand to take care of itself. It is not proper to the House itself. If it is the sense of the House, as soon as the honourable member who is now on his legs finishes his speech, I would call upon the Honourable Minister to reply. It does not seem to me to be right. It is an interesting debate and we are not only persons interested in it; there are persons outside and the world outside is very anxious to hear the many debates relating to this demand and I would request that honourable members will bear with patience and stay awhile.

Shri Satis Chandra Samanta: I was drawing the attention of the Honourable Minister to convert those minor ports and harbours into major ports. As regards Cochin, there is no Port Trust. I hope it will also come under the Port Trust. The Ministers entrust the work of the transport to a Central Board of Transport and its Standing Committee. As a member of the Standing Committee to the Ministry of Transport, I have come to know they are very active and they are doing their best. I hope they will try their utmost to expedite matters, to which I have referred. With these words, Sir, I conclude my speech.

Dr. V. Subramaniam (Madras: General): I do not want to take much time of the House, but I want the creation of a non-lapsing fund for the National Highways just as the Road Fund. I request the Honourable Minister to consider the point that a National Highway fund be created, like the Central Road Fund, so that the construction of National Highways may go on without interruption.

The other point that I wish to draw the attention of the Honourable Minister to is regarding the sales tax on Petrol. The Central Government is taxing petrol once and the different provinces are taxing petrol again from 2 to 4 annas. To avoid different taxes on petrol, I think an agreement must be negotiated between the Provinces and the Centre for an overall tax limit to Rs. 1-5-0 per gallon and each province will get 6 annas and the Centre will get 15 annas and the basis of the negotiations would be as in America the tax will be spent on roads except for Central share for the general revenue. The expenditure for National Highways is now made from general revenue every year. Now the grant for the maintenance of the National Highways is sanctioned under Civil Works and we have sanctioned two crores and eight lakhs nearly, but we do not know what amount will be sanctioned next year. So, unless we have a definite income for the National Highways system, the maintenance and progress of these highways will not be satisfactory. These are the two points that I wanted to bring to the notice of the Honourable Minister.

लाला अचिन्त राम: मैं एक दो बातें संक्षेप में अर्ज करना चाहता हूँ। पहली बात तो यह है कि पंजाब से कुछ भाई आये हैं, वह कहते हैं कि गवर्नमेन्ट ने जो यह रोड ट्रान्सपोर्ट नेशनलाईज करने की बात की है, वह अच्छी है, लेकिन उनको मुसीबत में न डाला जाय, और उनको वक्त दिया जाय दो चार पांच साल का ताकि वह जबतक अपना कुछ इन्तजाम कर सकें। यह बात ठीक है कि जब आप ऐसी स्कीमों को लायें, तो पहले यह देख लेना जरूरी है कि आया इससे गवर्नमेन्ट को फायदा है या नहीं, और लोगों को फायदा पहुंचता है कि नहीं।

दूसरी बात यह है कि आपने पांच बरस के लिये रोड डेवलपमेन्ट प्रोग्राम का फैसला किया है और इसमें तीस करोड़ रुपया खर्च का भी फैसला किया है। पंजाब में जो National Highways हैं उनमें से पहली देहली से लेकर अमृतसर तक है और दूसरी जालन्धर से काश्मीर तक। पारटीशन के बाद फ़ीरोजपुर और जालन्धर की हालत में बहुत अन्तर पड़ गया है। तिजारत के लिये आपस में सड़क की बहुत जरूरत है। दूसरी Highway देहली से फाजिलका तक है वह सड़क बहुत खराब रहती है, उसका जरा ख्याल रखें। देहली अम्बाला, कालका और शिमला सड़क पर बहुत से भाई गये होंगे, घघर पर बरसात के अन्दर बहुत तकलीफ़ होती है, वहां मेहरबानी करके सड़क ऊंची बनवाईये और पुल बनवायें। बिना बनवाये दिक्कत रफ़ा नहीं हो सकती।

इसके अलावा आपके डिपार्टमेन्ट में पेट्रोल की बहुत जरूरत है। हर आदमी पेट्रोल के लिये महसूस करता है कि इसमें बहुत करप्शन है। हालांकि पेट्रोल की बन्दी है, लेकिन पेट्रोल आठ, दस रुपया गैलन के हिसाब से चोर बाज़ार में मिल सकता है इसका भी आप माकूल इन्तजाम करें।

[लाला अचिन्त राम]

तीसरी बात यह है कि अक्सर जब मैं सड़कों, जैसे ग्रेन्ड ट्रंक रोड पर जाता हूं तो मुझे उन सड़कों का नाम अभी भी अंग्रेजी में लिखा मिलता है, और मैं ऐसा महसूस करने लगता हूं कि मानों मैं इंग्लैंड में घूम रहा हूं। मेहरबानी करके सड़कों का नाम अब हिन्दी में या तो लोकल भाषा में चेन्ज कर दीजिये।

आखिरी बात यह है कि देश में ६८ हजार के करीब सड़कें हैं इनके दोनों तरफ दरख्त लगायें तो approximately 1½ लाख के करीब लम्बी सड़क पर दरख्त लग जावेंगे और देश की fuel की प्राबलम एक हद तक हल हो सकती है। मैं समझता हूं कि यह चीज भी बहुत अहम है और आप जरूर इसका ख्याल रखेंगे। वक्त थोड़ा है, इसलिये मैं और ज्यादा न कह कर समाप्त करता हूं।

(English translation of the above speech)

Lala Achint Ram (East Punjab: General): I wish to say a few things briefly. The first thing is that some people have come from the Punjab who say that the Government's proposal to nationalize road transport is good but that they should not be involved in trouble, and that they should be allowed time—two, four or five years—so that they might, in the meantime, make some arrangements for themselves. It is right that before you introduce such schemes you must see whether or not the Government stand to gain thereby and also whether or not any benefit accrues to the public.

The other thing is that you have decided upon a five years' road development programme as also upon an expenditure of thirty crores of rupees in that connection. Among the National Highways in the Punjab we have first one from Delhi to Amritsar and the second from Jullundur to Kashmir. The condition of Ferozepore and Jullundur has been greatly affected by the partition. A road connecting the two is very much needed for the purposes of trade. Another highway is from Delhi to Fazilka. That road remains in a very rotten condition and some attention should be paid to it. Many of my brothers would have travelled by the Delhi-Amritsar-Kalka-Simla road. A lot of trouble is experienced at the Ghaggar during the rainy season. The road level at that point should kindly be raised and a bridge constructed. Unless this is done the difficulty will not be over.

Besides, your department needs a lot of petrol. About petrol everybody feels that there is a great deal of corruption. Although petrol is a controlled commodity, it is available in the black-market at eight or ten rupees per gallon. This should also be effectively looked into.

The third thing is this that whenever I travel along roads such as the Grand Trunk Road, as I do frequently, I still find the names of the roads written in English so that I start having a feeling as if I am roaming about in England. Kindly change the road names now into Hindi or the local language.

Lastly there are about 69 thousand miles of road in the country. If trees were to be planted on both sides of it there would be trees planted along about one and a half lakh miles and the fuel problem of the country could thereby be solved to a certain extent. I feel this is also a very important matter and that you would surely keep it in view. Time is short and accordingly I would not say anything more and close.

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): It is a matter of great regret to me that the House should not have an opportunity to discuss more fully the important problems connected with this Ministry. There are no less than eight important matters, some of which may not otherwise come under discussion in one way or another in this House. For instance there is the tourist traffic which we are organising on which I hoped to get the views of the House. There are also such matters as Railway Priority Organisation and Petrol rationing on which I would have liked to get the views of the House. I do not want to test the patience of the House, but it is my duty to touch briefly on some of the important points mentioned by the Members.

Sir, the honourable Member Mr. Satyanarayana touched a most important topic on which I would have liked to speak at length. I yield to none in this House in my anxiety for the proper development of village roads and also the inland water-traffic by means of country boats. The entire system of National Highways and the Nagpur Plan on which they are based was aimed at the promotion ultimately of the village roads, because on the village roads depends ultimately the traffic not only of the National Highways but also of the Railways. The more they are opened up the better it will be for the country. But the opening up of village roads has to be a provincial responsibility. In order to provide the Provincial Governments with funds for this purpose, the Central Government have taken over the entire responsibility of the National Highways which was originally met from the Provincial revenues. Therefore I suggest that honourable Members should bring pressure on their own provinces that the money released by the Central Government taking over the National Highways should be exclusively devoted to the development of village roads. Through the Road Fund also the Central Government are continuously bringing pressure on the Provincial Governments towards this objective. I confess that the Transport Ministry has not done much for the development of the inland water traffic. It is a Provincial subject. But even there I think we should do more. We propose to take a survey during the coming year of the possibilities of development in this respect. As soon as that survey is completed, we shall devise some kind of machinery for co-ordination of measures in this respect.

Sir, Mr. Samanta as well as Mr. Satyanarayana spoke about the nationalisation of road transport. So did my honourable friend Mr. Achint Ram. This again is essentially a Provincial subject, but the Railways are taking an active part in the nationalisation of road transport. They are providing capital. In fact they have offered to provide as much capital as the Provincial Governments will take and they are co-operating with the Provincial Governments in every respect. So far as the Centrally Administered Areas are concerned, the Delhi Transport Service is being run directly by the Transport Ministry. Three months ago I thought it was going to figure in the debates of this House as much as the topic of third-class passengers. But I believe during the last three months such improvement has been effected in the Delhi Transport Service that it has ceased to be an object of interest to honourable Members. (Honourable Members) 'No, no.' At any rate we shall see that by the time the next Budget comes up, this subject ceases to be an object of debate.

Sir, so far as the East Punjab roads are concerned, about which my honourable friend Lala Achint Ram mentioned, if the East Punjab Government raises this point we shall be very glad to consider whether any change or diversion of those highways are needed. In this matter the Central Government wants to have the full co-operation of the Provincial Governments. In fact without their co-operation, the Central Government will be utterly powerless. Therefore, if the Provincial Governments want any kind of change in this matter, provided it does not commit us to more expenditure than that to which we

[Shri K. Santhanam]

are already committed, we shall always be very glad to consider. In these and other matters the Transport Ministry will try to satisfy the demands of the Provinces as much as possible.

Lastly about major ports. The point was raised that we have not taken up the amendment of the Port Trust Act. I may inform the House that the Secretary of our Ministry has gone to America on an International Committee and we have charged him with the task of studying the Port Commission of Canada and also of other countries so that we may be able to have a new system which will be based on the latest models. As soon as he comes back, and after considering his report, we shall try to take up this question.

So far as petrol rationing is concerned, it is said there is some black-marketing. But I feel that of all the controls, petrol rationing has been almost fool-proof against corruption. It is only when people who have been legitimately and reasonably given petrol ration sell it to others, black-market operation is possible. This is something which cannot be prevented at all. Petrol is easy of control and the accounts which are kept show completely that there is hardly any corruption. I would like to remove rationing of petrol altogether. But our supplies are not yet adequate and our capacity to move the supplies from ports to the interior parts is not also adequate.

Pandit Lakshmi Kanta Maitra (West Bengal: General): Can you at least liberalise the supply?

The Honourable Shri K. Santhanam: The supplies have been liberalised recently and we shall go on liberalising them as much as possible. It depends upon the total supply and our tank wagons. We lost a large number of tank wagons in Partition and we have been trying to make up the deficiency by ordering new wagons. Unfortunately during the recent Calcutta troubles which affected the Jessop Workshops the building of tank wagons has been delayed. Therefore we are unable to get better supplies to the interior areas. We are trying to distribute the supplies as equitably as possible. I hope the Transport Ministry has deserved well of the House. I thank the House for the way the members have dealt with the Transport Ministry.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 36,91,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Transport'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 63,68,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Delhi Transport Service'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 2,20,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Central Road Fund'."

The motion was adopted.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Saturday, the 19th March, 1949.

THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Official Report

Volume III, 1949.

(19th March, 1949 to 5th April, 1949)

Fourth Session
OF THE

CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE)

1949



सत्यमेव जयते:

CONTENTS

Volume III—19th March, 1949 to 5th April, 1949.

	PAGES
SATURDAY, 19TH MARCH, 1949—	
General Budget—List of Demands	1583—1638
Demand No. 9—Indian Posts and Telegraphs Department (Including Working Expenses)	1583—99
Demand No. 24—Ministry of Communications	1584—99
Proposed increase in Postal Rates.	1584—99
Demand No. 47—Meteorology	1584—1600
Demand No. 57—Overseas Communication Service	1584—1600
Demand No. 59—Telephone Factory	1584—1600
Demand No. 60—Aviation	1584—1600
Demand No. 92—Capital Outlay on Indian Posts and Telegraphs (Not met from Revenue)	1584—1600
Demand No. 93—Indian Posts and Telegraphs Stores Suspense (Not met from Revenue)	1584—1600
Demand No. 95—Capital Outlay on Civil Aviation	1600—36
Demand No. 26—Ministry of Food	1605—36
Stoppage of Food Grains Import from Foreign Countries	1606—36
Food Shortage and Policy	1601—36
Demand No. 7—Forest	1601—36
Demand No. 17—Ministry of Agriculture	1606—36
Co-ordination with Provinces and failure to meet shortage of food	1601—36
Demand No. 41—Survey of India	1601—36
Demand No. 42—Botanical Survey	1601—36
Demand No. 43—Zoological Survey	1601—36
Demand No. 53—Agriculture	1601—36
Demand No. 54—Civil Veterinary Services	1601—37
Demand No. 65—Indian Dairy Department	1601—37
Demand No. 90—Capital Outlay on Forests	1637
Demand No. 11—Constituent Assembly	1637
Demand No. 12—Constituent Assembly of India (Legislative)	1637
Demand No. 14—Ministry of Information and Broadcasting	1637
Demand No. 15—Ministry of Law	1638
Demand No. 30—Ministry of Relief and Rehabilitation	1638
Demand No. 33—Administration of Justice	1638
Demand No. 38—Ecclesiastical	1638
Demand No. 48—Department of Scientific Research	1638
Demand No. 61—Broadcasting	1638
Demand No. 75—Expenditure on Refugees	1638
Demand No. 96—Capital Outlay on Broadcasting	1639—41
MONDAY, 21ST MARCH, 1949—	
Papers laid on the Table	1641
Bombay Port Trust (Amendment) Bill—Introduced	1641
Ajmer-Merwara Tenancy and Land Records Bill—Presentation of Report of Select Committee	1641
Indian Penal Code and the Code of Criminal Procedure (Amendment) Bill—(Amendment of sections 361, 375, etc.)—Presentation of Report of Select Committee	1641

(ii)

MONDAY, 21ST MARCH, 1949— <i>contd.</i>		PAGES
Child Marriage Restraint (Amendment) Bill—Extension of time for presentation of Report of Select Committee	1641—42	
Indian Finance Bill—Discussion on motion to refer to Select Committee—not concluded	1642—1702	
TUESDAY, 22ND MARCH, 1949—		
Papers laid on the Table	1703	
Banking Companies (Legal Practitioners' Clients' Accounts) Bill—Introduced	1703	
Indian Finance Bill—Referred to Select Committee	1703—50	
WEDNESDAY, 23RD MARCH, 1949—		
Non-inclusion of Hindu Code in Order Paper	1751	
Papers laid on the Table	1751—53	
Motion <i>re</i> Elections to Standing Advisory Committees	1753—67	
Election to Standing Finance Committee	1767	
Election to Committee on Public Accounts	1767—70	
Elections to Standing Finance Committee for Railways and Central Advisory Council for Railways	1770—71	
Election to Central Committee of Tuberculosis Association of India	1771	
Railways (Transport of Goods) Amendment Bill—Passed	1772—83	
Industries (Development and Control) Bill—Introduced	1784	
Resolution <i>re</i> Extension of period mentioned in Sections 2 and 3 of India (Central Government and Legislature) Act, 1946 as Adapted—Adopted	1784—1805	
THURSDAY, 24TH MARCH, 1949—		
Statement on Report of Cattle Protection and Preservation Committee	1807—08	
Protective Duties (Miscellaneous Provisions) Bill—Discussion on motion to consider—not concluded	1808—57	
FRIDAY, 25TH MARCH, 1949—		
Elections to Standing Committees for Ministries of Commerce, Communications and Defence	1859	
Hindu Marriages Validity Bill—Presentation of Report of Select Committee	1859	
Child Marriage Restraint (Amendment) Bills—Presentation of Report of Select Committee	1859—60	
Indian Judicial Procedure Bill—Extension of time for presentation of Report of Select Committee	1860	
Protective Duties (Miscellaneous Provisions) Bill—Passed as amended	1860—72	
Tea Committee for India Bill—Passed as amended	1872—1908	
Indian Finance Bill—Presentation of Report of Select Committee	1875	
Essential Supplies (Temporary Powers) Amendment Bill—Discussion on motion to consider—not concluded	1908—09	
SATURDAY, 26TH MARCH, 1949—		
Elections to Standing Committees for Ministries of External Affairs, Food and Health	1911	
Motion <i>re</i> —		
Relief and Rehabilitation Situation	1911—61	
Information and Broadcasting	1961—96	
Election to Standing Committee for Ministry of Agriculture	1996	
MONDAY, 28TH MARCH, 1949—		
Election to Standing Committee for Ministry of Agriculture	1997	
Election to Standing Committee for Ministry of Communications	1997	

(iii)

MONDAY, 28TH MARCH, 1949— <i>contd.</i>		PAGES
Election to Standing Committees for Ministries of Information and Broadcasting and Labour	1998	
Delhi Hotels (Control of Accommodation) Bill—Introduced	1998	
Code of Criminal Procedure (Amendment) Bill—Passed as amended	1998—2000	
Governor-General's Salary (Exemption from Taxation) Bill—Passed	2000—12	
Criminal Law (Removal of Racial Discriminations) Bill—Passed	2012—13	
Motion <i>re</i> Report of Indian Railway Enquiry Committee—Talked out	2013—38	
Elections to Standing Committees for Ministries of Agriculture and Communications	2038	
TUESDAY, 29TH MARCH, 1949—		
Election to Standing Committees for Ministries of Education, Law, Relief and Rehabilitation and Transport (other than Roads)	2039	
Indian Finance Bill—Discussion on motion to consider as reported by Select Committee—not concluded	2039—86	
Statement <i>re</i> the proposed Conference of Dominion Prime Ministers in London	2086—87	
WEDNESDAY, 30TH MARCH, 1949—		
Elections to Standing Committees for Ministries of Home Affairs and Industry and Supply	2089	
Elections to Standing Committees for Ministries of States and Works, Mines and Power, Department of Scientific Research, Standing Finance Committee and Committee on Public Accounts	2089—90	
Fixation of Saturday, the 2nd April for Official Business	2090	
Indian Finance Bill—Passed as amended	2090—2102, 2103—33	
Statement of Government Business	2102—03	
News <i>re</i> Safety of Honourable Sardar Vallabhbhai Patel after Air accident near Jaipur	2133	
THURSDAY, 31ST MARCH, 1949—		
Papers laid on the Table	2135—38	
Election to National Food and Agriculture Organisation Liaison Committee	2138—39	
Election to Standing Committee for Roads	2140	
Elections to Standing Finance Committee for Railways, Central Advisory Council for Railways and Central Committee of Tuberculosis Association of India	2140	
Displaced Persons (Legal Proceedings) Bill—Introduced	2141	
Estate Duty Bill—Presentation of Report of Select Committee	2141	
Demands for Supplementary Grants for 1948-49	2141—95	
FRIDAY, 1ST APRIL, 1949		
Election to All India Council for Technical Education	2197—2200	
Election to Committee to review Conventions <i>re</i> separation of Railway from General Finance	2200—11	
Hindu Code—Motion to consider as reported by Select Committee—not concluded	2211—43	
SATURDAY, 2ND APRIL, 1949—		
Elections to National Food and Agriculture Organisation Liaison Committee and to Standing Committee for Roads	2245	
Taxation Laws Amendment Bill—Introduced	2245	
Indian Railways (Amendment) Bill—Introduced	2245—46	
Influx from Pakistan (Control) Bill—Introduced	2246	
Hindu Code—Motions to consider as reported by Select Committee to re-circulate and to re-commit to Select Committee—not concluded	2246—89.	

MONDAY, 4TH APRIL, 1949—

	PAGES
Elections to All India Council for Technical Education and to the Committee to review Working of Railway Convention	2291
Disposal of the Business of the House	2291—94
Indian Cattle Preservation Bill—Motion for continuation—Adopted	2294
Child Marriage Restraint (Amendment) Bill—Passed as amended	2294—2334
Indian Penal Code and the Code of Criminal Procedure (Amendment) Bill—Passed as amended	2334—36
Hindu Marriages Validity Bill—Passed as amended	2336—40

TUESDAY, 5TH APRIL, 1949—

Closing date of the Assembly Session	2341
Papers laid on the Table	2341
Election to Central Tea Board	2342
Election to Central Advisory Board of Archaeology	2342
West Godavari District (Assimilation of Laws on Federal Subjects) Bill—Introduced	2343
Indian Succession (Amendment) Bill—Introduced	2343
Essential Supplies (Temporary Powers) Amendment Bill—Passed as amended	2343—76
Payment of Taxes (Transfer of Property) Bill—Motion to consider as reported by Select Committee—not concluded	2377—84

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES.

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

Saturday, 19th March, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-50 A.M.

THE GENERAL BUDGET—LIST OF DEMANDS—*concl'd.*

SECOND STAGE—*cont'd.*

Mr. Speaker: A request has been made that a large section of the House wishes to have time for discussion of Relief and Rehabilitation matters. Therefore, I will allot a day. I am allotting the Saturday the 26th of March for transaction of Government business. The House will now today take up the Demands for Grants in respect of Communications, Food and Agriculture. The Demand for Information and Broadcasting will not be taken up for discussion. I understand, some arrangements are being made to have some time for the discussion of that demand. This is arranged to give more time for Food and Agriculture, in respect of which it was the desire of a large number of honourable Members to have more time for discussion. Of course, honourable members will remember that they have had two days for these discussions. However, some more time will be allotted. Communications will be taken up, up to 1 and from 2-30 onwards, the Demands for Food and Agriculture will be taken. I will now place the demands before the House. In the new arrangements proposed, I understand, subject to agreement by honourable members, the honourable members are getting about an hour and a half. Originally, there being no meeting of the House on Saturday the 26th, there is no question hour. Therefore, we get a full day, a part of which they can utilise for the purpose of discussing Information and Broadcasting.

DEMAND NO. 9.—INDIAN POSTS AND TELEGRAPHS DEPARTMENT (INCLUDING WORKING EXPENSES).

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 27,66,49,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Indian Posts and Telegraphs Department (including Working Expenses)'."

DEMAND NO. 24.—MINISTRY OF COMMUNICATIONS.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 6,09,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Communications'."

DEMAND No. 47.—METEOROLOGY.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 84,97,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Meteorology'."

DEMAND No. 57.—OVERSEAS COMMUNICATION SERVICE.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 76,42,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Overseas Communication Service'."

DEMAND No. 59.—TELEPHONE FACTORY.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 6,60,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Telephone Factory'."

DEMAND No. 60.—AVIATION.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 2,53,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Aviation'."

DEMAND No. 92.—CAPITAL OUTLAY ON INDIAN POSTS AND TELEGRAPHS
(NOT MET FROM REVENUE).

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 4,13,41,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Indian Posts and Telegraphs (not met from Revenue)'."

DEMAND No. 93.—INDIAN POSTS AND TELEGRAPHS—STORES SUSPENSE
(NOT MET FROM REVENUE).

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 1,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Indian Posts and Telegraphs—Stores Suspense (not met from Revenue)'."

DEMAND No. 95.—CAPITAL OUTLAY ON CIVIL AVIATION.

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 2,92,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Civil Aviation'."

I believe the honourable Minister will require about twenty minutes for his reply.

The Honourable Mr. Rafi Ahmad Kidwai (Minister of Communications): Yes.

Mr. Speaker: The time-limit for speeches may be ten minutes.

Proposed increase in Postal Rates.

Mr. Frank Anthony (C.P. and Berar: General): Sir I move:

"That the demand under the head 'Ministry of Communications' be reduced by Rs. 100."

I shall very briefly place before the House certain considerations in respect of this proposal—considerations which I believe have not hitherto been placed before the House. I say at the very beginning that I propose to press this cut motion. I would therefore ask my honourable friends for many of whom I have the greatest regard, to consider carefully what I have to say with regard to this proposal for the increase of postal rates.

Sir, an impartial analysis will disclose that there can be not one single reason with which any one, including Members belonging to the Congress party, will be able to justify this proposal to their thousands of followers in the country at large.

I read some weeks back a forecast of this proposed increased postal rate. Not only was there a forecast, but certain allegations were also there. That forecast and the allegations were all made in a paper of which an honourable Minister said the other day that the Government takes no notice. I myself was not prepared to take any notice of that forecast. To that extent I was surprised when that forecast materialised. I know that the honourable Minister and the Government will immediately repudiate the allegations. But I would ask them, in their own interests, since this forecast has proved correct, to publish the facts. Otherwise, the public will draw their own inference, the inescapable inference. Therefore I would ask the honourable Minister for Communications if he can, repudiate the following facts; if he cannot immediately to rescind this proposal:

Is it a fact that the present Air Lines are operating the night air mails?

Is it a fact that it is running at a huge daily loss involving many lakhs of rupees?

Is it a fact that this new increased postal rate will wipe out this loss? Wiping out this is it not in itself a reprehensible proposal?

Is it not a fact that in wiping out this loss, you are making the postal rates heavy for the Common man?

Is it not a fact that the overwhelming majority of postal users will not gain one iota by this new so-called all-up scheme, because the air line in the country today form a microscopic an infinitesimally microscopic proportion of all postal lines? Is it not a fact that 99 and 9/10ths per cent. of your postal mails will continue to be carried by rail? I would ask the honourable Minister to give a reply to these questions.

Is it not a fact that, in spite of your increased postal rates,—your air lines are so few that 99 and 9/10ths per cent. of your mails will have to be carried by rail?

Is it not a fact that, apart from giving no benefit to the vast majority, the real users of the air mail are not going to receive any benefit by this proposal?

Is it not inevitable that the present speedy and swift air mail service will be abolished?

Is it not a fact that with this all-up system you will have probably just one air mail service, subject to the general postal routine?

So you intend to maintain your special mail service. My own feeling is that, because of the increased mail that will have to be carried by air, you will have one kind of air mail subject to postal routine with the result that people who want to use the air mail will not get effective service.

[Mr. Frank Anthony.]

For these reasons I would ask the Government to reconsider the proposal. Let them have an air mail service. Let them double, treble or even quadruple the present air mail charges in order to make good the loss which the Company is incurring. Let people who want to use the air mail pay for it. I am quite certain that the Prime Minister and the Deputy Prime Minister would pay 10 annas for an air mail letter to reach Madras or Bombay the next morning rather than pay for a brief telegram which will reach about 48 hours later and perhaps in a mutilated form. This is a serious matter. I am quite certain that if this proposal is carried through, it will create considerable discontent in the country. It is not sufficient to suggest that the post-card rate only should not be raised. I believe you will have to continue to carry more than 99 per cent. of your post by rail. That is why the whole proposal should be withdrawn.

Even if you cannot make up the loss of your Company by an increase in the air mail charge to the real user of the air mail, there is nothing inherently wrong in subsidising the concern. Progressive countries are subsidising their Air Companies, because they feel they deserve encouragement and in order to strengthen Civil Aviation. But I would ask you, not to subsidise indirectly and, in what many regard, dubious form, your present air lines.

Mr. Speaker: Cut motion moved:

"That the demand under the head 'Ministry of Communications' be reduced by Rs. 100."

Shri A. Karunakara Menon (Madras. General): Sir, notwithstanding what my friend said, I might say that we, during the course of this long Budget session felt much pleased with the way we received our posts regularly from home. Therefore, thanks are due to the honourable Minister for that and thanks are also due to the postal authorities for the efficient work that, so far as I could see, they have been doing so far. I may also say that the general level of honesty in the Department—I do not like comparing or contrasting this department with other Departments—is much higher than in several other Departments under the Government. These go to the credit of the Postals and Telegraphs Department.

In this connection I may mention that most of the letters received by me come from rural areas. As regards these areas, therefore, I must bring to the notice of the honourable Minister the great injustice done to the postal officials thereof. The postal officials in the rural parts are the sub-post masters, branch post-masters, stamp vendors, messengers and mail carriers. They constitute the so-called extra-departmental officials. Why should they not be made intra-departmental officials and integrated into the Postal Department? Now their grievances are many. I shall speak only on one or two of them. While the rules, the responsibilities and the work are the same for the Departmental officials and the extra-Departmental officials of the Postal Department, the extra-Departmental officials are getting only a small remuneration for their work. Out of 17,169 officials belonging to this Department, about 1000 of them receive a pay of Rs. 2 to Rs. 4 per month. It is extremely unjust that they are made to do responsible work but are paid so low a pay as Rs. 2 and Rs. 4.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar).]

Besides this, they have no pension, no provident fund, no leave, no increments, no rent for the office building, no supply of furniture, no supply of stationery also. Moreover, they have no security of tenure. So their grievances are many. From the report of 1946-47 I find that these officials form about 20 per cent of the total Posts and Telegraphs staff of the whole of India and therefore they form the backbone of the Department. Still, the kind of

treatment that is meted out to them is miserable. In addition, they have no way of ventilating their grievances to the Government, because they are distributed far and wide in the country. Perhaps if all their grievances had been known to the Government, some relief might have been given to them. They have now begun to form unions, but those unions still remain unrecognised by the Government. Therefore, I would submit to the honourable Minister that their grievances might be properly looked into and their unions might be recognised.

The second point that I would like to speak about is this. I am glad that in the report there is mention made of the expansion of developmental activities in this Department. Government say that they are going in future to concentrate on developmental activities of this Department, such as Civil Aviation, Telephone Factories and Agricultural Meteorology Stations. They are all necessary, because they are proving useful to the people at large. I wish to say one or two words with regard to aeronautical training. The demand for aeronautical training has been very great in South India. I think if you take an account you will find that during the war most of the people that distinguished themselves in this field came from South India. But it was not because that facilities were given to them, but because during the war opportunities arose and when they were drafted, they very soon learned this art and very soon equipped themselves in the line of aeronautics. That is how they were able to distinguish themselves during the war. Now, the demand is very great for aeronautical training, but there are no facilities for it in South India. I think there is only one aeronautical school or Club in Madras. There are no other places in South India where clubs exist. That is my information. So I request that more flying clubs may be started.

With regard to a site of this club, I might say that Cannanore possesses a very fine landing ground on the West Coast. Before the war it was used as a landing place for aeroplanes. Now mails are being stacked at Madras and we people of Malabar, South Kanara and Coorg do not get much benefit out of the Night Air Mail Service, because of this stacking of mails at Madras in the mornings which are moved in transit only late in the evenings. Supposing there is a flying club started at Cannanore or it is attached to the flying club at Madras—what they call being a "satellite" of the Madras Club—then there will be much more facility for the distribution of mails in these three places of Malabar, South Kanara and Coorg. This flying club is very necessary, because people in the West Coast are very desirous of flying in the air. Therefore, I appeal to the honourable Minister to consider the starting of such a flying club in some part of the West Coast; if possible at Cannanore where there is already a landing ground. The service of the trainees of this club may be utilised for carrying mails from Madras to the West Coast.

With respect to nationalisation of the Air Services, the honourable Minister stated last year in his Budget speech that he was going to appoint a Departmental Committee and something will be done in the line of nationalisation. I wish to know whether a Departmental Committee was appointed and if so, what was the kind of work that they did, what is the progress of the work and what are their recommendations.

The next subject on which I would like to speak within the few minutes allotted to me is with respect to the Telephone Factory that has been established at Bangalore. We have been depending upon foreign countries and much drain of money has been taking place. It is after considerable agitation that this factory has been started. Still from what little I understand from the Report and what I hear and what I learn from going to the place, I find that

[Shri A. Karunakara Menon]

the work is proceeding very slowly. I do not know why. If we proceed at this rate, then it is doubtful if we would be able to be self-sufficient and self-dependent within the period of 15 years that has been allotted under the schedule. It has to be developed more quickly. Both the equipment and the recruitment of technical staff and organisational staff have to proceed at a speedier pace; otherwise, our expectations may be belied. I remember while I was here in 1946-47 as a Member of the Assembly, European members saying that "If you start such a factory, it is not going to succeed." There is a duty, therefore, on our part to see that their prognostications,—perhaps based on their self-interest—are proved false, and that we are able to manage things ourselves, and we are able to be self-sufficient with respect to these telephone and telegraph instruments.

Then I wish to say a few words about the Agricultural Meteorology Department. I have a great complaint, with regard to the weather forecasts that are being reported. These weather forecasts do not prove true. On the other hand, they are useful in one way. People have begun to think that if they are reversed they will be correct. For example if they receive a forecast saying it will be fine weather, people at once come to the conclusion that it will be cloudy weather or rainy weather. So these forecasts are not useful to the people. Perhaps, the reason might be that these forecasts have to depend upon meteorological stations situated in distant places, perhaps in Poona and Madras. But the climatic conditions and the hilly nature of the country and so on are so different that any forecasts made from Poona or Madras do not assist the people on the West Coast. So it is highly necessary that a station should be started on the West Coast which will suit the conditions there. Then, perhaps, the forecasts might be more dependable and would prove more useful to the tillers of the soil and the toilers of the sea.

With these few remarks which I bring to the notice of the honourable Minister I close. I hope that steps for reform will be taken in the directions mentioned by me.

Shri Basanta Kumar Das (West Bengal: General): Sir, the first point that I wish to make is regarding the rural post offices. The Government is going to set a target for the village post offices. It is said that the target that the Department has set before itself is that villages or a group of villages within two miles radius with a population of 2,000 people should have a post office. I welcome this decision of the Government. I hope that the Government will not wait till the initiative comes from the rural people. It is within our experience that till a demand comes from the local people, no post office is started in an area even though there is great need for it. It is said that Government is prepared to allow a loss up to Rs. 500 per annum in opening a post office meant to serve general interests. This limit will be raised to Rs. 750 in case it is expected that within the first year the loss will be reduced to Rs. 500. I would urge, Sir, that a more liberal policy is followed in respect of backward areas.

The other day one honourable Member tried to attract the attention of the honourable Minister to such a backward area.

Shri Mahavir Tyagi (U.P.: General): And Hill tracts.

Shri Basanta Kumar Das: In Hill tracts?

Shri Mahavir Tyagi: Yes.

Shri Basanta Kumar Das: But there are other areas also. In the Sunderbans in West Bengal there are areas which have no post offices at all. Within a radius of twenty miles we cannot have a post office there. I would request the honourable Minister to pay attention to those areas. I would submit, Sir, that a list of backward areas should be made and attempts should be

made to establish post offices even at a greater loss than what has been aimed at.

I would also say that if the system of *Dak Sevaks* be extended to those areas, those areas may be served well.

The next point that I would try to make is about the weather services for farmers. I welcome the decision that greater attention will be paid to this service. The rural people are ignorant about what the weather forecasts are. In our villages we find that they depend on the sayings of Khona, Khona is believed to have been the daughter-in-law of a great astronomer, Baraha-Mihir who was in the Court of King Vikramaditya. It is stated that this daughter-in-law, Khona tried to be a greater astronomer than her father-in-law and as such her tongue was chopped off. There are sayings and couplets which give indications of the weather, and the rural people follow those indications. We do not know on what data those sayings have been based but often those data come true. But what I want to emphasize is that this should be placed on a more scientific basis and all the investigations we have in the Meteorological Department may be made available easily and in an understandable form to the farmers.

I next come to Civil Aviation. I would draw the attention of the honourable Member to the fact that the air passenger fare was raised when there was an increase of fares on railways. Now that a decrease has been effected on railways, a similar decrease has not been effected in the passenger fares for aeroplanes. Of course the passengers that generally board the aeroplanes are rich people. Still we have got to make air travel popular and for that reason it is necessary that the fare should be such as to compare favourably with the fares on railways. That will attract more passengers and it will be a more lucrative proposition.

In this connection I would request the Minister to examine fully the arguments that have been often advanced regarding the nationalization of the air services. Very powerful arguments have often been advanced in favour of nationalization. I do not like to recount all those arguments but I will only say that it is necessary that the whole question should be gone into and carefully examined by a Committee. Of course, a Committee was appointed in 1914 to go into the question and the decision was taken on the report of that Committee. But I would say that that Committee was appointed in different circumstances. Things have changed and in the present circumstances, it is necessary that a fresh examination should be made. When we see all around us that everything in connection with Civil Aviation is being maintained and organized by the Government, we cannot understand why the Government is not taking up the whole service into their own hands. It is to be examined whether it is possible to organize the whole thing by starting an autonomous Corporation. I would request the honourable Minister to see that a Committee is appointed and the whole matter is examined.

As regards the training of air personnel, I would only request the honourable Minister to see that more attention is paid to produce efficient Ground Engineers. Ground Engineers are most important in order to avoid recurrence of accidents and I cannot over-emphasize that fact that the question requires careful examination. Some proposals have been made about the extension of the air service to different centres. Proposals have also been made to extend these services to Rameswaram, Badri Nath and Dwarka. I would request the Minister to examine these points. The Andamans is going to be rehabilitated through the funds of the Central Government. We know that our system of communications to the Andamans is very poor. If an air service is arranged, and if it is possible to carry mails by air, I think there would be established an easy system of communication between the mainland and the Andamans.

[Shri Basanta Kumar Das]

I now come to the question of night landing arrangements. Between Delhi and Calcutta, there is only one night landing arrangement, and that is in Allahabad. I think other important aerodromes should have this arrangement. From personal experience I know that for want of night landing arrangements aeroplanes often get into danger, and I hope the honourable Minister will pay attention to this.

The next point is in connection with the telephones. I welcome the decision of the Government that they have taken up the question of the automation of the Calcutta telephone system and a target has been fixed that by 1953 37,000 automatic telephone connections will be established, and that by 1954 the number will go up to 54,000. But I would like to impress upon the honourable Minister that the public telephone system in Calcutta should be improved. If we go to Howrah Station, we shall find a great rush for the public telephone that is established there. I think there are stations which seldom have any visitors. If more telephones are installed at Howrah station the congestion would be avoided and more facilities will be given to the public. We are eagerly awaiting the results of the enquiry that is being made regarding the catastrophe that happened in the Calcutta Telephone Exchange and I hope that the results of the enquiry will give us data to go into the matter fully.

There is one point as regards teleprinters. A short time ago the privilege of using Indian languages in press telegrams was extended but the Morse Code that is in vogue is not suitable for the proper transliteration of the messages. Unless the message is transliterated into the Roman Script it is not possible to transmit it and the code in vogue does not give sufficient scope for accurate transliteration of the message. If some modifications are introduced into that code, then it will be possible for proper transliteration and transmission of the message. A professor at Calcutta is trying some methods in this respect and I hope that the attention of the honourable Minister has already been drawn to that point. I would request him to examine the endeavours of that professor as also of others in this direction and some modifications may be introduced, so that it may be possible to transliterate the messages that may be handed in vernaculars for transmission to other stations. Sir, I have done.

Shri G. S. Guha (Tripura, Manipur and Khasi States): Sir, I have read with great interest the notes supplied by the Ministry of Communications on the salient activities of the Ministry during the course of the present year and their plans for the next. I think we are indebted to the honourable Minister for the particular interest he has taken in the activities of all the departments under his care. As time is short I do not propose to go into many of the subjects dealt with in these notes but would confine myself to a few points relating to the areas with which I am acquainted and from where I come.

I have noted with great satisfaction the increase in the number of post offices in Assam during 1947 and 1948 but I do not know whether the increase has been effected in the outlying non tea garden areas. I hope the Minister will consider the difficulties of the villagers in the rural areas of Assam and also of Tripura State.

Most of the Members of this House probably are not aware that there is no internal communication between Agartala and the "divisions" of the Tripura State without going through Pakistan. I recognise that until it is possible to complete the construction of the road from Agartala to Kurti and the road is linked with other subsidiary roads from other areas of the "divisions."

it will not be possible to make much of an improvement. In the meantime I least some areas in the interior should be connected with Agartala without the least some areas in the interior should be connected with Agartala without the necessity of going through Pakistan.

Regarding telephone communication, I think some sort of arrangement should be made between Agartala and other parts of the Indian Union also without going through Pakistan. I think there is a wireless station at Agartala which can be connected with the telephone system in the other parts of the Indian Dominion. If that is so, it is all right until we get our own road and surface communication over the road to Silchar and from there to other parts of the Indian Dominion. In this connection I would also suggest that the honourable Minister may consider the question of having a telephone line on the north side of the Brahmaputra in the Assam Valley. For instance important towns like Tezpur are not connected with the Capital of Assam nor with any other place in India by telephone. I was there for about 5 years as a District Officer and during that time I had very great difficulty in communicating with the capital of the province and had at times to take the help of the military wireless during the war. I know that the people residing in those parts find very great difficulty, particularly in the tea garden areas, as there is no telephone system connecting the North bank of the Brahmaputra with the other parts of the province. I welcome the proposal for the establishment of a wireless station at Gauhati. I think one has already been installed at Shilong. With a new station at Gauhati I think most of the difficulties of Assam would be overcome so far as wireless communication is concerned.

At present most of the important mails are carried by air from Calcutta to Assam and from the 1st April we are going to have all first class mail carried by air from the Dominion of India to Assam. That is a very welcome proposal. There is one point about which I am not quite sure, viz., 'air letters'. Will the value of the 'air letters' continue to remain the same as at present?

The Honourable Mr. Rafi Ahmad Kidwai: It is 2½ annas now and it will come down to two annas.

Shri G. S. Guha: An 'air letter' to England costs six annas and air mail letter 12 annas. The Ministry should consider the desirability of reducing the charge for inland air letters.

The Honourable Mr. Rafi Ahmad Kidwai: We are dropping out 'air letters' completely.

Shri G. S. Guha: As regards civil aviation Assam is very much interested in its development, as also the States of Tripura and Manipur, which I have the honour to represent in this House. At present the air route from Calcutta to Assam goes via Siliguri. It takes a very long time but it does not cross Pakistan. In addition to this route, is it not possible to have another direct route to Assam via Gauhati and Tripura State from Calcutta? It will minimise not only the time taken in the flight but I think it will also be of great advantage to a large number of people because of the expected lowering of the fares.

I do not know whether there is a proposal of having a planned survey of the air routes throughout the country. If there is any, I think the question of developing the remotest parts of the eastern frontier including Manipur and Tripura and all other outlying parts may be taken into consideration. So far as my information goes most of the air services in several parts of India have

[Shri S. G. Guha]

to work at a loss. But those plying between Calcutta and Assam have always worked at a great profit. I therefore suggest that the possibilities of developing these air routes in Assam and North-Eastern India should receive the necessary consideration of the Ministry.

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, my honourable friend Mr. Frank Anthony has thought it fit to speak in somewhat critical terms about the new arrangement of transport of all mails by air. I find that few friends have come forward to congratulate the honourable Minister for his new reform. For my part I not only congratulate him but I also envy him. This new arrangement of conveyance of all mails by air will not only gladden the hearts of my friends like Mr. Kamath and Mr. Sondhi who have yet to set a future home but of many married people also who even under the shadow of the Hindu Code have not already decided to cancel their marriages. In fact if the great poet Kalidasa, the author of *Shakuntala* and *Meghdoot* was alive to-day he would have certainly embraced the honourable Minister, and the separated *Yaksh* and *Yakshni* would have laid themselves prostrate at his feet and said "here is a solution of all our grievances". No longer need people pine for not hearing from their beloved ones or for not seeing their beloved ones for a long time. The development of civil aviation and the new method of transport of all mails by air will set that problem at rest and for that reason today all the youths of this country, both young men and women certainly think of the honourable Minister in a different light: he will be verily a hero and a benefactor to them.

The only doubt in my mind is whether it will be possible for him to carry out his plan into action. I have seen that even in these days when air mail surcharge has to be paid the mails are not delivered in proper time. It takes four days for a letter to go from Calcutta to Gauhati whereas it should have arrived there on the next day. I have brought this matter to the notice of the Postal authorities. It has been pointed out to me that the delay may be due to the R.M.S. By R.M.S. I understand the Railway Mail Service. But how in a straight air passage between Calcutta and Gauhati the R.M.S. men can shoot up and interfere with the delivery of the air mail is more than what I can say. I would only ask the honourable Minister to see that the letters which are posted in proper time are actually carried by air on that day, or, even granting an allowance, on the next day and that they are delivered on the day they arrive or at least on the following day. I have drawn the attention of the postal authorities to cases where letters have been lying in the post office for more than ten days and have not been delivered—they were actually lying in the post office and not delivered at all. Parcels have not been delivered for more than a fortnight. Criminal cases in courts have had to be adjourned because the records have not been delivered or have not arrived. So all that is necessary is to keep a watch to see that these letters are properly delivered, that they are not mis-delivered and that they are not delivered after a long lapse. I have been doing my part of the duty in order to help the honourable Minister and the Postal Department. A number of letters come to 23, Ferozeshah Road which are addressed to different persons. I think similar must be the case with other friends also. But for the fact that I have to re-post all those letters they would never have reached the addressees. I suppose these things are happening to everyone.

I think the general complaint of the Postal Department is that four classes of people complain against the Postal Department: Those who do not write letters and still expect to receive letters. They are great enemies of the Postal Department. Those who write letters to their selected friends more than twice a day and do not get reply because those selected friends do not like

to commit their thoughts into writing for fear of disclosure. They are also disappointed. There are persons who receive a lot of value-payables, and they refuse them. And lastly those who do not get money orders. There was a time in my life when I used to receive a number of value-payables, (Shri Mahavir Tyagi: 'Did you?') but not a single money order and I had to take the postman to task "why do you bring only value-payables and not bring any money order?" So far as the V.P. is concerned you can safely refuse them; you do not suffer any loss. But so far as money order is concerned, the habit of signing for somebody else may be developed and complaint may be remote. On the whole I congratulate the honourable Minister for the new device because it has helped the province of Assam.

Mr. Frank Anthony: Only Assam.

Srijut Rohini Kumar Chaudhuri: The province of Assam must be grateful to him. There was a time in the year 1948 when even the mails were forcibly snatched on the way between Darjeeling and Assam. It was done several times. Heaps of mails were lying in Ranighat and other places and they could not be carried. At that time the honourable Minister was pleased to help by carrying them by air without any extra payment or surcharge. Now, you might be accused of great partiality if you did not adopt the same method in respect of other provinces and therefore it is but right that he has adopted this method. It is wrong to think that the village people will suffer by the increase in postage because nowadays they won't receive the news of their relations long after some relation has died or receive intimation of a marriage long after the marriage has taken place. Instead of that, if the letters are carried by air and for the portion where there is no air communication they are taken by the ordinary method even, the news which the people want to have they will get much sooner than they get now. Therefore, this additional increase in the postage will not be minded by the people.

The only thing that I ask the honourable Minister is to introduce in Provinces like Assam the mobile post office system. It has proved a success and I think it should be developed.

The Honourable Mr. Rafi Ahmad Kidwai: Sir, with your permission I will first take up the points made by Mr. Anthony about the raising of the postage rates and about the night air mail.

I think people are wrong in thinking that the postal rate has been increased simply because the mails will be carried by air. I want friends to see the last Annual Report which has been circulated and they will find therein that while in the past years the Postal Department was making a profit of about Rs. 4 crores a year, in the estimated Budget there is a loss of about Rs. 2½ crores. That is all due to the reducing of the post card rate by one pice in crores. I will give honourable Members the figures for the last ten years to 1946. I will give the number of letters sent and the number of post cards. In 1938-39 the number of letters sent was 516 millions and the number of post cards was 378 millions. It continued to increase proportionately and in 1946-47 the number of letters sent was 817 millions and the number of post cards was 691 millions. Then in 1946-47 the price of post card was dropped and it was found that while the increase in the number of letters was very small, that is only 3 per cent instead of 15 per cent, that was normal, and only 856 million letters were sent, the number of post cards rose by a huge proportion—from 691 millions it rose to 888 millions.

Shri R. K. Sidhva (C. P. and Berar: General): That shows that the poor people took advantage of it.

The Honourable Mr. Rafi Ahmad Kidwai: That is true, but what about the income of the post office?

Then, in 1947-48 in divided India, that is in the Indian Union, the number of letters was 720 millions while the number of post cards was in excess of that, that is 762 millions. In 1948-49 the number of letters sent was 781 millions while the number of post cards was 850 millions. In the next year it is expected that the number of letters will be 690 millions and the number of post cards will be 844 millions.

Now I would like you to look into the income of the Postal Department. From a profitable concern earning Rs. 4 crores a year, the next year's estimate shows a loss of Rs. 2½ crores. Last year we had to face the same problem. Then it was proposed that the price of the card should be raised, but we retained the price at two pice and increased the rates of the telephones. Now those Departments are making money and with that money we could have increased the facilities in other places but that was not possible because the Postal Department works at some loss.

Shri R. K. Sidhva: What was it due to?

The Honourable Mr. Rafi Ahmad Kidwai: Because the wages are going up while we are bringing down the prices.

Mr. Frank Anthony: But is not the main reason the running of your air companies at a loss?

The Honourable Mr. Rafi Ahmad Kidwai: It has nothing to do with it because the air mails last year brought a good profit and that has reduced the loss to over 50 lakhs.

We are again faced with a similar situation. It will not be possible to raise the charges on telegrams and telephones; the charges are already too high and last year we had to make some concessions for Press telegrams. We will have to make some further reductions if we want to increase the telephone facilities to extend it to others with lower income.

Shri R. K. Sidhva: Is that loss of Rs. 2½ crores due to the reduction of the rate of the post card from nine pice to half an anna?

The Honourable Mr. Rafi Ahmad Kidwai: That is true. And in view of the increasing rate of literacy in the population the number of letters and cards has also increased and every additional card will mean more loss. If the present number of cards is doubled then all the income from telegrams and telephones will be eaten up.

Shri Mahavir Tyagi: After you start this night air mail, will not the revenue from telegrams and telephones be reduced next year?

The Honourable Mr. Rafi Ahmad Kidwai: I do not think so because we are trying to improve the efficiency of the telegram. I have already asked the Department to see that a telegram from Calcutta to Bombay is delivered there in an hour and a half and a reply handed back, if there is a reply, in three hours. I hope in time to come we will be able to do that.

Mr. Frank Anthony: How much has this company lost since the night air mail service has begun operation?

The Honourable Mr. Rafi Ahmad Kidwai: I will come to that. That is about the increase of rates in post cards. I hope honourable Members will see that if we do not make this increase it will not be possible to increase

the charge on letters because the proportion of letters and cards will again be upset and then there will be fewer letters and a larger number of post-cards. Therefore we will have to accept this increase if we want to finance our expansion schemes.

*The other point that was raised by Mr. Anthony was the special favour shown to a Company. I do not know where he got his facts from. A Question was put to me in this House and I gave a reply that when we thought of introducing this night air mail we contacted not one but two or three Companies. We offered them the same terms. All the other Companies wanted an enhancement of the present air mail rates. We said it was not possible because I told them that my scheme was to reduce the air mail rate after the new Budget, and that therefore it will not be possible to enhance the air mail rates. Then they declined the offer. The Postal Department entered into an agreement with the Company that accepted the offer. At the time it was understood that they will be allowed to take passengers also, but the Air Licensing Board said that till the night landing facilities have been provided on intermediary air halts they will not issue licences for carrying passengers. We had to drop the matter. But as night landing facilities were available on the Bombay route we proposed to another Company which is running a Delhi-Bombay air service to take up this night air mail service between here and Bombay, but in the mean time the Company offered to carry mails and to develop freight service. I know that in other countries like Australia, U.S.A. and even in a small country like the Philippines they have developed a good freight service by reducing their rates and instead of losing money they are making profits. Therefore I had encouraged this idea and they were given a licence. Although in the beginning their loss was high, now they have developed sufficient freight service between Calcutta and Bombay to make that trip without any loss. They are still suffering some loss on the Delhi-Madras route but I think they will be able to develop that route also. I may inform the House that, that route has been equipped with night landing facilities, therefore perhaps from the beginning of the next month we will be able to allow them to take passengers also, and in that case whatever loss they may have been suffering will be wiped out.

Another doubt which Mr. Anthony seemed to entertain is that all the mails will be confined to these two services. That is wrong. We will have mail for every service and I might inform the honourable member that since this proposal was announced—and I have had talks with the companies—there have been many proposals for new services for which these companies were not prepared before, because they were expecting that they would not get sufficient load. With the increase in the mail load, every company is prepared to run new services, and I may inform Mr. Rohini Kumar Chaudhury that I have already a proposal for running an air service between Delhi and Gauhati direct.

Mr. Frank Anthony: But is it not a fact that more than ninety per cent of the mail will continue to be carried by rail?

The Honourable Mr. Rafi Ahmad Kidwai: That is wrong. We will carry about 25 per cent now, and with the help of flying clubs, we will be able, within a year's time to bring it up to about 50 per cent.

Shri H. V. Kamath (C.P. and Berar: General): On what basis was the cost of production of a post card fixed at 8.2 pice?

The Honourable Mr. Rafi Ahmad Kidwai: I am just coming to that.

Shrimati G. Durgabai (Madras: General): May I know what is the total loss expected to be covered by this increase on the post card? Is it intended only to cover the loss or is it also expected to earn a profit?

The Honourable Mr. Rafi Ahmad Kidwai: I am just giving the figures, and you will find it is not expected to cover up even all the loss.

The honourable the Finance Minister informed the House that the cost per post card would come to 8.2 pies. But since the increase of 10 per cent. in the dearness allowance, it has further gone up to 9.3 pies. I may tell you that envelope is the only thing that brings us any income. In the other items like money-orders etc. we are losing money. If you are interested. I may read out our expenses that we have to meet out of the revenue that we get. Per letter we are spending 10 pies and we get 18 pies. Per unpaid letter we spend 14 pies and we get 36 pies. These are the only sources of our income. On registered letter we are spending 8 as. 7 pies. and we get only 5 as. 6 pies.

Shri H. V. Kamath: What is the cost of production of a post-card?

The Honourable Mr. Rafi Ahmad Kidwai: It is 9.3 pies. The rates were fixed when wages were much lower than what they are to-day. Therefore I may say that we are losing on every card and the number of cards is going up higher and higher and we are losing larger and larger amounts.

Mr. Frank Anthony: May I know how the honourable Minister arrived at the percentage of 25 and the likely percentage of 50?

The Honourable Mr. Rafi Ahmad Kidwai: We have taken a census of the mails that go from city to city, from Delhi to Lucknow, to Banaras, Patna, Allahabad and so on. That is how we arrived at the figures.

Mr. Frank Anthony: What about the millions in the villages?

The Honourable Mr. Rafi Ahmad Kidwai: All the mail for the United Provinces will go to aerodromes in the U.P. and distributed from there. That will save 24 hours.

Then I may tell you what effect it will have on our civil aviation. We were losing money. Every company was losing money. Two companies have gone into liquidation. There was the threat of another company also going into liquidation.

Shri R. K. Sidhva: Still new companies are coming up.

The Honourable Mr. Rafi Ahmad Kidwai: That is wrong. We are not giving licenses to new companies. The number of companies is going down. Even a company considered to be most efficiently run, has lost some money; there was some profit in the balance-sheet of that company last year. Therefore we have to think out some plan that will keep these companies running. There was the question of nationalisation. Last year I said a committee was appointed. That committee proposed that we should take over one of the existing operating lines and run it. But that was not found possible on account of the financial crisis that we had to pass, and therefore we had to give it up. Now the question before us was how to save these companies. I have met representatives of these companies and I have been impressing upon them the necessity of getting more economic planes. I am told that if they operate planes of 40 seats, then perhaps they can lower the fare and cater for the lower income people. Therefore, as an honourable member has suggested, I am advising them to lower their fares and then they will get full load. Some of them are trying to do it, and they

are exploring the possibility of having new planes with 40 seats or 50 seats, and charging as low fare as the railways do. If it is possible to do so, without any loss. I am told it is done in the U.S.A., in Australia and in some other countries. But we have to give them some assurance as regards the I.P.M. load. Instead of paying them a subsidy, I have devised to give them more load.

Shri Mahavir Tyagi: But then the railways will lose.

The Honourable Mr. Rafi Ahmad Kidwai: There will be such an abundance of traffic and therefore our mails, parcels etc. will continue to be carried by trains.

Shri B. L. Sondhi (East Punjab: General): Cost of aviation petrol has been reduced.

The Honourable Mr. Rafi Ahmad Kidwai: Yes, and on that account, I am also reducing the rates for the air-mails. At present we are paying every company, irrespective of the distance; at the rate of Rs. 1-8-0 per pound. If a letter goes from Kashmir to Assam, it has to be handled by three companies and therefore it has to be paid at Rs. 4-8-0 per pound. Now they will be paying them at the average rate of Rs. 1-8-0 according to distance.

Now, I will deal with the village post-offices. A point has been made about the pay of the extra departmental staff. These extra departmental staff are employed on the basis that they are doing other businesses and some payment will induce them to take up this work also. There was not much work, and village teachers or some persons doing business in the village, were paid a small sum as allowance for handling the mails. They would despatch and deliver the mails. In a small village, the people themselves would collect at the post office at the time of the arrival of the mail and take delivery. Otherwise we employ extra departmental staff for distribution also.

Shri Lakshminarayan Sahu (Orissa: General): But they have to work for six hours.

The Honourable Mr. Rafi Ahmad Kidwai: No, they are not supposed to work for six hours. And they used to get a sum of Rs. 6 and the mail peon used to get something like Rs. 8 to Rs. 10.

Our rule was that in a village we can open a post office if our losses will not be more than Rs. 250. Last year I announced that we have raised this amount to Rs. 500. But we found that on account of the increases in the pay of the extra departmental men, even this sum of Rs. 500 would not suffice and therefore we were unable to spend the money that we had for opening new post-offices. We have recently raised the figure to Rs. 750 and we hope that on the present basis of pay we will be able to open new post offices. But if the pay of the extra departmental staff is further raised, then that may not be possible. As I said we were employing these extra departmental staff on the basis that they were doing other work. Now it happened that wherever a new post office was opened in a village, instead of giving the work to somebody who is doing something else also, somebody who is young and unemployed takes it up and then he starts demanding for more pay. Therefore I have directed the Department to see that only men who have got other work should be recruited for this work. We have also made a rule that if in any place one has to work for more than five hours, then he should be taken on into the departmental service and the post office departmentalised. But so long as it is only one hour, or two hours or three hours work, he will be paid according to the specified rates.

Shri Lakshminarayana Sahu: But your rule is that he should work one hour in the morning and five hours in the afternoon.

The Honourable Mr. Rafi Ahmad Kidwai: I have said five hours work will entitle him to come into the department. And that is why many of the stamp vendors in many places have been taken into the departmental service.

Shri H. V. Kamath: Since when has the cost of production of the post-card been 8.2 pies? How long has this abnormal figure remained? How many years has it been like that?

The Honourable Mr. Rafi Ahmad Kidwai: With the increase in the expenses the cost has been rising. In 1932 it was 5.8 pies. In 1938 it went down to 5.2. When the war started there were several allowances and the rise started. And then we implemented the Pay Commission's Recommendations. We had to give an extra Rs. 97 lakhs to Postal Department, excluding the Telegraph Department, and that added to the cost. And now we have to add Rs. 13 lakhs just now. Therefore from 8.2 pies it has gone up to 9.3 pies. If there are further rises in the dearness allowances etc. it will go up further.

Shri H. V. Kamath: It will be one anna next year.

Prof. Shibban Lal Saksena (U.P.: General): What is the pay of a stamp vendor?

The Honourable Mr. Rafi Ahmad Kidwai: The minimum pay in the department is Rs. 30 and anyone who gets into the department starts on this, with of course the dearness and other allowances.

Shri R. K. Sidhva: Are the packers entitled to pensions?

The Honourable Mr. Rafi Ahmad Kidwai: Yes.

Prof. Shibban Lal Saksena: Have stamp vendors been given the recent increase of 10 per cent?

The Honourable Mr. Rafi Ahmad Kidwai: Yes, they have got all that the departmental staff have got.

Mr. Deputy Speaker: Will the honourable Minister conclude the speech now or would he like to resume his speech in the afternoon?

The Honourable Mr. Rafi Ahmad Kidwai: I will take only 5 minutes more. I will now refer to the Meteorological Department. Many points have been raised, but I want to say something about the Meteorological Department. We are doing all that is possible in order to supply to the cultivators information that is necessary for them. There might be inaccuracies in them now and then, but the Department is doing its best to increase its efficiency. It is one thing to get information and it is quite a different thing to supply it to the cultivator. That has been the difficulty. Several times the Department came in contact with Provincial Governments and had discussions as to how to popularise their forecasts, discussed the suggestion of having our community village receivers for receiving broadcasts and all that, but that is all taking time and unless we are able to devise some methods of convincing the peasantry, of their utility whatever information is supplied in these bulletins will not be useful to them and the Meteorological Department will not be able to do much service. An honourable Member has referred to the 'sayings' of some ancient sage which guide the agriculturist in his sowing and reaping etc. There are different ancient 'sayings' prevailing in different Provinces. The Department is experimenting and

it is hoped they will be able to explain how far those 'sayings' are applicable under present conditions. The information will be made available to agriculturists through Provincial Governments. With these words I close.

Srijut Kuladhar Chaliha (Assam: General): May I know from what date the Air mail service from Delhi to Gauhati will start functioning?

The Honourable Mr. Rafi Ahmad Kidwai: I hope it will be some time next month.

Shri Mahavir Tyagi: Suppose, Sir, in view of the overall efficiency of your Department, if we agree to your Demands, are you prepared to reconsider the price of postcards?

The Honourable Mr. Rafi Ahmad Kidwai: No. I thought I have convinced you, but you are.....

Mr. Frank Anthony: How much of these increased rates are due to the fact that you will have to pay so much more to the different Air Lines?

The Honourable Mr. Rafi Ahmad Kidwai: When we thought of air-mail services, there was no consideration of enhancing the rates. As a matter of fact, we were making money on the air surcharge. Under the new proposal, we are doing away with that. Our earnings were 3-6-0 per lb. while we were paying to the companies 1-8-0. I have done away with that and all the money paid to the Air Services will be considered as an aid to Civil Aviation.

Shri Sita Ram S. Jajoo (Madhya Bharat): Are the development schemes going to be undertaken in the States also?

The Honourable Mr. Rafi Ahmad Kidwai: I think that whatever we are doing will benefit both the Provinces and states.

I may say a few words about the Flying Clubs. When I was in Madras, I had conversations with the Madras Finance Minister and I told him that they should take some interest in the establishment of flying clubs such as in Malabar and Andhra and other places and he has promised to look into that.

Mr. Frank Anthony: On the figures given by the honourable Minister that 30 per cent. (Some Honourable Members: '25 per cent') of mails will primarily be carried by air and 50 per cent. by next year, I beg leave of the House to withdraw my cut motion.

Mr. Deputy Speaker: Has the honourable Member leave of the House to withdraw his cut motion?

The cut motion was, by leave of the Assembly, withdrawn.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 27,66,49,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Indian Posts and Telegraphs Department (including Working Expenses)'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 6,09,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Communications'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 84,97,030 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Meteorology'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 76,42,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Overseas Communication Service'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 6,60,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Telephone Factory'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 2,53,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Aviation'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 4,13,41,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Indian Posts and Telegraphs (not met from Revenue)'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 1,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Indian Posts and Telegraphs—Stores Suspense (not met from Revenue)'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That a sum not exceeding Rs. 2,32,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Civil Aviation'."

The motion was adopted.

Mr. Deputy-Speaker: The Demands are all granted. The House will now stand adjourned to 2-40 P.M.

The Assembly then adjourned for Lunch till forty minutes past Two of the Clock.

The Assembly re-assembled after Lunch at forty minutes past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Mr. Speaker: We will now proceed with the Demand for Food and Agriculture.

I am placing the following Demands before the House.

DEMAND No. 26.—MINISTRY OF FOOD

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 46,29,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Food'."

DEMAND No. 7.—FOREST

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 35,10,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Forest'."

DEMAND No. 17.—MINISTRY OF AGRICULTURE

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 24,91,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Agriculture'."

DEMAND No. 41.—SURVEY OF INDIA

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 69,86,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Survey of India'."

DEMAND No. 42.—BOTANICAL SURVEY

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 1,63,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Botanical Survey'."

DEMAND No. 43.—ZOOLOGICAL SURVEY

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 3,56,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Zoological Survey'."

DEMAND No. 53.—AGRICULTURE

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 88,83,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Agriculture'."

DEMAND No. 54.—CIVIL VETERINARY SERVICES

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 26,66,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Civil Veterinary Services'."

DEMAND No. 65.—INDIAN DAIRY DEPARTMENT

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 8,17,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Indian Dairy Department'."

DEMAND No. 90.—CAPITAL OUTLAY ON FORESTS

Mr. Speaker: Motion is:

"That a sum not exceeding Rs. 34,95,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Forests'."

The Honourable Shri Jairamdas Doulatram (Minister of Food and Agriculture): Sir, I had no intention to take the time of the House by any introductory remarks. But, in view of the 2 days' debate on food at the beginning of this session and the promise I then made that the entire food situation would be reviewed at high level, I thought that it would be appropriate if I now inform the House as to what steps were taken subsequent to the debate and what has been the result of the review I had promised. Since the discussions in the House in early February, the whole programme of food production was thoroughly re-examined by me with the aid of my administrative and technical officers. The Grow-More-Food programme was also submitted to examination by a committee of economists attached to the Cabinet. I also had informal discussions with many Members of the House to have the advantage of their experience and local knowledge. Their sustained interest in the details of the various proposals discussed with them was of great help to me in finalising the line of action proposed to be taken. I have given the fullest consideration to the various suggestions made during the debate and thereafter, and have decided to accept several of those suggestions.

The Government also considered it necessary, before coming to final conclusions, to confer with the Provincial Governments and so, a week ago, representatives of the Provincial Governments were called to Delhi to determine what part the Provinces would play in dealing anew with the food problem.

As promised, the food situation was reviewed by the Cabinet on two separate occasions and the Prime Minister has been as you know, giving constant thought to the problem. I am now in a position to place before the House briefly the decisions of the Cabinet and the revised food policy of the Government.

The first and the basic decision which we have come to is that, except in the case of any grave calamity such as widespread failure of crops or for the purpose of building up a central reserve, as recommended by the Food Grains Policy Committee, the Government will not import any food grains from abroad after 1951. The second decision of Government is that, in view of the above definite goal of freedom from imports of food grains after 1951, the Provinces and States are to be asked to do two things. Firstly, to plan their programme of food production in accordance with the above announcement and secondly, to tighten up their procurement arrangements, so that the increase in food grains resulting from the measures to be taken also becomes available for meeting any food deficit in the country.

The Government have also reconsidered the whole scheme of Grow-More-Food Campaign and have replaced it by a programme of Intensive Cultivation of that part of our food acreage at present which has perennial or assured water-supply. Subsidised aid in the shape of improved seeds, organic manure, compost fertilizers, minor irrigation works will now all be concentrated on selected regions in this part of our cultivated land. Arrangements have also been planned for making a more reliable estimate of the results of this concentrated effort by the crop-cutting method of sample survey.

Government have also, as you know, large schemes of reclamation covering about 60 lakhs acres of weed infested and new land. We intend to concentrate on reclaiming about 8 lakhs of acres by the end of 1951. The efficiency of the work of reclamation and mechanical cultivation so far done by the Central and Provincial Governments has won praise from those who are familiar with this type of work in the West. This scheme is going to be the biggest reclamation project in the East outside Russia. Already the results and outturns achieved in the United Provinces and the Central Provinces have been beyond our expectations.

Government have also a project of tube-wells, the details of which are under fresh examination. When implemented, the land perennially irrigated by these deep wells will make a material contribution to meeting our food deficit. Government also intend pending the development of our indigenous resources of organic and chemical manure to secure from outside special quantities of fertilizers for use in irrigated rice areas to make a substantive addition to our rice crop. It is also the proposal of Government to save some extra acreage from surplus crops and divert it for the production of cereals. These are the several items in our programme up to the end of 1951. For the speedy implementation of the revised programme, Government have decided to set up at the Centre a small Development Board and will request the provinces and States to set up parallel Development Boards so that the normal Departmental procedure may not delay the progress of the programme. The Boards would have attached to them statistical sections to keep continuous contact with developments and assess periodically the results achieved in terms of the targets. All these parts of the revised food programme were fully discussed with the representatives of provinces only a few days ago and provincial plans for production were formulated which would wipe off our food deficit of only 10 per cent by the end of 1951.

The goal before us, therefore, is to achieve self-sufficiency in food by the end of 1951 and we must somehow achieve this goal. It gives me pleasure to state that the provincial representatives felt confident that the programme chalked out with their co-operation could be successfully achieved within the above time-limit of December 1951. They, however, needed and rightly the help of the Centre in the shape of more iron and steel, cement and coal and above all, proper transport facilities. The question of how the movement of these materials for food production could be upgraded is to be decided shortly by Government, but in the meantime Government have decided to have a special Liaison Officer who would keep the link between the Centre and the provinces and States in regard to these matters and see that no difficulty arises in the way of speedy implementation of the new programme.

Government have also felt the necessity of more frequent contact with the provincial and State plans for production and it has been arranged that there would be a monthly meeting of the officers of the Centre and of the provinces and States to ensure that the various production plans are being rapidly proceeded with and also to provide an opportunity for fullest inter-provincial co-ordination. There would be besides a six-monthly review of the progress made in terms of a six-month phased programme. I have no doubt that the provinces and States realizing the gravity of the situation will fully respond.

Apart from this programme of increasing the production of rice, wheat and other cereals so as to achieve self-sufficiency by the end of 1951, Government have also decided to encourage the development and use of such high-yielding non-cereal food crops as banana, papaya, sweet potato and tapioca. These have good food value and the yield per acre is many times more than in the case of cereals. Some adjustment also in our habits of diet is essential in the present times.

Government, however, realise that no plan of agricultural production can succeed unless it secures the co-operation of the agriculturists. It is therefore intended, apart from other steps that have to be taken, to organise farmers' unions under the leadership of progressive cultivators in each area, so that democracy in the field of production may achieve the greatest results. Public policy in regard to the rural areas needs to be re-orientated. With increased agricultural production is linked not only the cultivator's own purchasing power and therefore his own standard of living, but with it is linked

[Shri Jairamdas Doulatram]

also our country's economic freedom. All of us, Government no less than the House and the public, feel that we must end the crisis which faces us on the food front. We must be independent of food imports by the earliest possible date. A reasonably early date has now been fixed. It is a challenge to all of us, but the challenge can only be met if the food front is looked upon nearly as a war front and if the same sense of urgency and emergency which inspires a successful war effort also inspires our plans of food production.

It is not an easy task which Government have set for themselves. We may not take it lightly. It is a hard task needing continuous, persistent, patient, strenuous work. It would need the greatest effort of all of us—both Government and the people. The maximum co-operation between the Central, provincial and State governments on the one hand and the nation's producers on numberless fields on the other will alone enable the country to reach the goal we have placed before ourselves. I feel hopeful that that cooperation will be available.

In placing this programme before the House, I would have wished to say nothing which may be regarded as of a personal nature, but I cannot help saying only this much, that I wish to assure the House that every ounce of my energy will be devoted to seeing that we bring the programme to timely success. I may also, in conclusion, express the hope that the honourable Members of the House who have ample influence in their respective provinces and States will severally treat the programme as their own and give to Government their cooperation in reaching our goal by the target date of December 1951.

Mr. Speaker: I will just remind honourable Members that today is the last date for the voting of demands and therefore, under the rules, it is not possible for us to extend the time beyond 5. At 5 sharp the guillotine will be applied. So we have about an hour and a half, leaving about half an hour to the honourable Minister for reply.

The Honourable Shri Jairamdas Doulatram: I will take twenty minutes.

Mr. Speaker: That means we shall have ten minutes more and there are a large number of speakers; so I have to curtail, again, the time-limit, and request members to strictly limit themselves to the time-limit and take care to see that they mention all points that they want to urge, without the embroideries to all those points.

Now, are there any cut motions which are going to be moved?

Shri Lakshminarayan Sahu (Orissa: General): Yes, Sir. I have one.

Mr. Speaker: There is also another one, I think.

Sardar Hukam Singh (East Punjab: General): Yes, Sir. If I am given time, I will move others.

Mr. Speaker: If there is a cut motion, of course, I will have to give preference to it and the particular discussion will precede the general discussion. There are two cut motions. I think we will first have the one by Mr. Sahu:

Stoppage of Food Grains Import from Foreign Countries

श्री० लक्ष्मीनारायण साहू : मान्यवर वाचस्पतिजी, मेरा कट मोशन यह है :

"That the demand under the head 'Ministry of Food' be reduced by Rs. 100."

अभी जो मान्यवर मंत्री जी ने कहा कि सन् १९५१ के बाद से खाने की चीजों का कोई इम्पोर्ट नहीं होगा बड़ी खुशी की बात है। लेकिन हम लोग यह काम कैसे खत्म कर सकते हैं? इस के लिये हम लोगों को पूरी कोशिश करनी चाहिये। एक बात में यह सोचता था कि जब तक यहां ब्लैक मारकेटिंग रहती है और ट्रांसपोर्ट का सुभीता नहीं रहता है तब तक हम लोगों को खाने की चीजें यहां रहते हुए भी खाने को नहीं मिलती हैं। इसीलिये सब मिनिस्टर्स को कोशिश करनी चाहिये कि ट्रांसपोर्ट की फुलीलीटीज दी जाय।

अब ब्लैक मारकेटिंग कैसे बन्द होगा। ब्लैक मारकेटिंग बन्द करने के लिये मैंने ऐसा सुना है कि जर्मनी में ओवरनाइट न्यू करेंसी बना दिया और जितने रुपये जिसके पास थे वह कोई काम के नहीं रहे। इसीलिये खाने की जितनी चीजें थीं सब देश को मिल गई। ऐसा मैं सोचता हूँ कि अगर फाइनेंस मिनिस्टर साहब कोई न्यू करेंसी कर दें या ऐसा कुछ सुभीता कर दें तो बहुत अच्छा हो। ज्यादा वक्त मैं नहीं लेना चाहता हूँ इतना ही कह कर मैं अपना कट मोशन पेश करता हूँ।

(English translation of the above speech)

Shri Lakshminarayan Sahu: I beg to move:

"That the demand under the head 'Ministry of Food' be reduced by Rs. 100."

It is a matter of great gratification to know from the honourable Minister that no food-stuffs will be imported after the year 1951. But how can we do away with this? Therefore, we should make every endeavour to achieve this end. One thing which I thought of was that as long as black market continues to exist and transport facilities are not made available, we cannot get any food-stuffs even if these are available in this country. Therefore, I would urge the honourable Ministers concerned to do their best to provide transport facilities.

Now, how can this black-market be checked? I have been told that in Germany new currency was introduced over-night thus resulting in the demonetization of the entire existing currency in the hands of the people. This led to the whole stock of the food-stuffs being released for the country's use. I, therefore, feel that it would be much better if the honourable the Finance Minister introduces any new currency or affords some such facility. I do not want to take much time of the House.

With these words, I move my cut motion.

Mr. Speaker: Cut motion moved:

"That the demand under the head 'Ministry of Food' be reduced by Rs. 100."

Co-ordination with Provinces and failure to meet shortage of Food

Sardar Hukam Singh: Sir, I beg to move:

"That the demand under the head 'Ministry of Agriculture' be reduced by Rs. 100."

The second one also I will move with your permission.

Food shortage and policy.

Sardar Hukam Singh: I beg to move:

"That the demand under the head 'Ministry of Food' be reduced by Rs. 100."

Sir, it was heartening to listen to the honourable Minister today that our Government have laid down a definite date by which we shall stop food imports and our country will become self-sufficient in food. The honourable Minister and our country will become self-sufficient in food. The honourable Minister 3 P.M. to follow. If the results as expected, or as desired, are achieved, it would be a very hopeful thing. So far it is distressing to find that though India has all along been known as an agricultural country—apart from whatever else it might produce—it has not given us sufficient food and sufficient milk. 75 per cent of our people depend on agriculture and India has been dependent on imports, and is still dependent on that for another two years, even if we succeed according to the programme laid down by us. These imports have been rather increasing from year to year. In 1947 we imported 2.5 million tons while in 1949 we have provided for 4 million tons. That is also due to insufficiency of exchange: rather we are desiring more. We have been told in the report that certain places have been visited by famine. But we should be prepared for that because a country as large as ours must have some places here and there which may be afflicted by famine.

My first submission is that our policy of de-control and de-rationing has brought about a sharp rise in prices. The index number rose from 280 on 15th August 1947 to 393 on 15th August 1948. My own contention is that these are only book prices. Actually the wheat has been selling at much higher prices.

As I have said before, our Government has relied upon imports and on the 'Grow More Food' campaign. But these have not brought the desirable results. Our imports have eaten up most of our reserves that could have been better utilised for capital goods and machinery, and the grow more food campaign as discussed the other day has not given us the results that we expected. So the real need for the moment is a total campaign on this food front, and if we succeed in the programme just described, there should be some improvement.

I might clear up one point here. There is a general impression, that the ordinary agriculturist has gained considerably during the abnormal rise in prices. In reality, in my view, that opinion is not correct. The plight of the small peasant has rather worsened. The reasons for this may be stated as follows:

(a) the area under multiple crop is very small;

(b) 80 per cent of the holdings are uneconomic and the average peasant produces hardly enough for his own needs. For his other needs such as kerosene oil, cloth, matches, salt and sugar he has to pay high prices;

(c) these poor peasants have been the first to be affected by famines. What has been the result? The landless agricultural labour has been increasing very fast and according to I.L.O. in 1933 it was 35 millions, while in 1944 it had grown to 68 millions. The small landholder is parting with his land.

He is forced to sell it. During the war 13 per cent big landlords have been able to reduce their debts by 32 per cent and the middle-class peasant by 19 per cent. But these small land-holders had to sell their land to the above two classes to the extent of Rs. 30 crores.

There is the testimony of the Bengal Famine Commission to the same effect. In reply to the questionnaire circulated to the various provinces Bengal replied that the big landlords have more lands than they can directly cultivate themselves. Orissa said that there is a tendency for land to pass from small cultivators to persons who are men of professions. Similarly, the C. P. replied that there is an increasing tendency for ownership of land to pass out of the hands of the cultivating classes.

The conclusion that one can arrive at is that agricultural production has ceased to be worthwhile because the life of the actual producer has ceased to be worthliving.

With regard to the plan of Government to mechanise agriculture, I might submit that unless we can provide some alternate occupation for these cultivators, it would bring in more unemployment and our purpose would not be served. In fact it would mean importing of tractors and increasing unemployment. The abolition of zamindari also is not being done in a desirable way. I do not think it will bring the results that we anticipate. Still I am in favour of it. The real owner is getting compensation; the tenant under him is getting the land; but the actual cultivator who is there and just lower than the tenant, is not getting anything. If A is the proprietor and B is the immediate tenant, then in most cases B is not actually tilling it. C is recorded under B, but in some cases C may also have a tenant under him D who may be actually cultivating. But the actual tillers on the land would not get any benefit. So the programme of the Government should be that the actual tiller should get the land.

To sum up, if Government really intends benefiting the peasant, then the actual tiller should be the beneficiary and not the intermediary.

The grievances of the agricultural classes are mounting up and multiplying. They are clamouring for relief. There have been strikes and sporadic revolts in several parts of the country. If nothing is done to ameliorate the conditions of our agricultural masses India is sure to go the China way.

Shri T. Prakasam (Madras: General): Sir, I thank you for giving me an opportunity to say what I have to say on this very important subject. I shall confine myself, as you pointed out, to the few points which I shall take up before you and before the honourable Members of this House.

I congratulate the Food Minister and the Cabinet of Pandit Jawaharlal Nehru, for the decision they have taken that there would be no more imports from 1951. I would like to point out to them, if it is not impossible, that they should try and reduce that period and not to import from 1950. We are in 1949, 1950 would be the next year. Unless there is any difficulty, technical or otherwise in virtue of any commitments, I would request that, if it is possible, these imports from outside should be stopped from 1950. Sir, I may point out that the troubles during the last two or three years have been of our own making. After the first war the first economic depression started in 1924 and continued to 1934: that is 10 years or 11 years elapsed after the close of that war for any economic crisis to arise. But this time almost immediately after the war the trouble started. What is the cause of this? You may not be able to see it unless you go into the whole of it closely. What is the cause of this crisis immediately after the war? Why has the food famine and the cloth famine overtaken us so soon after the war? When I was the head of the Madras Government I had occasion to address the Assembly on this matter in the

[Shri T. Prakasam]

food debate. I pointed out then that our relationship with the International Food and Agricultural Organisation, our being tied up with them was responsible for this trouble of ours. I very much wished at that time that that relationship should cease to exist immediately. If we were free from that we will recover very much more quickly. That was the point I mentioned more than 2 years ago and I am now repeating it with greater strength on the basis of facts. Why has this trouble come upon us immediately after the war? It is only 3½ years since the hostilities ceased. This International Food and Agricultural Organisation came into existence three years ago. What is this organisation? Mr. Dodd, who is the Director General of this organisation was in Delhi and made a statement in a press interview the other day. He was very candid and he explained the position so far as the International F.A.O., of which he was the Director General, was concerned. He said that in this international organisation 58 countries have joined as members. He said that it had no executive power to execute, it is not a body that could sell anything or give anything or take anything. It is merely an organisation that came into existence with a view to regulate the distribution of food throughout the world as it were. It tried and it has failed and we have suffered very much on that account. Mr. Dodd himself stated in his press interview what the difficulties were in regard to our own country. He pointed out that we have not got the machinery or plant required for improving our agricultural production and making ourselves self-sufficient. He admitted the exchange trouble that has come into existence along with the close of the war. America is holding the sword against the rest of the world, dictating the dollar basis for everybody to adopt. Every country is forced today to purchase dollars at any cost and keep them or in the name of dollars to transact their business, either import or export. The whole country has been reduced to that condition. Mr. Dodd himself was plain and straight in stating that the exchange trouble was there. This International F.A.O. which has no executive power, which has nothing to give nor take is simply sitting at one place and regulating the whole thing and it has created all this trouble. Mr. Dodd is a gentleman who was the under-secretary of the U.S.A. Government a few years ago and he came out and became the Director General of this organisation. The sooner we sever our connection with this organisation the better. In anticipation as it were I feel thankful to the Government for their having stated that we would not import any more foodgrains from outside from 1951.

One other thing I would suggest by way of construction which the honourable Minister has already indicated to some extent. A decentralisation policy must be adopted. Each province must be made responsible, as it is already indicated in the statement of the Food Minister. Each provincial government can with the money of the people bring into existence co-operative organisations with the aid of which they can procure and carry out distribution all over the country. With your permission, Sir, let me tell you that in Madras our Government brought into existence within six or seven months 29,000 Village Food Committees, so that food may be distributed. Food procured will go into the hands of the committees so that those people in the villages may not starve or complain about distribution. The co-operative organisations in one district of Malabar collected over a crore of rupees from the people and they started both procurement and distribution for relieving the poor as it were and they proved a perfect success. In the coastal districts the people themselves came forward paying over 2 crores of rupees within less than two months. The organisation came into existence and it had a credit and debit balance sheet which was published. The organisation was flourishing and they were making small profits not merely for themselves but they were giving

food to the poor also. There was such potentiality in it but it could not be continued. By some chance or other our Government was overthrown and another government came into power and they set their face against the whole organisation. The organisations are still there. There is the body of it, though the life is not there and they are not functioning. I suggest that those organisations must be restored. I therefore submit to the Members of this Government and to this House that co-operative organisation must be made the basis and Government need not spend any money. It has been pointed out by our capitalist friends that money has gone into the hands of the villagers. Assuming that it is so I would suggest the encouragement of co-operative organisations. If that is done procurement can be secured and every thing else could be done and Communism can be resisted. That was my point from the beginning. If these organisations had been extended throughout the Presidency we would not have had any Communism at all, whereas now we are in the throes of Communism on account of the wretchedness that has overtaken us. So this is for the constructive side and as for the other side I would suggest the cessation of our connection with the International F.A.O. and stop our imports of foodgrains from abroad from 1950 itself.

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, I wish to say a few words and they shall be only points. The statement made by the honourable Minister was somewhat reassuring. My part of the country has been stricken with famine for a number of years and we had to come to the Centre for import of foodgrains from foreign countries. I am thankful to the Centre and our province is thankful to the Central Government for having helped us. But I find that in recent years the incentive to produce more and achieve self-sufficiency is more and more lacking. Therefore the time limit which has been fixed as 1951 is good. It will create a sense of responsibility in the minds of the provincial governments.

I would make a few suggestions now. When I moved a resolution in this House regarding the methods which should be adopted to prevent famine recurring as also to circumvent or avoid famine conditions, I suggested at that time that there must be a permanent Famine Commission established in this country. Instead of a Famine Commission there must be an Agricultural Commission or an Agricultural Board established which will every week or every month—at least every month—issue a report that so many acres have been sown with this and so on and so forth. Such a kind of incentive and filip to industry and particularly to this industry is wanted. I am very sorry to find such a thing absent here. We find that England has made herself self-sufficient and that its balance of trade has increased, that it has a favourable balance of trade to the tune of pounds 18 million. It may be a little too much; it may be a matter of exaggeration. But that kind of effort, that kind of attack on all fronts, that kind of enthusiasm is lacking here. The honourable Minister may not be able to do everything. Therefore I would suggest that a kind of an All India Agricultural Commission or Board should be brought into existence which must address itself to the main problem of distributing seeds and implements, importing tractors, sending them to the required areas and directly taking up certain areas for extensive cultivation. There are large areas in Orissa which are water-logged and suffering from malarial conditions. The Agency tracts have millions of square miles of such land. (Prof. N. G. Ranga: 'Sixty-thousand square miles'). There the sixty-thousand square miles of land in the province of Madras infected by malaria. Otherwise they have natural sources of irrigation. If all these are cultivated there won't be any famine in the land. India will become surplus in cereals and we may be able to send our foodgrains to other countries also. That is one suggestion which I wish to make.

[Shri M. Ananthasayanam Ayyangar]

As I agree with my honourable friend Mr. Prakasam when he says this must be decentralised, after all we may talk from Delhi, another friend may talk from the capital of the various Provinces; but the man who has to produce is in the village. There is no question of responsibility so far as the village is concerned. Therefore, instead of entering into an argument, what I would suggest is that in every village there must be an Agricultural Council or a Farmers Council which must have the right to take up any particular land which is left fallow for any reason, for want of men or for want of implements. This Council must be able to take charge, by legislation, of that land, cultivate it, and after deducting the expenses of cultivation pay away the balance to the man concerned. We are giving subsidies in season and out of season. All right, let us continue the subsidies. If subsidies are given to individual ryots for sinking wells I know that old pits have been shown as newly dug wells and people have eaten away the money. Even half or 25 per cent of the money that is given by way of subsidies does not go for the sinking of wells. We give a sum of Rs. 300 or 400; the cost of sinking a well is about of 1,400. It is not easy for him to get the balance. He has to go in for a taccavi loan. The procedure takes a long time. Therefore give this subsidy to the Agricultural Council which has to be established on a statutory basis in every village, give them implements and the husbandry for the purpose of distribution to the various places. There won't be any nepotism here. It cannot be said that one district or taluk has taken away everything to the prejudice of other taluks. Seed grains must be distributed through that agency. It must be permitted to take charge of any particular land and cultivate it in case in spite of all facilities having been given that land is not being cultivated.

Another difficulty is this. I know there is a race for producing commercial crops; not that I want to deny the agriculturist the benefit of a commercial crop. I will come to it later. But so far as production of cereals is concerned, in the district from which I come at a time when jaggery was selling very high all paddy fields were converted into sugar-cane fields and there was such a lot of jaggery produced. On account of decontrol there was no market for the jaggery and it began to rot and became sour. And the people began to starve because they had not grown cereals. Therefore legislation must be undertaken in every province for enforcing crop planning everywhere. If a man has five acres of land let him not grow sugar-cane on all his land. Let him have 25 per cent. for commercial crops and let him grow cereals on the rest. I am not saying that this is a remedy for all time. Better times may come. But in the circumstances in which we are placed today, with hunger facing the people, when we have to spend Rs. 100 crores and odd for importing foodgrains from foreign countries... (Prof. N. G. Ranga: 'Put all the kisans in jails.') On the other hand I would give responsibility to the kisan, make him an important man in the village and make him responsible. I am making the suggestions to the Government. It is our party that is ruling. What is happening in my part of the Presidency is this. The villager does not produce sufficient foodgrains even for his own consumption. He goes to the nearest *shandy*, takes a car and goes there and he purchases it from the market. Even the agriculturist who can produce foodgrains for his own consumption utilises his land for growing cotton or groundnut seed or sugar-cane. He does not care because he comes along with me who is not a producer to the ration shop with a card and purchases his foodgrains. In spite of all my affection and the affection of my friend Prof. Ranga for the agriculturist, can we put up with this? It is practically a strike. A strike without our knowledge is going on in the villages. The strikes which take place in factories are known, they are advertised, and it is said that so many man-hours are lost. I ask if the agriculturists are not striking today.

Prof. N. G. Ranga (Madras: General): It is the Government which is on strike.

Shri M. Ananthasayanam Ayyangar: I am not throwing the blame on this or that person. I say the agriculturists therefore must be induced to do that. It is this agency which can accomplish it—the Agricultural Commission or Board and a Farmers Council in each village. There should be compulsory crop planning. And then there should be no sales of foodgrains except through a co-operative society.

Be it cereals there are other things also. There is for instance fish. I do not eat fish or meat. But in every well in a house you must have developed such kind of small fish as can grow in that particular place. Fish eaters should be encouraged to eat fish. (Interruption). My friend here can eat fish and also drink. Therefore he can digest it. Whoever can eat other kinds of food must be encouraged to eat them. Dairying, poultry-farming and such other things must be attempted. This problem has to be attacked on all fronts; a single front is not enough. Our co-operation is always there. But our co-operation is primarily for eating. The co-operation of the Government is for production. I am glad of the reassuring statement made. But it need not be merely a statement hereafter. We expect that some drastic action will be taken.

Shri Satish Chandra (U. P.: General): Sir, the honourable Minister of Food and Agriculture by the announcement of a new policy has taken much wind out of the sails of a score of speakers who are to take part in to-day's debate. I think the statement of policy which he has made to-day is the result of genuine heart-searching and reorientation in outlook. It indicates that we have come to the conclusion that immediate and tangible results are the need of the moment and that the long-term plans, for which we were making efforts up till now, could yield no results in the near future. Therefore the new policy that has been outlined is welcome and I hope, it will solve some complex problems facing the country at present.

Within the short time at my disposal I will make only one or two suggestions. The policy outlined to-day is based on the principle that definite results must be shown by the Provincial Governments to justify the subsidy or the grant that they receive from the Central Government. I think that this principle should be extended a bit further.

The Federal Department of Agriculture in the United States of America has introduced a system of 'Efficiency Audit' and 'Efficiency Rating' of the persons employed under it. Most of the staff there is appointed on a contract basis, say on renewable contracts for two or three years. The entire set up of the Department is essentially rational. The persons who show good results are given high promotions and those who fail to achieve a certain amount of success or reach a definite target are either demoted or dismissed. Though we cannot possibly in the near future spend huge amounts of money or extend our organisation like the Federal Department of Agriculture, this principle can be applied, I am sure, with good results at the Centre and in the Provinces. Agricultural officers can be periodically rated on the basis of their efficiency and on the basis of work and the results that they show. This practice is being followed in another country and I do not see any reason why it cannot be adopted here. Some beginning in this respect has been made in my own Province, the United Provinces, where certain members of the staff of the Agricultural Department are asked to appear before a Manpower Committee; their work is assessed and they are either promoted or demoted. I think the other Provinces may also be advised to adopt some similar practice.

[Shri Satish Chandra]

Another thing that I would like to say is that there are a number of Committees—Commodity Committees, Boards and Councils—under the Ministry of Agriculture. I had occasion once in the previous session to point out that these Committees were not well constituted. They were constituted several years before the attainment of freedom, and I think all of them need overhauling. Representatives of the people who can adequately voice their feelings should be taken on those Committees. I had given examples on the previous occasion and I do not wish to repeat them. Most of the Committees were constituted by persons who can not adequately represent the interests of the growers or the consumers. Some of them were nominated on those Committees simply because they enjoyed favour of the powers a few years back.

Sir, the fruits of research have not reached the cultivator. This is a point which has been repeated several times in this House and I do not want to take much time over it. The honourable Minister, only a few days ago sent us a small cutting in which he acquainted us with the activities of the agricultural extension service in another country. I would submit that there should be a well-organised field extension and demonstration service. Demonstration on a government farm or at a central place, I am sure, does not help. The need is that these demonstrations should be carried to the village. The villager should not be asked to come to Government farms, but the demonstrations should take place in every village. There should be mobile units which should proceed from village to village. The cultivator should be convinced of the benefits of application of improved methods on his own field in his own village. If mobile units are attached to every agricultural farm in the Provinces, I think the yield per acre can be substantially increased by demonstrating improved methods on the cultivator's field. An outstanding feature of our agriculture is the tremendous waste—waste of soil, water, manure, seed, livestock, labour, time, money—I do not wish to go on enumerating them. There is not sufficient time to take them one by one and discuss the details. But much of this waste can be avoided by proper training, proper demonstration, by imparting education to the villager in the art of economic cultivation and by acquainting him with the researches that have been carried out.

Sir, I feel there should be greater co-operation between the Centre and the Provinces. The honourable Minister of Agriculture, while presiding over a Conference of Ministers of Agriculture from the various Provinces and States, in September last said:

“The main common difficulties which have been experienced are inadequacy of supply of coal, cement, iron and steel, fertilisers and machinery, apart from the delays caused in transport and in securing the sanction of the Central Government to Provincial schemes”.

I would like to know if these defects have been tried to be remedied. I would like to know if something is being done to co-ordinate the activities of the various Ministries of the Government of India, and of the Central and the Provincial Governments, so as to expedite various schemes and to remove the difficulties which he had narrated.

In the end I will point out that we have to depend for our short-term plans largely on the utilisation of the indigenous resources. The other day a question was put to the honourable the Commerce Minister as to why oil-seeds are being exported and their export being encouraged. I would like to know whether the Ministry of Agriculture keeps in touch with the activities of the other Ministries in such matters. Oilcakes have great manurial value and value as cattle-food. The Commerce Ministry is encouraging the export of oil-seeds, we were told to earn some foreign currency. If we really wish to utilise our indigenous resources and if we want quick results we cannot wait

for the Sindhri Fertilizer plant which will come into existence and operate several years hence. Why can't we utilise all the castor-cake as manure, and other cakes too, which are being exported in the form of oil-seeds without any regard to our agricultural requirements of manure and cattle-food. We earn foreign currency in order to get our food from abroad, while we are not utilising our own resources to reduce our requirements of imports from outside. I think the honourable Minister will kindly give his consideration to this problem.

श्री रामचन्द्र उपाध्याय : सभापति जी, जहां तक अन्न की पैदावार बढ़ाने का सवाल है, मैं समझता हूं कि माननीय मंत्री को जो वह जानते हैं उससे अधिक जानने की आवश्यकता नहीं है। जो वह जानते हैं वह काफी है। लेकिन गलती जो है वह यह है कि उस पर अमल नहीं हो रहा है। मैंने आपके पैम्फलेट को पढ़ा है। उससे मालूम होता है कि काफी अच्छी स्कीमें बन गई हैं लेकिन गलती यही है कि उनको अमल में नहीं लाया जाता। इसलिए जहां तक पैदावार को बढ़ाने का सम्बन्ध है मैं सिर्फ इतना ही कहना चाहूंगा कि इन तमाम स्कीमों को अमल में लाने का प्रयत्न किया जाना चाहिए।

एक बात और जिसकी तरफ मैं आपकी तवज्जह दिलाना चाहता हूं और जिसको मैंने आपके पैम्फलेट में नहीं पाया है, वह यह है कि देश के अन्दर अन्न की पैदावार को बढ़ाने से ही आपकी सारी दिक्कतें हल नहीं हो जायेंगी। पैदावार बढ़ाने के बाद आपको यह चाहिए कि आप अन्न की बरबादी को रोकें। मैंने देखा है कि इसके बारे में आपका विचार नहीं गया है। आपको मालूम होगा कि हमारे देश के अन्दर बहुत सी ऐसी सामाजिक कुरीतियां हैं जिनके अनुसार दो-दो सौ, चार-चार सौ आदमियों को दावत दी जाती है। मैं नहीं कह सकता कि देश के और किसी हिस्से के अन्दर यह रिवाज है या नहीं, लेकिन मेरी तरफ तो यह रिवाज है कि जब कोई मर जाता है तो उसके वारिसों को हजार-हजार दो-दो हजार आदमियों की दावत करनी पड़ती है। उसका फर्ज हो जाता है कि चाहे वह मकान बेचे पर उसे हजार दो हजार आदमियों की दावत देनी पड़ती है।

इसके बाद मैं यह कहूंगा कि आजकल देहात में लोगों के पास पैसा हो गया है। उसको खर्च करने के लिये समाज के लोग उनको मजबूर करते हैं और उनको एक तरह की दावत देनी पड़ती है जिसको 'गंगोज' कहते हैं। यानी 'गंगाजी' के नाम पर लोगों को खिलाया जाता है। इस तरफ मैं आपका ध्यान दिलाना चाहता हूं कि अन्न काफी बरबाद हो रहा है। आप जानते हैं कि लड़ाई के वक्त विदेशी सरकार ने ऐसे बहुत से कानून जारी किये थे जिनसे उन्होंने इस बात की रोकवट डाली थी कि दावतों में जहां तक हो सके कम आदमी आयें। लेकिन वह विदेशी हुकूमत थी, उसको जनता का सहयोग प्राप्त नहीं था, इसलिए वह कामयाब नहीं हुई। आपके पास

[श्री रामचन्द्र उपाध्याय]

तो जनता का सहयोग मौजूद है। मैं समझता हूँ कि अगर आप कोई ऐसा कानून बनायेंगे तो उसमें आपको अवश्य कामयाबी होगी। लेकिन जो भी मेजर (Measure) आप लें उसे स्ट्रॉंगली (strongly) लीजिये और उसकी सजा दस या बीस रुपये जुर्माने न रखिये बल्कि सख्त सजा रखिये तो कामयाबी होगी। हमारी रियासत में पिछले महाराज ने ऐसा कानून बनाया था कि जो कोई शख्स १६ बरस से कम के लड़के की शादी करेगा उसको ५०० रुपया जुर्माना देना होगा। तो लोग दस-दस बरस के लड़कों की शादी करने लगे और कहते थे कि हम शादी में हजार दो हजार रुपया खर्च करते हैं, ५०० रुपया जुर्माने में भी दे देंगे। इसलिए मैं कहूँगा कि जुर्माने की सजा से काम नहीं चलेगा। इसके लिए तो सख्त सजा चाहिए और पुलिस को आप हिदायत करें कि वह पूरी सख्ती से काम ले। मैं समझता हूँ कि ऐसा करने से आपकी दिक्कत बहुत कुछ हल हो जायगी।

दूसरी बात जो मैं बतलाना चाहता हूँ वह यह है कि आप देहात में जाकर देखें, मैं यह नहीं कहता कि आपको मालूम नहीं है, आप बखूबी जानते हैं, कि किसान क्या खाता है। किसान सिर्फ सिका हुआ आटा उस पर नमक मिर्च रख कर खाते हैं। इसका यह असर होता है कि ज्यादा रक्त खर्च होता है इसलिए इस समस्या को भी आपको जरूर सुलझाना है। मैं जानता हूँ कि इस मामले की तरफ आपकी तवज्जह है। मैं ने आपके पैम्फलेट में देखा है कि आपने लिखा है कि भोजन की न्यूट्रिटिव वैल्यू (nutritive value) लोगों को बतलाने के लिए आपने एक बुलैटिन (bulletin) निकालना शुरू किया है। लेकिन मैं कहना चाहता हूँ कि असल गलती यह है कि इस अनाज की समस्या को हमारे गांवों के रहने वाले या शहरों के रहने वाले ठीक तरह से नहीं समझते हैं। आपको चाहिए कि आप इस चीज को लोगों को महसूस करायें और इसके लिए एक English बुलैटिन से काम नहीं चलेगा अब्बल तो हमारे देश में कितने पढ़े लिखे आदमी हैं, उनमें अंग्रेजी पढ़े कितने हैं और उनमें भी कितने ऐसे बुलैटिनों को पढ़ने की तकलीफ करते हैं। इसके अलावा लोग यह समझते हैं कि जो कुछ किताब में लिखा है उसको वह जानते हैं। गांवों के लिए आपका काम अंग्रेजी बुलैटिनों से नहीं चलेगा और हिन्दी के बुलैटिनों से भी नहीं चलेगा। मैं समझता हूँ कि अगर आप लोगों को यह चीज चलते फिरते सिनेमा के जरिये समझायें तो आपके कामयाबी मिल सकती है।

तीसरी बात जो मैं आपसे कहना चाहता हूँ वह यह है कि आप बनावस्पष्टि की फौरन बन्द कर दें। आपको कुछ मालदार आदमियों ने इस गलतफहमी में डाल रखा है कि हमारे यहां फैंट की बहुत कमी है, इसलिए इसे जारी रखना चाहिए। लेकिन मैं आपसे कहना चाहता हूँ कि यह बहुत खराब चीज है, इसको फौरन बन्द करना चाहिए। मैं नहीं समझता कि इसके लिए किसी साइंटिस्ट की राय की जरूरत है। अगर आपने इसे नहीं खाया है और शुद्ध घी खाते रहे हैं, तो तीन महीने इसे खाकर देखिये कि क्या नतीजा होता है, तब आपको मालूम हो जायगा। आपने अपनी स्पीच में, अपने पैम्फलेट में और सवाल-जवाब के उत्तर में भी कहा है कि आपने कुछ साइंटिस्ट्स को इसकी जांच करने के लिए मुकर्रर किया है कि इस घी की क्या फुड वैल्यू (food value) है। मैं आपसे कहूँगा कि यह मालदार आदमियों का मामला है। इसका सुलझाना मुश्किल होगा। ये मालदार आसानी से आपको कामयाब नहीं होने देंगे। वह साल, दो साल या तीन साल तक रोड़े अटकाते रहेंगे और उनके पास ऐसा करने के साधन मौजूद हैं, और वह आपको असली नतीजे पर नहीं पहुंचने देंगे। अगर किसी एक आध साइंटिस्ट की राय मालूम करनी है तो इसे फौरन मालूम कर लीजिये और इसको फौरन बन्द कीजिए। इससे आप यही नहीं करेंगे कि आप लोगों के स्वास्थ्य को बढ़ायेंगे पर आप देश के पशु धन को भी बढ़ायेंगे। पशु धन के सम्बन्ध में मैं यह कहना चाहता हूँ कि जब लार्ड लिनलिथगो यहां आये तो उन्होंने कैटिल ब्रीडिंग (Cattle breeding) में काफी दिलचस्पी ली थी। लेकिन उसके बाद कैटिल ब्रीडिंग की हालत बहुत खराब हो गई है। आपकी थ्योरीटिकल (theoretical) स्कीम में कोई काम नहीं आ रही है। हमारी अलवर रियासत में दो ब्रीडें बहुत अच्छी होती थीं, एक मेवाड़ और दूसरी राठ। पर पिछले हिन्दू मुसलमानों के झगड़ों में यह बुरी तरह खराब हो गई और अब न आपको अच्छे बुल्स (bulls) मिलेंगे और न अच्छी गायें ही मिलेंगी। मैं कहूँगा कि आप इस तरफ खास तवज्जह दें और इस ब्रीड को बढ़ायें।

उसके बाद मैं यह कहना चाहता हूँ कि जो कोई स्कीम आप बनायें उसको रियासत में जरूर अमल में लायें। हमारे यहां हालत यह है कि कोई अग्रीकल्चर डिपार्टमेंट तक नहीं है। कैटिल ब्रीडिंग डिपार्टमेंट जो कि लार्ड लिनलिथगो के जमाने में काम करता था उसको बन्द कर दिया है और उसकी जगह एक डेरी (Dairy) कायम कर दी गई है। इसलिए मेरी आपके प्रति निवेदन है कि आप रियासतों की तरफ खास तवज्जह दें। रियासतों में ऐसे

[श्री रामचन्द्र उपाध्याय]

हुकूमतें हैं जो यह समझती हैं कि वह सब कुछ जानती हैं, उनसे ज्यादा कोई काबिल नहीं है। और ऐसी बातों के लिये कह देते हैं कि हमारे पास पैसा नहीं है। इसलिए मैं कहूंगा कि रियासतों के मामले में आप आसानी से कामयाब नहीं होंगे। इसके लिए आपको सरदार पटेल की इमदाद लेनी होगी। उनके लिए तो आप जितने स्ट्रॉंग स्टेप्स (strong steps) ले सकते हैं, तभी आपकी स्कीमें वहां कामयाब हो सकती हैं।

(English translation of the above speech.)

Shri Ram Chandra Upadhyaya (United State of Matsya): Sir, as far as the question of increasing the production of food-grains is concerned, I think the honourable Minister does not stand in need of knowing anything more than what he already knows. Whatever he knows is sufficient. But the fault is that it is not being acted upon. I have read your pamphlet. It shows that good schemes have been devised but the mistake is that they are not brought into operation. Therefore as far as the question of the increasing of the production is concerned, I would like to submit only so much that efforts should be made to put into practice all these schemes.

Another thing, about which I wish to draw your attention and which I did not find in your pamphlet, is that simply by increasing the production of food-grains in the country all your difficulties will not be solved. After increasing the production you should try to stop the wastage of food-grains. I have seen that you have not taken this thing into consideration. You might be knowing that in our country many such bad customs prevail according to which feasts are given to 200-400 people at a time. I cannot say whether this custom prevails in other parts of the country as well or not, but in my side a custom is that when some one dies then his heirs have to give a feast to 1,000-2,000 persons. He becomes duty bound to give a feast to 1,000-2,000 persons though he may have to sell his house for it's.

Next I would submit that these days the villagers have got pots of money. The people of their society compel them to spend the money and they have to give a kind of feast which they call *Gangoj* i.e. people are fed in the name of Ganges. I wish to draw your attention to the fact that substantial quantities of food grains are being wasted. You know that during the war time the British Government had enforced many such laws whereby they had placed a restriction that, as far as possible, the least number of persons may come in the feasts. But that was a foreign government. They did not have the co-operation of the public, therefore they did not succeed. But you have got the co-operation of the public. I think that if you would enact any such legislation you would surely be successful. But whatever measures you adopt, impose them strongly. Do not fix the punishment in the shape of fines of Rs. 10/- or Rs. 20/- but give deterrent sentences; and only then you would be successful. In our State the late Maharaja had made such a law that any one who would perform the marriage of a boy of less than 16 years of age will have to pay a fine of Rs. 500/-. The result was that people began

to perform the marriages of even 10 year old boys, and used to say that when we spend thousands of rupees in the marriages, we would pay the fine of Rs. 500/- also. Therefore I would submit that the punishment of fine will not work. For this deterrent punishment should be fixed and the police be instructed to exercise fullest severity. I think that by doing so your difficulty will to a great extent be solved.

The other thing that I wish to submit is that if you were to go and see the rural areas, I do not want to say that you do not know, you would know what kind of food a peasant eats. The peasants eat only baked flour with salt and chillies. The result is that more food-grains are consumed. Therefore you have to solve this problem also. I know that you have this matter under consideration. I have read your pamphlet wherein you have mentioned that in order to tell the people the nutritive value of food you have begun publishing a bulletin. But I wish to submit that the main fault is that the people living in our rural or urban areas do not comprehend this problem of food grains properly. You should try to make the people realize this thing, and for this purpose only one English bulletin will not keep the work going. In the first place how many people in our country are literate, how many of them know English, and out of them how many take the trouble of reading such bulletins. Besides this the people think that they know all whatever is written in the books. As regards the villages your English bulletins will not work and even Hindi bulletins will not keep the work going. I think that if you would teach these things to the people with the help of mobile cinemas you can achieve success.

The third thing that I wish to submit is that you should at once stop the vegetable ghee. Some capitalists have created a wrong idea in our mind that there is a great dearth of fat in our country and so it should be continued. But I wish to submit that it is very injurious and should at once be stopped. I do not think the opinion of any scientist is necessary in this matter. If you have not taken it and have been taking pure ghee then take it for three months and see the result and only then would you know. You, in your speech, in your pamphlet and in the answers to the questions put to you, have said that you have appointed some scientists to test and ascertain the food value of this vegetable ghee. I would tell you that this matter concerns the capitalists. The solving of this problem will be quite difficult. These capitalists will not let you succeed quite easily. They will go on putting obstacles in your way for two or three years, and they have means to do so, and they will not let you come to any final result. If you have to ascertain the opinion of one or two scientists then do ascertain it at once and then directly stop its production. By doing so you will not only promote the health of the people but will also increase the cattle-wealth of the country. About the cattle-wealth I wish to submit that when Lord Linlithgow came to this country he took sufficient interest in cattle breeding. But after that the condition of cattle breeding has deteriorated very considerably. Your theoretical schemes are not at all proving serviceable. In our Alwar State, two very good breeds of cattle were to be found, one was called Mewar and the other Rath. But during the last Hindu-Muslim riots these breeds got spoiled a great deal and now you would get neither good cows nor good bulls. I would request you to pay special attention towards this and propagate this breed.

Next I wish to submit that whatever schemes you devise, you must bring them into operation in the States as well. The condition in my State is that even agriculture department is not there. The cattle-breeding department, that used to function during the days of Lord Linlithgow, has been closed down and a dairy has been started in its place. Therefore my humble submission to you is that you should pay special attention towards the

1918 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [19TH MARCH 1947]

[Shri Ram Chandra Upadhyaya]

States. The States have such governments that think that they know everything and no one else is more capable than them; and for such thing they say that they have no money. Therefore I would submit that as far as States are concerned you would not succeed so easily. For this you will have to take the help of Sardar Patel. For the States you take as strong steps as you can and only then your schemes will be successful there.

Shri H. Siddaveerappa (Mysore State): Sir, I am glad the Government have decided to put a stop to the import of food grains from 1951. That is a silver lining that we see in the otherwise dark horizon. But in order to see that this policy of stopping imports altogether is satisfactorily worked out I would request the Government to consider the question whether the agriculturist is given sufficient incentive to produce the required quantity of food in this country itself. Sir, before the war nobody ever bothered about the agriculturist until a calamity like a famine occurred. But now the time has come when at last everybody's attention is drawn towards this neglected profession, and we have got to see that the agriculturist does not get into the whirlpool of another depression. Depression is bound to come, sooner or later.

After all in the last war after ten years the depression came. What happened then was, nobody bothered about the agriculturists, when they were selling their corn at the rate of Rupees Two per palla. Nobody ever cared to find out whether it was an economic holding, and whether agriculture was a paying industry and the time has come when the Government of India will have to take courage in both hands and try to secure by means of a legislative enactment on the model of the Agricultural Act, 1947, in the United Kingdom, wherein the State guarantees that if the price falls below a particular level it will step in and purchase that commodity. Sir, the present position is that so long as the profit motive is there in our economy, the agriculturist is promoted in to grow more, unless and until he is assured of a reasonable price for the commodity he grows. Of course, an honourable member suggested and rather complained stating that in India the agriculturist has taken to commercial crop and has started to strike by not producing food crop. Why is it? Every body knows how the agriculturist has suffered during this war. If at all there was anybody in the society who had to undergo all the sufferings that followed after the wake of these controls, it was the agriculturist. For other necessities of life like kerosene and any other thing he had to purchase in the black-market, whereas his commodity was taken away for a controlled rate. Nobody knows how the prices were fixed. The figure for 1939 was taken as a basis for 100 as the index number and whether that figure allowed for him anything in the way of a margin of profit, and whether that point was taken into consideration, nobody knows. Therefore when we take into consideration even in the year 1947 when rationing was at its maximum in 1,008 towns covering 148.3 millions of our population and the State had the monopoly of procurement and distribution, food crop was not available anywhere, at that time who fed the rest of the population? I would like to ask. Food was not available anywhere. Therefore, to say that the agriculturist has not played his part properly, seems to be the unkindest cut of all. Unfortunately he is the man who has not been able to stand on his own legs. He is the man who does not know how to safeguard his own interest. If only he had known how to safeguard his own interest, he could have taken proper care to see that his interest was also safeguarded. Therefore, in order to see the Government of India's ambition that no food grain is imported by the year 1951 is fulfilled, it

absolutely essential that the Government should introduce a legislative enactment that for a particular period at least, the price that is to be fixed, an economic price, leaving him a margin of profit, is enforced.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar).]

Sir, I know it may be said it is a provincial subject. If need be, I should say that the Government of India Act will have to be amended with a view to see that the Centre takes the powers to pass that legislation, and I should submit that unless and until some incentive is given to the agriculturist by way of guaranteeing him at least a minimum price, the Government, I am afraid, may not get that co-operation and may not induce the agriculturists to give that amount of co-operation, which is absolutely essential to avert crisis in this food problem.

श्री ऐल० एस० भाटकर: सभापति जी, मैं मिनिस्टर साहब को उनके काम के लिये बधाई देना चाहता हूँ। मैं जो कुछ इस समय कहना चाहता हूँ वह यह है कि इस समय खेतीहर लोगों की हालत अच्छी नहीं है और उनको जितनी सरकार से मदद मिलनी चाहिये उतनी उनको मदद नहीं मिल रही है। खेतीहर लोग अपनी तरफ से जितनी महनत करते हैं उतनी मदद उनको सरकार की ओर से नहीं मिल रही है। इस समय खेतीहर लोग कर्जों के भार से दबे हुए हैं। साहूकार लोग उनको बहुत दुख देते हैं जिससे वे लोग उनके भार से दबे चले जाते हैं। खेतीहर लोग जितनी खेती करते हैं वह सब उनको साहूकार लोगों के कर्ज उतारने में देना पड़ता है। इसलिये गवर्नमेंट को पहिले यह करना चाहिये कि जिस काश्तकार के ऊपर जो कर्जों का बोझ है उसको दूर करना चाहिये और काश्तकार की जो जमीन साहूकारों ने कर्जों में ली है वह काश्तकारों को वापिस दिला दी जाय। यह गवर्नमेंट का काम है कि जो पूँजीपति लोग हैं उनके पास जो ज्यादा जमीन है और जिस जमीन से वह पूरा अनाज पैदा नहीं कर सकते हैं वह काश्तकार को मिलनी चाहिये।

दूसरी बात जो मैं कहना चाहता हूँ वह यह है कि जो काश्तकार अनाज पैदा करता है उसको इसका जो कुछ पैसा मिलना चाहिये वह उसको नहीं मिलता है। अक्सर यह देखने में आया है कि किसानों को अस्ली दाम उनके अनाज के नहीं मिलते हैं। मैं तो वरार प्रान्त से आया हूँ। वहाँ तो कपास की पैदावार ज्यादा होती है। कपास के बारे में गवर्नमेंट की यह पौलिसी है और मैं इसको अच्छी तरह से जानता हूँ कि जो कपास हमारी गवर्नमेंट ईरान ईराक और पाकिस्तान से खरीदती है उसका दाम वह यहाँ की कपास के दाम से दुगना देती है। हमारी सरकार इस के बदले में इन देशों को कपड़ा भेजती है। वह कैसे भेजती है वह यह है कि जो कुछ एवरेज निकलता है पाकिस्तान के कपास के भाव से ईराक और ईरान के कपास के भाव से और

[श्री ऐल० एस०भाटकर]

हिन्दुस्तान की कपास के भाव से जो एक्जरेज निकलता है उस भाव से कपड़ा उनको देती है। यह तो ऐसा हो गया कि "अन्धा पीसता है और कुत्ता खाता है"। इसका मतलब यह है कि काश्तकार अपनी मेहनत करता है मगर उसको उचित दाम नहीं मिलता। तो मैं यह अर्ज करना चाहता हूँ कि जो कपड़ा इन देशों को जिस दामों पर भेजा जाता है उन दामों के हिसाब से हमारे काश्तकारों को कपास का दाम देना चाहिये।

दूसरी बात यह है कि काश्तकार जो अनाज पैदा करता है और जब वह उसको बाजार में ले जाता है तो ठीक उसी वक्त सरकारी कंट्रोल लग जाता है। काश्तकारों से भी कंट्रोल के भाव से वह अनाज लिया जाता है। जब काश्तकार का सब अनाज बाजार में चला जाता है और व्योपारियों के पास आजाता है तो तब सरकार कंट्रोल उठा देती है। काश्तकार के पास का सब स्टॉक खत्म होजाता है तो उसको अपने खाने के लिये बाजार से दुगने भाव में अनाज ही माल वापिस खरीदना पड़ता है। यह सरासर काश्तकारों पर अन्याय है खराब बात है जिसको मिटाना सरकार को अपना फर्ज समझना चाहिये। इससे सब लोगों को यह मालूम पड़ता है कि काश्तकारों की हालत कुछ अच्छी नहीं है। यही नहीं, जहां तक शिक्षा का सम्बन्ध है इस बात में भी काश्तकारों को बहुत कम मदद मिलती है। एग्रीकल्चर कालेजों में जितनी सहायित काश्तकारों के लड़कों को मिलनी चाहिये थीं उतनी उनके लड़कों को नहीं मिलती हैं। अक्सर यह देखने में आता है कि वहां पर अमीर और शहरियों के लड़कों को ही भर्ती किया जाता है जिनका काश्तकारी से कोई सम्बन्ध नहीं होता है। अगर इस चीज का परसेन्टेज निकाला जाय तो वहां पर सिर्फ एक या दो काश्तकार के लड़कों के पढ़ने के लिये लिया जाता है। इस कालेज में काश्तकारों का ही पैसा खर्च होता है मगर उनको इसका कोई फायदा नहीं मिलता है सरकार को इस तरफ ध्यान देना चाहिये। इन एग्रीकल्चर कालेजों में काश्तकारों के ही लड़के लिये जाने चाहियें।

हमारे बरार में जमीन बहुत ही उपजाऊ है। जिस वजह से बरार को "सुन्ने की कराउ" कहते थे मगर आज उसकी हालत बहुत ही खराब है और काश्तकार अनाज का भी मोहताज है। अगर हमारी सरकार काश्तकारों को मदद दे, उनको पैसा दे और उनको जमीन ठीक करने के लिये ट्रैक्टर और पानी दे तो वहां की जमीन में बहुत भारी पैदावार हो सकती है। गवर्नमेंट की मदद न मिलने की वजह से वहां बहुत सी उपजाऊ जमीन बेकार पड़ी हुई है। इसकी वजह यह है कि जितनी अच्छी जमीन है उसके लिये काश्तकारों को जितना पैसा चाहिये, गवर्नमेंट से जितनी उनको मदद चाहिये, वह मदद उनको

गवर्नमेंट से नहीं मिलती है। इस वजह से जितना वहां गेहूं पैदा होना चाहिये उतना वहां पर नहीं होता है। गवर्नमेंट का यह काम है, उनको अच्छे बीज दिये जायें, और वहां पर जो कपास होती है उसके लिये भी सरकार को उनकी काफी मदद करनी चाहिये जिससे वहां पर काफी कपास पैदा हो सके। सरकार को काश्तकारों के लिये अच्छे से अच्छे बीज का प्रबंध करना चाहिये इन वजहों से जिन काश्तकारों की हालत कमजोर हो गई है, गवर्नमेंट का फर्ज है कि उनको हर तरह से मदद देनी चाहिये। उनकी हालत सुधारने के लिये गवर्नमेंट को हर प्रकार की मदद करनी चाहिये। मैं जो कुछ कहता हूँ सरकार को उसकी ओर ध्यान देना चाहिये। मिनिस्टर साहब ने जो अपने भाषण में कहा है उससे हम काश्तकारों को कुछ फायदा जरूर होगा ऐसी मेरी राय है मगर तो भी मेरी सूचनाओं की ओर श्री मिनिस्टर साहब ध्यान देंगे ऐसी मैं आशा करता हूँ।

(English translation of the above speech).

Shri L. S. Bhatkar (C. P. and Berar: General): Sir, I wish to congratulate the honourable the Minister for his work. What I wish to submit now is that the condition of the agriculturists these days is far from good and they are not getting that much help from the Government as they ought to have received. As compared to the hard work the agriculturists themselves are putting in they are not receiving much help from the Government. At present the agriculturists are being crushed under the burden of indebtedness. The money-lenders trouble them very much with the result that their burden of indebtedness goes on increasing. Whatever produce these agriculturists raise they have to hand over the whole of it towards the re-payment of their debts. Therefore, in the first place, the Government should take steps to liquidate the indebtedness of the agriculturists and they should be restored all the lands that the money-lenders have usurped against the settlement of their debts. It is the duty of the Government to see that those extra lands that are in the possession of the capitalists and who cannot raise full complement of food grains from them may be given back to the agriculturists.

The second thing that I wish to submit is that the agriculturists do not get the full price of the food grains they grow. It is often seen that the agriculturists do not get the full price of their food grains. I belong to Berar. On our side cotton is mainly grown. About cotton the policy of the Government is, and I know it quite well, that for the cotton our Government purchases from Iraq, Iran and Pakistan a price double than that of Indian cotton is paid. In exchange for this cotton our Government exports cloth to all these countries. The price of the cloth given to them is fixed by taking out the average of the market rates of cotton in Pakistan, Iraq, Iran and India. This is just like the proverb which means that fools grind and the wise enjoy. The result is that though the agriculturist puts in hard labour yet he does not get a reasonable price of his produce. I like to submit that our agriculturists should be given a price of their cotton in accordance to the price of the cloth that is charged from the countries to which it is exported.

The second thing is that when the agriculturists take their produce to the market just at that time the Government imposes control. The food grains are taken from the agriculturists at the control rate. When the entire produce of the agriculturists is marketed and stocked by the stockists then the Government lifts the control. When the stocks held by the agriculturists come to

[Shri L. S. Bhatkar].

an end they have to purchase back from the market their own produce at double the price. This is definitely an injustice to the agriculturists. It is a bad thing and the Government must consider itself duty bound to eradicate this. From this it would be clear to every body that the condition of the agriculturists is far from good. Not only this, but as far as education also is concerned the agriculturists get little help. In agricultural colleges the children of agriculturists do not get as much facilities as ought to have been given to them. It is often seen that these colleges admit only the children of those rich and the urban people only, who have no connection at all with agriculture. If a percentage be determined then it would be found that only one or two children of the agriculturist class are admitted. The money spent on these colleges comes from the agriculturists yet they do not derive any advantage from them. The Government should attend to this. The children of the agriculturists only should be admitted to these colleges.

In Berai the land is very fertile and for this reason it was called a gold field. But today the condition is so very bad that the agriculturists are dying for want of food. If our Government were to help these agriculturists, give them money, provide tractors and irrigation facilities for re-claiming the land, huge quantities of food grains could be grown there. For want of Government help vast areas of fertile land are lying fallow. The reason is that considering the vast areas of fertile land, the agriculturists do not get as much monetary aid and Government help that they ought to have been given. The result is that the production of wheat is far less than what it ought to have been. It is the duty of the Government to supply them good seeds; and as regards cotton the Government should give them enough help so that the production of cotton may go up. The Government should make arrangements for the supply of better kinds of seeds.

For the reasons mentioned above the Government is duty bound to give every kind of help to those agriculturists whose pecuniary circumstances have become worse. In order to better their conditions the Government should give them every possible help. The Government should pay attention to what I submit. I think that we agriculturists will surely be benefitted by the measures referred to by the honourable Minister in his speech. Still I hope that the honourable the Minister will pay attention to the facts mentioned by me.

Shri Kala Venkata Rao (Madras: General): Sir, I support the Demand moved by the honourable Minister for Agriculture and Food. In view of the shortness of time I do not propose to go over the whole question which has been partly traversed by many honourable Members.

I wish to speak only on two points and the first of them is about the need for having a better arrangement with reference to procurement. According to our economists, we have in India a food deficit of only 10 per cent. That being so I do not see any reason why the country should be upset over its food requirements. No doubt there is a great outcry from every corner of the country that they want more food. But the figures published by Government, the newspapers and the economists only show that there is a deficit of 10 per cent. Therefore I do not think it will be very difficult to solve this problem.

As far as the question of food is concerned, leaving the question of agriculture alone, we have to start a good policy of procurement. I am very sorry to learn from the debate that took place here some time ago that certain provinces are not at all responding to the request of the Centre with reference to procurement schemes. I think that we must blame the provinces for that. One province has fulfilled only 2.5 per cent. of its procurement quota. In

Madras, though we had scarcity conditions prevailing for the last two or three years, the procurement figure was 20 per cent. and more. So I think that in the matter of allocation of food grains, the Centre is doing an injustice. My point is this: You ought to distribute your supplies on the basis of procurement in the provinces. Then alone the Provinces will respond properly. If this is not done, there will be laxity in procurement and there will be the difficulty of the provinces coming to the Centre asking for more allotment. It is due to this that there is laxity in procurement. It is only due to efficient procurement measures that certain provinces have been able to show greater procurement. As a matter of fact I can tell my honourable friends that provinces like the Central Provinces have not given their quota. I understand that even in the United Provinces procurement is a bit lax.

The Honourable Shri Jairamdas Doulatram: Neither is correct.

Shri Kala Venkata Rao: I am very glad to be corrected. But I want to know from the honourable Minister whether there is any Province in the country which has not produced its quota of procurement according to the scheme. If really there is such a province, it should not be given anything from the Central reserve till it procures to the limit to which it is asked to procure. That is my suggestion.

Now coming to the target fixed by the Government, I am very glad to hear that they are planning in such a way that by the end of 1951 there will be no more imports of food. It is very good. But we have to make the country self-sufficient in the meanwhile. For that, two things have to be done. First we have to improve the condition of the man who drives the plough. As every one knows he is not getting his due. We must pay speedy attention to the question of land tenures. There may be difficulties in the way. But we should not allow them to stand in our way. We should undertake legislation to that effect immediately and create in the man who cultivates the soil an interest in production and a contented life. If we do that, production will certainly increase.

The other point that I wish to speak upon relates to reclamation. Honourable Members have referred to this. The honourable Minister said that by 1951 he is going to reclaim 7 lakhs of acres. Reclamation work on a huge scale was done in Soviet Russia and also in Fascist Italy. Before the last War Mussolini brought under cultivation 70 lakhs of acres of swampy and marshy land. He spent large sums of money for the purpose. We have read reports about it which say that a town called Littoria was built in the course of this reclamation of the Pontine Marshes. Therefore, if we have the will we can do the same thing here.

Next I want to refer to the co-operative method of farming. I am one with my honourable friend Mr. Prakasam in thinking that co-operation should form the basis of decentralisation not only with reference to food and agriculture, but with reference to many other things also. I must confess, however, that I cannot agree with him in his advocacy of a hybrid type of society known as the Producer-cum-Co-operative Society. I think, on the other hand, that we must have in the country a number of multi-purpose co-operative societies which will deal with the needs of the common cultivator and then alone we will be able to produce more and distribute on an equitable basis and create non-scarcity conditions throughout the country. Therefore my request to the Honourable Minister is that in order to achieve his target in 1951, he should improve the condition of the agriculturists by legislation in the Provinces and by aid from the Centre and also introduce the system of multi-purpose co-operative societies as a decentralising factor. As I said, he should allot from the Centre food pool, quotas to Provinces on the basis of procurement made by each province.

I support the Demand.

Begum Aizaz Rasul (U.P.: Muslim): Sir, so much has been said on this very important subject that, knowing that I have only a few minutes time, I shall confine myself to two points.

First I want to ask the honourable Minister as to what they have done about drawing up a programme of balanced diet for the people of this country. No one can minimise the importance of the value of the food from the health point of view. We do not know the nutritive value in calories or vitamins of the food we eat. Even the educated people here do not know it. For a country in which millions of people live in the villages, it is necessary for the Ministry of Food to make special efforts to publicise according to the income groups of the people what the best diet is. I would suggest that different tables suitable to the different age groups and different income groups should be prepared and supplied. We should know what the growing children of this country should be fed on in order to build up healthy bodies and also what the grown-ups should eat. We have no idea at all in this respect. This point has been raised many times before and yet nothing has been done. We have been given a lot of literature by the Ministry of Agriculture and Food. I only wish that all the schemes laid down in these papers help in producing more food and improving the health of the people.

My second point relates to the productivity of the soil. In divided India it is estimated that 242 million acres are cultivated and we have about 89 million acres as cultivable waste lands. Due to some reason or other all these waste lands cannot be brought under cultivation. It will require a very long period of time in order to bring all these waste lands under cultivation. The Government's programme of ploughing 6.2 million acres by means of tractors over a period of six years will not make the lands suitable for proper cultivation, as most of these are in unirrigated tracts and have many other handicaps, that is, bullocks, labour, seeds, implements etc. Another vital problem is that the newly, deep, tractor-ploughed areas may become vulnerable to erosion if care is not taken.

Opening up of certain tracts by means of tractor ploughing and heavy machinery is good to a certain extent only. It will be several years before the major irrigation projects are ready. Their utility need not be over-emphasised for improving agriculture. Again, if there are no proper soil-conservation measures, the massive dams will silt up in a few decades. What we need is not only more food production for a few years, but maintaining increased production from the land over hundreds of years. The problem is to preserve our cultivated lands and increase production and maintain their potentiality by means of good varieties of seeds, manures green manuring, irrigation water, field embankments, fuel plantations, improving grazing areas and implementing all-round soil conservation measures. In the U.S.A., during the war, by adopting soil conservation practices, from less acreage and with fewer men they increased the yields from farm lands by about 25 per cent. We know that in a highly industrialised country like America, over 60 per cent. of the industries of the nation are dependent indirectly or directly upon agriculture. I may bring to the notice of the House that for the production of textiles, wool, dairy industry, tractors and agricultural machinery, lumber mills, sugar, chemical manufacture, plastics, nylon, paints, varnishes etc. America depends on agricultural resources. If America, in spite of its being so highly industrialised, depends upon these agricultural resources, how much more must India, which is an absolutely agricultural country depend upon them and how much more wealth can be produced if agriculture in this country is developed on proper lines. Therefore, I bring to the notice of the Government that soil

conservation measures should be taken up immediately. The potential wealth and living standard of the nation depends on its natural resources of soil wealth. If, through carelessness and neglect, these resources are wasted beyond a certain point, the whole structure of our national achievement must be impaired.

Shri H. R. Guruv Reddy (Mysore State): Sir, I am thankful to you for having given me an opportunity to say a few words. I heard the statement of the honourable Minister and the policy that was adumbrated just now. But, Sir, I do not think he ever mentioned how he is going to win over the cultivator of India. He seems to have said everything else but that, in detail. He is all good and all kind. There is nothing particular against him, but he is himself perhaps labouring under a particular system or a policy which is conducive to all others. I would like to ask which of the members of the Cabinet do really represent the cultivator of India.

Shri K. Hanumanthaiya (Mysore State): None.

Dr. B. V. Keskar (Deputy Minister for External Affairs): Which of the members of this House represent?

Shri H. R. Guruv Reddy: I do not think there is any one who could put his hand on his heart and say that he is the one that represents him.

Dr. B. V. Keskar: Except the speaker!

Shri H. R. Guruv Reddy: Well, Sir, the charge is levelled against him that he takes to economic crops and does not grow food crops. The Deputy-Speaker himself said that when he spoke, but I would like to draw the attention of this House to the fact that he is driven to grow economic crop, because he has to meet his daily needs. You want him to produce food crop but you do not want him to thrive in this country. How else can he get on except by growing a little commercial crops? That is the only method if he has to maintain himself. If you want to divert him from growing commercial crop to growing food crop, give him the fair price for his product. What have you done so far? As some of the honourable Members have said, you have done nothing. I have been closely watching. Have you evaluated his own personal labour? Have you taken the value of his labour, of himself, his wife, his child or his servant? You have not done that. You have never cared to value the labour expended personally by him on his land. Have you taken care to see what is the value of the land that he has purchased or what is the market value of the land? You have not done that. What is the interest charge on that? What are his tools and plants? What is the manure? What is his seed? Have you ever taken into consideration all these aspects and then come to the conclusion that this is the cost of production of this unit? There is no scientific basis for price fixation in our country. As was stated, it was Rs. 20 or so year before last, it is now raised by a fish or a loaf being thrown at him, by Rs. 5 or 10. You call it an enhanced rate. Is that a fair price? Certainly not. You can never win over the agriculturist by these methods. The only true method, the only correct method, the only scientific method, by which you can call him to order is to evaluate his labour, to find out his standards of living, to improve his standards of living, by giving him facilities for his education, for his medicine, for his living and all the thing that he expects. Well, Sir, I should like to know whether you have at any time responded to his cries. You please compare the attention that you have given to labour on the one side and to that to agriculturists on the other. Every cry of the labour is satisfied by you. I would say at the same time that no cry of the agriculturist has so far been satisfied by you. Therefore, all this trouble has arisen. If you want that your demands must be satisfied, you

[Shri H. R. Guruv Reddy]

should rise to the occasion and see that you pay the proper price and not just take away his produce under procurement. If you do not listen to his just cries, it is a moral crime for you to extract his produce from him. I know how the law of procurement has been working. I have seen it. I have seen the methods of procurement, I have seen how they are enforced through the police. So many atrocities have been committed against the villager, the agriculturist proper. Several instances must have come to your notice also as to the kind of methods employed to secure as much as you wanted. He too is intelligent enough now to know that you shall not get. What is the position? In our times, we shall not allow this class of people to go into destitution, to become what I may say "desperate". I am thankful to the honourable Member Shri Prakasam and another honourable Member for sounding a note of warning, and I would elaborate it, if you pardon me, Sir. Communism is at the border. Do not allow it to come into our country. Do not allow that sort of mentality to get into our society by driving people by these procurement methods and not giving them the ordinary facilities for his cultivation, for the education of his children, for curing his diseases, for his maintenance, for keeping his body and soul together. Unless and until we ensure these things to him, we have no right—no moral right—upon him. Therefore, I would plead: if you want to keep Communism away from the borders of our land, please do something for him immediately. Raise his standard of living. As you are responding to labour because it is organised, so you should also rise to the occasion and see that the cultivator is satisfied and not allow him to get into a sort of Guild and give such trouble as the other section is giving. Let us not expect this innocent section to give us any trouble. They will not. They are not anxious to give anybody any trouble. They are not known to give any trouble anywhere. Let us see that they rise a little above the level in which they find themselves today. I plead that you should do everything in your power and in your capacity for these people and see that the agriculturist surrenders, not only surrenders, but he wants actually to give his excess produce. Evaluate what he is expected to grow and give him his return. As my friend said, the price that you fix need not necessarily be a fixed price for years and years to come. It should be the price which will keep him going in those standards you set for him. The standards should not be below the standards of the other labour class in whose favour you have been yielding so much every day. Please keep him satisfied and I am confident that you will get all that you want from him.

सेठ गोविन्द दास : सभापति जी, इस देश में हम खेती और पशु पालन को अलग अलग नहीं रख सकते। जिन देशों में खेती ट्रैक्टरों से होती है और सारा काम मशीनों से होता है वहां खेती के महकमे और पशु पालन के महकमे में कोई विशेष सम्बन्ध नहीं रहता और दोनों महकमे अलग अलग रहते हैं। पर जहां कि खेती बैलों के ऊपर निर्भर है वहां यदि हम खेती को अलग और पशु पालन को अलग करेंगे तो हम खेती में कोई उन्नति नहीं कर सकते। यहां पर खेती के लायक ३६ करोड़ एकड़ जमीन है और अभी जितने बैल हैं उनका हिसाब लगाने पर यह मालूम होता है कि हमें डेढ़ करोड़ बैलों की और जरूरत है। जहां हमारे देश में दिन पर दिन मनुष्यों की आवादी बढ़ती जाती है वहां पशुओं की संख्या घटती जाती है। हमारे यहां जब बैलों की इतनी कमी है तब हम ट्रैक्टरों पर करोड़ों रुपया खर्च करना चाहते हैं। मैं ट्रैक्टरों के खिलाफ

नहीं हूं। मैं इस बात को मानता हूं कि हमको ट्रैक्टरों की भी जरूरत है, पर सिर्फ ट्रैक्टरों से हमारा काम चलने वाला नहीं है। दूसरी तरफ जहां हम बहुत थोड़ी लागत से और बहुत थोड़े प्रयत्न से गोबर और गोमूत्र से अनेक प्रकार का कम्पोस्ट खाद तैयार करा सकते हैं वहां हम करोड़ों रुपया फर्टीलाइजर की फैक्टरियों पर लगा रहे हैं। मैं इस बात को मानता हूं कि हमको फर्टीलाइजर्स की भी जरूरत है लेकिन हमको फर्टीलाइजर्स के बनिस्बत कम्पोस्ट खाद की ज्यादा जरूरत है।

“ग्रो मोर फूड कैम्पेन” को आप देखिये। वहां पर सब चीजें मौजूद हैं, मांस मौजूद है, मछली मौजूद है, अंडे मौजूद हैं, लेकिन घी का और दूध का वहां कोई जिक्र नहीं है। यह देश जो बहुत हद तक निरामिष है उस में घी और दूध की बात हम “ग्रो मोर फूड कैम्पेन” में न करें, यह लज्जा की बात है। घी की जगह वैजेटेबुल घी बढ़ता जा रहा है। सरकारी रिपोर्टों से पता लगता है कि यहां सन् १९३७ में २३० लाख मन घी होता था वहां सन् १९४७ में घट कर १११ लाख मन हो गया है और बनास्पति घी सन् ३७ में साठे छः लाख मन होता था वहां सन् ४७ में वह पौने बत्तीस लाख मन हो गया है। हमें इस समय तेल की भी जरूरत है। मैं बनास्पति घी के कारखानों को बन्द करने की बात नहीं कहता लेकिन मैं इतना जरूर कहूंगा कि उसका हाइड्रोजिनेशन, बन्द करके केवल तेल बनाने का काम रखना चाहिये इस देश में जितने ज्यादा तेल की जरूरत है उसको देखते हुए मुझे यह विश्वास है कि अगर उसका जमाना बन्द कर दिया जायगा तो इन कारखानों को कोई नुकसान नहीं होगा।

मैं कहना तो बहुत चाहता था लेकिन चूंकि समय की कमी है इसलिये मैं अपने सुझावों को एक एक वाक्य में ही रखूंगा। पहले मुझे यह कहना है कि यहां तक पशुओं के सुधार का मामला है वहां, तब स्थानीय नसलों की उन्नति करनी चाहिये। दधी गो सेवा संघ ने इस काम को करके बता दिया है। लाल सिन्धी और साहिवाल गाय के बारे में हमको पता लग चुका है कि उनसे जो बैल पैदा होते हैं वह खेती के लायक नहीं होते। सरकारी ब्रीडिंग फार्मों में नसलों का सुधार इस प्रकार होना चाहिये जिससे कि हमको अधिक दूध वाली गायें और खेती के योग्य बैल भी मिल सकें। स्थानीय अच्छी नसलों की कमी होती जा रही है। हिसार में अब अच्छी गायें कम होती जा रही हैं। वह बाहर भेजी जा रही हैं। इसका नतीजा यह निकलेगा कि थोड़े दिनों में हमको अच्छी गायें नहीं मिलेंगी। बड़े शहरों में बम्बई कलकत्ता मद्रास में इनका जाना रोकना चाहिये, क्योंकि वहां पर ये गायें दूध देना बन्द करते ही कसाइयों के हाथ बेच दी जाती हैं।

[सेठ गोविन्ददास]

दूसरी बात चारे की है। एक तरफ तो इसकी इतनी इफ़रात है कि उसका उपयोग नहीं होता और दूसरी तरफ हमारे जानवर चारे की वजह से मर रहे हैं। जंगलों में साइलेज बना कर आप उसको रेल और ट्रकों द्वारा और जगहों पर पहुंचा सकते हैं। यदि और अन्न की ओर न देख अधिक रुपया देने वाली फ़सलें पैदा की जा रही हैं और लोग कहते हैं कि इससे हमको लाभ है। मैं कहता हूँ कि इससे हमको हानि है। एक तरफ तो हम करोड़ों रुपयों का अन्न मंगा रहे हैं और उसमें रुपया दे रहे हैं और दूसरी तरफ हमको इस बात से सन्तोष हो रहा है कि हम इस तरह की फ़सलें तैयार कर रहे हैं कि जिनसे हमको रुपया मिल रहा है। अगर हिसाब लगाया जायगा कि कितना रुपया हमें मिल रहा है और कितना रुपया हम अन्न की पैदावार न होने के कारण बाहर से अन्न मंगवाने पर खर्च कर रहे हैं तो हमें मालूम होगा कि हमें इसमें हानि हो रही है।

फिर गाय के बाबत एक बात यह कही जाती है कि आदमियों को तो खाने को नहीं मिलता और गाय का जिक्र किया जाता है। लेकिन यह कहने वाले इस बात को भूल जाते हैं कि आदमी का खाना और गाय का खाना एक ही चीज़ से निकलता है। अगर हम अन्न उत्पन्न करें तो हमको भूसा मिलता है। अन्न तो आप बाहर से मंगा सकते हैं परन्तु भूसा नहीं मंगवा सकते। इसलिये हम जो गायों को खिला रहे हैं वह हम कोई आदमियों के पेट का अन्न नहीं खिला रहे हैं।

इसलिये मैं यह कहना चाहता हूँ कि हमको इस बात का ध्यान रखना चाहिये कि हमारे यहां पर खेती की उन्नति पशु पालन के बग़ैर नहीं हो सकती। इसके लिये पशु-वध बन्द होना चाहिये, और पशुओं की उन्नति होनी चाहिये। मैं माननीय मंत्री जी से कहना चाहता हूँ कि हम इस सम्बन्ध में इस समय बहुत कम काम कर रहे हैं।

(English translation of the above speech)

Seth Govind Das (C.P. and Berar: General): Sir, in this country we cannot separate agriculture from animal husbandry. In the countries where tractors are used for agriculture and all the work is done with machines there the department of agriculture does not have any special connection with that of animal husbandry, and both the departments remain quite separate. But where the agriculture is dependent on bullocks there if we separate agriculture from animal husbandry, we cannot make any improvements in agriculture. Here we have 36 crores acres of arable land and after calculating the number of bullocks that we have at present, we come to know that we require one and a half crore more bullocks. While the population of our country goes on increasing day by day the number of live-stock is decreasing. Our country is short of bullocks and yet we wish to spend crores of rupees on tractors. I am not opposed to tractors. I acknowledge the fact that we do require tractors also, but tractors only are not going to serve our purpose. On the other hand while with very little prime cost and very little labour and effort we

can prepare many kinds of compost manure from cow dung and urine, we are spending crores of rupees on fertilizer factories instead. I acknowledge the fact that we stand in need of the fertilizers also, but in comparison to the fertilizer we need compost manure more.

Just see the Grow More Food Campaign. All the things are there, meat is there, fish is there, eggs are there, but there is no mention at all of ghee and milk. In our country which is to a very great extent vegetarian, if we do not make a mention of ghee and milk in the Grow More Food Campaign then it is a matter of great shame. Instead of ghee the vegetable ghee is gaining ground. From the Government reports it is ascertained that while in 1937 the output of ghee was 230 lac maunds, the production in 1947 came down to 111 lac maunds; and while in 1936 the output of vegetable ghee was six and a half lac maunds in 1947 the production went up to 31-3/4 lac maunds. At present we require Oils also. I do not insist upon the closing down of the Vegetable ghee factories. But this much I would certainly say that stopping its hydrogenation, only the work of the extraction of oils should be continued. Taking into consideration how much oil this country requires I believe that if its hydrogenation will be stopped then these factories will not be put to any loss.

I wished to submit more, but as the time is short I will place my suggestions in one sentence. In the first place I have to say that as far as the question of the improvement of the live-stock is concerned, the local breeds should be improved. The Wardha Gau Seva Sangh has demonstrated it practically. About the red Sindhi and Sahiwal cows we have come to know that the oxen born of them are not fit for agricultural purposes. In the Government cattle breeding farms the improvement of the breeds should be done in such a manner whereby we may get cows yielding greater quantities of milk, and oxen fit for agricultural purposes. The local good breeds are gradually deteriorating. In Hissar the number of good cows is decreasing. They are regularly being exported. The result of all this would be that in very near future we would not be able to get good cows. Their export to Bombay, Calcutta, Madras and other big towns should be stopped because there these cows, no sooner they stop giving milk, are sold to the butchers.

The other thing is about fodder. On one side it is so abundant that it is not being utilized and on the other our animals are dying for want of fodder. After converting it into silage in the jungles you can send it to other places by trains and trucks. Ignoring the fodder and food-grain crops more and more cash crops are being increasingly produced, and the people say that they make more profits by them. I say that we are put to loss by this. On one side we are importing food-grains worth crores of rupees and paying for them in cash and on the other side we are feeling satisfied that we are raising such crops that are giving us more money. If a balance be struck as to how much money we are getting and how much we are paying to foreign countries in order to import food-grains as a result of decline in the production of food-grains, then we would come to know that we are losing money in this.

It is said that even human beings do not get food what to say of the cows. But the people who say so forget that the food of the human beings and the fodder for the animals are derived from one and the same thing. If we grow food-grains we get chaff. You can import food-grains from foreign countries but you cannot import chaff. Therefore whatever we are feeding to the cows with, we are not feeding them out of the food meant for human beings.

I submit that we should keep in mind the fact that in our country improvement in agriculture cannot be made without animal husbandry. Therefore the slaughtering of animals should be stopped and the live-stock improved. I wish to submit to the honourable Minister that we are doing very little in this respect.

Dr. P. S. Deshmukh (C.P. and Berar: General): It is certainly gratifying and satisfactory for the House to realize that the honourable Minister has decided to change his Grow More Food policy, and if anybody deserves congratulations for this I think it is this House which told him in no uncertain terms that the way in which he was trying to seek more food was not the way to get more food.

It is also well to hear, Sir, of a scheme which is going to replace the old Grow More Food plan. I hope, Sir, that the scheme will succeed and all our ambitions will be realized. By realizing those ambitions we will be lifting a heavy burden off the chest of the whole of India and the Finance Minister. But at the same time I would like to suggest that the entire attention in the regard may not be confined only to irrigated lands. We have been spending such a large amount on the 'Grow More Food' that if we take that whole amount, and utilise it I think it should suffice not only to intensify the cultivation in those soils under irrigation, but it would leave a sufficient margin to assist cultivators who are dependent on dry farming. The whole amount is sufficiently big. I know that the proportion of our expenditure on agriculture is very small. Nonetheless what we may have been spending on Grow More Food would I think place in the hands of the Agricultural Minister sufficient funds which, wisely spent, should yield far better results even from non-irrigated lands. I would suggest that in the scheme that is now chalked out the expenditure should be reduced to the minimum and it should be seen from time to time that whatever the Centre is spending is realised in the shape of positive results. Then I am sure there would be a couple of crores of rupees at least easily available for financing the agriculturists in some of the provinces who have been very badly hit on account of bad crops during the last two or three years. That would be money which would not be lost and I for one am against making free gifts for any purpose whatsoever. Free gifts of anything have generally a demoralising effect. So it is better to keep an eye on the return. It may be that we will probably be disappointed in not getting the full return but at the same time money ought never to be given as a sort of mere Christmas gifts and distributed from province to province. We should of course insist upon getting some sort of return for the assistance that we give. In my opinion the main requirement in many parts is financial assistance to the agriculturists. Otherwise we would be spending crores of rupees in reclaiming waste land and on the other hand there would be lakhs of acres of land which would be lying fallow simply because the agriculturist is not in a position to keep cultivation going. That is exactly one of the problems that are staring in the face of the honourable Minister. I am told that the Central Provinces Government have reported that while we were trying to grow more food by reclaiming lakhs of acres of land in area 15 lakhs of acres have gone out of cultivation in another area. Where is then the sense in spending 150 crores to reclaim land when probably 1/10 or even 1/20th of it may have saved at least a portion of the 15 lakh acres of land from going out of cultivation. That is a serious problem to which I would like the honourable Minister to pay his earnest attention.

I cannot possibly touch any other important questions at length within the short time at my disposal and so I shall merely summarise my suggestions.

There was a proposal regarding crop insurance and I think some sort of investigation and training were going on. I am told that under the guise of economy the whole experiment is going to be dropped. I would suggest to the Minister that whatever little progress it has been possible to make should not be given up, because in the whole of India sooner or later there will have to be crop insurance on some scale or the other and from that point of view whatever assistance we can give, whatever information we can supply or trained

personnel we possess will be most useful. The expenditure is not much and I hope whatever we have spent will not be permitted to go waste. It will certainly be wasted if we give up the scheme completely all of a sudden.

I would suggest that there should be an effort at wholesale cotton pooling. I come from an area where cotton is extensively grown. As I have said before either here or elsewhere cotton is not a commodity which an average man requires. There is a market for it only in the mills. So it should be possible for the Government to eliminate a very large number of middlemen, so that the cotton is purchased by the Government at the highest possible rate and supplied to the mills at a fixed rate, by which it would be possible to save the loss which the agriculturists incur on account of the presence of the middlemen. Only then it would be possible to get the agriculturists to grow more cotton.

My friend referred to the system in America by which inefficient staff is eliminated and efficient staff given rapid promotions. If the honourable Minister takes the suggestion rather seriously he will have to deal very drastically with his Ministry and with the people in the Agricultural Department. I think due to a wholesale incorporation of fresh blood there has been a considerable amount of inefficiency in his department and the suggestion which my honourable friend has made ought to be taken to heart, so that efficiency will increase and there will be better working of the department.

There is at least one more suggestion which I would like to make before I close so far as research is concerned. Research is done by younger men and I have known complaints that the men at the top often want to reap the fruits of the younger men's labours by getting the results of research published in their own names. I learn that on account of this the whole incentive for further research by the younger men is fast disappearing and there is more or less an end to any valuable research in the agricultural department. This is also another question which the honourable Minister should consider.

Shri T. A. Ramalingam Chettiar (Madras: General): Sir, coming at this late stage I can only refer to one or two difficulties that we feel. It is for the good that a target has been fixed within which we hope to be self-sufficient but I am very sorry to sound a note of warning that this goal is not going to be reached by the plans which the honourable Food Minister is proposing. There is absolutely nothing new in what he has said except the target. Every one of the matters which he referred to had been—what shall I say—given expression to but not acted upon in any province in India.

Taking first the question of making the agriculturists take to cereals what is the position? Take for instance my own district Coimbatore which depends on wells. If we ask the agriculturist to choose as between paddy and cotton, what will be the position? The yield is 8 podhies of cotton per acre which at the prevailing price of Rs. 140 per podhi will yield Rs. 1,120 per acre, whereas an acre yields only 20 salagais of paddy which at the rate at which Government is procuring from him gives him only Rs. 400 per acre. How are you justified in expecting any sane man to give up cotton which he can grow on the same land and go in for paddy cultivation? That is one question which the Government will have to consider seriously.

The second question is that if you are going to ask the man to do that, that is, to take to paddy what will be the position? Some of the agriculturists are going to be allowed to grow the costlier or more remunerative crops and you are going to force only some of them to undergo the sacrifice of growing paddy. Is it going to work? I do not think this sort of thing can work at all. There are only two ways of doing it. Either you ought to make the profit from paddy cultivation equal to that from other crops or you make the sacrifice equal and ask every cultivator on every land that grows any crop to grow at least one

[Shri T. A. Ramalingam Chettiar]

food crop once in 18 months or so. I do not think there is any other way of doing it. You cannot make a few agriculturists sacrifice and others reap all the profits they can, nor is it possible to give the same profit, for instance, which a cotton grower or sugarcane grower gets from his crop to the man who grows paddy. Unless the Government is prepared to face that problem I do not think they are going to solve this question of food at all. The only possible method if you are going to tackle the problem seriously is to make the sacrifice equal and you ought to insist.....

Prof. N. G. Ranga: Should it not be extended to other classes also?

Shri T. A. Ramalingam Chettiar: I am coming to that: don't be in a hurry. So you will have to make the sacrifice equal and you ought to insist that on every acre of land there should at least be one crop of cereal in about 18 months. I say 18 months for this reason. The sugarcane crop wants 12 months and the next cereal crop would require five or six months. So in eighteen months a man can grow both a sugarcane crop and a cereal. In other lands probably there will be three crops: the man can have for instance two commercial crops, one of cotton and another of something else, and a third cereal. So there will be no room for complaint. That is the only way to solve it. In America also when the New Deal came the Government took power to regulate the rotation of crops and insist upon reduction of cotton or wheat as might be found necessary. There a question will arise when you are doing it, if there is any inequality. What America did was it imposed a sort of excise on the costlier or the more profitable crop and with that financed or subsidised the poorer crop. Some such system will have to be adopted if we are going to seriously deal with this question. That seems to me to be the only way.

I may also say in this connection that all that has been done for the Grow More Food Campaign in the shape of supply of manure and other things have gone not for the paddy crop or for any cereal but they have gone only for the industrial crops. A man who is able to get Rs. 1, 120 per acre will certainly use the manure for the land on which he grows the commercial crop and not for the cropping of paddy from which he gets only Rs. 400. So the system that the Government has been adopting with reference to manure has yielded no result whatever.

As you yourself said, Sir, with reference to wells, three things have occurred. One is, as you said, that some pit was shown as a well dug and the money that was paid was divided among the officials concerned and the agriculturist. That was one class of cases. The second class of cases was the man thought he could get water, started digging a well, but could not get water. What was done was when somebody went to supervise he was paid some money and he reported 'the well is all right'. That was the second class of cases. In the third class of cases there was really a well with water but the well was never used for a food crop; it was always useful for an industrial crop. So all the money that has been spent for this Grow More Food Campaign was spent for other purposes and it went in different ways and not one acre of land was benefited in the sense that cereals were grown and added to the food supply of the country. Sir, my time is up and I want to say only one word about the procurement policy which is adopted.

Mr. Deputy Speaker: The honourable Minister has to reply.

Shri T. A. Ramalingam Chettiar: This is a very important matter and it has not been referred to by anybody.

Mr. Deputy Speaker: I think it is too late.

Shri T. A. Ramalingam Chettiar: I am sorry I was not able to catch the eye of the Speaker at any discussion with reference to food. I have had some practical experience in working it for a long time.

Mr. Deputy Speaker: I am so sorry.

Shri T. A. Ramalingam Chettiar: I want only one or two minutes. What is done is this. In the villages the Government goes to procure. It is procuring actually in my Province all the so-called surplus from the agriculturists. What happens is the poor man has to yield and give not only the surplus but even that which is required for his needs. He is forced to give it. All sorts of persecution and all sorts of trouble are given to him and he has to yield. What is the result? What is procured is taken away to an urban area. It is not left in the village. When the grain is exhausted in the village probably within one month of the harvest it has got no grain whatever. Even though the Government publish with headlines that the quota has been raised to 12 ounces I have heard cases in the villages where they could not get even 2 ounces, and an order has been issued in some of the districts that only 4 ounces can be supplied. But there are cases in which even that 4 ounces was not available and they were told that there was no stock. Is this a proper way of doing things? I have heard that there have been villages where for two and three continuous days people could not get any cereals and they had to go without food. They had to live on roots and things like that. Is that a sensible way of doing things? On the other hand the richer man is able to purchase the officers and go his own way.

I will only say this. When I came here for the meeting in January the price of rice was.....

Mr. Deputy Speaker: May we not now hear the honourable Minister?

Mr. T. A. Ramalingam Chettiar: Sir, I have finished. The price of rice was 2-1/2 measures a rupee in January. Now I went there last week. It is 1-1/4 measures a rupee at the present moment. What does it show? Any amount is available in the market in spite of the procurement about which we are boasting. But the price has gone up like that. How is the poor man to live and how is the labourer to live? We are talking as if we are doing everything for the poor man and safeguarding his interest. You can see exactly what the actual position is.

The Honourable Shri Jairamdas Doulatram: Sir, I am afraid I may not be able to cover most of the points that have been referred to in the course of this very instructive and educative debate. I am grateful for numerous constructive suggestions which have been made to me and I do propose to go into the more important ones of those suggestions and in the course of informal discussions and contacts with the Members of the House to thrash out the details of those suggestions with a view to be able to implement them. I rather feel at a disadvantage when references are made to details of provincial administration and to incidents and facts relating to certain distant places, cities or villages in different provinces. These are spheres of action in which the Central Government can only, on receipt of specific cases, go into them, examine them, give suitable directions to take the necessary action. It is not possible from here to administer in detail the entire running of the procurement system in all the villages of India. We can give directions and see that these directions are carried out and I will be certainly thankful to all Members of the House who give me specific instances of the violations of the rules of procurement and any other hard cases that have come to their knowledge.

There are one or two important things to which I think I must make a reference however brief it may have to be on account of lack of time. Our colleague Shri Prakasam made a reference to the F.A.O. organisation. I think in fairness to truth and also in fairness to that organisation I will place very

Mr. Deputy Speaker: I am sorry I have to interrupt the honourable Minister: 5 P.M. It is a very interesting speech, however it is five o'clock and we cannot proceed further.

It is now 5 o'clock. I shall first put to the House the particular Demands which were under discussion and shall then put the remaining Demands to the vote of the House.

The question is:

"That a sum not exceeding Rs. 46,29,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Food'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 35,10,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Forest'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 24,91,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Agriculture'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 69,86,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Survey of India'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 1,63,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Botanical Survey'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 3,56,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Zoological Survey'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 88,83,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Agriculture'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 26,66,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Civil Veterinary Services'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 8,17,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Indian Dairy Department'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 34,95,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Forests'."

The motion was adopted.

Mr. Deputy Speaker: Then there are the outstanding Demands.

Shri H. V. Kamath: With regard to item No. 106—Payment to Government of Pakistan for unique Institutions, may I know what is the meaning of unique institutions?

Mr. Deputy Speaker: There is to be no question and there will not be any answer. No question can be put now, and no answer will be given, and no debate will be allowed.

Shri Lakshminarayan Sahu: Sir, with the permission of the House, I want to withdraw my cut motion.

Mr. Deputy Speaker: The honourable Member's cut motion has lapsed.

The Demands on which the vote of the House is required are Nos. 11, 12, 14, 15, 30, 33, 38, 48, 61, 75 and 96.

DEMAND NO. 11—CONSTITUENT ASSEMBLY.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 8,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Constituent Assembly'."

The motion was adopted.

DEMAND NO. 12—CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 20,53,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Constituent Assembly of India (Legislative)'."

The motion was adopted.

DEMAND NO. 14—MINISTRY OF INFORMATION AND BROADCASTING.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 98,67,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Information and Broadcasting'."

The motion was adopted.

DEMAND NO. 15—MINISTRY OF LAW.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 8,24,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Law'."

The motion was adopted.

DEMAND No. 30—MINISTRY OF RELIEF AND REHABILITATION.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs.10,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ministry of Relief and Rehabilitation'."

The motion was adopted.

DEMAND No. 33—ADMINISTRATION OF JUSTICE.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 3,83,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Administration of Justice'."

The motion was adopted.

DEMAND No. 38—ECCLESIASTICAL.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 18,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Ecclesiastical'."

The motion was adopted.

DEMAND No. 48—DEPARTMENT OF SCIENTIFIC RESEARCH.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 85,92,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Department of Scientific Research'."

The motion was adopted.

DEMAND No. 61—BROADCASTING.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 1,82,32,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Broadcasting'."

The motion was adopted.

DEMAND No. 75.—EXPENDITURE ON REFUGEES.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs. 9,85,17,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Expenditure on Refugees'."

The motion was adopted.

DEMAND No. 96—CAPITAL OUTLAY ON BROADCASTING.

Mr. Deputy Speaker: The question is:

"That a sum not exceeding Rs.96,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1950, in respect of 'Capital Outlay on Broadcasting'."

The motion was adopted.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Monday the 21st March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Monday, 21st March, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-50 A.M.

PAPERS LAID ON THE TABLE

REPORT OF REHABILITATION FINANCE ADMINISTRATION FOR HALF YEAR
ENDING 31ST DECEMBER, 1948

The Honourable Dr. John Matthai (Minister of Finance): Sir, I lay on the table a copy of the Report of the Rehabilitation Finance Administration for the half-year ending the 31st December, 1948, in accordance with sub-section (2) of Section 18 of the Rehabilitation Finance Administration Act, 1948.

REPORT OF THE REHABILITATION FINANCE ADMINISTRATION FOR THE HALF
YEAR ENDING THE 31ST DECEMBER, 1948

The Rehabilitation Finance Administration was set up with effect from the 1st June 1948 under the Rehabilitation Finance Administration Act, 1948, for the purpose of giving financial assistance on reasonable terms to displaced persons to enable them to settle in business or industry. The administration consists of a Chairman, three officials appointed by the Central Government, and three non-officials nominated by the Central Government. There is an Advisory Board, consisting of 13 members, to advise the Administration on matters of policy, and Regional Committees will also be formed shortly to advise each Branch of the Administration at Simla, Bombay and Calcutta. The Central Government advances money from time to time for the business of the Administration, the aggregate amount of which will not exceed ten crores of rupees. The Administration entertains applications for loans of Rs. 5,000 and over upto Rs. 50,000 except in the case of co-operative societies or joint stock companies where the maximum may be up to rupees one lakh. It is hoped that all the Branches of the Administration namely, at Simla, Bombay, Calcutta and Lucknow will be in full working order with effect from the 1st April 1949, when the average of the monthly loans sanctioned would be about 50 lakhs of rupees.

The details of the working of the Administration are given in the statement.

		Statement	
		Rs.	A. P.
A.—(i)	Total amount of principal due to Government	15,10,000	0 0
(ii)	Total amount of interest due to Government	4,433	7 0
(iii)	Total principal amount outstanding on Advances made by the Administration	7,71,244	12 0
(iv)	Approximate total amount of interest accrued on (iii) but not yet received	5,571	13 0
(v)	Total of the monies of the Administration lying with the Reserve Bank of India and its agents—		
	Reserve Bank of India Rs. 3,01,000		
	Imperial Bank of India Rs. 2,00,866/4/-	5,01,866	4 0
(vi)	Total of the Cash balances at Head Office and Branches including Rs. 6,000 in transit	11,208	5 0
(vii)	Total outstanding rediscounts of Bills of Exchange and Promissory Notes—		Nil
(viii)	If the total of (i) and (ii) exceeds the total of (iii) to (vii), an explanation of the deficit—		
	The deficit is Rs. 2,24,542-5-0		

(1639)

It is but natural that during the first half-year of its existence the Administration should have to live on capital. As its advances increase and interest-earnings go up, the working-deficit will turn into a surplus.

(ix)	Total cost of running the Administration during the half-year	2,10,333	6-6	
		(a) Business	(b) Industry	Total
B.—(i)	Total number of new Advances sanctioned by the Administration during the half-year	119	76	195
(ii)	Total amount for which the advances in (i) were sanctioned	15,24,500	13,77,500	29,02,000
(iii)	Total amount out of (ii) actually advanced during the half year	3,91,500	3,80,000	7,71,500
(iv)	Highest amount of advances sanctioned	1,00,000	50,000	..
	Lowest amount of advances sanctioned	6,000	66,000	..
	Average amount of advances sanctioned	12,811	18,125	
(v)	Classification of (i)—			
	(a) Individuals	76	37	113
	(b) Joint Hindu Family Firms	27	18	45
	(c) Partnerships	13	15	28
	(d) Private Ltd. Companies	1	6	7
	(e) Co-operative Societies	2	Nil.	2
	(f) Joint Stock Companies	Nil.	Nil.	Nil.
	Classification of (ii)—			
	(a) Individuals	8,17,000	5,26,500	13,43,500
	(b) Joint Hindu Family Firms	3,06,500	3,68,000	6,74,500
	(c) Partnerships	2,31,000	2,53,000	4,84,000
	(d) Private Ltd., Companies	10,000	2,30,000	2,40,000
	(e) Co-operative Societies	1,60,000	Nil.	1,60,000
	(f) Joint Stock Companies	Nil.	Nil.	Nil.
(vi)	Total amount advanced by the Administration during the half-year in respect of advances previously sanctioned	Nil.	Nil.	Nil.
C.—(i)	Total amount outstanding at the commencement of the half-year on—			
	(a) Loans granted by the Administration	Nil.		
	(b) Interest on (a)	Nil.		
(ii)	Total amount recovered during the half-year—			
	(a) on account of principal	Rs. 255	4 0	
	(b) on account of interest	Nil.		
		Rs. 255	4 0	
D.—(i)	Total amount overdue from borrowers at the commencement of the half-year			Nil.
(ii)	Total amount which became overdue during the half-year			Nil.
(iii)	Total overdue amount recovered during the half-year			Nil.
(iv)	Total amount overdue at the close of the half-year and the total number of defaulters			Nil.
E.—(i)	Total investment of the Administration as at the close of the half-year in rediscounts under clause (b) of section 12			Nil.
(ii)	Total liability of the Administration as at the close of the half-year on guarantees under clause (c) of section 12			Nil.
F.—(i)	Number of cases in which legal action had to be taken against defaulters during the half-year			Nil.
	Number of cases in which the business or industry of a defaulting borrower had to be taken charge of by the Administration			Nil.

G.—Number of persons rehabilitated by the Administration—

(a)	Directly	1142
(b)	Indirectly	1685
(c)	Total from the date the Administration was set up to the close of the half-year.	2827
	Sd/ A. Nath Accountant	Sd/ M. Datta Chief Accountant
		Sd/ S.S. Rachhpal Chief Administrator

INDUSTRIAL FINANCE CORPORATION OF INDIA EMPLOYEES, PROVIDENT FUND REGULATIONS, 1948

The Honourable Dr. John Matthai (Minister of Finance): I lay on the table a copy of the Industrial Finance Corporation of India Employees' Provident Fund: Regulations, 1948, in accordance with sub-section (3) of Section 42 of the Industrial Finance Corporation Act, 1948.

BOMBAY PORT TRUST (AMENDMENT) BILL

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): Sir, I beg to move for leave to introduce a Bill further to amend the Bombay Port Trust Act, 1879.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Bombay Port Trust Act 1879."

The motion was adopted.

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

AJMER-MERWARA TENANCY AND LAND RECORDS BILL.

PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Shri Jairamdas Doulatram (Minister of Food and Agriculture): Sir, I beg to present the Report of the Select Committee on the Bill to declare and amend the law relating to agricultural tenancies, record-of-rights and other matters connected therewith in Ajmer-Merwara.

INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(Amendment of Sections 361, 375, etc.)

PRESENTATION OF REPORT OF SELECT COMMITTEE

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898.

CHILD MARRIAGE RESTRAINT (AMENDMENT) BILLS

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE.

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 3, 4, 5, 6 and 10), the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 2 and 4) and the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 10, 11 and 13), be further extended upto the 25th March, 1949."

*Not printed in the day's debates. Copy placed in the Library of the House.—Ed. of Deb.

[Pandit Thakur Das Bhargava]

Sir, the Select Committee on these three Bills and the Bill whose Report of the Select Committee I have just presented to the House, was the same. Though the meeting of the Committee on that Bill was held, the meeting on these three Bills could not be held on account of the absence of Dr. Ambedkar. Now he has come back and I hope the Select Committee will meet before the 25th and present the Report. So, I beg to move that the time be extended up to 25th March.

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 3, 4, 5, 6, and 10), the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 2 and 4) and the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 10, 11 and 13), be further extended upto the 25th March 1949."

The motion was adopted.

INDIAN FINANCE BILL

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg to move:

"That the Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949, be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar, Pandit Hirday Nath Kunzru, Shri T.A. Ramalingam Chettiar, Shri Biswanath Das, Shri R.K. Sidhva, Shri Surendra Mohan Ghosh, Prof. N.G. Ranga, Shri Ram Nath Goenka, Mr. Naziruddin Ahmad, Shri Mohan Lal Gautam, Shrimati Annie Mascarene, Shri Gokulbhai Daulatram Bhatt, Shri Prabhu Dayal Himatsingka, Mr. Homi Mody, Shri Khandubhai K. Desai, Shri S.V. Krishnamoorthy Rao, Shri H.V. Kamath, Shri B.L. Sondhi, Shri Kala Venkata Rao, Srijiut Rohini Kumar Chaudhuri, Shri K. Hanumanthaiya, Shri Deshbandhu Gupta, and the Mover, with instructions to report on or before the 25th March, 1949 and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, the financial proposals to which this Bill seeks to give statutory form are proposals which have been set out and explained in the Budget speech, and the proposals have also had the advantage of being fairly and fully discussed by the House during the General Discussion on the Budget and later during the discussion of the Estimates of the Finance Ministry. As far as the postal rates included in the Bill are concerned, they have also been discussed sufficiently during the discussion of the Estimates of the Ministry of Communications. I feel therefore, that it is hardly necessary, and possibly not worthwhile, for me to make a speech on the motion at this stage. If there are any fresh points raised in the course of the debate, then I shall of course try to the best of my ability to answer them when my turn comes for replying to the debate. For the present, Sir, with your permission, I would refrain from making a speech. I would simply commend the motion to the House.

Mr. Speaker: Motion moved:

"That the Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949, be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar, Pandit Hirday Nath Kunzru, Shri T.A. Ramalingam Chettiar, Shri Biswanath Das, Shri R. K. Sidhva, Shri Surendra Mohan Ghosh, Prof. N. G. Ranga, Shri Ram Nath Goenka, Mr. Naziruddin Ahmad, Shri Mohan Lal Gautam, Shrimati Annie Mascarene, Shri Gokulbhai Daulatram Bhatt, Shri Prabhu Dayal Himatsingka, Mr. Homi Mody, Shri Khandubhai K. Desai, Shri S. V. Krishnamoorthy Rao, Shri H. V. Kamath, Shri B. L. Sondhi, Shri Kala Venkata Rao, Srijiut Rohini Kumar Chaudhuri, Shri K. Hanumanthaiya, Shri Deshbandhu Gupta, and the Mover, with instructions to report on or before the 25th March, 1949, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Speaker: The House is already aware that today and tomorrow have been allotted for consideration of this motion. At 5 P.M. tomorrow, I shall put the motion to the vote of the House. I propose to call upon the Finance Minister at 4 o'clock tomorrow, to reply. I trust this will suit the House.

As regards time-limit on speeches, I propose to allot ten minutes to each speaker.

An Honourable Member: That is very small.

Mr. Speaker: There is a list of some twenty speakers before me, and I am sure some more who are not members of the Congress Party will also like to participate in the debate. So it is again the same old question, over and over again, of accommodating a large number of speakers. Of course it is entirely left to the House. But I am fixing the time limit of ten minutes, and in exceptional cases, I may extend it to 15 minutes, but under no circumstances for a period of time beyond fifteen minutes.

I am sorry I have to resort to this kind of thing, because I find a large number of people anxious to speak.

The Honourable Shri Satyanarayan Sinha (Minister of State): What about those who are already on the Select Committee?

Mr. Speaker: As regards those who are already on the Select Committee—whose names are proposed for the Select Committee—the House knows my views on this matter. They will have a chance of discussing the Bill threadbare and so I expect they will give a chance to other Members.

Shri T. T. Krishnamachari (Madras: General): Sir, may I respectfully point out that fixing of time-limit for discussion of the Finance Bill is entirely unheard of? It is a question of voting of supplies and every Member has the right to air his grievances. It is his right, and this procedure is entirely unheard of, and I hope you will please take this into consideration.

Mr. Speaker: This point was considered when the old Rules were there, and the new Rules were made. I may invite the attention of the honourable Member to the specific rule, Rule 46, clause (4) which says—

"Subject to the proviso to sub-rule (2) the Speaker may, if he thinks fit, prescribe a time limit for speeches at all or any of the stages for which a day or days have been allotted under that sub-rule."

This procedure has been followed in this House in financial matters, because we have to finish the whole thing by a particular time. If I were to observe a rule of specifying no time-limit, the result will be that half a dozen or even two Members may go on and take up the time of the House till tomorrow evening, and the other Members will have absolutely no chance. That is the problem. But, Members are again going to have a chance when the Finance Bill comes from the Select Committee. That is the position.

Shri R. K. Sidhva (C.P. and Berar: General): I understand there is a committee appointed for amending the rules?

Mr. Speaker: Yes, but so long as the rules are not actually amended, they hold good; and even after the committee has recommended a deletion or change, so long as it is not passed by the House, we have to follow the existing rule.

Shri H. V. Kamath (C.P. and Berar: General): Will you please rule, that those who speak today and tomorrow are not allowed to speak next week?

Mr. Speaker: It is not possible to make such a rule.

Pandit Thakur Das Bhargava (East Punjab: General): This rule says that the Chair will use its discretion so far as the question of time-limit is concerned. But here, you are not using your discretion, but following the wishes of the Members.

Mr. Speaker: I have exercised discretion, considering all the factors, including the desire of the Members, that being one of the factors.

Mr. Muhammad Ismail Khan (U.P.: Muslim): You have just said, Sir that you do not approve of the Members nominated to the Select Committee taking part in the debate. Then why is the honourable Minister given an hour's time for replying to the debate? Surely he is a member of the Select Committee just like any other member.

Mr. Speaker: The answer is obvious, and I do not think I need go into the details. The honourable Minister stands entirely on a different footing from the other Members. The Bill is his child and he has to explain to the Members why he has resorted to particular provisions of the Bill. The matter is so obvious that I do not think the honourable Member who raised it is serious about it.

Mr. Muhammad Ismail Khan: If he speaks now I have no objection.

Mr. Speaker: But the point is he should explain his point of view to the Members after he hears their points. Further, under the rules, he has also got the statutory right of reply which cannot be denied. Now, Shri Prakasam.

Shri T. Prakasam (Madras: General): Sir, I thank you for calling me to speak on this important measure.

It is impossible to speak within ten minutes what one may have to say on this measure. However, as you have fixed the time-limit, I shall just touch on a few points. First I deal with the question of conscription. I have been feeling that having regard to the conditions in our country, conscription ought to have been adopted, if not throughout the country, at least in the disturbed areas. But this has not been done, and with the explanation of the Prime Minister that it is not through conscription that the people can defend themselves, but that we should develop the technical side of it with regard to aeroplanes and by other scientific methods, I do not agree. Whatever may be said about the methods, the people must be trained and we should not have any fear that the people trained may turn against the Government or against themselves, as the English people had been feeling so long as they were in charge of this country for over 150 years. Now I submit, that conscription item should not be left out lightly, but it must be taken into account, having regard to the areas where this Communist menace has overtaken the country. Calcutta is said to be the centre in the country, and in the Calcutta report of the Communist organisation, it is said that Andhra organisation was the best of their organisations in India. I know how this Communism was three years ago and how it spread and how some of us were responsible for it. I have been hoping that there would be a commission to enquire into the whole matter to see how we were responsible ourselves and how we were not able to prevent it in proper time, how it started in some places and how it spread into Hyderabad and other places.

With regard to Industries and Supply, we have lost our friends ever since Independence was acquired by us. So long as the fight for freedom continued, we worked on proper lines and we were endeavouring to carry on a constructive programme laid by the Congress and Mahatma Gandhi and it was progressing through the cottage industries without any prejudice to the larger industries. That has been given up now. The Industries Minister has been taking considerable pains with regard to both of these items, but they have lost the whole thing, and it takes considerable time. In this connection, I would urge now that the village Republic Organization that has been recommended in

the framing of the Constitution will be started immediately as it has been done in the United Provinces under the administration of Pandit Govind Ballabh Pant and he has made a beginning and the Assam Government also had made a good beginning already. Similarly, it would be in the best interests of the country that the Village Republic Organization should be undertaken from now without waiting until the Constitution is made ready and the new Constitution comes after the elections.

Taking Finance, the honourable Dr. John Matthai is a very able, accomplished friend with regard to this subject from his own stand-point and from his own ideals, but I would beg to point out to the honourable the Finance Minister that the policy must be changed from what is being adopted now. The policy must be not the policy which the British people had introduced and worked up and handed it to us to continue. That is what we have been doing and it is in that way that we have come to adopt the Constitution Act of 1935 as the basis of our Independence. Therefore, that policy must be changed with regard to finance. It must not be on the basis of competition and profiteering that we should go on in this matter of carrying on the administration. Those two things must be amended to give way to co-operative basis and non-profiteering basis. Whenever it is pointed out that co-operative basis must be adopted, great trouble is created by those interested who have been insisting on the capitalist system continuing. Therefore, I am suggesting, Sir, that co-operative basis should be adopted, as regards the other matter, as far as possible. Dr. Rajendra Prasad when he was the President of the Congress gave directions, with regard to the agrarian reforms and stressed that the co-operative basis should be adopted from the very beginning and so far as the International Agricultural Organization was concerned, of course, that co-operative basis was not there. The Managing Director of the International Co-operative Organization was himself a person owning 2,000 acres of land on which he grows wheat and other things and, of course, he himself suggested that co-operative basis might have to be adopted on a decentralization basis, having regard to the special conditions in which India stands at present. India can be made to resist Communism can be made to give food and cloth and can be made to prosper only when the co-operative basis is adopted by the Finance Ministry of this Government either now or in the future. Let us take a warning. We are in the danger zone now, because we have not been adopting this basis and we have abandoned the basis laid down by Mahatma Gandhi thirty years ago and train people on that basis. When we were in jail the Communists came forward saying that they would be helping the unfortunate agriculturists and the poor people in the country. They could approach them and they could tell them: "The Congress-men are in jails and how can they help you? We are here to help you." In that way they managed to get to the people. Therefore, it is this co-operative basis that should be adopted by us.

As regards Health, I may submit that the indigenous system of medicine should be adopted by this Government without waiting for the reforms. There are four systems prevailing in the country and each time we are told that we are continuing only the allopathic system. In the allopathic system, we know how many hospitals there are, how many institutions there are to give relief. We know the number of villages, but we also know that there are no people to help them in any respect. If you want to help them, you take all these four systems of medicine, train them within a short time and distribute them amongst the villagers without waiting until you come to a critical stage in the future. In that way lakhs of villages can be covered by giving training to our people in all the four systems of medicine that we have got and thus give relief to the people in the country.

[Shri T. Prakasam]

I was talking on the question of food the other day, but I will point out the honourable the Prime Minister was good enough to refer to the grave situation with regard to food only yesterday or the day before while addressing students. He pointed out how we should make an effort to grow more food, at least ten per cent. more than what we are having today. With regard to this question of food, the seriousness cannot be understood perhaps by us and we will be forgetting also that in 1947, Sir, we had to import food stuff worth 100 crores of rupees. In 1948, it went up to 150 crores of food imports from other countries. This year a special officer has been appointed for this purpose and the figure comes to 280 crores. If this is the way in which we have to get food even for 1949 and 1950, we will be in a very serious position. Therefore it is necessary that we should make an effort to put an end to this by paying special attention ourselves within our own country. It is for that purpose I am submitting that a new Commission should be appointed to sit together and solve the whole food problem within the shortest possible time. Commissions take long time to make their investigations. I am not enamoured of such Commissions. We should have a Commission that would complete its labours quickly. I have nothing more to add.

Babu Ramnarayan Singh (Bihar: General): Sir, I thank you very much for allowing me to speak on the Finance Bill in the beginning of the discussion. But I am sorry to say that I have again to raise my voice against the time-limit of ten minutes on speeches.

When the Finance Bill is under discussion, all Departments of the Government come under examination. It is therefore that the convention requires that all Ministers should be represented in the House while the Bill is discussed. I do not know how much interest the Ministers take in the speeches of Members. I say it is not proper that so many of them should be absent from the House.

Within the limited time allowed to me, I shall refer to two or three points. The honourable the Finance Minister, in his Budget speech as well as in his reply to the speeches made on the Budget, referred to the question of inflation and suggested some measures for fighting it. I may tell him that the steps he proposed to take are very mild and far-fetched and that he is not going to succeed in fighting inflation with those methods. The control of articles still continues. Unless the movements of articles are free throughout the country, the prices are not going to be adjusted.

It is unfortunate that India has been divided into two on political grounds. But this control policy has divided India into economic holdings in large numbers. There is abundance of food grains in the Punjab and they cannot be moved to the United Provinces or Bihar. I do not see how the prices will adjust themselves. Now there is starvation in one place and abundance in other places. When Mahatma Gandhi was living he came to the help of people in their sufferings. He raised his voice against control and control was removed. But Mahatma Gandhi is no more. There is nobody to control this Government now. They again imposed controls. On behalf of the suffering millions in the country I tell the Government that the re-imposition of controls was the most foolish act of this Government. As long as controls continue, there is no hope of prices coming down or the sufferings of the people being removed. Control has created corruption in the country and increased the miseries of the people. It has further degraded our national character. I am sorry that the Government have not taken note of these things. They re-imposed control because they did not know what to do in this matter.

It has been suggested that contraction of currency is one of the steps needed to meet inflation. I agree to it. I have two more suggestions to make in regard to this. I do not mind whether they are accepted or not. I suggest first that production has to be increased. With this I am sure the Ministers will agree. But if we have to increase our production of food we have got to improve the productive power of the nation. Unless the productive power of the nation is improved, there is no chance for production to improve. When we are considering this question of the productive power of the nation, we have to see what part of the nation is engaged in production. We have to find out how many people are consumers and how many are producers. We have to see how many are *Khanewalas* and how many are *Kamanewalas*. If we take the adult population we will find that the women-folk—I hope the Lady Members in the House will not take it amiss—do not produce anything.

Shri B. L. Sondhi (East Punjab: General): They are producing children.

Babu Ramnarayan Singh: I am talking of things which are meant for consumption. It will be said that women also work in the field and do some production work. But their number is so few that it can be left out of calculation. So, half the population of the country is only *Khanewalas*. Next we have to note that the children, old men and infirm people do not do anything so far as production work goes. Then we have the Brahmin class. They do not produce anything. Then we have the landlords, the big zamindars.....

Shri Mihir Lal Chattopadhyay (West Bengal: General): There is division of labour in the country.

Babu Ramnarayan Singh: And lawyers also are there. Their percentage is also large. I am reminded of the merchant classes. They move things from one place to another, but so far as production goes they do not contribute anything. Last but not the least all the people engaged in the whole Government machinery are only consumers. I mean that they are *Khanewalas*. They also do not produce anything. In that way, if we calculate we will find that not more than 15 per cent of the population of this country are engaged in production work and all the rest are consumers. Sir, here I suggest that if we are anxious to increase production in this country, we have to do something by way of legislation. There ought to be some legislation enforcing upon each and everybody who is able bodied that he should work for some time in the field. Let there be a legislation that from *Chowkidar* to the Governor General, everybody should work for at least an hour a day either in the field or at least on the spinning wheel. If the nation takes this into head and if it be accepted and brought into effect, I think production will increase. Now-a-days, there is a lot of talk heard in the House and elsewhere—talk, talk and nothing else but talk—so far as production goes, but it is necessary that production has got to be stepped up by sincere endeavour, and this is not possible unless everybody does something in this direction. I tell the world, I tell the Government, I tell everybody in this country that if they want to check the Communist menace and the other parties in this country, we have to do something and this system which is prevailing in our society in which a lot of people who are only *Khanewalas* and only a small number of people who are *Kamanewalas*—this system must go.

Although the time is so very short, I wish to speak on the question of salaries of Government servants. I have spoken times without number before and I have to talk again on this subject. This salary has been fixed by

[Babu Ramnarayan Singh.]

the previous Government which was a foreign Government, which was an exploiting Government. But now this Government is our own and I again repeat—which I repeated last year—that it was resolved in the Congress at Karachi that the highest salary in the State ought to be not more than Rs. 500 a month. But so long as we go on increasing the salaries and the State expenditure, and yet we want to fight inflation, it would be only too foolish and rather ridiculous. We have to increase our productive capacity and at the same time we have to greatly reduce State expenditure. Having done these two things, it is possible that inflation may be fought. Otherwise, it is no good talking about how to fight inflation.

One more word about the salaries. I think the law demands that whatever is paid to the Government by way of taxes is to be returned to the people by way of services. Look at the whole of the Budget. You will find that a very small amount—I do not think more than five per cent—is to be returned to the people in the form of constructive work, and all the rest of the money is paid to the Government servants. It means simply that Government exists for the Government and the resources of the country are meant only to support and maintain the Government and nothing more and nothing less. This thing has to go.

Sir, one or two minutes more and I shall finish.

Mr. Speaker: The honourable Member has been given fifteen minutes already, so he may just finish that sentence.

Babu Ramnarayan Singh: All right, Sir. Only one or two more sentences.

If the Government and all our leaders are anxious to meet the Communist menace and the Socialist menace, we have to reduce State salaries and at the same time increase our productive power. And I may say that if you are not going to do that, the charge of the other party that this is not a machinery of Government to serve the people but only to rob the people would be true.

पंडित ठाकुरदास भार्गव : मैं जनाब वाला का मशकूर हूँ कि मुझे इस वक्त मौका जनाब वाला ने अता फ़रमाया है। जब कि फाइनेंस विल पर बहस करने का मौका मिलता है तों उस वक्त फ़िनान्स विल को छोड़ कर बजट के सब मामलों पर बहस करने का फायदा उठाया जाता है और मेम्बरान बजट पर अपने नुक्ते निगाह का इजहार करते हैं। मैं इस बारे में हर मौके पर यह देखने के वास्ते फायदा उठाता हूँ कि आया इस साल के अन्दर हमने उन चीज़ों में कोई तरक्की की है जो नेशन विल्डिंग से ताल्लुक रखती हैं। इस सिलसिले में मैं सब से पहले जनाब वाला की तवज्जह अछूत जातियों की तरफ़ दिलाना चाहता हूँ जिन्हें हकूक नहीं हैं कि वह ज़मीन खरीद सकें और अपने मकानों को बेच सकें और इनहेरिट कर सकें। अरसे दराज से उनको यह हकूक नहीं हैं। और यह हक अछूत जातियों को अब तक नहीं दिया गया। सन् १९२७-२८ में जब मैं हाउस में आया तो मैं ने पहला सवाल उस गवर्नमेंट से यह किया था और फिर सन् १९४५-४६ में जब मैं आया तो फिर यही सवाल किया कि आया अछूत जातियों को ज़मीन खरीदने की इजाज़त दी जायगी या नहीं। जवाब मिला कि ज़रूर दी जायगी।

लेकिन मैं देखता हूँ कि आज तक उसी तरह के रेस्ट्रिक्शन्स बाज़ लोगों पर और अछूत जातियों पर मौजूद हैं कि वह ज़मीन नहीं खरीद सकते—उस ज़मीन को जो कि सब दौलत को पैदा करने वाली है। इसी तरह मकान के बारे में रेस्ट्रिक्शन्स मौजूद हैं, वे लोग अपने मकानात को बेच नहीं सकते। वेश अपने मकानात को इनहेरिट नहीं कर सकते। इस तरह उनको वह हक नहीं है जो कि एक आज़ाद आदमी को उसके स्टेचर के मुताबिक हक होता है और Inhabitiveness की खासीयत पैदा होती है कि वह ज़मीन को बेच सके या खरीद सके, मकान को बेच सके या इनहेरिट कर सके। मैं अर्ज करूंगा कि इस साल भी इन दोनों बातों के बारे में अछूतों को कोई हक नहीं मिला है। शायद कांस्टीट्यूट असेम्बली में हम जब कांस्टीट्यूशन पास कर लें तो इस मामले में कोई तरक्की हो। लेकिन फिलहाल कुछ तरक्की इस मामले में नहीं हुई है।

इसके अलावा एक खास बात जो मैं इस मौके पर अर्ज करना चाहता हूँ वह यह है कि हिन्दुस्तान में आवादी की इनक्रीज बेहद होती चली जा रही है और इसकी तरफ़ गवर्नमेंट ने अपनी कोई तवज्जह नहीं दी है कि इसको किस तरह रोका जाय। अब वक्त आ गया है जब कि फूड का सवाल यहां रोज़ होता है और अगर इस पापुलेशन की कोई रोक नहीं की गयी तो मैं अदब के साथ अर्ज करना चाहता हूँ कि हम अपने फर्ज को अदा नहीं करेंगे। इसलिये मैं गवर्नमेंट और सिलेक्ट कमेटी दोनों से अर्ज करूंगा कि वह इस मामले पर गौर करें। वैसे मैं जानता हूँ कि सिलेक्ट कमेटी के अस्तित्वारात लिमिटेड होते हैं लेकिन मैं सिलेक्ट कमेटी और गवर्नमेंट दोनों से कहूंगा कि कम से कम एक करोड़ रुपया प्रोपेगेंडा के लिये और और ज़रायों के लिये इस पापुलेशन को रोकने के वास्ते ज़रूर सर्फ़ किया जाय। मैं इसको निहायत ज़रूरी समझता हूँ। मैं जानता हूँ कि इस बारे में जो तज़ावीज़ बतलाई जाती हैं वह इस किस्म की हैं जो हमारे देश की (Genius) ज़हनियत के खिलाफ़ हैं लेकिन चाहे वह खिलाफ़ हों या न हों यह ईविल हमारे यहां है और आगे चल कर इसकी वजह से बड़ी मुश्किल का सामना करना पड़गा। इसलिये मेरी अदब से गुज़ारिश है कि गवर्नमेंट ज़रूर इस चीज़ के लिये तज़वीज़ सोचे और इस का इन्तज़ाम करे।

Shri Deshbandhu Gupta: May I interrupt the honourable Member and find out if he is advocating publicity of contraceptive methods?

Prof. N. G. Ranga: Why not?

पंडित ठाकुरदास भार्गव : मैं जब यह चीज़ अर्ज करता हूँ तो सिलेक्ट कमेटी के मेम्बरान को अस्तित्वार है कि जो तज़ावीज़ मुनासिब समझें उन पर अमल करें। आनरेबल मेम्बर खुद इस सिलेक्ट कमेटी के मेम्बर हैं।

तीसरी बात जो मैं अर्ज करना चाहता हूँ वह यह है कि आज देश के अन्दर दो खराबियों की मैं बढ़ते हुए देखता हूँ एक चीज़ है प्राविशियलिज्म और दूसरी

[पण्डित ठाकुरदास भार्गव]

जाति का भेद भाव। जब कहीं जाता हूं तो खबर मिलती है कि गांव के अन्दर अछूतों और दूसरी जातियों में लड़ाई हुई और अछूत बेचारे पीटे गये। जब कहीं जाता हूं तो देखता हूं कि जाट, ब्राह्मण और दूसरी कौमें अपने फिरके बना रही हैं और एक दूसरे से लड़ने की तजवीज कर रही हैं। यह एक ऐसी चीज है कि जिससे आगे चल कर स्टेट को बड़ा खतरा पैदा हो सकता है। इसी तरह प्राविशियलिज्म के बारे में यहां हाउस में मेम्बरान अपने दिल में रखते हैं या कभी कभी जाहिर करते हैं कि अगर किसी जगह का कोई मिनिस्टर है तो वह अपने प्राविंस वालों को नौकरियां दे देता है और कुछ ऐसी कोशिश करता है कि अपने प्राविंस का इंटरैस्ट एडवान्स हो। कुछ हद तक यह लाजमी भी है क्योंकि हम प्राविसेज के बेसिस पर यहां आते हैं और इसलिये चाहते हैं कि अपने प्राविंस का इंटरैस्ट एडवान्स करें। लेकिन ताहम अगर यह चीज ज्यादा बढ़ गयी तो इसके अन्दर डर है कि हमारी स्टेट को नुकसान पहुंचेगा इसके वास्ते मैं कई तजवीज अर्ज कर चुका हूं और वह यह है कि हमको एक सोशियल रिफार्म और सोशियल हारमोनी की मिनिस्ट्री की जरूरत है ताकि कास्ट सिस्टम और जात पांत से जो खराबियां हैं वह दूर हो सकें। इस के लिये (Inter marriage) अन्तर-जातीय विवाह बहुत आवश्यक है ताकि सब जातियों के अन्दर मेल मिलाप बढ़े और मुस्लिम जातियों में जो भेद भाव है और फर्क है वह दूर हो। यह बिल्कुल लाजमी चीज है। इसके बिना मुझे नजर यह आता है कि अगर हम इसी तरह सैक्युलर स्टेट, सैक्युलर स्टेट कहते रहे और इन चीजों की तरफ तवज्जह नहीं देंगे तो जो क्लासलैस सोसायटी हम बनाना चाहते हैं वह कभी नहीं बन सकेगी। इस लिये यह बहुत जरूरी है कि आप इस तरफ तवज्जह दें जिससे कि सारे झगड़ों की चीजें खत्म हो जाय और आप सुख और शान्ति के साथ आपस में मिल जुल कर रह सकें। यह सूरत पैदा नहीं की गयी तो यह डर है कि बहुत से इंटरैस्ट ऐसे निकलेंगे कि जिनसे देश को खतरा पैदा हो जाय। इसलिये मैं अदब से अर्ज करना चाहता हूं कि गवर्नमेंट को इस तरफ जल्दी तवज्जह देनी चाहिये और इस तरह की एक नयी मिनिस्ट्री कायम करनी चाहिये।

इसके अलावा जो मैं अर्ज करना चाहता हूं वह यह है कि हम इब्रतदाई तालीम का बहुत अरसे से राग अलापते आये हैं। पिछली गवर्नमेंट के जमाने में हम लोग इसके बारे में शिकायत किया करते थे लेकिन हमको गवर्नमेंट संभाले हुए अब डेढ़ दो बरस हो गये हैं। जब हम इस तरफ नजर डालते हैं और देखते हैं कि हमने इस मामले में कितनी तरक्की की तो पता लगता है कि हमने बहुत आगे इसमें कदम नहीं बढ़ाया। यह वक्त था कि हर एक आदमी अपना

फर्ज फील करता, हर एक ग्रेजुएट फील करता कि जब तक वह कम से कम एक तादाद में अनपढ़ आदमीयों को पढ़ा नहीं देता तब तक वह अपना फर्ज अदा नहीं करता। लेकिन मैं देखता हूं कि हालांकि बहुत सी कोशिशें हो रही हैं पर जितनी होनी चाहिये उतनी नहीं। और इस तरह शायद पता नहीं हम कब तक इब्रतदाई तालीम को पूर्ण रूप से अपने देश में नहीं ला सकेंगे। विलायत के अन्दर आज के दिन हर एक लड़का और हर एक लड़की कम से कम ऐंट्रेस की तालीम पाते हैं। लेकिन हमारे देश में तो जो रफ्तार है उससे शायद यह चीज मुझे तोई पचीस तीस साल तक भी होती नजर नहीं आती कि जिसके अन्दर हर एक लड़का और हर एक लड़की को ऐंट्रेस की तालीम दी जा सके इस सिलसिले में एक बात और भी है कि पुराने दिनों में हम कहा करते थे कि गवर्नमेंट जो तालीम हम लोगों को देती है वह सिर्फ क्लर्कों को पैदा करने की तालीम है। लेकिन उस तालीम में अभी तक कोई फर्क नहीं हुआ। जहां तक सायन्स का ताल्लुक है मुझे अफसोस है कि कुछ नहीं किया गया। मेरे पास विज्ञान कला भवन मेरठ की मिसाल मौजूद है। मेरे मित्र चौधरी मुख्तार सिंह साहब ने उसको खड़ा किया और इसके ऊपर कई लाख रुपये लाला श्रीराम और लाला जसवन्तराए साहब ने लगाया है। गवर्नमेंट ने आज तक न तो कोई कोशिश की कि उसके लड़कों को रिकग्नीशन दें और न किसी और तरह की इमदाद दें। विज्ञान कला भवन आठवीं जमाअत के लड़कों को लेता है और उनको चार वर्ष के अन्दर इतनी तालीम दी जाती है कि वह सायन्स के एम० एसी० तक पहुंच जाय। लेकिन जब तक गवर्नमेंट रिकग्नाइज नहीं करेगी और लोगों को पता नहीं होगा कि हमें कोई डिप्लोमा या डिग्री ऐसी मिलेगी जो रिकग्नाइज हो तब तक ऐसे इंस्टीट्यूशन्स नहीं कायम हो सकते। और उसकी शाखाओं के खोलने का तो सवाल ही क्या उठ सकता है। मैं जानता हूं कि जब सायन्स में ट्रेड परसानल नहीं होगा उस वक्त तक देश सायन्स में तरक्की नहीं कर सकता। इस मामले में जब तक सेंटर तवज्जह नहीं देगा प्राविन्सेज तवज्जह हरगिज नहीं दे सकते।

इसी सिलसिले में फूड का सवाल आता है। फूड के बारे में हाउस में रोज सवाल आता है, इस बारे में मैं एक और चीज अर्ज करना चाहता हूं वह यह है कि फूड सीचुएशन पर वहस कन्ने के वास्ते दो दो तीन तीन दिन का मौका दिया जाता है। लेकिन इस सिलसिले में जो असली ट्रबल है उसकी तरफ मैं हाउस की तवज्जह दो एक मिनट के वास्ते दिलाना चाहता हूं। जब तक कि हम इस एग्रीकल्चर को कानकुरेंट सबजेक्ट नहीं बनावेंगे और हमारे मिनिस्टर साहब को अख्तियार नहीं देंगे कि सारे प्राविन्सेज में अपनी तबीयत के मुआफिक काम करा सकें तब तक यह फूड का प्राबलेम हरगिज हल नहीं होगा। सबसे बड़ी खराबी यह है कि हाउस के अन्दर डिसकशन तो होता है और मिनिस्टर साहब यहां से प्रोक्थोरमेंट के वास्ते

[पंडित ठाकुरदास भार्गव]

प्राविशियल मिनिस्टर्स को हुक्म देते हैं तो कोई प्राविन्स प्रोक्योर करने की कोशिश नहीं करता क्योंकि वह क्यों अनपापुलर बने। वह सारे इंडिया के प्वाइंट आफ व्यू से इसको देखता ही नहीं है। इसलिये मैं अर्ज करूंगा कि जब हम ने यह इरादा कर लिया है कि दो बरस के अन्दर हम इस कमी खूराक को खत्म कर देंगे और एक दाना भी बाहर से नहीं लेंगे तो हमारा फर्ज है, हम सब मेम्बरान का फर्ज है कि ऐसी तजावीज सोचें और प्राविसेज में हर एक आदमी सोचे, ज़मींदार और सब आदमी सोचें कि उसकी पैट्रियाटिक ड्यूटी है कि वह प्राविसेज को मजबूर कर दे कि वह सब अनाज अपनी ज़रूरत के लिये पैदा करें और सेंटर से एक दाना भी न मांगें। जब तक यह नहीं होगा हमारी यह प्रावलेम हरगिज़ तय नहीं हो सकती।

मैं इसके कनेक्शन में जनाबवाला की तबज्जह थोड़ी सी टैक्सेशन की तरफ भी दिलाता हूँ। मैं इस वक्त ज्वाइंट हिन्दू फैमिली का ज्यादा जिक्र नहीं करना चाहता, क्योंकि जब यहां बिल आयेगा तब मुझे इसका मौका मिलेगा। मैं जानता हूँ कि सिलेक्ट कमेटी को इसकी तरफ ज्यादा तबज्जह नहीं देनी है और मुझे जरूर अमेन्डमेन्ट पेश करने हैं। मैं इस पर थोड़ा सा ही अर्ज करूंगा क्योंकि इस वक्त मैं अपने टाइम का हिस्सा इस पर खर्च नहीं करना चाहता। लेकिन संक्षिप्त रूप से अर्ज करूंगा। मैं अदव से अर्ज करना चाहता हूँ कि अगर आप पिछले फाइनेन्स मिनिस्टर की स्पीच का मुलाहिजा फरमायें और अपनी कमीशन की तजवीजों का मुलाहिजा फरमायें तो इस साल कम से कम जो रिलीफ दिया जा सकता है वह यह है कि इस वक्त ज्वाइंट फैमिली में जो कोपार्सनर हैं उनको एग्जेशन आप देते हैं वह फैमिली में जितने कोपार्सनर हों उसके हिसाब से Exemption दी जाये—असली और ईमानदारी का इलाज यह है कि हिन्दू जोइन्ट फैमिली पर टैक्स ही न लगाया जावे। लेकिन अगर आप सर शैमुखम चेटी, अपने इन्वेस्टिगेशन कमीशन और दीगर फाइनेन्स मिनिस्टर की तजवीज को मानते हैं तो कम से कम इसको फौरन तब्दील कर दिया जाय। जितने कोपार्सनर हों उससे Exemption की रकम को जरब देकर उसकी हद तक टैक्स न लगाया जाय। कोई बजह नहीं है कि इस साल में उस पर अमल न किया जाय। मैं मानता हूँ कि आप ने टैक्स कम कर के जेनरासिटी दिखलाई है, लेकिन इस जेनरासिटी से पहले आप को इन्साफ करना चाहिये—मेरा इशारा उन गरीबों की तरफ है जिन पर आप बेजा टैक्स लगाते हैं बहसियत मेम्बर हिन्दू खानदान मुश्तरका के होने के जिनकी हालत बिल्कुल लेबररस की सी है, और मामूली से मामूली इन्सान की है जिन पर टैक्स न लगना चाहिये। मैं इस मौके पर ज्यादा अर्ज नहीं करना चाहता।

मैंने जेनरल टैक्स के सिलसिले में अर्ज किया कि जिनके पास रुपया है वह इन्कम टैक्स डिपार्टमेन्ट से डरते हैं, इन्वेस्टिगेशन ट्रिब्यूनल से डरते हैं, इन्कम टैक्स डिपार्टमेन्ट और इन्वेस्टिगेशन ट्रिब्यूनल चाहते हैं कि उनसे रुपया लिया जाय। मैं नहीं चाहता हूँ कि वह सारे का सारा रुपया उगल दे। लेकिन मुझे डर है कि जितने फिगर्स आपने दिये, जितने इन्वेस्टिगेशन कमिशन ने टैक्स लगाया है उसकी रकम एक करोड़ के करीब आप ने बतलाई है। मैं अदव से अर्ज करूंगा कि इवैडर्स (Evaders) हजारों की तादाद में हैं, करीब दस पन्द्रह (१०-१५) हजार की तादाद जरूर होगी, उनको आप पकड़ नहीं सकेंगे। आपका इन्वेस्टिगेशन कमिशन वहां तक नहीं पहुंच सकेगा। उनसे रुपया निकालने का तरीका यह है कि उनको मौका दिया जाय कि वह खुद आयें एक मारेलिस्ट की तरह और टैक्स अदा करें। और न अगर मियाद में वह ऐसा न करें तो पेनेल्टी आप लगा सकते हैं। दिक्कत यह है कि जो रुपया उनके पास है वह न इन्डस्ट्री में लगता है और न उस पर इन्कम टैक्स नया पैदा किया जा सकता है। अगर वह रुपया इन्डस्ट्री में लगे तो फिर उसका टैक्स मिले और सरकार का भी फायदा हो। और इस तरह से जो रुपया आपको पांच साल में नहीं मिला वह आप इन्वेस्टिगेशन कमिशन के जरिये से नहीं ले सकेंगे और देश का दोहरा नुकसान होता है। इसलिये मैं अर्ज करना चाहता हूँ कि उनको मौका दिया जाय ताकि जो ऐसे आदमी हैं वह इन्सान बनकर, जिम्मेदार और मोरल इन्सान बनकर वह आय और यह कहे कि रुपया ले लीजिये। मैं समझता हूँ कि फाइनेन्स मिनिस्टर साहब इस पर ठंडे दिल से गौर करेंगे।

इसके अलावा मैं अदव से अर्ज करना चाहता हूँ कि जितनी हमारी रोजमर्रा की routine चीजें हैं, उन सब में फर्क नहीं पड़ा है। जब कभी मैं हिस्सार जाता हूँ तो यह होता है कि बार रूम में, क्योंकि वह एक ऐसी जगह है जहां सारी गवर्नमेंट की और लोकल चीजों पर डिस्कशन आ जाता है। लोग इकट्ठा होते हैं और पूछते हैं कि बतलाइये आपकी गवर्नमेंट ने क्या किया। क्या यह दुरुस्त नहीं है कि ब्रिटिश गवर्नमेंट के ज़माने में जो खराबियां व करपशन थी वह अब नहीं है। मैं अदव से अर्ज करूंगा कि मिनिस्ट्री में, और कम से कम और जो इस हाउस के मेम्बरान हैं हर एक इसके जिम्मेदार हैं कि आजादी के स्वरूप का हिन्दुस्थान में इम्प्रेसन पैदा करें। और वह लोगों को यह झलक दिखलायें कि हम फ्री हो गये हैं। मैं जानता हूँ कि पहले से अब काफी फर्क पड़ा है, मैंने देखा है कि रिलीफ और दीगर बातों में काफी फर्क पड़ गया है। मैं देखता हूँ कि हमारे मिनिस्टर रात दिन देश की भलाई के फ़िक्र में लगे रहते हैं—अब हमारा सब का यह धर्म है कि अब हम सब ऐसी कोशिश करें कि जिससे मालूम हो कि स्वराज्य नजदीक आ गया है। सारी कोशिश के बाद

[पंडित ठाकुरदास भार्गव]

भी मामूली आदमी यह महसूस नहीं करता कि कोई फर्क पड़ गया है। मैं मानता हूँ कि यह ट्रान्ज़िशन पीरिअड है, लेकिन मुझे अफसोस है कि पिछले साल में भी लोगों ने महसूस नहीं किया कि हम कोई कदम आगे बढ़ा सके हैं इस बारे में हम ने कदम तो आगे बढ़ाया है लेकिन लोग इसे महसूस नहीं करते। हमारा फ़र्ज है कि हम कदम जोर से आगे बढ़ावें और लोगों को महसूस करावें कि सच्चे माईनों में हमें स्वराज्य मिल गया है।

(English translation of the above speech)

Pandit Thakur Das Bhargava: Sir, I am grateful to you for having given me an opportunity to speak at this time. At the time of the discussion on the Finance Bill, greater use is made of this opportunity to discuss all the aspects of the Budget proposals apart from the provisions of the Bill itself, and the honourable members express their view-point on the Budget. I, on my part, am always on the look out to avail myself of such an opportunity to find out whether we have made any progress in the sphere of our nation-building activities. In this connection, I would first of all like to invite your attention towards the Scheduled Castes who have not got the right to purchase land and sell their houses and seek inheritance. Since times immemorial, they have been deprived of such a right, and this has not as yet been conferred upon the Scheduled Castes. When I came to this House during the year 1927-28, this was the first question that I put to the then Government. And when again I was elected to this House in the year 1945-46, I raised this question for the second time whether or not the Scheduled Castes will be given the right to purchase land. It was stated in reply that it would surely be given. But I find that the same restrictions still exist in respect of certain persons and the Scheduled Castes so much so that they are debarred from purchasing land—the land which is the source of all wealth. Similarly restrictions exist in respect of houses. Those people can neither sell their houses nor inherit these. They are thus deprived of that right which a free man usually exercises according to his stature. And, moreover, they do not also exercise the right of 'Inhabitiveness' by which they may either be able to purchase or sell the land; or sell and inherit houses. I would submit that even this year no right in this respect has been conferred upon the Scheduled Castes. Perhaps some progress may be made in this direction after we have passed our constitution in the Constituent Assembly. But for the present no progress has been made in this respect.

Apart from this, another thing which I would like to submit at the moment is that the population in India is increasing abnormally and Government have not devised any measures to check this. Now the time has come when we are daily faced with the food-problem and if this increasing population is not checked, then I would respectfully submit that we are not fulfilling our duty. Therefore, I would request both the Government and the Select Committee to consider over this. I know it that the Select Committee have got limited powers. But I would request both the Select Committee and the Government that at least one crore of rupees should be spent for propaganda and other cognate matters so as to check this growing population. I consider it quite indispensable. I know that the suggestions which are put forth in this connection are of such a nature that these go against the genius of this country. But these may or may not be against it, this evil does exist here and in the near future we shall have to face a great difficulty. Therefore, I would respectfully submit that Government should think of some device and enforce measures to counteract this.

Shri Deshbandhu Gupta (Delhi): May I interrupt the honourable Member and find out if he is advocating publicity of contraceptive methods?

Prof. N. G. Ranga (Madras: General): Why not?

Pandit Thakur Das Bhargava: While I make these suggestions, I leave it entirely to the discretion of the honourable members constituting the Select Committee to adopt whatever suggestions they like. The honourable member himself is a member of the Select Committee.

Thirdly, I would like to submit that I find that two evils are increasing in this country day by day. The first is Provincialism and the second racial discrimination. Wherever I go, I am informed that there arose a dispute between the untouchables and other communities in the village as a result of which the former were belaboured. Whenever I visit any place, I find that the Jats, Brahmans and other communities are forming their own sects and harbouring ill will among themselves. Such a state of affairs is likely to menace the integrity of the State in the long run. Similarly, with regard to Provincialism, there are some members in this House who have got the notion or even sometimes give vent to their feelings that in the matter of filling up posts, a Minister accords preferential treatment to the persons belonging to his Province and makes some such efforts so as to advance the interests of his Province. To some extent this is natural because we are elected to this House on Provincial basis and for this reason we want to advance the interest of our Province. But, nevertheless, if this evil gains further strength, then it is apprehended lest it should not prove harmful to our State. To check this, I have made many suggestions one of which is that we require a Ministry of Social Reforms and Harmony so that the evils inherent in the caste system could be removed. Inter-marriage is a *sine qua non* for tackling this problem as it will tend to promote inter-communal harmony and remove the social disabilities that are prevalent among various communities. This is absolutely essential. In the absence of this, it so looks to me that if we go on repeating for a Secular State in this manner and do not devote any attention to this, we shall never be able to evolve the classless society which we aspire after. Therefore, it is an absolute necessity that you should give attention to this aspect so that all the causes of dissension should be removed and we may be able to foster mutual concord and happiness. If this is not done, then it is apprehended lest many interests may not crop up which will involve a great danger to this country. Therefore, with all due respects, I would like to submit that Government should devote immediate attention towards this aspect and set up a new Ministry of this kind.

Apart from this, what I want to submit is that for long we have been harping on 'basic education.' During the time of the previous Government we used to complain against this, but now a period of one and a half years has elapsed since we took over charge of the administration. When we look to this and see how far we have progressed in this matter, then we find that we have not made any appreciable advance in this direction. This was the time when every one ought to have felt his duty. Every Graduate should have felt that he would be failing in his duty so long as he does not teach a minimum number of illiterates. But I find that the various efforts which are being made in this respect are quite inadequate. And thus we cannot say as to when would it be possible for us to introduce compulsory basic education in our country. In England at present every boy and girl get education at least upto Matric. But keeping in view the trend of events in this country, I cannot see any possibility of achieving this end even after the lapse of 25-30 years during which time every boy and girl may be given education upto Matric. There is one thing more worth mentioning in this

[Pandit Thakur Das Bhargava]

connection. In the olden days we used to say that the education imparted by the Government is tended to produce mere clerks. But no change has so far been made in that system. So far as Science is concerned, I am pained to say that nothing has been done. I have in view the example of Vigyan Kala Bhawan, Meerut. It was founded by my friend Ch. Mukhtiar Singh and Lala Siri Ram and Lala Jaswant Rai have spent several lakhs of rupees over it. The Government have up till now neither thought of recognizing the students of this institution, nor have they given any sort of assistance. The Vigyan Kala Bhawan admits students who have passed Middle Class Examination and during the course of four years they are taught so much that they may be able to compete with M.Sc. students. But so long as the Government do not recognise this and the people do not become aware of the fact that they will be granted some such diploma or degree as would be recognised, such institutions cannot exist. And thus the question of opening its Branches does not arise at all. I know that so long as we do not have trained science personnel, our country cannot make any progress in this sphere. Until the Centre devotes its attention to this aspect, the Provinces will not at all be able to take any action in the matter.

Simultaneously, there is a question of food. The food problem is brought up before the House every day. In this connection, I would like to submit one thing more and that is, that two or three days are allotted for the discussion of food situation. But I would like to invite the attention of the House for a minute or so to the real trouble which is experienced in this connection. So long as we do not treat this "Agriculture" as a concurrent subject and vest powers in our Minister to enforce a uniform policy in all the Provinces, this food problem can never be tackled. The greatest trouble is that the orders which the honourable Minister issues to the Provincial Ministers in connection with procurement—as a result of the discussion held in this House—are not acted upon in any Province for the obvious reason as to why should they make themselves unpopular. The Provincial Minister concerned does not see the things from the All India point of view. Therefore, I would submit that when we have decided to put an end to this food shortage during the course of two years and not to import even a grain from abroad, then it becomes the duty of all of us that we should devise some such measures, everybody in the Provinces also should think of this—the zamindars and all other persons—that this is their patriotic duty that they should enjoin upon all the Provinces to produce foodgrains sufficient to meet their demands and do not ask the Centre even for a grain. So long as this is not done, this problem can never be solved.

In this connection, Sir, I would also like to invite your attention towards taxation. At present I do not want to dilate much upon the Joint Hindu Family, because I will be able to have an opportunity, at the time the Bill is brought up before this House. I know that the Select Committee are not likely to devote much of their attention towards this aspect; but I must move my amendments. I would only casually refer to it, because I do not want to spend any portion of my time over this. But I would refer to it briefly. With all due respects, I would submit that if you peruse the speech delivered by the previous Finance Minister and consider over the suggestions made by the Commission; the minimum relief which you can allow this year is that the exemption which you give at present to the co-parceners constituting the Joint Family should be given according to the number of co-parceners in the family. The real and honest solution lies in the fact that the tax should not be levied from the Hindu Joint Family. But if you accept the proposals of Sir Shanmukham Chetty, the Investigation Commission and other Finance

Ministers, this should at least be changed. The number of co-parceners should be multiplied by the amount exempted and the exemption should be granted to that extent. There is no reason why this should not be enforced with effect from the current year. I admit that by reducing the tax, you have shown generosity; but before showing this generosity you should do justice. I mean to refer to those poor people who are subjected by you to undue taxation on account of their being members of the Hindu Undivided Family—whose condition is just like the labourers and ordinary persons—and no tax should thus be levied from them. I do not want to dwell upon this at any length at this moment.

With regard to general taxation, I stated that those who have got money, they are afraid of the Income-tax Department and the Investigation Tribunal. The Income-Tax Department and the Investigation Tribunal want to realize money from them. I do not want that they should be deprived of the entire money. But I am afraid that all the figures which you gave and the tax that was imposed by the Investigation Commission, its sum total has been stated to be Rs. 1 crore approximately. With all due respects, I would submit that there are thousands of evaders—their number shall at least be ten to fifteen thousands—you will not be able to detect them. Your Investigation Commission will not be able to go to that extent. The only way to realize money from them is that they should be given an opportunity to come forward as 'moralists' and pay the taxes. And, if they do not do so within the specified time limit, then you can, of course, impose penalty upon them. The difficulty is this that the money which they have got can neither be invested in industry nor can fresh income tax be recovered on it. If that money is invested in Industry, then tax would be recovered on it and Government would derive benefit out of it. And in this way, the money which you could not realize during the period of five years, you will not be able to recover it through the Investigation Commission even, and this will result in twofold loss to the country. Therefore, I would submit that such persons should be afforded an opportunity to behave as men—responsible, honest and moral—so that they may come forward to pay the money on their own accord. I hope the honourable the Finance Minister will consider over it in right earnestness.

Apart from this, I would respectfully submit that there is no change in our day-to-day routine and working. Whenever I go to Hissar, it so happens that in the Bar Room where the people assemble—because that is the only place where all matters relating to Government and local affairs are discussed—and they enquire as to what are the achievements of your Government? Is it not a fact that the evils and corruption rampant during the British regime do not exist now? I would respectfully submit that the Ministers or at least each of the members sitting in this House are responsible for giving an impression to the masses as to what is the real form of freedom and they should show them a glimpse that we have become free. I know that the conditions are much better now than what were before. I have seen that a sufficient improvement has been made in relief and other matters. I find that our honourable Ministers are day and night solicitous over the country's welfare. Now it is our moral duty that we should make such endeavours from which it could be evidenced that the independence has come within our reach. Even after putting in all such efforts, the common man does not feel any change. I admit that this is a transition period. But I regret that even during the last year the masses did not feel whether we have been able to move any step further. In this respect, we undoubtedly moved a step forward, but the people do not realize this. It is our duty that we should step forward at a tremendous speed and bring home to the masses that we have achieved independence in the true sense.

Dr. P. S. Deshmukh (C.P. and Berar: General): The Budget discussion has brought out a very large number of points and the tone with which the Budget was received has, I am happy to say, undergone a change, because of certain explanations which were given by the honourable the Finance Minister at a later stage. I do not feel that the whole budgetary position of our country is at all satisfactory. Only on one item I would like to compliment the Finance Minister and that is so far as inflation is concerned. So far as my personal view is concerned I think there was a considerable amount of scare-mongering regarding inflation and I am glad that he has not allowed himself to be hustled into any precipitate action that may have really disturbed the economy of the whole country. The satisfactory reply that he has given in this respect, at any rate, I consider as the most welcome feature so far as the Budget is concerned.

But if we look to the figures of the budgetary provisions in the current year and the expenditure that was actually incurred, I think he will have to admit that there was hardly any working of the budget noticeable. The rise in the revenues was high and the expenses excessive. And yet I do not think there has been any very satisfactory explanation yet given. I make bold to say that the Budget as has been framed is also very much of the same kind and a vague budget and I am sure just as in the working of the present year there was a difference of as huge a figure as 85 crores, there may be a similar increase or decrease both in revenue as well as expenditure provided for in this budget also when we start working it out in the year 1949-50. Because I feel that the budget expenditure that has been provided for has hardly been calculated on any real or tangible basis. It is I believe merely a guess work; otherwise it is impossible that with all his expert staff there should have been so much difference in the working of one single year. Of course we know that there have been extraordinary circumstances. That does not afford any consolation to us and I am sure it does not even to the honourable the Finance Minister. There has to be more careful budgeting and more careful watch on expenditure incurred than is observable.

I also do not understand how such a competent and careful Finance Minister has allowed crores of rupees to be spent on various items. I for one would like that the defence of the country should be amply provided for but at the same time we must also look to our ultimate ideals. With the provision made in the budget is it possible to have in 50 years time a navy of any consequence or an air force of any size? I would much rather that the defence and Home Ministries thought on the lines of the ideals preached by Mahatma Gandhi instead of incurring such a large expenditure on defence and police which the country can ill afford. Even if you spend every pie of the revenues of the country for 20 years to come still your armaments and defences will not be of any consequence with which even a country like Belgium or Denmark or Holland could be frightened. I personally think that there is every possibility of reducing the defence expenditure to a certain minimum, so that in ten years time we will build up our industry and with the building up of the industries the defences will also be directly and indirectly strengthened. That is a view which is probably not popular in this House and as one claiming to come from a martial race it is not altogether congenial to me either. But taking stock of the financial situation of the present and looking somewhat far into the future I think we are perhaps going on a wrong basis. In any case I consider it would be worthwhile examining the very fundamentals of our policy and ideals in this respect.

As regards the police what is the position in the country? We have been told in the Home Affairs Ministry's report that everywhere the police has been increased. What is the ideal which we are striving to reach in this respect

also? Are you going to make one constable stand behind every citizen of this country? I know there are the communists and I know there are many other people who are mischief-mongers or trouble-makers. In spite of all that I think it is time that our Government and the Cabinet search their hearts to find out if there are not some other more efficacious means by which it would be possible to govern the country with a lesser police force than has been possible so far. I do not think it is much of a compliment to us if we are to go in the way in which we are going. I can tell the House that there is dissatisfaction not only so far as the Central Government alone is concerned but also with respect to provincial governments. Every province is spending four or five times as much on its police force and they are trying to justify the expenditure. If you examine the efficiency of the police at the present moment you will find that merely by increasing their numbers their efficiency does not go up. The efficiency not being there merely by increasing their number, I am afraid we are not likely to enhance our capacity to control the country.

There are many other points which it is impossible for me to deal with within the ten minutes allotted but so far as law and order is concerned I think we ought to examine the whole position and frame some long range plan, so that we may govern the country by means other than the policy and the army, means which will be more in tune with the popular wishes. I am sure that there is such scope for revising our whole outlook so far as the popular demands are concerned and if that is done then we will be advancing the ideals for which Gandhiji stood all his life, not so far as to have a policeless and a militaryless society but at any rate we could have a government with a minimum of both these forces.

So far as controls are concerned—and the complaint was made by one of my friends also—they are very often imposed at the wrong moment. There is the experience of control on groundnuts. I know at least of two provincial governments who ordered and enforced controls exactly when they should not have. The representatives of all interests approached the Ministers and told them that they should wait for sometime before imposing them. But unfortunately they did not listen. The controls were in fact imposed at a time when the agriculturist was bringing his commodity to the market and when the merchants came in possession of the whole stock the controls were lifted so that they got enormous profits. This is what we must try and stop and the controls should not be permitted to be misused from time to time. I think the same thing has happened so far as cloth control and cotton control are concerned. There are many complaints against the control of cloth and the way in which the scheme is working. According to some, it is time that the cloth control is also lifted. I have been speaking about lifting of the control on cotton and raising the prices. I hope the honourable Minister will not commit the same mistake in this regard as has been committed in the past, viz., to raise the prices exactly when every bit of cotton has gone into the hands of the merchants.

The whole Indian economy is based on the welfare of the agriculturist and it is he and his well-being that should be the supreme consideration. I have been trying to impress upon the Agriculture Minister that just as in the Labour Department the labour organisations are managed, supervised and looked after by the Labour Minister through and by means of the labour welfare officers there should be welfare officers for agriculturists also. But so far in the whole country which is supposed to be a peasant's country and an agriculturist's country, not a single welfare officer has yet been appointed. I hope the needful would be done in this behalf at an early date.

[Dr. P. S. Deshmukh]

The honourable Minister is said to have taken the proposal to the cabinet, but nothing very substantial has come out of it. One of my honourable friends had complained the other day that we were going further and further from our often repeated ideals and that we were out of tune with the popular aspirations. He challenged the treasury benches to point out if there was a single agriculturist who had been made a Minister in this Cabinet. He also complained that the position in many provinces was no different. The ideal that was preached by Mahatma Gandhi was that the place of the Prime Minister of this country should go to an agriculturist, to a peasant, and not to one who has other interests—not because he had love for the agriculturist as against every other profession but because therein lay the solution of many of our difficulties and the secret of the success and the prosperity of this country, because he alone could understand, appreciate and safeguard the predominant interests in the country as the predominant interests of this country lay in agriculture. That was the reason he preached that and asked people to act up to it.

So far as education is concerned we are told by the honourable Minister that he is trying his best to introduce basic education. But so far as the educational policy of the country is concerned I would like to give a word of warning, viz., that sometimes following faddists here and there spoils even our existing education. We have had the experience of a fad of 'Vidya Mandirs'. This was started with a great gusto in my province. This is an ideal scheme and is blessed by the Mahatma. It is so simple to work. Get hold of twenty acres of land from the village and give it to the school. The teacher will get his pay out of the produce of the school and the boys will also learn. What more do you want? Not a single pie is to be spent from anywhere. This experiment was tried and I regret to say has miserably failed. There were people who understood education better who said in so many words: "you have not had even a single successful experiment with a school of this sort." We think this novel idea should be first tried; its large scale introduction undertaken only after the trials succeed. But these cautions were disregarded. The same thing I fear may happen to the basic education also. I hope it also does not turn out to be a mere fad. I am sorry to say the reports of basic education so far are not encouraging and if proper care is not taken it may prove a colossal failure and instead of adding to the education that exists have the result of spoiling the education that there is in the country. I apprehend it may fail because we have not got money to do it properly. Basic education requires more expenditure, better equipment, better teachers. Wherefrom are we going to get all this? If we want to spend more on schools we will have to stop this huge expenditure on defence. The two things cannot go together.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar)].

We know that in the Provinces, in the districts, everywhere we are short of funds. We are short of funds because we have got such a huge defence expenditure. We are short of funds because in the Province of Bombay you are spending nearly rupees three per head of population merely on police. The Bombay Government has budgeted for a police expenditure of rupees 730 lakhs. I am sure it is at least three or four times what it used to be in former days even if you take into account the increase in population. If this is the state of affairs it is impossible to get any more money for education. It is also impossible to get funds to train sufficiently highly qualified staff that will be necessary for basic education. There are some of these schools in my

Province and it is complained that the standard of knowledge which the boys acquire is lower than it was formerly.

Sir, if you will be kind enough to give me about five minutes after the Lunch recess I would like to close here.

Mr. Deputy-Speaker: The honourable Member has already taken fifteen minutes. I am as much bound by the Speaker's ruling. Only one minute remains for the House to rise but if the House is willing to sit for about a minute after that I have no objection.

Dr. P. S. Deshmukh: Lastly I would like to refer to the much discussed problem of increasing our production of food. Of course I have indirectly touched that point and have already said that it is no use merely impressing upon the zamindars or the agriculturists that the country demands that they should produce more. This is not going to impress anybody or touch anybody's heart. Nor is this going to bring an ounce of more food. The whole thing, as I have already said, hangs on the question of prices. The only consideration that can and will weight with the agriculturist is whether it is profitable and economically possible for him to grow foodgrains. So long as there is no proper adjustment of prices there will be no good results because there would be no incentive. Recently I had the good fortune of going to America and I was amazed to see the extent to which the agriculturists control the market. Here the agriculturist is regarded as a sort of thief as if he has brought his produce after stealing from somewhere. It is for the *dalal* or *adatyā* in the market to say what price he will offer and the agriculturist has no say whatsoever. He has brought the goods all the way from his village and he has no capacity to wait even for a single day. He has to sell it at whatever price the blessed merchant is pleased to buy. This sort of thing ought to be stopped. If the Agriculture Ministry is worth anything it should tackle this big problem seriously and effectively.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Shri H. V. Kamath: Before we proceed, Sir, may I request you to be so good as to use your discretion to cut down the number of speakers and not shorten the time allowed to a speaker?

Mr. Speaker: I might inform the honourable Member that I have been allowing 15 minutes, not ten.

Prof. N. G. Ranga: Sir, I was not present this morning when you quoted some Rules that we were supposed to have passed on the last day of the last session. But has there ever been any precedent at all for this kind of limiting the time of the Members, not only in regard to legislation but especially in regard to the Finance Bill? I want to safeguard not only the Party in power for the time being but also the Chair from any sort of criticism that might be made—charitable or uncharitable—both here as well as abroad that even on an exceptional thing like the Finance Bill, opportunity has been taken in order to stifle criticism, in order to cut down discussion, in order to turn the whole House into a sort of a mummy.

Mr. Speaker: Well, for people who are determined to criticise we have no remedy, but for people who are going to take a reasonable view of the matter, they will have the goodness to see that a large amount of time is given. There is general discussion of the Budget when Members have an opportunity of expressing generally on the entire Administration. Then they had about nine days for discussing the Demands when they had occasion, in respect of each Demand, to make such observations as they liked. Then this Finance Bill is going to the Select Committee, where again the Members will have, in

[Mr. Speaker.]

the Select Committee, an opportunity of discussing threadbare the provisions. They have an opportunity now of two days for discussion which is nothing more or nothing different from the general discussion of the Budget or the Demands. So, two *plus* nine—11 days, *plus* these two days—13 days, and they will again have an opportunity for two days further when the Bill comes out. So, altogether 15 days. And for this year, again, one extra day has been allotted for further discussion.

Now, the real question is not what the others will criticise or say but what we ourselves feel in the matter. While I myself have expressed so many times, that I would prefer always a fewer speeches giving more points at the same time, what I feel is that I am bound to see that various Members of this House do get an opportunity of speaking and that the speaking does not go to the lot of a particular set of Members. It is not merely a question of satisfying the urge of a few people to speak, but I am bound to see that new Members who have come here have also to be given a chance and some new talent has to be tested also.

Prof. N. G. Ranga: It is in their own interests also.

Mr. Speaker: That is why I am particular to see that I call upon as many Members as I possibly can. But I have always seen the tendency that, even where I allotted ten minutes—of course I knew nobody was going to stick to ten minutes—seeing the circumstances I have allowed fifteen but in no case more than fifteen. And the last speakers had a full quota of fifteen minutes. Things are going that way. Whatever we do we are bound to be exposed to some kind of criticism, but on the whole if all sections criticise the Chair or the House it means we are in the central right point.

Prof. N. G. Ranga: Question, Sir.

Shri H. V. Kamath: Now I request it may be fifteen minutes and in your discretion twenty minutes.

Mr. Speaker: That means I am on an inclined plane and I do not know where I shall be.

That is the position. I have also noticed one thing more—I do not blame the Members for that. Practically the same things are said over and over with this difference that different speakers speak a language which is different from the language of the previous speakers. The real points are not coming in such a great number. I do not carry the impression that any point which is worth making is stifled by this time-limit. By even the ten minute time-limit it is not stifled. But that is an individual view, the House may not accept it, but that is my view.

Shri Mahavir Tyagi (U. P.: General): Sir, it has been the privilege in all democracies for the Opposition to delay such sort of measures and it has been a very old and recognised privilege. I only want this. In this House there is no organised Opposition. I do not mind the present procedure but let it not be a sort of a precedent for the future.

And I object to the officials uninvitedly advising you in this matter. I think it is not to the dignity of the Chair that an official should be advising while a Member is speaking or while you, Sir, are speaking.

My submission is that in such matters where a Finance Bill or similar measures come forward for consideration, there has been a privilege which

should not be denied. Just now I do not mind the present procedure, but for the future you might see that the privilege of the Opposition remains intact as long as you are in the Chair.

Mr. Speaker: I can understand, and appreciate also, the irritation of the honourable Member, if the Secretary gets up to say something to me. But then he does some injustice to the Chair also if he thinks that the Chair will necessarily accept what the Secretary says. Let there be some more confidence in the level-headedness of the Chair.

Well, the honourable Member says that delaying tactics are legitimate for the Opposition, but he himself has said that, in this House there is no Opposition—I was half-inclined to ask him whether he was one such; but I know there is no organised opposition—not that all Members agree, on everything that Government says. As to the future procedure when an Opposition comes into existence, all I can say is that today the position is hypothetical. When it comes the Chair will then adjust itself. Even today, honourable Members will see that, in the changed set-up I have been trying to adjust to the changed situation and have some changed procedure so far as it is possible. The old procedure in the Legislative Assembly, of opposing each and every measure of Government has now to be changed and Members must turn now on a different line. For the future I do not know which of us will be here; if I am here then it will be my responsibility. But that will be for the future, not now. Mr. Chattopadhyay.

Shri Mihir Lal Chattopadhyay: I did not give my name, Sir, I was not prepared to speak today.

Mr. Speaker: Very well, then he loses his chance.

Shri Jaspal Roy Kapoor (U.P.: General): Sir, I am very happy that I have been called upon to speak during the course of this debate. I did not know that this rare good fortune would fall upon me so suddenly. (*Shri B. L. Senadhi:* 'I hope you are not shocked!') No, I am not shocked; but it is a very pleasant surprise to me that I should have this rare good fortune.

During the course of this debate, I think I should take up the question of the refugee. During the course of the general debate or general budget discussion, the question of relief and rehabilitation had to be put off because of want of time, and a separate day has been allotted to this subject. But I feel, even that one full day—and now I find it will be only half a day—will not be sufficient to meet the needs of the situation. Therefore, I think I might take up that question even now.

Sir, I would like, first of all to take up the question of the agreement that has been recently arrived at between the Union Government and the Government of Pakistan in regard to the exchange and sale of properties. That question, I think, has not been very satisfactorily settled, and that question has now been agitating the minds of the refugees to a very great extent. They are feeling very unhappy over it. The agreement that has been arrived at is that exchanges and sales of properties in both the Dominions should take place at an individual level. The refugees feel—and I think rightly feel—that this will bring absolutely no relief to them. They feel that it is impossible for them to go to Pakistan to bring about the exchange or sale of their properties there. In the first place, we know it only too well that the residents of Pakistan are creating a very hostile atmosphere against the residents of the Indian Union, and a great deal of propaganda has been

[Shri Jaspal Roy Kapoor.]

going on there to the effect that people there should not purchase the property of those Hindus who have left property there. Secondly, the refugees here certainly do not find it secure for them to go there. The few that have gone there and have come back have narrated stories which do not inspire confidence in the people here. They said there is no proper arrangement for their boarding there and they do not think that once they go there it is easy for them to come back at all, not only because the Pakistan Government has passed an ordinance to the effect or made it a rule that nobody going there can come back unless he has cleared the income-tax or has been able to secure an income-tax clearance certificate, but also because they feel that once they go there, there may be hooligans there who might fall upon them. For these reasons they feel that this sort of agreement has brought them absolutely no relief. I fully agree with them that the sale and exchange of property should be effected on a governmental level. I think, that it is very necessary that this suggestion of theirs should be accepted so far as our government is concerned, and of course Government must insist on Pakistan Government also agreeing to such a procedure, that the sale and exchange of property should be effected on a governmental level. An Inter-Dominion Board should be set up whose duties should be to evaluate the value of the properties left behind in both Dominions. Each Dominion should purchase the properties of the evacuees at the value so assessed by the Board, and pay to the other Dominion the price of the property, either in bonds or in cash or some other method should be adopted for paying the value of the property. The persons residing in the Indian Dominion should get the value of their properties, from their own Government, and that Government should realise the value of the property so assessed, from the Pakistan Government. Similar should be the case with the other Dominion. Some such arrangement, I submit, must be arrived at if a satisfactory solution is to be found to this question.

There is yet another question and that is the question of the realisation of the rent of the properties of the evacuees. Over a year—in fact about eighteen months—have passed since the exodus of population from one Dominion to the other, but so far as I know, absolutely no amount of the rent realised in any Dominion has been paid to the proprietors of the immoveable properties. This, Sir, has resulted in great hardship to the refugees. I myself know that a very huge amount has been collected by the Custodian of Evacuees Properties in Western Pakistan, but so far not a pie has been paid by the Custodian to those to whom that rent is due. That is a question which must engage the immediate attention of our Government. If even a fraction of that huge amount which has been realised by Western Pakistan is paid to the refugees here, it will go a great way to reduce their sufferings and it will also go a great way to reduce the responsibility of our Government in looking after the refugees here.

There is yet another point and that is the question of paying compensation to the refugees. This is a question which has been the subject matter of some controversy recently. The refugees claim that it is their legal right to get compensation for all the losses they have suffered due to partition. Our leader the honourable Prime Minister, has questioned this, and said that he could not see eye to eye with them as to the legality of this proposition. I do not want to enter into any legal quibbles. It may be that the refugees have no legal right to get any compensation, but I do certainly submit, that they are certainly entitled to it, if not on legal grounds, at least on grounds of equity and on humanitarian grounds. Great problems are not solved by

taking a merely legalistic view of things. Great problems have to be solved on a much higher plane. I do feel that this demand of the refugees that they are entitled to compensation for the losses they have had to suffer due to partition is quite just. After all, have they suffered this because of any fault of theirs? Certainly not. All their sufferings are due to the partition which we agreed to in the interest of the country. This is the latest price which we have had to pay to secure the emancipation of the country, to secure the freedom of the country and the question, therefore, arises as to when the whole country has gained thereby, when the freedom has been secured for the whole country, must the price for this freedom be paid only by a particular section of the country, or must it be shared and equitably shared by the whole country? I submit, Sir, that there can be no two opinions on this subject. If we have purchased the liberty of the country, which is enjoyed by every citizen of the country, there is no reason why every citizen of the country according to his capacity and in an equitable manner should not bear the price thereof.

I may also submit that this principle of compensation is not a new principle. It has been accepted in the past and not only has it been accepted in the past, it has been acted upon also and it is being acted upon even today. We know very well that the sufferers during the several non-cooperation movements in the past, and particularly during the Freedom Struggle of 1942, many a person who suffered heavily had been compensated for the losses that they suffered. Various Congress Governments in the different provinces compensated this loss which our political sufferers suffered and even today our Congress Governments in the various provinces are making good to some substantial extent the losses which were suffered by the political sufferers during the 1942 Movement. Now, when this principle has been accepted in the past and it is being acted upon even now in the case of the political sufferers of 1942 Movement, I see no reason why the losses that have been suffered by the refugees in the latest political movement of the country, a political movement which has resulted in much bitter results than our previous political movements, why these sufferers should not be compensated. I, therefore, submit, Sir, we must seriously consider this question.

I know, an argument might be laid against this suggestion, that this problem is a very big one, and that the financial implications of this principle may not be within the means of the financial resources of the Union Government. It may possibly be so, but the mere fact that this is a huge problem or that the money involved in the acceptance of this principle is beyond the capacity of the Union Government is no reason why this should be brushed aside summarily. Let us at least admit the Justice and propriety of this demand; let us admit, Sir, the propriety of this demand and claim and then tell the refugees that while we certainly, agree with them in their demand, while we have our fullest sympathy with them in this, we cannot go to a very large extent in meeting their demand because of the financial difficulties. That is one thing, but to tell them that they have neither the legal nor the moral justification for making this demand is certainly something entirely different and let us try to meet this demand to such an extent as we may, and once we begin to apply our mind, we may be able to find out the ways and means also. In this connection, I would suggest in all seriousness as to why we should not think of imposing a rehabilitation levy on the whole of the country excepting of course, the refugees. As I said at the very beginning, when the whole country has gained by the liberation of the country, there is no reason why every citizen of the country should not equitably bear the price of it, and therefore, I see no reason why a rehabilitation levy should not be imposed on the citizens of this country. In my mind, I have absolutely no doubt that the whole country will bear this burden willingly and cheerfully. This will

[Shri C. Subramaniam]

It was further suggested that the aircraft now in use are not economical and that the honourable Minister for Communications has asked the Air Companies to import aircraft which would have accommodation for 40 or 50 passengers. Sometimes we are told that foreign exchange is very scarce, that our balance of trade is very much adverse and that therefore we have to save as much foreign exchange as possible. If that is so, is it necessary that we should import huge aircraft from Dollar Areas like America and fritter away our foreign exchange? Cannot the development of civil aviation wait for sometime until we are able to manufacture our own air craft? It is not of such a national importance that it should be taken up even now.

This leads me to the question of the import policy of the Government of India. Aircraft has to be imported according to the policy laid down by the honourable Minister for Communications. After the war we have imported 35,000 motor cars. Now, many concerns are prepared to sell motor cars at a discount. If we are really short of Dollar exchange, why should we not restrict the import of motor cars from Dollar areas? Also, can we not manage with smaller machines of eight or ten horse-power? Is it necessary that we should go in for Buick cars and that of the best model? Even now Buick cars are allowed to be imported and Chrysler cars are allowed to be imported. And Oldsmobiles and Chevrolets are also there. I would suggest that if we are living on austerity standards and would copy the example of Great Britain, we should set up really austerity standards. Cannot the honourable Ministers move in Austin Tens? There should be a restriction of the importation of motor cars. Now that everybody has got his motor car replaced, there should be a complete stoppage of imports of motor cars from Dollar Areas altogether.

Then it was suggested that luxury goods and non-essential goods were allowed to be imported to fight inflation, to absorb the extra purchasing power in the hands of the people. I really fail to understand this policy of fighting inflation by importation of luxury goods. In certain quarters it is also felt that drinking is necessary to fight inflation and that too advocated by some experts. I am unable to understand how drinking is necessary for fighting inflation. I can understand people having no faith in prohibition. That is a different matter. But to say that for fighting inflation drinking is necessary is a thing that I cannot understand.

Shri H. V. Kamath: For fighting, not fighting inflation.

Shri C. Subramaniam: Then this import of luxury goods.

The honourable Minister for Commerce said that in the agreements, with certain countries, when we have to import certain capital goods, those countries insist that we should import a certain amount of consumer goods also. If you go into the imports, you will find that most of the imports—about 90 per cent. I suppose—are from U.K. and U.S.A. Certainly U.K. and U.S.A. do not insist for the import of capital goods that we should import consumer goods also along with them.

Then, Sir, I will pass on to another matter regarding the export policy. It was said by the honourable the Commerce Minister that after a great deal of thought they removed the export duty on oilseeds, so that our oilseeds might compete with foreign oilseeds. What is the effect? You find that so far as the internal price is concerned, it has been inflated to the extent of the removal of the duty. What did the foreign countries do? They have reduced the price to that extent of the duty, so that they may compete with Indian seeds, so much so in the Indian market the price has risen to the extent of

the duty you have removed and in the foreign markets their prices have been reduced and there is almost a paralysis of trade in oilseeds, particularly groundnut. And in respect of oilseeds, our oilseeds export is mainly groundnut and not of others, and it was able to compete with other foreign oilseeds, even with the export duty on it. That being so, I still am unable to understand the policy by removing this export duty and merely hoping that internal prices would not be inflated to the extent of the removal of the export duty.

Only one point more and I am done. That point is regarding Grow More Food. The scarcity of food has created almost a national emergency. This House might realise it in its debates and discussions but the country has not been made to realise this national emergency. Nobody in the country feels that there is an emergency and that it has got to be met. Unless you create that psychology in the country, you are not going to improve the situation. For that, you should set up standards from the top. The giving of feasts, giving of parties and all those things should be stopped as during the war days and we should set up a standard here, so that the common man might know that we are passing through an emergency, not merely an emergency which is talked of in the House alone, but a real emergency. Therefore, in order to create that psychology, I would request real austerity standards in regard to food to be set up at the highest level and that should percolate to the lowest level, so that the people may feel the emergency and act up to it and we may get out of the emergency.

श्री लक्ष्मीनारायण साहू: वाचस्पति जी, मैं दो एक बात इसके बारे में पेश करूंगा। सब से पहले मैं यह बात कहना चाहता हूँ कि हम लोगों की जो नीति है और जो अवलम्बन हम लोग करते हैं, उस नीति के पीछे भीति-भावना है। हम जो कुछ करते हैं वह नरक्सन के तरीके से करते हैं। इसलिए हम लोग देखते हैं कि जितना Correspondence हम लोग पकिस्तान से करते हैं, तो पाकिस्तान हम लोगों को जवाब नहीं देता फिर भी हम लोग उससे पत्र व्यवहार करते चले जाते हैं। पाकिस्तान से जो झगड़ा हमारा अभी तक चल रहा है वह अभी अच्छी तरह से तै नहीं हुआ है।

एक बात मैं और आप लोगों से कहता हूँ और बार बार कहता हूँ कि हम लोग पूरा स्वराज्य पा गये हैं। लेकिन मैं देखता हूँ कि हम लोग ब्रिटिश सरकार के अधीन होकर सब काम चलाते हैं। जब तक हम इस भीति-भावना को नहीं छोड़ेंगे तब तक हम तरक्की नहीं कर सकेंगे। जबतक ब्रिटिश सरकार हम लोगों के पीछे रहेगी और हमारी नीति को चलाती रहेगी तब तक हिन्दुस्तान में जो कुछ होता है वह ठीक तरह से नहीं होता है। हम लोग सिविल और मिलिटरी में करीब २५० करोड़ रुपया खर्च करते हैं। मैं तो बार बार सोचता हूँ कि जब तक यह भीति-भावना रहेगी तब तक हम अपने खर्च को कम नहीं कर सकते हैं। जैसा कि श्री० पूज्य प्रकाशम जी ने कहा है कि हम देश भर में मिलीशिया बना सकते हैं और इससे हमारा मिलिटरी का खर्चा बहुत बच सकता है। लेकिन हम लोगों को यह डर है कि जब हम नेशनल मिलीशिया बनाना शुरू करेंगे तो शायद यह

[श्री लक्ष्मी नारायण साहू]

मिलिशिया किसी दूसरे के हाथ में गिर जायगी और हम लोगों की अवस्था खराब हो जायगी। यह डर तो बिल्कुल छोड़ देना चाहिये। जब हम लोगों को आजादी मिल गई तो इस देश में जो आदमी बसते हैं उन सब आदमियों का हम लोगों को विश्वास करना चाहिये।

दूसरी बात में देखता हूँ कि हम लोगों की पैसे की अवस्था खराब हो गई है तब हमको तुरन्त यह सोचना चाहिये कि हम लोग किस तरह से व्यवस्था करें जिससे हम लोग इतने पैसे से अपना काम चला सकें। जब मैं देखता हूँ कि डिपार्टमेंटों में एक सैक्रेटरी होता है उसके बाद एडीशनल सैक्रेटरी होता है उसके बाद डिप्टी सैक्रेटरी होता है, उसके बाद अन्डर सैक्रेटरी होता है तो मैं सोचता हूँ कि एक सैक्रेटरी रख कर और एक आफिस सुपरिन्टेंडेंट बढ़ा देंगे और कुछ ज्यादा क्लेरिकल स्टाफ बढ़ा देंगे तो इससे हमारा काम भी हो जायेगा और खर्च में भी हम लोग कमी कर सकेंगे। अभी सैक्रेटरी, डिप्टी सैक्रेटरी, एडीशनल सैक्रेटरी और स्पेशल आफिसर इतने बन गये हैं कि इन लोगों की भावना में बदलाव नहीं हो सकता। इसलिये किसी सिद्धान्त पर ये लोग ठीक नहीं आ सकते हैं। मैं चाहता हूँ, जैसा हम कहते हैं और एक छोटी सी कहावत है :— उसका अर्थ यह है कि “हम लोगों में जो महान इज्जत है वह हम लोगों को रखनी चाहिये और हम जब नहीं रखेंगे तो कौन रखेगा”। इसलिये हम देखते हैं कि जब हम लोगों के पास धन नहीं है तब फौरन हम लोगों को अपने खर्च में कमी कर देनी चाहिये। मगर हम लोग ऐसा नहीं कर सकते हैं। इसलिए जितने सैक्रेटरी और डिप्टी सैक्रेटरी आ गये हैं वे लोग कहते हैं कि इतने से हमारा काम नहीं चलेगा मैं तो यह कहना चाहता हूँ और जैसा कि अंग्रेजी में एक कहावत है “Too many cooks spoil the broth” यानी कुक्स बहुत हो गये, कुक्स काम कम करना चाहते हैं। यह मैं किसी के बारे में नहीं कहना चाहता हूँ। हमारे प्रधान मंत्री जी ने डिपार्टमेंट हैड्स की एक कान्फ्रेंस बुलाकर कहा था कि सब मिनिस्टरी में ५ परसेंट की कमी होनी चाहिये। आसानी से हो सकती है। मगर हम लोगों ने इतने मंत्री बना दिये हैं। मंत्री के ऊपर भी मंत्री और उसके नीचे भी मंत्री हो गये हैं। वे सब बात गड़बड़ करते हैं। इसलिये मैं कहना चाहता हूँ कि हम लोगों के पास अर्थ नहीं है और इसका नतीजा यह होता है कि जो इतने सैक्रेटरी और डिप्टी सैक्रेटरी बन गये हैं उससे हम लोगों का काफी रूपया बरबाद होता है।

तीसरी बात जो मैं कहना चाहता हूँ वह यह है कि हम लोगों का अभी तक इंग्लैंड वालों से ताल्लुक बना हुआ है जिससे हमारा प्रबन्ध ठीक तरह से नहीं हो रहा है। हमारा जो इंग्लैंड में गोल्ड रिजर्व रखा हुआ है उसको हमको यह

पर लाना चाहिये मगर हम उसको यहां पर ला नहीं सकते हैं। जब हम लोग स्वतंत्र हो गये हैं तो क्यों नहीं हम अपना सोना वहां से ला सकते हैं। जितने हमारे स्ट्रलिंग बेलेंस वहां पर है उनका हम अच्छी तरह से इस्तेमाल नहीं कर सकते हैं। मैं तो देखता हूँ कि जितनी भी हम चिन्ता करें उसका सिर्फ एक ही अर्थ है और वह यह है कि हम डरते हैं। हमको डर है कि अगर हम नेशनल मिलिशिया बनायें तो कम्यूनिस्ट और सोशलिस्ट उस पर अपना कब्जा कर लेंगे हम अपना सोना इंग्लैंड से इसलिए नहीं लाते कि हमको डर लगा रहता है कि अगर हम ऐसा करते हैं तो ब्रिटिश गवर्नमेंट कोई गड़बड़ न कर दे। जब पाकिस्तान हमको कोई जवाब नहीं देता तो हम उसको जोर से कहने में भी डरते हैं। यह जो पोलिसी हमारी सरकार की चल रही है वह डर की पोलिसी है। इससे बहुत खराबी पैदा हो रही है। मैं चाहता हूँ कि सब लोग इस बात की तरफ खास तौर से ध्यान दें।

एक और बात मैं कहना चाहता हूँ कि सब काम में विलम्ब हो रहा है। हम लोगों को जल्दी से अपने कामों को करना चाहिये। जैसा कि हमारे दोस्त सुब्रमनियम साहब ने कहा है कि जो हमारी इकौनौमिक कमेटी है उसमें इतना खर्चा हुआ है और अभी तक उसकी रिपोर्ट तैयार नहीं हुई है। वह रिपोर्ट कुछ समय बाद आयेगी फिर उसके बाद स्टैंडिंग फाइनेन्स कमेटी के पास आयेगी और फिर वह डिपार्टमेंटों के पास जायेगी और वहां पर इस पर विचार किया जायेगा। वहां पर यह कहा जायेगा कि हमारे पास काम बहुत है हम कमी करने से मजबूर हैं। इस तरह से इस काम में एक दो वर्ष लग जायेंगे। तो इसलिए हमको सोचना चाहिये कि हमको कितना परसेंट यानी ५ परसेंट या १० परसेंट, कितनी कमी करनी चाहिये जिसके करने से हमारा काम अच्छी तरह से चल सकता है। एक और बात मैं कामर्स डिपार्टमेंट के बारे में कहना चाहता हूँ। इस डिपार्टमेंट से जो एक्सपोर्ट और इम्पोर्ट का लाइसेन्स दिया जाता है वह एक मुसीबत की बात है। हम लोग अपने बिजनेस के लिए इतना एक्सपोर्ट घटा देते हैं कि वह ठीक नहीं है। हम लोगों की जो भीति-भावना और अविश्वास है उससे हमारा बहुत काम बिगड़ रहा है। इस से हमारे व्यापार में बहुत देरी हो रही है और इसी देरी की वजह से मुल्क की दौलत में कमी हो रही है। हमारी जो यह भीति-भावना की पोलिसी है वह हमारा काम बिगाड़ रही है। मैं आप लोगों से और यहां पर जितने मंत्री बैठे हैं उनसे प्रार्थना करूंगा कि वे इस बात को अच्छी तरह से सोचें। मैं और ज्यादा नहीं कहना चाहता हूँ।

(English translation of the above speech)

Shri Lakshminarayan Sahu (Orissa: General): Sir, I would submit a few things in this connection. The first thing I wish to submit is that the policy we have adopted is based upon a sense of fear. Whatever we do, we do with

[Shri Lakshminarayan Sahu]

some nervousness. The result is that we see that whatever correspondence we enter into with Pakistan, we do not get any reply of our correspondence and yet we go on corresponding with Pakistan. Our quarrel with Pakistan is still hanging fire and has not been settled as yet.

One thing more I submit to you all. I submit again and again that we have attained *Purna Swarajya*. But I see that we carry on our administration under the British Commonwealth. So long we will not forgo this sense of fear we would not be able to make any progress. So long the British Government will continue to be on our back and guide our policy the administration in India will not run smoothly. We spend nearly 250 crores of rupees on Civil and Military administration. I again and again think that so long this sense of fear will persist we cannot curtail our expenditure. As Shri Prakasam said we can raise a national militia in our country and thus a great deal of our military expenses can be curtailed. But we fear that when the national militia would be raised it would go to play into other's hands and our own position would become precarious. This fear should altogether be discarded. When we have attained independence then we should trust all the people who live in this country.

The second thing that I observe is that our economic condition has much deteriorated, so we must at once think out the ways and means whereby we may be able to manage our affairs within the monetary limit. When I see that in every department there is one Secretary, one additional Secretary, then a deputy secretary and then an under-secretary, then I think that if besides a secretary we were to appoint one more office superintendent and increase the strength of the clerical staff then these changes will not only keep our work going but we will be able to make some curtailment in the expenditure also. At present so many Secretaries, Deputy Secretaries, Additional Secretaries and Special Officers have been set up that their mentality cannot be changed. Therefore they cannot work up to definite ideals. I wish and as it is generally said and a proverb also goes meaning that we should maintain the grand dignity that we have and if we would not maintain our dignity then who else would do so? Therefore when we see that we have no money then we should at once curtail our expenses. But we cannot do so simply for the reason that these Secretaries and Deputy Secretaries submit that they would not be able to keep the work going. I want to say that according to an English proverb, "Too many cooks spoil the broth", the cooks have increased in number, but these cooks want to do less work. I do not want to say this about anyone in particular. Our Honourable the Prime Minister calling a Conference of the departmental heads had told them that a 5 per cent. reduction in the staff of all the ministries should be made. This can be done quite easily, but we have appointed so many Secretaries that there are Secretaries above the Secretaries and Secretaries under the Secretaries and they make a mess of the whole affairs. Therefore I wish to submit that we have not sufficient means at our disposal and the result is that money is wasted over so many Secretaries and Deputy Secretaries.

The third point that I wish to submit is that we are still maintaining relations with England, with the result that our administration is not running properly. We should bring here our Gold Reserve that is being kept in England. But we cannot bring it here. When we have become independent then why can we not bring our Gold Reserve from there? Whatever Sterling Balances we have there we cannot utilize them to our best advantage. I observe that however anxiety we may have the only explanation to all this is that we are afraid. We fear that if we raised the national militia then the Socialists and Communists will get hold of it. We do not bring our Gold Reserve from

England because we are always in fear that if we were to do so then the British Government may not create some difficulties for us. When Pakistan does not care to give any reply then we are afraid even to address her in strong terms. The present policy of our Government is that of fear. This is creating a lot of mischief. I wish that all of you pay special attention towards this.

One more thing I want to submit that much delay is being made in all the matters. We should perform our tasks in the quickest possible manner. As my friend Shri Subramaniam has said the report of our Economic Committee, on which we have spent so much money, is not yet ready. The report will be available after sometime, then it will come to the Standing Finance Committee and then it will be sent to the various departments and there it will be thoroughly discussed. There it will be said that as we have too much of work so we are constrained to make any reduction. Thus some 2 or 3 years will elapse in this dilly dallying. Therefore we should work out as to how much per cent. of reduction, 5 per cent. or 10 per cent., we should make so that we may be able to carry on our work properly.

I wish to submit one thing about the Commerce Department. The licences that are granted by this department for Import and Export business are a source of constant trouble. For our business we diminish the exports to a great extent, and that is not proper. Our sense of fear and want of confidence are making a mess of our work. This is causing delay in our trade, and as a result of this delay the national wealth is diminishing. This fear policy of ours is making a mess of our matters. I would request all of you and also the Honourable Ministers who are here to think over this very carefully. I do not wish to submit any more.

Shri Kishorimohan Tripathi (C.P. and Berar States): Sir, I will confine myself in discussing the finance proposals to food and agriculture, agricultural economy, the capital gains tax, fresh taxation proposals, and if time permits, to public expenditure. It has been now agreed that we are passing through a great food crisis. This crisis it has been pointed out arose as late as 1920, and since then has been there in the country, although the then foreign Government took no notice of the crisis that existed. The disease has thus become a chronic disease and no matter with what amount of impatience we cry for a cure, the cure is going to take its natural course.

The problem of food is not a problem of merely feeding the people. It is a problem of reorganizing the entire rural economy of the country, and unless we take the problem in that light, it is impossible to fight the food crisis as it exists today.

The Government has in hand both a short-term plan and a long-term plan to fight this crisis. So far as the short-term plan is concerned, it consists of the Grow More Food campaign which, initiated in 1942-43, and having taken in grants more than Rs. 18 crores during the last five years, has not produced sufficient results to free us from the anxiety of food problems. What is the reason of the failure of the Grow More Food campaign? The reason is that we have not tackled the fundamental issue underlying the production of food in the country. Whenever we have talked of increasing production in the industrial field, we have always tried to give incentives to industry. The present budget in its whole outlook tries to give incentives to industry so as to increase production, but in the field of agriculture and food, these incentives are not being given to the agriculturist so as to bring him into a position where he can contribute his mite to the national call by producing more and more food for the country.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar)].

[Shri Kishorimohan Tripathi]

I have a few suggestions to offer in the matter of giving incentives to the agriculturist so that he might produce more and more food and contribute his mite in fighting this great national crisis. The first is that the Government must come out with a piece of legislation, as has been done in the U.S.A. for the same purpose, to provide for a fair price being paid for all agricultural commodities that are produced and to provide facilities for proper marketing of all agricultural commodities. I will appeal to the Government not to overlook this suggestion, as it comes from a younger Member. I discussed this problem with the Director-General of Food, Mr. Dodd, when he was here and he said that this measure would go a very long way in giving an incentive to the agriculturist to produce more and more food. Unless the agriculturist today knows that he produces in his own interest and for his own good, he is not going to come to the help of the country. The second suggestion that I would like to offer the Government is that it must take drastic measure to relieve the extensive indebtedness among the agriculturists. Then it must provide for credit facilities in the country.

These three measures, if taken up, would go a very long way in regulating rural economy to the advantage of the agriculturist, and unless in this country we regulate rural economy in the proper way so as best to adjust itself to the national pattern of economy, we are not going to solve the problem. The country, with all our efforts for industrialization and mechanization is going to remain primarily a country of agriculturists, and agriculture will remain the most predominant occupation of the people for the next 20 years. Therefore in any pattern of economy, in any set-up of economy that we want to develop for this country, this agricultural rural economy is going to be the pivotal centre. If therefore attempts are not made to adjust the industrial economy of the country in a way that would best suit the agricultural economy of the country, times will come when we shall find ourselves every now and then running into one crisis or another. Any other solution would be futile. Regulation of the present set up of the agricultural economy must therefore be an item on the short term plan of the Government to add to the Grow More Food campaign. Then the Government is fighting food crisis by a long term plan which consists of large scale reclamation of land, provision of irrigation facilities through the development of hydro-electric and multi-purpose projects, production of chemical fertilisers, etc. I find that even this long term plan of the Government is rather diffused and it is not well integrated to an entire and over all national plan. The Government must fix before itself an ideal of the living standard of the common man and must fasten its entire economy to achieve that standard of the common man within a specified period, say 15 years. Making allowance for the growth of the population at the rate of 40 lakhs per year during these 15 years we should know how much food we will require, how much jute, how much cotton and what acreage in the country should be set apart for each of these things. What I want to bring home to the Government is that there must immediately be set up a National Planning Commission to tackle the entire economic system of the country and to evolve an economic system wherein we guarantee to the common man an ideal living standard within a specified period. This is what is being done in almost every European country.

While I say this I must also warn the Government against over-mechanisation of agriculture and over-industrialisation of the country. I remember have seen a pamphlet I do not know from which quarter it came wherein a man of the eminence of Prof. Einstein has through Dr. Amarnath Jha warned the country against over-mechanisation in agriculture. India's agriculture at present, it is said, is such that over-mechanisation will not be of very great

I will now come to the capital gains tax. It is said that this tax is being abolished with a view to give an incentive to investors to subscribe their mite to Government loans that are floated from time to time and in this way help Government's borrowing programme and indirectly the industrialisation of the country also. I am a layman and I do not know the implications of the abolition of the tax in relation to the economy of the country. Looking at it as a layman I feel very strongly, Sir, that while on the one hand Government says that it will tax such income as is earned by people through hard labour, on the other hand it says that it is not going to tax such income as is not earned through hard labour but as comes through transfer of property or such other sources. That is how I view it and I see no moral justification for the abolition of this tax. If, however, the Government feels that the abolition is very essential and urgent and that without the abolition of the tax the whole borrowing programme of the Government is going to collapse, then there is no alternative. But I would like the honourable Finance Minister to explain it to the House whether there is any moral justification for the abolition of this tax in the present set up of things in the country, where wealth is distributed in such a way that there are now and then quakes to cause disequilibrium in our economy.

Before I finish I have to urge the honourable Finance Minister and also to request the members of the Select Committee to re-consider the financial proposals. In spite of all that has been said during the debates I have not been able to reconcile myself to the levy of a tax on coarse and medium cloth. This tax will directly hit the landless labourers to whom we have not been able to give the least advantage since the country became independent. There is no reason why we should go on taxing him both at the centre and in the provinces also. If it is not possible to balance the budget without this tax, I will request the Finance Minister to shift this tax to better income groups and not to leave it as a burden on the poorer classes of the country and the landless labourers. The coarse cloth produced by the mills is mostly consumed by the landless labourers and we have done nothing as yet to improve their living standards. So we need not tax them every now and then.

I will now come to the public expenditure. This has been discussed by several members and I agree with Shri Sahu and also with what Shri Subramaniam said that it is possible for the Finance Minister to set up a limit of economy and then try to achieve that rather than allow things to drift as they have been drifting now. During last year we had a limit set before us, that we should make an economy of 2½ crores as proposed by the previous Finance Minister. What happened was more and more income came in and along with that our expenditure went up, so much so that whatever we earned we spent. That was because the Finance Minister did not strongly enforce his desire to economise public expenditure. I would, therefore, request the Finance Minister to look into this matter more carefully and see if it is possible within the current year or budget year to reduce public expenditure as far as practicable and not leave it to be solved by the Economy Committee, as its report will take a long time to come.

चौधरी रणवीर सिंह : सभापति महोदय, हमारे देश को बाजाद हुए तकरीबन डेढ़ साल से ज्यादा हो गया। इससे देश में परिवर्तन आया, और यदि कोई भाई यह समझे कि इस परिवर्तन के साथ हमारी गवर्नमेंट के सैट-अप में कोई परिवर्तन नहीं आया तो मैं समझता हूँ कि वह गलती पर है। यह इसलिए कि यह एक ऐसा देश था जिसमें चन्द साल पहले एक नहीं कोई चौबीस पचीस

[चौधरी रणवीर सिंह]

लाख इन्सान भूख की वजह से मर गए, उनके पास अनाज नहीं पहुंच पाया। हमारे आजाद होने के बाद बल्कि जिस दिन हमें आजादी मिली उसी रोज से हमारे देश में हजारों आदमी बेघर होना शुरू हो गए और लाखों की तादाद में बेघर होकर इधर से उधर गए। मैं यह कहता हूं कि जो भाई यह समझते हैं कि परिवर्तन नहीं आया वह जरा शान्ति से इस बात को सोचें। आज से तीन चार साल पहले आदमी अपने घरों पर थे, वह बेघर नहीं हुए थे। इसके बावजूद भी देश की आर्थिक स्थिति के कारण या कुछ और भी कारणों की वजह से पच्चीस लाख के करीब आदमी भूखों मर गए लेकिन आजाद होने के बाद इस देश में क्या देखा? कि एक करोड़ से ज्यादा आदमी बेघर हुए। लेकिन उन में से एक इन्सान भी भूखा नहीं मरा। इसलिए मैं यह समझता हूं कि जो भाई यह कहते हैं कि देश के आजाद हो जाने के बाद गवर्नमेंट के ढंग में तब्दीली नहीं आई वह दरअसल गलती पर है। हमारे ढंग में, हमारे कार्य क्रम में बड़ी भारी तब्दीली आई और इसी तब्दीली के कारण यह हुआ कि हालांकि इतने हमारे भाई इधर से उधर गए या उधर से इधर आए और उनको आज भी बहुत सी तकलीफात हैं लेकिन इसके बावजूद भी कोई भूखों नहीं मरा। अब भी जो कई तकलीफात मौजूद हैं तो इस सिलसिले में क्लिक भाई यह भूल जाते हैं कि यह देश एक गरीब देश है जिसकी अपनी लिमिटेशन हैं। इस देश के अन्दर हजारों लाखों देहात ऐसे हैं जिनके अन्दर न कोई अस्पताल है न कोई स्कूल है और न कोई दूसरी आराम की चीजें हैं। लेकिन जो भाई बेघर होकर आए उनके लिए तकरीबन हर एक जगह स्कूल का इंतजाम हुआ हर एक जगह उनके लिए दवाई दारू का इंतजाम हुआ। मैं पिछले साल कुछ मंत्रियों के साथ सेंट्रल गवर्नमेंट का कैम्प देखने के लिए कुरुक्षेत्र गया था। मैं ने वहां पर अस्पताल की हालत देखी और डाक्टर से बातचीत की। डाक्टर ने हमको बताया कि देश की कोई ऐसी दवाई नहीं है कि जो हमारे जरूरत की हो और यहां न आती हो। इस देश के अन्दर लाखों देहात ऐसे हैं कि जहां कुत्ता भी नहीं पहुंचती है तो जिस देश का सैट-अप ऐसा हो, जहां की इकानामिक हालत ऐसी हो, उस हालत में जो कुछ काम हुआ वह कोई कम काम नहीं है।

लेकिन इस सब के बावजूद मैं भी कहना चाहता हूं कि यह देश एक कृषि-प्रधान देश है। इसके अन्दर ८५ फीसदी आदमियों की रोटी का वास्ता सीधे खेती से है। एक मिनट के लिए अगर आप नम्बरों को भी अपने ध्यान से छोड़ दें और अपने ध्यान से यह हटालें कि इसमें इतने आदमी लगे हैं और इस वजह से खेती को इम्पार्टेंस न दें तो भी आप यह मानेंगे कि इस देश के अन्दर आज ऐसी हालत पैदा होगई है कि अगर हमने अपनी कृषि की हालत को

नहीं सुधारा और प्रोडक्शन को नहीं बढ़ाया और ठीक नहीं किया तो हमारा देश जो आजाद हुआ है वह इकानामिकली आजाद नहीं रहेगा। इस नुक्ते निगाह से ही हमको अब यह सोचना होगा कि हमारे देश की इकानामी से एग्रीकल्चरल इकानामी होनी चाहिए या इंडस्ट्रीयल इकानामी। मुझे इस बात पर जरा भी विरोध नहीं है और मैं इस बात को मानता हूं कि यह देश जिस हालत में आजाद हुआ है और आज भी जो हालत है, इस अवस्था में अगर हमारे देश में एक मजबूत फौज नहीं हुई तो हमारी आजादी एक स्वप्न बन कर रह जायगी। मैं मानता हूं कि आजाद देश में बहुत से कारखाने होने चाहिए। लेकिन इस सब के बावजूद कुछ बातें हमें सोचनी पड़ेंगी। यह अब ऐसा वक्त आ गया है कि इस वक्त हमें कृषि, खेती को पहली इम्पार्टेंस देनी पड़ेंगी अपने देश की इंडस्ट्री की तरक्की के लिए, हर एक सूबे के अन्दर और सेंटर के अन्दर इंडस्ट्रियल फायनेंस कारपोरेशन चालू किए गए हैं। लेकिन मैं आपसे यह कहता हूं कि इस देश के अन्दर, जो कि कृषि प्रधान देश, सबसे पहले अगर कोई फाइनेंस कारपोरेशन बनना चाहिए था, तो वह एग्रीकल्चरल फायनेंस कारपोरेशन बनना चाहिए था। क्या आपने या किसी सूबे ने कोई एग्रीकल्चरल फायनेंस कारपोरेशन जारी की? अगर आप चाहते हैं कि आप जो १३० करोड़ या १३३ करोड़ रुपए सालाना का अनाज दूसरे देशों से मगाते हैं और जिसकी वजह से न आप कारखानों की मशीनें मगा सकते हैं न कोई और दूसरी चीजें, अगर आप चाहते हैं कि यह हालत बदल जाय, तो क्या आप समझते हैं कि खेती करने वालों के सेंट्रीमेंट को चोट लगाकर आप बदल सकते हैं? कई भाइयों ने कई ख्याल जाहिर किये हैं। हमारे एक भाई ने अपने वयान में जिक्र किया कि शुगरकेन की कीमत कम कर दी जाय ताकि किसान ज्यादा अनाज बो सके। लेकिन मैं उनसे और अपनी सरकार से एक नम्र निवेदन करना चाहता हूं कि कृषक मशीन नहीं है, कृषक एक इन्सान है, उसके सेंट्रीमेंट को अगर आपने चोट लगाई तो आप कभी अपने मसलों को हल नहीं कर पावेंगे। अगर आप चाहते हैं कि आपका देश अनाज के हिसाब से एक सेल्फ-सपोर्टिंग देश हो तो आपको कम से कम एक बात जरूर करनी पड़ेगी, वह यह कि आप एग्रीकल्चरलिस्ट को इनसेंटिव (incentive) दीजिए ताकि वह ज्यादा पैदा करे, और वह इनसेंटिव आप किस ढंग से दे सकते हैं। त्रिपाठीजी और मैं साथ थे जब हमने मिस्टर डाड से बातें की। मिस्टर डाड ने हमें बताया था कि अमेरिका में वह तब तक ज्यादा पैदा नहीं करा सके जब तक कि अमेरिका की गवर्नमेंट ने किसानों को यह यकीन नहीं दिलाया कि सरकार खास भाव पर अनाज जरूर खरीदेगी। मैंने कई एक दफा हमारे कृषि मिनिस्टर साहब से बातें की और उन्होंने बताया कि देश की आर्थिक हालत ऐसी है कि सरकार इस धान का ज़िम्मा नहीं ले सकती। मैं इस बात के लिए पूरा जोर देना चाहता हूं

[चौधरी रणवीर सिंह]

कि अगर आप चाहते हैं कि देश के अन्दर ज्यादा अनाज पैदा हो तो आपके लिए यह जरूरी है कि आप इस जिम्मेवारी को लें। चाहे यह कितनी ही मुश्किल हो या चाहे इसमें कितना ही खतरा हो। अगर आप चाहते हैं कि ज्यादा पैदा हो तो आपको यह जिम्मा लेना होगा कि खास भाव तक अगर देश के अन्दर कोई दाम देने के लिए तैयार नहीं है तो गवर्नमेंट खरीदेगी।

इस सिलसिले में एक और सुझाव देना चाहता हूँ जिससे मैं समझता हूँ कि गवर्नमेंट को बहुत ज्यादा खर्च भी नहीं उठाना पड़ेगा। वह यह, देश के अन्दर मिडिलमैन की एजेंसी इतनी लम्बी चौड़ी बढ़ गयी है और बढ़ती ही जा रही है। यदि आप इस मिडिलमैन की एजेंसी को कुछ देर के लिए कम कर दें और मैं समझता हूँ कि चूँकि उनके पास कुछ अपने फायनेंसेज भी हैं इससे ज्यादा तकलीफ उनको नहीं होगी। कोआपरेटिव कंज्यूमर्स सोसायटी और कोआपरेटिव प्रोड्यूसर्स सोसायटी को तरक्की दें। आज हम क्या देखते हैं? लोग बड़ी आवाज से किसानों से मांग करते हैं कि ज्यादा अनाज पैदा करो। लेकिन हम देखते हैं कि अनाज की कीमत, जो मुकर्रर की जाती है तो तकरीबन वह पहले से कम की जाती है और कंट्रोल करते हुए कपड़े की कीमत जो मुकर्रर की जाती है तो वह २५ परसेंट ज्यादा मुकर्रर की जाती है। आज ही सौंधी साहब से बातें हो रही थीं। उन्होंने कहा कि हमारे देश में कपड़ा सबसे कम कीमत पर पैदा होता है। मैं मानता हूँ कि अगर हमारे देश के इंडस्ट्रियलिस्ट्स सबसे कम कीमत पर पैदा करके देश को और दुनिया को कपड़ा दे सकते हैं तो इसमें हमारे देश की भलाई जरूर है। लेकिन इसके बावजूद मैं यह समझता हूँ कि चाहे दुनिया में आपके यहां सबसे कम कीमत हो इससे आप आम आदमी को राजी नहीं कर सकते कि कपड़े की कीमत २५ फीसदी ज्यादा बढ़ा दी जाय और उसका किसान पर असर भी न हो। आसानी से यह चीज हल की जा सकती है क्योंकि मिडिलमैन को तकरीबन २५ फीसदी का मुनाफा दिया जाता है। मैं आपको यह भी नहीं कहता कि कीमत को घटा दीजिये। अगर घटा सकते हैं तो बेशक घटा दें। लेकिन अगर घटा नहीं सकते तो कम से कम मिडिलमैन को बीच में से हटा दीजिए और सब डिलीवरी कोआपरेटिव सोसायटी को दिला दीजिए। डिलीवरी डिस्ट्रिक्ट और प्राविंशियल कोआपरेटिव यूनियन्स को दिलाइए इससे प्राफ़िट एग्रीकल्चरिस्ट को पहुंच जायगा और देहाती यह समझेगा कि देश की जो सरकार है यह मेरे लिए है और सरकार का ध्यान अब कृषि की उन्नति करने के लिए लग गया है।

तो मैं आपसे यह नम्र निवेदन इन दो चीजों का करना चाहता हूँ। एक तो एग्रीकल्चरल फाइनेंस कारपोरेशन को आप जल्द से जल्द स्थापित करें, ताकि लोग यह समझ पायें कि गवर्नमेंट इस बात में कीन (keen) है कि ज्यादा से

ज्यादा अनाज पैदा करें। और वह जो कारपोरेशन, रिक्लैमेशन के लिये, ट्रेक्टरस खरीदने के लिये कल ही मैं देख कर आया, पूसा इन्सटीट्यूट में, वहां हमने एक हल देखा जो दुगना काम कर सकता है। मैं समझता हूँ कि अगर गवर्नमेंट उसे तय्यार करा कर देहात में भेजें, तो उसे देहात के लोग बहुत पसन्द करेंगे। और वह यह समझेंगे कि सरकार की तबदीली के साथ २ उनकी भी किस्मत में तबदीली करने के लिये कोई तरक्की होने वाली है। इसी तरह से दूसरी चीज जिसका कि मैंने पहले जिक्र किया था वह स्टैंडलाईजेशन आफ प्राईसेज है और सरकार को चाहिये कि जो कृष्णामचारी कमेटी की रिपोर्ट है उसको कार्यरूप में जल्द से जल्द लाने का यत्न किया जाये, ताकि वह कार्यरूप में आ सके। जब तक आप यह दो बातें नहीं करेंगे, आप एग्रीकल्चरिस्ट्स का कौनफिडेन्स (confidence) विन (win) नहीं कर सकते। और जब तक आप उसको इन्सेन्टिव (incentive) नहीं देंगे, उस वक्त तक आप यह तबक्को नहीं कर सकते कि वह अधिक अनाज पैदा कर देगा, साथ ही मैं एक चीज और निवेदन करना चाहता हूँ कि अगर आप इस वक्त उनके लिये कुछ नहीं कर सकते, तो फिलहाल आप कोई ऐसा स्टेप हरगिज न उठायें, जिससे एग्रीकल्चरिस्ट्स को चोट पहुंचे।

एक छोटी-सी चीज और है। आप देखिये कि रेल तार और हवाई जहाज की वजह से यह हिन्दुस्तान का मुल्क एक छोटा सा देश बना दिया गया है। बम्बई के अन्दर जो कीमत है, और पंजाब के अन्दर जो कीमत है, एग्रीकल्चरिस्ट्स चाहते हैं कि उनकी कीमतों में एक दो रुपये मन से ज्यादा का फर्क नहीं होना चाहिये। मैं चाहता हूँ कि प्रोक्योरमेंट स्कीम अगर आप लागू करें तो प्रोक्योरमेंट प्राइस और ईश्यू प्राइस में इससे ज्यादा फर्क नहीं होना चाहिये जिससे रेल का और थोड़ा बहुत मिडिलमैन का खर्चा पूरा हो सके। मैंने प्रोक्योरमेंट प्राइस पढी हैं, आज मैं गलती से उसको लाना भूल गया, वरना मैं उसके आंकड़े इक्कठा करके यह बतलाता कि एक जगह जो प्रोक्योरमेंट प्राइस है, वह दस रूपया है, और उसी चीज की दूसरे मुकाम पर ईश्यू प्राइस उससे डबल है। अगर इतना ज्यादा फर्क होगा, तो आप कैसे एग्रीकल्चरिस्ट्स को यकीन दिला सकते हैं कि जो सरकार का सारा का सारा ढांचा है, वह उसकी मदद के लिये है और जब तक उसे यकीन नहीं दिला देते कि सारी गवर्नमेंट की मशीनरी उसकी मदद के लिये है, तबतक आप अनाज की पैदावार नहीं बढ़ा पायेंगे। आज देश के सामने सबसे बड़ा सवाल कृषि का है। और जब तक आनाज और कृषि की तरक्की नहीं होगी, अनाज का इम्पोर्ट बन्द नहीं होगा उस वक्त तक मैं समझता हूँ कि देश में कोई इन्डस्ट्री नहीं बढ़ पायेगी, और न ही दूसरी बड़ी-बड़ी प्राब्लिम्स (problems) हल हो पायेंगी। इसीलिये मैं प्रार्थना करता

[चौधरी रणवीर सिंह]

हूँ कि आप आज ही इस का एलान कर दें कि आप एग्रीकल्चरिस्ट फार्मिनेन्स कारपोरेशन बनाने जा रहे हैं। देश के अन्दर ऐसी फार्मिनेन्स कारपोरेशन बन जायेगी, तो उसमें बड़ा फायदा है। गवर्नमेंट अगर इसी बात का जिम्मा लें ले कि जो उसकी प्रोक्वोरमेंट प्राईस है उससे नीचे कीमत नहीं गिराने देगी। अगर आप इतना भी कर लेंगे, तो भी आप काफी इन्सेन्टिव एग्रीकल्चरिस्ट्स को देंगे। मैं हाऊस का ज्यादा समय न लेते हुए यह विश्वास रखता हूँ कि मैंने जो हाऊस के सामने अपने सजेशन रखे हैं, उन्हें मन्त्री महोदय ध्यानपूर्वक गौर करेंगे।

(English translation of the above speech)

Ch. Ranbir Singh (East Punjab: General): It is more than a year and a half approximately since our country got freedom. This brought about a change in the country and if anyone thinks that with this change there has been no change in the set-up of our Government, I would say, he is mistaken. This was such a country where a few years back not one but twenty-four or twenty-five lakh human beings died of starvation—no food grains could be made available to them. After the achievement of freedom by us, rather from the very day we got freedom, thousands of people in our country started becoming homeless and lakhs of them, having become homeless, started migrating from one place to the other. I say those people who think there has been no change should think over this matter a little calmly. Three or four year back people were in their homes, they had not become homeless, but, in spite of that, due to the economic conditions in the country as also because of some other causes about twenty-five lakh people died of starvation. But, what did we see in this country after the advent of freedom? More than one crore persons were rendered homeless, but not one of them died of starvation. Hence, I think that those people who say that there has been no change in the ways of the Government after the advent of freedom are in fact mistaken. A very great change has occurred in our ways, in our methods, and it was only because of this change that although great members of our brethren went from here to there or came from there to here and even today they are suffering considerable hardships, nobody has died of starvation. If some difficulties are still there the critics lose sight of the fact that this country is a poor country which has its own limitations. There are thousands and lakhs of villages in this country which have neither a hospital nor a school nor any other things of public convenience. But in the case of those of our brethren who came here after being rendered homeless schools were provided everywhere, facilities for treatment in illness were provided everywhere. Last year I went to Kurukshetra with some member friends to see the Central Government Camp. There I saw the condition of the hospital and talked to the doctor. The doctor told us that there was no medicine in the country which was of use to them and which was not received there. There are lakhs of villages in this country where even quinine does not reach. Then, where such is the set-up of a country, where such is the economic position the work that has been done under the circumstances is not so inconsiderable.

Yet, with all this, I wish to say that this is mainly an agricultural country where 85 per cent of the population depend directly on agriculture for their living. Even if you were to disregard numbers for a minute and also to become oblivious of the fact that so many people are engaged in agriculture and you therefore decline to give importance to agriculture on that account still you will have to concede that such a situation has come to arise in this country today that if we do not improve our agriculture and increase our production and do

not set it on a sound footing our country which has become free will not remain so economically. From this very point of view we will have to consider now whether our country's economy should be agricultural economy or industrial economy. I would not in the least question but would rather concede that in view of the conditions under which this country has attained freedom and in view of the conditions that prevail even now unless we have a strong army here our freedom would end in a dream. I concede that there should be a large number of factories in a free country yet with all that, there are certain things that we will have to consider. A time has come now when we will have to give prime importance to agriculture. With a view to the industrial development of the country industrial finance corporations have been set up in every province as also at the Centre. But I would say to you that in this country which is predominantly an agricultural country if any finance corporation was to be established in the first instance it should have been an agricultural finance corporation. Did you or any other province start any agricultural finance corporation? If you want to change the present state of affairs under which you have to import food-grains worth 130 or 133 crores of rupees every year from other countries, on account of which you can neither import machinery for factories nor anything else, do you think you could do it by causing injury to the sentiments of the agriculturists? Several of my brothers have given expression to various views. One of our brothers has suggested in the course of his speech that the price of sugar-cane should be reduced so that the farmers might increase their sowings in food-grains. I would, however, make a humble submission to them and to my Government that the cultivator is not a machine, the cultivator is a human being, and if you cause injury to his sentiments you would never be able to solve your problems. If you want that your country should be a self supporting country in the matter of food-grains there is at least one thing which you will have to do, viz., that you should give the agriculturist the incentive to produce more. And, how would you give that incentive? Tripathiji was with me when we talked to Mr. Dodd. Mr. Dodd told us that in America they were not able to get increased production until the American Government gave an assurance to the agriculturists that the Government must purchase the food-grains at a specified rate. I have often talked to our Honourable Minister of Agriculture and he told me that the economy condition of the country was such that the Government could not assume responsibility in that behalf. You should take over this responsibility howsoever difficult it might be or howsoever risk it might involve. If you want that there should be increased production you will have to give the guarantee that up to a specified rate the Government would purchase if none else in the country is prepared to pay that price.

In this connection I want to make another suggestion under which I think the Government would not have to incur any great expenditure. The middle-man's agency in the country has assumed such proportions and still continues to expand. If you can you should for a while reduce the scope of this middle-man's agency—and I think since they possess some finances of their own this would not cause them much trouble—and give a fillip to co-operative consumers' and co-operative producers' societies. What do we find today? People make a loud demand upon the agriculturist to grow more food. But what we find is that in fixing the price of food-grains a rate lower than the existing rate is fixed whereas the price of cloth which is fixed at the time of imposing control is fixed 25 per cent higher. Even today I was having a conversation with Mr. Sondhi. He remarked that in our country cloth was produced at the cheapest cost. I admit that if our country's industrialists can produce cloth at the cheapest cost and supply it to our country as also to the world this is certainly to our country's advantage. But, in spite of all that, I feel that even if your prices be the lowest in the world you cannot convince the ordinary man that the price of cloth be raised by 25 per cent but that this should have no effect upon the

[Ch. Ranbir Singh]

cultivator. This problem can be solved easily because about 25 per cent profit is allowed to the middle-man. I would not ask you to reduce the price. Reduce it certainly if you can. But, if you cannot reduce it you should at least eliminate the middle man and make the entire delivery to co-operative societies. You should make this delivery to district and provincial co-operative units; in this way the profit would flow over to the agriculturist and the villager would think that the Government of the country is for him and that the attention of the Government is now devoted to the advancement of agriculture.

Thus, I would humbly make these two submissions. In the first instance you should, at the earliest establish an agricultural finance corporation so that the people might realize that the Government is keen on producing the maximum quantity of food-grains. That corporation should help in reclamation and in the purchase of tractors. Just yesterday I visited the Pusa Institute. There we saw a plough which could do double the normal job. I think that if the Government were to have them manufactured and supply them in the villages the village people would like them very much and they would feel that with the change in Government some improvements are going to be made which would tend to change their fortunes.

The other thing which I have mentioned already is the stabilization of prices. The Government should see to it that efforts are made to give the report of the Krishnamachari Committee a practical shape—as early as possible so that it might come into operation. Until you do these two things you cannot win the confidence of the agriculturists and until you give him an incentive you cannot expect him to produce more food-grains. Along with this I wish to make another submission, that if you cannot do anything for them at this time, you should not at least take any such step for the present as might cause injury to them.

There is one little thing more. You see how the railways, telegraphs and aeroplanes have turned India into a small country. The agriculturists want that there should not be a difference of more than one or two rupees between the prices prevailing at Bombay and the Punjab. I feel that if you enforce the procurement scheme the difference between the procurement price and the issue price should not exceed such an amount as might be enough to cover the expenses pertaining to the railway and the middle-man. I have read the procurement prices. I forgot, to bring it with me today otherwise I would have shown, by manipulation of figures, how while the procurement price of a certain commodity at a certain place is ten rupees the issue price of that very commodity at another place is double that amount. If the disparity is so great how can you cause the agriculturist to believe that the entire set-up of the Government is for his help and until you cause him the assurance that the entire machinery of the Government is meant for helping him you cannot increase the production of food-grains. The biggest problem before the country today is that of agriculture. Until there is an improvement in the production of food-grains and in agriculture and until the import of food-grains is stopped no industry in the country will be able to develop nor will the other major problems be solved. Hence, I would pray that you should make a declaration even today that you are going to establish an agricultural finance corporation. The formation of such a finance corporation will be of great benefit to the country. Even if the Government were to do only so much as to guarantee that the prices will not be allowed to fall below the level of the procurement prices you will provide a sufficient incentive to the agriculturists. I would not take any more time of the House and hope that the Honourable Minister would give his careful consideration to the suggestions which I have placed before the House.

श्रीमती कमला चौधरी: उपाध्यक्ष महोदय, इस हाउस के मेम्बरों ने जैसे अपने विचार प्रकट किये हैं उस से जाहिर होता है कि गवर्नमेंट की प्रगति के प्रति उन में असन्तोष है मैं भी मन में असन्तोष महसूस करती हूँ और सिर्फ इस हाउस के अन्दर ही असन्तोष नहीं है बल्कि मेरा ख्याल है हमारे देश की जनता में भी एक प्रकार का असन्तोष है। जब आज़ादी लेने के लिये हमारे देश में एक युद्ध एक इन्क़िलाब जारी था और हमारे राष्ट्रपिता महात्मा गांधी ने एक नक़्शा आज़ादी का, एक नक़्शा स्वराज्य का देश के सामने बना कर रखा था। उस समय हम लोगों के मन में बड़ी बड़ी आशाएँ थीं, बड़ी उम्मीदें थीं जिनको कई वर्ष तक हम स्वतन्त्र युद्ध के ज़माने में रामराज्य, के नाम से दोहराते रहे। हर एक का ख्याल था वह रामराज्य, वह स्वराज्य हमारे देश में होने वाला है। जिसमें सुख शान्ति सम्यता संस्कृति की वृद्धि होगी। आखिर वह ज़माना आया जिसकी हमने रामराज्य के रूप में कल्पना की थी वह आज़ादी एक दिन हमारे यहाँ आई। उसे पाये हुये लगभग दो वर्ष होने आये और इतने दिनों में किस हद तक उस स्वराज्य के ख़ाब को हमारी सरकार सफल कर सकी है यह सोचने का विषय है। यह सत्य है कि देखा जाय तो ब्रिटिश गवर्नमेंट जो कुछ हमारे लिये छोड़ गई वह टूटा फूटा खंडहर की तरह का देश छोड़ गई है जिसमें हमारी राष्ट्रीय सरकार को बहुत परिवर्तन करने की ज़रूरत है। बल्कि अगर ऐसा कहा जाय कि रामराज्य स्थापित करने के लिये कायाकल्प करने की ज़रूरत है तो अनुचित न होगा। जब इतनी बड़ी तब्दीली करनी है, इतना बड़ा परिवर्तन करना है, तो उसमें बहुत समय लगेगा इसमें सन्देह नहीं और ऐसा करने के लिये बहुत बड़ी धनराशि की भी ज़रूरत है। लेकिन कुछ विषयों में और कुछ विभागों में, मैं यह महसूस करती हूँ कि हमारी सरकार का जितना व्यय हो रहा है, उतने ही मैं समझती हूँ कि अगर प्रगति का कदम बढ़ाया जाये, तो हमारी सरकार एक सही नीति निर्धारित करके चले तो बहुत कुछ हमें लाभ और सफलता हो सकती है। मसलन शिक्षा विभाग, सरकार का प्रचार विभाग सही रास्ता निर्धारित करके प्रगति करे तो देश की करोड़ों की संख्या में अशिक्षित जनता का मानसिक और सांस्कृतिक विकास हो सकता है। देशवासियों के जीवन का मायदण्ड आज़ाद मुल्क के इन्सानों की भांति ऊँचा उठ सकता है। और जिस रामराज्य की हमने कल्पना की थी वह हमारा ख़ाब पूरा हो सकता है। यह विचार मेरा ही नहीं है बल्कि मैं जहाँ तक समझ सकी हूँ शायद समस्त देश की यह मांग है कि हमारी राष्ट्रीय सरकार का इस तरीके का इन्तज़ाम हो जिससे हमारे देश की जनता को तरक्की के रास्ते पर कदम बढ़ाने की प्रेरणा मिले और हमारा ख़ाब ख़ाब रह कर यथार्थता में तब्दील हो जाये। वह आज़ादी का ख़ाब जिससे हमने देखा था कि आज़ादी के आते ही हमारी भाषा का बोलवाला होगा, हमारी सभ्यता का बोलवाला होगा, वह हमारा ख़ाब शीघ्र

[श्रीमती कमला चौधरी]

सत्य बन कर सामने आजाये। बहुत दिनों से हम लोग सुनते चले आये थे कि हमारे देशवासियों में जो कोई भी बुराईयें हैं जो भी अवगुण हैं वह विदेशी शासन का परिणाम हैं। हम लोग हमेशा उन पर यह कह कर परदा डाल देते थे कि हमारे देश में एक विदेशी हुकूमत है, विदेशी सभ्यता का प्रभाव है, हम लोग गुलाम हैं, इसलिये यह बुराईयां हम लोगों में आ गई हैं। जब हमारी अपनी सरकार होगी और हमारी सभ्यता की उन्नति होगी, हमारे देश का उत्थान होगा, राष्ट्र का पुनः निर्माण होगा, तो उस समय यह सब बुराईयां हमारे अन्दर से चली जायेंगी।

लेकिन मैं नम्रता से निवेदन करना चाहती हूँ कि इतने दिनों में हमारी गवर्नमेंट ने संस्कृति के उत्थान की ओर, अपनी सभ्यता के उत्थान की ओर, राष्ट्रभाषा के उत्थान की ओर, शिक्षा के विकास की ओर कितना कदम बढ़ाया है, यह सवाल अगर सरकार से पूछा जाये, तो मैं बहुत अदब से कहना चाहूंगी कि हमारी सरकार को निरुत्तर ही रहना पड़ेगा, हमारी हुकूमत को यहां पर संतोषजनक व्यवस्था न कर सकने का दोष स्वीकार करना पड़ेगा। जहां तक मैं समझ सकी हूँ गवर्नमेंट भी इस अव्यवस्था को महसूस करती है। कोई भी देश जब वह तरक्की करना चाहता है, राष्ट्र का पुनः निर्माण करके कल्याण की ओर अग्रसर होना चाहता है तो इसके लिये जरूरी है, कि सबसे पहले शिक्षा और भाषा संस्कृति का विकास करके जनता का जीवन ऊंचा उठाये तभी देश का नवनिर्माण और कल्याण हो सकता है। इस हाउस में बहुत बार अपने बहुत से योग्य मेम्बरों के मुख से मैं सुनती रही हूँ कि देश का उत्थान करना है तो सब से पहले अपनी एक भाषा की जरूरत है, भारतीय संस्कृति के विकास की जरूरत है। हमारे देश में देखा जाय तो एक बहुत बड़ा साहित्य का भंडार है। यह दूसरी बात है कि हमारे देश की जनता शताब्दियों विदेशी हुकूमत के मातहत रहने के कारण आज उससे अनभिज्ञ रह गई हो। लेकिन आज जब अपनी राष्ट्रीय सरकार स्थापित हो चुकी है तो शीघ्र ही उस अनभिज्ञता को दूर करने की कोशिश क्यों न की जाये। विदेशी हुकूमत ने अपनी एक काम चलाऊ राज्य भाषा को चलाया और हम लोग उस भाषा को पढ़ कर अपनी भाषा और साहित्य को भूल से गये। लेकिन आज क्या कारण है कि जब अपनी सरकार आ गई है, और हम लोग इस चीज को महसूस करते हैं, गवर्नमेंट भी इसको महसूस करती है कि हमें राष्ट्र का उत्थान करने के लिये सबसे पहले जरूरत है कि हम अपनी भाषा के प्रचार की योजना बनायें अपनी सभ्यता के विकास की योजना बनायें, तो फिर केवल योजना, स्कीम

बना कर ही कैसे संतुष्ट रहा जा सकता है। उन योजनाओं को कामयाब बनाने के लिये भी अधिक परिश्रम करना सरकार का फर्ज हो जाता है।

हमारा देश एक प्राचीन देश है, और जहां तक मैं समझती हूँ वह देश ऐसा नहीं है जहां के लोग बिल्कुल जंगली हों, या जहां के लोग इन्सान न कह कर हैवान कहे गये हों। बल्कि मैं तो यह कहूंगी कि भले ही हमारे ऊपर ऐसा जमाना गुजरा कि हम शताब्दियों तक गुलाम रहे, लेकिन उस गुलामी के युग में भी हमारे देश के साहित्य का, हमारी संस्कृति का बोलबाला रहा है। सिर्फ अपने ही देश में नहीं बल्कि और देश वालों ने भी इस देश की प्राचीनता का और महत्ता का लोहा माना है। अन्य लोगों ने भी हमारे साहित्य का, हमारे इतिहास का बड़ा आदर किया है। मैं यह कहूँ कि बहुत कुछ अन्य लोगों ने हमारे साहित्य से सीखा है, और संस्कृति से लिया है, तो शायद अनुचित नहीं होगा। भारतीय सभ्यता और संस्कृति का नाम बड़े आदर से चारों तरफ लिया गया है। आज जब देश में अपनी हुकूमत है, अपने पास अवसर है, तो मैं समझती हूँ, इस विषय में अभी जिसका मैं जिक्र कर रही थी अवश्य ही राष्ट्रीय सरकार सचेत हो कर पुरानी देश की महत्ता को फिर स्थापित करने में प्रयत्नशील होना चाहिये। कुछ विषय ऐसे हैं जहां पर यह कहा जा सकता है कि अभाव के कारण, चीजों की कमी के कारण हम बहुत तरक्की नहीं कर सके। लेकिन इस विषय में जिसका मैं जिक्र कर चुकी हूँ मैं समझती हूँ कि अगर हमारी सरकार प्रगति करना चाहे तो बहुत प्रगति कर सकती है। सरकार ऐजुकेशन विभाग के ऊपर जो पैसा खर्च करती है उसके लिये मैं समझती हूँ इतना ही पैसा खर्च करके वह बहुत तब्दीली कर सकती हैं। जिस प्रकार के परिवर्तन की जरूरत है, मैं बहुत अदब के साथ कहना चाहूंगी, अभी उसमें कुछ नहीं किया गया है। मैं यह देखती हूँ कि शिक्षा प्रणाली में भारी परिवर्तन की जरूरत है। जिस पर राष्ट्रीय सरकार को तुरन्त ही ध्यान देने की जरूरत थी। योजनायें तो सामने आईं लेकिन शिक्षा पद्धति लगभग अभी वही चल रही है। जिस प्रकार की शिक्षा संस्थाएँ हमारे यहां पहले थीं, उसी प्रकार अब भी हैं। स्कूलों में, हमारे विद्यालयों में उसी प्रकार की शिक्षा प्रणाली चल रही है। विद्यालयों में वैसी पुस्तकें नहीं पढ़ाई जा रही हैं जिनकी नितांत जरूरत अनुभव होती है। मेरा ख्याल है इस विषय में भारी तब्दीली की जरूरत है, लेकिन वह तब्दीली अब तक नहीं की गई। अपने प्रांत यू० पी० की बात मैं जानती हूँ जहां की मैं रहने वाली हूँ। वहां इस दिशा में कुछ परिवर्तन किया गया, लेकिन जैसी लम्बी चौड़ी सा कीम मने आई थी, जिससे हम लोगों को आशा हुई थी कि शायद जो

[श्रीमती कमला चौधरी]

कुछ हम चाहते हैं उस प्रकार की तब्दीली होगी और हमारे बच्चों को, आज से हमारी लड़कियों को उस प्रकार की शिक्षा मिलनी शुरू होगी जिसकी हम जरूरत समझते हैं। जिससे हमारी सभ्यता, हमारी संस्कृति की छाप बच्चे बच्चियों के मन पर प्रारम्भ से ही पड़ेगी और उनमें राष्ट्रीय भावना का बाहुल्य होगा और सबसे बड़ी बात यह कि हमारी देश भक्ति की भावना जागृत होगी। लेकिन हमने देखा कि वैसा कुछ नहीं हुआ। यह बात जरूर हुई कि शिक्षा का क्रम कुछ बदला गया, कोर्स की कुछ किताबों में तब्दीली हुई, लेकिन अगर सचमुच उसका अध्ययन किया जाय तो मैं समझती हूँ कि वह तब्दीली कोई कारगर तब्दीली नहीं हुई। मैं उदाहरण के तौर पर बतलाना चाहती हूँ, मेरा एक बच्चा छठी जमात में पढ़ता है, मैंने देखा छठी जमात का कोर्स हमारी प्रान्तीय सरकार ने बदला। शायद इस ख्याल से कि हिन्दी भाषा का बाहुल्य करना है जो कि हमारी मौलिक भाषा है, पर मैंने यह देखा कि वह बाहुल्य जरूरत से अधिक हो गया। जो उस छठे दर्जे की किताबों में सूर, बिहारी, विद्यापति और तुलसीदास के पद रखे गये हैं, मैं समझती हूँ कि छठी जमात के बच्चे ही क्या, दसवीं जमात या इन्टरमीडियेट के विद्यार्थी भी उन पदों की अच्छी तरह व्याख्या नहीं कर सकते। अगर तब्दीली हुई है तो इस प्रकार की तब्दीली हुई है जो भविष्य में गलत साबित होगी। इसका कारण मैंने यह समझा कि तब्दीली तो हमारी सरकार करना चाहती है लेकिन क्या परिवर्तन करना है, इसकी ठीक ठीक व्यवस्था नहीं है। और उस व्यवस्था के ठीक न होने का कारण क्या है। मैं समझती हूँ, और मैं नम्रता से कहना चाहूंगी कि भाषा में गुलामी ही इसका एक मात्र कारण है। विदेशी राज्य में हमारे यहां जो पदाधिकारी रहे, जितनी इस प्रकार की कमेटियां थीं उनमें विदेशी भाषा का ही बोलबाला रहा और अब सरकार तब्दीली करके उनमें इस प्रकार के लोग लाना भी चाहे जो उन बातों को अच्छी तरह समझ सकें तो मैं समझती हूँ कि शायद चुनाव में गलती होती है। चुनाव जब ठीक प्रकार से नहीं होता तभी इस प्रकार की गलतियां होती हैं। मैं एक उदाहरण और देना चाहूंगी। संस्कृत के ऐम० ऐ० के कोर्स में और बी० ऐ० के कोर्स में, जब कि हमारे पास हिन्दी संस्कृत साहित्य का एक खजाना मौजूद है, क्या कारण है कि आज ऐम० ऐ० में कालिदास के कुमारसम्भव का चौदहवां सर्ग चलता है जो लड़के लड़कियां ठीक प्रकार से पढ़ नहीं सकतीं, उन्हें लज्जा आती है। प्रोफेसर्स को पढ़ाने में संकोच होता है। इसी प्रकार से बी० ऐ० के कोर्स में बिहारी तथा विद्यापति का वह साहित्य रखा गया है जिसमें ऐसे भाग हैं जिन्हें अश्लील साहित्य कहा जायेगा। इन सब चीजों का क्या कारण है। कुमारसम्भव, कालिदास का पढ़ना है तो ऐसा

तो नहीं है कि कालिदास ने केवल चौदहवां अध्याय ही लिखा है, एक ही चीज लिखी है? उस स्टैंडर्ड की कालिदास की दूसरी किताबें मौजूद नहीं हैं? बिहारी और विद्यापति की कितना ही साहित्य इस प्रकार का मौजूद है जो हमारे बच्चे अच्छी प्रकार से पढ़ सकते हैं। मेरे कहने का मतलब यह है कि इस प्रकार की ब्रिटिशों हो रही हैं जिस पर कुछ ध्यान नहीं दिया जाता और शिक्षा की दिशा में यह बहुत महत्वपूर्ण बातें हैं। मैं अपने विचार इस विषय में सरकार के सामने रखना चाहूंगी। सचमुच अगर हमें अपनी सभ्यता का उत्थान करना है, सचमुच राष्ट्रनिर्माण करना है, जिस बात की आवश्यकता हम अनुभव करते हैं, अगर वास्तव में हमें उसी प्रकार प्रगति करना है तो सब से पहले हमें इस दिशा में प्रगति करनी होगी। और उसके लिए यह जरूरी है कि इस विषय में उन लोगों की कमेटियां शिक्षा बोर्ड बनायी जायें जिनको इन बातों का अच्छी तरह ज्ञान हो, जो कि हमारे साहित्य को, हमारी सभ्यता को, अच्छी तरह समझें और समझ कर इस दिशा में परिवर्तन करें। मेरा अपना यह ख्याल है कि आज भी वही पद्धति चली आ रही है जो कि हमारी सरकार के जमाने से नहीं बल्कि ब्रिटिश हुकूमत के जमाने से चली आ रही है कि कुछ प्रकाशक लोग अपनी पुस्तकों को लेकर जाते हैं और जहां तक मैंने सुना है, मैं नहीं कह सकती कि ऐसा ही होता है, कि रिश्वतें चलती हैं, घूस दी जाती है और वह प्रकाशक अपनी किताबों को मंजूर करा लाते हैं। किसी को यह समझने की जरूरत नहीं होती कि जो किताब एक कोर्स के लिए वह पास कर रहे हैं वह वहां के लिए उपयोगी है या नहीं। मैं समझती हूँ कि जब तक यह पद्धति चलती रहेगी तब तक हमारी शिक्षा में, हमारी संस्कृति में, विकास और उन्नति होना असम्भव है। मैं बड़ी नम्रता से मंत्री महोदय के सामने अपना विचार रखना चाहूंगी कि जिस तरह वह अपने प्रचार के लिये पब्लिकेशन का काम करते हैं उसी तरह हमारी सेंट्रल गवर्नमेंट छोटे से छोटे दरजों से लेकर बड़े दरजों तक की किताबें खुद छापे और हमारे सूबे की सरकारों को भी ऐसा करने की हिदायतें दे, गम्भीरता से सोचकर एक बार यह निर्णय कर दें कि दस साल तक कोर्स में यही किताबें पढ़ाई जायेंगी, तभी उस शिक्षा का प्रभाव दृष्टिगोचर होगा, भविष्य के लिये प्रगति का मार्ग खुलेगा और फलाफल को हम भली प्रकार समझ सकेंगे और यह अन्धेरखाता जो प्रकाशकों की तरफ से हो रहा है मैं समझती हूँ समाप्त हो जायगा।

मैं एक बात और निवेदन करना चाहूंगी। हमारे यहां हिन्दी के जो लेखक हैं, साहित्यिक हैं, उन्हें इस बात की आशाएं थीं कि जब हमारी सरकार आयेगी तो हम लोगों का भी एक अपना स्थान होगा, उनका नाम होगा, जिस तरह

[श्रीमती कमला चौधरी]

हम विदेशों में सुनते हैं कि अगर कोई नाटककार है, या लेखक है या कवि है तो किसी बड़े से बड़े सरकारी अफसर से या समाज के बड़े से बड़े व्यक्ति से उस की पोजीशन कम नहीं समझी जाती। उसका आदर होता है; उसका सम्मान होता है। हम लोग गुलाम रहे। इसलिए गुलामी के जमाने में हमारे साहित्यकारों का कोई स्थान नहीं बन पाया, उनकी कोई कद्र नहीं हो पाई। मैं समझती हूँ कि आज वह जमाना आ गया है कि हमारी सरकार को अपने यहां के लेखकों पर ध्यान देना चाहिये, पर मेरा मतलब केवल हिन्दी लेखकों से ही नहीं है, हमारे प्रान्तों में बहुत से प्रान्तीय भाषाओं के और प्रादेशिक भाषाओं के लेखक हैं और मैं समझती हूँ कि उनकी भारतीय साहित्य को बड़ी भारी देन है। सरकार को उनकी ओर भी ध्यान देना चाहिए। उनके साहित्य का विकास होना चाहिए और हमारे यहां के लेखकों का और साहित्यकों का एक स्थान बनना चाहिए। इसकी एक योजना सरकार को जरूर बनानी चाहिए। मेरे पास समय थोड़ा है इसलिए मैं विस्तार से कुछ नहीं कह सकती, लेकिन मैं सिर्फ एक मिसाल देना चाहती हूँ। गवर्नमेंट के पब्लिकेशन विभाग से पत्र निकलते हैं, एक हिन्दी 'आजकल' और दूसरा उर्दू 'आजकल' और एक अरबी का अखबार निकलता है। इसी तरह के और बहुत से पत्र पत्रिकाएँ निकलती हैं। मैं बहुत अदब से कहना चाहूँगी कि जब मैं इनको देखती हूँ तो मुझे ऐसा मालूम होता है कि यह सरकार का व्यर्थ पैसा बरबाद हो रहा है और व्यर्थ का परिश्रम हो रहा है। वही चीजें बहुत काम की बन सकती हैं और उन पर कोई अधिक रुपया खर्च करने की जरूरत नहीं है। जितना खर्च हो रहा है उतने ही मैं उन पत्रों को बहुत उपयोगी बनाया जा सकता है। हम सब लोग हिन्दी में, प्रादेशिक भाषाओं में, प्रान्तीय भाषाओं में, इस चीज की जरूरत महसूस करते हैं कि हमारे यहां एक ऊँचे स्टैंडर्ड के साहित्यिक पत्र का अभाव है। हमारे यहां की जो जनता है उसकी भी रुचि इस तरफ नहीं गई क्योंकि वह अंग्रेजी पढ़ती रही। इसलिए भारतीय भाषा में उसका अभाव रहा। अपनी भाषा का कोई ऊँचे दर्जे का सांस्कृतिक साहित्यिक पत्र आज नहीं है। मैं कहना चाहूँगी कि अगर आज हमारी सरकार इस तरफ ध्यान दे और बहुत योग्य विद्वान व्यक्तियों को इस विभाग में लाये, तो यही पत्र जो सरकार की ओर से निकलते हैं, जिनमें चित्र भी सुन्दर होते हैं, कामज भी अच्छा होता है, पर कमी साहित्य की होती है, संस्कृति की होती है, जिनका आज कोई ध्येय नहीं है, उनको हमारे साहित्य का उत्तम पत्र बनाया जा सकता है। अगर ऐसा हो जाय तो मैं समझती हूँ कि हमारे देश में जो पढ़े लिखे लोग हैं उनके लिए एक बड़े उपयोग की चीज बन सकती है। मेरा मतलब

सिर्फ पढ़े लिखे लोगों की प्रगति से ही नहीं है। सरकार के और भी बहुत से प्रकार के साधन हैं। कितने ही पैम्फलेट, इश्तिहार और नोटिस निकलते हैं और बहुत सी छोटी-छोटी पत्र और पत्रिकाएँ निकलती हैं, जिन पर अगर ध्यान दिया जाय और इन विभागों में एक योजना पूर्वक कार्य हो, कुछ और योग्य व्यक्ति चुन कर रखे जायें, तो उतने ही पैमे में एक बहुत उत्तम साहित्य का निर्माण हो सकता है और उसके द्वारा ही हम अपने देश की लाखों की तादाद में अशिक्षित जनता को भी सुसंस्कृत बना सकते हैं। अगर हमारी हुकूमत इस तरह का विचार करती रहेगी कि जब सब लोग पढ़े लिखे हो जायेंगे उसी दिन हमारी संस्कृति का विकास होगा, उसी दिन हमारी सभ्यता का विकास होगा तो मैं समझती हूँ कि एक युग बीत जायगा। हम लोग समाप्त हो जायेंगे, उसके बाद शायद वह समय आये जब भारतीय सभ्यता और भारतीय संस्कृति का उत्थान हो। अगर इस दिशा में हमारी सरकार कदम उठाये और अपने प्रचार विभाग, शिक्षा विभाग, पब्लिकेशन विभाग और अपन ब्राडकास्टिंग विभाग में परिवर्तन करे, और अपनी एक नीति निर्धारित करके उस दिशा में ठीक तरह से प्रगति की ओर चले, तो मैं समझती हूँ कि साहित्य निर्माण का काम, हमारी सभ्यता संस्कृति के उत्थान का काम बड़ी सफलता से होगा और सचमुच दुनिया देखेगी कि जिस राष्ट्र पिता के रास्ते पर चल कर हमने अपनी आजादी हासिल करने के तरीके से दुनिया की आंखों में चकाचौंध कर दिया है, जो कि दुनिया के लिए एक जादू है, उसी तरह दुनिया हमारी तरफ आश्चर्य से देखे कि हमने अपनी संस्कृति की प्रगति में भी उसी तरह का एक जादू कर दिया है। मैं बहुत नम्रता से मंत्री महोदय का ध्यान इस ओर दिलाना चाहूँगी कि इन विषयों पर विचार किया जाय और सिलेक्ट कमेटी को जो परिवर्तन करने का मौका मिलेगा उसमें इन चीजों पर ध्यान दिया जाय और सांस्कृतिक प्रगति के लिये भी कुछ धनराशि नियुक्त की जाये।

(English translation of the above speech)

Shrimati Kamala Chaudhri (U.P.: General): Sir, from the sentiments that have been expressed by the honourable members of this House it is apparent that they have a feeling of dissatisfaction against the progress of the Government. In my heart of hearts I also feel some sort of discontentment, and this discontentment prevails not only in this House alone but I think in the masses also a sort of discontentment prevails. When a conflict, a revolution, was going on in our country for attaining Independence then the Father of our Nation Mahatma Gandhi had set before the country a blue-print of Independence, a model of *Swarajya*. At that time we had a very high hopes and lofty aspirations. Everybody had the conviction that *Swarajya* that *Ram Rajya*, the names we had been repeating over and over again during the days of the battle for Independence, is going to be established in this country, and wherein peace, contentment, and our culture and civilization will rise to a climax. After all that time, whose conception we had formed in the shape of *Ram Rajya*, also came. That Independence smiled upon us one day. It is since two years that

[Shrimati Kamala Chaudhri]

we have attained our goal, the question worth considering is how far our Government have been able to realize and give our dreams of *Swarajya* a practical shape. It is true that whatever the British Government had left for us was a sort of dilapidated ruin of a country wherein it is essential for our National Government to affect a great deal of changes. If it is said that for establishing *Ram Rajya* a thorough rejuvenation is required then it would not be improper. When we have to affect such drastic changes, make so many innovations then it can not be denied that all this will take much time and for doing so a great deal of money is also required. But in certain matters, in certain departments with whatever money the Government is spending if a step towards progress be taken, if our Government were to set and act upon some definite policy then I think we can attain a great deal of success and advantage. For example if the Education and the Publicity Departments of the Government after chalking out a definite line of action were to take a step towards progression, then the mental and cultural development of the crores of illiterate people of this country can be made; the standard of living of the people of this country can be raised to the level of those living in the free countries and our dreams of *Ram Rajya*, that we had conceived, can be realised. This is not only my contention but as far as I have been able to ascertain the demand of the whole country is that our National Government be so constituted whereby the people of our country may get an impetus to go forward on the way to progress and our dreams of *Ram Rajya* instead of remaining an empty dream may change into a reality. We wish that our dream of Independence, wherein we had conceived that no sooner we attained independence our language will hold a predominant position and our culture will prosper, may soon become a reality. Since long we have been hearing that whatever defects and vices the people of our country possess are the direct consequences of a foreign rule. We always used to draw a veil over our defects and vices by saying that our country is governed by a foreign power, we are under the influence of an alien civilization, we are slaves and so these defects and vices have crept in to the people of this country. When we will have our own Government, when our civilization will be revived, when our country will awaken, when our Nation will be rebuilt then at that time all these defects and vices will automatically vanish.

But I very humbly wish to submit that if a question be asked of our Government as to what steps our Government have taken for the progression of our culture and civilization, for the advancement of our language and for the development of our education then, I would very humbly like to submit, our Government will have to remain silent. Our Government will have to acknowledge her inability of making any satisfactory arrangements. As far as I have been able to make out our Government also feels this anomaly. Whenever any country wants to make progress, wants to go ahead towards prosperity after building the Nation, then for all this it is essential that first of all the language, education and culture should be developed and thus the standard of living of the people be raised, and only then the peace and prosperity of the Nation can be achieved. I have been hearing again and again from the eminent members of this House that if the country is to be emancipated then first of all a national language is to be developed and the progressive evolution of our culture is essential. Our country possesses a vast treasure of literature. It is another thing that as a result of foreign domination of centuries our masses may have remained ignorant of the same. But now when our National Government has been established why efforts should not be made to remove this ignorance? The foreign power introduced a serviceable court language and we on learning that nearly forgot our own language and literature. Then what is the reason that today, when we have our own Government and we feel this

anomaly, the Government also knows that if we have to emancipate our country it is essential for us to chalk out schemes for the propagation of the national language and culture; then how can we be satisfied simply by chalking out of schemes. In order to make these schemes successful it becomes the bounden duty of the Government to make indefatigable efforts in this direction.

Ours is an ancient country and, as far as I understand, our country is not such whose people be savages or may have been referred to as animals instead of human beings. But I would submit that may such times have elapsed that we remained slaves for centuries yet in those days of slavery also the literature and culture of our country have always been dominating. Not only in our country but the other countries of the world also have acknowledged the supremacy of the antiquity and greatness of this country. The people of other countries also have always held our literature and history in high esteem. It would not be improper if I were to say that the people of other countries have learned much from us and have heavily borrowed from our culture. The Indian culture and civilization have always been highly praised. Today when we have our own Government in the country, we have means at our disposal then I think our National Government should be up and make efforts to re-establish the old glory of the country. There are no doubt certain matters about which it can be said that we could make no progress due to scarcity of basic materials. But as regards the matter I have mentioned before I think that if our Government were inclined to make progress then it can certainly make much progress. Even with the money that the Government spends on Education, I think, we can make a great deal of changes. I would very humbly beg to submit that so far nothing has been done to affect those kinds of changes that are necessary. I see that the system of education needs a great deal of change. Our National Government ought to have turned attention towards this. Though many schemes came before us yet nearly the same old system of education is continuing. We still have the same type of educational institutions as before. Our educational institutions are still maintaining the same old system of education. Such books that we sorely need are not being taught in our institutions. I feel that drastic changes are needed in this matter but these changes have not yet been made. I know much about U. P. my native province. There some such changes were made, but by the high sounding scheme that came before us we began to entertain hopes that perhaps the changes we desire would be made, and from today our sons and daughters will begin to receive that type of education that we consider to be necessary; whereby our children from the very outset will begin to imbibe a deep impression of our culture and civilization, they will have a more profound feeling of nationalism, and the greatest thing done would be that a deep sense of patriotism will be roused in them. But we saw that no such thing happened. But no doubt the courses of studies were somewhat changed, some alterations were made in the course books; but if the matter be critically examined then I think the changes that have been made are not of vital importance. For example I wish to submit that one of my children is a student of Class VI. Our Provincial Government have made changes in the course of Class VI perhaps with the idea of giving predominance to Hindi, which is our national language. But I noted that the predominance transgressed the limits of necessity. The verses of Sur, Bihari, Vidyapati and Tulsī that have been included in the Text book of Class VI are such that, I think, what to say of VI Class students even the students of matriculation and intermediate classes cannot explain them properly. If any changes have been made they are such that will prove wrong in the long run. The reason I attribute to this fact is that our Government does want to make drastic changes but what changes are to be made the Government is not clear on that issue. What is the reason of this mismanagement? I would like to submit that as far as

[Shrimati Kamala Chaudhri]

I have considered over the problem I think the slavery of language is the sole cause of all this. During the days of foreign domination among the Government officials and in all the meetings and committees the language of the foreigners mainly predominated, and now if our Government were to replace them with those who may well understand this problem even then I think that errors may occur while making selections. When a proper selection is not made then such mistakes do creep in. I would like to submit one more example. When we have a vast treasure of Sanskrit and Hindi Literature then I cannot understand the reason why in the courses of studies of M.A. Sanskrit and B.A. Hindi the 14th Canto of Kalidas's Kumar Sambhav is still prescribed, which the boys and girls cannot read properly, they feel ashamed, and the professors even feel shy in teaching it. In the same way in B.A. course that literature of Bihari and Vidyapati has been prescribed which consists of such portions as will be called obscene according to the canons of the modern society. What is the reason of all this? If the students have to read Kumar Sambhav of Kalidas then has Kalidas composed only the 14th Canto or has written this book only? Are other books of Kalidas of the same standard not available? A great deal of Bihari and Vidyapati literature is such that our children can read it properly. What I want to submit is that such mistakes are being made and no attention is paid thereon. As far as education is concerned these are of very vital importance. I would like to place my views before the Government. Strictly speaking if we have to raise our civilization, have sincerely to do the task of nation building, have to make progress on the lines that we feel necessary, then for all this we will have first of all to make a definite progress in this direction. In order to achieve this objective it is essential that education boards and committees of such persons be formed who may have a thorough knowledge of these problems and they, after fully taking into consideration our civilization and literature, should make well-planned changes in this direction. I think that the same old system is still persisting that was holding good in the days of the British Government. Some publishers submit their books and then, as far as I have come to know I cannot say if it really happens so or not, bribes are given, hush-moneys are paid and the publishers get their books approved. No body thinks it necessary to ascertain whether the book they are approving for a certain course of study is really suitable for that particular class or not. I think that so long this system will persist it is impossible to make any progression and advancement in our education and culture. I would very humbly like to submit my views before the Honourable the Minister that as he takes upon himself to do the publication work in order to have wide spread propaganda, in the same way our Central Government should herself publish all the books meant from the highest to the lowest classes, and direct the Provincial Governments also to do so. After careful deliberations it should be declared that only these books will form the courses of studies for the next ten years, and only then the effect of this education will be perceptible, the way for future progress will open, and we will be able to understand the good and bad effects; and I think this high handedness on the part of the publishers will also come to an end.

I would like to submit one thing more. Our Hindi authors, writers and men of letters had nursed high hopes that when our National Government will come into being then they also would have a position of their own and they would acquire a name. In foreign countries we hear that men of letters, dramatists, writers, poets, authors, etc. are not considered in any way inferior in position to the highly placed Government officials or top most official or non-official dignitaries. They are respected and honoured. We have been slaves and so during the days of slavery our men of letters could not form their status, they

could not command any dignity and honour. I think that now the time has come when our Government ought to pay attention towards the men of letters and authors of this country. By this I do not mean the Hindi authors only. In our provinces there are quite a large number of writers in provincial languages and local dialects; and I think they have made valuable contributions to our Indian literature. Our Government should pay attention towards them also. Their literature should be developed and a definite status of our writers and men of letters be set. The Government ought to chalk out a scheme in this respect. As the time at my disposal running out so I cannot submit any proposals in detail. But I like to submit one example only. The Publication branch of the Government brings out some magazines, Hindi 'Aj Kal' and the Urdu 'Aj Kal', and a newspaper in Arabic are brought out. In the same way numerous other journals and magazines are published. I would very humbly like to submit that when I see them I feel that the Government money is being wasted and all this is nothing short of a wild goose chase. Those very things can be rendered very useful and for such a change it is not necessary to spend any additional sum of money. These journals and magazines can be rendered much more useful even by that much money that is being spent today. All of us feel that in Hindi or in the provincial languages or in the local dialects there is a complete dearth of some literary journal of a very high standard. Our masses also did not show any inclination in this respect because they went on reading English. Hence we find a complete dearth of such journal, in the Indian languages. Today we have no literary and cultural magazines of high standard in our language. I would like to submit that if our Government were to pay attention towards this matter and appoint some very competent and learned persons in this Department then these very magazines that are published by the Government, whereof the pictures are so beautiful, the paper so excellent, but which lack wholesome literature and cultural background, which today have no ideals and objectives, can be transformed into the best literary magazines of our language. If it were to happen so then I think it can become a thing most suited to the needs of the educated people of our country. I do not mean to refer to the progress of the educated class alone. The Government have many other means at her disposal. A lot of pamphlets, notices and advertisements are brought out and numerous big and small magazines and periodicals are published. If attention be paid towards them and work carried out according to some set and well-planned scheme and some capable persons be appointed after a sifting selection, then in that much money only a very good literature can be compiled and with its help alone we can make the millions of our illiterate masses progressive and cultured. If our Government were to go on thinking that when our masses will become educated only then our culture will develop, only then our civilization will be in full bloom, then I think scores of years will pass by. We will pass away from this world and perhaps then a time may come when Indian culture and civilization may develop and prosper. If the Government were to take necessary steps in this matter, re-organise the departments of Publicity, Education, Publication and Broadcasting clearly define and lay out the future policy, and working on those lines proceed towards the goal of progression, then I think the work of building a sound literature and the emancipation and development of our culture and civilization will be carried out most successfully, and the world would see that the Nation which, while attaining independence following the novel technique laid down by the Father of the Nation, dazzled the eyes of the world, has now become an enigma for the whole world. In the same way the world may look at us wonderstruck that we have been able to make phenomenal changes in the progression of our culture. I would very humbly like to draw the attention of the Honourable the Minister towards the fact that these matters be taken into consideration, and the Select Committee while making recommendations should also take this matter into consideration. Some amount of money should also be set apart for the cultural progress of the country.

Srijut Kuladhar Chaliha (Assam: General): Sir, I thank you for the wind-fall that has come to me and it is a luck that I caught your eye, Sir, as I always do. I shall take you to a place which is very little known in India and to most of the Members and Ministers, except the Honourable the Prime Minister, the Deputy Prime Minister and Shri Santhanam. I think few people have seen the country and fewer Members have seen the place. I shall take you to a subject which is more interesting because it gave inspiration to De Quincy and others who wrote beautiful prose out of its effect. Then possibly, the whole country will be interested in a subject in which the Indian Union, when the British were here caused such havoc to the Chinese and we made as much money as 801 lakhs and much more. Somehow or other after a rebellion we had to understand their logic and whether it was due to public opinion or not, we actually reduced it gracefully when we almost sacrificed the entire revenue. All the same what we have been doing in our country is rather startling. In 1907-08 the acreage under poppy was 488,548 and in 1911-12, it was 200,672 and then in 1939-40 it was 4,898. I do not know whether this reduction was due to the spell and guidance of Mahatma Gandhi. Then we suddenly developed a love for this drug, we again increased our acreage in 1941-42 to 15,801 and then again in 1943-44 we have still improved it and the acreage was 36,415. Then again the production in maunds is also very startling. We have produced in 1907-08 to 71,340 maunds and then we reduced the acreage in 1911-12 to 31,473 and in 1943-44 our production is 9,870. Somehow or other our income was decreasing. In 1943-50, I do not know the reason, it has risen to 143 lakhs. Possibly, it may be due to increased expenditure or something like that, but we have been told that the honourable the Finance Minister is not interested in this revenue and he is prepared to sacrifice this sum, but somehow or other the province except Assam is entangled to the revenue to the extent of three to four crores of rupees. They are not prepared to sacrifice it and that is another reason why we have not been able to carry out prohibition in Assam and smuggling is continually present through Bengal, Orissa and other provinces and unless these provinces adopt prohibition and reduce their acreage under poppy, no improvement is possible. I am glad the honourable the Finance Minister has kindly assured that he is prepared to sacrifice the whole revenue. But then he is working in a vicious circle. The provinces are not prepared to sacrifice their revenue in spite of the willingness to reduce production by ten per cent. I trust that an all-India policy will be undertaken at the Conference which we have been assured will be convened. We should wipe out this evil as early as possible. We are now exporting 200 tons of opium to England. We should confine the production to our medicinal needs. The League of Nations index figure for Consumption of opium is 6 seeds for 10,000 population but that works out @ 9 grains per head whereas we consume only 8 grains. The index was fixed in 1926 and we are in 1949. We should not follow that index anymore.

I am one of those who desire that our defence expenditure should be reduced. But this is impossible in view of the Kashmir situation. All the same we should gradually demobilise the present standing army of 5,00,000 men and bring the strength down to the old standard of having a standing army of 1,25,000. Of course demobilisation should be done in such a way that people do not create discontent in the country. As regards the navy, I am for having a first class naval base in Andamans, Tuticorin, etc., with a good ship-building yard in Bombay. I regret to learn that we could not buy the training ship Nelson of 35,000 tons only for want of a good dockyard. We have to develop the Ports of Madras and Vizagapatam to suit our naval requirements spending money over them for a number of years. We must have a first class navy for our country. We should start creating it now. We cannot depend on our

so-called Commonwealth friends. We should lay down a programme for 50 years of naval construction. We should also have a merchant navy comparable to that of Britain or other countries.

From this subject of ship-building, I wish to take the House to a disease called Kala-azar. Some years ago Dr. Brahmachari discovered a treatment for it but no planned research has been undertaken to find a suitable medicine for this terrible disease so far. Some people thought that it was a form of malaria and prescribed quinine. It was soon found that quinine only increased the disease. In Bengal, in the Burdwan Division this disease is prevalent to a high degree. I request that research should be done in Assam to bring this disease under control. I wish the Health Minister had been present in the House. As she is absent I shall send a note to her and request her to open a research institution somewhere in Assam to find a remedy for this bad disease. These are the two things which will give help to the people of Assam and Bengal and help humanity in general.

For leprosy also which is more prevalent in Madras and Orissa there should be a research institute in Assam as we come next best. Though it will cost a good deal, it is the duty of the Government to give relief to the people especially the hill tribes who suffer from these diseases. The tribes will be a menace to you if you do not give them relief in these directions. As I said, the Communist menace is on the eastern side. You can make these people your best friends if you open in their midst hospitals and educational institutions. If this is not done infiltrations will go on. They are already within 200 miles of the border near Lekhapani. Already Manipur is infested with Communist or Karen menace. I am not sure if the Raja himself is free from Communist ideas. It is said that he has the support of the Communists. I wish that our Prime Minister, the Deputy Prime Minister and the Minister of State would visit the place and see if the Defences there are properly organised. I am afraid if this is not done and personal contact is not established, we may have to go through the same scenes as we have in Burma. We are not combustible people. We are not volatile people. We take things in a tolerant way. Therefore, we do not lose our head. But things should not be allowed to drift. If you care for that Province, and if Dr. Matthai visits the place he would find the need for looking into these matters.

The Honourable Dr. John Matthai: I have spent about six months in Assam.

Srijut Kuladhar Chaliha: Then I would ask the Members of the House to come and see things for themselves.

Shri O. V. Alagesan (Madras: General): These are days of planning and everywhere there is talk of planned economy. Nowhere is planning more necessary than in the field of industrial development in our country. There should be a balanced development of industries, taking into account the requirements and the possibilities of the various regions in our country. This balanced development of industry is necessary not only from the economic viewpoint, but also from the point of view of strategy in this atomic age. I would request the Government to look more towards the South. It has been looking to the East, to the North and to the West. It is high time they did a little looking towards the South, now that they have the planned development of the country in their hands. They should take Madras into the picture at this juncture.

It is common knowledge that there is no heavy industry or basic industry in Madras. It is understood that the Government themselves are going to establish two plants for manufacture of iron and steel with an annual production capacity of five lakhs tons each. I wish that at least one is established in Madras, and there are facilities for the same in Madras. On the floor of this

[Shri O. V. Alagesan]

House, you yourself have urged many a time the needs and necessity to provide for the famine area known as the Ceded Districts in Madras. This area may be poor on the surface, but it contains rich treasures in the bowels of the earth underneath. The Salem—Trichinopoly area and the Bellary-Sandur area, we are told, are very rich in iron ore and various other ores. The iron ore in the area of Bellary-Sandur contains as much as 65 per cent of iron. This compares very favourably with the 51/52 per cent for Lake Superior, 30/32 per cent for Lorainne and Luxemburg, 38 per cent for Alabama and 50 per cent in the Ruhr. The only difficulty is said to be coking coal. That can be easily brought from Hyderabad or even from Bihar, and the new project of Tungabhadra will supply enough power for this industry. I hope, Sir, the Government will see its way to establish at least one of these plants for the manufacture of iron and steel in Madras.

Again, there is a proposal for establishing a heavy power plant manufacturing concern, and I will plead the cause of Madras even here. There are various facilities which will enable the Government to run this industry profitably. Recently, an electric grid comprising Madras, Mysore and Travancore has been established and there are other hydro-electric schemes also on hand, which will supply the necessary power. Also essential raw materials like mica, rubber, silk, cotton, shellac, insulating oils and porcelain are available in sufficient quantities in Madras. You know, Sir, the Avadi Military Camp is a suitable area for the location of this industry and there are sufficient transport facilities—railway as well as port—which make the running of this concern easy. Here also, I would like that the Government takes into consideration the claims of Madras and does justice.

While on the subject of heavy industries, naturally I am led to another subject which is very important in Madras, and that is, the handloom industry. The honourable the Finance Minister has shown sufficient solicitude for the handloom industry. While explaining his proposals for imposing duties on medium and coarse cloth also, he said that he anticipates the need for protecting handloom industry against mill-made goods and this would be appreciated when a long range view is taken. He has also proved his solicitude in a concrete way when the case of cloth produced on power-loom was brought to his notice. There was a proposal to tax goods produced on power-looms also. He at once took action and I am glad to say that he exempted the products of power looms from the tax. So the need for protecting this very important industry which is next only to agriculture in Madras has been recognised. I come from an area which contains many thousands of looms and which gives occupation to many more. In taking into consideration the need for protecting this industry, I wish to urge upon the Government the necessity for allowing free export of handloom goods. Now, the policy of the Government with regard to the export of hand-loom goods is a sort of hide and seek policy. They allow free exports of hand-loom goods for a period in a year, say, for two or three months and then they stop it. Again, the handloom stock increases. There is a hue and cry. The Government have to yield and permit the export of handloom cloth for a stated period, only to stop it after that. In this case, I should like to draw the attention of the House to the unjust discrimination that is made against handloom cloth. While we allow export of mill cloth even to the extent of 10 per cent of the total production, we do not allow export of handloom cloth even up to two or three per cent. The other day, it was you, Sir, who put a question about the export of mill-made cloth to Middle East and the honourable Minister for Commerce answered that some millions of yards—I remember it was 20 or 30 million yards—are exported. This is exported not on a barter system, not to gain any other advantage, but simply to

earn currency. Why not allow the export of handloom cloth to earn the same currency? There is great demand for our handloom goods in countries like Burma, Malaya, Indonesia and parts of Africa etc. In Pakistan there is great demand. Again, another excuse that is trotted out is that while entering into agreement with Pakistan and ourselves, they ask for mill-made cloth only and they do not want handloom cloth. Since we are in dire need of Pakistan cotton, we have to agree to what they say and we are not in a position to send our handloom goods. Why should not we insist that a certain percentage of our exports will be only in handloom goods? If we are in need of their cotton, they are also in need of our textiles. So they cannot easily flout our opinion in this matter. What I want to say is that the export of mill-made cloth to the Middle East and other countries can be stopped or reduced and that the same currency can be earned by allowing free export of handloom goods. Handloom cloth is produced to the tune of 450 million yards in Madras and I am informed that only a quarter of it is exportable and saleable in foreign countries. It will not work out to a very great percentage. So instead of sending away our cheap mill-made cloth to foreign countries and retaining for sale the dearer handloom cloth in our own country, it is better to send a good portion of our dearer handloom cloth to other countries and permit the circulation of the cheaper variety of mill cloth in our country. This free export of handloom cloth will go a long way to protect the handloom industry in this country and the handloom workers will be sure that their goods will be sold without being subject to the fluctuations of the export policy of the Government.

Again, Sir, I should like to say a word about the excise duty on sugar. Already our sugar prices are very high. They are double the Cuban sugar price and 50 per cent above the Brazilian sugar price. On account of the high price of sugar, Pakistan has ceased to be our market for sugar. It finds it more profitable to import Brazilian sugar than to buy sugar across its borders in India.

So the new duty on sugar will go to put up the price still further and there will be more stagnation, more stock accumulation, and people will not be able to purchase sugar at this high cost.

My friend touched on the want of co-ordination between the taxation policy in the Centre and the Provinces. In Madras they imposed a sales tax on the sale of cane. So that sales tax added to the excise duty of sugar will still more make the price of sugar rise up and people will be hard put to it to purchase their needs of sugar. Hence, there is every case for trying to reduce the price of sugar instead of trying to increase it by these duties.

One other point and that is with regard to economy. My friend has already touched upon it. The procedure which has been hit upon is a very ingenious one. I do not know who conceived it. I do not think such an innocent person as the honourable the Finance Minister could have conceived it. I am inclined to think it has come from some other source. It is tantamount to this. The House cries hoarse for economy. All right: here you are. We throw all our proposals before the various Standing Committees of the House. You consider them piece-meal and send us your opinion. This is hardly just. The various Standing Committees can look at these proposals only in an isolated way. They cannot have an over-all picture. That is a very serious handicap and every Minister is quite capable of persuading his Standing Committee (Shri T. T. Krishnamachari: 'Plenty of patronage;') not to effect a cut in his department. I am told that the various Ministers are vying with one another to see that the expenditure in their respective Departments is on no account cut down and they will summon to their support the various Standing Committees of the Legislature. Of course the honourable the Finance Minister may

[Shri O. V. Alagesan]

ask. Then why do you ask for economy? I do not think it is a correct procedure. It is for the Executive to deal with this. The honourable Finance Minister himself referred, on the floor of the House, to the need of cutting down the enormous defence expenditure. When he is convinced of it, why should the matter be placed before either the Defence Committee or the Standing Finance Committee? It is for the Government to cut down the expenditure in the Defence Department. So also is the case with the Civil Departments. It is for the Government to cut down the expenditure and there is no use throwing this responsibility upon the various Standing Committees. It is a wrong procedure and it will not be an answer to the persistent demand of both the House and the country to have a considerable reduction in the cost of the government.

श्री गीपीकृष्ण विजयवर्गीय : श्रीमान् अध्यक्ष महोदय, मैं जानता हूँ कि यहां पर जो बहुत हिन्दी भाषा में भाषण होते हैं और जिनको फाइनेन्स मिनिस्टर साहब और दूसरे मिनिस्टर साहब पूरे तौर से नहीं समझ सकते, तो यह चाहते हुए कि वे उनके नोट्स हासिल करके जो कुछ बातें कही गई हैं उनकी तरफ ज़रूर ध्यान देंगे, इस आशा से, मैं अपना भाषण हिन्दी में कर रहा हूँ।

अध्यक्ष महोदय, मैं इस बात से बहुत खुश हूँ कि आखिर यह फाइनेन्स बिल सिलेक्ट कमेटी में जाने के वास्ते हमारे सामने पेश किया गया है। वास्तव में इस बिल को सिलेक्ट कमेटी में ही जाना चाहिये था। इस साल बजट पर बहुत से मेम्बरों ने आलोचना की है, और इस बजट के बारे में कहा गया है कि यह बजट "रिच मैन" को रिलीफ देगा और गरीब आदमियों को टैकसेशन दिया गया है। इतनी त्रुटियों और आलोचना के होने पर यह लाजमी था कि यह बिल सिलेक्ट कमेटी में जाय। मुझे खुशी है कि यह बिल सिलेक्ट कमेटी में जा रहा है। इस कमेटी में ऐसे लोग हैं जो इस में काफी रद्दोबदल कर सकेंगे। सिलेक्ट कमेटी में जाकर मैं यह आशा करता हूँ कि वे काफी तरमीम और संशोधन करेंगे। अगर Finance Bill में देश के लिए अच्छी तरमीम नहीं होंगी तो यह देश के लिए अच्छा नहीं होगा। जैसा कि फाइनेन्स मिनिस्टर साहब को मालूम होगया है ये प्रपोजल किसी तरह से देश के लिए अच्छे नहीं हो सकते हैं। इसमें गम्भीर परिवर्तन और काफी परिवर्तन होने चाहियें तो इस दृष्टि से मैं समझता हूँ कि सिलेक्ट कमेटी अपने कर्तव्य को पूरा करेगी और हर प्रपोजल को नये सिरे से जांच करेगी और उसमें कुछ न कुछ संशोधन अवश्य करेगी, जिससे इस हाउस में जो आलोचना हुई है उसको दृष्टि में रखकर उसमें परिवर्तन किया जाय।

मैं फाइनेन्स मिनिस्टर साहब का ध्यान खासकर एक पाइन्ट की तरफ दिलाना चाहता हूँ। इसमें जो रिलीफ दिया गया है वह मालदार क्लासेज के लिए

है और उसमें भी खासतौर से जो कैपिटल गेन्स टैक्स है वह एक बड़ी खतरनाक चीज़ है। इस वर्ष में कैपिटल गेन्स टैक्स से कोई खास रिलीफ नहीं होगी, इस साल सिर्फ एक करोड़ रुपये का रिलीफ कैपिटल गेन्स टैक्स से मिल सकेगा। तो इस एक करोड़ रुपये को छोड़ भी सकते हैं, इस बात को देखते हुए कि कैपिटल गेन्स टैक्स से हमारे व्यापारियों को कुछ अधिक लाभ नहीं होगा। इससे खतरा यह होगा कि बहुत सी नई कम्पनियाँ अपने उद्योगों को बेचकर उनको नये कैपिटल्स के रूप में दुगने और तिगने दाम पर खड़ी कर सकेंगे, और इस पर कुछ डिप्रीशेशन एलाउन्स भी अधिक मिलेगा। आगे के लिए अगर हम इस देश में कभी किसी इनडस्ट्री को या कम्पनी को नेशनलाइज करना चाहेंगे तो वह हमारे लिए एक असम्भव जैसी बात हो जायेगी। क्योंकि इस समय जो पूँजी है उसका हमको काफी मुआवजा देना पड़ेगा। तो इसलिए मैं कहता हूँ कि बजट की इस खामी को दूर किया जाय। आखिर यह देश महात्मा गांधी जी के नतूत्व में आगे बढ़ा है और हमने जो कुछ भी हासिल किया है वह गरीबों के लिये हासिल किया है। नेशनलाइजेशन आज नहीं हो सकता है, यह बात सही है, लेकिन आगे करना पड़ेगा। आप सारी दुनिया की हालत को देखें। दुनिया के बहुत से देश आज सोशलिज्म की दिशा में आगे बढ़ रहे हैं। बहुत से देशों में एकोनोमिक क्रान्ति हो रही है। ब्रिटेन सोशलिज्म के रास्ते की तरफ जा रहा है। हमको भी अपने देश की हालत के अनुसार, उस हद तक जितनी कि ज़रूरत है, जाना पड़ेगा। इस दृष्टि से लैन्ड और इनडस्ट्रीज को काफी नेशनलाइज करना पड़ेगा।

इसलिये मैं इस तरफ मिनिस्टर साहब का ध्यान दिलाना चाहता हूँ कि जो इसमें एक करोड़ रुपये का रिलीफ है वह न दिया जाय। सिलेक्ट कमेटी इस रिलीफ को हटा दे और बाकी जो प्रपोजल हैं उन पर भी खूब गौर करे। जनरल डिबेट में इस पर काफी कहा गया है कि अगर इस रिलीफ को छोड़ दिया जाय, और ६ करोड़ का घाटा है उसको न उठाया जाय और नये टैक्स भी न लगाये, तो हमारा काम अच्छी तरह से चल सकता है। इस नये साल सिविल खर्च में १६५ करोड़ और डिफेन्स में १५७ करोड़ रुपया खर्च हो रहा है। दोनों को मिलाकर ३२२ करोड़ रुपया खर्च हो रहा है। अगर हम इस पर ५ परसेन्ट की कमी कर दें तो हमको नये टैक्स लगाने की ज़रूरत नहीं होगी। इसलिए इकौनौमी की भी तरफ ज्यादा ध्यान दिया जाय ताकि बजट बैलैन्स हो जाय। रिलीफ को भी कम किया जाय और टैक्स भी कम किया जाय तो हमारा संशोधन होना चाहिए, ऐसा करने से हमारा बजट बैलैन्स हो जायेगा। मैं खास तौर से ध्यान कैपिटल गेन्स टैक्स की तरफ मिनिस्टर साहब का दिलाना चाहता हूँ। इतना कह कर मैं अपना भाषण समाप्त करता हूँ।

(English translation of the above speech)

Shri Gopikrishna Vijayavargiya (Madhya Bharat): Sir, I am quite aware of the fact that a good many speeches which are delivered in this House in Hindi are not susceptible of being fully understood by our Honourable Finance Minister and other Ministers. But I wish they should take down notes of the various suggestions contained therein, and, look into these. In this very hope, I am going to speak in Hindi.

Sir, I am very much gratified to see that after all this Finance Bill has come before us for being referred to the Select Committee. In fact this Bill ought to have been referred to the Select Committee. Many of the honourable members have criticized the budget proposals this year; and this Budget has been characterized as one tending to give relief to "rich men"; and the poor have been granted "taxation" only. In spite of all these shortcomings and criticisms, it was but necessary that this Bill should have been referred to the Select Committee. I am glad that this is being referred to the Select Committee. This Committee consists of such persons who will be able to make many amendments in this Bill. In the Select Committee they shall, I hope, make substantial changes. If no changes which are beneficial to the interest of the country are made in the Finance Bill, then it is not likely to prove useful to it. The Honourable Finance Minister has already become aware of the fact that these finance proposals can in no way benefit the country. Serious and major changes should be effected in it. With this end in view, I hope that the Select Committee shall come up to our expectations and scrutinize each and every proposal *ab initio* and surely incorporate some changes in it after keeping in view the trend of the criticism made in this House.

I would like to invite the attention of the Honourable Finance Minister to one particular point. The relief envisaged in this Bill is meant for the rich classes only and especially the Capital Gains Tax is a very dangerous measure. During this year, no substantial relief will be given in the form of the abolition of Capital Gains Tax. A relief amounting to Rs. one crore only is likely to accrue from the Capital Gains Tax. So, we can ignore this one crore of rupees after keeping in view the fact that our business community will not be able to derive any material advantage from the Capital Gains Tax. Such a course is fraught with risk, as it will induce many new companies to sell their industrial undertakings and float fresh concerns in lieu thereof with almost the double or treble of their existing capital, and this will also ultimately lead to more allowance being given on account of Depreciation Fund. It will thus become quite impossible for us, if at a future date we want to nationalize any industry or company in this country, because we shall have to give sufficient compensation keeping in view the present capital. Therefore, I would submit that this shortcoming existing in the Budget should be removed. After all this country has advanced under the guidance of Mahatma Gandhi; and whatever we have achieved it is for the benefit of the poor. It is true that nationalization cannot be enforced at present but we shall have to do this later on. You should have an overall view of the conditions existing in the whole world. Many countries of the world are at present drifting towards Socialism. Many countries are in the grip of economic crisis. Britain is treading the path of Socialism. We shall also have to move towards this direction at least to a certain extent which may be deemed necessary. With this end in view, we shall have to nationalize land and industries to a considerable extent.

Therefore, I would like to invite the attention of the Honourable Minister towards this aspect that the relief of Rs. one crore which is envisaged in this Bill should not be given. The Select Committee should do away with this relief measure and also carefully consider the other proposals. It has been amply emphasized during the course of general discussion that if this relief is ignored and the deficit of Rs. 6 crores is not made up, even then it can serve our purpose quite all right. During the ensuing year, Rs. 165 and 157 crores are anticipated to be spent under Civil and Defence Expenditure respectively. The sum total of this expenditure comes to Rs. 322 crores. If we reduce this by 5 per cent, then we will not feel any necessity for imposing new taxes. Therefore, more attention should be paid towards economy so that this Budget may be balanced. We should make necessary amendment in the Bill by way of reduction both under relief as well as taxation so as to have a balanced budget. I should like to draw special attention of the Honourable Minister towards the Capital Gains Tax.

With these words, I would resume my seat.

Mr. Deputy-Speaker: Shri Raj Bahadur. He can speak from the seat where he is.

Shri Raj Bahadur (United States of Matsya): I should like to speak tomorrow, Sir.

Mr. Deputy-Speaker: In that case the honourable member will lose his opportunity to speak.

Shri Raj Bahadur: I have got my notes on my seat on the other side. With your permission, Sir, I shall go back to my seat and speak.

Mr. Deputy-Speaker: I would ask honourable members to be ready in their seats to be able to speak when called. In the morning there was a list of 15 to 20 speakers and the Speaker was hard put to find the time to accommodate them whereas now I find we have to go abegging for speakers.

Shri R. K. Sidhva: If you will permit there are many members of the Select Committee who would like to speak.

Shri Raj Bahadur: Sir, it has been a pleasant but uncomfortable surprise to have been called upon quite unexpectedly to speak at the fag-end of the day. However there are a few points to which I would like to draw the attention of the House and the honourable Minister in the course of my brief speech. I wanted to have a chance of speaking on the day when the Defence Demands were under consideration. What seems to me to be the prime necessity of the day so far as the younger folks are concerned is that there should be some provision or some arrangement by which the desire of the young mind for military training might be satisfied. We know that certain organisations exploited this urge in the young mind for ulterior motives. We also know that they misdirected the energies of the younger folk in our country and as is well known certain organisations, which grow up as mushroom organisations usually exploit such urge and misdirect the youth of the country. With the achievement of freedom naturally and inevitably this urge for military training in the youth has become more emphasised and they ask for military training. It is therefore very necessary that there should have been some arrangement or organisation on behalf of the Defence Department in this behalf initiated and controlled by the Government. In every village, town and city there should be provided a forum or place where the young men or the younger generation could meet and make their beginning in military training, so that this urge which is usual in the young mind is not exploited by interested parties.

Also there should have been some provision in the budget for the integration of the states forces into the overall setup of the Indian army. We know that the States have many an efficient regiment which are at present more or less

[Shri Raj Bahadur]

controlled by the rulers of the States. It is true that under the new setup that control has to a very large extent come into the hands of the Defence Ministry. But even so the States' forces exist by themselves and do not form an integral part of the Indian army. When the States are integrated and the future of the Indian States' forces is in the balance it is but proper that in this Budget a beginning should have been made with the provision of some fund towards the integration of the amalgamation of the Indian States' forces with the Indian army. With the States' unions coming into being if they abolish their customs duties as there is a general demand of the people of the States to do so, it would be very difficult for them to meet the expenditure of the State forces. It would be very difficult even if income-tax is introduced to maintain the State forces by the Government of the States or the States Unions. As such it would only be proper that some provision should have been made in the Budget by which we could have made the beginning of the process of integration or amalgamation of the States' forces with the Indian army.

I now want to come to a point to which I have already referred to in my speech on the External Affairs debate. I pointed out then that there is a pagoda of superstition and prejudice about the customs, manners, culture and civilisation of India in foreign countries. This pagoda has been built by a line of interested writers, like the well known Miss Mayo of America. (An honourable Member: "notorious"!) Yes I should say notorious—But Miss Mayo is not the solitary figure in that line. We also know that during the British regime there had been a persistent effort on the part of the British to present to the world a completely distorted picture of India and the Indians. It is high time that that pagoda of prejudice is demolished completely and a definite effort is made in foreign countries whereby we can present a correct picture of India to the world.

Mr. Deputy-Speaker: The honourable Member can continue his speech tomorrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Tuesday, the 22nd March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

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

Tuesday, 22nd March, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS.

(See Part I)

11-45 A.M.

PAPERS LAID ON THE TABLE

REPORT OF INDIAN RAILWAY ENQUIRY COMMITTEE

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport): Sir, I lay on the table a copy of the *Report of the Indian Railway Enquiry Committee, 1947.

BANKING COMPANIES (LEGAL PRACTITIONERS' CLIENTS' ACCOUNTS) BILL.

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg for leave to introduce a Bill to restrict the liability of banking companies in connection with certain transactions by legal practitioners.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to restrict the liability of banking companies in connection with certain transactions by legal practitioners."

The motion was adopted.

The Honourable Dr. John Matthai: Sir, I introduce the Bill.

INDIAN FINANCE BILL—concl'd.

Mr. Speaker: The House will proceed with the motion moved by the Honourable Dr. John Matthai yesterday, namely:

"That the Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949, be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar, Pandit Hirday Nath Kunzru, Shri T. A. Ramalingam Chettiar, Shri Biswanath Das, Shri R. K. Sidhva, Shri Surendra Mohan Ghosh, Prof. N. G. Ranga, Shri Ram Nath Goenka, Mr. Naziruddin Ahmad, Shri Mohanlal Gautam, Shrimati Annie Mascarene, Shri Gokulbhai Daulatram Bhatt, Shri Prabhu Dayal Himatsingka, Mr. Homi Mody, Shri Khandubhai K. Desai, Shri S. V. Krishna-moorthy Rao, Shri H. V. Kamath, Shri B. L. Sondhi, Shri Kala Venkata Rao, Srijut Rohini Kumar Chaudhuri, Shri K. Hanumanthaiya, Shri Deshbandhu Gupta and the Mover with instructions to report on or before the 25th March, 1949, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

This motion will be discussed upto 4 P.M. or shall it be upto 4-30 P.M.?

The Honourable Dr. John Matthai (Minister of Finance): The discussion has been mainly with reference to general matters of administration and I do

*Not printed in the day's Debate. A copy placed in the Library of the House.—
Ed. of D.

[Dr. John Matthai]

not know if it would be necessary for me to make a lengthy reply. Having observed the trend of the discussions yesterday and the kind of subjects the discussions referred to, if you could allow me half an hour, it would be as much as I would need in order to reply.

Mr. Speaker: The time limit is fixed up to 5 P.M. and at that time the question has to be put under the rule. So there will be no occasion for extending the discussions beyond 5 P.M. So these discussions will go up till 4-30 P.M. and then I shall call upon the honourable the Finance Minister to reply.

Shri Raj Bahadur (United State of Matsya): Mr. Speaker, Sir, before the House rose yesterday, I was expressing myself mainly on three points. With your permission, Sir, I will recapitulate briefly the points I made yesterday to get into a sequence.

I was referring to the necessity of a concerted effort on the part of the Government to devise and introduce a scheme by which the urge of the younger people of our nation for military training may be satisfied. The charm and fascination which draw the younger people, particularly boys of school-going age, for military drills and military discipline, for parades and manoeuvres, are well known. This, Sir, is a precious treasure of the Government and of the nation. It should be put to the best use by the country. Our experience in the past has, however, been that this urge unfortunately was exploited by certain interested parties for ulterior motives. But that it can be put to the best use for the nation cannot be denied, and as such I believe that if the Government devise a scheme whereby either through some suitable military officers or even through the police officers in the various provinces or other qualified persons, a drive is made to train our young people in the art of bearing arms and going in for military drills and discipline, it will be very fitting for the needs of the times.

Secondly, I referred to the integration of the States' Forces into the overall set-up of the Indian Army. After the accomplishment of the marvellous and almost impossible task of integration of as many as 562 States into the various provinces or into States' Unions, it is only to be expected that the States' Forces which are scattered over all these States, should be incorporated into the bigger unit of the Indian Army. They should form part and parcel of it. As such, it is only proper that there should have been some provision in the Defence Budget for that purpose so that a beginning could have been made in this direction.

Thirdly, I was referring to the mass of prejudice and superstition that prevails in certain foreign countries about our social customs and institutions. It has to be painfully observed that during the course of the slavery of two centuries, of our country a ruthlessly distorted picture of our country, especially of manners and social customs of the people was presented to the world. Therefore, it is only proper that all the harm and damage that has been done to our reputation by notorious writers like Miss Mayo should be undone now, and a concerted effort should be made that all the prejudice that exists in foreign countries about our manners and social customs, about our culture and civilization should be removed. It would be not only in the best interests of our nation and country and in keeping with our prestige, but it would pave the way for international peace and amity and goodwill. In this connection I would suggest that the Education Department should publish literature and do propaganda in order to remove all these various whims, fancies and superstitions that reign supreme today in foreign countries about us.

Coming to an other aspect of the function of publicity and information on the part of our Government, I would like to refer to publicity within our own country. In order that our democracy may prove successful, it is necessary

that the common man must be made more intelligent: he must be made aware of his various responsibilities, rights and privileges. It is, therefore, very essential that from village to village and town to town there should be a network of our publicity organization which should be used to educate the masses. It is unfortunate that the few papers that there are in this country—I say few looking to the population of the country and the number of newspapers—are only available in the towns. Even the benefits and advantages of the broadcasting system are restricted to the towns and cities. It could have been planned that a number of radio sets, to begin with say 1,000 or 2,000, are distributed to make a modest beginning in the provinces of Delhi and Ajmer-Merwara, which are Centrally controlled. They could have been supplied free of cost to the villages and could have been so organized that all the broadcasting programmes meant for the rural population could be listened to by them. I understand that some steps have been taken in this direction. But it is only proper that if out of every four men in the United States or in the United Kingdom one possesses a radio or a motor car, it is necessary that in at least every village in our country there should be a radio set. We are looking forward to the day when this will be realized. Again our communication system also is hopelessly out of tune with the needs of time and with the interests of the population. With trade and intercourse increasing from day to day between the villages and the towns, it is only proper that the attention of the Works, Mines and Power Department is directed towards a betterment of the existing communications and transport facilities.

Lastly, I would refer to the immense problem of the refugees. It cannot be doubted that the problem of the refugees which was created by the influx of millions of people due to the exchange of populations on an unprecedented and inconceivable scale reaching up to the figure of 70 lakhs on either side was a gigantic one. It would have been impossible for any Government in the world to cope with such a mighty and huge problem. But it has to be admitted that the problem has not been solved up to this time completely. Out of the many areas from where populations have been exchanged I want to make a particular reference to the Matsya Union, from where about one lakh of people have migrated the refugees who come from Pakistan were only about 30 or 40 thousand. (Interruption). I stand corrected. About three lakhs of people migrated from the Matsya Union and only a lakh of people have come there. But these too have not been settled properly. I will give a small example. One of the industries which some of these refugees wanted to set up was the razor-making industry and another was the piercing-saw-industry. They wanted some protection and some financial assistance. These were not forthcoming. The problem of making them stand on their own legs and making them eke out their own living could not be solved in this manner. The result is that a large number of such people who went there to find shelter are returning from those areas. It is high time that the attention of the Government is drawn to this problem.

So far as taxation proposals are concerned, as is well known, the principle is "no taxation without representation." Nobody can doubt that this Assembly is fully representative of the people of India but the impression one gathers from a cursory perusal of the budget is that it is more a rich man's budget than a poor man's. The various proposals for relief relate mainly to those items which relate to those who are well to do and rich. As far as the poor man is concerned not only is his postcard taxed but his paper and stationery are also taxed. The coarse cloth which he wears is also taxed. I hope when the Bill is considered by the Select Committee they will see to it that the necessities of life of the common man are not taxed, so far as possible, or that the burden of taxation on such articles of necessity is not augmented. (An honourable Member: 'Where is the money to come from?') The tax can come from other things used by rich men. It is not necessary that

[Shri Raj Bahadur]

you should tax articles like paper and stationery which are used by the students and the poorer classes also. Why do you not tax other articles (*Interruption*). I see only the "capitalists' cry" in this interruption. But I do not mean to cast any reflection on anybody.

I want to refer to certain industries which require special protection, for example the razor industry. In November last razors imported from foreign countries cost Rs. 27 per razor of superior quality and Rs. 15 per razor of inferior quality; whereas local made razors were obtainable at a price of Rs. 5 per razor in November last. Then there was dumping of these razors in the country and the result was that foreign razors could be obtained at Rs. 9 in February and the local made razors came down to Rs. 2. The result was that this industry which was coming into its own has been crippled by the dumping of these foreign imports. As regards the piercing saw industry—these saws are used by watch-makers—they were obtainable at Rs. 15/6 per gross and now they have come down to Rs. 2 because of dumping from Switzerland. The industry has, therefore, been completely paralysed. Lastly the shoe industry, which employed about 5 lakhs of people, and of which there are about 300 factories and 4,000 cottage industry centres, has suffered a serious set back on account of dumping of shoes and other leather goods from the U.K., Australia and other countries. About one lakh of people have been thrown out of employment consequently at and near Agra.

Srijut Rohini Kumar Chaudhuri (Assam: General): On a point of order, Sir, when an honourable Member continues his speech on the following day is the time taken by him on the previous day taken into consideration?

Mr. Speaker: It is also taken into consideration but in view of the very short time of four or five minutes that he has had I am allowing him that time also.

Shri Raj Bahadur: Sir, I will not give another opportunity to my honourable friend to complain about my taking extra time. I shall conclude by saying that the industries which I have referred to will receive the special consideration of the Government by the imposition of protective duties as also other special assistance. I hope the Government will also consider the other points made out by me.

Mr. Homi Mody (Bombay: General): Sir, in my speech on the Budget I characterised the approach of my honourable friend the Finance Minister to the problems facing him as one of subdued optimism. And indeed when we look around us all over the world and find cities devastated, millions homeless, factories in ruins and the whole economy of countries disrupted, we have cause for profound thankfulness. It is true that India suffered a great deal too. She made a major contribution to the war in spite of the fact that she was in essentials ill-equipped for waging a major war; her capacity for munitions and major weapons of war was either non-existent or extremely limited. All the same she made a great effort and I think her contribution was equal to almost that of any other country if you take into consideration the totality of all that she did for the prosecution of the war. But it is also true that she escaped the major horrors of the war, horrors which countries subjected to bombing or enemy occupation went through, and to that extent I say there is cause for profound thankfulness.....

Pandit Lakshmi Kanta Maitra (West Bengal: General): We in Bengal had some taste of it.

Mr. Homi Mody: Yes but if you had the taste which other countries had, you would not have forgotten it!

The situation, nevertheless, is one of difficulty and it would be foolish to disguise the seriousness of the problems that are facing us. In the first place, our productive machine while it is intact is worn out very badly. We have not been able to rehabilitate our industry because of difficulties of capital equipment and also of exchange resources, particularly in the hard currency areas. Our transport system has not yet achieved normalcy, in spite of the efforts which have been made in the last year or two and which I freely acknowledge. The transport problem is still very acute, and I take this opportunity of saying, without doing any injustice, I hope, to the Ministry concerned, that the transport system of the country is inadequate to the needs of trade, industry and agriculture.

Then there is the consideration that the middle classes have been impoverished, their savings have mostly disappeared and today that class on which governments in all countries generally depend for support to the investment market is almost non-existent. And finally, it is also a fact that confidence has been generally shaken, though here again I freely acknowledge that a great deal has been done by Government's spokesmen in recent months to restore confidence, both by word and deed.

There are two particular problems facing my honourable friend. One is the high cost of living. I am inclined to agree with him that we have seen probably the peak of the inflation. But I am not so sure that I can share his optimism with regard to any downward trend setting in. If you examine the budget carefully, you will find that beyond the fact that the programme of capital expansion is very modest, and may be regarded as anti-inflationary, there is little in the budget which can be said to induce a downward trend of prices. The effect of excises surely cannot but be inflationary, and to the extent to which cloth, sugar, petrol and other articles are made more expensive, to that extent, the cost of living of the middle and the lower middle classes is bound to go up.

Then you cannot possibly divorce the Central budget from the provincial budgets. In the Provinces because of the fanatical pursuit of ideals, and consequent abandonment of very substantial revenues, Sales Taxes are being imposed on all manner of necessities. I do not know what sort of taxation principles they are which entitle a Province to throw away crores of revenue in the pursuit of ideals and which at the same time imposes such burdens upon the poor and the middle classes. In this connection, I would like to ask my honourable friend whether the Central Government's authority over the Provinces rests merely in issuing directives and tendering advice. Provincial autonomy is there—nobody disputes that. But in the matter of prohibition—on which I hold just as strong views as Provincial Ministers hold theirs—there was advice tendered from the highest quarters to the Provinces, which advice was contentiously rejected. Has anything been done? I find that nothing has happened to the Provinces which have rejected this advice. They are being given loans and advances and grants without reference to what the Central Government's advice was with regard to setting their finances in order.

Shri Lakshminarayan Sahu (Orissa: General): Sober people will pay more taxes than drunkards.

Mr. Homi Mody: But so far as I am concerned, I am more sober when I have had a little!

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, does he want anything now?

Mr. Speaker: Let him proceed.

Mr. Homi Mody: The other difficulty which is facing my honourable friend is with regard to the financing of capital expenditure. He has provided in this year's budget, and very wisely, only Rs. 85 crores, of which Rs. 67 crores are

[Mr. Homi Mody]

by way of conversion, which leaves a very meagre sum of Rs. 13 crores for financing fresh expenditure. That undoubtedly is wise in view of the circumstances in which he finds himself. But it only shows that today we are not in a position to finance capital expenditure to any very considerable extent.

I would like to draw his attention in particular to the considerable reduction that has taken place in cash balances. If I remember aright, only three years ago they were of the order of Rs. 450 crores; they have substantially dwindled. What I want to know is whether this raid on the cash balances took place for financing current expenditure. Cash balances are generally built up for financing capital expenditure. I do not know whether they are intended to supplement the ordinary revenue resources of Government. It is a matter for my honourable friend to answer and I shall be happy to learn at his feet.

Sir, it would perhaps be idle to make any suggestions to my honourable friend who knows a great deal more about these matters than I do, but I would like to suggest to him, in view of the present state of the security market, the feasibility of floating short-term loans, leaving the long-term loan position alone. When I talk of short-term loans I mean for five or seven or ten years, in small denominations, and with a slightly higher rate of interest than the rate at which such securities can be had today. In other words, the yield on these short-term securities should not be such as to disrupt the whole structure of the security market. If you offer perhaps an anna or two more than the yield on short-term securities today, you may find a considerable response on the part of the investing public.

Then there is another question on which I speak with even greater diffidence, and that is the question of attracting capital from rural areas. My honourable friend, I think, knows something about co-operative societies and I was wondering whether with their help and that of rural agencies it was possible to draw up something out of the small savings of the agricultural and the artisan population.

Shri T. A. Ramalingam Chettiar (Madras: General): At the present moment, there is greater demand for money in the rural parts, and there is no money to be deposited so far as we know.

Mr. Homi Mody: What is the reason? More marriages?

Shri T. A. Ramalingam Chettiar: For cultivation expenses.

Shri L. Krishnaswami Bharathi (Madras: General): There is no money with them.

Mr. Homi Mody: I shall speak with all humility; my friends are experts, and I am not. But I am very surprised to hear that there is no money in the rural areas. I thought that over a period of years the high prices which the agriculturists obtained have enabled them to lay by a little and withstand the shock of lean years much better than ever before.

Honourable Members: No, no.

Mr. Speaker: Let him proceed.

Mr. Homi Mody: As a matter of fact, I think I am right in saying that agricultural indebtedness has been very substantially reduced. (Interruption)

Mr. Speaker: Order, order.

Mr. Homi Mody: Now it seems to me that what requires to be done, is that the procedure ought to be simplified a great deal—the procedure by which loans can be purchased and sold and the agencies through which purchases and

sales can be effected. If some way was devised of making it simpler so that the poor ignorant agriculturist does not think that he is undergoing a heavy and, to him a complicated, formality, it is possible that the drive for rural savings may meet with greater success than it has done. Then again, I do not know whether my honourable friend will raise his hands in horror if I ask him to consider the feasibility of issuing bearer bonds. I do not know what the mechanics of that business are or the morality, but a short time ago some of the leading Indian banks in this country put up a scheme to the Government. I would like to know from my honourable friend whether he has considered that scheme.

I have one or two other small points. One is that I think there ought to be better estimating of the revenue and expenditure. I have been here for well over fifteen years off and on, and I have not known budget figures being out to the extent of Rs. 80 crores, both on the revenue and on the expenditure side. I grant that there are incalculables and imponderables, and budgeting is a form of guess work; but it should not be pure speculation. I suggest to my honourable friend that a better control over budgeting ought to be exercised than has evidently been the case.

Then there is the question of the Economy Committee. In view of the assurance given by my honourable friend that he is going to examine their recommendations very promptly and carefully, I do not need to say anything beyond that I hope he will find it possible, if the report is not an empirical document, to effect some substantial economies.

Lastly, there is the food problem, which is at the root of all our problems. The honourable Minister only a couple of days ago made a re-assuring statement, and evidently he and the Provinces seem determined to go ahead. I only want to say that my general reaction is that my honourable friend the Food Minister is being a little too optimistic. I am not also sure whether the Provinces are as energetic and as much in earnest as the Centre is with regard to the food problem; that is largely because of the comparative ease with which we have found it possible to import food from abroad.

Sir, I have nothing more to say at this stage.

Shri M. Ananthasayanam Ayyangar: Sir, I refer to this Budget as a balanced Budget not because the revenue and expenditure side has been balanced, but because it effects a balance between the rich and the poor. I expected a different speech from my honourable friend Mr. Mody than one of mere criticism of what has been done. If the appetite is satisfied the appetite grows by what it feeds on. The poor man has been ignored in this Budget, but he is prepared to take some more burdens upon himself merely to see that the industrialist and capitalist is put once again on his legs, to improve the industry of this country and the wealth of the nation. Sir, my friend has not given an assurance, in spite of all the concessions that have been given to him, that he will go forth to the country and ask the industrialists to put more energy into their work and see that everyone of them produces sufficient for consumption so as to bring down the inflation.

Mr. Homi Mody: May I just interrupt my honourable friend? If he will read my Budget speech I have stated there in the strongest possible terms and made a call on the industry and trading community to respond to Government's efforts.

Shri M. Ananthasayanam Ayyangar: Anyhow, Sir, till now there is no evidence of it. Now he has turned his attention; finding that he has not been able to persuade his friends, he has turned his wrath against the honourable

[Shri M. Ananthasayanam Ayyangar]

Minister. My own feeling is that an erstwhile socialist has turned into a conservative, all in the interests of the country. When the time came and the need is there, I am glad the honourable Minister has given up some of his principles merely for the purpose of putting our country once again on its legs.

Now, let us understand the critical situation in which we are. India is essentially sound, there is absolutely no doubt about it. The British Government has not taken away all the rivers and lands from here. They are still here. But our balance of trade for the past nine months, ending with the year 1948, is adverse to the tune of 35 crores odd. To England itself our adverse balance is 17 odd crores; likewise to the United States of America and so on. Now, this adverse balance of trade has to be met. We have not been able to get sufficient from England by way of sterling releases in the hard currencies which we wanted for purchase of capital goods. We borrowed from the International Monetary Fund to the extent of 100 million dollars. 92 millions have already been drawn and 8 millions remain to be drawn. Evidently there is a lurking suspicion in the minds of the persons in charge of the Fund as to why we have been drawing these amounts and how we will be able to pay back. Certainly we will be able to pay, we have got enormous resources.

So far as food is concerned, now we are going to outside countries for purchasing food to the tune nearly of 130 crores. And then this food is subsidised. If the poor man says he has to pay something more for postage this year. I ask you wherefrom are we going to have money for subsidizing the poor man's food in which there is such a great shortage? Our food subsidies come nearly to 23 crores a year.

Next, it may be said that the poor man's cloth has been taxed. Over coarse cloth a quarter of an anna has been imposed, both over coarse and medium counts up to 34 counts. Situated as we are in this country and having regard to the scarcity of cloth, 12 yards per head per year is all that can be allowed. Taking five as the number of members in a family, each purchases 60 yards in a year. What does he pay per year as tax on these 60 yards? Sixty quarters, that is fifteen annas, less than a rupee. In these critical times it is hard for the poor man to put one more burden upon himself. He is not poor today, he has plenty of money but there is not much for him to purchase with that money; money has become so cheap. It is true in the villages they have plenty of money; the debts of erstwhile poor peasants who were groaning under indebtedness are all paid off. But there is not sufficient fluent capital today; money is not circulating as quickly and as swiftly as before. The only solution for getting rid of this inflation is by producing more and more consumer goods. We have tried to grease the wheels of industry, and the wheels of our honourable friend also, but they still creak. The only other remedy is for the State to take over the industry. Concessions have been given by the honourable the Finance Minister as soon as he took office. He took office at a time when no Minister.....

Mr. Homi Mody: But we have acknowledged all that.

Shri M. Ananthasayanam Ayyangar: It is mere lip-sympathy, it is not sympathy for the poor man nor even for the honourable the Finance Minister. My friend is not trying to put his shoulder to the wheel. I would urge that if ever we do not improve within the course of the next year, I will certainly throw the blame entirely upon my friend and all the persons that he represents. As soon as my honourable friend the Finance Minister took charge of his office in October last, he gave a number of concessions regarding depreciation. Then he reduced the super-tax from fifteen annas six pies to fourteen annas. No doubt Liaquat Ali Khan's Budget was hailed as a poor man's Budget, but unfortunately it has helped neither the poor man nor the rich man. It killed the

rich man and along with the rich man the entire community as a whole. After two years we are now wise. It is under those circumstances that the honourable the Finance Minister has taken over. To the industry or to the capitalist who has to pay super-tax to the tune of fifteen annas six pies in the rupee, concession of an anna and a hali is not much. In the critical times that we are in I would reduce it further. My friend Shri T. T. Krishnamachari can laugh. I have only one colour, my friend has two colours. He is a capitalist during the night and by day he is a socialist. I have been a socialist, but I am not a socialist in this sense that I stick to my guns and am a socialist through thick and thin even if the whole ground is washed away under my foot.

Sir, I find there is a peculiar situation arisen in this country today. There is no food, we are importing food. There are hundreds of rivers in our country but we are not able to produce sufficient food. Under these circumstances what are we to do? So far as cloth is concerned, ours was the one country which produced cloth from ancient times. It is said that when some people from Europe visited India in 300 A.D. they went back carrying tales of how they discovered a new thing, a kind of wool growing on the top of trees. But now we have come to look to Manchester and Lancashire for cloth. It is a disgrace that we are not able to make ourselves self-sufficient in food and cloth. What is the remedy? We cannot go on criticising the Finance Minister. An all-round burden has to be imposed. After all the quarter anna is not much for the poor man; if the postcard is raised from six to nine pies, it is for the benefit of the poor man—a larger number of post offices will be set up during the course of the next year.

Shri M. Tirumala Rao (Madras: General): You are reversing your arguments!

Shri M. Ananthasayanam Ayyangar: I am not reversing my argument. I started by saying that under the peculiar circumstances in which we are, you cannot have a better Budget. It is a balanced Budget, balanced between the rich man and the poor man, not between the right side and the left side of the income but between the rich and the poor. In the matter of reduction of the super-tax, I find that the Communist papers say that some 419 persons have been benefited by the reduction of super-tax from 15 as. 6 ps. to 14 as., and that they get the advantage to the tune of Rs. 2-1/2 crores. Well, it so happens that they are industrialists. It cannot be avoided.

In the matter of other concessions, the majority of persons who have benefited are the poor men. It is not the rich man who eats so much cereals as the poor man. My friend here, for instance supplements his food with liquor, not so the poor man, he has to depend on his cereals. So a number of concessions have been given so far as the poor man is concerned. But the rich man has to be helped, not to make him richer, but for the purpose of the industrialisation of the country, or for the purpose of producing the necessities of life in our country. I agree with these proposals and I have an absolutely clean conscience. I can go to the country and tell the people that they are for their good. They should not listen to those who want to destroy the Government or bring about chaos by saying to the people, "Look here, this half-anna post card has been raised to nine pies." I will tell the poor man that nine pies is not much because the price of money has now gone down. He has got plenty of money, because of the inflation, and we have actually to control inflation. The Finance Minister told us that he has not been able to attract savings. These have gone into the villages. And so far as the industrialists are concerned, their total cost, I mean the total cost of stocks and shares which was about Rs. 130 crores, on account of the various disturbances the heavy imposition of super-tax and so on, its face value now has come down to Rs. 300 crores. From 1,300 it has come to 300. It is no wonder that the Industrialists are not able to get the necessary finance, and the bankers want additional security.

Shri M. Tirumala Rao: Did they not experience an artificial boom during the rise?

Shri M. Ananthasayanam Ayyangar: If artificially we get fat by eating a lot of butter, and in one purgative the whole thing goes off, and you are back to the original state, what is the use? That is what I cannot understand.

Sir, I am glad this Bill has been referred to the Select Committee. There are certain things to be adjusted, so far as the middle-class man is concerned. He has not profitted during the war. He has not had any additional income, and some concessions have to be given to him. Instead of a reduction of a quarter of an anna here or there, the exemption limit may be raised from Rs. 3,000 to Rs. 3,500, particularly in the case of persons who have large families. I am not making any personal reference, but I would like this country to have a large number of people. Well, with the sweet reasonableness of the honourable the Finance Minister, we shall be able to make certain changes, and we do not think that irrespective of considerations of reasonableness, he will stick to the various proposals.

Now, I have to make a few suggestions. We have established a new convention this year. Some objection was raised during the earlier part of the budget debate that the Finance Minister does not take all and sundry into his confidence before he brings forward his financial proposals. Sir, this is impossible. He should not even talk to his wife regarding financial matters. He cannot talk to anyone, except, of course, the Prime Minister to whom he must entrust his confidence. Now, on this occasion, he has himself come forward to refer the matter to a Select Committee. There it can be discussed threadbare. Twenty-two Members of the Assembly are there on the Select Committee. That is a good departure. It was started last year and I am glad it has continued.

So far as the scanning of the budget is concerned, we spend about thirteen or fourteen days on it. Here I would like to make a suggestion. We need not have two discussions, but only one general discussion. As soon as the Budget is placed, the financial proposals also may be placed, and instead of starting a general discussion on the Budget, let us have the general discussion of the Finance Bill, where we can talk all things from China to Peru. In the Budget discussion we refer only to the taxation proposal, not of the expenditure, and then devote some five days to the second part. We had so many departments in one day, Health, Education, Labour and Broadcasting, all on one day, and then we had to guillotine. Whoever may be the Minister or Member, you make him sit down in the middle of his speech, when the clock strikes the hour. Instead of that, we may allot one day for each of the departments, and in this way we will have a very good discussion of all the Departments.

Another suggestion is that the Budget proposals must, first of all, be placed before the departmental sub-committees of this House, relating to each Department. They should scan the.....

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): You mean the Standing Committee.

Shri M. Ananthasayanam Ayyangar: I am sorry, I mean the Standing Finance Committee. The proposals must be scanned by the Standing Finance Committee. All the items may not be scanned in one year. They may be divided into three groups, and during the course of three years all the items may come under the scrutiny of the Standing Finance Committee. I made the suggestion a number of years ago. The present Finance Minister was not here during that period. I now request him to take this suggestion into consideration.

The Honourable Dr. John Matthai: I take it that the honourable Member is suggesting something on the lines of the Estimates Committee of the House of Commons?

Shri M. Ananthasayanam Ayyangar: Yes. That is what I mean.

I would also urge that the Budget should not be a mere Central Budget or central finance proposals. I would say that before any Provincial Government or before any Provincial Minister introduces his budget he must consult the Central Finance Minister. Otherwise central financial assistance may be refused. As it is, we find over-lapping of taxes. After all, who pays? Whether it is Central tax, or provincial tax or local tax, it is the same community that has to pay it. These are only various agencies for the collection. So there must be some liaison. The Provincial Ministers must consult the Minister at the Centre. Take for instance the Health and Education Budget. There was some criticism here that we did spend enough. But have we got an idea of what the Provinces have spent? Therefore, in consultation with the Centre, their financial proposals and their budgets must be prepared.

Sir, I have done. I whole-heartedly welcome the proposals, though here and there they may require some modification, and I am sure the honourable Minister will be agreeable to these modifications, in the Select Committee.

Shri Mahavir Tyagi (U.P.: General): Sir, I want to raise one other important issue in the House to-day. Independence having been achieved, I do not think anybody should now grouse or complain against taxation. Tax is a better money. Money in the State coffers, according to my conviction, is a better money than any money in individuals' pockets. After all, this money comes from individuals to the exchequer of the State for the development of collective interests. I do not mind any tax. It may go to any amount. To me it will always be acceptable. I will never oppose any taxation. But at the same time, I want that the money which has been collected from each rich and poor, must be spent for the betterment of the people and must be usefully employed. I want to invite the attention of the House particularly to this matter. The time at my disposal is very short and I will not deal with many matters, though my points are many. Now, let us examine how this money is spent. A bulk of it goes to the Government Servants. In the old British days those who joined the State, including the Ministers, or rather they were advisers, or the I.C.S. people, joined because they wanted to make a living. So statecraft was also one kind of business. It also was an industry. People go to an industry to earn profit. So also they came to the State to earn a profit, and hence all this corruption in India. The British were here and they came to exploit our resources they therefore wanted to take home all that they could. Naturally those Indians too who served under them thought it to be their opportunity to keep from the British hands as much as they could, and for this they did not face any public condemnation. There is still a sort of the same feeling prevailing in the country. In the State people go in order to make their careers. I am not attributing any motive to the honourable Ministers. By State, I mean the whole structure of it. The people who join service do so just to have a career for themselves. Government servants come with the object of making their living as best as they can and their general tendency is to work less and expect more, i.e., take more advantage as is the case of the labourers in the factories. Just as Industrial labourers in spite of all reforms their unions, Syndicates and other organizations with the help of labour leaders have achieved for them, work less and demand more pay. The same is the case of Government servants, they are also labourers whether educated, technical or uneducated labourers. That sort of thing has to be changed now. Now since the State is a Nationalist State, every money which comes in to the state exchequer must be usefully employed in the common good of the society as a whole. My first objection is that we must, before demanding any increment in the taxes, first see to the items of expenditure and see whether it is being spent in the public good or is only benefiting individuals.

[Shri Mahavir Tyagi]

Now, Sir, as the honourable Sardar Ballabhbhai Patel in his note which he has supplied to us has mentioned, the strength of the Secretariat itself has increased by 468 per cent. that is, about 5 times as much as it used to be before the war. Sir, you can tax the people to any amount, but the tax-payer will also want to know why do you want an increase of 468 per cent. extra hands in the secretariat, when the British were able to carry on the administration with efficiency before the war with one fifth of the present strength. After all they wanted more vigilance, because the country for reasons of patriotism was set against them, they wanted more policing, because all of us were rebels, and they maintained quite a good order and carried on the administration of the State very efficiently with such a small number. Why then should we have such a big number?—Therefore, my first demand is that the strength of the Secretariat must at all costs be reduced to the pre-war level. That is the demand of the people, which I voice here. We have practically accepted every demand in the Budget. We have given what they wanted, but at the same time let them also give us what we want from them. I demand that they reduce their expenditure on Services to as much as it used to be before the war. Of course, dearness allowance and other things will be allowed as extra expenditure, but the strength of the Secretariat must be reduced. At present, there are in the Secretariat 7 rungs, the Secretary, the Joint Secretary, Deputy Secretary, Under Secretary, General Secretary, and Chief Secretary; there are so many categories, it is difficult to know what their different titles are, but no one will take final decisions. Files would pass from one table to another. I know of files and the Finance Minister may kindly contradict me, if I am wrong, because I am a man of 'contradictions' and I am always contradicted. My information is that the file goes from the Finance Department with an objection to a Ministry; it comes back again; then another one objection is raised and in that way files instead of getting finalised in the Finance Department go and come back some ten or 12 times. There are a number of files which have gone and come back 12 times. All the objections are not raised at the first instance. When one objection is clarified; then another Secretary raises another objection; it goes back and comes back and this is how the Secretariat offices work. My demand, therefore, is that their strength should be reduced and if you must have so many Secretaries—I may also understand that—then they should expedite the disposal of work. I think the proverb was not wrong that 'too many cooks spoil the broth' and this is what happens in the Secretariat. I do not attribute any motive or dishonesty or insincerity to them; they are good people but even good people become bad if they are not properly managed. Even the planets if they were without a method, I mean the Moon, Sun, Earth and stars would all clash with each other. The first thing that we have to do is to establish order in our Secretariat and reduce its expenditure. I do not want to dilate more on this subject. If you want more Secretaries, then give them the final authority to decide things, so that the business may be expedited.

Another submission is that the honourable the Finance Minister has been dealing with us slightly unfairly and when I say 'us', I mean the United Provinces. My constituency people are not satisfied with the treatment meted out to our province. As regards the distribution of income-tax, half is given back to various provinces. As everybody knows in this House, Sir, my province is the biggest as far as population goes and still more populations are being added to it but we receive only 19 per cent. of the pool and Bombay which is such a small province receives 21 per cent. of the pool. Bombay is luckier.

An Honourable Member: What is your contribution?

Shri Mahavir Tyagi: If everybody is to receive according to contributions, then honourable members should not deny the waiving off of the taxes which the industrialists have contributed, and let the rich man who contributes more take more advantage. I believe in the ideal slogan of "from each according to his capacity, to each according to his need". My Province feels that it is being unfairly treated for a very long time. My province, I must say, has done much greater services to the people than other provinces have rendered. Today in my province there are thousands of republics, village republics organised. We have decentralised power on Gandhian lines. We have organized republics in all the places and then we have more than 5 lakhs of trained volunteers in villages; they are also trained in rifle shooting. This all requires expenditure. But when the question of money comes we are helpless. They also want us to procure more grains and give to other provinces. How can it be possible when you do not pay us our due share?

My third demand is that your accounts have not been audited. Why have the accounts not been audited so far? If they had been audited why a report was not placed on the table of the House? This is the responsibility of the honourable the Finance Minister. He has to explain to the House why he has not been able to do it. We are spending crores of rupees on the Audit Department (An honourable Member: 'You mean the Public Accounts Committee?'). I do not know whether it is the fault of the Public Accounts Committee or not, but they should have submitted a report, which should have been placed on the table of this House long ago. More than a year ago, it should have come before us. I therefore demand that the accounts must be audited and we must know and must be in a position to discuss the expenditure that you have incurred.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar).]

Then there is no planning. When we were in the Congress and fighting the British Government, we always said that our economy must be planned and our industries must be planned. I come from a hilly district where there are forests and jungles. The House therefore will excuse my 'forestry' manner of speaking. I submit that our industries and other activities are growing like the forests, a wild growth. Whenever it strikes to a Minister or a Secretary that such and such a thing should be done, it comes on the programme. For instance some Secretary has placed before the honourable Minister for Information and Broadcasting that there must be so many other radio stations. May be, some of my friends who are fond of good music have placed before the Minister their demands, and he has agreed to open a number of new radio stations. Is it time for music or radio or these luxuries? We must stretch our legs according to the length of the blanket. When we are hard up for money and we cannot borrow, why should we be spending people's money on things which could be avoided for some time? Our country can go on without broadcasting for the time being. When we become prosperous we can have radios and the like. At this stage what we have to do is to limit our needs and impose cuts in our expenditure. It is for the honourable Minister for Finance to tell his Colleagues that in the interests of the taxpayer extra expenditure should be reduced as much as possible. There must be a plan according to which every Department must expand. There must be a target fixed for every expansion in every Ministry. If a Department finds itself unable to reach that target within the time specified, the Minister in charge must have intellectual honesty enough to come before us and admit his failure and submit his resignation in all humility. The honourable the Finance Minister should put before this House, which represents the country, his five-year plan for every Department.

[Shri Mahavir Tyagi]

Another grouse of mine against the Finance Minister is that the villages have been totally neglected. We have not done anything for the villagers or for the improvement of the village industries while we do everything for the urban population. In such circumstances how can we expect the villagers to stand by us? My honourable friend Rafi Ahmad Kidwai has come out with a demand for crores for civil aviation. My opinion is that India must go slow. It is no use flying in the air when everything down below is slow. I can understand the development of aviation for military purposes. You may spend any amount for improving and adding to the air force. I have seen, during the war years, Chief Secretaries of Provinces and other I.C.S. officers—one among them is now a Governor in Pakistan—riding bicycles and freely moving among the people. Why should we suddenly develop higher standards of living for ourselves? We must set good examples for others to follow. If we here lay down high standards.....

Shri R. K. Sidhva (C.P. and Berar: General): You want to follow the example of Mr. Mudie? Do you know that gentleman?

Shri Mahavir Tyagi: Even 'gentlemen' sometimes do things which are really good and gentle!

Shri R. K. Sidhva: He was your United Provinces Governor once.

Shri Mahavir Tyagi: In our province he was our servant. He was a Governor in your Province.

Sir, if we are to have peace in the land, we must either add to the income of the consumer so that he can go and purchase his requirements, or reduce his expenditure. If you reduce your own expenditure and set a good example of simple living, the humblest man can follow that example without fear of being laughed at. Simplicity must radiate from the honourable the Prime Minister and from the Treasury Benches. In this way we can give the poor people some relief. In many ways we can reduce State expenditure and if we do this, people will voluntarily copy us and be satisfied with less expenditure in their own homes.

Now I come to taxation. The provinces are going on increasing taxation in an unbridled way. Every little thing the ordinary man eats is being taxed. I request the honourable the Finance Minister to place before the House facts and figures relating to the incidence of taxation in the country. We ought to know that. In the absence of that information we are groping in the dark.

Mr. Deputy-Speaker: The honourable Member has had 20 minutes.

Shri Mahavir Tyagi: Then, Sir, I will sit down now and take another opportunity to have my say.

Shri A. V. Thakkar: (Saurashtra): Sir, I was absent on the first three days when the general discussion on the Budget took place. Therefore I am taking this opportunity of drawing on the time of the House.

I thoroughly agree with you, Mr. Deputy-Speaker, in believing that the Budget is a balanced one between the rich and the poor. I do not consider that the additional taxation in postage as well as the additional taxation on coarse cloth is too much provided the poor man gets the benefit of it. At present Post offices are run on profit and therefore if the honourable the Finance Minister thinks that it is necessary to raise the price of post-cards from two pice to three pice I would not object on behalf of the poor man. But I am afraid I must say that our money is being spent in many other directions and

is mis-spent or ill-spent in the directions in which it ought not to be spent. You are proposing to spend too much, as my friend Mr. Tyagi said, on civil aviation. You are proposing to spend money on the purchase of ships. Seven crores are reserved for the purchase of ships from abroad. You are spending money on adventures such as state trading which may result in loss. I am not a merchant acquainted with these things. But I must say that we are not spending enough on health and education and labour also.

The honourable the Finance Minister said in his Budget speech that he has 24.20 crores for the nation-building departments and enumerated five of such departments. He has included even the development of civil aviation among the nation-building activities.

Prof. N. G. Ranga (Madras: General): Is it not?

Shri A. V. Thakkar: I am afraid not, Sir, for this reason that it is meant for the rich only.

Prof. N. G. Ranga: The poor man also must have strong defence.

Shri A. V. Thakkar: I am talking of civil aviation.

Prof. N. G. Ranga: It has to be developed in order to make the air force strong for use when necessity arises.

Shri A. V. Thakkar: Our viewpoints differ. The motorcars were not subsidised by the State at all when they first made their appearance in the country and yet they have become very popular. Why should we subsidise civil aviation? Will not aviation develop in the country as did motoring?

Prof. N. G. Ranga: This is only a subsidy. Is it not better than maintaining the whole thing ourselves?

Shri A. V. Thakkar: We do not want to travel at 300 miles an hour. A speed of 20 to 30 miles an hour is good enough for us. It is a matter of opinion. I wonder why we are starving education and health? You have earmarked only 24.30 crores for the purpose of all the 5 nation Building Departments. This works out to 7½ per cent. of the total revenues of 322 crores. Is that enough? This 7½ per cent. I must point out, is for 5 departments, Education, Health, Civil Aviation, Scientific Subjects and Broadcasting. The poor man has only to hear, because you have not been able to make him read so he has to hear news on the radio. However, out of this 7½ per cent. on the total expenditure you have devoted only 1½ per cent. to Education. 1½ per cent. it is only one pice in a rupee; please bear it in mind. The other day our Education Minister complained that he would like to have 10 per cent of the Budget devoted to Education. I do not aspire as high as he does. I only aspire to 5 per cent—one half of what he aspires to. Instead of 5 per cent. even if you give 2½ per cent. the compulsory education of the poor man in the villages can get a start. At present it is kept at a standstill. It may be that the provinces are arranging for that. Yes, the rich provinces are, Madras, Bombay and other such provinces are. But the poor provinces can never go ahead with compulsory education without aid from the Centre. In fact, I go so far as to say that compulsory education must be made a concurrent subject between the Centre and the provinces; otherwise, there is no chance for universal education.

As regards the money devoted for health and medical purposes, you have already heard from our honourable Minister in charge of Health that she is working with a guilty conscience in being denied any money and still she is continuing working at it. It is a sad confession from a Minister in this House. Up to the day of independence, we were cursing the British Government for

[Shri A. V. Thakkar]

neglecting our nation-building Departments, but what are we doing now? Excuse me for saying this, it saddens me to say all this, but it is really so. If you raise the price of the postcard why did you not give a crore or two for health or education more than you have done? On the other hand, you have kept the same thing—almost the same thing, I would say. However, I leave the matter at that.

Mr. Deputy-Speaker: Does the honourable Member know what is spent in the provinces, all told, on these two subjects?

Prof. N. G. Ranga: Madras is spending Rs. 9 crores and U.P. Rs. 5 crores.

Shri A. V. Thakkar: Madras is spending 20 per cent of its income on education, still it is not able to meet the cost of compulsory education. Bombay is spending 16 per cent of its total Budget expenditure on education, still it is not able to meet it. But what are we doing at the Centre? We are giving lakhs and crores to colleges, universities, scientific institutions and all that, but we are giving not a single pie for compulsory education. That is my grievance, that is my rub and that is my anguish.

Mr. Deputy-Speaker: Shri Arun Chandra Guha. It is now one minute to one. Does the honourable Member want to start now, or will he do so after Lunch?

Shri Arun Chandra Guha (West Bengal: General): I will speak after Lunch. My name is there.

Mr. Deputy-Speaker: Yes, you will have your turn after Lunch.

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

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

Shri Arun Chandra Guha: Mr. Deputy Speaker, Sir, the budget proposals have been bitterly criticised by the members of the House. But, since the general debate on the proposals of this budget, the tone of criticism has somewhat gone down but the attitude of the Members of the House, I think, has not substantially changed. This is due not so much out of any lack of confidence in the Members of the Cabinet as out of a sense of frustration. For years we have been appealing to the people to strengthen the nationalist forces and to come and join the fight of national liberation; and Congress and these leaders have given them lots of promises. But Sir, we understand, we know that it is not so easy to achieve those ideals or to implement those assurances; but we are sorry to realize that there has not been any earnest effort to achieve those ideals which we have so long placed before us.

The Father of the Nation has taught us to think about the seven lakhs of villages of India. These budget proposals, particularly the alterations in the taxation proposals, suggests an outlook which does not look so much to the villages as it does to the upper classes living in urban areas.

Sir, the Finance Minister has told us that for finding more revenue he shall have to explore the avenues of internal excise, which means an indirect tax even on the essential necessities of life. I can understand that as the cost of production has increased, the rate of postcards may be increased. The excise duty on cloth is a different proposal; and the language in which the honourable the Finance Minister has put his proposals for excise duty even on

coarse cloth, suggests that it has come to be something like a permanent factor in our economic structure. His argument seems to be that as cloth is of universal use; so it will be the easiest thing to tax and only in this way can our Government make up the loss accruing from the abolition of the salt tax. But in view of the fact that we have not been able to give any relief to the poorer classes in the villages of India, I doubt, Sir, if we have any moral right to tax them, even in the case of articles which are of the barest necessities for them. There is one political aspect of this also.

We know that there are some political parties in the country who are out to exploit all our deficiencies, all our weaknesses and failures, and to undermine the social structure that the Congress and the Government want to build up. These men will simply go to the villages and speak to the rural people there and tell them that their coarse cloth has been taxed, and the price of sugar and postcards raised, by their Congress Government I hope the Government will take note of this.

Another thing which has led to a sense of frustration is the costly nature of this Government. In the Jaipur Session of the Congress we have passed certain resolutions, and even after that the All-India Congress Committee office issued a circular that the entire nation should be conducted on the austerity basis. We take it that that is the standard which the Congress has set up not only for the people but also for the Government. But as a humble Congress worker, I would like to ask the Members here, if they can say that our Government machinery is really being run on an austerity basis. Sir, several speakers before me have put this feature in very eloquent terms and I would like the Government and our Ministers to try and see if they can really do something which can have at least some conformity between the ideals set up by the Congress and the works of the Central and Provincial Governments run in the name of Congress. There should be some conformity and consistency between these two. We have inherited this machinery from the previous alien Government. We have inherited along with this some practices also. The presenting of the Budget also is inherited from that government and the criticism that has been going on in this House, I am afraid, is also something like an inheritance which the Members of this House has got from the previous House. Some of the Members previously were sitting on the opposition side and I think most of us, whether new to the legislature or not, have not yet been able to overcome our natural tendency of criticism and opposition, for we have been so long conducting a bitter fight against the previous government, which after all we have been successful to remove. The Government that has stepped in has not just come up to our expectations and even though intellectually we may realise the difference in our emotion and sentiment, we do not.....

Shri K. Hanumanthaiya (Mysore State): Sir, the honourable Member can speak for himself so far as his psychology is concerned but he cannot take the responsibility for the views of other Members of the House.

Prof. N. G. Ranga: You are also speaking for yourself.

Shri Arun Chandra Guha: Yes, I am speaking for myself as everybody does. In that way we have been moving in a somewhat vicious circle. The Budget, particularly the demands side of it, should have been subjected to greater scrutiny by the House. It is not possible for the whole House to scrutinise it but it can do it either in Standing Committees or in certain sectors or groups. All these demands should have been more minutely scrutinised. All the discussions have been more or less in the line of giving general ideas as to how the Government should frame their social and economic programmes.

[Shri Arun Chandra Guha]

I am a new Member of the legislature. This is the first experience of mine in a legislature and I was rather wondering when a Finance Bill was under discussion, how all sorts of things could come under it. From my experience of last year and the debate yesterday I can say that the discussion on the Finance Bill was not on proper line; it should have been particularly on the taxation proposals and the consequent financial condition of the country and the Government.

There is one aspect of the budget proposals not only of this Government but also of the provincial Governments. Every province has presented its own budget and the *per capita* expenditure varies from province to province—from Rs. 26 crores in Bombay to near about Rs. 4 or 5 crores in poorer provinces like Assam and Orissa. We belong to one country and we cannot create a sense of one nationality if such disparity is allowed to continue in the civil expenditure of the provinces. I do not know how that would lead to a sense of one country. One province may initiate the policy of compulsory primary education and another province may feel handicapped even to conduct the most ordinary routine work. I agree with Mr. Tyagi that it is not a question as to who contributes how much to the general revenue of the country as a whole; but there should be some parity between the provincial budgets, so that people of each province could have an idea of oneness of India and of having the same degree of amenities and same amount of nation building activities going on in all the provinces.

As for the taxation proposals as I have stated before they are framed too much from the point of view of city life and not from the rural point of view. This is reflected most pointedly in the disparity between the provincial revenues. There are provinces which have developed some big industries and which have developed more of urban life. They have greater revenues and the natural tendency would be that other provinces which are called backward will also try to emulate them and develop big industrial urban life neglecting their agricultural and rural life. Such an experiment was made in Britain and other European countries in the 17th, 18th and 19th centuries and they neglected their agriculture with the result that now they find themselves in a very difficult position. They are making amends for their folly. I hope our government will not make the same mistake and allow our agriculture to be neglected and the village life to be neglected. At the cost of village life if we build up an urban civilisation it would be a wrong policy and on the whole the budget proposals seem to me to be tending to that direction.

Shrimati G. Durgabai (Madras: General): Sir, in the years before the war one source of constant criticism both of the Central and Provincial Budgets was that the provision made for the nation-building activities was utterly inadequate not only from the point of view of the needs of this backward country but also from the point of view of the available revenues. With our present scale of expenditure where is the hope of building India after she has emerged out of her slavery and become free? But I do understand and I also realise that the internal and external security services have absorbed a good proportion of the expenditure in these difficult times during the last two years. Of course it may largely justify the undue pre-occupation with security but I fail to understand why a better place could not be given to these nation-building activities in this budget. My criticism is not so much with what has been but with what it to be. There is no indication even that we are going to plan for better things in the future—prevention of disease, medical relief, free compulsory education, etc. These are plans that would require our concentrated efforts. The realisation of even a modest standard in these things would perhaps take a quarter of a century and we have not even yet made a good beginning. We have chosen to give priority to a number of things. We never thought that due to our

sheer inability to pool our food resources and distribute them equitably we have to enter into ruinous expenditure on subsidies and on imports. Nor did we ever think that our administrative services would consume more and more money and give less in terms of services. Sir, expenditure by itself would be no measure of our achievement. Social justice will have little meaning if it means equal poverty for all but not equal riches for all. During the debate on Demands I have heard practically every Minister appealing for larger funds for the activities of his Ministry. Specially two Ministers, the Minister for Education and the Minister for Health, have made appeals for larger funds. They expressed their inability and their helplessness. I only wish that their appeal would have fallen on the ears of the Finance Minister and that he would find his way to get the Committee agree to these proposals that a larger sum or a little more sum may be given for the activities of these Ministries. I have heard Thakkar Bapa who spoke before Lunch and he was also urging for the same. But my experience during the short time I have been in this House is that whenever we talk of education we hear Members and others saying that it is a provincial subject. The other day an honourable Member asked if really education is a provincial subject then why is it that a Ministry is there at the Centre and whether it is meant only for education in the Centrally administered areas. Our point is that though education is a provincial subject, the Provinces will come to the Centre very often for grants to Universities. We have seen how much money is earmarked in the Education budget for University education. Many backward regions like the States of Orissa, Chhatisgarh, Himachal Pradesh, Rajputana, Gujarat have all formed part of the Indian Union today. No thought seems to have been given for the education of these backward areas.

Prof. N. G. Ranga: But they have their own local resources. Their revenues do not come to us.

Shrimati G. Durgabai: It is the responsibility of the Centre. Also very little portion, a negligible portion, of this is being given to the education of the masses in the Centrally administered areas like Delhi, Ajmer-Merwara.

Shri R. K. Sidhva: Gujarat is not backward.

Shrimati G. Durgabai: It is. One point I wish to say in this connection is that we are giving so much money by way of aid and grants to the educational institutions and Universities. My primary quarrel is not why we are giving them. But when we have set apart so many lakhs of rupees for the purpose I wish that the Centre to the extent to which it makes grants should also have certain powers of control. If the Universities go wrong they should have a hand in and the power of setting right the policies or programmes followed by those Universities. We have been hearing so much about the Universities, that all is not going well with regard to several of the Universities. When the Centre is giving so much money by way of aid and grants to these Universities certainly we should see that the Universities follow a progressive course. I think the Universities which have become very orthodox in their outlook should be asked to keep themselves abreast of the times. I do not mind if the management of these Universities becomes in course of time a Central subject in the interests of several matters. (An honourable Member: 'It cannot be done').

In regard to the proposals in the Bill, so much has been said about the increase in postal rates. I think the criticism is right in a way. But the criticism is based mainly on two or three points. The first objection is that people who will not benefit by the air mail service will be paying for those who are getting the benefit. Another objection is based on a psychological ground. A third objection is raised on the point that this is a commercial concern and the suggestion is that it should take up the service mainly in the spirit of service and not in a commercial spirit with a view to making profits. These are the three

[Shrimati G. Durgabai]

objections raised. I think the psychological objection does not really matter very much because the villager's complaint is not that he is asked to pay much but that he is not having the amenities. If only we give an extensive service of the Postal Department I think he will have very little cause to grumble. But today we do not have the facilities and several villages have no post offices. There is lot of delay in the delivery of letters. My honourable friend Mr. Rohini Kumar Chaudhuri pointed out several difficulties of those Members who frequently write on several matters and I need not elaborate those difficulties here. I only wish to urge that the system should be extended with a view to giving more and more facilities from the point of view of the convenience to the villager. I understand that only 2,000 new post offices will be opened in the future. I do not think it will be adequate compared to the needs of the villager and the inconveniences caused to him. I appeal that the service should be undertaken mainly from the point of view of service and not from the point of view of making gains. Of course it can be said that several departments, say, the water supply department and other departments are making similar gains. But certainly this is the least that we can do to help the villager. The villager will not mind paying a little more if we are able to extend many of the facilities to the villager by arranging to have quicker delivery of his letters and also by placing adequate facilities and benefits of the post office at his disposal.

I have got to say one word about the duty on cigarettes. I am glad that it is a protective duty. But I understand that in last year's budget there was an import duty on tobacco and this year I expected that it would be enhanced a little more because I thought that it would minimize smoking, at least among juveniles. I know that there are Provinces which have enacted legislation prohibiting smoking by juveniles and the honourable the Finance Minister should have done some such thing.

An Honourable Member: What about women smokers?

Shri B. L. Sondhi: What about Begum Rasul?

Mr. Deputy-Speaker: Order, order. No personal references please.

Shri H. V. Kamath: To refer to women in general is no personal reference.

Mr. Deputy-Speaker: It is not right to make a personal reference like that however humorous it is intended to be.

Shrimati G. Durgabai: I have particularly drawn the attention of the House that a little increase in the import duty on tobacco would have minimised smoking, at least among juveniles and I have made no particular reference to any section of the House. I know some Provinces which have passed laws prohibiting smoking among juveniles. It would have been a very good thing if only we had followed this.

Sir, I do not want to take more of the time of the House as there are other Members anxious to speak.

Prof. Shibban Lal Saksena (U.P.: General): Sir, I am very thankful to you for giving me this opportunity to speak on the Finance Bill. Before I commence my speech on the Bill I wish to say something about the manner in which we discuss the Budget. For the last nine days we have passed grants of about Rs. 340 crores, and as has been very clear to the House we have not been able to discuss the activities of the Government properly. In fact on one occasion, four Ministries were given only one day for discussing all of them. I hope that next time we will be able to see that each Ministry gets at least one day and that the Ministries of Defence and External Affairs get at least two days each. The Assembly should have full opportunity to discuss the budget proposals and to offer adequate criticism to the honourable the Finance Minister and other Ministers so that they may be able to give us next time a better picture of things. Besides, the present time limit of ten or fifteen minutes for each speaker is too short. No speaker should normally be pulled up unless he has exceeded half an hour.

ter and other Ministers so that they may be able to give us next time a better picture of things. Besides, the present time limit of ten or fifteen minutes for each speaker is too short. No speaker should normally be pulled up unless he has exceeded half an hour.

Coming to the Budget itself, I feel that much has been left for the Select Committee to do. As my friends here pointed out in the beginning, this Budget is not what we would like it to be. In my opinion the expenditure on 3 P. M. certain items should have been very much reduced. (*An honourable Member:* 'What are they?') I have already said that on Defence we can reduce the expenditure by about 37 crores because until we have a fully developed industrial supply behind our forces, it is no use spending too much money on the forces. Modern armies cannot be kept in the field by merely having a large number of men in a standing army. I would suggest the formation of more *prantiya raksha dals* and national militias as well as spending more money on developing the required industries so that we can at least to some extent realise our great industrial potential which alone can enable us to keep any large army in the field. So, there should be reduction in Defence expenditure by some 37 crores of rupees.

In the Civil Administration there should be a cut of at least 18 crores. From 7.5 crores before the war the expenditure on Civil Administration has increased to 48 crores, so that it is about seven times now. That obviously is too much. It must be reduced by at least 18 crores to bring it just to four times the pre-war figure, in order to equate it to the higher cost of living index.

I suggest we must stop food imports. I was glad to hear the announcement the other day that we shall have no food imports from 1951. I think even that date is too late. At best I can permit food imports for one year more and during this year we must make all efforts so that we can grow more food. We can give the amount spent on subsidies in helping cultivators to grow more food. We should also see that all other sources of food are fully exploited. I feel we are not making the most economic use of the food we have got. There are still so many dinners and parties and there are no restrictions on them. We are not trying to conserve our food in the manner we should. Seeing that these food imports upset all our projects and national plans, I think we should take special measures to see that food is not wasted and no food is imported after March 1950. In this way I think we can save about Rs. 100 crores from going out of the country in purchasing food, and we can reduce the subsidy this very year by at least 20 crores.

I also think that in taxes a large sum is evaded. If that is properly collected, I think we can easily increase our tax collections by 25 crores and thus have a saving of 100 crores in the present budget.

About the way in which the deficit has been met, I should say that some of the duties are such which a Congress Government at least should never have proposed. I cannot reconcile myself, in spite of all that has been said by the honourable Minister for Communications, to the increase in the price of post cards. It is the lower middle class who will have to suffer most; I don't think that we should raise the rate even if the service costs a little bit more. We are taxing the rich to help the poor, and if we have to give a subsidy for post cards I think we must do it and must not grudge the poor man's post card and raise the rate. I think this is a thing on which the whole country feels strongly. After all we do not get much; we hardly get anything by raising price of post card, and yet there will be a cry all over the country that we have raised the price of the poor man's post card.

[Prof. Shibban Lal Saksena]

There are two other things which are very much felt. Duty on matches is one. I would not mind the rise provided people got matches at control price. At present the blackmarket price is actually at least three or four times the actual price. The Finance Minister should see that matches are sold at controlled price. Then, of course, I would not mind this increase. But if it is to be added to the blackmarket price then it would be too much.

About the duty on coarse cloth; although I would not mind raising the duty on fine cloth, on coarse cloth it should not be raised. Blackmarket in cloth exists on a large scale and it should be abolished—though I know it cannot be done by the present policy of the Government. But if this increase is only to be added to the blackmarket price then it would be too much and too hard for the poor man and it should not be done.

About the other sources of income I have not much to say except that the amount of relief of about Rs. 6 crores given to the industrialists is really so much money wasted. From all the reactions of the industrialists and financiers we find they are not at all grateful for the relief given to them and yet we are losing a good amount of money for nothing. These measures could as well have not been taken and we should have continued to keep the taxes as they were.

Sir, I believe the Select Committee to which the Bill is going will try to see that its provisions are suitably amended and that we are able to present to the country a Budget which will be a Congress Budget and not what I think is at present an industrialists' Budget. This playing with our finances will not do. Our country has just emerged from slavery and we are still, in spite of our size, one of the weakest nations of the world compared to the great Powers like Russia and America. I have said before that our speed of development is too slow; when we compare the national programmes of other countries with our own, I am simply stunned. I read the speech of the honourable Minister for Transport and the promises which he made; I also read the five-year plan in Russia about transport. They are putting about 10,000 miles of new railways within the next five years. They will have reconstructed all the railway lines which they lost during the war and will increase them by about 7,000 miles by 1950. We have not yet probably been able to reconstruct the railway lines we dismantled during the war, not to say anything of increasing them. I feel that we must have a national plan as I said the other day, in which transport which is one of the bottlenecks, and industrial development, must have priority. It is really shameful that a country like India should be importing food worth 130 crores and that our yield per acre should be so low. The Food Minister stated that even though we are trying to increase the extent of our cultivation that is not the solution of our problems, that until we increase the yield per acre we will not be able to solve our problem. I know in our country the produce per acre is some times one-fourth or one-fifth of what it is in other countries. So, this is the most important problem to solve. Planning in food, planning in industrial development and planning in transport, these are the keys to our recovery. I want that the Finance Minister should try to do these things, formulate a plan and try to finance it. Even the Birla Plan had proposed 1,500 crores to be spent in the next fifteen years. Our Finance Minister was one of the authors of that Plan and I had hoped he would at least set apart that portion of the finances for development which he had proposed in that 15 year plan. But I find nothing. Instead he is spending away 100 crores out of the balances. In fact, our revenue is less than our expenditure by some 135 crores this year. I therefore think that until we try to take stock of our present

position and determine the speed with which we want to proceed and attain our proper development. I do not think we will be able to live in this world. This is a world surrounded on all sides by men who are not very friendly to us. Unless we have got a strong army and a strong industrial potential and a higher income, we cannot exist.

I fully agree with what was said a little while ago that no nation can become great, unless every one of its inhabitants is physically and mentally healthy. But the amount of money spent on these development departments is far too low, and I think our Education Minister was quite right in asking that at least 10 per cent. of the money should be provided for Education, and similarly also for Health. Indeed, unless the nation's health and Education improve, our country cannot improve. Therefore I hope that next time when the Budget is prepared, it will provide funds for allround development according to a plan. The other day the Finance Minister told me in regard to my reference to the great advance made in Russia that it was also due to the profit motive. In reference to the Stokhanov movement also to which he referred, he said the achievement was due to the profit motive. But it is not so. There they have combined in a wonderful manner patriotism with extreme eagerness for national development and their own country's greatness in the world. I do not mind his analysis of motives if he tries to make our country also great in the same way, or if he tries to increase the total production, to increase the production of our workers, by using all the motives which other countries have made use of for increasing their output.

I hope all these suggestions will be taken into consideration and next time we will have a really good budget. I hope also that the Finance Minister will take advantage of the criticisms offered in this House in preparing his next budget.

I support the motion for reference to the Select Committee.

Shri M. Tirumala Rao: Sir, these are days of rationing, rationing of food, rationing of cloth, rationing of time and rationing of discretion and judgment, and I have been long standing in the queue in the hope of receiving my dose. I was nearly going to be starved, but for your generosity in calling me up now. I am not one of those who want to butt in during the discussion every now and then, because we have been long enough here enjoying the pleasure of listening to our own voices. Therefore, unless we feel that there is something about which we have to speak plainly and bluntly, we will not speak. Unless I feel that way, there is no urge for me to stand out and waste the time of the House.

Shri R. K. Sidhva: That is the case with every one.

Shri M. Tirumala Rao: I am speaking for myself only. I do not presume to speak for Mr. Sidhva of all my friends here. Mr. Sidhva is a party by himself.

Sir, the present administration is going on upon the force of and the velocity of the previous administration. That velocity cannot be resisted by the present set-up of the Government. Simply we are carrying on on the force that was generated by the Government in 1946. So there is no use blaming any set of individuals for the circumstances in the country. The Finance Minister is in a very difficult position. He is trying to lift the country out of the morass and the mess into which it has fallen. He wants money. But when the Government goes to the market, the public will not subscribe. The capitalists, the people who have hoarded large volumes of currency, they will not co-operate with the Government, they do not come out and subscribe for the loans. They have indeed beaten the Government

[Shri M. Tirumala Rao]

and they have compelled the Government to show them concessions with a view to see that their huge hoarded money comes out. As I spoke in the opening of the general discussion on the Budget, Sir Archibald Rowlands gave Rs. 60 crores to these very financiers and he could not reap any profit out of it. Now the present Finance Minister has come out with a much smaller amount and it remains to be seen what response he gets, and how far his hopes and expectations will be realised from these very gentlemen who have not very much changed in their outlook. The Finance Minister has got large development schemes, but our money is all held up. In one respect it is blocked up in England, in regard to the sterling balances. You can only draw it out in certain amounts and over a small period of years. You cannot draw it out or make use of it for the purpose of raising a corresponding loan in the open market. Therefore we are obstructed in two ways. Internally we are not able to raise sufficient money, and externally we are unable to use the credit which we had built up by hard sacrifice. In these circumstances, the Budget is bound to be a sort of hand-to-mouth one, one which simply keeps things going on the rails without a break-down.

There is, of course, the taxation of the small man, but I do not want to dwell upon it because I do not want to repeat the arguments which have been already advanced. The Finance Minister is also helpless. He is seeking the advice of 22 wise men of the House, in the Select Committee to give final shape to his proposals.

Our present Budgets—both the Railway Budget and the General Budget—come to about Rs. 500 crores and the national income is over Rs. 2,500 crores. So nearly one-fifth of the income is collected by way of taxes. If we raise the standard of our country, and improve the national income by double, if you improve the national income to about 5,000 crores, the national budget will also correspondingly improve, and in the near future if we succeed in our plans, the budget may come to Rs. 1,000 crores a year. But to achieve that we require planning. The Prime Minister and the Deputy Prime Minister told the House recently when their demands came up for discussion that they have rescued the country from the post-freedom perils, the unsettled state and the riots, and general disorders. The country is now internally safe, and perhaps also safe from any external trouble. Now is the time when we should consider how far we can advance on the road to progress.

Sir, all these Departments have been working in the usual old style. The red-tapism which everyone is condemning is still there. During the war, the administration has been carried on more by discussions than by files. But now you have got a tier of Secretaries, Superintendents, Assistant Secretaries, Deputy Secretaries and so on. The Secretaries and all of them noting one after another on the files, so much so that the quantum of service was the quantum of disposal of files and the Government of Madras has said that a Secretary must dispose of 6-34 files a day. Sir, is this the yardstick with which to measure the achievement or out-put of our high-paid officials? Not the amount of practical result that has come out, but the number of files disposed of. You have got man-hours for labourers, and you also have units for industrial production. But there is no unit by which you can measure the work that is turned out by these high officials of the Government except the number of files that they dispose of. I would suggest that there should be a Co-ordinating Minister for every two or three Departments, and this Minister should go about to other Ministries and see that it does not take more than five or six days for the final disposal of the files.

Shri Jaspat Roy Kapoor (U.P.: General): You want a new Ministry with secretaries attached to it?

Shri M. Tirumala Rao: I want these ministers among themselves to redistribute the work and do it. Therefore, what I want to suggest is that there should be a thorough overhaul of the administrative set up of this Government. The Prime Minister cannot be burdened, situated as we are with any particular portfolio, especially the portfolio of External Affairs. He must be relieved of that. He must be a super-minister presiding over all the ministers, get into daily contact with each minister and see how results are being achieved in his department. I do not know why there is no Ministry for Planning. We have got a big Ministry for Industries and Supplies; it has got 27,000 people working in the Department, with Secretaries, Deputy Secretaries and Joint Secretaries, a whole paraphernalia of a huge establishment and what is the total achievement for the year? With regard to Sindhri Factory and a factory for making small mathematical instrument, the total expenditure is 20 crores of rupees. It is a mountain in trouble bringing in a mouse and with regard to other things, they are controlling cement, and iron and all these things; they have a number of purchasing missions in England and America; these are cushy jobs and eminent politicians have gone to America as leaders of purchasing missions and businessmen will always like to be on these missions and it is a very fine job. If you advertize in all the various papers, all the industrial producers will come here in quest of custom and there will be no need for these missions. I want to draw the attention of the honourable Minister to this that when there is a purchasing mission in America to negotiate for certain articles and goods that are required for a particular department, over and above the head of that mission, the Secretary of the Department goes and again negotiates and duplicates the same work that is being done. These are the things that have to be examined. This Department of Industries must be a real Department of Planning for this Government and for this country and see how far we will be able to achieve a 10 years plan in the matter of developing all the industries of the country. You have started an Industrial Finance Corporation and I see that is a mere technical Corporation which has disbursed a meagre sum of 1.8 crores during all these years.

The Honourable Dr. John Matthai: It is over 2 crores.

Shri M. Tirumala Rao: Of course, I am sorry, I have made a mistake of 2 crores in that. This is tinkering with the problem. We do not seem to have realized the liability. I do not blame anybody because we are hardly out of the troubles which were created for us by the situation of this partition. With regard to other Ministries also, I want to say this. The Ministry of Defence must be split up into the Ministry for Air, the Ministry for Land Forces and the Ministry for Naval Affairs. Do not mistake that we are creating a large number of ministries for finding jobs for people. I would like to impress upon my honourable friend Mr. Gadgil that there won't be division of power with regard to his Department; he can be the supreme lord of his Department, but what I suggest is that in a country like England, there are 62 Ministries, 24 ministers of Cabinet rank and 40 others, people who are taken out from the political life of the country, trained and fitted for public work. Here, our Government is a Government of the people run by the Bureaucracy for the people with the Heads of Departments as Ministers. I must tell you they are the real advisers and they have greater status than your Deputy Ministers; some of your Secretaries have greater status than your Deputy Ministers and have greater influence than your Ministers of State. (An honourable Member: 'England has no provinces.') Never mind that; they have got a big empire. What I want to say is that there should

[Shri M. Thirunala Rao]

be a Ministry of States and Home. Home is a big affair. With the Communists in the offing, creating trouble all over India, is our Central C.I.D. fully developed and equipped to detect the crimes properly and to get at those leading communists who are underground today? All the leaders of the Communist Party have either escaped from the jails or have escaped from being arrested, and is the Central C.I.D. running them down to earth? We want to develop something like the Scotland Yard of England and such as those which are being developed in France and America by which we can deal with the criminals that are going to subvert our newly born State?

I do not want to take much time of the House, but I submit we should be thinking on these lines of re-organising the Government and look far ahead than merely to carry on the Government as we are doing for the past two years. When you go before the people and ask for a renewal of the confidence in us, what is the great achievement which we could show to our people? (An honourable Member: 'Nothing') It is easy to say 'nothing' but the country has been saved from internal trouble. Really the grit and the power and the strength shown by the Central Government has warded off many a danger to this country and now that we have achieved some stability with regard to our internal security, this is the time for planning.

We have been going about beating the word "Secular State" to death. Everybody has got his own interpretation of the word "secular", but have our leaders got any conception of what form this State should take? Has India got a culture, has India got a civilization, has India got a future role in history to play, and if that is that, it must be embodied in the actions, lives, ideas and thoughts of our leaders. Whenever you think of safeguarding the culture of this country, let us not forget that the culture is something which has to be preserved and handed down to future generations. (An honourable Member: 'Entrust it to Province'.) Sir, it required a Griffiths to translate our Vedas; it required a German Savant Maxmuller to discover the greatness of the Upanishads and when these Western Savants have told us that there is an imperishable glory in the religious lore of this country, it is our duty, as representatives of the people to preserve it, to enhance it and to hand it down as the greatest gift for civilization and humanity. What is this Government doing? The education of this country must be shaped by people who have got an inherent faith in the culture of this country and that has to be developed in all its aspects, both in its artistic as well as its cultural aspects. That is the duty which we should not forget. I find I have not directly dealt with the details of the financial proposals, which have been talked about all these days by all the Members of this House, but I hope I will be excused for taking this liberty of bringing these points before the Government and I wish—I do not know whether other Ministers would at least hear from others—that some of the Members have spoken like this, if they do not read our speeches.

Shri L. Krishnaswami Bharathi: Sir, I was really surprised when my name was called at the fag end of the day, though I have been waiting for long.

Mr. Deputy-Speaker: The honourable member asked me not to call him at all.

Shri L. Krishnaswami Bharathi: I am only thanking you, Sir. I do not think that I have got any new points and honourable Members have already covered many points. I want only to refer to certain observations made by honourable Members. Members referred that there is lack of co-ordination between the Central Budget and the Provincial Budget. You, Sir, also said that the Provincial Revenue Minister must come up and

we must have discussions before the Finance Minister presents a budget. I for one am totally opposed to this idea of provincial budgets being subjected to previous consultations. There are many practical difficulties, Sir, and I do not think the Provincial Governments will agree to this course. After all, subjects are allocated specifically and there is no reason why the Provincial Governments should come before the Centre for any previous consultation. It will be cutting at the root of Provincial Autonomy if such a precedent is allowed to be practised. For one thing, Sir, in Madras they have gone ahead with the prohibition. I am glad and proud of that. Though not directly, the Central Government advised that they may go slow, but the Madras Government have gone ahead with prohibition with wonderful results, and therefore, oftentimes such conflicts might arise and it is not desirable or advisable that they should come up to the Centre for previous consultation.

Sir, in this Budget, I particularly welcome the abolition of salt duty once and for all. One honourable Member suggested that the salt duty might be revived. I remember Mahatma Gandhi stating that people might grow insane to think of reviving salt duty. I am happy, Sir, that the salt duty is discontinued, I hope, once and for all.

I particularly welcome the duty on cotton cloth. There is already 25 per cent. *ad valorem* on superfine cloth and 6½ per cent. on fine cloth and quarter of an anna per yard on coarse and medium cloth. You, Mr. Deputy-Speaker, supported the measure and I agree fully with you, Sir.

There is one other aspect which I wanted to stress and for this purpose I was anxious to have an opportunity to speak. The incidence of taxation is no doubt very small, as you rightly pointed out. It is only quarter of an anna per yard. But along with the idea of taxation, there is one other important fact which the honourable the Finance Minister has mentioned in his note, *viz.*, that it will be a sort of indirect help to the handloom industry. I would like to dwell at length on this matter, particularly as South India is a centre of handloom industry. It is going through a great crisis and this quarter of an anna, a small duty on cloth, I am afraid, may not help to any great extent to save the handloom industry from total extinction. I understand that there are six lakhs handlooms in the Madras Presidency and about 10 people working on each loom. That means, 6 million people are working on handlooms. Already, there is a plethora of handloom cloth in Madras. In this connection I had a question put to the honourable Minister for Industries and he was pleased to say that handloom cloth was exported from Madras. That is so. Whenever people talked of scarcity of cloth, it was to scarcity of mill cloth that people referred to. But handloom cloth cannot face the competition of mill cloth. I am very glad that, very recently, they have allowed the export of handloom cloth to other countries. But what is the result? If anybody looks into our export trade figures, he will find that there is very little scope for handloom cloth. The markets are all closed for handloom cloth. Foreign countries have switched over to other varieties of cloths. The result is that we are unable to find demand for our handloom cloth outside India. In Madras they held recently a conference of co-operative societies dealing in handloom cloth. Large quantities of this cloth are lying unsold. People do not know what to do with them. The position has become almost critical. It is an obvious truth that handloom cannot stand competition with cloth from the mills. It is just this thing about which Mahatma Gandhi said that the life of all these people depends on the non-existence of mill cloth. Therefore, if you do not take sufficient measures in time, I can prophesy that within a short period of time the handloom industry will become totally extinct. Today, in Madras, there is

[Shri L. Krishnaswami Bharathi]

already a large quantity of unsold handloom cloth. Not only that; there is plenty of mill cloth also coming to the market. There is no demand for that too.

Recently an official of a Bank told me that he was not able to clear a Bill from the Ahmedabad mills for a long time with the result that he had to pay demurrage ultimately. These facts must be taken into consideration by the honourable the Finance Minister and see the handloom industry is saved from extinction. I do not mind even a greater increase of duty on cloth. But then I may be asked, 'Will you not be hitting the poor man if you increase the duty on coarse cloth?' My answer thereto will be to direct attention to Mahatma's writings in a book called 'Cent per Cent Swaraj'. He wonders 'Why anybody should think of a cloth as dear, when we are taking into consideration only the actual wages of labour for 8 hours of honest work. After all, I am concerned with the poorer set of people who are without employment and therefore when you say that this cloth is dear, there is no point in that. No doubt, it is true from your selfish point of view of purchasing cheaper cloth, but for one moment think that there are thousands of millions of people who are working on looms to make the cloth you are purchasing and whom you are almost driving to starvation. Therefore this kind of duty will be justified on the ground that if people will be forced to purchase handloom cloth, that will be giving employment to those who are engaged in the handloom industry. It is only from that point of view that I support the duty on cotton cloth made in mills.

There is another matter to which I want to refer. The honourable Member Mr. Mody said that there was a lot of money in the villages. I do not know to which villages he was referring. I do not know the case with the villages in Bombay. But some ten days back I had been to my village and I can give the House the economic position as I found it there. My visit to the village was in connection with selling the little paddy I had to the Government. There was the procuring agent of the Government present; but he had no money to pay for the article and asked whether he could pass a pro-note to me. Look at the absurdity of the position? I waited for two or three days and then the official sent another procuring agent to me. Then I made enquiries and found that people were selling paddy at rates lower than the control price. Last year it was the other way about. The procuring agent was ready at my threshing floor with money to buy my paddy. The black-market price was then double the control price. But today, as I said, control price is higher than the prevailing rate. Therefore I think that the honourable the Finance Minister is right when he says that the prices are likely to fall in the near future. This shows that there is no money available in the rural parts. I cannot speak with authority about the other villages. But I know that the same thing is happening in the Tinnevely district. Then while at Madras an official narrated to me the same story; he told me that reports from Tanjore district also showed that control prices were higher than the market rates. Some three months ago there was plenty of money in circulation. But now particularly in the villages there is no money. That accounts for the low prices and prices below the control level. I may be asked: "What has happened to all the currency notes in circulation?" I am not a currency expert, but I feel that the reason is the fear of depression. On account of this fear people are wisely keeping the money in their hands tight.

It is not the total money that counts, but the velocity with which money circulates. That velocity has now stopped. That circulation has now stopped. The money is already there, but people—fearing the depression will be on soon—do not want to invest, they do not want to send the money again into circulation. They have stopped the circulation, with the result that the depression is coming on. Therefore, Sir, I would request the honourable the Finance Minister to take into account the downward trend and adjust his measures accordingly.

I would also like to refer to the postal rates. Really, psychology plays a large part in this. I see no reason why the surcharge on air mails should be abolished. For one thing, the richer types of people when they like to have their mails sent by air may like to pay surcharge. I do not mind if the surcharge is increased. I would like the Select Committee to increase the surcharge on envelopes or even on postcards. If anybody wants his mails to go quickly, let him pay higher charge. There is the other difficulty also. After all, Government have said that they would carry only 25 per cent. of the mails by air, and it is rather difficult to sort out which 25 per cent will be sent by air. So the surcharge idea is very good and there is no reason why it should be abolished.

There is one other aspect and I am done. There must be, as Mr. Tyagi said, economy in the administration of Government. The Economy Committee has already submitted its recommendations. Last year, if I remember aright, the then Finance Minister said that he proposed or intended to give effect to the recommendations as and when interim reports were received. That was the assurance he gave us. I see no reason why the change in Minister should be responsible for giving up the idea of giving effect to the recommendations as and when they are received. If that assurance had been kept up, it would have been well. The idea of submitting the recommendations to the Standing Committee is not, in my view, quite desirable or advisable. It is for the Government as a whole, and the Cabinet, who can come to quick decisions. I would therefore request that Government might take into consideration the Economy Committee's proposal and give effect to their recommendations as early as possible.

Shri K. M. Munshi (Bombay: General): Sir, though very late in the day, I may take this opportunity of congratulating the honourable the Finance Minister on the soundness of the outlook which has characterised his Budget this year. It may be that my view may not be shared by some Members in this House, but I know and I say this with my knowledge of the feeling in the country, that this Budget has done more to steady the panic in the country and to stop the rot in the economic structure than the last two Budgets that were placed before the House. I am not saying this for giving an ordinary compliment, but I know the feeling, the impression, particularly among those circles which have to deal with industry and commerce. If the honourable Member continues the course which he has adopted, with courage, I have no doubt that the country would have turned the corner in a year's time. I do not remember the facts and figures, but during the last six months even the inflation has received a set-back, and if the policy that he has been pursuing since last September succeeds, we would have turned the corner—if, of course, the food problem is ultimately solved. I do not want therefore to do anything more than draw the attention of the honourable Member to two or three matters which I consider of grave moment and to which I think the Government should apply its mind.

In the speech made by the honourable the Finance Minister—I find a reference to a legislation which he proposes to bring—about the power of the Income-Tax Investigation Commission to come to an agreed settlement. I think it is a measure which should find a place on the Statute Book as early

[Shri K. M. Munshi]

as possible. Whatever the enthusiasm with which we ushered in this Commission, it had a most deleterious effect on the industry and commerce of this country. I hate black-market as much, if not more than, most of the members or anybody in this country. With my intimate knowledge of it...

Honourable Members: Your intimate knowledge of it?

Shri K. M. Munshi: Yes, my intimate knowledge of it as one who had a fair share of practice as an income-tax lawyer, as one having to do with crimes and as one giving advice even to officials, if you please, at some stage or the other, how to make black money white...

Babu Ramnarayan Singh (Bihar: General): Black-marketeers also?

Shri K. M. Munshi: Yes, certainly. But when I say this, I say it in this sense, that it is perhaps the greatest danger to the credit of the Government and the financial structure of the country, and therefore this new legislation, I submit, should be brought on immediately. If you go on holding long enquiries into 1,500 or 15,000 cases, nothing is going to come out of it. Most of the money that was being utilised in industrial development has already gone into diamonds and gold and what not, which neither the King's Army nor King's men will be able to pull out for you. It is therefore much better that the Treasury should gain a few crores immediately and people set going to do whatever they like with their money, rather than that this investigation should continue for endless time. I am very glad therefore that this proposal has been placed before the House and I would only request the honourable the Finance Minister not only to bring the legislation early—if possible, this session—but to see that the Commission is given wide powers of making settlement without going into detailed examination of books of account for ten or fifteen years, or looking into every conceivable penny which might be hidden somewhere in the country. That is my first submission.

With regard to the second one, one thing which I want to draw the attention of the House and the honourable the Finance Minister to is the growth of the black market in this country. If anybody believes or hopes or thinks that it is being restricted, I beg to differ. In the past, as the House knows very well, black market came into existence because of the heavy super tax and the excess profits tax and the policy of putting more money into the hands of industrialists that the late Government followed during the war. Later on came the controls and though we may have to keep the controls...

Babu Ramnarayan Singh: No.

Shri K. M. Munshi:.....I for one am of the opinion that black market will go on increasing every day that you maintain the controls.

Babu Ramnarayan Singh: Hear, hear.

Shri K. M. Munshi: I venture to say and I said it to more than one Minister, that if the process of black marketing is traced, at no stage is it possible without the active cooperation or willing acquiescence of somebody in authority or other. At the present time we are in the throes of what I may call a "national epidemic"—Members will forgive me if I use a strong word. The national epidemic is this: we want with frantic speed to cover all spheres of life by legislation, not here, but in the provinces. We want to deal all at once with all spheres of life which so far were not considered legitimate spheres for legislation. There is also added to it an exuberant enthusiasm to convert as many moral lapses as we can into crimes. I do not want to tire

the House within the ten minutes that I have with a detailed list of legislations. If the House wants it, I can give it. But most of the legislation which comes out of the provinces day after day is not intended to do the legitimate work of legislating for the rights and obligations of citizens, but in some way or other to carry out moral reform, this frantic speed takes the shape of converting everything into a crime. If a moneylender's Bill is passed, it is therein prescribed that the interest charged shall not be more than say six per cent. But I am a needy man. My wife and children are hungry. The lender wants seven per cent. I will give him any amount of black-market money rather than carry out your law. That is happening every day in Bombay.

I can give you as many such instances from every province. The detailed control of life which we try to foist upon the people is leading to a huge and ever-increasing black-market. It will never come to an end, till the Central Government decides once for all that the controls must have a limit and that this limit must be scrupulously observed. If people have to be made morally reformed, it may be by educational methods, but not by turning them into potential criminals.

We talk of corruption in the police, among the other services. But has corruption ended in any service? With great respect, Sir, it has not. Only it is becoming a fine art and with every new feature of the fine art another black market comes into existence. You thus slowly destroy the economic structure of the whole country. I say this with a certain amount of solemnity because I see it every day more and more clearly unless the Central Government with all its moral authority and the tremendous influence it has in the country says that the legislative processes should be confined within legitimate spheres and that we are not going to convert this country into a reformatory by converting every moral lapse into a crime, we are going to head for an economic disaster, what a huge black-market involves and, which no legislation, no educational system and no pious speech is going to cure.

Shri H. V. Kamath (C. P. and Berar: General): Is my honourable friend against all moral values?

Shri K. M. Munshi: I am not against moral values. But I am pointing out that converting a moral lapse into a crime, or rather what a Ministry considers a lapse from moral values into a crime is fraught with danger. The vigorous effort that is being made to do it is taking the country to a stage when there will be a complete black market functioning in the whole country, except of course in the legislatures where speeches can be made attacking black-marketeers and where every man can apply the healing unction to his soul that he has vindicated the moral values. But these are the facts. I repeat, it is only the Central Government, with its tremendous authority and influence, that can step in and say that our legislation shall be restricted to the proper sphere of adjusting the legal rights and obligations, may be for some time. Please reform the country but let there be priorities. Let us have food first. Let our Government recapture its financial credit: Let business and industry flourish: and then there will be time to convert the country into a reformatory.

There is one thing more, and I have done. It is a matter on which I would like to speak, in greater detail to Ministers. Sir, I do feel that our Army deserves—and I speak with a full sense of responsibility—a little consideration at the hands of this House and the Government. I am referring, Sir, to the reduction in the salary of the officers of the Army. I have during the last year and a quarter, come into close contact with many officers

[Shri K. M. Munshi]

of the Army from Lieut.-Generals down to the ordinary private, and I know, and I am sure you will endorse my view that a better and a finer army does not exist in the world. It is this army which solved the problem of refugees: it is this army that maintained our reputation in Kashmir: it is this army that solved your Hyderabad problem: and I have a feeling—and I only speak it in public not for any other reason except that I feel overwhelmed with the responsibility for it—that there is a feeling among the officers with regard to the reduction in their pay. It is unfortunate. We might have fixed it from various valid considerations. But the psychological factors count today, and in the present condition of the country, if there is one service which has stood so far, and will stand in the future, between the country and chaos it is the Army: and I appeal to the honourable the Finance Minister—and I am glad to find that my friend, the honourable Minister for Defence is also here and I appeal to him too—to bring the fullest influence that they can upon the Cabinet. You cannot allow this splendid service of ours, or even a section of it, to remain under a feeling that their salaries have been cut down. It may be that looking to the various conditions in this country—the average occupation and the average income of the average man—the feeling may not be justified. That is not the question. The point is, is there a feeling or not? If there is a feeling that feeling ought to be removed.

Prof. N. G. Ranga: But is it justified?

Shri K. M. Munshi: It is not a question of justifiability. If you want their morale to be maintained and their efficiency to be maintained: if you want them to feel happy—the one service which stands between you and chaos—then you ought to have this feeling removed, whatever may be the price that we have to pay.

Shri R. K. Sidhva: My friend was not present in the House when the Budget was discussed and when this question came up.

Shri K. M. Munshi: I am very sorry if I am speaking outside my sphere. But as I say, we have tided over most of our difficulties, thanks to our leaders and our Members in Government. Our only two difficulties are with regard to food and Communism and both of them to a large extent are allied questions. In any future struggle that we may have for national existence, the Army is our valuable asset and I would appeal to the Treasury Bench and to my friend, the honourable the Finance Minister not to tighten his purse strings with regard to it. In some way this feeling must be removed, if possible psychologically and without making payments because he is a financial wizard and he might be able to do it—if not by other more substantial means. This feeling has been growing for a long time—at least for one year and a half—and it is I think high time it was removed.

Prof. N. G. Ranga: I am sorry, Sir, that I am obliged to speak after my friend has just closed on a note on which I am not in agreement.

Shri H. V. Kamath: On a point of order, has the salutary rule of silence been broken once and for all?

Shri R. K. Sidhva: It is not a point of order. It is left to the Speaker, the presiding officer to decide.

Mr. Deputy-Speaker: There is no rule either way.

Prof. N. G. Ranga: I have very great respect and affection for my friend, Mr. Munshi but somehow or other unfortunately for me I have found that Mr. Munshi has been taking up rather a conservative attitude in regard to social matters in this country.....

Babu Ramnarayan Singh: Which is necessary!

Shri K. M. Munshi: This is the first time I have had a compliment!

Prof. N. G. Ranga:with the result that my friend finds himself defending the champions of capitalists and the officers of the Defence department. It is time that responsible people like him should try and put in a word in favour of those decisions already taken by the Government, especially where the Defence Forces are concerned, because the Defence Forces as he ought to know are rather very sensitive to what is being said in this House, and if they are not made to feel that this House is extremely anxious to economise on every front in the interests of the common man, for whom my friend does not seem to have very much respect, the Defence Forces are likely to go on developing and nursing that psychological attitude which they at one time were helped to develop while others were in power in this country and might be unwilling to give up

this even after freedom has come. At the same time I am not second 4 P. M. to him in my admiration for our defence forces or in my anxiety to keep our defence personnel in a proper mood of satisfaction and also feel that they are really performing a patriotic duty. I would certainly be the first man to try and accommodate my friends in the defence forces, not only the officers but also the ranks, even in regard to financial matters, the moment the country is in a position to make more grants to them or set apart more money for them. But as things are today we find ourselves in a financial morass. Member after Member has got up and said "What is it that you are doing? Why do you spend so much money?" There were many Members who were complaining against the huge amount of money that is being spent on the defence forces. Surely does my honourable friend Mr. Munshi seriously contend that we should set apart another ten crores for the defence forces in order that these officers might be contented and to satisfy this psychological feeling which they had developed in earlier days.

Shri K. M. Munshi: It would be 1/20th of it.

Prof. N. G. Ranga: My friend was rather strong against provincial ministries for having undertaken so much of social legislation. I would like to know what social legislation he had in his mind. I know of one piece of social legislation about which I was very keen and against which he had pleaded with all his vehemence and great abilities, both legal and otherwise, with the result that unfortunately in my province, our tenants, our kisans, were obliged to agree to our Government paying much bigger compensation to the zamindars, which they never deserved at all. I am obliged, in spite of my admiration for my friend, to be rather sceptical whenever he makes any such proposal.

Now coming to the budget itself, usually it has been the case with many of us to take the public into our confidence as soon as the financial proposals are published and say to the public whether the Budget was more for the poor, or for the rich. All these 16 or 17 years we had got into the habit of saying that the Budget is all for the rich and in those days it was always for the rich, because the British Government was beholden to the rich and so they had to satisfy them. We have followed the same practice and have also condemned this budget both in the press, through press statements, and also in this House by speeches that this budget is only for the rich and it has not made any concessions to the poor and so on. As the House knows I am

[Prof. N. G. Ranga]

always very keen on getting as many concessions as possible for the poor but at the same time I must also realise that every year if every budget goes on making concessions to the poor, peasants, workers and others, then what happens. We will come to a stage when the poor people—the working classes, the peasantry the industrial workers and others—need not have to pay anything at all to the State and only the others will have to maintain the whole of the State. Will that be possible? Anyhow as things are today in the kind of society that we live in, would it be possible for any Finance Minister to levy all the taxes upon the rich people only and no tax on the poor? Why do I say this? Because a concession has been made to the poor but it was made two years ago, because of the influence of the Indian National Congress. That was a big concession indeed. It meant six crores of rupees. (An honourable Member: 'Ten crores'.) I am sorry, it meant ten crores of rupees per annum. I refer to the abolition or the elimination of the salt tax.

Babu Ramnarayan Singh: It is a concession to everybody, not only to the poor.

Prof. N. G. Ranga: It was in the name of the poor people that we always pleaded that the salt tax should go and it was for the sake of the poor people that it was abolished. It was for them that Mahatma Gandhi pleaded for its abolition and it has been abolished. What other taxes shall we think of? Year after year if we go on abolishing all these taxes what is it that we will be left with?

One of my friends has been saying this morning that the administration is top-heavy and so much money is being wasted. I would have understood the complaint if it had been made on earlier occasions, either during the general discussion or even at the time of the discussion on the demands for grants. When the grants were being discussed I dare say the House remembers how it reacted to the demands for the various Ministries. When the Home Minister came here what response did we give him? We were in a mood to give him much more money than what he wanted. When the Industry and Supply Minister was telling us what he was doing in trying to establish so many State factories for the production of iron and steel, synthetic dyes, petroleum and various other products, we were all admiration for him. When the Labour Minister came before us we were complaining that they have to do so many other things for which the House was prepared to give the money. When the Health and the Education Ministers came here no less a man than Thakar Bapa himself got up and said that he was weeping in his heart to hear their account and asked the Government why they did not give so much more money and why they were satisfied with so little. If we go on like that, it is certainly not open to us at this stage to go back and say that the Finance Minister should have been more vigilant over the public purse and should not have wasted so much money.

Let us take the Defence Department. Just now my honourable friend has spoken nicely about it. We also spoke in a similar vein on the Defence Demands except my honourable friend Mr. Sidhva who was able to make some detailed suggestions in regard to certain aspects of army expenditure. Every other member was all praise for the Defence Minister as well as his department and we were prepared to place more money. Let me tell you that I am myself in favour of strengthening our defences, not only the defence but also the police. One of my friends, Mr. Tyagi, was this morning criticising why there should be such a strong police in this country. Indeed I want a stronger police in this country. So I am one with Mr. Tirumala Rao as well as Mr. Munshi that the police should be strengthened. If we do not spend more money on the police then we will have to develop the

Prantiya Raksha Dal and similar organisations through which we can get cooperative service from the masses and in that way strengthen the internal security of the country. The most important thing in the country today first of all is to help our people to be alive, so that they can enjoy civil liberties. Are there any civil liberties in any other part of the world nearby? Are there any civil liberties in Burma today? Are there any civil liberties in Malaya? Are there any civil liberties in China? There are no civil liberties, why? Because there is the Communist menace which is gradually spreading its tentacles over the whole world and gaining control over larger and larger population centres of the world. Do you want that our country too should become a prey to this Communist party which believes, not in non-violence, but in violence. So I say we must strengthen our defence forces as well as our policy force.

An Honourable Member: The Police will be the first to join them.

Prof. N. G. Ranga: I shall now take up this tax relief question. It is true, when I heard this, I thought that the tax relief was given to the rich people who did not really deserve it. My friend says it is not very much. It might not be very much; however I thought that they did not really deserve it. But the difficulty is that we have to pay to these people a kind of ransom in the last hope of winning their co-operation in our coming effort towards developing the productive resources of the country. My honourable friend the Finance Minister has already given them a warning but whether they are going to co-operate with and help the Government or not the future alone can tell. But certainly this concession is a thing which deserved serious consideration at the hands of the Select Committee.

So many complaints there have been, saying that we have not made any contribution to the developmental resources of the country. I want my honourable friend Thakar Bapa to take into consideration the moneys that the provincial governments are spending on health, education, housing sanitation and other public developmental services. It is on top of it that we have to consider what the Central Government is spending. If he only compared what the present Government is spending in regard to these matters with what the previous government was spending he would certainly find much indeed to his satisfaction. Even the Education Department has spread out its own protective wings, developmental wings, in many provinces. The same is the case with the Health Department. My honourable friend the Health Minister was keen on developing so many central institutes at the Centre that I am afraid in the provinces we need not have any institutes at all.

Shri A. V. Thakkar: May I interrupt the honourable Member for a minute? Has any Province in India introduced compulsory education up to this day—the richest, Madras and Bombay?

Prof. N. G. Ranga: My honourable friend Thakkar Bapa even if he was the Prime Minister of all the Provinces together and of the Centre would find that it is not possible for him to introduce compulsory education with the finances that he has got at his disposal unless he touches everybody's pocket. I am in favour of compulsory elementary education. But he himself scouted the idea of bringing in conscription for all the educated youths in this country, University students and others, in order to drive them to the villages and bring about compulsory education. We have to start a national campaign. It is not only the finances of the state but also the social resources and the contribution of the people that have to be taken into account in order to achieve it. It is not open to us here, burdened as we are with all these responsibilities, to come and attack this Government "Why have you not established it; if

[Prof. N. G. Ranga].

is sixteen months since you have been in office; why have you not introduced compulsory elementary education?" It is not possible. Otherwise certainly they would like and I would like to have it just as my honourable friend Thakkar Bapa would like to have it.

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

One more word and that is that this Government is subsidising food to the tune of Rs. 30 crores. Is it not a contribution to the poor people, the common people in the country? Of course it is a contribution against my people, the Kisans, because this Rs. 30 crores is bringing down the prices of our own food with the result that those people do not have the necessary inducement to raise it more and more.

Begum Aizaz Rasul (U.P.: Muslim): Madam, I did not expect to be called at this late hour, but I am grateful to you for giving me this opportunity of saying a few words. So much has been said on the budget as well as the Finance Bill during these last few days that I do not think I have anything new to add to it. But I might just say that I agree with those honourable Members who have expressed the opinion that there must be some sort of co-ordination in regard to taxation between the Provinces and the Centre. For instance I may say that in most of the Provinces there is a Sales Tax. This, as the House will realize, imposes a tax upon the consumer in everything that the consumer buys. Now, apart from that the Centre is imposing a tax on things like sugar, cloth and petrol. This means the consumer will be doubly taxed on these commodities of everyday use. This is unfair. I think it is up to the Finance Minister to let the House know what is the incidence of Income-tax in this country. We are not averse to paying taxes, but certainly we ought to know how we stand in the matter of taxation. Then the government has taken up the position of increasing land excise duty—why on consumer's goods produced in India? Tax on imports is also tax on consumers. This is justifiable if protection of Indian and indigenous industries is meant thereby. We can tax things like steel and iron and foreign cloth and other items mentioned by Tariff Board Report. We can also tax sugar from Java and Mauritius. But certain things that are the needs and requirements of the man in the street should be taxed only if it is absolutely necessary to do so. The cost of living is already very high and prices of commodities such as cloth, sugar, petrol etc. must affect the people. The raising of the tax on betelnut is also very unfair. Betelnut is a luxury that is enjoyed by the poor man. It will affect my Province very much because betelnut is very popular there and it is used by large sections of the people. In fact if I remember right tax on betelnut was raised a few years ago and therefore the additional tax is very unfair.

The honourable the Communications Minister made out a very good case as regards the raising of postal rates. As far as the postcard is concerned I entirely agree that the price should be three pice per postcard, but as far as the letter is concerned I think that the six pice rate per letter should be retained. All those who want to send letters by air mail can certainly afford to pay an extra sum. Therefore the postal rate on envelopes should not be increased except for those people who want to send by air mail, and there I think that one anna or two annas or even three annas extra may be charged for those letters that are to be sent by air mail.

I have also in mind the Agricultural Income-tax that has been imposed in most of the Provinces. This will not only affect, as some people think, the big landlords but will also affect the big farmers and the tenants and will to a great extent discourage the development of agriculture and largescale

farming which is so necessary for our country today in connection with food production. When the Bill for the Abolition of the Zamindari which is on the anvil in most of the Provinces comes into effect and after the zamindaris have been abolished the tax will fall very heavily on the farmers and the peasants who will inherit all those lands that once belonged to the zamindars and will, as I say, discourage to a great extent the food production of the country. I hope that this aspect of the matter will be kept in view.

Then, Madam, there is one other point I want to make and that is with regard to the commercial undertakings of the Government. In the Limitation of Dividends Bill the Government has proposed six per cent as the highest dividend that is to be paid as profits. That means that it feels that six per cent is the minimum reasonable figure one should expect. But from the Government's own commercial undertakings like the Railways and the Posts and Telegraphs what are they getting? In the first place the businessman has to compete with others before he can make this six per cent. But in a State commercial undertaking you don't allow competition and so it is all a monopoly. The Government has invested about Rs. 720 crores in divided India as this year's account shows and the contribution that the Government is getting from the Railways is a little over Rs. 4½ crores, which means a little over half of one per cent. I should like to know why it is so. It certainly is a public utility concern but it is also a commercial undertaking of Government and I should therefore think that Government should expect a higher figure of dividend than half of one per cent. Even the British officers have stated that the Railways should pay more profits to the Government. But we see no evidence of this and even this rate is fixed after increasing about 50 per cent on rates and freights over and above the usual fares and war Surchage.

Madam, I have to say just a few words about Defence. Quite a lot of criticism has been made over the high expenditure on Defence. From the reports that we see in the papers, Pakistan has budgeted about 60 per cent of its revenues for Defence and India has budgeted about 48 per cent. Naturally these are very high figures, and we are entitled to ask why Defence expenditure is being raised so much. To my mind the only way to reduce this high expenditure is to evolve a common defence policy. The Cabinet Mission Plan said that it was impossible to divide the Indian Army, that the defence of India was built up as one unit. Well, as things turned out the Indian Army had to be divided up. But, it cannot be denied that the spirit of fraternity and comradeship still persists amongst the officers and men of the two armies and I should like to see the day, and I hope it is not far off, when India and Pakistan can join together in a common defence. After all, what are these feverish preparations for? I shudder to think of the possibility of these two Dominions going to war. It will be the unmaking and finishing up of both the countries and I do not think that the statesmen of either country can ever have this intention in view. Therefore, it is necessary that these two Dominions should come more and more together. If these defence preparations are for an enemy outside India, then it is more necessary for the two Dominions to build up a programme of common defence.

Shri H. V. Kamath: Is my honourable friend, Madam, prepared for a re-union of the two?

Begum Aizaz Rasul: I certainly feel that the defence of the country should be devised on a common basis as that is the only way to save these two countries from foreign aggression, from communism and from all those forces that are threatening civilisation. India and Pakistan together can fight these, much better than alone. And the money thus saved can be utilised

[Begum Aizaz Rasul]

for nation building activities. I would like not only a common defence but a common economy also, which will build up the prosperity of the two countries.

I was very glad to hear from the honourable the Home Minister the fact that the Muslims are settling down in India. Madam, it is with a feeling of great pleasure that I heard this. I can say with all the emphasis at my command that the Muslims of this country who form a very large section of the population, consider themselves as citizens of India. They do not want any preferential treatment either from the Government or from the people, they only want security for themselves to live happy and peaceful lives. They would be willing to lay down their lives for the honour and prosperity of the country and are absolutely willing and ready to make every sacrifice for the defence of the country. I only wish to reiterate that they do not want that any preferential treatment should be meted out to them because they are Muslims but that no discrimination should be made against them because they are Muslims. As citizens of this country we are willing to share in the responsibilities as well as in the benefits that accrue to any citizen of a country. I therefore feel that the words that came from the mouth of the honourable the Home Minister were most gratifying. I know that with leaders like His Excellency Rajaji as Governor-General and Sardar Patel and Pt. Jawahar Lal Nehru, at the head of the Government we can hope to get a fair deal in this country and conditions, already created, will be maintained which will infuse more and more confidence and feeling of security and contentment in the minds of the Muslims living here.

Mr. Chairman: I shall ask the honourable Member Mr. Sidhva to speak if he can finish his speech within five minutes because I want to ask the Finance Minister to speak at 4-30 sharp.

Shri R. K. Sidhva: Thank you, Madam, for giving me five minutes. I am very glad that Prof. Ranga very effectively gave a reply to Mr. Munshi, particularly on the question of the salaries of officers of the Defence Ministry. I am mentioning this because it may not be misunderstood that this House, while considering the Defence Budget, was not considerate about their officers and the Army to which this House has unanimously given the best compliment and tribute. We have at heart their interests and we assure them that they are liberally paid. The Defence Minister himself and the Finance Minister also have stated that they are fairly well paid.

Having said that, as far as this Bill is concerned, I find that my honourable friend the Finance Minister has stated that some of the enhancements of duties and taxes he has proposed as an anti-inflationary measure. He has mentioned so in clause 4 of the Statement of Objects and Reasons. That is correct. But I fail to understand this. I want to know what is the definition of inflation. I do not know whether my honourable friend the Minister has got a special dictionary in his archives for the definition of this word inflation but in the common dictionary which I have got I find, it means "swelling", and if "swelling", as we know, happens on the human body, the surgeon immediately sterilises the knife and cuts that swelling so that the body becomes healthy. If that is the correct interpretation of the word inflation, then the first thing he should have done is to put a cut upon the various Departments which are superfluous. In his Budget speech he was rather reluctant to do it. He stated that he would examine this matter

next year, but the House vociferously opposed that idea and I am very glad, and I congratulate him, that in deference to the wishes of the House, he replied on a cut motion that he is going to examine this case now and within three months he will see that the Economy Committee's proposals are carried out. I congratulate him from the bottom of my heart for this. Unless you cut down superfluous staff and superfluous expenses, you will not be able to cut down your expenses and your inflation will not to any extent be reduced.

There is an item in the Civil Budget under the heading, "Other charges", amounting to 5.63 lakhs. "Other charges" are not defined and in some cases very meagerly defined. I would request him that he must straightaway without going into details tell each Ministry to cut down by 10 per cent. That is the practice in many departments outside the Secretariat and it has been successfully carried out. I know the Secretariat will hesitate, but I am sure that with his persuasive tongue and impressiveness, if he were to tell all the Ministries that in this "Other charges" 10 per cent must be cut down, I am sure the efficiency will be maintained without any difficulty. I can tell you from my experience that I have made that experiment and carried it out successfully though with opposition which the ministerial staff offered at the earlier stage.

As far as taxation is concerned, it is not a question of taxation which this House alone imposes. We have to bear in mind, while discussing of the common man, as to what his own position is as far as his Province and village and district are concerned. He is being taxed from all round. What are the Provinces doing today? To balance their Budgets the Provinces are increasing the taxation on all sides. If you increase the burden on the poor man, the middle class man and the rich man to balance the Budget, with due deference to the honourable Minister I would say that that will not be called a balanced Budget. To meet your expenditure you might levy taxation up to 100 per cent and say, "I have balanced the Budget". Balancing the Budget should be real, not artificial. Now, what is happening in the provincial taxes? Madras has withdrawn the exemption of agricultural products from sales-tax, and they charge 50 per cent more on groundnut and cashew-nut. Bombay is levying 3 pies on exports from the Province. I would like to know whether provincial governments should be allowed to impose any kind of taxes on exports? That is very unfair. Madras levies 3 pies on cotton export. They also charge 25 per cent on property taxes. These are points which the honourable Minister should take into consideration very seriously.

These are matters which we should consider if we or the House want to do some real good to the people. In the last Budget discussion, I asked the predecessor of the honourable the Finance Minister "what kind of relief are you giving to the common average man, the man in the street? After freedom he wants to know what he has gained." And he told me that this was not the form for giving any kind of relief to the villager, and that I must go to the province for that. I am very glad, Sir, that the honourable the Finance Minister, in his reply to many of the Members did not share the views of his predecessor. This Central Assembly can do many things to bring relief to the common man. Sir, is not the common paying to the centre? Take the Third-class earnings in the railways. Out of the earnings of Rs. 81,66,25,000, Rs. 67,97,00,000 are paid by the third-class passengers. They are thus paying to the Centre and you cannot ignore them on the score that they do not pay you anything.

[At this stage Mr. Deputy Speaker resumed the Chair.]

Dr. Mono Mohan Das (West Bengal: General): On a point of information, Sir, what is the procedure adopted in this House for calling honourable Members to speak?

Mr. Deputy-Speaker: It is an academic question which I am not prepared to answer.

How much longer will the honourable Member take?

Shri R. K. Sidhva: I have to say many things, but I do not want to do so now. I will only say that I am very glad that the honourable Minister in his recent speech has really developed the points which we wanted to develop, and also met the wishes of the House. In his Budget speech we were very much disappointed from the tone and the manner in which he presented the Budget. But that shows democracy. That shows the democratic nature of the House, he saw it and immediately he changed the view which he held originally, and to-day he has made a reference to the Economy Committee.

I really congratulate the honourable the Finance Minister. I will only say that if he wants to benefit the whole country and give relief to all, and if he wants to give relief, he should not cast his eyes on Dalal Street only. He must look to the whole country and on everybody alike. He may look to Dalal Street and give relief to its people. But he should not ignore the poor people and in future he should see that all are benefitted equally.

The Honourable Dr. John Matthai: Sir, I find it a little difficult to reply to a debate of the kind that we have had yesterday and to-day because although it was the Finance Bill that was under discussion, most of the matters which came up for review by the House are matters which concern the Government as a whole. The greater part of the questions raised related to Ministries other than my own, and although I certainly share collective responsibility for the views and the decisions of Government, the House will appreciate that I do not have sufficient direct or immediate knowledge of what is happening in other Ministries, to be able to give the House considered and final views on many of these matters.

As regards the taxation proposals which are embodied in the Finance Bill, since all these proposals are coming up for detailed examination and scrutiny by the Select Committee, it does not seem to me necessary that I should weary the House with my views regarding them. Various suggestions have been made as regards these taxation proposals, the manner in which these proposals might be modified, the manner in which some of them might be replaced; all these suggestions, I have no doubt, will be taken into the fullest possible account by the Select Committee which the House is going to appoint.

There are, however, certain general problems regarding the financial and economic situation in the country to which reference has been made and on which, therefore, I would like to offer a comment or two during the short time that the House has kindly placed at my disposal.

There is one point which has been raised by more than one speaker. I think it was my honourable friend Babu Ramnarayan Singh who first raised it, and I think Mr. Tyagi, Mr. Thakkar and various other Members also raised it. What they say is this: "It is not so much to the level of taxation that we object. We are prepared to stand a reasonable level of taxation, a reasonably high level of taxation, provided, the proceeds of the taxation are expended in a manner which would be of direct benefit to the great mass of the people in the country; not merely of direct benefit to them, but would be demonstrably beneficial to them." That is a point with which I entirely agree. But then we are up against a serious practical problem there. In the way in which Government is organised in our country, the Centre does not come into direct contact with all those social and economic problems which concern the people most directly. It is only in an indirect manner

that we can be of help. If honourable Members have scrutinised the Budget carefully, they will find that we have made provision for grants to Provinces of somewhere about Rs. 27 crores. We have made provision for loans to Provinces in 1949-50, somewhere about Rs. 58 crores. We have provided for food-subsidies to the extent of Rs. 33 crores. We have provided for the maintenance and settlement of the large population who have been displaced from their original homes and who are on our hands and are our responsibility. For them we have made a revenue provision of Rs. 10 crores and we have made a capital provision of nearly Rs. 20 crores. All these are provisions which we have made for the advantage and for the benefit of that individual whom in these discussions we have often described as the common man. But these have not been very demonstrably brought out, though they are all there implicit in the Budget. My own feeling is this, that if we are able to sail into more comfortable waters, as regards our financial position, it ought to be possible for us to provide for this expenditure that we undertake for the benefit of the great masses of the country, and we should be able to provide it in a manner and on a scale which would have a certain amount of psychological effect. I think it ought to be possible to do it, provided our financial position is slightly better than it is to-day.

I think it was my honourable friend Babu Ramnarayan Singh who at an early stage of the debate raised the question of salary scales. Frankly I am very uncomfortable about the salary scales that prevail throughout the country to-day, not merely in Government services, but in every walk of life. If it were possible for us to get the great bulk of our people to a plane where service and only service would be the motive, then we could, of course, do away with the kind of salaries to which we have got so used. I think Babu Ramnarayan Singh called our attention to the fact that before the War, when the Indian National Congress began to apply its mind to this problem, they fixed a certain limit. I think they said that the maximum salary should not exceed Rs. 500 and he put a very pertinent question to the Treasury Bench, "Why don't you adopt it? Why have you departed from it to this very large extent?" May I suggest a little practical consideration to Babu Ramnarayan Singh? This Rs. 500 that the Congress fixed as the maximum limit was fixed with reference to pre-war prices. The index number is now standing at 370 compared with pre-war prices. Direct taxation stands at a much higher level than it did in 1938-39. (Babu Ramnarayan Singh: 'Dearness allowances?') Yes, these figures take these factors, into account and today the equivalent amount would be somewhere about Rs. 2,000. I am not suggesting that as a final answer to the point that he made.

Babu Ramnarayan Singh: But in that proportion you have not increased the salaries of the permanent services and the lower paid employees.

The Honourable Dr. John Matthai: If you take the dearness allowances, much the greater part goes to the lower paid employees of the Government and relatively little of it goes to the benefit of the higher paid employees, but I was going to say this is a matter that we have to take into account.

When I was an official of the Government of India, years ago—and those were spacious days, when we officials lived comfortably—we spent six months of the year in Simla and spent six months when the weather was comfortable and hospitable here in Delhi. Comparing now my experience as a Minister of the way in which the senior officers of Government now work and comparing that with the way in which I as a fairly senior official under the old regime worked, the number of hours that our senior officers work today and the enthusiasm and the consciousness with which they work today, represent a mighty higher standard. When we were in Simla, we went to the office at 10.

[Dr. John Matthai]

o'clock and it took very nearly 45 minutes before one could reach the office from the hotel. Coming back it took another 45 minutes; every day there was a lunch party for nearly two hours; every evening there was a cocktail party and every night there was a dinner party and moving about in Rickshaws, practically the whole of your time was absorbed in matters of that kind. If you take the way in which the senior officers of Government are working today, it is a marvellous transformation and I think it is but fair to our officers—and I am speaking of the senior officers with whom I come in contact in my day to day work—it is but fair that they should be given credit for it.

There is another point that I should like to mention. We are living in very difficult times not merely in our country, but in neighbouring countries. Has the House ever considered why it is that in India we have been able to preserve a fair degree of stability and how we have been able to save the country from, at any rate, the kind of serious collapse that has occurred in a neighbouring country like Burma? I would like to make two suggestions to the House. The most important reason is that in our country, unlike Burma, we have two or three men to whom the whole country owes loyalty. There is leadership of a kind that does not obtain in some other countries, but apart from that there is a very important reason, and that is this. If you take a country like Burma, the Englishmen who used to run the Civil Service and the administrative machinery, they have all departed. The rest of them were mostly Indians who have also departed and practically there is not even the remnant of a trained Civil Service there to run the machinery of Government. Here, fortunately for us, whatever may be the criticisms that we pass upon our officers, we have a body of trained men, trained in administrative work and be it said to their credit, entirely loyal to the new regime; these are the people who have stood between us and collapse.

I was speaking of the scale of salaries and let me get back to the subject. I am not one who believes that money is a useful thing beyond a certain limit. I was a fairly prosperous businessman before I joined the Government of India as a Minister and speaking in the presence of an old colleague Mr. Mody, I may say that the financial position in which I find myself today as a Minister is very different. (An honourable Member: 'Was your colleague in business or what?') None what I am going to suggest is that it is not that I want more money. From my personal experience, I find that life today is quite as interesting and quite as enjoyable a thing to me as in the days when my income was two or three times what it is today. The things that matter in life are, to have interesting work to do, to be able to have wholesome food to eat, the pleasure of family life and enjoyment of nature and art, reading a few good books—these are the things that after all give content to life and as far as these real things in life are concerned, it does not seem to me the difference between a high level of income and a moderate level of income makes any difference whatsoever. I am referring to this point because I think it ought to be our business as much the business of Government as of public leaders in this country to educate people to a proper sense of money values, but till we are able to reach that condition, I think we must reckon with the fact that men's ordinary motives must receive a certain amount of satisfaction. That is the problem with which we are all faced.

A problem that was raised over and over again in the course of the debate was the conflict and overlapping which have occurred between the Centre and the Provinces in the matter of taxation. That is a point to which I referred in the course of my reply to the General Debate. I will simply repeat this afternoon the reply I gave then, that I do admit that it is about time that we did something to remove the scope for conflict and overlapping that exists

under the present system. How it is to be done is a problem. As I said, there are two ways of doing it. It is possible to reach some kind of agreement, some kind of settlement by agreement. If that is not possible, we have got to consider very seriously whether we should not put into the constitution financial proposals which will effectively meet the problem.

Another subject which about frequent reference was made is the question of Planning. It is perfectly true the Government have now reached a stage where to all appearances planning seems to have been thrown overboard, but that is not in reality so. I would like to take the House back to the days when the National Government was first formed, the interim Government of 1946. We assumed office at the end of August 1946. The Prime Minister was the Chairman of the National Planning Commission and that Commission had over a period of years been engaged in the very important task of drawing up a plan of development for the country. (An honourable Member: 'Was it a committee or a Commission?') Then along with the Prime Minister there were some of us who had also been associated with national planning and had also done a bit of planning in our own sphere and we were all immensely interested in the idea of planning. We assumed office in August. About the end of October, we were asked to form a Coalition Government with the Muslim League. The whole idea of National planning with which we were concerned at the time was planning based on the idea of a unified India. But everytime planning was mentioned in the Coalition Government it became an unacceptable idea, because unified India was not the basis on which half the Government was working. It was impossible then to make any progress. That position changed I think about August 1947. In August 1947 we had Partition. When Partition came, not merely did all the data collected become entirely out of date and out of relation to realities, it was a question simply of trying to preserve our economic structure from going to pieces. In other words, by the time the National Government found itself in the saddle, the problem before us was not to create a new order, but to preserve the existing order from going to pieces. That is the problem which has absorbed all our time till now. The Prime Minister is very actively considering at present the setting up of a Planning Commission with the idea that we may now tie up loose ends and piece together the fragments of work done in the past and see whether we cannot make some real progress.

Reference has again been made to the Economy Committee. I do not think it is necessary for me to say anything more than what I said the other day. There was a certain amount of criticism on the procedure I suggested. What I said was that the Ministries should first consult their Standing Advisory Committees and then the whole matter would be put before the Standing Finance Committee. It was suggested that that procedure might slow up the whole process and that it might make for delay. Now, there is no other way in which we can give satisfaction to the House, because if the Executive decided to take the sole responsibility upon itself and the conclusions that the Government of India came to were conclusions which were not acceptable to the House what would be done, especially in view of the fact that a great deal of suspicion has been expressed with regard to the real intention of Government with regard to economy. It is possible that when the Government announces its proposal the House might find them unsatisfactory and unacceptable. But if I am able, if the Government are able to carry the various Standing Committees of the House with it, then the proposals might probably receive better acceptance at the hands of the House. I have in mind also, when the Standing Finance Committee meets in order to consider the final proposals—and that would not be very long

Shri Mahavir Tyagi: Are the proposals drastic enough?

The Honourable Dr. John Matthai: On that point I think I must ask the honourable Member to wait. When the proposals come before the Standing Finance Committee, for final decision, my idea is to invite the Chairman of the Economy Committee and one or two of his colleagues to sit along with us so that the Committee may have not merely the point of view of the Ministries, but also the point of view of the Economy Committee. What I am trying to suggest is that the House is not altogether justified in entertaining these deep suspicious feelings about the Government and particularly about me with regard to this question of economy. I am trying to put all my cards on the table. If, in spite of that, in spite of all this procedure we are adopting, it is ultimately found that the proposals for economy are not of the order that the House anticipates, the fault will not be entirely mine or of the Government.

On the question of National income, a suggestion was made that the enquiry might be linked up with the Census. I think it is based on a misconception. A census of population is one thing, and a census of production is an entirely different thing requiring a different technique.

My honourable friend Mr. Chaliha referred to opium again. I am conversant with the problem of opium and I know that his particular province, Assam, is greatly concerned with this question. As I told the House once, I am going to have, as quickly as possible, a conference of the people interested. But I do think I ought to invite my honourable friend's attention to this fact that if we restrict the consumption of opium to medical and scientific purposes, if the standard laid down by the League of Nations has any significance, then the average consumption per head of the population today in India will be found to be below the standard laid down by the League of Nations for medical and scientific purposes.

Srijut Kuladhar Chaliha (Assam: General): That was laid down as far back as 1926.

The Honourable Dr. John Matthai: I take it that the fundamental needs of human beings have not changed since 1926.

Babu Ramnarayan Singh raised the question of controls. We have resumed the policy of control, but I think it ought to be realised that we have resumed it only in regard to the most essential kinds of commodities. We have done so because we have realised the limitations of Government in this matter. We have a very defective instrument in our hands with which to deal with this problem of control. Therefore, it is only in regard to articles where the need for control is almost inescapable, it is only in relation to them that we have adopted it. After all, if you remember the way in which prices shot up from the end of December 1947 up to July 1948, during the period of de-control, it was difficult for any responsible Government to resist the feeling that there must be some kind of connection between the two happenings.

Babu Ramnarayan Singh: Sir, the stock of cloth in the bazar is more than enough for our requirements. Then why control cloth?

The Honourable Dr. John Matthai: My honourable friend the Minister for Industry and Supply is quite capable of looking after himself in this matter. I know he will agree with me that the question of distribution at present is not all that might be desired. But I have his assurance that things are progressing and that in a very short while we shall be able to see considerable improvement in the distribution of cloth.

Shri Dashbandhu Gupta (Delhi): May I request the honourable Minister to throw some light on the question of controlling the increase of population as suggested by my friend Pandit Thakurdas Bhargava?

The Honourable Dr. John Matthai: That is one of the points I have noted. But I thought the interest of the House on this question was not sufficiently keen. But in case it is—I do not want to commit the Government on this question—I may express my personal reaction to this problem. It is this: we all complain of over-population in our country and that the food supply and the economic resources of the country are not sufficient for maintaining so large a population as we have today. My view is this: I would rather put myself to a fuller and more exhaustive examination of the potential economic resources of the country before I come to the conclusion that the population is excessive. If any of us are alive 25 years from now—you may take it for what it is worth—he will find that, if the economic resources of the country are properly developed, in the space of a generation or two, the population of this country, instead of being a liability, will be an asset.

I think it was Pandit Thakurdas Bhargava who raised the question of birth-control. I am all for voluntary intelligent control. But when it comes to birth-control by artificial methods, you are up against a serious problem: If you extend its use to the whole community, you are getting the community used to the satisfaction of the physical, the animal instincts of love without at the same time incurring the legitimate responsibilities which it carries with it. The result would be that in the course of a generation or two you will find the population of this country would not be sufficient to undertake all the responsibilities that fall upon it. Now, I do not commit the Government in any way on this question.

My honourable friend Mr. Modi asked me if the directive with regard to Prohibition has been at all observed by the provinces. The fact of the matter is that except the provinces of Madras and Bombay, all the other Provincial Governments have gone quite sufficiently, as far as their commitments permit, to meet the directive issued by the Government of India. They are doing it by stages, that is to say, in such a way that the strain on financial resources is limited to a minimum.

Mr. Modi again asked what my attitude was with regard to bearer bonds. I do not like it, and for the present I do not propose to encourage it for reasons I think with which my honourable friend is quite as familiar as I am. I am up against the problem of tax evasion and the introduction of bearer bonds is not going to help me in that matter.

I have been asked over and over again whether this discrepancy between the Budget estimates and the Revised estimates for 1948-49 does not cast a serious reflection on the Budgeting capacity of the Government of India. I think it is possible to reach a conclusion only on a careful examination of the position and I must say in all seriousness that honourable Members who have spoken on this subject have not done us justice. Now, the developments in Hyderabad, the very serious developments in Kashmir, the untoward developments in regard to certain refugee problems, the failure of the crops and the necessity for importing larger amount of foodgrains—these are not things which even the wisest Finance Minister and Finance staff could have anticipated early in 1948.

Mr. Homi Mody: That is only with regard to expenditure.

The Honourable Dr. John Matthai: I am coming to the other side. On the revenue side, the largest single item of revenue is customs. It was somewhere in July that we decided to liberalise our import policy in view of the inflationary conditions which were prevailing. The Finance Minister in February 1948 could not have anticipated that. That gave us a large yield of revenue. As regards income-tax, what happened was, that when we found that we were faced with all this unanticipated expenditure under Defence, under food subsidies, under relief and rehabilitation etc. we thought that it was necessary to raise the revenues, available to us. One way of doing it on the

[Dr. John Matthai]

direct taxation side was to step up the collection of arrears, to put more momentum into that work, and that, to some extent, increased our income-tax revenue. It was again for that reason that we decided, towards the end of the year, to introduce the system of provisional assessment, which again increased our revenue. It was again with the purpose of meeting this increased expenditure that we decided in connection with our anti-inflationary measures to levy customs duty on a number of fresh articles and this resulted in further increases. Therefore, when the expenditure increased for reasons which could not be anticipated, we as sensible, intelligent people tried to adapt ourselves in these various ways on the revenue side.

Then our friend Mr. Modi put me a question which surprised me. He told me, "You people are using your cash balances in order to meet your current expenditure." I was, frankly, surprised at this question, from a businessman and a banker at that. The whole basis of my Budget proposals is to balance revenue and expenditure. Therefore, the whole of my current expenditure I am meeting out of current revenue. I am not drawing upon cash balances in order to meet my current expenditure, which is met entirely by revenue. We are proposing a total capital expenditure of somewhere about Rs. 240 crores for 1949-50: out of that, we are meeting Rs. 134 crores by drawing on our cash balances. That is the real issue. Therefore, the cash balances which are our reserve are being used actually for capital purposes.

An Honourable Member: What about short-term loans?

Another Honourable Member: It is past five, Sir.

Mr. Deputy-Speaker: There is no guillotine as far as these things are concerned.

The Honourable Dr. John Matthai: I will finish presently, Sir.

Mr. Deputy-Speaker: I am not hurrying the honourable Minister. I am sure the House will sit for some more time.

The Honourable Dr. John Matthai: I think, you Sir raised the question of the Estimates Committee of the House of Commons, that is to say, that we must have a Committee of this House to scrutinise expenditure in much greater detail than our present Committees are able to do. A useful idea, theoretically. The difficulty about it is this. The Estimates Committee of the House of Commons is able to do its job because the House of Commons is a much more strenuous body than our legislature. They sit practically right through the year, and this Estimates Committee sits for nearly four months on end examining expenditure. They sit day after day examining it. It is possible for us in the new Constitution to arrange things in such a way that our legislature sits like the House of Commons practically over the whole year. But if that is not possible, an Estimates Committee would not work any better than our present Standing Finance Committee. Apart from that—I am speaking without any particular authority, but I have discussed this matter with people who are conversant with the working of the Estimates Committee of the British Parliament—my impression is that those who are directly concerned with the working of the Estimates Committee are of the belief that the Estimates Committee of Parliament does little useful work. It is not being eliminated because any institution in England which has become part of the traditional structure of the country is maintained for its traditional value. I think as an effective institution for the scrutiny of expenditure, the usefulness of the Estimates Committee of the House of Commons is slightly exaggerated.

I have been asked about the Public Accounts Committee. It is perfectly true that we have not been able to present reports for two or three years. Now, the trouble is this. Since the partition occurred in 1947, it has been very difficult for us to bring our figures at present into any sort of comparison with the figures before the partition. It has completely dislocated the continuity of our accounts. That I think is the reason which has made it very difficult. We have not been able to settle all our accounts with Pakistan and until we are able to finalise these accounts, public accounts for that period would not be complete. That is another reason. But we are trying to do our best. Personally, I am of the view—I am speaking subject to correction, I am in the hands of the House entirely on this matter—my own feeling is that the Public Accounts Committee's reports for 1945-46 and 1946-47 would have nothing more than a purely academic value.

Ch. Ranbir Singh (East Punjab: General): What about Agricultural Finance Corporation?

The Honourable Dr. John Matthai: On the Agricultural Finance Corporation, my feeling is this. I think there is something to be said for it, but I would much rather have the Agricultural Finance Corporation set up by the provincial governments and any assistance that they want could be given by the Centre through the co-operative agency. I think Agricultural Finance Corporations should be set up on the basis of co-operative institutions, either credit institutions of the ordinary variety or land mortgage banks. In either case, it ought to be possible for the Central Government, if their finances permit it, to make advances to the Agricultural Finance Corporation of the provinces.

Ch. Ranbir Singh: Stabilisation of agricultural produce.

The Honourable Dr. John Matthai: I think, Sir, I have covered most of the points. It is rather late. I think one honourable Member—it was Begum Rasul—who complained that the general contribution of the Railways is not sufficient. I think the point to remember is that this 4.75 crores contribution does not include the interest which the Railways pay us on our investments; they pay us about Rs. 22 crores and this Rs. 22 crores must be added to this 4.75 crores in order to get the precise amount that we draw from our investment on the Railways.

My friend Prof. Shibbanlal Saksena reminded me of the Stakhanov method. I still adhere to my view that it is really a question of individual gain. I would suggest to my honourable friend, when he has time, to read a book by the famous French Socialist Andre Gide on Russia. He went with a party of French miners to see the way in which Russian planning was working and he was taken to a mine where the Stakhanov method had produced remarkable results. His French miners who were with him, also went into the mine for a day just for the fun of it and took part in the work. When they came out, the thing that impressed them was not that production had increased under the Stakhanov method but that it was so low before the Stakhanov method was introduced. In fact the extent to which the Stakhanov method has worked in Russia is exaggerated. As far as the system of Russian planning is concerned, the thing that makes their planning system work with such success and with such a sense of unity is that right through all the strata there is an element of strong, loyal, party-men who keep the strings in their hands. In fact it is not distinguishable from the most undemocratic type of Government that you can think of. If Prof. Saksena thinks that is the basis on which we should proceed, he is welcome to his idea.

Babu Ramnarayan Singh: According to the honourable Minister, what are the favourable circumstances which will allow a removal of control, and when does he expect it?

The Honourable Dr. John Matthai: It is a little difficult for me to answer that question. The question of control is very closely bound up with the level of prices to the extent that the extent of prices indicates the degree of scarcity of foodgrains. To that extent this question is bound up with the level of prices. If we are able to increase the supply to such an extent that it is more or less equal to the demand, then that would be the time. When that time will come, is more than I can tell.

Shri Biswanath Das (Orissa: General): May I know whether the honourable Minister for Finance could give us any assurance or undertaking as to when he is going to place before us the report of the Auditor-General of India and when is he going to invite the Members of the Public Accounts Committee to deliberate over it?

The Honourable Dr. John Matthai: Three months ago I tried my best to get a meeting of the Public Accounts Committee. As a matter of fact I sent a circular round for a meeting and when we met we found we did not have a quorum. Later we were unable to get an agreed date. As soon as the Members can attend a meeting, I am prepared to call one.

Mr. Deputy-Speaker: The question is:

"That the Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949, be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar, Pandit Hriday Nath Kanru, Shri T. A. Ramalingam Chettiar, Shri Biswanath Das, Shri R. K. Sidhva, Shri Surendra Mohan Ghosh, Prof. N. G. Ranga, Shri Ram Nath Goenka, Mr. Naziruddin Ahmad, Shri Mohan Lal Gautam, Shrimati Annie Mascarene, Shri Gokulbhai Daulatram Bhatt, Shri Prabhu Dayal Himatsingka, Mr. Homi Mody, Shri Khandubhai K. Desai, Shri S. V. Krishna-moorthy Rao, Shri H. V. Kamath, Shri B. L. Sondhi, Shri Kala Venkata Rao, Srijiut Rohini Kumar Chaudhuri, Shri K. Hanumanthaiya, Shri Deshbandhu Gupta and the Mover with Instructions to report on or before the 25th March, 1949, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Wednesday, the 23rd March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Wednesday, 23rd March, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS (See Part I)

11-50 A.M.

NON-INCLUSION OF HINDU CODE IN ORDER PAPER

Srijut Kuladhar Chaliha (Assam: General): On a point of order, Mr. Speaker. The Hindu Code was to have been taken up today, and I do not find it on the Agenda. Has it been taken out by the Secretary himself or by some arrangement?

Mr. Speaker: As I have often said, in case honourable Members want to raise any points, it is better for them just to see me in my chamber and I shall try to explain to them as to how matters stand. The raising of points in the House by taking up its time leads us nowhere.

Srijut Kuladhar Chaliha: But then.....

Mr. Speaker: I am not going to deal with that now.

PAPERS LAID ON THE TABLE

AUTHENTICATED SCHEDULES OF AUTHORISED EXPENDITURES—RAILWAYS

(i) *Supplementary Expenditure for 1948-49.*

(ii) *Expenditure for 1949-50*

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport): Sir, I beg to lay on the table, in pursuance of sub-section (2) of section 35 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947—

- (1) an authenticated Schedule of authorised supplementary expenditure for the year 1948-49 in respect of the Indian Government Railways; and
- (2) an authenticated Schedule of authorised expenditure for the year 1949-50 in respect of the Indian Government Railways.

In pursuance of the provision of Section 36 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947 read with sub-section (1) of (1751)

Section 35 thereof I, Chakravarti Rajagopalachari, Governor General of India do hereby authenticate by my signature the following schedule of authorised supplementary expenditure for the year 1948-49, namely:

SCHEDULE

(Amount in thousands of rupees)

Heads of Expenditure	Supplementary sum required to meet the expenditure charged on the Revenue	Supplementary grant made by the Constituent Assembly of India (Legislative)	Total
1. Railway Board	..	2,62	2,62
2. Audit	..	3,25	3,25
3. Miscellaneous Expenditure	..	13,05	13,05
4. Ordinary Working Expenses—Administration	..	33,34	33,34
5. Ordinary Working Expenses—Repairs and Maintenance	..	4,42,96	4,42,96
6. Ordinary Working Expenses—Operating Staff	..	24,88	24,88
7. Ordinary Working Expenses—Operation (Fuel)	..	3,25,33	3,25,33
8. Ordinary Working Expenses—Miscellaneous Expenses	..	63,22	63,22
9. Payments to Indian States and Companies	..	9,28	9,28
10. Appropriation to Depreciation Fund	..	7,75,24	7,75,24
11. A. Withdrawal from Reserve	..	5,11	5,11
12. Construction of New Lines	..	1,99,78	1,99,78
13. Open Line Works—Additions	..	1	1

C. RAJAGOPALACHARI,
Governor-General of India.

NEW DELHI;
The 4th March, 1949.

In pursuance of the provisions of sub-section (1) of Section 35 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, I, Chakravarti Rajagopalachari, Governor General of India, do hereby authenticate by my signature the following schedule of expenditure from the revenues of the Dominion in respect of the Indian Government Railways for the year 1949-50; namely:

SCHEDULE

(Amount in thousands of rupees)

Heads of expenditure	Voted	Charged	Total
1. Railway Board—Revenue	32,58	..	32,58
2. Audit—Revenue	21,77	..	21,77
3. Miscellaneous expenditure Revenue	46,70	..	46,70
4. Working expenses—administration—Revenue	22,21,37	..	22,21,37
5. Working expenses—Repairs and Maintenance—Revenue	49,93,08	..	49,93,08

Heads of Expenditure	Voted	Charged	Total
6. Working expenses—Operating Staff—Revenue	33,64,31	..	33,64,31
7. Working expenses—Operation (Fuel)—Revenue	24,28,65	..	24,28,65
8. Working expenses—Operation other than Staff and Fuel—Revenue	8,64,55	..	8,64,55
9. Working expenses—Miscellaneous expenses—Revenue	20,31,34	..	20,31,34
10. Payments to Indian States and Companies—Revenue	1,67,39	..	1,67,39
11. Working expenses—Appropriation to Depreciation Fund—Revenue	16,19,33	..	16,19,33
12. Open Line Works—Revenue	7,65,16	..	7,65,16
13. Construction of New Lines—Capital and Depreciation Fund	4,23,52	..	4,23,52
14. Open Line Works—Additions—Capital and Betterment Fund	17,65,34	..	17,65,34
15. Open Line Works—Replacements—Capital, Betterment Fund and Depreciation Fund	40,46,49	..	40,46,49
16. Open Line Works—Betterment Fund (Passenger amenities)	1	..	1
17. Capital Outlay on Vizagapatam Port	14,65	..	14,65
18. Interest charges	..	22,88,31	22,88,31

C. RAJAGOPALACHARI,
Governor-General of India.

NEW DELHI;
The 4th March 1949.

MOTION RE. ELECTIONS TO STANDING ADVISORY COMMITTEES

Mr. Speaker: The honourable the Leader of the House to make the motion for election to the Standing Committees. The motion has already been circulated to the Members:

The Honourable Shri Jawaharlal Nehru (Prime Minister and Leader of the House): Sir, I move:

"That this Assembly—

(a) do proceed to elect, in such manner as the Honourable the Speaker may direct, members to serve until the end of the next financial year on Standing Committees to advise on subjects concerning the under-mentioned Ministries and Department of the Government of India, the number to be so elected in respect of each Ministry and Department, excluding the Chairman, Vice-Chairman (if any) and the Government Chief Whip, being as follows:

Ministry of Agriculture	10
Ministry of Commerce	10
Ministry of Communications	10
Ministry of Defence	10
Ministry of Education	10
Ministry of External Affairs	10
Ministry of Food	10
Ministry of Health	10
Ministry of Home Affairs	10
Ministry of Industry and Supply	10
Ministry of Information and Broadcasting	10
Ministry of Labour	5
Ministry of Law	10
Ministry of Relief and Rehabilitation	10
Ministry of Statistics	10
Ministry of Transport (other than Roads)	10
Ministry of Works, Mines and Power	5
Department of Scientific Research	..

(b) do adopt the following amendment to the existing Rules for regulating the constitution and procedure of the said Standing Committees, adopted on the 19th November, 1947:

For Rule 1 of the said Rules, the following be substituted:

"1. (1) The Chairman of each Standing Committee shall be the Minister or Minister of State in charge of the Ministry or Department to which the Committee is attached..

[Shri Jawaharlal Nehru]

(2) Where there is a Minister of State or Deputy Minister in such Ministry otherwise than in charge thereof, he shall be the Vice-Chairman of the Standing Committee, and shall act as Chairman for any meeting at which the Minister is unable to be present.

(3) The Government Chief Whip shall *ex-officio* be a member of each of the Standing Committees.

(4) If at any meeting of the Standing Committee, the Chairman as well as the Vice-Chairman, if any, are unable to be present, the members present may elect one of themselves to act as Chairman for that meeting.

(5) An officer in the Ministry or Department designated by the Minister in charge shall be Secretary to the Standing Committee."

Mr. Speaker: Motion moved:

"That this Assembly—

(a) do proceed to elect, in such manner as the Honourable the Speaker may direct, members to serve until the end of the next financial year on Standing Committees to advise on subjects concerning the under-mentioned Ministries and Department of the Government of India, the number to be so elected in respect of each Ministry and Department, excluding the Chairman, Vice-Chairman (if any) and the Government Chief Whip, being as follows:

Ministry of Agriculture	10
Ministry of Commerce	10
Ministry of Communications	10
Ministry of Defence	10
Ministry of Education	10
Ministry of External Affairs	10
Ministry of Food	10
Ministry of Health	10
Ministry of Home Affairs	10
Ministry of Industry and Supply	10
Ministry of Information and Broadcasting	10
Ministry of Labour	10
Ministry of Law	10
Ministry of Relief and Rehabilitation	5
Ministry of States	10
Ministry of Transport (other than Roads)	10
Ministry of Works, Mines and Power	10
Department of Scientific Research	5

(b) do adopt the following amendment to the existing Rules for regulating the constitution and procedure of the said Standing Committees, adopted on the 19th November, 1947:

For Rule 1 of the said Rules, the following be substituted:

"1. (1) The Chairman of each Standing Committee shall be the Minister or Minister of State in charge of the Ministry or Department to which the Committee is attached.

(2) Where there is a Minister of State or Deputy Minister in such Ministry otherwise than in charge thereof, he shall be the Vice-Chairman of the Standing Committee, and shall act as Chairman for any meeting at which the Minister is unable to be present.

(3) The Government Chief Whip shall *ex-officio* be a member of each of the Standing Committees.

(4) If at any meeting of the Standing Committee, the Chairman as well as the Vice-Chairman, if any, are unable to be present, the members present may elect one of themselves to act as Chairman for that meeting.

(5) An officer in the Ministry or Department designated by the Minister in charge shall be Secretary to the Standing Committee."

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, I would like to say a few words on this motion. If I make any observations, it is for the purpose of closer association between the Ministries and the Standing Committees. You will see that the rules relating to the constitution and procedure of Standing Committees for Ministries require that the following subjects shall be laid before the Standing Committee:

"(1) All non-official Bills introduced or proposed to be introduced in the Assembly and legislative proposals which the Ministry concerned intends to undertake.

(2) Reports of Committees and Commissions (not including unpublished reports of Departmental Committees) on which the Assembly is not adequately represented.

(3) Major questions of general policy and financial proposals.

(4) Annual Reports.

(5) With the approval of the Minister in charge, any topic of public importance within the field of the Committee which a member of the Committee may propose for discussion."

I would suggest to the honourable the Leader of the House that along with a motion of this kind, a statement ought to be circulated to the honourable Members regarding each Standing Committee as to how far, within the previous year, they were able to carry out their duties on all or any of these subjects for which the Standing Committees were intended. As a matter of fact, we would like to know how many such meetings were held. In the case of a certain Standing Committee, a certain number of meetings were held; with respect to certain others only a few were held and so on. It may be that the Minister did not call for certain meetings, or such meetings were called for and some of them fell through for want of quorum etc. We would like to know before we elect particular members of the Assembly to the Advisory Committees whether those gentlemen who were members of the Standing Committee did take a keen interest in the affairs of the Standing Committee and also how far the Bills and other matters that were placed before the House, before they were initiated in the House, had the approval or the advice of the Standing Committee. A statement of that kind should be circulated to members of the House in order to enable them to find out how far these Standing Committees have done their business and how far, in the light of experience, the Standing Committees may be modified, their functions may be added to or some of them taken away. This would enable the House to judge which members may be returned to the Standing Committees, and which not.

We give a number of suggestions in the Standing Finance Committee after the Committee disposes of a particular matter relating to the particular Department concerned. Financial matters, where the sanction of the Finance Standing Committee has to be obtained, are sent to this Committee. In many cases we found in the Standing Finance Committee that the advice of the Standing Committee for the Department had not been obtained. We then had most unwillingly to send back those proposals to the same Ministry for being placed before its Standing Committee. That took some time and quite naturally it might be understood that Members of the Standing Finance Committee unnecessarily stood in the way of these proposals being taken up and finished. I am, therefore, once again placing it before the House and for the consideration of the Leader of the House that no proposals involving any financial commitments, and which need the sanction or approval of the Standing Finance Committee, shall be sent to it without its being previously considered by the Standing Committee of the House relating to that Department. It will

[Shri M. Ananthasayanam Ayyangar]

strengthen the hands of the Standing Finance Committee and if there is a debate much unnecessary criticisms will be avoided.

Next as regards the financial proposals. It is one of the objects set out here that the financial proposals for the year ought to be placed before the Standing Committee of the Department concerned. You know, Sir, we have taken a lot of time during the Budget proposals, individually, referring to departments and four or five departments have also been rolled into one for want of time. It would have been better if the Standing Committees had been taken into confidence with respect to the proposals for the year. I do not want to be misunderstood. I do not want that any taxation proposals should be placed before any Committee or the Standing Committee of the House. That must be within the heart and knowledge of the Finance Minister alone and the only other person who may also know is the Prime Minister, and with his permission, the Cabinet. That is why after all the office hours are over, and all the business is closed, late in the evening, after 5 P.M. the financial proposals are placed before the House.

It is however different in respect of the item of expenditure for Demands for Grants. There is nothing secret about it. As a matter of fact, so far as the Railways are concerned, the budget proposals are placed before the Railway Standing Finance Committee. There, every item is scanned. My honourable friend, the honourable Minister for Finance was also a Minister on a previous occasion in charge of Railways. I was a Member of the Standing Finance Committee for Railways. All the Demands for Grants were scrutinised item after item, into which ten or fifteen Members of this House had the advantage of looking, and coming to their conclusions. That is the way in which much unnecessary hot air might be avoided and I suggest that such scrutiny might be brought to bear on such items of expenditure before they come to the House.

As far as I know, none of the Budget proposals were placed before the Standing Committees concerned before they were placed in a consolidated statement before this House. In future, some such steps may be taken and then the matter may come before the Standing Finance Committee.

Yesterday, or the day before yesterday, when I made a suggestion that for the Finance Bill a Committee might be appointed to scrutinise the various Budget proposals, the honourable the Finance Minister suggested from the other side whether it was of the nature of the Estimates Committee of the House of Commons. I nodded though I was not in full agreement and then he answered on the assumption that I had in mind only a Committee of that nature. I am not having a Committee of that nature because his predecessor said that such a Committee proved itself useless and the only thing that he was able to touch was the tobacco tax—from the amount that was being spent on tobacco—one of the smallest matters which would concern the individual. But it is not for that purpose. I want a real scrutiny. I shall elaborate it later on to the Standing Finance Committee and to the Finance Minister. For the present it is enough to state what is in my mind.

This matter has been before this Assembly for nearly twelve years. When Sir James Grigg was the Minister in charge of Finance, he himself circulated a proposal. He wanted that the Standing Finance Committee ought to have a Chairman—not the Finance Minister, but a non-official of the House—because it is the Finance Minister who brings forward a proposal and it is a non-official who will bring to bear a different aspect on the

issue. Of course the Finance Minister will also be one of the Members of the Committee. He could then take a dispassionate view of the matter. Apart from the question of who ought to be the Chairman, I have no personal objection to the Finance Minister being the Chairman because he has ultimately to carry out their views or reject them. So far as the functioning of the Committee is concerned, the Standing Finance Committee could divide up the ninety odd demands for grants into three groups. Thirty demands may be taken first and discussed and scrutinised threadbare in detail before they are placed in the list of demands for grants for a particular year. In this way, at least one-third of the demands, we can be sure, will have the approval and detailed scrutiny of the Standing Finance Committee. The next year another thirty demands may be taken up and in the third year another thirty may be taken.

With regard to the reviews that have been laid before us, the Minister in charge of the Department concerned, should also say what measures of economy the Minister concerned tried to initiate, how far he succeeded, what measures of economy are possible and apart from that in the interests of proper administration, what appointments are necessary and how the administration may be made more efficient. I find a lack of reference in that matter in the reviews sent to us. Primarily the Minister and the Administrative Officers under him are the best persons suited to make such an examination and prepare a statement to be laid before the House. I am trying to see that as far as possible we get full knowledge of the details of administration so that we can bring to bear an intelligent scrutiny on what is taking place.

I have made such a suggestion to the Honourable Dr. Syama Prasad Mookherjee, the Minister of Industry and Supply, in whose Standing Committee I am a member, with regard to Disposals. This has come in for a lot of criticism and right criticism too, from my friend Mr. Shiva Rao. Disposals are to the tune of Rs. 200 and odd crores. Many other things are lying here and there. Criticisms have been made as to the best use that can be made of them and the use that can be made of the reparations from the foreign countries. I know that articles brought from Germany and Japan are lying somewhere in Bombay. They were brought in more than a year ago and yet it has not been decided what is to be done, so far as controls are concerned with respect to iron and steel, etc., in the various departments. My suggestion was accepted but I would like that other Ministers should accept similar suggestions and that they should introduce a reform in their Standing Committees.

If there are seven or eight members of the Standing Committee, distribute the major items under any particular Minister over the various members. Ask one man to specialize in Disposals; ask another to specialize in Controls; ask a third to specialize in steel, cement and essential articles, etc., allow him contact with the officers; let them go into the department and see and know how actually it works—whether it is working properly or not. So also such a distribution could be made in matters relating to the Commerce Ministry.

Therefore, some such arrangements might be able to be made, in which case a number of questions now raised on the floor of the House will be avoided because the Members concerned will get to know directly from the Minister what is happening. Apart from the Minister telling them they will have an intimate knowledge of the administration and this will avoid the asking of unnecessary questions. We will also be able to have first-hand knowledge of the work.

As regards Foreign Delegations—let us assume a delegation has to be sent to Havana—it is the privilege of the Minister in charge to make the ultimate

[Shri M. Ananthasayanam Ayyangar]

choice. I do not want to stand in his way of choosing but care must be taken to see that the Member in charge of that particular subject in the Standing Committee is chosen in preference to others.

Then the kind of brief that is sent must be placed before the Standing Committee so that they may give their advice and experience and suggest what matters may be considered for the delegation.

That will ease the situation and help us to arrive at proper conclusions. A matter comes before the House and a number of Members who are members of the Standing Committee need not leave the Minister all alone to justify a particular course of action taken. The Minister has all along to stand up and justify and there is no seconder. It is all fire in the House and we work like an opposition although we know what has happened. At every stage members of the Standing Committee are to be taken into confidence. Of course in regard to certain matters, certainly in the public interest they ought not to be laid before the Committee. On all other matters the Minister will take the committees into confidence. These committees are of course open for further consideration during the coming year.

Shri B. Das (Orissa: General): Sir, I wish to support the observations made by my honourable friend Mr. Ananthasayanam Ayyangar. I welcome the amendments to the rules whereby it has been laid down that a Standing Committee may be presided over by the Minister himself or a Minister of State or a Deputy Minister or in their absence by an elected member of the Standing Committee.

Prof. N. G. Ranga (Madras: General): Why bring in an elected member?

Shri B. Das: I received some of the reports of the Standing Committees where I found that departmental secretaries had presided. I do not know how it happened. It is due to lack of alertness on the part of the members of the Standing Committee that they allowed an official to preside over the meetings of the Standing Committees. I hope that will not happen again.

Mr. Ayyangar said that the Budget proposals of each Ministry should be discussed before the Standing Committee. I am a member of the Standing Committee of the W. M. P. Ministry and for the last two sessions had compelled the Ministry to place their Budget proposals for the year for approval of the Standing Committee. This year on the 27th February the W. M. P. Ministry placed their Budget proposals in a consolidated form before the Standing Committee. Howsoever cursory our examination of them were, still I may say that at least one Ministry conformed to the procedure which Mr. Ayyangar advocated just now. That has been the intention of this House. As to whether other Ministries put their proposals before their Standing Committees or not it is for the members of those committees to say.

On one thing I disagree with my honourable friend Mr. Ayyangar, viz., that the Standing Finance Committee should resolve itself into an Estimates Committee and examine the demands for grants that would be discussed under the budget proposals. My view—not of yesterday or today—which is a long standing view is that we will come to that position soon when the whole House will form itself into an Estimates Committee like the House of Commons and the House will then examine in that Committee the various demands for grants and the increases or decreases therein.

I am grateful to the various Ministers for producing their Ministry's report on the year's working and placing them before the House. That is a good thing. If the Speaker retires and the Chairman presides over the Estimates Committee of this House every Minister will have to defend the various

Demands for Grants that have to be sanctioned. That was admirably compiled in the blue index book for the various Demands of Grants under each Ministry. At Committee stage we will not make speeches. We will have to ask questions, ask the Minister or members of the Standing Committee to elucidate points as to why certain increases had occurred.

I agree with Mr. Ayyangar that Ministers were yet reluctant to place their financial proposals or to take the approval of their financial proposals from their Standing Committees. My own experience was that at first the Ministry treated it lightly. They pointed out to us that the Standing Committee would sanction the financial proposals and our views were required only on the policy. However, the Ministry with which I am concerned thought that the financial proposals will also be approved by the Standing Committee.

I do not at all like the idea that the Standing Finance Committee should have a non-official Chairman. It will not work properly and we do not want the Finance Minister to sit under a non-official Chairman and explain the test which his Ministry has applied to the financial proposals and why they included those proposals.....

Prof N. G. Ranga: What is the position in England?

Shri B. Das: I would rather like the very effective practice that is adopted everywhere. The Public Accounts Committee should have a non-official Chairman. We have cried for this on the floor of the House for the last 20 years but it was not the intention of the former British Finance Members to permit too much criticism of their British officials and hence they wanted the Finance Member to preside over the Public Accounts Committee. In the House of Commons the Leader of the Opposition presides over the Public Accounts Committee. Unfortunately we have no party of opposition. However a non-official member should preside over the Public Accounts Committee and we can introduce this salutary practice till the elections under the new Constitution take place.....

Prof. N. G. Ranga: Why not have it for the Standing Finance Committee also?

Shri B. Das: It is for the Finance Ministry to frame proposals of taxation and expenditure. It is entirely a matter for the Treasury. They will not reveal their taxation proposals to us until the day of the presentation of the Budget. You will then have to make the Finance Minister a member of the Standing Finance Committee whereas in the Public Accounts Committee that question will not arise. The Finance Minister need not be present on the Public Accounts Committee, where the Auditor General and the Accountant Generals will unfold the principles or the degree of financial control exercised by the Finance and other Ministries.

We have had two Budget Sessions. I hope by next year's Budget we would lay down how our Budget proposals are to be properly controlled. It will never be controlled by the Ministry with the assistance of the respective Standing Committee, unless there is an Estimates Committee to examine the overall proposals. Look at the discussion we have had this year. With due respect to my colleagues we discussed not the financial proposals but only policies. We did not look into the adequacy or inadequacy of the financial proposals.....

Mr. Speaker: I might invite the attention of honourable Members to one aspect of the discussion. While the matters they are referring to are quite

[Mr. Speaker]

relevant, our immediate object is to consider the proposal as regards election to the various committees, which the honourable the Leader of the House has placed before the House. Observations can still be made as to the changes desired in the functions or the constitution of the Committee without going into an elaborate debate as to how we should discuss Budget proposals or how we should scrutinise them and so on. Otherwise, the debate will be an endless one; we might take two days for the debate and still come to no conclusion. Members will please see that they do not repeat themselves but make their suggestions shortly. These are in a way motions almost of a formal nature and honourable Members can at any time bring up proposals to change the rules of procedure of these committees.

They may make remarks in short. I think sufficient has been said by Mr. Ananthasayanam Ayyangar.

Shri B. Das: I apologize if I over-stepped the limits of the Resolution. I support the Resolution and the amendments to the Rules that are being proposed. I do hope the House will take note of what I and my honourable friend Mr. Ananthasayanam Ayyangar have spoken and that they will suggest to the Government to bring forward a Resolution with regard to the other aspects of our suggestions relating to the financial proposals.

Prof. N. G. Ranga: I support almost every suggestion that has been made by the two previous speakers but I wish to dissent from two suggestions that they have made. Mr. Ananthasayanam Ayyangar suggested that each one of the Members of the Standing Committee may be allotted some particular branch of study in connection with the work of any particular Ministry and then he may be expected to get into touch with the permanent officers and satisfy himself that everything is going on well. I do not know whether we can straightway accept that suggestion and I would like the Prime Minister to examine it a little more carefully and go into detail because there are certain obvious dangers also associated with it and we should go into it with greater care before we can possibly accept it or make certain amendments to it.

Secondly, I cannot agree with my honourable friend Mr. B. Das when he said that the Finance Committee need not be presided over by a non-official but should be presided over by the Minister alone. If there is any justification at all for a non-official Chairman for the Public Accounts Committee—and I had been a Member of that for over ten years, and I am in favour of it—there is equal justification why this Estimates Committee should also be presided over by a non-official Chairman. The Finance Minister can be there to lend his experience and guidance and every possible assistance.

Thirdly, though I cannot say that I am not in favour of it, I am not quite sure about this amendment that is suggested here, that is part (2) of rule 1 which says:

"Where there is a Minister of State or Deputy Minister in such Ministry otherwise than in charge thereof, he shall be the Vice-Chairman of the Standing Committee, and shall act as Chairman for any meeting at which the Minister is unable to be present."

I can understand if it is said that the Minister should preside and should be the Chairman of every Committee. But I cannot understand why the others should also be brought in there and given precedence over the non-official members of these Committees. I think it will be better and it will be a salutary practice indeed to give an opportunity to the non-officials themselves to elect their own Chairman in case the Minister is not present. In that case the Ministry would try his best to be present, and it is only on very rare

occasions that he will not be able to be present. On the other hand if this rule were passed it might come to pass that the Minister might find some other work more important, therefore might be absent and he might ask his Deputy or the State Minister to go as permanent Vice-Chairman and go and act as temporary Chairman of the Committee. I do not think it is going to be a very salutary thing. Anyhow it has got to be further examined and I hope the Prime Minister will give his best consideration to this apprehension of mine and then decide what best to do.

Then, we get only piecemeal information or rather bits of pictures of how the finances of this country are being administered when these various estimates for new proposals for expenditure are brought up before the Finance Committee. That is why we are all anxious that the whole of the Demands side of our budget proposals should be brought up before the Finance Committee a few days before they are actually finalised by the Finance Minister and that he gives an opportunity to all the members of the Standing Finance Committee to satisfy themselves whether all is well. If they have any suggestions to make it might be possible for him to make certain alterations and thus bring about a certain amount of economy. But before doing this thing there is much to be said for the suggestion made by my honourable friend Mr. Ananthasayanam Ayyangar that every Department should place its own Demands in full before its own Standing Committee and get its approval.

Lastly, I wish to make a suggestion to myself as well as to my colleagues in this House that those of us who happen to be Members of any Standing Committee and who agree to any one of the proposals brought before it ought to deem it their duty to support those Demands in this House and if we cannot do so at least not to oppose them, because it is only fair that the time of the House as well as the time of each one of the Members should be economised, after their going into these things in detail at one stage and agreeing to it, by their continuing to be consistent with the decisions that they themselves have taken in the Standing Committee.

Shri H. V. Kamath (C.P. and Berar: General): Sir, it was on the 19th of November 1947 that the Leader of the House brought before this House a Resolution for the first time in our parliamentary history for the constitution of the Standing Advisory Committees, including Standing Committees for the Ministries of Defence and Foreign Affairs—that is why I say for the first time. The previous Committee on Defence, to which my honourable friend Pundit Maitra invites my attention, was merely a Consultative Committee whereas now we have a full-fledged Advisory Committee like all the other Committees attached to the various Ministries. I do not seek any change in the Rules. They were adopted and you have rightly suggested that the debate should be confined to the working of the Rules. I only wish to examine whether these Rules work in such a way that all the Committees function efficiently, effectively and earnestly. Therefore with that end in view I should like to take stock of the situation during the last sixteen and odd months and place before the House certain suggestions with regard to the more efficient and effective working of these Standing Advisory Committees.

By your leave, Sir, I should like to remind the Leader of the House about the statement that he made in the House on that occasion, that is the 19th of November 1947, when he moved the Resolution here. He said that he hoped that the Committees would meet really to survey the whole scene of their activities and not merely confine themselves to the problem before them. He would certainly like to put the whole picture before them and take their help in the matter. There are, however, some exceptions to this like secrecy,

[Shri H. V. Kamath]

State policy and similar matters. I moved an amendment to the Rules suggesting that the Committees should meet at least once a quarter. In reply to that amendment of mine the Honourable the Leader of the House said:

"It is not desirable to fix a number like four in these Rules. What the Rule says is they should meet *at least* twice a year. They may meet many more times. I think, however, that to lay down a statutory rule that every Committee should meet at least four times a year will perhaps be undesirable and might place some difficulty. As a matter of fact (this is the essence of that statement with regard to my amendment) apart from administrative matters, if the Members of the Committee themselves want to meet at any time I am quite sure (that is, the Leader of the House was quite sure) that they can meet. They will have the fullest co-operation of the Ministry."

During the last sixteen months I have had the honour and the privilege to serve on two of these Standing Committees, namely, the Defence and the External Affairs and Commonwealth Relations Committees. At the very outset I must freely admit that the Defence Ministry has co-operated with us wholeheartedly and have convened a meeting of the Committee whenever we wanted to have one. But, Sir, I am constrained to say with the deepest regret that the Committee attached to the External Affairs and Commonwealth Relations Ministry could have functioned far more effectively, far more efficiently and far more frequently. I have greatly benefited by my association with the External Affairs Committee, it is true, but now and then I did feel that this Committee was not functioning as best as it might have done. The Leader of the House, as I pointed out, stated in November 1947 that the Committees could meet far oftener than twice a year, that as a matter of fact every time the Members of the Committee wanted to meet they could meet. I must regretfully state here that this Committee attached to the External Affairs Ministry, during the ten months after March 1948—leaving aside meetings during this Session—met only once. The Committee met in March 1948 and then it met in September 1948 and then again only in February 1949.

Shri R. K. Sidhva (C. P. and Berar: General): How many meetings in all?

Shri H. V. Kamath: One meeting after March 1948, excluding the meeting in March 1948 and that in February 1949 which were held during the Session. Only one meeting in September last.

Shri R. K. Sidhva: May I be permitted to correct my honourable friend, Sir, from the information that the House has been supplied with? In reply to my question it was stated that the External Affairs Committee met four times during the year.

Shri H. V. Kamath: During what period?

Shri R. K. Sidhva: During the calendar year 1948. This information was given by the Deputy Minister. The number of meetings held in 1948 was four, the total number of meetings of the Committee was ten. Four members attended the first meeting and nine attended each of the three other meetings in 1948.

Shri H. V. Kamath: I am talking of the off-session period; from the end of the last Budget Session till the beginning of this Budget Session the Committee met only once and that was in September 1948. During the last Session of the Legislature it met once, perhaps early in August. In spite of

the fact that I had requested the Leader of the House, the Chairman of this Committee, in September last, that this Committee might meet oftener during the off-session periods too, to my great regret, and I am sure to the regret of my colleagues on this Committee, the Committee did not meet again till February 1949. From September 1948 to February, 1949 there was no meeting whatsoever.

It might be argued that there was perhaps nothing of importance to place before the Committee, but I am sure my honourable friends do not share that view, because during the six-months from September 1948 to February 1949 many momentous events moved swiftly on the world stage. I may mention only a few among them. There were the developments in Kashmir, there were the developments with regard to the Commonwealth Conference in London which the Prime Minister attended in October last. Then there was subsequently the Asian Conference on Indonesia. Then there was a very important question which agitated many of us here, namely, the execution of Tojo and his colleagues in Japan. With regard to the last named subject, namely the execution of Tojo and his colleagues, some of us members of the Committee had met informally because we found that no meeting of the Committee had been called to discuss that or other matters. Some of us, including the convener of this little group, my friend Seth Govind Das, met and adopted a resolution on the subject and we requested Seth Govind Das to pass it on to the proper quarters. I am sure it was sent to the proper quarters.

Seth Govind Das (C. P. and Berar: General): I received a reply to that also.

Shri H. V. Kamath: Yes. But in spite of the various events that happened during that six months period. I am very regretfully constrained to say that no meeting of the Committee was ever convened. I may also mention that I casually asked my honourable friend Dr. Keskar—it was at the end of December or early in January—whether there was a proposal to call a meeting. Unless my memory betrays me, he told me that the Session was coming to a close, and so we would meet as soon as the Budget Session opened.

Shri M. Tirumala Rao (Madras: General): Was he the Deputy Minister then?

Shri H. V. Kamath: Yes, he took charge on 7th or 8th of December, if I remember aright.

It might be argued that it is convenient and easy to call a meeting of these Committees when the Assembly is in session either as the Constitution-making body or the law-making body, but I might point out to the House that from early November to the 9th or 10th of January the Constituent Assembly was sitting as the Constitution-making body for two months and I fail to see why it was not thought necessary to call a meeting of the Standing Committee attached to the External Affairs Ministry. Even if the Assembly was not in Session either as the Constitution-making body or the law-making body, I certainly would make a strong plea before the House and before the Leader of the House to see that a meeting is convened when important matters come up for placing before the Committee. It might be argued that the Chairman of the Committee is the best judge of what matters are to be placed before the Committee. But in 1947 we changed the procedure. The original rule before the House was "all major questions of general policy on which the Minister in charge desires advice of the Committee"—that was the rule brought before the House. It was amended at the instance of my friend Shri Ananthasayanam Ayyangar. That part of it which said "on which the Minister in charge desires the advice of the Committee" was deleted. I suppose the sense of the House

[Shri H. V. Kamath]

was that all questions of general policy must be placed before the Committee. But during this period when so many events happened in India as well as in the outside world, we were not given an opportunity to place our view before the Chairman of the Committee.

The only argument that might be advanced for not calling a meeting of the Standing Committee during the off-session periods is the question of money. It may be argued that members have to come from all parts of the country and that it may not be worthwhile to spend so much money on a meeting of the Committee during the off-session period. But I am surprised if that plea were to be put forward seriously by the Leader of the House. I do hope, nay, I am sure he would not put forward such a plea that during the off-session period Committee meetings should not be convened, because I know that he is so very indifferent if not contemptuous towards money and money matters that at the Jaipur session of the Congress he even forgot how much salary he was drawing. I am sure he will not put forward this as an argument before the House that money should not be spent like that. When the cause is worthy no money spent thereon is wasted. If that plea is brought forward to sustain not calling the Committee meetings in the off-session periods, I would only say that it is a sort of a penny-wise and pound-foolish policy.

Before I close I would say this much that at least in future we should see that the rules work in such a manner that the Committees will really fulfil the purpose that has been assigned to them; that is to say, to serve as a very effective liaison between the Legislature and the Ministries concerned. I am glad to see that there has been a new change. I hope it will be for the better working of these Committees. That change is that the Government Chief Whip is now an *ex-officio* Member of all the Committees.

He, as the entire House knows, is an indefatigable worker, and tries to smoothen things, and to make the relations more cordial, between the Members of the Legislature and the Ministries concerned. I hope he will act as a heaven so far as some of the committees and the Ministries are concerned. The Government Chief Whip, in future, is *ex-officio*, a member of these committees, and I hope he will devote a bit of his attention to see that meetings of the committees are held oftener, at least once every quarter, if not oftener. I am happy to tell the House here, that the Defence Ministry's committee on which I had the honour to serve for the last sixteen months, I am happy to tell the House that the Defence Minister has agreed to a proposal of ours that that committee should meet at least once in two months, and he has also promised to give us every assistance in that direction, and also that the co-operation of his officials and Secretaries would be forthcoming so far as the work of the Standing Committee is concerned. I hope other committees of this House will follow this very good example set by one of the Members of the Cabinet. I would only request the Leader of the House that when he brings forward this resolution for the second time in our history, he will see to it that under his guidance, and under the guidance of his colleagues, this important work is done more efficiently in future.

Shri R. K. Sidhva: Sir, I have only to say just a word about the attendance of members in these meetings.

Mr. Speaker: No further arguments now. Already this has taken 45 minutes.

The honourable the Leader of the House.

The Honourable Shri Jawaharlal Nehru: Sir, I feel somewhat bewildered at the eloquence of Mr. Kamath in this matter over which perhaps thirty seconds spent in mentioning it to me would have been sufficient, but he has devoted thirty minutes in this House. As a matter of fact, I am astonished, because I was under the mistaken impression that the External Affairs Ministry had more meetings of its Standing Committee than almost any other Ministry. (An honourable Member: 'No'.) May be, but during the last 12 or may be 13 months we have had eight meetings of the Standing Committee. It is true the real criticism has been not about the number of meetings held, but that the meetings were held at the time of the session of this Assembly or the Constitution making body, and not during periods when the Parliament was not meeting. Now, I certainly accept that criticism. It may be desirable to have held the meetings during the off-period. But normally it is considered obviously convenient to have them when Members are present here for the meetings. As a matter of fact, since the session started, we have been meeting roughly every three weeks. We have had, I think, three meetings during this session, and we propose to have another two at least, before we part. If it is necessary, we can have meetings during the off-period also. But it is not a matter for lengthy arguments. It is for any member of the Standing Committee to express his wish, and the thing will be done. (Shri H. V. Kamath: 'I did suggest to Dr. Keskar once, but nothing was done'.) I just cannot understand why Mr. Kamath should fight with something which does not exist. Mr. Kamath's speech might have created his impression about the External Affairs Ministry that that Committee did not have enough meetings. We have had about eight meetings during the last thirteen months. May be that they were concentrated within some period. But generally speaking, I would just like to say that it is obviously our desire, it is the desire of the Government that there should be the closest co-operation between the Standing Committees and the various Ministries, much more than what existed during the previous regime. The only question that arises is how that close co-operation should be brought about—the ways and means. The principle is admitted, and we wish to encourage it as much as possible.

Mr. Ananthasayanam Ayyangar made various suggestions. Some other honourable Members made various suggestions, and I will not take up the time of the House now in considering each one of them in detail, except to say that we shall consider all these suggestions and I am sure my honourable colleague, the Finance Member will also consider the suggestions made, so far as they relate to his Ministry, and other suggestions also, and we shall consider them in detail. We shall, in fact, look into this debate completely again, to see what points have been made and refer them to the various Ministries and see what can be done. But *prima facie*, I may say one thing about what Mr. Ayyangar proposed, to the effect that each Member of the Committee might have a separate department or separate section of the Ministry to be in his charge. If I may say so, *prima facie*, that will involve a great deal of difficulty, and instead of helping people, it may very well produce confusion and conflicts.

Shri M. Ananthasayanam Ayyangar: May I clear up some misunderstanding? I did not want any member to be associated with the executive management, but only to get to know the details of the administration before any communique from a department regarding control is issued, so that he may have a better knowledge than the other members, of the matters.

The Honourable Shri Jawaharlal Nehru: As I said, we will examine these proposals. But this is my first reaction to that proposal.

As for the chairmanship of the committees, personally I have no objection if the House wants to have a non-official Chairman. But I would beg the House to consider this, and there is a great deal of confusion about this matter,

[Shri Jawaharlal Nehru]

We just cannot get over the hang-over from the past. Previously there were two groups; humanity was divided in India into two groups—the officials and the non-officials. But that division does not apply now. My honourable friend the Finance Minister and I may be in office, but we are non-officials. We are not in service. The real division is permanent services and others. That fact is not remembered, and it is apparently thought that any person who accepts office in any capacity suddenly falls from grace and becomes polluted, and a person who does not accept office is necessarily highly pure and undefiled. Well, I do not accept that; I reject that contention completely. But nevertheless, in spite of that, if the House desires that the Chairman of these committees or of any committee should be—I will not use the word non-official—should be an elected Chairman, I do not mind at all. But personally I think it is normally conducive to efficient business for the Chairman to be a person connected with the executive apparatus. He does not exercise any more power by being there. He only gives the facts and places them before the meeting. But as I said, it is entirely for the House to decide. If the House wants the other thing, we shall have it. It does not make a great difference.

Shri R. K. Sishva: Sir, may I know from the proceedings, what is the attendance of the members? I understand except for the Finance and Industries Ministries, where the attendance at the meetings were fairly good, for the other committees, there was less than fifty per cent attendance? Some members did not attend at all. Should not other members be elected?

The Honourable Shri Jawaharlal Nehru: If the House so desires, I shall put up a statement in the course of the next few days showing how many meetings of each Standing Committee were held, and what the attendance was, so that the House may have the information. But it is rather difficult for me to give the attendance of individual members, their attendance or non-attendance. It is up to the House to elect such members as can come and carry on the business.

Mr. Speaker: The question is:

“That this Assembly—

(a) do proceed to elect, in such manner as the Honourable the Speaker may direct members to serve until the end of the next financial year on Standing Committees to advise on subjects concerning the under-mentioned Ministries and Department of the Government of India, the number to be so elected in respect of each Ministry and Department, excluding the Chairman, Vice-Chairman (if any) and the Government Chief Whip being as follows:

Ministry of Agriculture	10
Ministry of Commerce	10
Ministry of Communications	10
Ministry of Defence	10
Ministry of Education	10
Ministry of External Affairs	10
Ministry of Food	10
Ministry of Health	10
Ministry of Home Affairs	10
Ministry of Industry and Supply	10
Ministry of Information and Broadcasting	10
Ministry of Labour	5
Ministry of Law	5
Ministry of Relief and Rehabilitation	10
Ministry of States	10
Ministry of Transport (other than Roads)	10
Ministry of Works, Mines and Power	10
Department of Scientific Research	5

ELECTION TO COMMITTEE ON PUBLIC ACCOUNTS

1767

(b) do adopt the following amendment to the existing Rules for regulating the constitution and procedure of the said Standing Committees, adopted on the 19th November, 1947.

‘For Rule 1 of the said Rules, the following be substituted :

“1. (1) The Chairman of each Standing Committee shall be the Minister or Minister of State in charge of the Ministry or Department to which the Committee is attached.

(2) where there is a Minister of State or Deputy Minister in such Ministry otherwise than in charge thereof, he shall be the Vice-Chairman of the Standing Committee, and shall act as Chairman for any meeting at which the Minister is unable to be present.

(3) The Government Chief Whip shall *ex-officio* be a member of each of the Standing Committees.

(4) If at any meeting of the Standing Committee, the Chairman as well as the Vice-Chairman, if any, are unable to be present, the members present may elect one of themselves to act as Chairman for that meeting.

(5) An officer in the Ministry or Department designated by the Minister in charge shall be Secretary to the Standing Committee.”

The motion was adopted.

ELECTION TO STANDING FINANCE COMMITTEE.

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg to move:

“That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the Speaker, fourteen members to serve under the chairmanship of the Finance Minister on the Standing Finance Committee for the financial year 1949-50.”

Sir, with your permission, I would like to make a small addition to bring the terms of this motion into conformity with the motion in regard to the other Standing Committee and I would like to add at the end the words:

“along with the Government Chief Whip, who shall be an *ex-officio* member.”

Mr. Speaker: The question is:

“That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the Speaker, fourteen members to serve under the chairmanship of the Finance Minister on the Standing Finance Committee for the financial year 1949-50, along with the Government Chief Whip who shall be an *ex-officio* member.”

The motion was adopted.

ELECTION TO COMMITTEE ON PUBLIC ACCOUNTS

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg to move:

“That the Members of the Assembly do proceed to elect, in the manner required by sub-rule (2) of rule 100 of the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business, eleven members from among their number to be members of the Committee on Public Accounts.”

Mr. Speaker: Motion moved:

“That the Member of the Assembly do proceed to elect, in the manner required by sub-rule (2) of rule 100 of the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business, eleven members from among their number to be members of the Committee on Public Accounts.”

Shri B. Das (Orissa: General): Sir, I wish to speak on this motion. Unfortunately owing to the heavy work after the Independence was attained and owing to our dual function whereby members of this House are sitting as members of the Sovereign Constituent Assembly in the other place and lastly owing to Jaipur Congress last December, the Public Accounts Committee has not functioned at all. I admit that it is not the fault of the Public Accounts Committee, but it is a fact that this House had no opportunity to examine the appropriation accounts that are placed by the honourable Finance Minister's Ministry and the House does not know what irregularities in accounts have been committed in 1945-46, 1946-47 and 1947-48.

[Shri B. Das]

The Constituent Assembly will meet again from May till August and I do hope that those members of the House will be elected as members of the Public Accounts Committee who will exercise a certain amount of sacrifice of time and labour and meet in the Public Accounts Committee and examine the appropriation accounts at high pressure. But today members of the House have no knowledge of irregularities of our accounts. We must see how our Finance Ministry has exercised financial control over the various ministries in the past, what are the irregularities and what are the present needs in the Finance Ministry to exercise full financial control over expenditure. This state of things is very alarming and the control of the Public Accounts of India, is at a danger point. I want to warn the members of the House that something should be done to expedite the sitting of the Public Accounts Committee so that the state of Public Accounts are revealed in its true perspective.

Shri R. K. Sidhva (C.P. and Berar: General): Sir, I was a member of this Committee last year and the honourable the Finance Minister last evening in his reply to the debate stated that he had called the meetings of Public Accounts Committee and there was hardly any quorum at one meeting and that at subsequent meetings there was no quorum. My honourable friend, Mr. Das wants to expedite the sitting of the Public Accounts Committee. I know that he attended the meetings, but we were not able to proceed with the business because of various reasons. The reasons were that at no meeting all the members were present, that at several meetings no quorum was there and lastly there owing to some engagements which the honourable the Minister had to attend the meetings were cancelled by him. The point that I want to make is that it is nobody's fault. I might say most of it is our fault, because the officers supplied to us all the information that is required in 1945-46. All these reports, I have received. The point is whether members could make it convenient to attend those meetings, that is my point, Sir. If we are not prepared to sit for a longer period for this Committee, I feel, after going through the papers, it will require a number of days, the members had to sit there and they are not prepared to do so. I think it is not fair that those members should be elected on these bodies. I feel it is no use telling the honourable the Finance Minister that the sitting of the Public Accounts Committee should be expedited. I therefore feel that something should be done in this matter. I wanted to draw the attention of the Prime Minister on this subject, but unfortunately I had no time and you did not permit me. I have experience of these committees and hardly 50 per cent. of the members are present at the meetings excepting the committees attached to the Industry and Supply Ministry and the Defence Ministry. The other committees have a very poor record of attendance and I, therefore, feel that unless this thing is remedied, they are not going to meet nor are they going to expedite. It is really scandalous that the accounts for so many years are pending.

Mr. Speaker: The honourable member need not now dilate on that point.

Shri R. K. Sidhva: I, therefore, desire to draw the attention of the honourable the Leader of the House to this matter and I hope he will pay proper attention to this.

Maulana Hasrat Mohani (U.P.: Muslim): I find in this Supplementary List of Business this thing should be taken up before the commencement of any other item under the heading 'Motions for election to Committees' in this agenda. Now, they are taking up other matters.

Mr. Speaker: The honourable Member may make sure of his facts and I will hear him on the point of order at 2-30 when we re-assemble.

Shri T. T. Krishnamachari (Madras: General): I am afraid, I take a rather serious view of the situation of the accounts, pertaining to the Government of India. I hope the House will remember that when a similar motion was made last year, the debate was rather heated, for the reason that the Finance Minister, who occupied the position at that time was not able adequately to explain why no Public Accounts Committee sat in regard to the accounts during the pre-partition period. I think the views expressed on that occasion must be on record and I have no doubt that the successor Finance Minister must have been informed about the views of the House. I have been informed by responsible people that the state of accounts of this Government is in a parlous condition; audit is in a rather bad way; the audit department is under-staffed; the officers are either superannuated or completely incapable of doing their work and such work as is done is unsatisfactory. I think that this scrutiny into expenditure by the Public Accounts Committee is completely useless if the backbone of the entire Finance Department, namely, the Audit Department is left to go to rust and ruin. I think an insinuation was contained in a statement made by the honourable the Finance Minister yesterday that some meetings could not be held, because the members did not co-operate. It was the duty of the Finance Minister to inform the House that the Public Accounts Committee could not meet, because members would not co-operate. I think there the Finance Minister has failed in an elementary duty not merely to himself and to the House, but to this Country. (An honourable Member: 'He said so yesterday.') And he should have come before this House earlier in the session and asked if necessary for a new Committee to be appointed, when the old Committee would not function. What is the position in regard to this Committee that is proposed to be instituted? Is this Committee going to scrutinise the previous years' accounts only or is it going to examine all the sets of accounts that have not been examined all along. I think the honourable the Finance Minister ought to tell us what exactly the Committee is going to do. Is it going to take up the accounts, not hitherto looked into and give a full report? Will the honourable Minister also tell us if he has had any consultation with the Auditor General, who is now functioning? Is the Auditor General able to approach him? I understand, that between the Finance Minister and the Auditor General, the Secretariat is functioning as a barrier and the Secretariat refused to sanction additional expenditure such as is necessary for this very vital work in this Department of the Finance Ministry. I would, therefore, like to ask these questions of the honourable the Finance Minister at the same time adding that I will not for my part absolve him of full responsibility in this matter, namely, that he should have come before this House on the day that this House met and reported to the House that the Public Accounts Committee will not meet and what the House proposed to do in the matter. I think that is an elementary dereliction of duty on the part of the Finance Minister and I would also like to know what he proposes to do with the past years accounts when the new Committee is going to meet.

The Honourable Dr. John Matthai: Sir, as far as the work of the Public Accounts Committee is concerned, the matter was considered in some detail last year. I have seen the record of the proceedings. As soon as my attention was drawn to it, I took steps, as early as I possibly could, to have meetings of the Public Accounts Committee convened in order that the Department may discharge its duty on the lines decided last year. If the meetings of the Public Accounts Committee could not be held, it is a responsibility which must be shared between me and the Committee. I am quite prepared to accept my share of the responsibility. But it is a responsibility which must be shared between me and the honourable Members of this House who are members of that Committee.

Now, I am quite aware of the decision in regard.....

Dr. Bakhshi Tek Chand (East Punjab: General): Is it not a fact that a meeting was called on the very last day or last two days of the session when the Constitution-making body was sitting and that when it was stated that the members could not be present then, but that the meetings might be held five days later, were not the members informed that as the honourable Minister for Finance was busy with something else the meetings could not be held later on and that the whole Finance Department was busy with the Budget and would be able to find time only after the adoption of the Budget? I ask the honourable the Finance Minister to verify all these facts and place them before the House before passing on the responsibility to the unfortunate members of the Public Accounts Committee.

The Honourable Dr. John Matthai: I made it perfectly clear that I was prepared to accept part of the responsibility. I share the responsibility. It is perfectly true that at a certain stage in these happenings, a date that was fixed for a particular meeting I had to give up because of some urgent official business that I had to attend to.

It is essential that our accounts should be properly scrutinised and audited. Reference has been made to the fact that the staff of the Audit Department is not sufficient for the purpose of making an efficient and effective scrutiny. That is a matter of which I am fully aware.

Now with regard to the suggestion that the Auditor-General is not in a position to approach me I may say that it is an entirely unfounded allegation. I accept responsibility for the decisions of the Finance Ministry and I repudiate the allegation as beneath contempt.

As regards the actual work that has been done in the matter of the preparation of these accounts for the year 1945-46, it is complete and the accounts are in the hands of honourable Members. The preparation of the Accounts for 1946-47 have advanced considerably. Appropriation accounts for certain Ministries are ready and also a note on the more important irregularities pointed out by the Auditor-General. I am prepared to have all these matters placed before the Committee as soon as the members are ready to meet. I am entirely in the hands of the members of the Public Accounts Committee in this matter.

Mr. Speaker: The question is:

"That the members of the Assembly do proceed to elect, in the manner required by sub-rule (2) of rule 100 of the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business, eleven members from among their number to be members of the Committee on Public Accounts."

The motion was adopted.

ELECTIONS TO STANDING FINANCE COMMITTEE FOR RAILWAYS AND CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

Mr. Speaker: There are three more motions of this type. We may dispose them of before adjourning for Lunch.

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport): Sir, I have got two motions standing in my name. Perhaps with your permission I will move them together. I have slightly amended both the motions in order to bring them into line with the general principle followed in

STANDING FINANCE COMMITTEE AND CENTRAL ADVISORY COUNCIL FOR RAILWAYS 1771
the main Resolution which was moved by the honourable the Prime Minister. I shall move them in the amended form. I move:

(i) "That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, eleven members to serve under the Chairmanship of the Minister for Transport and Railways, on the Standing Finance Committee for Railways for the year commencing 1st April 1949. The Minister of State for Transport and Railways and the Government Chief Whip shall in addition be *ex-officio* members of the Committee."

(ii) "That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, eight members to serve on the Central Advisory Council for Railways for the year commencing 1st April, 1949, along with the eleven members of the Standing Finance Committee for Railways, the Minister for Transport and Railways, the Minister of State for Transport and Railways and the Government Chief Whip all of whom shall be *ex-officio* members."

Mr. Speaker: I will put the motion to the House.

Shri M. Ananthasayanam Ayyangar (Madras: General): I would like to say a word.

Mr. Speaker: Then the best course would be to take this up after Lunch. In the meantime the motion standing in the name of Honourable Rajkumari Amrit Kaur may be disposed of.

ELECTION TO CENTRAL COMMITTEE OF TUBERCULOSIS ASSOCIATION OF INDIA

The Honourable Rajkumari Amrit Kaur (Minister of Health): I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two persons from among their number to serve on the Central Committee of the Tuberculosis Association of India."

Mr. Speaker: I will put the motion to the House.

The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two persons from among their number to serve on the Central Committee of the Tuberculosis Association of India."

Shri H. V. Kamath (C.P. and Berar: General): On a point of information, Sir.

Seth Govind Das (C.P. and Berar: General): There is so much discussion and also points of order?

Mr. Speaker: Either there is no discussion or there is full discussion.

I have put the motion to the House.

The motion was adopted.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock.
Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

ELECTIONS TO STANDING FINANCE COMMITTEE FOR RAILWAYS AND CENTRAL ADVISORY COUNCIL FOR RAILWAYS—concl'd.

Mr. Speaker: The question is:

(i) "That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, eleven members to serve, under the Chairmanship of the Minister for Transport and Railways on the Standing Finance Committee for Railways for the year commencing 1st April, 1949. The Minister of State for Transport and Railways and the Government Chief Whip shall in addition be *ex-officio* members of the Committee."

(ii) "That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, eight members to serve on the Central Advisory Council for Railways for the year commencing 1st April 1949, along with the eleven members of the Standing Finance Committee for Railways, the Minister for Transport and Railways, the Minister of State for Transport and Railways, and the Government Chief Whip all of whom shall be *ex-officio* members."

The motion was adopted.

RAILWAYS (TRANSPORT OF GOODS) AMENDMENT BILL.

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): Sir, I beg to move:

"That the Bill further to amend the Railways (Transport of Goods) Act, 1947, be taken into consideration."

This is a very simple Bill with a single clause extending the life of the Transport of Goods Act, 1947, to the end of the next financial year. This Bill was debated last year and I would like to move it without any speech whatsoever.

Pandit Lakshmi Kanta Maitra (West Bengal: General): Are you not going to announce the dates of these elections?

Mr. Speaker: After this motion is moved, I am going to announce. There is also one little motion for introduction of a Bill, which we shall take up.

The Honourable Shri K. Santhanam: Sir, I do not know if the House would like me to go into details of the justification for this extension. Last year, when the Bill came up for discussion, I was one of those who hoped that there would be no necessity for extending this Bill. But unfortunately the conditions are such that we cannot get along without this Bill.

Shri B. Das (Orissa: General): Unfortunately, you have gone to the Government Benches.

The Honourable Shri K. Santhanam: I propose to anticipate my friend by quoting myself. Last year, I said:

"The main effect of this priority organisation is that it delays all proceedings, but at the same time, I am convinced that this organisation cannot be scrapped immediately. If there was no famine in Madras and no food scarcity in other provinces, I would have no hesitation in telling the Honourable Minister that it should be scrapped immediately."

Unfortunately this year, famine has occurred in Gujarat and Kathiawar and now we have to divert all the transport available in the B.P.C.I. to the supply of food and fodder to this area. There is also a general scarcity of transport for the transport of goods. Under the Railways Act, no Railway Administration has a right to give any kind of preference to any person or to any commodity. They have to take things as they are offered and carry them without any regard to the necessity of the country. Therefore we are forced to have this power to give priority to one commodity over the other. I shall content myself by saying that during the last year a serious attempt has been made to overcome the defects of the priority organisation. The following steps have been taken.

To every Regional Controller of Railway Priorities, an Advisory Committee has been attached and these Advisory Committees have on the whole been working very well. All restrictions on the booking of "smalls" have been removed, so that they have been removed from the priority system. Today the only restriction on the transport of smalls is actual congestion of traffic in any destination. Otherwise, they are free to move.

Again, on many railways, certain days have been allotted for the movement of low priority and non-priority goods, so that their movement may not be affected continuously for a long time.

(1772)

RAILWAYS (TRANSPORT OF GOODS) AMENDMENT BILL

1773

Again, the Railway administrations have been arranging to carry as much traffic as possible by train loads even though they are low priority or non-priority traffic.

As a result of all these, the movement of commodities has been considerably eased. In fact, in South India the Railways are able to offer wagons for all goods that are offered. Only they are unable to take goods to Delhi and such other places owing to congestion in North India. Therefore, it has been decided practically to scrap the priority organisation in Madras and hand over this business to the South Indian Railway and the M.S.M. Railway to be used only when there is an emergency, when food and other articles have to be moved in priority to other goods.

Things in South India will now move as before, in a normal manner. We had hoped to do the same in the Bombay area also, but unfortunately the famine in Gujarat and Kathiawar has prevented us from taking this measure. If fortunately there are good rains in the current year and the famine situation alters, we may be able to remove the priority control in Bombay area also. Owing to the difficulty of moving coal and other articles at Calcutta, we may have to retain the priority organisation at Calcutta a little longer, but I have every hope that by the end of the next financial year this organisation will not be needed. No one will be happier than myself if we can scrap this organisation altogether.

So this is an unfortunate necessity. I am one of those who think that free movement of goods is absolutely essential for healthy economy. It is unfortunate that owing to the exigencies of war and the shortage of power and other rolling stock, we have had to resort to this measure. But it is a necessity and so I move that this extension be granted.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Railways (Transport of Goods) Act, 1947, be taken into consideration."

Shri M. Ananthasayanam Ayyangar (Madras: General): Regulation of priorities is a kind of control. Now the Minister must justify the need of such control. He has tried to justify it in a particular manner. I ask how many times was this control exercised and how with respect of food grains? There are sixteen odd items in the priorities. How far has it helped in the transport of food grains? For instance, *chana* it is rotting in East Punjab. I had a talk with the Ministers concerned. We found that large quantities are available there but though so close to Delhi, that *chana* is not allowed to come into Delhi, with the result that prices for *chana* here are high. We are hearing this new word "bottleneck" but I fear it is practically becoming a "throttle-neck"! Persons in charge of the administration may change, but still grease is necessary and all the wheels go on creaking. I would first of all require a report on the working of the administration of this priorities Act before any honourable Minister comes forward for a continuance, however short the period may be, thereof.

The Honourable Shri K. Santhanam: May I inform the Member that in the report of the Transport Department, there is a section dealing with this control.

Shri M. Ananthasayanam Ayyangar: I would like to know from the honourable Minister whether wagons are turning round more easily than before and whether the so-called bottlenecks are being removed: whether the man to whom a wagon is supplied still takes unnecessarily long time in loading: whether the man to whom a wagon is despatched takes the minimum time for unloading: whether from the collieries coal is being removed in time, etc. Every department in this country is complaining against this bottleneck and delay. Now what steps have been taken by the Government. What is the difference between the time when a wagon has been received and the time taken

[Shri M. Ananthasayanam Ayyangar]

for unloading it? I say that in the collieries persons are given four or five wagons and so on but only two wagons are used by them but the proper demurrage is not charged. If demurrage were charged in a geometrical progression—for the first hour Rs. 10, for the second hour Rs. 20 for the third hour Rs. 40 and so on, this trouble would disappear.

Prof. N. G. Ranga (Madras: General): Then there will not be any business.

Shri M. Ananthasayanam Ayyangar: But there will be business on right lines and this slackness will be avoided. Therefore, the question is what are the steps that have been taken to cut down the want of wagons? On a former occasion I put a question to the honourable Minister and asked him whether it is necessary to purchase more wagons. I was told that it was not necessary to do so. But he would not take steps to see that the wagons went round and round and that each wagon covered a larger mileage per day than before.

As regards distribution of wagons, every control means that there is placed some power of discretion in the hands of the person exercising it. I would like that wherever a large number of wagons are used at a station, big or small, there must be an Advisory Council of all persons interested in trade for each station. Take the province of Madras. At the centre i.e. Madras there is a Priority Authority who distributes wagons. He says so many wagons are available for a particular station. Thereafter it is open to the station master or the goods clerk to allot wagons to individual traders as they like. I was taken to a station, called Pakala, where there is a workshop to address railway employees. There an assistant station master told me that owing to war he was given Rs. 200 per wagon by the merchants. This occurred at a station in my district from where mangoes are sent and jaggery is despatched to Bombay and Calcutta. Oil also is sent to Calcutta from there. If Rs. 200 is placed into the hands of a station master or an assistant station master getting Rs. 35 or Rs. 40, can we expect him to be honest? Then I discussed the remedy with the merchants and I talked to the General Manager. A number of tradesmen engaged in various trades came. I suggested that they should not run up to the station master and offer to grease him. On the contrary, asked them to constitute themselves into a Council and whatever wagons are supplied they should allot away themselves according to the register. If they take the responsibility, the station master will be all right. I suggested to the District Traffic Superintendent to agree to this course, it is yet to be considered by the Railway administration. I am however repeating the suggestion.

Then, Sir, I would also like that some local tribunals must be established to enquire into cases of nepotism. The Honourable Dr. Ambedkar said some time ago in this House that wherever there is control and discretion is vested in the hands of somebody, the person affected must be able to go to an independent body which must be able to get at the records to find out if his case has been passed over because it is not proper, legitimately or illegitimately for anything other than *bona fide* reasons. That alone can insure confidence in the minds of the public. Not only has the administration to be pure, but we must make it appear that it is pure and that is a true safeguard of the interests of the administration. If accusations are levelled against the administration, they may be untrue. But the administration must take care to see that all possible methods are adopted to see that people are satisfied. Therefore I suggest a tribunal. Such tribunals are established in other departments. I understand in the Communications Department they have started a complaints section. Cannot there be a single organized central complaints section? I agree that there should be no harassment. A person must be able to give his report to the complaint section and the information must be confidential until the enquiry is concluded.

These are some of the things which will certainly make this priority system efficient. But so long as there is shortage of wagons and it is not possible to unload all things quickly, there is need for control. I am not against control so long as there is deficiency of supply of wagons but the control must be exercised properly and to the best interests of the community.

Shri R. K. Sidhva (C.P. and Berar: General): There must be a necessity as the honourable Minister stated for continuing this priority but let me tell him, and he knows, that this priority business for despatch of goods by rail has become a scandal. I will use the mildest word. Priority is on paper. Many times a priority permit is issued for the right purpose but these priorities are often not used for the purpose they are meant. Several times I have brought this matter to the notice of the honourable Minister. In the last railway discussion I quoted him an illustration as to how favouritism is shown for the purpose of priorities and in Carnac Bunder a *mukadam* actually presented his consignment note for booking goods and he was not allowed priority and some other favourites were allowed. He has given names and I hope the authorities have taken a note of it. Despite my suggestion during the discussion on the Railway Budget, I put a question and yesterday for want of time or because I might have exceeded my quota, there was no chance for putting a supplementary question. I asked whether it was a fact that certain contractors had made a report to the General Manager, B.B. and C.I. railway about favouritism in this priority business and the answer was yes. Then I asked what steps were taken and the answer was that a protest, alleged to have come from Carnac Bridge *Dalals* and *Mukadams*, care of one *dalal*, who alone signed the complaint, was received. See the idea in between the lines. One man alone has signed, it as if one man who gives all the information should be discounted. They say that they have received the complaint and the matter is being looked into and the reply to part (c) is encouraging. He says "The matter is still under investigation and a further reply will, in due course, be placed on the table of the House." I mention part (b) of the question for the reason that the complaint was made on behalf of the *Dalals* and *Mukadams*. An advocate sent a notice to the B.B. and C.I. General Manager. The advocate writes on behalf of certain persons and he has mentioned all these persons.

The honourable Minister stated just now that in Madras there is now free booking and all goods are allowed to be booked. But he has not said whether this applies to both the M. and S.M. and S.I. Railways or one of them. The day before yesterday I sent a letter to the honourable Railway Minister, Shri Gopalaswami Ayyangar, sending him a letter I had received which made a bitter complaint against the M. and S.M., that he offered goods for booking but they were not allowed to be booked. Special trains from other parts of India are run to carry food but here the goods are rotting and no facilities are given for booking. The reply that I received from the Minister is that he is making enquiries into this matter. I do not know to what railway my honourable friend the Minister referred. Did he refer to both the railways in Madras? If that is so I would like to ask him what he has to say about the complaint that I have just now mentioned.

I will give you another illustration. The Administrative Officer of the Financial Rehabilitation Corporation of this Government wanted a Godrej safe from Bombay. I happen to be a member of the Advisory Board of that Corporation. He complained to me that for a number of months he has been waiting to receive the safe but due to transport priority system the safe could not be had. The safe was urgently required because their transactions were in lakhs of rupees. He made a report saying that he had placed orders but had not received the safe. But they said that despite priority the railways were not prepared to accept the safe for delivery. The Administrative Officer referred the matter to the Railway Board, whosoever it may be. Being a Government

[Shri R. K. Sidhva]

concern the Railway Board said that the safe could be sent by passenger train. You can imagine what will be the difference between goods and passenger freight rates. When for passenger booking a telegram was sent it was said that small bookings to Delhi were closed. The matter was represented again and another telegram was sent and again it was said that under instructions from the Railway Board small bookings could not be accepted. For four months the safe was not received and I do not know whether ultimately it came from any other firm or was locally purchased. I wanted to illustrate what is the state of affairs as far as the priority system is concerned.

I would like the honourable Minister to take interest. He knows very well about this matter. I am glad that he personally takes interest in some matters. He said that he himself felt like us when he was an ordinary member of the Assembly and when he has become a Minister I am sure he will take interest. When we talk of corruption they say that we do not give specific instances but when specific instances are mentioned they do not help us. How can you expect us to be responsible members of the Government? We are also responsible and we are also part and parcel of this Government. We want to help you. Kindly see when a member writes letters that you make enquiries. I am yet to see what action he has taken on the complaints I have made.

I would suggest that these priorities whenever they are issued, or wherever bookings are open or closed the announcements should be made in their Railway Gazette and the gazette should be available to the public. Acceptance notices and restriction notices are published in the gazette and kept in a corner of the railway office and are not available to the public, so that much fraud is played on the ignorance of the people. The Bombay Steel Stock-holders Association wrote to the G.I.P. Railway and the B.B. and C.I. to send them one copy of the acceptance notices and the reply was that this could not be sent. Here is the letter from the Goods Supervisor at Wadi Bunder to the Registered Stock-holders Association: "I regret we are unable to send copies of acceptance notices to individual firms." The letter was written on behalf of the association. This matter was referred to me and I wrote a letter and perhaps because I am a member of the Assembly or because I was a member of the C.A.C. they sent me a copy but they said that they were not prepared to send it to individual firms. If you do not want to give them free make them buy it. But I would suggest that this should be available to every man. These notices should be exhibited in all the goods offices, so that people will know that from such and such a date goods booking is closed or open. Now what happens is that the notice is kept secret with a railway official and this leads to favouritism on the ground that booking is closed. Everybody does not represent to Government. 90 per cent of cases go by default. They are businessmen and they do not want to bother about this. Therefore I am making a suggestion. I am in favour of continuing the priorities but for the sake of goodness kindly see that your orders are properly executed. Priority must mean real priority.

The Food Department was given priority on certain articles but they had to report that it is not being followed in the strict sense. I cannot forget what is happening in the name of priorities. There is a good deal of corruption. I have personally seen cases of favouritism under this priority. The sooner it is stopped the better it is in the interest of the community and the commercial people who want to book their goods. Scarcity of wagon is there and I am sure the scarcity will continue for a number of years but for that you cannot go on extending this priority. I have visited a number of stations on the G.I.P. Railway. I asked one station master to show to me how many wagons were booked. He was flabbergasted and he had no answer to give me. I found empty wagons on the siding and asked him what he had to say to that. He said that applications had been received and they were being considered. I

asked him how long they were lying there I got no satisfactory reply. I hope the honourable Minister will take interest. I do not minimise his efforts. I would like him to take some practical steps and see what he can do. I have high regard for Shri Gopalaswami Ayyangar and a combination of him with our Minister of State can work wonders. It is only four months since they have taken charge. I hope they will amply prove the justification for two Ministers under this Ministry. This Ministry has a tremendous amount of work. I do not know why the Ministry should bother with Port Trusts. But that is a different matter. They have transport work, railway work, petrol and so on and so forth. I do not know how they have divided their work but I am not concerned with it also. What I am concerned is that this matter should be looked into. While we give him support in this they must understand that next year at least they would not come for any further extension but that the legislation will be repealed.

Prof. Shibban Lal Saksena (U.P.: General): Sir, I am very glad that my honourable friend Mr. Santhanam quoted his own words on the last occasion when he was opposing the Bill and I sympathise with him today when he has brought this Bill. I would not say that we will not give him one 3 P.M. year's further lease of life for this Act, but I would like to ask him whether there will ever be an end to these extensions and if there will be, what are the methods. I would like to know what are the methods which he proposes to adopt so that he may not have to come before this House next year for another extension.

Just now my friends have given some examples about this wagon shortage. My friend Mr. Ananthasayanam Ayyangar made some pointed suggestions. I would like to make some more suggestions for consideration. First of all, I want to know what is being done to manufacture more wagons in the country. There is not any workshop which is at present producing any of the essential parts like frames and other such parts. What is being done is to put up plants for the manufacture of such things and I would like to know when we will be able to manufacture wagons.

The second thing which I think is more important from the point of view of immediate use to my honourable friend is this. I want to point out to him that there are thousands of wagons which are lying on the railway sidings and yards like the Panagarh grave yard which could be reclaimed. I happen to be the President of the All India Carriage and Wagon Staff Committee and I have spoken to a number of officers and workers in the railway workshops. They have told me that if the Railways only want to reclaim all the wagons they can reclaim easily about 5,000 wagons. When I went to Sealdah on the E.I. Railway to hold a meeting of the Committee, they told me that there are so many wagons which are lying idle, which can be used but which are not being used because they have been condemned without having been brought to the workshop for repairs. I would like to tell my honourable friend that a large number of wagons are being used as residences. The staff that has come from Pakistan is housed in these wagons. The plight of these men living in the wagons is hopeless. They do not like to live there. It is almost like living in hell. What I wish to point out is that if a wagon which can be used for transport is being used for residential purposes it means that we are spending about Rs. 100 a day or losing that much sum which a wagon in transit will normally bring per day. So when you are using a wagon as residence you are wasting Rs. 100 a day. Again, with that money you can build much better houses. I would like to see that no single wagon is henceforth used for this purpose unless it is condemned. I have myself seen with my own eyes wagons being used for this purpose which can be put on the track and which can help to solve the transport problem.

[Prof. Shibban Lal Saksena]

Another point I would like to make is that the division of the staff as loco department and wagon department in the workshop is not proper. There are two departments in the workshop—the loco department and the carriage and wagon department. The men in the loco department are paid better salaries whereas the men in the carriage department who are mis-called train examiners are not paid adequately. They should be properly designated as carriage foremen and given encouragement and incentive to see that carriages which come out of the workshops are kept in proper repairs and that whatever wagons which are lying on the railway sidings can be reclaimed are put into proper use. If the carriage department is separated and made independent and if the people are also given encouragement I am sure that much improvement will follow in the upkeep of carriages and their maintenance and also in reclaiming those wagons which are lying on the lines. I am sure many people must have seen wagons lying on the lines which can be easily reclaimed but which are not being reclaimed.

There is one other point and that is thefts of the wagons. How do these thefts occur? I have seen in Gorakhpur that about fifty wagons loaded with salt were found missing. They were missing for a period of two months and could not be traced. Ultimately they were found lying on a siding somewhere else. What happened was this. The people who were thieves of these commodities tried to throw them on one side so that they may have ample time to steal. What I wish to point out here is that apart from the amount of goods lost and claims paid, the wagons remain there for a month or two and every day you are losing Rs. 100 on the wagon itself. If you compare the figures of the compensation for the goods stolen you will find that such thefts have greatly increased. Unless you stop these thefts you will not be able to increase wagon turnover very much.

An Honourable Member: What about the Railway employees themselves?

Pandit Lakshmi Kanta Maitra: Have any wagons been stolen?

Prof. Shibban Lal Saksena: They were, and those have gone to Pakistan. One case came to notice where some goods were sent from Bombay and when they came up to Ghaziabad somebody broke the labels and the wagon was sent to Modinagar. Then in collusion with the staff the wagons were thrown into the siding. Some gentleman took charge of the goods to whom the goods were not booked and the wagons remained lying there. And all the claims have been paid by the Railway. What I wish to point out is that besides loss of money paid as claims for goods lost, the Railways have lost the use of the wagons. The matter I was told was being investigated by the C. I. D. I want to see that proper arrangements are made for watch and ward for finding out who is responsible for this sort of theft. Fifty wagons loaded with salt lying for two months somewhere and the compensation for loss of goods being paid! And the wagons lying without being used. Unless a thorough enquiry is made to find who is responsible for this and to find the gangs who are doing all these thefts, you will not be able to increase the wagon turnover.

About corruption much has been said. Everybody knows that you cannot get a wagon, even for essential commodities, unless you pay—there are various rates—Rs. 500, Rs. 1,000 or sometimes Rs. 2,000 per wagon for sending those goods which should get first priority. These are the things which I wanted to mention and unless some radical measure is adopted to see that these evils are removed you will not be able to overcome the present difficulties and get better turnover.

I would like to know from the honourable Minister what is at present the turnover of wagons. Last time the Honourable Dr. Matthai told us about the improvement which has been made in the turnover. I would like to know what further improvement in turnover has been achieved and whether the pre-war figure has been reached. I think it has not been reached. The time taken in loading and unloading wagons is great. I would therefore suggest that this also must be carefully seen that wagons are not allowed to be detained while they are being loaded or unloaded. Corruption is to be found there also. If money is paid they are allowed to load and unload at leisure and when payment is not made they are forced to load and unload quickly. I have also asked the station masters about this. If action is taken against those men who detain the wagons for any length of time and if they are punished I think it will go a long way to improving matters. I approve of the suggestion made by my friend Mr. Ananthasayanam Ayyangar in this respect. But I would rather say that a tribunal should be appointed. When the Rates Tribunal Bill was presented in this House I suggested that this Tribunal should also examine cases of corruption in the loading and allotment of wagons. But the suggestion was not accepted. I would suggest that the honourable Minister should appoint some tribunal before which men can bring forward cases of corruption in the allotment and loading of wagons. I am sure the mere fear of it will reduce to a great extent this corruption in the allotment of wagons.

These are some of the suggestions I want to make. If they are adopted, if the turnover is increased and if more wagons are reclaimed there is bound to be improvement and I am sure that next year my honourable friend will not need to come before the House for another extension of the life of the Act. With such men in charge of the Railways as at present I am quite sure that they will try to see that this thing is done. I also hope that if the branch of workmen who are in charge of maintenance of wagons are treated properly and on a par with the people who are in charge of engines and given proper encouragement they will get much effort and service which will be helpful in reclaiming wagons.

Shri Prabhu Dayal Himatsingka (West Bengal: General): In discussing this question of extending the period of this Act, I should like to invite the attention of the honourable Ministers to one or two points which to my mind appear to be acting very much against the interests of a large number of persons.

In the case of jute there is a rule that if you want to send it from Assam or Bihar to Calcutta, it can only be consigned in the name of mills or Press houses irrespective of whether there is any contract or sale or not. The result is that those who have to send the jute to Calcutta have to send it in the name of one or the other mills, though there is no contract, and the mill in whose name the goods are consigned either forces the sender to sell it at its own price or the consignor has to remove the goods; when he wants to remove the goods he is not permitted to do so because the railway receipt has got to be signed by the consignee. Therefore, I will request the honourable Minister to look into the matter. This rule is very inconvenient and is acting against the interests of actual owners of these goods. It should be changed to allow goods to be consigned by the owners in whosoever's name they want. The same thing applies in the case of timber too. If you want to send timber to Delhi from U.P. you have to send it in the name of a mill or a big consumer, but not in the name of the owner even if he wants to consign it to himself. That also acts against the interests of owners. These are two specific instances that I will invite the attention of the Honourable Minister to. Certain Members have spoken that there is a certain amount of corruption also in the matter of allotment of wagons. Of course that is a general complaint and I am sure the Ministers are looking into the question and taking such steps as they possibly

[Shri Prabhu Dayal Himatsingka]

can. Only today I have come to learn that the Priority Control'er in U. P. has passed an order which in effect has given absolute monopoly to certain mills in Kanpur inasmuch as no jute goods manufactured anywhere else can be consigned to Kanpur. Therefore the result is that mills in Kanpur have got an absolute monopoly of sale and they have been charging a higher price from the consumers than they would otherwise be able to do if goods can be sent from other places to Kanpur. This rule is not in the interests of outside mills or the consumers.

I have given specific instances to the honourable Minister and I hope he will look into the matter and set things right.

The Honourable Shri K. Santhanam: Sir, many of the comments refer to the difficulties, inefficiencies and the existing corruption in general Railway administration rather than to the particular Priority organisation. Therefore, I shall content myself with answering some of the specific points made with reference to this organisation.

My friend Mr. Ananthasayanam Ayyangar said that certain kinds of food stuffs were not being moved from East Punjab or other places. I may inform him that so far as the Priority organisation is concerned, all foodstuffs come under priority class 1—they have to be moved before any other article is moved. But Provincial Governments, in their own interests, have passed many orders restricting the movement of food stuffs in order to conserve food for their own people. It is these Provincial orders that are generally obstructing the movement of food stuffs. So far as the food stuffs are concerned, the Railways are bound to give priority and they do give them priority over all other articles.

Mr. Ananthasayanam also said something about the wagon position. There is no doubt that we would like to have more wagons, but today the difficulty is not the number of wagons but the power position. If we had more locomotives, even with the existing number of wagons we would be able to move much more goods. Therefore the real bottleneck is not in the number of wagons but in the locomotive position which is being rapidly remedied.

Then there is also the congestion on certain lines; owing to the loss of Karachi, Bombay Port has become terribly congested and therefore all the lines leading from Bombay—the B.B. and C.I. and the G.I.P.—have become congested.

Shri R. K. Sidhva: That is not all the reason?

The Honourable Shri K. Santhanam: I am not saying that that is all the reason. I am only giving you some of the reasons. You must take all the reasons together cumulatives in order to arrive at the result.

Thus, the power position and the congestion in certain tracks contribute to many of our difficulties.

As regards the condemned wagons about which my honourable friend Professor Shibban Lal Saksena has spoken, this has been raised in a question hour more than once. Every time we have referred it, we have got the opinion of our experts that all these wagons are condemned only when they are not worth repairing and when the cost of repairing will not be repaid by their use. In such matters we have to abide by the opinion of our experts. It is only when a wagon is utterly useless that it is used as a house.

Prof. Shibban Lal Saksena: Who are these experts?

The Honourable Shri K. Santhanam: Our Mechanical Engineers and people in charge of workshops are our experts and we have to trust their opinion than the lay opinion on which my honourable friend relies.

Pandit Lakshmi Kanta Maitra: Does the honourable Minister mean that some of these wagons at least could not be utilised by cannibalization?

The Honourable Shri K. Santhanam: Sir, that is our report and every time this question has been raised we have referred it more than once to our experts because we agree that if these wagons can be used they ought to be used. But every time our experts have said that they have been looked into and it was found that they cannot be used. That is the position. If my honourable friends will bring any specific cases to my notice I am prepared to have the cases examined again.

Pandit Lakshmi Kanta Maitra: How can I get a wagon and examine it?

The Honourable Shri K. Santhanam: Mr. Ananthasayanam also spoke of the appointment of Advisory Committees. I indicated in my opening speech that they are already at work. There is an Advisory Committee of 11 members at Calcutta, one in Bombay, one in Madras, in Gorakhpur and Kanpur and Delhi.

Shri R. K. Sidhva: How do they work?

Shri M. Ananthasayanam Ayyangar: I suggested that at all important stations where there is heavy goods traffic, local Advisory Committees should be appointed to distribute the wagons that are allotted to that particular station.

The Honourable Shri K. Santhanam: These Committees are useful only where there are Priority Controllers. Probably my honourable friend is referring to the actual distribution of wagons. That is the business of the Railway Managements. How far Goods Advisory Committees may be appointed is a matter which is receiving separate consideration. We have recently appointed Goods Advisory Committees at Muttra and Agra and similarly I am prepared to see how far they can be extended.

Shri B. L. Sondhi (East Punjab: General): What about the East Punjab?

The Honourable Shri K. Santhanam: Even in East Punjab, they will be set up if necessary. But that has nothing to do with the Priority organisation. The duty of the Priority organisation is to issue priority certificates to those who apply for them. These are issued only where the Regional Controllers are stationed and therefore the Advisory Committees will be useful only in those stations. We have appointed Advisory Committees in all those stations. I have inquired personally into the working of the Advisory Committees at Kanpur, Calcutta and Bombay and I have come away with the distinct impression that all these Committees are working fairly well.

Mr. Ananthasayanam Ayyangar spoke about a complaint section. I may assure him that there is a complaint section in every Railway and any Member of the Assembly who puts in a complaint in any Railway station will not only receive a reply in a very short time, but they have to report to us what action they have taken. Not only for the Members of the Assembly but in every other case they have been instructed to take notice of every complaint within 24 hours and as soon as possible the complainant should get a reply stating what action has been taken. I suggest the honourable Members to try to utilise this opportunity and wherever they have got genuine complaints record them in the particular station and see whether this organisation is efficient; if not, I am prepared to look into it and see that it works efficiently.

Shri B. Das: Thank you for that suggestion.

Shri Lakshminarayan Sahu (Orissa: General): But the complaint book is generally not given to us. That is the trouble.

The Honourable Shri K. Santhanam: My honourable friend Mr. Sahu is not chary of writing letters to me; but he has not yet written to me about the complaint book not being given to him, at any particular station. I am sure the complaint book cannot be given to every passenger. He has to ask for it. If it is refused when asked, I am prepared to take immediate and drastic action.

About the M.S.M. Railway my friend Mr. Sidhva raised a complaint. When it is a matter confined to the M.S.M there is no difficulty, but the difficulty comes in when goods have to come from South India to North India, where they have to pass through the G.I.P. and other railways. There the lines are congested and they have to be controlled. Particularly in Delhi there has been lot of congestion and consignments to Delhi had to be restricted during the last five or six months.

Mr. Himatsingka referred to some restrictions regarding consignments of jute and timber. I do not know the particulars, and I shall have them enquired into. Meanwhile I may inform him that this facility for the owners to book consignments to 'self' has resulted in over-congestion in many stations, like New Delhi and Delhi. I myself found that the whole of Delhi and New Delhi stations were congested with consignments, especially with goods consigned to 'self'; so much so we could not even contact the consignees. Many wagons had to be left unloaded for days.

Shri R. K. Sidhva: I want to know if his own department did not take delivery after six months?

The Honourable Shri K. Santhanam: All these are rather fabulous stories, of missing wagons and the like. Some of them are correct; they are the aftermath of the great confusion that happened soon after August 1947, and we are not yet fully out of it. But the cases of missing wagons are becoming rarer and rarer and I think they have practically disappeared at present.

There was then the complaint about the futility of getting priority orders. What Mr. Sidhva said that even when a man got the priority order, he did not get the wagon, that has been partly true. We have now evolved a procedure to follow up the issue of priority certificates to see that the persons who got the priority certificate do get the wagons. This arrangement came into force in the beginning of this year and I have got here the figures for the period from the 10th February, 1949 to the 28th February, 1949 and from the 1st March, 1949 to the 10th March, 1949. I will give here only a few figures for the Delhi region. For the period 10th February, 1949 to 28th February, 1949 the number of priority orders issued was 123. The percentage of priority orders followed up to the total issued, 69 per cent. The number of priority orders implemented, 44. The number that lapsed due to assignor's default 58. Number revalidated 14. From these it is clear that while there are genuine cases for complaint, there is also a number of cases of people taking priority orders in the hope of doing business, and making money, and when they find that the market is not favourable, they do not care to utilise the priority order. That is our difficulty. But I can give the assurance that every genuine case will, as far as possible be given the wagons and if necessary, re-validated.

Shri M. Tirumala Rao (Madras: General): On a point of information. Sir. Has the fact come to the notice of the honourable Minister that these priority orders are obtained by some people and they are being re-sold at a high price to genuine merchants?

The Honourable Shri K. Santhanam: That is quite true. But we do not know what to do about it. If a man applies for priority order, either he is to be given the certificate or refused. And if it is given to him, then he transfers it to somebody else on the condition that the goods should be booked in his own name, in the name of the man who has got the priority order. We cannot say that he himself must do it, or that he should not have any agents. These are some of the things which are almost inescapable. But we are tightening up the control to see that these malpractices do not happen, and that only genuine people get the orders. The Advisory Committee's opinion is being taken so that no favouritism can happen.

Dr. P. S. Deshmukh rose—

Mr. Speaker: I think questioning may be left over.

Shri R. K. Sidhva: What about publishing it in the Gazette?

The Honourable Shri K. Santhanam: So far as giving publicity is concerned, it is put on the notice-board of the railway station concerned. I understand that the notices are sent to the Chambers of Commerce also. All these things have to be done in a hurry and so they cannot be printed because that will take a lot of time. Printing will take some three months, and by the time it is ready, the thing will be out of date. In Calcutta, they send it to the Chambers of Commerce wherefrom the people concerned, get the information. That is done in Bombay also. I think that is all that can be done.

Sir, I commend the Bill to the House.

Mr. Speaker: The question is:

"That the Bill further to amend the Railways (Transport of Goods) Act, 1947, be taken into consideration."

The motion was adopted.

Mr. Speaker: We will now take up the Bill, clause by clause. There are no amendments.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

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

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

Mr. Speaker: I have to inform honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees, namely,

[Mr. Speaker]

	Date for nomination	Date for election
1. Ministry of Agriculture	24-3-1949	26-3-1949
2. Ministry of Commerce		
3. Ministry of Communications		
4. Ministry of Defence		
5. Ministry of Education	25-3-1949	28-3-1949
6. Ministry of External Affairs		
7. Ministry of Food		
8. Ministry of Health		
9. Ministry of Home Affairs	26-3-1949	29-3-1949
10. Ministry of Industry and Supply		
11. Ministry of Information and Broadcasting		
12. Ministry of Labour		
13. Ministry of Law	28-3-1949	30-3-1949
14. Ministry of Relief and Rehabilitation		
15. Ministry of States		
16. Ministry of Transport (other than Roads)		
17. Ministry of Works, Mines and Power	29-3-1949	31-3-1949
18. Department of Scientific Research		
19. Standing Finance Committee		
20. Committee on Public Accounts		
21. Standing Finance Committee for Railways	30-3-1949	1-4-1949
22. Central Advisory Council for Railways		
23. Central Committee of the Tuberculosis Association of India		

The nominations for these Committees will be received in the Notice Office upto 12 Noon on the dates mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's Room (No. 21) in the Council House between the hours 10-30 A.M. and 1 P.M.

INDUSTRIES (DEVELOPMENT AND CONTROL) BILL.

The Honourable Dr. Syama Prasad Mookerjee (Minister of Industry and Supply): Sir, I beg to move for leave to introduce a Bill to provide for the development, regulation and control of certain industries.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the development, regulation and control of certain industries."

The motion was adopted.

The Honourable Dr. Syama Prasad Mookerjee: Sir, I introduce the Bill.

RESOLUTION RE EXTENSION OF PERIOD MENTIONED IN SECTIONS 2 AND 3 OF INDIA (CENTRAL GOVERNMENT AND LEGISLATURE) ACT, 1946 AS ADAPTED.

The Honourable Dr. Syama Prasad Mookerjee (Minister of Industry and Supply): Sir, I beg to move the following Resolution:

"In pursuance of the proviso to section 4 of the India (Central Government and Legislature) Act, 1946, as adapted by the India (Provisional Constitution) Order, 1947 this Assembly hereby approves the extension of the period mentioned in sections 2 and 3 of the said Act for a further period of twelve months commencing on the first day of April, 1949."

Sir, this Resolution seeks to extend by another year the Essential Supplies Act of 1946 and also the Requisitioned Land Act of 1947. The House will remember that during the war, certain emergency powers were vested in the Central Government, whereby the Central Government exercised control over certain essential commodities in respect of which ordinarily the power vested in the Provincial Governments. After the proclamation of the termination of emergency was made in 1946, this power continued to be vested in the Central Government according to special legislation which was undertaken by the British Parliament in whom then the residuary power to give additional authority to the Central Government vested.

Now according to the Act passed by the British Parliament, the Essential Supplies Act and the Special Land Requisition Act can be extended for a period not exceeding five years after the proclamation of termination of hostilities is made. In other words, these two acts may continue to operate till 1951 and not beyond that. For the first year, according to the decision made by the British Parliament, these two acts continued to operate. Later on the Governor General by means of an Ordinance extended the operation of these two Acts by another year. Last year, in accordance with the provisions of the Parliamentary Act, a resolution was moved and adopted by this House, extending the operation of these two Acts by one year, which is going to expire on the 31st March, 1949. My Resolution today is that these two Acts should continue for a further period of one year. The House knows that most of the powers regarding control of production, regulation of prices and distribution, the Central Government exercises today, are exercised by virtue of the Essential Supplies Act. Whatever powers the Central Government enjoys today in respect of requisitioning of land and property is done by means of the Requisitioned Land, Act of 1947. The commodities which are now controlled, as the House is no doubt aware, include foodstuffs, cotton and woven textiles, paper, petroleum and petroleum products, coal, iron and steel, mica and spare parts of mechanically propelled vehicles. It is not, Sir, my intention in this debate to raise the question of necessity of control over particular commodities, but my main object is to ask the House to extend the operation of this Act by another year, so that whatever powers are now being exercised by the Central Government today may continue without any interruption.

With regard to the merits of the control policy of Government in respect of the various commodities, the House had ample opportunity to discuss matters in connection with the Budget discussion and also in connection with certain other resolutions, which were moved from time to time. I believe there are no two opinions today that some sort of control over food must continue in this country. This is the Act under which the Central Government can exercise such control. Similarly with regard to the other commodities, the present policy of Government to continue control in respect of some of them will obviously continue during the coming year.

Now, Sir, one important change has been made in the course of last year to which perhaps I might just draw the attention of the House. Hitherto all these matters fell within the provincial sphere and this was the only legislative power which the Central Government had under the existing Constitution Act to exercise authority over these matters, which normally fall within the Provincial sphere, now however the existing Constitution Act has been amended and it is now open to the Central Legislature to pass special legislation in respect of certain industries which are deemed to be of all India importance. Not only can the Central Legislature pass laws with regard to the development of such industries to be specifically mentioned, but also can pass laws for regulating and controlling them. The question arose as to whether the Central Government should have the power to regulate the distribution and also to control

[Dr. Syama Prasad Mookerjee]

prices in respect of such commodities. At the last session of the Constituent Assembly, the Constitution Act was amended and this matter was put in the concurrent list. In other words, if in future the Federal Legislature feels that in respect of the Centrally developed industries, not only should the Central Government have power to control, regulate and develop them, but it should also have authority in respect of fixation of prices and distribution, they may pass special legislation therefor and those matters, being in the Concurrent List, as soon as such legislation is passed, any authority which any Provincial Government might exercise in respect of them will cease to become operative. Of course, that is a matter which has to be considered with great care in future. So far as the present position is concerned, we must have the power to continue the existing controls, which we are operating now. Whether actually we will exercise control in respect of all the commodities or not is a different matter. All that we are asking for now is that by means of this Resolution, which is the only means which can be constitutionally adopted, the authority which is today vested in the Central Government should continue to function for one year to come.

Mr. Speaker: Resolution moved:

"In pursuance of the proviso to section 4 of the India (Central Government and Legislature) Act, 1946, as adapted by the India (Provisional Constitution) Order, 1947, this Assembly hereby approves the extension of the period mentioned in sections 2 and 3 of the said Act for a further period of twelve months commencing on the first day of April, 1949."

Shri R. K. Sidhva (C. P. and Berar: General): The honourable Minister while moving the Resolution stated that he only wants the power to continue control. I agree with that. What I object is the method by which this Resolution is brought before this House. He wants a consolidated list of eight items which he has named, to be controlled and he further said that during the Budget discussion there was a fairly good discussion on controls and therefore, he does not see any necessity now for going into the subject matter of control. While I agree with him that there was a general discussion on controls, I disagree with him when he says that this subject was dealt with thoroughly. Casual references were made by Members to the system of controls and opinions were expressed in a general way. Most people are agreed that controls may continue on food and cloth. That is our policy. But the present proposals include six other items. Last time when this matter came up for consideration the honourable Minister gave information about what happened during the previous year to justify the continuance of controls, this time he merely wants this power for one more year. I fail to understand the logic of this demand. If he had given reasons for having this power over certain articles I could understand him. It is unfair to the House not to give it an opportunity to consider the eight items separately. As I said we are in favour of continuing the controls on food and cloth. (Shri L. Krishnaswami Bharati: "No, no") Personally I feel that these two items should be controlled. As I see that there is difference of opinion even in regard to the control over these items also, it is all the more reason why the honourable Minister should have brought these eight items separately for the consideration of the House.

Now let me take up one of the items included in this proposal, viz., paper. This matter was discussed last time and, during question hour, I asked whether it is not a fact that the Bombay Indian Merchants Association made a representation that there was sufficient imported paper and that it was only waiting to come into the market for the control to be removed. There was no satisfactory answer. Even when we are specifically discussing these items,

if we are not given all the information we want, what are we to do? I thought on the last occasion when this matter was discussed the honourable Minister was inclined to agree that the control on paper might be removed. In fact he made certain concessions then. I do feel that the time has come for the paper control to go.

The Honourable Dr. Syama Prasad Mookerjee: I may remind the honourable Member that we have partially removed the control over newsprint and also the control over the distribution of imported paper. So far as Indian Mill made-paper is concerned, I have consulted my Standing Committee and that matter is under examination. I am not prepared to take hasty action.

Shri R. K. Sidhva: I am glad to hear it. I hope he will see that this control goes. I know of instances where the printers and publishers have been suffering on account of the present quota system although large quantities of paper are available.

Next, I would refer to petroleum and petroleum products. The matter of control on petrol was being discussed even during the regime of our predecessors, we have a special Department for this. Sir, our supply of petrol seems to be sufficient. The storage capacity of the tanks in the various ports is big and generally the tanks are full. It is possible that we have not sufficient number of tank wagons for the purpose of transport or distribution and therefore this stuff is not available at intermediate stations. But are we justified in continuing the control on that account? The supply position is such in Bombay that you can get as much petrol as you want. The storage tanks are full. The other day I put a question to the Minister for Works, Mines and Power in regard to a petrol steamer which went to Bombay and which had to be diverted because the tanks there were full to capacity and he was good enough to tell me that it was on account of a cyclone that the steamer had to be diverted. I was surprised to hear that. As it was a question-hour it was not possible to elicit the correct position. There was no cyclone at the time the steamer reached Bombay. The cyclone lasted only for some ten hours and the steamer touched Bombay only after the cyclone had passed off. I, therefore, contend that in this matter also the honourable Minister must take action, even if the difficulty is with regard to tankers or tank wagons. The Pakistan Government has agreed at the Inter-Dominion Conference at Karachi that they will release the wagons without delay. If they have kept the agreement for moving of petrol from Karachi it would not be difficult. In any case I feel that this control is not justified. You should at least let us know your difficulties in the way of removing these controls. If we had been given some data to go upon we would have understood your difficulties. The present position is that there is plenty of petrol available and people are getting it without coupons. The sufferers are only the honest persons who depend upon coupons for their supply. Bearing this in mind the honourable Minister can remove the control on petrol.

Then there is the question of the control of spare parts of mechanical vehicles.

The Honourable Dr. Syama Prasad Mookerjee: That has been withdrawn.

Shri R. K. Sidhva: I am glad about it.

With regard to iron and steel there is decidedly a scarcity. I know that the honourable Minister has devised a scheme of importing steel from foreign countries the rate for which is Rs. 600 per ton against Rs. 300 per ton for indigenous steel. The difference in price is 100 per cent. This steel is required for building purposes and not for eating. I made a suggestion last time that the control should be removed. It was not accepted. But today I learn from the newspapers that he has found a device. He will place

[Shri R. K. Sidhva]

an order with foreign countries for a certain quantity and equalise the rate between the foreign and indigenous steel. (An Honourable Member: "Average") Average, yes. That is good in a way. But who is going to benefit? I am making a suggestion to him. Raise the price to Rs. 600; take Rs. 300 to the Government coffer. It is not going to affect any consumer. It is required for building purposes, and those who want to build, when they spend one lakh, let them spend one lakh and ten thousand. The burden will come upon the tenant but that makes very little difference. I request him to consider this suggestion. It will bring much more money.

[Shri B. L. Sondhi (East Punjab: General): What about industry?

Shri R. K. Sidhva: Industry? Protect it properly. Raise the price to Rs. 600 and take Rs. 300. You are increasing the rate to Rs. 450. After all, you want money, for nation building purposes.

Shri B. L. Sondhi: The industry will be finished.

Shri R. K. Sidhva: I have consulted some people in the steel industry. They are not prepared, but I know they would have no objection. I feel that this matter should be given a little serious attention. The control will go and the State will benefit. Then mica.

The Honourable Dr. Syama Prasad Mookerjee: There is no control.

Shri R. K. Sidhva: I am very glad, Sir.

Then the items that remain are only paper and petroleum. Coal, of course, I do not touch, because I am not very conversant with it.

Now, Sir, I submit that he has brought this legislation and we have no alternative but to accept it, but last time he himself stated that it was for one year only, not more. If he wants, I can quote the speech. Dr. Ambedkar, while moving, said that it was for only one year. I desire there should be a time-limit and within that period the control should go. The other day the Food Minister announced that after 1951 they shall not import any food. I was gratified by the announcement. Unless you put some kind of datum line, you are not going to succeed in anything. That is what I am suggesting to every Minister. You fix up a datum line and I am sure your services will help you, but if you go on at random, the purpose you seek will not be achieved.

Now, I shall see how within 1951 food imports will be stopped. It is going to be stopped. I am prepared to prove. I am going to the Food Minister with my figures. I wish to tell him that according to his own figures there is no shortage of food in India. (An honourable Member: "Then why not do it now?") It is a big thing. I have to talk to him. I have talked sufficiently in this House. I will now discuss with him privately. However, that apart, I feel that he should fix a datum line for controls and look into the thing very seriously. I shall be very glad if he would remove the control over this petroleum particularly, because the Department is very costly. High officials are on the staff. I do not want to say that, because he will say that I am accusing his employees. They are working and they will have to be paid. But I do want to say that I do not want them to work now, because there is no work if you remove the control. I am not an irresponsible man to say. You remove the control. What I want to tell him is this, you go into this matter very seriously and let us have the figures for the last five years. Now, the Kashmir war is over; the anticipated Hyderabad trouble is over and I know even from officials that there is sufficient petrol. Therefore, while I agree to this extension, I do hope that there will be none next year. If there is going to be, of course, as far as food and cloth are concerned, let him bring them as a separate item.

Mr. Deputy-Speaker: This is a Resolution and the honourable Member will confine himself to it.

Shri R. K. Sidhva: All right. I have practically finished. I have got to remind the honourable Minister—I do not want to quote, because there are many sentences which are encouraging and in my favour and I thank him for being alert about it. I wish he would be alert about petrol and also paper and removed the control on these once and for all.

Shri Biswanath Das (Orissa: General): Sir, having come from a joint family which has withstood the ravages of time, for five generations, I feel the need of control in cases where things available for distribution are less than what is required at home. What is true of a home holds equally good in the case of the entire country which is, after all, a big joint family. From that view of the question, I support control. A call for control therefore brings me to two important questions, namely, in what items do you want me to give my sign of approval for control, and secondly, the success or failure of the agency that you employ for distribution.

As I have already said, which I repeat, control is justified only on grounds of proper and equitable distribution and is also a fillip to production. So far as production goes, my honourable friend has done us the favour of distributing some literature. However much we differ from him and we call on him for more and steadier courses of action for development of our industries, I would take him for what it is and accept the position. Regarding distribution, however, I must frankly confess that no literature has been placed at our disposal, except the one justification that provincial governments have done, or are doing or will do, something. My honourable friend has given certain items on which he wants us to give him the power to control. Sir, I had been to Tatanagar. I had a discussion with the management and the labour and I found the production has fallen. The note that has been circulated to us also shows that production has fallen and has fallen far below the average and far below the war years of production. I feel that it was the duty of the Industries and Supply Ministry to have seen to it that attempts were made at least to get production equal to the level in which it was when he took office. It may have been more, because I would expect him, with his knowledge and reputation, to give a developing hand to the existing industries and more to iron and steel so as to improve production. Failing which I expect at least the margin or level in which it was in the previous year and the year before to have been maintained. I must frankly confess that I am disappointed. Therefore, one thing is clear that we have fallen in essential productions.

That takes me to another evil, namely, that it throws us into the lap of foreign countries from which we have to purchase iron and steel at far higher prices. Regarding improper distribution, my honourable friend might throw the whole blame on the provinces, but I must frankly say that I am not satisfied with the control that is exercised from the Centre in this regard. The Food Minister would agree with me—I hope he will—that he is not able to supply the necessary requirements of iron and steel for the agriculturist. The poor, unfortunate agriculturist needs no iron to construct new buildings. I am talking of the small and middle sized holders, not of the big holders. My honourable friend, Mr. Sidhva, proposes rightly more taxation on the new construction of houses. The Minister said a few days ago that construction of cinema houses have been prohibited, but have Government required how many new cinema houses have come out,—new palatial cinema houses—despite their prohibition and despite their statement of prohibition? Where is this

[Shri Biswanath Das]

iron coming from? I once told the Secretary, Food Department, that I would give him any quantity of iron here in Delhi on two conditions: that you shall not ask me for the sources from which I purchase iron and that you shall not ask me the amount of purchase money. Given these two conditions, you will get any quantity of iron. I have a right to ask the honourable Minister to explain where does this leakage come from? I was told that a former employee of Tata's has been in charge of these controls on iron. I do not know how far it is true. But I have a right to demand an explanation from him whether it is a fact. If it is so, then is it fair to the country that this should have been so? I make no aspersions against anyone. I would request him to enquire into this aspect of the question, namely, this huge leakage.

Having stated so much, I would take him to another point, namely, that he is not doing justice to agriculture though at the same time he is crying for dollars from hard currency areas for food purchase. Where could he get it? He is not supplying the essential needs of agriculture, namely iron implements and manure, so badly required for agriculture, and yet he wants the agriculturist to produce more. These are contradictory things. I would appeal to the honourable Ministers for Agriculture and Industry and Supply to collaborate and to co-ordinate mutual activities so that it will result in the greatest good to the greatest number of people, and until that is done all individual efforts are bound to lead to failure. That is what has happened. He should also favour the non-official section of this country with more confidence, setting up non-official provincial advisory councils and the district advisory committees. Let more people be taken into confidence. You have your own selection. But let it be on an accepted basis so that you can fight against leakage, want and corruption.

I was told by a very responsible officer—I do not know how far it is correct—that he apprehends that there are people—tradesmen—between Tatanagar and mofussil stations of farthest south who carry iron and steel even on railways without paying anything for it. I do not know how far these are facts but these need greater caution on the part of the Watch and Ward Staff. Unless these gaps are closed, I think there will always be an eternal scarcity in the country of essential needs.

Having said so much about iron, let me come to food. You are throwing Rs. 180 crores to foreign countries. Why? My honourable friend, the Minister for Food and Agriculture stated that he requires about 25 to 30 lakhs tons of food grains for this country. Why, I fail to understand. The Famine Enquiry Committee have recommended a maximum of about 15 lakhs tons of cereals as necessary for this country. Assuming there has been a certain increase in population, does it call for 20 to 25 lakhs of tons of cereals more for this country? I do not agree with him in this view. Sir, I was accustomed to hear that five per cent. of food deficit for this country. That was the view of the committees and commissions and of enquiries held on this subject. But now I am told that it is ten per cent! Where does this big difference come from? Where is your Grow More Food campaign of all these years? I divide this control into two heads: namely, production and distribution and I hold my friend, the Minister of Industry and Supply responsible for both these items because on him rests also the responsibility for production though.....

The Honourable Dr. Syama Prasad Mookerjee: Of food grains also?

Shri Biswanath Das: Production of cereals also. Agricultural production of course, directly and indirectly falls on the Food Minister (*Interruptions*) I am coming, please have patience! Unless and until he places at the disposal of the honourable the Food Minister the necessities of agriculture, he has no right

to expect any progress. Until that is done, I think he is responsible not only to the Agriculture Ministry but also to this House and through this House to the country. I hold him then directly responsible for the manufacture of goods and supply and indirectly for more production of cereals. I would, therefore, appeal to both my honourable friends to see that necessary co-operation and co-ordination be effected so that it may result in the maximum production.

Then I shall come to another question, namely to the question of cloth. You have got enough cloth lying idle in the country. You have got the cloth output of the handloom industry which has been piled up and they have been crying hoarse for protection. Under these circumstances why should you require control for cloth. I do not know what makes him call for control for cloth. I expect the honourable Minister therefore to give us some detailed account on each of these items as to show why control has been called for and also the new method and the new approach that he proposes to give to these questions, having in view—I would not say absolute failure—failure in the work of distribution machinery of these controlled commodities. If today black-market has shown its ugly face, it is because of partial control. A lot of immorality and a lot of corruption has crept in because of this. While discussing this question, I would beg of him to realize that if he want to control let him select a few items, and in these few things let him control from beginning to end, i.e., from beginning of the operation to its close. Otherwise there will be no end and partial control will offer a loophole to escape for black-marketeters who are out to make every attempt of making Government infructuous. These are powerful influences and though they seem to be friends, they are working against us.

Under these circumstances, I would appeal to him to consider these and give us enough data to justify his call for control. We assure him that anyone placed in the Treasury Benches will have our fullest support. We have pledged our support. Our support has thus to be taken for granted.

[At this stage Mr. Deputy-Speaker vacated the Chair, which was then occupied by Pandit Thakur Das Bhargava (one of the Panel of Chairmen).]

The fact that they are entitled to this confidence should and does call upon them to think ten times before they come to this House for additional powers and new responsibilities.

Dr. P. S. Deshmukh (C.P. and Berar: General): Sir, I endorse and support very substantially the remarks that were made by my honourable friend Mr. Sidhva. I do not wish to take much time of the House. However, I have certain important suggestions to make and I wish to draw the attention of the honourable Minister to them.

The point made by my friend Mr. Das was not much appreciated by many members in this House as to the connection between the portfolio of the honourable Minister for Industry and Supply and the development of agriculture. But I would like to endorse that there is a very direct connection, although I am not prepared to put the whole blame or say that the Minister of Industry and Supply is directly responsible for it. But if he were to take into account the needs of the agriculturists so far as iron and steel, deisel oil and power kerosene are concerned I am certain he will be in a position to help the production of food stuffs in a very direct manner. With more and more labour-cost and with agricultural labour demanding more wages it is the experience of many agriculturists, including those who confined themselves to raising food stuffs only, that it is becoming very hard for them to keep pace with the prices on the one hand and give labour fullest satisfaction in regard to wages on the

[Dr. P. S. Deshmukh]

other. So many of the agriculturists are inclined to resort to mechanisation and they want to have small tractors or put-up pumps on their wells, so that they will increase irrigation and will be able to dispense with the ordinary labour which is getting more and more costly. I would suggest that there should be a definite quota sufficient to meet all agricultural needs and that should have the highest priority. It is not merely a question of iron and steel but also much more a question of deisel oil. I have as a matter of fact, as a member of the Standing Advisory Committee on Agriculture proposed this question and brought it to the notice of the Minister, especially because I have seen that good many agriculturists have been put to great hardships. After investing thousands of rupees in raising gardens and cultivating food stuffs all of a sudden they find that there is black-marketing in deisel oil due to mal-distribution with the result that there is a setback in the efforts of the agriculturists and the nations as a whole suffers. That is the first point I would like to bring to the attention of the Minister for Industry and Supply and I hope that he will as far as lies within his power do his best. So many things are distributed between so many portfolios that I do not know if he is the sole master.

The Honourable Dr. Syama Prasad Mookerjee: Deisel oil is under Works, Mines and Power.

Dr. P. S. Deshmukh: That is our trouble. I hope the W. M. and P. Ministry will kindly look into it.

There is also greater demand for power kerosene and there are many implements which can be driven only with that.

The Honourable Dr. Syama Prasad Mookerjee: That is also under the W. M. and P. Ministry.

Dr. P. S. Deshmukh: So, that again is that. I hope the Minister for W. M. and P. will pay his immediate attention to this.

So far as control as a whole is concerned I have already told the House my view. I am an anti-controlwala. Controls breed corruption and many other evils which are far worse than even the scarcity of goods which we might be prepared to put up with. I was especially surprised to see my friends from Madras not being in favour of controls. Being deficient in food stuffs I thought they were the people who would be for controls but when they do not want it, whom it is intended for, I do not know. It may be meant for people in the urban areas who are clamouring for food. Every one has sympathy for these people and we are prepared to sacrifice for them. A lot of expense is incurred on the continuance of the controls and that itself would be sufficient to subsidise the food for urban areas quite substantially.

So far as cotton is concerned there too I am inclined to believe that the controls have not been worked properly and it is probably time that we lifted the controls there also. In this matter I would like to make one other suggestion which I had made when the honourable Minister for Industry and Supply was not here. So far as the revision of the price of cotton is concerned I hope he will not commit the mistake of raising the prices just when every bit of cotton is in the hands of the merchants. It should be done only after the full stock of the year is exhausted and taken away by the mills and when the agriculturists are at a point when they try to bring it to the market. At that time only it should be done. Otherwise the middleman would reap the whole profit. We will not improve the condition of the agriculturists on the one hand on the other, not provide the necessary incentive to produce more the goods in which we are deficient.

I hope that the honourable Minister will see and minimise the controls and take out as many commodities out of this list as possible, I know that he is in earnest and I wish him all success.

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): I am extremely grateful to my honourable friend Mr. Sidhva for giving me an opportunity to speak some thing about the distribution and control of petrol in this country.

Babu Ramnarayan Singh (Bihar: General): Especially in Delhi.

The Honourable Shri N. V. Gadgil: I do not want to refer to the general remarks made by several members about the policy of control. As far as I am able to say this House is already committed to a policy of control, when it reversed its former decision of the policy of decontrol a few months ago. I have often heard in this House vehement speeches about the lack of planning in this country and for that this Government has been castigated in time and out of time. The House has to make up its mind whether we stand for a planned economy or not? In that case I cannot visualise planned economy unless there is a complete system of control. It is no good telling that we can have *laissez faire* in some spheres and others a policy of control. The result will be disastrous in both the spheres.

Coming to the particular referred to by my honourable friend Mr. Sidhva, I just want to give him and the House a fair picture of how the distribution of petrol and petroleum products works in this country and how it worked before the partition. It will be interesting to note that before the Partition the whole of Punjab, North West Frontier Province, substantial portions of Rajputana and a considerable part of the Western portion of the U.P. were supplied, so far as petroleum and its products were concerned *ex-Karachi*. It is well known how great was the supply and what great confusion was caused when it was not possible to have supplies from Karachi immediately after the Partition in August 1947. Right from that time my Ministry has been trying to tackle this problem. In order to see that in no circumstances this country will be without its normal supply of petroleum and its products we decided that additional tankers, tank wagons and box wagons must be commissioned. We have been trying for the last 18 months sometimes with very little success, sometimes with great disappointment but now I should say that the position with regard to this has greatly improved. The Transport Ministry has placed an order for 200 tank wagons in Canada and the delivery has started and I understand that every week some twenty tank wagons are delivered in Calcutta. It takes about three weeks to put them on the line. Similarly an order for 300 tank wagons has been placed with the various manufacturers in India. In fact according to the schedule we should have had supply of all these six months ago. The reasons why they could not be had are well known. It is expected that in the course of the coming six months we will be getting a substantial portion of this order from the Indian manufacturers. So the position as regards distribution will definitely improve in the near future. It is true that recently the supply position has improved, but control comes in not so much, so far as petroleum and its products are concerned, with respect to the production aspect but with respect to the distribution aspect, because we have nothing by way of production except seven per cent. of our demand in Assam. Therefore the control has relevancy in the distribution aspect of this particular product. In the ports no doubt the storage capacity is considerable. The present policy is that we should have at any time supply that will last for three months and a half either at the ports or in the upcountry petroleum stations. The real difficulty which has been considerably increased as a result of partition is to remove petrol and its products from the ports to the upcountry stations. As I said, till these wagons come into commission and the transport becomes easier the necessity of control is supreme. I do not want to disclose through

[Shri N. V. Gadgil].

what critical period this country has gone in the course of the last eighteen months. It will not be in the interests of the public to state.

My friend Mr. Sidhva said that there was no cyclone and there was no steamer that was diverted as a result of cyclone. I shall take this House into confidence up to the extent to which I think it prudent. The cyclone destroyed fairly substantially the normal arrangements to unload petrol in the Bombay dockyard. The result was that for a considerable period nothing could be unloaded and consequently certain steamers had to be diverted to other ports.

Shri R. K. Sidhva: That is a different story from what you gave.

The Honourable Shri N. V. Gadgil: I did not specify the whole chain of reasoning. I believed then and I believe now that the honourable Member is so intelligent that he can quickly follow. Now that his apprehensions are completely removed he will agree with me that what I stated was a correct position.

Very recently this country was threatened with a big strike. Suppose there was no control what would have happened? It was necessary for the Government to remove in time sufficient petrol to run essential services, to central places. If there had been no control and no power with the Central Government to do that I shudder to imagine what would have happened. And this had been done before the midnight of the date on which the strike was to have taken place.

So far as the criticism of my friend Mr. Sidhva, that the particular Department wants to be in existence and therefore Government wants to continue control, is concerned I want to assure him that normally human beings are selfish. To the extent to which all other human beings are selfish men in Government also are. But I want to assure him that there is no separate Department for this now. It has been abolished from the 1st of March 1949. The Petroleum Officer's post has been abolished and the whole thing has been reduced to a Division with corresponding retrenchment in the lower staff and it is now under the Director of the Bureau of Mines. I have already done that. I can assure Honourable Mr. Sidhva and all honourable Members of this House that whatever I have preached when I was in the opposition I shall do my humble best to carry out when I am here.

Prof. Shibban Lal Saksena (U.P.:General): May I interrupt the honourable Member and ask a question?

The Honourable Shri N. V. Gadgil: I am not giving way. As regards the increase of the supply of petrol and other petroleum products to which reference has been made by my honourable friend Dr. Punjabrao Deshmukh I am doing my best. In fact, as I stated, the supply position has considerably improved. There is no price control now. The control is only with respect to distribution and in some matters it is being exercised by the Provincial Governments. As regards kerosene the difficulty about giving sufficient or more supply of kerosene immediately is this that the combine which is responsible for supply of all these articles to this country has to look not only to the position of supply to India but to all other countries. There also their great difficulty is transport. To remove petrol and other products from the Gulf to India is a great difficulty. So every year we give our estimate. They say "This much is possible and this much is shipping space. Now you adjust." Then I have to consider whether I will have additional petrol or additional civil aviation spirit or crude oil or high diesel oil or kerosene. It may be that I may come to one conclusion in view of the situation in this country, political and otherwise. It may be that I may come to different

RESOLUTION re EXTENSION OF PERIOD

1795.

conclusions. In that you must trust the Minister. If in the particular context of circumstances he thinks that the defence situation requires additional petrol to be imported and to that extent less import of kerosene, you must trust him. After all it is a matter of balancing the various factors and finding out the best that is in the interests of the country. I can assure you that the moment the position improves I shall see that additional kerosene is imported and distributed. That is all I have to say. I am really grateful to honourable Mr. Sidhva for having given me this opportunity to participate in this debate.

Shri Khandubhai K. Desai (Bombay: General): Sir, I have no hesitation in supporting the Resolution moved by the Honourable Dr. Syama Prasad Mookerjee, giving powers to control essential commodities for a further period. The criticisms which have been levelled in the course of the debate I cannot appreciate; neither can I understand them. I think if a case has been made out for assuming these powers for one year more it has been very amply established during the last two debates which we had, one on the Railway Budget and the other on the General Budget. People are thinking in terms of normalcy. Have we reached normalcy? The debate proved that we have not reached normalcy. We have not got plenty of commodities available so that the control may be removed. We have not got sufficient carrying capacity on the Railways so that control can be removed. The power that we are now giving to the Government is in respect of certain commodities which are by their very nature essential. Do they want to remove control on food, cotton cloth, petrol, iron and steel? We have tried that experiment having been carried away by sentiment a few months back but we had to revert to control with vengeance.

Shri L. Krishnaswami Bharathi (Madras: General): No, it was very successful.

Shri Khandubhai K. Desai: Of course you may say it was very successful, even though the experiment was a failure.

Shri L. Krishnaswami Bharathi: Go and ask the people in the villages.

Shri Khandubhai K. Desai: Sir, it is stated that a lot of cloth is lying in Madras or some such centres which requires to be cleared. Let us see what that cloth is. That cloth has not been manufactured for indigenous consumption. It has been manufactured for export to Pakistan.

Shri L. Krishnaswami Bharathi: No, no. You are very much mistaken.

Shri Khandubhai K. Desai: That is so because I know it and I am putting it before you.

Shri L. Krishnaswami Bharathi: It is absolutely incorrect.

Shri Khandubhai K. Desai: That cloth has been manufactured for export trade and it has been manufactured with a view to make profits. Probably the cloth for export may be paying better profits so it has been manufactured. Let all this yarn used in the manufacture of this cloth be given to handloom weavers for the manufacture of cloth for indigenous consumption, I am sure you will see the day when cloth control and yarn control would not be found necessary. When control is imposed we say it is very bad, it breeds corruption, it breeds this and that. I feel that thereby we only reveal the psychology which we as individuals or members of an individual group of people experience in getting commodities for our personal use. I would like to emphasise and say, as I even said last time in November 1947 at the time the food control was removed, that blackmarketing or paying higher prices for a controlled commodity is indulged in by only very

[Shri Khandubhai K. Desai]

very few people. The rank and file, the majority of the common people get their commodities at the controlled price. Regarding food, if we had not got control over food today I do not know what would have been the situation today. There is famine in one part of Gujerat. As it is we are frequented by these famines in various parts of the country almost every year or every third year. Unless our production of food is increased by 20 to 25 per cent, I think the control over food would have to be maintained whether you and I like it or not.

So, personally I feel that entrusting the Government and empowering the Government with all the power stated in the resolution is essential. We must trust them. In this House we all are making speeches and we get these opportunities every now and then to bring to the notice of the Ministry how the control is working, particularly in certain respects. But that is no case against control. As the Honourable Mr. Gadgil stated, people are bad and good everywhere. They may be bad and good in the services, they may be bad and good among us, they may be bad and good among the people of the country. What happens is that the service is more or less the index of the moral and psychological atmosphere that is there in the country. So, it is up to us not always to go on abusing and criticising the services in season and out of season.

Finally, Sir, I think the debate that had taken place in the course of this month has amply proved the justification for the Honourable Dr. Syama Prasad Mookerjee to come before this House to assume these powers for at least one year more. I am afraid if the situation continues as it is today he will have again to come next year.

Shri L. Krishnaswami Bharathi: The speaker who just preceded me said that the cloth that is manufactured in Madras is intended for export trade and therefore all the difficulties have arisen. I am sorry he has talked without verifying the facts. I think he was referring to the handloom cloth. A very microscopic proportion of the cloth manufactured on the handloom was intended for export trade. He knows, I suppose, that when there are restrictions on export trade the handloom weavers would not be so foolish as to manufacture cloth for export trade. It is no doubt true a certain proportion was intended for foreign trade.

He said there is not plenty of cloth available. I want to impress upon this House about the serious situation that is existing around the mills. It was only two days back that some honourable Member put a question and got the answer that some mills were being closed. Today I find the Textile Commissioner to the Government of India has circularized all the mills that they may sell their bales to whomsoever they please. What does it show. It shows there is plenty of cloth available in the mills but locked up. Why is it locked up?—because there is no demand. Throughout the country there is plenty and a plethora of cloth and there is no demand for it with the result that the retail dealer does not want to buy from the wholesaler, the wholesaler tells mills he does not want it and does not want to clear the cloth. It was only yesterday that I mentioned the case about some big co-operation bank in Madura refusing to clear Ahmedabad mill cloth to the extent of a few lakhs. The thing was lying there and they had to pay a heavy demurrage of nearly rupees two thousand. Sir, 50,000 bales are lying in Ahmedabad now with the result that Government is forced to relax control. What does the Textile Commissioner say? He says that you can send the bales to anybody you please throughout India. That is the order of the Textile Commissioner of India sent to the Ahmedabad

mills. So, Mr. Khandubhai Desai was perfectly wrong in saying that there is not enough cloth. I can now prophesy that this is going to happen in the course of the next two or three months, and I will say it on the floor of this House: all the shifts the third shift and the night shift are going to close and the mills are not going to work at as full speed as they are doing now. They will say, "What are we to do? You introduce control and here there is plenty of cloth."

Sr. Jut Kuladhar Chakha (Assam: General): What is the total production in Ahmedabad.

Shri L. Krishnaswami Bharathi: Well, so much production that they are not able to clear it. I may read this news about the order of the Textile Commissioner—"The Government of India has permitted textile mills holding large stocks of readily saleable cloth to dispose of bales packed in December 1948 or earlier, to buyers of their choice anywhere in the Indian Union". Why does he do that? Because they are not able to clear their stocks.

Shri R. K. Sidhva: Defective distribution.

Shri L. Krishnaswami Bharathi: It is not defective distribution. It is because they write to the Provincial officers who tell them that they do not want the cloth. It is not because of defective distribution, it is just because there is no demand. The Government authorised wholesalers are not willing to take the cloth and the wholesalers are not willing because the retailers are not willing, the retailers are not willing to take it because the retailers are not able to find a market. That is the whole trouble. It has started from the consumer. It is not because of the bottleneck in which case the Railway could have been approached and they could have remedied it. The difficulty is that retailers or against do not want to clear these stocks with the result that Government is forced to relax control. If mills can send their goods to whomsoever they please in any part of India, then control has actually broken down. In six months time this kind of control is bound to break down completely. That is my prophecy, I may be wrong or I may not be wrong. But so far as Madras province is concerned, there is plenty of cloth. Two years back, the position was the other way about. But then there was black-market. Now there is no real need for control. People are selling at lower than the controlled prices. That is the situation so far as cloth is concerned, and so far as Madras is concerned.

With reference to another aspect of control, that is about cotton, I have to say this. Already there is a crisis in the Coimbatore Mills. There is a notice given and the Government have asked the Mill there why they want to close, and they reply, "What are we to do? We have no cotton. Give us cotton and we can go on." That is the evil of control. They begin to look up to the Government, for everything. "Give us cotton, otherwise we will close the mills." That is what they say. And I find that one Mill in Ahmedabad has already closed down, and issued notice to 1,000 workers because they have no cotton. It is the Ananda Cotton Mills. I am only stating these to show the evil of control; people want to look up to government for everything.

Then with reference to yarn control. In Madura they have certain rules for this control. But Madura wants super-fine yarn, eighties and hundreds. But they get only twenties and thirties. There is a big mill in Madura producing fine yarn. But the dealers in Madura or the consumers there do not get it. They have got to get it in the round-about manner. That is control! All these are the necessary anomalies of control. Therefore, so far as cloth is concerned, and so far as Madras is concerned,—I do not know about other provinces—there is really no need for control.

[Shri L. Krishnaswami Bharathi]

And then with reference to food control, even there, I am not satisfied about the need for control in Madras. Madras, no doubt, is a deficit province. But I come from a village and I am closely connected with the village. I am a producer myself and I spend two or three months every year in my village. I have intimate knowledge of the views of the peasants and the cultivators. They have gone through the periods of control and de-control also. I asked them, "What do you want?" and they are asking me, "When are you going to have this control abolished?"

Shri Krishna Chandra Sharma (U.P.: General): The country is much greater than your village.

Shri L. Krishnaswami Bharathi: May be so. But I am talking about my own province and I feel it applies more or less to the whole country. My friend to my right is against control. My friend to the left, Dr. Deshmukh is against control. I speak about my own province, because I know the conditions there rather intimately. That does not mean that I am against the country's interest. I feel that even though it is a deficit province, Madras does not need control, so far as food is concerned. I do not want to dilate upon it, except to say that the people feel that they can get on without this food control, rather than submit themselves to the difficulties of control. I do hope the honourable Minister will look into these matters. So far as food control is concerned, we stand committed to it, and so I am not suggesting that it should be removed now. But I know that is the view of the Premier of the Government of Madras. I am glad the Food Minister is here. I am certain that the members of the Government of Madras have expressed themselves against control so far as food grains are concerned, though it is a deficit province.

श्रीधरी रनवीरसिंह : सभापति जी, यह कहा जाता है कि लोगों की स्मृति बहुत थोड़ी होती है। लेकिन मैं तो यह देखता हूँ कि जो लेजिस्लेटर हैं उनकी भी स्मृति थोड़ी है। पिछले साल जब कपड़े पर डी-कंट्रोल हुआ तो कपड़े की कीमत तिगुनी और चौगुनी बढ़ गई थी। मैं नहीं मानता कि एक साल के अन्दर इस प्रकार की हालत पैदा हो गई जिससे अगर डी-कंट्रोल कर दिया जाय तो कपड़े की कीमत कम हो जायगी। पिछले जून, जुलाई और अगस्त के महीने से मैं समझता हूँ तकरीबन हर एक लेजिस्लेटर या ले-मैन जो थोड़ी बहुत सूजबूझ रखता था वह जरूर यह चाहता है कि जो कपड़े की, जो तीनगुनी और चौगुनी कीमत ली जा रही है उसका कोई न कोई इलाज होना चाहिए।

मैं यह कहने के साथ साथ यह भी कहना चाहता हूँ कि जिस चीज के ऊपर कंट्रोल जरूरी है-कंट्रोल होना चाहिए। अब पर कंट्रोल की मैं कोई आवश्यकता नहीं समझता हूँ। मैं यह मानता हूँ कि अगर फूड के ऊपर कंट्रोल नहीं रहेगा तो फूड जो हमको बाहर से मंगाना पड़ता है उतनी तादाद में नहीं मंगाना पड़ेगा। इस समस्या का हल दूसरी ढंग से आसानी से किया जा सकता है। शायद कुछ भाई यह समझे कि अनाज के पैदा करने वाले फूड प्रोडक्ट्स की कीमत ज्यादा लेना चाहते हों। ऐसी बात नहीं है मगर गवर्नमेंट फसल के वक़्त जितनी जरूरत शहर

वालों को होती है वह एकदम खरीद लें तो वह महंगा भी नहीं पड़ेगा। मैं तो यह समझता हूँ कि पिछले साल में फूड प्रोडक्ट्स में जितनी महंगाई हुई है उसकी तमिचेवारी किसानों के ऊपर नहीं है बल्कि मिडिल-मैन के ऊपर है। मैं कंट्रोल के खिलाफ नहीं हूँ। मैं समझता हूँ कि जितनी चीजों के ऊपर कंट्रोल आवश्यक है उनके ऊपर जरूर होना चाहिए। अभी हमारे आनरेबिल मिनिस्टर मि० गाडगिल ने बताया कि मिट्टी के तेल की प्राइस पर कंट्रोल नहीं है। मैं आपको यह बतलाना चाहता हूँ कंट्रोल के वक़्त मिट्टी के तेल के एक पीपे की कीमत ६ रुपया थी लेकिन अब २४ और २५ रुपए से कम पीपा नहीं मिलता है। इस हालत में कोई मैन ही यह कह सकता है कि कंट्रोल ठीक नहीं है। मैं भी देहात का रहने वाला हूँ। जिसके रहने वाले देहाती भाई यह समझते हैं कि कंट्रोल से उनको नुकसान होता है। कि कुछ कारण और भी हैं जिनको मैं आगे बतलाऊंगा। लेकिन जहां तक कपड़े का सिमन्ट का और लोहे के कंट्रोल का ताल्लुक है अगर उसकी तकसीम ठीक ढंग से हो तो इसमें शक नहीं कि वह कंज्यूमर के लिए, देहात वालों के लिए और किसानों के लिए कंट्रोल बहुत अच्छी चीज है।

मैं यह समझता हूँ कि कंट्रोल के साथ साथ एक बात का ध्यान रखना चाहिए और वह यह है कि कंट्रोल से मिडिल-मैन को जो बहुत अधिक प्रॉफिट मिलता है उसकी इजाजत नहीं देनी चाहिए। कपड़े का कंट्रोल है और उसके अन्दर एक्स-मिडिल प्राइस और रिटेलर्स कीमत में २० फीसदी और २५ फीसदी का फर्क है। मुनाफा जो मिडिल-मैन को दिया जाता है मेरी समझ में बहुत ज्यादा है। अगर सरकार इस मुनाफे को कोआपरेटिव सोसाइटियों को देगी तो बहुत फायदा होगा कि मिडिल-मैन को यह मुनाफा देने से कोई लाभ नहीं होगा।

मैं एक बात और कहना चाहता हूँ कि जैसा हमारे अभी पंजाब राव साहब ने कहा कि सिमन्ट, लोहा और मिट्टी के तेल के कंट्रोल से खेती की बढ़ोतरी में बड़ा वास्ता है। लोही हमने पूसा इन्स्टीट्यूट में एक हल देखा। यह हल दो बैल से चार बैलों के बराबर काम करता है। वह हल तब ही ज्यादा बनाया जा सकता है अगर एग्रीकलचर डिपार्टमेंट को ज्यादा से ज्यादा लोहा मिले। इसी तरह से हमने एक बोनो की मशीन देखी जो दो बैलों से ८ बैलों के बराबर काम कर सकती है। कि जब तक कि काफी तौर पर लोहा एग्रीकलचर डिपार्टमेंट को नहीं मिलेगा तब तक यह समस्या हल नहीं हो सकती है।

एक और बात इस सिलसिले में मैं कहना चाहता हूँ और शायद कोई भाई यह समझे कि इससे एग्रीकलचरिस्ट को फायदा होगा और कास्ट-आफ-प्राइव्केशन कम हो जायगी लेकिन अनाज की बढ़ोतरी नहीं होगी इस सिलसिले में मैं एक छोटी सी बात कहना चाहता हूँ। आप हिसार जिले को लीजिए। इसमें कभी कभी

[चौधरी रनवीरसिंह]

बारिश होती है और तीन चार दिन में ही फसल बोई जा सकती है उसके पश्चात् नहीं। अगर उन दिनों में कोई ऐसी चीज जो २ बैल से दुगुना और चौगुना जमीन काश्त कर सकती है तो वहां की सारी जमीन बोई जा सकती है। और इस तरह से हमारे देश की उपज भी बढ़ जायेगी।

मैं समझता हूं कि जिन चीजों के ऊपर कंट्रोल की जरूरत है उन पर रहना चाहिए। एक और चीज है जो बहुत आसानी से और बहुत अच्छे ढंग से हो सकती है वह यह है कि इस वक्त तक एडवाइजरी बोर्ड में मिडिल-मैन के नुमाइन्दे को रिप्रेजेंटेशन दिया जाता है। जब तक इस किस्म की बात होती रहेगी तो एग्रीकल्चरिस्ट क्लास की कोई तरक्की नहीं हो सकेगी। एग्रीकल्चरिस्ट आज जो कंट्रोल के खिलाफ है उसका कारण यह है कि उनका अनाज तो कंट्रोल की कीमत पर लिया जा रहा है मगर उनको उनकी जरूरत की चीजें कंट्रोल प्राइस पर उन्हें नहीं मिल रही हैं। पूसा इन्स्टीट्यूट में जब हम लोग गए थे तो दिल्ली के कुछ गांव वालों ने हमारे माननीय मन्त्री जयराम दास जी से यह शिकायत की थी कि उनको देहात के अन्दर कंट्रोल पर कपड़ा नहीं मिल रहा है। लेकिन उनसे अनाज कंट्रोल के भाव पर ले लिया जाता है। उन्हें यह शिकायत है कि जिन चीजों के ऊपर कंट्रोल है उनको कंट्रोल के भाव पर नहीं मिल रही हैं।

मैं समझता हूं कि अगर आप इस प्रस्ताव को पास करके यह कर दें कि जिन चीजों के ऊपर कंट्रोल है वे चीजें जनता के पास कंट्रोल भाव पर पहुंच जावें तो यह जनता के लिए बहुत फायदामन्द सिद्ध होगा।

(English translation of the above speech)

Ch. Ranbir Singh (East Punjab: General): It is generally said that memories are always short. But what I see is that even the legislators have short memories. Last year when cloth was de-controlled the prices had shot up three or four times. I do not believe that in one short year such conditions have come into being whereby if cloth be de-controlled the prices will come down. I think nearly all of the legislators and the lay-men, who have even some intelligence, do wish that some ways and means must be devised to bring down the three fold or four fold price of cloth that is being charged since June, July and August.

Besides this I wish to submit that control must remain on those things on which it is necessary. I do not see any necessity of imposing control on food grains. I presume that if food grains were de-controlled then we will not have to import food grains in such quantities. This problem can easily be solved by other methods, perhaps some of my friends might think that the food grain producers wish to charge higher prices for their food grains. But this is not so. If the Government were to purchase at the time of harvest as much bulk-supplies of food grains as are required by the people living in urban areas then it would not even cost much. I consider that for the high prices of food

grains during the last year the responsibility does not lie on the shoulders of the peasants but on the middle-men, I am not opposed to controls. I think that control should be imposed on all those things whereupon it is necessary to have control. The honourable the Minister Shri Gadgil has just now told us that there is no price control on kerosene oil. I wish to tell you that during the control days the price of a barrel of kerosene oil was Rs. 6/- but now a barrel cannot be had for less than Rs. 24/- or Rs. 25/-. Under these circumstances only lay-men can say that the imposing of controls is not a proper step. I also belong to the rural areas. The rural population of the Madras Province thinks that by the control they are put to loss. There are other reasons also and I will tell them to you later on. But as far as the control on cloth, cement and iron is concerned, if these things are distributed properly then there is no doubt that control is a very good thing for the consumers, peasants and agriculturists and the people living in rural areas.

I think that along with controls one thing should be borne in mind namely that the middlemen may not be allowed to make exorbitant profits that they reap as a result of control. Cloth is a controlled commodity, but there is a difference of 25 to 30 per cent. in the ex-mill and retail prices. This profit, that is given to the middlemen, is I think too much. If the Government were to give this profit to the co-operative societies then it would be very much beneficial, but no advantage would be had by letting the middlemen have this profit.

I wish to submit one thing more. As my friend Shri Punjab Rao has said the development of agriculture bears a close relation to the control on kerosene oil. Only yesterday we saw a plough in the Pusa Institute. With two oxen this plough does the work equal to that done by four oxen. These ploughs can be produced in large numbers only when the department of agriculture be given more supplies of iron. There we saw a seed sowing machine also with which two oxen can do work equal to that of eight oxen. But so long the agriculture department would not get sufficient quantities of iron this problem can not be solved.

I wish to submit one more thing in this connection. Perhaps some of my friends would think that the agriculturists will be benefited by this, the cost of production will lessen but the production of the food grains will not increase. In this connection I wish to submit a little thing. You just take into consideration the Hissar district. There the rain falls off and on and seeds can be sown within two or three days only and not afterwards. If during those days there be anything that with the help of two oxen could cultivate double or fourfold land then all the arable area available there can be put under plough. In this way the production in our country will also go up.

I think control must continue on those things on which it is necessary. There is no more thing that can be done quite easily and in a far better manner. The thing is that till now the nominees of the middlemen are given representation on the Advisory Board. So long this sort of thing would go on the agriculturist class will not make any progress. The reason why today the agriculturist opposes these controls is that his produce is being taken at the controlled rate but he is not getting the things he require at the control prices. When we had gone to the Pusa Institute then some villagers of Delhi Province laid a complaint before the honourable the Minister Shri Jairamdas that in the rural areas they were not getting cloth at the control rates but they were made to give up their produce of food grains at the control rate. They complained that they were not getting the controlled things at the control prices.

I think that if you were to pass this resolution and see that the things on which there is control be available to the people at the control rates then this would prove very beneficial to the people.

Mr. Chairman: Does the House want to continue the debate?

Honourable Members: Yes, Sir.

Babu Ramnarayan Singh: Just before this motion was moved, we passed a legislation continuing certain railway measures for one more year. Sir, my honourable friend, Dr. Syama Prasad Mookerjee has brought this motion for the extension of certain measures connected with control for another year. I have been connected with this House for several years. I have watched how the Government has all along been working. When the British Government was here on the treasury benches, I used to make numerous castles in the air. I used to think the British Government will go; we may have swaraj and independence, we shall have this and that; we shall have all the necessary things for our happiness and freedom. The Britishers have gone, the new regime has come, on the treasury benches, I find my own men, our own friends, but the process continues to be the same. Government is Government. It appears, that whatever powers and taxation be once granted to Government, it will continue for all time to come. It is not to be discontinued. They will come for one year and it will continue for an unlimited period of time. My honourable friend the Minister said that the control was introduced as an emergency measure in 1947-48. What are the circumstances which are favouring the continuance of the control now? Yesterday when the Honourable the Finance Minister was replying to the debate, I asked him: "What are the circumstances which can allow the removal of control." He replied in his own way, but it was I remember on a previous occasion that he said: "If you remove control, the result will be the prices will shoot high." Well, this sort of risk has to be encountered some day. The question is whether you are going to remove control or not, if not today at least tomorrow or not. That is the question.

As I said before and everybody knows in this world, in this country and in this House that control has failed and Government has admitted failure in this respect. I take this City of Delhi. If anybody goes to the black market he will have any amount of petrol. My honourable friend, Mr. N. V. Gadgil has just said about the distribution of petrol. There is any amount of petrol in the City of Delhi and everybody knows that in Delhi petrol is not produced. It has to be known how it comes. It comes through the agency of a railway man, there is the railway Department, the railway services and also most likely with the help of the Police. As regards other matters, if you go to the bazaar, you find corn and cloth are selling side by side with controlled things. Where is the control? The control is only to help the Police and to maintain certain departments that the Government have created. It is regrettable that once any power is granted to the Government, it cannot get rid of this power. A friend says that here and there control is necessary. As my honourable Mr. Ranbir Singh said wherever necessary we may have control, but why the control is there where it is not required? Mr. Khandubhai Desai has just said: What would have happened if there had been no control there; there was a famine in Gujarat or somewhere else. Well, what is the use of control? If there is scarcity of grain or anything anywhere else, well, it is the business of the Government to move things to that area. That is all. But what is the use of this control? I just read only two or three days ago in Bihar in a message in the *Indian Nation* or some other paper that there is no food grain in the Mussafarpur Town. The report says that when the control was relaxed the food grains began to creep into the bazaar slowly and as soon as the control was enforced the food grains were disappearing. So it must be admitted that this process of control is altogether unnatural. Nobody can deny this. If the people are honest, if the Department is honest, if the Government can control things in all its spheres of production, and distribution, control may succeed but we know to our shame what the people are and this partial control is no control. It is, therefore, I say on

behalf of the people of this country that this control must be removed just now. The motion just submitted, I hope, should be withdrawn by my honourable friend. Sir, the thing is this: When we go to the villages in our constituencies we hear so many reports against the control officers. As I said the other day, control has created corruption and misery. I do not know why some of my friends are charmed of control. I fail to see how anyone could like controls. This system of control has gone so far as to degrade our national character. So I request the honourable Minister to withdraw this motion and if not, I request the honourable Members to reject it.

The Honourable Dr. Syama Prasad Mookerjee: I do not intend to take much time of the House. I will speak only for a few minutes.

There have been two classes of speeches. One class of Members have spoken generally in support of the proposal, but have suggested, quite rightly, that steps should be taken to improve the manner in which control is now exercised in different parts of the country. I entirely share the view of those Members. I may say that the policy of the Central Government is to delegate as much of the power as possible to the Provincial Governments, particularly with regard to distribution where we work through the machinery of the Provincial Governments. Further, during the period that we have been in office we have set up advisory committees in respect of each of the important commodities.

Shri T. A. Ramalingam Chettiar (Madras: General): There is no advisory committee in the provinces.

The Honourable Dr. Syama Prasad Mookerjee: That is what I was going to say. So far as the Central Advisory committees are concerned, they represent the interests of the producers, the distributors and the consumers. On several of them, Members of the Legislature are there. We have also suggested to the provinces that, with regard to important items, they should set up advisory committees so that there may be a constant check on the way in which the system works in the Centre as well as in the provinces.

I cannot at all share the views of those Members, whose number is limited (*Babu Ramnarayan Singh:* "No.") so far as the volume of voice is concerned it is strong, but so far as numerical strength is concerned it is very weak—who advise Government that control should be withdrawn and withdrawn forthwith. That is an amazing advice which no responsible Government can possibly accept.

Shri L. Krishnaswami Bharathi: Nobody advised that it should be withdrawn forthwith.

The Honourable Dr. Syama Prasad Mookerjee: Yes, the last speaker said so. So far as de-control is concerned, Members will realise how serious the situation developed in a few weeks time last year. Those Members who spoke today against control—I can say with reference to the proceedings of the House—were at that time clamouring that the Government should immediately take steps to bring down the prices. My friend Mr. Bharathi said that decontrol was very successful. He reminded me of the story of a doctor who performed an operation which was said to be successful, but the patient unfortunately died. We are not prepared to make an experiment by reintroducing decontrol with regard to essential commodities at this stage. This is the policy of the Government which has been completely approved by the House. But we welcome suggestions from every quarter so that the methods of distribution may be improved and black-marketing may be checked. If there are any

[Dr. Syama Prasad Mookerjee]

ways of seeing that all sections of the community get the articles they require at reasonable prices we will do all that we can for it. I do not wish to enter into discussion in greater detail.

So far as agriculture is concerned, it is the policy of the Government to allot as much iron and steel for agricultural uses as possible. In fact our present direction is that 50 per cent. of the provincial allotments must be earmarked for agricultural purposes. In addition to that wherever possible I have allotted to the Agricultural Ministry additional quotas for agricultural use. My last communication to our Agricultural Minister was to the effect that as soon as the import position improved—which I expect in the course of the next few months—I shall be able to satisfy about 90 per cent. of the present requirements of the Agricultural Ministry. I realise the importance of giving adequate supply so that our Grow More Food project may achieve the necessary success.

With regard to textiles, unfortunately Mr. Bharathi, who is usually well-informed, today was somewhat off the rails. The facts which he gave are not capable of corroboration at all. He read out with great flourish some statements supposed to be issued by the Textile Commissioner. That statement was officially issued by the Textile Commissioner under the orders of the Government of India. At present mill-made cloth is removed from the mills by the agents of the provincial Governments. If a particular provincial Government fails to remove the quotas allotted to it by the end of the month for which the allotment is made, then the mills are entitled to sell those stocks through their own buyers subject to the buyers being approved by the Governments of the Centre as well as the Provinces. There is no question of any mill sending any cloth to the black-market, thereby disturbing the entire textile policy of the Government of India. In any case, so far as accumulation in the mills are concerned, we are doing whatever is possible.

Mr. Bharathi pointed out to the impending crisis in some of the mills which may have to close down for want of cotton. If cotton has to be supplied, it must be controlled. Mr. Bharathi cannot have it both ways. He cannot decree control and at the same time demand the supply of cotton by the Government of India.

Shri L. Krishnaswami Bharathi: I am not suggesting both.

The Honourable Dr. Syama Prasad Mookerjee: If we do not supply cotton to the mills, they will not get the cotton they want and a large number will close down. All these matters have to be considered with the utmost care. In fact cotton is not centrally controlled today; yet we are trying to impose our authority by measures promulgated by the provinces.

Sriman Biswanath Das for whom I have very great respect unfortunately hails from a province the Government of which was 100 per cent. for control. So, he will have to convince his own Provincial Government to advocate de-control before he can expect others to accept his suggestion for de-control.

Babu Ramnarayan Singh: All Government are generally in the wrong.

The Honourable Dr. Syama Prasad Mookerjee: A prospective Minister or an ex-minister can say that, but Ministers in office cannot say that.

Shri Biswanath Das: May I say.....

The Honourable Dr. Syama Prasad Mookerjee: I am not going to give way. In any case this Resolution has to be accepted. No one suggests that on and from first April the Government of India should be deprived of all authority to exercise control throughout the length and breadth of this country and

create continuation. The power must be given. But I have assured honourable Members that we are examining each item in the list. The Standing policy of the Government is that only in respect of the commodities the prices of which are high and the demand is greater than the supply, control should continue and, until the present economic crisis is over, the Government will be ill-advised to change the present policy.

Babu Ramnarayan Singh: Only for one year.

The Honourable Dr. Syama Prasad Mookerjee: Yes for the present.

Shri Biswanath Das: Just a word of personal explanation, because reference has been made to it. I know, the honourable Ministers are 100 per cent. for control. I know it. I have not opposed it. I said, where is the justification for control in view of the working of the controls?

The Honourable Dr. Syama Prasad Mookerjee: The justification is this. Mr. Biswanath Das said that cloth is selling at prices lower than the stamped prices. We have fixed the ceiling prices. We have been able to bring down the prices of cloth because, according to Mr. Biswanath Das cloth is today selling in many parts of India at prices lower than the marked price. That is the justification and that proves the success of the policy.

Mr. Chairman: The question is:

"In pursuance of the proviso to section 4 of the India (Central Government and Legislature) Act, 1946, as adapted by the India (Provisional Constitution) Order, 1947, this Assembly hereby approves the extension of the period mentioned in sections 2 and 3 of the said Act for a further period of twelve months commencing on the first day of April, 1949."

The motion was adopted.

The Assembly then adjourned till a Quarter to Eleven of the Clock, on Thursday, the 24th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Thursday, 24th March, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-50 A.M.

STATEMENT ON REPORT OF CATTLE PROTECTION AND
PRESERVATION COMMITTEE

The Honourable Shri Jai Ramdas Doulatram (Minister of Food and Agriculture): Sir, during the debate on Demands for Food and Agriculture on the 19th March 1949, the honourable Member, Seth Govind Das, referred to the question of improvement and welfare of cattle and the need of governmental action in regard to the question of slaughter of cattle. In the course of my reply, I dealt with this matter and announced the interim decision of Government on the report of the Cattle Protection and Preservation Committee. But as the discussion had to close at 5 P.M., my statement had to be very brief and I understand from the honourable Member that it would be helpful if the decision of Government was more clearly indicated. As the House is aware, the Cattle Protection and Preservation Committee appointed by Government made some recommendations which were communicated to the Provincial Governments for eliciting their opinion before the Government of India formulated their own conclusions. As replies from most of the Governments have by now been received, Government have come to certain conclusions which I may re-announce to the House. The Committee recommended that the slaughter of cattle was not desirable in India under any circumstances whatsoever and that its prohibition should be enforced by law. The prosperity of India to a very large extent depended on cattle and the soul of the country could feel satisfied only if cattle slaughter was banned completely and simultaneous steps were taken to improve cattle which were in a deplorable condition at present. In order to achieve this end, the Committee suggested that the following recommendations should be given effect to:

(1) The first step, which has to be given effect to immediately, should cover the total prohibition of slaughter of all useful cattle other than as indicated below:

- (a) Animals over 14 years of age and unfit for work and breeding;
- (b) Animals of any age permanently unable to work or breed owing to age, injury or deformity.

(2) Unlicensed and unauthorised slaughter of cattle should be prohibited immediately and it should be made a cognizable offence under law

(3) The law for prohibiting slaughter of cattle totally should be enforced as early as possible but in any case within two years of enactment of legislation during which period necessary arrangements should be made for the maintenance and care of unserviceable and unproductive animals.

[Shri Jairamdas Doulatram]

Under this third recommendation, the following steps were suggested:

- (a) A survey of the country where *Go-Sadans* could be established and the preparation of details of expenditure involved.
- (b) Enactment of legislation for raising funds by special cess. The Committee were of the opinion that a total sum of Rs. 24.4 crores non-recurring and Rs. 12.8 crores recurring would be needed for the preservation and improvement of cattle on the lines proposed in the third recommendation. In regard to this third recommendation of the Committee, in view of the opinions so far expressed by most of the Provincial Governments, Government would have to go more fully into the matter and are, therefore, postponing any decision on it at this stage. But as most of the opinions received from the Provinces are generally in favour of action suggested in the first two recommendations of the Committee, apart from the question of cognizability of the offence which will be examined, Government have decided to accept those recommendations and will take early suitable action to have them implemented.

Seth Govind Das (C. P. and Berar: General): May I ask.....

Mr. Speaker: No question on a statement please.

PROTECTIVE DUTIES (MISCELLANEOUS PROVISIONS) BILL

The Honourable Shri K. C. Neogy (Minister of Commerce): I move:

"That the Bill to extend the date up to which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect, to determine or levy protective duties in certain other cases and further to amend the Sugar Industries (Protection) Act, 1932, be taken into consideration."

The Bill is a composite one and it is mainly intended to carry out the recommendations of the Tariff Board. If honourable Members will please turn to the Statement of Objects and Reasons, they will find that there are four categories indicated of industries which are affected by this Bill. Category (1) contains reference to 18 industries in respect of which the protection, which is at present enjoyed by them, is sought to be extended or continued. Category (2) relates to two industries in respect of which the Tariff Board have recommended the grant of protection for the first time and it is intended to implement these recommendations. Category (3) relates to a protected item, *viz.*, the nickel alloy, and the intention in this Bill is to reduce the scope of protection, that is to say, exclude certain types of nickel alloy from the protection that this industry already enjoys. Category (4) refers to two cases in which protection is sought to be discontinued—protection having proved successful, the two industries being new in a position to stand on their own legs.

Sir, again going back to category (a), I should like to give a brief indication of the period during which protection has been enjoyed in each case and the period for which protection is now intended to be extended. In the case of item (1) under (a), namely, sugar, protection has been in operation from 1932 under successive measures, and it is now intended to extend that protection up to two years more. Item (2) and item (3) relate to artificial silk and artificial silk and cotton mixed fabrics and sericulture respectively. Protection in respect of these industries was granted at the same time as protection to cotton textiles industry, namely, in 1934—as far as I can recollect. (Shri Prabhu Dayal Himatsingka: "Yes.") Protection to cotton textile industries having been removed, the need for continuing protection to these two ancillary, if I may

say so, industries continues and it is now proposed to extend the period of protection for two years to these two types of industries. Item (4) relates to bicycles and bicycle parts and accessories. Protection was granted to this industry for the first time with effect from 1948 just for a year, and it is now proposed to continue the protection for three years more. Item (5)—preserved fruits: protection was granted with effect from 1948 just for a year and it is now proposed to be continued for two years more. Then follow a large number of items, items (6) to (16)—certain chemical industries. Protection in respect of these industries was granted with effect from 1948 just for a year and it is now proposed to extend that protection for a year more. Then comes item (17): protection was granted in 1948 and it is now proposed to extend it for one year. I may add in this connection that protection has not been availed of in this particular instance because the conditions that were laid down by the Tariff Board and which were accepted by the Government, namely, that certain alterations in their organisation would take place before the benefit of protection could be claimed by this industry, have not been complied with so far, so we propose to extend the protection for one year in case the industry finds it possible to comply with those conditions.

Now, so far as category (b) is concerned, it deals with two new industries, one of which is Pickers. Here the proposal is just to convert the existing revenue duty into a protective duty without changing the rate itself. Now the proposal is to grant protection for a period of two years in this case. As regards the other industry, namely, motor vehicle batteries and plates therefor, the recommendation now is that protection should be granted for one year. In view of this recommendation to the House being for such a short period, Government decided to exercise the authority that this Legislature has given to Government to grant protection under the provisions of the Protective Duties Act in November last, and I am placing the proposal now in terms of that Act before the Legislature for either confirmation or any other action that the House chooses to take. I want to repeat that the protection in this case is now being recommended just for one year ending March 1950 only and as the House was not in session at the time when the report was received, it was thought necessary without waiting for the summoning of the Legislature to take action under that particular Act.

Now, Sir, I do not think I need say anything about (c) or (d). It is a matter of rejoicing in respect of item (d) that in this Bill we are in a position to point out two industries which have benefited by protection, thus justifying the Government's policy in this matter, and I hope that the House will have nothing further to do in regard to these industries in future and that they will be able to survive all competition.

Sir, I know the House takes a keen interest in the sugar industry and although it is not possible to deal at length with the merits of all the various items covered by this Bill, I should like to say just a few words about the sugar industry. As I said before, the sugar industry has been in the enjoyment of protection ever since 1932. In the first instance, protection was granted for fourteen years, although in the course of this period the quantum of protection as represented by the rate of import duty was reduced in 1939 from Rs. 7/9/0 per cwt. to Rs. 6/12/0 per cwt. which still continues to be the rate of duty imposed on foreign imports. Now, when the period of protection which was extended up to 31st March 1941 by the Sugar Industry Protection Act, 1939, came to a close, it was found that the position of the industry had not improved to any appreciable extent. In view of this fact, as also having regard to the unsettled conditions due to the war, the duty which I have referred to, namely, Rs. 6/12/0 a cwt., was extended as a measure of protection from year to year under the Protective Duties (Continuation) Acts. When the Legislature agreed to this extension in April 1946, Government gave an undertaking that future extension of protection thereafter would be asked for only

12 Noon.

[Shri K. C. Neogy]

after a proper Tariff Board enquiry. Accordingly a summary enquiry was made by the Interim Tariff Board in January 1947. The Board on that occasion recommended the continuance of protection for a further period of one year from April 1st, 1947. The Board on that occasion expressed the view that the Indian Sugar Industry was likely to require protection for some time to come and that a detailed enquiry into the extent of protection necessary should be undertaken when conditions both in India and abroad—that is to say, countries from where competition was apprehended—became normal. At that time, the Board optimistically thought that normalcy would perhaps be restored before the end of 1948, and made the suggestion that the proposed enquiry should take place about that time, namely, about the end of 1948. In accordance with this understanding, the Tariff Board was asked to make a regular enquiry into the position of the sugar industry, but as a result of the representatives made by nearly all the Provincial Governments, research institutions and Sugar Mills Associations as well as the Sugar Syndicate to the effect that the general economic conditions were yet abnormal and unstable, and a detailed enquiry into the costs and other factors should be postponed, the Board itself found that the conditions that prevail today are not sufficiently normal so as to enable a regular enquiry to be made into the position of this industry. Therefore, the Board adopted a somewhat summary method. They held a sort of Conference where all the various issues were discussed with the representatives of Governments and the various interests concerned including interests of the consumer, and as a result of this summary enquiry the Board has recommended the extension of the existing protection for two years more in the hope that later it would be possible for the Board, if the Government so desire, to undertake a fuller enquiry into the position of this industry.

Now, Sir, I should like very briefly to refer to a few of the difficulties that confront the industry at the present moment. It has to be remembered that the effect of protection was indeed very gratifying. In the first five or six years, considerable improvement took place in the growth of the sugarcane as also of the yield of sugar and so on. Unfortunately the rate of progress has not been maintained. Indeed, there are signs that there has been a deterioration in certain matters, particularly of late. Now the total acreage under cultivation of sugar-cane has gone above 4 million. The average yield of cane per acre, which is 14 tons, has not improved and in the opinion of sugar manufacturers and experts, the yield of sugar has actually deteriorated in many areas, although the percentage recovery of sugar increased from 8.5 before the war to 10.31 in 1942-43. It has been declining since then, and in 1947-48 it was 9.85.

Now, Sir, coming to the cost, it is a high cost industry. Perhaps the percentage of the cost of raw materials stands about highest in the case of any industry in India. The cost of sugar-cane now stands somewhere between 60 and 70 per cent of the total cost of sugar, which is a very high standard of cost and recently Government have actually declared a reduction in the price of sugar-cane. That determined the cost of sugar to this extent and a resulting decrease in the price of sugar also has resulted or will result shortly.

Now, Sir, in order to meet the difficulties, to which I have made a brief reference, confronting the industry, Government have further increased their grants to the Fund of the Central Sugar-cane Committee, namely, with effect from 1st April 1948 from one anna per cwt. to four annas per cwt., the amount thus made available to the Committee being very nearly 50 lakhs a year. It is hoped that with this additional help from the Government of India, it will be possible for the sugar industry—and when I mention the sugar industry I include sugar-cane cultivation also—to show a substantial improvement and that at some future date it may not be necessary for this House to have to agree to a proposal of this kind, namely, for extending the protection to the sugar industry from time to time.

Prof. Shibban Lal Saksena (U. P.; General): What is the amount of sugar imported last year?

The Honourable Shri K. C. Neogy: The import figures are not very alarming. As a matter of fact, it is because of the import control that the import of sugar has been negligible or nil as of late. If my honourable friend permits me, I should like to give him these details in my reply as I have to look up the figures. The actual importation is not any problem for the reason that the import controls operate today. But then it will be realized that the import controls under the general tariffs and trade agreement are not primarily intended for the purpose of giving protection to industry, and such controls can be justified only on grounds of balance of payment difficulties, except in special cases which are specifically dealt with in the agreement itself, and within the terms of which, I am afraid, the sugar industry cannot be said to fall. Therefore, it will be extremely difficult to invoke the aid of the general agreement on tariffs and trade for the purpose of maintaining any effective control on the imports of sugar just for the purpose of giving protection to the sugar industry.

I do not think that I should take any more time of the House. I dare say my honourable friend, Prof. Saksena will raise a few points in regard to the sugar industry and I hope to be able to satisfy him on any point that he may raise and the criticisms that he may offer on our present proposal.

Mr. Speaker: Motion moved:

"That the Bill to extend the date up to which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect, to determine or levy protective duties in certain other cases and further to amend the Sugar Industries Protection Act, 1932, be taken into consideration."

Prof. Shibban Lal Saksena: I have listened with great interest to the debate on the motion made by my honourable friend, Mr. Neogy. He has himself said that the import figures are not alarming but yet he says that the duty is necessary. I have given a motion for the reduction of the period of protection from two to one year. But I must frankly say I would have wished that the period was not extended. Before coming to my reasons for it, I may point out one thing, and that is the importance of this industry to this country. Sir, there are about 150 factories at present in this country. In fact, when protection was given in 1932 there were only 32 factories, and since then number of factories rose to 150 in the year 1943-44; and last year the number of factories was 141. So the number of factories has risen from 32 to 141 today. They employ about two lakhs of labourers and cater for about ten lakhs of others, which means that about 50 lakhs of people in the country are directly connected with the fate of this industry. Also, the Government derives revenue from this industry to the tune of about eight crores in excise duty. Besides about 3 or 4 crores by way of cess; apart from that about 10 crores in the form of income-tax, which increases sometimes; and apart from that, the growers who grow the cane also pay revenue and rent. From this industry the Government derives a revenue of 30 crores. So this is an industry of national importance with which the fate of millions of cultivators and labourers is intertwined, not to mention the thirty-five crores of consumers also. Last year the price of sugar was raised by Rs. 5 and it was also at Re. 1 per seer. How much it was felt by the people is well known. I want the House to give particular attention to this industry which is next only to the textile industry.

I would like to make a survey of the industry during the last 17 years, since 1932, during protection was given. During the first period, that is before the first Tariff Board enquiry in 1937, the number of factories had risen from 32 to 137 and the amount of profits made in those 7 years by the factories were three times the actual investment. That was up to 1937. In the last 12 years

[Prof. Shibban Lal Saksena]

their profits are about 100 crores which means about six times the cost of the investment, so that the amount of investment in the factories is roughly about 18 lakhs. If there are about 150 factories we can say that about 27 crores of rupees is invested. Out of the 27 crores' investment 150 factories made profits. We cannot say that the industry has not done very well.

I have got the report of the Tariff Board for 1947. When the industry wanted further protection at that time there were conflicting views. The Government's spokesman, Mr. Mehta, who was the Secretary of the Sugar Board in the U.P. for several years, stated that it was not necessary to give further protection. Even the sugar merchants were of the unanimous opinion that protection should not be given further. The Board has said that if after fourteen years the industry has not been able to put itself on a firm foundation there was no case for protection. Still protection has been given because it is said that there might be some future danger. I feel that if we do not give protection there would be no harm and the industry would be able to become more efficient and better managed. Even if we were to give protection we should do so on condition. At present when sugar is not imported from outside there is no competition from outside. Apart from foreign competition even internal competition has been eliminated. At present U.P. and Bihar have formed a syndicate. You can say that manufacturers are at liberty to form a syndicate. But this is a syndicate with government support. No factory in U. P. or Bihar can crush a single maund of cane unless the factory-owner becomes member of the syndicate, so that the syndicate is not a voluntary one of the millowners but a compulsory one formed by the Government. That means that the manufacturers have no competition from abroad and no competition from inside also.

This report says that out of 150 plants there are 90 which are not economic units. That means that the syndicate tries to put up the prices in a manner that even the 60 uneconomic units are supported and maintained. That is why the price of sugar is so high. If there was competition from the foreign market the millowners would try to reduce the prices or if there was internal competition it would be better. The syndicate was formed in 1937 and there was no syndicate before that date. The price of sugar in 1937 was Rs. 5/8 per maund. Internal competition reduced the price to Rs. 5/8. Today Rs. 28/8 is the price. If you remove the syndicate I can understand that you save the industry from foreign competition but you should not be pampering the industry. There are some units where due to partition and other quarrels the cost of production is increased. Still the price is fixed in a manner that even they must make a profit. Every sugar factory must make a profit and there is a guarantee for 10 per cent and the manufacturing charges are calculated on the actual expenses which include other charges as well.

The present position is that we have to carry on even the most inefficient units and the faults of the industry are on our shoulders and the country has to pay higher prices. Surely there must be some time limit after which protection should become unnecessary. The Indian Tariff Board has laid down four conditions: 1. That there exists competition from which the indigenous industry requires protection; 2. that the protection required is temporary and could be dispensed with within a reasonable period; 3. that the cost to the consumer arising out of the protection is not excessive; and 4. that the industry is run on sound business lines. Out of these four conditions almost none is satisfied. Just now my honourable friend said that there were imports even though there is protection. It shows that there is not much need for protection. What is the amount of protection today. Today the protection works out at 12/0/3 per maund on sugar if you include the excise duty. The price of sugar from outside has to be reduced to Rs. 15 per maund. Sugar produced in the country has to pay Rs. 2/2 per maund excise duty. That means that if

the difference between the price of sugar internally and outside is more than Rs. 12 then alone can foreign goods come here! Cuba sugar is going to Pakistan, where I am told the import price is Rs. 21. If you add this Rs. 12 it comes to Rs. 33, so that below Rs. 33 you can put any price on sugar. Until last year Cuba sugar could not be brought to Pakistan. For Rs. 33 there is no need of protection. Our sugar is sold at Rs. 29/8. So there is a difference of Rs. 4½ out of the Rs. 12/4 and you could have reduced the protection to something less.

Sir, Mr. B. B. Singh told the Tariff Board that the present protective duties might be used as a sort of bargaining counter at international conferences and that they might be gradually removed later on if circumstances warranted such a course. He feared that if these duties were taken off just now, capital would become shy and there would be absolutely no expansion of the industry either by replacement of the present plants or by the setting up of new factories and that such a step would cripple the industry, in which case the object of self-sufficiency of the country in sugar would be totally defeated.

I do not want just now to ask the honourable Minister to remove this duty or even to reduce it. Two things I want. In the first place the protection should be given on certain conditions. Secondly it must not be given for more than a year. I hope my honourable friend will accept the amendment I have tabled and that we shall be able next year to review the progress that has been achieved and see whether the conditions have been fulfilled. The conditions I want to be fulfilled are firstly that the Syndicate must go. There should not be a Syndicate compulsorily formed by the Government which is a sort of monopoly and which sees to it that prices do not come down and that there is no competition in the country. Therefore the Syndicate must go. Secondly the profit that the industry makes must be evenly distributed. I have told you just now that the industry has made so much profit. But what is the condition of the labourers and the cane growers? If you see the figures you will find that up to 1937, that is before the Congress came into power, the growers were never getting more than 5 annas per maund. Let us say that now they are getting about Rs. 2—this year it is Rs. 1-10 in the U.P. and Rs. 1-13 in Bihar. After the Congress Governments came in the sugarcane grower has got some justice. But what about the labourer? When I went to Gorakhpur as Professor in 1930 I made some enquiries as part of my college work in some of the sugar factories and I found that the labourers were getting Rs. 4 month. That was the state of affairs! After some organisation, and after some hesitation the minimum wage was fixed in 1938 at Rs. 11-6. It was pre-war of course. After that it was Rs. 22-8—just before we came out of jails—a long way after the wage of Rs. 45 to 50 a year that was obtaining. Now, the actual amount of labour cost in the price of Rs. 28-8 of sugar is only Rs. 2 which means only 10 per cent. My honourable friend said that the raw material itself costs about 70 per cent. That comes to 80 per cent and the rest, namely 20 per cent, is the cost of machinery, etc. I wish to say that protection was granted to the industry on the express condition that the benefits will be distributed all over the community. I find that even in 1937 the Committee which enquired into the labour conditions in sugar factories had observed:

"Our attention has been drawn to the fact that many mills employ the greater part of their staff only temporarily for the working season and that the salaries paid are not such as to attract the best men. In Java and other countries and in some mills in India, the staff is mainly permanent and the employment of a permanent staff appears to be justified by the results. We are told that a sufficient number of fully qualified Indians are now available and in our opinion the mills which enjoy the benefits of protection should be under an obligation to employ fully qualified men on adequate salaries."

[Prof. Shibban Lal Saksena]

This is what they said in 1937. I am sorry to have to say that even now the cost of labour is only 10 per cent of the total cost, whereas in other industries like the textile industry it is 60 per cent.

Prof. N. G. Ranga (Madras: General): This is seasonal labour, is it not?

Prof. Shibban Lal Saksena: It is seasonal as well as permanent. About one-third of the labour remains for the whole year for overhauling and cleaning the whole machinery and two-third of the labour is seasonal. So it is partly seasonal and partly permanent. Even the seasonal labour must remain permanently.

Prof. N. G. Ranga: Even that labour?

Prof. Shibban Lal Saksena: They are given an off-season wage which is half in that industry. If the amount of profits which the industry has made during the last 17 years is about Rs. 150 crores when the industrial capital is only Rs. 127 crores it is surely justice that this labour should be paid adequately. Now the Central Pay Commission recommend a minimum wage of Rs. 30 for every labourer plus Rs. 25 towards the cost of living, so that the minimum wage of the Government employees is Rs. 55. In U.P. a Committee was appointed to go into the wages of labour in sugar factories. They recommended a minimum wage of Rs. 30 plus Rs. 2.6 per point of the average index figure on the basis of the figure for 1939 which gives a wage of Rs. 90 per month for the four months during which the crushing season lasts and to give 25 per cent of the wage in the off-season. The amount that goes to the grower is about Rs. 1-11 per maund of sugar and even that Rs. 1-11 is grudging whereas the cost of manufacture is put at about Rs. 6. And sugar is selling now at Rs. 28.8. I therefore say that if the protection is to be continued there must be a Committee which must enquire into the question whether the profits earned by the industry have been evenly distributed, whether the cane-growers have been given a fair deal and whether the sugar workers have been given a fair deal. Unless that is done I do not think there is any case for protection. And the protection should be given on certain conditions and after removing the Syndicate which is a sort of monopoly. You must appoint a Commission to enquire whether the profits of the industry in the last 19 years have been evenly distributed. The canegrowers till 1937 were getting just four and five annas per maund. There are fifty lakhs of people concerned in the industry suffering hardships and what little the growers are getting the labour is not getting any justice. They are denied the benefits even after the Report of the Committee which was signed by the millowners who are not co-operating. If protection is to be continued Government must see that a fair deal is given to all. The consumer must not be made to pay exorbitant prices just to enrich the pockets of the millowners. Last year the price was Rs. 45-8. From the total profits of Rs. 30 crores made I have estimated that rupees nine per maund was the average profit on sugar. Some people have challenged that. I want to present to the honourable Minister these figures from the "Commerce" of the 5th of March 1949. Here is the balance sheet of two companies, Buland and Raza Companies. The Buland Sugar Company had a capital of Rs. 18 lakhs and the profits were Rs. 33,54,283. If a company with a capital investment of Rs. 18 lakhs made a profit of Rs. 33 lakhs according to the published balance sheet I would make it 1½ times.

The Honourable Shri K. C. Neogy: What about the other companies?

Prof. Shibban Lal Saksena: I have studied the whole thing except the Eastern U.P. where too the profits are more than what they usually make in normal years. To those who challenge the figure of Rs. 30 crores profits I would

refer to what the sugar merchants who deal in sugar said. According to them the profit was Rs. 14,30,00,000 in U.P. and Rs. 16,20,00,000 in Bihar, or a total of Rs. 30,50,00,000. The total amount of sugar produced is about 3 crores maunds. If Rs. 8 is taken to be the average profit it will amount to Rs. 24 crores. If an enquiry is held by the Government of India itself about the profits made they will find very interesting figures, and how they have been deceived about the cost of production.

I was glad to hear the honourable Minister for Agriculture saying the other day that he proposes to appoint a Committee which will go into the cost of production and he himself admitted about the huge profits made by the manufacturers. When the industry has made so huge profits there is no reason why protection should be continued. I would not now ask the honourable Commerce Minister not to continue protection for the present, but it should not be done for more than a year. It should be continued for a year so that next year they may be able to come to this House and say "this is the improvement which has been made: these are the methods by which they will increase cultivation". The crux of the solution to the problem lies in the sugarcane cultivation. I can tell you that you cannot compete with the world so long as the raw material is sold at this price. Now you can say that Rs. 2 is a heavy price. You yourself said that 14 tons is the production per acre which means 380 maunds. The actual quantity that each acre supplies to the factory is about 300 maunds. If the price is Rs. 2 per maund it is only Rs. 500 for the 300 maunds. Today the price of wheat and other produce is much higher than that of sugarcane. If you deduct the amount of labour and other expenditure from this Rs. 2 per maund of cane you will find that the profit per acre of cane is much less than that in the case of other crops. I come from Gorakhpur where there are 21 sugar factories which produce about one-fourth of the total production in the country. But in that district there is also large cultivation of rice. Whereas in 1937 these factories could not consume all the sugarcane produced, today there is not enough sugarcane because rice cultivation is yielding more profit to the growers than sugarcane. So, I say that if you really want to put this industry on a stable foundation then you have to do something so that cane cultivation becomes profitable and is on a par with other countries.

While you have said that 40 tons is the production per acre here, in Java there are cases of 300 tons per acre. So we are still producing only 1/8th or 1/10th of that. I therefore want that every effort should be made to develop production. In fact, one of the reasons why protection was demanded by the industrial magnates was that they said that it is the cane cultivation which is mainly responsible for the high cost of sugar. I say it is not true. They have not done anything to help the development of cane cultivation. If you see the way in which they have spent this amount of 33 lakhs profit you will find that about 21 lakhs has gone to the Reserve Fund but not a single pie has been spent on improving the cultivation of cane. A company makes a profit of 33 lakhs, yet.....

Shri Padampat Singhania (U. P.: General): Government should do it. What about the cane cess?

Prof. Shibban Lal Saksena: If out of 33 lakhs of rupees you say 21 lakhs should go to the Reserve Fund and Government should see to the improvement of cane cultivation, I do not agree with it. Government is doing something, as the honourable Minister said. The Government of U.P. is also helping in the matter. My friend Pandit Pant has also set apart Rs. 1 crores for the Research Association and 50 lakhs for housing the workers. But what has the industry done? It has not given a single pie for the improvement of

[Prof. Shibban Lal Saksena]

cane. You say you want to be given protection because the cane-grower is not giving you good cane. But before any protection is given I want that the improvement of cane must be made a condition. The industry must come forward to do something for improving cane cultivation. The industry as well as the Government should collaborate in the matter and see that steps are taken to improve the cultivation so that we are able to produce much more cane than now and of a better quality.

One word about the administration of this industry. I find it falls in three divisions: it is under the Agriculture Ministry, it is under the Ministry of Industry and Supply, and under Commerce. When we come to production we go to the honourable Minister for Commerce, when it is something industrial we go to Mr. Syama Prasad Mookerjee, and the rest of the whole thing is in the hands of the Agriculture Minister. I do want that there should be some co-ordination in this industry.

The Honourable Shri K. C. Neogy: There is.

Prof. Shibban Lal Saksena: Then I find there is an Indian Central Sugar-cane Committee. On that there is not a single representative of the Ministry of Commerce or of the Ministry of Industry. Though there are altogether 45 members on it, neither the Commerce nor the Industry Ministry is represented. Besides, labour is not represented on that, and even this House which is so interested in the welfare of this national industry is not represented. This Committee should be more representative; it should have representatives from all these sides so that we can co-ordinate its activities and have some scheme for development.

So far the U.P. and Bihar have been trying to co-ordinate their policies and evolve a scheme for cane prices, for labour etc. I want that in the case of this industry whatever is done should be done on an all-India scale. There must be planning for the industry on a country wide basis. Whatever rates are fixed for labour or whatever prices are fixed for the cane, they must be the same all over the country so that there may not be any complaint from various sectors that here we are paying too much and there they are paying too little. In fact, my suggestion is that we must fix a minimum price for sugarcane which should be such as to yield to the cultivator sufficient profit for his pains. Secondly, Government must fix the minimum labour wage which should be a fair wage. After that, let them leave the price of sugar to find its level. If the minimum for cane is fixed and if the minimum for labour is fixed and the manufacturers are left to have their own way, I am sure prices will come down, efficiency will increase and there will be a tendency towards bigger units to improve efficiency. Those that are efficient will remain and those that are not will go out. We shall not be burdened with carrying these people on our head always. But if you continue to guarantee the price with a minimum profit, there will not be any improvement whatsoever. Therefore I say that you must guarantee a minimum sugarcane price and a minimum price of labour and then the producers will find their own price. The Syndicate will then be broken. If you give them a guaranteed price they shall never improve and they shall never be able to compete with other markets.

These are my suggestions and I hope next time the honourable Minister will not come to us for asking for protection for this industry. With these words I support the motion. I have moved an amendment which seeks to reduce the period of protection from two years to one so that next year we may again have the opportunity of discussing the question.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar)].

Shri B. Das (Orissa: General): Sir, last year when my friend Mr. Gadgil brought forward the very Bill, I never expected that the Government will adopt further dilatory methods and will ask us to grant protection to the sugar industry for another two years. Knowing my friend the honourable Mr. K. C. Neogy and having worked under his leadership on the floor of this House, I am surprised at the policy of protection that he indicated today, that industries must be protected at any cost to the consumer and at no benefit to the country.

Last year most of the speakers pointed out that there were no reports available in the library. Even the Interim Chetty Committee's recommendations on the sugar industry were not available to us last year in the library. Although I find it was published on the 3rd May 1947, it was not available in the library last year when we discussed this Bill on 23rd March 1948. And we are discussing it again today the 24th March, 1949. My honourable friend Mr. Neogy also said that this subject has been examined to a certain extent by the present Tariff Board, and he seemed to have read out some of the conclusions of that Board. I have been hunting the Library to see if the Commerce Ministry has sent a copy of these suggestions or conclusions of the Tariff Board, but I have found none. With the knowledge that we possess, I have come to the conclusion that sugar industry needs no protection. The Chetty Committee pointed out that the imports had been nil. I do not like that. That Committee pointed out that our manufacture of sugar is 11 million tons in 1942-43 and there has been no import by 1945-46, of Java sugar or Cuba sugar. Sir, the predecessor to our present government wanted to give discriminative protection, I do not know what the present government wishes to do. I hope the honourable Shri Neogy will clarify the position, and tell us what is their intention.

Sir, sugar is not an essential commodity, and if it is not an essential commodity, a certain degree of competition will enable both the industrialists and also as a corollary, the agricultural labour to cry halt to their incessant demands, one wanting larger and larger profits for the money invested, and the other wanting larger and larger wages. We do not know where Prof. Ranga and Prof. Saksena—both professors of eminence, will stop.

Sir, why is there no incentive on the part of the sugar industrialists to reduce the price of sugar? It is because there is no competition. Look at Pakistan. I am told Pakistan is selling sugar at Rs. 18 per maund. Is that so Professor? (Prof. Shibban Lal Saksena: "Rs. 21".) I was told this morning that the price there was Rs. 18 a maund. And we are here selling it at Rs. 32 a maund. Sir, if there is a certain quantity of sugar imported—I know Java cannot send us any, but Cuba can supply us some—then the manufacturers who think they are controlling the Government in the matter of sugar, they will be chastened and they will reduce their cost of production, and try to increase their efficiency. Of course, I must say that the Commerce Minister has pointed out that they have raised the yield of sugar from 8.5 per cent. to 10.3 per cent. At the same time, the honourable Commerce Minister will find that there is a slackness on the part of Indian manufacturers in making experiments to increase the yield of sugar from the sugarcane.

Sir, talking on behalf of the people, sugar, I must say, has not benefited any. It is all carbo-hydrate. From the point of view of their health, it does not benefit the people at all. How much sugar do we consume? It is only

[Shri B. Das]

A few educated people who use it,—in tea like me and in coffee like you, Sir. And the richer classes consume a lot of sweets. But the poor masses, what they want is gur, although the price of gur too has gone up, thanks to the higher wages of labour. Therefore, we need not bother about self-sufficiency in sugar in India any more. If we do that, then the industrialists will make no effort to reduce the cost of production. Sugar has had protection from 1934 which has made the consumer pay a protective tax coming to a total of Rs. 11-11 1/2 for a hundred-weight. That is a burden on the consumer and not on the producer. Therefore the manufacturer of this particular article has no sympathy from me. Why my honourable friend Mr. Neogy shows such sympathy for them, I cannot follow. He also talked of increasing the excise duty from 4 annas to 8 annas.

The Honourable Shri K. C. Neogy: It is not an increase of excise duty. It is an increase in the amount of grant made by Government to the funds of the Sugar Committee.

Shri B. Das: I do not know who manages that Committee. There is then that misnomer—the Imperial Research Institute. Very little work is being done there.

Prof. N. G. Ranga: Question. If that is your opinion about the I.C.A.R., God save us.

Shri B. Das: That is my impression. Professor Ranga will please wait and read the report of the Economy Committee. He will find out that the Imperial Council of Agricultural Research itself is doing no research work, but only wasting money which has not benefited the people at large. If you think development of research will lead to efficiency in the industry, and that the results will permeate the hard skin of the industrialists and make them reduce the cost of manufacture, that will never happen. It will never happen. And why should the consumer be made to pay more just to make India self-sufficient in sugar, a commodity which is consumed by only ten to twenty per cent. of the population of India? If that is the principle of the Government, if that is the system that the Government of India would adopt, I may point out that we are not self-sufficient in steel. We are not self-sufficient in a good many other things. You may as well have high tariff-walls as the U.S.A. but do not say that we shall have a high protective duty.

I have fought against the consumption of foreign goods. But those days are over. Today in the light of the newly won freedom that we are enjoying, I think there should be competition in every industry through imports, so that the industries may stand in proper competitive condition with even Holland and Indonesia.

I listened most attentively to Prof. Saksena. If nationalisation is the order of the day, I can have sympathy with what he said. But I do not think that the provincial governments at every stage should come to the succour of the agriculturists at the cost of the industrialists or at the cost of the Government of India. If Provincial Governments failed from 1934 onwards to ensure to the agriculturists the price recommended in the Tariff Board's Report—8 as. per maund—it is not the fault of the Central Government. It is not the fault of the Centre alone. If the industrialists mulct the agriculturists with all sorts of chicanery and dirty tricks, well, that is a thing that has made the sugar areas of U.P. into socialist areas, into socialist followers of Professor Saksena. They may make them communists, unless we are very careful, unless the industrialists are very careful.

Sir, all these things lead to one conclusion. I have examined the subject I have analysed it, and I have come to the conclusion that the sugar industry needs no protection. If last year his predecessor, the honourable Mr. Gadgil wanted an extension of one year, why does he want an extension of two years now? Does he mean that in the next two years, conditions will be so restored in the country side that the agriculturists will be compelled to accept a lesser price, not the economic price, but the price which will enable the sugar manufacturers to produce sugar at a lesser cost? They are very inefficient; they have put in very large capital and even in the day to day maintenance of these sugar factories they continue to be inefficient. All these plans have landed them to the condition of inefficiency that we find they are in today. I do not know where the sugar committee exists and how it functions. This is a British pattern handed down to us, which make the industrialist stew in their own juice. It is time that my Government should adopt what should be our protective policy. How can we expect this Sugar Committee to make experiments and research, when the Committee itself consists mostly of these sugar manufacturers? They may want more profit, but they cannot apply their minds impartially to the ideas of research and reduce cost of production. They are fighting with each other as to how to get more profits. Have they applied their minds objectively so that more sugar can be produced and improvement can be made? Unfortunately whether it is the sugar manufacturers or cotton mill-owners, none of them have in mind any desire to manufacture the plant and machinery that they require for cotton mills or sugar mills. When there is no technical brain fostered for development of efficient processes in plant or process of manufacture, how can we expect a few chemists at the beck and call of this Sugar Research Board to increase production.

This is kind of bureaucratic mentality and the processes invented by the Bureaucracy to satisfy Members and questioners in this House and outside will not be allowed to be continued and will not produce the desired result. Though Japan is destroyed and though Indonesia is being assailed by the Dutch power, let us go to Cuba and find out how they are producing sugar at such cheap rate. I wish to know from my honourable friend, the honourable Minister of Commerce if any Government delegation was sent to those countries where sugar is produced at such cheap rates and why our sugar plants cannot produce? Sometimes the plant were borrowed, of course, at a high price from England and other countries; they were the most inefficient type of plants that were sold to India.

Sir, I do not wish to touch on many points in the Bill except make a few remarks. There are three new items of protection which my honourable friend, the Commerce Minister said were introduced for the first time last year and that in certain other matters we need not think of protection so much as the quantum of protection. If there is not a quantum of protection for a period of years, it is no use our feeling self-satisfied that India is giving tariff protection for development of industries. It is better to adopt the method of granting subsidy to the industries for development. Let us now turn a new leaf and not follow blindly what the British Government did in the past. Let us grant to particular industries some kind of subsidy and instead of that we are creating protective tariff which will create unnecessary hardship to the consumers though perhaps it balances the budget, and it is the consumer that always suffers, and as I am always a consumer, I strongly protest and I ask my Government and particularly the honourable the Commerce Minister who has a great deal of knowledge of these matters.

The Honourable Shri K. C. Neogy: Then who will pay the subsidy?

Shri B. Das: You can do it by income-tax and various other methods of taxation. I am not going to allow it to be an indirect tax on the consumer. Today the consumer suffers more. Nobody thinks of the consumer and though we are supposed to have abolished the salt tax, we are putting more and more indirect taxes on the consumer and it should not be allowed.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Shri M. Ananthasayanam Ayyangar (Madras: General): A list of 30 industries has been placed before us, some of them for the purpose of continuing the protection already granted, others for the grant of new protections, yet others for restricting the protection granted and the last for the discontinuance of protection. I do not know how much the total burden which will be placed upon the consumer will come to if the recommendations are granted and protection given. I made a rough calculation and found that so far as the sugar industry alone is concerned, about 10 to 12 crores. will fall on the consumer.

Sir, each one of these industries was placed before the Tariff Board and it sent in its recommendations. But so far as we are concerned, it is physically impossible for us to go through in detail this list of 30 items, each differing from the other in respect of this claim for protection. I should think that more time should have been given to the House for the consideration of the claims of these industries in detail to find out whether in any particular case the industry seeking protection is likely within a reasonable period to stand on its own legs and whether there are facilities for raw materials, labour, etc. for it to develop. These and other circumstances have to be considered before we decide to grant protection to any industry. Otherwise it may mean that the protection now granted may be only the beginning and there may be claims coming for perpetual protection.

As it is, we have no means of knowing whether the conditions under which protection is to be granted have been satisfied by the industry seeking protection. And in cases where a renewal of protection is sought to be made by a motion before the House, we have no means of knowing how far that industry has justified the protection already granted and whether steps necessary to make it stand on its own legs have been taken by it enabling it to face world competition. We must have all this information. Detailed information on these points with respect to each one of these 30 industries is necessary. I am glad the honourable Minister circulated to us, three or four days ago, a tabular statement or abstract showing the grounds on which protection is claimed for these industries, together with one or two annexures containing some information for honourable Members in regard to this matter. But I wanted to see the original report of the Tariff Board and looked for it in the library. I could not get it. If the honourable Minister has placed it on the table of the House and if it is the mistake of the Librarian that I could not get it, I do not complain. Like me, my honourable friends Mr. B. Das and Professor Saksena were also not able to get at the original report of the Tariff Board recommending the continuance of protection for sugar industry for a couple of years more.

Mr. Speaker: Is the honourable Member referring to the latest report of the Tariff Board?

Shri M. Ananthasayanam Ayyangar: Yes.

Mr. Speaker: Was the latest report of the Tariff Board printed?

The Honourable Shri K. C. Neogy: No, Sir. As a matter of fact the report was received very recently. The Tariff Board sent down their recommendations in advance in anticipation of the report in view of the fact that the existing protection would expire on 31st March.

Mr. Speaker: That explains the absence of a copy of the Report in the Library.

Shri B. Das: But why does he not place the recommendations of Tariff Board in the Library?

Mr. Speaker: The Report is a different thing altogether. Mr. Ayyangar was referring to the report not being available in the Library.

The Honourable Shri K. C. Neogy: The recommendations have been tabulated and supplied to honourable Members.

Shri M. Ananthasayanam Ayyangar: I believe, when there is a proposal to continue protection to an industry, we should know what the chances of that industry establishing itself firmly are and whether they would not be coming up again for more protection. We have not got information on these points. Now, therefore, if copies are not available, at least the original might have been placed on the table of the House to be taken back after use. So long as the Assembly lasts and the Government lasts, industry after industry will be coming up for protection and for more protection. That is why I made the suggestion for the consideration of the honourable Minister, so that the Members may not be handicapped. As we are told that the Tariff Board report was received only recently and as the Government itself has not in all cases accepted the Tariff Board report, we should have been given at least extracts from it. If the Government have the right to differ from the Tariff Board on occasions, does the honourable Minister expect that we alone, of all people in the world, have no right to differ from the Tariff Board? If the Government accepts it, I must accept the report. If the Government does not accept it, I must accept the Government's report. If that is the position, I have no place in the Assembly.

The Honourable Shri K. C. Neogy: I may mention, Sir, that this matter was placed before the Advisory Committee attached to this Ministry and the proposals were approved by that Committee.

Shri M. Ananthasayanam Ayyangar: I am glad. That note also might have been circulated to us. But I do not know if my honourable friend placed all these matters—every one of these items—before the Advisory Committee or only one or two items.

The Honourable Shri K. C. Neogy: The whole Bill.

Shri M. Ananthasayanam Ayyangar: The whole Bill has been placed before the Advisory Committee. I am glad that step has been taken. (An honourable Member: 'When?') It must be after the Tariff Board report has been received, because the Bill is based on the Tariff Board report or the

[Shri M. Ananthasayanam Ayyangar]

Government Resolution upon the Tariff Board report. I accept whatever has been done. But still the Advisory Committee is only a sub-committee of this House. We must also have an opportunity. What I am suggesting is this. As soon as the Government Resolution was made—I do not know when it was done—at the beginning of the session, a motion for reference to Select Committee ought to have been made and the members of the Select Committee might have leisurely looked into this matter.

Mr. Speaker: As I have understood the position, the Tariff Board report is still awaited. (*The Honourable Shri K. C. Neogy:* 'Yes.') And as they are not able to place their full report before Government before 31st March, 1949, they have sent an abstract of their recommendations only to Government.

The Honourable Shri K. C. Neogy: That is the position.

Shri M. Ananthasayanam Ayyangar: No, Sir. The difficulty is this. These protections expire on 31st March. Last year, you were here and you may remember how we fought over this matter. Just at the fag end of 31st March these protections expire and this happens every year.

Prof. N. G. Ranga: Last year the same thing took place.

Shri M. Ananthasayanam Ayyangar: Last year the same thing took place, the year before last the same thing took place. Likewise it goes on every year. When are we to settle these things? I am sure the honourable the Commerce Minister would have bestowed all attention and the other members of the Advisory Committee also would have brought to bear their intelligence and discriminatory judgment on this matter, but each one of us, before we give a vote upon this, must to some extent be satisfied. If I go out and I am asked, I have merely to say that I have confidence in the honourable Minister, so I voted. When I do so, I am not credited with any kind of standing in this House. Therefore, as soon as the Bill was ready—at any rate, if the Bill was not ready he should have got it ready—he should have moved for reference to Select Committee. I am not prepared to accept these excuses. If it is not possible within the 31st of March to get the Bill through, there is the Ordinance-making power. They issue so many Ordinance. They may issue an ordinance continuing the protection. But when they do come here, they must satisfy us as to how we are called upon to vote on this Bill. I tell you, it is not merely academic. For instance, my honourable friend Prof. Shibbanlal Saksena wants that instead of two years, it should be only one year. That is one point. Number two, what is this quantum? I will presently show you.

Cuba sugar is selling in Pakistan at Rs. 21 or thereabouts—I am not giving the annas and pies—but roughly it is Rs. 21. We are selling at Rs. 28. Our excise duty is Rs. 3/12/-. Now Rs. 28 minus Rs. 3/12/-, it comes to Rs. 24 or so roughly. Thus between Cuba sugar and our own sugar, we have Rs. 4. Now, at the rate of Rs. 4 per maund, on this sugar that we produce in this country, the yearly profit is Rs. 10 crores. I do not agree with my friend Mr. Das when he says that sugar is not a necessary article.

Babu Ramnarayan Singh (Bihar: General): Certainly not.

Shri M. Ananthasayanam Ayyangar: When he falls ill, I am sure he would not go to sugar, but Glucose probably. Therefore sugar is one of the items which is very indispensable. As soon as a child is born, honey is given to the child. What is carbo-hydrate? It is the very heat to burn this body until death.

An Honourable Member: Sugar water is also given to the child.

Shri M. Ananthasayanam Ayyangar: Therefore, it is meaningless to say that sugar is not a necessary article. Sir, why I am particular about this is, when we are producing so much sugar in the country our intake is very low. These 140 and odd factories there are, some of them are running, many of them limping. According to my friend Prof. Shibbanlal Saksena, 91 of them are limping. What is our intake? Let us see. Our *per capita* consumption was 6.2 lbs. in the year 1931-32. When protection was given, they produced a little more, but gradually in 1944-45 it came down to 5.9 lbs. per head per year. Now, let us see the comparative figures. U. K. the intake is 106 lbs. per head per year. United States 97 lbs. Australia 116 lbs.

Shri M. Tirumala Rao (Madras: General): They are eating too much of chocolates.

Shri M. Ananthasayanam Ayyangar: If we eat, we would have grown patagonians, at present we are pygmies. Cuba 88 lbs. Japan 33 lbs. Union of South Africa 47 lbs. Netherland 64 lbs. It might be said that we are eating *gur* also, but it not so good as you think.

Prof. N. G. Ranga: *Gur* the best; they call it *good* instead of *gur*.

Shri M. Ananthasayanam Ayyangar: In regard to that in 1931-32 it was 17.2 lbs. per head. It has gone up to 24.1 lbs. in 1944-45. *Gur* and jaggery both combined we have 30 lbs. per head.

Shri H. V. Kamath (C.P. and Berar: General): How much honey?

Shri M. Ananthasayanam Ayyangar: Honey is money and when there is no money we are not able to get honey. My friend is still a bachelor; if he were married, he would not be talking of honey, but he would be talking of salt and *kanji*. Therefore, that is unfortunately the position in which we are. Is it for merely satisfying these 140 and odd people that we should pay rupees ten crores a year, when every man, woman and child in the country is going without sugar, not from 1932 but right up to 1949? There is a temple in my place. At the top of a hill, it is situated. When we take a child up the hill to the temple, we tell the child, "The temple is here, it has come"—well, it may not have started, still we say, "It is near, it is near." Likewise, I am not talking of my friend the honourable Minister: he is absolutely innocent; I am talking of the industry—they started getting protection in 1932. In 1938 there was the Sugar Industry Protection (Temporary Extension) Act; again in 1939; again in 1941; then in 1942; then in 1946; then in 1947; then in 1948. Every year, it is limping. Every year, we are seeing the industry is befooling us saying "Tomorrow, tomorrow" and tomorrow never comes.

Last year, as soon as the control was removed, the gentlemen in the industry behaved in such a manner that the prices soared up. Government had to intervene; they—the industry—said one thing and another; therefore, Government with its force had to come upon them. The entire capital invested in this industry is Rs. 27 crores. As against this Rs. 27 crores, my estimate is that the total divisible profits including depreciation etc. must have come to Rs. 30 crores. This is one industry which is very well established, barring only the textile industry where practically cent. per cent. profit, almost equal to the capital at charge, is realised every year from the public.

[Shri M. Ananthasayanam Ayyangar]

Now, what are the steps that have been taken to improve the industry? Either the honourable Minister, or the industry or the Tariff Board should have given us information about the steps that have been taken in improving sugar cane production. What is the labour, the machinery, the prospect of this industry becoming self-sufficient in a short time, and so on. If that had been done, I would have been satisfied.

Let us take one after the other. So far as sugar cane is concerned, in this country in an acre the yield is 300 maunds. In other countries, let us take Japan, the yield is 3,000 maunds per acre. Now, what are the steps that are being taken to improve the yield? The industry is responsible; it is not as if it is irresponsible. Researches must be made; it cannot merely say, I am producing more or trying to produce more; but it must bear the burden of all this. I would not allow Cuba sugar to come here and I would not allow any competition from outside. No such steps have been taken.

Shri M. Tirumala Rao: How is the industrialist responsible for the agriculturist's default?

Shri M. Ananthasayanam Ayyangar: Well, industry must depend upon its raw materials. My honourable friend will kindly bear with me—he has himself voted for this—did we not vote that so far as raw materials for industry are concerned, every concession ought to be shown for raw materials—needed for industry? There is the imposition of taxes. The customs duty is reduced. Priority is given for them. The rates and fares are not so heavy for them, in inland traffic as in respect of other matters. We are taking every step to see that materials are given to the industry as cheap as possible and as quickly as possible. Isn't it their turn to see that they should help with the raw material or, is it that he must lie flat on his back and we must carry this with us from the beginning to the end? It appears that he is neither dead nor alive. Either he must stand or walk. Can you see any boon here other than in the war years? War itself is a piece of production. From Cuba no sugar came and from Java no sugar came as well. If during the war you make capital profit and during peace time you want protection, when is it all to end? Even an opportunity is not given to me in this House to understand the position. Let me know why I should vote for this? All right, I will get Java sugar. The other alternative is that I will take charge of this essential commodity also. I urge Government to take over all these commodities. After all the present worth of these factories, though originally, costing Rs. 27 crores, may not be more than Rs. 13/14 crores.

Shri B. L. Sondhi (East Punjab: General): What about the growers?

Shri M. Ananthasayanam Ayyangar: They will combine themselves into co-operative societies and would not be dependent on myself or Mr. Sondhi! This is a co-operative commonwealth. With regard to every small endeavour that is taking place in this country, the capitalists are not subscribing to our loans and they are forcing us to go down on our bended knees and if things continue like this I say that by the end of a year there will be a revolution in this country. This is only an experimental stage. We have come to the end of our tether in every department. But one industrialist feels that he is the best man and he dictates terms to the rest. We must cry a halt up to a particular date. I want however to be assured that he has done his best but *prima facie* he has not improved. Unfortunately, my friend and colleague, whom I can ill afford to lose, commenced to starve and die along with the labour. Fortunately he has been saved.

Mr. Hossain Imam (Bihar: Muslim): Against himself!

Shri M. Ananthasayanam Ayyangar: Yes, against himself. I think I have said enough so far as this industry is concerned. I am satisfied that the industry has not justified the continuance of protection. Whatever you might think in the interest of the community might be different; but the industry has not justified itself in coming up to us. One of the materials before any conclusion can be arrived at has not been justified. I would refer to column 8, of the second annexure, regarding sugar where the percentage of profit allowed is "not available". What then is the percentage of profit allowed in this country? And if it is not available to the honourable the Commerce Minister, how can he expect us to see it?

It is a case of the blind leading the blind. I say it is cent per cent blindness. Is he in a position to challenge that it is not so? Therefore, it is rather strange that one of the most organized industries does not prepare to place statistics before Government. It wants to play a game of hide and seek and before the end of 31st March, run up and catch hold of this man or that and plead that unless something is done the country will sink along with you. I would rather sink one day and get rid of this nuisance. Therefore, I would say that these people have not pleaded properly with us. It is unfortunate for our fate is linked up with their fate. Therefore, ungrudgingly I am prepared to support my honourable friend, Prof. Saksena to reduce the period and within less than six months if it is possible, we must have some report as to how they have planned to progress and within a year how this can be stabilized, otherwise there will be an attempt for a review. I would urge upon the Commerce Minister to consider the sterling aspect. A Committee of the House was appointed and the Standing Finance Committee was asked to watch events. Mr. T. T. Krishnamachari was taken to England with the honourable the Finance Minister. Then emerged the International Monetary Fund. The Committee was asked to report how we should link up with this Fund. I would like to urge upon the honourable the Commerce Minister and the Members of the House to appoint a Standing Committee of this House, apart from the Standing Committee for Commerce and Industry to review all cases of protection. The Tariff report must be placed before them. This is a matter which has to be watched from time to time. It may be we give protection up to Rs. 6/12/- but during the course of the year it may be too much. Therefore instead of depending on departmental officers' advice or the Members of the House, who will take the ultimate responsibility, this policy will be welcomed. It is not too late yet. We are organizing Standing Committees in various departments. As we have a Standing Committee for Railways and Transport, or an Advisory Council, some such body may be set up for this also.

I agree with my friend, Mr. Saksena, that today, on account of protection, we have a monopoly from foreign competition. There seems to be a syndicate here. The sooner it is liquidated the better. At a time when there is unfair and unhealthy competition, cutting one another's throat and reducing prices, the industry may have to be saved against itself, and the people today have to be saved against the industrialists. Therefore, there is no longer any need for a syndicate inside the country and there should be no fear of healthy competition so far as the producers, or industrialists or factory owners are concerned.

If you refer to page 1 of the annexure, the Tariff Board has, in regard to Sericulture, come to the conclusion that the protection will have to be extended

[Shri M. Ananthasayanam Ayyangar]

though they have not yet determined the actual quantum of protection required. It is therefore proposed to continue the protection until the 31st March 1951 as in the case of artificial silk. I do not know whether it is meant that the same quantum of protection will be continued till 1951 or whether meanwhile we will vote for continuance of this protection. Immediately after the tariff board makes a recommendation that the same quantum of protection need not be given, is he going to reduce? He may reduce and confine the protection only to that limit as required by the Tariff Board.

In the early para he deals with artificial silk and artificial silk and cotton mixed fabrics. The Government held that since the artificial silk industry in India was in its infancy, the protective duties on these articles should not be removed without a full enquiry. The duties on them have accordingly been continued by yearly extensions and are due to expire on the 31st March 1949. In accordance with the recommendations contained in the present report of the Tariff Board, it is now proposed to extend the protection up to 31st March 1951. This is a case where the Government disagreed with the recommendations of the Tariff Board so early as 1948 about there being no more protection. They said that on account of its infancy the position had to be reconsidered. Now they say that protection has to be extended up to 1951. Assuming that there is a ground for protection the question is whether the full quantum or a reduced quantum of protection ought to be given.

There is one other point. When the Tariff Board recommends that protection is not necessary for a particular industry we accept it in the normal course. But what is the meaning in saying "I have given up protection in accordance with the recommendation of the Tariff Board but I will continue the same duty as a revenue duty"? Why give it another name? The industry gets that amount of protection all the same. I may be wrong: I may not be an expert in the matter. I am only judging from the papers placed before me and I have drawn this conclusion.

Then there is item 4, Magnesium Chloride. It is stated:

"In accordance with the recommendation of the present Tariff Board which has reviewed the case, protection to the industry will be allowed to lapse after the 31st March, 1949. It is proposed to maintain the existing rate of duty as revenue duty."

Whether it is a revenue duty or a protective duty does not matter as long as the internal price of the commodity is at the same level. What is the justification for this? We have got no answer or remarks.

Shri T. T. Krishnamachari (Madras: General): More money.

Shri M. Ananthasayanam Ayyangar: Call it then a protective duty and satisfy the other man also. Revenue is taken care of by the Finance Ministry but do it in regard to something else.

Page 4, item 13 relates to non-ferrous nickel alloys. With respect to this they say "The Tariff Board has been consulted." In another place we find that the "Tariff Board has recommended". Here the Tariff Board has not recommended but has been consulted. It's a third expression but does the Government agree or not.

In conclusion I would submit that such matters ought not to be allowed to pass without greater scrutiny. The normal procedure that is adopted with

regard to certain very old industries is to refer the Bill to the Select Committee early in the session, so that we may have an opportunity to sit leisurely, study the report and express ourselves either for or against. That opportunity must have been given here. I would therefore request the honourable Minister to take these matters into consideration. Merely because it is said for a year or two let it not be understood that it should run the period. Just because it is said it is Rs. 6/12/- let it not be that much always all through the period of protection. We will have to be ever vigilant. I would urge upon the Minister to come and report to us in the next session as to how this has worked. Even with respect to this there must be an annual report to the House as to how far it has been justified. The Tariff Board does not report to us but to the Government. I hope the honourable Minister will place the matter before us and hear the various points of view so that we might see where we stand as far as protection is concerned. Otherwise, Sir, I support the motion.

Shri Prabhu Dayal Himatsingka (West Bengal: General): Sir, I support the motion moved by the honourable Minister for continuing protection for some of the industries as mentioned by him. I find that the sugar industry has been subjected to a good deal of criticism. I think there are grounds for misapprehension in the minds of various Members unless the facts are properly placed before them. Honourable Member Prof. Saksena has placed various facts and figures to show how sugar was selling at Rs. 5/8 a maund in 1937 and it is now selling Rs. 28/8. We have to consider the facts leading to this position. In 1937 sugarcane was selling at about four or five annas per maund. Now the Provincial Government has fixed the price at Rs. 1/13. Therefore the price now is about six times what it was in 1937. That price has been statutorily fixed by the governments of the provinces where sugar is being mainly manufactured. Over and above the price of Rs. 1/13 there is a cess of three annas imposed by the provinces, which is to be utilised for improving the yield and so on of cane. So a maund of cane costs Rs. 2 in Bihar. He has also given the figure that the yield from sugarcane is about 9.8 per cent of sugar. Roughly therefore you require 10½ maunds of cane for producing one maund of sugar. Taking Rs. 2 as the price of sugarcane Rs. 21 is the cost of the sugarcane alone. Add to that Rs. 3 as duty. It comes to Rs. 24. Prof. Saksena has also said that the cost of labour comes to 10 per cent. Taking Rs. 28/8 as the price I will put the cost of labour at Rs. 2/12.

Shri M. Ananthasayanam Ayyangar: The price of sugarcane today is Rs. 1/10 a maund.

Shri Prabhu Dayal Himatsingka: It is Rs. 1/13 in Bihar and 1/10 in U.P. So sugarcane itself as I said costs Rs. 21. Rs. 3 is the excise duty which takes it to Rs. 24 and taking Rs. 2/12 as the cost of production and labour the total cost comes to Rs. 26/12. The price of sugar is fixed by Government at Rs. 28/8, which leaves a balance of Rs. 1/12, and this covers depreciation and other charges. As a matter of fact the control that is at present exercised is more for the benefit of the agriculturists producing cane than for the industry.

In fact the Sugar Syndicate also is being maintained so far as I know, against the wishes of the industry generally. The major portion of the industry wanted this syndicate to be scrapped. They do not want these controls at every stage by Government. The industry will be glad if the U.P. and Bihar Governments agree to scrap the syndicate and leave the whole thing to free trade. Do not fix the price of sugarcane, leave it to free competition and let sugar also come from outside. But so long as you exercise control over the

[Shri Prabhu Dayal Himatsingka]

price of cane, over production, distribution and labour, necessarily protection comes in. At present the wages for labour have been fixed. It was formerly about Rs. 30 and now it has risen to 90. (An honourable Member: 'It is Rs. 55.') What about dearness allowance? I suppose it is included in the Rs. 55. At every stage the two provinces of Bihar and U.P., where most of the sugar mills are situated are exercising control and fixing the price of the sugarcane, labour and other charges, which practically takes away Rs. 26 and some annas per maund. Therefore you cannot expect sugar to sell at less than that. If you leave it to free competition I am sure a number of mills may come to grief and will go out of existence. Some of the present managing agents will go out of existence. Some of the mills are not on an economic basis and they will not be able to stand competition but those in the industry who run economic units and whose management is efficient will certainly be able to stand any competition. They will not need any spoon-feeding any further. But that only can be possible if you take away this control at the different stages exercised by the government.

At present what is the position. The Tariff Board was asked to make enquiries and report to the government as to the necessity or otherwise of continuing protection. The Tariff Board finds it difficult to be able to make any report that will be worth anything because of the want of data. At present there is no sugar import. They do not know the cost of production and therefore they have said that they are not in a position at present to make any recommendations based on definite facts. Therefore the Government has thought fit to extend the period of protection for a small period, pending the Tariff Board making enquiries and giving their definite suggestions. That is therefore the position as regards the price of sugar at Rs. 28-8. The total production of sugar at the present moment is about 10 lakhs and odd tons which comes to about 3 crore maunds. Therefore the figure that the industry is making Rs. 30 or 40 crores profit per year is on the face of it not correct because you cannot make a profit of Rs. 10 when the margin is only Rs. 1-12 that is left after deducting the cost to the grower, the cost of excise duty, the cost of labour—not to speak of depreciation and other charges.

Prof. Shibban Lal Saksena: What have you to say to the figures given in the "Commerce"?

Shri Phabhu Dayal Himatsingka: I do not know to what my honourable friend is referring. The facts are so clear that it does not leave any room for doubt that the profit cannot be on the basis of Rs. 10 per maund. When the balance between the price of Rs. 28-8 and the different costs which I have shown which come to Rs. 26 odd is only about Rs. 2, how can a profit of Rs. 10 per maund be made? You cannot add Rs. 8 to the profit when only Rs. 2 is left.

Babu Ramnarayan Singh: What is the profit according to you?

Shri Prabhu Dayal Himatsingka: At the present moment the profit I think will not exceed eight annas per maund. I have got the Investor's Year Book and I will take off hand a number of sugar mills which have given the figures. Dividend generally is not more than eight annas per share of Rs. 10. I will take a number of sugar mills mentioned here—Sitalpore, South Behar, Samastipur and New India. All of them are in Bihar. I will give figures for ten years which are quoted there. Sitalpore Sugar Works—its investment was Rs. 26 lakhs in the year ended June 1938. It made a profit of Rs. 79

thousand in 1938, Rs. 53 thousand in 1939, Rs. 35 thousand in 1940, Rs. 1,55,000 in 1941, Rs. 1,09,000 in 1942, Rs. 1,99,000 in 1943, Rs. 1,13,000 in 1944, Rs. 56 thousand in 1945, had a loss of Rs. 2,200 in 1946, made a profit of Rs. 45 thousand in 1947.

An Honourable Member: What is the figure for 1948?

Shri Prabhu Dayal Himatsingka: The figures for 1948 are not here.

In South Behar Sugar Mills in 1937 they had a profit of Rs. 3,32,000; in 1938 Rs. 3,74,000; in 1939 Rs. 2,53,000; in 1940 Rs. 3,69,000; in 1941 Rs. 3,53,000; in 1942 Rs. 1,63,000; in 1943 Rs. 35,000; in 1944 a loss of Rs. 2,43,000; in 1945 a loss of Rs. 2,76,000; in 1946 a loss of Rs. 2,50,000. It is not therefore, a profit all along. The Samastipur Company is under the management of one of the best managing agents. Other companies also show a similar story of different profits in different years and not profits all along as suggested by my friend Prof. Shibban Lal Saksena.

Shri Lakshminarayan Sahu (Orissa: General): How much are the managing agents taking?

Shri Prabhu Dayal Himatsingka: They take from the profits a certain percentage. (Interruption). Of course in some of the companies they might be charging on the amount of sugar produced per maund or something like that. But these companies that I have mentioned charge commission on the profits that the company makes. Therefore their, the managing Agents, profit is based on the profits the company has made. If my honourable friends want, those figures are also there.

What we have to see is whether we should condemn the industry as such or look at the proposition from the point of view of giving help if it needs. As I said, the industry will be too glad if the different kinds of control are removed and if it is allowed to have a free existence. They will not mind it. But if you exercise control at a certain stage you must necessarily give it protection so that it will be able to pay the amount of price that has been fixed by Government. Why is this price so high? The sugarcane yield per acre in India is about 14 tons whereas in other countries it is as much as 62 tons per acre.

Shri T. A. Ramalingam Chettiar (Madras: General): The yield of 14 tons is only in Bihar and U.P.

Shri Prabhu Dayal Himatsingka: May be in Madras and other places it is more. I am referring to the two main Sugar provinces.

Shri T. A. Ramalingam Chettiar: In Madras the average is 20 tons and sometimes 28 tons.

Shri Prabhu Dayal Himatsingka: Therefore it is no reason why those who are in charge of producing sugarcane should not take steps to improve the yield per acre of sugarcane and also to improve the quality of sugarcane so that the sucrose contents may increase and the yield per maund may be more. That will necessarily decrease the price of sugar; the yield will be more and the cost will be less. These are factors which should be taken into consideration and steps should be taken to improve the quality of sugarcane and the quantity produced per acre.

As I said, the industry will be glad if my honourable friends can help the liquidation of the Syndicate. May be some of them will be sorry. But most of them will welcome the step and they will be able to get out of the control of the Syndicate. As a matter of fact the Governments of the U.P. and

[Shri Prabhu Dayal Himatsingka]

Bihar have made it impossible for any company to remain outside the Syndicate because no company can crush or is permitted to crush any sugarcane unless it is a member of the Syndicate. Therefore my friends should appeal to the Governments of Bihar and U.P. to do away with this Syndicate. With these words I support the motion of the honourable Minister for giving protection to the different industries.

Shri Khandubhai K. Desai (Bombay: General): Sir, the Honourable Mr. Neogy has come before this House to ask for protection to certain industries. It is an omnibus Bill which also includes the sugar industry. As we all know the sugar industry has been protected for the last seventeen years, and the consumer throughout this long period has given protection to this industry. If after seventeen years it is not able to stand on its own legs there must be something wrong with those who have managed the industry for the last seventeen years. It is not in infancy; as a matter of fact it has become fully mature. Not only has it become fully mature but it has become in my opinion a sort of bully who kicks actually the protectors, who have protected the industry for the last seventeen years, by establishing a syndicate. I am only looking at this question from the point of view of a principle. The industry has been given protection, import of foreign sugar has been prohibited, and internal competition between one factory and another has been stopped effectively by a syndicate. So the poor consumer had been left entirely at the sweet mercy of the syndicate. These are the real facts and we must appreciate these facts before we give our accord to this Bill.

It has been stated by a previous speaker, by giving certain figures, that the profits are not as big as my friend Shri Shibban Lal makes them to be. According to the previous speaker, probably the profits may be nil or very slight.

Well, I cannot find fault with him. Neither can I find fault with Mr. Shibban Lal for quoting figures which he cannot substantiate nor with the previous speaker for his figures which he could not substantiate. I therefore find fault with the honourable Minister. When he has come before this House for asking further protection to an industry which has created huge reserves, which has been making huge profits for at least the last ten years, he should have come before us with the consolidated balance sheets for the last ten years of the profits which the industry has made so that we may be able to judge the situation properly. I do not understand why, while granting protection to an industry or units of an industry, a condition should not be laid down that those industries which are protected should submit annual balance sheets to the Government. The Government should consolidate those balance sheets and place before us from time to time the true picture of the financial position of those industries when the protection was granted and when a case for additional protection is made out again today. Then and then only, Sir, will we be in a position properly to judge the situation:

It was stated that the industry will be too glad if the protection is removed. (An honourable Member: 'Syndicate, not protection.') No, no, even the protection. It was stated that they will be glad if the protection is removed and the control all round is removed. So now the situation has come when the industrialists come before this House and say, "This protection is not being granted for our benefit. This protection is granted for the cultivators". Well, honestly if the Government comes before us to ask for protection for cultivators, then this House will know what terms to make with the industry

in order to grant the cultivators protection if it is necessary. But to come under the cover of either cotton growers or labourers to ask for protection is, in my opinion, a wrong principle. Of course the Bill has been placed before us. It is an omnibus Bill, it will get the support, I will also support it. But I must place before the Government the reactions that are generally there in the minds of the Members of this House as far as protecting the industry is concerned.

There are certain healthy principles which the Government should lay down before granting protection to any industry. Any industry coming for protection should be prepared to take the technical advice and should agree to submit to the supervision both financial and technical, from the Government, and such supervision by the Government should be made compulsory and it should be carried out.

Shri B. L. Sondhi: Under the new Bill you are getting it.

Shri Khandubhai K. Desai: Under the new Bill I am getting it, but what about the old cases?

Shri B. L. Sondhi: Sugar is covered.

Shri Khandubhai K. Desai: We shall see when that Bill comes. I do not know what the other people will have to say. The House will I hope give full accord to that Bill.

Let us see what an amount of sacrifice the consumers have put in order to protect this industry. The principle of putting even an excise duty on a protected industry is, in my opinion, entirely wrong from the point of view of a principle. Once the consumer pays in the shape of protection by prohibitive import duties any foreign competition is ruled out. Secondly, he has to pay for the same product in the form of excise. Again the consumer has to pay some provincial taxation, the cess and what not. So, out of every Rs. 28/8, according to my calculations the consumer will be paying not less than Rs. 14 to 15 per maund of sugar in order to prop up this industry. Therefore, I again appeal to the honourable Minister to take stock of the whole situation and come before this House for protection with the full picture of the industry before us. As far as the sugar industry is concerned, it has come to a position when it is able to produce enough sugar for the consumption of the country. It does not require any more expansion. Therefore the time should come early when this protection should be taken away. The syndicate should also be abolished as early as possible. Thirdly, I think the extension of protection to this industry should not go beyond a year. These are my suggestions to the honourable the Commerce Minister.

Babu Ramnarayan Singh: Sir, my old and honourable friend, the Minister for Commerce.....

Dr. P. S. Deshmukh (C.P. and Berar: General): On a point of order, Sir. May I know if speakers are called according to any list?

Mr. Speaker: There is no list with me. And even when a list is there, I do not necessarily follow the order or call all the names, therein.

Babu Ramnarayan Singh: I was saying that my old and honourable friend Mr. Neogy, the Commerce Minister, has come forward with a proposal that certain industries be further protected. I am sorry to say that it appears that our friends in the Cabinet seem to have lost all powers of initiative, and like a *lakir-ke-faqir*—meaning follower of a beaten path—are following the path chopped

[Babu Ramnarayan Singh]

out by the British. Sir, the Britishers introduced this industry. In introducing this industry they might have been guided by several interests. The Britishers were led by the interests of selling machinery to the Indian people. In some cases they invested their money in this industry. Sir, this industry has been protected for the last 17 years, and this means that the whole country has been taxed, for the sake of the few capitalists. My friends the capitalists or the Government may not care for the labourers and the agriculturists. But I may tell the House that we had some sort of industry even before this sugar industry in its present form and before the sugar factories were introduced. Sir, I am a cultivator myself and I grow sugar-cane. And in my area, fortunately or unfortunately, there is no sugar factory. We crush our canes and prepare our *gur*. And Sir, according to Ayurved, *gur* has much more nutritive value than sugar. (Interruption) I shall advise my friend Mr. Das to take more *gur* instead of sugar, he will get more nutrition. And what is more, Sir, *gur* develops the development of body. At the same time, Sir, it has been said by Mr. Ayyangar that sugar is not an essential thing.

Shri M. Ananthasayanam Ayyangar: I said it was essential.

Babu Ramnarayan Singh: When it was said that it is not an essential thing, you objected and said that it is essential. Well, I say that it is not essential. Sir, it is only 25 years ago that these sugar factories came into existence. Even before that, from times immemorial, we used to grow sugar-cane. There were the sugar-cane growers, and there was enough of *gur*, of *cheeni*, of *misri* in the whole country.

Shri H. V. Kamath: Ram Rajya in sugar.

Babu Ramnarayan Singh: My friend here says, it was Ram Rajya. Yes, it was so. We used to prepare sugar in our own way. Therefore if these factories now cannot stand on their own legs, even after enjoying protection for so many years, it is better that this industry fails and nobody need shed tears for the labourers and the agriculturists. If the labour does not get employed in the sugar factories, it will engage itself somewhere else and perhaps more profitably. At the same time, if sugar cane is not grown, in those lands, I think more land will be available for the production of cereals.

Sir, my honourable friend Mr. Neogy said, and he has been supported by my friend Mr. Himatsingka, that this protection ought to be given. But they have given no justification for that. Their justification was simply that the Tariff Board has said so. Sir, this reminds me of conditions in the villages. In certain villages there are the village priests called *Gaunwan Pandey*. A villager will do anything and will say, "*Gaunwan Pandey* wanted it to be done". He will quote *Gaunwan Pandey* for everything. In the same way Mr. Neogy says that he asks for protection. He does not think over it and finds out whether it is a proper thing to do or an improper thing, but the Tariff Board—the *Gaunwan Pandey*—wants it to be so. This process, Sir, must stop now. We have got our own government and we must think it all over in our own way. We must have more power and initiative, and we must leave this industry to its fate. I bless it: let it flourish. But this defective system of taxing the whole country for this industry must stop at once.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar.)]

Dr. P. S. Deshmukh: Sir, there have been many speeches in which the honourable Minister for Commerce has been assailed. Last time this measure was brought before the House by the honourable Minister in charge of Works, Mines and Power. This year, it has fallen to the lot of the Commerce Minister. But actually it should be the baby of the Agriculture Minister because the manufacture of sugar depends upon the cultivation of sugar-cane. And there is also, side by side with the question of protection, the question of the protection of the interests of the sugar-cane grower, which, I think, should be more the direct concern of the Minister for Agriculture. But this is a very unsatisfactory arrangement we have here, of a single subject being the concern of not one, but more than two Ministers. The third Minister concerned is the Minister for Industry and Supply. This is not satisfactory, and we should not therefore put the whole blame on the honourable Minister for Commerce at any rate so long as the present arrangement is not altered.

Sir, there has been a long discussion on the subject of this protection of this sugar industry and I do not want to take up much time of the House. My justification for standing up at this late hour is this. Many of the honourable Members believe that protection is necessary and has been brought about, or has been kept up in the interests of the sugar-cane grower. Now, I would like to say that the sugar-cane grower has very rarely, if at all, received any benefit out of this protection. My friends who spoke on behalf of the manufacturers quoted certain figures and said that Rs. 1/13/- was the price paid in U.P. and Bihar for every maund of sugar-cane. But according to my information, although this is the price fixed by the Government, the industry generally obtains the cane at a far lesser rate. And if we go from the provinces of U.P. and Bihar to other provinces, you will be surprised that the rate is still lower. For instance in Madras the sugar-cane grower gets only Rs. 1/10/- per maund. And in Bombay where the factories are more efficient and where the cane grown is much more per acre, he gets only Rs. 1/4/- although in Bombay they grow more cane per acre than in U.P. and Bihar. While in U.P. and Bihar the average per acre is only 14 tons per acre in Bombay they grow any thing between 35 to 70 tons per acre. And another wonderful thing that we see in this united India of ours is that is one of the Indian States namely, Gwalior in the Union of Madhya Bharat, one of the sugar-factories is offering nothing more than 10 as. per maund of sugar-cane.

Pandit Thakur Das Bhargava (East Punjab: General): Similarly in East Punjab also.

Dr. P. S. Deshmukh: My friend here says that the same is the case in East Punjab also. Therefore my friends cannot turn round and say that the profits are low or that there are no profits. On the other hand I feel that these people have, during the last eight or nine years, made large profits, if not exorbitant profits. According to my information even now the profits are wellnigh unconscionable. I think there is fullest justification and more correctness in the assertion that the profits are excessive. This question was discussed at the Central Sugarcane Committee, and I am glad to say that for the first time when I was a member thereof, I was able to persuade the Central Sugarcane Committee to fix the price of Sugarcane at not less than Rs. 2/- per maund and the price of sugar at less than Rs. 30/- per maund. As a matter of fact it was the first time, that the sugar-cane grower was recommended not less than Rs. 2/- per maund everywhere in India. As the protection is extended to the whole of India every sugar factory gets the benefit of protection but nobody unfortunately protected the interests of the sugar-cane growers. This has caused heavy losses to the sugar-cane growers. If you ask even the

[Dr. P. S. Deshmukh]

factory owners—and a good many of them have land of their own and they cultivate their own sugar-cane, if you ask them the cost of growing one maund of sugar-cane, they will tell you that it is not less than Rs. 1/4/- a maund, in Bombay and still in Bombay they do not pay anything more than Rs. 1/4/- to the cultivator. You must remember this is what the factory owners say. Actually the cost is at least Rs. 1/10/-. This shows that the prices paid are far lower than the cost incurred by the grower, and it is therefore, easy to show that the protection has not benefited the cane grower at all. For the first time the sugar-cane price was recommended to be raised by the Sugar-cane Committee. All through the War, the cane grower never got anything more than 7 as. or 8 as. per maund. That is the reason why such large profits have been made all along. The profits shown in the Investor's Year Book, I am sure have not been altogether truthfully stated. It is quite probable that the real profits have been suppressed. I regret to be forced to say that it is not uncommon at least for some of our industrialists to do so. There are many instances where we find that there are more than one set of accounts and it is quite likely that the facts stated in the Investor's Year Book are based on one set of accounts books. But nobody can be deceived by this, because we know that is a fact that the industry has made tremendous profits.

Then, Sir, there are many more evils arising out of this problem. As is well known and as you have also shown the average consumption of sugar per head of an Indian comes to about 3/4th of a tola per day. It is less than 6 lbs. per year. As against this we have enormous larger quantities of sugar consumed by the peoples of other countries.

Now, Sir, if we were to lift the protection altogether, then our industries will have to sell sugar at half the rates, because more or less that is the rate for which we could easily get sugar from outside. Thus, supposing we lift the protection altogether and allow sugar to come from outside, our people would be consuming for the cost that they incur today at least double the amount of sugar. The figures which are obvious show that the sugar industry is and has been actually maintained out of the funds which the consumers contribute to them more or less directly, and if this sort of thing continues, there will be no improvement in the condition of the industry also. Prof. Shibban Lal Saksena has stated that there is no competition between the various industries; there is no competition from outside either; and this leads to this unhealthy condition, namely, that neither the cultivation of sugarcane is satisfactory nor is the efficiency of this industry gratifying. For that purpose, I have a new suggestion to make, a suggestion which has not been made by anybody so far. According to my information the present protective duty is of the order of 135 per cent. That is the information I have. I think, as a first step and after accepting the recommendation which has been made by Prof. Shibban Lal Saksena and supported by you, Sir, that the protection should be continued for one year, I propose that the duty also should be lowered. We will then see how during the coming year the world market and conditions react upon it, and how far it is possible for outsiders to export to us any sugar. We could easily regulate the matter in such a way that the imported sugar will sell at not less than the rate at which we can sell our own sugar here. It will then be possible for us to know how we progress.

Secondly, Sir, as has been shown the yield of sugar-cane in the U.P. and Bihar is very low. In Bombay, the average yield of sugar-cane comes to about 50 to 60 tons as against 14 tons in U.P. and Bihar. So it shows, Sir, as a matter of fact that much of the land which is used for sugar-cane cultivation

in the U.P. and Bihar is not suited for such cultivation or something is radically wrong there. If it is possible to lower the duty, it will not only help the sugar-cane grower but also the whole of India. Instead of the honourable Minister for Agriculture appealing to the agriculturist not to cultivate sugar-cane, or compelling him to do so it would be better to say to him that he has got to reduce his prices, so that he will be forced to grow more foodgrains and we will be to that extent relieved from any complaints being made by the Agriculturist on the one hand and we would also be getting more foodgrains. Because, sugar-cane is a wet crop. Irrigation is necessary wherever sugar-cane is grown. Now if this land under irrigation is turned into land for growing foodgrains, I am sure, for less quantity of water, for probably half the manure, it will be possible for them to grow two crops. Even if out of 4 million acres of land under sugarcane at the present moment we have about 50,000 acres given over to foodgrains, because it is not economically profitable to grow sugar-cane, we will find that a very substantial portion of our deficit of foodgrains will be made up and the cultivators will not have any legitimate grouse. There is yet another advantage that will also be secured. If we revise our policy so far as protection is concerned and if we reduce the duty and allow a certain amount of sugar from outside, we will also be deriving a considerable revenue by way of duty which we are levying upon it. From all these points of view, I think the whole question ought to be thoroughly examined and at the present moment, my honourable friend should be content to have this protection for only one year; and secondly even after the Bill is passed, if the honourable Minister reduces the protective duty considerably, there will be some competition, at any rate, which will make both the sugar-cane growers as well as the industries to strive harder. The industrialists will be forced to better their management and the sugar-cane cultivators to make better efforts to produce more from their lands.

Mr. Kossain Imam: The honourable the Commerce Minister has introduced an omnibus Bill, but very skilfully placed Sugar as item No. 1 on the agenda with the result that all attention has been diverted towards this one subject and all the rest of these items have practically gone Scot free. Being an old Parliamentarian, Sir, he knows his job and he has done it well. The sugar case is very strong. I do not think we could have a stronger case for the protection of any industry than that of sugar, because in that case their protection is not dictated by the needs of the industry but by the needs of the producers and here I should like to advert to the general matter of policy of the Government and whether it proposes really to end inflation and bring down the prices or it wants to make the prices at the levels at which they are. I find from a perusal of the Tariff Board's reports that the price of sugar-cane in 1931, when there was no depression, when everything was O.K. was something like 8 annas a maund. (An honourable Member: 'Was there any depression in 1931?') Yes. According to the Tariff Board Report in 1938 it was at the rate of 5½ annas a maund. It had gone down to 3½ annas in 1937. Today's price is six times the price on the basis on which the report of 1938 was given. If you were to work out the resultant product by this ratio of this increase in raw material, instead of having the price of Rs. 28, you should have more than Rs. 42. The wages are so high today and everyone knows that the cost of living has gone up by 300 to 400 per cent. and you cannot grudge the labourer getting a salary at least three times what it was in 1938 and 1939. So what really happens is that you have fixed two extremes, the resultant price and the raw material which according to the Honourable Mr. Neogy is responsible for the 70 per cent. of the crop knowing that 70 per cent. has risen to six times and then you get a co-efficient of 32 rupees per maund instead of which you have got Rs. 28 a maund. I think the industry has been brow-beaten and made to accept a price which is not very economical. Referring to the figure which Prof. Shibban Lal Saksena had quoted, I took the trouble of going through those papers,

[Mr. Hossain Imam]

and I found, Sir, that the accounts of the Dalmia Group industries have to be read with a great deal of care. They have shown an existing stock of about 2½ lakh maunds. Probably they followed it at the rate prevailing then, namely Rs. 35 a maund, which was the last price. You do not know if there is any factory in the State and on what basis they have fixed the price. Mr. Himatsingh quoted the figures for manufacturing cost. In 1937 sugar was selling at Rs. 5/8 per maund. With the increase in the overhead charges it is bound to be double in 1948 and 1949.

On that basis, with Rs. 21 required for raw material, and Rs. 3 for excise, there is a balance of only Rs. 4/8. These two items will come to more than that sum. So, this calls for action, not so much on behalf of the Ministry of Commerce as on behalf of the Cabinet as to whether the provinces should be allowed to fix the prices. The Centre should have the power to check and not to give advice. This reminds me of the thoughtful words which fell from Dr. John Matthai's mouth when he was replying to the debate on the Finance Bill, that we must make adequate provision for this in the Constitution. It is quite possible that in some of the provinces in future there will be parties other than the dominant party at the Centre coming to power. If such parties move in a manner which is prejudicial to the interests of other parts of the country, the Centre must have power to dictate. It is to give expression to this view that I have intervened in this debate. I want that we must grow wiser with experience. Theories are all right, but it is only by testing them in practice that you will come to a right decision as to the line of action that you have to adopt.

I should like to say, as a matter of general policy, now that we have developed other techniques for protecting the industries than fixing duties, that these should also be examined. I refer to two methods which are most common: firstly there is the system of fixing quotas of imports. By means of that you can control the prices. As an illustration I would state that, three or four years ago, when we started manufacturing aluminium ourselves for the first time, foreign aluminium was much cheaper and bulk supply was coming from foreign countries. A convention was established by the Central Government under which the consumption of the two articles was made compulsory by the manufacturers in a certain proportion. Thereby the low prices for external goods and high prices for internal goods were maintained. That is one method for giving the Indian manufacturer higher prices than he would get in competition with other countries. The second method is the well known method of subsidy.

In this connection I should remind the House that in regard to two articles our export trade has definitely fallen. Sugar was being exported to Pakistan and, because of the fact that your prices went too high, Pakistan had to go outside and start purchasing from Cuba and Brazil at £35½ per ton.

The honourable the Finance Minister pointed out in his Budget speech to the fact that our oil seeds are finding it difficult to sell because of internal high prices. Internal high prices must be checked at all costs if industrial development is to take place. You cannot have industrial development and high inflationary prices prevailing. In our country only in respect of transport charges of the Government there has been no inflation. That has increased least from the pre-war period. With regard to all other things, prices have increased or have been increased by the Government.

In this connection, I join you Mr. Deputy-Speaker, in objecting to the re-imposition, as revenue duty, of the protective duty taken off. We have fixed the duty at a certain rate for certain purposes, the purposes being to protect the industry, etc. Now, having protected the industry and made it stand on its own legs, it is time that the consumer is allowed to reap the benefit. Just as a father denies to himself some comforts in the earlier days in order to bring up his son with good education and all that in the expectation that in his old age that son will feed him and look after him, the industries that have been granted protection owe a debt to the consumer which they can repay only by making their articles available at a cheaper price than was the case before protection was granted. The idea of giving protection to an industry in its earlier stages is to get those articles at a price lower than the price prevailing before protection was granted.

There is another class of industry for which protection is granted. They are essential for the life of the community. Essential articles, no matter at what cost, we have to produce in order to make the country able to stand up in case of war or other troubles. It is only in the case of those industries on which the potentiality of the country for defence depends that protection cannot be limited to time. In such cases protecting the industry means protecting the country. Ordinary things do not come under this category. In this connection I should ask the honourable the Commerce Minister to explain how it is possible, by increasing the price of item 17 he can allow the fair selling price of Rs. 31? I am referring to sericulture. The landed cost of the imported article is only Rs. 17-9-0, but the selling price in India has been fixed at Rs. 31-12-0. If you want to keep the price at Rs. 31-12-0 you should have increased the duty much more. Or, if you are fixing it by means of quota restrictions and not allowing larger imports, then there is no need to have even that amount of protection. Sir, next to food, cloth is the most important item in the Budget of the common man. Having removed the salt tax—a tax which was fetching you 9 crores—because of your pledges to the public, are you going to get it back by taxing this essential article of textiles? I strongly object to it. I may mention that it is a very wrong thing to tax the necessities of life in the manner in which they are being taxed.

Another item to which some attention should be paid concerns motor vehicles, item 21 in the list. The prices there do not seem to be at all comparable to the fair prices fixed by the Government under item 7. Fair prices have been fixed at 44 and 45, whereas the cost of the imported article with duty is Rs. 32-12-0 and Rs. 47-10-0. As you, Mr. Deputy-Speaker, pointed out, it has become a habit with the Government, when you give them one year's or two years' time, as in the saying, 'marry in haste and repent at leisure', to come forward with a Bill at the fag end of the year and make that as an excuse for getting it passed. This same thing has happened, at regular intervals of two years, since 1942. There is nothing sacrosanct about these two-year periods. We know that it is not going to be limited to that period. We expect at the end of this period this National Government to make up its mind what they are going to do with regard to these industries and what methods are to be adopted such as the grant of tariff protection and the like to let them stand on their own legs. It is very essential, in my opinion, that there must be a definite time-limit within which a protected industry ought to stand on its legs and during that time it is the duty of the industry to stand on its legs and the duty of the Government to give all help to it.

In this connection, I would not like to advert to the sugar question—whether it was the duty of the industrialists or of the Government to help the development of the agricultural part, but it would be ungracious on the part

[Mr. Hossain Imam]

of the House not to acknowledge the great achievement of the Coimbatore Institute which has done such an amount of work in finding out much better varieties of sugarcane. Had it not been for the Coimbatore Institute's work we would not have been where we are. It seems as if nothing has been done. People have referred to the agricultural aspect of the question with an amount of want of knowledge which shows that either they do not wish to give credit where credit is due or in order to attack a person they wish to turn a blind eye towards others also. The Coimbatore Institute has really been as much a partner in the establishment of the sugar industry as the industry itself. And I should like to mention while on the subject that the Government has been collecting a large amount of taxes—both the provinces and the Centre. The Centre has contributed towards the Sugarcane Committee which has been doing very useful work. It has established many Institutes, but people are rather in a hurry. Agriculture is a very slow process. One process takes one year to complete and you cannot repeat it until the next year. So it cannot be expected that within a period of two or three any spectacular results can be achieved. There are certain natural facilities available to Java and Cuba which are to some extent shared by Madras, and therefore the yield in Madras is much higher than the yield in Northern India. You cannot thereby blame the North Indian industries for the reduction in their production of sugarcane in the fields. It is not their job. It is not the job of the industry or the agricultural people. It is the job of the gods. They have placed certain lands in certain advantageous positions. If you go round the world, you find that in the tropical belt you have the best cultivation of sugarcane. Java comes there; Cuba comes there; Brazil comes there, and when you get to the rest of the countries in the Tropic of Cancer you get a reduction in the production. It is possible to produce, but not as extensively as in the other case. It is therefore necessary, and I appeal to the Government, not to behave in the manner of the last Government, with whom every item of a Bill was a matter of prestige. As a National Government, I appeal to the honourable Minister to accept the amendment, if moved, for making it only one year and in the meantime to give us more information and to proceed with this Bill not as one Bill, but in parts. It should be divided up into two or three different parts, because the problems, as you yourself Sir pointed out, are very different in different items and to have an omnibus Bill of 21 items necessarily means that all attention is concentrated on one item and the rest has escaped scrutiny.

Shri M. Tirumala Rao: Sir, the first item in the list of industries that have come up for protection is sugar. Sugar has come to occupy a very important place in the items of industries in our country. (Shri Mahavir Tyagi: 'It is sweet.') Of course, yes. When protection was given in 1932, we were importing nearly Rs. 18 crores worth of sugar into this country. We were also paying an additional import duty of Rs. 6 crores, thus in the aggregate it was costing us Rs. 24 crores. When that outflow of the hard-earned money of the poor people is stopped and the industry is sought to be made to stand on its own legs, protection has done its part in converting this industry into a national industry. After the key industries of the country, I think the sugar industry gives employment to a large number of people and has come to stay, having a link with the industrial development of the country and the primary producer which cannot now be reversed or altered.

Sir, my friends were of course very critical of the profit-making tendency of the industrialists, but we must also see how far the primary producer has helped the industry in improving its conditions, in improving the sugar content of sugarcane: Whether it is static or whether it is progressing. So there is no use

comparing the sugar that we get from Java and other places where those countries form parts of colonial exploitation, where the foreign exploiters come with all the scientific equipment and capital and all the modern methods of cultivation and practically grow their own sugarcane on their own fields. The sugar industry in India is not developed in such a manner. There is no connection here between the cane grower and the industrialists who run the factory except that the latter buy the raw product that is produced and carry it to the sugar factory. From the figures we find that the content of sugar that is being produced in the country has remained stationary all these years. The average sugar content in 1931-32 of Indian sugar was 8.89 and in 1945-46 it has remained at 10.1. But there are reports to show that this content has appreciably deteriorated in certain parts of the country to as low as 6.5. I do not blame the poor cultivator who is wedded to his age-old methods, but here the responsibility of the Government also comes. What has the Agriculture Department been doing all along? I quite appreciate the compliment that is made to Coimbatore Institute and I can, in this connection, mention the name of the famous scientist Sir T. S. Venkataraman who has produced a new variety of sugarcane that is greatly responsible for the prosperity of the industry and the primary producer nowadays. But that is not enough. The Government must come to the aid of these primary cultivators to see that they grow better cane and also the sugar factories must be told that there should be a more lively connection between the cane grower and the sugarcane factories. For instance, when recently the Central Sugarcane Committee was convened, we were taken to Walchandnagar, where the enterprising industrialist Walchand Hirachand has brought about 40,000 acres of absolute jungle land into cultivation and is cultivating sugarcane. He is running a factory with 1500 tons a day capacity, which entirely depends on cane produced by the Company itself on its own fields,—a composite unit where all the processes of sugar production are attended to and manufacture from cane production down to the other by-products of sugar: it is a place where you will see the industry in a prosperous condition. So there is no use blaming anybody in this matter.

For instance, the sugar now produced is worth about Rs. 75 crores and from the statistics that we have got here, the cultivator reaps about Rs. 27 to 28 crores out of this towards the cost of the cane alone. Today, you stop protection—what happens to this? Will the cultivator go back to *gur* and will the consumer be satisfied if he is asked to take *gur* instead of sugar, or will you allow foreign sugar to be dumped into this country, though at a cheap price? Therefore, there is no question of going back on the industry. But then, how are we to go forward?

This protective duty only enables the industry to go on from hand to mouth as it has been going on until today. The acreage under sugar has not improved; the quantum of content of sugar in the cane has not improved. Therefore, Government must come with greater vigour with regard to the improvement of the conditions of cultivation of sugarcane. There is no use demanding higher prices for sugarcane at every step by the growers without undertaking the corresponding responsibility of improving the quality of cane and the sugar content of the cane. Herein comes into the picture the responsibility of Government. There are a number of research institutions going about the country and all these results that are achieved by these institutions have to be tacked on to the practical achievement of better cane for the improvement of the industry. Therefore, I have no more to say except that this industry has to be protected by some sort of duty and we must see also that the consumer is not overburdened. When there is a deficit in the Finance Minister's budget, he looks to sugar and taxes it, though in reality taxing the poor consumer. He says he is otherwise unable to balance his budget but when my friends ask that the protection should also be done away

[Shri M. Tirumala Rao]

with then how is he going to look to sugar and its production because he will not have the income from this duty. Therefore, we must consider this as a national industry and a national problem of agriculture in respect of which we have to use all the scientific methods evolved by the research institutes in the provinces. Recently the Madras Government came with a Bill to control the price of sugarcane and also to impose its conditions on the industry. Then all the industrialists including the foreign capitalists in India got moving. The Chairman of the Madras Chamber of Commerce has come down upon the Madras Government saying that the days of the sugar industry are numbered. But there is a responsibility always resting on the Government to see that capitalists do not exploit at the cost of the consumer; and the primary grower also should not try to intimidate the Government into increasing the price of his primary product inconsiderably without reference to the quality of the product he produces.

With regard to another item, I want to say just a word. It is called protection for hurricane lanterns. I want to bring to the notice of the honourable the Commerce Minister and his Department that there is another item which is of course not covered by any sort of protection recommended by the Tariff Board. These are the pressure lamps, or Petromax lamps. This industry is entirely indigenous. There are about half a dozen factories in India that produce these lamps and the capital sunk into them is Rs. 40/50 lakhs. I have seen one factory in Calcutta, which was purchased from a Pakistani gentleman by a Hindu capitalist and in that factory they manufacture 113 component parts. The factory is managed by a German-returned Bengali young man very efficiently. This industry is threatened with a difficulty because these lights are being imported from Italy and Norway at a very cheap price. They are undercutting the price of the articles of local manufacture to the tune of Rs. 14 a light and there are hundreds of skilled workers threatened of being driven out of employment if Government does not come to their rescue. I request the honourable Minister to go into the problem of this nascent industry which is trying to stand on its own legs.

Shri R. K. Sidhva (C.P. and Berar: General): He must go to the Tariff Board.

Shri M. Tirumala Rao: That is the long range programme. The Government must see whether the industry can be given protection by the Tariff Board. Apart from the orthodox view that the import licence should not be utilised for giving protection to an industry, Government must come to the interim rescue of the industry which is threatened with great hardship.

Shri R. K. Sidhva: Before the attainment of freedom, we were all supporting the Indian industry at all costs even at the cost of the consumers' price being higher. We wanted that Indian industry should prosper, there were many complaints that if you go on giving protection to all kinds of Indian industries, the beneficiary will be only one class and the rest of the people would be put to a heavy loss. Despite all this, we supported protection of Indian industry realising that when freedom comes to this country, this industry will be an asset. It may be either nationalized or even if it is not nationalized it would be absolutely under our control.

I shall now come to the personnel of the Tariff Board. The Chairman of the 1947 Tariff Board was Mr. Shanmukham Chetty. The other members were Mr. C. C. Desai, Dr. Nazir Ahmad and Dr. H. L. Dey; this report is

signed by Mr. Shanmukham Chetty, Mr. C. C. Desai and Dr. H. L. Dey. I thought after the attainment of freedom Government would certainly change its policy and see that in the personnel of the Board there should be the representatives of the consumers. (Interruption). I know that Mr. Shanmukham Chetty is a great industrialist. Everybody, from the smallest to the biggest man, today, will say that he is a consumer. But consumer is one whose avocation is not multiple. A member may not be necessarily a sugar industry man, though he may be an industrialist. Mr. Gagan Bihar Mehta is now the Chairman. Both of them possess ability, knowledge and experience. What I contend is that in future the personnel of the Tariff Board should be 50 per cent. consumers and 50 per cent. industrialists.

Shri Mahavir Tyagi (U.P.: General): And agriculturists also!

Shri R. K. Sidhva: Just now we are protecting the industry and therefore the question of agriculturist does not arise. When we are protecting industry at the cost of consumers, the consumers must be there. That is my suggestion and I hope the honourable Minister will take steps to see that this Board is reorganised.

Honourable Members have dealt very ably with regard to the sugar industry. It has been stated that the yield of Indian sugar is very low. Therefore it cannot stand in competition with imported sugar. I am prepared to accept that the yield is lower when compared with the other countries. But they must not forget certain factors while comparing the figures as to what is the yield of other countries. There are twelve countries where sugar is produced and they will be surprised to know that with a margin of .7 or .8 per cent, the other countries competing with us have an yield which is slightly higher than in India. In India there have been various yields. In the U.P., in Bihar and in Bombay, some say it is 16 and some say that it is 17. But I am taking the conservative view from the report in my possession. 14.70 tons per acre is the yield of India, and of Cuba, from where sugar is coming, it is 17.12. There is only a difference of 2.42: whereas the maximum in Hawaii is 16.76, a difference of just 2.06. Cuba with 17.12, against ours of 14.70, can today compete with India. Hawaii with its yield has the same price. I do say that yield should be increased. That is the general complaint for all cereals. Similarly, our rice yield is lower and so also is our wheat yield. Now coming to Brazil, from where sugar comes to India, it is 15.68. What have my friends to say, especially those who are stating that because of the larger yield in the other countries we must have protection here: 15.68 as against 14.70 in India, just .98 less, and yet Brazil sugar is coming in large quantities. This sugar is also coming into Pakistan.

Then again in Argentine also it is 17.05 and in Rio de Janeiro it is 13.20, which latter is less than what our yield is. So where does all that argument go? We must have our improved machinery for the purpose of yielding all kinds of cereals. We may be backward in that. To say that the yield is lower and therefore they need protection is I should say absurd.

This matter came up before the Federation of Chambers of Commerce and Industries at the first and second session when I was a member and I complained that they had made 120 per cent. profit. I said then "If you fritter away the profits and not build up your reserves you will at a later stage at the cost of the consumer ask for protection." They say that it is not so and the percentage of profits is 7, 10 or 12. I am not prepared to accept this statement for the reason we know how the statements are prepared. Prof. Saksena has given the figures from the audited accounts. Managing agency, takes away a lot from the shareholders money. A question was put to my honourable friend

[Shri R. K. Sidhva]

regarding managing agencies and he was not able to answer. Even when there is no profit the managing agents are the first charge on the gross revenue.

Pandit Thakur Das Bhargava: It is usually ten per cent. of the profits.

Shri R. K. Sidhva: But the fact remains that there have been 80 or 70 per cent. profit before the war. Where that money has gone nobody could answer. Seven years have passed and therefore you can say that you did not get that profit.

There is an association called the Bombay Sugar Merchants Association, Ltd. They represent the merchants and also the consumers. They have made very startling remarks against the industry. They say that Government merely says ditto to what the industry says and the merchants and consumers are put to a loss. I will read the relevant extracts from the annual report and the presidential address at a meeting which was held on the 16th March, 1949, only a few days ago, for the benefit of the House:

"There is no parallel in the history of Indian industries that the Government has been so much misled by the sugar industry to serve its own end. Even with the recent reduction of price to Rs. 28/8/- from Rs. 35/7/- the sugar price level in India is still considerably high."

They further state that the syndicate at present is trying to have the monopoly of all-India sugar production and they cite the examples of Cuba and Java. In the Cuba and Java the syndicate is not protected in any way by the Government. That is one fact to remember. They stand on their own legs.....

The Honourable Shri K. C. Neogy: That is our danger.

Shri R. K. Sidhva: What is the danger? My point is that so long as you tell the industry that they will get protection from the Government at the cost of state money they will never try to get away from the fact that they will go on getting protection. The other day the Agriculture Minister definitely fixed a datum line, that from 1951 there shall be no import of foodgrains. You will see that there will never be any import and the country will manage its own affairs efficiently and satisfactorily. (*An honourable Member.* 'Question.') Why should not the Commerce Minister tell them that from such and such a year you shall have no protection? Minister feels that it is state money and can give it as he likes it. There are so many associations laying charges against the Government saying that they pay no attention but merely follow the old tradition and say the industry should be supported.

The Honourable Shri K. C. Neogy: Is the association interested in imports?

Shri R. K. Sidhva: No. You may think anything. I am asking you why are you supporting these industries, when they can stand on their own legs. Why don't you want them to bring down the prices? If there is no protection the prices will be less.....

Mr. Hossain Imam: Have the textile prices fallen because of the removal of protection?

Shri R. K. Sidhva: What kind of protection? That is not the position. I am stating.....

Mr. Hossain Imam: Protective duties have been removed from last year.

Pandit Thakur Das Bhargava: Does not Government fix the price of sugar?

Shri R. K. Sidhva: Yes,

Pandit Thakur Das Bhargava: Also of sugarcane?

Shri R. K. Sidhva: Yes.

Pandit Thakur Das Bhargava: Where then does the industry come in for exceptionally high profits?

Shri R. K. Sidhva: The whole basic principle is wrong. Today you cannot have the old notion of protecting industry because we are out to support them at any cost. I say again, as I said in my opening remarks, that if industry is to prosper it has to stand on its own legs. When they meet competition we will consider each case on its merits. But this case of the sugar industry does not stand on that footing where state aid is necessary. That is a fact which you must remember. The case of petromax lamps was pleaded by Mr. Tirumala Rao. That is a justifiable case where the industry cannot stand competition, whereas in this instance it does not justify protection. Why should protection be granted to sugar industry alone, when there is so much profit? That is the point to answer. I contend in this matter no case has been made out.

Prof. Saksena has cited some quotations from the report of the Tariff Board where the continuance of protection is recommended. Our own Sugar Controller Mr. Mone gives an opinion which is absolutely incorrect. He said that he did not expect foreign sugar will be available at present at less than double the price of indigenous sugar, whereas we know that the price of imported sugar in India is 25 per cent. less. The Report further says:

"Mr. N. C. Mehta who was the first Sugar Controller during the last war and who had a lot to do with the sugar industry even previously suggested that since sugar was subject to complete control in respect of its production, distribution and price, there was no need for protection at the present time. He thought that so long as the present control continued, protection was entirely unnecessary and ineffective and might be held in abeyance."

Mr. Hossain Imam: What was the date of these two reports?

Shri R. K. Sidhva: 1947. It is Mr. Mehta's evidence that was given in 1947 and it is not a century old. The report further says:

"He pointed out that under the present system of control, all sugar, indigenous or imported would be sold at a uniform price fixed by the Controller, so that there would be no question of the indigenous producers being undercut by importers."

This is an answer to my friend Pandit Bhargava who said that these prices are not fixed. They are fixed and the Controllers who have vast experience of sugar industry come and tell us that protection is not necessary. This evidence has been brushed aside and the three gentlemen of the Board have recommended protection to the industry. I have given the important parts of the Report on which the Commerce Minister seeks the vote of the House, but the whole case goes against him. I do not know what argument he is going to advance. But whatever argument he may advance I may tell him as my other colleagues have stated, that he must definitely make an announcement here that this is the last period of the protection and he may definitely make it known to the industrialists that after that period if they are not able to stand without protection then Government are not going to come to their rescue. In all fairness and justice that should be his reply.

I would like to point out that with regard to artificial silk there is a very heavy difference between the import price and the indigenous price. In this matter I feel that the indigenous industry suffers immensely. The difference

[Shri R. K. Sidhva]

is so great that protection is not going to help. I would therefore suggest that this industry must be taken over by Government. There is no other solution. If you are to meet the competition of foreign artificial silk this industry should be taken over by Government and it will be really beneficial to the state and the country.

As regards sewing machines the total demand for the year is 1 lakh and odd machines, the estimated production in 1948-49 is 17,000, but in the last column under "Prejudice to indigenous products" it is stated as nil. I am rather surprised because this means it can stand competition. I fear it cannot. I do not know why it is mentioned nil here and I hope the honourable Minister will kindly explain this, because it is prejudicial to the indigenous products to a certain extent.

The Honourable Shri K. C. Neogy: That has been corrected in my copy. It is Rs. 30. I am sorry the correction was not communicated.

Shri R. K. Sidhva: Your mistake is your own and still you laugh. Sir, I am glad that he has corrected the mistake. Now I only expect that in regard to sugar, where if a free vote is taken today I am sure he will get a negative vote, therefore he will in his reply make an announcement as I have suggested.

श्री लक्ष्मी नारायण साहू : उप वाचस्पति जी, माननीय वाणिज्य मंत्री जी ने जो विल उपस्थित किया है उस विल में वे कुछ चीजों के ऊपर रक्षा कर लगाने के लिये हम लोगों से कहते हैं। इस रक्षा कर लगाने से तो हम जो शुगर इंडस्ट्रियलिस्ट्स हैं उनकी रक्षा करते हैं। इस विल में बहुत सी और चीजें हैं उन सबको मैं छोड़ देता हूँ। मैं एक ही चीज को लेता हूँ, शुगर। पहिले तो मैं यह कहता हूँ कि अभी तो जाति का सवाल नहीं है पर जिस जाति से मैं आता हूँ वह मधुकर जाति है, हलवाई जाति है, जो मिठाई बनाती है, जिसका सम्बन्ध शुगर से ज्यादा होता है। एक बात मैं यह कहना चाहता हूँ कि माननीय तिरूमल राव ने कहा और कई कई ने कहा कि गवर्नमेंट ने बहुत से एक्सपेरिमेंट किये और शुगर की बहुत उन्नति हुई। मैं तो कहता हूँ कि गवर्नमेंट के एक्सपेरिमेंट से शुगर की उन्नति नहीं हुई है बल्कि खराबी हुई है। पहिले जो ईख पैदा होती थी उसको हम उड़िया में 'कन्तारि आखु' कहते थे। अब वह पैदा नहीं होती है, वह खत्म हो गई है क्योंकि हाईब्रिडिजेशन कर दिया है जिससे रस एकदम कम हो जाता है। अब आप यह कहते हैं कि एक एकड़ में ज्यादा पैदा होता है। मैं कहता हूँ कि कम होता है। वजन ज्यादा होने से रस कम होता है। यह बात मैं दिल्ली की करके नहीं कहता हूँ। जो रिसर्च होता है उस पर मेरा विश्वास नहीं है। बहुत पहिले मैं देखता

था कि पहिले हम लोग उड़ीसा में परबायल (Parboiled) चावल खाते थे। वह बहुत साफ़ नहीं होता था और हम लोग वह मोटा चावल खाते थे। अब भी फूड मिनिस्टर साहब ने कहा था कि परबायल राइस में बहुत सी Nutrient चीजें हैं। तो मैं ऐसा कहता हूँ कि गवर्नमेंट के जो एक्सपेरिमेंट शुगर इंडस्ट्री के लिये हुए हैं उन्होंने देश की शुगर को खराब कर दिया है। यह बात मैं दिल्ली से नहीं कहता हूँ, बहुत सोच विचार कर कहता हूँ।

दूसरी बात मैं यह कहता हूँ कि प्रोटेक्टिव ड्यूटी देकर हम शुगर इंडस्ट्री के लिये जहाँ कहीं फैक्टरी बनाते हैं वहाँ एक जगह जहाँ कहीं शुगर फैक्टरी बन गयी तो वहाँ जितने छोटे छोटे एग्रीकल्चरिस्ट थे उनकी जमीन सब ले ली जाती है, और बहुत से आदमी गरीब होकर वहाँ की हवा खराब होने से निकल जाते हैं। हम कहते हैं कि लोगों के स्टैंडर्ड आफ़ लिविंग को हम बढ़ाने के लिये ऐसी कोशिश करते हैं। मैं तो कहता हूँ कि ऐसा इनके Standard बढ़ाने से कोई जगह का नाम नहीं रहेगा। जहाँ कहीं आप फैक्टरी बनाते हैं वहाँ बहुत खराबी हो जाती है और सब आदमी निकल जाते हैं।

जो यह प्रोटेक्टिव ड्यूटी देने के लिये मंत्री जी कहते हैं तो शुगर फैक्टरीज को काटेज इंडस्ट्रीज बना कर प्रोटेक्टिव ड्यूटी देने से बहुत अच्छा होगा। और मैं यह भी देखता हूँ कि इस शुगर को जितना साफ़ करते हैं उतनी उसमें मिठास कम होती है। गुड़ में मिठास ज्यादा है और यह जो शुगर जितनी ज्यादा साफ़ होती है उसमें मिठास और भी कम हो जाता है। तो एक तरफ़ तो हम यह कहते हैं कि विटैमिन चाहिये, न्यूट्रीशन ज्यादा चाहिये और दूसरी तरफ़ यह कहते हैं कि यह ज्यादा साफ़ हो। मैं तो यह कहता हूँ कि जब हम लोगों का ऐसा इरादा है कि साफ़ शुगर चाहिये तो शुगर इंडस्ट्री नैशनलाइज हो, जब हमारा आखिर में ध्येय नैशनलाइजेशन का है तो अभी मौका है कि जितनी शुगर फैक्टरीज हैं सब को नैशनलाइज कर दिया जाय।

Shri B. L. Sondhi : Where is the money ?

श्री लक्ष्मी नारायण साहू : इसमें तीस करोड़ रुपया खर्च होगा। आप कितने करोड़ों रुपये धीरे धीरे खर्च करते हैं।

एक बात मैं आप से यह कहना चाहता हूँ कि आप देखेंगे कि जापान में ६५ पर सेंट इंडस्ट्रीज छोटी छोटी काटेज इंडस्ट्रीज हैं। वहाँ इस हिन्दुस्तान देश का आदमी तो ऐसा है कि ७ लाख विलेज या गांव से बसते हैं। उसमें यह छोटी छोटी इंडस्ट्रीज बनाने के लिए कोशिश करना चाहिये।

[श्री लक्ष्मी नारायण साहू]

एक बात मैं आपसे और कहना चाहता हूँ कि शुगर फ़ैक्टरी में एक डेंजर और यह होता है कि इससे सब बड़े बड़े आदमियों की भलाई होती है। बड़े बड़े आदमी ही शकर को खाते हैं। छोटे आदमी शकर नहीं खाते। तो छोटे आदमी के नाम पर आप यहां बड़े आदमी को एडवांस करते हैं। यह देखिये कि जहां शुगर फ़ैक्टरी हुआ है वहां क्या होता है। लोग कोशिश करते हैं और मैंने देखा है कि वहां अभी चौकोलेट फ़ैक्टरी भी बनता है। और चौकोलेट फ़ैक्टरी खाते हैं? वह सब बड़े बड़े आदमी खायेंगे, हम नहीं खायेंगे।

श्री बी० दास: वच्चे खाते हैं।

श्री लक्ष्मी नारायण साहू: आपके वच्चे खाते हैं, लेकिन मेरे वच्चे नहीं खा सकते।

अब एक बात यह भी हो गई है कि शुगर फ़ैक्टरीज जहां हो गई हैं वहां सब जगह कोशिश की जाती है कि दारू भी बनावें और यह दारू बनाने भी लगे हैं।

श्री बी० एल० सोंधी: पावर एलकाहल के लिये।

श्री लक्ष्मी नारायण साहू: पावर एलकाहल तो अच्छा है लेकिन फिर पीने का एलकाहल भी बन जायगा। यह भी डर है।

अब मैं ज्यादा समय नहीं लेता हूँ क्योंकि वक्त नहीं है। तो भी मैं बार बार एक बात यह देखता हूँ कि हम जो कुछ यहां करते हैं तो सिटी लोगों के लिये करते हैं कि कैसे वह अच्छे हों। उन्हीं का ख्याल करते हैं क्योंकि हम सिटी में बैठते हैं। जो कोई हम गांव से आ कर यहां बैठते हैं तो ठीक है लेकिन दिल्ली की आबोहवा में जब कोई आदमी एक वर्ष या दो वर्ष रह जाता है तो वह गांव को भूल जाता है और गांव का इंटरैस्ट नहीं रखता है। इसीलिये मैं कहता हूँ कि और इंडस्ट्री के लिये अभी जितनी प्रोटेक्टिव ड्यूटीज रखते हैं वह सोच विचार कर रविवे परन्तु मैं समझता हूँ कि शुगर इंडस्ट्री को Protection नहीं देने में भी वह चल सकेगी।

(English translation of the above speech).

Shri Lakshminarayan Sahu: Sir, in the Bill which the honourable the Commerce Minister has presented to the House he asks us for the levy of a protective duty in respect of certain commodities. By the levy of this protective

duty we help the sugar industries. There are many other things in this Bill, but I leave them all and take up only one, viz., sugar. In the first instance, I say that, although there is no question of caste involved in here, the caste that I come of is the Madhukar Caste, or the class of confectioners who prepare sweetmeats, who have very much to do with sugar. There is one thing that I wish to say. The honourable Tirumala Rao has stated and several others have stated that the Government have made a lot of experiments which have led to great improvement in the production of sugar. I would say, however, that the Government experiments have not brought about improvement in the production of sugar but rather deterioration. The sugar-cane that used to be produced formerly—we called it *kantari Akh*—is not being produced any longer. It is finished because hybridization has been started which results in a considerable fall in the yield of juice. You say that there is a greater yield per acre now, while I say it is less. With the increase in weight there is a decrease in the juice. I do not say this lightly. I have no confidence in the research that is done. I have observed that a long time back we in Orissa used to take parboiled rice. It was not so fine. We used to take that coarse rice. Now too the honourable Food Minister has remarked that parboiled rice contains a number of nutrient elements. Hence, I say that the experiments that have been carried out by the Government in the interests of the sugar industry have brought about a deterioration in the country's sugar. I do not say this out of light-heartedness, but after due deliberation.

The second thing that I wish to say is this. We give them the benefit of a protective duty and help in the establishment of a sugar factory but once a sugar factory is established at a certain place the lands of all small agriculturists in the locality are taken over. Numbers of people are reduced to poverty. They leave the locality as the atmosphere becomes noxious. We say we are making efforts to raise the standard of living of the people. I say, however, that if this is how we raise their standard there will be no place, worth the name left. Wherever you set up a factory the atmosphere becomes unwholesome and all people quit.

Since the honourable Minister has suggested that a protective duty should be provided for it would be very much beneficial if sugar factories are turned into cottage industries before the protective duty is provided. I also find that the more this sugar is refined the lesser becomes its sweetness. *Gur* has greater sweetness while as you refine sugar its sweetness diminishes. On the one hand we say we should have more of the vitamins, we should have better nutrition, while on the other we insist that the sugar should be finer. I would say that if we people are resolved that we must have refined sugar the sugar industry should be nationalised. If nationalization is our final goal this is the time to nationalize all sugar factories. (Shri B. L. Sondhi: 'Where is the money?') This would cost thirty crore rupees. How many crores of rupees you are already spending aimlessly! You will notice that 65 per cent. of the industries in Japan are small-scale cottage industries. Conditions in India are such that there are 7 lakh villages where people live. We should make efforts to establish these small-scale industries in them.

I would say one thing more. There is another danger in the establishment of sugar factories inasmuch as this conduces to the good of big people alone. It is the big people alone who take sugar. The small people do not take sugar. Thus you are advancing the cause of the big people while proclaiming to be helping the small ones. Just see what happens when a sugar-factory is set up at any place. People try further and I have noticed that a chocolate factory has also been set up there just now. And, who are the people who eat chocolates? Only the big people would eat them and not we.

[Shri Lakshminarayan Sahu]

Shri B. Das: The children eat them.

Shri Lakshminarayan Sahu: Your children eat them but mine cannot.

There is yet another development. Wherever sugar factories have come into existence efforts are made to manufacture drugs too and they have already started manufacturing these drugs.

Shri B. L. Sondhi: For purposes of power alcohol.

Shri Lakshminarayan Sahu: Power alcohol is all right but in due course the alcohol for drinking would also start being produced. That danger is also there.

I would not take any more time as time is up already. I have noticed it again and again, however, that whatever we do here we do for the city folks so that their lot should improve. We think only of them because we sit in a city. It is true that some of us sitting here come from villages but when a man has lived in the atmosphere of Delhi for a year or two he forgets the village and does not hold its interests dear any more. Hence, I would say that you might, after due deliberations, provide whatever protective duties you think proper in respect of other industries, for the present, but I feel that the sugar industry would be able to thrive even if no protection is granted to it.

पंडित ठाकुर दास भार्गव: जनाव डिप्टी स्पीकर साहब, मैं ने इस सवाल पर जो वहस हुई है उसको बहुत तवज्जह के साथ सुना है और जो मुस्तलिफ़ प्वाइंट आफ व्यू हाउस के सामने बयान किये गये हैं उन पर गौर किया है। लेकिन मुझे चन्द स्पीचें सुन कर बड़ा ताज्जुब हुआ। मैं इस मामले में ज्यादा हिस्सा नहीं लेना चाहता था क्योंकि मैं इस मामले में अपने आपको बहुत एक्सपर्ट नहीं पाता। लेकिन ताहम जो वहस अब हाउस के सामने हो चुकी है इसके अन्दर चन्द बातें ऐसी कही गई हैं जिन को मेरी अकल तस्लीम नहीं करती। इस वजह से मैं इस मुवाहसे में हिस्सा लेता हूँ।

पहली बात मैं अदब से यह अर्ज करना चाहता हूँ कि मैं ने यह देखा है कि जब कोई मिनिस्टर हमारे में से निकल कर उन बेंचेज के ऊपर जा बैठता है तो हमको उस मिनिस्टर के खिलाफ़ ख़ामख़वाह ग़लत तौर पर श्वहा पैदा हो जाता है। आज अगर मिस्टर सन्तानस वहां जा कर बैठ गये तो मैं तो यह ख्याल नहीं करता कि वह वहां जाकर किसी दूसरे नुक्ते निगाह से देखने लग जावेंगे और उस नुक्ते निगाह से नहीं जिस नुक्ते निगाह से कि वह इधर बैठे थे तो क्रिटिसाइज किया करते थे। इसी तरह मैं कहता हूँ कि मुझे यह यकीन नहीं हो सकता कि जब मिस्टर नियोगी साहब को मैं ने बराबर कंज्यूमर के इंटरेस्ट की तरफ़ बोलते हुए सुना है तो क्योंकि वह उधर जा बैठे हैं तो उनकी जहानियत में तबदीली हो गयी है और वह अब उस नुक्ते निगाह से नहीं देखेंगे।

बाबू राम नारायण सिंह: डिपार्टमेंट के लिये यह बात है।

पंडित ठाकुर दास भार्गव: डिपार्टमेंट के लिये भी मैं अर्ज करना चाहता

हूँ कि मुझे यकीन है कि न्यू सैट अप में बहुत सारे डिपार्टमेंट के लोग वैसा ही काम करते हैं जैसा कि मिनिस्टर करते हैं और जैसा कि हम सब करते हैं। लेकिन ताहम डिपार्टमेंट वाले कुछ करते रहें मुझे अपने मिनिस्टर में और उन मिनिस्टर्स और गवर्नमेंट में एक मिनट के वास्ते भी शक नहीं हो सकता कि वह अपने नुक्ते निगाह को छोड़ दें। मुझे पूरा एतवार है कि जब कभी ऐसा मौका आवेगा कि पब्लिक इंटरेस्ट में और गवर्नमेंट इंटरेस्ट में क्लेश होगा तो वह सब से पहले अपना इस्तीफ़ा दे देंगे। इसलिये मैं सस्पेंशन की निगाह से किसी गवर्नमेंट के ऐक्ट को नहीं देखना चाहता और जब मेरे सामने एक तजवीज़ ऐसे मिनिस्टर साहब की तरफ़ से आती है जिन पर कि मुझे पूरा भरोसा है तो हमें उस चीज़ को देखना तो जरूर चाहिये और जैसा जनाव वाला ने फ़रमाया हमारा फ़र्ज है कि उस चीज़ को इंडिपेंडेंटली देखें और इस भरोसे से देखें कि वह कतई ग़लत नहीं होगी। वह इस तरह श्वहा की चीज़ नहीं होगी जिस पर ख़ामख़वाह के लिये नुक्ता चीनी करें।

इस प्रोटैक्शन के बारे में मैं अर्ज करना चाहता हूँ कि मैं चाहता था कि इस हाउस के सामने जिस क़दर मसाला मौजूद होता आ जाता। लेकिन इसके अन्दर मैं आनरेबिल मिनिस्टर साहब का कोई क़सूर नहीं पाता। अगर टैरिफ़ बोर्ड ने एक ऐसे वक़्त में रिपोर्ट दी है और इस किस्म की रिपोर्ट दी है कि वह सरकार के सामने मुकम्मिल तरीक़े पर पेश नहीं होती तो मैं नहीं समझता कि मिनिस्टर साहब किस तरह कोई रिपोर्ट अपने दिमाग़ से गढ़ कर पेश कर देते। इस वास्ते जब तक यह मुकम्मिल रिपोर्ट हमारे सामने पेश नहीं होती मुझे अफ़सोस है कि हम लोग ठीक तौर से रायज़नी इस मामले में नहीं कर सकते। इसलिये मुझे ताज्जुब है कि इस रिपोर्ट के हमारे सामने न होते हुए मिस्टर सिधवा कैसे कहते हैं कि मिनिस्टर साहब आज ही नोटिस दे दें तमाम इंडस्ट्रीज को कि यह प्रोटैक्शन उड़ जायगा। जब आनरेबिल मिनिस्टर साहब के पास भी मसाला इस नतीजे पर पहुंचने के लिये नहीं है तो इस नतीजे पर वह कैसे पहुंच सकते हैं कि प्रोटैक्शन अगले साल से बन्द हो जायगा। यह नोटिस कैसे दिया जा सकता है। मैं अदब से अर्ज करूंगा कि ऐसे

[पंडित ठाकुर दास भागवत]

नोटिस देने के लिये मौका उस वक्त होगा जब कि मसाला पूरा सामने आ जाय और हम फ़ैसला कर सकें कि प्रोटेक्शन मिलेगा या नहीं मिलेगा।

प्रोटेक्शन का मामला एक निहायत डेलीकेट मामला है, खसूसन एक ऐसी इंडस्ट्री के लिये जिस को कि बरसों से प्रोटेक्शन दिया जाता रहा हो। और उस प्रोटेक्शन को एकदम से उठा देने के मानी मैं समझने से कासिर हूँ जब कि हम उसके फ़ुल इम्प्लीकेशन पर ग़ौर न कर लें। अगर आज आप इस प्रोटेक्शन को दूर कर देंगे तो इन ५० लाख किसानों का क्या होगा जो कि डेढ़ रुपये और दो रुपये के भाव से गन्ना देते हैं। उनकी इकोनोमी का क्या हाल होगा? आज जो रेलवे अर्ज करती हैं उनकी इकोनोमी का क्या हाल होगा? मैं अर्ज करता हूँ कि जो इकोनोमी एक बड़े अरसे से बन चुकी है तो उस पर बहुत सोच विचार करने की ज़रूरत है। इस मामले पर एक दम फ़ैसला नहीं किया जा सकता जब कि हम इसको बराबर पंद्रह सोलह बरस से प्रोटेक्शन देते चले आये हैं। इससे मेरी यह मुराद नहीं है कि जो प्रोटेक्शन दे दिया जाय वह हमेशा के लिये हो और उसको परपीचुअल कर दिया जाय। हरगिज मेरी यह मुराद नहीं है। मैं समझता हूँ कि केवल प्रोटेक्शन की बिना पर हमको इसे देखना चाहिये कि आया यह प्रोटेक्शन देना चाहिये या नहीं। अगर इससे कंज्यूमर का इंटरैस्ट सफ़र होता है तो हम हरगिज इस प्रोटेक्शन को देने को तैयार नहीं होंगे। लेकिन महज़ इसलिये कि इस में इंडस्ट्रियलिस्ट का नाम आता है तो इंडस्ट्रियलिस्ट को चार गालियां देने से काम नहीं बन जायगा। मुझे एक कहानी याद है। एक शख्स एक दुकान पर गया और उसने चाहा कि एक पैसे की कोई चीज़ मांगे। उस दुकानदार से उसने एक पैसे की चीज़ मांगी और जब पैसा दे दिया और चीज़ मिल गयी तो उस ने उस से हुज्जत की। तो उस दुकानदार ने उसका वह पैसा भी वापस कर दिया। जब वह घर वापस आया तो उसके पास चीज़ भी थी और पैसा भी था। लेकिन फिर भी वह कहने लगा कि दुकानदार ने मुझे तो ठग लिया। तो आज जो सवाल हमारे सामने है उसमें हमें देखना है कि सरकार ने क्या कीमत मुक़र्रर की है, सरकार ने गन्ने की कीमत मुक़र्रर कर दी, सरकार ने सैस मुक़र्रर कर दी और सरकार ने उनके मुनाफ़े की कीमत मुक़र्रर कर दी। सरकार ने लेबर के लिये मिनिमम वेजेज मुक़र्रर कर दी। अभी मुझे बतलाया गया है कि किसी ज़माने में चार रुपया माहवार इस इंडस्ट्री में मज़दूर को मिलता था। आज के दिन ५५ रुपया मिलते हैं। मुझे खुद मालूम है कि ११ आने और दो दो आने मन गन्ना बिकता था। उस वक्त प्रोटेक्शन नहीं दिया गया था उस वक्त यह कीमत थी। आज के दिन गन्ने की कीमत डेढ़ रुपया

और दो रुपया तक बढ़ गयी है। फिर भी आप कहते हैं कि इस इंडस्ट्री ने तीस करोड़ रुपया बना लिये तो मेरी अक्ल के बाहर की यह बात है। मेरी समझ में नहीं आता कि क्यों क्यूबा की मिसाल दी जाती है कि वहां चीनी का २१ रुपये का भाव होता है। २१ रुपये तो यहां शुगर केन की कीमत दी जाती है तो फिर कैसे क्यूबा के मुताबिक यहां शुगर पैदा हो सकती है और उसके मुताबिक बिक सकती है। मैं अदब से पूछना चाहता हूँ कि इस हिसाब किताब के मुताबिक जब यह नहीं हो सकता तो हम को अपनी हिसाब की सेन्स को ख़ैरवाद नहीं कह देना चाहिये।

यह दुरुस्त है कि हमें जा कर क्यूबा के अन्दर देखना चाहिये कि वहां कैसी कंडीशन्स हैं और क्यों वह वहां कम कीमत पर पैदा करते हैं। और क्यों नहीं हम भी उसी कीमत पर पैदा कर सकते हैं। मैं नहीं समझ सकता कि जब शुगर केन की प्राइसेज मुक़र्रर की हुई हैं और फिर कई और आइटमज की भी ऐसी मुक़र्रर हैं कि जिनके अन्दर इंडस्ट्री दखल नहीं दे सकती जिन की कीमत २८ से २६ रुपये तक हो सकती है तो फिर कैसे हम कह सकते हैं कि क्यूबा की कीमत पर यहां शुगर पैदा हो जाय। मेरी यह मुराद हरगिज नहीं है कि इंडस्ट्री वाले बहुत मुनाफ़ा पैदा करें। अगर वह ज्यादा मुनाफ़ा करती है तो उसको आप फ़ौरन उड़ा दें। आपको इसका पूरा अख्तियार है कि उसको कम कर दें। अभी परसों एक बिल आया है जिसके अन्दर गवर्नमेंट ने एक फेहरिस्त बनाई है बहुत सी चीज़ों की और उन में शुगर भी है और टी भी है। गवर्नमेंट उन चीज़ों को कंट्रोल करेगी। मैं अदब से अर्ज करूंगा कि उस बिल में गवर्नमेंट ने यह भी रखा है कि गवर्नमेंट जो इंडस्ट्रीज से कराना चाहेंगी वह इंडस्ट्री को करना पड़ेगा और जब गवर्नमेंट खुद यह रिसर्च वगैरह की ज़िम्मेवारी ले रही है और उसके लिये सैस मुक़र्रर करती है तो मैं अदब से पूछना चाहता हूँ कि गवर्नमेंट के हाथ में जब यह सब चीज़ें हैं तो फिर इंडस्ट्री को क्या अख्तियार रह जाता है कि वह देश को नुकसान पहुंचावे। मैं अदब से अर्ज करूंगा कि आप आखें अपनी खोलें और प्रैज्यूडिस से हर एक चीज़ को देखना शुरू न करें।

मैं मिसाल के तौर पर एक चीज़ और अर्ज करना चाहता हूँ कि देश में जो माल पैदा करते हैं उसकी कौस्ट प्राइस पर भी निगाह रखनी चाहिये कि किस कौस्ट प्राइस पर वह माल पैदा होता है। अगर कौस्ट प्राइस बहुत ज्यादा है तो ज़रूरत होती है कि बाहर से माल मंगाये। लेकिन देश में ज़रूरी चीज़ों के लिये self sufficiency का असूल मानना पड़ेगा। लड़ाई से पहले रूस में गेहूँ का कौस्ट हमारे कौस्ट से बहुत कम था और वहां के लोग गल्ले

[पंडित ठाकुर दास भार्गव]

की कीमत ठीक रखने के लिये उसको जला देते थे। अगर हम सस्ते गल्ले को अपने देश में आने देंगे जब कि गल्ले की पैदावार भी हमारी काफी होगी तो हमारे काश्तकार तबाह हो जावेंगे और हमारी सारी Economy इकोनोमी खत्म हो जावेगी। हमको अपने देश की इकोनोमी और हालत को देखना है और उसके मुताबिक हमें फ़ैसला करना चाहिये और इस तरह फ़ैसला करना है कि जिस से हमारी इकोनोमी रूईन न हो जाय।

आज यह शुगर की ऐसी इन्डस्ट्री है, जिसके अन्दर कितने ही लाख आदमी हमारे देश के हैं जो अपनी रोजी इसी से पैदा करते हैं। शुगर हमारे देश के वास्ते फ़िज़ूल चीज़ है यह कहना आसान है। जो लोग यह कहते हैं कि हमें गुड़ खाना चाहिये, और हमें चीनी न खानी चाहिये क्योंकि इससे तन्दुरुस्ती बिगड़ती है, वही लोग मैं कह सकता हूँ कि गुड़ नहीं खाते। लेकिन अगर यह दुस्त है तो इसका मतलब यह तो नहीं है कि गवर्नमेंट शुगर इन्डस्ट्री को नेशनलाइज़ करदे। अगर शुगर ऐसी चीज़ है जिसका हमें इस्तेमाल नहीं करना चाहिये तो क्यों नहीं इस इन्डस्ट्री को बन्द कर देते? उन मशीनों को तोड़ दिया जाय, फेंक दिया जाय ताकि यह हिन्दुस्तान के अन्दर खराबी न पैदा कर सके। लेकिन यह न कहा जाय कि इस इन्डस्ट्री को नेशनलाइज़ कर दिया जाय क्योंकि इस तरह से तो वही सफ़ेद चीनी प्रोड्यूस की जायेगी जो खराब चीज़ कही जाती है। हाँ, अगर यह सवाल नहीं है तो दूसरी बात है, मैं तो इस मत का हूँ कि अगर हिन्दुस्तान का फ़ायदा इसी में है कि यहां गुड़ खाया जाय, अगर यह ज्यादा अच्छा है तो हमें बोल्ड ऐक्शन लेना चाहिये। हमें सदा के वास्ते शुगर इन्डस्ट्री को खत्म कर देना चाहिये। लेकिन अगर ऐसी बात नहीं है तो मैं यह मानने को तैयार नहीं हूँ कि चूँकि इन्डस्ट्रियलिस्ट के नाम से चन्द लोग चिढ़ते हैं इसलिये इन्डस्ट्री को ही खत्म कर दिया जाय, जिसकी वजह से लाखों काश्तकार और दूसरे आदमी रोजी कमाते हैं। मुझे मालूम है कि जावा की गवर्नमेंट जो मदद प्रोटेक्शन के तौर पर वहां की शुगर इन्डस्ट्री को देती थी वह उस मदद से ज्यादा है जो यहां पर गवर्नमेंट ड्यूटी के अतिरिक्त देती है। जावा के अन्दर शुगर फैक्ट्रीज़ के अपने फार्मस हैं, उनके लिये अलग नहरें हैं। वह खुद शुगर केन पैदा करती थीं। उनके इन्तज़ामात भी हमसे मुस्तज़िक थे। एक फैक्टरी ऐसी थी जिसमें सिर्फ़ रस ही रस बनता था, और वहां से रस दूसरी जगहों पर जाता था और दूसरी जगह माम स्कूल पर और प्रोसेस होते थे। इस तरह जावा बग़ैर में कौस्ट कम होता था। हमें हर एक तरफ़ीव से अपना कौस्ट कम करना चाहिये लेकिन अगर आप गन्ने की कीमत इतनी कम कर देंगे कि काश्तकार को ठीक मुनाफ़ा न मिलेगा तो यह ठीक न होगा। काश्तकार व कारखाने वालों

को वाजिबी मुनाफ़ा मिलना चाहिये। आप मिनिमम कीमत गन्ने की मुक़रर करें और साथ ही मिनिमम मुनाफ़ा मुक़रर कर दें ता कि कन्ज्यूमर पर ग़ैर मुनासिब बोझ न पड़े। लेकिन मेरे दोस्त सक्सेना साहब ने अभी बताया है कि कितनी फैक्टरीज़ हैं जो मुनासिब मुनाफ़ा नहीं पाती हैं। ऐसा है तो देखना होगा कि प्रोटेक्शन काफी है या नहीं। जो अपने पैरों पर खड़े नहीं हो सकते हैं उन को क्या गवर्नमेंट को देखना नहीं चाहिये? क्या वजह है कि यह इन्डस्ट्रीज़ नहीं चलती हैं? जिस वक़्त शुगर इन्डस्ट्री को प्रोटेक्शन दिया गया था तो मुझे मालूम है कि वही साहबान जो प्रोटेक्शन के जारी रखने के खिलाफ़ हैं, जब तक प्रोटेक्शन नहीं था तब तक कहा करते थे कि यह गवर्नमेंट मारीशस और जावा की शुगर को चाहती है कि यहां आये, अन्डर सेल करे। इसी लिये यहां की शुगर इन्डस्ट्री को प्रोटेक्शन न दे कर उन लोगों की मदद करना नहीं चाहती है। आज ईश्वर की कृपा से जब हमारे पास इन्डस्ट्री कायम हो गई है तो हमारा फ़र्ज़ क्या यह नहीं है कि हम इसे अच्छी तरह से डेवलप करें और देश के इन्टरेस्ट के और Consumers के इन्टरेस्ट में इसको कायम रखें। मैं नहीं चाहता कि इन्डस्ट्रीज़ अनड्यू फ़ायदा उठायें। लेकिन मेरी समझ में नहीं आता कि चूँकि इन्डस्ट्रीज़ के बारे में यह ख्याल है कि फ़ायदा उठाती है इस वास्ते इस असूल पर अमल करें कि (To cut one's nose to spite another's face) अपनी नाक काट डालें क्योंकि दूसरे का मुँह लाल करना है। जितने हमारे कन्ज्यूमर्स हैं सब का फ़ायदा हमें देखना है। कन्ज्यूमर्स का फ़ायदा काश्तकारों का और सारे इन्ट्रेस्ट्स को हमें इन्टीग्रेट करके देखना चाहिये कि यह प्रोटेक्शन कायम रखा जाय या नहीं। बिला इसके एक चीज़ पर एक तरफ़ से ही देख कर, और ऐसा कह कर कि तीस करोड़ रुपये का फ़ायदा इन्डस्ट्रियलिस्ट उठाते हैं, जो किसी हिसाब से भी नहीं हो सकता है, प्रोटेक्शन बन्द कर दें, यह मैं एक मिनट के लिये भी मानने को तैयार नहीं हूँ।

इस वास्ते मैं बड़े अदब से अर्ज़ करूंगा कि इस मामले पर इस नज़र से न देखें कि कारखानेदारों ने हमें लूट लिया। आप धवरायें नहीं। उनको ज्यादा फ़ायदा न लेने दीजिये लेकिन उस गूज़ को न मार डालिये जो गोल्डन अंडे देती है। अगर आप को देश की नेशनल इन्डस्ट्रीज़ को कायम रखना है तो आप हरगिज़ ऐसा न करें। प्रोटेक्शन न मिलना चाहिये तो न दीजिये, इसमें मुझे कोई एतराज़ नहीं। लेकिन अगर प्रोटेक्शन मिलना चाहिये तो कोई वजह नहीं है कि हम उस प्रोटेक्शन को न दें। यह नवाब हमें ठंडे दिमाग़ से merits पर हल करना चाहिये न कि कारखानेदारों के खिलाफ़ प्रेजुडिस पर।

(English translation of the above speech)

Pandit Thakur Das Bhargava: Sir, I have heard with great attention the debate that has taken place over this question and thought over the various points of view that have been placed before the House. But I was a good deal surprised to hear some of the speeches. I did not want to take any great part in this discussion because I do not find myself much of an expert in this subject. Yet, in the course of the debate that has taken place before the House so far certain things have been said which do not appeal to my reason. Hence, I take part in this debate.

In the first instance I wish to say respectfully that I have noticed that whenever a Member sitting amongst us goes over to sit on the ministerial benches we come to have a wrong and uncalled for suspicion against him. If today Mr. Santhanam has gone over to sit there I do not think having gone there he would start viewing things from a different perspective and not from that from which he used to view and criticize things when he sat here. Similarly I say that when I have heard Mr. Neogy consistently speaking on the side of the consumer's interest I cannot believe that simply because he has gone and sat on the other side his mentality has undergone a change and that he would no longer see things from that point of view.

Babu Ramnarayan Singh: This is for the department's sake.

Pandit Thakur Das Bhargava: As for the department I wish to submit that I am sure that under the new set-up most of the people in the department act in the same way as the Ministers and we all do. Yet, in spite of what the people of the department might do, I cannot even for a minute have the suspicion that our Minister and the other Ministers and the Government would give up their point of view. I have full confidence that whenever an occasion comes when there is a clash between public interest and government interest they would be the first to hand in their resignations. Hence, I do not want to view any act of the Government with suspicion and when I have before me a proposal emanating from a Minister in whom I have full trust we must at least study it, and, as, Sir, you have been pleased to remark, it is our duty to view it independently and in the confidence that it would never be wrong. It will not turn out to be such a doubtful thing as to call for criticism for nothing.

With regard to this protection I wish to submit that I would have liked that whatever material there was about it should have come before this House. But, in this I do not find that the honourable Minister is in any way to blame. When the Tariff Board has submitted its report at such a time and it is of such a kind that it does not come before the Government in a complete form, I do not see how could the Minister manufacture a report and produce the same. Hence, I regret to say that until this complete report is placed before us we shall not be in a position to give a proper opinion on this point. Thus, I am surprised how, in the absence of this report before us, could Mr. Sidhva say that the honourable Minister should give a notice to all the industries today that this protection shall be abolished. When the honourable Minister too does not possess material to arrive at that conclusion how could he arrive at the conclusion that protection would be withdrawn with effect from the next year. How can this notice be given? I would respectfully submit that the time for giving such a notice would be when full data become available and we are in a position to decide whether protection would be allowed or not.

The question of protection is an extremely delicate question, especially in the case of an industry that has been enjoying protection over a number of

years. I fail to understand what sense there is in withdrawing such protection all of a sudden until we consider its full implications. If you withdraw this protection today what will become of those 50 lakhs of Kisans who supply sugar-cane at the rate of one and half and two rupees. What will become of their economy? What will become of the economy of the Railways in view of what they earn today? I submit that an economy that has come to be formed in the course of a long period calls for a great deal of consideration. No immediate decision can be made on this point especially when we have already been allowing this protection for the last fifteen or sixteen years. By this I do not mean that whatever protection is given should continue for ever and be made perpetual. Not at all do I mean that. I feel that we should look at it purely from the view point whether this protection should be allowed on principle. We will in no case be prepared to allow this protection if the interest of the consumer suffers thereby. But it would serve no useful purpose to shower a few abuses on the industrialist just because there is mention of the industrialist herein. I am reminded of a story. A person went to a shop and wanted to ask for a penny worth of something. He demanded something for a pice from the shopkeeper. When he had handed over the pice and got the thing he started an argument with him, whereupon the shopkeeper even returned his pice to him. When he got back home he possessed both the thing purchased as well as the pice. But, in spite of this he remarked that the shopkeeper had fleeced him. In the matter that is before us today we have to see what price has been fixed by the Government. The Government has fixed the price of the sugar-cane; the Government has fixed the cess; the Government has fixed the limit of their profit; and the Government has fixed the minimum wages for the labour. I have just been told that there was a time when a labourer got four rupees a month in this industry. Today he gets 55 rupees. It is known to me personally that cane was sold at one and a half annas and two annas per maund. No protection had been granted then and this was the price. Today the price of cane has gone up to a rupee and a half and two rupees. If still you say this industry has made thirty crores of rupees this is beyond my comprehension. I fail to understand why the instance of Cuba is cited that the sugar from there is priced at Rs. 21. Rs. 21 are paid here as the price of sugar-cane. How could then sugar be produced here on the lines of Cuba and how could it be sold at that rate? I respectfully put it to you that since this is not possible on the basis of the present calculations we should not for that reason say good-bye to our sense of accounting.

It is true that we should go to Cuba and study the conditions existing there and to find out how they produce it at a lesser cost and why we too should not be able to produce it at the same cost. I am not able to understand that when the prices of sugar are fixed and those of some other items are also so fixed that the industry cannot interfere with them—which collectively amounts to Rs. 26 out of Rs. 28 how can we say that sugar should be produced here at a cost at which it is produced in Cuba. I do not at all mean that the owners of the industry should make large profits. If any one of them charges excessive profit you should at once take it off. You have full authority to reduce the same. A Bill was received just day before yesterday which contains a list, prepared by the Government, of a number of commodities which include sugar as well as tea. The Government would impose control in respect of those commodities. I would respectfully submit that the Government have also provided in that Bill that the industries would have to do whatever the Government might want them to do. When the Government is thus voluntarily taking upon itself the responsibility for research etc. and is fixing a cess for that I would respectfully ask that when the Government has all these things in its

[Pandit Thakur Das Bhargava]

hands what power is left in the hands of the industry to cause loss to the country? I would respectfully ask you to open your eyes and not to start looking at everything with a prejudice.

I wish to say one thing more by way of example. In the case of goods that are produced in the country we should keep in view their cost price and know at what cost those goods are produced. If the cost price is excessive necessity is felt of importing the goods from abroad. But the principle of self-sufficiency for a country for essential goods will have to be admitted. Before the War, the cost in Russia was much lower than ours and people there used to burn it with a view to maintain the price of grain. If we allow the import of cheap grain into our country, especially when our own production of grain will be enough, our cultivators will be ruined and our entire economy will be impaired.

Today this sugar industry is such that lakhs of our country men earn their living through it. It is easy to say that sugar is a useless commodity for our country. Those people who say that we should eat *gur* and that we should not eat sugar because it affects health are the very people, I may say, who do not eat *gur*. But, if this be correct it does not mean that the Government should nationalise the sugar industry. If sugar is something that we ought not to use why not close this industry? Let those machines be dismantled and discarded so that they might not spread disease in the country. But, it must not be said that this industry should be nationalized because in that case the same white sugar will be produced which is described as a harmful commodity. If, however, this is not the question then it is a different matter. I am of the view that if India's good demands that *gur* must be consumed here, if it is the better thing we must take bold action. We must close the sugar industry for ever. If, however, this is not the case I am not prepared to concede that just because some people have an aversion for the very name 'industrialist' hence the industry itself must be closed by virtue of which lakhs of cultivators and other persons make their living.

I know that the help which the Government of Java gave to their sugar industry by way of protection exceeded the help which Government gives here in addition to the duty. In Java sugar factories have their own farms; there are separate canals for them; they produce their own sugar-cane. Their arrangements were also different from ours. There was a factory in which juice alone was prepared and from there it was sent to other places, where the other processes were done on a mass scale. In this way the cost involved in Java etc. was low. We should reduce our cost by all possible means but if you reduce the price of sugar-cane to such an extent that the cultivator does not get proper profit it would not be right. The cultivators and the factory-owners must have a reasonable profit. You should fix the minimum rate for grain and the same time fix the minimum profit to that there may not be an undue burden on the consumer. But my friend, Mr. Saksena, has just told us that there are several factories which do not get reasonable profit. If this is so it will have to be seen whether or not the protection is sufficient. Should not the Government attend to those who cannot stand on their own legs? What is the reason for these industries not flourishing? Until protection was granted to the sugar industry I know that these very persons who are opposed to the continuance of protection used to say, "This Government wants sugar from Mauritius and Java to be imported here and to under-sell. This is why it wants to help those people by not granting protection to the sugar industry here." Now that by God's grace our own industry has got established is it

not our duty to develop it properly and to maintain it in the interests of the country and of the consumers. I do not want that the industries should derive undue advantage but it is beyond my comprehension that just because an idea prevails with regard to the industries that they indulge in profiteering we should act according to the saying, "To cut one's nose to spite another face". We have to look to the interests of all our consumers. We should integrate the interests of the consumers, the cultivators and all others and then see whether or not this production should be maintained. Unless that is done it will not do just to view a question from a certain angle and to say that protection should be discontinued because industrialists are deriving a profit of thirty crores—which could in no way be accounted for. I am not prepared to concede this even for a minute.

Hence, I would submit very respectfully that this question should not be viewed with the assumption that the factory owners have looted us. You must not lose patience. Let them not make excessive profit but you should not kill the goose that lays the golden eggs. You must never do this if you have to maintain the national industries of the country. If no protection is due do not give any,—I have no objection,—but if protection is due there is no reason why we should withhold it. We should solve this question cool headedly on merits, and not on the basis of a prejudice against the factory-owners.

Srijut Rohini Kumar Chaudhuri (Assam: General): It is only two minutes more for the clock to strike five. May I speak, Sir?

Mr. Deputy Speaker: Yes, the honourable Member may begin his speech now and continue it to-morrow.

Srijut Rohini Kumar Chaudhuri: Sir, almost all the speeches that have been delivered on the floor of this House to-day were devoted to sugar. I do not blame honourable Members for having done that, because of all the beloved things of this world, animate and inanimate, there cannot be anything else more beloved than sugar itself. There is nothing more sweet than sugar itself (*An Honourable Member:* "Honey".) There is sweetness in many things. There is sweetness in movement. There is sweetness in a smile. There is sweetness in speech. There is sweetness in the fragrance of flowers. But all that sweetness is transcient. That sweetness goes off in course of time; but that sweetness of sugar cannot disapeal. You like sugar when you are a baby. You like it when you are a grown-up boy. You continue to like even when you are an old man; even when unfortunately the doctor asks you not to take it. If you are put under the strictest restrictions by your doctor, you have only to go to the bazaar and buy some lozenges and then share it with your grand-children, then nobody can find fault with you. That after all being the position of sugar, Sir, it is only natural that the House should be interested in having long discourses on this subject. I should be ungrateful to that noble product of human labour, if I did not say a word in its favour, a word in favour of its protection. Whatever you like whatever you adore, whatever you cherish, you want to protect, you will not expose it to danger. I, taking a rather quick view of the matter, think there is every justification for the request for protection of sugar.

Mr. Deputy Speaker: The honourable Member may kindly continue his sweet speech to-morrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Friday the 25th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Friday, 25th March, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(see part I)

11.46 A.M.

ELECTIONS TO STANDING COMMITTEES FOR MINISTRIES OF
COMMERCE, COMMUNICATIONS AND DEFENCE

Mr. Speaker: I have to inform the Assembly that up to the time fixed for receiving nominations for the Standing Committees for the Ministries of Commerce, Communications and Defence, ten nominations in the case of each of these Committees were received. As the number of candidates is equal to the number of vacancies in each of these Committees, I declare the following members to be duly elected:

Standing Committee for the Ministry of Commerce.—Shri Arun Chandra Guha, Shri Sita Ram S. Jajoo, Mr. Hossain Imam, Shri L. Krishnaswami Bharathi, Mr. E. John Philippose, Shri M. C. Veerabahu, Shri Prabhu Dayal Himatsingka, Shri V. S. Sarwate, Shri Padampat Singhania, Dr. B. Pattabhi Sitaramayya.

Standing Committee for the Ministry of Communications.—Master Nand Lal, Pandit Mukut Bihari Lal Bhargava, Shri P. Kunhiraman, Shri Sunder Lal, Shri U. Srinivasa Mallayya, Shri K. Hanumanthaiya, Shri Mahavir Tyagi, Shri Mihir Lal Chattopadhyay, Kazi Syed Karimuddin, Shri G. S. Guha.

Standing Committee for the Ministry of Defence.—Shri Mahavir Tyagi, Shri H. V. Kamath, Shri Gopikrishna Vijayavargiya, Shri B. Shiva Rao, Pandit Thakur Das Bhargava, Shri Mohanlal Gautam, Pandit Hirday Nath Kunzru, Shri Ari Bahadur Gurung, Shri C. M. Poonacha, Sardar Jogendra Singh.

HINDU MARRIAGES VALIDITY BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I beg to present the Report of the Select Committee on the Bill to provide that marriages between Hindus, Sikhs, Jains and their different castes and sub-castes are valid.

CHILD MARRIAGE RESTRAINT (AMENDMENT) BILLS

PRESENTATION OF REPORT OF SELECT COMMITTEE

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 3, 4, 5, 6 and 10), the

[Pandit Thakur Das Bhargava]

Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 2 and 4) and the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 10, 11 and 13).

INDIAN JUDICIAL PROCEDURE BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I beg to move: "That the time appointed for the presentation of the Report of the Select Committee on the Bill to clarify and modify the law in practice hitherto followed in Criminal applications for special leave to appeal to His Majesty in Council for Criminal cases decided by the Indian Courts, be further extended upto the last day of the first week of the next session."

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to clarify and modify the law in practice hitherto followed in Criminal applications for special leave to appeal to His Majesty in Council for Criminal cases decided by the Indian Courts, be further extended upto the last day of the first week of the next session."

The motion was adopted.

PROTECTIVE DUTIES (MISCELLANEOUS PROVISIONS) BILL—contd.

Mr. Speaker: The House will now proceed with the further consideration of the motion:

"That the Bill to extend the date upto which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect, to determine or levy protective duties in certain other cases and further to amend the Sugar Industries (Protection) Act 1932, be taken into consideration."

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, I speak with great diffidence this morning because some of my friends whose friendship I cherish—my honourable friend Mr. Kamath or even my honourable friend Begum Aizaz Rasul—have taken great exception to a remark which I made last evening, namely that sugar is the most beloved of all sweet things in this world. I confess that I lost myself in ecstasy over the good and durable qualities of sugar yesterday afternoon. But the fault is not entirely mine. Example is contagious and I caught the infection from my honourable friend the Deputy-Speaker. My honourable friend the Deputy-Speaker was very much against protection of sugar for one good reason—that he wants, and all persons agreeing with him want, that sugar should be made immediately available in large quantities and at a cheap price. They want to imitate the example set up by the Pakistan Government where sugar has been imported from outside in large quantities and is being sold cheap.

But I am not concerning myself with the immediate present, I am looking to the future. What will be the effect of the removal of protection? The removal of protection may lead immediately to some gain, but what will be the consequences in the long run? In this matter I do not mind disclosing to the House that I belong to the Thakur Das Bhargava's school of politics in this House. He is my leader in almost everything excepting in the matter of the Hindu Code where he has been coerced into a disagreement with me. The House would do well to remember what happened in the years 1942 and 1943 and so forth when it was very difficult to get a pinch of sugar even for a baby. It is quite good and it sounds very nice when my honourable friend Mr. Ramnarayan Singh advocates the use of *gur* in preference to sugar. But I would ask him, would *gur* have the same effect in building up or in rearing babies as sugar? My honourable friend has perhaps forgotten this when he had grown up his last baby. All the same it will be well to remember what would be the

effect of absolute want of sugar and you must face the danger if you remove the protection now. You cannot say that war will not come in future again and that all import of sugar from outside will not be stopped.....

Shri M. Ananthasayanam Ayyangar (Madras: General): On a word of explanation, Sir.

Mr. Speaker: Not necessary, he is not very serious about it.

Srijut Rohini Kumar Chaudhuri: I am prepared to sit down, Sir, it is hurting anybody.

I am asking, Sir, would you introduce use of *gur* in the hospitals? Would you give *gur* to your patients? Would you give *gur* with barley to your patients?

An Honourable Member: Why not?

Mr. Speaker: Let the honourable Member proceed.

Srijut Rohini Kumar Chaudhuri: So, I say the removal of protection for sugar will mean dire consequences for us in future because at times of difficulty if we do not have factories in our own country it will not be possible to get sugar when we need it for our patients and for our children.

The next question raised was whether this protection should be given for a period of one year or whether it should be extended to two years. As regards that, I would submit that if you are committed to the principle of protection it is better that you give the protection for a couple of years. I say this because if you give the protection only for one year, then Government will come forward again and say that within this one year the necessary enquiries could not be conducted, and in order to collect all the necessary materials and conduct a satisfactory enquiry, an extension of another year is necessary. Therefore, my position is this, that if protection is to be given, it is better that you agree with the Government and give the protection for two years. Let the Government investigate all the points fully, and let them come forward with the results of their enquiry, and then tell the House their decided opinion. It is useless to give protection for one year; because as I said, Government will again come forward for an extension by another year. Therefore, I submit that the protection be granted for two years, so that Government may not have to plead for any further extension.

It was said by some Members that even if the out-put of sugar is reduced in this country, and even if sugar is not made available, and if on account of the removal of protection, the sugar-cane growers are hit hard, even then there is no objection, because, they say, instead of sugar-cane, you might cultivate in those fields other crops. Sir, I do not know the conditions obtaining in other parts of the country, but so far as we in Assam are concerned, I may say that on the land on which sugar cane is grown, no other food crop, I mean no paddy can be grown on that land at all. That land is fit only for the cultivation of sugar-cane, and not fit for the cultivation of paddy, because that land is generally high and quite unfit for the cultivation of paddy. And what is more important, once you grow sugar-cane in that land, that land should not be disturbed for a period of two years at least, because sugar-cane will again grow in that field afterwards. Therefore, if you cannot disturb the land for two years, then you should not also reduce the period of protection to anything less than two years.

The Honourable Shri K. C. Neogy (Minister of Commerce): Sir, I am gratified at the interest which the House has evinced in the proposals embodied in this Bill. There has been some amount of criticism, but I might tell the House that I do not at all mind the criticism, so far as the sugar industry is concerned.

I can quite appreciate the attitude of the House with reference to this industry. It has been in the enjoyment of protection for so many years, and the enquiry is naturally made as to when we are to see the end of protection so far as this

[Shri K. C. Neogy]

industry is concerned. But before I go into the details of the sugar industry, I should like to make a few observations regarding some of the general points that were made. I very much regret that it was not possible for me to present this matter earlier during the present session. The fault is not mine. As was already indicated, the Tariff Board has been extremely busy of late. As a matter of fact, due to the circumstances about which we are all aware, namely, the large number of industries that have applied for investigation into their claim for protection, the hands of the Tariff Board are extremely full. I should like to remind the House that the present Tariff Board, apart from being very temporary in its terms of appointment, can make recommendations for protection only up to a maximum period of three years. In several cases, although the Tariff Board has recommended protection for three years, the Government, as a policy, have reduced that period, not because Government were not in agreement with the Tariff Board in that matter, but because Government felt that having regard to the prevailing uncertainties of the economic conditions of this country, and also in foreign countries wherefrom competition is apprehended, it would not be right to go in for any definite policy extending over a period of more than one or two years. The result is, cases of these industries are coming up periodically for re-examination by the Tariff Board, and the other result is that this House also has to be troubled now and again with proposals of this kind seeking continuation of protection to an industry. But as I said, this is inherent in the present uncertain conditions, not only in this country but in the world at large.

Shri R. K. Sidhva (C. P. and Berar: General): Is the Tariff Board asked to make interim recommendations?

The Honourable Shri K. C. Neogy: No, it is asked to make recommendations with regard to claims for protection for an industry. But then the terms of reference of the Board are limited by that one factor, namely, that its recommendations cannot be accepted for more than a period of three years, and that limitation was imposed for the reasons I have indicated. As I said, it is because of the short periods for which the Tariff Board is entitled to make recommendations that we have repeated enquiries before the Board and repeated legislative proposals which I or anybody else has had to place before this House.

Sir, a word about the Tariff Board itself. As the House is aware, this body was instituted as a result of the recommendations of the Indian Fiscal Commission. As a matter of fact, the Indian Fiscal Commission for the first time, laid down the lines for a definite tariff policy for this country, with a view to protecting nascent industries. And in their view, a body like the Tariff Board was an essential feature of any policy of protection, of discriminating protection, as it was described to be, that the Government might adopt. In making that recommendation, the Commission said that the principle of selection should be so regulated that the best men available are to be engaged, the selection depending rather on general qualifications than on specialised or expert knowledge. It is essential, the Fiscal Commission went on to observe, that all members should be men of ability, of integrity, and of impartiality; and the other desirable qualifications are knowledge of economics and a practical acquaintance with business affairs. A demand was made by my friend Mr. Sidhva yesterday, that the Tariff Board should consist of consumers at least, to the extent of 50 per cent of the members of the Tariff Board. I claim that as at present constituted, it is cent percent composed of consumers.

Shri R. K. Sidhva: How?

The Honourable Shri K. C. Neogy: Can my friend Mr. Sidhva point out who would be a better representative of the consumer than the President of the Board itself, than the two well-known economists who are members of the Board; and the fourth member who has been added who is an experienced administrator, having nothing to do with any industry or business. Now, Sir,

I should have thought that we could not have made a better selection. Let me tell the House that in the opinion of even impartial observers, the Tariff Board has fully justified its institution, and it has established a high standard of integrity and ability, and it is to-day, an institution, irrespective of the changes in the personnel that have taken place from time to time, it is an institution of which any country could be proud.

Sir, now coming to the case of sugar. I told the House that the Tariff Board recommended protection for fifteen years at one stretch. That report is dated 1931, and while making that recommendation—honourable Members can find the relevant observations in paragraph 81 of the Report—they have indicated that the period of 15 years may not be sufficient for the purpose of giving protection to this industry. They took the period of 15 years as the minimum period for which protection should be guaranteed all at once to that industry. Now, Sir, the question is whether the time has come to reconsider Government's policy in this matter. I should like to remind the House that we are just passing through the 18th year of protection—I suppose it is the 18th, or rather the 17th year—and that minimum period of fifteen years has been extended only by two years so far, and for reasons which I have already stated to the House, the reasons being the extreme uncertainties of the present circumstances both in India and in the outside world, and particularly the high price of sugar-cane that prevails at the present moment accounting for the high price of sugar itself. Is it any wonder that the Tariff Board, taking into account all these factors, felt impelled to say that we had better wait for another two years before we make a comprehensive enquiry? Indeed, they felt that there were not sufficient materials on the basis of which they could make any useful report and in this attitude they were supported by the evidence of all the provincial Governments, all the scientific bodies, and all the interests that were directly concerned. They all said, this is not the time, we are not in a position to produce the necessary materials before you.

What should be the period of protection of any industry, has been dealt with by the Fiscal Commission itself. It is well remembered that if the country commits itself to a policy of protection, may be discriminatory protection, the protection has, in most cases if not all, to be given for a very very long period. The Tariff Board quoted Professor Taussig, a well known economist, who was Chairman of the United States Tariff Commission, as follows:

"The length of time to be allowed for the experiment should not be too brief. Ten years are not enough; twenty years may be reasonably extended; thirty years are not necessarily unreasonable."

On that, the Fiscal Commission observe:

"It is hardly to be expected that an industry would be able to establish itself in India in any shorter period than is required in so highly developed a country as the United States."

As I said, fifteen years was considered to be the minimum period by the Tariff Board that reported in 1931. We are in the 17th year of protection. Is that too long a period? A suggestion was made by my honourable friend Mr. Sidhva that we should immediately notify to the industry thus far and no further, and everything will be settled. That is to say, if they know there will be no protection hereafter, the industry will adjust itself to the circumstances that have been brought to light.

Shri R. K. Sidhva: I mentioned a period.

The Honourable Shri K. C. Neogy: Yes; you mentioned a period. I am disposed to accept the advice of the Indian Fiscal Commission in preference to that of my honourable friend.

1864 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [25TH MARCH 1949]

[Shri K. C. Neogy]

I was going to read out what that Commission said specifically with reference to such a suggestion. They said:

"We feel, therefore, that the scheme of a time limit is not really practicable and that the difficulties which it is designed to obviate must be faced in some other way."

"To fix a time limit so remote as to have little practical meaning, or to fix one which might well prove inadequate and would certainly fail to give the industry that feeling of security for the future. These are the two alternatives."

Therefore, they say, the Tariff Board should be asked to enquire from time to time into the prevailing circumstances and to see with reference to the progress made by any industry as to whether or not protection should be discontinued at any particular time. That is exactly the policy of the Government and that is exactly what the Tariff Board has been asked to do.

Shri R. K. Sidhva: What about Mr. Mehta's evidence?

The Honourable Shri K. C. Neogy: I am coming to that. I would again refer to the report of the Tariff Board on sugar industry in 1947, in which they recommended the continuance of protection for a further period of one year. They say:

"Since, in our opinion, the Indian sugar industry is likely to require protection for some time to come, we are of the opinion that the detailed enquiry into the extent of protection necessary should be undertaken when conditions both in India and abroad become more normal".

First of all, they say that this protection has to be continued for some time to come, and as to the enquiry to which I have referred, that is to say, enquiry as to whether it should be continued or not, they thought that the time had not arrived even for the purpose of making that enquiry, and therefore, they recommended an extension by one year. When the matter came up before the present Tariff Board, they found that the price of sugar had reached record heights here whereas the prices abroad are very low. Is this the time to remove protection? Therefore they said until and unless the price of sugar, which of course involves a reduction in the price of cane itself, has been reduced materially; this question of removal of protection cannot be considered. This is what they said:

"Protection of the industry has to be continued until the cost of production in this country has been substantially reduced. The existing protection should be continued for a period of two years ending March 31st, 1951. There should be a detailed enquiry at the beginning of 1950 in order to determine the quantum of protection if any that would be necessary after 31st March 1951."

We know the high prices prevailing in the country. It was stated yesterday by my honourable friend Prof. Shibbanlal Saksena that if we were to drop protection, the industry would be able to stand competition with imported sugar. The landed cost of sugar at Karachi, I am told, is ordinarily Rs. 19-8-0 or Rs. 20/-; occasionally, it is Rs. 17/- even.

Pandit Lakshmi Kanta Maitra (West Bengal: General): Rs. 17/- a maund?

The Honourable Shri K. C. Neogy: Yes. What are the prices here? Even if we take into account the reduction that has been recently ordered by the Government, the Indian price would stand at Rs. 28-12-0. The Tariff Board has made calculation on the basis of a landed cost CIF of Rs. 16/- per maund. I am told, as I have already stated, that the prices go down to about Rs. 17/- so far as Karachi is concerned. The whole position comes to this. If the cane price which has now been reduced to Rs. 1-10-0 per maund in the U.P. and to Rs. 1-13-0 in Bihar, can be reduced to Rs. 1-6-0, then only we will be in a position to sell indigenous sugar inside the country in competition with imported sugar, provided the price of imported sugar does not go down meanwhile. We have very little information about the position in Java; we know

the prices in Brazil and Cuba; the tendencies there are indicative of a possibility of a further fall. Now, the question is, is this the time when the protection should be withdrawn. I should be the last person to advocate the continuance of protection for a day longer than is absolutely necessary. But, is this the time when the Government can take the responsibility for removing the protection and exposing the industry which has been built up at so much cost to the consumer. I should say, and throwing it to the wolves just because the circumstances at the present moment do not enable a thorough enquiry being made into the conditions of this industry as pointed out by the Tariff Board.

Shri R. K. Sidhva: The price is fixed by the Government?

The Honourable Shri K. C. Neogy: Yes. But, to what level can you push the prices down, that is the problem.

Here I come to another aspect of the matter. A good deal of dissatisfaction was expressed as regards the working of the Syndicate. I am not apologetic. I do not hold any brief for the Syndicate. As a matter of fact, the Sugar Syndicate is not a part of the protection. It was not set up as a part of the original scheme. This was brought into being by the joint action of the two provinces most concerned, the United Provinces and Bihar.

They have given this body certain powers under statutory authority of the Provincial Governments. Now the U.P. and Bihar Sugar Factories Control Acts lay down various conditions of control and one of the conditions is no one can undertake any construction of a factory etc. except with a license from the Provincial Government concerned and it has been laid down that membership of the Indian Sugar Syndicate is a condition for the grant of a crushing license to a factory. That is to say, under the law that operates now in U.P. and Bihar under the authority of the Provincial Governments concerned, unless a factory is a member of the Syndicate it is not entitled to crush cane. How am I responsible for anything that may happen in the Syndicate.

Shri Ram Narayan Singh (Bihar: General): Do you support the stand taken by the Provincial Governments?

The Honourable Shri K. C. Neogy: I am not in a position to judge about the justification of any measure that any responsible Provincial Government may have taken. I don't know all the circumstances which may have influenced this particular measure. If there is so much of dissatisfaction, then I should have thought that Professor Shibbanlal Saxena should be in a position to influence the policy of the U.P. Government. At least there should be some amount of public opinion expressed in that province as also in Bihar from which my honourable friend Mr. Ramnarayan Singh comes. I have nothing to do with the Syndicate. It is not for me to support anything that the Syndicate may be doing but I am prepared to give this assurance that so far as all these comments that have been made about the Syndicate are concerned, the Central Government would certainly bring these to the notice of the Provincial Government for any action that they may like to take.

Shri S. V. Krishnamoorthy Rao (Mysore State): The annual production of sugar is 11 lakhs. There is a surplus of 2½ lakhs. So the surplus will be 13½ lakhs against the intake of 10 lakh tons. In spite of the fixation of the price of sugar, the protection may not be able to help the industry. May I know what the honourable Minister is going to do for the clearance of the surplus unless the price is reduced?

The Honourable Shri K. C. Neogy: My honourable friend has referred to a very important point. As a matter of fact when he describes this as a surplus, I am sorry it is an illusory surplus. Before Partition India was not

[Shri K. C. Neogy]

wholly self-supporting in the matter of sugar. It is because we have not succeeded in maintaining our supplies to those parts of the country that now form Pakistan, that this so-called surplus has arisen. As a matter of fact it should be our aim not merely to make India as it stands now, self-supporting, but also to maintain that export to Pakistan. That could not be done unless the prices have been substantially brought down. I am glad my honourable friend brought this particular point to my notice.

Now a suggestion was made by Dr. Deshmukh that the country need not be self-supporting in sugar, and that in so far as the industry in U.P. and Bihar suffer from a serious handicap, we need not do anything very special to bolster up that section of the Industry. May I remind the House that inefficient as some of the factories in U. P. and Bihar may be and if the outturn of sugarcane also is comparatively poor in these two provinces, the fact remains that 80 per cent of the sugar is produced in these two provinces. Government certainly cannot go back upon their declared policy of making India at least self-supporting. What would be the result if my honourable friend's suggestions were to be accepted? Would it not seriously jeopardise the economy of these two provinces?

Dr. P. S. Deshmukh (C. P. and Berar: General): On a point of personal explanation all that I wanted was the quantum of production may be reduced so that the production of sugarcane might be increased. I did not want complete abolition.

The Honourable Shri K. C. Neogy: I quite appreciate that and that is what we have in view. The Government have increased the grant to the Indian Sugar-cane Committee four-fold with effect from this year. The amount actually available to that body would be in the neighbourhood of 50 lakhs for the purpose of carrying on research and everything necessary for the purpose of improving the yield of the sugarcane and the yield of sugar from the cane particularly in these two provinces.

By the way I would like to point out to the House that even if we were to withdraw protection, it would not mean very much of a benefit to consumer, for the reason that the protective duty at present works out to about 36 per cent only and not any high figure such as Dr. Deshmukh mentioned yesterday. I have had it verified and it works out to 36 per cent and the removal of the protective duty does not amount to free entry of sugar from abroad. It does not mean that there is no revenue duty to be imposed. Having regard to the general level of our revenue duty it would not be that the revenue duty would be anything less than 30 per cent and in some cases it stands in the neighbourhood of 36 per cent. So even if you remove this protective import duty of 36 per cent the revenue duty that will have to take its place will not be very much less than this amount. Now coming to the question of what difference does it make how you call it if there is no difference in rate. A complaint was made that when for instance we have removed the particular protective duty, a similar rate of duty described as revenue duty has automatically taken its place. The difference is this. In the first place it has a great psychological importance. The moment you say that you are pledged to protect a particular industry, it gives an impetus to that industry; not merely that; it gives Government a right to control the industry in various methods. Secondly and which is more important is, that the moment a protective duty is imposed, under the provisions of Section 4 of the Indian Tariff Act the Executive Government without coming upto Legislature can vary that rate of duty in whatsoever manner it may be necessary, for the purpose of either safeguarding the interest of industry or safeguarding the interest of the consumer so that the Legislature may not have to be troubled every time that

the duty may have to be increased for the purpose of making protection more effective than what it was when it was originally granted. This constitutes the importance of a duty being described as protective duty although the rate may be the same as that of a revenue duty. Now I was rather surprised yesterday to find my friend Mr. B. Das advocating free-trade. Mr. Das of 1932, I find, gave his whole-hearted support to the bill for granting protection to Sugar Industry. He even showered blessings on the British official who was then in charge of the Measure, for having brought forward such an ameliorative measure to give protection to the Sugar Industry and now Mr. Das of 1949 says that sugar is not an essential commodity and the emphasis should be put upon *gur*. My honourable friend makes so many speeches that perhaps he does not remember what he said so long ago as 1932.

Shri B. Das (Orissa: General): I have since learnt the policy of the sugar manufacturers.

The Honourable Shri K. C. Neogy: Now, Sir, I do not think that the House would expect me to agree to abolish protection so far as the sugar industry is concerned here and now, but I am prepared to accept the amendment which my honourable friend Prof. Shibbanlal Saksena proposes to move reducing the period of protection from two years to one year. But then at the same time I should like to warn the House that having regard to the opinion of the Tariff Board and the opinion of the provincial governments and other authorities consulted by the Tariff Board, it would be extremely unlikely that a complete and comprehensive report from the Tariff Board dealing with all the various aspects of this question will be ready by them. But I agree that so far as some ancillary issues are concerned, for instance, issues like that of the Sugar Syndicate and as regards the possibility of further reduction of the prices of sugar and sugar cane, so far as these issues are concerned, perhaps we may be in a position to discuss the matter once again a year hence, but I am very very doubtful if it would be possible for the Tariff Board to make a comprehensive enquiry into all these various issues and make its report sufficiently early to enable this House to consider it during the next Budget session, but then, if it pleases the House, I am perfectly prepared to accept the amendment.

Shri M. Ananthasayanam Ayyangar: On a point of information, may I ask the honourable Minister what according to the industry itself might be the reasonable length of time for which they would like to continue this protection and after that they will stand on their legs? Have they got any idea?

The Honourable Shri K. C. Neogy: I am not in direct touch with the industry, but what I have got is the report of the Tariff Board which is expected to go into all the various matters and not be guided merely by what the industry says, and they are not in a position to make any recommendation beyond saying that they are convinced that protection will have to be continued for some time to come, but they are not in a position to make any definite recommendations.

Shri M. Ananthasayanam Ayyangar: Does not the industry apply for continuance from time to time?

The Honourable Shri K. C. Neogy: No, no. We ask the Tariff Board to enquire into the position of the industry in terms of our undertaking that the condition of this industry will be enquired into with a view to finding out whether protection need be continued, and if so, to what extent.

Babu Ramnarayan Singh: What is our undertaking, Sir?

The Honourable Shri K. C. Neogy: Undertaking given to this House from time to time. The honourable Member should remember that this matter has

[Shri K. C. Neogy]

not come up for the first time today. From time to time we came up for extending protection in this way, from year to year, on the understanding that a thorough and comprehensive enquiry would be made into the conditions of this industry, and that enquiry has not been made as yet.

Shri B. P. Jhunjhunwala (Bihar: General): Has the Government got any data as to why the sugar industry has not been able to stand on its own legs up till now, what are the difficulties in its way,—at least the broad outlines? Also what is the Government doing to remove those difficulties?

The Honourable Shri K. C. Neogy: Oh, yes. As a matter of fact, I briefly referred to some of the difficulties. The difficulties are, as the honourable Member knows perhaps better than I do, low out-turn of sugar cane per acre as compared with other countries from where we get competition and low sucrose content of the sugar cane that is grown particularly in the U.P. and Bihar. These are the principal difficulties.

Shri B. P. Jhunjhunwala: But barring allowing Rs. 50 lakhs, has Government done any tangible work regarding improving the quality of the sugar cane and the quantity of the sugar cane per acre either in Bihar or U.P.? Is the Government aware that U.P. and Bihar can produce the cheapest sugar cane provided some effort is made on behalf of Government and this control is removed.

The Honourable Shri K. C. Neogy: Oh, yes. As a matter of fact, a lot of things has been done and is being done. As a matter of fact, it is with a view to increasing the activities of Government in this behalf that the grant has been increased four-fold this year. Some of those points were referred to in questions which were put to my honourable colleague, the Minister for Agriculture, on different dates in this same session and if my honourable friend wants to have further information. I would suggest that he puts further questions to my honourable colleague, because he is in a better position than myself to tell the House about the agricultural aspect of the industry.

Shri O. V. Alagesan rose—

Mr. Speaker: No further questions. I think the position is clear enough. Probably, the work so far as agricultural improvement is concerned, is being done through the provincial governments; and therefore, this Government is concerned with grants only.

The Honourable Shri K. C. Neogy: Not quite that. Our Agriculture Ministry is also in touch with what is happening, because the Indian Sugar Committee is a Centrally constituted Committee.

Shri O. V. Alagesan (Madras: General): I wanted to ask a question. Is the yield per acre in Java much more than that in India?

The Honourable Shri K. C. Neogy: Yes.

Mr. Speaker: That has been replied to very often. We are now concerned with the Bill.

The Honourable Shri K. C. Neogy: Now, Sir, I do not think I should trouble the House any further so far as sugar is concerned, but I must just briefly touch upon two other points to which reference was made. One was to sericulture. As a matter of fact, here we have not been able to decide definitely upon the quantum of protection; because the report of the Tariff Board is still awaited. They have merely asked us to continue the protection on the present basis.

As regards artificial silk fabrics to which reference was perhaps made by my honourable friend Shri Sidhva, I should like to tell the House that this has nothing to do with protection of artificial silk yarn because that is not yet produced in the country. This particular item relates to fabrics made out of artificial silk, wholly or partly out of artificial silk and cotton and as a matter of fact, I am told that 85 per cent of this industry is a cottage industry, and so the House would realize that this particular measure is intended to benefit cottage industry of that great importance.

Shri R. K. Sidhva: I was not opposed to protection.

The Honourable Shri K. C. Neogy: I think, Sir, I have not got anything further to say.

There is just one other point that was mentioned by my honourable friend Mr. Ayyangar and that relates to nickel alloy. We have stated in the papers circulated that the variation has been decided upon in consultation with the Tariff Board. The facts are these. The Industries and Supply Ministry were anxious to limit the scope of this particular item, so that on qualities that were not made here, the revenue duty could be reduced and large imports permitted, and we are now only separating the two kinds of this particular alloy. The Tariff Board was referred to in the matter and the decision was of course the decision of the Government and the Tariff Board had no objection. This is the history of this particular item.

Mr. Speaker: The question is:

"That the Bill to extend the date upto which certain duties characterised as protective in the First Schedule to the Indian Tariff Act, 1934, shall have effect, to determine or levy protective duties in certain other cases and further to amend the Sugar Industries (Protection) Act, 1932, be taken into consideration."

The motion was adopted.

Mr. Speaker: There are amendments to clause 2 by Prof. Saksena. I believe both go together.

Prof. Shibban Lal Saksena (U.P.: General): Sir, I beg to move:

"That in clause 2 of the Bill—

(i) in part (i) the figures '17' be omitted; and

(ii) in part (iii) after the words 'Items Nos.' the figures '17' be inserted."

Mr. Speaker: May I just ask for a point of clarification from him? I understood from his speech yesterday that he was agreeable to have it for one year. Now, what is the effect of this deletion of '17'?

Prof. Shibban Lal Saksena: This is consequential to that.

Mr. Speaker: That I saw.

Prof. Shibban Lal Saksena: Altogether will give protection for one year.

Mr. Speaker: What I follow from these amendments is that the honourable Member wishes to delete item 17, 'Sugar,' from sub-section 4 of the First Schedule of the Tariff Act.

Prof. Shibban Lal Saksena: Yes.

Mr. Speaker: He wishes to introduce Sugar in item 49 as he has stated.

Prof. Shibban Lal Saksena: Yes.

Mr. Speaker: He also states that in part (iii) after the words "Items Nos." the figures "17" be inserted. That is an addition to item 49. I see now. It was a misapprehension on my part. It is quite alright now.

Prof. Shibban Lal Saksena: I am grateful to the honourable Minister for saying that he will accept my amendment. Yesterday I said that although I thought.....

Mr. Speaker: We need not now repeat the whole debate again!

Prof. Shibban Lal Saksena: I will say something about what he has said. I only want to point out that I myself realize the position and therefore I reduced the period from two years to one year. The manner in which we have been going on for the last 17 years, I feel that if we continue to go on in this manner, we will never be able to drop protection. The honourable Member said that in America sometimes 30 years were necessary for protection but those were for industries which have been in difficulties and which did not make profits in the first two or three years. It cannot be for an industry like the sugar industry because in the last 17 years they have invested in it capital to the amount of 77 crores and the profits are 50 crores. That being the case the industry does not come into the category of industries which require protection. Therefore, I would urge upon him again to see that this period is reduced. I would not mind even then provided I could be assured that at the end of this period I would not find them in the same position as they were in 1932. The crux of the problem is the production of cane. The production of that is the same as in 1932. I shall point out what is being done in other countries. In Java the production is 45 tons per acre, which means about 5 times our yield today. In Hawaii they were producing 76 tons per acre. In 1924 they produced 85 tons per acre, whereas we produced only 12 tons per acre: namely, their production was about 7 times ours. That is something extraordinary. The figures for today might be even larger. If you grant protection to them, then I want it to be conditional. Let some conditions be put down, namely, that unless this industry progresses and improves we shall not grant protection. Therefore, let not the protection be permanent. Let it be conditional on circumstances. I have suggested one year after which the Government should see to it that protection is not continued. By this time the industry must be able to put its house in order otherwise Government cannot be responsible for burdening the consumer with this protection from year to year. Government draws a revenue of Rs. 30 crores from sugar cane. The honourable Minister said yesterday that Government has spent Rs. 50 lakhs on the Fund for sugar-cane development. The U. P. Government has this year set apart Rs. 1½ lakhs for the sugar-cane industry. I want that a larger proportion of the revenue taken from sugar cane should be spent on the industry. Unless this is done, when will the time come when sugar will be available at a cheaper rate?

Then I might point out that the recovery in our province is 9 per cent. In Java in 1920 it was 13 per cent. In Formosa it was 14 per cent. It is necessary that we should do something to see that the cane improves. I understand that in Australia they pay for cane according to the sugar content. They taste every piece of cane. If you do that I will be very glad. You may pay for the cane at the rate at which it contains sugar content, so that the sugar content may be improved. Unless, you try to go about the business in a scientific way and try to have new methods to produce more sugar, you will not be able to improve the industry.

Regarding the sugar syndicate, this is a problem in the U.P. I must say that there is no industry in this country which is protected from outside competition as well as inside competition. Sugar is the only industry not subject to foreign and internal competition.

You must make protection contingent upon these two conditions: firstly, there shall be no syndicate and at least if there is any foreign competition, then internal competition should be allowed to take place. Secondly, there should be an enquiry which should be held to determine the profit of this industry and whether such an industry should continue with protection for a long period.

Thirdly, I would suggest that adequate means should be taken to put this industry on a proper foundation. Fourthly, we should be informed in what time—two years, four years or five years—it will be possible to remove this protection altogether. But you come before us without any idea as to when you can remove it altogether.

Therefore I do hope that Government will see to it that the people concerned work in such a way that they make the industry stand on its own legs. Let him fix the price of sugarcane but let the industry compete and let there be internal competition because this will lead to better efficiency. When the yield per acre has increased, then the cultivator will be able to gain more from one acre than at present. These are my suggestions.

There is one point which was raised by Mr. Himmatsingka, which.....

Mr. Speaker: I am afraid I cannot allow replies to the debate of yesterday. In fact I allowed the whole debate because the Bill contained only two clauses and the principal question was one of protection.

Prof. N. G. Ranga (Madras: General): And the amendments too are agreed upon.

Mr. Speaker: Yes. So there is no use taking further time. Let the honourable Member move the amendments and I shall place them before the House.

Prof. Shibban Lal Saksena: Yesterday I pointed out that in the present year the profit from sugar was Rs. 4-8-0 and last year it was Rs. 9-8-0. If you want to compete with foreign imported sugar you must see that these abnormal profits are reduced. The honourable Minister is going to have an enquiry into this matter and I hope his Ministry will combine with the other Ministries concerned and hold a joint enquiry into the profits earned in this industry so as to see if protection is justified or not.

Mr. Speaker: Amendment moved:

That in clause 2 of the Bill,—

(i) in part (i) the figures '17' be omitted; and (ii) in part (iii), after the words 'Items Nos.' the figures '17' be inserted."

The Honourable Shri K. C. Neogy: I merely wanted to utter a word of caution. With regard to all that my honourable friend wants to be done, within one year, it is not physically possible to do them. I have already said it and let there be no misapprehensions on that particular point. Whatever is possible will be done.

Shri Gopikrishna Vijayavargiya (Madhya Bharat): In view of what the honourable Minister has said is it not better to have it for two years instead of one?

Mr. Speaker: The honourable Member has moved his amendment which the honourable Minister is going to accept.

The question is:

"That in clause 2 of the Bill—

(i) In part (i) the figures '17' be omitted : and (ii) in part (iii), after the words 'Items Nos.' the figures '17' be inserted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Prof. Shibban Lal Saksena: Sir, I move:

"That in clause 3 of the Bill, for the figures '1951', the figures '1950' be substituted."

Mr. Speaker: This is a consequential amendment.

The question is:

"That in clause 3 of the Bill, for the figures '1951', the figures '1950' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Mr. Speaker: The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri K. C. Neogy: Sir, I move:

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

Mr. Speaker: The question is:

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

The motion was adopted.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar)].

TEA COMMITTEE FOR INDIA BILL

The Honourable Shri K. C. Neogy (Minister of Commerce): Sir, I beg to move:

"That the Bill to provide for the development of the tea industry under Central control and for that purpose to establish a Tea Committee for India and levy a customs duty on tea produced in, and exported from, India, as reported by the Select Committee, be taken into consideration."

The Select Committee has presented a unanimous report and I have very little to say in support of this motion except for the purpose of pointing out certain important changes made in the constitution of the Board itself. The

House will see that in pursuance of the recommendation made by certain members in this House labour has been given representation on the Committee or Board as it is now going to be called. Secondly, provision has been made for the representation of the members of this legislature. There is another modification that has been made and that is in regard to the emphasis on the regional character of the representation. In the original Bill certain individual associations representing interests connected with tea were given representation by specific mention following the model of the Tea Cess Act. We thought that the representation to be granted to the tea industry had better be expressed by regions and further that specific representation of certain individual associations be removed from the body of the Act, so that there may be some amount of elasticity in the matter of securing representation of the various interests concerned. It is not the intention of Government to interfere with the representation enjoyed by these representative bodies but there may be changes in the composition of these bodies in the future and we should not therefore like to tie down the hands of Government in the matter of representation of the Indian tea industry interests in the fashion in which it was sought to be done in the original Bill.

We have increased the representation which was contemplated in the case of Assam and also in the case of one or two other areas.

This is about all the changes brought about by us to which I should like to draw the attention of the House as the most important.

Then again coming to the Committees we have made certain changes, though not of a very material character. It would be realised that having regard to the enlarged size of the Board the real work will have to be done by committees. Apart from there being an Executive Committee we have made provision for the setting up of other Standing Committees or *ad hoc* committees as occasion arises.

The rest of the changes are not of any great consequence and in some cases are of a drafting character.

There is a new clause added as clause 20. That provides for temporary continuance and ultimate repeal of Act IX of 1903. Having regard to the changes that we have proposed to bring about in the composition of the Board it is likely that we will take some little time for the purpose of giving full effect to the provisions of this measure. Meanwhile the work hitherto done by the present body must continue, and particularly there should be provision for the collection of the cess or duty. It is with that view that this new clause 20 has been inserted as a transitional measure.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide for the development of the tea industry under Central control and for that purpose to establish a Tea Committee for India and levy a customs duty on tea produced in, and exported from, India, as reported by the Select Committee, be taken into consideration."

Srijut Kuladhar Chaliha (Assam: General): Sir, after sugar of course tea comes naturally because it is a cup that cheers but not inebbrates. It does not suffer from the handicap of taxation in India; it is only when the tea is exported that it comes within the clutches of the law, and it is paid out entirely by U. K. and other foreign countries. As such we have little or no grievance. Formerly the Tea Cess Act was really confined to propagate the extension of the tea market and it was done in other countries. Now, this Bill, in spite of its being sponsored by men who are absolutely ignorant of

[Srijut Kuladhar Chaliha]

tea, has been done fairly well. They have enlarged the scope to include research, marketing, co-operative efforts among growers and manufacturers and other things, and I think they have done fairly well. I think in future when we refer a Bill we should refer it to people who do not know anything about the industry concerned. That will be the best plan I suppose.

Mr. Deputy-Speaker: Because they come with an open mind.

Srijut Kuladhar Chaliha: Yes, they come with an open mind and they have done very well really.

There is one thing in this Bill which is rather to be admired. In this Bill we find for the first time that tea tasting should be developed. In the last 125 years in the tea industry no Indian has ever been admitted to the secret of tea-tasting except Europeans and I am therefore grateful to the honourable Mr. Neogy for having brought out this aspect of the question. Indeed this requires a little austerity, the man should not chew or smoke and his age should not be more than 18. It is hallowed secret to the commercial people of Calcutta. As such the fact that he has taken into consideration this aspect of the question is rather marvellous. I think if we allow some people to be trained in London and other places we will probably be able to have soon some tea tasters.

We have not had tea brokers in Calcutta. It is rather surprising that they work as sub-brokers and not as *pucca* brokers. There are only four firms which are Messrs Carrit Moran & Co. Ltd., Thomas & Co., Creswell & Co., and A. W. Figgis & Co. These are the ones that have been doing the business and there are no Indian tea brokers. They are only under-dogs and are allowed 50 per cent. less brokerage for their work. So it is necessary for us to develop Indian firms to become tea brokers and we should see that the tea growers are given proper share in the tea broking business.

I shall first take the question where we should carry on our marketing propaganda. Should we carry it on elsewhere or in India? First I shall take India. In India during 1914-15 we consumed only 19 million lbs. But in 1925 we went up to 90 million lbs. and in 1948 we are consuming about 160 million lbs. in India alone. Therefore here is a great market where we should spend more money than elsewhere.

As regards the outside markets of course U. K. is best fitted where we are spending pound 80,000 and we should carry on there. But I am afraid the expenditure of about pounds 20,000 in Africa is a waste because the British firms who had tea estates in India have transferred themselves to Africa and they are growing a large acreage there. Two years back they were growing only 36,000 acres. A year ago they have planted 75,000 acres and they are planting more and more. But I am afraid if we spend the money of this Tea Cess in Africa we will be creating a market for the British growers who are transferring their capital from India to Africa. We should confine it to Egypt, Iran, Iraq, Afghanistan and Eastern and Western Pakistan. This sum will be well spent and you should close down gradually the propaganda in Africa because that will not be captured by us but by the British owners who are transferring their capital from India to Africa. We should therefore be cautious in this matter. As regards U.S.A. and Canada the more you spend the less they have consumed and therefore I think we should find out

other fields in Russia. Russia used to buy 50 million lbs. before the 1914 war. But somehow or other the British could not agree with them and it was cut down and down. Now of course we are entering into an agreement with Russia and 4,000 metric tons from North India and 1,000 metric tons from Southern India are to be exported there. But our friends from South India have not provided the necessary quantity. That means 4,000 tons or 8 million lbs. If we have good relations, and we do not see any reason why we should not, having regard to our neutral position in foreign affairs—we should go and befriend Russia as well to buy our goods. By that I think we can have foreign hard currency and dollars. It is necessary therefore that we should carry on propaganda in U.S.S.R. so that we may come up to the former level of 50 million lbs. Then we will be able to sell one-sixth of the North Indian produce.

Mr. Deputy-Speaker: The honourable Member may continue his speech after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

INDIAN FINANCE BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg to present the Report of the Select Committee on the Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949.

TEA COMMITTEE FOR INDIA BILL—contd.

Srijut Kuladhar Chaliha: Sir, before we rose for Lunch, I was saying that we should follow an independent commercial policy as regards the U.S.S.R. We should try to have friendly commercial agreements with the U.S.S.R. so that we can sell as much as 50 million pounds of tea to that country. We have done a little and I am thankful to the honourable the Commerce Minister for allowing for export about 5,000 metric tons of tea to that country and I trust he will continue his efforts in that direction. The tea industry will be greatly relieved if another 5,000 metric tons of tea can be sold to the U.S.S.R. We are not bound to the policy followed by the Britishers in not allowing tea to that country. As such I trust they will follow the policy which they have now adopted which will be beneficial to the industry.

I am also thankful to the honourable Minister that in the functions of the Board he has provided for assisting and encouraging scientific, technological and economic research. This was unknown before. At Jorahat we have a very good Scientific Research Institute run by the Indian Tea Association. I think it will be best for the industry if it is taken up and all students and all professors are allowed scope for research there. We subsidised it through the Provincial Government to the extent of about Rs. 10,000 a year, now I think it has been raised to Rs. 20,000. The Central Government should subsidise the whole laboratory and other things there. There we have entomologists, Bacteriologists, and other scientists and the results obtained are so good that even the London Scientific Association has approved of them I should therefore, like to make a request to the Commerce Minister that he should see whether this Institute can be taken up and Indianised. They have adopted a policy now to recruit a few Indians but if the entire laboratory is taken

[Srijut Kuladhar Chaliha]

over it will be very useful. It is as good as the Agricultural Institute at Pusa, if not better. Therefore this is a matter to which the Commerce Minister would do well to attend to. It is one of the best agricultural laboratories we have in India. I am thankful that he has brought it in in the scope of the functions of the Board.

As regards promoting co-operative efforts among growers and manufacturers, of course the tea industry is such that growers and manufacturers are not different—all growers are manufacturers. It is put rather quite nicely, yet it shows a certain amount of, shall I say, want of knowledge. Yet it is well done. It will be good if through co-operative efforts we are allowed to combine two or more tea estates together for import of machinery. Therefore this provision is really one of the new provisions which has gladdened our hearts.

As regards the fixing of grades of standards of tea, it is said that the U.S.A. is rather disapproving of our standards. I think this report from America is rather one-sided. The growers of tea have followed the same old standard as they used to do, but of course there is the difficulty of labour. There is a certain amount of rough plucking and some faults right have crept in. But I think some prejudicial reports are being received by my honourable friend, because we have not deteriorated in selecting our grades very much.

Then I come to the composition of the Board. I have a little grievance there. In Assam we have about 440,000 acres of tea and our production is about 330 million lbs. In the neighbouring Province they have got about 156,000 acres and they produce only 120 million lbs. Whereas we have got 1,183 tea estates they have got 163. Our proportion is very large, but the composition on the Board is 6 for Assam and 4 for our neighbouring Province. In our proportion we should have got about three times more. For the present I am not going to charge the honourable the Commerce Minister because he has done his best possible and he has also given us a windfall. But I hope he will see that this discrimination on the Board is not made again and that we are given our full share of representation. I am glad, however, that the Central Assembly has been given representation. It is necessary. The old British magnates dominated so much that the Indian businessmen who went there had not the courage to speak up; they go and Kotow before them and are not able to express themselves properly. It is from the Centre that you should give new ideas and a new reorientation of policy. The mere fact that there is not a single Indian tea brokers firm shows that they have not been able to influence them at all. So I congratulate the honourable Minister on giving representation to this House on the Board.

As regards labour, I think there are labourers from Orissa as well as Madras. Representation from these Provinces should also be provided for in order to represent these labourers. We have here representatives from these Provinces. Mr. Sahu is from Orissa. There are labourers from Madras, Bezawada, Maschpatam and Vizagapatam. So, representation from the Central Assembly should be given on the Board not because they will understand the labourers well but because we will be able to bring in new ideas. The body of tea magnates do not accept any view except their own. Therefore, it is well that we have been given representation from the Central Assembly.

I fail to understand why the Chambers of Commerce should be so heavily represented. The dice is heavily loaded in their favour. The Chambers of Commerce have nothing to do with the tea industry and I have not been able

to follow the reason for their representation. I hope the next time we deal with the Act, the Chambers of Commerce will have nothing to do with it. These Chambers of Commerce have very little to do with tea. Even if they have, only one would have been enough.

Pandit Lakshmi Kanta Maitra (West Bengal: General): They are the people who will deal with your tea.

Srijut Kuladhar Chaliha: No, no. They have nothing to do with tea. Tea has an absolutely different organisation.

They have their brokers, their selling agents, their London agents, in fact they are their everything. Therefore the Chambers of Commerce are rather a burden to us with their suggestions and sometimes they are more a dead-weight than any help; especially because they always side the British magnates.

Sir, having said this, I congratulate the honourable the Commerce Minister whose integrity and honesty are proverbial and beyond doubt. What he has done is the best that could be done and I am glad he has brought forward this Bill.

Now, Sir you have had enough sugar, and now I must give you a little tea. For two days you have had sugar. Have some tea now.

The bitter cup utili-tea

Is followed by austeri-tea.

Next, tasting of futili - tea

We hand it to poster - tea

Then comes doubtful sani - tea

And, despite proprie - tea

We live as weak humani - tea

In tea-dious sobrie - tea.

श्री० लक्ष्मी नारायण साहू : श्रीमान् वाचस्पति महोदय, इस बिल में मैंने थोड़ा

ऐमेन्डमेन्ट दिया है। मैं नहीं जानता कि वह ऐमेन्डमेन्ट वाणिज्य मंत्री ग्रहण करेंगे या नहीं। इस लिये मैं अभी बतला देना चाहता हूँ कि यह जो टी पालिसी है, वह पालिसी, मैं देखता हूँ कि, हिन्दुस्तान में सौ बरस से ज्यादा हो गये, साहेब लोगों ने इस को शुरू की थी। यह चाय यहां तभी शुरू हुई और होते होते आम लोग सब चायखोर बन गये हैं। मैं देखता हूँ कि अभी हम लोग जब पचास करोड़ रूपया तक इससे पाते हैं तो चूँकि बाहर के आदमी चाय को इतना बुरा नहीं मानते हैं, इस लिये हम लोगों को इस का प्रचार बाहर करने की कोशिश करनी चाहिये। लेकिन हिन्दुस्तान के बीच में इसका ज्यादा प्रचार न होते हुये भी आज घर घर चाय बहुत फैल गई है। इस लिये यहां चाय का प्रचार करने की कोई कोशिश न की जाय तो अच्छा होगा। अगर यहां चाय का प्रचार करने के लिये ज्यादा कोशिश की जायगी (तो यहां के आदमी इतने चायखोर बन जायेंगे कि) शायद इंग्लैण्ड और, और और देशों में जहां चाय की बहुत जरूरत होती है हम लोगों से, हम चाय भेज भी न सकेंगे। और अगर ऐसा हुआ तो हम लोगों को जो पचास करोड़ रूपया अभी फायदा होता है वह वहां से नहीं मिलेगा।

[श्री लक्ष्मी नारायण साहू]

एक बात मैं कहना चाहता हूँ कि आज चाय आसाम, दार्जिलिंग ऐसी जगहों में बहुत होती है। लेकिन जैसा मेरे मित्र ने कहा है, उसके लिये उड़ीसा से बहुत आदमी चाय के बागों में जाते हैं। हम लोगों के उड़ीसा में यह हालत है कि जो वहाँ गरीब बन जाते हैं, जिन्हें खाने को नहीं मिलता है, वह चाय के बागों में भेज दिये जाते हैं। वह बेचारे इतने दुख में जाते हैं चाय के बागों में कि वहाँ से निकल कर आना उनके लिये बहुत मुश्किल होता है। इस लिये मैं कहना चाहता हूँ कि यह जो बिल सेलेक्ट कमेटी से तैयार हो कर आया है, और जिस में एक प्रबन्ध भी दिया गया है कि इसमें तीन रिप्रेजेन्टेटिव आफ लेबर रहेंगे इसमें मैं इतना ही अर्ज करना चाहता हूँ कि कम से कम यह ख्याल रखा जाय कि उड़ीसा से भी एक आदमी लेबर का रिप्रेजेन्टेटिव हो। क्योंकि कोरापुट जिले में इतने एबारिजिनल्स हैं सउरा, कंध, परजा, गादवा, रणा इत्यादि, यह सब अपनी जमीन को बेच कर आसाम के बागों में जाते हैं और वहाँ उन की देखभाल करने की सुविधा किसी की नहीं होती है। मैं उड़ीसा से आसाम गया था। वहाँ चाय के बागों में देखा कि जिस अवस्था में वह श्रमिक लोग रहते हैं उसकी बहुत उन्नति करनी चाहिये। जब तक हम उनकी उन्नति नहीं करेंगे तब तक उन की हालत बहुत खराब रहेगी। क्योंकि चाय जहाँ होती है वह जगह पानी से भर जाती है और जरा खराब जगह होती है, इस लिये वहाँ मलेरिया बहुत होता है और मलेरिया में जो तगड़ा या मजबूत आदमी हमारे यहाँ से जाते हैं वह वहाँ जाकर बहुत खराब हालत में हो जाते हैं। इसलिये मैं चाहता हूँ कि कम से कम वाणिज्य मंत्री जो यह बिल लाये हैं, उस में मैं उनसे अनुरोध करता हूँ कि उड़ीसा से भी एक प्रतिनिधि लेबर का ले लें। इसके बारे में मैं और ज्यादा बात नहीं कहना चाहता हूँ। सिर्फ इतना ही फिर कहना चाहूँगा कि चाय बेचने के लिये हिन्दुस्तान के बाहर आप जितनी कोशिश कर सकते हैं उतनी कीजिये। लेकिन यहाँ चाय का जितना ज्यादा कन्जम्प्शन होगा, जितना उसका प्रोपेगैन्डा किया जायगा उतनी ही खराबी हम लोगों की होगी। चाय की आप टैब्लेट टी बनाते हैं, केक टी भी बनाते हैं fluff tea बनाते हैं और यह सब बना कर हिन्दुस्तान को आप सब दे देंगे, उसके बाद आप उसका एडवर्टाइजमेंट करेंगे और प्रोपेगैन्डा करेंगे कि यह बहुत अच्छी चीज़ है और यह चाय पीनी चाहिये, तब तो यह देश एक दम खराब हो जायेगा। चाय के अभ्यास से मैं सोचता हूँ कि आदमियों की दृष्टि गाय के दूध के पीने के लिये जो आज है वह भी कम हो जायेगी। चाय एक दम बन्द हो जायेगी तब तो गाय का दूध पीने के लिये सबकी दृष्टि ज्यादा जायेगी। आज इससे फायदा तो है, रुपया ज्यादा

आता है, और सौ बरस पहले जो बात विलियम बेन्टिन्क ने शुरू की थी, बल्कि सौ बरस से ज्यादा हो गये हैं, हिन्दुस्तान भर में चाय बहुत बढ़ गई है। आखिर मैं चाहता हूँ कि कम से कम वाणिज्य मंत्री को यह देखना चाहिये कि वहाँ के लेबर प्रतिनिधि जहाँ जहाँ जायें, वहाँ कम से कम एक उड़ीसा का प्रतिनिधि रहना चाहिये और वहाँ का हाल जो है उस को बेहतर करना चाहिये और देखभाल करने के लिये उड़ीसा से एक प्रतिनिधि होना चाहिये।

(English translation of the above speech)

Shri Lakshminarayan Sahu (Orissa: General): Sir, I have given notice of a small amendment in this Bill. I do not know whether the honourable the Minister for Commerce would accept it or not. I wish to submit here and now that the present tea policy was initiated in India by the Europeans some 100 years ago. Tea was introduced here at that time and gradually the people in general have become tea-drinkers. I see that we get something like 50 crores of rupees from our tea. As the people living in foreign countries do not consider tea to be such a bad thing so we ought to make efforts to give it the widest possible publicity abroad. But in spite of the absence of any widespread propaganda tea has spread its tentacles into every house of India. So it would be better if no efforts are made to popularise tea here. If more efforts would be made to popularise tea in this country then the people of this country would become so chronic tea-consumers that perhaps we would not be able to export our tea to England and other countries where it is badly needed. And if it were to happen so then we would not be able to reap even the profit of 50 crores of rupees that we get today.

The thing I want to say is that tea is mainly produced in Assam, Darjeeling and many other such places. But as my honourable friend has just said a majority of the labour for these tea-plantations is drawn from Orissa. In our Orissa the condition is that those people who become poor, who do not get sufficient to eat, are sent to the tea-plantations. They go to these tea-plantations in such a dire and tattered condition that it becomes difficult for them to return. Therefore I like to submit that in this Bill as emerged from the Select Committee there is a provision that three representatives of the labour class will also be included. I beg to submit only so much in this connection that at least this should be borne in mind that one labour representative from Orissa also should be there. Because a number of aboriginals, like Saaura, Kandh, Parja, Gadwa, Rana etc. of Koraput District, after selling their lands etc. go to work in the tea-plantations of Assam and there no body has any interest to look after them. From Orissa I had gone to Assam. There in the tea-plantations I saw that the conditions under which these labourers live should be improved a great deal. So long we will not improve their mode of living their condition will remain abject. Because the places where tea is grown remain water-logged and thus become uninhabitable. Therefore Malaria is quite common there. As a result of Malaria the condition of the healthy and sturdy people, who go there from our province, becomes very bad. Therefore I wish to submit to the honourable the Minister for Commerce, who has introduced this Bill, to include at least one labour representative from Orissa also. I do not wish to submit anything more in this connection. But I would like to say only so much again that you may make whatever efforts you can to popularise and sell your tea in the foreign countries. But whatever propaganda will be made here and whatever quantities of tea would be consumed here will result in as much harm to the people of this country. From tea you prepare tablet-tea, cake-tea and also fluff-tea. You would give all these things to the people of India, afterwards you will advertise

[Shri Lakshminarayan Sahu]

these things far and wide, will do a propaganda that this is a very good thing and so this tea should be taken, then the result will be that the whole country will be spoiled. By adopting this tea-drinking habit the present tendency of the people that we find today, for taking cow's milk will to a great extent also diminish. If tea is totally stopped the people will get more and more in the habit of taking cow's milk. Today tea is a profitable commodity, we get more money, but as a result of the introduction of tea, that was begun by William Bantinck some 100 years back, I think more than 100 years we see that tea has spread her tentacles far and wide in the whole of India. In the end I beg to submit that the honourable the Minister for Commerce should at least see that wherever the labour representatives of that place go at least one representative from Orissa should invariably be included. Efforts should be made to better the living conditions there and in order to look after the condition of the labourers one representative from Orissa should be placed there.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, this Bill is of considerable importance to India from a commercial point of view. At present Indian tea has a dominating position in the world markets. Before the World War, or rather before the Chinese civil war began, Chinese tea held the dominating position. But on account of the various troubles with which China is afflicted, India has got a long start. China's troubles will be solved very soon, because they have come to a head, and so Chinese tea may again in course of time begin to dominate and be a competitor to India tea. In these circumstances, the committee that we are going to set up will have a very arduous task to perform.

In India, and in Northern India especially, there are three kinds of tea. There is first the Darjeeling tea, there is the Dewars tea and there is the Assam tea. Darjeeling tea is the finest from the point of view of flavour and the price of first-class tea—of the highest kind—will be about Rs. 100 per pound. They are all exported and are bringing in high prices from abroad. As regards the second category, the Dewars tea, it produces the best colour; and the Assam tea which is produced in my friend Mr. Rohini Kumar Chaudhury's Province produces the strongest liquor. It is a happy blending of these three classes of tea that produces the finest tea that you take. The important work of the Committee would be to so arrange matters as to create a very good foreign market for our tea. Upon this, not only the Indian Exchequer will get large taxes, but the Indian producers and labour get large sums of money. The prosperity of India will largely depend upon how we develop and maintain our foreign markets. It is from this point of view that I view the importance of this Committee. It should be the policy of this Committee never to lose touch with foreign businessmen, and not run at once to wholly Indianise the business particularly from the political point of view. In fact, as foreigners would be our best customers, it is only meet and proper that the business, at least outside India should be handled by foreign businessmen those who are intimate with and who can control outside markets. It is from this point of view that the Committee has got to be selected or appointed. I submit that the Department should be careful to bring into the Committee men of business experience, men of business acumen and those who can manage the question of tea in the world market in a more satisfactory and businesslike way. It should be run not on political lines, but on sound business lines. If this Committee can be made to run smoothly on business principles, the future of Indian tea would be brighter and more assured.

With these few words, I support the first reading of the Bill.

Shri Biswanath Das (Orissa: General): Sir, I certainly welcome the Bill as a distinct measure of improvement. Tea is a very important industry which earns for us not only dollars, but also helps in assuring us a good balance of trade. Having accepted the necessity of the Bill, I offer my honourable friend a few observations which I feel necessary in this regard.

In the first place, I consider that the body that he has devised will be a miniature legislature with debates, resolutions and I will be sorry if they are not allowed to have interpellations, because, the whole thing including the proceedings of these assemblies and councils, have been left to the Government to be prescribed under the rules. The Committee, if it is to serve as an executive body, to help in the furtherance of the trade, I do not think that such a big body is at all necessary. I do realise that the different parts of the country which have actually trade or which could hope to have tea industry should have representation. That does not mean that the representation that is allotted should be unwieldy to an extent which will frustrate the very purpose which the Bill has in view. Added to it, it will also add to the expense out of the cess to be collected from the trade.

Having said so much about the strength of the Committee, I come to its constitution. Clause 10 of the Bill lays down the functions of the Board which is the main legislative body constituted under the Bill. Clause (b) states: "increasing the production of tea in India." I do feel that this Committee will take necessary steps to see that cultivation and manufacture of tea is being introduced in other areas where we have none. If that is the aim which the sponsors of the Bill have in view, I fail to see why the province of Orissa is not included in the schedule of representatives. I had undertaken an experiment of introducing Coffee cultivation in Orissa. Within an altitude of 3,000 to 3,500 feet Coffee is being grown.

Srijut Kuladhar Chaliha: What is the rain fall in your country, Sir. You require about 80 inches.

Shri Biswanath Das: I am coming to that. I had introduced coffee cultivation in the hills of Jeypore in Koraput District. I also experimented this in certain other areas. Now that we have got the Orissa States, it further lends strength to my argument. These Orissa States where you have got further higher altitudes, offer a large scope for extension of this cultivation.

Now, I come to the other aspect of the question. Why should the scope of the Bill be limited only to the expansion of the business. I should think that the purpose of this Bill should have been extended further namely on the lines of the law relating to the levy of coal cess and the protection it affords to labour. I have gone through the whole Bill and I must say that there is nothing for labour. As I said, it should be the duty of the Committee to see that labour is also protected. It is idle to expect to expand the trade or develop its cultivation without affording protection to labour. If any one in India today needs protection, it is the tea estate labour. Very few friends, except my honourable friends who have the honour to represent Assam, probably know the difficulties and distress of the tea estate labour. We have in our province five or six different areas from which labour to tea estates are recruited: two areas from the Koraput district, two from Ganjam and one from Sambalpur district. I do know that there is another the sixth recruiting area from one Sub-division of the district of Ganjam. Added to this, you have got the States which have merged in Orissa which, I believe, have recruiting centres. I for myself feel that the sponsors of this Bill or at least the Select Committee should have extended the scope of the operation of the Bill to the protection of labour, and

[Shri Biswanath Das] should have brought within the power of the Committee to spend moneys for the protection of labour and for their training also. Here, I must complain that nothing has been done. Let me hope that what is omitted in the Bill would be made good by the powers vested in the Government under the Act in the rule making powers.

The Honourable Shri K. C. Neogy: That will go beyond the scope of the Act itself.

Shri Biswanath Das: It does not. I do not at all agree with the limited vision of my honourable friend toward this Bill. The main purpose of the Bill is to expand the tea trade, which is manufacture and trade in tea. I fail to understand how the development of the trade could be possible without protection of labour. One is unthinkable without the other. If my honourable friend has any reason otherwise than what I have stated, I think he will be doing justice to himself and to this House and to the Party to which he has the honour to belong.

I come again to clause 4. Here again I see the tinges of the same old aspect viz., a big share of the representation to businessmen. Why should businessmen get both ways? They get representation as internal traders and then again come as the Chamber of Commerce. Why should they have twofold representation? I would appeal to my honourable friend to see that this sort of double representation ceases. For myself I would congratulate him for bringing in a new outlook, a new orientation in this regard but I would request him to go further. Times are changing very rapidly than he himself or we in this House consider. Things are changing so very rapidly that if to-day you go to the country with this Bill, for people will come to hail you as they would have done two years back. Let me hope that the limited scope of the Bill will be further expanded so as to make it more effective, useful and economic. Any institution that is set up under a democratic regime and by the National Ministry loses its usefulness and vitiates the purpose if it fails to be economic and effective. Sir, with these words, I support the Bill.

Shri H. V. Kamath (C. P. and Berar: General): It is common knowledge that within the last few years tea has penetrated almost every nook and corner of our country. Not even a little village or hamlet to-day is without its little tea stall or booth. So far the development of tea industry in our country has been under the control of a Board called the Indian Tea Marketing Expansion Board which being dominated by Europeans did not always have an eye to the interest of our tea industry. Inasmuch as this Bill seeks to replace that old body constituted I believe under Lord Curzon's regime sometime in the first decade of this century, this measure, therefore, I have no doubt in my own mind, will do its very best to promote the development of the tea industry to the advantage of our own country. Tea has become common not merely in India but I believe all over the World during the last 50 or 100 years. English language has given currency to its popularity by referring to it as "the Cup that cheers but not inebriates". There is another saying in English advertisements for tea which says 'Any time is tea time'. For people like my friend Sahu who will swear at tea, against tea, they found out a remedy in countries like U.K. and perhaps America by serving milk with a little soupcon of tea and call it 'Tea-dash' and similarly 'Coffee-dash'. To those who cannot stand the full strength of these beverages, they serve this instead of what may be called 'Neat-tea' or 'Neat-coffee'. In our own country a friend of mine who was a wag, once quoted the Gita in support of tea. He said even Sri Krishna has advocated the habit of tea indirectly. I was dump-founded and said this was impossible.

There was no tea at all in the time of Gita and so asked him how could this be. He replied 'After all Sri Krishna was a prophet and he had vision of what was to come.' Then I begged of him to tell me the Sloka and he quoted the following:

Sarvasya chaham hrdi sannivishito.

I said even now I could not follow it. How could it be interpreted as being advocacy of tea? Then he said:

Sarvasya cha aham hrdi sannivishito.

It means "I am seated in the hearts of all in the form of tea." I said this was too far fetched and so could not swallow it.

But Sir, apart from that with one of our foremost leaders who is unfortunately now not in our midst, it was a favourite saying that 'There is no politics without tea.' I refer to Netaji Subhas Chandra Bose whose favourite drink was tea. There was a time when he took, he told us, 20 or 22 cups per day. Then he decreased the quantity but he always used to say that 'There is no politics without tea'. I am sure Sir that you too who have presided over the deliberations of this House with so much vigour and energy, I am sure that you too do not shun this drink, as my friend Mr. Sahu would like us all to do and I have no doubt you have not been the worse for it by taking tea now and then.

Now my friend Mr. Biswanath Das referred to the problems of labour and wanted that this Tea Committee which we are going to set up should take an interest in the welfare of labour. I am whole-heartedly in agreement with him in this regard and would commend that suggestion to the honourable Minister with a view to developing the industry on right lines and with a view to developing the industry to its optimum capacity. After all it is a truism to say to-day that if labour is happy and contented, certainly the industry will prosper. I am sure that if Government promotes the welfare of labour, there is no doubt whatever that our industry will give us more abundant returns. It may be worth while for my honourable friend the Commerce Minister to take up this matter in co-ordination with the Labour Minister and try to accommodate my friend Mr. Das in this regard. There is rule 10 which refers to the application of the fund. It says that the fund shall be applied towards meeting the expenses of the Board and the cost of the measures referred to in section 10. Now Section 10 contains several clauses, beginning from promoting the sale, increasing the production and consumption etc. and the last clause is "such other matters as may be prescribed." Now, Sir, my friend the Commerce Minister is at liberty to say that it goes beyond the scope of this Bill, but if you read the preamble of the Bill, you will see that what is contemplated is the development of the tea industry under Central control. Now, nobody will deny in the year of grace 1949 that the problems of industry and labour, the problems of the producer, the industrialist and the capitalist and the consumer are so inextricably inter-related and inter-connected that it is not possible to divorce the one from the other without damaging the interests of the whole industry. Therefore I would plead with my honourable friend the Commerce Minister to look into this matter favourably and give it his sympathetic consideration and see that labour gets whatever amenities are due to it for the successful development of this tea industry.

Next, Sir, I would like to sound a note of caution as regards this clause (a) of Section 10. Clause (a) relates to the promotion of the sale, and increasing the consumption, in India and elsewhere, of Indian tea or of tea generally, carrying on propaganda for those purposes.

Mr. Speaker: He is referring to clause 10.

Shri H. V. Kamath: I am sorry, Sir. I am referring to sub-clause (a) of Clause 10. It is Clause 12 in the old copy I have got.

Now, we do want to promote this tea industry and we do not think that a moderate indulgence of this beverage will do any harm to the human organism but at the same time, I must confess that not merely an immoderate indulgence of this beverage will do harm, but even a moderate indulgence of this beverage prepared or got ready in a wrong manner may be detrimental to the human system. I refer in this connection to the very healthy instructions that are always laid down with regard to the preparation of tea. When we carry on propaganda for the purpose of sale and for the purpose of consumption of tea at home and abroad, our propaganda staff and the allied officers should not neglect the other aspect of it, namely, how tea should be prepared and in what manner and cognate matters. I would also suggest, further, in this connection that our staff, either of the Health Department or of the Industry Department or the Vigilance Department must carry out surprise raids and checks on these multifarious and miscellaneous tea stalls that have sprung up like mushrooms all over the country and see that the tea that is served there is prepared correctly and according to hygienic methods because, Sir, it is well known that there is a drug or chemical called "Thein" in tea which if the tea stands over brew for longer than five minutes, I am not sure of the time (Mr. Naziruddin Ahmad: 'Maximum is seven minutes.'), it certainly becomes a slow poison for the human system, and if taken over a long period of time it may have cumulative effect and do damage to the human system to such an extent that it may induce either Dyspepsia or Hyper-acidity. Therefore, when we advertise "Drink more tea and keep fit" or, "Drink Indian Tea and keep fit"—all sorts of slogans there are—but certainly these slogans must also emphasize this aspect of the question, namely, that only good tea should be drunk, but also rightly prepared; otherwise those who are responsible for the preparation of tea, those who are in charge of tea stalls and restaurants must be taken to task and they must be hauled up under the Health Act or even the Adulteration of Food Act. This is a very important measure which I hope my honourable friend the Commerce Minister will bear in mind and I hope he will not propagate the consumption of tea without the propagation of the right method of making tea.

Then, Sir, I have only one more point to make and that is this. We are very happy to note that after nearly 46 years of its existence, this Indian Tea Market Expansion Board is coming to its inglorious close. The history of this Board has been not too complimentary or creditable. It has had a shady past and I would not like to dwell too much upon its past. We are living in the present and building a better future. But Sir I would have liked that one of the clauses here as regards the future of this Board might have been altered. I am referring to.....

Mr. Speaker: He may drop the clause. What is his point?

Shri H. V. Kamath: But I want to read from it, Sir. My copy is defective. It is the old copy. Well, then I will refer to the Bill as it was before it was referred to the Select Committee. I am sure the honourable Minister will have a copy of it with him. Clause 19 of that Bill refers to the transfer to the Committee of all rights and liabilities of the Board.

The Honourable Shri K. C. Neogy: That is clause 20 here.

Shri H. V. Kamath: But that is missing here in my copy. The whole page is missing. Sub-clause (b) of clause 19 states that all officers and servants of the Board holding office immediately before the commencement of this Act shall be deemed to have been appointed officers and servants of the Committee with effect from the commencement of this Act, and shall be entitled etc. etc. 1

should have liked that when the Committee came into existence, it should have had the power to begin with a clean slate. This does not mean that I am against the employment of any or all of these officers that have been connected with this Board. But various complaints have reached the public from time to time about the misdeeds of some of the officers connected with this Board. There have been complaints of not merely anti-Indian favouritism but there have been complaints of corruption. There have been complaints of nepotism, there have been complaints of ill-treatment of Indians on the staff at the hands of the European bosses of this company. One paper went so far as to refer to this Board as the Robbers' Ring. I suppose it was far too exaggerated. But that showed which way the wind was blowing. It showed that all was not well with the Tea Expansion Board. Therefore, instead of making it mandatory that all the officers and servants of the Board shall be deemed to have been appointed officers and servants of the Committee from the commencement of this Act as laid down in the new Clause 20, I should have preferred if this Committee had been given a free hand in the appointment of officers. Either they could have taken them from the old Board or adopted any other method, but to lay down that all of them shall continue and be deemed to be officers appointed by the Committee with effect from the commencement of this Act means that we are tied to it, and certainly I do not think this is a very happy position.

Before I close I would like to say that the measure is welcome because I hope it will serve to encourage and promote the development of the tea industry. I should like to see an increase in the production of the various kinds of tea grown at present. We might also experiment upon new kinds of tea plant that might be growing in other countries. I remember a reference to tea by Maulana Abul Kalam Azab in his book "Gubbare". He speaks of a Chinese brand of tea. I forget the name—"White Lily" or some such name. He is regarded as a connoisseur of tea, and he says that that is the best tea that he has tasted in his life. I am sure that with this new Tea Committee in India, under the able direction and general guidance of the honourable the Commerce Minister, and due to the initiative he has taken in this matter, the day will not be far distant when our tea will not only excel Chinese tea but any other tea that might be grown in the world today, and that not merely the tea-planter, the tea industrialist, the tea labourer, but also the tea maker and the tea drinker, and even my friends like Sahu...

Pandit Balkrishna Sharma (U. P.: General): Who is the tea maker? God?

Shri H. V. Kamath:...all those interested in tea, from its sowing to its consumption—will not have any grievance against this very mild beverage, but even friends like Mr. Sahu, who are opposed to it today, will at least be indifferent to its continuance and growth in our country.

I support the Bill.

The Honourable Shri K. C. Neogy: I am very grateful to the House for the general support which this measure has received at its hands. I am particularly grateful to Mr. Chaliha for the very kind words he said with reference to me personally. As a matter of fact, he was more than kind when he referred to a particular clause which seemed to indicate want of adequate knowledge on the part of the Committee about the condition of things in the tea trade. He said he would not be more explicit in the matter. He said, well, this is quite all right but it indicates some want of knowledge.

I felt that the composition of the Select Committee was seriously defective in that it did not include my honourable friend Mr. Chaliha. But the moment I realized that I sent a special invitation to him to come and assist the Committee informally with his advice and he did cheerfully respond to that invitation and gave us the benefit of his knowledge. It is my hope that he will continue to

[Shri K. C. Neogy]

make his knowledge and experience available to this House whenever questions relating to tea come up for consideration, and that he will find a place on the Board which we are proposing to set up under this Bill through whichever constituency it may be. As a matter of fact, we are having two seats given to this House itself to fill by election, though I would expect those two to represent the consumers interests. But so far as I am concerned, I would be prepared to welcome Mr. Chaliha whether as a representative of this House or of any other body. My honourable friend has raised a sort of mild objection to the representation granted to the Chambers of Commerce—two seats—which we have proposed to give to representatives of Chambers of Commerce and Industry. This body is a continuation of the Tea Market Expansion Board and I do claim that although in the main the functions and the composition of that body have been adopted—of course the functions have been very much enlarged—the representation has been made on the whole more comprehensive than the representation of the Tea Market Expansion Board, which was constituted under the Tea Cess Act. Now, my honourable friend, would remember, that not merely were the Associated Chambers of Commerce (which is the British organization) and the Federation of Indian Chambers (which is the Indian organisation) given representation on that Board, but that other Chambers of Commerce, prominent among them being the Bengal Chambers of Commerce, the Bengal National Chambers of Commerce and the South Indian Chambers of Commerce, were also granted representation. What we propose to do is to give only two seats to Chambers of Commerce and Industry for the purpose of representing the general interest of trade and commerce, in place of having, as I have already read out, bodies which enjoyed representation under the Tea Cess Act. It is our intention to grant representation to the Associated Chambers as also to the Federation of Indian Chambers of Commerce. Now the necessity of continuing some kind of general representation to trade and commercial interests arises out of the fact that apart from the questions of the specialized interests in the tea industry and tea trade, the future export market, or even the internal market would be influenced by activities say in the sphere of transport, shipping insurance and so on. Unless we have some persons who have some knowledge about these matters on this particular Board, it would be difficult for the Board to deal with questions of this character if they come up for consideration. That is my justification for continuing two seats at least to representatives of the general interests of trade and commerce apart from the specialized interests of tea.

My honourable friend referred to the excellent institute that Assam possesses and which carries on research in regard to various matters relating to tea and he expressed the hope that the Central Government would pay a subsidy to that institution. I think that once this Board is set up it will be the function of that Board to link itself up with institutions of this kind and help them financially and otherwise. It is my hope to be able to visit this institution in course of time. I will place myself in the hands of my honourable friend Mr. Chaliha, and I hope I will be able to visit a few typical tea gardens in Assam so as to have a first hand knowledge of some of the broad features of this industry.

My honourable friend Mr. Sahu raised the question, particularly, of representation of labour from Orissa. So far as representation of labour is concerned it is my intention to consult my honourable colleague, the Minister for Labour in the Government of India for the purpose of laying down the lines which should be followed so as to secure due representation of labour on this particular board. I am therefore not in a position to give my friend any specific assurance on that subject but I shall certainly convey my honourable friend's suggestion to him and to the Labour Ministry.

In this connection I should also like to deal with the suggestions that have been made, that the activities of this Board should include all measures relating to labour welfare. Honestly speaking, it was rather away from my mind to include such activities within the scope of this Board. There are, for instance, existing laws and existing organisations which look after the welfare of labour, including labour engaged in tea estates. It is the Government's responsibility to look after the interests of labour, particularly engaged on tea estates, and I know that from time to time the Central Government have taken keen interest in this question. So if I say that this particular Board would not normally be expected to concern itself with questions affecting welfare of tea labour it must not be assumed that the Government do not realise the importance of safeguarding the interests of labour in regard to the tea industry. But here again, is a matter on which I should like to consult my honourable colleague, the Labour Minister.

My honourable friend Mr. Biswanath Das complained about the size of the body. Actually in the original Bill it was slightly smaller in size but due to the expansion on account of, say, the inclusion of representation of labour, representatives of this House and individual representatives of certain areas, the expansion could not be helped. As a matter of fact I find that there are certain amendments, the effect of which will be further to expand the Board. I must say that I agree with him that it is not right to go on expanding a body of this kind and having realised that, as I said in the morning, we do contemplate that most of the work will have to be done by committees, particularly the executive committee. That is how we propose to get over the difficulty which my honourable friend Mr. Biswanath Das has in mind and with which expression of opinion I also agree partially.

My honourable friend expressed a desire that Orissa's possibilities in regard to the cultivation of tea should be explored. That is perhaps what my honourable friend has in mind. No one would be happier than me if Orissa could possibly prove to be a severe competitor with Assam, for instance. My honourable friend perhaps knows how partial I am to Orissa: I have lived in that region for years. But then I am afraid that the climatic conditions of Orissa, at any rate in places with which I am familiar, may not be quite suitable for the cultivation of tea. However, it is well worth pursuing. As a matter of fact I would depend upon my honourable friend to induce the Orissa Government to take the initiative in this matter and draw the attention of this Board to the possibilities of tea cultivation in Orissa, once that is established.....

Shri Biswanath Das: I have demonstrated and it has been found successful.

The Honourable Shri K. C. Neogy: I dare say my honourable friend would bring the results of his demonstration to the notice of the Board, once that is set up. I want to sound a note of warning in this connection. This very morning we were discussing the question of the sugar industry. It is a well known fact that 80 per cent of the present sugar output comes from Bihar and the United Provinces which are admittedly in a worse position than Madras and Bombay, for instance, in regard to natural facilities. So it is somewhat dangerous to try and experiment in such matters and introduce new crops of this kind in areas where they may not ultimately prove to be economical. We should like to avoid while dealing with tea problems of the kind that have arisen in connection with the sugar industry.

My honourable friend Mr. Kamath's intervention was extremely welcome, particularly as it counteracted the somewhat depressing atmosphere which was created on the last occasion by the vigorous speech of my honourable friend to his left. His suggestion will certainly be borne in mind as regards the lines which propaganda should follow.

[Shri K. C. Neogy]

Before I finish I should like to refer to his apprehensions in regard to the existing staff being continued. The staff can easily be dispensed with on a notice of six months. As I said, clause 20 actually is a transitional measure. We want to give the present organisation as a sort of going concern to the new organisation and we should not like to create a disturbance just at the present moment. I can tell my honourable friend that the number of non-Indians in this organisation is comparatively small. It is not more than three in the top posts. What we want to do is to hand over the organisation as a going concern to the new one and not to do anything meanwhile that might create a disturbance in the continuity of the work and then it will be open to the new Board to give notice, under the rules, to anybody who should not continue for reasons that he has stated or for other reasons.

I think my honourable friend Mr. Chaliha gave a quotation to indicate the virtues of tea. May I conclude with a similar quotation from no less a person than the famous British statesman, Mr. Gladstone. This is what is ascribed to him:

"If you are cold it will warm you.
If you are too heated it will cool you.
If you are depressed it will cheer you.
If you are excited it will calm you."

Mr. Speaker: The question is:

"That the Bill to provide for the development of the tea industry under Central control, and for that purpose to establish a Tea Committee for India and levy a customs duty on tea produced in, and exported from, India, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Speaker: As there are no amendments to clauses 2 and 3 I shall put them together.

The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. Speaker: There are two amendments tabled by Mr. Naziruddin Ahmad. Does he wish to move them?

Mr. Naziruddin Ahmad: The first one is only a formal amendment which need not be moved as we have already agreed to a convention that amendments of this nature need not be moved. I simply wish to explain that the headings before clauses do not require full-stops. The full-stop is to be found not only in this Bill but in others as well.

Mr. Speaker: I am not putting them to vote—much less the punctuations with which they are connected.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri Ananthasayanam Ayyangar).]

श्री लक्ष्मी नारायण साहू Sir, I move:

"That in part (ii) (a) of sub-clause (3) of clause 4 of the Bill for the word 'six' the word 'eight' be substituted."

वाचस्पति जी, आसाम के लिये चालीहा जी ने अभी कहा कि वहां पर 10 जगह से तिगुनी चाय होती है। इसलिये वहां के लिये ज्यादा रिप्रेजेंटेशन इस कमेटी में होना चाहिये। इसलिये मैं यह प्रस्ताव पेश करता हूँ। दूसरा एमेन्डमेन्ट जो मैं मूव करता हूँ वह यह है:

"That in part (iii) of sub-clause (3) of clause 4 of the Bill, the words 'for Provinces which have not been mentioned in part (ii)' be added at the end."

इसका मतलब यह है कि उड़ीसा में और जिन 2 प्रदेशों में अभी चाय नहीं होती है जैसा कि अभी माननीय विश्वनाथ जी ने कहा कि उड़ीसा में इस बात के लिये कोशिश करनी चाहिये। तो इसलिये इन सब प्रदेशों के लिये एक एक रिप्रेजेंटेशन उनको देना चाहिये।

इतना कहकर जो मेरा संशोधन है उसको मैं मूव करता हूँ।

(English translation of the above speech)

Shri Lakshminarayan Sahu: Sir, I move:

"That in part (ii) (a) of sub-clause (3) of clause 4 of the Bill, for the word 'six', the word 'eight', be substituted."

Sir, my honourable friend Mr. Chaliha has just stated that Assam produces three times the quantity of tea that is produced in other parts, and for this reason, more representation should be given to that Province on this Committee. Therefore, I move this amendment.

The second amendment which I move is:

"That in part (iii) of sub-clause (3) of clause 4 of the Bill, the words 'for Provinces which have not been mentioned in clause (ii)' be added at the end."

The object of this amendment is that steps should be taken to introduce cultivation of tea in Orissa and other Provinces where this is not grown at present. My honourable friend Mr. Biswanath Das has just stated that it is not cultivated in the Province of Orissa. Therefore, representation to each one of these Provinces should be given in this Committee.

With these words, I move my amendment.

Mr. Deputy-Speaker: Amendment moved:

"That in part (ii) (a) of sub-clause (3) of clause 4 of the Bill, for the word 'six' the word 'eight' be substituted."

The Honourable Shri K. C. Neogy: Sir, the effect of this amendment would be to increase the representation granted to Assam very substantially. I must say that I very much appreciate the spirit of sacrifice on the part of the Assam members on the Select Committee. As a matter of fact, but for that it would not have been possible for us to grant representation to some of the smaller units at all. Now I should give to the House a very rough idea about the nature of the representation that is justified on the grounds of, say, acreage and out-turn. As far as I see, on the basis of acreage Assam would be entitled to 48 per cent of representation of the tea growing interests and on the basis of outturn Assam would be entitled to a representation of 55.3 per cent, whereas we have granted Assam Representation to the extent only of 34 per cent. As I said, I very much appreciate the spirit of sacrifice on the part of the Assam representatives in agreeing to this reduced representation. If now we were to increase it, it would create complications apart from an increase in the size of this Board. I do hope therefore that my honourable friend from Orissa would not press his amendment.

Mr. Deputy-Speaker: Is he pressing his amendment?

Shri Lakshminarayan Sahu: No, Sir.

Mr. Deputy-Speaker: Has the honourable Member leave of the House to withdraw his amendment?

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

Shri Lakshminarayan Sahu: What about my next amendment, that in part (iii) of sub-clause (3) of clause 4 of the Bill, the words "for Provinces which have not been mentioned in part (ii)" be added at the end? I have moved that also.

Mr. Deputy-Speaker: I have not placed it before the House.

Amendment moved:

"That in part (iii) of sub-clause 3 of clause 4 of the Bill, the words 'for Provinces which have not been mentioned in part (ii)' be added at the end."

The Honourable Shri K. C. Neogy: This really goes against the intentions of the Select Committee. The Select Committee wanted to give this House representation by providing for two Members. My honourable friend wants to limit that choice to those members who might be sent to represent Provinces which would not otherwise be represented on this Board. I am afraid such representation could not be called representation of this House at all in any sense of the term.

Mr. Deputy-Speaker: And it may be that some Provinces are not interested at all in this.

The Honourable Shri K. C. Neogy: The representatives of this House would normally be expected to represent the interests of the consumers as a whole.

Shri Lakshminarayan Sahu: I would like to withdraw the amendment.

Mr. Deputy-Speaker: Has the honourable Member leave of the House to withdraw his amendment?

The amendment was, by leave of the Assembly withdrawn.

Mr. Naziruddin Ahmad: I shall move my amendment to clause 4. It is a formal amendment. Sir, I beg to move:

"That in sub-clause (6) of clause 4 of the Bill, for the words 'may make the nomination itself,' the words 'may itself make the nomination' be substituted."

I think this is a better version.

The Honourable Shri K. C. Neogy: I am in the hands of the House in this matter.

Mr. Deputy-Speaker: The question is:

"That in sub-clause (6) of clause 4 of the Bill, for the words 'may make the nomination itself' the words 'may itself make the nomination' be substituted."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 4, as amended, stand part of the Bill.

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clauses 5 to 9 were added to the Bill.

Dr. Mono Mohan Das (West Bengal: General): I move:

"That in part (a) of sub-clause (1) of clause 10 of the Bill, for the words 'in India and elsewhere', the words 'foreign countries' be substituted."

My amendment proposes to take away the right of making propaganda for popularising tea in this country. This Bill has been sponsored for the improvement of the tea industry of our country. The tea industry of our country should be improved to a great extent for various reasons. This industry not only helps to maintain a balance in our export and import trade but it also contributes to a great extent to the financial and economic improvement of our country. It brings a great amount of foreign exchange to our Government, gives employment to about a million labourers and brings considerable amount of profits to the planters as well as to the traders. Formerly India practically monopolised the foreign tea market. But nowadays various other countries like South Africa, Ceylon and a few countries of South America have entered the field as our competitors. I am sorry to say that before these competitors we are gradually losing our ground. We are losing our field because the Indian tea is lower in quality and higher in price.

So, it has become imperative that some means must be adopted, some enactment taken up by this House, for the improvement of our tea industry. This Bill proposes to impose not more than Rs. 2 per cwt. as export duty. This export duty, after deducting all collection charges, will be given in the hands of the Indian Tea Board who will credit it to the Tea Improvement Fund. The Indian Tea Board will take upon itself the responsibility of improving our tea industry. Two things are necessary for the improvement of the tea industry of this country. One is improving the quality of our tea and the other is carrying out an effective propaganda for popularising Indian tea.

So far as this propaganda is concerned, I have no objection to it being done in foreign countries. Actually I have a great desire that such propaganda should be carried out. But so far as this country is concerned, I am vehemently against any propaganda for tea in this country. Tea as a beverage in a full stomach or with a substantial amount of food or at least with a sufficient amount of milk and sugar is not harmful; it takes away our exhaustion and gives us energy and stimulus to work. But in a country like India where people have not sufficient money to pay for food, this attempt to increase the consumption of tea is reprehensible. The lower middle class and the poor people feel hungry and exhausted, go to the nearest tea stall, pay an anna or two, take a cup of tea, their exhaustion is removed, they get invigorated, they find stimulus and energy for work. But what does that tea do in the empty stomach? The tannic acid of the tea forms a coating on the inner wall of the stomach and stops the hunger-contraction. We feel hungry because the stomach contracts when it is empty and due to that contraction we feel hungry. When this tannic acid stops the contraction of the stomach it gives a deceptive and false fullness of the stomach without appeasing the hunger. When this process goes on month after month and year after year it ultimately leads to a total disruption of the digestive system and a nervous breakdown. Peevishness, neurasthenia, loss of weight, all these are the results. So, unless and until the economic condition of our country is improved, especially of the lower middle class and the poor class, no attempt should be made to increase the consumption of tea in this country.

[Dr. Mono Mohan Das]

In this connection I am reminded of one of our great men of Bengal, Sir P. C. Ray, a great scientist and philanthropist. He narrated at length the evil effects of tea upon the human system, especially upon the students of Bengal who are very fond of tea. He asked them, rather he appealed to them, to give up tea as a man shuns poison.

An Honourable Member: But he himself used to take tea.

Dr. Mono Mohan Das: Sir, I have not the good fortune to know it, perhaps he took it with a good amount of milk and sugar. Coconuts he used to take more and when taken with coconut tea does not produce any harm.

I appeal to our honourable the Commerce Minister to take into consideration all these baneful effects of tea upon the human system if it is not taken according to the proper method. Tea when taken properly by the richer classes, with proper milk and nourishment, does not do any harm, but as it is taken by the middle classes and poor classes of our country it does great harm. So, I do not want that taking advantage of the poverty of our people, taking advantage of the ignorance of the health laws, a propaganda machine should be let loose in our country among the lower middle class and the poor class to popularise tea and thereby bring ruin and degradation upon the health of our country. I appeal to the honourable Minister to take into consideration these facts and make such provision in the Bill so that propaganda for tea in this country will be forbidden.

Mr. Deputy-Speaker: May I ask, before we proceed further, whether the honourable Minister has been persuaded by the Doctor's advice to accept the amendment?

The Honourable Shri K. C. Neogy: Not at all.

Mr. Deputy-Speaker: Is the honourable Member interested in pushing the amendment through. If he withdraws then there will not be any discussion on it.

Dr. Mono Mohan Das: I withdraw it.

An Honourable Member: The clause is there for discussion.

Mr. Deputy-Speaker: There are a number of amendments. After all the amendments are disposed of there will be an opportunity to speak on the clause.

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, my respectful submission is this. It may be quite all right for the honourable Member to withdraw his amendment. But is he also withdrawing his speech. Either his speech must be allowed to be contradicted or he should withdraw his speech altogether and it should not be published.

Mr. Deputy-Speaker: We now go to the next amendment. Mr. Sahu.

श्री लक्ष्मी नारायण साहू Sir, I move:

"That in part (a) of sub-clause (1) of clause 10 of the Bill, for the words 'in India and elsewhere', the words 'foreign countries' be substituted."

यह जो संशोधन है वह वैसा ही है जैसा कि मेरे मित्र मनमोहन दास ने किया है। लेकिन मेरा जो आरग्यूमेंट है वह दूसरा है। मैं तो चाहता हूँ कि

जितना पैसा हिन्दुस्तान में प्रोपेगैन्डा के लिये खर्च होगा वह पैसा यहाँ खर्च न करके उस जगह खर्च किया जाना चाहिये जहाँ कि यह पैसा इस प्रचार के लिये खर्च करना चाहिये। इस तरह हमारे देश को चाय का पैसा भी ज्यादा मिल जायगा और इस देश के आदिमियों की हैल्य जो चाय से खराब होती है वह भी खराब नहीं होगी। इस वजह से मैंने यह संशोधन दिया है।

(English translation of the above speech).

Shri Lakshminarayan Sahu: Sir, I move:

"That in part (a) of sub-clause (1) of clause 10 of the Bill, for the words 'in India and elsewhere', the words 'foreign countries' be substituted."

This amendment is similar to the one moved by my honourable friend Dr. Mono Mohan Das. But my argument is quite a different one. What I want is that the money which will be spent in India for propaganda purpose, should not be spent here; and instead of that it should be spent at places where it is considered necessary to conduct such a propaganda. In this manner, our country will get more return on tea, and this will also help in preserving the health of our people which is usually affected by the use of tea.

For this reason, I have moved this amendment.

Mr. Deputy-Speaker: Amendment moved:

"That in part (a) of sub-clause (1) of clause 10 of the Bill, for the words 'in India and elsewhere', the words 'in foreign countries' be substituted."

Babu Ramnarayan Singh (Bihar: General): Sir, I whole heartedly support this amendment. In the beginning I was a bit afraid of my Assamese friends and so I was keeping silent; and I had no mind to take part in this debate, but I was a bit provoked by my friend.

Srijut Rohini Kumar Chaudhuri: On a point of information, Sir, if the other amendment was allowed to be withdrawn, what happens to this amendment? Where will this stand?

Mr. Deputy-Speaker: I have not put that to the House even. And apart from that, that this amendment also will be withdrawn is now hypothetical. If one honourable Member has withdrawn his motion, another honourable Member can move his. Moreover, what is the use of complaining about propaganda if tea is going to be sold in this country?

Babu Ramnarayan Singh: Although my honourable friend Dr. Mono Mohan Das has withdrawn his amendment, his speech is there.

Dr. Mono Mohan Das: I have withdrawn the next amendment. The amendment on which I spoke has not been withdrawn. I was under the impression that the next amendment was being referred to, and so I withdrew the next amendment.

Mr. Deputy-Speaker: So far as the previous speaker is concerned, by whatever mistake it may be, there is no meaning in withdrawing some amendment which I had not called up, and which the honourable Member did not move at all. Anyway there has been no loss, because there is another honourable Member here who has moved a very similar amendment.

Shri M. Tirumala Rao (Madras: General): Let him take a cup of tea and then come.

Babu Ramnarayan Singh: I have said, Sir, that I support each and every that fell from the lips of my friend Mono Mohonji. Sir, the thing is Sometimes the temper of the House altogether surprises me. Praises of tea are sung in unlimited quantity. Sir, I also have some experience of tea taking. While I was in the B.A. class.....

Shri H. V. Kamath: How many years back was that?

Babu Ramnarayan Singh: While I was in the B.A. class I had to read a lot at night and when I felt sleepy friends advised me to take tea so that I could keep awake and read on. Sir, I tried, and the result was that in the day time, my head used to remain giddy and I could not read in the day time. My friend Mr. Kamath has said that along with propaganda for tea, the method of correctly preparing the tea also should be propagated, otherwise owing to bad preparation, the tea gets poisonous. So, Sir, it is evident and it has been admitted that there is some poisonous element in tea. If this is admitted, then I may advise my friends here that in the same way a little quantity of opium or a little quantity of wine taken in regulated quantities may be advocated because these also give us vigour and they also help us in certain circumstances. I therefore say, and that too very seriously and I request the honourable Minister to consider it, that this matter ought to be submitted to a properly constituted medical board and that the mandate or verdict of that medical board be obtained and whatever may be that verdict, we ought to follow it. Now, it has been said that tea is not injurious. But the question is, whether it is going to help us in our health, in adding to our vigour. I will not speak much against tea because my friends from Assam will get angry. I will wish them all happiness and prosperity. As the amendment says, let the propaganda be carried on in other countries, and let the money for the committee's work come from abroad.

Mr. Deputy-Speaker: Would not the poor men there suffer?

Babu Ramnarayan Singh: Sir, I am only saying that the people here are not going to suffer for want of tea, but they will begin to suffer from the supply of tea to them. Mr. Kamath said that tea has already penetrated every nook and corner of our land. But I say tea has not penetrated, but it has been taken there by the Tea Cess Committee. Tea has no nutritive value, it is not so useful that it may penetrate by itself. Of course like anything else, it also can be taken into any part of the country. However, I request the House and I also request the honourable Minister, let them do whatever they like in other matters. I wish them all prosperity to the industry, and through that industry to my friends in Assam. At the same time, as my friends say, it will bring us Dollars, I am not against tea industry let them carry propaganda and sell tea outside, but let them not propagate this evil in this country. Therefore, I support the amendment of my friend Mr. Sahu who was regarded up till now to be alone. Sir, he also has got a companion, in me, and there are people who do not like tea as much as they do not like poison. With these words, I again support this amendment.

Mr. Deputy-Speaker: I am only making a suggestion, and it is this. In view of the fact that the honourable Minister is not accepting the amendment, shall I put it to vote straightaway?

Shri H. V. Kamath: But we must counter the arguments which have been advanced.

Pandit Thakur Das Bhargava (East Punjab: General): Those who want to support the amendment must be allowed to support it.

Mr. Deputy-Speaker: Pandit Thakur Das Bhargava.

पंडित ठाकुर दास भार्गव: जनाब डिप्टी स्पीकर साहब, जब आखिरी मर्तबा यह बिल सिलेक्ट कमेटी के सुपुर्द हुआ उस वक्त भी मैं ने बड़े अदब से आनरेबिल मिनिस्टर साहब और हाउस की खिदमत में अर्ज किया था कि जहां तक कि चाय के हिन्दुस्तान में प्रोपेगेंडा का ताल्लुक है इस मामले में बड़े काशन से काम लेना चाहिये। मैंने उस वक्त जो अर्ज किया था उस पर ऐसा मालूम होता है कि सिलेक्ट कमेटी में कतई गौर नहीं हुआ या मेरे दोस्तों की राय इस राय के मुखालिफ थी कि हिन्दुस्तान में इसका प्रोपेगेंडा न किया जाय। मैं अदब से अर्ज करना चाहता हूं कि जहां तक चाय के पीने वालों का ताल्लुक है मुझे उन से कतई कोई झगड़ा नहीं है। जो चाय पीना चाहते हैं जरूर पीवें और जो एक दलील पिछली मर्तबा आनरेबिल मिनिस्टर साहब ने दी थी मैं उस दलील की भी कदर करता हूं। आनरेबिल मिनिस्टर साहब ने फरमाया था कि एक तरह से जो लोग शराब पीते हैं उन के वास्ते चाय सबस्टीट्यूशन के लिये एक बड़ी अच्छी चीज है। हो सकता है कि यह दुस्त हो और मैं उनकी इस राय के मुखालिफ कुछ भी अर्ज नहीं करना चाहता क्योंकि मैं अब तक इस बात का भी कायल नहीं हूं कि चाय हर सूरत में नुकसान ही देती है। अगर मेरी यह राय होती तो मैं इसकी बड़े जोर से मुखालिफत करता और कहता कि हिन्दुस्तान में ही नहीं बल्कि दुनिया भर में इस को बन्द करने के लिये प्रोपेगेंडा किया जाय। लेकिन इस हालत में जो कि हमारे देश में है यहां पर चाय को जोर देना हरगिज वाजिब नहीं है। यहां चाय बहुत अरसे से हिन्दुस्तान में चली आती है। जैसा कि बाबू राम नारायण सिंह ने कहा मैं उन दिनों पढ़ता था और उन दिनों चाय का ताल्लुक यह था कि चाय वह लड़के इस्तेमाल करते थे जो पढ़ना चाहते थे ताकि नींद ज्यादा न आवे। जो लड़के रात के वक्त ज्यादा पढ़ना चाहते थे वह चाय पिया करते थे इसलिये कि शायद चाय के पीने से नींद कम आती हो या उस से कुछ एक्साइटमेंट पैदा होता हो जिस से कि नींद न आवे। यहां मिस्टर कामथ ने एक श्लोक गीता से भी पढ़ा है यह quotation हंसी के काबिल तो है वरना बेअसर है। लेकिन मैं डाक्टर मनमोहन दास की इस राय को काबिले कदर समझता हूं कि चाय उसी हालत में मुफ़ीद होती है जब कि खाने को बहुत काफ़ी मिलता हो। लेकिन ऐसी हालत में जब कि खाने को न मिले यह जरूर नुकसान देती है।

[पंडित ठाकुर दास भार्गव]

पिछली मर्तबा मैंने एक तजुर्वा अपना बतलाया था कि मेरा जो शौकर है उसको चाहे आप दो दिन रोटी न दीजिये तो कुछ नहीं, चाय दिये जाइये और वह बराबर काम करता रहेगा। लेकिन अगर चाय नहीं दी जाये तो वह काम नहीं कर सकेगा। यह उसी तरह है कि जिसको अफ्रीम की आदत पड़ जाती है उसको अगर आप अफ्रीम खाने को न दें तो वह पशेमान होता है। जिस को अफ्रीम की आदत पड़ जाती है वह उसके बिना बेचैन रहता है। इसी तरह चाय की जिनको आदत पड़ जाती है वह उसके बगैर पशेमान होते हैं। यही बात शराब के बारे में है। और इसलिये शायद जो लोग शराब के असरात के कायल हैं वह शायद शराब को तारीफ में भी कोई श्लोक ढूँढ निकालें। हमें यह देखना है कि हिन्दुस्तान के अन्दर चाय उस जगह पर है कि नहीं जहां कि इस को होना चाहिये। पिछली मर्तबा आनरेबिल मिनिस्टर साहब ने चाय को शराब का सबस्टीट्यूट बतलाया था कि यह ज्यादा मुफ़ीद है। मैं इरता हूँ कि कहीं यह कभी दूध के मुकाबिले में भी न आ जाय और कहा जाय कि यह दूध के मुकाबिले में अच्छी है। मैं तो यह देखता हूँ कि जो लोग दूध पिया करते थे वह दूध की कीमत ज्यादा होने की वजह से या इस वजह से कि दूध ज्यादा मिलता नहीं अब एक तरह से चाय का डिक्वशन बना कर पीने लग गये हैं। अगर यह दूध के मुकाबिले में गांव में गई तो मैं बड़े जोर से अर्ज करना चाहता हूँ कि चाय दूध के मुकाबिले में कोई हैसियत नहीं रखती।

अब सवाल यह उठता है कि जब तक कि दूध काफ़ी न हो चाय को उसकी जगह सबस्टीट्यूट कर दिया जाय। तो इस सिलसिले में मैं अदब से अर्ज करूंगा कि गांव में आप इसको क्यों ले जाना चाहते हैं। आप रखते हैं तो इसको शहरों में ही रखिये जहां पर कि लोग न तो दूध की कदर जानते हैं और न यह जानते हैं कि इस को किस तरह पीना चाहिये। जो लोग चाय पीते हैं मैं उन की बावत कुछ नहीं कहना चाहता। लेकिन जिन इलाकों में इसको नहीं पीते हैं उनके लिये मैं कहना चाहता हूँ। अगर गांव के कुछ इलाकों में लोग चाय पीते हैं तो वह इस तरह से नहीं पीते जिस तरह कि शहर वाले पीते हैं। आप गांव के अन्दर जाकर देखें कि चाय वहां किस तरह पीते हैं। वह लोग चाय के अन्दर घी डाल कर पीते हैं। शायद यहां शहर वालों को यह पता भी नहीं होगा कि जो लोग गांव में पीते हैं और जिन के पास खाने को है वह चाय में घी डाल कर पीते हैं। लेकिन वह लोग कि जिन के पास दर असल न दूध है और न पूरी छाछ ही है उनको अगर आप यह ले जा कर देंगे तो आप उनका बहुत सख्त नुकसान

करेंगे। इसलिये मैं अदब से अर्ज करूंगा कि यह कोई हंसी या दिल्लगी की बात नहीं है और हाउस को यह नहीं चाहिये कि वह चाय को उस जगह ले जा कर बैठा दें कि जहां उसका हक नहीं है। यह दूध के मुकाबिले में जब आती है तो मैं दूध के मुकाबिले में चाय को कोई जगह नहीं दे सकता। इसलिये आप इसको यहां तक राखिये कि जो लोग चाय पीते हैं उनको हम कुछ नहीं कहते। लेकिन यह नहीं करना चाहिये कि सारे देश में जा कर हम इसका प्रोपेगेंडा करें कि सब लोग चाय पिया करें।

क्या इस सिलसिले में मुझे मैडिकल साइन्स की कोई राय मिल सकती है जिस तरह कि ग्लैडस्टोन (Gladstone) साहब का तजुर्वा था। लेकिन ग्लैडस्टोन साहब की महज इस वजह से कि वहां के प्रीमियर थे मैं ज्यादा वक्त नहीं रखता। मुझे आप इस के लिये कोई राय दिखाइये डाक्टर की, मैडिकल मेन की कि जो यह कहता हो कि दर असल यह ऐसी मुफ़ीद चीज है कि जिसे हर आदमी को बतौर दवा के या फूड के दिया जाना चाहिये। अगर ऐसी कोई राय होती तो जरूर वह ढूंढी जाती और इस हाउस में कही जाती जैसे कि श्लोक पढ़े गये और कहा गया कि ग्लैडस्टोन साहब की यह राय थी। अगर वाकई कोई डाक्टर की ऐसी राय होती तो वह जरूर पेश की जाती। जहां तक डाक्टरों का सवाल है, जहां तक कि इसकी कैमिकल प्रोपर्टीज का सवाल है वहां तक वह अशक़ास जो इसके हक में हैं एक लफ़्ज़ भी नहीं दिखला सकते कि इस में यह खूबियां हैं। जब इस में कोई खूबियां नहीं हैं तो कैसे असेम्बली की तरफ से, हाउस की तरफ से, यह दुनिया को कहा जाय कि चाय को पीना चाहिये।

वैसे जो चाय पीने वाले हैं उन के लिये मैं कुछ नहीं कहता। मैंने भी कामत साहब और दूसरे दोस्तों की मेहरबानी से चाय बहुत दफ़े पी है। लेकिन जब हमारे पास इसके प्रोपेगेंडा के लिये कोई पाज़ीटिव चीज नहीं है तो हम कैसे इसका प्रोपेगेंडा कर सकते हैं। मैं इस को पाज़ीटिवली अच्छा नहीं समझता और निगेटिवली मैं यह कहता हूँ कि इस देश के अन्दर इसका प्रोपेगेंडा नहीं करना चाहिये। जब पाज़ीटिवली इसमें कोई मुफ़ीद चीज नहीं है तो हम कैसे इस के लिये प्रोपेगेंडा कर सकते हैं और इसलिये मैं इसका मुखालिफ़ हूँ। मैं अब ज्यादा वक्त नहीं लेना चाहता और चाय के प्रोपेगेंडा की मुखालिफ़त करता हूँ।

(English translation of the above speech)

Pandit Thakur Das Bhargava: Sir, last time, when this Bill was referred to Select Committee, I had very respectfully suggested to both the honourable Minister and the House that we should proceed very cautiously in the matter of carrying on tea-propaganda in India. It appears that either the Select committee have totally ignored the suggestions which I made at that time, or my honourable friends were opposed to my views that propaganda in this respect should not be carried on in India. With all due respects, I would submit that so far as the question of people habituated to tea is concerned, I have nothing to say at all. Those who want to take tea, they can do so. Further I also appreciate the argument advanced by the honourable Minister last time. The honourable Minister had stated that in one way tea is the best substitute for those who are given to drinking. It may be true and I do not want to say anything contrary to such an opinion expressed by him, because even up till now I have not been convinced that tea is always harmful. If I had held this opinion, then I would have vehemently opposed this and urged that propaganda should be carried on to prohibit its use not only in India but throughout the whole world. But under the conditions at present existing in our country, it would be quite improper to emphasize upon the use of tea. Tea is being used in India for very long. Just as my honourable friend Babu Ramnarayan Singh has stated that during the days when he was a student, tea was used by those boys who wanted to study and avoid sleep. Those boys who wanted to study late in the night, used to take tea for the obvious reason that it induces sleeplessness or produces some excitement which culminates into a state of sleeplessness. Mr. Kamath has also cited here a *sloka* from Gita. This quotation undoubtedly provokes laughter, otherwise it is quite inapplicable.

But I quite appreciate the opinion expressed by my honourable friend Dr. Mono Mohan Das that tea is useful in those circumstances only when there is sufficient to eat; otherwise it is bound to prove harmful.

Last time, I had related one of my own experiences, that my chauffeur can afford to go without meals for two days and will stick to his job, provided he is served with tea. This is exactly the same thing that somebody habituated to the use of opium feels embarrassed when he is not supplied with it. Whosoever is addicted to take opium, feels like a fish out of water without it. Similarly, those who are habituated to take tea feel uneasy without it. The same is the case with wine. And it is for that reason that those persons who are convinced about the efficacy of wine may be able to find out some *sloka* in praise thereof. We have got to see this whether or not tea is available at a particular place in India when it is in demand. Last time, the honourable Minister had described tea as the substitute of wine and relatively more useful. I am afraid lest it may not sometime be compared to milk; and even given preference over it. What I find is that those people who used to drink milk have now begun to prepare and take some sort of decoction of tea for either of the reasons, i.e., owing to an abnormal rise in the price of milk or inadequate supply thereof. If it is used in villages in preference to milk, then I would emphatically submit that it is no match for milk.

Now the question arises that so long as milk is not available in abundant quantity, tea should be substituted for it. In this connection, I would respectfully submit as to why do you want to take it to the villages. If you like it, then you should confine its use to the cities alone where the people neither know the worth of milk nor do they know as to how it should be taken. I do not want to say anything in respect of those persons who drink tea.

If in some rural areas, people take tea, they do not take this in the manner in which the people living in the cities do. You may go to a village and see how the people take tea. They put *ghee* in it and take it. Perhaps the people here in the cities do not even know that those who take tea in the villages, and can afford, take it only after diluting *ghee* in it. But if you take this to those people who in fact neither have pure milk nor *chhach* (butter-milk), you will surely be doing them a great harm. Therefore, I would respectfully submit that this is not a question of any amusement or laughter and the House should not give that place to tea which it does not deserve. When it is compared to milk I cannot give any preference to it. Therefore, you should leave the matter here and need not say anything to those who take tea. But we should not conduct a country-wide propaganda that all the people should take tea.

Can I get any opinion in this connection from the point of view of medical science just like the experiment made by Mr. Gladstone? But I do not attach any much importance to the observations made by Mr. Gladstone for the simple reason that he was the Premier of that country. I would like you to quote any of the opinions expressed by doctors or medical men asserting that this is indeed such a useful thing that should be prescribed for every man either as a medicine or food. Had there been any such opinion, it would have surely been traced out and quoted in this House just as *slokas* have been recited and quotation made from Gladstone. If at all there had been any such opinion expressed by a medical man, it would have been surely quoted. So far as it relates to the opinion of the medical men and the chemical properties comprised in it, those people who advocate its cause cannot show even a single word in support of its usefulness. When it has no qualities, then how can this House urge its use upon other people?

As a matter of fact, I have nothing to say about those who are habituated to take tea. I too have taken tea frequently through the courtesy of Mr. Kamath and other friends. But when we have nothing positive to say in its favour, how can we propagate it? Positively I do not regard it as good; and negatively I say that we should not conduct any propaganda in its favour in this country. When positively it does not contain any useful ingredients, how can we carry on its propaganda; and it is on that account that I am against it. I do not want to take any more time, and oppose the conduct of any propaganda in favour of tea.

Shri H. V. Kamath: Sir, I am very reluctant to rise and counter the arguments advanced by my honourable friends Pandit Thakur Das Bhargava and Babu Ramnarayan Singh. There is an underlying fallacy in the arguments advanced in support of the amendment that was sought to be moved by my honourable friend Dr. Mono Mohan Das, but withdrawn.

An Honourable Member: The amendment stands.

Shri H. V. Kamath: I must say that this amendment as it stands, as it has been moved in the House is not a very happy one. Our friends want to plead that the sale and consumption of this beverage should be discouraged in India, but encouraged outside India.

Shri Lakshminarayan Sahu: Because they want it.

Shri H. V. Kamath: May I say in all humility that if we want to prohibit the consumption of this beverage, prohibit it for all men. Why prohibit it only for Indian mankind, Indian humanity and encourage it outside India, in the spirit of let them go to hell; the devil take the hindmost, and we will

have the best for ourselves. As the saying goes what is sauce for the goose is sauce for the gander as well. If tea is bad for Indian humanity, it is equally bad for non-Indian humanity. The human organism has been brought into being by the same Creator. Everybody has the same gastric lining of the stomach as Dr. Mono Mohan Das referred to and the gastric lining of the stomach does not differ whatever the outer complexion or colour may be. If tannic acid hurts the gastric walls of an Indian, so as to cause loss of appetite, anorexia, and dyspepsia, certainly, it stands to reason that it will have a similar effect on the organism of an European or an American.

Dr. Mono Mohan Das: My honourable friend has forgotten that I said 'an empty stomach'. Indian stomachs are always empty.

Shri H. V. Kamath: I am sorry that by honourable friend thinks that the stomachs of Indians only are empty. There are parts of the world where I think poverty is almost as bad as in our country. China, of course, is a notorious example. Even in Europe, I am sure in certain eastern parts, even today there is almost a very low standard of living. In any case, if my honourable friend seeks to say that it is poison for us, one man's poison cannot be another man's food. If we ban it in India, certainly it stands to reason that we should discourage consumption of it abroad as well. Seeing in that light, I could not understand an amendment of this nature: you can promote the production of tea; but do not promote the consumption of tea. Let every man judge for himself whether tea is good or bad for him.

Then, my only friend who could have welcomed this amendment is—I do not find him present now—Mr. Poonacha who is interested in promoting coffee. Mr. Krishnamurthi Rao tells me that he is interested in Coffee. I am sure he is interested in coffee and if this amendment is accepted, he would be very happy; he would come and tell us, coffee is a lesser evil if at all it is an evil. Coffee does not produce dyspepsia, etc. If, Sir, as my friend Pandit Thakur Das Bhargava has sought to make out before the House that it is bad for health, then anything bad for health must not be encouraged by propaganda. I make bold to say, with due deference to his wisdom and age—he is a

'Vayo Vridhha, Tapo Vridhha, and Gnana Vridhha'.

my friend Ramnarayan Singh is not here—but I hope he will not deem it impertinent on my part if I tell him that there are so many things that we eat and drink to-day that are bad from a strictly hygienic and health point of view. A medical expert—I don't remember from which part of India he hailed—many years ago declared about our civilised life as follows:

"All along civilization man has tampered with Nature's foods:

- Your wheat is hulled, your rice milled
- Your maize decorticated,
- Your oats rolled,
- Your Barley Pearled,
- Your milk sterilized
- Your vegetables boiled,
- Your potatoes peeled,
- Your sugar refined."

Unfortunately we are taking all these things. Who does not enjoy coffee? Who does not enjoy tea? Who does not take cooked food? Still certainly my friend Pandit Thakur Das Bhargava will not get up and say you must discourage the consumption of all these. In life, we must strike a balance and try to encourage those things which long habit and long experience of wisemen or men otherwise has proved that it is not so bad for the human system as it is made out to be by some others. Because after all the human system has been endowed with considerable resistance by the Creator. The stomach is not such a delicate thing as my friend Dr. Das makes it to be. It has been established by Physiologists that the stomach walls are elastic and very resistant to all kinds of chemicals; and the stomach, I may assure you, if you don't know.....

Mr. Deputy-Speaker: The honourable Member is doing too many functions of the Board.

Shri H. V. Kamath: It has been held by medical experts that the stomach can expand to 4 times its normal size. It can also contract as my friend Dr. Das says. It can expand to 4 times its size—not permanently but temporarily.

I would therefore plead with my friend Pandit Bhargava, Babu Ramnarayan Singh and men of his persuasion that this amendment as it has been brought before the House is rather objectionable and I cannot support it. Had they moved an honest amendment, I would have supported it. Had they said quite plainly and straightforwardly that "no tea anywhere as long as the Sun and Moon and stars endure", I could have appreciated it. But to say to our people 'Don't take tea', and go to Europeans and tell them 'Go on taking tea and go to Hell',—certainly I cannot welcome such an amendment. It is a discrimination between man and man. I think Professor Ranga who looks very pleased just now will agree with me that we stand here and we have stood here since India became free, for the equality of mankind and if tea is said to be bad for us certainly on the ground of equality of men, on the ground of no discrimination between man and man, I cannot agree to this amendment. The sponsors may recommend one rule for all—'No tea for anyone and don't encourage tea.' You may take coffee or tender coconut or anything else but not tea. As it stands, however, I don't think this amendment will commend itself to the members of this House.

Mr. Naziruddin Ahmad: Sir, much has been said in this connection by Mr. Kamath and I don't want to go over the same. I wish however only to point out that this amendment goes against the basis of the Bill itself. The provision of the Bill is that the Board shall promote the sale, and increase the consumption of tea. If we say that we should not do it in India, it is as good as saying to the world at large like this:

"Look here, tea is a very bad thing and therefore we don't propagate the consumption of tea in India but it is offered for your consumption. It is bad for us but good for you." It would be as good as telling them 'Don't drink tea at all.' The very function of the Board will be absolutely lost. I should rather think that the Bill should be dropped entirely and tea should be left to propagate of its own accord. I think tea would have a better market if we don't give it this left-handed compliment. It would be really not sincere for us to ask foreigners to take tea while we take care ourselves not to take it at all. Tea is the cheapest drink and in view of the prohibition of which we see visions to-day, tea should not be discarded and tea is not dangerous nor it is deleterious to the body. It has got to be prepared in a proper form and in that way it is not at all injurious to the body. It rather

[Mr. Naziruddin Ahmad]

encourages circulation and it is a cheap kind of drink and probably in these days of scarcity, it is far more economical on the part of a householder to give their guests a cup of tea and one biscuit, instead of giving other delicacies which would be more costly. I think much need not be said in favour of it. I think the amendment is a huge practical joke and I believe the sponsors of the amendment themselves drink tea. Pandit Bhargava himself admitted that he takes tea by the courtesy of Mr. Kamath. So he prohibits tea to himself so long as he has got to pay for it. If anybody else gives him, then he will not mind it. Babu Ramnarayan Singh himself drinks tea and I believe Shri Lakshmi Narayan Sahu himself also drinks tea. I dare say tea is so good that Dr. Das himself drinks it. I am thus inclined to believe that the amendment is a huge practical joke.

Prof. N. G. Ranga (Madras: General): Have not we had sufficient discussion, Sir?

चौधरी रनबीर सिंह सभापति महोदय, मैं संशोधन का समर्थन करने के लिये खड़ा हुआ हूँ। कामत साहिब ने अभी एक बात कही है कि संशोधन का समर्थन करने वाले कामों में डिस्क्रिमिनेशन कर रहे हैं उनका कहना है कि जो चीजें हिन्दुस्तान में फ़ायदेमन्द नहीं हैं, वह विलायत में भी लोगों के लिये फ़ायदेमन्द नहीं हो सकती। मैं यह समझता हूँ कि यह सही नहीं है। यहां भी सरदी के मौसम में जो हम खाते हैं वह गरमी के मौसम में हमें अच्छा नहीं लगता। आमतौर पर गरमी के मौसम में देश के अन्दर शरबत पिया जाता है लेकिन सरदी के मौसम में कोई आदमी शरबत नहीं पीता। इसलिये जो चीज हिन्दुस्तान के लिये अच्छी नहीं है वह यह जरूरी नहीं है कि वह विलायत के लिये या दूसरे देशों के लिये भी अच्छी न हो।

दूसरा कारण मेरा यह है कि हिन्दुस्तान एक ऐसा देश है जिस के अन्दर तक़रीबन ८५ फ़ीसदी आदमी अनपढ़ हैं। वह आप के प्रोपेगेंडे से सही बात नहीं ले सकेंगे। यह मानी हुई बात है कि चाय के अन्दर एक निकोटीन जैसा जहर होता है, बल्कि उससे भी बुरा जहर उसके अन्दर होता है। मुझे उस जहर का नाम याद नहीं है, लेकिन बहरहाल जहर उसके अन्दर जरूर है। अगर उस को ठीक तरह से न तय्यार किया जाय, तो हिन्दुस्तान जिसके अन्दर ८५ फ़ीसदी आदमी अनपढ़ हैं, उन से यह तक्क़ो रखना कि वह ढंग जो उन्हें सिखाया जायेगा, उस पर वह ठीक तरह से चलेंगे, मैं समझता हूँ कि ऐसा ख्याल करना बिल्कुल ग़लत होगा। तीसरे आर्थिक दृष्टि से मैं समझता हूँ कि कई बातें ऐसी होती हैं जो देश के लिये फ़ायदेमन्द होती हैं जो हमें दूसरे देशों से अनाज मंगाना पड़ता है, तो उसके बदले में हमारे पास भेजने के लिये आखिर दूसरी क्या चीज है जो हम अनाज के बदले में दूसरों को दे सकते हैं। वह मैं समझता हूँ कि चाय सब से बड़ी चीज है, जिस को कि दूसरे देश हम से फ़ेवरेबिल टर्म्स पर लेने पर

मजबूर होंगे, वह चीज चाय है और हमारे पास है। इसलिये मैं समझता हूँ कि देश की इकोनोमी को ठीक रखने के लिये यह सही है कि देश के अन्दर चाय के प्रचार में पैसा न खर्चा जाय, बल्कि जितना पैसा उस के प्रचार के लिये खर्चना हो, वह दूसरे देशों में खर्चा जाय और जैसा कामत साहिब ने कहा है, उस से मैं बिल्कुल सहमत नहीं हूँ। इस देश में बुरी है, या इस देश की बुराई किसी दूसरे देश में बुराई भेजना चाहते हैं, सही नहीं है। जैसा कि हमारे आनरेबिल मिनिस्टर साहब ने बतलाया कि शराब के बदले यह चीज इस्तेमाल हो सकती है। हमारे देश में शराब कितनी है, और खास तौर से देहात में शराब कितनी है। जहां आदमी शराबी हैं, वहां प्रोहिबिशन चला हुआ है, वहां चाय का सवाल पैदा नहीं होता, और जो हैं वह पहिले ही चाय पीना शुरू कर देते हैं। इसलिये मैं समझता हूँ कि अब देश के अन्दर इस के लिये प्रोपेगेंडा करने और पैसा खर्चना फिज़ूल है और उसकी कोई आवश्यकता नहीं है। जितनी आपके यहां चाय बेचने की जरूरत थी, वह तो बिकती जा रही है, और टी का वैसे ही मार्केट आप का बढ़ता जा रहा है, देश के अन्दर देश का पैसा खर्चने से पहिले हमें यह देखना चाहिये कि इस से हमारे देश का कितना फ़ायदा है और हमारा खर्चा हुआ पैसा बेकार तो नहीं जा रहा है। इसलिये मैं माननीय मन्त्री महोदय से प्रार्थना करता हूँ कि देश की आर्थिक हालत को ध्यान में रखते हुए इस संशोधन को जरूर मानें।

(English translation of the above speech)

Ch. Ranbir Singh (East Punjab: General): Sir, I support the amendment. Shri Kamath has just submitted that the supporters of the amendment are making discrimination in the various matters. He has said that the things that are not beneficial in India cannot be beneficial to the people of other countries also. I think that this view is not correct. Here also whatever we eat in the winter we do not relish the same in summer. Generally in the summer season the people of our country drink *Sharbat*. But nobody drinks *Sharbat* in the winter season. Therefore it is not necessary that anything which is not good for our country may not be good also for other countries of the world.

The second reason is that India is such a country wherein 85 per cent. of the people are illiterate. They would not be able to grasp the correct idea from your propaganda. This is an acknowledged fact that tea contains a poison like Nicotine, but I think even a worse kind of poison. I do not remember the name of that poison but anyhow it certainly contains some poison. Then if tea is not prepared correctly then I think it would be quite wrong to think that Indians, 85 per cent. of whom are illiterate, would adopt the correct method that would be taught to them.

Thirdly from the economic point of view I think there are certain matters that are beneficial to the country. Then for the food-grains that we have to import from the foreign countries what things we have that we can send to foreign countries in exchange of the food-grains imported by us. I think the best thing, which the other countries will be compelled to take on favourable terms, can be tea and we have plenty of it. Therefore in order

[Ch. Ranbir Singh]

to stabilize the economic conditions of the country I think money should not be spent on doing propaganda work for tea in this country, but instead the money set apart for this propaganda work should be spent in the foreign countries and so I do not at all agree with the views that have been expressed by Shri Kamath. Such views as tea is bad for this country or we want to export this evil to other countries are not correct. As the honourable the Minister has given out that this thing can be used as a substitute for wine. What quantities of wine are consumed in our country and especially in the rural areas? The places where the people are addicted prohibition has been enforced, so in such conditions the question of tea does not arise, and whatever people live in those areas they already begin taking tea. Therefore I think that now it is useless to do more propaganda in our country or to spend more money over the propaganda, and is not at all necessary. Whatever quantities of tea were to be sold here are being sold and automatically the market for tea is increasing. Before spending our money in our own country we should see how much benefit the country gets from the money and whatever money we are spending is not being wasted. Therefore I submit to the honourable the Minister that taking into consideration the economic condition of the country he should accept this amendment.

Srijut Rohini Kumar Chaudhuri: Rose—

Mr. Deputy-Speaker: I think this has been sufficiently discussed. May I call the honourable Minister? Does the honourable Member want to speak?

Srijut Rohini Kumar Chaudhuri: Am I to be denied an opportunity to speak because I am sitting in a different seat, Sir?

Mr. Deputy-Speaker: No, because the honourable Minister has caught my eye. But I think it is in the interests of this industry that this Bill must be passed as early as possible. Therefore, as there has been enough discussion, I shall call upon the honourable Minister.

Dr. Mono Mohan Das: I have got another amendment to the same clause.

Mr. Deputy-Speaker: We will come to that later on.

The Honourable Shri K. C. Neogy: Sir, I have already indicated the attitude of Government on this matter. I am not in a position to accept this amendment. On a previous occasion, I told the House that I am not a tea addict. If I take tea it is to oblige friends like Pandit Thakur Das Bhargava. My honourable friend is very hospitable and I had occasion more than once to enjoy his kind hospitality, and on one occasion when I visited his native town, my honourable friend did me the honour of calling a large number of prominent members of the locality to meet me at a "Tea Party". The only liquid stuff that was provided there was tea and in spite of my honourable friend's weakness for milk, the milk that was there was in very small quantities only and was intended to be used only as an adulterant of tea in the usual manner. My honourable friend Babu Ramnarayan Singh has suggested that a Medical Board should be appointed. Now, we have had the advantage of medical opinion here. I have in front of me a pictorial journal in which I find another well known doctor drinking tea in Madras. It is Dr. T. S. S. Rajan. Minister for Food; Food mind you. This is what the description, below the picture, reads:

"Two Madras Ministers, Shri K. Bhakthavatsalam, Public Works, and Dr. T. S. S. Rajan, Food, setting a good example before toddy addicts by drinking tea in front of a closed toddy shop in Trichy district during the Prohibition campaign."

As I said, I am not an expert in this matter, but I have cited the example of one doctor against another, and I do not know whether there has been any Board of medical experts who have expressed their opinion on the merits or demerits of tea drinking, but it must be admitted that tea has been passed as the most excellent and popular beverage by the Board of world opinion and in saying that, I again remind the House that I am not a tea addict and I can be expected to hold the balance even between the two contending sets of opinion.

Now, Sir, I should like to remind the House that the phraseology in this context is bodily copied from the phraseology of the Indian Tea Cess Act which has been in operation ever since 1903. So it is nothing new that we are asking you to do. This thing has been copied from that particular Act. Now, I do not think that I need say anything more and as I stated, I am not in a position to accept this amendment.

Mr. Deputy-Speaker: Then, shall I put the amendment? What is the reaction of the honourable Member?

Shri Lakshminarayan Sahu: You may put it to vote, Sir.

Mr. Deputy-Speaker: The question is:

"That in part (a) of sub-clause (1) of clause 10 of the Bill, for the words 'in India and elsewhere' the words 'in foreign countries' be substituted."

The motion was negatived.

Mr. Deputy-Speaker: Then Dr. Mono Mohan Das. I do not suppose the honourable Member wishes to move his amendment.

Dr. Mono Mohan Das: No, Sir. I want to move it and say a few words to my friends. I wish to take that opportunity.

Mr. Deputy-Speaker: I rule out of order this amendment for the reason that the House has not accepted the previous amendment, and this is only carrying out the same substance in another shape and form. Therefore, the amendment is ruled out of order.

The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clauses 11 to 14 were added to the Bill.

Dr. Mono Mohan Das: Sir, I move:

"That in part (f) of sub-clause (2) of clause 15 of the Bill, for the word 'such' occurring in the last line, the word 'budget' be substituted."

The purpose of my amendment is clear to everybody. But I take this opportunity to say a few things to my honourable friend, Mr. Kamath who has given a not very convincing argument against my own. My honourable friend, Mr. Kamath has advocated one rule for all and if tea is poisonous to the Indian stomach it must also be poisonous to the stomachs of non-Indians. But my friend has contradicted himself.

The Honourable Shri K. C. Neogy: The amendment my honourable friend is moving is No. 7 in list No. 1. Has that anything to do with tea? It is the "budget" head.

Mr. Deputy-Speaker: It is the case of one budget head to another budget head.

The Honourable Shri K. C. Neogy: How does that enable a discussion being raised as regards the merits of tea drinking?

Mr. Deputy-Speaker: Anyhow it is part of the Bill and he is entitled to speak on the Bill.

Dr. Mono Mohan Das: My friend has contradicted himself. The propaganda for tea is harmful to us and some of the Members of the House.

Shri H. V. Kamath: I do not know what my honourable friend is arguing about.

Shri M. Tirumala Rao: Should we waste the time of the House without a reference to the subject matter of the amendment?

Mr. Deputy-Speaker: The honourable Member cannot take advantage of his amendment and bring in something that is not relevant. The honourable Member's speech has no relevance to the amendment. It is only transferring from one budget head to another. So far as the amendment is concerned, the honourable Member appears to have nothing to say.

Shri Biswanath Das: I had given notice of a small amendment.

Mr. Deputy-Speaker: He has sent a notice to the Speaker of an amendment to this effect:

"That in sub-clause 2(i) of Clause 15 of the Bill, the following be added at the end: 'including welfare of labour.'"

Is the Honourable the Minister prepared to accept this?

The Honourable Shri K. C. Neogy: No, Sir.

Mr. Deputy-Speaker: Then I rule it out of order.

The question is:

"That Clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clauses 16 and 17 were added to the Bill.

Mr. Naziruddin Ahmad: Instead of the amendment I gave notice of I would like to move amendment in a slightly altered form, which I understand will be acceptable to the honourable Minister. Sir, I move;

"That for Clause 18 of the Bill, the following be substituted:—

'18. No Court shall take cognizance of any offence under this Act unless upon complaint made by or with the consent of the Central Government.'"

The original clause said:

"No prosecution for any offence punishable under this Act shall be instituted etc...."

The Honourable Shri K. C. Neogy: May I intervene and say that I am prepared to accept the amendment?

Mr. Deputy-Speaker: Then I may put it to the vote.

The question is:

"That for Clause 18 of the Bill, the following be substituted:—

'18. No Court shall take cognizance of any offence under this Act unless upon complaint made by or with the consent of the Central Government.'"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That Clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clauses 19 and 20 were added to the Bill.

Srijut Kuladhar Chaliha: Sir, I move:

"That for sub-clause (3) of clause 1 of the Bill, the following be substituted:

'(3) Sub-section (1) of Section 20 shall come into force at once, and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.'"

The object is this. In case there is a dislocation in collection of the cess, since the Act may not come into force on the 1st April 1949, I have provided that the collection of the cess may not be interrupted.

Mr. Deputy-Speaker: Amendment moved:

"That for sub-clause (3) of clause 1 of the Bill, the following be substituted:

'(3) Sub-section (1) of Section 20 shall come into force at once, and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.'"

The Honourable Shri K. C. Neogy: I accept this amendment.

Mr. Deputy-Speaker: The question is:

((That for sub-clause (3) of clause 1 of the Bill, the following be substituted:—

'(3) Sub-section (1) of Section 20 shall come into force at once, and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the official Gazette appoint in this behalf.'"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That Clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri K. C. Neogy: Sir, I move:

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

Mr. Deputy-Speaker: Motion moved:

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

Srijut Rohini Kumar Chaudhuri: Sir, I rise to congratulate the honourable Minister for having been able to pass this Bill in the shape that he practically brought it. You were pleased to ask my honourable friend, Mr. Kamath to quote from the Bhagvatgita in this connection. My honourable friend did not comply with that request. You will see very few people among the tea drinkers are unhealthy; you will see very few people, even if you look round this House, who take tea, who are weak. You will have to admit that it gives you pleasure and it increases your pleasure. And then when you attend a Select Committee meeting after 5 O'clock you are treated with tea, but for which those unbreakable biscuits would cause us much inconvenience. Otherwise in Select Committees we will be completely helpless. Undoubtedly but for that tea, those biscuits might have dislocated some of our jaws!

[Srijut Rohini Kumar Chaudhuri]

There are two classes of people who object to tea: one of those classes to whom a reference has been made by my honourable friend, the Minister, think tea to be a very light drink. Those who are in favour of having a stronger drink than tea are against it because they have found that tea is replacing liquor. Tea is gradually pushing out liquor from society and people are taking to tea. There was a time when those who read English and were in favour of western civilization used to have beer, whisky and such things, but tea is pushing these things out. There are some people who regret the progress of tea as it has pushed out the stronger drinks. There is also another class of people who belong to the medical profession who consider that due to the activities of both the Central and Provincial Governments the toll of disease is gradually lessening and as a result not as many people die as used to do before. If you go round to places infected with epidemics doctors like my honourable friend would like you to take ordinary water which is not boiled and thus get the disease at once. Despite that if you create a habit of taking tea, you take hot tea and there is no risk of infection. That is what some class of doctors do not want. They think that this tea is a great impediment between themselves and their profession.

Mr. Deputy-Speaker: Present company of course is excepted.

Srijut Rohini Kumar Chaudhuri: Yes, I think on the whole the House has given its verdict in favour of tea and there is no questioning the fact that tea is a very efficacious drink and should be encouraged all over the world.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

Mr. Deputy-Speaker: I have an announcement to make. I have to remind honourable Members about the meeting that has been fixed at 5-15 P.M. in Room No. 63 in connection with the formation of the Indian Parliamentary Group of the Inter-Parliamentary Union.

ESSENTIAL SUPPLIES (TEMPORARY POWERS) AMENDMENT BILL.

The Honourable Shri Jai Ramdas Doulatram (Minister of Food and Agriculture): Sir, I move:

"That the Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946, be taken into consideration."

After having been practically drowned in tea for the last 2½ hours I do not know in what mood the House will be to deal with this very serious question involving imprisonment, fines and confiscation. With a view to save the time of the House and realising that there is going to be very heavy work before the House in the next few days, I intend to be exceedingly brief.

This Bill is intended partly to replace the Ordinance which Government had issued six months ago on reimposition of food control. As Members will see Section 2 is intended to impose a punishment of three years imprisonment, which will be practically obligatory, for any breach of the food laws and there can also be in addition a sentence of fine. The responsibility is put on the courts, where there are any special circumstances or for minor technical offences, where the court feels that imprisonment would be too harsh a sentence, to justify the imposition of a fine only.

With regard to part 2 of that section it is merely a repetition of what the House incorporated in the Act when it was being amended by my honourable colleague the Minister for Industry and Supply after the imposition of control on textiles.

The third clause is an addition to the provisions of the ordinance and the intention is not only that the person who breaks the food laws should risk a sentence of imprisonment and also fine but that the vehicle, the animal or the conveyance which was used while breaking the food laws will also be liable to forfeiture.

These three are the main provisions of this Bill and I hope that the House will accept them. We should be able to pass this Bill in the course of the next five or ten minutes.

Mr. Deputy-Speaker: Motion moved:

"That the Bill, further to amend the Essential Supplies (Temporary Powers) Act, 1946, be taken into consideration."

Shri Prabhu Dayal Himatsingka (West Bengal: General): Sir, when the honourable Minister for Industries and Supply introduced his Bill making it obligatory on the court to impose a penalty of imprisonment I drew his attention to the fact that this contravention may be for minor offences also such as not filing returns, not keeping the rates hung up before the business establishment and so on and therefore to make it obligatory on the court to impose a penalty of three years imprisonment or imprisonments which may extend to three years is rather much too severe. Moreover we have not been given any facts as to whether in cases of prosecution or violation of the control order on food the punishments inflicted by the courts have not been sufficient or as to what has been the necessity of introducing this change in the law. If facts and figures are placed by the Minister showing cases where inadequate punishment has been inflicted there will be some justification for coming to this House for amending the Act. You will notice that the law as it stands at present gives power to the court to inflict punishment which the Bill seeks to make obligatory. Any contravention is "punishable with imprisonment for a term which may extend to three years and the court may, in addition, impose a sentence of fine, etc." The intention is to change the word "or" into "and". I see that there is no justification for this change. If we cannot trust our magistrates who are entrusted with the work of trying offenders, we should say that the courts should inflict punishment which would act as a deterrent. Now the Bill seeks to take away the discretion that was vested in the courts which have occasion to try these offences.

Another thing that I drew the attention of the honourable Minister for Industry and Supply on the last occasion was that in order that the provisions which you are making should act as a deterrent, it should be possible for the persons to know what punishment the law has provided for such offences. It is impossible to get a single copy of the Acts that are passed from time to time even in the library of the Government. You cannot get a copy of the Act that was passed in August 1948. The House will remember that I raised this question on the previous occasion and invited the attention of the honourable Minister to make it possible to have the whole orders printed.

Mr. Deputy-Speaker: The honourable Member can continue his speech on the next day.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Saturday, the 26th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Saturday, 26th March, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(No Questions: Part I not published).

ELECTIONS TO STANDING COMMITTEES FOR MINISTRIES OF EXTERNAL AFFAIRS, FOOD AND HEALTH.

Mr. Speaker: I have to inform the Assembly that upto the time fixed for receiving nominations for the Standing Committees for the Ministries of External Affairs, Food and Health, ten nominations in the case of each of these Committees were received. As the number of candidates is equal to the number of vacancies in each of these committees, I declare the following members to be duly elected:

Standing Committee for the Ministry of External Affairs.—Shri B. Shiva Rao, Shri U. Srinivasa Mallayya, Shri S. V. Krishnamurthy Rao, Prof. N. G. Ranga, Shrimati Renuka Ray, Pandit Hirday Nath Kunzru, Shri M. Thumala Rao, Seth Govind Das, Shri G. S. Guha, Begum Aizaz Rasul.

Standing Committee for the Ministry of Food.—Shri Kala Venkata Rao, Prof. N. G. Ranga, Master Nand Lal, Saiyid Jafar Imam, Shri Nandkishore Das, Shri K. Hanumanthaiya, Pandit Govind Malaviya, Shri Radhavallabh Vijaivergiya, Shri Ramprasad Potai, Dr. Mono Mohan Das.

Standing Committee for the Ministry of Health.—Dr. Mono Mohan Das, Shri Vinayak Rao B. Vaidya, Babu Ramnarayan Singh, Shrimati Kamala Chaudhri, Shri Sunder Lall, Dr. V. Subramaniam, Syed Abdur Rouf, Shrimati Dakshayani Velayudhan, Dr. P. K. Sen, Srijiut Kuladhar Chaliha.

MOTION RE RELIEF AND REHABILITATION SITUATION

Mr. Speaker: The House will now proceed with the consideration of the motion which will be moved by the Honourable Shri Mohan Lal Saksena. Before we take up this business we should be clear as to the allotment of time for this debate, because there is also the other motion by the Honourable Shri R. R. Diwakar.

Shri B. L. Sondhi (East Punjab General): It was agreed that the discussion on Relief and Rehabilitation should go on till 3-30.

Mr. Speaker: Then the last half an hour will be reserved for the honourable Minister to reply. Is he going to make a speech now?

The Honourable Shri Mohan Lal Saksena (Minister of State for Relief and Rehabilitation): Yes, Sir.

Shri H. V. Kamath (C.P. and Berar: General): Then is the time only one hour for Information and Broadcasting?

Mr. Speaker: I referred to the time that the Minister for Relief and Rehabilitation would require for replying on this particular motion. That means this motion would be discussed by the House up to 3 o'clock and at 3, I will call upon him to reply.

Pandit Thakur Das Bhargava (East Punjab: General): But, it was decided that the time for this motion should be till 3-30.

Mr. Speaker: I think honourable Members have not heard me properly. I said this will go on till 3-30 but I will call upon the Minister to reply at 3. That means the discussion by honourable Members will be open up to 3. That is the position.

The Honourable Shri Mohan Lal Saksena: Sir, I move:

"That the Relief and Rehabilitation situation in India be taken into consideration."

Sir, I am grateful to you and the honourable the Leader of the House for having found a day for discussing one of the burning problems of the day. I wish, in view of the large number of speakers who are desirous of taking part in the discussion of this question, that the whole day could have been reserved as had been originally decided. But, as you have just now announced, as the debate is to go on till 3-30 P.M. I have decided to cut short my opening speech. In fact, it was suggested to me that I should do away entirely with the opening speech, but I felt it would not be fair to the House if I did not give an overall picture of the problem with its enormity and multi-faced aspects, the efforts that have been made by the Government to tackle it, the measure of success that we have achieved and the difficulties with which we are confronted. I, therefore, issued a statement yesterday, copies of which were circulated to the Members and I hope they must have taken the trouble to go through it. Still, with your permission, Sir, I would like to read out a few extracts from the statement dealing with the basic questions.

"The first phase of evacuation and relief is now practically over and we are concentrating all our efforts on rehabilitation..... Since April last the Government of India have repeatedly impressed upon the Provincial and State Governments the imperative need of settling the inmates of the camps and reducing to the minimum the number of able-bodied persons on free doles. I must confess that our efforts have not met with any great success..... I am sure if the Provincial Governments had to bear even a part of the expenditure on relief, things would have been different. Vested interests have grown round relief camps and have been responsible, in no small measure, for prolonging them and retarding the pace of rehabilitation. To meet this situation, the Government have decided to convert these camps into work centres and wherever possible to place them in charge of non-official organisations. It has also been decided to employ social workers to look after the displaced persons both in and outside camps..... Every effort will be made to see that within the next six months all able-bodied inmates find gainful occupations and become self-supporting.

Another important question which engaged the attention of the Government was the care of unattached women and children, and a women's Section was set up in the Ministry to meet this special problem..... There are at present as many as 5,000 women and children in the 'Homes' opened for them in different Provinces and States in addition to those in camps. The policy of the Government is to make the unattached women self-supporting as soon as possible and not to keep them permanently in these homes....."

In this connection I would like to mention the names of Shrimati Rameshwari Nehru and Mrs. Matthai who have been in charge of the Women's Section and to whose untiring efforts and those of their colleagues the success of the Women's Section has been chiefly due.

I will come to the question of Rehabilitation now. As honourable Members are aware this is a unique problem with which the Government of India has been faced and notwithstanding the administrative difficulties and other economic factors the Government of India have taken the responsibility of rehabilitating all the displaced persons. It may not be possible to rehabilitate them in the avocations in which they were previously engaged but still it will be the responsibility of the Government of India to find suitable occupation and employment besides a residence for them. The problem is no doubt enormous; but taking into consideration the fact that the Congress is committed to find food, clothing and employment not only for these few millions but also for the entire 300 million population of this country the problem of rehabilitation becomes only a part of a bigger programme. It is in this light that I look at this problem. I have no doubt that the degree of success we achieve in completing this task will be the measure of our capacity to tackle the bigger problem.

I must admit that the pace of rehabilitation has not been as satisfactory as we had wished it to be. There are certain factors which have been responsible for it. I might just mention them briefly. A certain amount of delay in the planning and formulation of rehabilitation schemes is inevitable, but I am quite clear in my mind that there are certain other factors which have retarded the progress of rehabilitation. The foremost among them have been the provincial politics and local vested interests coupled with a general antipathy to the settlement of the large number of persons from outside the Province. The second factor responsible for the delay in rehabilitation was the unwillingness of displaced persons themselves to go to distant towns and provinces and to take to professions and employments other than those in which they were previously engaged. Thirdly, the leaders of the displaced persons have been themselves responsible to a certain extent in delaying the process of rehabilitation. They have been preaching that it was the moral and legal responsibility of Government to give compensation for the property left behind in Pakistan; and further that loans should be given to every one of them for starting shops and business, little realising that 'Production' must necessarily precede 'Distribution', and that the scope for 'business' was strictly limited. There is to my mind no surer and quicker way of rehabilitation than the one shown by the Father of the Nation—the way of self-help and mutual co-operation, the way of more productive callings and vocations and less of parasitical professions and speculative trades and business; the way of cottage and small scale industries and self-sufficient towns and villages; in short the way of simple living and high thinking. The experiment at Nilokheri has practically confirmed my views in this respect. About 2,000 displaced persons from Kurukshetra Camp under the dynamic leadership of Mr. S. K. Dey, our Honorary Technical Adviser, have converted 500 acres of jungle into a model, self-sufficient colony buzzing with life and activity, producing their own requirements and working on principles of co-operation. While in other relief camps Rs. 30/- per men-
 sen are being spent on free doles and management, the workers of this colony are self-supporting and are earning on an average Rs. 50 to 60 a month. Mention may also be made of a new experiment in collective farming at Neevali farm at Alwar. Here facilities have been provided for mechanical cultivation by tractors and the new settlers have been able to stand on their feet within less than six months. And I may inform the House that among the new settlers we have got lawyers and men who were in service and professions.

[Shri Mohan Lal Saksena]

In this connection, I should mention the name of Mr. S. K. Dey who is the author and organiser of our experiment at Nilokheri. He deserves all praise because not only did he give up his job of an electrical engineer in order to serve the country after the independence—he felt that while others had made sacrifices to win independence he had done nothing, and so he decided to sacrifice the job in order to serve the country—so not only did he sacrifice his job but when the problem of providing employment to displaced persons was before the Ministry, he came forward and we utilised his services. He has made a successful job of it. If the experiment at Nilokheri succeeds, we can multiply it and have many Nilokheries all over India. But it requires more organisers and we have made arrangements for the training of other organisers who may start similar colonies in other parts of India.

I might also mention here the amount of work which non-official organisations have done in carrying on relief all over India. Besides the names of well-known organisations like the United Council for Relief and Welfare, the Central Relief Committee of the Congress and the Marwari Relief Society, there were scores of other organisations which have been helping us in carrying on this great work. The Government is grateful to them for extending the helping hand. I must also express my thanks to all the non-official Members of the House who have co-operated with the Ministry as Members of the Advisory Committee, and others who have served on other different Advisory Committees which were set up from time to time in connection with relief and rehabilitation. There might have been complaints here and there, but still I have no doubt that they have worked at great inconvenience to themselves and have rendered service to the displaced persons.

I might also bring to the notice of the House the great deal of interest which the Prime Minister and the Deputy Prime Minister have taken in the work of relief and rehabilitation and the constant anxiety and care they have shown. I must state that to a great extent the progress of rehabilitation has been expedited because of their personal interest.

Coming to the debate today, I would like to say a few words on it. I am one of those who believe that informed criticism of the State and its multifarious activities by citizens and their representatives is the very essence of Democracy and there is nothing for a popular Government to fear from such criticism. But there are occasions when in the House or outside, if statements are made by responsible Members which are not fully justified or which are baseless, without serving any useful purpose or helping the common cause they provide a handle to our opponents to denounce us. I can cite only one instance just now. Honourable Members will remember that Acharya Kripalani made a statement in the House. I have got great respect for Acharya Kripalani. He said that not even five per cent of the displaced persons have been rehabilitated. He did not take care to get information from the Ministry or even to write to me. Honourable Members will remember that immediately after taking up the office, I had addressed a circular letter to them requesting them to ask me for all the information they wanted, and also soliciting their suggestions in regard to the working of the Relief and Rehabilitation Ministry. I am sorry to say that as regards a question of my friend Babu Ramnarayan Singa I did not get even an acknowledgment and he even thought that by this method I was trying to take away the right of interpellations in the House, although it was not so. Sir, I was saying that my friend Acharya Kripalani could very well have referred the point to me and ascertained the exact position. But without doing so he made a statement here. I have got facts and figures to show that that is entirely incorrect and

wholly unjustified. We have figures which show the large number of displaced persons who have been rehabilitated either by their own efforts or by the Government's effort. Still his statement, was utilised by the propagandists of the Azad Kashmir Government. It was represented that while in Pakistan all the refugees had been rehabilitated, in India, not even five per cent. could be rehabilitated. I will read a broadcast address made by them:

"Recently Mr. Kripalani, Ex-President of the Congress while criticising the Indian Government Budget in the Indian Parliament revealed that the Indian Government could not so far rehabilitate even five per cent. of the refugees. He blamed the Government for its failure to solve the refugee problem and check black-marketing and profiteering in the country. But the drum beaters of India . . ."

Thereby meaning the National Conference of Kashmir,

" . . . conduct false propaganda and say that India's finances and economic conditions are very good, very sound. When we take into consideration the statement of Mr. Kripalani, this propaganda carries no meaning."

Further on referring to Pakistan Government, it goes on to say:

"In spite of all these difficulties, the Pakistan Government resettled and rehabilitated all the refugees in Pakistan where they are living quite happily. Besides this, Pakistan has provided shelter to five lakhs of Kashmir Muslim refugees whom the oppression of the Indian forces, and the Abdulla Government forced to run away from Kashmir."

I was saying that any statement like that in the House which is baseless or unjustified, without serving any useful purpose, does a lot of harm.

Similarly, there was one statement made by my honourable friend Mr. Shiva Rao when he said that at the instance of the Relief and Rehabilitation Ministry goods worth fifty or more crores of Rupees were held up with the Disposals and the Relief and Rehabilitation Ministry made purchases during this period for a total value of a few thousands of rupees. This is entirely wrong. If the honourable Member had cared to refer to me, I would have given him the correct information. It was a different position when we were in the opposition and we had no opportunity to get the correct information and we had to depend upon the information supplied by some disgruntled officer or by some subordinate in the Ministry. Now, when there is an offer by every Ministry to supply information,—no, not an offer: it is the right of every Member to have information from every Ministry—I think it is not proper to make a statement which is not confirmed or verified by the Ministry concerned. In regard to this, I may state that the Emergency Committee of the Cabinet had ordered the freezing of the stores in the Disposals for the rehabilitation of refugees towards the end of 1947. Even in November and December, certain categories of goods were released. During the period October 1947 to December 1948, this Ministry and the East Punjab Government took over goods worth 27 lakhs and 74 lakhs respectively consisting mainly of textile goods. The Technical Adviser also took over a lot of materials for the training centres for the refugees. Some time in January, certain other categories of goods were released. In the month of March, under the instructions of the Honourable Mr. Neogy, the ban imposed on the heavy machines and other things was lifted and the Industry and Supply Ministry was duly informed. The policy is to give preference to refugee indentors at the time of the disposal of stores which they may require for rehabilitation purposes. When statements of this kind are made they create a very erroneous impression and do not do any good to any one. I hope that this debate will enable me to know as to how honourable members feel about the policy and working of the Relief and Rehabilitation Ministry. I hope not a word will be said here which is likely to irritate or excite our displaced countrymen outside. The work of rehabilitation has reached a critical stage; for, although a large number of

[Shri Mohan Lal Saksena]

persons have been rehabilitated by their own efforts or by the efforts of Government and have reconciled themselves to the changed conditions, it must be acknowledged that there are large numbers of persons who are down and out and who have not been able to reconcile themselves to the changed conditions. Their slender resources have been nearly exhausted and they require careful handling and their feelings require to be assuaged. I hope the honourable Members, whose one object and one concern is to help them and to expedite their rehabilitation, will bear in mind this point of view.

With your permission, Sir, I would like to make a few observations which are more or less of a personal nature. Whether you read a story or see a picture, a tragedy is always depressing. You can well imagine the state of feelings of one whose job for the last nine months has been to listen to harrowing tales and sorrowful stories of dozens of people every day. To see and hear the victims in flesh and blood, you can visualise the amount of conflict of head and heart to which he must have been subjected. While the heart is out for help to the victims, there are considerations of finance and other limiting factors. When, with your best efforts, you find that things do not move and the conditions inside and outside the camps do not improve, one feels not only guilty, but also like running away. There have been many occasions when I have been subjected to that kind of feeling. Honourable Members who have known me rather intimately must naturally be wondering what is it that has kept me on to this job. I must tell them straightaway that it is not the lure of power or the glamour of office. For, office carries with it such a tremendous responsibility and constant care and anxiety of almost an unending nature. Power is hedged on all sides by red tape and many other limitations. It is not merely a sense of public duty or even a burning desire in me to serve the millions of my countrymen in their distress and hour of need; it is the shining and inspiring example of my leaders, the Prime Minister and the Deputy Prime Minister of India who for two and a half years have been toiling day in and day out to make the newly won freedom safe for generations to come, who have been toiling for building up a new India at this advanced age, with no little risk to their life and health.

Sir, I feel it a privilege to be with them, to be associated with them, to work with them and to share the responsibility. Not only that, I consider it my sacred duty to assist them to the best of my ability in the great task on their hands, the task of preventing the Ship of the State from being overwhelmed by the waves of Communism, Communalism and Provincialism and the task of making the Government of India a powerful instrument for promoting peace, progress and prosperity throughout the whole country, the task of resuscitating to normal life and to pristine glory Mother India, which had to undergo a terrible operation with so much bleeding. (An honourable Member: 'It is amputation'). Whatever you may call it, it is a great task to resuscitate Mother India and after its amputation the task becomes still more difficult. Sir, they are engaged in the task of banishing Imperialism and exploitation from the Continent of Asia; they are engaged in the great task of making India a stabilizing factor in the world peace, and lastly, in the task of propagating the message to our masses, the message of *Satya* and *Ahimsa* (*viz.*, truth and non-violence) and promoting the welfare and happiness of mankind.

Sir, there are occasions when I have not seen eye to eye with them and there are questions on which I hold different views, but not to extend to them the fullest co-operation or to think of running away from their side at this most critical juncture I consider, it will be nothing short of betrayal; betrayal of not only old colleagues and friends, of tried generals and trusted leaders, but of

all that our companions and comrades have suffered and died for during the last thirty years, and in short the best interests of the country. Sir, it is with that background and in that spirit that I have approached my task and I have tried to put in the best in me, not to spare myself in carrying on the task that I have undertaken. The task is no doubt gigantic and it requires patience; but I hope, God willing, our efforts will bear fruit.

I will be glad and gratified if it is granted to me by the will of God to witness an early fruition of our labours and speedy progress of the rehabilitation work; but still more will I feel happy and relieved if I can hand over charge to someone with greater drive and energy, with more imagination and sympathy and resourcefulness, and knack, to obtain speedier and better results, or if that is not possible, if we can devise any other means by which the speedier and quicker rehabilitation of our displaced countrymen can be ensured.

Sir, I would like to say one word, about which I know there is a lot of feeling in the country. This is about the evacuees' property. The Government of India is as much concerned as any other person in getting a fair value for the properties left by our brethren in Pakistan. We have made every possible effort to arrive at some settlement with the Pakistan Government, but I must admit that our efforts have so far failed. Mr. Liaquat Ali Khan, the Pakistan Prime Minister has repeatedly urged for the promotion of good relations between India and Pakistan and to him the Kashmir problem is the only stumbling-block; but I have said again and again and I have impressed upon him that so long as the question of evacuee property is not solved to the satisfaction of all concerned, there will be a great deal of heart-burning and bitterness amongst the people on both sides. Every effort has therefore to be made by the statesmen on either side to bring about a just and fair solution of the evacuee property.

Lastly, Sir, I would like to pay my tribute to the strength, courage and fortitude of the displaced persons themselves. Any other people who had to meet with such a calamity would have broken down and it is indeed a matter of great pride for us that they have withstood all this for such a long time and they have borne it with cheer; they have tried to face the situation valiantly and I hope that very soon they will be out of the wood, although the effort and sympathy with which they were received at first has diminished to a great extent and this has added to their suffering and misery. Just as in a railway compartment when a person is standing outside there is always resistance to take him in, but once the man comes in, there is always an effort to accommodate him. Similarly, however much we may dislike to have more men in our villages, in our towns and in our provinces and so long as they are not absorbed in the economy of the town or city, they will be a burden on us, but once they are absorbed, they will become an asset. I have no doubt that our displaced countrymen who have come out have got great ability and if we can help them properly in the economy they will be a source of great strength and they will be an asset instead of a liability. With these words, Sir, I move.

Shri R. K. Sidhva (C.P. and Berar: General): Sir, I do not want, to minimise the efforts that this Government and the Provincial Governments have put in to give relief and rehabilitation to these unfortunate persons who have come out from Pakistan. I do feel that a great deal still requires to be done. The work of evacuees is more or less complete, but the question of rehabilitation is of such a gigantic nature that unless the Governments with all their seriousness and with all their sincerity that they have all along shown put in some concrete war-like measure, I doubt, Sir, that the question of rehabilitation could be solved even after three or five years. I lay great stress upon the question of provision of houses for this class of people. That is the first thing. I consider, to be taken up in the work of rehabilitation. To what a pitiable position these persons have been placed for want of accommodation, not in

[Shri R. K. Sidhva]

Delhi alone but in the whole country, it is only those who have suffered can realise the magnitude of this question. I know that our Government have done a great deal to relieve the sufferings of the displaced persons. They have spent crores of rupees for the purpose and I know that schemes have been prepared for building houses for them and creating new towns in the different provinces. But all that is not enough. The paper schemes have to take concrete shape and the programmes should have a datum-line for their completion. Within a fixed number of years the new townships should grow up and the displaced person should be housed. Crores of rupees have been sanctioned for building these townships. The responsibility for their supervision and all that has been entrusted to the provincial Governments concerned. The question whether the provinces will also contribute something for the purpose is a different question. What I feel is that unless there is a central agency to look after this work, it cannot be expedited.

Out of the eight lakhs of displaced persons settled in different parts of India in various camps, one hundred thousand persons are in one camp alone in Kalyan, Bombay. The Government of Bombay have resolved to build a town for them and have appointed Major Bhonsle of the I.N.A. as Director of Relief and Rehabilitation, for carrying out their scheme. Major Bhonsle has served in the army and he has, during the war, been responsible for erecting so many permanent structures in the shortest possible time. He has agreed to complete this work also energetically. Even he feels that it will not be possible to build a township on a five-year programme, unless it is treated as war-time measure. I see no reason why the assistance of the Defence Ministry should not be taken in this matter and the houses completed within three years and the work started immediately. As the Government are importing steel from foreign country and cement is available here, there will be no difficulty with regard to the supply of the required materials. The only things lacking, I see, are push drive and vigour.

The honourable Minister referred to the fact that our Prime Minister and Deputy Prime Minister have been taking interest in this matter. With due deference to the honourable Minister, I must say that is exactly my complaint that when a minister cannot work he summons the help of the Prime Minister and the Deputy Prime Minister who have undoubtedly the necessary push and the drive. Why should not our Minister also have that push and drive? Our Prime Minister and Deputy Prime Minister have tremendous work to do in their own Ministries? Why should their assistance be sought by other Ministers? My honourable friend has been given ample power. In the early days of his assuming charge as a Minister he really showed good work and I was very hopeful. In fact he himself took up the pick-axe and shovel to build houses and called upon the refugees to do likewise. I was glad to see that. But I do not know why after six months the whole enthusiasm vanished and he had to seek the help of the Prime Minister. I heard that in a place which the Prime Minister visited, he found the roof broken up and issued an order saying that that place should be re-built in three months. After three months he quietly visited the place again and found that nothing had been done. It seems he then summoned the Minister, the Secretaries and others and expressed his dissatisfaction with the way things were being done. That seems to be the position even today. What has our Minister been doing, I am asking him. After this incident I understand that a Conference was called and a High-level Committee was appointed to set matters right. The honourable Minister has made a reference to this now. I cannot understand why such things should happen. Why should there not be enough drive and push in him? Why should he not fix a date-line for the construction of houses? Why should under his Administration the affairs should be such that even the Prime Minister's orders are not carried out? With due deference to my friend I must say that he must

put in more vigour and energy in getting things done. He is doing a thankless job. I do not dispute it. Nobody would thank his Ministry unless the refugees get 100 per cent. satisfaction of their demands. I quite realise that. But at the same time I am asking what is being done to settle these people? If a man is told that he will be settled definitely at a particular place he will be happy. A displaced person now does not know whether and where he will be settled. He does not know where his future lies, in Bombay, in Lucknow, in Allahabad or in Andamans. He wants to be settled down somewhere and there is nobody to guide him properly. This is the position as regards Government relief and rehabilitation and housing measures are concerned.

Now I want to know from the honourable Minister what he has done to render help to those who want to stand on their own legs. The other day I put a question as to whether any co-operative societies have been formed and whether the displaced persons have made any application to the Government to give them plots of land and the answer given to me was 'None'. When I quoted my own visit to him in that connection, he said: 'he had not the honour or pleasure of meeting Mr. Sidhva on this question'. That was the answer he gave me. Reading that answer in the papers a gentleman, who has formed such a society a year ago, wrote to me saying that he had written half a dozen letters to the Minister in regard to this matter asking whether he is prepared to give the required land and that no reply had been received by him. He has given me a copy of the representation which was dated as far back as March last. (An honourable Member: 'Only twelve months!') and he has had no reply. Then I wrote to my honourable friend stating that in reply to my question he answered differently and I quoted him the instance. After some time, I received a reply that he would be pleased to see that gentleman. I asked the gentleman to go and see the Minister. He saw him only ten days ago and Sir, the honourable Minister told him, "Why have you come? I have not got the papers. I have not called you." Then that gentleman showed him my letter and the Minister's reply to that. Then the Minister talked to him and the gentleman placed his proposals before him. This society consists of nearly 28 Superintending Engineers and Executive Engineers and Chief Engineers of the Punjab who have been responsible for building a number of houses in the Punjab; they have retired and have come away. They say, "We are prepared to give you all the help. We will build the houses for 7,000 or 10,000 families there. You kindly give us plot and you only give us loan. We shall put our heart and soul and our energy into it. We shall concentrate ourselves on it. We do not want anything else from the Government." If people are prepared to work such a scheme on their accord, why cannot Government decide on a policy of giving lands?

My point is this: fortunately in Delhi there is ample space available for expansion. One who has planned New Delhi has foreseen things and made provision for expansion for fifty years. During war many houses having been built yet there is so much vacant space available. This gentleman told the Minister that there are so many plots for agricultural purpose which he could requisition and which are not used for any particular agricultural purpose. The reply was not forthcoming. The honourable Minister suggested some other place but water is not available there. At the site where these people want to construct colony, water and everything within a space of a few yards is available. This is a problem which somebody has to solve. If I want to build a house and I say I will pay the money and I will do everything, I do not want anything, kindly give me a piece of land—in such a case, if you have real sincerity, why not give at least a few acres of land mark it out and give it to these people? I therefore expect that the Honourable Minister will kindly bear this in mind and see that this scheme of giving plots to the various societies or individuals is taken up without delay, so that the work could be started simultaneously with the Government scheme.

1920 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [26TH MARCH 1949]

[Shri R. K. Sidhva]

Then, I come to the Inter-Dominion Conference that took place recently. In the latest Conference at Karachi it was announced and people were jubilant that the evacuee property question would be solved. I can tell you that some people did go to Karachi thinking that they would be able to sell the property. They went there, and I know of instances where they had the certificate of income-tax also, and yet they were not registered even to this day. On the Board of the Registrar's office at Karachi it is written, "No property of Hindus or Sikhs will be registered." I want to know what Government has done in this direction. So many properties are lying there. I have no property of my own in Karachi, but I may tell you I had a considerable share in building many co-operative societies in Karachi. I shudder to think really what has happened to these poor people. Several small people, clerks getting salaries from Rs. 50 and 120 and peons, started co-operative societies and I got for them self-contained houses built. Every month, from their meagre salaries they used to pay Rs. 6 or 7 towards the loan. Now, those poor people had to come away after partition. All these houses are lying there in Karachi. I want to know what the Government has done about them. In Lahore, I have seen the Model Town, with what amount of effort the people had built it. Men who had whatever little savings from their salaries, they put it into those houses and built hundreds such. I shudder to think of them, because I was a party in getting them plots from the municipalities. I got money for them from the banks and these people built houses. Now, nothing is being done in this direction. I am very sorry about that. These people who have come here and are living hand to mouth for their existence, they say, What are we to do? We have neither a profession nor a business nor a house to live in. Something should be done in this direction. Why not the Pakistan Government be compelled to pay? When the last delegation went from here, I requested Mr. Gopalaswami Ayyangar, who was leading the Delegation, "Please, when this question of these buildings comes in I can help you. I have some knowledge about it." There are plots which were sold by the municipality and one of the terms was that plots not built within two years, they will revert to the municipality. I was Chairman of the Standing Committee and I got extension for three years. After three years expiry, under the law, if the buildings were not built, automatically it reverts to the Corporation. But somehow by the time division came, everything was upset and the Pakistan people are now taking undue advantage of it. I told Mr. Gopalaswami Ayyangar, "Will you please tell your Secretaries that when this question is discussed, I should be called, so that I could be present and discuss this question with the Pakistan officers and impress upon them the necessity of releasing these plots". Mr. Gopalaswami Ayyangar was good enough to make a note that I should be called, but after the Conference was over, I found I was not called and I was told that the office people forgot.

In Karachi alone there are Rs. 200 crores worth of property which non-Muslims have left. At least the property which Pakistan Government have taken, why do not they pay the value for them? When a man volunteers to come and help you, why should you not take him and take other friends who may be pleased to place their case before them? If the honourable Minister feels that he is above everybody, that is a different matter, but then you cannot say that members of this House are not responsible persons. You cannot blow hot and cold at one and the same time. I, therefore, suggest to him that at the next Conference which I am told is going to take place in New Delhi he should take assistance of all those who wish to give. I am personally not at all anxious to go, but I want to place these facts and impress upon them. Let me have the satisfaction that I have placed the case of these poor people who have lost immensely. Let me have the satisfaction, the consolation that the

case has been properly placed. I do not say the Minister will not place it, but it makes a little difference when one who knows something places it. I submit from that point of view. I do not say that he is not presenting ably. They are able men. They are presenting the case very well. But I feel that I could do a little better knowing the facts as I do. I therefore submit that this housing problem which has been agitating the minds of the refugees here should be the main topic of this Government, and unless this question is settled, the refugees will not be happy. Whatever else you may do for them, they cannot be happy. You can just imagine the feelings of a man with a wife and children roaming about from place to place. I have seen so many camps in Bombay, the C.P. and the U.P. I know the conditions under which these refugees live. But I am keeping my mouth shut. I have written letters to the Ministers concerned and their Secretaries and they have been kind enough to reply promptly. But that does not solve the problem. Therefore, when I cannot render any help to them, I keep quiet.

I am thankful to Government for giving us this day for ventilating our views. But it is only for half a day. Somehow Broadcasting has intervened. We would like this question to be discussed for two days. As such, I appeal to Prime Minister to give us another time.

Mr. Speaker, you are ringing the bell. I am sorry that I have repeatedly to go counter to your suggestion to sit down. But what am I to do when I have a number of points to touch on. I can not place my grievances in fifteen minutes.

Mr. Speaker: It is not a question of going counter at all. I am merely making a suggestion because others are anxious to speak. He can go on for any length of time.

Shri R. K. Sidhva: I know many others have good points to make and I shall not come in their way. I am sure that no other Government could have done better than our own Government. There are certain classes of people who are attacking this Government and the Provincial Governments for the sake of attacking. The honourable Minister has said in his speech that there are other reasons for their attack. Some persons, with their future political status in view are placing these refugees in a most confused condition. Several refugees—responsible people—have come to me and asked me to take over presidency of his or that union. I have refused. I have told them that the circumstances under which they have selected their leaders precludes me from joining any of their organizations. But I will do my work in my humble way and that is what I am doing.

Therefore, while I appreciate that difficulty is there, I cannot get out of this fact that Government have been slow in providing houses for the refugees. I shall say something about the Custodian of Evacuee Property. So many people go to him for houses—doctors, lawyers, etc. with their families. There was one lady doctor from Lahore. I will mention her name. It is Dr. (Miss) Naoroji. She was a very well-known Parsi doctor in Lahore for a number of years and all the women used to go to her for aid. All her instruments were simply stolen and in this last trouble she lost instruments worth Rs. 10,000. She came to Delhi to practise. She wrote to the Custodian to give her a room so that she could do her bit of rendering aid to suffering humanity, especially for the people from Lahore. But there was no reply. She came to me about it. I went to the Custodian but he said that he had not received her application. She then quoted the registered number under which she had applied. He said he could not do anything. Up to date she has not got a house and I believe she has gone to Bombay. The policy has been that Doctors will get certain quota. This doctor has been in Delhi for 15 months but she has had

[Shri R. K. Sidhva]

nothing. Besides her, there are many other doctors, too, who have come to me for accommodation but with very poor result.

I submit that there should be a definite policy with regard to this matter and it should be strictly followed. I maintain that if you are not going to follow a policy but just act haphazardly, then you will not be successful in solving this problem. It is a gigantic work. I do not deny it. But the point is that unless you put this relief work on a war-like measure this question cannot be solved. I would request the Minister to see that he is not guided by those who say that materials are not available. There may be insuperable difficulties in the way. Those difficulties are meant to be overcome. I must say that unless you are sincere, you cannot do this work. The honourable Minister says in his speech that "it is our intention to find a house for every displaced family and also the means and opportunities for keeping them gainfully employed." But how is he going to expedite this work of rehabilitation when he says: "I have been told repeatedly that rehabilitation is a slow process." Who has told him so? Probably it might be his officials! And then he refers to instances of the slow process of rehabilitation of European refugees in spite of the heavy expenditure sanctioned for them. With this before him, how can he expedite matters? But why must it be said that this rehabilitation should be a slow process? Have we not in London seen—I have stated this in questions and the honourable the Health Minister had to accept my contention at a later stage—that 1,60,000 houses, bombed and destroyed, were put up within a period of six months by the Government of Great Britain? They had the desire and the will to do so for their own people and they did it. In another six months another 2,15,000 houses were repaired and made fit for habitation by the same Government. So who has told you that this process of rehabilitation must be a slow one? Of course, if anybody does not want to do it, then it can take ten years. My point is that there is no push and drive in any one. If we can have this drive, I am confident that many of the difficulties now confronting us will be resolved.

In this connection I would like to remind the House that when the late Mr. Lloyd George was the Prime Minister during the first Great War, he had three guiding points in fighting the war. Those were: (a) We must decide our objective; (b) We must select the right type of men; and (c) Give the execution of the work to this right type of men. I am sure if we could have some such three points in our policy with regard to rehabilitation here.

Sardar Bhopinder Singh Man (East Punjab: Sikh): The list contains the names of thirteen speakers. May I know what is the time being allotted to each speaker so that we may know whether we will get a chance?

Mr. Speaker: I explained yesterday that sometimes I get the list and sometimes not. But I do not go by lists. I have had a lot of complaints from Members that, in ten minutes they are unable to make any point effectively. I have also expressed my own view that I prefer fewer speeches with points. I do not know how the House has been impressed by the present speaker, but I think he is making some points. So starting with the idea of having a fifteen minutes' time limit, I gave the first warning ring for the fifteen minutes' limit. The second ring was after twenty minutes, and then when the speaker felt that he was not getting sufficient time and he felt that perhaps he was going counter to my suggestions, I wanted to disillusion his mind of this feeling and I preferred that he should restrain himself from speaking further rather than that this restraint should come from the Chair. As it is he has now taken thirty minutes.

Shri R. K. Sidhva: I am thankful to you for whatever latitude you have given me. I close my speech.

Pandit Lakshmi Kanta Maitra (West Bengal: General): Just a few minutes before I came to this House, I received the statement issued by the Ministry of Relief and Rehabilitation. I have carefully read and scrutinised this document and I have also very carefully listened to the thirty-eight-minute speech delivered by my honourable friend, Mr. Mohan Lal Saksena. If I tell him at the very outset something which may not be palatable to him, let him not think that I have got any feeling of bias against him, or that I am actuated by anything, in what I am going to say, but the best of motives and the sincerest of intentions, which I think should be the guiding principle in all speeches in connection with this motion. Mr. Saksena knows very well that we are old colleagues here and in the past we have both shared together all the frustration which we used to have during the days of the British regime. If today he is in the fortunate position of doing something to his country it is the duty of every one of his old colleagues to give him the best advice, help, guidance and assistance. Therefore I would beseech him not to take some of my remarks amiss.

The question of rehabilitation of the refugees has assumed such proportions of national importance that it is no mere idle rhetorical flourish to say that it is the one national problem at the moment. As to how this problem has been tackled during the course of the last 18 months this document gives in some measure the reply. Frankly speaking, the document is a disappointing one—disappointing because it has very little to point out by way of achievement, disappointing because it is not clear and categorical with regard to the policy and attitude which this Government is going to take concerning this vital and burning problem; it is disappointing, because it is interspersed with all manner of pious platitudes, which I do not very much like. But the speech also did not throw any further light on what is contained in this document. Let us try to see what this document contains and what the problem is like.

To begin with let us see what is the size or number of the refugees. Let me tell the House that the Government of India has not got any accurate figures whatsoever. If any painstaking member of this House would care to examine the replies to the various questions and supplementaries that have been put from time to time he will find a bewildering number of statements. Let us assume for the time being that the present strength of the refugees from West Pakistan comes to about 50 lakhs and that from Eastern Pakistan about 16 lakhs. Of course it is a great deal more, but I am not going to quarrel over that. I am going to deal with the figures as have been given by the honourable Minister himself. So the total is 66 lakhs of people. I find from the report that 14 lakhs of people have so far been rehabilitated. I will accept that statement at its face value, face value in the sense in which it has been given, namely, that they have been rehabilitated in evacuee property left in this country by the Muslims. In other words, though they have come to occupy evacuee property in this country they have mainly rehabilitated themselves on their own initiative, self-will and their own effort. Let not my honourable friend think that I am going to under-rate in the least the enormity or the magnitude of the problem which he has to tackle. I know another Minister before him, a very eminent parliamentarian and a seasoned veteran and he had to leave the Ministry. This does not mean that I am inviting my honourable friend to leave it. But let him not every time get up and throw the challenge that he is prepared to relieve himself of the burden. That does not help anybody. Why did he get into his predecessor's shoes at all? After eight or ten months of office he wants to sneak out of it. He must boldly face his task and the House will give him every possible help, assistance and advice. I perfectly agree with him that nothing should be done or said here which will exasperate the feelings of the refugees.

1924. CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [26TH MARCH 1949]

[Pandit Lakshmi Kanta Maitra]

I appreciate the observations made by the honourable Minister that the problem of rehabilitation has been retarded due to a variety of causes but the most important cause, let me tell you, and the cause which he has slurred over in his speech, is that the Government of India did not know its own mind as to what to do with regard to this problem. There has been considerable delay in planning out what their administration is going to do. That is the main reason. Then other causes came in the train. The provincial governments did not co-operate—another dismal confession of failure. Today we have got provincial governments functioning, under one political system, under one political organisation, the Congress Party, from the Centre down to the Provinces, Municipalities, district boards and other local organisations. So whatever the honourable Minister has referred to has occurred under the Congress organisation. In the circumstances does it lie in the mouth of any one of us to say that the Central Government was their friend but the provincial governments did not come forward and co-operate. They are talking of all manner of excuses but those are poor explanations for not getting any thing done.

Sir, I shall be brief, because time is pressing and as one who is going to place the case of Eastern Pakistan in this House, I hope I will have your indulgence for a few minutes if I am making some general observations.

With regard to this problem no clear-cut policy has yet been evolved. Here is a pious platitude, their aim is to provide every man with a home and gainful occupation, just the kind of thing that is said in political speeches, every man should have a decent standard of living. But this kind of rhetoric does not help us. Cheap heroics should be done away with at the present moment. Let us see what are your resources. Let me tell you frankly and personally I do not feel that this Government is equal to the task of rehabilitating the number of refugees that we have and honestly I feel they cannot do it. The entire resources of the country will not be equal to the magnitude of the task but that does not mean that nothing should be done. Let me tell you that with the best of efforts and policy you can not rehabilitate more than 20 per cent. If you can rehabilitate even that 20 per cent. out of the total number of refugees that have come from both West and East Pakistan you can be proud of that achievement but you cannot do it, for the simple reason that you have no co-ordination, cohesion or anything of that kind. The Central Government makes one sort of declaration and the provincial government goes counter to it. On the question of the dispersal of the refugees in the different provinces the Central Government makes a decision that such and such provinces will receive such and such quotas of refugees from different parts of West Pakistan. Several lakhs of refugees were allotted to provinces like that. So far as Eastern Pakistan refugees are concerned Bihar, Assam, Orissa and the neighbouring states were set apart and they were not meant for the reception of refugees from West Pakistan. Lo! and behold, what happens there. The provincial governments refused to accept any refugees from Eastern Pakistan and the pity of it is that the Central Government cannot force the provincial governments to accept some of these displaced people from Eastern Pakistan. What a fine country and what fine arrangements we have got I do not understand. These unfortunate refugees from Eastern Pakistan are trekking in and apart from not doing anything tangible for them they are getting all manner of confusing statements. I will not quarrel over the figure but I think somehow or other they have come to some definite figure, 20 lakhs or so. I am not going to quarrel about that; let them stick to that. Now, these Provincial Governments, the Governments of Assam and Bihar, have declined to take anybody from Bengal.

—Babu Ramnarayan Singh (Bihar: General): Did Bihar refuse?

Pandit Lakshmi Kanta Maitra: Yes. They flatly refused.

There was a Conference convened by my honourable friend, Mr. Mehr Chand Khanna, Rehabilitation Adviser to the Government of India, at Calcutta. At his request I accompanied him to Calcutta at the end of February last. In my own humble way I have been doing something to alleviate the lot of these unfortunate people.

Srijut Rohini Kumar Chaudhuri (Assam: General): May I ask when did the Government of Assam refuse to take Bengal refugees?

Pandit Lakshmi Kanta Maitra: I hope the answer to it will be given by the Minister concerned or by others in authority. All I know is that in the Calcutta Conference which I had the honour and privilege to attend, held in February last, the Assam Government said that they did not want anybody from Bengal. The Government of Bihar was also represented and their attitude too, was most unsympathetic. I am not going to quarrel about it. After all it is your concern; you may receive them or you may not receive them. My honourable friend, Pandit Thakur Das Bhargava, asked me about that Corporation—he perhaps means the Rehabilitation Finance Administration of which my honourable friend, Dr. John Matthai, is the creator. It is meant to give loans to displaced persons settled in business. We do want to help them. But here again, to a certain extent, we are dependent on the Provincial Governments, in matters of enquiry, collection, etc. We have tried all these months in vain to get any response from the Assam Government.

Sir, this is the kind of co-operation we are getting. We for our part feel that we are having a shabby deal. The refugees from Eastern Pakistan feel that they have no place in the whole of India today. They are like the wandering Jews. If they are to get any shelter outside West Bengal, they have to go to the Andamans, the erstwhile penal settlement, and not an inch can be found for them anywhere in India. My honourable friend the Minister of State for Relief and Rehabilitation should see to it that this state of affairs is remedied. He must make an honest effort in that direction. Every Provincial Government is a unit for administrative convenience. Provinces are not the patrimony or the private property of anybody. It is the property of every single Indian and he should be entitled to every inch of space in any part of India.

It is rather unfortunate that in the matter of refugee rehabilitation party politics has come to play. It is most detestable. I agree with my honourable friends that this question of refugees has been a pawn on the chess board of our politics. We must now try to take the wind out of the sails of these political agitators who want to make political capital out of the miseries of the refugees. Of course, I know it is impossible to achieve anything spectacular in a short period. But if we set about this work of rehabilitation in a planned manner, I think we can make much headway.

Sir, I want to tell my honourable friend the Finance Minister that any money that is spent on the rehabilitation of refugees is ultimately going to be an investment. I do not say that the amount spent on relief is going to be very productive. But today in having to face the enormous task of feeding and rehabilitating 60 lakhs of people we have got this splendid opportunity of fashioning this uprooted mankind to suit the economy of the Indian Union. But a planned scheme is necessary. Mere verbiage, mere platitudes will not help us.

Sir, I will put one or two questions with regard to these unfortunate people from Eastern Pakistan. In reply to a supplementary question put by me the other day my honourable friend, Mr. Mohanlal Saksena, said that there was no difference in the treatment of refugees from Western Pakistan and Eastern Pakistan. The honourable the Prime Minister clarified that. He explained

[Pandit Lakshmi Kanta Maitra]

that those who had already come and settled in the Indian Union would be treated on a footing of equality. In this statement my honourable friend says that there is slight difference in the treatment of East Pakistan refugees. I want him to categorically state as to what is the exact difference. I am not going to quarrel about the facts that he has given, because they are all debatable things. But even assuming the facts as they are, will he kindly state to the House, for the information of my people what are the differences in the matter of treatment of the refugees from Pakistan, East and West.

It is extremely unfortunate, Sir, that in the Special Employment Bureau which was set up for finding employment to the refugees, not one member from Eastern Pakistan was taken. Not even a branch of the Bureau was started in Calcutta. I am grateful to the honourable the Finance Minister that he has allotted Rupees five crores for the rehabilitation of East Bengal refugees. But if this object is to succeed, I would plead in all sincerity that an autonomous board should be set up free from all manner of political influences. This board should be charged with the duty of going on with the work of rehabilitation. If you do not do that political influences are bound to come in, and utilise the opportunity for their own ends. Therefore, I suggest that a board should be set up which should be charged with the duty of carrying on this work of rehabilitation.

While dealing with this question, I want to tell my honourable friends. Mr. Mohanlal Saksena and Dr. Matthai, that while I realise the importance of physical rehabilitation, I attach more importance to moral and intellectual rehabilitation. About sixty lakhs of people, about ten lakhs of whom are young, in the most formative stage of life, have come with bitter past experience, full of jealousy and hatred. Unless we set about actively to salvage this portion of humanity, unless we make adequate arrangements for the education of these people, what is going to be the future of this country? These people will be the riff-raff of society. You have to guard against that. Whatever might be the money we spend, we must take good care to see that a good percentage of it is set apart for the education of these refugees. In this document there are two self-contradictory statements. While on the one hand it is said that in the course of the next six months all the refugee camps will be disbanded—I want that they should be wound up—at the same time it is said, arrangements are being made in the camps for the education of boys in the primary stage. It is also said that steps are being taken for imparting secondary education in the camps. It passes my understanding how secondary education can be arranged in camps. I would, therefore, request my honourable friend, to earmark a special grant, in addition to the amount set apart for relief and rehabilitation, for the intellectual, mental and moral rehabilitation of these unfortunate people. Sir I had very great difficulty in dealing with educational institutions which we started for the education of refugee students. Let the Central Government make it a condition that a portion of the amount will be earmarked for the education of refugee boys and girls.

Sir, I do not propose to take any more time of the House. I sympathise with my honourable friend, Mr. Saksena in his plight. It is an enormous task. I do not blame him. All I say is, let him not feel despondent. Let him not throw out a hint now and then that he would resign. I do not want any resignation. We want you as a bold man to go forward with your task and harness all your energy to the service of the suffering humanity. That is a great task, that is an opportunity for us to rise equal to the occasion. Let us not falter now. Let the Central Government and the Provincial Governments all work together. The Central Government has got the lever in their hands—finances. They can compel every provincial government to tow the line with them; if

they do not do that the Centre has got adequate powers to make them do it. I have explained how the provincial governments are behaving, how they are not even caring to obey the directions of the Central Government in this respect. As I told you, my people are forced to go to the Andamans for shelter. Nothing can be more shameful, nothing can be more painful. I hope you realise the psychological effect of that. I therefore plead in all earnestness. Let all the heads of the provincial governments sit together under the leadership of the honourable the Prime Minister and the Deputy Prime Minister, let them chalk out a plan that we will spend 300, 400 or 500 crores of rupees spread over a period of four or five years. Let it even be one hundred crores, but fix a target amount and the period over which this work should be spread out. Let us all work together, put our shoulder to the wheel. Let us see if we can do something for this unfortunate humanity.

लाला अचिन्तराम : साहबे सदर, मैं सबसे पहले अपने आनरेबल मिनिस्टर

श्री मोहनलाल सक्सेना को तारीफ करना चाहता हूँ। जिस तरह से उन्होंने इस काम को अपने हाथ में लिया मैं महसूस करता हूँ कि वह तारीफ के मुस्तहक हैं। उनकी मिशनरी Zeal प्रशंसा के लायक है और जिस तरह वह अपने हर काम में महात्मा गांधी के आदर्शों को अपने सामने रखते रहे हैं, काबिले तारीफ है। लेकिन पेश्वर इसके कि हम इस महकमे के काम पर कोई राय दें हम को यह सोचना चाहिये कि जनता की इस महकमे के बारे में ठीक-ठीक राय क्या है। यह मसला हमारे सामने बीस महीने से है। इसके अलावा और भी मसले हमारे सामने रहे हैं। एक मसला हैदराबाद का और स्टेट्स का था। इसके अलावा संघ का मसला था, कम्युनिस्टों और अकालियों का मसला था। इसके अलावा काश्मीर का मसला भी था। तो जिस तरह यह और मसायल थे, उस तरह यह रिफ्यूजीज का भी एक मसला था। हम ख्याल करते हैं और लोगों का ख्याल है कि हमने तमाम मसायल को हल कर लिया है। लेकिन इस मसले के मुतल्लिक लोगों की क्या-क्या राय है। अगर आप गौर से देखें तो मैं इन तमाम मसायल को तीन हिस्सों पर तकसीम करता हूँ। पहला मसला हैदराबाद यानी स्टेट्स का मसला था। मैं समझता हूँ कि हिन्दुस्तान के अन्दर जहाँ तक इस मसले का ताल्लुक है, सब के दिल में यान्ति है कि यह मसला अच्छी तरह से हल हो गया है। अब इस बारे में कोई कम्प्लेंट नहीं है। ऐसा ही संघ के मुतल्लिक ख्याल है और कम्युनिस्टों के मुतल्लिक और अकालियों के मुतल्लिक भी यही ख्याल है कि हमने इन मसायल पर काबू पा लिया है और उनको दवा लिया गया है। काश्मीर का जो मसला है मैं समझता हूँ कि इस का भी फिलहाल कुछ हल मिल गया है, आगे जो कुछ हो वह देखा जायगा।

लेकिन रिफ्यूजीज के वास्तव लोगों का ख्याल क्या है, लोगों के तअस्रात क्या हैं, जनता की क्या राय है? मैं जो कुछ महसूस कर सका हूँ वह यह है कि लोगों के अन्दर जो खलवली इन तमाम मसायल से मची हुई थी, वह शान्त हो गई लेकिन वह एहसास लोगों के दिल में रिफ्यूजीज के मसले के वास्तव

[लाला अचिन्त राम]

नहीं है। मैं समझता हूँ कि लोगों के दिलों में इस बात का एहसास है कि सरकार ने बड़ी फ़राखदिली से इसको हल किया। ज्यों ही यह मसला पैदा हुआ, २२ करोड़ रुपये इस काम के लिये अलहदा रख दिये गये। गो १४ करोड़ रुपया खर्च किया गया। इसी तरह लोन्स के लिये गवर्नमेंट ने २० करोड़ रुपये रख दिये हैं और जो स्पीचेज़ लीडर साहबान करते हैं उन से मालूम होता है कि गवर्नमेंट ने बहुत कुछ किया है। लेकिन इस के बावजूद भी यह फ़ैक्ट है कि इस वक़्त जो रिफ़्यूजीज़ हैं उनके दिलों के अन्दर फ़स्ट्रेशन है, मायूसी है। वह जहाँ कहीं जाते हैं तो उनको कोई रास्ता नज़र नहीं आता। यह तो मामूली बात है कि जिसका कोई रिश्तेदार मर गया है उसको वह नहीं भूल सकता, चाहे दस बरस बीत जायं या बीस बरस बीत जायं। जो लोग अपने रिश्तेदार वहाँ मरवा कर आये हैं, उन को वह नहीं भूल सकते और न वह हमारे वेश की ही बात है। लेकिन इस वक़्त बहुत सारे आदमी यहाँ पर हैं, जिनके बच्चे वहाँ पाकिस्तान में हैं। जब उनके बच्चे वहाँ रहते हैं, तो उस दुःख को वह नहीं भूल सकते। इस वक़्त मेरे सामने कई केसेज़ हैं। पंजाब में पाकिस्तान में एक गांव है वहाँ पर इस समय १६ लड़कियां हैं। उनकी चिट्ठियां यहाँ पर आती हैं कि हमें आप किसी तरह निकाल कर ले जाइये। लेकिन हम सब हैल्प-लैस हैं। वह जिस दरवाजे पर जाते हैं कोई हल उनको वहाँ नहीं मिलता। तो यह दुःख वह किसी तरह नहीं भूल सकते।

अब फ़्रापर्टी के मूतल्लिक मिनिस्टर साहब ने फ़रमाया कि स्टेट लैवल पर यह मामला तय हो रहा है। हमारी सरकार ने जब यह तज़वीज़ की कि फ़्रापर्टी की सेल व एक्स्चेंज गवर्नमेंट लैवल पर हो, तो पाकिस्तान सरकार की तरफ़ से जवाब मिलता है कि वह इस तज़वीज़ को क़बूल नहीं कर सकते, एक दफ़ा यह जवाब मिलता है। दूसरी दफ़ा भी यही जवाब मिलता है। इस तरह की बातों से रिफ़्यूजीज़ को मायूसी होती है। मैं जानता हूँ कि गवर्नमेंट ने करोड़ों रुपये खर्च किये हैं। लेकिन अब लोगों को जो शिकायतें होती हैं, उनको देखिये। लोग कैम्पों में पड़े हुये हैं और एक-दो नहीं, तीन-चार महीनों से कैम्पों में टहरे हुए हैं। क्या आप ख़याल कर सकते हैं कि कैम्पों में वह ठीक तरह से रह सकते हैं। वहाँ न कोई प्राइवैसी का इन्तज़ाम है और न ही कोई ज़रूरी चीज़ों का प्रबन्ध है तो वह वहाँ कैसे तीन तीन चार चार महीनों तक रह सकते हैं। आज इस हालत को २०-महीने हो गये हैं। अब देखिये कि वहाँ क्या हालत है। गवर्नमेंट ने कुछ हालत को इम्प्रूव किया है। लेकिन आप जानते हैं कि ग़रीब से ग़रीब आदमी भी तेल का इस्तेमाल करते हैं। लेकिन आप वहाँ कैम्पों में छः मासे तेल का इन्तज़ाम नहीं देखेंगे। यह कहा जाता है इसमें पैसा खर्च होगा,

लेकिन जहाँ आप करोड़ों रुपये खर्च कर रहे हैं वहाँ कुछ लाख और खर्च हो जावेंगे तो कोई ऐसी बात नहीं है। लेकिन यह मामला फ़ाइनेंस डिपार्टमेंट में जाता है और कहा जाता है कि तेल देने में ८ लाख रुपया खर्च होगा और प्रपोज़ल इसी तरह फिरती रहती है और उनको तेल नहीं मिल पाता। इस वजह से उन को मायूसी होती है। आप देखें कि छोटी-छोटी चीज़ों का मामला है। गुड़ का ही मामला लीजिये। आप देखेंगे कि इस मामले में बावजूद तमाम कोशिशों के ढाई तोले के करीब उनको मिल पाता है। आप देखिये कि वह कैम्पों में अगस्त से और अक्टूबर से पड़े हैं और अब तक वहाँ उन के लिये न कोई नहाने का प्रौविज़न है न अच्छी तरह से ठहरने का इन्तज़ाम है। उन के लिये वहाँ न तेल का प्रौविज़न है। और न गुड़ का प्रौविज़न है तो ऐसी हालत में उनके दिल में मायूसी पैदा होती है। मैं समझता हूँ कि हालांकि गवर्नमेंट बहुत रुपये खर्च कर रही है, लेकिन फिर भी उन के दिल में मायूसी पैदा होती है। यहाँ पर पगड़ी तो अलहदा रही गांधी टोपी तक का प्रौविज़न नहीं है। उनको न चादर दी जाती है, ताकि वह गर्मियों में मच्छरों से बचाव कर सकें। उनके पास न चादर है न परदा है, न लंगोटा है। यह हम नहीं कह सकते कि गवर्नमेंट की तरफ़ से रुपया नहीं दिया जाता। ऐसी हालत के होने का कारण Lack of imagination है। आज दिल्ली की हालत को मैं जानता हूँ। यहाँ पर उन को आये हुए कोई साल-साल भर हो गया है, लेकिन उनके लिए न टट्टी जाने की जगह है न नहाने की जगह। वह दीवारों के साथ लगे बंटे हैं। वहाँ से वज़ीर साहबान और बड़े-बड़े आदमी गुज़रते हैं, लेकिन किसी पर असर नहीं होता। दो-दो चार-चार और दस-दस महीने गुज़र गये हैं, लेकिन अभी तक कोई इन्तज़ाम नहीं हो पाया है। उनकी हालत को कोई नहीं पूछता। जब ऐसी हालत है तो उन के दिलों का क्या हाल होगा। सिवाय मायूसी के और क्या हो सकता है। आप खुद इसको देख लीजिये। जब सक्सेना साहब जून में तशरीफ़ लाये थे तो उन्होंने कहा था कि अक्टूबर में प्लाट्स मिल जावेंगे। हम को यह जान कर खुशी हुई कि अब प्लाट्स मिल जावेंगे। लेकिन अक्टूबर का महीना गुज़र गया। फिर कहा गया कि दिसम्बर में मिल जावेंगे। वह भी गुज़र गया। फिर कहा गया कि मार्च में मिल जावेंगे। लेकिन वह भी गुज़र गया। जिस रिपोर्ट को देखो उसमें लिखा होता है—“we intend to provide houses.” पहिली रिपोर्ट में भी यही लिखा है। दूसरी में भी यही लिखा है। इन्टेंशन तो अच्छी बात है लेकिन इन्टेंशन से क्या होता है। मैं ने यह दरखास्त की थी कि यह डिवेंट कैमरा में हो तो अच्छा हो क्योंकि ऐसी बातें कहना अच्छा नहीं। इस से लोगों के दिलों के अन्दर बड़ा दुःख होता है।

[लाला अचिन्त राम]

अब लोन्स की बात है। आपने इसके लिये बीस करोड़ रुपया रखा है। लेकिन लोन लेने के लिये चार-चार पांच-पांच महीने बीत जाते हैं। पहिले आपने कहा कि इंडिवीज्युअल्स को लोन देंगे। फिर आपने पालिसी बदल दी कि नहीं कोओपरेटिव सोसायटीज को देंगे। उसके बाद आपने फिर पालिसी बदली कि नहीं इंडिवीज्युअल्स को देंगे। तो एक बार आप एक तरफ जाते हैं फिर दूसरी तरफ और फिर तीसरी तरफ। अब आप एजुकेशन का सवाल लीजिए। लुधियाने में गवर्नमेंट कालेज है। यहां से कहा गया कि वहां दाखिल होओ। वहां उन को कहा गया कि तुम्हारे पेरेंट्स यू० पी० में रहते हैं वहां से Loan मिलेगा। वहां वह गये तो कहा गया है कि तुम पंजाब में जाओ। फिर पंजाब में कहते हैं कि सेंटर में जाओ। तो इस तरह वह यहां से पंजाब, पंजाब से यू० पी० और यू० पी० से पंजाब में भटकते फिरते हैं। इस तरह से जो रिफ्यूजी students हैं उनको फ्रस्ट्रेशन पैदा होता है।

आपने फरमाया था कि कैबिनेट लेवल पर एक कमेटी बनाई गई है, जिसके अन्दर प्राइम मिनिस्टर साहब भी हैं और स्याल था कि रिफ्यूजीज का मसला हल हो जावेगा, लेकिन वह फिर भी हल न हुआ। मिनिस्टर साहब कहते हैं कि जब हम सबों में इन आदमियों को भेजते हैं और उन से कहते हैं कि इन रिफ्यूजीज को ले लो तो वह कहते हैं कि हम बाहर के आदमियों को ले नहीं सकते, क्योंकि जगह नहीं है या कोटा अलाट नहीं किया गया है। तो इन तमाम बातों का असर रिफ्यूजीज पर सिवाय फ्रस्ट्रेशन और मायूसी के क्या हो सकता है। आज रिफ्यूजीज के दिल में डर पैदा हो गया है। उन को बहुत तकलीफ उठानी पड़ रही है। एक बात और यह भी है कि जब वह पाकिस्तान से आये थे तो उन के पास थोड़ा बहुत रुपया था। लेकिन इस दस-दस, बीस-बीस महीनों के अन्दर वह भी खत्म हो गया है। उनके जो जेवर थे वह विक गये, कपड़े विक गये, बरतन विक गये हैं और अब उनके पास कुछ नहीं बचा है। इस से भी उनको बहुत तकलीफ होती है।

लेकिन अब सवाल यह है कि इन तमाम बातों के बाद हम क्या करें। यह स्ट्रेयिंग फेक्ट है कि रिफ्यूजीज के दिल में मायूसी है, फ्रस्ट्रेशन है। गवर्नमेंट ने बहुत कुछ किया, सब कुछ किया। लेकिन अभी इस का कोई हल नहीं हुआ। हमारी गवर्नमेंट कहती है कि पाकिस्तान गवर्नमेंट मानती नहीं है। हम कहते हैं कि गवर्नमेंट लेवल पर बात हो रही है और फिर भी पाकिस्तान गवर्नमेंट नहीं मानती। लेकिन जो रिफ्यूजी है वह क्या करे। वह तो मिनिस्टर से ही कह सकता है। अगर हमारे कहे से पाकिस्तान गवर्नमेंट नहीं मानती, तो वह किस के पास जाए। तो इस मामले पर गौर करना है कि गवर्नमेंट का कहना

पाकिस्तान गवर्नमेंट क्यों नहीं मानती। सारी रिपोर्ट को मैंने बड़े गौर से पढ़ा है जो मिनिस्टरी ने भेजी है। इन रिफ्यूजीज का मामला हम को अच्छी तरह से मालूम है। और इस रिपोर्ट में भी इस से इतिफाक किया गया है कि दरअसल इस वक्त हालत ठीक नहीं है, और ठीक तौर पर काम नहीं हो रहा है।

मैं इस रिपोर्ट के बारे में महसूस करता हूं कि सरदार पटेल ने जो अपनी पालिसी का इजहार किया वह बहुत अच्छा था। उन्होंने सबसे पहले कहा कि सर्गवसेज को कन्डैम मत करो क्योंकि आप उनको अच्छा कहने से उन से अच्छा काम ले सकते हैं। लेकिन इस रिपोर्ट को जो मैंने देखा है तो इस में कोई पार्टी ऐसी नहीं है कि जिस को इनडायरेक्टली कन्डैम नहीं किया गया हो। प्रोविन्शियल (Provincial) गवर्नमेंट कन्डैम की गई है। उन की पेस जो है, वह बहुत स्लो है और उन से मिनिस्टरी को बहुत कम कोओपरेशन मिल रहा है रिफ्यूजीज के खिलाफ उन की शिकायत है कि वह कैम्पों से जाना नहीं चाहते। उन्होंने उनको मुखालिफ कर लिया है। साथ की मिनिस्ट्रीज ला मिनिस्ट्री फाइनेन्स मिनिस्टरी आदि उनको respond नहीं करतीं। अगर कोओपरेशन बिल्कुल नहीं मिल रहा है, तो उस का इलाज क्या है। मैं इन तमाम बातों के बाद सोचता हूं कि आखिर इसका क्या हल है। मेरा हल मामूली सा है, और बड़ा भी है और मुझे अफसोस है कि हमें ऐसा हल पेश करना पड़ता है। मुझे यह हल पेश करते हुए शरमिन्दगी आती है। सरदार पटेल जिन्होंने और तमाम मसले हल कर लिये, वह सिर्फ छः महीने के लिये इस मिनिस्टरी पर अपना हाथ रख दें और इसका भार अपने उपर ले लें, तो यह काम ठीक बन सकता है। पिछले दिनों कैसी पब्लिक में गड़बड़ी थी। ईस्टर्न पाकिस्तान से लोग चले आ रहे थे बड़ी तादाद में और बड़ी बेचैनी और मुसीबत थी। लेकिन सरदार पटेल ने अपने वर्धा के एक वयान में सिर्फ यह कह दिया कि अगर यही हालत रही, तो वहां उन्हें जगह देनी पड़ेगी, और फौरन वह मामला हल हो गया। मुंह से बात निकली नहीं और मामला यूं हल हो गया। यह कहने से कि पाकिस्तान वाले हमारी बात मानते नहीं हैं, और हमारे जायज मतालिवात यह मिनिस्टरी मानती नहीं है, काम नहीं चलेगा। लेकिन अगर सरदार पटेल इस को अपने हाथ में ले लें, हालांकि वह बहुत बूढ़े हो चले हैं और उन को इतने काम हैं, और मुझे ऐसा सजेशन देते शरमिन्दगी होती है, लेकिन इस के सिवाय कोई चारा नहीं है और जब तक सरदार साहिब हमारे सिर पर बैठे हैं, इस के अलावा और कोई बेहतर रास्ता नहीं दीखता। मैं समझता हूं कि अगर सरदार साहिब सिर्फ छः महीने के लिये इस वज्जारत को अपने हाथ में ले लें, तो ८ लाख आदमी जो कैम्पों के अन्दर पड़े हैं, उनका इन्तजाम हो जायेगा।

[लाला अचिन्त राम]

उनको बजाय यह कहने के कि हम एक रुपया पर हैड खर्च करते हैं, उनको प्लाट दे दिया जाय और एक हजार रुपया दे दिया जाय, तीन महीने के अन्दर वह प्लाट पर रहने लायक मकान बना सकते हैं, और यह हाउसिंग प्रोब्लम थोड़े अरसे ही में हल हो सकती है।

इसलिये मैं सरदार पटेल साहिब से प्रार्थना करता हूँ कि वह यह थोड़ा सा बोझ सिर्फ छः महीने के लिये उठा लें, और गवर्नमेंट ने जिस तरह से फूड का मसला हल कर दिया यह एलान कर के कि सन् ५१ के बाद से फूड इम्पोर्ट नहीं होगा, इस मसले को हल कर दें। मैं आखीर में सक्सेना साहिब से प्रार्थना करता हूँ कि इस मसले का हल जल्द से जल्द किया जाय, नहीं तो इसका धब्बा हमेशा के लिये हमारे सिर पर रह जायेगा कि हम मसले को हल नहीं कर सके।

(English translation of the above speech)

Lala Achint Ram (East Punjab: General): At the very outset I wish to congratulate the honourable Minister Shri Mohan Lal Saksena for the manner in which he handled this job. I think he really deserves praise. His missionary zeal is worth praising and the manner in which he has always been keeping the ideals of Mahatma Gandhi before him is worth commendation. But before we pass any judgement on the achievements of the Ministry we ought to ascertain as to what opinion the public holds about this department.

This problem has been before us for the last 20 months. Besides this many other problems have been before us. One was that of Hyderabad and other States. Besides this were the questions of Sangh, Communists and Akalis. Along with these questions the problem of Kashmir was also before us. This problem of refugees also was like the other problems. We think, and the people also think, that we have solved all the problems. But what opinion the people hold about this problem? If you were to look into the matter then I like to divide these problems in three parts. The first problem was of Hyderabad that is to say of the States. As far as this question is concerned, I feel that the people are fully satisfied that this problem has been successfully solved. Now there is no complaint about this matter. A similar opinion is held about the Sangh. About the problems of Akalis and Communists the people hold the opinion that the situation has been brought under control and they have been suppressed. As regards the Kashmir problem for the present some solution has been found out, what would happen in future would be seen.

But what opinion do the people hold about the refugee problem? How far the people have been affected by it? What is the opinion of the masses? As far as I have been able to ascertain I have come to know that the agitation that was in the hearts of the people as a result of these problems has been quelled but the people feel that the Government have solved this problem very magnificently. As soon as this problem came up a sum of 22 crores of rupees was set apart for this work, although only 14 crores of rupees have so far been spent. Similarly Government have set apart 20 crores of rupees for giving loans and from the speeches that our leaders have delivered it becomes quite clear that the Government have done quite a lot of work in this respect. But

In spite of all these things it is a fact that the refugees still bear a sense of frustration, a sense of hopelessness, in their heart of hearts. Wherever they go they do not see any way out. It is quite common that one cannot forget his relatives that are dead may ten years have elapsed or twenty. The people cannot forget their relatives they have lost there and this is beyond our control also. But at present here are a number of such persons whose families are still in Pakistan. When their families are there then they cannot forget this calamity. I know some such cases. In a West Punjab (Pakistan) village there are 16 girls at this time. We receive letters from them urging us to bring them away by any means but all of us are helpless. Whatever sources they tap they draw blank. For this reason they cannot forget this distress.

About the question of properties the honourable the Minister has said that this question is being settled at the State level. When our Government proposed that the sale or exchange of property should take place at Government level then the Pakistan Government gave a reply that they were not prepared to accept the proposal. This reply was given not once but twice. Such things give the refugees a sense of frustration. I know that the Government have spent crores of rupees. But now the Government ought to look into the present grievances of the refugees. People are still lying in camps and have been there for the last three or four months. Do you think they can live comfortably in camps? Neither there is any privacy in the camps nor there are any arrangements for the necessities of life. Then how can people live there for months together. Such conditions have been for the last 20 months. Now see what is the condition here. The Government have improved the conditions a bit but as you know even the poorest of the people use oil. But in the camps you will not find any arrangement for even six *masas* of oil. It is said that this would involve an extra expenditure, but when you are spending crores of rupees and extra expenditure of a few *lakhs* will not at all matter much. But when this matter is referred to the Finance Department, then it is said that for providing oil a *lakh* of rupees will be spent. Thus the proposal keeps on circulating and they do not get oil. For this reason they feel disappointed. You see that the matter concerns small things. Take the case of *Gur*. You will find that in spite of all possible efforts they get only two and a half *tolas* of *Gur*. They have been in the camps since August and October and as yet there is no provision either for their taking both or for housing them in a better condition. There is no provision either of *Gur* or oil for them. Under these circumstances a sort of discontentment arises in them. Although the Government is spending a lot of money yet I think a sense of frustration is being created in them. Here what to say of *pugree* there is no provision of a Gandhi cap even. They do not get coverlets in order to protect themselves against mosquitoes in summer. They have neither coverlets nor screens nor waist-cloths. We cannot say that money is not given by the Government. The cause of this state of affairs is simply lack of imagination. I know the conditions in Delhi today. It is since one year they came here but they have neither latrines nor baths. They are residing under the shelter of the walls. The honourable Ministers and other big people pass from there but nobody is moved by their condition. Months and months have passed but no arrangements have been made as yet. Nobody cares to look at their condition. When such conditions prevail then what effect will be produced on their minds. Except feeling helpless they cannot feel otherwise. You see it for yourself. When Shri Saksena paid a visit in June he had told that plots will be available by October. We were highly pleased to know that now we will get plots. But the month of October also passed. Then it was promised that the plots will be available in December. When December also passed, it was said that they will be available in March. But March also passed. In every report it is

[Lala Achint Ram]

mentioned "We intend to provide houses." In both the reports it is mentioned so. Intentions are however good but of what use are these intentions? I had made a request that it would be better to hold this debate *in camera* because it is not proper to say such things in the open session. In their heart of hearts the people feel much aggrieved by such things.

Now comes the question of loans. You have set apart 20 crores of rupees for this purpose. But four or even five months elapse before loans are granted. At first it was said that the loans will be given to the individuals. Then you changed your policy and said that co-operative societies will be given loans. Then you again changed your policy that instead of co-operative societies loans will be given to individuals. At first you say one thing then another thing and then still another thing.

Now you take the question of education. There is a Government College at Ludhiana. The students were asked to get admission there. There they were told that as their parents lived in U.P. so they would get loans from there. When they went to U.P. they were asked to go back to Punjab. Then the Punjab Government asks them to refer the matter to the Central Government. In this way they go on wandering about from here to Punjab, from Punjab to U.P., and from U.P. back to Punjab again. In this way a sense of frustration arises in the refugee students.

You had told us that a Committee on the Cabinet level has been formed which includes the honourable the Prime Minister also. It was presumed that this problem of the refugees will be solved but even then it could not be solved. The honourable the Minister says that when the Ministry sends those people to the provinces and ask the provinces to re-habilitate them, the provinces refuse to take them on the pleas that they cannot take outsiders due to shortage of living space or they have not been allotted a quota of refugees. Then can these things have any effect except frustration and despair on the refugees? Today the refugees have developed a sense of fear. They are facing great odds. Another thing is that when they had come from Pakistan they had some money with them. But all that money has been spent during these 20 months. Their ornaments have been sold, their cloths have been sold, their utensils have been sold and now they have nothing left with them. For this reason also they are much troubled.

Now the question is what should we do after all this. This is a glaring fact that the refugees are highly frustrated. The Government have done much for them. But the problem has not yet been solved. Our Government alleges that the Pakistan Government does not come to any compromise. We wonder why the Pakistan Government is not coming to any terms even when talks are going on Government level. But what the refugee is to do? He can only request the honourable the Minister. If the Pakistan Government does not pay heed to the request made by our Government then to whom should the refugee go? Now we have to consider why the Pakistan Government does not pay heed to our Government's requests. I have very carefully read all those reports that have been sent to me by the Ministry. We well know this problem of the refugees, and by chance in this report also it is mentioned that in fact the conditions now are far from satisfactory and the work is not proceeding smoothly.

As regards this report I feel that the policy that was declared by the honourable Sardar Patel was very good. At the every outset he asked not to condemn the services because best work can be taken from them. But in this

report, as far as I have seen, there is not a single party that has not been indirectly condemned, even the provincial Governments have been condemned. The pace of the provincial governments is slow and the Ministry is getting very little co-operation from them. The complaint against the refugees is that they do not want to leave the camps. The Ministry has made them opponents. The sister Ministries like the Ministry of Law, the Finance Ministry, and others do not respond to the requests of this Ministry. If the Ministry is not getting any co-operation then what is the ultimate solution. After all this I try to think as to what the way out should be. My solution is quite common one, but at the same time very difficult as well, and I am sorry that I have to suggest this solution. I feel ashamed in suggesting this way out. If the Honourable Sardar Patel, who has squared up all other problems, were to patronize this Ministry only for six months and take its responsibility upon his shoulders then this matter can be very successfully accomplished. During the last days how much agitation there was among the public. Refugees from Eastern Pakistan were coming to India in large numbers and a great deal of misery and uneasiness was prevailing everywhere. But the Honourable Sardar Patel while giving a statement at Wardha said only so much that if the present state of affairs continued then they will have to give the refugees living place there and at once the affair was squared up. No sooner he said this thing the affair was settled in a jiffy. Such allegations, that the Pakistan does not agree to what we say, such and such Ministries do not acknowledge our lawful demands, will not work. But if Sardar Patel were to take up this matter then, although he is getting old and has so many duties to perform, and I also feel ashamed in giving such a suggestion, but there is no other alternative except this and till Sardar Sahib is at our back. I see no other way out except this. I think that if Sardar Sahib were to take up this Ministry even for six months then arrangements could be made for those eight lakhs of people who are living in the camps. Instead of saying that we spend one rupee per head, they may be given plots of land and one thousand rupees in cash, then within three months they can construct good houses on those plots and thus housing problem can very soon be solved.

Therefore I request the Honourable Sardar Patel to take up some additional work only for six months and solve this problem in the same way as the Government solved the food-problem by announcing that there would be no food-imports after 1951. In the end I request the Honourable Shri Saksena that this problem be solved at the earliest otherwise the stigma that we could not solve this problem will remain on our heads for ever.

Dr. Bakhshi Tek Chand (East Punjab: General): Sir, I am fully conscious of the fact that a great deal of time has already been taken and there are many honourable Members who have yet to speak. Therefore, I will take only a few minutes.

I wish to place only two or three facts before the House. After reading the statement that the honourable Minister has circulated and hearing his speech, I fully agree with what my honourable friend Mr. Sidhva has said that there is want of proper and co-ordinated planning as to the future rehabilitation of these people. That is what our past experience has been and what the present position is. It is now said that there are 800,000 refugees in the various camps and that the Government have decided that they should be dispersed. It is quite right to say that Government cannot keep these refugees indefinitely in these camps. But, what are the arrangements that you have made for their dispersal? Before you disperse them, you must make, well-planned and proper arrangements where these people are to go. I will only give three instances to show how this dispersal is being made. Some months ago, it was

[Dr. Bakhshi Tek Chand]

decided to disperse refugees from the Karnal camp and the provincial and the Central Government Joint Rehabilitation Board decided that they should be sent to Bharatpur. About twenty families were so sent and they were despatched by the representatives of the East Punjab Government from Karnal with a note that they are being sent to Bharatpur, where land will be allotted to them. These persons arrived in Delhi where they were detained as before their arrival a telegram had been received from the officer in charge of the Bharatpur camp saying that there was no room for them and that they should be detained at Delhi. They were accordingly detained at Delhi and brought to the Wavell Canteen which was already full and where there was not a single room where a single person from these twenty families could be accommodated. Bharatpur authorities refused to receive them, and yet the records of the Karnal camp showed that these persons had been discharged, having been permanently rehabilitated in Bharatpur. For three weeks, they remained in a verandah of the Canteen after which some of them got mixed in the crowd of refugees in Delhi and we do not know what happened to the rest. Some of the members of the House, Mr. Jaspat Roy Kapoor and myself actually went there and we saw their awful plight. This is one instance.

I shall give you another instance, where certain persons who were living in the Kurukshetra camp were sent to Fazalka in Ferozepur district where they were to be permanently settled on land. In this connection, I will refer to a Note which appeared in the *Statesman* some time ago from their Special Correspondent who had visited Kurukshetra. These refugees had lived in Kurukshetra for a year or so and Kurukshetra, as we know was the best managed of all camps. They had some comforts there they had shelter; they received rations regularly and some other amenities as could be given. These men and women came back to the Kurukshetra camp, after they had spent several days in a fruitless effort in Fazalka to find the land which had been promised to them. There is a very interesting account, and if I may say so, a very painful description given by the correspondent. I will not take up the time of the House in reading the whole of it, but will read only a few sentences:

"Shortly after I entered the camp office two hundred women, holding their dim-eyed babies, besieged it, making work impossible. They threatened to complaint to Pandit Nebru. Their faith in the Prime Minister was complete.

"For three nights we have slept in the open without shelter, without food, we cannot do it any more. Our children will die." This is what the women said. The anger in their eyes, as they shouted in chorus, was frightening.

A younger officer emerged from a room and addressed the crowd. "We can put you into tents, but we are not permitted to restore your rations. These are the orders. We cannot help it" he pleaded.

The incident revealed, as no briefing by officials could have done, an aspect of the problem facing the refugees as well as the administration. A large number of refugees who had been dispersed a few months ago are returning to the camp. It is filling up again. Reduced at one stage from 400,000, to 80,000 its population has now risen to about 130,000.

I talked to scores of refugees. They had come back mostly from camps in Ferozepur. They were given promises of land and houses when they were moved out two months ago, they said. They found neither. Nor were the arrangements for their stay as good as those in Kurukshetra, they alleged. But above all they complained of a feeling of insecurity."

This is the second instance.

The third instance is this. The report which the honourable Minister circulated indicates that Kurukshetra camp is going to be disbanded and a new township is going to be erected in Rajpura in Patiala State where the refugees

from Bahawalpur are to be sent. There are, I understand, 50,000 to 60,000 people from Bahawalpur in the Kurukshetra camp and they would not go. Some weeks ago, I was told that every effort was made to persuade them, but they did not want to go. Some of them saw me here including also a gentleman who was at one time a Minister of the Bahawalpur Government and who happens to be now in Delhi, a displaced person like most of us. He said that he tried his best to persuade these people but they would not go, as originally they had been sent from Bahawalpur to Patiala State about a year ago. But they found that the conditions were most difficult; they were unwelcome and the Patiala State officers subjected them to all kinds of harassments and ultimately they moved to Kurukshetra for these reasons they would not go back there. They were assured that these might be past history and now that the Centre is intervening and better arrangements were being made, and things were changing; it is not the old Patiala State and the Government of India are having Supervisory jurisdiction over it and they should go there. Day before yesterday some people from Rajpura came and they said: "In spite of our unwillingness to go about 5,000 persons have actually gone, but there are very unsatisfactory arrangements; there is unsatisfactory supply of water, insufficient food and very poor shelter. The tents supplied are very small in size and our rations are insufficient. What is the good of this dispersal?" In Kurukshetra your commandant will report that so many thousands of persons have been sent for rehabilitation at Rajpura but really there is no plan or proper arrangements to receive them. I say that if you are going to disperse all these men without a definite plan and without proper arrangement, then what is the good of all this? It will only create further disaffection and bad feeling. I ask the honourable Minister to see that no dispersal takes place until and unless you have a well thought out plan according to which the refugees should be properly housed, and properly fed. Do not be in a hurry to shut up these camps until suitable arrangements for their settlement are made.

Now come to Delhi itself, which is under the direct charge of the Centre. A refugee census, which was held in October last, disclosed that there are 3,82,000 displaced persons who have come from various provinces to Delhi. According to the honourable Minister, the Census report was defective, at least an under estimate of ten per cent. Other people say it is much more. That the census was defective is evident from the fact that even the honourable Minister's Secretary who is himself a displaced person; and his family and several other persons working in his own office and who also are displaced persons were not included in the census. But be that as it may, more than 4 lakhs of displaced persons are here. What is the present condition?

Day before yesterday, in anticipation of this debate, I went round and saw how some of the refugees were lodged in camps and other places. I first went along the City wall and I must say the position of persons who have found shelter there is bad and as appalling now as it was 20 months ago. A large number of persons, 500 to 700 families who have not been able to find a room, or other decent place, have been living here during this period. They are too poor to pay *pugree* or are too honest or timid to take forcible possession of any house, and what is their condition?

In the old City wall, there are niches which measure 9 feet long and 4 feet wide; that is the only place where these families could find any shelter. What they have done is they have constructed projections, of about 3 to 4 feet in width, with tin-sheets or wooden planks or mats and gunny bags so that the niche of 9 ft. x 4 ft. has been extended and they have got a total accommodation of 9 ft. by 7 or 8 feet. We found this is the position near the Delhi gate where a number of Sindhi families are living. Then there is Nicholson

1938

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

[26TH MARCH 1949]

[Dr. Bakhshi Tek Chand]

Road which is the worst locality. I wish some of the honourable Members could go and see it for themselves. There are families of Punjabees, and from the Frontier province and other provinces in this locality. They have been living there since September or October 1947. In this small area, 9 ft. x 7 ft. a family with an average of eight or nine persons is living. There is no cooking place, no bathing place. They have got small earthen *choolas*, which they put on the road and there at 7 O'clock the ladies cook food. "How many members are you?" I asked a woman in one of these cells and she said "We are nine." I asked "How do you manage to sleep in this place?" The woman said: "Well the small children sleep on the *charpoy*, and we women, sleep on the floor." "What about the boys and elderly men?" I asked. She said: "Well, they go to the neighbouring bazaars and wherever they can find an open verandah which is not occupied, they sleep there. There is no fixed place; they sleep wherever they can find space."

These people are undergoing such sufferings under the very nose of the Centre. These things are happening here and we are doing nothing. In this House we wax eloquent over the lot of the Common Man and say that we must do this and we must do that to ameliorate his condition. Here are these people who have lost their relations, lost their livelihood; lost everything. They have been forced to come here but they have been quietly and patiently living there for twenty months. Now the hot weather is coming. What will happen to them? I ask the honourable Minister to reply. That is the position here.

I then went to another place in the vicinity. There was a gentleman from Hazara in the North West Frontier Province. He formerly had a handloom factory. He then came to Rawalpindi during the war and was earning Rs. 400 a month as a commission agent. He has a family of ten members. Two niches in the City wall comprise his house; his family lives in one and in the other he has managed to instal a handloom where he is making gold lace of the finest quality, and is earning about Rs. 5 a day. He said that if a proper place was given to him he could give employment to twenty persons. Then he showed me a receipt from the Municipal Committee for Rs. 20 which he had to pay as rent for four months. It seems that bailiff from the municipal committee went to him and demanded that amount for rent for his occupation of this niche. That is the position of these people and there are thousands like him in Delhi under the very nose of the Central Government. Is that relief and is it rehabilitation? I ask the honourable Minister what are you going to do for them and when?

In the beginning the Punjabi refugees were told that they would be sent back to their houses in Western Pakistan. Up to February 1948 that was the idea. By February 1948, it came to be known that that was not possible. Then they said that persons from West Punjab shall be settled in East Punjab where the new capital will be built and new townships constructed to accommodate several lakhs of persons. On 18th November, 1947 the honourable Mr. Neogy said in answer to a question that the capital was going to be constructed very soon and new townships were under contemplation. Now we are nearing the end of March 1949. Where is the capital? Is there any sign of it anywhere? And when are the new townships coming into existence?

The East Punjab Government estimates that there is at least 13 lakhs of urban displaced population which has to be accommodated in that province and that there are 1,10,000 Muslim evacuee houses which have all been occupied. According to the Punjab Census report of 1941 the average number of persons in a house was 4.8. Even if you put five or six persons in each evacuee house, it means that 6,50,000 persons can be settled in these and the

maining have to be accommodated elsewhere besides those who have come to Delhi and whom it is intended to send back to East Punjab. What has been accomplished in this direction for 1½ years? What are the facts? They have a number of schemes for the carrying out of which they have deputed engineers and their architects and their Ministers have been flying from Simla to Delhi and back. But what has been achieved? According to the Report, 4,000 houses have been built and 6,600 plots have been sold. All these taken together can accommodate only 70,000 out of the 7,00,000 people who are homeless. In these circumstances how can you ask the Punjab refugees to go back from Delhi? Apart from internal troubles, apart from party politics and ministerial tangles, to which the honourable Minister has referred, what is the position? Where is the Capital, where are the townships?

On the 19th September, 1947, the East Punjab Government appointed a committee, with the Financial Commissioner as Chairman and with the Chief Engineers and other officers as members to suggest within 15 days possible sites for the Capital. That was the direction given. On 1st October 1947, an Emergency Committee of the Central Government said: 'Within ten days the provincial Government must submit a scheme for the capital'. But months passed without any tangible result. At last a site near Chandigarh was found suitable. An Engineer was sent to America and other places to see how the capital should be built. In the month of June 1948 we heard of a scheme for a new town with all the amenities of modern life, amenities which neither New York, nor London nor Berlin possess. We have not been told anything more about it so far. I do not say it is a bad scheme. But the East Punjab Government has got no money to spend on it. Money has to come from the Centre. The other day I asked the honourable the Finance Minister what priority was being given to this scheme. His answer was: "No. The question is under consideration." Now, the Punjab Government is a deficit Government. They can save nothing from their revenues. They cannot raise a loan. The Centre has to find the money for building the capital of that Province. But the Centre is still considering how much money is to be provided and when. Meanwhile where these homeless people are to go?

Now, in Delhi itself, for refugees there are resettlement schemes. Of these Northern Extension scheme alone has been executed. As to what sort of houses have been built there at a cost of over a crore of rupees I should ask the honourable Members to go and see for themselves. All that I can say is that I cannot congratulate the persons who designed these houses or those who constructed them. But still it is some relief to see that some sort of protection has been afforded to some persons.

When the honourable Minister took charge he started with great enthusiasm and vigour. Dressed in shorts and with spade in hand he used to go to Nizamuddin every morning with a large part of his Secretariat. The refugees saw a ray of hope when they saw in the newspapers photographs of this activity of the Minister and also the bulldozers at work and so on. For several months nothing more was heard of it. Nizamuddin has only 210 plots. They were levelled sometime in October. But upto this time no allotment has been made.

There is then the Shadipur scheme. The land in this area had been levelled and improved and arrangements for water-supply made by the Improvement Trust many years ago. Last year this was set apart for refugees. The Press Communique recently issued about it showed 3,000 plots in this area had been allotted. But a Member of the Allotment Committee told me yesterday that they met four days ago and that only 420 plots were ready for allotment. He also said that further allotments could not be made until five months. That is the information he gave me. How long are you going to wait? The other schemes are all in early stage.

One word more, Sir, I know my time is up.

[Dr. Bakhshi Tek Chand]

It has been decided that these plots will be leased out. What are the terms of the lease? Only those persons, who are in a position to build with their own money will be given the first preference. And what will they have to pay? In addition to annual rent, they will have to pay a minimum premium of Rs. 7,800 for a plot of about one-fifth of an acre in area. In addition they will be charged five per cent. upon this Rs. 7,800 as annual rent. Even this Rs. 7,800 is not a fixed amount. Tenders will be invited and the leases will be sold by auction. If Mr. Sondhi offers Rs. 7,800 and Mr. Maitra says he will pay Rs. 8,000 and I come and say I will pay Rs. 9,000 and Mr. Himatsinghka says he will pay Rs. 10,000; it will be given to him for he is offering Rs. 10,000. This is how the "common man" is going to be rehabilitated in Delhi under a scheme formulated by the Minister himself. (Shri B. L. Sondhi: 'Common man Minister!') Yes, "common man Minister." How will the common man come in at all? Will not the capitalist buy up all those plots. And why are you charging the premium when you are going to realise the annual rent? (An honourable Member: 'Betterment charges.') So that is the position. I asked the honourable Minister, and he said he has been trying his best, but the Finance Department does not agree and he has been forced to put these terms in the lease Agreement. I ask, Sir, are you not exploiting the misery of these people, who have left their property but were able to bring with them a few thousands of rupees,—with which they want to build a house here on land which is and will continue to be Government property? This is what you are doing. This is the example you are setting. You blame the provinces. You blame the politicians. But what are you doing here? I ask you in all humility, is this the way to rehabilitate displaced people? Is this the assistance you are giving? On the one hand, you are spending so many crores; on the other hand you charge these exorbitant premia for leases. The honourable Minister says the Finance Ministry insist on premia being charged. I do not know whether this is so or whether it is the Rehabilitation Ministry or it is the Works, Mines and Power Ministry. But this is the position. I am sorry that I have taken a good deal of time. I have only two minutes left.

Mr. Speaker: There are three minutes.

Dr. Bakhshi Tek Chand: If you will permit me, Sir, I will place one or two facts more before the House. I say that the whole policy requires a radical change. Now, we have been promised that every man will get either a plot of land or a house. An announcement was first made by the honourable Minister in the month of June 1948 that by October 1948 every displaced person in Delhi, at any rate, will be given either a plot or a house. October passed and nothing happened. We were told that rains had intervened and the survey parties and others could not get on with their work. After the rains stopped, another statement was made here that the plots will be given in the end of December next. 31st December was the target fixed. December also passed, no plots were allotted. Now, it is March 1949 and the honourable Minister has grown wiser. In his present statement he has not fixed any limit—he merely says "We intend to give a plot etc." Well, these good intentions are there. Nobody doubts them. But is this the way to rehabilitate people? I say, Sir, that unless you treat this matter as one of extreme emergency, treat it on footing of a "war measure" and set to work with all your energy and fix target dates for everything, you will not be able to solve this problem. Day before yesterday, one of the refugees living in the niches of City walls told me "I understand you are a member of the Constituent Assembly." I said, "Yes. I happen to be." He said, "Well, go and tell Pandit Nehru and go and tell others that they saved us from mass massacres in Western Pakistan, saved us from the knives and daggers of the

Muslim National Guards, saved us from the bullets of the Boundary Force which had been sent to protect us but which turned its rifles on our chests. We are thankful to the Government for all this, but go and tell Pandit Nehru and Sardar Patel that we are now at the end of our tether; we cannot hold on much longer—and let it not be given to them to be present at the mass funeral of us all here in Delhi." That is his message. Sir, I have done:

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Srijut Rohini Kumar Chaudhuri: I was greatly astounded to hear from Pandit Lakshmi Kanta Maitra that the Assam Government had refused to take charge of the refugees of East Bengal or Western Pakistan.

Pandit Lakshmi Kanta Maitra: I never mentioned Western Pakistan.

Srijut Rohini Kumar Chaudhuri: So far as I am concerned, I claim to know something and I know that the Government is very sympathetic towards the refugees. As a matter of fact when there was an offer of certain refugees from Western Pakistan, the Assam Government only pointed out to the Government of India that there were certain difficulties. They were (1) food: we are a rice-growing province and not wheat; (2) climate: it was most unsuited to the people of the Punjab; and (3) safety of travelling from the Pakistan area.

At the end of 1947 and in the beginning of 1948, the House will remember how difficult it was for passengers to travel through Pakistan. These were the difficulties he pointed out. Nevertheless, he said if the Government of India rendered help, he would be prepared to take the refugees. As a matter of fact a place was selected for that purpose, so far as Eastern Bengal refugees are concerned. As will be admitted by the honourable Minister, we are now providing for no less than four lakhs of Eastern Bengal refugees and the Government of India has not paid a single penny to the Government of Assam for properly rehabilitating them.

Pandit Lakshmi Kanta Maitra: That is Muslim infiltration!

Srijut Rohini Kumar Chaudhuri: Not only Muslims, but the Hindus also have gone over. In Cachar in Assam, from Dibrugarh right up, these refugees have started small shops called *mani hari* shops. These Hindu refugees are maintaining themselves like that. Now the Government of Assam is expected to take the responsibility of providing suitable steps for rehabilitating them, giving them proper accommodation and giving them food also whenever necessary and also provide them with sources of employment. But we have very limited sources of employment in Assam. We cannot undertake to employ them but the Government of India ought to be able to find means to employ them and ought to advance money and ought to help them in order to enable them to be on their legs. That responsibility, I am afraid the Government of India is shirking and on the other hand they are putting all the blame on the people and the Government of the province.

Shri Jaspat Roy Kapoor (U.P.: General): I am one of those who has very wide sympathies for the refugees. But I am afraid, I cannot agree with the previous speakers, excepting of course, my honourable friend, Mr. Rohini Kumar Chaudhuri, because the other honourable speakers have painted a very dark picture of the situation. They have tried to make out that nothing substantial has been done for the relief and rehabilitation of the refugees, that they have been neglected by the Government, that there is no imagination and planning, and therefore all that has to be said is to condemn the Government, but not say one word of praise for the work they have done so far for them.

Pandit Lakshmi Kanta Maitra: Everybody has paid a tribute.

Shri Jaspat Roy Kapoor: Yes, I know in what way the praise has been given. But so much has been said in condemnation of the Government that the feeling is likely to go about that very little has really been done for their relief and rehabilitation.

Pandit Lakshmi Kanta Maitra: We should simply give undiluted praise!

Shri Jaspat Roy Kapoor: I do not say that undiluted praise should be given. Government should be criticised but not uncharitably condemned and criticised. That sort of criticism is not helpful at all. I know, Sir, that this problem of relief and rehabilitation has been engaging our attention for the last one year and more and although admittedly, as the honourable Relief Minister himself said the problem has not yet been satisfactorily solved, yet we must admire the energy and the enthusiasm with which the honourable Minister has been applying himself to this difficult and great task. In this noble and humanitarian work he has been ably assisted by the devoted officers of his Ministry, and he has also had the advantage of the ripe judgment and the wide administrative experience of the Honourable Shri Gopalaswami Ayyangar who has been carrying on difficult and delicate negotiations with the Pakistan Government. If only a fraction of this problem has been solved, the fault is not either of the Ministry of Relief and Rehabilitation or of the honourable Minister who is in charge of it. It is due to the vastness and the complexity of the problem, and it is also due to the fact that the third party, namely the Pakistan Government, has been adopting all along a very unfair and unjust attitude but for which many a difficult and delicate problem like the sale and exchange of property, payment of Income-tax and realisation of rent of evacuee properties etc. would have been satisfactorily solved long ago.

Sir, we have been circulated this pamphlet giving a review of relief and rehabilitation during the last year and more, and we have also been circulated late last evening another pamphlet on the subject. These pamphlets enumerate the various good things that the Relief and Rehabilitation Ministry has been able to do so far. While I am glad to read all these achievements that they have claimed in these pamphlets I must submit that I did not feel happy when I came across the sentence at the very first page of this report which says that it has not been possible to include details about refugees from Eastern Pakistan. Sir, the problem of the refugees from Eastern Pakistan is assuming very large proportions. The number of these refugees has gone up to as much as 20 lakhs according to the information given by the Minister for Relief and Rehabilitation the other day on the floor of this House in reply to a supplementary question.

The Honourable Shri Mohan Lal Saksena: May I know what this report or document is to which the honourable Member is referring?

Shri Jaspat Roy Kapoor: This is from the Relief and Rehabilitation review which you have circulated, and I was referring to page 1. And when I say that the number of refugees from Eastern Pakistan is about 20 lakhs I am referring to the information which the honourable Minister gave the other day on the floor of this House in reply to a supplementary question. I was submitting that this number has been ever increasing. In the month of August last year this number was stated to be ten lakhs. In the month of November it was stated to be 15 lakhs. And now it is stated to be 20 lakhs. This shows that the exodus from East Bengal continues almost every month to the extent of about a lakh and fifty thousand. Nothing very substantial, I must admit here, has been done for the refugees who have come from East Bengal. In this matter I would submit that a complacent attitude is being adopted both by the

Central Government as also by the West Bengal Government. The situation in East Bengal is hardly satisfactory. Yet I find that the honourable Minister for Relief and Rehabilitation has stated on page 14 of the pamphlet circulated to us last evening that "fortunately, conditions have now stabilized and the exodus from East Bengal has stopped." I submit this is far from the fact. Those who are in the know of the situation say that the conditions there are very far from being satisfactory. In this connection I can do no better than draw the attention of this House to a recent statement made by Shri Satish Chandra Das Gupta, a very well known co-worker of Mahatma Gandhi which appeared on the 6th March in the *Hindustan Times*. The newspaper report reads:

"Mr. Das Gupta is carrying on the work initiated by Gandhiji there (that is in Noakhali). He said he expected improvement following the recent Inter-Dominion Agreement and the gradual implementation of its terms. As for Noakhali he was constrained to observe that the situation there had very much deteriorated during the past few months."

The report goes on to say:

"Mr. Das Gupta further revealed that Mr. Jeewan Singh, a worker, had been arrested about six months ago on the fantastic charge of abducting a Hindu woman for immoral purposes. Two weeks ago, one of the most trusted workers of the Gandhi camp, Mr. Viswaranjan Sen, and a co-worker were implicated in a murder case."

He goes on to say that the situation in East Bengal is so very bad for the Hindus that they cannot possibly be expected to stay there with any self-respect and security. That being the situation the question arises as to what must be done by the Central Government and the Provincial Government. So far as the Provincial Government of West Bengal is concerned, rather than taking extra measures to give more relief to the refugees who are coming in ever increasing number from East Bengal, this is what the West Bengal Government said in a communique which they issued in the month of November last. They said: "In case the exodus continues at the present rate, financial difficulties may compel the Government of West Bengal to discontinue giving doles to any person with effect from December, 13, 1948." I do not know whether they have carried out this threat or not. As a matter of fact, after November 1948, five more lakhs of refugees have come to West Bengal. If unfortunately they have carried out this threat into practice I am sure the condition of the refugees in West Bengal must be a very pitiable one. As regards the responsibility of the West Bengal Government to rehabilitate them, this is what they stated in the same communique: "Government are anxious that refugees find work for themselves to earn their living." What sort of anxiety is this which expects that the refugees must fall back on their own resources? Later on they say:

"It is the immigrant himself who can through his own efforts find work suitable for himself." Now that is the sort of relief they are giving to the refugees in West Bengal and that is the sort of help that the West Bengal Government is prepared to give to the refugees. I submit that both the Central Government and West Bengal Government must take a serious view of the situation and must make immediate efforts not only to see that better relief is given to the refugees but they must make also see that the exodus from East Pakistan now ceases. We must make it plain to the Pakistan Government that if they cannot create conditions there in which the Hindus can live with security and self-respect they must certainly give us more land, as was contended by the honourable Deputy Prime Minister some time back. It is no use mincing matters. It is no use always saying goody, goody things. Sometimes we must say things plainly and boldly because if we do not say things plainly and boldly when it is time to say so we are likely to suffer very heavily. The Communist menace in Calcutta is already a serious one and if the refugees from East Bengal are not taken care of we shall be simply throwing them into the fold of the Communists which will be a great menace.

Sir, I was under the impression that the time-limit has been relaxed today.

Mr. Speaker: Having seen the effects of the relaxation it has to be restricted now at least in the case of the other speakers.

Shri Jaspat Roy Kapoor: I will then appeal to you on another ground and that is that I rarely inflict myself on this House.

Mr. Speaker: I want to give chance to at least one more speaker. My eye is on the clock. He must be given at least ten minutes.

Shri Jaspat Roy Kapoor: I shall finish within another five minutes.

Mr. Speaker: Let the honourable Member conclude his sentence. His last point was that the Communists will be given a chance by neglecting the refugees.

Shri Jaspat Roy Kapoor: Sir, I will only mention two or three more points and I will not elaborate on them.

There are a few other points which I would like to mention. From the census operations conducted they say that there are about 45 lakhs of refugees from West Pakistan. Previously they said that there were about 61 lakhs of Hindus and Sikhs in West Pakistan. 45 lakhs have been accounted for but what has happened to the rest? I would suggest that an enquiry should be made into this.

Secondly, there is the question of the allotment of refugees to the provinces. Some provinces, particularly the U.P. and Delhi, have received more refugees than the number allotted to them and we must be grateful to these two provinces. So far as Bombay and C.P. are concerned they have not received so many refugees as were allotted to them. In addition they have imposed humiliating restrictions with regard to their movement. I submit that these two provinces should be requested to withdraw the restrictions imposed on the refugees and accommodate as many refugees as have been allotted to them.

The last point is with regard to loans granted to the refugees. I find from the statement circulated that the loans are given in a very dilatory manner and secondly, they are not adequate enough for the refugees to rehabilitate themselves. Loans given after a long delay and in very small sums lose their purpose. Therefore I would submit that if loans are to be given at all, as they must be, they must be given promptly and in such amounts as may be of use to the refugees. Otherwise the whole money will be wasted entirely.

There are many other things to say but in view of the shortness of time which of course has been extended in my case by the courtesy of the Chair (for which I am very grateful) I could not mention all those points. In the end I would only submit to the honourable Minister for Relief and Rehabilitation to go a little faster. I know he has been going as fast as he possibly can but we only want to give him a little push so that he may go faster still.

سردار بھوپندر سنگھ مان : صاحب صدر ! ایک مصیبت کی لہری داستان ہے

جسے میں عرض کرنا چاہتا تھا لیکن وقت کی تاریکی کے پیش نظر کچھ اس کے خاص پہلوؤں پر اصرار تھا۔ اس میں شک نہیں کہ تاریخ کی مثال میں ایسا کوئی وقت نہیں کہ جہاں پچاس لاکھ سے ساہ لاکھ آدمیوں پر ظلم و ستم ہوا ہو اور وہ اُس سے مجبور کر دیئے گئے ہوں اور گھر سے بے گھر کر دیئے گئے ہوں۔ میرا خیال ہے کہ اس مسئلہ کو حل کرنے کے لئے اگر کوئی پلان (Plan) بنایا اور نکس کوئی ترکیب سے ہوتا تو یہ مسئلہ آسانی سے حل ہو جاتا۔ مجھے اس کا افسوس

ہے اور اس چیز سے رنج پیدا ہوتا ہے اس لئے میں اس بات کے کہنے پر مجبور ہوں۔ کہ ہمارے پرائم منسٹر پلڈت نہرو نے یہ بات کہی ہے کہ جہاں تک Refugees کے نقصانات کا تعلق ہے اُسکی Legal یا Responsibility Moral ہم پر نہیں ہے۔ میں کہتا ہوں کہ اُسکی Responsibility آپ پر نہیں ہے تو کس پر ہے؟ ملک کی تقسیم کو کس نے مانا؟ مسام لیگ کے سامنے کس نے یہ بات منظور کی اور ملک کے ساتھ بے انصافی کی؟ اور مسام لیگ کی فرقہ پرستی کے سامنے اور مسام لیگ کی چالوں کے سامنے گھٹنے کس نے تیکے؟ آزادی کا سودا شرنارتھیوں کی لا شوں پر کر کے اب اُن کو دفنانے کی ذمہ داری نہیں لی جاتی۔ میں سمجھتا ہوں کہ یہ ایک خطرناک مزان شرنارتھیوں سے ہو رہا ہے۔ اگر ملک کی کسی عدالت کے سامنے یہ مسئلہ رکھ دیا جائے تو مجھ کو یقین ہے کہ اُسکا فیصلہ یہی ہوگا کہ اس کی ذمہ داری آپ پر ہے۔ اگر قانونی نہیں تو اس میں دتی بھر شک نہیں کہ اخلاقاً ضرور ہے۔ ہمارے سوچا تھا کہ پاکستان بن گیا اور فرقہ پرستی کو رجھانے کا جو خوفناک دور تھا وہ ختم ہو جائیگا۔ لیکن اب جبکہ پاکستان بن گیا تو پاکستان سے جو کچھ سمجھوتہ ہوتا ہے تو اس میں بھی مسلم فرقہ پرستی کی جیت ہوتی ہے اور ان سے ہر ایک سمجھوتہ بہت دب کر ہوتا ہے۔ اگر پاکستان کے ساتھ اسی طرح دب کر سمجھوتے ہوئے تو میں سمجھتا ہوں کہ کبھی اُن سمجھوتوں کا نتیجہ اچھا نہ نکلیگا۔ سنا تھا کہ ہندوستان کے لوگ سودا کرنے میں بہت ہوشیار ہیں لیکن اب تو ایسا معلوم ہوتا ہے کہ خسارے کے سودے کرنے میں بہت ماہر ہو چکے ہیں۔ آپ اگر غور کریں گے تو آپ کو معلوم ہوگا کہ ابھی جائدادوں کے متعلق جو فیصلہ کراچی انٹر ڈومینین کانفرنس میں ہوا ہے وہ صرف شہری جائدادوں کا فیصلہ ہوا ہے جسمیں پاکستان کا فائدہ ہے اور یقیناً وہی سمجھوتہ کر لینگے جسمیں انکا فائدہ ہو۔ وہ جانتے ہیں کہ انکی کامیابی اُس معاملے میں ضرور ہوگی جسپر وہ سمجھوتہ کرتے ہیں۔ پاکستان نے طے کیا ہے کہ جو لوگ پاکستان جا کر اپنی جائداد بیچیں وہ وہاں سے جائداد بیچ کر واپس نہیں آسکتے جب تک کہ انکم ٹیکس نہ ادا کریں یعنی جائیں اور وہیں قیدی بنکر رہ جائیں۔ جہاں تک سبزی پدجاب میں اچھی زمینوں کا تعلق ہے وہ زمینیں زیادہ تر سکھوں اور ہندوؤں کی تھیں۔ شہری جائداد کے متعلق تو آپ بات چیت کی لیکن جہاں تک دیہاتی جائداد کا تعلق ہے اُسکے متعلق آپ نے کوئی انٹر ڈومینین کانفرنس میں فیصلہ نہیں کیا۔ جہاں تک دیہاتی جائداد اور زرعی زمینوں کا سوال ہے وہ سب مسلمان دیہاتیوں کی ہی بن گئی ہیں اور ہندوؤں اور سکھوں کا سیکڑوں بیگھوں کی شکل میں پاکستان کے اندر بے انداز سرمایہ پڑا ہوا ہے جسکا قطعی طور پر کوئی انٹر ڈومینین کانفرنس میں فیصلہ نہیں ہوا۔ لہذا ان سمجھوتوں اور معاہدوں جنکا میں ذکر کر رہا ہوں اُن سے وہی پزیر کر رہی چلی آ رہی ہے۔ جہاں تک exchange of population کا تعلق ہے یہ سمجھ

1946 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [26TH MARCH 1949]

[سردار بھوپندر سنگھ مان]

میں نہیں آتا کہ تبادلہ آبادی کیسے ہو سکتا ہے جب تک تسلی بخش تبادلہ جائداد نہ ہو۔ جو جہاں East Bengal کا تعلق ہے وہاں سے لاکھوں آدمی یہاں آئے ہیں اور کچھ واپس چلے گئے ہیں لیکن انکی تعداد بہت معمولی ہے۔

جو لوگ اپنی جائدادیں East Bengal میں چھوڑ کر آئے ہیں انکی جائداد کے لئے کوئی فیصلہ انٹر ڈومینین کانفرنس میں نہیں ہوا۔ ہم سے کہا جاتا ہے کہ وہاں کے حالات بہتر ہو رہے ہیں۔ اسکا منہ کو یقین نہیں کہ وہاں کے حالات بہتر ہو جائیں۔ اسلئے میری سمجھ میں نہیں آتا کہ آپ پاکستان سے ہر ایک سمجھوتہ استدر دہ کر کیوں کرتے ہیں۔ سردار پتیل نے کہا تھا کہ اگر آبادی کا ناکہ س پاکستان سے جاری رہا تو پاکستان کو اتنی زمینیں ہندوستان کو دیں پڑے گی۔ باوجود اس بیان کے بنگال سے ۲۰ لاکھ آدمی ڈھکیل دئے گئے۔ کیا میں پوچھ سکتا ہوں کہ اُس مطالبہ کا کیا بنا؟

صاحب صدر! ابھی تک ایک بہت بڑی ہندوؤں اور سکھوں کی لڑکیوں کی تعداد پاکستان میں ہے جنکو ابھی تک وہاں سے نہیں نکلوا یا گیا ہے۔ جب تک ہماری مان - بہنیں - بیٹیاں - پاکستان میں ہیں اُسوقت تک یہ بدنامی کا دھبہ ہمارے اوپر رہے گا۔ میں جناب صدر! آپکو بتا سکتا ہوں کہ میرے پاس خط آیا ہے کہ فرنٹیر پروانس میں ایک لڑکی تھی وہاں سے بھاگ کر پنجاب آئی اسلئے بتایا ہے کہ فرنٹیر میں بہت سی لڑکیاں ہیں۔ اگر اس مسئلہ کیطرف غور کیا جائے اور اسکو اہمیت دی جائے تو بہت کچھ یہ خاص دور ہو سکتی ہے۔ پاکستان اور ہندوستان کے تعلقات اتنی دیر تک خوشگوار نہیں ہو سکتے جب تک ان معصوم اہلوں کی بد دعا ہمارے درمیان کھڑی ہے۔

صاحب صدر! مدراس گورنمنٹ نے کہا تھا کہ ہم دس ہزار Refugees اپنے صوبہ میں لے سکتے ہیں۔ لیکن وہاں زمینیں اچھی نہیں ہیں جس سے وہ کھیتی کر سکیں۔ کیا وہاں انکے لئے جگہیں Reserve نہیں کی جا سکتیں کہ ۵ سال تک صرف Refugees کو کچھ فیصہ شدہ Services دی جائیں گی۔ اسطرح سے ۲۵ پرسنٹ سرسبز زمینیں Refugees مدراس میں بسائے جا سکتے ہیں۔ مدراس کے لوگ مختلف صوبوں میں ہیں کیا وجہ ہے مدراس میں اور صوبوں کے لوگ نہیں جا سکتے۔ سارے ہندوستان نے آزادی کا فائدہ اٹھایا ہے کوئی وجہ نہیں کہ اسکی ذمہ داریوں کو بھی سارا ملک کبوں نہ اپنے کندھوں پر لے۔

صاحب صدر! آخری بات جو میں آنریبل منسٹر صاحب سے کہوں گا انہوں نے پہلے ایک بیان میں کہا تھا کہ سب سے بہتر طریقہ جو ہے وہ یہ ہے کہ "Pure living and high thinking"۔ جو بات کی خدا کی قسم الجواب کی۔

ہمارے پڑھے لکھے نوجوان تانگہ چلاتے ہیں۔ چھوٹے چھوٹے Tea-stall رکھے ہوئے ہیں۔ سلگتے دے کا دس نکال نکال کر بیچنے لگے۔ بڑے بڑے مکانوں کو کھو کر چھوٹیوں اور کیمپوں میں پڑے ہوئے ہیں چھوٹی چھوٹی معصوم لڑکیاں شام کو اخبار بیچ کر گزارہ کرتی ہیں۔ اور پھر بھی آپ یہی کہتے رہیں گے کہ "Pure living and high thinking"

یہاں خاک تک نہ رہی لحد میں امیر باقی

انہیں مرنے کا ہی نہیں اعتبار آتا

حضور! مجھے یہ کہنے میں جھجک نہیں کہ ریلیف اور ریہیبیلیٹیشن کی وزارت کو اتنا کمزور طریقوں سے چلایا گیا ہے کہ اب یہ وزارت صرف ایک بینک کی صورت میں بن کر رہ گئی ہے اور اب اسکا فوض صرف قرضہ دینا رہ گیا ہے۔ تمام لیڈر شپ اور کنٹرول امن کے ہاتھوں سے نکل کر صوبوں اور ریاستوں کے ہاتھوں میں چلا گیا ہے۔ اور صوبے ریلیف کے کاموں میں محض پراپیگنڈا اعداد و شمار دیتے ہیں۔ مجھے یقین ہے کہ پھر بسانے کا کام خیرانی سطح سے اُٹھا کر قومی سطح پر لایا جاوے اور تمام ملک کی اجتماعی ہمت اور کوشش سے ہی خوش اسلوبی سے حل ہوگا۔

(English translation of the above speech)

Sardar Bhopinder Singh Man: Sir, I wanted to narrate a long woeful tale, but owing to lack of time, I will only make passing reference to its important aspects. There is no doubt in it that History does not record any such example when torture and repression had been inflicted upon fifty to sixty lakhs of people and they would have been compelled to leave their hearths and homes. I think that if any plan had been formulated to handle this problem and the evacuation carried out in a systematic manner, then it could have been easily tackled. I regret this and it pains me. I am, therefore, compelled to say that our honourable Prime Minister has stated that so far as the losses sustained by the refugees are concerned, the moral and legal responsibility therefore does not devolve on the Government. I would like to know who else is responsible for this? Who agreed to the partition of the country? Who accepted this in connivance with the Muslim League and did injustice towards the country? Who yielded before the fanaticism and tactics of the Muslim League? The bargain of freedom was struck on the corpses of the refugees, and now no responsibility is taken to cremate them. I feel that this is a dangerous joke which is being cut with the refugees. If this question is placed before any court in this country, I am sure it will give the verdict that the responsibility for this rests with you. If not legal, at least there is no iota of doubt in it that it is surely moral. We had thought that after Pakistan was established, the evil days during which the demon of communalism had been appeased would be over. But now when Pakistan has been set up, and whatever agreement is arrived at with the Pakistan Government it has the tinge of victory of the Muslim communalism and every agreement is made in a subdued tone. I feel that if agreements are continued to be made with Pakistan in such a manner, nothing good will come out of it. We had heard that the people in India are subtle bargainers; but now it so looks that they transact business at a loss. They have become very experts. If you look to this, you will find that the recent agreement arrived at the Inter-Dominion Conference held in Karachi relates to the urban property only which is definitely advantageous to Pakistan. They will certainly make that very agreement which is beneficial to their

[Sardar Bhopinder Singh Man]

interests. They know that they are sure to gain on whatever point they enter into an agreement. The Pakistan Government have decided that those people who come to Pakistan for selling their properties cannot return until they clear of their Income-tax dues. It means that they should go there and remain there as prisoners.

So far as the rich lands in the West Punjab are concerned, these were mostly owned by the Hindus and Sikhs. You negotiated in respect of urban property; but you did not conclude any agreement in any of the Inter-Dominion Conferences with regard to the rural properties. So far as the rural property and agricultural lands are concerned, these have become the property of the Muslims living in the rural areas. Several hundreds of *bighas* of land belonging to Hindus and Sikhs—the value of which cannot be estimated—is lying in Pakistan and in respect of which no decision has been made at all in the Inter-Dominion Conference. Therefore, these agreements and compromises to which I am alluding to, manifest the same old weakness. So far as the exchange of population is concerned, I fail to understand how can this be practicable so long as satisfactory exchange of property is not agreed upon.

So far as East Bengal is concerned, lakhs of people have come over here and some have gone back; but their number is very small. Moreover, no decision could be arrived at in the Inter-Dominion Conference in respect of those persons who have migrated from East Bengal after having left their properties there. We are told that the conditions there are improving. I am not quite sure if the conditions there can improve. Therefore, I fail to understand as to why you enter into every agreement with Pakistan in such a subdued tone. The Honourable Sardar Patel had stated that if the mass exodus of population continues from Pakistan, then Pakistan shall have to cede to India a proportionate tract of land. Despite this statement, twenty lakhs of people have been driven out of Bengal. May I know as to what happened to that demand?

3 P.M. Sir, even upto now a very large number of Hindu and Sikh girls are in Pakistan and they have not as yet been recovered. So long as our mothers, sisters and daughters are in the captivity of Pakistan, this shall ever remain as a blot on our honour. Sir, I may tell you that I have received a letter that a girl from N.-W.F.P. who managed to escape and come to Punjab has told that there is a very large number of girls detained in the Frontier. If this matter is considered and some importance attached to it, then a lot of existing friction can be removed. The relations of India and Pakistan cannot become pleasant so long as the curses of these innocent afflicted girls hover over us.

Sir, the Government of Madras had stated that they can absorb ten thousand refugees in their province. But there the lands are not good which they can cultivate. Why cannot some reservation of posts be made for the sake of refugees there so that for five years to come they shall be provided with certain specific posts? In this manner, refugees can be rehabilitated in Madras by absorbing them against 25 per cent. of the services. The people of Madras are living in different provinces. What is the reason that people from other Provinces cannot be settled in Madras? The whole of India has derived benefit from independence. There is no reason why its responsibilities should also not be shouldered by the entire country?

Sir, lastly, I would like to tell the honourable Minister that he had previously stated that the best way out is "Pure living and high thinking". What a unique counsel! Our educated youngmen are plying *tongas*; they are

running petty tea stalls; they have started to sell orange juice. After having lost magnificent houses, small girls are living in camps and huts and earn their livelihood by selling newspapers in the evening. And even then you will go on saying, "Pure living and high thinking".

"Yahan khak tak na rahi lahad men amir baqi
unhein marne ka hi nahin aitbar ata"

("That even the dust of my grave does not remain behind, but he is not assured of my death").

Sir I will not hesitate to say that the Ministry of Relief and Rehabilitation has been run in such a weak manner that it has now assumed the form of a bank only; its duty being confined to give loans. The entire leadership and control has gone out of its hands and vested in the Provincial Governments and States. The Provinces merely furnish statistics of the propaganda and relief work done by them. I would urge that the rehabilitation work should be raised from the charitable to the national level and a satisfactory solution of the problem achieved by concerted action and endeavours of the whole country.

Mr. Speaker: I may call upon the honourable Minister of State for Rehabilitation at 3-30. He wants about half an hour. We may sit up to 5-30, if necessary, but not beyond that, because as I have very often said, we have to take into account the strain thrown on the Assembly Office staff.

Sardar Hukam Singh (East Punjab: Sikh): Sir, I am grateful to you for having given me this opportunity. Though I will not be able to dilate on all the points at any great length, it will certainly give me an opportunity to touch certain points on which I feel very earnestly.

The honourable Minister of State for Rehabilitation has got circulated a statement to us. I got it this morning and I have studied it as other Members have done. It certainly give us some consolation. Some of us felt rather perturbed over the statement of the honourable the Prime Minister that there was no legal or moral responsibility on Government to rehabilitate these refugees who have come to this side. But it does give us some consolation when we read this statement that the Government concedes that it takes upon itself to provide shelter and gainful occupation for every refugee family. That is all that the refugees want. The refugees insist that there is responsibility, moral as well as legal, on the part of this Government because as has been stressed by my honourable friend Sardar Bhopinder Singh Man, this refugee problem is the direct outcome of partition and when you have taken the responsibility for partition, you have necessarily to take responsibility for the refugee problem as well.

Now this statement says that it is the policy of Government to provide shelter as well as gainful occupation for every refugee family. If any statement was needed, we have got it, and we have no complaint. But such statements have already been made before, but not much has been done up to this time.

I now come to the question of rehabilitation, and let me take rural rehabilitation first. I will only make a passing reference to it. It has been said that no agreement has been arrived at so far with Pakistan. I must say at the outset that in all these agreements, as has already been said, the initiative lies with the Pakistan Government. If they choose they come to an agreement; if they do not there it remains. And why should they choose to come to an agreement and why should they implement it, because we are the sufferers. As far as lands are concerned, we have got here 17 lakhs acres less

[Sardar Hukam Singh]

than what we have left there. Therefore, it does not pay them to come to an agreement so soon. They would avoid it; they would evade it. The question is whether we can force them to come to an agreement and pay us compensation. My humble submission is that this Government is in duty bound either to force the Pakistan Government to make up this loss of the displaced persons or to compensate them from its own funds. If this loss is not made good, imagine the extent to which the refugees would suffer. Just imagine these refugees in distress. I can only quote a very proverbial saying in Punjabi, though it may look vulgar: A buffalo fell into a well; they thought as it was troublesome, let us emascuate that. The refugees are in distress; now a 95 per cent. cut is being applied on them.

My second point is urban rehabilitation. We have been told that it is rather complicated. What has been done there? We have been told that 4,000 houses have been built in East Punjab, 2,000 in Delhi, and 6,000 plots have been allotted. I would suggest in this way it would take years to rehabilitate these refugees. If this continues, as it has been allowed to continue in the past 18 months, I can assure you this problem would solve itself in another year, and there would be no refugee problem left. The practical step that I can suggest at this moment is that the Government should allot a plot to every refugee family immediately, or say up to the 15th of August. There are enough vacant sites lying. Convince them that it belongs to these refugees and that they have the ownership in it. It must be given free; no cost should be charged from the refugee. Then, see what initiative he has got. Let him make one room for himself. Half the refugee problem will be solved if you could just give him a plot and some assistance to build something on it. Then, there are the loans. Ten crores have been intended to be advanced to the refugees. One crore has been sanctioned; but 40 lakhs have actually been advanced. Sixty lakhs of refugees getting forty lakhs of rupees, that means ten annas a man to rehabilitate and to start new industries. You can very well judge what benefit they must have derived and what occupation they must have taken up with this amount. Then, we are told that the Government has done much for the education of the children. The number is there. If you take that into consideration, about 5,000 of them, certainly you would be alarmed to see how infinitesimal a figure that is. Is it not a mockery that out of such a large number, so few have been given assistance?

There is another thing that I can suggest. Instead of advancing loans like that, if the Government had taken it into its head to rehabilitate those Banks which were working in Western Pakistan and had given advances to them much good would have come out of it. Now all these banks are under liquidation, most of them; they have paid 40 per cent. of the money and another 30 per cent. is to be paid over a number of years—they would be able to stand on their legs with some assistance. By thus being revived, they may be able to help the refugees to start some other industries. My submission is that by reviving these banks, the Government would be reviving certain industries which would help in rehabilitation of these refugees.

Then, there is one point that I want to stress about the teachers. It was definitely told here that the length of their service and their experience would be taken into consideration and that the pay that they were getting in Pakistan would be given to them. That has been agreed and even stated on the floor of this House in reply to a question; but in practice it has not been done. They are getting much less. About the orphans, minors and widows, the less

said, the better; nothing has been done about them. I may say that the refugees have suffered privations; but they have not debased humanity so far. They had not extended their begging hand towards other citizens. But, I am afraid there is a limit to everything. Already, instances are there where young girls are selling their bodies and their honour to get two meals. If nothing is done for another six months, certainly, this demoralisation would have its effects on the whole country. I must submit that we should be ashamed of the outcome of this catastrophe.

Now, the future policy is laid down in this statement. My honourable friend Mr. Jaspat Roy Kapoor complained that there was criticism against the Minister. But, the Minister says in his own statement that there are handicaps. What are those? He says that there are provincial politics and vested interests; non-cooperation of Ministers is also hinted there. Then there is the antipathy of the provinces and the refusal of some of the States to place houses at the disposal of the refugees. If everybody is non-cooperating with the Minister, I do not think that the Minister can succeed with all this policy and professions that he has laid down. He has given us the programme that he wants to follow. But, he has not indicated what are the fresh steps he is taking so that he could succeed where the Government has failed in the past. There is nothing new in the statement that would help him in removing those handicaps.

Then, the honourable Minister has taken exception to the statement of Acharya Kripalani that only five per cent. of the refugees had been rehabilitated. This is all right. It may be wrong. But, when we come to his own statement, he says 14½ lakhs have been housed. I wonder how he has come on this figure. I must certainly tell him this. Certain instances have been already revealed how these people have been housed, how they are living in small rooms of eight feet by ten feet and how they fare in them. I may give him one instance of which I had to take notice. A respectable family, I found living in a room six feet by eight feet. There were seven or eight members. What had they done there? That is most interesting. They had one cot (*palang*); they had raised it on earthen pillars two or three feet high. They had placed all their things on this *palang* and they used to lie below that on the floor. This is how they have been housed and they are living in this hut, I should say. I must say one thing. There are some Government servants who are having certain relations of theirs in their quarters. There are some other persons who are living with their relatives. Such persons cannot be said to have been rehabilitated at all. The figure given by the honourable Minister is not correct, I might say.

I must point out one thing, that is, the absence in the statement itself of any recovery of abducted women. Certainly, I think this is a closed chapter now. As my honourable friend the previous speaker has pointed out—that is a matter for shame for us. Refugees whose sisters are there cannot have a life of peace, however you may rehabilitate them. We may say that there were at least 30,000 women that were abducted. On 6th December 1947, at Lahore an agreement was reached for the recovery of these women and it was said that they would be returned. Then, there was a joint recovery appeal. Restore Women and Children Week was celebrated from the 16th to the 22nd February 1949. What was the result? Out of these 30,000 women, we have got 5,648. That is the result. This report says plaintively that the Pakistan Government's attitude was not helpful. Five districts, Rawalpindi, Jhelum, etc., were declared closed and no recovery could be undertaken. Then there is an apology that follows that it was reported that a large number of non-muslim women were removed to N.W.F.P. and trans-border area. This closes the sad chapter. Therefore, I think that it has

[Sardar Hukam Singh]

not been mentioned in the present statement at all. The Government has no other programme to follow so far as the recovery of these abducted women are concerned.

Shri Basanta Kumar Das (West Bengal: General): Sir, I shall confine my remarks to the refugees of East Bengal only. Owing to shortness of time, I cannot do further than that. I wish only to refer to the report that has been circulated amongst us by the honourable Minister. It is said in the report that conditions in East Bengal are now stabilized and the exodus from East Bengal has stopped. It is now estimated that there are about 16 lakhs of refugees from East Bengal. I find there is some confusion about the figures and I wish to quote some figures from the reply given by the honourable Minister on the 11th of February and it will be clear to the House how the figures regarding East Bengal refugees stand.

In his reply to a question on the 11th of February, the honourable Minister stated that the number of refugees that arrived from East Bengal are as follows:

Assam	2,50,000
West Bengal	15,60,000
C.P.	591
Bihar	2,234
U.P.	2,000
Orissa	542
Ajmere	3
Tripura	45,000
Cooch-Bihar	10,165
	18,70,535.

I think these are all guess figures and no census figures have been taken, because in the most recent report that I have already referred to, the figure has been quoted as 16 lakhs. But the honourable Minister gave this figure as 18,70,535 on the 11th of February last.

I only wish to refer to a letter from the West Bengal Government, in reply to certain queries that I made. This question of the problem of refugees of East Bengal was never discussed in the Standing Committee, and I had, therefore, no course left, but to write to the West Bengal Government for certain information. I shall only read, because of shortness of time, certain of my queries and their replies thereto. Whether any estimate has been placed before the Central Government informing them of the requirements regarding money, materials or other things for carrying out the relief and rehabilitation work according to the plan of West Bengal Government? What has been the response from the Central Government? The reply is: Estimates of expenditure on a five year basis amounting to nearly Rs. 300 million was sent to the Conference called by honourable Minister Finance (Central) at New Delhi in July last.

As for the response they say: Ways and means advance of 40 lakhs have been made. Subsequently a loan of five crores have been advanced. Of course, this is not mentioned in the letter. We have come to know of it later on.

The next query was: Have any employments been secured for refugees

in the Central Government or in the Provincial Governments through the intervention of the Central Government or otherwise? The reply is: The Ministry of Relief and Rehabilitation was requested in our No. 2400 F.K. dated the 29th May 1948 and in subsequent reminders. No favourable response has been received.

The next query was: Is there any difficulty for finding space for refugees in the neighbouring provinces and is the intervention of the Central Government necessary in the matter? The answer is: Yes, there is difficulty. The Central Government's intervention is necessary in the matter of allocation of refugees to neighbouring provinces and allotment of funds for rehabilitation in these provinces.

Government of India have agreed to settle 200 Bengali refugee families in the Andaman Islands.

This is the situation about the allocation of refugees to neighbouring provinces. My honourable friend Mr. Maitra referred to this matter this morning very eloquently and I need hardly say that the Central Government should override any opposition that the Provincial Governments may offer in order to make their allocations go on in their own way.

The next query was: What is the present situation regarding the influx of refugees from East Bengal? What number has gone back to Pakistan and is there a tendency of further movement? The answer is: Fresh arrival during the week under 5th February, 1949—900.

The exodus is still going on, I think, because the figure that was given was for the week under the 5th February, 1949.

Some people (number not definitely known) have gone back. Many refugees have maintained contact with East Bengal and visit their homes periodically. Some have gone for collection of dues and crop during harvesting. No steady homeward flow noticeable.

I wanted to know about their requirements for building materials and other things. They have appended a report to this. They wanted cement, steel, C.I. sheets, etc., Tubewell pipes, A.C. sheets, tents, tarpaulins, blankets, Mazri Garments, tailoring materials, shirtings, etc., milk powder, sewing machines, asbestos Cement Ridging, C.I. Ridgings. The materials that have been supplied to them are: Cement up to week under the 5th February, 1949 was nil. This letter is dated the 12th March. Subsequently cement has been given for West Bengal, but up to the 12th March, they received nothing. Some C.I. sheets were granted. Tubewell pipes received is 1,34,190 rft. As regards blankets they got 1,00,000 pieces. They got nothing regarding milk powder, sewing machines, asbestos cement ridging and C.I. Ridgings.

I think these figures will give an indication of the situation about the rehabilitation of refugees. It has to be noted, Sir, that only the money that is going to be advanced as loan will not be enough. Without the building materials, those refugees cannot be rehabilitated. The question of rehabilitation should be dealt with in a manner in which the West Bengal Government can find themselves in a ready way to fulfil their promises and the Central Government should fulfil their promises to the refugees also.

There are other things to which I might have referred, but I would only point out that the speed and the manner in which the work has so far been carried is clear from the answers to my queries that I have received from the West Bengal Government. I would submit, Sir, that the Central Government should take up this matter more urgently and with greater vigour;

[Sardar Hukam Singh]

otherwise, this problem cannot be solved by the efforts of the West Bengal Government alone and after so many months if this is the situation there and only this amount has been advanced recently, I think, the speed has been extremely slow and therefore it is that the situation there in West Bengal has been so bad.

Sardar Bhopinder Singh Man: Sir, in the course of my speech this morning I forgot to refer to two points. Since the honourable Minister is going to reply, with your permission I will state those two points so that he can give information in regard to them also. The first point is that the principles governing the transfer, etc. of evacuee property may be extended so as to cover all parts of India. The second point is that the vast property of Muslims who have migrated to Pakistan from any part of India such as Choudhari Khaliquzaman, Liaquat Ali and the late Mr. Jinnah himself have not been declared evacuee property. I want to know why.

The Honourable Shri Mohan Lal Saksena: I am sure many Members who desired to speak at length have been disappointed by the comparatively short time allowed to them. But I hope the points they wanted to make have been adequately stressed. I will try to reply to them one by one, leaving the general points to be dealt with at the end, if time permits.

Mr. Sidhva, in the course of his 35 minutes' speech raised certain points which I will dispose of in 5 minutes. The most important point made by him was that we have to do a lot of rehabilitation work. Nobody disputes it. It is common ground between us. He then made reference to a co-operative society. The other day he complained that I had not granted an interview to a certain individual in this connection. When he came to see me, I found that he was a person who had seen me five or six times. In regard to this man, Mr. Sidhva told the House that he wants nothing but land. That is not the case. This person wants 2,000 acres of land, 75 per cent. of which is agricultural land, to be acquired by Government at the rate of Rs. 1,000 per acre. If this agricultural land is now placed at the disposal of this person, Mr. Sidhva himself will rise in this House and ask: 'Why, when there is shortage of food, this agricultural land has been given for non-agricultural purposes?' My honourable friend then said that there is any amount of land available in Delhi. He forgot the fact that Delhi is the capital city and that there is a plan about its future development. Certain areas are reserved for certain Ministries such as Health and Education for the expansion of the Medical College, for the construction of a College for Nurses and so on and certain areas have been earmarked for the Foreign Enclave and similar purposes. Therefore, the Ministry for Relief and Rehabilitation has no easy task in finding lands suitable for the purpose in view. It is not as if any land that can be seen can be occupied and given over to displaced persons.

In regard to the Housing Society I may also mention that they wanted the Government to provide water-supply and lay-out roads.

Dr. Bakhshi Tek Chand: No. Only road development they wanted.

The Honourable Shri Mohan Lal Saksena: They want the Government to acquire lands at Rs. 1,000 per acre and...

Dr. Bakhshi Tek Chand: May I just point out.....

The Honourable Shri Mohan Lal Saksena: I have only been given half an hour for the reply.

Dr. Bakhshi Tek Chand: They have agreed to pay for the water-works and other things themselves.

The Honourable Shri Mohan Lal Saksena: I do not know what the honourable Member is referring to. My information is that they want everything to be done by the Government. (Interruption)

Mr. Speaker: Let the honourable Minister proceed.

The Honourable Shri Mohan Lal Saksena: This money is to be given to them by way of loan. They want bungalow-plots of the size of half an acre while we are not able to give house-plots one-eighth of an acre in extent to others. They are most of them retired persons. If they want big plots they can have as much as they want 20 miles outside Delhi.

There is another reason why the request of these people should not be granted. The East Punjab Government has been telling us that if we granted such facilities to displaced persons here in Delhi, they would not go to Punjab and settle there. We have to take that point of view also into consideration. Delhi can at best provide for 2½ lakhs of displaced persons. But there are four lakhs of them. Some of them have, therefore, to go out. We shall have done a great job if we are able to find land for 2½ lakhs of them. Therefore it is not possible for us to give lands to the Co-operative Society *en bloc*. We are prepared to give loans to members of the co-operative Societies individually. (Interruption) It is not as if this Ministry has got special powers and can carry on independently of other Ministries. It has to function through the other Ministries. If any matter concerning Health has to be disposed of, we have to consult the Health Ministry and if any matter relating to construction of buildings, etc. has to be finalised, the C.P.W.D. has to be consulted. Then, as every step taken involves the expenditure of money, the Finance Ministry has in all cases to be consulted. So if there is any delay in expediting matters the reasons are these and not want of earnestness on the part of the Ministry of Rehabilitation.

My honourable friend Mr. Achint Ram suggested that if the work of this Ministry could be taken over by the Honourable Sardar Vallabhbhai Patel, things could be done quickly. That is so. As a matter of fact, before this Ministry was created, this work was being done by the Home Ministry. This Ministry was created only when it was found that this involved too much work on the Home Ministry.

Shri R. K. Sidhva: That was only for service.

The Honourable Shri Mohan Lal Saksena: Mr. Sidhva was saying that he would be able to influence the Pakistan officials to do things in a more helpful way.

Shri R. K. Sidhva: I never said 'influence the Pakistan Officials'.

The Honourable Shri Mohan Lal Saksena: I understood it like that.

Mr. Sidhva wanted that they should be helpful in seeing that ownership of municipal plots left behind by evacuees should not be disturbed. That was the chief object of the agreement.

Shri R. K. Sidhva: That is what I wanted.

The Honourable Shri Mohan Lal Saksena: What about requisitioned plots? If any of these plots are requisitioned, there is provision for determination of compensation by a Board in which our representatives have a voice. It was unfortunate that Mr. Sidhva could not be invited to it. One of the Members is a displaced person, Mr. Bhimsen Sachar. At the next Conference there may be other representatives.

[Shri Mohan Lal Saksena]

Then, Mr. Sidhva said that there was a sign board in the Karachi Registrar's office that no registration of Hindu or Sikh properties will be made. Perhaps, he is aware that under the Evacuee Property Act no such property can be recognised without being confirmed by the Custodian. It appears that in Pakistan the Custodian for Karachi was appointed only lately and he was not functioning, and therefore pending that, I do not know whether there is still the sign board or not, but this had been brought to our notice and we took up the matter and arrangements have been made. A Deputy Custodian will be appointed by the Pakistan Government who will look into those cases and registration will be made.

Mr. Lakshmi Kanta Maitra referred to the slight difference in treatment in regard to displaced persons from East Pakistan and West Pakistan. I have said in my statement that there has to be made some difference. Just now Mr. Das pointed out that there are displaced persons in West Bengal who are coming and going, who are still managing their property. It is not like West Pakistan where the management of those properties of displaced persons who have come this side has ceased and it is vested in the Custodian.

Pandit Lakshmi Kanta Maitra: There are some people like that. They are not all.

The Honourable Shri Mohan Lal Saksena: Never mind. Therefore, they can, if they want to go. Just now, in the recent agreement between the two Dominions, Minority Property Management Boards have been established both in West Bengal and in East Bengal. Therefore, we have to make some difference. It is not as if any displaced person has come away from East Bengal and we cannot take the responsibility of rehabilitating him.

As regards Andamans, I may point out that the Andamans are not what they were represented to us. As a matter of fact, we have had two or three reports about the possibilities of Andamans. We are having our timber supply from the Andamans and he may remember that a deputation consisting of representatives from different provinces, led by the Minister of Relief and Rehabilitation, West Bengal, visited Andamans and their report was that to begin with we can rehabilitate at least two hundred families straightaway, and he wanted that they should be sent immediately.

Pandit Lakshmi Kanta Maitra: You could not catch the spirit of my observation. I did not say it in that spirit.

The Honourable Shri Mohan Lal Saksena: After all, the Andamans is a good colonisation project and if we can rehabilitate them by sending them there, I do not think it should be treated in the way or referred to in the way that has been referred to by my friend.

Pandit Lakshmi Kanta Maitra: You can find out other islands in the Indian Ocean to rehabilitate them.

The Honourable Shri Mohan Lal Saksena: There is no question of finding. The possibilities of Andamans as a colonisation project are great and we have received applications not only from representatives of West Bengal for sending their displaced persons, but there are other persons who are not displaced persons, who have also applied for being sent there. Therefore, we are examining the possibilities of the development of the Andamans and we have yet to decide whether it has to be developed on an agricultural basis or industrial basis, and we hope that full advantage of the possibilities of Andamans would be taken.

Then, he said that there was a contradiction for arrangements being for primary and secondary education only in camps and not in other places. As a matter of fact, wherever displaced persons have settled down in towns and other places, they are supposed to be reading in the local municipal or district board schools and we help the municipality or district boards. In regard to these camps it is not proposed to liquidate them altogether. They will be converted into work centres or self-supporting colonies and as such there will be schools and even after these persons are removed from one place to another for rehabilitation, these schools will be re-started there and arrangements will be made for primary and secondary education.

As regards secondary education, we were just considering this question. He must be aware that we are already giving help to students reading in 9th and 10th classes. We are also giving help to college students, but there is no provision for students from the 5th to the 8th. We have examined what will be the cost. It comes to about Rs. 60 lakhs a year. Then there was difficulty about finding buildings, etc. Therefore, the idea was that even if we could not make arrangements for regular schools, we might make provision in the camps themselves, where there are teachers and we can make arrangements for imparting education for these four or five classes. He must be aware that twenty or twenty-five years ago we were advocating night schools, when we used to impart training to those persons who could not afford to go into regular schools. If that could be done there, why not do it in the case of these young men, if we are not able to make arrangements for reason of finance or paucity of buildings.

As regards Assam and Bihar, I am sorry that I have to confess that there is some difficulty. I propose to go there and settle things, but I am told on the one hand that this question should be treated on a national basis. At the same time the question is raised about provincial basis on ground of language. I know that there is a feeling in Assam that if a large number of Bengalis come there, Assam will cease to be an Assamese province and will become a Bengali province. Similar fears there may be in the minds of Biharis. We have to overcome them and persuade them. All the same, I would beg of my Bengali friends not to raise any controversy about Bengali and Bengali speaking areas. It is not as Mr. Kohini Kumar Chaudhuri has said that the Government of India has been reluctant to provide funds. We have offered the funds. We have asked them to start camps and they have refused to do so. They say, "In other places you have started camps and have wasted so much money. We have not started camps and they have been rehabilitated on their own". We are not sure of the exact position there, and therefore, very soon my officers and I will be going there to see as to what schemes of rehabilitation are there for displaced persons from East Bengal and how they are implemented. Money will be made available for that purpose as has been done in other cases.

Then there has been some controversy raised about the number of displaced persons from East Bengal. The fact is, as I stated in my question, that in West Bengal there are about 16 lakhs and therefore, this figure has been given as the number of displaced persons from East Bengal who have come to West Bengal. There is a slight mistake, I admit, because you know there are displaced persons from East Bengal who are in U.P., C.P. and other places; so while preparing this scheme account was taken only of those persons who were in West Bengal and I think that will satisfy my friend.

Pandit Lakshmi Kanta Maitra: We do not quarrel about that.

The Honourable Shri Mohan Lal Saksena: Mr. Achint Ram pointed out certain difficulties about the loans. He said that the policy was changed from time to time. I may make it clear once again that loans by themselves cannot rehabilitate people. After all, it is not every man who gets a loan will be

[Shri Mohan Lal Saksena]

rehabilitated. Cases are brought to my notices every day where people have received money and they are utilising it otherwise. Therefore, by simply giving loans, you do not rehabilitate people. So, we decided at first that we should give loans on a co-operative or collective basis, that is, instead of providing a shop for each person and leaving him to decide as to what kind of trade or profession he has to carry on, we thought that this may be done on a collective or co-operative basis. Even so provision was made in this scheme for granting loans to individuals for the purchase of machinery, tools and equipment. There was also a provision that co-operative credit societies should be started and persons engaged in different professions could take money from these societies. But it was brought to our notice that in certain Provinces and States there was no co-operative societies' law, or there were other difficulties. It was also brought to our notice that there were certain professions, the members of which could not work on a co-operative basis. Therefore, in their cases, we have relaxed the original directive. Still the idea is that loans should be given to rehabilitate people where it is found that people are being rehabilitated in this way.

Then Bakhshi Tek Chand pointed out that we lacked a plan. I do not know what he means by a plan. He knows there is a plan for rural rehabilitation. The West Punjab Government has prepared such a plan and they are proceeding on that basis.

Dr. Bakhshi Tek Chand: West Punjab Government?

The Honourable Shri Mohan Lal Saksena: I am sorry. I mean the East Punjab Government.

My friend, Sardar Hukam Singh pointed out that they were going to get only 5 per cent of the land that they had in West Punjab. He must bear in mind that we have to divide the land that we have got and a formula has been worked out: if however the land were to be given to big landlords, say 50 per cent of what they had, then there would be no land left for the smaller people, who constitute 76 per cent of the people affected; and if these 76 per cent of the people can be satisfied it would be a great achievement. It is not that we want to deprive people of their land; but it is not possible to give them more land. This basis is being examined by a Committee as permanent settlement is to be made in a few weeks time. I hope that whatever objections have been made against that scheme will be considered and disposed of.

Sardar Hukam Singh: Why not extend that basis to the whole of India?

The Honourable Shri Mohan Lal Saksena: Bakhshiji again referred to the census of Delhi. In Delhi our difficulty is that we have about 3,70,000 refugees according to the census. This is no doubt an under-count and allowing for this I agree that we must take the number of refugees to be four lakhs. But he knows that in all our schemes we cannot provide for more than 2,50,000. He has also referred to the delays in the execution of different schemes, especially about Shahdipura and other such schemes. Again, we have provided for 3,000 or more plots in Shahdipura. But now we have been informed by the Defence Ministry that a part of the land which is adjoining the military barracks cannot be made available to us and therefore we have to reduce the number of plots there. On the other hand, another big plot of 800 acres under the Agriculture Ministry has been released to us and we hope to have more plots there, and whatever land we have lost here, we hope to make good there.

Bakhshiji has also spoken of those persons on the roads. Delhi is the only province where people have been coming and there has been no check. I have ascertained from the officers of my Ministry and they inform me that after November or December, at the instance of Gandhiji, a census was taken of those persons on the roads and efforts were made to put them into tents and other places, and as a result of that there was no one on the road. After that many more people have come. This is our difficulty. If we cater for the displaced persons here and we provide greater facilities, more people flock here. Now we have to be more careful and we have to proceed in a special way. If people want help we must take them out and put them somewhere where there is plenty of land.

On the other hand, the Ministry of Health has been complaining that the health conditions in Delhi are getting from bad to worse and we have to take immediate measures to do something to improve them. Therefore, it is not that we are not desirous of helping every refugee who is here. When a person comes to my house and makes a complaint either about his family or some other difficulty, I feel like making some provision somewhere. But I am helpless. I am not denying that there are no cases. If honourable Members will only go round, they will find that there are such cases. If you decide that you have to provide for all, then as one of the previous speakers said, we will have to take the capital somewhere else. You cannot provide for the capital and four lakhs of people at the same time. All the same, we do assure them that we do not want to send out people if they can be rehabilitated here by themselves, or if they can find a house for themselves here. But we cannot take the responsibility for rehabilitating more than a limited number of persons in Delhi.

I now take up the question of our unfortunate sisters, about whom a Member said that the chapter is closed. It is not so. We have an organization called 'Enquiry and Search Service.' They have been functioning for the last six months. The recovery of abducted women is under External Affairs Ministry. My information is that even last month there were recoveries in Pakistan and in India.

As regards the closed districts, honourable Members are aware that these were closed because of the Kashmir operations. Now that those operations have ceased, we hope that these districts will also be declared open and that we will be able to have more recoveries now than before.

Prof. Shibban Lal Saksena (U.P.: General): What is the result?

The Honourable Shri Mohan Lal Saksena: Result of what?

Prof. Shibban Lal Saksena: Of this organisation for the recovery of women.

The Honourable Shri Mohan Lal Saksena: We are recovering women.

Prof. Shibban Lal Saksena: When do you hope to recover all?

The Honourable Shri Mohan Lal Saksena: I have given the figures for the last month and the figures for the previous month.

Sardar Hukam Singh: There is no agency now.

Prof. Shibban Lal Saksena: The feeling is that the matter has been put into the background.

The Honourable Shri Mohan Lal Saksena: Social workers are still working, but we have no liaison officers and now the police of the two Dominions are supposed to help, and if any information is supplied to Mr. Gopalaswami Ayyangar, I am sure immediate steps will be taken to do all that can be done to help the recovery of such women.

[Shri Mohan Lal Saksena]

My friend pointed out that practically nothing has been done in the matter of unattached women and children. I am sorry to know that according to him or someone else there are some of our sisters going about selling their bodies. I do not know why that should be when in Delhi we have three homes, and every girl or woman who wants to be trained and given board and lodging can be sent to these homes. Mrs. Matthai and other social workers are looking after them. If my honourable friend has got any such cases in view I would beg of him to get into touch with them or at least send the names and addresses to these social workers. They will go and persuade them to join these homes. (An honourable Member: 'Is it possible?') If it is not possible what can we do? We cannot provide for them wherever they are or want to stay.

Reference was made to compensation for the property left on the other side. It has been pointed out that it is because of the Partition that they had to leave their properties. I do not want to enter into a controversy over this but the honourable Members are aware of the facts. We were forced to accept the partition, because of the trouble that was there. People were already leaving homes and hearths and coming away. It was thought that by accepting partition favourable conditions would be created to enable them to stay there with safety and honour. It is possible that our calculations have gone wrong but to say that because we accepted partition and therefore all this trouble, will not be entirely correct. So far as the Government of India is concerned we feel that we have a moral duty to do all that we can for those persons who have come from Pakistan and to resettle them. But, it is not possible to rehabilitate them in the same professions or give them the standard of life that they were used to. Sardar Man was taking objection to my using the words "simple living and high thinking." What was the context in which this expression was used? I was referring to the way shown by Gandhiji. Gandhiji's way of life was 'simple living and high thinking'. My friend will not deny.....

Sardar Bhopinder Singh Man: A person getting a salary of Rs. 2,000 should not quote Gandhiji in that context.

The Honourable Shri Mohan Lal Saksena: I may not be able to follow Gandhiji but I can certainly always keep his ideal before me and try to follow it as far as possible. I know that many of the refugees have been used to a higher standard of living both in Sind and in the Punjab. Our friends were certainly used to a standard of life which was higher than that in U. P., Orissa, Bihar or Madras, where the standard is comparatively, much lower. I only wanted to say that every body desiring to be provided with service cannot be provided with jobs, or everybody wishing to get a shop cannot get a shop. After all if we want to distribute anything we must produce it. Even if all the shopkeepers were to be collected in old Lahore they will not be able to rehabilitate themselves. The problem is not only of money but of finding suitable occupations or vocations. The unfortunate part of it is that the Muslims who have gone away were living a life which could not at all be compared with the standard of life enjoyed by our friends there.

In the end I would like to assure the House that I do not propose to shirk my duty. It was suggested by Pandit Maitra that I was threatening of sneaking away or running away. I am the last man to threaten or to sneak away. During the last thirty years I have learnt one thing, stick to my job and hold on to it. What I said was that I would approach the task in all humility, earnestness, devotion and determination. I will be very glad and gratified if by the grace of God it is granted to me to see the early fruition of

my labours and see the liquidation of this problem. But I should be happier to be relieved earlier, if by some arrangement the speedier rehabilitation of the displaced persons could be assured. This is what I have said and I will continue to discharge the duties which I have undertaken with all the earnestness I can command.

Sardar Bhopinder Singh Man: The honourable Minister has forgotten to reply to the point relating to the extension to the whole of India of the Evacuee Property Act and why it has not been extended.

Lala Achint Ram: The honourable Minister has not also mentioned the condition of the refugee camps.

The Honourable Shri Mohan Lal Saksena: That was because of lack of time. As regards the extension of the Evacuee Property Act we have been advised that so far as the Government of India is concerned we could extend it only to the areas included in the Inter-Dominion Agreement. As regards the provinces we have already written to them to extend it. As regards camps.....

Pandit Thakur Das Bhargava: The honourable Minister told us that his Ministry wants to provide a plot or a house to every displaced family. The land is not to be created in the coming months or year. Will he assure us that before the 15th August every family will get either a house, a plot or a rented house in Delhi and elsewhere?

The Honourable Shri Mohan Lal Saksena: All I can say is that I will make an earnest effort. The honourable Member is our Regional Adviser for East Punjab and if he can assure me that he will be able to persuade the East Punjab Government to allot plots of land there even by September next I can assure him that before August next I will be able to persuade other Governments to make arrangements for providing the plots.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar)]

MOTION RE INFORMATION AND BROADCASTING

Shri Mahavir Tyagi (U. P.: General): Till what time will the House sit, Sir.

Mr. Deputy-Speaker: The House will sit till 5-30 P.M. but since the time allotted for the Relief and Rehabilitation Ministry has been exceeded by a few minutes, the House might sit till 5-40 P.M.

Shri Mahavir Tyagi: How do you propose to distribute the time between the speakers, Sir?

Mr. Deputy-Speaker: The honourable Minister will take half an hour to reply and Members will take ten minutes and in extraordinary cases 15 minutes.

The Honourable Shri Satyanarayan Sinha (Minister of State): Till 5-30 P.M. let the speakers go on, Sir, and then the Ministry may be called upon to reply.

Mr. Deputy-Speaker: If the House agrees I have no objection.

The Honourable Shri R. R. Diwakar (Minister of State for Information and Broadcasting): Sir, as we are sitting late today, I know that I should take as little time as possible. I propose that in the beginning I will take about

[Shri R. R. Diwakar]

seven minutes and in the end if it is possible for me to finish in 15 minutes, I shall try my best to do so.

Sir, I move:

"That the working of Information and Broadcasting be taken into consideration."

Sir, though the House has been generous in granting the Demands of this Ministry even without a debate and has thus evinced complete confidence, I thought it necessary that the working of this Ministry should be reviewed by the honourable Members before this Session ends. That is the reason for my making this Motion. I look upon this occasion as a co-operative attempt on the part of the Ministry and the honourable Members together, to find out as to how we can progress all along the line in the light of the scrutiny made and the criticism offered here. It is no doubt difficult for a developing Ministry of this kind to expand its activities without more money. For instance it may be easy to say that much cannot be done without better finances. But after all we have to work under conditions and limitations, and I think, where for want of funds, we cannot increase the quantity, we should address ourselves to improving the quality of our work.

I am equally conscious, Sir, that we have very little time on hand today. I, therefore, propose to take as little time as possible in order to give the most of it to honourable Members who, I am sure, will approach the subject in the same spirit in which I have proposed to do.

Sir, a fairly exhaustive note has already been circulated to the honourable Members a few days ago explaining the functions and organisation of this Ministry.

I now take this opportunity to make only a few points. I am fortunate that I had as my predecessor in office our distinguished Deputy Prime Minister Sardar Vallabhbhai Patel. Out of his experience as a great administrator he had already laid down sound and healthy traditions. Thus the path has been easy for me. One of the first steps that I took on assuming charge a few months ago was to examine the various publicity problems and arrange for a conference with Ministers of Information from the Provinces and States, to discuss matters of common interest, with a view to better co-ordination as between the Centre and the Provinces and between the Provinces themselves. There are various subjects in which not only the Centre but also the Provinces are equally interested, subjects such as nation-building, all-round development and re-construction.

One of the important things that we did in the Conference was to decide upon a common approach to this subject and the objectives of planned publicity. With the attainment of independence, India has been set on the road to peace, progress and prosperity. But these things can follow only if the people as a whole address themselves to the tasks ahead with intelligence and with due diligence. In this context, it is the primary duty of Government to help develop enlightened opinion on all matters of public interest. The fundamental principles which must inspire all publicity on behalf of a free, democratic country like India are a profound regard for truth and utmost respect for the opinions of its people. From this alone can arise that public opinion and that public support without which no democratic Government can function properly and efficiently. It is in this order of ideas that we have to think of publicity and the main objectives that must inspire it.

For the proper and efficient functioning of a progressive democracy, wide and planned publicity which would educate the people and make them conscious of their responsibilities as citizens, is absolutely necessary. Every popular Government must keep in touch with its masters, the people. It is today a function of Government to see that the people at large have the widest possible opportunity to form their own opinions based upon a fair and accurate presentation of facts. The work of this Ministry, therefore, is concerned with the presentation to the people of our country, of facts and information about the policies and activities of Government and to focus attention on what the Government is trying to do in the interests of the people and what it expects the people to do on their part and in their own interests. While I do not wish to repeat the contents of the note referred to. I should in this connection like to draw the attention of honourable Members here to some of the services rendered by the different media units of this Ministry.

The Broadcasting organisation today has 14 A.I.R. Stations and two services, Home and External. The Home Services are broadcast in 15 languages and there are 200 programme hours per day including 40 news bulletins. The External Services use eight more languages and broadcast 13 hours 20 minutes including 25 news bulletins. Today, according to licence figures, there are 2,81,046 domestic receivers, 21,679 commercial receivers, 1,870 community receivers and 505 school receivers, a total of 3,05,100. But as compared with other countries, we are rather low in listening sets. There are, however, encouraging signs of growth of listening interest. During the last 15 months the number of receiver sets has increased by a lakh. Whereas previously the average rate of increase in new licenses was only about 2,000 per month, it is now 9,000 per month.

Since the Radio is potentially a mighty medium for information, education as well as entertainment, efforts are being made not only to improve our services but also to increase the use of receivers both in the urban as well as in rural areas in the country.

Another important organisation is the Press Information Bureau which supplies news and other material to the Press and all other media of publicity. Though it is responsible for the publicity of all departments of Government, it is itself the most unassuming and the least publicised. It supplies material to 105 Indian and foreign correspondents. 1,100 newspapers get material direct from it. There are in all 2,500 recipients.

There is also the analysis section in this Department. It scrutinises about 100 important newspapers and supplies relevant cuttings to the respective Ministries.

There is then the Photographic Section which distributes about 6,000 prints a month to different journals. Progress is being made in planning better services to our language papers and also in the matter of supplying ebionoids to newspapers.

There are today four Regional Offices of the Bureau working in Calcutta, Bombay, Madras and Lucknow with Headquarters at Delhi.

The Films Division has been resuscitated recently and is aiming at producing 52 newsreels and 36 documentaries during the year. Distribution arrangements are being perfected and by May 1949 it is hoped to cover all

[Shri R. R. Diwakar]

cinemas numbering about 2,200, in India. Today, films are released only in English and Hindustani. But the plan is to dub them in Bengali, Tamil and Telugu as well. There would be further extension in dubbing in other languages later.

As regards the film industry as a whole, a thorough enquiry in this country is over-due—the last enquiry being held in 1928. A committee would be set up early to go into all the various aspects of the question.

Regarding censorship on account of an amendment of the Government of India Act in the last session of the Constituent Assembly, the way is now clear for legislation in this Parliament to establish central censorship of films.

As an immediate and important reform, a Bill is already pending in Parliament to enable censors to issue restricted Certificates so that certain films may not be open for children below 18.

There is a proposal to restrict the length of feature films to a maximum of 11,000 feet and also a proposal that all cinemas ought to show compulsorily some documentaries as a part of the country's programme to educate the people. These proposals are being examined and finalised in consultation with the industry as well as the Provincial Governments.

The Publications Division also has a record of service which is very useful though improvement is necessary and possible and is already being planned. Here too, this Section produces publications both for external circulation and internal consumption.

There are journals, one in English, three in Hindi and three in Urdu.

For external distribution, there are two magazines one in English and one in Arabic.

In addition to journals, 34 books, booklets and pamphlets were issued during 1948 and six are in the press, while 15 more are under preparation. Most of our publications are priced and those who have seen them have appreciated them.

One of our many difficulties today is the want of a quality printing press. Negotiations are afoot to secure such a good press for use. If they are successful, this Department will be capable not only of printing all its own publications, but would also be able to help other Ministries in bringing out quality publications in time and in addition save several lakhs in printing charges alone.

The Advertising Consultant's Branch deals only with display advertisements of different Ministries through Press, posters, folders, calendars, etc. It is the Advertising Consultant for other Ministries. Planning, preparing estimates, designing and production of plates are some of the functions of this Section. During 1948, 7,840 insertions covering 1,73,961 column inches were given to the Press. 39 posters were designed and 6,87,000 copies of the same were issued. 1,080 slides were prepared and shown. The print order of folders, brochures, etc. was to the tune of over five crores.

There are certain smaller sections, such as the Reference and Research Section, the Army Publicity Section, etc., which have definite assignments of their own. The former of these shall have to develop early enough if more efficient service is our aim.

Now I may refer in a few words to our relations with the Press in this country. I am gratified to say that, with the steadily expanding press of this country, especially the language press which is fast progressing in stature and influence, our relations have been very cordial and close. I should like to take this opportunity of thanking the All-India Newspaper Editors' Conference, whose advice we have frequently sought and whose response has been generous in all problems connected with Government's relations with the Press. In addition, at the Headquarters, we have endeavoured to ascertain and to meet the requirements of the numerous accredited correspondents of both the Indian and the world Press. Similarly, the assistance of the various Advisory Committees that are there to assist the various stations of All-India Radio have been most helpful. The task of a new Government which has only recently come into its own, and had had to pass through numerous ordeals, and has yet to face many more, is not easy. The task of interpreting its policies and of carrying its message to the masses is not less difficult. But there is no doubt that with the support and assistance of the Press in the country, the task has been easier and was made lighter.

I shall be failing in my duty if I close without a word of appreciation for the band of workers in this Ministry whose loyalty and devotion has been instrumental in carrying out successfully its plans and programmes. It is my constant hope that, armed with the sympathy and support of this House, assured of the hearty co-operation of the Press and helped by the loyal workers in this Ministry, we shall be able to succeed in our primary duty of providing basic and factual information, of stimulating thought and of promoting unity and solidarity among our people with a view to build up the strong democratic secular State for which we all stand.

With these few words, Sir, I commend the Motion to the House.

Mr. Deputy-Speaker: Motion moved:

"That the working of Information and Broadcasting be taken into consideration."

Pandit Balkrishna Sharma (U.P.: General): Sir, I have heard the opening remarks of the honourable Minister for Information and Broadcasting with rapt attention, and I wish to congratulate him on the future programme which he has set before him for completion, and on possible developments that he wants to effect in the various branches of this Ministry.

Today, with paucity of time, it is not possible for me to do justice to more than one or two of the departments of which the honourable Minister for Information and Broadcasting is in charge. I would first like to take up the Department of Broadcasting, and would like to offer certain criticisms and certain suggestions for the consideration of the honourable Minister. When we take an overall picture of what is known as the All-India Radio, we have to take into consideration its chequered career. We must not forget that the All-India Radio was once a private concern subsidized by the then Government of India. Slowly it developed into a full-fledged Government Department. Now, the very history of it, the very process of development of the Department, is enough to convince us that the sort of men, whose services were required to further the task to which either the Director of the private concern or the Government which took it over, set themselves, were men of a special, peculiar type. The only consideration before them, when broadcasting was a private concern, was nothing except to amuse the people and thereby create in them a desire for possessing radio sets and make the concern a success in

[Pandit Balkrishna Sharma]

a commercial way. When it was taken over by the Government of India, they were not very greatly concerned with anything as to how this Department affected the people of this country culturally, educationally, ethically or spiritually. They were not concerned with that. The only consideration before them was to have, here and outside, propaganda about India which would paint John Bull in the best possible colours, and therefore that peculiar type of cadre was recruited for that Department. That is the history of it.

Sir, if today the Honourable Mr. Diwakar feels any difficulty in carrying out his ideas into practice, then it is not he who is responsible for it—it is unfortunately the history of the Department. One may say it is true of every Department. It is true of the Home Department, of the Foreign Department, of the Education Department, of every Department because after all we have taken over the administration of the country in all its details as it was left by the British, and therefore it can also be said that it is no use falling foul of one particular department. But to me it appears that there is a great deal of difference between what we may call the Broadcasting Department and other Departments. The Broadcasting Department directly comes in touch with the people and if that Department is not working efficiently and with those ends in view which such a Department should have before it, and if we find difficulties in working it on proper lines, then the very fact that it is a historical mistake cannot absolve us from the responsibility of correcting that mistake. Somehow it has been a conviction with me that the men who organised this Department, men like Fielden, for instance, had very little of Indian national feeling in them. They were anti-national and naturally they used the Information and Broadcasting Department for the purpose of carrying on anti-Indian and imperialist propaganda. That tradition, I beg to say, still persists. There was that tendency at that time to exclude every young man who had the least possible nationalistic feelings in him, however capable he might be. I know of so many cases where men who were approved by the Public Service Commission were chucked off by the Department because the police reported that they were men who had nationalistic leanings; thus they were not considered desirable at that time and were chucked off. The tendency of excluding from the services capable young men who were in the least suspected of nationalistic feelings continued till very late in the day and, in a way, continues even till today. You will be surprised to know this; this continues even till today. The powers that were holding sway over the department at that time have so created the situation that even if we want to get away from the tentacles that they have spread, we will find it difficult. I think my honourable friend the Minister in charge of this department will have to do that work. (It is a herculean task; but that task he will have to do. I have often dinned into his ears,—I have been in correspondence with him on these matters,—I have told him, that nothing short of cleaning the Augean stables will meet the situation. I hope he will rise to the occasion and clear this Augean stable. The disease from which this department of Broadcasting has been suffering in the past can be called the disease of denationalitis. There was denationalising influence all round; every one of the officers and men of the Department suffered from that, so that, the men in charge of that department had nothing absolutely in common with the man in the street or with the sentiments of the people in this country.

Now, the question is, should we permit such a condition to continue. I think if we permit this to continue, we will do so at our own peril. Because, after all, this Information and Broadcasting Department can, and should,

be a very great instrument or propaganda of all that is good, of all that is true, of all that is of permanent value. If we really wish to give to this country and to the world that which is best in our Indian thought, in our Indian culture, in our Indian tradition, in our Indian philosophy, if we really want that we should use this department for the moral regeneration of this country, then, I say, we will have to bring about a change in the personnel of the department without which you cannot do that. Today, Sir, you as a Congress leader, and through you I can say, the honourable Minister for Information and Broadcasting as a Congress leader, could appreciate that our country is passing actually through a moral and spiritual crisis. This filthy lucre has made men's minds absolutely corrupt. Mammon has corrupted our souls. One great danger which is as pernicious and as ferocious as this, is what I may call the so-called scientific socialism which is stalking in the land. That with all its materialistic philosophy is also eating into our very vitals in the name of bringing about the regeneration of the under-dog, and giving him economic emancipation. Now, are you going to make the All-India Radio an instrument in fighting this disease, which has spread its tentacles in our country? You may say that you as a political party cannot permit your department of broadcasting to be used for the purpose of carrying on propaganda against one particular political party in the country. But, I say, Sir, it is not against any one particular political party that I ask you to carry on propaganda. I want that we must carry on propaganda of the right type of fundamentals and principles in our people and therefore if I ask you to make use of this Information and Broadcasting Department for the purpose of setting the whole country ablaze with Gandhi, with his spiritual glory and with his moral loftiness, I am sure, I am not asking you to do anything which is against the principles on which the foundations of a democratic secular state have been laid here.

Sir, I crave your indulgence for giving me a few minutes more. Because, as I said, the subject is vast and the honourable Minister while reading his statement took about more than 20 minutes and with my halting speed. I cannot be expected to cover even half the ground that the honourable Minister has covered, within the short time of ten minutes allotted to me.

Mr. Deputy-Speaker: Fifteen minutes have already been taken by the honourable Member from 4.20 to 4.35.

Pandit Balkrishna Sharma: When I say that the honourable Minister has to see to it that this Department is put to its proper use, then, it also means that in the future, in the matter of recruitment, in the matter of promotions, in the matter of appointment of the high officials of the department he has to adopt a different course from the one which has been followed so far. Because, I think that is the sort of thing that would help. If I begin here giving some instances as to how this blessed department is being worked, the honourable Minister will be surprised. All sorts and manner of bastard music is given by this All-India Radio. Times without number we in the Advisory Committees have said and passed resolutions that this sort of monstrosity should not be inflicted upon our people and that in its stead, there should be something by way of giving to the people some ethical, moral, philosophical instructions. They would not hear it. I said, have something of the Gita, have something of the Upanishads, have something of Koran, if you like. But, they said, no; ours is a secular state. I was informed that, when the resolutions passed by our committee were sent round for opinion to the Station Directors, one very great Station Director wrote back: this is a secular state, we can have nothing to do with the Gita. For

[Pandit Balkrishna Sharma]

in the life of me, I cannot understand the meaning of secularism. Every proposal which the Committee makes is turned down by the upholders of the secular state over there. We are the people who did something for the establishment of the secular state in this blessed land; but now there are those people, who pose themselves to be the sole guardians of this new secular state. Now, as I said, look at your music that you are giving. Look at the way you are training your artistes and the way you are treating them. From top to bottom, Sir, everything is rotten and you have to change it. Look at your External Services? What are they after all? You give in your External Services those third-rate musical records which you borrow from the B.B.C. Indian External Services giving the records borrowed from the B.B.C. or English music—where is the fun, I say? Are we projecting Indian culture? What is this? Do we want India's soul, India's traditions India's culture, to be reflected in our External programmes and if we want it, then certainly we cannot have anybody in charge of that programme which is neither Indian nor Pakistani nor anything. That individual, who was prepared to go to Pakistan, is now the Director of our External Services. One another gentleman recently recruited—I think my honourable friend did not know him while recruiting,—was used by the former British Government as its stooge and he has been made a very high official in the Department. I am not going to name him. Sir, but the fact remains. Then there are people who have been promoted because the Advisory Committee.....

Mr. Deputy-Speaker: May I suggest to the honourable Member that all these facts regarding individual appointments can be brought to the notice of the Minister and discussed with him before they are raised in this House. A number of such matters can be raised, but it is impossible for the honourable Minister to answer or do justice to them. Further, it would not be right to discuss individual cases before they are brought to the honourable Minister, if possible.

Pandit Balkrishna Sharma: I thank you very much, Sir, for just warning me in regard to this and I accept your warning. I am not going to place any instances of individual nature before the House. What I wanted to impress upon the honourable Minister is that now has come the time when we shall have to bring about a change in the policy of the governance of this Department and that policy cannot be changed unless we learn the habit of just jumping the hedges, the departmental hedges, for instance. "We cannot simply do anything and the Secretary writes likes this and therefore the thing has to be sanctioned." That sort of thing has to go. I consider that on this Department depends the making or marring of the future of this country and of this Government and therefore, I think that we must be very careful in running this Department and all sorts of departmental hedges have to be either finished or have to be jumped over. That is what I wanted to impress on the honourable Minister.

As I said, there is this question of language and we have a circular so far in vogue in various stations. We have got the percentage of language programmes fixed in Hindi, Urdu and Hindustani and Lucknow, Delhi, Bombay and I think even Calcutta, all these stations have got a fixed programme and that language circular is there. For instance in Delhi the proportion of the language is 40 Hindi, 40 Urdu and 20 Hindustani. (An Honourable Member: "What is this Hindustani, Hindi, Urdu?") Well, I myself have not been able to understand it. The difficulty before me has been all along as to what this Hindustani is; I am not going to enter into this bigger question as to whether

Hindustani is a language or not. I will refer the honourable Minister to look to the meaning of the word Hindustani in the Oxford Dictionary. Hindustani is defined as a language which our masters created with a sprinkling of Persian and Arabic words and which is nothing but Persianized Hindi. That is what the Oxford Dictionary gives as the meaning of Hindustani. It is thus that the Hindustani language is defined over there, so that Hindustani is nothing but Urdu. Now this Circular has become absolutely outmoded and absolutely useless. I would beg of you to do away with that circular and to do away also with this name. It is absolutely no language. Of course I can accept that Urdu is a great language and Hindi is a language, but Hindustani is no language. At that time Hindustani was devised to be that thin end of the wedge through which Urdu-e-Mualla will get on and that is what Hindustani is to us today and therefore, I request you to get this circular changed. It is no use our department working under this handicap and the name also must go. There is no reason why when Pakistan has adopted Urdu as its national language we should fight shy of the word Hindi. Though formally we have not adopted Hindi as our National language, yet with the help of our South Indian friends, with the help of our Bengalee friends and with the help of our Punjabee friends, we will have Hindi adopted in our Constitution and, therefore, we will only thank you if you adopt the name a little before the Constituent Assembly adopts it. These are some of the suggestions which I wanted to place before you and I thank you very much, Sir, that you have been so indulgent to me for allowing me so much time for placing my views before the House.

Shrimati G. Durgabai (Madras: General): Sir, this Ministry of Information and educated people. Sir, in the new set up of things, we are supposed to this is a Department which was very much exploited in the regime of the British and it was mostly used for the recreational activities of the wealthy and educated people. Sir, in the new set up of things, we are supposed to have made a radical change in the policy of this Ministry. This department is charged with a very heavy responsibility that responsibility being the liquidation of illiteracy and also to prepare the common man to be a better type of citizen.

Now, as I have already said, it has got a duty to instruct, educate and guide the people. Therefore, naturally, it has got also a duty of being advised and also guided by the people in the country. Firstly, I suggest, that the Standing Committee which is associated with the working of this Ministry should be made a real committee and also we should give it a few more powers, not only to advise, but also to see that the recommendations and the proposals made by the Standing Committee are implemented. Of course, though the honourable Minister in his first introductory remarks has not sought the co-operation of the Standing Committee, the members of the Standing Committee, I am sure, are quite anxious to extend their help and also guidance to the working of his Ministry.

Sir, I wish to deal with one of the Division's work under this Ministry, that is the Films Division. Sir, this Division was revised with great hopes during the year 1947-48 with an annual budget grant of Rs. 34 lakhs. Month after month advertisements appeared calling for applications for technicians, controllers, distributors, directors, deputy directors and what not. A host of people were recruited. Technical staff was recruited and accommodation was found for them at a cost of nearly Rs. 74,000 per annum. Equipment worth four to five lakhs was purchased. We do not mind spending

[Shrimati G. Durgabai]

money on objects that give good results. I am sure this House would never grudge similar appropriations this year also if it is assured of success in its efforts. Now what have we got in return for this huge expenditure? Only a few documentary films and news-reels have been produced by this Division to justify this enormous expenditure. In spite of the great facilities and the privileges which this Division enjoys the success that it has achieved compared to what has been spent on it is practically nil. I am of opinion that this huge paraphernalia has not produced any satisfactory results.

Now may I ask what is the policy of the Government with regard to this Division? Is it intended that this Division should devote itself exclusively to Government's publicity? Or is it intended that it should produce educational and cultural films? To a question which, you Mr. Deputy-Speaker, put to the Education Minister last year, as to whether this Division was producing educational and cultural films.....

Mr. Deputy-Speaker: I do not remember to have put that question.

Shrimati G. Durgabai: I am sorry it was a question put by the present Minister himself. This morning I read a report of a speech delivered by the Health Minister complaining that the activities of her Ministry were neglected. She wanted to give publicity to health activities, but no films were supplied to her and she was forced to get nine films from foreign countries and some were also lent to her. Therefore it is a matter for shame that, having our own Film Division, we were not able to supply the required films to the Ministry of Health. I have heard that the Education Minister also to extend the activities of his Ministry by providing visual education. I do not know whether any such films are available with this Film Division. I suggest that an Advisory Committee should be associated with this Division to constantly advise it on the subjects it has to deal with and also to supervise the work of this Division in the matter of the release of films in the quickest possible time and also to keep the Branch in touch with the public reactions with regard to the particular films exhibited. I hope the Government would constitute such a committee and give it adequate powers to deal with the subject. As I said, we are poor people and cannot waste a single rupee. We want to realise full value of every rupee that we spend. If this Division is a failure I do not know whether I should attribute it to natural causes and if so I should be sympathetic. But if its failure is due to inefficiency, indecision and clumsy management I should ask the honourable Minister to set right matters and not give room for complaints of this kind.

I am glad that the provincial Governments are restricting the length of films. It is good, but the Government should impose on the exhibitors a condition that they should exhibit also the shorts produced by the Film Division. (Interruption).

Mr. Deputy-Speaker, I would request you to see that I am not interrupted.

Next, Sir, I want to suggest that the setting up of a Central Board of Film Censors and a Committee to enquire into the film industry are very welcome.

I find that for the News Service Section there is a proposal that news correspondents should be sent to foreign countries in order to have a better and wider coverage of news. This proposal is made in the interests of improving our external publicity. In the beginning there was a proposal to have a few correspondents in particular countries to publicise our national activities in the

capitals of Europe and America. I do not think that that expenditure is a fruitful one. We have got the *Press Trust of India* now in partnership with *Reuters*. Why not we utilise this organisation for our purpose? The Ministry may devise ways and means of controlling and also nationalising it if necessary.

In this connection may I remind the House of what I said last year on this matter? "With the inauguration of Regional Stations at Vijayawada and other places, the need for catering local news is all the more great." Without perfecting the internal news organisation there is no good in our aiming at external publicity, though I realise that there is necessity to simultaneously improve our external publicity also. But, as I have already said, this is already under the general management of the *Press Trust of India* and also with the *Reuters*. We are extending rural broadcasting, but we have not devised ways and means of gathering news of local importance. The news of a co-operative started in a village or the anniversary of an educational institution in a taluk centre will be of greater educational value than any number of radio talks. The provincial papers do not carry these news because of its restrictive nature. The All India Radio should step in here and come forward with broadcast and coverage news. Very little time is allowed for local or provincial news. The greater part of the time allowed is taken for broadcasting *verbatim* the speeches of Ministers. Not even mention is made of either the work done by any particular institution or group of workers. I feel that the All India Radio should become the instrument for popularising constructive work done by institutions and groups of workers. Its policy has to be changed in this regard. We are having more regional stations, but correspondingly there is no increase in the community radio-sets. I agree with the proposal of the Economy Committee that before starting a medium wave station the Government should take an assurance from the province concerned that it would be responsible to instal the full quota of community sets in that area. The Economy Committee has complained.....

The Honourable Shri R. R. Diwakar: We are not supposed to have seen the report of the Economy Committee as yet.

Shrimati G. Durgabai: I have got only one point to refer to. There is a good deal of criticism with the way in which patronage is distributed through appointments. This is a very serious matter. I wish that all I have heard in regard to this is not true. But really, if it is true, it is high time that the Government realised its responsibility and tried to take every step necessary to dispel that kind of criticism which is widespread. It is said that provincialism, nepotism and other 'isms' come into play in the matter of these appointments and that the appointments are not properly made at all. Therefore, I urge upon the Minister that he should unequivocally declare 5 P. M. that the appointments for the gazetted posts would be made only on the recommendations of the F.P.S.C. In this connection, the Standing Committee has made certain proposals with regard to the other appointments and those proposals also should be adhered to. The Standing Committee has made a proposal that these Selection Boards which are hitherto associated only with the official element should hereafter be made more representative and also include non-official elements, preferably with a non-official as its Chairman. These proposals should be adhered to by the honourable Minister.

Shri Ramnath Goenka (Madras: General): Sir, before I deal with the subject I would like to clear one doubt in the mind of my sister who has just

[Shri Ramnath Goenka]

spoken. She said that *P.T.I.* was an organisation in partnership with *Reuters*. Far from it. She said, if necessary, Government will control it. She further added, if necessary, it will be nationalised. It is a hundred per cent. national institution owned by the newspapers of this country. It is hundred per cent. controlled by Indians and the Press of India.

Shri R. K. Sidhva (C. P. and Berar: General): Where does *Reuters* come in?

Shri Ramnath Goenka: I will come to *Reuters* very soon. It is controlled by the Press of India.

The Honourable Shri R. R. Diwakar: But that is not nationalisation.

Shri Ramnath Goenka: There is no question of the Press of India or any of its news agencies being controlled by any Government, whatever the Government of the day may be. The Press will keep their independence in spite of the Government. It has kept so in the past and it will try its best to do so in the future.

Now, so far as the *Press Trust of India* is concerned, Mr. Sidhva asked, "Where does *Reuters* come in?" *Reuters* come in only to the extent to which we get their news in London. We have our own desk—our own office—in London and it is that office which control the import and export of news in and out of India. It is the news which we gather from *Reuters* and other sources such as our own Special Correspondents in the various parts of the world, and when such news is got in London, it is we who send out news to India and see that it is what is required for India and what is suitable to be exported out of India. That is the function of the *Press Trust of India*. *Reuters* only come into the picture to the extent to which we get their news in bulk in our London office for our use. We use such news as we want and we reject such as we do not want, and we use the *Reuters* organisation in all parts of the world for the dissemination of Indian news in the various parts of the world. This *P. T. I.* organisation, although it has formally come into existence, it has not yet established its various correspondents in the various parts of the world. They have not yet established correspondents in the India zone. In fact, they have not yet opened their London desk.

Shri B. L. Sondhi (East Punjab: General): Are we discussing *P.T.I.*?

Shri Ramnath Goenka: The *P.T.I.* is a very important subject for Information and Broadcasting Ministry and therefore, you better know something about it.

Shri B. L. Sondhi: I am trying to learn.

Shri Ramnath Goenka: Having said that, I must pay my humble tribute to Sardar Vallabhbhai Patel, whose guidance and assistance has brought about the establishment of this *Press Trust of India*. Two and a half or three years ago, when the Indian Press wanted to negotiate with *Reuters* in regard to the internal service only—because there is no part of the world where the internal news service of any country is managed by a foreign news agency; it was only this unfortunate country in which the internal service in the country was managed by a foreign agency—when at that time, we wanted to negotiate with *Reuters* for the internal service only, it was Sardar Vallabhbhai Patel—he was not then a Minister—it was his advice which stopped us from encumbering our future for several years to come. It is his advice which has brought about the existence of the *Press Trust of India* and I may say that this country is very proud to have their own news agency, not only for this country but for all parts of the world.

Now, I will first take Broadcasting. I entirely agree with what all has been said by my friend Mr. Sharma. May I cite a simple example to corroborate what Mr. Sharma said? In 1946 November—I want you to mark the date—in 1946 November, a Selection Board was established.

Shri B. L. Sondhi: Is it a capitalist venture?

Shri Ramnath Goenka: You wait. You are an agent of the capitalists and you know better.

Mr. Deputy Speaker: I would not like this interruption at all. I would ask the honourable Member to be a little more patient.

Shri B. L. Sondhi: But I only wanted to know whether it is a capitalist venture.

Shri Ramnath Goenka: What do you mean by "capitalist"? You know more about capitalism than anybody else in this House.

Mr. Deputy Speaker: Order, order.

Shri Ramnath Goenka: Excuse me.

Mr. Deputy Speaker: There is no need for heat. This is a very interesting subject—Information and Broadcasting. It must be full of information and interest. There is no need to lose temper.

Shri B. L. Sondhi: I only want information, whether it is a capitalist venture or not. He is losing his temper.

Mr. Deputy Speaker: The honourable Member is provoking the honourable Member.

Shri Ramnath Goenka: Sir, I do not want to go into that aspect. I will just refer to the Selection Board. In November 1946 a Selection Board was appointed by the Government of India in which one of the members was my friend Mr. Deshbandhu Gupta. In June 1947 a meeting of this Board was called for the selection of the candidates for posts in the All India Radio. When they came to the meeting, they were told that no meeting is going to be held. During the whole of the year 1947 no meeting was held. In 1948 July, twenty months after the Board was constituted, they got a letter that their services were no longer required. Without having a single meeting of the Selection Board the Selection Board ended. And what happened in the meantime? Several persons—very high appointments—were made by the officers in charge of the All-India Radio or by the Ministry, I cannot say who. Now, when we took up this matter in the Standing Committee, after it was brought to our notice that there was so much of favouritism, nepotism and the like, we begged of our honourable Minister and we unanimously decided that a Selection Board should be appointed and in that Selection Board three should be non-officials and two should be officials. If there were three officials, and two non-officials, one of the non-officials should be the Chairman. But if it was two officials and three non-officials, then an official may be Chairman. (An Honourable Member: "So it was a bargain"). It is not question of bargain. It is the balance of power between each one of them. The result was that no such Board has been appointed so far. It has been referred to the Home Department. I do not know how that Board was constituted in 1946 and why it was dissolved and why this Board cannot be reconstituted. Are we to take the permission of the Home Department at every step? Unfortunately there is a lacuna and that lacuna is fully taken advantage of by this Ministry. The lacuna is this, that contract appointments can be made by the Ministry without going before the Public Service Commission. Although in the normal course of things they are supposed to go before the Public Service Commission, if they appoint anybody on contract basis, they can do so with impunity. Then, Sir, temporary

[Shri Ramnath Goenka]

appointments can be filled in by this Ministry or any other Ministry without consulting anybody. Hence what they do is this. They go on filling up temporary appointments and go on extending it year after year and after one and a half years or two years of service, for which period they extend unnecessarily, they put in an advertisement and when that advertisement appears, hundreds of people from all over India apply for the job and this gentleman who is a temporary employee in the All India Radio also applies for the same job. The representative of the All India Radio is before the Service Commission at the time of the selection of this candidate. He naturally says that this man has been working for the last two years. He is an angel on earth and they would like this man to be selected. I am not suggesting that the Public Services Commission do not use their discretion in the matter. I am not casting a reflection on them. But if I were a member of the Commission, and if first-hand information is given to me by the Department that requires that person and it is said that the man is completely O.K., it will be something very foreign to expect from that Public Services Commission that they should select someone else rather than this person who has been recommended by All India Radio.

Dr. P. S. Deshmukh (C. P. and Berar: General): Is that not a well-established method of recruitment in almost every department and Ministry?

Shri Ramnath Goenka: I cannot speak with any authority in regard to any other department of this Government. But so far as this Department is concerned, I have made enquiries and I stand by every word of what I have said.

Shri Mahavir Tyagi: We also stand by you.

The Honourable Shri R. R. Diwakar: I stand by you!

Shri Ramnath Goenka: Thank you. I would not have referred to this matter in the House because we had taken up this matter in the Standing Committee of Information and Broadcasting but for the fact that the Minister himself did not agree to our proposal though it was a unanimous one. He said he would have to refer this matter to the Home Department. But if we were prepared to agree to there being three officials, including the Chairman, then there would have been no difficulty.

We have come to a point of time when this officialdom should not haunt us all the time. This bureaucracy must not dictate to us all the time. It is unfortunate that we are carried away by the dictates of this bureaucracy. This is not a subject in which one would like to say very much except that I would expect the honourable Minister to make a statement here and now, that this selection system will be arranged for and no further appointments in Information and Broadcasting will be made unless the names of the candidates are first submitted to the proposed Selection Board.

One thing more I would like to say about Broadcasting. It is in connection with the central news organization. This collects news for the dissemination to the public in the four broadcasts which they give during the day and night time—one at 8 A.M., one at 1 P.M., another at 6 P.M. and the fourth at 9 P.M. for ten to fifteen minutes each time. You will have noticed yourself, Sir, that a lot of this time is spent upon disseminating the speeches of the Ministers. I have personal knowledge of the fact that even the sub-editors and editors in the All-India Radio are afraid to cut down the speeches of Ministers because usually the Secretary to the Minister telephones and says, 'Look, the Minister has spoken. Give full publicity.' So a lot of time is taken over by these speeches.

INFORMATION AND BROADCASTING

1975

But the point is: How many people do they employ for this news collection? Forty-three persons! Who are they? They are a Director, an Assistant Senior Director, a Chief News Editor, eight News Editors, twenty-five Assistant News Editors and seven Sub-Editors: this is apart from the vernacular translators for the vernacular broadcasts: forty-three in all! Newspapers which give more than 100,000 words of fresh news day in and day out—and as a matter of fact even the best newspaper office—have not more than 20 to 25 newsmen. So, just for 40 to 45 minutes broadcasts the All India Radio have as many as forty-three persons.

So far as foreign news is concerned, the All India Radio takes no initiative because they relay what is given to them or doled out to them by the B.B.C., and whether it is national or not, whether it injures the interest of my country or not, the All India Radio does not seem to worry.

During the Hyderabad agitation the B.B.C. were doling out some of the anti-National news and that news All India Radio used to broadcast. It is at the most concerned with internal news, most of which is taken up with the speeches of Ministers and for that they have 43 persons employed.

Mr. Deputy Speaker: Is not the speech also news?

Shri Ramnath Goenka: It is very much of news, but.....

Mr. Deputy Speaker: The honourable Member's time is up.

The Honourable Shri R. R. Diwakar: That is news!

Shri Ramnath Goenka: That is news inside the House!

I want to say something else in regard to broadcasting. Powerful stations are being established by the U.S.A. in Manila and by the British in Singapore. Those powerful stations are going to broadcast all over the Middle East, the Far East and the Near East and once those stations are established and if we do not change our policy in regard to the dissemination of news and give all types of news through the All India Radio, you can take it from me that we will be squeezed out of existence so far as the All India Radio and the nearer countries are concerned. This is a warning which I would like to give to the Minister.

I must say a few words in regard to the Press. The Press has always been co-operating with the Government, and particularly with our National Government. But there are certain grievances of the Press which I would like to express on this occasion. Ministers make speeches on matters of policy but copies of those speeches are not given in time to Press correspondents. Hence what actually happens is that some scrappy report is sent out and when that is published the whole effect of the total speech delivered on a matter of policy is lost. I would like to see that the honourable Minister does everything in his power to put this right. He should either see that the Minister concerned hands out an advance copy of his speech on matters of policy, or if there is no advance copy steps should be taken to see that immediately the full text of the speech is made available to the Press; for once a scrappy report is published, people do not take any interest in the long and full record of the same.

Shri K. M. Munshi (Bombay: General): Sir, I do not want to compare my friend, the honourable Minister, with the devil, but even he must, like the devil, have his due paid, and if not he, his department. I completely disagree with my honourable friend who spoke last that the All India Radio, particularly the Delhi Station, did not render sufficient service in the cause of Hyderabad; I take this opportunity to place on record my deep appreciation of the great services which the Delhi Radio did in respect of the Hyderabad affair. And

[Shri K. M. Munshi]

if it was true of ancient Greek heroes that their battle cry was sufficient to bring down the battlement of Troy, I can equally say with truth that the voice of the Delhi radio did more than bring down the battlements of Hyderabad long before the police action.

I confess, Sir, I am not a radio fan. I have little time and no inclination to sit down before a machine and let it talk to me. But during those days it was my only companion in the solitary grandeur in which I lived in the Agent General's house at Bolarum and therefore I know the Delhi radio fairly well.

There is another due which I think ought to be paid to the department. On the 15th August the man who for several years was the dictator of the Broadcasting Department walked away to Pakistan with many of his artists in his pocket. I know, because I was in contact with this Department since the days of Sir Akbar Hydari, the whole Broadcasting Department was if I may say so, in a mess. The experts had gone, the Director was gone and there were only a few experts left. This dislocated the service and it was then that the present department, as we know it today, was built up. I know it was a task, a very difficult task and they have done it well.

The only question on which I would like to make a couple of suggestions is with regard to the language problem. I am closely associated with this problem since the days of Sir Akbar Hydari, when as President of the Hindi Sahitya Sammelan I was in constant contact with him. I have been on the Hindustani Committee too. I share the views of my honourable friend Pandit Balkrishna Sharma that the old ratio of 40 per cent Hindi, 40 per cent Urdu and 20 per cent Hindustani requires to be revised. In what manner or what shape that is for the Ministry with its experts to decide. It is an anti-deluvian ratio and the sooner it disappears the better. No doubt the language of the news has considerably improved during the last two years. There was a time two years ago when the news relay was entirely foreign to the bulk of India. On our side few people ever turned on the radio to hear the news in what was then called Hindustani. Today it is in a language which can be understood largely. But happening to be a literary man, I do humbly protest against the jolting, martistic and what I may call un-literary shape in which the news is broadcast. It seems to be thought by the persons concerned that if you put a Persian word and paraphrase it by a Sanskrit word, or if you just jumble up one line which is Hindi-ised with another line which is Urdu-ised they have done their duty. News is not merely news but it is also propaganda; it is very subtle in its psychological influence on the man who hears it; and it is essential that the news should be redrafted or re-written by somebody who has the touch of a creative literary artist to make it an appealing thing. It should not appeal merely to your curiosity but also to your sub-conscious self. In that respect I should therefore request my honourable friend to give directions or take steps to see that the news is purveyed in a much more artistic fashion than is done at the present moment.

There is one thing to which I should like to draw the attention of my honourable friend. I am always sorry when I have to differ from my honourable friend Pandit Balkrishna Sharma, who I find is not here. That is regarding what he said about the Bhagvat Gita and the *Bhajans*. Now as a solitary man living under the strain of Hyderabad I had occasion to hear the radio more often than I normally would. I want to tell the honourable Minister that if a man listens to the radio he listens not merely for things that would save his soul or enable him to go to heaven through constant repetition of devotional songs sung in a highly acrobatic voice. He also wants to be entertained, and I do hope and trust that the radio will be made the instrument not merely of carrying us

to heaven but also making a heaven in this life by making it attractive. Therefore I do ask him to consider this point of view. Let us have some more of life, if you like in the music that is broadcast. The overloading of the musical programme with classical music may appeal to the experts, but I do wish that it is more human, because I look upon broadcasting as a nation-making agency. The songs which it sends out would go round like some of the popular songs of the cinema, to all people of all classes of society and in all places. Take some of the popular cinema songs. They have gone round the whole country. I have heard some of the songs of the cinema in Kashmir as well as in Madras. Similarly the songs broadcast should be such as to capture the imagination and the sub-conscious self of the whole nation, so that they co-ordinate the nationalistic impulses of the whole country. Therefore I think they ought to be broadcast by persons who are human and whose desire to go to the other world is less emphatic. Let us have a little more earthly music, music with a zip, music with a lift.

There is one thing which I want to say and if the honourable Minister has got the information he may give us. When I last presided over the Gujarati Parishad last December there was in my part of the country considerable agitation why the Ahmedabad radio station had not been set up. I should like to point out that there is considerable amount of agitation over this.

On the question of publication I have only one remark to make. I have been seeing some of the publications. Two of them are absolutely first rate. One is the *March of India*. It is wrong to believe that it is only intended for consumption in foreign countries. I would suggest that there should be an Indian edition, may be on cheaper paper. It is one of the finest magazines that the Department has produced and there is no reason why it should not be circulated in India also, if the subscription is lower. I am sure a large number of people will be able to take it: there will be much advertising and possibly it will pay for itself.

Then there is the other Hindi paper, *Aj Kal*. It is conducted extraordinarily well and it has got a very large circulation. There is only one suggestion I want to make. It is conducted no doubt in Hindi and Urdu. I am concerned more with the Hindi edition. Perhaps the honourable Minister will remember that with the blessings of Gandhiji the late Prem Chand, the great novelist of U. P. and myself started a paper, a monthly, in which in Hindi we gave the current literature of all the provinces in India—from Gujarati, Marathi, Tamil, Telugu, Canarese, etc. That magazine had a short career but it did extraordinarily well. *Aj Kal* has tremendous possibilities and if its size is enlarged and if it publishes in Hindi the latest literature current in the different provinces, it will become a forum and a pool of all-India literatures and thus pave the way for a national institution. Luckily the honourable Minister has got a well known folk lore expert, a Punjabi by birth, whom I know very well. Under the inspiration of Gandhiji he went on foot to almost all the provinces and collected folk songs of practically all the languages in India. He knows, and collected folk songs of practically all the languages in India. He knows, and collected folk songs of practically all the languages in India. He knows, and collected folk songs of practically all the languages in India. I think, many languages too and it would not be difficult to convert the *Aj Kal* into a national institution, where the very best in current literature of the country, not merely in Hindi, is reflected. In this way we would be creating a great institution for nation-making.

Sir, these are the only suggestions I have to make.

Mr. Deputy Speaker: If the House is agreeable I will extend the time till

6-30 P.M.

1978

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [26TH MARCH 1949]

Shri Mahavir Tyagi: Sir, the importance of the Department of Information and Broadcasting is analogous to the importance of the tongue in the human body. Just as a man speaks through the tongue so also the nation speaks through this Information and Broadcasting department.

Mr. Deputy Speaker: I may remind honourable Members that the rule definitely says that as soon as quorum is wanting the House shall adjourn.

Shri K. M. Munshi: We should really adjourn at half past five and take this up on another day.

Mr. Deputy Speaker: There is no other day fixed. I would request honourable Members to be in their seats.

Shri Mahavir Tyagi: I was saying that just as in the physical plane the body requires violet rays to grow, in the same manner in the intellectual plane the mind also wants some rays of good thinking and some healthy ideas to grow. And it has to get these rays from those persons who are better developed. So the Information and Broadcasting Department is not to broadcast things objectively alone; it has some subjectiveness in it. Without that the Department to me would lose all its charm. It has to lead and it is through the microphone that it has to lead the nation one way or the other. I want to know whether in this Department of Broadcasting there has been any healthy lead and if so what it has been. What are the objectives for which the Department stands? That has never been clarified. Are we only to provide the nation with a source of recreation or are we to lead them and if so whereto? What are the principles, economic or social, to which we are leading our nation? What is our goal? That has to be clarified.

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

I will take these questions one by one and as the time is short I will only narrate my points. The first point is about Information. There are, as you will see, about 62 Hindi dailies in India and 28 English dailies; and Hindustani papers in all are about 1,100 and English about 180. But the Information Department has got a personnel in which there are 95 English knowing officers and only just a few about nine Hindi knowing officers. It was the high policy of the British Empire to demoralise and Anglicise us, so to say, and to ruin our culture in Asia and foist their's on us. After Swaraj it is for us now to develop our own culture, but what we see is that we are following the same old process of emphasising the foreign values of morals and culture, and we are being fast Anglicised. What is there of our culture that is preached through the radio or the Information department? I am afraid on this point we are failing. I am not surprised over my honourable friend Mr. Munshi—he is coming from Hyderabad and it seems that despite his advanced age he has become more colourful and now wants that life must have some colour and not be confined and to going to heaven; he now wants heaven to come to him. Shall I tell him the kinds of song that are relayed? I am sure the honourable Minister will deliver the goods within one year as he is brave enough and will be able to tackle the Department properly. But will the House have the indulgence in knowing in what manner they are singing to us? The men in charge are in fact spoiling our songs. If a nation loses its standard of music if we lose ours—Eastern and Indian music—what is to happen? We have preserved it from times of yore and even during the time of the Muhammadan rule in this country we had great court singers. But now the artist has gone under. It is the clerk who has gone up and the artist has been laid low. There is no artist in the whole Department. Will you be surprised, Madam, to know that there is not a single artist in the whole Radio Department? Artists are not

government servants. They are borrowed and hired on daily or monthly wages, and it is the hired music which we are giving to the nation. How can art thrive? I am opposed to the whole set up of the Radio Department and its organisation. Because even in a daily paper or other press agencies it is the editorial staff which is supreme in the matter of policy. But here it is not so. In the Broadcasting it is the clerk who is supreme. It is the man who manages the secretariat who is supreme, and art has no place. Who gives the ideas is the under-dog. You want artists to be paid Rs. 50 or Rs. 60 a month on a contract basis from year to year. In artists I include all journalists, story writers, singers, dancers, actors, etc. But a clerk who goes there raw from the college, because he is a first divisioner in something which the British thought proper for him to be trained in, gets the job of a Programme Assistant or something like that. And he calls the tune to be sung and dictates how it is to be sung, though he has never sung a song in his life. This is the music that comes from the radio. His taste is gaudy and vulgar. How can one who does not know music know what is the high standard of music? It is these clerks who direct our artists. And they are also paid higher pays. Art will go down in Swaraj if it is not revived and encouraged. Surely this is not the way to encourage art. Artists have no place here; even journalists are not there in control. They are also under-dogs. Look at the content of and the manner in which the songs are sung over the radio. I have taken one instance. This is what my honourable friend Mr. Munshi will be pleased to hear in this old age—it is colourful.

बहार आई रे कोयल कूक उठी दिल में हूक उठी

बहार . . . ॥ १ ॥

गोरे गोरे गाल मोरे, गालों पे लालियां,

नैन काजर वाले, मदिरा की प्यालियां,

जोबन वालियां, हो मतवालियां गाये हूक उठी

बहार . . . ॥ २ ॥

आजा तोहूँ जोबनवा की सैर करा दूँ, नैना के बीच तोहूँ बंगला बना दूँ

रंगविरंगी दुनियां दिखला दूँ आजा हूक उठी

बहार . . . ॥ ३ ॥

Shri K. M. Munshi: What is wrong with it? It is quite all right.

Shri Mahavir Tyagi: It may be all right for my friend (his cheeks are red; mine are brown; I resent colour. It is obscene. You will find hundreds of letters being received in the Radio Office from parents of small children who have protested against the sort of songs which they could not tolerate in the company of their daughters and sisters. The artists must be put together and they must have the upper hand and not the clerks. Let them be free to express and develop their genius. Creative art requires freedom. From the Director General down to the lowest clerk it is the clerk who is having the upper hand. There is not one among the bosses who is a dancer or a singer or who knows music. There is none even a journalist.

Shri K. M. Munshi: What about the Minister?

Shri Mahavir Tyagi: The Minister is a Minister and he ministers. I am sure he knows more about dancing than his Director-General.

As regards expenditure, the capital outlay sanctioned at present is 96 lakhs. I oppose this expenditure. I think no more expansion of the Department is necessary now. The present size is enough for us. On account of the financial stringency I am opposed to any further expansion. It is enough if we improve our quality.

[Shri Mahavir Tyagi]

The total expenditure of Broadcasting is 1,82,32,000 out of which only 32 lakhs is spent on artists; the rest goes to clerks and other managerial hands. There is one staff training unit which spends Rs. 1,70,000 per year. This has been newly opened. It is used for these first-divisioners who do not know the ABC of programmes. They will now be taught the tastes. I do not want to name, but the principal of this Staff Training Unit is one who knows some theory of Western Music, but he does not know Hindi, neither does he know Indian culture, nor Shastras, nor our music, nor our journalism; all the same he is a principle of the training unit. Then there are instructors in this unit. There is one—I do not want to name him—but he is the son of a Member of the Federal Public Service Commission, who was engaged previously on Rs. 50 but is now one of the Instructors.

Shri Ramnath Goenka: Madam, is he right in referring to individual cases?

Shri Mahavir Tyagi: No, Madam, I am only saying that the staff is not up to the requirements.

Shri Ramnath Goenka: But his reference to "the son of a Member of the Federal Public Service Commission" is hardly fair.

Shri Mahavir Tyagi: Do you mean to say I shall be bound by courtesies? You must face facts. The nation wants you to face the facts and face them squarely. If you can face them properly they must be expressed. Where else shall I go and express myself? This is the place where I can have my say and I must have my say.

Mr. Chairman: The honourable Member is requested not to refer to individuals.

Shri Mahavir Tyagi: Thank you, Madam, I will not refer to individuals and I withdraw that reference.

I must submit that the staff of the training unit has no talent of the nature of which you want them to have; therefore this unit must be scrapped; it is only newly created just to preserve and maintain a few friends who have been taken in without the consent of the Federal Public Service Commission. About 200 of them were taken in that manner and afterwards consent was canvassed. This is the manner in which the administration is being run.

Madam, in the days of Bokhari, in 1942, we had one Station Director, now there are two Station Directors. Then there was one Assistant Station Director, now we have three. I am speaking of Delhi alone. Then there was one Programme Executive, now we have five. There were four Programme Assistants now there are 16 each getting Rs. 400. Transmission Assistants we had none, now we have six. Programme Secretaries there were none, now there are eight. The artists who give performances are about 200. The biggest pay which is given to your arch-artist—I must name him. Thakur the remark being—complimentary. An artist who had given an exhibition to all artists who come here from abroad, he was enrolled with Mr. Bokhari at Rs. 50 a month! Mr. Bokhari is now the Director General of Radio Pakistan but the biggest artist, whom you have, is being controlled by clerks and he gets only Rs. 370 a month on contract basis! In this way the other artists generally get hardly Rs. 50, 60 or 70 a month. They are not Government servants. They are engaged on contract basis, they are hired; it is all hired art. This is the position in which the artists work, then how can they give their best? If you want me to laugh, you pay me four annas and ask me to laugh. How can I? Laughing is no such an easy thing. If I laugh it all artificial. So also these hired artists' music is all artificial. Emotions also must go in

waves with your broadcasts and these wooden people cannot do it unless they have the power to invent quality. The men responsible for the department have no creative genius.

Now about language; six Information Officers have been sent to U.P. The editor of a Hindi paper *The Bharat* wanted some information and addressed a letter to the Information Officer Lucknow. That letter was sent to Delhi to be translated because none of the men sent to U.P. could reply. That is the position. There is also a radio station in Lucknow. May I know how many of your staff people know Hindi? Men who do not know the local languages are posted to various provinces. In how many stations are there Directors who do not know the language of the Province? There are so many instances, but I will not burden the honourable Minister with all of them. I will give one instance of the ignorance of Hindustani. Lady Mountbatten was here—a respectable lady—and when she left India she broadcast a message, a very good message. She was very good to us all. She broadcast a message and it was translated into Hindi as follows:—

"Men apna adha badan yahin chore jati hun".

It means I am leaving half of my body behind. She must have said I am leaving half hearted or something like that, but in Hindi it was translated as I stated. This is the manner in which things are being translated. I submit an overhaul from top to bottom is the urgent necessity of this Department.

One complaint which is a standing complaint is that in the matter of giving advertisements, three-fourths of the paper-reading public in India, that is the Hindustani-knowing people, do not get these advertisements. They are mostly given in English papers and among them also in selected ones. The advertisements are from the Public Service Commission but people knowing Hindi have, it seems, no place there. Villagers are never informed that there is any post for a candidate. It is only a few people in towns who get information about advertisements. People and press are very much dissatisfied on this account.

Madam, I know the honourable Minister is not fully aware of what is really happening. This is the occasion when we will bring to his notice how we feel. I am sure he will do the needful. I congratulate him for the first part of his speech, but I am rather disappointed at the latter part in which he said he was grateful to his staff—he did not know what actually they were doing.

Shri Kusum Kant Jain (Madhya Bharat): I wish to draw the attention of the House, first of all, to the policy of the All-India Radio in establishing new broadcasting stations. From this report, I find that at present 14 stations are working in India and the Government of India intend to establish a few more pilot stations in India. I come from a States Union and I am disappointed to find that none of the pilot stations are going to be established in any of the States or States Unions. The House knows very well that after the independence of India, the differences of 'Indian India' and 'British India' are no more and gradually the word 'State' is, I think, going to be removed from the history of India. So, I would like to draw the attention of the honourable Minister for Information and Broadcasting to this fact: when he plans any scheme for establishing new radio stations, the Indian States and States Unions should in the future be treated in the same way as Provinces and they must be given preference. The Government perhaps is aware that so many States Unions have already requested the Ministry of Information and Broadcasting that a broadcasting station must be opened in their regions. I would cite the case of Madhya Bharat. Our Prime Minister, Pandit Liladhar Joshi, the other day requested the honourable Minister for Information and Broadcasting to open

[Shri Kusum Kant Jain]

even a pilot station in Madhya Bharat. I do not want to go into the details of the geographical position of Madhya Bharat. I would simply request the honourable Minister to see that Madhya Bharat is a place where a Broadcasting station must be established as early as possible. In the meanwhile, I would request the honourable Minister that during this interim period till a new broadcasting station is established, opportunities must be given to the people from such areas where there are no radio stations, to speak from the Delhi Radio station or somewhere near about. I am glad to know that last month, the honourable Prime Minister of Madhya Bharat was given a chance to speak on the All-India Radio at Delhi and I know that his talk was liked very much by those people who are interested in the recent constitutional developments in the Indian States, and specially in Madhya Bharat.

Then, I would like to draw the attention of this House and specially of the honourable Minister for Information and Broadcasting to the treatment which is being meted out to language journalists. During the British regime, the language journalists were always treated very badly; but when we are now living in an independent India, I do not see any reason why the language journalists should be given step motherly treatment. I have been told reliably that in the matter of accreditation, language journalists have to suffer much and that their cases are kept pending for a very long time. I would request the honourable Minister to see that during his regime no language journalist suffers like that.

I would like to give one more instance regarding the treatment that is given to the language journalists in respect of translations which are being sent to language newspapers daily. They are always out of date, because, I learn that there is not adequate staff in the Ministry of Information and Broadcasting to arrange simultaneously the release of English as well as language matters and when it reaches the correspondents of the papers concerned, it is always out of date. I would urge upon the Minister to make proper arrangements in that respect. As regards the photo publicity section, I do not know much, but I have a complaint about a paper *Nai Duniya* which is being published from Madhya Bharat Union. It is an accredited paper now. Since very long, the application of *Nai Duniya* is pending before the department up till now, it has not been taken on the mailing list.

As regards the Press Information Bureau, of which I have personal experience, that Bureau is not well equipped. I would like to draw the attention of the honourable Minister that the Bureau of the United States here at Queensway, or in Bombay are rather much better than the Press Room of the Information Department. Looking to the stature of our Government, and looking to the dignity of our Government, the Press Room must be quite up to date.

In respect of the advertisements also the language journalists suffer. Just now, our honourable Minister has given us some idea of advertisements released last year. But I reliably know that Indian language papers are not treated on a par with English papers in respect of advertisements and I am sorry to say that the agencies through which the Government of India release their advertisements, give a rough treatment to the language papers' representatives. I would therefore submit that the lion's share of the advertisements should be given to the language papers and specially Hindi papers should be given priority.

In respect of accommodation, I have been told that journalists have to suffer much in Delhi. When we think of building a diplomatic colony in Delhi, when we think of building so many other colonies, why not our Ministries think of building a Fleet Street in Delhi where our fellow journalists may live comfortably and do justice to their profession. It is not necessary to go into details, because our honourable Minister who is in charge of this department was once a journalist himself and I hope he will give priority to such schemes.

One other example of the treatment meted out to language journalists. Recently the Government of India sent an Inter-Dominion delegation to Karachi wherein only two representatives were selected, one from the *Hindustan Times* and the other from *Amrit Bazar Patrika*. Why was not a language journalist chosen to go to Karachi? The honourable Minister might say that it was the All-India Newspaper Editors Conference which selected the representatives. But, the honourable Minister might very well instruct the All-India Newspaper Editors' Conference that out of the two at least one must be a Hindi journalist or a Hindi editor. These are a few of the examples which I wanted to enumerate. I hope the honourable Minister will look into it so that next year, we need not complain about the difficulties of the language journalists.

I shall say one thing more regarding the Central News Organisation of the All India Radio. Just now, there was the Hyderabad question. We were all very anxious to know the result of the application of Hyderabad to the UNO. It was the BBC that gave us the news first; the All-India Radio then followed the suit. These are some of the points that I wanted to bring to the notice of the House.

आनरेबल श्री० आर० आर० दिवाकर : मैं हिन्दुस्तानी में बात करूंगा और मुझ से कहा गया है कि मैं हिन्दुस्तानी में अपना भाषण दूँ। अगर मैं हिन्दुस्तानी में भाषण दूंगा तो इस हाउस को भी फायदा होगा। २० मिनट तक भी बैठने की जरूरत नहीं होगी। मैं हिन्दी में अपना भाषण दे रहा हूँ तो कुछ लिमिटेशन हो सकेगा क्योंकि मैं इतनी साफ हिन्दी नहीं बोल सकता हूँ।

मैं आनरेबल मੈम्बरों को धन्यवाद देना चाहता हूँ कि मैं ने जिस स्परिट से सब बातों को लिया है और कहा है, उसी स्परिट से उन्होंने भी इन सब बातों को लिया है। उन्होंने जो सूचना दी है और बातें बतलाई हैं मैं ने उनको सब अच्छी तरह से सुन लिया है। जब तक मैं हूँ और जो मेरे डिपार्टमेंट के वर्कर्स हैं उनके सहकार से मैं जितना काम कर सकता हूँ उतना मैं काम करने की उम्मीद रखता हूँ। जैसा मैं आनरेबल मੈम्बरों का सहकार चाहता हूँ उसी तरह से मैं अपने विभाग-वालों से भी चाहता हूँ। इसलिये जैसा कि मेरे मित्र श्री० महावीर त्यागी ने कहा है उस दृष्टि से मैं उनके साथ बर्ताव नहीं कर सकता हूँ। वह तो बुरा बर्ताव है। मैं समझता हूँ असहकारी बर्ताव अच्छा नहीं होता और मैं इसको पसंद नहीं करता। मैं सहकारी बर्ताव चाहता हूँ। मैं किसी को लौटा देना नहीं चाहता।

[श्री आर० आर० दिवाकर]

मेरे मित्रों ने इस हाउस के सामने जो विचार रखे हैं उन में कोई कोई बातें कुछ गलतफहमी की वजह से कही गई हैं उन बातों पर ही ज्यादा गौर कर के दो बातों में यहां पर कहना चाहता हूं। यहां पर जितनी वृत्तियां हैं उन सब पर मैं बहस नहीं कर सकता हूं क्योंकि मैं समझता हूं कि रिप्लाय में आरग्यूमेंट के लिये बहुत कुछ गुंजाइश नहीं है। तो इस दृष्टि से मैं डिपार्टमेंटों की एक-एक बात लेकर जो मेरे मित्रों ने कही है उनके बारे में मोटी मोटी बातें बतलाने की कोशिश करूंगा। ए० आई० आर० के बारे में दो तीन बातें हमारे सामने आईं और परसनेल के बारे में कही गई। परसनेल के बारे में ठीक कहा गया है कि सु-संस्कृतता जिसको कि इंडियन-संस्कृति कहते हैं, उस क्वालीफिकेशन होने से वहां पर काम अच्छी तरह से चल सकता है। लेकिन हमें यह सोचना है कि इंडियन-संस्कृति भी एक ऐसी चीज है जिसके लिये हमको मापदण्ड चाहिये। जहां तक मैं जानता हूं इंडियन संस्कृति इतनी विशाल है, इतनी विस्तृत और गहरे पैमाने पर खड़ी हुई है कि वह किसी को बाहर नहीं भगा सकती है। हमें यह देखना है और सोचना है कि हमारी जो पौलिसी है, हमारा जो प्रोग्राम है वह ठीक तरह से हम जब तक चला सकते हैं और चलाने में कामयाब हो सकते हैं तब तक हम को जो उस में काम करते हैं उन का काम करने में सहकार मिल रहा है। हम किसी को संस्कृति का मानदण्ड लेकर जज करेंगे यह बहुत कठिन बात है। इसका अर्थ यह नहीं कि जो एन्टी इंडियन हैं, एन्टी नेशनल हैं उन के लिये ब्राडकास्ट में ही क्यों, मैं तो समझता हूं कि हिन्दुस्तान सरकार के किसी भी डिपार्टमेंट में उस के लिये जगह है ऐसा मैं नहीं मानता।

दूसरी बात ऐंवाइन्टमेंट के बारे में आती है। ऐंवाइन्टमेंट करने का जो तरीका है वह तरीका सब डिपार्टमेंटों के लिये एक सा ही है। मैं नहीं समझता कि खास कर इस डिपार्टमेंट और आल-इण्डिया रेडियो में कोई खास दूसरा तरीका है। इन डिपार्टमेंटों में कोई भिन्न तरीका ऐंवाइन्टमेंट करने का है, यह मैं नहीं मानता हूं। लेकिन हो सकता है कि कभी-कभी कोई-कोई बात ऐसी हुई हो कि आज ठीक तरह से नहीं चल रही है। मैं आप को इस बात का विश्वास दिलाता हूं कि मैं वहां पर हूं और जो मेरे डिपार्टमेंट के सेक्रेटरी वगैरह हैं वह जरूर इन कामों में मेरी मदद करेंगे कि कहीं भी कोई अयाय हुआ हो, कोई बात अन्डर-हैंड डीलिंग से की गई हो, कोई फेवरिज्म किया गया हो या किसी प्रकार का नेपौटिज्म किया गया हो तो उसको दूर करने के लिये, उसको हटाने के लिये मैं समझता हूं सब लोग मेरी सहायता करेंगे। इस बात के लिये मुझे पूरा विश्वास है।

तीसरी बात यह कही गई कि गीता और उपनिषद वगैरा जो कुछ हैं उनका प्रचार नहीं होता। जहां तक मुझे ख्याल है गीता का बहुत कुछ पाठ चलता है। हां, हो सकता है कि वह रोजमर्रा नहीं होता हो। लेकिन इस बारे में हमें यह भी सोचना चाहिये कि जहां तक हो वहां तक वह ब्रौडकास्ट नीति की दृष्टि से, संस्कृति की दृष्टि से ठीक हो और उस में एक रिलिजस कलर न आ जाय। रिलिजस कलर आ जाय तो बहुत कुछ दिक्कत पैदा हो जायगी। रिलिजन के लिये फिर एक तरह से कम्पीटीशन हो जाती है और उस में फिर टाइम देने की तकलीफ होती है। इस लिये जहां तक हो सकता है शुद्ध संस्कृति की दृष्टि से और नैतिक दृष्टि से जो कुछ कहा जा सकता है वह धार्मिक ग्रन्थों से क्यों न हो, मैं समझता हूं वह कहने के लिये अच्छी तरह से कोशिश हो सकती है। अगर इस नीति को सब लोग मान लें तो इसमें कोई दिक्कत नहीं हो सकती। अभी जो प्रोग्राम है वह तो टेस्ट लेने से मालूम हो सकता है। कोई कहते हैं कि उस में ज्यादा ऐन्टरटेनमेंट नहीं है। दूसरे कहेंगे कि उसमें क्लैसिकल-म्यूजिक नहीं है। तीसरे कहेंगे कि शब्द और भाषा सब कुछ है मगर ट्यून ठीक नहीं है। इस तरह की टीका-टिप्पणी हो सकती है। लेकिन यह सोचना चाहिये कि रेडियो तो रोज ८ घंटे, १० घंटे काम देता रहता है। साल भर में हम सिर्फ १० रुपया लाइसेंस फी दें और चाहें कि ८ घंटे और १० घंटे हमें जो होना वही चीज सुन लें। यह बात तो ठीक नहीं है। तो मैं समझता हूं कि मान लेना चाहिये कि दूसरों के लिये भी रेडियो में बहुत से प्रोग्राम होते हैं। कहीं अपने लिये प्रोग्राम नहीं होता तो दूसरों के लिये वह ऐन्टरटेनमेंट हो सकता है। अगर आप खुशी से उस को सुनना चाहते हैं तो अच्छा है लेकिन कोई मजबूरी नहीं है। मैं जब बम्बई गया था तो मुझ से कहा गया कि अब भी हिन्दुस्तानी में न्यूज रिले करते हैं तो वह हिन्दुस्तानी में नहीं होनी चाहिये। तो मैं ने कहा कि हिन्दी सुनें, हिन्दुस्तानी क्यों सुनते हो हिन्दुस्तानी म्यूजिक हिन्दुस्तानियों के लिये है और हिन्दी में जो कुछ होता है वह हिन्दी वालों के लिये है तो इस तरह से हम अभी भाषा के ऊपर आते हैं।

भाषा का जो सवाल है वह काफी जटिल है। वह यहां के मेम्बरान अच्छी तरह से जानते हैं। तो मुझे उस पर कुछ बहस करने की जरूरत नहीं है। मेरे दिल में तो यही है कि हिन्दुस्तान में एक ही राष्ट्र भाषा हो जिसको हम राष्ट्रीय भाषा कह सकें और हमारे यहां की जो और बारह पंद्रह भाषायें पड़ी हैं उनके साथ मिली जुली हो और संस्कृत से

[श्री आर० आर० दिवाकर]

जो कि हमारी मातृक भाषा है, उस से भी हम कुछ स्फूर्ति ले सकें। यह तो मैं एक नागरिक के तौर पर मानता हूँ और मैं इसका बिल्कुल समर्थन करता हूँ। लेकिन आज होता क्या है कि कांस्टीट्यूट असंबली जैसी हमारी कांस्टीट्यूशन बनाने वाली बाड़ी ने भी उस का अभी कुछ निश्चय नहीं किया। यह निश्चय नहीं होने से क्या हुआ है? आल इंडिया रेडियो जैसा एक गवर्नमेंट डिपार्टमेंट है उसके लिये इस विषय में कुछ नीति तय करने का बोझा अपने सिर पर लेना मैं समझता हूँ कुछ ठीक नहीं हो सकेगा। हाँ, हो सकता है कि आप कहें कि उन्होंने लीड क्यों नहीं ली। लीड लेने की बात नहीं है। आल इंडिया रेडियो हो या ब्राडकास्टिंग और इन्फ़ोरमेशन डिपार्टमेंट हो वह लीडरों से बनी हुई चीज़ नहीं है। लीड तो दूसरों को देनी है। जब लीड दी जायेगी, जब अच्छे अच्छे काम किये जावेंगे और अच्छे अच्छे ईवेंट्स होंगे। तब इन्फ़ोरमेशन देने की और ब्राडकास्ट करने की बात आती है। तो लीड देने का बोझा इस डिपार्टमेंट पर डालना मुझे अच्छा नहीं लगता और वह गवर्नमेंट को भी नहीं जंचेगा। तो इतना हो सकता है कि जो कुछ नीति एक बार बनी है उस नीति पर चलना चाहिये। और उस नीति में कुछ फ़र्क यहाँ तहाँ हो तो उसको रोकना, यह बात जरूर इन्फ़ोरमेशन और ब्राडकास्टिंग से हो सकती है। लेकिन लीड देने की बात बड़ी जिम्मेवारी की चीज़ है और खास करके जो चीज़ बहुत कंट्रोवर्शियल हो उसके बारे में लीड देना थोड़ी कठिनाई की बात है।

दूसरी बात डोक्यूमेंटरी फिल्म सेक्शन के बारे में आई है। यह सही है कि अगले वर्ष ३४ लाख रुपये उसके लिये सेक्शन हुये, लेकिन ऐसा नहीं समझना चाहिये कि वह ३४ लाख सब ख़लास हो गये और काम तो कुछ नहीं हुआ। ऐसी बात नहीं है। खास करके वह काम १९४८ के नवम्बर में शुरू हुआ। यह काम पहले क्यों नहीं हुआ इसके लिये कुछ ज़्यादा यहाँ बताने की ज़रूरत नहीं है। यह एडमिनिस्ट्रिटिव बात है, और एडवाइज़री कमेटी में इसके बारे में कुछ ज़्यादा बातचीत हो सकती है। लेकिन नवम्बर में वह काम शुरू हुआ और केवल ७ लाख रुपया खर्च हुआ है। परसोनल और एकोमोडेशन की जो बात है वह सब यूनिट इकट्ठा करने की इस में ज़रूरत होती है। हम ऐसा नहीं कह सकते हैं कि घर में किचन बना और एकदम आर्डर कर देने से हमारे टेबुल पर खाना आ गया। केवल किचन बन जाने से ऐसा नहीं हो सकता, किचन के साथ और दूसरी कई चीज़ें बनानी पड़ती हैं। उसी तरह इस डोक्यूमेंटरी

फ़िल्म में भी बहुत कुछ चीज़ें इकट्ठी होनी चाहियें। जब वह सब इकट्ठी होती है तब उससे काम निकलता है। इस डिपार्टमेंट में जितने काम करने वाले सहकारी हैं वह इस बात की कोशिश कर रहे हैं और उन को मालूम है कि यह काम जल्दी-जल्दी करना चाहिये। लेकिन कुछ डिफ़िकल्टीज़ आने से यह काम थोड़ा रुक गया था।

अब फ़िल्म्स के बारे में जो दो तीन बातें और हैं उन के लिये मैंने पहिले ही बता दिया है और वह रिपोर्ट में भी आ गया है। वह बातें हैं फ़िल्म इंडस्ट्री की इन्क्वायरी, सेंट्रल सेंसरशिप और रेस्ट्रिक्टेड लाइसेंसेज और चौथी बात थी एजुकेशनल फ़िल्म्स की। अभी जो डोक्यूमेंटरी फ़िल्म्स सेक्शन है वह दो बातें अपने सिर पर लिये है, एक न्यूज़ फ़िल्म्स और दूसरी डोक्यूमेंटरी फ़िल्म्स। यहाँ जो भिन्न-भिन्न मिनिस्ट्रियाँ हैं वह जो काम हमारे पास भेजती हैं वह काम हम लेते हैं और कर डालते हैं। अब खास करके एजुकेशनल फ़िल्म्स के ऊपर कुछ एम्फ़ेसिस दें यह बहुत कठिन है क्योंकि हमारे पास जो छः यूनिट्स हैं उन सिक्स यूनिट्स से ही हमें काम लेना पड़ता है : तो वह काम कुछ ढंग से लिया जाता है। कुछ यूनिट एक्सटरनल पब्लिसिटी के बारे में काम करती हैं और जो कुछ रहता है वह जो पंद्रह सोलह मिनिस्ट्रियाँ हैं उनका काम करता है। कुछ खास तौर पर कल्चरल काम भी रहता है जैसे टैम्पल्स के बारे में और स्कल्पर के बारे में। तो इस तरह वह सब काम करना होता है। लेकिन यदि एजुकेशन मिनिस्ट्री भी कुछ काम दे या हेल्थ मिनिस्ट्री भी कुछ काम दे तो वह भी ज़रूर होगा इसमें मुझे कोई शक नहीं है।

अब उसके डिस्ट्रीब्यूशन की भी बात आती है तो डिस्ट्रीब्यूशन कुछ अच्छी तरह से पहले नहीं चला क्योंकि डिस्ट्रीब्यूटर्स और डिस्ट्रीब्यूटिंग सेंटर्स हमारे तय नहीं हुये थे। जब वह काम पूरा होगा तब मैं समझता हूँ कि हिन्दुस्तान में जो आजकल २२०० सिनेमा थियेटर्स हैं उन सब थियेटरों में हमारी फ़िल्म जायेगी। आज हम सिनेमा थियेटरों को मजबूर करें कि तुम डोक्यूमेंटरी फ़िल्म दिखा दो तो वह कहां से हो सकता है। क्योंकि हमारे पास डोक्यूमेंटरी फ़िल्म इतनी नहीं है। उन को सब को भेजना मुश्किल है। हम उनको भेज नहीं सकते। जो फ़िल्म हैं वह हम भेज रहे हैं। बाहर के देशों में भी कुछ भेज रहे हैं। दस पंद्रह देशों को या कुछ ज़्यादा देशों को वह भेजी गई है और भी भेज रहे हैं। यह मसाला डाल कर यहाँ रखने के लिये तो बनी नहीं है। तो बात यह है कि जब हमारे यहाँ फ़िल्म्स ज़्यादा होंगी तब हम सबों को मजबूर कर सकते हैं और इसके लिये कुछ रेट्स, टाइम यह सब बातें भी प्रोविंशियल गवर्नमेंटों

[श्री आर० आर० दिवाकार]

के साथ और इंडस्ट्री के साथ बोलचाल करके तय करनी होती है। तो इस तरह यह काम चला है और मैं समझता हूँ कि आगे बढ़ कर यह अच्छी तरह से चलेगा। अभी इसमें एडवाइजरी कमेटी की भी बात आयी। हमने विचार किया है कि वह जो कहें वह करें, वह तो जरूर होगा ही लेकिन और डीप्यूटेंट्री फिल्म्स जितनी निकलेंगी उनके बारे में भी न केवल उनके प्रोजेक्ट लिये जायेंगे बल्कि जो कुछ प्रोग्राम होगा उस प्रोग्राम के बारे में भी जो कुछ सजेशन आवेंगे उन के अमल के बारे में जितना अमल कर सकते हैं उतना अमल इस डिपार्टमेंट से होगा, ऐसा मैं समझता हूँ।

ए०-आई० आर० न्यूज कारेस्पोंडेंट्स के बारे में जो कुछ कहा गया उसके बारे में काफी चर्चा हमारी एडवाइजरी कमेटी में हुई है। वहाँ यह बताया गया है कि जहाँ तक पी० टी० आई० से काम ले सकते हैं तो कुछ ऐसी जरूरी नहीं है कि दूसरे भी लोग हम ऐप्वाइन्ट करें ही। लेकिन चूँकि खास कुछ रिक्वायरमेंट्स हैं और वह रिक्वायरमेंट्स अभी पूरी नहीं होती तो दूसरी बातें करनी पड़ेंगी। अब न्यूज में आनरेबिल मिनिस्टर्स की स्पीचेस बहुत दी जाती हैं यह भी कुछ फ्रैंड्स ने बताया। यह हो सकता है। लेकिन इसके लिये केवल जो न्यूज देने वाले गवर्नमेंट की ओर से हैं वह ही जिम्मेवार हैं ऐसी बात नहीं है। मैं ने इसके बारे में कुछ सोचा है और कुछ आबजर्व भी किया है। वह यह है कि अभी हमारी गवर्नमेंट का जो फोटोग्राफिक यूनिट किसी फंक्शन में जाता है तो वहाँ दूसरे भी न्यूजपेपर वाले आठ दस आदमी रहते हैं। अब बात यह होती है कि जो वह दूसरे आठ दस आदमी रहते हैं वह भी वही काम करते हैं। वह प्राइम मिनिस्टर का या और किसी मिनिस्टर का कोई फोटो लेते हैं तो वह उन का फोटो न्यूज वेल्यु के लिये लेते हैं न कि केवल मिनिस्टर का फोटो है इस दृष्टि से। जो ऐसा समझते हैं वह भूल करते हैं।

केवल गवर्नमेंट की यूनिट ने वह फोटो लिया तो वह पाप है, ऐसा नहीं हो सकता। जो कुछ न्यूज वेल्यु या तो जजमेन्ट जो है, वहाँ जो ऐसे दूसरे आते हैं, न्यूजपेपर वाले, वह जो कुछ काम करते हैं, वह जिस दृष्टि से देखते हैं, उसी दृष्टि से हमारी यूनिट ने भी देखा तो उसमें कुछ पाप है, ऐसा समझना ठीक नहीं होगा। हाँ हमारे सब लोगों की यह राय हो कि मिनिस्टर्स का ब्लैकआउट करें, तो यह भी हो सकता है।

Pandit Balkrishna Sharma: Even the newspapers are partial. I do not think they will publish my or Shri Sidhva's speech but they will certainly publish Shri Diwakarji's speech.

आनरेबिल श्री आर० आर० दिवाकर: Because the readers want it. Ultimately we are the sinners.

अब नानू आफिशियल बोर्ड और ऐप्वान्टमेन्ट इस बारे में बहुत कहा गया है और बहुत सा तो हमने स्वीकार कर लिया है और एडवाइजरी बोर्ड में अभी बात चली है। तो इसके बारे में यहाँ बहस करना और एडमिनिस्ट्रेशन के बारे में वाद-विवाद करना यहाँ मुझे अच्छा नहीं लगता। फ़ेडरल पब्लिक सर्विस कमिशन और उनके ऐप्वान्टमेन्ट्स के बारे में मैं समझता हूँ कि उस पर यहाँ बहस करना कुछ ठीक नहीं है और अब टाईम भी नहीं है और उससे कुछ फ़ायदा भी नहीं होगा। और मेरा ख्याल है कि उसके बारे में हमारी स्टैंडिंग एडवाइजरी कमेटी जो है, वहाँ ही उसके संबंध में बात करें।

श्रीमान् गुंशी जी ने जो दो चार बातें कही हैं और उस में त्रिकवैटस तो काफी दिये हैं मुझको, लेकिन साथ ही साथ बुकेज भी दिये हैं। मैं उनको ज्यादा टाईम दे रहा हूँ सिर्फ इसलिये कि उन्होंने मेरी तारीफ़ की है, ऐसी बात नहीं है। बल्कि एक ऐक्सपीरियेन्सड और वेटरन लिटरेरी आर्टिस्ट होने के नाते उनकी बात काफी महत्व रखती है। जैसा उन्होंने कहा कि हम रेडियो के पास केवल धर्म सीखने और आत्मा को शांति देने के वास्ते नहीं जाते। मनोरंजन भी आवश्यक है। वह हमारे जीवन का एक अंग है। यह सही है।

अभी अहमदाबाद स्टेशन के लिये मैं समझता हूँ कि अप्रैल के बीच में बहुत कुछ इन्तजाम हो जायेगा। खास तौर से दिक्कत जो थी, वह वहाँ की विल्डिंग के लिये थी और उस के डिटेल्स के बारे में यहाँ और ज्यादा कहने की आवश्यकता नहीं है।

अभी त्यागी जी ने आर्टिस्ट्स और उनके राईट्स की बात कही और दो तीन बातें उन्होंने बड़े जोर के साथ कहीं। उनपर विचार करना है। उन्होंने ब्राडकास्ट एक्सटेन्शन के बारे में भी कहा है और वह भी हमारे ध्यान में रखना है। हमें आगे बढ़ना है, और केवल इतने मौजूदा ब्राडकास्टिंग स्टेशनों से काम नहीं चलेगा। यदि दुनिया में हमें आगे अपना कदम बढ़ाना है तो ब्राडकास्टिंग की उन्नति के बिना किसी क्षेत्र में भी हम आगे नहीं बढ़ सकेंगे। अब आर्टिस्ट और क्लर्क का कन्ट्रास्ट उन्होंने बतलाया है और आर्टिस्ट को ब्रेनट्रस्ट की जरूरत होती है ऐसा कहा है। उस का लिटरेरी ब्रेन होता है और उस के हाथ में सारा मैनेजमेन्ट दे दिया जाय, ऐसा भी कुछ सुझाव दिया है। यह कुछ हद तक सही है, लेकिन यह जरूरी नहीं है कि हमेशा स्टेशन डायरेक्टर एक आर्टिस्ट ही हो। यह मुमकिन है कि कोई शख्स आर्टिस्ट न होते हुए भी ठीक तरह से आर्गेनाइज कर सके। मैं खुद आर्टिस्ट नहीं हूँ, लेकिन आर्ट चीज क्या है और उस को कैसे बढ़ाया जाता है और उस को कैसे उत्तेजन दिया जाता है, यह मैं आर्टिस्ट न होते हुए भी थोड़ा बहुत समझ सकता हूँ। मैं इस बारे

1990 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [26TH MARCH 1949]

[श्री आर० आर० दिवाकर]

में कोई दावा नहीं करता और जो आर्टिस्ट मेम्बरान इस हाउस में मौजूद हैं, उन से मैं इस बारे में कम्पीट नहीं करता, लेकिन ताहम में आर्ट क्या है, यह थोड़ा थोड़ा जानता हूँ और इसको ठीक तरह से आर्गेनाइज कर सकता हूँ। मैं यह समझ सकता हूँ कि फ़लानी चीज़ बुरी है क्योंकि इस में आर्ट नहीं है और फ़लानी चीज़ अच्छी है, क्योंकि उस में आर्ट मौजूद है। सब से अच्छा तो यह हो सकता है कि आर्टिस्ट में आर्गेनाइज़र के भी गुण हों। दूध में शक्कर डालने से अच्छा ही होगा। उस को कौन बुरा कहेगा। अच्छा जो यह कहा गया कि किसी रेडियो स्टेशन से रिप्लाइ के लिए पत्र दिल्ली भेजा गया, उस में यह हो सकता है कि वहाँ के आफ़ीसर उसका रिप्लाइ देने को काम्पीटेंट नहीं थे।

जहाँ तक हिन्दी भाषा का प्रश्न है मैं समझता हूँ कि हिन्दी भाषा की अच्छी प्रगति होने की जो इच्छा रखते हैं उन को उस हिन्दी को सुनने को तैयार रहना चाहिये जो कि अहिन्दी लोग बोलते हैं। अगर ऐसा नहीं होगा तो हिन्दी अच्छी तरह नहीं बढ़ेगी। ऐसा कहने से काम नहीं चल सकता कि यह तो हिन्दी प्रोग्राम है, इसको आर्गेनाइज करने के लिए अहिन्दी आदमी क्यों रखा गया है। वह खुद हिन्दी अच्छी तरह से, व्याकरण के अनुसार शुद्ध हिन्दी, जैसी कि हमारे बालकृष्ण शर्मा जी बोलते हैं वैसी नहीं बोल सकेगा, लेकिन जैसी मैं टूटी फूटी बोल सकता हूँ वैसी बोल सकेगा। देखना यह है कि वह आर्गेनाइज अच्छी तरह कर सकता है या नहीं न कि उसकी मातृभाषा हिन्दी है या नहीं। यह देखना ठीक नहीं है।

अभी जैन साहब ने स्टेट्स के बारे में दो चार बातें कहीं। स्टेट्स मिनिस्ट्री का कुछ निश्चय हो जाय तब उस के बाद हम कुछ काम कर सकते हैं। हम यहाँ वहाँ थोड़ा थोड़ा पीसमील काम नहीं करना चाहते। हमें थोड़ा रुकना होगा।

उन्होंने फ़ोटो पबलिसिटी, एकोमोडेशन वगैरह छोटी छोटी बातों के बारे में कहा, लेकिन एक बड़ी बात लेंगेज प्रेस के बारे में कही। जैसा कि मैं ने अपने भाषण में कहा है, लेंगेज प्रेस का स्टैचर, उसका इन्फ़्लूएंस, बढ़ रहा है और मेरा दिल भी चाहता है कि उसको रिहैबिलिटेड किया जाय। वह तो स्वयं एक रिफ़्यूजी प्रोब्लेम् सा है। "They were foreigners in their own country, but fortunately now I think the time for complete rehabilitation has come." खुश किस्मती से यह भी हो रहा है और उन का स्थान भी बन रहा है।

Mr. Chairman: There is no quorum in the House, the bell will be rung.

The Honourable Shri R. R. Diwakar: So, shall I sit down?

Mr. Chairman: Just for a few minutes.

(The bell was rung and quorum obtained)

आनरेबिल श्री आर० आर० दिवाकर: तो मुझे कुछ ज्यादा कहना नहीं है। मैं ने आप को पहले ही कहा था कि मैं हिन्दी में बोलने लगूंगा तो मुझे कुछ ज्यादा समय लग जायगा। तो मैं अभी कह रहा था कि न्यूज़, फ़ोटो और एडवरटाइज़मेंट इन तीनों के बारे में जो कुछ न्याय्य हो वह करने की आवश्यकता भी है और उसकी कोशिश जरूर की जायेगी ऐसा मैं आप को कह सकता हूँ।

यह बातें कह कर, आप ने जो टीका टिप्पणियाँ कीं और जो सूचना दी उस के लिए फिर एक बार धन्यवाद देकर मैं अपना स्थान ग्रहण करता हूँ।

(English translation of the above speech.)

The Honourable Shri R. R. Diwakar (Minister of State for Information and Broadcasting): I will speak in Hindustani as I have been asked to deliver my speech in Hindustani. If I would deliver my speech in Hindustani then the House also will be benefited. It would not be necessary to sit for 20 minutes even. As I am delivering my speech in Hindustani there would be some limitations because I cannot speak Hindi fluently.

I wish to thank the honourable Members that they have also taken these things in the same spirit in which I have taken them and made references to them. I have heard very carefully whatever information they have given and the suggestions they have made. So long as I am here I with the co-operation of the workers of my department hope to do as much work as I can possibly do. As I desire to have the co-operation of the honourable Members of the House in the same way I seek the co-operation of the workers of my department. Therefore, I cannot treat them in the manner as has been suggested by my honourable friend Shri Mahavir Tyagi. That treatment is a bad one. I think that the non-co-operative attitude is not a proper one and I do not like it. I want the spirit of co-operation. I do not want to send back anyone.

The views that the honourable Members have put before the House contain some statements that have been made out of some misunderstanding. Mainly concentrating my observations only to those items that have been misunderstood I wish to say a few things here. I cannot discuss here all the points on which discussions have already taken place because I think there is not much scope for arguments in reply to these allegations. With this point of view I will try to give out the salient points taking into account one by one those departmental matters that have been referred to by my honourable friends. About the A.I.R. some two or three things came before us and they pertain to certain personnel of the department. About the personnel

[Shri R. R. Diwakar]

it has been rightly said that by prescribing a qualification of a good cultural background that is to say of Indian culture the work there can be carried on quite satisfactorily. But we have to think that even the Indian culture is such a thing for which we require a measuring rod. As far as I know the Indian culture is so vast and has been developed on such an extensive and deep foundation that it cannot drive out any body from its folds. We have to think and see that we can properly work out and can be successful in bringing into effect our policy and our programme only so long as we are getting in our work the co-operation of the people working in the department. It would be very difficult for us to judge anybody with the measuring rod of cultural achievement. It does not mean that such people who are anti-Indian have any place in the department of Broadcasting, or, I think, in any other department of the Government of India. I do not think so.

The second thing that arises is about the appointments. The method of making appointments is similar for all the departments. I do not think there is some other special method particularly for this department and the All-India Radio. I do not accept that for these departments there is some different method of making appointments. But it is just possible that ever and anon some such things may have happened that may not be working properly today. I assure you that I am there and I think the Secretaries and other persons of my department will surely help me to remove any injustice that might have been done in an underhand manner, and eliminate any case of favouritism or nepotism. I am fully confident of this thing.

The third point that has been put forth is that texts from Gita, Upanishads and other religious books are not broadcast. As far as I remember some broadcasts from Gita are made. But it is possible that this may not be done everyday. But in this connection we have to consider this point also that the broadcasts must be suitable from the cultural as well as political view-point so that they may not get any religious colour. If religious colour were to come in the broadcasts then many difficulties would crop up. As a result a sort of competition among the religions is set agoing and then arises the difficulty in apportioning time for them. Therefore, all that is possible from the cultural and moral point of view, be it from the religious books, can be broadcast. I think efforts can be made to broadcast that in a better manner. If every one were to accept this policy then there can be no difficulty. The programmes can be set after ascertaining the taste of the people. Some say that the programmes lack entertainment, some would say that they are wanting in classical music while some would say that voice and language are quite all right but the tune is not what it ought to have been. Such comments can be made. But this should be kept in mind that radio works from eight to ten hours per day. It is not proper for us to wish that for eight to ten hours per day we may go on hearing such thing as we like simply by paying rupees ten per year as licence fee. I think that you should acknowledge the fact that radio also caters for other people's tastes as well. A programme may not appeal to us but for others it can be a piece of entertainment. If you like to hear it with pleasure, so far so good, else there is no compulsion. When I had gone to Bombay there the people told me that the news are still relayed in Hindustani; they ought not to be relayed in Hindustani. There I asked them to hear Hindi and not Hindustani. The Hindustani music is meant for the Hindustani speaking people and whatever is broadcast in Hindi is for the Hindi speaking people. And so now we come to the question of language.

The question of language is an intricate one. The honourable Members here very well know this fact. Hence it is not necessary for me to discuss the question here. In my heart of hearts I desire that there should be only one national language in India, a language which we may call our national language, which may be in harmony to the numerous languages that are found in this country and for which we may be able to get some inspiration from Sanskrit as well, which is our parental language. As a loyal citizen I not only accept this view but fully support it. But what the position today is that our Constitution making body i.e. our Constituent Assembly has not yet arrived at any definite decision. What is the result of this indecision? I think it would not be proper for the All-India Radio, which is a Government Department, to take upon itself the responsibility of defining the policy. But no doubt this can be asked as to why the All-India Radio has not taken any initiative and lead in this matter. It is not a question of taking any lead or initiative. The All-India Radio or the Information and Broadcasting Departments cannot become leaders. The lead is to be given by others. When a proper lead will be given, when good works will be undertaken, when good events will come to pass, only then the question of giving information or broadcasting them arises. I do not think it proper to lay the burden of giving a lead upon the shoulders of this department and this will not appear good to the Government also. Therefore, only so much can be done that the policy that has already been laid down should be followed. Any deviation that might occur here and there in the policy can of course be checked through the departments of Information and Broadcasting. But the question of giving a lead is a matter of great responsibility, and it is particularly very difficult to give a lead in such a matter that might be very controversial.

The other thing has been said about the Documentary Film Section. It is a fact that 34 lakhs of rupees were sanctioned for this thing last year. But it must not be taken for granted that all those 34 lakhs of rupees have been spent and no work has been done. The things are not so. The work was actually begun in November 1948. It is not necessary to give here reasons as to why the work was not begun earlier. This is an administrative affair and this matter can be discussed in detail in the Advisory Committee. The work was begun in November and only seven lakhs of rupees have so far been spent. As far as the question of personnel and accommodation goes a grouping of all the units for this purpose is felt necessary. You cannot expect your meals to be served on the table at your order by simply constructing a kitchen. This thing cannot be achieved only by making a kitchen. Besides the kitchen several other things have got to be constructed. In the same way for these documentary films a number of things have to be collected. When all these things are gathered together only then the purpose can be served. All the personnel that are working in this department are trying for this and they know that they should do this work in the quickest possible manner. But due to the cropping up of some difficulties the work was somewhat impeded.

I have already explained the few other points that have been raised about Films, and the reply has also been included in the report. These points related to the enquiry of the film industry, the question of Central Censorship, restricted licences and Educational Films. The present Documentary Film Section has to bear two responsibilities, one of news films and the other of Documentary Films. We undertake and do all that work which is sent to us by the different Ministries. So it is quite difficult for us to give more emphasis on educational films only, because we have to take work from all those six units that we have. They are made to work on certain lines. One unit does

[Shri R. R. Diwakar]

the external publicity work and the rest cater to the needs of the 15-16 Ministries of the Government. Particularly some cultural work concerning temples and sculpture is also undertaken. So in this manner the work is to be done. But if the Education Ministry or the Health Ministry were to give some work then, I have not the least doubt, that also will be performed.

Now comes the question regarding the distribution of these films. The distribution work did not proceed satisfactorily in the beginning because our distributors and the distributing centres had not been settled. When this will be decided then I think our films will be exhibited in all the 2200 cinema theatres that are in our country. If today we were to force the cinema theatres to exhibit our films then how can the scheme work because we have not got so many documentary films with us. It is difficult to send films to all of them. We cannot send films to them. Whatever films we have we are sending. We are sending some films to the foreign countries as well. These films have been sent to some 10-15 or more foreign countries and we are sending more also. They have not been made in order to keep them here like pickles. Now the thing is that when we will have more films we can get them exhibited in Cinemas. The rates, time and other things have to be settled with the provincial Governments and the people in the film industry after lengthy discussions. In this way the work has been started and in future it will proceed satisfactorily. The name of the advisory committee has also been mentioned here. We have decided to act upon its suggestions. The suggestions will no doubt be followed. But as regards those documentary films that will be made not only its proposals will be invited but whatever suggestions will come forward about the future programme, I think we will try to give those suggestions, as far as it would be possible for this department, a practical shape.

The advisory committee has discussed in details all that has been said about the A.I.R. correspondents. It has been told there that for as much work we can take from the P.T.I. it is not even obligatory for us to appoint some other person. But as there are some particular requirements and when they are not met with then we will have to resort to other means. Some friends suggested that at present in the news broadcasts an undue bias is given to speeches delivered by the honourable Ministers. It may be so. But it is not at all proper to think that only the personnel of the Government News Department alone are responsible for this. I have thought over this problem a great deal and have made certain observations as well. I have observed at present if the photographic unit of our Government goes to some function then eight to ten photographers of the other news-papers also are found there. Now the thing is that those eight to ten persons also do the same work. If they take a photo of the honourable the Prime Minister or any other Ministers, then they do so for its news-value only and not merely with the view-point that it is a photo of some Minister. If somebody thinks so then he is mistaken. If only the Government unit takes that photograph then it is a sin. It cannot be so. It will not be proper to think that it is well nigh a sin if our unit also were to form judgment on the news-value of any thing as the news paper people do, or else our unit also were to see all those things from the view point of the newspaper men. But of course if all of us hold the opinion that a black out of the Ministers should be done then this can also be done.

Pandit Balkrishna Sharma (U.P.: General): Even the newspapers are partial I do not think they will publish my or Shri Sidhya's speech but they will certainly publish Shri Diwakar Ji's speech.

The Honourable Shri R. R. Diwakar: Because the readers want it. Ultimately we are the sinners. Now much has been said about non-official boards and appointments. Much of it I have accepted and as the matter has now come before the Advisory Board, so it does not look nice for me to discuss this point here or to raise a debate on the administration issue. I do not think it proper to discuss here at this stage the question of the Federal Public Service Commission and the appointments made by it. There is also no time and the discussion will be of no use. I think this matter may be discussed in our Standing Advisory Committee.

My honourable friend, Shri Munshi, has said a few things. Along with numerous brick-bats he has given me bouquets as well. It is not correct to think that I am devoting more attention to his speech because he has praised me. But being an experienced and veteran literary artist his opinion carries much weight. As he has said we do not hear radio simply to learn something about Dharma or to give peace and tranquility to our soul. It is also important to have some entertainment as well. It is true that entertainment is an important part of our life.

As regards the Ahmedabad station I think some arrangements would be made by the middle of April. The main difficulty there was that of some suitable building and so it is not necessary, to give more details here. Just now Shri Tyagi ji made a mention about the artists and their rights. On a few points he laid an extra emphasis. We have to consider over those points. He has said something about the extension of broadcasting and we have to keep that also in our minds. We have to progress and only so many broadcasting stations will not keep the work going. If we have to make progress in this world then without developing our broadcasting system we will not be able to make any progress in any sphere of action. He has drawn a contrast between an artist and a clerk and has said that the artists require some brain-trust. He has said that as the artists have literary brains, therefore, he has suggested that the management also be placed in their hands. This is correct to some extent but it is not essential that always an artist be appointed as Station Director. It is possible that some one without being an artist may be able to organise the department properly. I am not an artist, but without being an artist I, to some extent, can understand what art is, how it is promoted, and how it is stimulated. I do not lay a claim in this respect and I do not compete with the artist members of this House. But still I, to some extent, know what art is and can organise it properly. I can understand that a certain thing is bad as it does not contain any art and that thing is good because it is artistic. The best would be if the artists possessed the qualities of a good organiser as well. The milk will of course be sweetened by mixing sugar with it. Who would speak ill of it? It has been said that a letter was sent from some Radio station to Delhi station for a reply. Possibly the officers there were not competent to give a reply.

As far as the question of Hindi language goes I think that they, who desire on all round development of the Hindi language, must be prepared to hear that Hindi which the non-Hindi speaking people speak. If it would not be so then Hindi will not spread far and wide. Such allegations that this being a Hindi programme, why a non-Hindi knowing man has been appointed to organise it, will not work. He would not be able to speak good Hindi or grammatically correct Hindi as my honourable friend Pandit Balkrishna Sharma speaks, but he will be able to speak dis-connected Hindi as I can. We have to see whether he can organise the department efficiently or not. It is not proper to see whether his mother tongue is Hindi or not.

Just now Shri Jain said a few things about the States. When the States Ministry would come to any definite decision only then we can do some work. We do not want to do piece meal work here and there. We will have to wait.

[Shri R. R. Diwakar]

He made a mention of small things like photo-publicity, accommodation and other things, but he said some important things about the language press. As I have made a mention in my speech the stature and the influence of the language press is increasing and I also wish that it may be rehabilitated. But this problem itself is a refugee one. "They were foreigners in their own country, but fortunately now I think the time for complete rehabilitation has come." Rather fortunately this also is being done and their place is also being made.

Mr. Chairman: There is no quorum in the House, the bell will be rung.

The Honourable Shri R. R. Diwakar: So shall I sit down?

Mr. Chairman: Just for a few minutes.

(The bell was rung and quorum obtained)

The Honourable Shri R. R. Diwakar: I have not to say much. I had told you in the beginning that when I would begin to speak in Hindi then it would take more time. As I was just saying that it is also necessary to do whatever is proper and legitimate as regards photo, news and advertisement and efforts will surely be made. I can assure you on this point.

After saying so much and thanking you once more for the information given by you and for your criticism I beg to resume my seat.

ELECTION TO STANDING COMMITTEE FOR MINISTRY OF AGRICULTURE

Mr. Chairman: I have to inform the Assembly that upto 12 Noon on Thursday, the 24th March, 1949 the time fixed for receiving nominations for the Standing Committee for the Ministry of Agriculture, 11 nominations were received. Subsequently one member withdrew his candidature. As the number of remaining candidates is thus equal to the number of vacancies, I declare the following members to be duly elected: Shri Kishorimohan Tripathi, Shri Upendranath Barman, Babu Ramnarayan Singh, Ch. Ranbir Singh, Shri A. K. Menon, Dr. P. S. Deshmukh, Shri H. Siddaveerappa, Shri Satis Chandra Samanta, Mr. Mohd. Tahir, Shri C. Subramaniam.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Monday, the 28th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Monday, 28th March, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS (See Part I).

11-45 A.M.

ELECTION TO STANDING COMMITTEE FOR MINISTRY OF AGRICULTURE

The Honourable Shri Satyanarayan Sinha (Minister of State): I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, one member to serve on the Standing Committee to advise on subjects with which the Ministry of Agriculture is concerned, until the end of the next financial year *vice* Shri Satis Chandra Samanta resigned."

Mr. Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, one member to serve on the Standing Committee to advise on subjects with which the Ministry of Agriculture is concerned, until the end of the next financial year *vice* Shri Satis Chandra Samanta resigned."

The motion was adopted.

ELECTION TO STANDING COMMITTEE FOR MINISTRY OF COMMUNICATIONS

The Honourable Shri Satyanarayan Sinha (Minister of State): I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, one member to serve on the Standing Committee to advise on subjects with which the Ministry of Communications is concerned, until the end of the next financial year *vice* Shri U. Srinivasa Mallayya resigned."

Mr. Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, one member to serve on the Standing Committee to advise on subjects with which the Ministry of Communications is concerned, until the end of the next financial year *vice* Shri U. Srinivasa Mallayya resigned."

The motion was adopted.

Mr. Speaker: I have to inform the honourable Members that for the purpose of receiving nominations for the election of one member to each of the two Standing Committees for the Ministries of Agriculture and Communications, the Notice office will remain open upto 3 P.M. today and that the election, if necessary, will be held on Tuesday the 29th March, 1949. The election by means of the single transferable vote will be held in the Assistant Secretary's room (No. 21) in the Council House, between the hours 10-30 A.M. and 1 P.M.

ELECTIONS TO STANDING COMMITTEES FOR MINISTRIES OF INFORMATION AND BROADCASTING AND LABOUR

Mr. Speaker: I have also to inform the Assembly that upto the time fixed for receiving nominations for the Standing Committees for the Ministries of Information and Broadcasting and Labour, ten nominations in the case of the first and eleven nominations in the case of the second were received. Subsequently one Member in the case of the second withdrew his candidature. As the number of remaining candidates is thus equal to the number of vacancies in each of these committees, I declare the following Members to be duly elected:

I. Standing Committees for the Ministry of Information and Broadcasting.—Dr. H. C. Mookerjee, Shri Arun Chandra Guha, Shri Ram Nath Goenka, Shrimati G. Durgabai, Dr. Dharam Prakash, Shri Sri Narayan Mahtha, Pandit Balkrishna Sharma, Shri R. B. Vijaivergiya, Shri V. Ramiah, and Begum Aizaz Rasul.

II. Standing Committee for the Ministry of Labour.—Maulana Hasrat Mohani, Dr. H. C. Mookerjee, Shri Damoder Swarup Seth, Shri Nandkishore Das, Shri Gopikrishna Vijayavargiya, Shri Harihar Nath Shastri, Shri Khandubhai K. Desai, Shri V. C. Kesava Rao, Shri Gokulbhai Daulatram Bhatt, and Mr. Homi Mody.

DELHI HOTELS (CONTROL OF ACCOMMODATION) BILL.

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): Sir, I beg to move for leave to introduce a Bill to provide for the control of accommodation in certain hotels in the province of Delhi.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the control of accommodation in certain hotels in the province of Delhi."

The motion was adopted.

The Honourable Shri N. V. Gadgil: Sir, I introduce the Bill.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): Sir, I beg to move:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

This is a simple, short non-controversial measure. In the case of trials in certain cases of public servants for misconduct or misdemeanour, we have found that material witnesses were not in India. They were either in Pakistan or in some other country.

Pandit Hirday Nath Kunzru (U. P.: General): We are not able to hear.

The Honourable Sardar Vallabhbhai Patel: I am sorry. This Bill to amend the Criminal Procedure Code is a non-controversial, short simple measure. In the case of several trials of public servants, we found that material witnesses were not in India; they were either in Pakistan or in some States or outside either in England or in the Dominions, and it was impossible to bring home guilt to the accused in the trial in the absence of relevant material evidence in those cases. Therefore, we felt that the defect of the Act for the time being should be remedied by the promulgation of an Ordinance as there

(1998)

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

1999

was no other way to proceed with the trial of those cases. Therefore, an Ordinance was passed to make admissible the evidence of these witnesses recorded outside. That Ordinance now expires in May 1949, and as there is no provision authorising the courts in India to recognise this evidence, and in order to substitute the Ordinance by permanent legislation, we have brought this simple, short measure. Sir, I move that the Bill be taken into consideration.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

Srijut Kuladhar Chaliha (Assam: General): Sir, I do not want to make a speech, but I do want to understand a little. There is a provision in sub-clause (2) of clause 2 that when a witness resides in a tribal area, the commission may be issued to an officer exercising the powers of a District Magistrate, and in (4) we find that where the commission is issued to an officer exercising the powers of a District Magistrate in a tribal area, he may delegate his powers and duties to any officer subordinate to him. There is nothing very difficult there, but our difficulty is this, that when a witness is examined, in a tribal area, we do not get any defence lawyer to go there and permits are not allowed, and when one is examined in a far away place like Naga Hills or Kohima, no defence lawyers are available, and permits are not allowed by the District executive for anybody to go there. Therefore executive instructions may be issued by the Home Ministry that in every case where a witness is examined in a tribal area where there is no defence lawyer available, permits should be allowed to defence lawyers to go there and cross-examine witnesses. Otherwise, great injustice will be done, because the evidence will be one-sided. There is always some difficulty for defence lawyer to go there. Therefore, in such case, as a matter of course permits should be allowed. I would therefore request the honourable Minister to see that executive instructions are issued to officers who are to execute these commissions; otherwise, great injustice will be done to accused who are charged with criminal breach and other offences. I think this aspect of the question should be taken note of.

The Honourable Sardar Vallabhbhai Patel: The point raised by the honourable Member will be taken into consideration.

Mr. Speaker: The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

The motion was adopted.

Mr. Speaker: We will now proceed clause by clause. There is one amendment to clause 1. So I will put the other clauses together.

The question is:

"That clauses 2 to 6 stand part of the Bill".

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

The Honourable Sardar Vallabhbhai Patel: Sir, I beg to move:

"That in clause 1 of the Bill, for the brackets and word '(Amendment)', the brackets and words '(Second Amendment)' be substituted."

We have already passed one amendment in this House. So the word 'Second' may be substituted.

Mr. Speaker: The question is:

"That in clause 1 of the Bill, for the brackets and word '(Amendment)', the brackets and words '(Second Amendment)' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Mr. Speaker: The question is:

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

The Honourable Sardar Vallabhbhai Patel: Sir, I move:

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

Mr. Speaker: The question is:

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

The motion was adopted.

GOVERNOR-GENERAL'S SALARY (EXEMPTION FROM TAXATION) BILL

The Honourable Sardar Vallabhbhai Patel: Sir, I beg to move:

"That the Bill to provide for exempting the reduced salary of the Governor-General from taxes on income, be taken into consideration."

This is another Bill, which is also a very short one, which arose at the instance of the Governor-General. He wrote to Government about his salary, which till then was provided in the Schedule, according to which Rs. 2,50,000 were annually provided as salary for the Governor-General. He drew the attention of the Government. There was also some controversy going on in the public about it. Taking all these facts into consideration, Government came to the conclusion, considering all the relevant facts, that the Governor-General's salary should be fixed at Rs. 5,500 as suggested by him and that it should be free from any taxes. As it was found necessary and advisable to set at rest all these controversies, we passed an Ordinance and we now wish to substitute it by this piece of legislation. I hope there will be no controversy here also.

I move that the Bill be taken into consideration.

Mr. Speaker: Motion moved:

"That the Bill to provide for exempting the reduced salary of the Governor-General from taxes on income, be taken into consideration."

Shri H. V. Kamath (C. P. and Berar: General): Mr. Speaker, I should have been very happy, Sir, had a Bill of this nature been brought before this House soon after one of our revered leaders, Sriji Rajagopalachariar, took over or assumed charge of the high office of Governor-General of this country, of Free India, towards the end of June 1948. It would have had, then a

tremendous psychological effect which it may not evoke today. The honourable the Home Minister has remarked in his speech that there was a lot of controversy going on in the Press and among the public, and the Bill introduced now might give the impression that it was partly because of that controversy that this measure has been brought before the House. This could have been obviated had a Bill like this, where our highest dignitary of the State voluntarily foregoes a part of his former income, been brought before this House during the last Session that is in August, because in July there was no Session: and the whole nation would have appreciated and would have really hailed it as a Gandhian measure in tune with the spirit of 'handism' in which we have been brought up and for which we have suffered during the last thirty years or more. But, Sir, it was not to be. However, the Bill is before the House and we all welcome it with all our heart.

There are, however, Sir, one or two points mentioned in this Bill on which I would request the honourable the Home Minister to throw a little light. I was rather upset to read, even in this Bill which has been moved to-day, the second sentence of the objects and reasons of the Bill: namely,

"After a careful consideration of His Excellency's proposal, Government agree to accept it and further decide that having regard to the high office and dignity of the position of the head of the State the salary drawn at the reduced rate of Rs. 5,500 per annum should be free of taxes."

I do not know exactly what is at the back of the Minister's mind as regards the meaning of the sentence, but as worded here, it would mean that the dignity of our Governor-General would suffer, be it in ever so small a measure, if the salary drawn at this rate were not free of taxes. Is it the Government's contention that the salary of a high dignitary, if subject to income-tax, would detract from the dignity of the holder of that office? I think during the last Budget Session when the Bill for salaries of Ministers was introduced in this House, the point was raised, or perhaps on an earlier occasion, whether the Ministers' salaries would be subject to income-tax or not. There was some little dispute about that matter, but ultimately it was agreed that it was quite straight and honest to legislate and provide that the salaries of Ministers should be subject to income-tax as the salaries of everyone else in this land. That would introduce an element of equality in our present constitutional ethics, economics and political morality, which I think everybody is anxious to secure.

After all, Sir, when all is said and done, what is dignity? What is meant by the dignity of the State? Does it merely consist in the amount of salary or allowances that the head of the State actually draws, or is it supposed to consist in something else? To my mind, it consists, in the strength of the State—the political, economic, moral and spiritual strength of the State—and also the respect and the regard, the affection which it commands from the other nations of the world. If the yard-stick of dignity of the State were the salary of the head of the State, then I think on this earth today Stalin would be very undignified. I understand that during the pre-war years—I do not know the latest position—Stalin in Russia used to draw as his personal salary an amount equivalent to about Rs. 200 in our currency. We here are not concerned with the allowances of the Governor-General. We are anxious that he should get all the allowances possible—sumptuary allowances and all the allowances of his establishment. But this salary is a personal salary and my contention is that if it is sought to be sustained or supported on the plea of the dignity of the State, then certain difficulties will arise. Herr Hitler, in Germany, before his unfortunate end, drew, I understand, no salary whatever. Stalin drew a little salary but Herr Hitler drew no salary at all. He was provided with everything he wanted for his entire chancellery expenses. But as his personal salary, he drew not a single mark.

[Shri H. V. Kamath]

The Prime Minister in the last Session of the House in August, when a question was put to him in this connection, referred to this matter in these terms:

"The Governor-General is the head of the State, the representative of the State, and he has to keep up a certain dignity to provide for the guests who come, to hold big official entertainments and the like. Therefore, while it is desirable of course to reduce expenditure wherever possible, it is also desirable that the dignity of the State should not suffer."

I agree. Sir, so far as the items mentioned here, such as providing for 12 Noon guests, to hold entertainments, all these are comprised in the allowances that are so sumptuously allowed to the Governor-General in the list that was given at that time, namely,

Sumptuary allowance	Rs. 3,750 p.m.
Expenditure on contract allowance	Rs. 29,166 p.m.
State conveyance and maintenance of motor cars	Rs. 5,250 p.m.
Establishment	Rs. 50,500 p.m.

We do not want to reduce a single pie of these allowances if they are absolutely necessary. But to seek to justify a salary, however high or low it may be on the plea of dignity of the State, goes rather against the grain. It jars upon one's sense of values.

After all, the British regime fixed this high salary for the Governor-General not for the dignity of the State. We are entirely mistaken if the British Government fixed it only from that consideration—the dignity of the head of the State. But it was more from consideration of the pomp and panoply of Imperial power. They wanted to impress the populace, the common man, with this huge establishment—a man drawing Rs. 20,000 a month, whose salary is higher than the salary that any other dignitary in the world draws! That is the idea behind that fixation. But after the passing of the British rule, by the Grace of God and by the efforts of all of us, a new dispensation was ushered in and it was expected on all hands that in India a salutary change would be made. It has been made today and it is very welcome.

Here again I certainly do not approve of this little clause having been introduced here. It has been made income-tax-free, apparently because of the high office and the dignity of the office of the head of the State. Any other reason might have been given. Some other reason perhaps may be there as to why it has been made income-tax-free. But as it has been put here it conveys the unfortunate impression that to pay income-tax detracts from dignity. I suppose even you, Sir, as the Speaker of this supreme legislature, pay income-tax and I am sure nobody in this House will contend that thereby the dignity of the Chair has suffered in any way. Your salary has not been made income-tax-free. The Prime Minister pays income-tax, the Home Minister pays income-tax and we are all sure that their dignity has not suffered in any way by the payment of income-tax.

This has also by the way created an impression that though the figure of Rs. 5,500 as the agreed salary of the Governor-General appears reasonably low, it is not quite so straight. Some uncharitable and malicious critics have worked out the whole thing and tried to ascertain the figure of the salary, had it been subject to income-tax. This is very unfortunate. We do not want this thing to happen but certainly we cannot prevent malicious people from indulging in their favourite pastime. One of the papers in India went so far as to write editorially, on the front page, that all this is not quite

honest. They have worked out the figure and stated that Rs. 5,500 tax free actually amounts to Rs. 14,138/13/4 per month, subject to income-tax and supertax, according to the present rates. We do not certainly grudge giving even this much to the Governor-General, if our Government is of the opinion that he is in need of it. But the whole matter should have been presented to this House in a much more acceptable manner and the House, as I said, would have certainly welcomed it, had it come earlier. But today, as it has come, I would have wished that this matter of the dignity of the State had not been brought in, because to my mind dignity consists in quite other essentials, of the mind and of the soul.

We in India from time immemorial have glorified and held up to the world the sublime ideals of *Sanyasa* and *aparigraha* and we have taught to the world that this is the highest conception of the dignity of the human being. If in spite of this ideal of *Sanyasa* and *aparigraha* our own leaders tell us today that to maintain the dignity of the head of the state he is to be paid so much salary, and income-tax-free also, certainly it is a bit too hard to swallow.

The second point is that in the statement of objects and reasons it is stated in the first sentence thus:

"His Excellency the Governor-General had some months ago raised the question of an immediate reduction in his salary and proposed that it might be fixed at Rs. 5,500 a month, which is the salary of the President of the Union under the new Constitution."

I have got a copy of the Draft Constitution with me. I would only request the Home Minister to tell the House whether in conformity with what has been adopted in this measure brought before the House the Governors of the various provinces too would henceforth draw the salary that has been proposed for the Governors of States in the Draft Constitution. It stands to reason that if the Draft Constitution is taken as the basis for fixing the salary of the Governor-General, then certainly so far as Governors are concerned we might as well adopted the figure proposed for the Governors of the State in the Draft Constitution. It is fixed in the Draft Constitution at Rs. 4,500 per month for Governors. (An Honourable Member: "What are they getting now?") They are getting Rs. 6,000 and over.

As regards freedom from income-tax the second schedule to the Draft Constitution does not state whether the various salaries mentioned there—not only of the President, and of the Governors but also of the Prime Minister and other Ministers—will be income-tax-free or otherwise. But considering that today the Prime Minister's salary is subject to income-tax I think the same analogy would apply and must hold good in the case of the salary of the Governor-General, and Governors of States. I would like to know whether the higher salaries of the Governors are subject to income-tax or not. If they are subject to income-tax they will be less than the Governor-General's salary. But if a Governor drawing Rs. 6,000 does not pay income-tax, it will lead to the unfortunate anomaly of the Governor drawing a higher salary than the Governor-General. I do not mean of course that the dignity of the Governor-General would thereby suffer, because my conception of dignity is quite different.

There is another point in this connection. The Secretary of a Minister draws Rs. 4,000 and there are other officers drawing more than Rs. 4,000 who are subordinate to the Minister, who draws only Rs. 3,000 plus 500 sumptuary. Does that mean that the officer who draws 4,000 is higher in position and status than the Minister who draws only Rs. 3,000? As I have said, our Indian tradition, our culture, our genius, our philosophy are entirely different. Swami Vivekananda when he went to America, when he was penurious and

[Shri H. V. Kamath]

languishing in the streets, when he was almost starving to death, he was hailed as the most dignified representative of the Indian nation in the Parliament of Religions. Gandhiji when he went to England as the sole representative of India at the Round Table Conference, in his bhikshu's costume was acclaimed as the most dignified and revered representative at the Round Table Conference. Swami Dayananda Saraswati in our own country used to go about in the *kaupeena* and he was looked upon as one of the greatest personalities in the country. I therefore say that we must adhere to such a conception of dignity as is not regulated by the salary that an officer or dignitary draws.

It may be argued by some that the Members of this Assembly too should not draw such high allowances. Sir, I am in entire agreement with this view. In the event of its being decided that the Members of this House should draw a salary, the allowances must be reduced considerably, because it has been felt since we became a free country that Members of this House too as in Parliaments of all free countries of the world, must be given regular salaries. A good number of them have to maintain perhaps two establishments—one here and the other at home. (An Honourable Member: "Not all!") Not all of course,—and therefore it is necessary and desirable that Members too should be paid a regular, though not a high, salary, because dignity is not regulated by that consideration. They may be paid Rs. 600 or 700 and a nominal allowance of Rs. 10 or 15. That would be fair and to the satisfaction of all. Today there is a controversy and every time we see somebody writing in the papers that an M.C.A. draws an allowance of Rs. 45 and an unfortunate impression is conveyed. They forget that the Members draw it only for three or four months and the rest of the time when they do work in the constituencies they get nothing.

I would only refer to one more matter that has been mentioned in this Bill. In Clause 2 of the Bill which seeks to exempt the reduced salary of the Governor-General from Income-tax there are a few words in brackets, namely:

"in respect of the salary due to him (whether paid or not)"
and it is repeated in the end:

"and the salary so due (whether paid or not) shall not be included in his total income."

I suppose it is the usual legal phraseology. But I would like to know whether by this is meant that it is possible the Governor-General may not draw the salary. Because, it will be certainly completely in consonance with the traditions of the Gandhian philosophy which has again been the outcome of the highest Indian philosophy that even if the salary is sanctioned to the Governor-General he may elect not to draw it at all. Does it mean that or is it mere legal parlance?

I will only end by saying that the dignity of the head of the state must be maintained by all means and in all ways, but certainly not by these adventitious aids. I do not know whether we subscribe to the philosophy of the sophisticated cynic's maxim.

Sarve gunah kanchanamashrayante

I do not know whether that philosophy is applicable to us today. I do not personally accept that. That was the saying of a cynic, a satirist perhaps.

I have no doubt the honourable Home Minister who has guided and led us along the path of suffering and sacrifice during the last thirty years and more does not accept such a view of money as being conducive to or as a necessary adjunct of the dignity of an individual. It is high time we bade goodbye to such notions of dignity. Our philosophy, I am sure, supports the other ancient precept:

Keyurani na bhushayanti purusham hara na chandrajwala

na snanam na vilepanam na kusumam na lankrita murdhaja

Vanyeka samalankaroti purusham ya samskrita dharyate

Kshiyante khalu. bhushanni satatam vagbhusham bhusham

All these *bhushanas* or decorations of salary etc. will wither away but the varieties of the mind and spirit persist, and they are eternal. I hope that we in Free India will measure the dignity of our leaders, our Governor-General and ourselves, not by the money we possess, not by the salaries we draw, not by the allowances that are sanctioned to us but by the higher principles and ideals that have animated our *Rishis* and sages in the past, for which India has stood through the ages, and which India will preach to the world in the present and in the future.

Sir, I support the Bill.

Prof. K. T. Shah (Bihar: General): Mr. Speaker, Sir, I rise with some misgivings to oppose this Bill. I am afraid that there is a chance of being misunderstood when one raises one's voice in protest against proposals like the one now before this House. I hope it is unnecessary to make it clear that there is no trace of personal equation or feeling involved in this case. If, as I do, I oppose this Bill, it is exclusively on the ground of principle, which I think ought to be held sacred, ought never to be taken any exception to.

The three points of principle which I think are involved in this matter may be briefly stated as firstly the actual figure of the salary and its co-relation with the dignity of the state, the principle, secondly, of exempting it from Income-tax, and, thirdly, for not counting that income in the total taxable income derived from other sources by the Governor-General.

As regards the first I realise that the ideal of voluntary, free, gratuitous public service is dying out; and those of us who render such service—whatever satisfaction they may get in their own conscience—are only regarded as fools by those who do not appreciate, or cannot believe that people can for years render selfless honorary public service, doing the greatest labour of their lives. It is a great credit to the English people in their history that the bulk of the Government, until quite recent times, was conducted by honorary public servants, the so-called Justices of the Peace, who administered almost all the items of local government in that country from the fourteenth till the nineteenth century. Even those who came to govern the country from the capital, were until about forty years ago,—Members of Parliament, I mean,—were not paid: Their services were honorary, and they were not regarded as less dignified and important members of the community than those who received salaries from the public purse.

Even in more matter of fact or materialistic countries, like the United States, that ideal has remained, even in the present days, of rendering whatever service one can to the country which provided all the opportunities for leading a happy life, and the ideal is not dead. It is well known, for instance, that President Hoover, though he accepted the salary while he was in office for four years, on the first day of his retirement refunded to the public exchequer 300,000 dollars which he had received as salary while acting as President. The

[Prof K. T. Shah]

principle was that while he was an office-holder he received the salary, if only to show that he was amenable to public discipline and the rules of conduct imposed upon public servants of that eminence; and that, therefore, while occupying the post he received, the amount of salary, but took it, as it were, in trust, and refunded it when he ceased to be an office-holder, regarding the opportunity of service that he had during that period as his great and only reward.

There have been others too, and in a still more materialistic age, who do not consider the amount of salary they derive from public purse as their measure of dignity, or as their return for the services rendered.

We are living in a mercenary age; but even in this age there are people who regard the opportunity of serving one's fellow-men as by itself sufficient return, and not think their dignity compromised or affected because they happen to receive a salary not commensurate with the post they occupy. Mr. Kamath has given illustrations even in this country of officers drawing much higher salaries than their superiors, the Ministers. That, I am quite certain, does not in any way affect the dignity or position of the Ministers *vis-a-vis* their subordinates, the Secretaries, or others who may be drawing much higher salaries.

Salary is really, after a certain limit, no indication either of the quantity of the labour rendered or the quality of the work done, or the importance or dignity of the person holding a post, or of the post occupied. What it would amount to is just a recognition of the other principle that the labourer is worthy of his hire. In cases like this I think it is also a measure to see that the person concerned is liable to all those rules of service, of decorum and decency, which posts of that character convey. All through the war, for instance, I mean the last war, there were many—some of them the most important—public servants in the United States or in Britain, who rendered the highest service wholly free of charge, and were in fact known as "a-dollar-a-year-man". That is to say they received one dollar for all their services for one year. Lord Halifax, for instance, a previous Governor-General and Viceroy of this country, acted all through the War as Ambassador of the United Kingdom to the United States, taking not a penny in salary. His Private income may be anything, but it does not affect his taking a salary from the State. The point remains that there have been others on the other hand who have taken a salary in addition to whatever income they have. We have no dearth of people who, notwithstanding having crores upon crores, have no hesitation, not only in taking salary, but in defrauding the State of their income-tax and other receipts so that the size of the private income is no indication of the man's moral stature, or his outlook upon how to defraud the public instead of how to serve the public.

That, therefore, Sir, is no answer to the point I was making that the particular individual received or not received a salary because he has very high private income. To my mind the very existence of high private income is an offence against society. There should be no high private incomes, and there should be no room for such invidious discrimination as is made on the ground of the possession of the private income. The possession of private income is not an insurance against public rectitude; and therefore that, I hope, will not be an argument which will be used again.

A point that ought to be noticed in this connection is the relation between the salary of the head of the State, for instance, and the income of the average citizen. The average income in this country, even in these days of high

ices, cannot be more than Rs. 10 or 15 per month. It used to be much lower, it is perhaps three or four times as much today. - But even so I think it cannot exceed Rs. 14 or 15 per month. If the figures that Mr. Kamath gave the House just now, as some cynic or some critic having worked it out, suggested that this salary of the Governor-General if liable to income-tax would amount to Rs. 14,000 or 15,000 per month. Hence, Sir, that disparity between the income of the average citizen of Rs. 15 per month and the Governor-General's salary of Rs. 15,000 per month, is so vast that in any State claiming to have a society based on democracy, a society of equals, must call for adverse comments. I repeat that I do not believe in large private incomes of any kind. But I still less like this wide disparity between the average income of individuals in a given society, and the official income of the head of that society. For it induces a certain wide difference in outlook in the actual life led by those parties, so that those who receive such high salaries or large incomes live in a world entirely different from the world of their fellows. It was one of the complaints that we used to make against the foreign rulers in this country, that the average salary drawn by the foreign officials in those days was far in excess, and out of all proportion to the average income of an average citizen in India. The Governor-General, under the new Constitution does not cease to be a citizen. And hence this wide gulf between the average income of the individual in this country and the income allotted under this Bill to the Governor-General is to my mind a blemish in the society of equals that we propose to found under the new Constitution.

This brings me to my second principle, namely the objection to the exemption from income-tax which under this Bill is given to the Governor-General. It has been pointed out that the exemption to the Governor-General will amount to a difference almost twice as much in the salary had it been subject to the income-tax. To that extent it may be regarded as a loss or gain to the State according as you look upon this matter. But there is this point to be considered that whether Governor-General or President under the new Constitution as he would be called, he does not cease to be a citizen. And the invidious discrimination that is proposed in this Bill between the salary of one individual who happens to be the Governor-General for the time being, and of all the other citizens who have incomes within taxable limits, this invidious discrimination will be a blemish which we ought not to countenance. There are other heads of the State too in other parts of the world. The illustrations which my friend Mr. Kamath gave may not be very happy in this atmosphere wherein, after all, the size of income is some indication of the respect in which one's fellow-citizen is held.....

Shri H. V. Kamath: Is that a justification?

Prof. K. T. Shah: I am only speaking in terms of the atmosphere in which those illustrations were given, or the background. But that is not to say that I do not agree to those illustrations being quite opposite.

Shri H. V. Kamath: That is all right.

Prof. K. T. Shah: All I am saying is that they may not be palatable or acceptable or quite agreeable in those conditions to which I referred just now. But there are other considerations. There are more respectable heads of States—by respectable I mean of course as commonly understood—who do not enjoy the exemption of the kind which is now proposed to be given here. The President of the United States, if my memory does not fail me, now suffers from the present income-tax to such an extent that his official salary or his real income comes to perhaps one-third of the salary which he is nominally supposed to receive. From 75,000 dollars he hardly gets 24,000

[Prof. K. T. Shah]

dollars in his hand at the prevailing rate of taxes. But so far as I am aware there has been no attempt recently to bring up his income somehow to the higher figure, so that he can remain in the dignity and importance due to the first citizen of the country in the United States of America.

Even the King of England, though his Civil List may not be liable to income-tax, is not claiming any exemption from taxation for his other income from other investments and properties. That ought to be a much more apposite example than the other one I quoted just now, for the simple reason that no one knows what is the exact size of the income of King of England apart from his Civil List,—what he derives from his investments or properties may be known only to his manager or to his broker. It is a fact that he never claims any refund for any kind of taxes that he pays on the ground of the size of income including the Civil List or without it. And that, in spite of the fact that the King of England, while technically at any rate, is not only the Head of the State, but is the fountain source of all power. He is the person in whose name all taxes are levied and collected. Therefore he is the owner and proprietor in a sense in which I trust the Governor-General or the President of India will never be the owner and proprietor of this country, its lands and other things.

That makes it quite evident that a Bill like this has very little of either principle or precedent to commend itself. If the sole desire is that the Governor-General or the Head of the State in India should be enabled to maintain his position and carry on his duties in as much comfort and with as much amenities and facilities as might be necessary, by all means give him all those facilities separately. By all means provide him with accommodation free of charge, with other facilities and entertainment and conveyance allowances if you like, with martial bands and musical concerts, everything free of charge; give him seats free in your opera houses, seats free in your theatres, seats free in your picture palaces; let him go and attend any picture in any place that he wants free of charge. I think it would be right to provide all this from the public purse. But, the salary that you give him cannot be the measure, and must not be presented as a measure of the dignity and importance of the post. Therefore, whatever your other reasons may be for offering this figure, I think we should not correlate it in any way with anything that amounts to the disparity which I have mentioned above between the average income of an individual citizen and that of the Head of the State.

It should not involve the invidious discrimination that this exemption from taxation involves. And it should still further not be a privilege of the kind which is made out in the Bill, that is, exemption also from further taxation by not allowing the salary to be included in the total income, so that the rate may be high. Elsewhere, under the Income-tax law, even if any income is not charged to Income-tax, the amount is nevertheless taken into account so that the rate may be properly fixed. Here, you make a further exception, and that I think is utterly unwarranted.

I put forward these views, Sir, before this House not, as I started by saying, with no desire to suggest anything personal against the highly honoured occupant of the Governor-General's chair today, but only because I think that matters like this should not be allowed to go by mere silent voting, or by even an implication that all those who did not speak, supported or, at any rate, acquiesced in a matter like this. Sir, I oppose the Bill.

Babu Ramnarayan Singh (Bihar: General): Sir, it is after a great controversy in my mind and heart that I have decided to speak.

Sir, I felt that duty to the country must predominate over all considerations. What I am going to speak is not by way of opposition; I know opposition will be merely futile. I only wish to speak by way of an earnest appeal, by way of a respectful reminder to our great leaders, our comrades and to all Congressmen in this country.

In 1931, in the Congress at Karachi,—I remember you also might have been present, our great Sardar was present, I was also present—we decided that the highest salary in this country ought to be Rs. 500/-. Circumstances have changed. The other day the honourable the Finance Minister said that the value of Rs. 500/- in pre-war days is now equal to at least Rs. 2,000/-. I may agree to this. But, considering the situation and the financial conditions of our countrymen, we know that about 90 per cent. of the people of this country do not know what two meals a day are. Excepting the high salaried Government servants, some doctors and lawyers and some businessmen and traders, you will not find in the country one out of a lakh whose income is Rs. 500/- a month. The country is so very poor. The system which is in vogue now, everybody knows, was established by a foreign Government whose only object was to exploit the country, to rob the country. All public servants of the country ought to be maintained by the public, but in accordance with the standard of the common people of the country. In a country where the people are starving, high salaries, I am constrained to say, is rather a disgrace. I wish that all patriotic men ought to be in the service of the country and they must be maintained as I said before; but they must not be rich at the cost of the common people. They must be maintained; that is all. This monthly salary of Rs. 5,500 is already too much. I remind again all our leaders, all our comrades that dignity lies in obedience to our previous commitments and previous announcements and previous statements, and not in violation of them. If the Bill is passed, there will be some gain to His Excellency the Governor-General. But, according to our ancient heritage, dignity lies not in gain, but in sacrifice. Our Sardar, our Pandit Jawaharlal Nehru and many of our leaders are great men, certainly great men and we are proud of them. But, they are great not because they have any fortunes, but because they had once kicked all fortunes in the cause of freedom of the country. I shall appeal with all the emphasis at my command to the Sardar, and to all Congress men in this country that our Governmental system must be regulated according to our commitments given to the country at Karachi.

I am not going to say much. I feel some emotion in my heart, but I feel that my duty to the country demands that I should speak and I should appeal and appeal most earnestly that we must remember Karachi Congress, we must remember the salary fixed there and we must not be guided by what has been done by a robber Government in the past.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Mr. Speaker, Sir, this is a very delicate subject. I should, however confine myself to clarification of the real point in issue in this Bill. I would like to know what was the net amount received by the Governor-General on the present scale of salary, Rs. 2,50,000 per annum minus the amount of tax payable on account of this salary. That would depend on his other incomes. I would like to know what would be the net annual amount received by His Excellency on account of the salary less the income-tax. At present his salary is Rs. 2,50,000 and the present salary proposed is Rs. 66,000. So deducting this from his nominal salary, there is a net nominal saving to the State of Rs. 1,84,000. It would be important for us to know what was the amount of tax

[Mr. Naziruddin Ahmad]

by which this apparent saving would be reduced. In fact to pay any one a salary and to make it free from income-tax would be highly misleading. It would be perfectly straight-forward to give the Governor-General a pay of Rs. 10,000, 14,000 or 15,000 and make it subject to income-tax. There is no point in exempting any salary from income-tax. It would be introducing an anomaly in our income-tax system. I submit, therefore, that the House and the country would be entitled to know what would be the net difference between the present scale of salary with tax and the proposed scale of salary without tax and that would give us a measure of the exact amount of saving made by the State. So far as I understand, the Governor-General agreed to receive a pay of Rs. 5,000 and the proposal for exemption from income-tax, it appears, did not come from him. This proposal has come from the Ministry. But before agreeing to accepting the Bill, it would be proper for us to know what would be the net difference measured in rupees, annas and pies.

The Honourable Sardar Vallabhbhai Patel: Sir, I have heard the criticisms with great attention. While I fully appreciate the desire for fixing the salary of the Governor-General's post at the level which would be appropriate and in consonance with the conditions of our country, I must remind the House that we have in another capacity, meeting in the Constituent Assembly, considered this question and fixed the salary which we have fixed and which I placed before the House today. The consensus of opinion is the guide in these matters. In spite of the desire of some Members to bring down the salary, which they consider would be adequate, and looking to the conditions of our country, in a matter of this nature, I do not think we will be able to fix any amount which will not be open to criticism from any quarter. There can be no complete agreement on this question. I have heard with great interest the examples, quoted by some of the honourable friends, of Hitler or Sanyasi or a Sankaracharya; it is very interesting indeed; I do not know what property Hitler left when he died or what was his property when he was deposed. Whatever it was, I agree entirely that in this country sacrifice is respected more than riches, but in this country there never have been sanyasis as heads of the State. Heads of States have bowed their heads before a Sanyasi and therefore, sanyasis have got away from the glamour of office or responsibility. Two things are entirely different. Now it has been suggested that it would have been straightforward.....

Shri H. V. Kamath: My point was not about the Sanyasi as such, but the relation between dignity and salary, that is all.

The Honourable Sardar Vallabhbhai Patel: I have understood your point and, therefore, I thought that you also understood my point.

Shri H. V. Kamath: I have.

The Honourable Sardar Vallabhbhai Patel: The dignity of the State in the present set-up is a different thing from the dignity which the sacrifice in this country carries with it. Perhaps, the House is aware of my own feelings in this matter that if we have to change the whole set-up, which we have inherited only recently, if we have to make a change and to fit in with the ideals which were put in in the Congress Resolution in Karachi or with the oft-quoted ideals which are known as the Gandhian Ideal, then what I would suggest is that we should not live in this place, but go some other place and build a capital which is in consonance with the conditions of our life. If I have to go to the Government House, I must go from one end to the other to find out a room it is such a long and huge thing that the walls of the House frightens me and when I get an invitation to

go there I get shivers because I do not like to look at the place; yet we are not contemplating a change overnight. If I could succeed in persuading my colleagues and the House, I would certainly like to leave this place and go somewhere else, because the whole set-up in such that in spite of our efforts to come down to the level of our conditions, we find it impossible to do so. I would like to go as far as possible to meet with the wishes of even a single individual of this House in fixing the salary of the highest office in our country because that will set a standard and the standard if we have to bring down to the level, will have to be changed all round for that we must go into entirely different surroundings. I agree that it may be possible for some individuals to draw less salary, but looking to the totality of circumstances, placed as we are today, in the set up in which are working, we came to the conclusion after considering all the facts that this salary we think is adequate for the present.

After all, the Governor-General's salary is not a permanent thing. We can reduce it at any time we like. But, in the present conditions and under the present circumstances, we think that this is the proper thing to do. I resent any suggestion that there is anything underhand in saying that the Governor-General's salary shall be free from income-tax. If it was so, it would not have been brought before the House in this manner. The honourable Member can much better calculate the income-tax deductions than any Member in this House and yet he asks, what would be the salary if the income-tax is deducted. He knows it. A member who is very punctilious about commas and semi-colons and other things knows this. But he wants a serious thing, to be reduced to a joke. This is a serious matter. To fix the Governor-General's salary is a very heavy responsibility. It is not an individual's case at all. We are not discussing the case of the present incumbent or anybody. We are discussing what, under the present circumstances, we all think should be the salary and emoluments of the Head of the State at present. Well, we have officers here drawing a certain salary. You know the highest salary an officer draws. You know the salary of a Governor and his allowances. I have had complaints from some of the Governors that the allowances they get are all exhausted and that they are not able to meet the charges for which such allowances are meant. I am telling them that in India few people are able to make up their budgets and that they must try hard to see what they can do in the matter.

In this particular case I wish to say this that we can only fix the salary according to the consensus of opinion in the House, and taking the consensus of opinion in the Constituent Assembly we are fixing the salary of the permanent incumbent.....

Shri H. V. Kamath: That has not been fixed as yet.

The Honourable Sardar Vallabhbhai Patel: The honourable Member was absent on that day. I am referring to Draft Constitution.

Shri H. V. Kamath: The Schedule has not been adopted.

The Honourable Sardar Vallabhbhai Patel: The honourable Member may take it from me that that Schedule is going to be adopted.

Shri H. V. Kamath: That is a different matter.

The Honourable Sardar Vallabhbhai Patel: Therefore, as I was saying, the consensus of opinion is in favour of the proposals made. Of course individuals may differ. But I may say this: Nobody, not even the present incumbent would like to draw more. We have often quoted Gandhiji's ideal in this respect. Our Governor-General knows as much as anybody else what he should do.

[Sardar Vallabhbhai Patel]

I do not wish to prolong this debate. I appeal to the House to accept the proposal that has been made in this Bill by the Government.

Shri H. V. Kamath: May I know whether the Governors' salaries are tax-free?

Mr. Speaker: The honourable Member will find it in the Schedule.

The question is:

"That the Bill to provide for exempting the reduced salary of the Governor-General from taxes on income, be taken into consideration."

The motion was adopted.

Mr. Speaker: I find that there are no amendments. So I shall put the clauses one by one.

The question is:-

"That clauses 1 to 3 stand part of the Bill."

The motion was adopted.

Clauses 1 to 3 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sardar Vallabhbhai Patel: I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

Mr. Speaker: Though it is time for us to adjourn for Lunch, we will dispose of the other Bill also before we adjourn.

CRIMINAL LAW (REMOVAL OF RACIAL DISCRIMINATIONS) BILL

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): I move:

"That the Bill to provide for the removal of certain existing discriminations in favour of Europeans and Americans in the criminal law of the Provinces of India, be taken into consideration."

Sir, this also is a non-controversial measure. The House is aware of the past history of these provisions in our criminal law. These were distinct and permanent proofs of our subjection to foreign rule. Now that the country is free these proofs of racial discrimination against which there has been a good deal of agitation and resentment must disappear from the Statute Book.

The House is aware that a Bill of this nature was brought forward by a non-official Member of this House. Its scope was restricted to the Criminal law only. On that occasion I had promised this wider measure to remove racial discrimination from all existing laws. This Bill seeks to amend the Code of Criminal Procedure, the Indian Extradition Act and the Limitation Act, all of which contain discriminatory provisions. We seek to omit 'penal servitude', because we feel that there is no reason why Europeans and

Americans should have a different treatment from that of children of the soil. Before the law everybody must be equal without distinction of caste, creed or religion or anything of the kind. All people are equal before law and the court of law. And all laws must be equally applicable to all. The law is no respecter of persons. Therefore I move that the Bill be taken into consideration.

Mr. Speaker: The question is:

"That the Bill to provide for the removal of certain existing racial discriminations in favour of Europeans and Americans in the criminal law of the Provinces of India, be taken into consideration."

The motion was adopted.

Mr. Speaker: As there are no amendments I shall put all the clause 1 to 7 together.

The question is:

"That clauses 1 to 7 stand part of the Bill."

The motion was adopted.

Clauses 1 to 7 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sardar Vallabhbhai Patel: I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

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

*The Assembly re-assembled after Lunch at Half Past Two of the Clock.
Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.*

MOTION RE REPORT OF INDIAN RAILWAY ENQUIRY COMMITTEE

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport): Mr. Speaker, Sir, I beg to move:

"That the Report of the Indian Railway Enquiry Committee be taken into consideration."

In doing so, I propose to give myself only a few minutes by way of introducing this subject to the House. Originally, it was intended that the whole of today with the exception of the Question Hour would be available for discussion of this Report, but, as matters have developed, we have only this afternoon to deal with this matter. The Report is a fairly sumptuous document. It does not make, if I may say so, any startling pronouncements, nor does it make any very revolutionary recommendations. It is the result of patient and painstaking investigation of facts with regard to the working of Railways.

As honourable Members will have noticed, the terms of reference to this Committee were rather of a very wide and very indefinite character. They seemed to concentrate on asking the Committee to make proposals for improving the net earnings of Railways, and economies and improvements in efficiency were contemplated only with a view to produce this result, namely,

[Shri N. Gopalaswami Ayyangar]

improvement of the net earnings of Railways. Of economies of a concrete character which might be translated by Government immediately into practice, you will probably not find much recommended in the course of this Report. But the Committee has brought out a number of points and made a series of recommendations which, if worked out in concrete detail and implemented in practice, might produce economies in expenditure, what is more, greater efficiency in operation and thus tend to the result of increasing the net earnings of Railways.

Well, Sir, I wish to repeat at the outset of my remarks my acknowledgement of the services rendered by this Committee in undertaking this investigation. The Committee was presided over by my honourable friend Pandit Kunzru and, if I may say so, the whole tenor, the temper and even in some cases the language of this Report bear the impress of his personality. Let me add, that I am particularly anxious to acknowledge this, because of one fact, that he learnt the art of dealing with public affairs of this description at the feet of a master of statistical analysis and economic judgement who made a great name in the India of his day. There are many things which in my life have happened not exactly in accordance with my wishes, but one of my major regrets is that when forty five years ago an opportunity presented itself to me of learning at the feet of the same master, a number of circumstances conspired to deny me the advantage of accepting that invitation. That is one of my major regrets, I see the characteristics of what he laid down for himself in the investigation of public affairs are writ large in this report. There is a certain restraint and a sense of responsibility in the contents of this report. There is, if I may say so, an anxiety to acknowledge good work done, even efforts made at improvement, attempts made to conquer odds and obstacles in the way. There is also the tendency to state things clearly, emphatically and firmly where the consensus of acts compel such statement either of a judgement or of an opinion or the making of a recommendation. We see it all through this Report.

Now, in judging or in trying to study this Report, we have got to take all this into consideration. I want to tell the House at once that today the House is not engaged in trying to pick holes in the administration of any particular Ministry. It is rather engaged in the more serious study of the problems relating to Railway administrations in general, the facts relating to that Administration, not with reference to any particular Ministry, but with reference to the Administration as a whole, and what is necessary for improving that Administration and bringing it up to a standard which would stand comparison with Railway administrations in the rest of the world. That, I take it, will be the chief objective which the debate that will follow, will have before it.

Now, Sir, it would be difficult for me, and I do not think the House will expect me, to take it through the whole of this Report in anything like detail. This Report is based upon facts which were ascertained during the years 1946 and 1947 and part of 1948 and it so happened that, as I presented the Railway Budget some time ago, I brought certain of the facts up to date and gave the House an account of what had happened during practically the first ten or eleven months of 1948-49.

I do not wish to repeat anything that I said in the course of my budget speech. Honourable Members would have noticed that that speech was not to a small extent influenced by several of the recommendations which are contained in this report.

There might be a temptation again for honourable Members of the House to get back to the usual topics which they speak on during any debate on the Railways; the class III passengers, the classification of accommodation, corruption, railway priorities, and the like. But I hope today honourable Members will concentrate on some of the more important problems, such as the financial position of the Railways, the question of the regrouping of Railways in the country, the question of what would be the proper central set-up for running this railway administration at an efficient level, and things of that kind.

With regard to some of these points, I have already indicated the views of Government. In the first place, I have said that the question of regrouping of Railways and the reorganization of the central set-up are problems which bristle with difficulties, require some very careful study before Government can arrive at conclusion, and that study is going on and I am looking forward to this debate for some honourable Members to throw out bright ideas which I shall be able to adopt and implement in the course of that study and before I reach final conclusions.

Now the main recommendations of the Committee have been summed up under 175 heads, as honourable Members would have noticed. Some of these so-called recommendations are only mere conclusions or findings. A certain number of others are matters on which individual railway administrations have to take action and they have all been remitted to railway administrations for taking such action, and in order to see that that action is taken promptly, we have called for a consolidated report from each railway administration to be submitted to the Railway Board somewhere about the beginning of July next. But we have not stopped there. We have also had before us the necessity of securing both promptitude and uniformity in the action that individual railway administrations should take in respect of these matters and recently orders have been issued that when action is taken by a railway administration it should immediately be communicated to the Railway Board so that the Railway Board may be in a position to judge for itself whether that action is correct or that that action is one which could be followed on every other railway, and whether it is necessary to require a particular administration to modify or readjust the action that it has taken.

Apart from these two categories, there are about 97 of the items involving 132 individual recommendations which have to be dealt with by the Railway Board itself and the Government. Of these, the House will be interested to learn that 54 have been already under the consideration of the Railway Board and the Government, and orders have been passed in a number of those cases. About 38 have reached a stage when they could be submitted for orders and these orders will be passed in the course of the next few days. There will be about 78 remaining which will have to be examined and put up for consideration by the Government. The procedure that we have followed in this connection is that we have an officer on special duty in the Railway Board for the purpose of dealing with this report. He is exclusively confined to this work. It is his business to see that every one of these recommendations is examined in the proper way and is submitted for the orders of Government. Now our idea is that we place these orders in batches at the disposal of the public and Government, and I welcome this early opportunity of the House meeting for the purpose of considering some of these recommendations, so that we may have the benefit of such views as honourable Members may give expression to.

[Shri N. Gopalaswami Ayyangar]

There is one chapter in the report—Chapter 2 I believe—which sums up the results of the working of Railways in this country. It gives a list of the items in respect of which there has been demonstrable deterioration. It has also listed a few items where there has been some improvement. Now in appraising the value to be attached to this particular chapter, I would ask honourable Members to remember that these comparisons are based upon facts which cover practically the whole of the period covered by the war, the partition, and the after-math of the partition. I do not think the Committee intended, and I do not want the House to get away with the idea, that this gives us any final picture of what our Railways are like even at the present moment. Since these things were said in the report there has been improvement in several particulars and I should also like the House to remember that India is by no means alone in regard to the deterioration which you notice in the working of Railways.

Take one point: the question about the operation ratio which is not I believe specifically referred to in that particular chapter. I have had a few figures collected about how our own operation ratio compares with the operation ratio of the Railways in several other countries. I have here a statement which shows that in the year 1947-48 the operation ratio for Indian Railways was 76.2. If we included depreciation it was 82.50.

Compare it with Railways in other countries. The following are the ratios relating to some of the countries:

The Canadian National Railways.	90.63
The South African Railways	76.06
Western Australia Railways	109.84
South Australian Railways	107

There are other figures also. On the Canadian Pacific Railway, which I believe is a company-managed railway, the ratio is 87.38. On the U. S. A. Railways, Class I, the ratio is 78.27. If you compare these figures in a broad way there is nothing in respect of which we need feel particularly disappointed.

With regard to other matters also, such as over-crowding, arrears of repairs or renewals, a phenomenal increase in gross earnings and expenses, difficulties in importing capital goods for rehabilitation, difficulties experienced with regard to foreign exchange for these purposes—these are all factors which I find are very common all over the world and not peculiar to India. In fact, improvement and rehabilitation in other countries also are going on at a slow pace and in some cases at a much slower pace than we are going at, because of these factors which are prevalent all over the world.

With regard to power, our locomotives, our coaches, our wagons, I think you have already heard the story of what we have been doing in recent months for the purpose of bringing them to a condition which we might congratulate ourselves on. On the question of locomotives I have already given you a full account. In regard to coaches we are contemplating the establishment of a coach-building factory in the country. In regard to wagons we are trying to step up production in the country. We have been somewhat handicapped in the matter of getting steel but we have taken steps for the purpose of stepping up the allocation of steel for railway purposes and so on.

On the financial side I must admit two facts. One is that as between one railway administration and another there are discrepancies or differences which cannot all be explained away by any reasons peculiar to particular railways. It is my intention that these differences should be investigated in detail, so that we bring practically every railway administration to the level of the most efficient of all the railway administrations.

In the second place, I do think with the Committee that railway administrations do not get that amount of financial advice in regard to schemes, in regard to control of expenditure, even in regard to audit, that they must expect and as a result we have conditions which require a certain amount of thorough overhauling. This also, I think, will be undertaken in the course of the coming year.

Sir, I have already taken about 25 minutes. I think I am stealing more time from honourable Members than I ought to on this occasion. I think I shall leave matters here, so that, if honourable Members bring out any points on which a reply from me is necessary you will, Sir, I hope, give me an opportunity for a few minutes to reply to them.

Mr. Speaker: Motion moved:

"That the Report of the Indian Railway Enquiry Committee be taken into consideration."

I am reserving about half an hour for the honourable Minister's reply.

The Honourable Shri N. Gopalaswami Ayyangar: Honourable Members might object to that. 15 minutes would do for me.

Mr. Frank Anthony (C. P. and Berar: General): May I know, Sir, how many minutes you propose to allow me?

Mr. Speaker: My idea is to allow 15 minutes.

Mr. Frank Anthony: Sir, it must have been impossible for any Member in this House to have studied this report with the care and attention that it deserves. Personally I feel that the appreciation that has been expressed by the honourable Minister of the members of the Committee was certainly due to them. It is axiomatic to say that the subject is a vast one and this report is a heavy volume. I have no doubt that a great deal of care, thought, energy, time and endeavour of the members, particularly of the Chairman, must have gone into the bringing out of this report.

However perfect the report may be, whatever the amount of care that may have been bestowed on it, it is inevitable, human nature being what it is, that it must be fallible in certain respects and I propose to deal with what I consider to be certain lacuna and certain recommendations which I think are not acceptable. I propose further to deal only with recommendations in Chapter 10 dealing with staff.

I feel that the most serious defect with regard to these recommendations is the recommendation with regard to staff. The Committee finds that the rules regarding discipline and appeal are satisfactory and require no change or modification. Quite frankly, I cannot understand how the Committee has arrived at this recommendation. It is axiomatic that in this House from the time of stalwarts like Mr. N. M. Joshi, a hardy annual has been the sustained criticism against what all labour leaders and those associated with railway labour have regarded as obsolete and illusory provisions relating to labour contained in the Discipline and Appeal Rules of the State Railway Establishment Code. I propose to deal only with those rules in so far as they affect the non-gazetted staff.

[Mr. Frank Anthony]

I feel that one of the main reasons for the increasing dissatisfaction among the non-gazetted staff is the perpetuation of these rules relating to discipline and appeal. I have dealt liberally with hundreds of cases of appeal—perhaps the number runs into thousands—and what I am saying I say from an inside knowledge of how these rules with regard to discipline and appeal are applied and usually applied. Further as a lawyer, quite often I have stood aghast at the way in which these rules are applied; involving a repudiation of what I consider are elementary principles of justice and fairplay.

To begin with there is no absolute right of a departmental enquiry. If you will refer to rule 1707 of the Establishment Code you will find that even where the charge involves the penalty of dismissal there is no absolute right to a departmental enquiry. The person concerned has to ask that he should be heard in person. And I know of cases where railway-men, because of their ignorance of the technical character of this rule, have not asked to be heard in person. If they do not ask to be heard in person then the rule gives the discretion to the officer dealing with the case not to hold a departmental enquiry, which means that if a railway-man is ignorant and does not satisfy the technical requirements of this particular rule and does not specifically ask that he should be heard in person, he can be dismissed from service without a departmental enquiry. I feel that in all cases where a man is charged with dereliction of duty involving dismissal, he should have an absolute right to a departmental enquiry, whether he asks to be heard in person or not. You should certainly not leave this, what I regard to be an inalienable

3 P.M. right, within the discretion of the officer concerned. Further, I think that in all cases where dismissal is involved not only should there be an absolute right to a departmental enquiry but there should be a right to be represented by a lawyer. I do not know what the position is with regard to other departments. But I feel that it is not sufficient to give, as is given in the present Establishment Code, a right to be accompanied by a kind of *amicus curiae*, a friend of the accused. What happens? Either the railway-man represents himself, utterly ignorant of the elementary procedure required to defend himself or he is accompanied by a friend who occupies the same subordinate position that he does and that friend cannot do justice to him. The friend is afraid to bring out facts which may be of vital help to the person concerned because it may involve a certain rigorous cross-examination of some superior officers. Sir, in this respect I feel that it would be salutary, if this rule is immediately amended so as to give him in all cases where the person concerned has been presented with a charge involving dismissal, the absolute right to a departmental enquiry and also give him the right to be represented, if he so wishes, by a lawyer.

I now come to another provision in the Rules, relating to non-gazetted staff, which is bitterly resented. For many years I have spoken in caustic terms against this provision. It is the provision contained in Rule 1708—Removal from Service. This provision gives the Railways a much wider right to remove a man from service and on more extended grounds than the right to dismiss a railway employee. For instance under this rule a man may be removed for inefficiency, he can be removed for repeated minor offences and several other things. It has been my grim, bitter and unfortunate experience to know of cases, over and over again, where this rule has not only been invoked but flagrantly abused. The Railways must have something to justify dismissal. Further, dismissal can be challenged in a court of law. Removal cannot be challenged in a court of law because it forms part of the contract of every railway employee. With the result I have found it—I am sorry to say—being resorted to as a cowardly, dishonest device. If the Railways do not like a person, though they have nothing really against him, they remove him. That

is not all. This provision gives the right to remove without assigning any reason. To my mind it is something monstrous. I know of cases—I have dealt with them—of men who have worked for twenty, twentyfive and thirty years. They have not only been removed but removed without the Railways giving a single reason for their removal. It is an utterly dishonest device. I do not believe that even during the days of the Spanish Inquisition such sweeping and dictatorial powers were given to anybody.

One even worse feature is this. Not only can a railwayman be removed without any reason being assigned, but he is removed without any kind of enquiry. While with regard to a charge which invokes dismissal he has, not an absolute right to departmental enquiry but a very substantial right, with regard to removal there is no right to a departmental enquiry. If he has had less than seven years service he has absolutely no question of a right to a departmental enquiry before his removal. If he has put in more than seven years service then the matter is left entirely to the discretion of the officer concerned. I am sorry to say that the railway officers have been nurtured in unfortunate traditions of incompetence, of laziness and sheer dictatorial complexes with the result that this discretion has been used by them to ensure that they will not have a departmental enquiry. The result is that men, as I said, who have put in twentyfive years of good service are removed without a departmental enquiry, without any reason at all being given to them by the Railways for their removal.

With regard to this particular chapter I have one word more to say. There is this right of appeal given to persons who are punished. But there is a provision—it is in rule 1720—that all appeals must be submitted through the officer who has punished the person concerned. I am the last person to suggest anything which will even remotely undermine discipline or official prestige. But this rule has been abused, and abused to the detriment of persons who have been punished. This rule not only requires that the appeal should be submitted through the person who has imposed the punishment but it further requires that that officer need not submit the appeal if the language is either in a disrespectful or improper form. With what result? It is inevitable that most appellants will question the impartiality of the officer who has punished them. The officer who has punished them, as soon as he receives an appeal which challenges his impartiality and which suggests that he is unfair, stigmatizes it as improper in language and disrespectful and sits on the appeal with the result that the procedure for appeal becomes illusory. These, I feel, are the most serious defects in this chapter relating to staff.

I now come to what I consider to be another serious defect. At page 159 of the Report the Committee has recommended that there should be qualifying examinations or tests for each category of staff. I want to make it abundantly clear that I am all in favour of the most rigorous tests being applied before persons are promoted from one category to another. But what I wish to underline here is this unfortunate fetish for paper qualifications and written tests. It may be my own personal opinion, but I feel that the increasing inefficiency, particularly in the lower cadres of the Railway Department, is due largely to this increasing emphasis on paper examinations and paper tests. Today, I find the Railways are gradually stepping up the paper qualifications required from persons whom they want to recruit as firemen and even as *Khalasis*. If this tendency is persisted in I can see a time when, because of the increasing persistence on first class Matriculation certificates and even on first or second class Degrees, your firemen and guards and drivers instead of being people who are capable of doing hard physical jobs well and efficiently, will be respected, round-shouldered, pigeon chested, desk-bound youths. Make up your mind as to what you want. I know that on the Railways today have Graduate guards and most of the Guards are third class Graduates who have failed in their attempt to secure employment in every other avenue of

[Mr. Frank Anthony]

life: in desperation and as a last resort they become guards on the railway. They regard the job of a Guard as something derogatory. They look down on the job and they look down on everyone else who has not got a degree. They look down on the public. This tendency is being increasingly emphasized. I would ask the Minister for Railways to go into this matter carefully. Do not sacrifice efficiency, particularly in the lower rungs, and capacity to do a good job of work with practical ability—do not sacrifice all these at the altar of this fetish for paper examinations.

There are two other matters which I shall deal with very briefly. The Committee has also recommended that merit-cum-seniority should be the guide to promotion to Class III selection posts. Sir, I strongly differ from this recommendation. I want the honourable Minister to understand the reasons for my opposition. I am not asking him for one moment to dilute the standards of efficiency in the Railway administration; my own feeling is that they have been more than sufficiently diluted. In principle, this basis of merit-cum-selection sounds very well, but what is actually happening? I am not overstating the case when I say that this system has already been widely abused. It is being increasingly abused, it is corroding and destroying the morale of the Railway Administration from top to bottom. The other day a senior Bengali Railway official came to see me and he complained bitterly. He said two years ago the B.N.R. represented the finest Railway in India; camaraderie and brotherhood existed between all the officials. Today, in place of that he complained—he as a Bengali complained—Bengali-isation of the service in the B.N.R. seems to have become the guiding motive. All non-Bengalis are being made to feel that they have no place in the Bengal-Nagpur Railway service. They feel that the old trust, camaraderie and esprit de corps, all these today are being increasingly substituted by mistrust: people carrying tale one against the other; back-biting and other tendencies are creeping in which are helping to relax this particular Railway Administration. My own feeling is that these various characteristics are supervening in all the other, what were formerly, Railway Companies.

Sir, under these circumstances, I feel that it would be fatal to extend a principle which is good as a principle but which unfortunately is being so grossly abused in practice. Today selection on the Railways is a weapon for flagrant nepotism and favouritism. I have repeatedly asked that we revert to the old system of seniority-cum-selection. What can be the objection to this old system? After all, we judge things not by the slogans or the idealism that they involve, we judge them by the results they produce. Under the old system of seniority-cum-selection, the Railways attained a standard of efficiency which it might take us a whole generation to recapture. Today, under the so-called system of merit-cum-selection not only is the morale of the administration being destroyed but also of the men. Take a ballot—I am prepared to stake my position in the Legislature on it—take a ballot from the railwaymen and I am quite certain that 90 per cent of them will unhesitatingly vote to this effect that selection today has become a ramp and because it has become a ramp it is destroying all sense of morale and all sense of duty which the men at one time throughout the Railways were proud to possess.

Sir, I have one last word to say about the Class II officer. I feel that this Report has done him a very grave and serious injustice. And what distresses me very much is that this Report should quote the opinion of the Railway Board, and that opinion distresses me beyond words. That opinion has been expressed in these words: that a Class II man can rarely exhibit the qualities necessary to place him in Class I, that he has not the initiative and the freshness of outlook of a Class I officer. Sir, this is Brahminism par excellence. It is unfortunate that the Class I officer today should display this kind of caste

complex. He feels that he is the Brahmin or the Maha-Brahmin of the Railway service. He feels that by allowing the Achut or untouchable of the Railway service—the subordinate who has worked his way up—to rub shoulders with him on an equal status will pollute him. That is the only reason why a recommendation of this sort could have been made, why the unfortunate language that has been adopted should have been subscribed to by this Committee. Sir, I do not know whether the Railway Minister has sufficient experience to endorse it, but I consider, without qualification, that your Class II men represent the lynch-pin of your Railway administration. Today, with your chokras and your beardless youths getting accelerated promotion, distinguished by qualities of arrogance on the one hand and inexperience on the other, unable to command the respect of your Class III and Class IV men, it is your class II men who keep your Railways going, and this kind of language is not the kind of language that I expect the Railway Board to use with regard to them. Sir, I feel that by not only accepting the perpetuation of the Class II service but by agreeing to extend it to all the services, you have done a great disservice. You have struck a serious blow at the continuing strength and morale of the Railway Administration. I would ask the Railway Minister seriously to reconsider this matter. Either that, or let your Class II men retire prematurely and you will find the answer that they will give you to this kind of treatment that you are seeking to mete out to them.

Shri Khandubhai K. Desai (Bombay: General): Sir, I will keep in mind what the honourable Minister has said, that while discussing this Report we should not once again repeat the arguments we made in the last Railway Budget debate.

The Kunzru Committee's Report is certainly a thorough-going and complete Report. As far as statistics are concerned, as far as facts are concerned, I must admit that it places before the country the full background in order to come to definite conclusions. However, when we come to consider the recommendations made and the conclusions which they have arrived at, I cannot say the same thing. The recommendations, in my opinion, are halting and to certain extent disappointing. The Committee does not want the Railway Administration to take immediate steps with a view to improve the Administration. The overall impression left on my mind after going through the Report very carefully is that as far as the present railway operational working is concerned, the Committee is entirely dissatisfied with its financial structure. It has no good word to say about its operation, about its performances; there is no economy; the purchase of stores also requires overhauling, the production has fallen and discipline and loss of production are found throughout in all the workshops. This is not the record about which any body can take pride. It is a criticism against the present Railway Board.

With such disappointing findings to which they have come to, the recommendations which they have made are, in my opinion, very halting, very conservative, and, if I may say so, they have been made more or less in a hesitant mood. I quite appreciate the hesitant mood because they have to deal with the capital structure of the Railways which runs into nearly Rs. 700 crores, and with the new projects that the Railway Administration have placed before us it will be easily in the neighbourhood of Rs. 900 crores within the next year or two. I may place before this House the fact that the total investments in our Railways more or less even exceeds the total investments in most of the major industries in the country like textiles, jute, coal or any other industries. So the total Railway investments are more than the investment in all the industries put together.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Pandit Thakur Das Bhargava (one of the Panel of Chairmen)].

[Shri Khandubhai K. Desai]

It certainly requires superhuman energy, superhuman intelligence and superhuman initiative to manage the finances running into nearly 700 crores of Rupees. I feel, Sir, that the present Railway Board is not superhuman. It may have served its purpose for the last 20 or 25 years since it has been brought into existence after the Government have begun taking over the Railways one after another. But, now, a stage has come when, in my opinion, no Railway Board would be humanly able to manage such a large and country-wide railway administration as a centralised institution. The Committee has recommended that a railway authority with central powers should be instituted at the Centre. I totally differ from that view. I personally feel that if we want our Railways to work with efficiency, with competence, and with a view to giving convenience to our people, we should go towards decentralisation. Regrouping of Railways should not be delayed. We have got today about 26,000 route miles of Railways both broad gauge and metre gauge. About 10,000 additional route mileage will come to the Government for administration from the States, if not today, in the near future. Therefore, at this stage, the Government has to consider how to administer and manage about 36,000 miles of railways. I think time has now come when, instead of waiting for five years as the Committee has suggested, immediate steps should be taken to re-group the Railways on a zonal basis. A railway line running a distance of 800 or 900 miles is hardly in my opinion a unit which could be managed efficiently. All the railway lines that may come under a definite square area in a particularized zone, whether it is a broad gauge or metre gauge should be managed by one zonal authority. This zonal administration should as far as possible be autonomous. The Railway Ministry at the top should only be a policy making Ministry and a co-ordinating Ministry with such powers of superintendence as is necessary. The Railway Ministry at the top should be assisted not by a Railway Board, but by a technical organisation so that it may be guided properly. Otherwise, normally, our Railways should be managed, as I said by five or six zonal authorities completely autonomous. The present inefficiency, indiscipline or loss in production in my humble opinion is due to this system of top administration, which even though it has the desire to do so, is not capable of permeating to the lowest unit and delivering goods to the country.

Sir, I have got another suggestion to make. Our Workshop organisation should be made entirely separate. All the workshops in our country, whether manufacturing locomotives, or manufacturing coaches or carriages or wagons should be under one organisation. This should not be attached to any zonal administration or to any particular railways. The Committee, I think, has observed that there is no costing as far as the railway workshops are concerned. In my opinion, no costing is possible so long as the workshops are attached to any particular railway administration. The railway workshops should be entirely run on a business basis. The railway workshops should be separated from the individual administration or zone. These zonal railways should be charged for any repairs which they want to be made in their rolling stock or for the engines which they buy or the carriages they purchase on the basis of business transactions. In my opinion, this is the only arrangement which can bring about greater efficiency, greater economy and healthy competition.

Sir, the Committee has stated that there are no less than 256 types of locos, 106 types of coaches, and 84 types of wagons. They have suggested that as far as possible, the locos, carriages, coaches and wagons should be standardised, and these types should be reduced. In order to achieve that object, I believe that the Railways should be regrouped as I have suggested,

and the workshop organisation should be made entirely separate, so that the new workshop organisation can effectively concentrate on the objective without hindrances or narrow outlook.

Coming to the financial structure of our Railways, I feel that the country cannot afford to have any complacency. As it has been pointed out, the financial condition of our Railways is really poor from the business point of view. We have got at our disposal only Rs. 74 crores of depreciation fund. That means, on the average our rolling stock and other assets should be today 90 per cent. new. Is it so? We know that this is not true. Very considerable portion of our assets requires replacement and renewal but we have got only 74 crores of Rupees in our fund. This fund is quite inadequate and poor for our purpose. The suggestion which the Committee has made that during the next five years Rs. 22 crores should be taken towards the depreciation fund is no doubt a welcome suggestion. But, I think it would not be sufficient to strengthen our finances. They have themselves stated that we will require nearly 25 per cent. augmentation in our carriages in the broad gauge and about 50 per cent. augmentation in the metre gauge, apart from the replacements which they place about 25 per cent. In order to meet all these extra charges at the existing highest prices of replacements, I feel that a larger depreciation fund to the tune of 30 or 35 crores would be necessary for the next five years and a higher depreciation charge than the existing charge for subsequent years. This is a serious matter and I hope it will be considered by the Railway Minister. It has also to be remembered in this connection that during the next 5 or 6 years, we would not be replacing our rolling stock at the usual price but the price we would have to pay will be anywhere from $2\frac{1}{2}$ to 3 times.

Then, Sir, the Committee has stated that a lot of saving can be made as far as the fuel is concerned and they have suggested a target of 2 crores out of 15 crores which Railways are spending today. The Industry Department is managing the collieries. I think those collieries should properly be managed by the Railway itself and not by the Industry Department, if an effective economy is to be made in this direction.

Then with regard to stores, I have only one point to make. The purchase of stores is being done today by three agencies. Excluding rolling stock, stores are purchased to the tune of 16 crores and the Railway, in my opinion is the biggest buyer and therefore, they should set up their own organization for purchasing stores. It is stated that Railways have to pay about 2 per cent. commission for inspection and for purchase to the Civil Supply Industry Department. This Commission is unnecessary. (Interruption.) I will finish in a minute or two. I will make a suggestion and with regard to the relation of our Railway administration with its employees and then resume my seat. There is something inherently wrong in dealing with the questions that arise from day to day between the employees and the administration. Much of the discontent and dissatisfaction can be removed if the Railway Administrations set up zonal tribunals for the employees so that these tribunals can deal with questions which arise from day to day and the suggestion which the Committee has made for appellate tribunal may be considered as an additional facility, but the appellate tribunal will not be able to deal with this question effectively so as to remove the discontent. If the zonal tribunal is established before which any employee who has got any grievances to make can go and get justice done, then I think much of the discontent and dissatisfaction that is prevailing today may be removed and I am sure that the immediate institution of such zonal tribunals will go a long way in improving the efficiency of our Railways.

With these words, Sir, I commend the suggestions I have made to the honourable the Railway Minister.

Shri B. Das (Orissa: General): Sir, when the Interim Ministry took over the Railway Administration from the old Government from Sir Edward Ben-shall, who became first a member of the Wavell Cabinet, everything was difficult and left in absolute rickety conditions. No replacement took place, rails were torn from the lines and sent to different parts of the Empire and even carriages and locomotives were sent away. In that condition of deteriorating stocks, Mr. Asaf Ali appointed a High Power Committee under the chairmanship of Mr. K. C. Neogy. Later on, Mr. K. C. Neogy had to leave that Committee and join the full Independent Cabinet. Thereafter our esteemed friend, Pandit Hirday Nath Kunzru was appointed the Chairman of this Committee, and as I remarked on another occasion, he had produced a most valuable report which will be studied not by the administrators themselves, but by legislators on the floor of this House, so that in course of time we may set up a proper railway administration in this country.

Sir, I was one of those who always opposed a Statutory Railway Authority, because the Europeans and the then Government of India at that time i.e., during 1930-1934 wanted to take away completely the Railway Administration from the control of this Legislature. Therefore, I was very much interested to read the chapter which my honourable friend Pandit Kunzru's Committee has suggested about the Central Controlling Authority. There are some weighty arguments there, but I am a bit disillusioned under my own Swaraj Government. We have created the Damodar Valley Corporation Authority. We find it is restive; it is not amenable to audit control and financial control of the Government of India. Then we have the Delhi Central Electricity Authority over which the Government of India has no control. Five or six institutions or bodies elect one director—each liable to the limit of Rs. 50/-, and even the Auditor-General has no control over the Delhi C. E. Authority. Now the biggest corporation or Authority happens to be the Indian Railways. I do not want to go into the history of the Railways but for a very long time the Railways were paying crores and crores of rupees in dividends which they were borrowing from the revenues of the Government of India up to 1924-25. I find some of the Members of this House are restive over the contributions to the General Revenues, but they forget or do not know that the Railways should be run on as a commercial concern and must pay income-tax to the Government and pay for assets belonging to the State. The Damodar Valley Corporation and the Delhi Central Electricity Authority pay income-tax to the State. If the Railways decide to pay, if this House decides that the new Railway Board that we will create will pay proportionate income-tax on their earnings, I and those of my opinion will revise our views whether we need any contribution to the General Revenues. This aspect of the matter must be taken into consideration remembering that most of the land—23,000 miles they have got—they have almost got it for a song. In those days Government lands were given free and various other amenities and favours were shown to those company managed railways and the benefit of which my honourable friends, the Railway Minister and Mr. Santhanam are enjoying. Knowing that spirit of criticism they will understand why the tax-payers must have a contribution in lieu of income-tax on the earnings of the Railways. I have something more to say on this Central Controlling Authority.

I have been considering after reading this report and reading various other administrative reports from other countries why we should not revive again the question. The Railway Administration had become too heavy. The staff that were 4 lakhs before the war had become 8 lakhs now and we cannot dismiss a single man on the staff because my honourable friends (the labour leaders) there will create a howl; they claim zonal recruitment boards and so many boards, but they do not want to produce on a man-hour basis. The suggestion is let Mr. Jai Prakash Narain be invited by my honourable friend

Mr. Gopalaswami Ayyangar; let us view the question from both sides and why the workers of our Railways, the biggest State Industry that we possess should not produce on a man-hour basis; let the scale of wages they will earn be fixed, so that our Government should not become bankrupt. Then the labour population's howl that they must get more wages from the State Industry will lessen and they will come to realize that they must respond to the spirit of the times and increase production in our Railways.

Personally, I feel that we should split up our Railways. In Canada there is a privately managed commercial Railway company; there is also state-owned railway running side by side. I am not asking my honourable friend to advocate it immediately. Let us sleep over for the next five years; let us try to think loudly and find out whether we will not go back again to the commercial system of management of our Railways. Any commercial company will be run by Indian industrialists and not by foreign exploiters.

About recruitment of staff on railways the Kunzru Committee has not come to any final decision. But viewed on the whole, I feel we should not split up our Railways, but reduce the number of Railways. By splitting up, we will have to set up a lot of General Managers, Secretaries and other paraphernalia which in turn will require the setting up like our additional Ministries in the Secretariat and by which expenditure will go on this account to 4 to 5 lakhs of rupees for each Ministry or each General Manager's office. My honourable friend Mr. Gopalaswami Ayyangar differed on this question during the general discussion. But then this situation is not of my making. While I am critical of the railway situation and have been critical during the last 25 years, my friend has taken a hand in it only for the last one year. We differ. I agree to differ from my honourable friend. I should like to have adequate depreciation provided for. Then there will be no contribution available for making to the general revenues. Let there be *quid pro quo*. Then we will examine the question of depreciation put forward by the Railway Ministry. I have since revised my view and I accept the recommendation of the Kunzru Committee for a provision of 22 crores. If that eventuality... ..

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): I want to know whether the honourable member is willing that the 22 crores a year for the next 5 years should be allowed for depreciation?

Shri B. Das: Is it not so? What is the recommendation of the Kunzru Committee?

The Honourable Shri K. Santhanam: 22 crores for five years..

Shri B. Das: I accept that. Let there be no difference on that. But there should not be any whisper that nothing should be paid to the general revenues by the Railways as was expressed by some of the critics on the floor of the House.

I had hoped that my friends in the Railway Ministry will see that we have intensive manufacture of locomotives, coaches, underframes etc. and that after two years we would not have to go in for purchasing these from the United States or Czechoslovakia. The question which my honourable friend Mr. Gopalaswami Ayyangar rightly touched this afternoon is a thing that has sapped the credit of India. We have the example of Japan to emulate which realised its aim to be self-supporting quite quickly. We should not spend money on capital borrowing programme and our friends the labour leaders should advise their followers to go in for intensive production.

I find that in the 15 minutes allowed I am unable to survey the entire field of railway administration. I feel satisfied today that our interest is common. There is identity of interest between those who criticise and those

[Shri B. Das]

who are in charge of the administration. When there is that identity of interest, I do expect the spirit in which we offer our observations will be appreciated and understood and not misunderstood as in the old days when we attacked the Railway Board and the Railway Administration. Sir, I am a great optimist. I believe if there is intensive development programme in the Railways, we need not buy even a crore worth of stores from outside, not to talk of so many crores worth of locomotives.

I do hope that my honourable friend will place the Kunzru Report before the Railway Standing Finance Committee and ask them to deliberate a whole week and produce a comprehensive report on its recommendations. I have only 15 minutes to talk about my reactions on the report. I do hope the honourable Minister will give the House another opportunity to express its views when the report of the Railway Standing Finance Committee on every item of the recommendations will be available. Otherwise we will have to take our opportunity next year to examine them.

Shri Jaspat Roy Kapoor (U.P. General): Mr. Chairman, I wish the terms of reference of the Railway Enquiry Committee had also included the question of amenities and facilities for passengers. Railways are public utility concerns and, as such, I think that while efforts must be made to run them with profit, yet the question of facilities and amenities to the passengers must be the primary concern of the administration. As it is, however, the terms of reference of this Committee were only two. Firstly, as to how the net earnings of the Railways should be increased and, secondly, to find out what the surplus staff in the Railways is and how best it could be absorbed in the Railways.

I want to associate myself with the remarks that have been made by the honourable the Railway Minister expressing a sense of gratitude for the labour that has been put in this work by the worthy Chairman of the Committee Pandit Hirday Nath Kunzru and the members thereof. This Committee carried on an extensive tour all over the country, examined a large number of witnesses and took about two years to complete its work. For all that, the Chairman and the members are entitled to our gratitude. I wish, Sir, I could, along with the expression of gratitude, offer my congratulations also to the Committee on the results of their work. I am sorry, Sir, I cannot do that. After having spent so much time and money and energy on this work, they should have made definite and precise recommendations as to what measures should be adopted to effect economy and what measures should be adopted to bring about an improvement in the administration. The report is an absolutely disappointing document in that respect. There is no precision and there is no definiteness in most of the recommendations it has made. Its opinions generally lack definiteness and precision and, it seems to me the Committee has been halting, wavering and indecisive. After having discussed the various questions in all their pros and cons, when it comes to the point of making definite recommendations, what do we find? They simply give up the question altogether. They either say that the consideration of the question should be postponed for a number of years, or they say that further analysis of the position should be made, of course, meaning thereby by somebody else, or they say in a very convenient way that much can be said on both sides of the question. That sort of report is hardly helpful to us. If they had made their recommendations in a definite and precise manner it would have been helpful to us. Simply to put together in a very beautiful form the various facts that were brought to their notice by the Railway Board or by the subordinate officials is all very well so far as it goes, but if we cannot make proper use of it or if we cannot come to certain definite conclusions from it or we cannot make any definite suggestions as to how things should be improved, the labour has almost practically been lost in my opinion.

Take the question of the re-grouping of Railways. This is a question which is engaging the attention of the Railway Board and the whole country. What does the Committee say on this question? They say that consideration of this question should be postponed or put off by so many as five years. There would have been some meaning if they had made definite recommendations on this question and had said that in the course of these five years preparations should be made to implement those decisions or recommendations. But they do not say that. They only say that the time is not ripe and the whole question should be put off for five years and after that period, it would be time for us to see how the various Railways should function.

Sir, the question of the E.P.Ry. is a burning question. It is a question, the solution of which cannot brook delay. But then, all that the Committee say with regard to it is that a workshop should be constructed. That is a suggestion which will strike the meanest intelligence. Further on they add, as if it is a very great recommendation or suggestion that workshop should not be far away from the E.P.Ry. It should be on the E.P.Ry. or near about it. That is all they have suggested about the E.P.Ry. This is hardly any solution of this important question. I submit that it is necessary for us here and now, within the course of a few months, to find a definite solution of this question. I would suggest that the E.P.Ry. should be amalgamated with the E.I.Ry. To my honourable friend Pandit Kunzru this may appear to be an astounding suggestion. He may say that the E.I. Ry. is already big enough and if E.P.Ry. is amalgamated with it, it will become unmanageable. May I respectfully draw his attention to the fact that before the partition, N.W. Ry. had a mileage of over 6800 and it worked efficiently well, and if now the E.P.Ry. is amalgamated with the E.I.Ry. the total mileage would be very much less than that, only about 6300. Why then should it be presumed or apprehended that E.P.Ry. when amalgamated will not be able to function properly. But in that case, one thing will have to be done. The Head Office of the E.I.Ry. will have to be shifted from the extreme corner in Calcutta to some central place and that central place appears to be Allahabad or somewhere near about. Even now, it is impossible for the E.I.Ry. with its Head Office at Calcutta to exercise proper supervision over the Railway far away in the extreme west corner of the U.P. I suppose it come up to Ghaziabad. (Shri R. K. Sidhva: 'But there are divisional offices.') Of course, there are divisional offices, but certainly it would be a very much better arrangement for more effective control if the head office is situated somewhere in the Centre and that centrally situated place appears to be either Allahabad or Lucknow or somewhere near about. This is my suggestion with regard to the regrouping of the Railways, in a small measure. Of course, it is a big question and I am sure the honourable the Railway Minister and his worthy colleague the Honourable Shri Santhanam putting their heads together will be able to find out a satisfactory solution for it.

Next, I come to the question of economy in fuel. With regard to this also we find that the Committee has not been able to give us any definite suggestion. They have of course said that there should be economy in the consumption of coal and that coal consumption figures are considerably increased. They say on page 93 that the expenses on fuel alone on the Indian Govt. Railways excluding the N.W. and B.A.Rys. amounted to Rs. 502 lakhs in 1938-39 and Rs. 14,64 lakhs in 1946-47. Then they say on the next page, "as the fuel bill of the railways is large, it is unnecessary to stress the importance of economy in the use of this commodity." On the next page 95, they say:

"Under goods services including proportion of mixed, there has been a marked deterioration on almost all the Railways. We have investigated the causes of this deterioration and find that inferior grades of coal available for railway use in recent years had certainly affected consumption figures and led to deterioration."

[Shri Jaspat Roy Kapoor]

Then they say: "The scope for economy under this head is of the order of Rs. 2 crores." Having said all that, we would have expected them to make certain definite proposals as to the manner in which economy can be effected.

I have only taken seven minutes.

Mr. Chairman: No, you have taken 13 minutes.

Shri Jaspat Roy Kapoor: I will conclude within a few minutes.

But when it came to making definite recommendations, they began to waver and thought that it would not be perhaps safe on their part to make any definite recommendations, and practically they give up their case when they say:

"At the same time we must sound a note of caution. While fuel economy is vital and any appreciable savings would be extremely valuable, over-emphasis on fuel economy may lead to reduction in speed of movement of trains and loss of time. It can also lead to delays to traffic if, as has happened, drivers make excuses to avoid taking out engines known to be 'Coal Eaters'."

Now, Sir, this is hardly a recommendation. I wonder what they want us to do, whether they want us to take effective measures to bring about economy or not. "One of the causes for the increase in coal consumption and expenditure on fuel is poor quality of coal", they say. Well, it may be so, but I would suggest that one of the important causes of the extra expenditure on coal is that there is a good deal of pilferage going on. Of course, pilferage of coal there has always been; there is hardly any railway employee on the track who does not consume the railway coal; that is a different matter—it has been there ever since. But during the recent years, there has been great pilferage of coal due to the fact that coal is very much in need in industrial centres and the transport of coal is not on a proper basis. Near about the industrial centres through which the goods trains pass, a lot of coal is thrown out by the drivers and their assistants—a mile this way and a mile that way of the station, and that is picked up and sold in the market by persons who are in conspiracy with these drivers. Something must be done to put a stop to this evil. I would suggest for the consideration of the honourable Minister that a few watchmen should be placed on either side of these important industrial stations so that the pilferage of coal may not be to such a large extent. There is one point more to which I would refer, and

4 P. M. that is the question of surplus labour and surplus staff on the Railway ways, because that is one point which has been specifically referred to the Railway Enquiry Committee, and here too I find that absolutely no definite and specific recommendation has been made. There is a great divergence of opinion between the majority of the members of the Committee and Shri Guruswami. While the majority of the members of the Committee say that there is a good deal of surplus staff both in the workshops and in the offices and stations, etc., Shri Guruswami says that more staff is needed.

Shri Harihar Nath Shastri (U. P.: General): Because it was beyond the scope of the Committee to go into this question.

Shri Jaspat Roy Kapoor: I do not know, Sir, how this question was beyond the scope of the Committee because one of the terms of reference is, if I may draw attention of my honourable friend...

An Honourable Member: It was taken out subsequently.

Shri Jaspat Roy Kapoor: "Ascertaining the extent of staff surplus to requirements and suggesting practical methods of absorbing them in railway service" was a definite term of reference and in regard to this they have made no definite recommendations. They say that this is a complicated question and it needs further scrutiny and enquiry. Now, Sir, these honourable gentlemen just tell us after two years that this is a question which needs further enquiry and must be gone into in greater detail presumably by some others.

I therefore submit, Sir, that this Enquiry Committee report has not been helpful to us in any substantial manner. Of course it is helpful to us inasmuch as the compilation of facts and figures go and I would therefore submit, that a small Committee might be appointed—of course not to go round the country—to go into the details that have been furnished by this Committee—a sort of departmental committee—to which some Members of this Assembly may be attached. They may sit in the office and scrutinise all the facts and figures and make recommendations to the Railway Board which may be of some use.

Shri R. K. Sidhva (C. P. and Berar: General): I am really thankful to the honourable Minister for giving an opportunity to the House to discuss this important record. I would have preferred, however, if he also gave us the findings of the special officer that he has appointed to enable the House to understand what are his views, so that we may take a dispassionate view between the report of the Kunzru Committee and the special officer's recommendations, and then the House would have been able to give recommendations with the help of which the Government could come to a definite decision.

But that is not available. Meanwhile, the honourable Minister in his preliminary remarks stated that several of the recommendations of the special officer who was appointed have been complied with and there are 78 items remaining to be considered. If that is so, I am sorry that already the recommendations of the officer have been adopted, although we are not aware what those recommendations are and now we have to give our views on 78 items and I do not know which are they. However, I shall only touch on two or three points on which the Committee has given its views and to which I do not agree and they are in relation to the fares of the suburban electric trains and the composition of Advisory Committees. In paragraph 137 it says: "We consider that the scale of charges for season tickets in the Bombay area is too low and should be reconsidered. We understand that the Board are examining the level of season tickets generally." I am very sorry, with due deference to the Committee members that they have not gone into the question very carefully why these seasonal ticket fares are less in Bombay than anywhere else otherwise I am sure they would have advocated their continuance on other Railways as well. If any attempt is made to increase the fares of seasonal tickets, you will destroy the economic structure of Bombay. Those who know, they will tell you that in Bombay there is a suburban service and people, clerks, workers and businessmen reside nearly 15 to 20 miles from Bombay and they come every day into the city for their vocations. Notwithstanding this service it has the best tramway service in India; notwithstanding that it has the best bus service and the best electric train service in India, for which I compliment the Railway Board, and despite the overcrowding, if any attempt is made to decrease the railway fare, I can assure you that these workers—these so many people who come to work by these trains—will be badly disorganised.

The Honourable Shri N. Gopalaswami Ayyangar: You mean if any attempt made to increase the fares!

Shri R. K. Sidhva: We understand that the Board are examining the level of the seasonal tickets generally. I suppose it is a hint that it is very low and when it is very low, it seems the Committee is in favour of increasing the fare. I would submit that these fares should not be touched. On the contrary if you really want the services to be popular and to give relief: if you really want the economic condition of these workers not to be disturbed, then these fares should not in any way be disturbed.

The Committee have made really useful suggestions as regards the increase of these electric trains on the G.I.P., the B.B. and C.I. and the S.I. Railways. I agree with their views. The following figures will startle you as to the great advantage the people take of these suburban trains. From 1938, on the B.B. and C.I. the increase in 1947 is 139 per cent.; On the G.I.P. the increase is 132 per cent. compared with 1939; On the S.I.R. the increase is 187 per cent. of passengers compared with 1939. From these facts you can see how popular these trains are and how popular these fares are. If any attempt is made to disturb them, I can assure you that there will be great howl in this country.

Again, from the figures which the Committee have given, we find that the trains are running at a profit. On the B.B. and C.I. in 1946-47 the earnings per train mile were 4.49 and the cost 1.30. On the G.I.P. the earnings per train mile were 3.25 and the cost 1.39. On the S.I.R. the earnings per train mile were 3.04 and the cost 0.86. Even the cost justifies that these fares should not be disturbed and that the suburban services are a boon to the public.

Coming to the advisory committees, I am sorry I cannot agree with the views of the Committee regarding the recommendations made in rather four or five pages of this Chapter. It is a very important matter and having been on the Advisory Committee of the N.W.R. for 17 years, I can say this, that these local advisory committees have been very useful. Although they are advisory in nomenclature, they have been able to force the administration to do something for the passengers, and I can say from my experience of so many years, that these advisory committees in various places and in various divisions have been responsible for improving water supplies, the lights, the time-tables, the platforms, the window tickets, the third-class waiting rooms, and having special booking offices, more third-class trains and special vendor stalls. I can say that these local advisory committees are responsible for lots of the improvements made from time to time and if there is any idea for reducing or minimizing the importance of these local advisory committees, or even the Central Advisory Committee, I can assure you, Sir, the administration won't be in a position to understand the situation as these Members understand it. The Committee has stated that the C.A.C. is a big committee, a cumbersome committee and its number should be reduced. The membership of the Central Advisory Committee is 20. Really speaking ten persons are members of the C.A.C. and ten are from the Finance side who are automatically members of that committee. They have also representation on the Local Advisory Committee which has been composed with very great consideration and there is justification for it. The Committee asks why should the C.A.C. be composed of the Members of this House. They say that there should not be representation of the municipalities, port trusts, etc. After all they are elected members in the municipalities. They are members of the public and they have some knowledge of the subject. It has been mentioned here that larger representation should be given to the Passengers associations but the Committee recommends that larger representation should be given to industry and commerce. My experience is that while they are useful in their way they have always been looking to the interests of commerce and industry alone and ignore the travelling public. I can safely say that without contradiction, if you disturb the representation

to the travelling public, from whom the immense earnings are derived, it will not be doing any real service to them, which we are anxious to do, in the Central Advisory Committee. I would emphatically impress upon the honourable Minister that he should not be guided by these suggestions but that he will bear in mind the very useful work done by the Committee. I do not say that because I am a member of this or that committee. I say it from what I have seen. Why should it be stated here that Members of this House should not be represented on the C.A.C. Are we not representative Members here? Do we not represent our constituencies? These 20 Members represent the various constituencies in the whole of India. I therefore suggest that no change should be made in the composition of the Committee.

It has been suggested that there should be frequent meetings of the Committee. I entirely agree. We have been advocating in both committees that there should be at least six meetings in the year against three meetings now held. We also feel that a little latitude should be given to the Members in the new set up. I am sure the honourable Minister is considering the question and the matter is already on the anvil and we are going to take decision on the matter of expanding the constitution of the local Advisory Committee and giving them more power. With the knowledge that he possesses and his experience I hope the honourable Minister will not disturb in any way the composition but on the contrary he will see that the representation is extended. I do not mind giving more representation to industry and commerce. They are very well represented already but they should not in any way reduce the number of representatives of passengers associations and also by indirect method local members representing these bodies. I do feel that this is an important matter. Let it not be understood that the House is in full agreement with the Committee's report. On some matters they may be. On this matter I hope that the two suggestions I have made will be borne in mind seriously by the Government.

Pandit Hriday Nath Kunzru (U. P.: General): Sir, the opinions that have been expressed by honourable Members with regard to the report of the Indian Railway Enquiry Committee, if correct, would go to show that the Committee had not understood a single point correctly, that honourable Members here without making any detailed investigation on any point are perfectly right on every point and that the duds who were members of the Committee after having all the facts before them arrived at manifestly wrong conclusions.

Some Honourable Members: No conclusions.

Pandit Hriday Nath Kunzru: Some honourable Members have complained that the conclusions are wrong; others wiser than them have thought fit to protect themselves by saying that the Committee has made no definite recommendations. The honourable Members who have made this complaint could not have had the time of course to read the report. I do not think they have read even all the recommendations, a summary of which is given at the end of the report. Had they taken the trouble to do so or had they been able to find time from more urgent preoccupations to read the main recommendations they would have easily come to know that there were very definite recommendations made by the Committee on a good many points. For instances with regard to the workshops, the operating efficiency of the Railways and the desirability of having a separate cadre for the commercial department and providing special training for these officers and with regard to the staff the Committee has made definite and detailed recommendations. As regards certain points on which the Committee has not been able to suggest immediate action or has not been able to arrive at a definite finding, had the honourable Members read either the report or the summary of the recommendations and conclusions they would have found what the reasons for these recommendations and conclusions were.

[Pandit Hirday Nath Kunzru]

Take for instance the establishment of a Central Railway Controlling Authority. Is it possible for anybody who has seen the effect of the war and the partition on the Railways to recommend that before things have become much more stabilised than they are at the present time a radical change in the method of managing the railways should be made? Again, take the question of the staff. The honourable Member who spoke on this subject has not taken the trouble to read those paragraphs in the report where this matter has been dealt with. The Committee was unable to arrive at any definite conclusions on this subject partly because the railway administrations did not supply the required information and partly because the Railway Board issued a communique, while the Committee were preparing the report, that as a result of the Adjudicator's award not merely would no reduction in the personnel be possible but an addition to the staff would be required. In view of these facts it was impossible and futile for the Committee to arrive at any conclusion on this subject.

Sir, it is not possible for me to deal with the other charges which were brought by some honourable Members against the general outlook and the recommendations of the Committee. But I should like to say a word or two about what fell from my honourable friend Mr. Anthony. I am afraid that his vehemence and violence of language will defeat their own purpose.

Mr. Frank Anthony: I was very mild.

Pandit Hirday Nath Kunzru: If this is my honourable friend's mildness I should respectfully suggest to his clients to change their counsel, for such a counsel can ultimately do them no good.

Sir, the Railway Enquiry Committee received evidence with regard to the interests of various classes of railway workers, not merely from the Railway Administrations or the superior railway officers but also from the representatives of the railwaymen. I have yet to come across a single representative of the railwaymen who would be prepared to throw overboard the principle that promotion from one class to another should depend not on seniority but on merit and selection. The very fact that there are separate grades should be obvious to show anybody that promotion from one grade to another should depend on merit and not on the length of service or absence of any adverse criticism. A selection post is so called because you do not select the seniormost man for it but the best person from among a number of meritorious persons. Selection implies a certain amount of competition.

Mr. Frank Anthony: What is wrong with seniority-cum-selection? You have avoided that issue.

Pandit Hirday Nath Kunzru: My honourable friend forgets that a new principle cannot be invented for him or his clients.

Mr. Frank Anthony: It is as old as the Railways.

Pandit Hirday Nath Kunzru: This principle has been applied to all the services and it is a well recognized and well established principle.

Mr. Frank Anthony: It is well abused.

Pandit Hirday Nath Kunzru: My honourable friend was very happy in the past because the Members of his community were favoured by the British Government. I do not want that they should labour under any disability. I want them to have the full rights of Indian citizens. If there were any discrimination practised against them by the Railways I should be prepared to join with him in protesting against it.

Mr. Frank Anthony: Are you aware that under this system third-class degree Anglo-Indians have been promoted against first-class degree Anglo-Indians? It is not a question of Community.

Pandit Hirday Nath Kunzru: My honourable friend's remark shows that his heart is not against the principle but he disputes the judgment of the selecting authority. Such complaints are often made by unsuccessful competitors.

My honourable friend Mr. Khandubhai Desai speaking about the discontent among the railway workers on account of the manner in which promotions had been made said that no appellate tribunal would be able to make the workers contented and that promotions must be so made as to be regarded as just by them. What he said was true within limits. But frankly speaking, in the vast majority of cases where promotions are made by selection I have found in my experience that there is dissatisfaction with the decision of the selecting authority whether the men belong to the subordinate services or the Provincial Services on the higher services.

Mr. Frank Anthony: May I ask honourable friend what experience he has of railway selection?

Pandit Hirday Nath Kunzru: Sir, I am an Indian. I have had something to do with selection in other departments and the principle adopted in the case of the Railways is not one whit different from that adopted in the other departments. My honourable friend has to show that there are some special reasons why rules that for the time being adversely affect a group of persons in whom he is specially interested should be changed in their favour.

There was one other point of his to which I should like to draw attention. He seemed to suggest—I am not sure that I heard him correctly but he seemed to me to suggest—that a railway worker against whom any serious action was proposed to be taken should be allowed to be represented by counsel. We considered this subject very carefully. We saw that the railway worker was in no worse position in this respect than men in the secretariat of the Government of India. Besides we thought that it would in the end do no good to the railway workers if they were allowed to engage lawyers. Since the Trade Unions are conversant with the grievances of the workers the Committee took the view that a member of the Union to which a worker belonged could accompany him in order to represent his case, and the Committee did so in consideration of the interests of the workers themselves.

Sir, I should now like to put two or three questions to my honourable friend the Minister for Railways. I hope that my honourable friend will announce the decisions of the Railway Board at least in regard to some of the major recommendations of the Committee. He has himself told us that the Railway Board and his Ministry have passed orders, I think, on about twenty recommendations of the Committee. I do not know what those recommendations are or what the decisions of the Ministry are. I hope that when he winds up the debate he will be good enough to give us this information. I should, in particular, like to ask him what action Government have taken on the recommendations of the Committee relating to the better utilisation of power and the establishment of a commercial organisation on every Railway which would have a separate cadre and the members of which would receive special pay. I hope honourable Members are aware of the recommendations made by the Committee with regard to the repair and maintenance of engines and the miles run by an engine per day. I shall not quote any figures because I placed the most important of them before the House during the Railway Budget debate. But I may point out to the House that the deterioration in the workshops is so considerable

[Pandit Hirday Nath Kunzru]

that an improvement of about 34 per cent. on the broad gauge and 71 per cent. on the metre gauge would be required for the production to be equal to the maximum attained during the last 10 years. This is a matter of importance and indeed urgency and I should like to know what action Government propose to take with regard to it. Again, with regard to the better utilisation of power, I pointed out during the Railway Budget debate that the engine miles per day had fallen substantially. I know that the turn-round of wagons has improved and that the Railway Board are taking certain steps to improve the operating efficiency of the Railways, but the proper utilisation of power is the key to the solution of many of our transport problems and I hope that whatever improvement may take place in the turn-round of wagons, the honourable the Minister of Railways will not underrate the importance of taking adequate steps to see that proper methods for the better utilisation of power are followed in future.

As regards the commercial department, I have already stated the points on which I should like to ask for information from my honourable friend.

Lastly, I should like to know the decision of the Government with regard to the training of officers belonging to the various classes from Class I to Class III on which stress has been laid by the Committee. This, too, is a matter of cardinal importance and it should receive the early and full attention of Government. The Committee has not suggested that the workers in Class IV should receive any formal training, but it has suggested that opportunities should be given to them to acquire such knowledge as will promote their advancement. It has in particular suggested, with regard to the workers employed in workshops of various kinds, that they should be given elementary practical training in the use of tools. It has in this connection, suggested the establishment of a basic training school on the same lines as that established by the Tata Iron and Steel Factory at Tatanagar. The Committee had the advantage of seeing this school and of discussing the work done in it with the management of the Factory. It was greatly impressed both with the character of the training and the results achieved. I have no doubt that the recommendations made with regard to the training of the supervisory subordinate staff and the officers will receive the consideration of Government. I am not certain, however, that the recommendations that we have made with regard to the establishment of a basic training institute for certain categories of workmen and for giving adequate opportunities to other workmen to acquire such knowledge as will enable them to advance their interests will not be overlooked. It might be regarded as a minor matter, but I should like to impress on my honourable friend the Minister of Railways that this matter is a matter with which he is, I am sure, concerned is the contentment of the railway workers and nothing will promote contentment so much as a knowledge on the part of the railway workers that by their own exertions they can improve their chances of obtaining promotion in their own grades and of being able also to rise from their own grade to the next higher grade.

Sir, it is late and I know my honourable friend the Minister of Railways will require half an hour to reply to the observations that have been made by various Members. There is a great deal that might be said with regard to some of the observations that have been made by honourable Members, particularly in connection with the views expressed by my honourable friend Mr. Khandubhai Desai with regard to the undesirability of establishing a central controlling authority and having instead zonal authorities. But these questions are so big that it is impossible for me to deal with them now. I should have liked to have the time to discuss the position taken up by my honourable

friend Mr. Desai but I have no doubt that his suggestions will receive the serious consideration of the Government along with the recommendations of the Committee. I should, however, like to say that the suggestion made by him received the anxious consideration of the Committee. The question of the form the future Railway Administration should take was considered repeatedly and very carefully by the Committee. It considered the recommendations of the Acworth Committee in this connection, but, in view of the present situation, the problems that have to be dealt with and the practice of developing what might be called Autonomous Public Service Boards in England for the management and control of socialised services, the committee has thought that a central controlling authority would be able to perform the duty of managing the State Railways much more effectively than the zonal authorities suggested by my honourable friend Mr. Khandubhai Desai.

Sir, I should like, before I sit down, to thank the honourable Minister of Railways for the much too generous reference he made to the part played by me in connection with the preparation of the Committee's report. I am not so vain as to imagine that I deserve even one-tenth of the praise that he so kindly bestowed on me. If there is anything of value in the report, it is due to the labours of my colleagues, two of whom were distinguished railway officers. The fact that the Committee had expert knowledge at its disposal and that it worked as a team was responsible for such good points as some indulgent Members might occasionally find in it.

The Honourable Shri N. Gopalaswami Ayyangar: Mr. Chairman, in the few minutes I shall allow myself at this late hour, I shall refer to some, if not all, of the points that were raised by the different speakers in the House. First, my honourable friend Mr. Anthony. He took great exception to that portion of the report of the committee which dealt with discipline. He seemed to disagree with almost everything that the Committee has said in that connection. The particular thing which seems to have angered him is that the Committee not only said something, but quoted something which the Railway Board had said. I do not know if the merit of a particular recommendation of the Committee should be lessened in its value merely because it so happened that the Railway Board had agreed with the Committee's point of view or the Committee agreed with the Railway Board's view previously expressed. The merit of a particular recommendation stands on its own legs. He referred to two or three points. On the question of promotions, I think he has been, if I may say so, conclusively answered by my honourable friend Pandit Kunzru and I do not propose to add a word to what Pandit Kunzru has said in answer to him. The other points one with regard to the question of persons accused of indiscipline—first being told of the charge against them, then being given an opportunity of personal hearing and lastly at that hearing being represented by counsel. The last point of the three has been answered by the Chairman of the Committee; that is to say, that the railway servants enjoy the same privileges in regard to this matter of being represented by somebody interested in him as government servants of a similar type in other departments enjoy.

With regard to the other matter, namely, that often times his case goes by default because he does not know that he has a right to be heard and to ask for a departmental enquiry and therefore does not put forward a claim. I do not know if this is a general grievance. But, if it is, if I find after an enquiry that such a thing does happen generally over the Railways in the country and generally people accused of things do not know that they could ask for a departmental enquiry, I shall certainly consider the question of directing that in every case a charge is brought against a railway servant, one of the first things that should be done should be to give him intimation that he has a right to ask for a departmental enquiry. I hope that this would satisfy my honourable friend if, as I said, it is a general grievance.

[Shri N. Gopalaswami Ayyangar]

He then referred to rule 1708. I know that amongst the railway servants this particular rule is considered obnoxious. People who suffer by the application of that rule feel that injustice has been done to them because they are dismissed out of service without their being told what it is they are dismissed for. I concede the position that a thing like that if it is adopted as a matter of general application is one to which the greatest exception can be taken. I may inform my honourable friend that at the present moment I have under consideration the question of how best this particular rule might be modified in order to do justice to the person who will suffer by it and I hope we shall evolve some procedure which will remove those aspects of the practice that has hitherto been the subject of so much condemnation. On the question of Class II officers, I am afraid, I cannot agree with my honourable friend, Mr. Anthony. I rather agree with the recommendation that the Committee has made in this connection. It would take me sometime to develop this argument, but I am sure that my honourable friend Mr. Anthony will recognize that, if I came to this conclusion, it has been after giving consideration to all that he has said on this subject, not only during the time I have been here, but during the time that I have not been here.

There was a good deal that was said by my honourable friend, Mr. Khandubhai Desai, and some of the points that he made were clearly weighty. On the question of zonal authorities, we have not yet taken a decision, nor have we taken a decision on the recommendation which has been made by the Committee itself. As I have repeatedly said, this matter bristles with so many difficulties that we should consider it very carefully indeed, before we reach a decision, but I can assure my honourable friend that whatever he has said today on this subject, will receive my most anxious consideration.

I am very glad really, that my honourable friend, Mr. B. Das finally ended up his argument today by saying that he agreed with the Committee that the Depreciation Fund should be replenished and that during the next five years a payment of 22 crores should be made to it in each of these five years. I am glad of his acceptance of a concrete suggestion made by the Committee. I thought his argument the other day could not have led to a conclusion of that sort. I am glad that he has reached that conclusion today.

On the question of payment of income-tax on railway earnings, it raises a very large issue. You have got to remember that the state owns the railway organisations in the country. No doubt some earnings are made and there is a certain amount of interest to be paid and so on and if we are going to accept the proposition that the Railway should contribute, to State revenues, the whole amount of the income-tax on the income that it may make, very probably, you will find that General Revenues would not get even the contribution that they get now.

Mr. Sidhva referred to some delinquencies on my part, namely, that I did not detail all the orders that we have passed on certain recommendations of the report, so that I might have given him an opportunity of sitting in judgement on those orders during this debate. I am not certainly taking away his right of sitting in judgement over them. If only he will exercise some patience he will get an opportunity of doing so, after we have published them. The reason why I did not detail these recommendations at the inception of this debate is that I had so little time even to make the preliminary remarks and if I had attempted to refer to all the orders that we have so far passed, I do not think Mr. Sidhva would have had an opportunity to speak during this debate.

On the question of Local Advisory Committees, Mr. Sidhva himself has pointed out that we have the matter actively under consideration, that we are going to take decisions in consultation and in collaboration with him at a meeting to be held very soon. Now, I hope he will press his points as vigorously there as he has done here and if the body which has to take that decision agrees with him we will certainly give effect to that. Now, Sir, I think it is getting very nearly my time. There are some reflections which have been forced upon me by the speech of my honourable friend Pandit Kunzru. It is a matter of some disappointment to me, that on account of what certain honourable Members may have said, it ought to have been necessary for him to stand up in defence of himself and his report during this debate, but I don't see what else he could have done when observations of that sort were made. I wish that honourable Members could have been a little more generous with the Committee and its achievement than some of them have been during this debate. And whatever one may say in disagreement with certain of the recommendations made by the Committee, I think perhaps it was going a little too far to say that the Committee came to no conclusions, that it was absolutely indefinite and inconclusive and so on and so forth. I think the material that we have in this report is of sufficient importance, accuracy and judgment that for some years to come, we shall turn back to this report for some of our facts and figures, some of the history that has preceded the collection of such facts and figures and this report will be something on which we can base a few general principles in the steps we have to take for improving railway administration in the country.

There are one or two things on which my honourable friend wanted some information. The first was the question of the evolution of a separate commercial organisation. I have to say to my honourable friend at once that the Government are considering the recommendations of the Committee in this connection and we have not yet reached a final conclusion on this matter. All that I can say at present is that what the Committee has said will be given full attention to before we reach our conclusions.

With regard to the power position, I think he first referred to a part of the report where it is said that the Railways should work to an average of about 110 miles per day, per engine on line, against a figure of about 90 today. The Committee must realize however, that while the Railway Board agree that this particular target could be achieved, it could not possibly be attained immediately overnight. As new engines come into use, they will be capable of longer average daily mileages than the old engines they replace. A larger number of old engines will be scrapped than are received. While, therefore the individual engine mileage will improve, the number of engines on line will decrease, the two factors together tending to improve the miles per day, per engine on line.

I do not wish to weary the House with more statistics and figures and I would say only one word about the power condition to which the honourable Pandit Kunzru referred. It is true, as the Committee has so insistently pointed out, that the output in railway workshops has demonstrably deteriorated. Our problem is really to correct the trouble that now exists. But the condition precedent to this correction, the major condition precedent if I may call it so, is that labour should play up. I think the Committee itself has referred to this point in more than one place in the report. For this purpose, I think there is something which the labour leaders could contribute. I think the Committee itself has, in one place, appealed to the leaders of the country to take a hand in this matter and impress upon labour the need for giving of its best. They may do so. But what I think is very much more important is that the leaders of labour should contribute a great

[Shri N. Gopalaswami Ayyangar]

deal more than they do to bring about this state of things. Until we can be assured of what we may expect as the output of labour per man per day, it becomes difficult to plan our programme as regards the improvement of the power position in the future. The Railway Board has been faced with this difficulty of estimating the future man-day output. It is assumed, no doubt, it will improve and return, in say a period of ten years, to the 1938-39 figures. There is thus no case for the permanent expansion of the existing shops to carry the present day load. Modernisation of some of these workshops is, however, a different issue. Now, apart from this question of long-term programme, certain tentative temporary expedients have been adopted for the purpose of providing relief for the next few years. Amongst these are the utilisation of non-railwayshop capacity to the greatest extent possible. An officer has been placed on special duty for six months to explore all un-used capacity and to plan for nationalisation. Secondly, efforts have been made, and seem to be succeeding, to obtain a greater allotment of steel. We have had discussions with the officers of the Ministry of Industry and Supply and it has been arranged that our demands for steel should be given very high priority and that a certain minimum will in any case, be guaranteed. We hope that this promise on the part of Industry and Supply will materialise in the coming year. We shall do all that lies in our power to see that it materialises.

Then, large orders have been placed for new locomotives as the House already knows. These will greatly relieve the load of attempting to maintain locomotives beyond their scrapping age.

Lastly, on the question of spare parts we have fully taken into account all that the Committee has brought to notice in this report and partly as a result of that and partly as a result of the investigation which had been carried out by the Railway Board itself, a mission of two or three officers is about to proceed to Europe to draw up contracts with firms to supply manufactured locomotive parts direct to the Railway Administrations. But the main thing is, as I have already said, the need for improving the efficiency and morale of workshop labour. I think, Sir, I have covered most of the points raised.

Pandit Hriday Nath Kunzru: May I ask my honourable friend whether he will circulate the decisions of the Government from time to time to honourable Members? This was done in the case of the Wedgwood Committee. I hope it will be done in this case too.

The Honourable Shri N. Gopalaswami Ayyangar: I think I have already answered a question in the House to the effect that batches of these orders from time to time will be placed in the Library of the House.

ELECTIONS TO STANDING COMMITTEES FOR MINISTRIES OF AGRICULTURE AND COMMUNICATIONS

Mr. Chairman: I have to inform the Assembly that upto the time fixed for receiving nominations for election of one Member to each of the two Standing Committees for the Ministries of Agriculture and Communications, one nomination in the case of each of these Committees was received. As the number of candidates is equal to the number of vacancies in each of these Committees, I declare the following members to be duly elected:

Standing Committee for the Ministry of Agriculture.—Sardar Jogendra Singh.

Standing Committee for the Ministry of Communications.—Shri Brajeshwar Prasad.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Tuesday, the 29th March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Tuesday, 29th March, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

ELECTION TO STANDING COMMITTEES FOR MINISTRIES OF EDUCATION, LAW, RELIEF AND REHABILITATION AND TRANSPORT (OTHER THAN ROADS).

Mr. Speaker: I have to inform the Assembly that up to the time fixed for receiving nominations for the Standing Committees for the Ministries of Education, Law, Relief and Rehabilitation and Transport (other than Roads) eleven nominations in the case of the first, five nominations in the case of the second and ten nominations in the case of the remaining two were received. Subsequently one member in the case of the first withdrew his candidature. As the number of remaining candidates is thus equal to the number of vacancies in each of these Committees, I declare the following members to be duly elected:

I. Standing Committee for the Ministry of Education.—Maulana Hasrat Mohani, Shri Moturi Satyanarayana, Shri Brajeshwar Prasad, Dr. Raghu Bira, Shri A. V. Thakkar, Shri Lakshminarayan Sahu, Prof. Yashwant Rai, Shri Balwant Singh Mehta, Shri T. Channiah and Shri V. C. Kesava Rao.

II. Standing Committee for the Ministry of Law.—Mr. B. Pocker, Dr. Bakshi Tek Chand, Shrimati G. Durgabai, Shri Chimanlal Chakubhai Shah and Shri C. Subramaniam.

III. Standing Committee for the Ministry of Relief and Rehabilitation.—Dr. Bakshi Tek Chand, Lala Achint Ram, Mr. Z. H. Lari, Shri Jaspat Roy Kapoor, Shri Basant Kumar Das, Giani Gurmukh Singh Musafir, Sardar Hukum Singh, Shri Pranlal Thakorlal Munshi, Sardar Bhopinder Singh Man and Shri Gokal Lal Asava.

IV. Standing Committee for the Ministry of Transport (other than Roads).—Mr. K. T. M. Ahmed Ibrahim, Shri Satis Chandra Samanta, Ch. Ranbir Singh, Shri Yudhisthir Misra, Shri P. Kunhiraman, Shri Santanu Kumar Das, Dr. Dharam Prakash, Dr. P. S. Deshmukh, Shri Ram Chandra Upadhyaya and Shri Lal Mohan Pati.

INDIAN FINANCE BILL.

Mr. Speaker: The House will now proceed with the legislative business. The House knows that two days are fixed for the Finance Bill and at 5 o'clock tomorrow there will be the guillotine.

Mr. Tajamul Husain (Bihar: Muslim): Mr. Speaker, before we proceed with the business of the day, I would like to know, and in fact most of the

(2039)

2040 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [29TH MARCH 1949]

[Mr. Tajamul Husain]

members would like to know, the exact date this present session of the Parliament will end, as we members have to make arrangements for reservations by air or by rail.

Mr. Speaker: As I have very often stated to the members of this House, whenever they want to raise any question, they should first consult me in my chamber and just invite my attention to the question, and perhaps the information could be given there, and if any further consultation with, for example, the Honourable the Leader of the House or the Whip is necessary, I would do so. I cannot answer all questions of this kind off-hand here and questions of this type should not be raised here. I again repeat that honourable members should see me beforehand. Anyway, we are going up to the 7th of April, that is certain, and reservations should be made after the 7th of April.

Shri L. Krishnaswami Bharathi (Madras: General): That does not help us.

Shri B. Das (Orissa: General): On a point of information, Sir, what about the statement by the Honourable the Prime Minister at 10-45.

Mr. Speaker: It will be made at 5 P.M. Last night the agenda was circulated in which it was stated that the Prime Minister will make a statement at 5 P.M. today.

Shri B. Das: I am sorry for the mistake.

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg to move:

"That the Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949, as reported by the Select Committee, be taken into consideration."

What I propose today, Mr. Speaker, in placing this motion before the House is to summarise briefly the main questions which have been raised in the report of the Select Committee and in the Minutes of Dissent regarding the proposals in the Finance Bill and Government's reactions to these questions.

I take first of all the question of the abolition of the Capital Gains Tax. Briefly the argument for abolishing this tax is that in regard to the great majority of people who are interested in investment, the motive for investment is a two-fold motive; partly it is a question of the return that you expect on investment and partly also in the generality of cases, it is the capital appreciation that you expect. Since one of the main purposes of the Budget proposals which I have placed before the House is to stimulate the formation of capital and investment, we consider that to the extent that the Capital Gains Tax reacts upon the functioning of this motive of capital appreciation, it is a hindrance to capital formation. Secondly, the whole justification for a tax of this kind from the budgetary point of view is the revenue that it is estimated to yield. The Capital Gains Tax, since it was introduced two years ago, has yielded considerably less revenue than has been anticipated. The revenue that we expect for the coming year is about a crore of rupees, and considering the adverse psychological effect it generally has had upon investment, we consider that the revenue yield is incommensurate with the other consequences of the tax. Therefore, we have proposed its abolition.

The arguments against abolition as they have been brought out in the minutes of dissent on this subject are these. The first point is that we have granted fairly liberal depreciation allowances. We have granted also fairly substantial reliefs in the matter of income-tax to new industrial concerns. It is, therefore, suggested that as a result of these different forms of assistance which Government have granted to new industrial concerns, the shares of these industrial

concerns are likely to go up considerably and if, therefore, a time comes within this period, when a company which has had the benefit of these concessions granted by Government decides to transfer or sell its business on the basis of the market value of its shares, then that concern reaps a profit which is largely the result of concessions granted by Government rather than the result of any initiative or effort put in by the party concerned. If the Capital Gains Tax is abolished, it is contended that all this extra profit that is derived in an unearned manner are likely to escape taxation. My answer to that is that all these concessions which we have provided are concessions which relate almost entirely to new companies. If you take the position of new companies in regard to the acquisition of capital goods and the building of factories with reference to the availability of material, I suggest that within a period of a few years, it is extremely unlikely that new companies will reap profits at a level where this kind of problem which has been indicated in the minutes of dissent would arise. I therefore, do not think that it is a consideration of sufficient practical importance.

The second objection to the abolition of Capital Gains Tax is again based on the liberal depreciation allowances that we have provided. The point there is that the plant and machinery in respect of which these higher depreciation allowances are given would be written down in value to such an extent that the margin between that and the market value of used plant and machinery would be so considerable that if a business concern decided to transfer or sell its plant and machinery, it is likely as the result of these depreciation allowances to get an amount of profit, which would be considerably in excess of what economic considerations by themselves would have justified. There again, therefore, it is said that un-earned income would escape taxation if the Capital Gains Tax was abolished. As far as this point is concerned, as I indicated to the House in my reply to the general discussion on the Budget, I think it will be possible for us by suitable amendments of the Income-Tax Act to provide against the misuse of depreciation allowances in that manner and I think, legislative proposals to that effect, I would be in a position to place before the House at a very near date.

There is one thing in regard to the objection which has been generally raised against the Capital Gains Tax, which I must put before the House. In the manner in which abolition of the Capital Gains Tax is set out in the Finance Bill, the whole of the legal machinery relating to the Capital Gains Tax remains intact. The only change that has been made in the Finance Bill is this: that by the capital gains which have accrued between the first of April 1946 and 31st March 1948 are liable to taxation. But the whole of the rest of the machinery, the complicated legal machinery for which provision has been made, still remains intact. Therefore, if after a few years, the problem, which honourable Members who signed Minutes of Dissent anticipate, arises, it would not be difficult for the House to re-introduce the Capital Gains Tax, because the whole machinery is still there. Balancing therefore one set of circumstances against another, I would ask the House to accept my proposal for abolishing this tax.

The next important point is the reduction in super-tax. It has been said over and over again in the course of these discussions that the concession that we have provided would be confined to about 500 assesseees. I would like to correct the information which has been placed before the House by honourable Members. The number of assesseees on the basis of which we have estimated the probable revenue from super-tax, assuming the existing rates to continue, is a little over 1,200. I do not think however it alters the substance of the arguments.

[Dr. John Matthai]

My main argument for reducing the super-tax is this: I consider, in the present circumstances of this country from the point of capital formation, and from the point of industrial development, that the maximum rate of Re. 0-15-6 in the rupee is an absurd rate. If you look at it in comparison with a country like the United Kingdom, which probably is the country with the longest tradition of capital formation and industrial development today, our maximum rates are quite as high as the rates in the United Kingdom. If you compare it with the United States of America, our maximum rates are at least 10 per cent. higher than the maximum rates there. I personally consider that the time has come, in view of the urgent need of promoting the formation of capital and promoting industrial development, for us to gradually bring down these rates.

I tried my best to see whether the reduction in the higher ranges could be made in such a manner that a larger number of people would benefit. But the House must remember that I was faced already, with a deficit. Therefore I had to take that into account in estimating the loss of revenue to which I could put the country in the matter of relief. It was for that reason that I was unable to do anything. I want, and the Government want, to let the country know that, as far as the level of direct taxation is concerned, we have passed the peak and that the policy of the Government hereafter is going to be to provide relief in the matter of direct taxation in order that capital formation and industrial development may both be promoted.

There is another point. From the point of view of administration during the past three or four years I find that we have reached a stage where the point of diminishing returns has certainly been passed. All is avoidance and evasion of taxation to a very large extent is bound up with the excessive rates at which we have fixed our direct taxation, and I think that if we go on with a system of taxation based upon these high rates, the tax yield would rapidly diminish.

Pandit Hirday Nath Kunzru (U.P.: General): Was there no tax evasion before the war?

The Honourable Dr. John Matthai: There was tax evasion before the war, but not on anything like the scale on which it has been practised since 1944. It has prevailed at all times in the history of our income-tax, but not to the extent to which it has been practised since roundabout 1943-44. This is closely bound up with rates at which direct taxation has been levied.

I want to make one more point. Our present system of direct taxation is practically the shadow of war profits projected into post-war times. If you have a maximum rate of Re. -/15/6 in the rupee, the assessee would be able to get only six pies in the rupee out of his income. If his total profit is of the order of a crore of rupees, six pies in the rupee would still mean a considerable amount. But when the general level of profit has come down, this proportion of six pies in the rupee leaves him in the aggregate with a negligible income which would give no incentive. We have now to recognise that the shadow of war profit upon the investment market has disappeared. Unless that fundamental change in the situation is taken into account we shall not find a proper solution for this problem of investment.

Now, Sir, with regard to the postal rates the Select Committee has made a suggestion, in the majority report, that there ought to be an air surcharge. The Government have reviewed the position in the light of the Select Committee Report and find that there are certain serious practical objections to the proposal contained in the Select Committee's report. Government therefore for the present do not consider that it would be desirable to accept this proposal

made in the Select Committee's report. Their position is that the proposals regarding postal rates should stand as they do in the original Bill. I have no doubt that my honourable Colleague the Minister for Communications will be glad to answer any point that may be raised in regard to this matter.

Then, Sir, with regard to jute, honourable Members will have noticed that we are extending the export duty on raw jute to the coarser kinds of raw jute known in the market as Bimlipatam jute. This coarser variety has been exempt from export duty. But we think that the time has come to extend the export duty to this class of jute, largely for the reason that there is at present great shortage of jute and we feel that it is necessary, in the interests of the consumers in this country, that a certain amount of restriction should be put upon the export of this class of jute from the country. We also feel that by lowering the prices it would be possible to encourage its use in India. Another matter our customs have been reporting for a considerable time now is that in the matter of the export duty it is difficult on administrative grounds to distinguish between one class of jute and another. For all these reasons we have decided that the export duty should be extended to Bimlipatam jute.

My honourable friend Mr. Modi has raised his lone voice on certain issues to which I would like to make a passing reference. He has suggested that the export duty on cloth should be abolished altogether. We have already reduced it since last October from 25 per cent. to 10 per cent. I regret I am unable to accept the suggestion. The financial implications of it would be serious.

Secondly he has suggested that the administration of the excise duty on cloth should be simplified. He has not quite clarified the point. But I gathered from what he told me during the Select Committee sittings that he would like the administration of the excise duty to be put on the basis on which it stood at the time the old excise duty was in force. The essence of this is that the figures of output would be supplied by the producers on the basis of which the excise duty would be levied. At that time there was no Central Excise Department dealing with a variety of excise duties as we have now and therefore that kind of arrangement was useful. But since we have a whole machinery for the administration of excise duties, I really do not see how any distinction could be made between the administration of excise duties in regard to other classes of articles and the administration of excise duties in regard to cloth. Then he has made same suggestion about aviation spirit, that the rebate that is proposed to be given in the Budget is not sufficient. After all, that is an executive matter and the question of rebate will have to be determined from time to time with reference to the financial resources of Government and the actual requirements of aviation.

Sir, I come to the question of the Hindu undivided family. The Select Committee has proposed in the report that the exemption limit in regard to income-tax as far as a Hindu undivided family is concerned should be raised from Rs. 3,000 to Rs. 3,500. In connection with that, a minute of dissent has been recorded by several honourable Members. I have examined the main points raised in this minute of dissent and I have come to the conclusion that in the interests of this particular class of assesses, it is necessary that Government should consider raising the limit from Rs. 3,500 to a higher figure. My own view—and that is the Government view also—is that if a suitable amendment is moved in the course of the discussion on the Finance Bill which will reduce to a minimum the possibility of this exemption limit being misused, Government would be prepared to raise the exemption limit from Rs. 3,000 to Rs. 5,000. May I, in passing, give a rough indication of its reaction on the general Budgetary position? I have not been able to get accurate estimates made, but I think

[Dr. John Matthai]

that if this particular amendment is accepted, that is, raising the limit to Rs. 5,000, I should be able to meet the loss of revenue implied in it out of the little surplus that I have already provided and out of the increased revenue that I expect from the extension of the export duty on raw jute to coarser jute. I expect therefore that the Budget would still remain a balanced Budget with possibly a small token surplus.

That, Sir, more or less covers the more important points raised by the Select Committee and in the dissenting minutes. The other changes that have been made, I think, are purely verbal and routine and I do not wish to take the time of the House discussing them. Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949, as reported by the Select Committee, be taken into consideration."

Shri B. Das.

Shri R. K. Sidhva (C. P. and Berar: General): Before you allow the discussion to be started, I want a little clarification, Sir. In the Select Committee's report on clause 3 it is said:

"While approving of this clause and the First Schedule to the Bill, we consider that where the sender desires his letter to be sent by air mail, and not by the usual method of transport convenient to Government, an additional air mail fee of half-an-anna per tola should be charged."

Now, clause 3 says:

"For the year beginning on the 1st day of April, 1949, the Schedule contained in the First Schedule to this Act, shall be inserted in the Indian Post Office Act, 1893, as the First Schedule to that Act."

Now my point is that the Schedule as it stands does not make any mention of the Select Committee's recommendations. It is just possible that the House would not agree with the view of the Select Committee. Now, what would be the effect of the Select Committee's note on clause 3? I sent an amendment to your office and the Secretary tells me that there could not be an amendment to the clauses. I quite see the force of the argument, but supposing the House passes the Schedule, what will be the effect of this clause, if this clause remains without any change, then it will be known that the House has given executive power to the Government to levy the additional charge. Therefore, I want to know what is the position. I have sent an amendment which has probably not been put on the Order Paper. You kindly guide me; otherwise, it will be really.....

Mr. Speaker: I will consider the point when we come to clause by clause discussion. That will be the best time and place to consider this suggestion. At present we are considering the motion generally.

Shri R. K. Sidhva: But what about my amendment, it may not lapse.

Mr. Speaker: I will see to it. That does not mean that I will necessarily accept it, but I will see that I consider the matter.

Shri B. Das: Sir, I support the proposition of the honourable the Finance Minister that this House should pass the Finance Bill as it was introduced, perhaps with the addition of a very minor recommendation which he threw out to the House for certain amendments on the low level of income-tax. In the last two years, this august House has introduced the practice of referring the Finance Bill to the Select Committee. I do not like that idea. Sufficient time is wasted, sufficient days of labour are wasted and we do not go any further in our idea of clarifying the financial position of the Government of India or reaching a more stable or sounder position of the finances of the country. Why then waste the days in the Select Committee? Why then waste a further repetition of the discussion on the Finance Bill? I think we should revert to the old practice. Above all, the Treasury Benches—our Finance Minister—has our support, as is evidenced by the fact that he is there elected by us. He is ably guided by his Ministry. If there are deficiencies or there are difficulties, let us level that charge against the Finance Ministry in general discussion and in the discussion on the Finance Bill. Why should we try to show that we are wiser than our permanent Finance Ministry, who introduce the Budget and the taxation proposals after discussing them days and days and I know the poor Finance Minister starts worrying his head as to how to balance his Budget next year even from the month of November. So it is better that we drop this attitude of our mind and we should stop referring the Budget to the Select Committee next year. This House passed the demands for grants and it provided an expenditure of roughly Rs. 323 crores for the year 1949-50. Now, in the Select Committee the taxation has been proposed to be reduced. It is not fair to the Finance Minister. He does not belong to the former alien Government where we took up the attitude that "No voting of proposals without redress of grievances." If there are any grievances against him or against ourselves, we all share those grievances that we have against the present troubles and difficulties that we are going through. I hope the members of the House will consider and next year they won't refer the Finance Bill to a Select Committee.

I have read most of the minutes of dissent by various members of the Select Committee. Some are more socialistic than the speeches that were delivered on the floor of the House, nor am I convinced from the notes that are appended that they went into the merit or the reasons why and how that money must be provided for the Government to function.

Talking on this Finance Bill, I find another friend of mine, the ex-Finance Minister Mr. Shanmukham Chetty, has made a speech in the Rotary Club at Coimbatore and it was published in the Press only yesterday. He makes certain pertinent remarks and observations which this House should bear in mind. We may not agree with the conclusions or the alignment of his conclusions, but we have to respect the opinion of one who has devoted many many years of his life to a study of the fiscal policy of this country and who is considered an authority in the financial world of India. Sir, my friend, Mr. Shanmukham Chetty has rightly said that the capital formation proposals as included in the budget are not helpful. Naturally, we have heard it from the capitalists and industrialists that they are not satisfied, but the fact is that the critics here and outside must remember that we must build up the credit of this country. We must develop the industrial resources and increase production so that inflation may be fought and stopped and if that be so, we should try to draw in the tight money market. We need not think as certain people are thinking in this House and outside, that we should get all the money for our capital requirements from U. K. and U. S. A. Many are attracted by U. S. A. But I am not very much attracted with U. S. money being invested in this

[Shri B. Das]

country. I think that when many many millions of U. S. dollars are invested in India, we will find ourselves almost in the same irksome position as we were in with our former British masters. At least the Englishman had the politeness and gravity of manners built up on hundreds of years of diplomacy. The people of the United States have years ahead to grow old. They are too young, hasty, rash and rude. They have years to learn to talk in diplomatic language which the Englishman always did in the past.

As regards inflation, my friend, Mr. Chetty, has observed that India's economy is a cereal economy, because if India grows something like 6 to 7 million tons less cereals all our economy is shattered. For that we are all responsible, not the Finance Minister who is ready to provide Rs. 130 crores for food to keep the wolf of hunger away from our doors. But India has not been able to grow more food. The money is available for grow more food campaign at the disposal of his colleague, our friend, Mr. Jairamdas Daulatram. But somehow the money does not produce the cereals nor the corn. The money is frittered away as soon as it is handled by hundreds and hundreds of high officials that are employed by the Agricultural and Food Ministry. The assurance of the Ministry of Agriculture that by 1951 we will not import any grain or corn from abroad is a very fine ideal to have and for that we legislators have a bigger responsibility than the Government. We must follow it up and advise our people in the country-side to tighten their belts and not to consume any foreign grain. If as a result of the 1904 difficulties in Bengal, people shouted slogans like "Boycott British Goods": "Boycott foreign goods" and we kindled our patriotism with the cry of independence on that slogan of "Bande Mataram", then I say that today the time has again come. Let us go without food. Let us starve but we are not going to consume foreign goods at the loss of our national credit. Every year our debt position is getting bad enough.

Talking of the debt position, the unproductive debt which was 229 crores in 1938-39 has gone up to 788.87 crores for the year 1948-49 and will be 815.49 crores in 1949-50. Year after year before the last War, I have analysed the genesis of this 229 crores of unproductive debt. Most of it was due to British supremacy. They utilised India's money in the China War, the Buxar War, the Burmese Wars, the Egyptian War, the Afghan Wars and in the conquest and maintenance of the Aden principality. Some of it may have been borrowed money but if the honourable the Finance Minister analyses the position from records in the archives of the Finance Ministry, he will find that most of it is due to the British idea of conquest of Asian countries and palming off the expenditure to India. If we helped England in her becoming one of the biggest and mightiest Empires before the last War, we also helped England with another 500 crores during the last war—because if the 1948-49 figures come to 788 crores, most of the 500 crores of additional unproductive debt is due to the inflated policy during the War in addition to the acquisition of materials and stores at controlled pre-war prices throughout the War. We have saved England's freedom. England is not a slave of the German Empire today and not yet a slave of U.S.A., which it may be in a few years hence. But this 560 crores of additional unproductive debt is mostly the result of England's handling of India's finances. I am alarmed that next year the unproductive debt will be 815 crores. It means that we are going to borrow some 30 crores more of unproductive money. It is unfortunate we do not get public loans. The Reserve Bank is charging interest on Treasury Bills but that is a small matter. But there is going to be a further addition of 30 crores—an unproductive loan. This is alarming. We must increase our national prosperity. I do not want to increase our national taxation any further. But we must so balance our budget

that we should not pay interest on loans which are not meant for productive purposes. If England and the U.K. bled us white in the past, the National Government will see to it that we prosper well. This peculiar position that we are facing is perhaps the result of circumstances to which the biggest financier in the world now.....

The Honourable Dr. John Matthai: On a point of information, will the honourable Member kindly tell me what are the kinds of unproductive loans that he has in mind?

Shri B. Das: I would like him to refer to page 43 of the Explanatory Memorandum on the Budget of the Central Government for 1949-50 where he has:

"Balance of total interest-bearing obligations not covered by above assets."

which show that it was 229 crores in 1938-39 and will be 815 crores in 1949-50.

I was only analysing how that position came about. I sympathise with my friend and also with myself that we are in this unfortunate position. I am aware of the fact that most of the postal savings banks deposits had never funded money for all these years when that comes to be done it will be added to this part of unproductive loans. It is for us legislators who are members of the Congress Party to see that the Government is prosperous and does not incur any inflated expenditure which adds up to our loans and to our interest charges. We must see at the Centre that this peculiar situation is put an end to and therefore we need not criticise specific taxation proposals as if they are going to do harm. We have to look at the picture as a whole.

I find in the papers that my friend Mr. Shanmukham Chetty has laid down one or two other dictums which are the cause of the present state of capital formation. He blames the advocates of nationalisation. He blames the Provincial Governments for the acquisition of zamindari by the issue of bonds. If bonds were given to zamindars for compensation then capital would be shut down. I think everybody will agree with Mr. Shanmukham Chetty that capital would be shut down. Unless money is circulated no money will be found by the industrialists when they promote companies, or when my honourable friend the Finance Minister issues his next loan or treasury bills. Therefore there should be efforts over greater circulation of money and it would be inopportune to introduce socialistic ideas or measures at the present juncture into our national economy.

I was amazed to read in the speech of Mr. Shanmukham Chetty that the Madras Government had thrown away about 18 crores for ideological purposes in spite of repeated warnings by the Central Government. I am referring to this because I find that at present the Provincial Governments, particularly their Finance Ministers, are harbouring fanciful ideas about provincial credit and India's national credit. They think that they can incur any expenditure: they think that they can issue any loan in bonds and still maintain the solidarity and soundness of India's national credit. It is not so. Madras has many learned members on the floor of this House, including the honourable Finance Minister. Also there are members of Bihar. I hope they will take note of this warning and persuade their colleagues in the Provincial Ministries and Legislatures to be circumspect, so that be it a proposal for the nationalisation of industry, or be it nationalisation of zamindari, they will see that they do not jeopardise our national credit.

Sir, I give my wholehearted support to the proposals that the Finance Minister has placed before the House. I hope that the House will take note of my suggestion that the Finance Bill should not in future be referred to a Select Committee, whereby most of the time is wasted and doubts are thrown at the administration of the exchequer. The chancellor of the exchequer or the

[Shri B. Das]

Finance Ministry should be allowed free scope to develop, in their own scientific way, proposals of taxation and expenditure. We should not criticise them outside this Assembly in the Select Committee, and ultimately we find that the result of all that was zero.

Mr. Speaker: Before we proceed further with the discussion I should like to have a point or two cleared. As I stated once before, I do not propose to have any strict time limit but I have in my mind a limit of 15 minutes for each speaker and I hope honourable Members will kindly adhere to it. How long do we propose to go on with the discussion on the motion for consideration? At 5 P.M. tomorrow we are going to apply the guillotine and perhaps before that, some time will be necessary for clause by clause discussion of the Bill, at least for the purpose of moving some amendments. I understand that if suitable amendments are moved the honourable Finance Minister might accept them. Mr. Sidhva has raised a point which requires consideration. I am not giving my opinion thereon now: some time is required for that. We may keep all this in mind so that we can adjust the general discussion accordingly. I have no idea of curtailing the discussion but I should like to know approximately what time will be taken up by the discussion on the consideration motion.

Pandit Hirday Nath Kunzru: The time for the general discussion should be up to 1 o'clock tomorrow afternoon. On the other point to which you have referred, namely, the question of the amendments to the proposals in the Select Committee Report, I think there will be very little discussion. The reply of the Finance Minister one way or the other will settle the matter. But I do not think in the circumstances in which we are placed there can be much discussion on the issues raised by the amendments. There may be one or two people who may want to express their opinions. I have no doubt that the Finance Minister will not allow the discussion to proceed further and will get up immediately after a member has moved his amendment and cut short the discussion by saying whether he accepts it or not.

Mr. Speaker: I shall reserve half an hour for the honourable Minister's reply.

The Honourable Dr. John Matthai: About 20 minutes will be quite sufficient.

Shri M. Ananthasayanam Ayyangar (Madras: General): As suggested by Mr. Kunzru the general discussion may be over by 1 o'clock and the honourable Minister may start to reply by 12.30 tomorrow to reply to the general debate. At 2-30 we can start with the amendments. As each amendment is moved the honourable Minister will either accept or reject it.

Mr. Speaker: If as anticipated by Mr. Kunzru, there is not going to be much discussion on the amendments it is no use stopping the general discussion at 1 o'clock. We can extend the discussion beyond 2-30 P.M. That is what I have at the back of my mind. We shall keep one hour for the amendments.

Pandit Thakur Das Bhargava (East Punjab: General): We can have an agreed amendment on the Hindu joint family.

Mr. Speaker: We can take up amendments from 4-30 to 5 P.M. in anticipation that the honourable Finance Minister will not have to give again a general reply after the consideration motion.

Pandit Thakur Das Bhargava: At the third reading stage some speeches may be made and allowance must be made for that.

Mr. Speaker: I do not think it is quite necessary. If honourable Members want it I have no objection and I am prepared to allot the time.

Dr. P. S. Deshmukh (C. P. and Berar: General): 3 to 4-30 will be ample for the amendments.

Mr. Speaker: At 3-30 the consideration motion is to be put to the vote. Discussion will go on till 3 P.M. and I am reserving 30 minutes for the honourable Minister's reply.

Pandit Hirday Nath Kunzru: The Finance Minister has stated that he would require only 20 minutes for his reply. It is obvious therefore that he does not propose to reply to us seriously. Frankly speaking I think I have understood his attitude. If that is his attitude need he take the trouble of replying to the debate at all? The general discussion may proceed a little longer.

Mr. Speaker: His attitude, as I understood, is to leave for general discussion as much time as possible—not that he need not reply.

The Honourable Dr. John Matthai: Regarding this particular point that Pandit Kunzru raised, when I decided to limit myself to twenty minutes it was because I felt that the Bill has been discussed several times and it would not be necessary to expatiate in the way I did at earlier stages of the discussion and that I should compress my arguments into as small a space as possible from the point of view of saving the time of the House.

Mr. Speaker: So up to 3 P.M. tomorrow we shall have the general discussion by Members and at 3 o'clock I shall call the honourable the Finance Minister to reply. The time that remains after that may be utilised towards the amendments and discussion at the third reading stage.

Prof. K. T. Shah (Bihar: General): I had not taken part in the first stage, when this Bill was represented to the House and referred to Select Committee, partly because I did not desire to inflict myself too often upon the patience of the House, and partly also because I felt that, within the time available for discussing such a huge budget, and all the items comprised in it on the side of revenue and expenditure, as well as the capital budget, it would be impossible to deal with it at all satisfactorily. For such a survey perhaps the whole time allowed for that purpose would be insufficient.

[At this stage Mr. Speaker vacated the Chair which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar).]

The budget runs into several hundred crores, three or four times the amount the Central Government used to spend about ten years ago. And today this House is not bound by any of those restrictions which under the Government of India Act, 1935, prevented us from discussing more than half the budget. The number of Members also was perhaps half the present size. Yet the time allowed for Budget discussion in all its phases used to be much more than the time now at the disposal of this House for discussing problems of policy, and problems of detail which are contained in a budget of this kind. Questions of policy may be discussed at suitable occasions, when particular opportunities arise either by way of Resolution, or by way of legislation come before this House. Questions of detail, however, cannot be considered except perhaps on occasions like this when, however, restrictions of the kind that we have make it almost impossible for us to offer any really helpful criticisms which might be useful, if not for the current, at least in the coming, budgets to the Finance Minister himself.

It is patent, indeed, that there is no organised opposition in this House; and that perhaps facilitates the imposition of restrictions of the kind I have been referring to. But because there is no organised opposition which opposes for its own sake, and because there are a few lone voices which might offer some friendly criticism—even if it is not regarded as friendly—I think it

2050

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [29TH MARCH 1949]

[Prof. K. T. Shah]

would be somewhat unfair and unjust that those persons should not have as full an opportunity as may be possible under the circumstances under which we have to work.

Having said this, and without taking any further time on the point which might be laboured at any great length, I would go on to say that I have no cause, after perusing the Select Committee's Report, to change the opinion which I expressed at the time of the general budget discussion in the first place. The provision now sought to be made for meeting the expenditure this country has to meet in the coming year is in my opinion utterly unnecessary, unjust and uneconomic both to the taxpayer and to the revenue collecting authorities themselves as I will try to show in a few minutes.

The complaint has often been made that the art of estimating seems to be at a discount in the present Ministry, and estimates have varied very substantially from their original to their revised stage, and from the revised to the actual stage. This is a complaint, strange to say, which has proceeded from extreme ends of this House, from a representative of the capitalist class who may have his own reasons to find fault with this, and from the other end also which feels that if budgeting is at all to be respected, if budgeting is at all to be something of an art, the laxity shown in these papers sent to us, and in the record of the last two years or so, does call for some adverse criticism.

Explanation, I am aware, has been offered for this variation by the honourable the Finance Minister. As far as that explanation goes it may be accepted by those who are deterred by difficulties of the kind that the Finance Minister mentioned. But I feel that these difficulties are by no means new, or peculiar to the present set of circumstances. Such difficulties have always been there in some way or another; and it has not really been an original point for the Finance Minister to say that "because of these difficulties I have to admit of variations running into something like 25 per cent. over first estimates". That to my mind at any rate sounds a very lame plea.

I mention this point particularly on this occasion because had the estimates been more accurate, had the collection of revenue as well as the watch on expenditure been more stringent, more rigid, more adequate, and effective, I for one feel that the occasion for taxation and increase of burdens, and the possibility of wastage that we may reasonably suspect in these figures, would not have arisen.

It has been said, Sir, for instance,—it was in fact mentioned in reply to one of my own questions—that the arrears of taxation in the Income-tax alone represented something like Rs. 38 crores. My own information was somewhat different. It suggested arrears of something like Rs. 68 crores. But even accepting the figure given by the honourable the Finance Minister, that suggests the vast room there is of tightening up the methods of revenue collection, even on existing rates, which may avoid the hiatus that we find today between revenue and expenditure. In fact the deficit would have been much greater but for the fact, on the admission of the Finance Minister himself, of a heavy collection of taxes on income made during this year with the help of some Ordinance or legislation that has been enacted for summary paying up of income-tax. A few days ago one read in the papers that even in the current year, since the budget was presented, something like 15 crores more collections have been made. That is good as far as it goes. But I feel that the very fact that there should be room for such large amounts of arrears outstanding is by itself an index of laxity that ought to be curbed at the source.

This leads me to another point of the same character in regard to taxation or tax-collections proper. We all know that there is such a thing as tax

evasion, apart from legal tax avoidance. A special machinery has been set up to see to it that the tax evasion that has hitherto been practised is brought to book, and the arrears due to the state are collected. We have, after a year if not more, of setting up this machinery, received only an interim report relating to the procedural matters that may be of benefit hereafter and that too mostly on the legal side.

On the actual side, however, estimates seem to vary grotesquely between two to three hundred crores on the lowest side to something like 800 crores of tax-money evaded, of which there can be no prospect of collecting even 50 per cent. I am not making myself responsible for either figure at the moment; but I think it would be generally agreed that there is a vast scope in which the evaded tax can be collected and the necessity for increasing burdens or wasting our accumulated resources avoided.

The highest authority in that regard seems to have represented that the machinery at their disposal was not sufficient to enable them to bring to book the principal offenders in this matter; and that, therefore, further powers, further authority, further means be placed at their disposal, or permitted by legislation or otherwise, which would enable them to secure the arrears in due time. I do not know how far that matter has progressed, how far the representations made by the highest authorities have been listened to; and whether we shall act in the near future, before depression comes upon us, as the Finance Minister seems to fear, and before most of these people are able to show a clean slate in bankruptcy having nothing to pay, so that we might whistle for the arrears due to the State in their regard. Be that what it may, I think here is a point in which the methods of collection alone require to be more tightened up, made more rigid so that the chance of evasion as well as underpayment may be removed.

I have come across another instance which also requires consideration at the hands of authorities. It is, for instance, well-known that for articles exported, let us say from the United Kingdom, there is a domestic price and there is an export price which is quite different and much lower. A motor car—I forget the name of the make—is selling in England at £460. Its imported price here is something like Rs. 4,500 c.i.f. That definitely avoids—I deliberately use the word avoids because it is legally permissible—tax to the Indian exchequer to the tune of something like Rs. 800, had it been sold at its proper and correct price. I have not been able to ascertain why this gap should be permitted, that the export price and the price on import c.i.f. in this country should have such a wide divergence to the grave prejudice of the Indian exchequer. And I do not know whether the same cars do not sell, actually when they come upon the market, at a much higher rate so that the consumer also is taxed by the producer. This matter, I hope, will be considered in its proper aspect by the authorities concerned. I only mention it because it is one of several items that I could mention, if I had time enough, whereby the tax collection, whether by rules made in that behalf, or by the law available or by the actual practice, is not as adequate, as stringent, as effective as it should be.

The entire system of taxation, Sir, needs to be reconsidered from the standpoint of our present situation, from the standpoint of our present requirements, from the standpoint of our present views regarding social justice, equity as between fellow citizens, and incidence of taxation. We have been promised—still we are in the stage of being promised only—a proper Taxation Enquiry Committee. I hope that a proper committee of this kind will be appointed before too late, and that it will function, that not only will its report be presented but also considered and a recommendation made so that effective action is taken thereon, and not merely the matter being taken into general consideration as we had the example yesterday

[Prof. K. T. Shah]

evening. General consideration takes us no further. The point, however, that is important to note in this connection—and I hope those concerned will not think me merely a theorist in suggesting this point—is that, unless taxation is correlated to expenditure, unless every pie collected is not only properly accounted for but also in properly spent, that is to say, unless harmony is established between our needs and our resources, taxation would run the very serious risk of being unjust, inequitable, falling on wrong shoulders, bringing in more than what may be necessary or leaving more than is justified to be left in the hands of the tax-payer. At the same time, may I say, with all respect, that at the present time the theory that seems to be most in favour with the taxing authorities is, not taking what may be required from the tax-payer for the State, but taking on the theory of taxable capacity being equal to the squeezable capacity of the tax-payer—as much as you can squeeze out of him. Now, such a remark coming from a person like me might be liable to misrepresentation or misconstruction. I am not speaking, indeed, of those money bags who do avoid taxation on a larger scale, and evade on a still larger scale; and who nevertheless go on crying that they are being taxed out of existence. I am not a subscriber to that view. I feel on the contrary that our finance authorities seem to have surrendered at discretion to those elements; and it is for the money-bags to accept it. Whether or not they are going to accept that surrender remains to be seen. They are making their own conditions.

I would like the Finance Minister to consider this other matter. There is what is called in economics the law of satiable want, but for many there is what is known as insatiable want. There is no limit up to which people will go on acquiring and accumulating money, and whether from good source or bad is indifferent to the money-bags. That being so, they become some sort of insatiable monsters, who are never satisfied, to whom no amount of sacrifice would suffice, and whom therefore it is, in my opinion at any rate, absurd to try to appease. We are, however, obliged to do so, because those in power have somehow an unconscious sympathy with that class; so that their first thought, their earliest proposal seems to be to give relief to them. They hope by such means all the terrors that those classes held out to us on the pretexts of shyness—or is it coquetry?—of Capital, all the pretexts of it being unwilling to come forward for furthering production would be warded off. Time and again, and however, these bogies are trotted out to make us grant them relief upon relief, so that they may be coaxed into public service or increasing the production of national wealth.

I confess I have yet to see the concrete results of these reliefs materialising, and the objects with which the reliefs are granted coming to stay and becoming actual facts with us. I have not yet seen in any particular form that, directly due to these reliefs, the production machine has been geared up, and the speed has been somehow increased. If there had been some increase it is due to other factors besides the relief; and, therefore, the relief as such seems to me to be a mere gratuitous present at the expense of other tax-payers.

And that brings me to the most outstanding illustration of the taxable capacity, being regarded as equivalent to the squeezable capacity, in the minds of our present authorities. That, of course, is the obvious question of the proposed increase of postal rates. No explanation that has been vouchsafed to this House has appeared to me at all meeting the points that are urged by those who opposed these rates. I know there has been a sudden *volte face* in this House, from the discussion on the Budget when it was first presented, and subsequently when the General Discussion took place on demands for grants and on the introduction of this Bill. I fail to understand

the miracle that was worked overnight, so to say, whereby the tone was completely changed, from a frontal attack in massed columns upon the increased rate of post cards to a tame surrender and acceptance of the inevitability of raising the price of the envelope and the post card. After all, the agriculturist has also money, we are told, and let him pay the money! Now that we have remitted the salt tax, there is no reason why we should not increase the postal rates! That is a logic which fails to convince me, I am willing to admit.

Sir, it seems to me more grotesque than anything else, when I realise that it is a matter of recouping for the public exchequer from a monopoly service the utmost that can be obtained from the poor user of the post office. I raised a question as regards the basic principle of these rates and I was told that this is a matter of policy. A matter of policy cannot naturally be discussed in the Question hour, not even answered. That being so, I had to remain silent when I got that reply. I do not know even now what is the intention of our authorities as regards taxing through the post office, through the railway, and through the public utilities in general. The postal and other public utility services should render real service to the community, and should not be a source of attrition, a source of exhaustion and exploitation that the worst exploiters ought to avoid.

It is clear to me that in this public enterprise we have come to a stage at which charges are frankly made on the cost of production basis, even though the cost of production has to include all sorts of real or fancied items, a list of which we have not yet got. Everyone familiar with commercial accounting would be able to tell you how you can put in or take out a number of things either to inflate the profits or to reduce the profits.

I am prepared to hold up my judgment in this behalf until I get all the items that the honourable the Finance Minister has up his sleeves, to tell us that he has added the cost of collection, that he has added the cost of delivery, that he has added the cost of sorting, that he has added the cost of transport, that he has added *pro rata* the overhead charges including a part of his own salary, the debt charges, the defence charges, and all the other one hundred and one charges that must come *pro rata*, I do not say wholly upon the post card, so that the post card comes to 9·2 pies. On that basis, our Government is so charitable, so generous, so openhanded that it has charged nine pies instead of 9·2 pies. There cannot be a greater height of generosity to the public; there cannot be a greater measure of charity; the honourable the Finance Minister, the good Christian that he is, has come forward with this offer. Charity begins at home, and charity covers a multitude of sins; including the mistake in accounting and the sleepless nights and sleepy days. The cost of production proper is admitted now to be much less than on the first day, out of sheer slip of the tongue, the Finance Minister seriously told us it was. But, he does not tell us today, whatever be the position as to its cost of production, the total cost, and its ratio to the average income *per capita* in this country, and the comparative position with regard to similar charges in other countries. In the interval of a fortnight or so, he has forgotten all these very important and relevant matters, so that the House is bereft of his sage advice, high authority and charitable opinion in this matter, giving us the comparative position between what a man getting Rs. 15 per month at the most has to pay as compared to a man, who is perhaps getting Rs. 300 per month, has to pay elsewhere.

In these circumstances, I feel that, according to the old-fashioned ideas—I deliberately say old-fashioned, because my honourable friend says that he has dropped all this old convictions, and those who labour under their convictions in the law of economy are naturally regarded as old-fashioned—one would have thought that the law of Increasing Returns in these postal rates ought to suggest to the honourable the Finance Minister and his colleagues that the lower the charge, the greater is the output, and necessarily a greater surplus if you

[Prof. K. T. Shah]

want; and the higher the charge, the lower the turn over. You deliberately deter the service from being used to the maximum it should be used, if you go on raising the charges for this elementary public service. It is not only a tax on communication; it is a tax on knowledge; it is a tax on the spread of education, it is a tax on the facilities that the people should have of exchanging their views, so that they by mutual intercourse and freedom of expression, may grow wiser and become better citizens, which the authorities desire them to be.

Sir, apart from that, it would be perfectly right and just if you are going to charge actually for service rendered. What is the cost of service that you are going to render by the all up air mail system? In the whole of this country, there are hardly about 200 air stations, including of course the defence department stations. You are now going to rely upon the flying clubs to deliver within areas of ten miles or 15 miles of the principal air ports. Instead of receiving the postal letters within ten hours or twelve hours or twenty-four hours, we will be receiving them in as many minutes. I do not know how many of us would be happier by that difference, assuming it is true. I think this is the main excuse that has been put forward for raising the rates for postal communications. I ask, have those authorities considered such a factor as monsoon in this country—there is a monsoon in many parts of the country every year,—and the utter impossibility of dropping postal bags from above without risk of getting it completely wet, so that no one would be able to read any line. I know, of course, there may be water-proof bags, that they may be properly sealed and there may be specially made cases. Then, this would add to the cost also, and we would have the honourable Finance Minister come again to us.....

Shri R. K. Sidhva: They are not meant to be dropped down from heights.

Prof. K. T. Shah: They are coming down to the ground? The lives of those to fly these machines are of no value? That does not matter in any way to the honourable legislators, who think that these things, after all, can be done if there is only the will to do. I wish them all success in this desire to achieve a great advance over all the most advanced countries of the world. Because, I do not know anywhere else where this system of carrying everything by air prevails. Even in the United States—I speak subject to correction from the all-knowing and all-powerful Minister, there is no all-up air carriage of mails. I must say that I am not aware of the possibility of carrying by air all postal letters to every village even in the United States. We are, of course, much more advanced than the United States. We have much greater facilities; we have many more planes, more air strips, more weather stations, more landing facilities, better radar equipment, and all those that we want. We are naturally far more advanced than the United States, and therefore we naturally charge for the service rendered. Today we say we will carry 25 per cent. of the mails; tomorrow we will carry 50 per cent. If we do not, we will come to this House and ask you for a little more to carry 45 per cent. You will only be deceived by your disappointment. You are not even giving good service for the money you charge. In this way you would be perpetuating a deliberate fraud upon the public by pretending to say that you will carry all articles by air, when it is physically impossible—I challenge the Minister—to carry all the mails in this country by air.....

Pandit Balkrishna Sharma (U.P.: General): I rise on a point of order, Sir. Nobody has said that all the mails will be carried by air.

Prof. K. T. Shah: The honourable Minister said so.

Pandit Balkrishna Sharma: Then, he has not understood correctly. What is all this? This is unparliamentary.

Prof. K. T. Shah: Why this is unparliamentary, I fail to see.

Mr. Deputy-Speaker: Order, order. The honourable Member has already taken twenty five minutes. The Speaker is standing and the honourable Member must resume his seat. The honourable Member started at 12-35, and it is now past 1 o'clock. He has already taken more than 25 minutes, and I am holding on the House in the hope that he will conclude. He must conclude now.

Prof. K. T. Shah: I know that mine is a lone voice in the House silenced by either ridicule or outvoting.

Pandit Balkrishna Sharma: Not a lone voice but the voice of a cantankerous crank.

Prof. K. T. Shah: But I must say this: I see no justification for making this charge upon the people who will not get the service for which they are going to pay. That being so, I remain utterly unconvinced by all the explanations that have been given about the utility of raising the postal charges. The postal charges should be the lowest. I have no time to go into the expenditure side of the Budget, which, had it been attended to properly, all the necessity for raising this taxation would not have occurred at all. I will end by saying—even though whatever I say may be ineffective—if you go on making charges for which you do not give good service, you will not be living up to the ideals of a good state. After all, it has been said by the greatest of the sages that the taxpayer public is like a cow. If you know how to milk it properly, then you may get the best nourishment out of it. If you go on squeezing, you know what would happen.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.-

Sreematty Annie Mascarene (Travancore State): I wish to raise a point of order please. Is it in order for a member to refer to another member as a cantankerous crank?

Seth Govind Das (C.P. and Berar: General): Is it a parliamentary expression?

Mr. Speaker: I shall consider whether it is parliamentary or not, but certainly it is not proper to use that term one way or the other.

Sreematty Annie Mascarene: If such a reference is made, is it not the duty of the honourable Member to withdraw it?

Mr. Speaker: It is therefore that I said I could not be sure as to what exactly the implications of that word can be; I am sure that 'cantankerous' is not an unparliamentary word, but about the word 'crank' I am doubtful. I must know the implications of the whole thing.

An Honourable Member: You were absent this morning.

Mr. Speaker: I wish the honourable Member had raised the point when the Deputy-Speaker was in the Chair, but I will look into this and let her know. Any way, if I find that it is unparliamentary I shall see that it is expunged from the proceedings.

Seth Govind Das: The honourable Member should also withdraw these unparliamentary words.

Mr. Speaker: I shall then also ask the honourable Member to withdraw them. The best course is that members should use very moderate language. I generally feel that strong expressions should be avoided.

Pandit Thakur Das Bhargava: Sir, we have just heard the very spirited and interesting speech of Prof. K. T. Shah, during the course of which some members did not like what he was saying. I am not concerned with that aspect of the matter, but I must say that whatever falls from the lips of Prof. Shah is always entitled to our consideration and we always attach due importance to it. But after hearing him and after hearing his indictment against those members who according to him have changed their opinions, I must say that he is entirely mistaken in thinking that something has taken place overnight, as a result of which many members have changed their opinion. As between the two Professors, Professor Shah and the old Professor Dr. Matthai, we had not to choose so far as the personality was concerned, because both of them have got charming personalities, but we had to weigh the arguments given by them. Is it true that the first impression which many of the members got when we heard the speech of the honourable the Finance Minister, which he delivered at the time of the Budget was that this increase in the rates was not acceptable to the members; it was the first impression, but after hearing the various grounds on the various occasions on which he had occasion to speak, I think, I am perhaps voicing the feelings of the majority of members that we are mentally convinced that the reasons given by him are absolutely sound. Originally the proposal before us was that since the letters and the post-cards were to be carried by air, the increase was to be made. As a matter of fact, Sir, I understand the position is quite different. The way in which I look at the question is this. On account of various circumstances which are too obvious the Budget is not a surplus budget. The Kashmir operations, the Hyderabad Police action, the refugee problem and the great cost of importing foodgrain—these are matters which admit of no doubt and in spite of these, if we find a Budget which is not a budget which imposes very onerous taxation upon us is a matter for congratulation. Judging from this background, I look at this question of increase of rates in postal charges as a normal affair. I was in the House, Sir, in 1928 when the proposition was that the price of the pice postcard be raised and I remember the speeches which we on these benches made when this was done. Whenever the increase of taxation on the ordinary people is sought to be increased, it is always usual for the members who represent the public to raise their voices, but when we are convinced that such increase is justified, we ought to be courageous enough to admit that there is a case for increase, and today there is a case for increase, I am perfectly convinced. The difficulty was that previously it was explained, but then I do not see the difference if valid and undubitable arguments are given now though they were not given on the first occasion, that makes no difference at all. The choice is whether you want 2,000 more post offices in the country or you want the same rates to continue. According to me, Sir, the poor man does not at present utilise the post-card; it is not a question of taxing the poor man at all. It is a question of taxing the poor middle-classes and not the poor man at all. The poor illiterate man does not use the post-card or letters or even your Postal Department. Therefore, I beg to submit that if the choice were given to me whether the postal facilities are to be widened, so that a larger body of men may take advantage or the rates are to be increased, I will certainly make the choice that the increase from 2 pice to 3 pice may be maintained as it was before.

In regard to the abolition of the capital gains tax also the grounds given by the honourable the Finance Minister are very sound. They appeal to our reason and I don't see any wrong in seeing this tax abolished. When the tax was originally imposed, I remember the days, there was such a great howl in the country, because it was an innovation from the past and because in all countries except America such a tax was unknown and in our own history of taxation such a tax was unknown. We have forgotten those days and when

it comes to abolition, then we raise a hue and cry. The truth of the matter is that for some people when they see money, there is a great temptation to keep it. I know of a lawyer, Sir, if money was laid on the table for his fees, though he was a lawyer who charged very exorbitant fees otherwise, when money was shown to him, he would succumb to the temptation. When last time the Transfer of Property (Payment of Taxes) Bill came before us the fact that the Income-tax Department were able to extort Rs. 40 lakhs from certain tax-dodgers, that alone was sufficient for some people, and their mouths watered. They went so far as to say that it is a good device to extort taxation. In the same way since we see the money—two crores—we think anyhow that this money should be kept. It is a wrong policy. After all the right policy of taxation is you tax in such a manner that the taxes are recovered from people who ought to pay it. Now, Sir, I see nothing wrong in the upper limit of tax, i.e., from 15 annas 6 pies to 14 annas being decreased. I do not see any objection at all. I would rather say that you should decrease it still further. In this country the rich man as well as the poor man has right to live. We have passed in the Constitution Act Section 13 that every person has a right to hold individual property. Let it not be understood that I want that the richer classes should not be taxed as they should be and that the burden on the poor should be increased. But at the same time we should not kill the goose which lays the golden egg. If really you want industrialisation of the country, you must create conditions in which more production is possible. If you do not allow such conditions to be brought about, you will be doing an absolutely wrong thing. That is the real position. If anybody opposes this argument he should come forward and convince us as to how this argument is wrong. As long as it is right we are bound to support this relief, in higher income levels.

As regards the concession which is going to be given to the joint Hindu family I have got to submit this. I am very glad and I should congratulate the honourable the Finance Minister that he has been pleased to recognise the justice of the claim of the poor undivided Hindu families. I am very glad that I have no need now repeat the arguments I used to advance on former occasions. Now the question is how to tackle this problem. We have made a breach in the wall. The principle has been accepted that it is not a concession but justice to the Hindu joint family. It is unfortunate that this question has come up at this stage when the honourable the Finance Minister cannot go into the question deeply and do full justice to the Joint Hindu family. I realise that. But I would take this occasion to submit for his consideration that we are only accepting the new proposition about increasing the taxable minimum of the Hindu joint family, only as a present remedy for this year alone. The real remedy is not to make any discrimination in this respect between Hindus and non-Hindus. We want that all the nationals of this country should be treated alike in the matter of taxation. I am for a uniform policy of taxation. We would welcome any device by which it could be brought about. In my opinion, in the matter of taxation, I should suggest that all Hindus should become non-Hindus. It will look paradoxical, but I would submit that last year the proposition accepted by the honourable the Finance Minister was that every coparcener in the family should be allowed a deduction which is allowable in the case of an individual. He made a speech on 18th March to this effect and said that he would refer the matter to the Taxation Commission. The matter was accordingly referred to the Commission, but that body unfortunately could not rise to the occasion and make an enquiry into this matter. The letter which they addressed after they were commissioned to find out how joint Hindu families should be treated in the matter of taxation and the way in which they approached this question were both faulty. In a few minutes I will read out their forwarding letter and the questionnaire they sent to all of us.

[Pandit Thakur Das Bhargava]

It would appear that they say in this letter that though they have a technical right to go into the question, yet they regard it as their scope of enquiry and duty to view the question from the principle of avoidance of taxation. They thought that they were not commissioned to find out in what manner the joint Hindu family is to be taxed. From item No. 5 of their questionnaire it is clear that they have not approached this question from the right standpoint. For this reason they did not get many replies and no proper guidance, and they could not suggest the correct solution. As their report is a confidential document I will not refer to it in greater detail and shall content myself with this reference for the present. Previously, as well as in this report, the approach made was to see that the taxable minimum is increased. I submit that the social unit called the joint Hindu family was never founded in or introduced into our society with a view to levy tax upon them. Whenever it suited the Government it has always treated the Hindu joint family as if it were divided. Now, if a Hindu dies and the heir collects the debts of the dead, he has to pay court-fees like the others, whereas in a joint Hindu family no such fees should be chargeable as in a Mitakshara family death is of no consequence. In 1924 the taxation Inquiry Committee held that the joint Hindu family should be treated as if it were a divided family. Now the Estate Bill is again coming before us. The Select Committee Report of the Bill has not been circulated. But in the original Bill, under sections 5, 6 and 12 the provisions of the Bill treat the Hindu joint family as if it were divided. Whenever they want to get taxes from us they treat the joint Hindu family as though the Hindu joint family did not exist, but when it comes to giving some sort of concession, they take away the rights which such families have enjoyed for so many years. Now I am asking what is the justification for treating the Dhayabhaga family as a Hindu undivided family. According to theory and practice in Dhayabhaga families the rights to property are definite and ascertained. Now, according to section 9 of the Income-tax Act, when there are definite and ascertained rights to property, then no taxation can be levied on the basis of jointness. Well, if this is true, there is no justification whatever to tax the Dhayabhaga family as a Hindu undivided family. In regard to Mitakshara families also, we know that the real Mitakshara families do not exist in the Punjab and in the United Provinces. According to the original concept no undivided Hindu families exist in which there is jointness in estate, worship and property. As a matter of fact it was held as far back as 1889 and in 1919 that no such family exists in the Punjab. Where a son is not born with any right to property, no such family existed. Now, after the operation of the Hindu Code and the gallant and valiant efforts made by Dr. Ambedkar to kill the joint family, no Mitakshara family will be left alive and in future there will be no Hindu joint family at all. Where is the justification for a joint Hindu family taxation law and its being categorised as a unit of taxation? If there is no joint Hindu family and if there is any trace of it left it is going to be finished for all time by the Hindu Code. There is no justification for having this provision for the Joint Hindu family in the Finance Bill. We do not want any discrimination in favour of the joint Hindu family. We should treat the Hindus, the Christians and the Muslims alike. The right of birth is practically abolished today. There is no survivorship there. Dr. Deshmukh's Act of 1937 has finished the question for us. There is again right of representation and the principle of survivorship stands shattered. In such circumstances where is the joint Hindu family? When all these happens as a result of the trend of individualistic tendencies of the age, we are forced to the conclusion that it is futile to tax joint Hindu families. The proposition which is advanced by those who are in favour of taxing the Joint Hindu family is absolutely wrong. When the honourable Minister goes through the recommendations of the Investigation Tribunal, he will find that the recommendations are absolutely futile and based

I was referring you, Sir, to a letter which they have sent, and with your permission, I will read out a few lines from it. They say:

"Although the words 'on all matters relating to taxation of income' would seem to suggest a very wide scope for the enquiry, the Commission read them in the light of the preamble of the Act which refers to the 'purpose of ascertaining whether the actual incidence of taxation of income is and has been in recent years in accordance with the provisions of the law.' Therefore, they are principally concerned with topics of legal avoidance, evasion and the causes which led to the tax not being levied or collected through defective machinery of the Department. The Commission have, therefore, prepared a questionnaire copy of which is enclosed herewith, and they will be grateful to have your views and the views of your association on the points mentioned in the questionnaire."

So, the question was not how a Joint Hindu family should be taxed, or should be taxed at all or not. This question was never referred to the persons to whom the questionnaire was sent and they should not have sent their opinion at all.

Now, Sir, I beg to submit that today, without going into the main question as to what would happen to the Joint Hindu family, because that is a matter which we shall discuss subsequently when the new Bill is brought forward, today the position is that if you want to give a remedy, what is it you have got to do. The suggestion made by the Select Committee was that the taxable limit should be increased to Rs. 3,500 and the honourable the Finance Minister has been kind enough to raise the amount to Rs. 5,000. But then how to get over the difficulty? The difficulty will be that by including all the Hindu families, some of the members of the Hindu Joint family whose incomes are separate may come and say, "Since I have a minor son, therefore, I am entitled to be treated differently from my non-Hindu brethren." With a view to finding a solution for this difficulty, some of us conferred together. We came to the conclusion that two safeguards should be provided; one, that only such families should be included as get some income from the ancestral property, and two, if the income is the result of the fusion of the incomes of more than one member, that is to say, if there are two earning members, in that case the least concession which can be claimed is at least Rs. 6,000. I am content with Rs. 5,000 also, as the Honourable Minister cannot find money in this Budget. I know it is a deficit Budget. So I agree. I agree even to increase in the postal charges, because there is a deficit. Therefore, I agree to Rs. 5,000 and in regard to all families in which these two conditions may be satisfied, I do not want any sort of preference for Hindus over our non-Hindu brethren. Such a formula should be accepted. In asking this concession for the Joint Hindu family, I want to make it clear that I do not want any sort of concession to be given to a member of the Joint Hindu family. Take away your section 14 which is very illusory and meaningless. I submit that logically in the super-tax also such a concession should be given, because we have this concession in the business profits tax. There the limit is Rs. 1 lakh and 2 lakhs. Previously, in the super-tax the limit was Rs. 75,000 and 50,000. Now you are raising the limit from Rs. 3,000 and 5,000. So in the super-tax also logically this concession should be allowed. But when the country is, so hardpressed and the Budget is really a deficit Budget I will not unduly press this claim this year as the honourable the Finance Minister who has been so kind as to recognise the justice of the claim. After a lapse of 90 years, he is the first Finance Minister who has come to the aid of the Joint Hindu family. I therefore thank him very much and I should say that though he says he is not a politician, to me he seems to be a magician. He has satisfied all parties and he has given us such reasoning that he has really captured our imagination and I may frankly confess that this Finance Bill which he has brought forward is one which in my humble opinion all of us should accept without any sort of mental hesitation.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, in the speech on the general consideration of the Bill, Mr. B. Das has referred to the recent

[Mr. Naziruddin Ahmad]

practice of sending the Finance Bill to the Select Committee. He has come to the conclusion that it tends to cast a suspicion on the Government. We greatly missed him in the Select Committee because he was more seriously occupied, but if he had been there, he would have been entirely disillusioned. In fact, I believe that the system of taking the Finance Bill to a Select Committee is a very good practice. Before that, the House indulges in long talks, practically disconnected, and the Select Committee is a place where the different views may be focussed and the members have an opportunity of hearing the Finance Minister in a friendly discussion and I believe that no member has any suspicion, but every one tries to express his views and the Minister tries to accommodate every one as far as possible. So I believe, though it comes from an experienced member, the experiment which we have begun should be continued, and the system of sending the Bill to the Select Committee would rather solve much of the difficulty and confusion that is created.

With regard to the Bill, I have one or two points to suggest. In clause 2 of the Bill, we propose the discontinuance of the salt duty for another year. There is a considerable amount of sentiment on this subject. In fact, it is out of respect and love for the sentiments of the great Father of the Nation that this clause 2 continues from year to year in our Finance Acts. I however submit that the principal object with which this discontinuance was introduced has been frustrated. The idea of the Father of the Nation was that this was a tax which was levied on the poorest and if the tax was removed, it would be to the benefit of the poorest section. As a matter of fact, we find that although the tax has been remitted for a few years, the price of salt has remained the same. The poor man has never got the benefit. On the other hand, there has been a recent tendency of the price going up further. So the poor man got nothing by way of benefit which was the obvious purpose of the discontinuance of the duty. Not only that, the Exchequer loses Rs. 9 crores judging according to older, pre-partition standards. I submit that the reasons for this intended benefit not reaching the poor man are very simple. I believe, according to pre-partition standards, Rs. 9 crores was the tax paid by about forty crores of people. The result was that each man's share of tax amounted to about Rs. 3 1/2 annas in the year and thus every man had to pay something like three pies per month, i.e., one-tenth of a pie per head per day. If a man goes to a shop to buy a little quantity of salt for two or three days the amount of tax relief would be so minute and mathematically so incomprehensible to him that neither the shopkeeper can give him any relief nor can the poor man get any relief. So the benefit which was intended to be given to the poorer section has not materialised. It is therefore that I suggest that Clause 2 be entirely omitted and the tax should be imposed: not that I want to tax the poor. They are in fact paying their full quota. What has happened is that the intermediaries alone are being benefited by the exemption. If we impose the tax again we take away the benefit from the intermediaries without in the least affecting the poorer classes. I suggest that the tax should be imposed for the very purpose of helping the poor and my suggestion will be this. If we impose this tax the exchequer will get something like Rs. 9 crores. I do not know what it will come to according to present standards but it would be a very large sum and this would not be paid by the poor people at all. It will be paid by the salt dealers, small or great. So these are the persons who will be hit by the imposition of the tax and the original purpose of benefiting the poor will not be affected. I therefore suggest that this amount of 9 or 10 crores, or whatever it is, be spent for the benefit of the poor. It may be in spreading primary education or village reconstruction or in any other way. So this tax should really be used for the purpose of the poor. There is no use continuing something out of sentiment when the very object of the sentiment is being frustrated. My suggestion would be that this tax should be reimposed and it should be

3 P.M.

3 P.M. 2 be entirely omitted and the tax should be imposed: not that I want to tax the poor. They are in fact paying their full quota. What has happened is that the intermediaries alone are being benefited by the exemption. If we impose the tax again we take away the benefit from the intermediaries without in the least affecting the poorer classes. I suggest that the tax should be imposed for the very purpose of helping the poor and my suggestion will be this. If we impose this tax the exchequer will get something like Rs. 9 crores. I do not know what it will come to according to present standards but it would be a very large sum and this would not be paid by the poor people at all. It will be paid by the salt dealers, small or great. So these are the persons who will be hit by the imposition of the tax and the original purpose of benefiting the poor will not be affected. I therefore suggest that this amount of 9 or 10 crores, or whatever it is, be spent for the benefit of the poor. It may be in spreading primary education or village reconstruction or in any other way. So this tax should really be used for the purpose of the poor. There is no use continuing something out of sentiment when the very object of the sentiment is being frustrated. My suggestion would be that this tax should be reimposed and it should be

spent particularly for the improvement of cottage industries or in other ways for the poor. Nine or ten crores per annum would be a large sum which would benefit the poor. It may be that we make it payable to the Gandhi Memorial Fund and this may be spent by the organisers of that fund for suitable purposes.

The other matter to which I wish to draw the attention of the House perhaps affects a smaller class. It is in clause 4, items (j) and (l), namely, the proposal to increase the tax on flashlights, on photographic instruments, apparatus and appliances I submit, Sir, the increase of this tax affects a class of persons who are the most innocent of persons in the world. Of all photographers professional photographers constitute only one per cent. of the consumers. The large trade of photography is carried on by at least 99 per cent. of amateur photographers. I believe, Sir, that this innocent class should not be further taxed. I submit, Sir, that these poor people have to make it a pleasure on their part to wait upon the whims of the great people—just to wait till they smile or till they indulge in a particular pose; then to give the exposure and then to present them with copies and feel happy! Sir, I beg to submit that no lover, nor the most beloved person in the world, waits so dotingly upon these people. I believe such an innocent class should not be taxed. It is taxing art, and the love of people for this art and if you tax these, why should you stop? Why not tax knowledge, intelligence, mathematics, science, ability? In that case, most of the members of the Treasury Benches would be taxed because they are very able men.

Shri Mahavir Tyagi (U.P.: General): Do not tax our brains!

Mr. Naziruddin Ahmad: I submit, that under these circumstances, the proposed increase of tax on photographic goods should be relaxed. In fact, photographers wait not only upon the great but also on the small. They wait upon the pleasures of animals, on the moods of Nature—whether Nature is in a reposeful attitude or in a violent attitude, such as in cases of flood, fire and tempests. In these circumstances, the honourable Minister should consider whether he would not abandon this idea of increasing the taxation on photographic goods.

With regard to the general aspect of our financial system, much has been said in the House as to taxing the rich, the capitalist class and so forth. I find that there is a great deal of confusion prevalent in the House. We have not been able to get over our slogan habits in this respect. The Honourable Minister of Finance said the other day that 90 per cent. of the shareholders in our public companies belong to the middle classes. So if you tax industries on the ground that you are taxing capitalists, your vengeance falls upon the middle class shareholders. In fact, capitalists are not seriously interested in their business by way of dividends. Their activities lie in a different direction. They earn their profit through commissions and other means. They are very little concerned as shareholders. If you impose any taxation it punishes the poor middle class investors. If you show any relief you do not show it to the capitalist class but really to the middle classes. If, however, any taxation is to be imposed, or any punishment has to be given to the capitalist class, there is a way of doing it—not by affecting the profits but by curtailing the commissions of these big capitalist classes. If you could do so that would be touching the capitalist classes. The capitalists are ethereal beings, extremely clever and they know how to allude your grasp. While you propose to punish the capitalists they know that the real punishment goes to the middle class investors and they smile under their sleeves because you do not really touch them, though you propose to punish them. So they enjoy the joke and they remain absolutely quiet. Any concession given to the shareholders is regarded as a concession to them. It is not the capitalists who control the investment market. It is the large section of middle-class investors who subscribe to the shares. When it is said that the capitalists are not co-operating with the Government, I think the statement requires considerable

[Mr. Naziruddin Ahmad]

qualification. I believe that many honourable Members do not realise the situation that it is not the capitalists who control the investment market but a large section of the middle classes. The investments in India was to the extent of Rs. 800 crores. On account of previous profits the shares went up to the extent of three, four or five times. During the war they went up further when these shares were freely transferred. Now, transferability is a very healthy sign in the stock market. The present holders,—most of them—have bought them at high prices and when it is said that the dividends amount to 30 to 40 per cent. it is hardly realised that at the present market prices, at which most shareholders have bought them, the investment comes to 4 per cent. or 3-1/2 per cent. and at the most 5 per cent. In these circumstances the question of dividend limitation should be approached with a considerable amount of caution. In fact by some of the acts of the present Government and some ill-considered statements indulged in this House and outside the House, it has come to this that the share values have fallen to the extent of two-thirds. The share values today are only one-third of what they were two or three years before. Ninety per cent. of the middle class shareholders have lost their capital to the extent of 66 per cent. In these circumstances to expect that capital would be supplied in large quantities by the middle classes would be to indulge in a joke. I submit that the upper classes are not in the least affected.

With regard to dividend limitation it is believed that it is an anti-inflationary measure. If that is so why should your activities be directed towards the middle class shareholders alone? If you want to punish the capitalist I have nothing to say. If you try to punish the other income groups I have nothing to say. But you select a particular class of people who are really poor and whose small investments have gone to nothing and you are asking them again to bear the burden. The imposition of taxation to fight inflation is to reduce the purchasing capacity of the people. If that is a benefit why should not Government impose a limitation on the incomes of government servants, ministers, members and others? Why should you select a particular class? If anti-inflation is a desirable object the remedy should press all along the line equally, impartially and equitably. If you try to reduce the income of the shareholders in public limited companies, in logic the incomes of all other persons should be reduced to a corresponding degree. If you cannot do that you should not use this in order to tax a particular class. These are matters which require careful consideration.

I submit that I quite realise that there has been a change of attitude in the House and I believe that the House will further consider the matter. The more they consider the matter in detail the more they will be convinced about the injustice of the thing. In fact, on the pretext of punishing the capitalists you are really punishing a class of investors who have been the most hard hit.

There have been some whispers also that this class of people who buy and sell shares are something like speculators and therefore bad people. I submit that speculation is a very healthy thing, not gambling. In fact by the habit of speculation, large losses and gains are shared and distributed over a large class of people. In this way they act as a buffer in equalising the inequalities among the people.

I submit that it is too late to incorporate these ideas into the present budget. I hope the House will carefully consider all these things. I would request the Finance Minister to make careful investigations as to what percentage of the shareholding is owned by the middle classes, how they would be affected in our attempt to tackle the capitalists, how far the present slump is due to the inertia or impoverishment of the middle classes, etc. These are very necessary investigations and I hope the Finance Minister will come before us next year with ready made figures.

Shri Padampat Singhania (U.P.: General): Sir, there are two points on which I would like to make a few observations. First I would like to speak about cash balances. The Finance Minister said that he has been spending money out of cash balances. So far as the present budget is concerned he has balanced the budget. I submit that cash balance is not surplus cash balance but they are balances against which charges are already made by the Government. They are expenses just like your military or other expenses which Government cannot reduce. Against those expenses advance taxes had been collected and this money is the cash balance. There are so many other assets against which liability is there. I would therefore suggest to the Finance Minister that he will very kindly look into the matter and see that such cash balances as had been collected, against which the Government has already created the liability, are not allowed to be spent for any other purpose. Otherwise what will happen, if that money is allowed to be spent for other purposes? If you spend the cash balances for day to day expenses the result will be that the Government will have to issue new currency and our position will become very serious. Therefore I would request the honourable Finance Minister to consider this point which has been made the other day by one of the Members of this House.

The next point which I would like to refer to is bearer bonds. The other day the honourable Finance Minister said in his reply that bearer bonds mean allowing more tax evasion. In the set up of the House as it is today I do not believe anybody will come forward to do something by which there will be more tax evasion. I would like to explain a point of view for the consideration of the honourable Finance Minister. The idea behind bearer bonds is this. So far as black market money is concerned, which has evaded taxation, that money has already been invested in the bearer bonds or notes issued by the Government of India. If these notes are converted into bearer bonds issued by banks the result will be that at that point the money will be ploughed back into the industrial development of the country, and at the time when interest is paid on the bearer bonds the tax will be deducted at the source and the Government will get the revenue due. I would like the Finance Minister to consider the question of allowing banks to issue bearer bonds. It will not mean any further evasion of taxes through these bonds.

Sir, I do not like the tax on cloth and I want to express my opposition to the proposal. When Mahatma Gandhi pleaded for the abolition of the salt tax his idea was that along with the abolition of the tax there should be reduction of government expenses. So if you abolish the salt tax, do not tax cloth also but try to reduce the expenditure. Without that it will not be possible to give any relief to the man in the street.

There is one more point which I would like to touch upon. For the last two or three years every time the Budget was placed before the House a certain feeling was created in people who are paying a higher rate of incometax that relief was being given to them. I do not know what relief has been given to them. At the end of the speech delivered by the honourable Finance Minister we find more abuse than any relief given to them. It will be one or two crores of rupees which they will get and I do not know whether they are going to get it at all. I would request the Honourable the Finance Minister to issue instructions to his Department to make out a list of the cases in which relief has been given and to put before the House what exactly has been the relief given to capital. Because, without relief the House expects the share market to go down and the capitalist is held responsible for every bad thing. That was the position when the budget was presented. I can assure the

[Shri Padampat Singhania]

honourable the Finance Minister and honourable Members of this House that so far as we are concerned we will carry on with our work. We are not afraid of these speeches because the honourable the Prime Minister has told us that these speeches have no meaning, that we should be prepared for many more strong speeches, that we should go on with our work and we should create such conditions by which it is possible for the people to do something in this country.

Shri H. V. Kamath (C.P. and Berar: General): On a point of information, Sir, has the Prime Minister said so?

Mr. Speaker: Let him proceed.

Shri Padampat Singhania: One thing more regarding introduction of foreign capital in this country. According to the present requirements of the nation it is desirable that we should have foreign capital. But I would certainly put a request that no foreign capital should be allowed in this country with any preferential treatment over what has been given to the other Indian industrialists. Because, if you give any such preferential treatment the result would be very much against the Indian business. All that we have got to see.

Shri Khandubhai K. Desai (Bombay: General): Sir, we are now at the final phase of the budget discussion and the honourable the Finance Minister will probably heave a sigh of relief after about twenty-four hours. In this budget discussion we have passed through a weary course of discussions, reference to a Select Committee and emergence from the Select Committee of the Finance Bill practically in the same form as was presented to the House in its initial stage. As far as I am concerned I had no intention to take part again in this debate but I think that I will be failing in my duty if I were not to place before the honourable the Finance Minister the reactions on my mind after the explanations he has given regarding the two minutes of dissent to which I was also a signatory. Of course I support the Bill as it has emerged from the Select Committee for all its merits and demerits. The question will naturally arise why I support it for its demerits. I do support the Bill for its demerits because enough has been said on this Finance Bill and all angles and points of view have been placed before this House and before the Finance Minister; and we live to learn. Some of us have placed before this House our apprehensions in the matter. Let us hope our apprehensions may be wrong and the honourable the Finance Minister is right. Therefore I support the Bill even for its demerits wholeheartedly because if what the Finance Minister has in mind does not prove to be true then it is a good lesson for him for the future; if it comes out to be true then it is a good lesson for us.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar).]

After all, the science of finance and economics is not very exact. It is hardly a science in that sense. It depends upon certain unpredictable human actions and reactions and the psychological effect of it on one section of the community or the other section of the community. So one cannot be too much dogmatic about any Finance Bill or any economic conclusions to which one may reach.

Coming to the explanation which the honourable the Finance Minister has given regarding the abolition of the Capital Gains Tax I must again reiterate that it has not brought any conviction to me. It may be my misfortune. But I must frankly admit that it has not brought any conviction to me. I do not for the life of me understand how the abolition of the Capital Gains

Tax is going to increase the formation of capital. What it will do is that it might give some fillip to certain speculation, but how is new capital going to be formed? In this budget discussion a new economic terminology has been utilised and that is 'capital formation'. Our country in the next ten or twenty years will be faced with this big howl of capital formation and anything that is going to be done or undone will be under the cover of this new slogan "capital formation." Personally as one who has studied economics to some extent I feel that capital formation, if the terminology is quite correct—or if some capital is to be available for some investment for productive purposes—is going to be achieved it can only be done by more production. Any capital that will come can only come from surplus production and nothing else. The speculative part of it will not form new capital. It is likely that an old concern today might be sold away for an amount which is appreciated and for which the state will not get any tax under this Bill. But that does not bring in new capital. The capital is the same old capital. But the real objection in my opinion is not only to the abolition of the Capital Gains Tax as such, but Capital Gains Tax abolition coupled with double depreciation allowed is something unheard of. Not only is it unheard of but it is something which saps the very finances of our nation for the future. I will just illustrate it by one small example. I put up a factory in the year 1948 with an investment of Rs. 30 lakhs.

Shri B. Das: I am glad to hear that.

Shri Khandubhai K. Desai: I am giving only an illustration. I will be given on this Rs. 30 lakhs 30 per cent. depreciation allowance which will be tax-free. So it is double depreciating and mind, at the present high prices of capital goods. So, after three or four years, as far as my books are concerned, they will show my capital value to be nil. Of course it has got its own worth because the capital goods which I have put up in my factory will give me service for the next 20 years or 25 years, and therefore I will sell my concern and business after four or five years to somebody at, say, about Rs. 25 lakhs and I will get out of the tax; I have not paid the tax for the first four or five years, I will not have to pay tax even then. This, in my opinion, is one great demerit of the abolition of the Capital Gains Tax, coupled as I say with the depreciation amount.

It was stated by the honourable the Finance Minister at the beginning of the discussion today that for a year or two the new concerns will not be making profits and therefore the question of depreciation whether at double the rates or three times the rates will not arise. I may concede that for the time being; but no concern which was put up in 1948 will go on making losses for the next five years. In a way, after a year and a half or two years, the concerns which are newly put up under the present conditions when we have shortage of commodities, are naturally bound to make substantial profits. So, this is one point to which I would like to draw his pointed attention.

Mr. B. Das says that there were irresponsible discussions here and in the Select Committee. He said that members must know that Government must be run and money has to be found. Certainly we are prepared to give the money, we are prepared to finance the Government, but it must be financed in a way which is equitable. The burden of taxation must fall on the shoulders of those who can bear that burden. But the present position is that on the one side relief is being given to those who do not deserve it, who are not satisfied with it;—they are even laughing at it. One big Business-man told me: "We have been successful to a certain extent; we have created such a scare and such a panic in the mind of your Government that they go

[Shri Khandubhai K. Desai]

out of their way to give us the depreciation which we never dreamt in our wildest dreams". That is the position. You can see it from the reaction which my honourable friend Mr. Singhania has placed before you: "You go on talking, you abuse us, it does not matter; we have got what we wanted to some extent, and we will go on doing what we like and we will again get something in the future".....

Shri Padampat Singhania: Not what we like.

Shri Khandubhai K. Desai: It has not satisfied them. So, if it has not satisfied them, why should our Finance Minister who represents the finances of the poor man in this country, who ought to go to the assistance of the poor man of the country, instead should he go out of his way with his big bag and say, "Look here, I am giving you six crores"? They say, "We do not want your six crores. What is this six crores? We are living in hundreds of crores. What is this paltry amount? It does not satisfy us". So, he must turn his mind inward for introspection. Economist as he is, conscientious as he is I am sure he will get light. The discussions that we had in this House will be considered by him and then he will see whether the way he has chosen for increasing the production of this country, for bringing about the economic recovery of our country, the step he has taken or his predecessor has taken are not going the wrong way about and they require to be retraced.

Sir, I suppose and hope that all the discussions that we had in this House are not fruitless, are not in vain. As far as supertax was concerned, what we stated was that at least some gesture should have been made. The trend of the Government's economic policy should have been enunciated in the formation of this Budget. It should have laid down that the two slabs which are between Rs. 50,000 and a lakh should have been removed and over 50,000 the supertax of 7 annas should have been straightaway raised to 9 annas. Still, relief would have been there because instead of 15 as. 6 ps. supertax and incometax together, it would have been 14 as. and therefore there would still have been some relief. Even then the Government policy would have declared that any earnings over Rs. 50,000 per year would be unnatural and it will be heavily taxed. Then we would have shown, in my opinion, some sort of trend of Government's policy so that it would have galvanized the energy, the initiative and the enthusiasm of the common man in the country. Let me assure the Finance Minister and this Government that the common man in the country forms 95 per cent of our population and unless you galvanize them into energy and initiative, I don't think you can have the economic recovery..... (An Honourable Member: "And they live in the villages"). Yes, they live in the villages. When I am speaking I am not speaking only for the industrial labour, I am speaking for the general masses which include every human being in this country.

Sir, with these few words I support the Bill wholeheartedly, and particularly in view of the fact that there is one silver lining to the whole Budget and which the honourable the Finance Minister declared in the beginning. That is that he has got in mind—not only that he has got in mind, but Government have decided that as a policy—that the structure of taxation should be investigated with regard to the national income, its distribution among the sections and cross-sections of the society, so that a proper system of taxation can be evolved which will not only be equitable but will give the Government the money it wants, at the same time going a long way to take away the burden from those on whom it should not be placed and to put the load on shoulders which can bear it. This, in my opinion, is a good test for those

who have cried in the last two or three years that they have been ruined and clamoured for unwanted relief. If they do not play the game, I can assure them that neither the Government nor this House nor the country will have any sympathy for them, will not assist them. If the big business fail to do their duty now the people will say that these are all bad boys of this country who should be treated as bad boys and not as good boys. With these words, I wholeheartedly support this Bill.

Shri Mahavir Tyagi: Sir, I want to refer first to the second paragraph of the Report of the Select Committee. In fact, it has given cause for great dissatisfaction to the House. It was unfortunate that when the honourable Minister for Finance delivered his Budget speech in the House he casually mentioned that the postal rates were being enhanced because there was the intention on the part of the Government to take postal articles by air mail. On account of his speech a consternation has spread all over the country that this enhancement is being made probably because of the plan to convey all mail by air. In fact, later on, when the Honourable the Minister of Communications spoke, he told us frankly that the enhancement had no relation with the taking of the dak by air and that the enhancement was independent of the air mail service. Therefore, if that thing had been fully understood, my honourable friend Prof. K. T. Shah would not have got so much perturbed today. The real position is this. There has been an overall enhancement in the postal rates, on envelopes and postcards. Along with this enhancement, the Ministry of Communications has come out with an offer or with the information that on the one side while they were enhancing the rates, they were trying to give facilities to the postcard and letter writers, to the effect that their letters will reach destination sooner because of two things. One, that in villages where there were no post office, new post offices will be opened. The other, that wherever the dak could be carried by air, it shall be carried by air mail. Whichever of the benefits you could take advantage of, it was there. The enhancement of the charges was independent of these privileges. Therefore, the enhancement should have been discussed on its own merits, and not in relation with the above facilities, when every other expense is enhancing. I do not think there will be any cause for complaint or grouse about this little rise in the postal rates.

But, I have, Sir, an over all complaint, so to say, against the whole taxation. I do not oppose the Bill; there is no occasion of opposing it now, when I have already been a party to the sanctioning of the budget. He can laugh at me. But people will laugh at him, when they would know that the budget is passed by the House, but the money is not provided for. If the Budget were not passed, I would have also opposed this enhancement. All the grants have been voted and the House stands committed to all the items, every one of them. It is no use for any of my friends now to be laughing at this taxation Bill. We have asked him (Honourable Finance Minister) to spend; we must find the money. Even so, I am opposed to this large expenditure, and I want to use this opportunity to impress upon the honourable the Finance Member two things. One is that, he will please, in the coming year at least, give us an undertaking that not a pie more than what we have sanctioned shall be spent. It has been a bad practice in the past that budgets are sanctioned after prolonged discussions, but later on at the end of the year when, they give an account of expenditure, they come out with so much of extra expenditure and ask for supplementary demands. This should not be allowed to

[Shri Mahavir Tyagi]

go on now. Only he would be a successful Minister who does not put up supplementary demands. It is his job to see that expenditure is met within the money sanctioned. The lesser the supplementary demand, the more efficient the Minister is. Our Finance Minister is one of the most efficient ones that I have seen. From the discussions in the House, I see that he is not only a sportsman, in taking criticism in the best humour, but he repels all sorts of attacks in such a nice and cool manner that nobody feels aggrieved even when he gives slashing replies in repartee. We feel mostly convinced although he did the worst for us. He does not lose his temper; he only smiles. I want to impress only one thing on him, and I think the House agrees with me, let us start good tradition: namely: that not a pie shall be spent next year over and above the sanctioned amount. This is a matter about which I would like to have an undertaking from him.

Shri M. Tirumala Rao (Madras: General): Even for a good purpose?

Shri Mahavir Tyagi: Yes. There are chances to curtail their expenditure; instead of taxing the people, they could meet extra expenditure by effecting economy.

Another thing is this: The expenditure has gone up from 92 crores in the pre-war period to 323 crores this year. I expect the Finance Minister to see that the budget is reduced next time by at least 100 crores. It is the privilege of the House to decide as to how much money they want to incur annually on the running of the Government. I would propose that since the expenditure has gone up to 323 crores, we cannot all of a sudden reduce it to the pre-war level. Now, the dearness allowances and all other such extra-expenditure have to be incurred. I propose within one year the expenditure should be reduced by at least 100 crores for the next budget. In the absence of that, I would only repeat that the budget is inflationary and that we are extravagant in our expenditure.

Shri M. Tirumala Rao: In what items you want reduction?

Shri Mahavir Tyagi: There are so many items. The Honourable Minister knows them. I will also suggest one or two instances: In the first place, I would like to say about the inflated number of services. During the war, they went on adding to the number of services. We do not want them now. Their number must be cut drastically. It is no use your appointing an Economy Committee. I do not expect much from that Committee. It requires a sort of a surgery Committee which should operate on the whole secretariat and make drastic cuts.

Pandit Balkrishna Sharma: A butchery committee rather, than a surgery committee.

Shri Mahavir Tyagi: Even if it is a butchery committee, it would not be harmful. A complete pruning is required. I submit that the bushes and the branches of Government have now grown very wild and they badly require pruning. Whatever you may call it; Sir, they are wasting my time.

I may, without fear of being ridiculed, say that all these civil aviation schemes and all other similar schemes of luxury are against the spirit of the day. We are running on a deficit balance; our trade balance is also against us. From where will all this money come? All these extravagant and luxury schemes of civil aviation must be stopped. I would press upon the Government that they may still consider if they can stop these schemes. I say the

same thing about the Radio expansion schemes. Then, I come to the purchasing missions. This is a queer idea. I have never heard of permanent purchasing Missions. These were created by the British to give their agents in foreign countries a chance of earning commissions on our purchases in foreign countries. Instead of "Swadeshi," we are fast becoming "videshi" in our industrial and commercial outlook. Because we have to pay the balances, we must go on exporting more and more. This is the line we have adopted today. We have always stood for self-sufficiency and *swadeshi*. But, no idea of *swadeshi* seems to inspire our faith any longer. Will the honourable the Finance Minister say in his reply as to where he has exerted his influence in the matter of expenditure to see that all *swadeshi* things are purchased. Essential Supplies not available here have of course to be purchased from foreign countries. In that case, however, they engage foreign agents. Have you seen or read of any other country engaging foreign agents and giving four to five crores to foreign agents? I can quote instances where foreign company agents in India submitted tenders for the supply of goods here, but their offers were not accepted. Our secretaries chose to go to foreign countries and settled bargains, with the result that foreign agents earn to the extent of four or five crores every year. This huge amount could be earned by our own citizens at home. If Indians were given the privilege to tender on behalf of those foreign countries here in India, they would be prepared to supply you in India on the very same terms as you are paying them. The result would be that our own citizens would earn about 5 to 6 crores every year, which at present foreigners are getting. I think it is a grave question; we are throwing our money outside in the foreign countries. When the foreigners are prepared to tender here, we could effect purchases here in India and all that talk of corruption that comes from across the seas would also cease. I submit, Sir, there are so many other items where drastic curtailment of expenses can be made. Before, I close, I again repeat that all expenses should be limited to the amount for which sanction has been given and not a pie more. And curtailment of expenditure must be made at least to the extent of 100 crores of rupees during the year, do it from where you may.

The one recommendation that the Select Committee has made while approving of the clause for the enhancement of postal rates was this: That an air-mail fee of half an anna per tola should be charged on letters carried by air. I am glad that it has not been accommodated in the Bill. But since it is the decision of the majority of the Select Committee, I am afraid the honourable the Finance Minister or the honourable Minister for Communications, who have become very miserly these days may jump at this suggestion and may begin to ask the public to give extra charge on air mails. There is no such an unwise man in India who, knowing that his dak will in ordinary course be carried by air-mail, will fix another extra 2 pice stamp on it so that it can be carried by air-mail. It will be carried by air-mail where there is an air-service. That is plain. The Government has announced it. To expect the people even then to pay 2 pice stamp over it so that it can be carried by air-mail, is something which is ridiculous. I hope the honourable Minister will make an announcement that he will not be guided by this recommendation of the Select Committee and with these remarks, Sir, I resume my seat and I hope next year the Honourable the Finance Minister will give a better account of our finances.

The Honourable Mr. Rafi Ahmad Kidwai (Minister of Communications): Sir, I thought when the Communications Budget was under discussion, I had explained the reason for the raising of the postage rates and I had congratulated myself on convincing the House of the desirability of our raising the rates.

[Mr. Rafi Ahmad Kidwai]

but my honourable friend, Prof. K. T. Shah who was not present on that day again started a discussion today, as if anything has happened in between the introduction of the Budget and today. He again criticised the increase in the rates on the ground that if given effect to, it would necessitate the sending of all the mail by air. I had explained the reasons for the increase in the rate and also for the proposal to send all the mail by the air services whenever it is possible. I shall repeat the reasons for the increase in the rate.

I had on that occasion given the House some figures how the reduction in the number of postcards has affected the finances of the Postal Department. I referred to the figures for the last 10 years as to how many letters the Postal Department was sending every year and how many post-cards. I have got the figures before me from 1938-39 to the current year. In 1938-39 516 million letters were handled by the Department while the number of postcards was 378 millions. Till 1942-43 the same proportion continued and in 1942-43 557 million letters were handled while the number of post-cards handled was only 474 millions. Between 1943-44 and 1944-45 the increase in the number of letters over the previous year's letters was 11 per cent. while the increase in the number of post-cards was only 10 per cent. In 1943-44 letters handled by the Department was 636 millions while in 1944-45 they were 710 millions, an increase of 11 per cent. The number of post-cards sent in 1943-44 was 550 millions and in 1944-45 it was 604 millions, an increase of a little less than 10 per cent. The increase between 1944-45 and 1945-46 in the carriage of letters is 14.5 per cent. while in the same period the increase in post-cards was only 14 per cent.

Then the price of the post-card was reduced and we see the effect in the next years. The increase in the letters was only a little less than 5 per cent. while the increase on the post-cards went up to 13 per cent.

Now in 1947-48 the number of letters in the Divided India was 720 millions, while the number of post-cards has gone up to 762 millions that is, the number of post-cards was larger than the number of letters. In 1948-49, i.e., in the current year, while the number of letters is estimated to be 781 millions, the number of post-cards has gone to 850 millions.

Then I come to our postal income. In 1945-46 the Postal Department was run with a profit of 484 lakhs and on the reduction of the post-card rate next year, this profit went down to 19 lakhs, i.e., from 4 crores 84 lakhs to 19 lakhs. The increase in pay on the recommendation of the Pay Commission was responsible for this big decline and partly the reduction in the post-card price. In the next year, that is, 1947-48 the Postal Department was run at a loss and between the 1st April 1947 to 14th August, the partition day, the Department incurred a loss of 10 lakhs. Then after the partition there were some disturbances and people wrote more letters and we made a profit of 62 lakhs. Now in the current year, the estimated loss is to be 56 lakhs and that is after deducting the income we earned from philatelic stamps. Next, year, our loss is estimated to be 224 lakhs. That has been the reason for proposing the increment in the rates. My honourable friend, Prof. K. T. Shah, economist as he is, will agree, whether it is a State enterprise or private enterprise, the cost of the services must be met from their purse. Prof. Shah questioned our figure about the cost of post office that was given out by the honourable the Finance Minister. I repeat that on most of the articles that the postal Department is handling we are losing money. I have got a chart before me

which lays down what the money is that we are spending on each article. I gave some figures the other day and I shall repeat them. On every letter we are spending 10 pies while we are earning 18 pies. On bearing letters we are spending 0-1-4 while we are making 3 annas. These are the only two articles on which we are making any profit. On other heads we are losing money. I am prepared to seek the help of Professor Shah who is a good statistician and good at figures to sit down with the concerned staff of the department and examine the question whether we are not losing on post cards. If he would suggest any economies in the cost of the post cards, etc. I would be prepared to accept his advice and try to introduce them.

Shri L. Krishnaswami Bharathi: May I know if this includes the telegraph charges and all that?

The Honourable Mr. Rafi Ahmad Kidwai: No, it does not. Before the war we were losing money on our telephones and telegrams and making money in the Postal department. Now the condition has been reversed. We are earning profits in telephones and telegrams and losing money on other items. This time in the Postal, telephones and telegrams we would have 4 P. M. made a profit of 550 lakhs, but half of that has gone to make up for the loss in other directions. If our present rates continue and there is no rise in the number of letters then our losses in the Postal department will absorb all the profit of the Telecommunications Department.

Shri S. V. Krishnamoorthy Rao (Mysore: State): May I know the increase in income anticipated as a result of the enhanced rates for cards and covers?

The Honourable Mr. Rafi Ahmad Kidwai: I think the honourable the Finance Minister has given those figures in his Budget speech.

Dr. P. S. Deshmukh: I would like to draw the attention of the honourable Minister to page 2 of the Explanatory Memorandum. There he will find an estimate of 78 lakhs as "nett contribution to general revenues" during the year 1948-49 and the revised figure is "373 lakhs". The expected budget surplus for contribution to general revenue is, without recourse to any enhancement, calculated to be 163 lakhs. I do not know how the figures which he has given now can be reconciled with these.

Secondly, I would like to quote the paragraph in which this matter has been referred to by the honourable the Finance Minister. He says on page 15:

"The revenue from the Posts and Telegraphs Department is expected to amount to Rs. 30.26 crores and working expenses and interest to Rs. 23.63 crores, leaving a surplus of Rs. 1.63 crores. As in the current year this surplus will be shared equally by general revenues and the department which will get a rebate of interest on its share of the accumulated profits, expected to amount to about Rs. 10 crores at the end of the budget year."

So, Sir, according to these figures there is no question of any deficit in this Department. On the other hand there is a huge surplus which comes back to the ordinary revenues of the State by way of contribution.

The Honourable Mr. Rafi Ahmad Kidwai: That is exactly what I said. I said that in the Postal Department in the current year we are losing 56 lakhs and on the telegraphs side we expect to earn a profit of Rs. 188 lakhs and on the Telephones we expect to earn a profit of Rs. 260 lakhs.

Now I shall give the losses in the Postal department. We expect to have a surplus budget this year half of which will go to the general revenues. But, as I said, as the number of post cards is rising every year, more rapidly than

[Mr. Rafi Ahmad Kidwai]

the number of letters, next year our loss will be Rs. 224 lakhs and more of our Telephone and Telegraph income will be adjusted to meet this loss. Therefore perhaps next year we will have no profit.

I may also inform the House that there is a just demand and a great demand for postal facilities in the rural areas. The new post offices opened every year work at a loss and that loss is made up by the revenues of the Department. If the Postal Department loses revenue it will be difficult to extend postal facilities to the rural areas.

Now I will deal with the question of air transport. The sending of letters by air wherever possible has nothing to do with the increase in the rate. As I said during the general discussion of the Budget, the air services are losing money. Last year one or two services earned some profit, but that was because they were utilised for moving in the refugees from Western Pakistan and then they were employed on the Kashmere operations. This year they did not get such work and therefore even the above mentioned two air services which last year showed a profit of 15 lakhs are going to lose 12 lakhs this year. Two of the operating companies have gone into liquidation. We should not expect these services to continue to lose money. Every one in this House will realise the importance of developing civil aviation. These are meant not to provide facilities for the travel of wealthy people, as has been stated, but for use during emergencies. Every one of us has seen how we were able to evacuate large number of refugees from Pakistan when road and rail transport was not available. Every one of us realises that but for the fact that the planes were available it would not have been possible to send troops to Srinagar in time to save Kashmere. I think that, except Shri Mahavir Tyagi, every one realises that we should have at our disposal as many planes and as many trained personnel as possible. It will not be possible to train the necessary personnel and keep them idle. If the personnel are kept idle and the planes are kept idle then when we need them most, we will find them unserviceable. Therefore the only way every country can build up a reserve of Air Force is by developing civil aviation. I had thought this year of coming before the Finance Minister and asking for some subsidy. Then I thought, instead of doling out the money, I could give them some work and pay for it. That is why I have made that proposal. Not that most of the people using post offices will be benefited by this, not that every one is impatient to get his letter or send his letter by air or in a hurry. If the idea was so, then I would have had no objection to reduce the price of envelopes from two annas to six pice, because that is the only item on which we are making a profit, but the proposal has been made in order not to give room for an impression that people belonging to the better section have been left untouched. We have therefore suggested an increase and when we send it by air it will be a subsidy. If the House does not want it, it can be reduced, but then I should warn that I will have to come before the House for a subsidy which in the first year will perhaps be the amount that we expect to realise by this increase. Every other country is paying them in this way, and I know that even after paying these air rates as subsidies, if they find that the air companies have incurred some old loss, then they increase the rate with retrospective effect. This year America has done it. So far as the increase in postcard price is concerned, it has nothing to do with the proposal for air mail. We are incurring loss on the postcard and we are incurring loss in other respects too. On every money order sent out, if it is for less than Rs. 40, we are incurring loss. Most of the poor men send out money orders

worth Rs. 10, 15 or 20. The Postal Department has to spend according to our calculations more than 8 annas per money order, and as you will see, on a money order for Rs. 10 we get two annas, on Rs. 25 perhaps we get six annas, and this means we are incurring loss. If I had come forward with a proposal to increase the commission on money orders, then that would have hit the poor man harder than this post card price which affects very few people in the villages. I know in villages there are people, there are families, who do not receive even a single letter in a year. Therefore, to say that it will affect the villager is not correct. Only 30 per cent. of the postcards are sold in the village post offices; all the rest 70 per cent are sold in the urban areas. I know that the increased postal rate on cards will affect the middle class people, but it cannot be helped if we want to meet the cost of the postcards and if we want to extend the postal services to areas where they do not exist, we will have to accept this increase in the cost of postcards.

Shri R. K. Sidhva: What about clause 3?

The Honourable Mr. Rafi Ahmad Kidwai: I have said before and I say again that our intention is to send all the mail wherever possible by air. Some people think that out of the mail we would pick up 25 per cent and send them by air and the balance 75 per cent will go by ordinary mail. That is not so. To wherever we can take mail by air, all the mail will be sent by air. It has been suggested by the Select Committee that we should levy an additional surcharge as air surcharge. Perhaps, the proposal was made under the apprehension that this alone would ensure transit by air; otherwise, it would be included in the 75 per cent. That is not the position. I may further tell the House that the surcharges by air are not regulated by this Bill. The Postal Act authorises Government to regulate surcharges and had it not been proposed to send all the possible mail by air, I would have accepted the Select Committee's suggestion. But now it is superfluous. We have already got this express delivery system and any letter that is sent "express delivery" will not only be sent by air wherever it is possible, but will be delivered by special messenger. Therefore, I do not think we need to have this surcharge.

Shri Mahavir Tyagi: What about bearing letters? Will they also go by air and if they are returned, come back by air?

The Honourable Mr. Rafi Ahmad Kidwai: Of course.

Sreematty Annie Mascarene: Sir, "There is no undertaking without finance", said Kautilya, the ancestor of Finance Ministers. Ever since the days of Kautilya, all his successors have been the most unfortunate of people and the most unpopular of Ministers. It has been their unhappy lot to balance the income and expenditure. When the income exceeded the expenditure, the Government of the day came in for a share of the credit. When the expenditure exceeded the income, the Finance Minister was committed to the Guillotine of public opinion. That has been the history of Finance Ministers and our Finance Minister is no exception to the rule. Deficit Budgets, loans and taxation are characteristics of a war time finance. We have today Deficit Budget, loans and taxation even in time of peace. This is not a singular occasion when such a state of affairs existed. The Budget of 1932-33 clearly shows a deficit of Rs. 19 crores. If you look into the history of Budgets from 1932 onwards, you will find that the Budgets are of tenebrous deficit than surplus, except in 1937 and 1938 when we had a balanced Budget. The reason is that from 1932 onwards, or rather, from the 1st World War down to the present day, economic conditions in the world have been fluctuating on account of political conditions. That being the case, the Budget of this current year had to be a deficit one, and the means of making

[Sreematty Annie Mascarene]

up the deficit are just the same as those that were followed years ago. I heard the Finance Minister saying the other day that he could have easily escaped all criticisms had he resorted only to loan. Perhaps, he said it just for the sake of argument, for as an economic expert, I know he would not exclusively depend upon loans, for that would lead, or rather, aggravate the economic crisis and inflation that we are fighting today. Therefore taxation had to be resorted to as a support to the edifice of a loan. Now we are looking into the kind of taxation we are going to impose on the nation. The abolition of the excess profits tax has been looked upon as a favour to the capitalists. The history of the capital excess tax in the U.S.A. and in England give us two different opinions. In U.S.A. that tax on the whole amount of profit has been criticised as a house with so many doors that evasion is too common and exceptions are too many. In England, the administration of collecting the tax and bringing it to account has been found so difficult that it was almost discouraged year by year. The facts and figures are given in an essay which reads: "No satisfactory method can be devised and this in itself is a strong argument against the tax on capital gains. It can therefore be surmised that no great loss of revenue would result from the abolition of that part of the income tax. In the very nature of things, there must be a considerable evasion of the tax on such counts while every taxpayer claims of capital losses he may have."

My own objection to that tax, Sir, is not based on these grounds. My objection is that it goes against the fundamental principle of taxation, namely, certainty. Here is a measure of taxation that is no source of revenue to a Government suffering under financial stringency as a result of which we are forced to adopt the line of extra taxation measures based on war-time finance. Then again with respect to the surtax and super-tax, I am of opinion that those measures have been adopted today as a policy to stem the economic crisis that is holding the country in its grip. Now, Sir, many an opinion had been ventilated on the floor of this August Assembly that these taxations more or less show an inclination towards capitalists. If anything to me was most shocking, Sir, it is this. When I looked into the history of Congress government during the last 18 months what struck me most was not capitalism, but the great measures to break the neck of capitalism. The biggest capitalist in India today is the Nizam of Hyderabad. The capitalists were the Princes and the zamindars. Where are they today? Isn't it the first step in the nationalization of land that the Congress Government has adopted? If we cannot explain that policy that way, how are we to explain it?—Bringing the States and their Princes to kneel before democracy! The Nizam, with his status and dignity, with his pageantry and paraphernalia! Today, where is he? The zamindars, where are they? Is it encouraging the capitalists or bringing them down to the level of democracy?

Now, Sir, the abolition of the capital gains tax and the reduction of extra super-tax is calculated again to bring down the industrialists to their knees. What awaits the zamindars and the Princes, awaits the industrialists; only Government today is humouring them for the moment to produce and supply the nation with consumer goods. Let them remember that they are building up their fortunes on an igneous rock with subterranean rumblings and grumbings, the discontented molten matter boiling and foaming up creeks and crevices threatening to blow up the whole edifice in one great conflagration. The day is not far to come.

To be honest, Sir, I am a believer in Russian economics, of making and producing one's own food, one's own machinery and one's own clothes and making the nation self-sufficient and able to stand on its own legs. But I am not a believer in revolution and bloodshed: what Russia worked out in 30 years at the sacrifice of 17½ millions of people, and an ocean of bloodshed, India will work out through legislation in a shorter period and under more peaceful conditions. We know well today that the advent of democracy has released many discontented and reactionary elements. Under these conditions, to run a Government that has to confront major problems of a growing nation, like feeding of the nation with Rs. 160 crores,—worth of food like defending the nation on the frontier at great cost and expense, like restoring peace and steering the organization of the State,—like organizing an India that was left dilapidated, mutilated, exploited, terror-stricken, famine stricken and miserable.—To do all this, we want finance, and who should bear the burden but the nation? Can we classify the nation and say the poor, the rich, the middle class and so on, at this juncture? I deem it the duty of every man in the nation,—every man in India,—to contribute his mite to mould the shape of things to come.

Thus, my reasons for supporting the Bill, Sir, are these. It is not because the Finance Minister happens to be a Christian and I a Christian! It is not out of territorial sympathy, as the remarks that fell from the lips of that distinguished person, that shocked me and made me despair for the future of the organization. Those are not the reasons that make me today stand up before the honourable Members and ventilate my opinion on the Finance Bill.

Sir, there has been many a remark about imports. Rs. 53 crores worth of machinery alone is being imported for the Damoodar Valley project. Well, Sir, when we look into our own industrial organization and the production of the land it is found that we are unable to produce the requisite quality of steel and iron to fill up our machinery. Therefore, until we have our own machinery, and until we are able to build our own machinery for all purposes, we will be forced to import machinery from abroad so that the nations wants may be supplied.

For these reasons, if calculations are correct, the economic crisis that followed the last war is also going to follow this war and we may have to hold up progress due to financial stringency and tax the nation continuously for a year or two more. Sir, the Finance Bill that was presented to this House has been subject to many a criticism. I do not disagree with any of them because some people look at the Finance Bill and its immediate effect on the nation, some look at it from the point of view of its effect on the shape of things to come, and it is among the latter that I belong to. Judging India's achievements during the past 18 months I feel proud that we are the only nation in the world that has achieved a mighty thing in the history of the world. Imagine 330 millions of people starting off on an adventure that was never tried by any other nation in the world—of launching self-government on the ocean of democracy, at the end of the greatest war in history, when passion was high, when reason and emotion were at a discount, when cries like equality, and liberty were ringing the most intoxicating music in our ears—at this juncture we launched into a grand scheme, the greatest that the world has ever tried, by a country that is three times as big as the United States of America and half as big as Europe. For the first time in the history of the world such a grand scheme is being launched upon and for a few years more the nation must sacrifice till we are able to build up the nation of our ambition, where peace and contentment will prevail.

श्री रामचन्द्र उपाध्याय : सभापति जी, इस बात से कोई इन्कार नहीं कर सकता कि आज हिन्दुस्तान एक आर्थिक संकट से गुज़र रहा है और देश को

[श्री रामचन्द्र उमाध्यय]

सबसे अधिक उत्पादन की आवश्यकता है। इस के लिये पिछले साल का हमारा अनुभव हम को बतलाता है कि उत्पादन बढ़ाने के मामले में हमारी सरकार और हमारा राष्ट्र ज्यादा उन्नति नहीं कर सके। इस का कारण क्या है? मैंने माननीय सदस्यों की स्वीचें सुनी और सब ने उस रिलीफ की आलोचना की है जो कि फ्राइनेंस मिनिस्टर ने इंडस्ट्रियलिस्ट्स को दिया है। लेकिन उन्होंने क्रियात्मक रूप में यह नहीं बतलाया है कि देश की इंडस्ट्रीज को बढ़ाने के लिए गवर्नमेंट को क्या स्टेप लेना चाहिए, अगर वह स्टेप जो उन्होंने लिये हैं गलत हैं। हमारे फ्राइनेंस मिनिस्टर साहब ने यह उचित समझा कि इंडस्ट्रीज बढ़ाने के लिए उद्योगपतियों को कुछ रिलीफ दिया जाय और मैं समझता हूँ कि चाहे हम को थोड़ी देर के लिए बरा भी लगे और हम को पब्लिक की आलोचना भी बरदाश्त करनी पड़े पर हमारे पास और कोई जरिया नहीं है जिस से हम देश में Industries बढ़ाएँ। लेकिन मुझे इस में शक है कि ऐसा करने से भी हमारे फ्राइनेंस मिनिस्टर साहब को देश का उत्पादन बढ़ाने में कामयाबी मिलेगी। शेयर और स्टॉक एक्सचेंज के मार्केट को देखने से ऐसा मालूम होता है कि अभी कैपिटलिस्ट और उद्योगपतियों को इस से तसल्ली नहीं है और वह चाहते हैं कि जहां तक हो गवर्नमेंट को ज़माने और जितनी और रियायतें गवर्नमेंट से ले सकते हैं लें। मैं मानता हूँ कि इंडस्ट्रीज की तरक्की की जरूरत है और इस के लिए जो कुछ रियायतें हम दे सकते हैं वह हम दें और यह बात भी ठीक है, जैसा कि अर्थ सदस्य ने फ़रमाया है, कि इस वक़्त हमने कैपिटलिस्ट्स और इंडस्ट्रीज पर काफी टैक्स लगा रखा है। लेकिन इसका मतलब यह नहीं है कि हम कैपिटलिस्टों के हाथ की कठपुतली बन जायें। इसलिए हमारे फ्राइनेंस मिनिस्टर साहब को यह चाहिए कि वह कैपिटलिस्ट्स को यह वार्निंग (warning) दे दें कि जो रियायतें हम ने उनको दी हैं अगर इस से वह संतुष्ट नहीं हैं और अगर अब भी उद्योगों की तरक्की नहीं होती तो आगे हम उन को और रियायतें नहीं देंगे। गवर्नमेंट ने इस मामले को बहुत पहले से साफ़ कर रखा है कि इंडस्ट्रीज के राष्ट्रीयकरण का उन का कोई इरादा नहीं है। और हमारे उप-प्रधान मंत्री जी ने इस बात को बार-बार दुहराया है। फिर भी यदि आप उद्योगपतियों से बात करेंगे तो ऐसा मालूम होता है कि उन को डर है कि अगर वह अभी इंडस्ट्रीज में पैसा लगा देंगे तो आगे चल कर सरकार उन को नेशनलाइज़ कर देंगी। मैं यह जानता हूँ कि सरदार पटेल ने यह कहा है कि हमारे पास इतने आदमी नहीं हैं कि हम राष्ट्रीयकरण कर सकें। मैं भी समझता हूँ और यह बात ठीक है कि हमारा राष्ट्रीयकरण का कोई इरादा नहीं है। लेकिन अगर दो या

तीन साल तक ऐसी ही हालत चली गई तो यह निश्चय है कि हम बराबर झुकते नहीं जायेंगे और हमें राष्ट्रीयकरण करना ही पड़ेगा। इंग्लैण्ड और दूसरे देशों की हालत आप ले लीजिये जितने भी उद्योगपति हैं उन सब को मालदार लोग ही केवल नहीं चलाते, उन को चलाने वाले लोग तो हम और आप और अन्य लोग हैं जिन के दिल के अन्दर देश प्रेम है और अगर मौका आया तो वह हमारी सरकार के साथ होंगे न कि करोड़पतियों के साथ। इसलिए हमको कैपिटलिस्ट्स और उद्योगपतियों से कह देना चाहिए कि अगर इन रियायतों के पाने के बाद भी वह कैपिटल को आगे नहीं लायेंगे और इंडस्ट्रीज को नहीं बढ़ावेंगे तो इस के आगे हमारी सरकार कोई और रियायत नहीं दे सकेगी।

अलावा इसके हमारी सरकार का जितना ध्यान बड़ी बड़ी इंडस्ट्रीज की तरफ है उतना ध्यान काटेज इंडस्ट्रीज की तरफ नहीं है, और वह यह समझती है कि देश का जितना फ़ायदा और देश का जितना उद्योग बड़ी बड़ी इंडस्ट्रीज से बढ़ सकता है उतना काटेज इंडस्ट्रीज से नहीं। लेकिन मैं बतला देना चाहता हूँ कि यही सही नहीं है। मैं मानता हूँ कि हमारी सरकार का और हमारे फ्राइनेंस मिनिस्टर साहब का ध्यान इस बात की तरफ ज़रूर है कि काटेज इंडस्ट्रीज को बढ़ाया जाय, लेकिन कहना कुछ और करना कुछ और है। जितना ध्यान वह बड़ी इंडस्ट्रीज की तरफ देते हैं उतना काटेज इंडस्ट्रीज की तरफ नहीं देते। लेकिन काटेज इंडस्ट्रीज के बढ़ाने से ही देश का ज्यादा फ़ायदा है और देश की ज्यादा भलाई है। इसलिए मैं आप से निवेदन करता हूँ कि जितनी भी ज्यादा कोशिश हो सकती है वह काटेज इंडस्ट्रीज की तरफ करें इसी में देश का भला है और यही हम आसानी से कर भी सकेंगे।

इस सम्बन्ध में मैं यह भी कहना चाहता हूँ कि यही काफ़ी नहीं है कि हम इंडस्ट्रीज से ही उत्पादन बढ़ावें, हमें ज़मीन से भी उत्पादन बढ़ाना चाहिए। इस बारे में श्री० बी० दास ने कहा था कि हमें अभी ज़मींदारी अधोलिखन नहीं करना चाहिए। मैं समझता हूँ कि यह बात बहुत ग़लत है। अगर आप किसान के पास जायें और उस से पूछें तो आप को मालूम होगा कि दरअसल ज़मीन की उत्पत्ति कम होने का कारण यह है कि ज़मीन का जो काश्त करने वाला है उस को ज़मीन पर कोई हक़ हासिल नहीं है। इस के लिए सब से पहली बात जो गवर्नमेंट के लिए ज़रूरी है वह यह है कि गवर्नमेंट किसानों को ज़मीन पर पूरे हक़ दे; और फ्यूडल सिस्टम को ख़त्म करे। क्योंकि ज़मीन की उत्पत्ति तभी बढ़ेगी जब उस का जोतने वाला यह समझेगा कि यह ज़मीन हमेशा के लिये उस की रहेगी।

मैं आपका ध्यान इस तरफ भी दिलाना चाहता हूँ कि राजस्थान सब से बड़ा प्रदेश बनने वाला है और वहां की रियायतें इंडस्ट्रीज में काफ़ी

[श्री रामचन्द्र उपाध्याय]

पिछड़ी हु हैं। उस का एरिया काफी है, पापुलेशन काफी है और वहां के रिसोर्सज भी काफी हैं लेकिन उन की उन्नति नहीं हो पाई है। इसलिए वहां के मिनरल-रिसोर्सज और दूसरे रिसोर्सज से पूरा फायदा उठाया जाय और वहां उद्योगों को जितना ज्यादा बढ़ाया जा सके बढ़ाया जाय। लेकिन मैं कहूंगा कि बड़ी इंडस्ट्रीज की तरफ ज्यादा ध्यान न देकर काटेज इंडस्ट्रीज को बढ़ाया जाय और अगर सारे देश में सम्भव न हो तो केवल एक प्रदेश में यानी राजस्थान में ही इस का अनुभव किया जाय और वहां काटेज इंडस्ट्रीज ही की तरफ ज्यादा ध्यान दिया जाय।

अब मैं साधारण टैक्सों के सम्बन्ध में कुछ कहूंगा। आजकल इनप्लेशन के जमाने में हमको खास तौर से यह देवना पड़ेगा कि इस से कौन सा वर्ग ज्यादा दुखी है और उस पर टैक्स अधिक न बढ़ाया जाय। गांव में रहने वाले किसान लोग और मालदार आदमी यानी व्यापार करने वाले लोग इनप्लेशन से दुखी नहीं हैं बल्कि सुखी हैं। आप जानते हैं कि लड़ाई के पहिले गांवों के किसानों की कितनी खराब हालत थी। जो कुछ अनाज वह पैदा करता था उससे उसका भी गुजारा नहीं हो सकता था। उस की हालत यह थी कि उस को अपने जेवर और अपने मकान को बेच कर अपने बच्चों का गुजारा करना पड़ता था। लेकिन दूसरी लड़ाई के बाद, सन् १९४१ और सन् १९४२ ई० के बाद, उस की हालत बदल गई और वह अपने को सुखी अनुभव करने लगा। तो मेरा कहने का मतलब यह है कि इनप्लेशन से गांव के ८० फीसदी लोग तो खुश हैं। उन की हालत आज बहुत अच्छी है और उन के पास कुछ पैसा भी इस समय है। अगर सरकार कोई टैक्जेशन लाये तो वह उस के भार को सहन करने के लिये भी तैयार हैं। मगर मध्यम दर्जे के लोग टैक्स नहीं दे सकते।

जहां तक पोस्टल रेट्स के बढ़ाने का सवाल है मैं गवर्नमेंट के इस निश्चय से सहमत हूँ। इसका कारण यह है कि इस समय हर चीज की कीमत चौगुनी हो गई है और चीजों के दाम दिन पर दिन बढ़ते ही चले जा रहे हैं। फिर पोस्ट-कार्ड लिफाफे की कीमत पुरानी ही क्यों? मगर गवर्नमेंट ने अपने ऐलान के साथ जो यह बात कही है कि काफ़ी डाक हवाई जहाज के जरिये ले जाई जायेगी और सरकार देश में बहुत से डाकखाने खोलेगी इससे बहुत फ़हमी हो गई है। लोग कहते हैं कि सरकार की इस कार्यवाही से २० फीसदी लोगों को फायदा होगा और ८० फीसदी लोग इस से फायदा नहीं उठावेंगे। दरअसल यह एक अलग चीज थी और सरकार किसी भी वक़्त इस बात का ऐलान कर सकती थी और वह उस के लिये ज्यादा अच्छा होता। आप सीधा यह कहते कि डाक की दर कम है इसलिए हम बढ़ाते हैं मगर आमदनी बढ़ेगी उस से हम देश में डाकखाने बढ़ायेंगे और जहां तक मुमकिन होगा हम डाक हवाई जहाज के जरिये ले जायेंगे। अगर कीमत की तरफ ही देखा जाय तो सरकार जो

लिफाफे और पोस्टकार्ड के दाम बढ़ा रही है वह बेजा बात नहीं है बल्कि ठीक बात है।

जहां तक इन्कम टैक्स का सवाल है उस के लिये मैं दो बात कहना चाहता हूँ। इस समय की हालत से सब से ज्यादा कष्ट में अगर कोई है तो वह मिडिल मैन है। आपने उस को जो रिलीफ दी है वह बहुत ही अच्छी चीज है। इस से आप का नाम इतिहास में अमर ज्यादातर इस वजह से हो जायेगा कि हिन्दू ज्वाइन्ट फ़ैमिली को रिकगनाइज किया है।

मैं इस इन्कम टैक्स के बारे में दो एक बात कहना चाहता हूँ। अक्सर यह देखा गया है कि बहुत सा रुपया सरकार को इस इन्कम टैक्स से नहीं मिलता। मेरे एक मित्र किसी बड़ी फ़र्म में नौकर थे और जो कुछ दिन हुए वहां से नौकरी छोड़ कर आये हैं। मैंने उन से पूछा कि आप क्यों नौकरी छोड़ कर आये। तो उन्होंने कहा कि वहां पर वेईमानी करते करते काफ़ी दिन हो गए। वहां पर दो दो और तीन तीन एकाउन्ट बना रखी जाती थीं। फिर से कि इन्कम टैक्स वालों को धोका दिया जा सके। इस तरह से फ़र्जी एकाउन्ट बना कर काफ़ी रुपया वह लोग सरकार से दबा लेते थे। मैं इस तरह से वेईमानी कर के रुपया नहीं कमाना चाहता हूँ। पैसा थोड़ा ही मिले मगर वह ईमानदारी से हो वह बहुत अच्छा है। इसलिये मैं आप से अर्ज करना चाहता हूँ कि इन वेईमानीयों को रोकें और सख्त कदम उठावें। इन्कम टैक्स यदि आप अब भी ज्यादा समझते हैं तो और कम कर दें मगर जितना भी रखें पूरा वसूल करें। ऐसा करने पर भी यदि वसूली ठीक की गई तो आप की आमदनी घटेगी नहीं बल्कि बढ़ेगी।

एक बात मैं राजस्थान की रियासतों के बारे में कहना चाहता हूँ। वहां अभी तक किसी क्रिस्म का इन्कम टैक्स जारी नहीं हैं। इन्कम टैक्स जारी होने के डर से व्यापारी फ़र्जी एकाउन्ट बना रहे हैं ताकि वह इन्कम टैक्स से बच जायें। वहां इन्कम टैक्स न होने से गवर्नमेंट को काफ़ी नुक़सान हो रहा है और स्टेट की सरकार को भी कोई फायदा नहीं है। भारत सरकार को चाहिये कि वह जल्दी ही राजस्थान की सरकार को लिखे कि वह इस ओर जल्दी से जल्दी कदम उठावें।

इसके अलावा आपने आइल-सीड के एक्सपोर्ट ड्यूटी को क़तरई हटा देने का विचार रखा है उसके लिये मैं आप को म्ब्यारवाद देता हूँ। मेरी रियासत में बहुत आइल-सीड पैदा होता है। देश के बाहर न जाने से और दाम कम होने की वजह से रियासत की जनता को काफ़ी नुक़सान होता था। अब एक्सपोर्ट होने की वजह से आयल-सीड की कीमत बढ़ेगी और किसानों को ज्यादा पैसा मिलेगा और उन की हालत और सुधरेगी।

[श्री रामचन्द्र उपध्याय]

मैं आप से अन्त में यह बात कहना चाहता हूँ कि हमेशा कमाने की दिशा से खर्च करने की दिशा मुश्किल होती है। इसलिये आप अपने एडमिनिस्ट्रेशन में जितनी भी कर सकें दमी करें। इसके अलावा मैं एक चीज सजैस्ट (suggest) करता हूँ। जिस समय पाकिस्तान क्रायम हुआ था तो उस समय वहाँ सरकार ने अपने मुलाजिमों से यह अपील की थी कि जितना भी हो सकता है अपनी तनखाह में अपने आप कमी करें और सरकार का हर तरह से हाथ बटावें। तो वहाँ पर लोगों ने खुद वालिन्टेरी अपनी तनखाहें कम कीं और इस तरह से पाकिस्तान सरकार ने खर्च में कमी की। मैं समझता हूँ कि हमारी सरकार को भी इस तरह की कार्यवाही करनी चाहिये। इस से पैसा भी बचेगा और लोगों को यह महसूस होगा कि यह हमारी सरकार है हम को भी उस के लिये सब तरह की कुरबानी करनी चाहिये। अभी तक हमारी सरकार ने इस तरह का उत्साह या जोश पैदा नहीं किया। मुझे आशा है कि सरकार इस मार्ग की तरफ चलेगी।

दूसरी बात जो मैं सजैस्ट करना चाहता हूँ वह स्माल-सेविंग-स्कीम के बारे में है। इस में जो कुछ कोशिश हो रही है उस से हमारी सरकार का काम नहीं चलेगा। गांव वालों के पास इस समय कुछ पैसा है। मैं यह नहीं कहता कि वे बहुत मालदार हैं। मगर उनके पास खूब थोड़ा पैसा है जिसे वे जमा करा सकते हैं। सरकार गांव वालों को दबत से तरीके सिखाने के लिये घर घर में प्रचार करे और प्रांतीय सरकारों को इस के बारे में हिदायत करे। अगर इस तरह पूरी तरह से कोशिश की जायेगी तो सरकार को अपने स्माल-सेविंग-स्कीम में काफ़ी फायदा होगा और किसानों की हालत सुधरेगी। भारत सरकार जो भी कार्यवाही इस काम के करने के लिये करेगी उस में देश का और इस हाउस का समर्थन होगा।

इन अफ़ेयों के साथ में फ़ाइनेन्स बिल का समर्थन करता हूँ।

(English translation of the above speech)

Shri Ram Chandra Upadhyaya (United State of Matsya): Sir, no body can deny this fact that India is at the moment passing through an acute economic crisis and increased production in the country is a paramount necessity. In this connection our experience in respect of the past years tells us that our Government and nation could not make any appreciable progress in stepping up production. What is the reason for this? I listened to the speeches made by the honourable Members and all of them have unequivocally criticized the relief granted by the honourable Finance Minister to the industrialists. But none of them have suggested as to what practical step should be taken by the Government to step up production in our country in case the step taken by the honourable Minister is not right. Our Finance Minister thought it advisable that some relief should be given to the industrialists which may serve as an incentive for the encouragement of the industries. I realise that how much unsavoury we might feel for a little while and how much criticism from the public we may have to face, yet we have got no other means by which we may encourage the industries in our country. But I doubt that even by doing this, our Honourable Finance Minister will be

successful in increasing the production in the country. From a reaction of the Share and Stock Exchange Market, is it observed that the capitalists and industrialists are not satisfied with this and they want to overwhelm the Government and squeeze as many concessions as possible. I admit that the development of industries is a vital necessity, and we should give the maximum possible concessions to achieve this end. This is also true, just as the honourable Finance Minister has stated that we have at present sufficiently taxed the capitalists and the industries. But this does not mean that we should become puppets in the hands of the capitalists. Therefore, our Finance Minister should give a warning to the capitalists that if they are not satisfied with the concessions which we have given to them now and in spite of this the industries are not developed, then we shall not give them any further concession in the future. Government have already clarified this point long before, that they do not intend to nationalize the industries, and our honourable Deputy-Prime Minister has re-affirmed this on many occasions. Notwithstanding all this, if you talk to the industrialists, you will find that they apprehend that if they invest their capital in the industries at present, Government will nationalise them in the near future. I know this that the honourable Sardar Patel has stated that we have not got adequate man-power with the help of which we may embark upon nationalization. I also realise this and it is a fact that we do not intend to nationalize. But if such a state of affairs is allowed to continue for two or three years, then it is a certainty that we shall no longer follow a policy of appeasement and will have to undertake nationalization. Take the case of England and other countries. All the big industries are not run by the capitalists alone, but it is the people like us who manage these—the people whose hearts are instilled with country's love and when the time comes, they will side with our Government and not the capitalists. Therefore, we should tell the capitalists and the industrialists that if in spite of all these concessions granted to them, they do not bring forth their capital and develop the industries, then our Government shall not be able to give any more concessions. Apart from this, our Government is not devoting the same amount of attention to the cottage industries as they are doing in respect of big industries, and they are under the impression that the country cannot derive so much benefit from the cottage industries as it can from the big industries. But I would like to tell them that this is not quite correct. I admit that our Government and the honourable Finance Minister are certainly inclined towards the development of cottage industries; but they do not translate their words into action. They do not attach the same amount of importance to the cottage industries as they do in the case of big industries. But it is the development of the cottage industries alone that will prove more beneficial and conducive to the interests of the country. Therefore, I would urge that the maximum possible endeavours should be made for development of the cottage industries. This would prove beneficial to the country and thus we will be able to accomplish this without any much difficulty.

In this connection, I would also like to say that we should not feel content by increasing the production through industries alone; we should also increase production from land. With regard to this, my honourable friend Mr. B. Das had pointed out that we should not abolish the Zamindari System at the moment. I think that this is absolutely wrong. If you go to the peasant and enquire from him, then you will know that in reality the obvious reason for the fall in production from land is due to the fact that the cultivator has not got any hold upon the land. The first and foremost thing that should be done in this direction is that the Government should confer upon the peasant full right to hold the land and abolish the feudal system. The production

[Shri Ram Chandra Upadhyaya]

from land can be increased only when its cultivator realises that he will have a permanent hold over it. I would also like to invite your attention towards this aspect that Rajasthan is going to be formed as one of the greatest units, and the states comprising it are very much backward in industries. It has got a vast area and population, and adequate resources which have not, however, been developed. Therefore, the mineral and other resources existing there should be fully exploited and the industries there should be developed to the maximum possible extent. But I would urge that we should not concentrate our attention on the big industries alone, but should develop the cottage industries also; and if it is not practicable in the whole of this country, an experiment should at least be made in one unit viz., Rajasthan and more attention should be devoted there towards the cottage industries.

Now, I would like to say something with regard to the general taxation. During the present days of inflation, we shall have to see particularly as to which of the class is more affected, and further tax should not be imposed upon them. I believe that the peasants living in the villages and the rich classes viz., the traders are not feeling the pinch of inflation, but on the contrary they are prospering. You know that during the pre-war days, the village peasants were living in a very poor condition. The peasant could not make his both ends meet with the quantity of the food-grains produced by him. He was in such a bad condition that he had to sell his ornaments and house in order to provide a living to his children. But after the Second World War i.e., from the year 1941-42 onwards, his condition changed and he began to flourish. So, what I mean to say is that at least 80 per cent. of the village people are feeling happy over inflation. Today they are in a decidedly better condition and have also got some money with them. If the Government imposes upon them any taxation, they are even prepared to sustain the burden thereof. But the middle class people cannot afford to pay the taxes.

So far as the increase in the Postal rates is concerned, I am in full agreement with the decision arrived at by the Government. This is due to the reason that at present the price of every article has risen four times, and the prices are rising day by day, and in view of this, why should the postcards and letters continue to be sold at the old rates. But some misunderstanding has arisen as a result of the announcement made by the Government that an adequate quantity of mails would be carried by air and a large number of Post Offices will be opened in the country. The people say that by this action of the Government, only 20 per cent. of the population would be benefited; and the remaining 80 per cent. will not be able to derive any benefit out of it. As a matter of fact, this is quite a separate thing and Government could make an announcement in this respect at any moment and it would have been a better course. You should have said straightaway that the postal rates are less and we raise these as it will increase the income by means of which we shall open more Post Offices throughout the country, and carry the mails by air as far as possible. If you look towards price alone, then you will find that the Government are fully justified in raising the price of letters and postcards.

So far as the question of Income-tax is concerned, I would like to say one or two things. At present it is the middle class people who are the most hard-pressed. The relief which you have given them is considerably advantageous. This will immortalise your name in the history mainly for the reason that you have recognized the Hindu Joint Family.

I would like to say one or two things in regard to Income-tax. It has been generally seen that a major portion of the Government's revenue does not accrue from this Income-tax. One of my friends who was employed in a certain big firm has recently come after having left the service. I enquired of him as to why he had left the service. In reply he stated that he had to act there dishonestly for a pretty long time. Duplicate and triplicate Accounts Books were maintained by means of which the Income-tax Department could be dodged. So in this manner, those people used to evade payment of a lot of money by opening fictitious Accounts Books. He therefore, did not like to earn money by resorting to dishonesty. One might earn less, but that must be procured by honest means and that is much better. Therefore, I would request you to take some drastic steps to check these dishonest practices.

If you still feel that the rate of recovery of Income-tax is high, then you may reduce it further. But whatever rate you fix, you should strictly enforce the recovery. By adopting such a course, if the amount is realized properly, it will surely add to your revenues rather than decrease it.

One thing which I would like to say is in connection with the states of Rajasthan. No sort of Income tax is in force there even upto now. Being afraid of the introduction of Income-tax, the business-men there are preparing fictitious accounts so that they may be able to escape taxation. The Government are sustaining a tremendous loss on account of the non-existence of Income-tax there and the Government of the State also are not deriving any benefit out of it. The Government of India should therefore, forthwith get into touch with the Rajasthan Government and ask them to take immediate steps in this direction.

Apart from this, you have decided to withdraw the entire duty on the export of oil seeds. For this, I would congratulate you. In my state, the oil seeds are grown in abundance. The people in the State had been suffering a heavy loss on account of the reason that this commodity could not be exported abroad and the consequential fall in its price. Now when the oil-seeds will be exported, its price will rise and the cultivators will get more money and their condition will improve further.

Lastly, I would like to say that the art of spending is always more difficult than the art of earning. Therefore, you should make as much reduction in your administration as possible. Besides this, I would suggest one thing. When Pakistan was set up, the Government there issued an appeal to its employees at that time that they should voluntarily forego a reduction in their salaries as far as possible and help the Government in every way. As a result of this, the people there voluntarily agreed to a reduction in their salaries being made and thus the Pakistan Government effected a saving in their expenditure. I think that our Government should also take similar action. This will not only result in the saving of money, but will bring home to the people that it is their own Government and they should make every possible sacrifice for its sake. Upto now our Government have not given any such encouragement or incited the people to resort to this course. I hope the Government will launch this line of action.

Another thing which I would like to suggest is with respect to the Small Savings Scheme. Whatever efforts are made in this direction are quite inadequate and these will not help our Government. The people in the villages have at present got some money with them. I do not mean to say that they are very rich. But they have surely got some amount of money. They can deposit this. The Government should carry on house-to-house propaganda in the villages by explaining to the people of the various methods of effecting

[Shri Ram Chandra Upadhyaya]

'savings', and issue necessary instructions in this connection to the Provincial Governments. If efforts are made in this direction in right earnestness, Government shall surely gain a lot in the prosecution of their Small Savings Scheme, and it shall also improve the condition of the peasants. Whatever action the Government of India takes to implement this scheme, it shall have the support of the whole country as well as this House.

With these words, I support the Finance Bill.

Mr. Deputy-Speaker: Dr. Panjabrao Deshmukh.

Dr. P. S. Deshmukh: I will speak afterwards.

Mr. Deputy-Speaker: If an honourable member does not wish to speak when he is called, he loses his chance and loses it during that debate.

Dr. P. S. Deshmukh: If I am going to lose my chance, I am prepared to speak now. Sir, on the whole I think the number of speakers is gradually diminishing and with that diminishing return, since we are discussing finance, I hope you will give me some time tomorrow also. We have had a very long discussion on this postcard business and we have heard more than one speech from the honourable Minister for Communications trying to justify the enhancement in the postcard rate. After all he has said I am afraid I am not converted to his view and I have still some weighty reasons to advance in support of any opinion. The first reason is that I do not see why the honourable Minister should be so hard on the poor postcard writers. He is not content with making an over-all profit. He wants that those who are fond of writing postcards alone, should pay for the whole cost and must see to it that the service is self-supporting. Actually, as he had to admit, and in spite of the fact that the Postal Department is a public utility concern which is not supposed to make any profits, it does contribute to the exchequer a very substantial amount.

In the year 1948-49 it was expected to contribute only 78 lakhs. We have criticised the method of budgeting and I think the criticism is fully justified. The sums budgeted for under Posts and Telegraphs themselves afford a fine illustration. We see that instead of the budgeted figure of 78 lakhs for 1948-49 we have the revised figure of Rs. 3.73 crores as the net contribution to general revenues. In the next year—I do not know for what reasons, they have not yet been stated—the net contribution to general revenues is expected to be Rs. 1.63 crores. If the present trends are to continue, and I see no reason why they may not, I am certain the surplus in the Posts and Telegraphs Department available as the net contribution to General Revenues would not be less than about Rs. 5 crores. Supposing the budgeted figures or the figures given by the honourable the Finance Minister are correct and our reasonings are wrong, even then so long as there is no deficit in the working of the Department as a whole, I do not think it is justifiable that the honourable Minister should come forward with a proposal to increase the postal rates and the honourable Minister for Communications should lend him support. So long as there is no deficit, he should not mind if the people who send telegrams or write envelopes are contributing to the man who is in the habit of writing more postcards. The honourable Minister has given us the figures of how many postcards have been written, how many people have resorted to envelop writing and what has been the deficit on each particular item. The deficit is not much. I could have understood it if out of the Rs. 30 crores revenue that he gets from the Posts and Telegraphs Department a substantial portion, say 2-crores, was at the present moment being spent on the post cards. If this

were so I should have agreed that there was some ground for consideration. The deficit for 1947-48 was however only ten lakhs and in the current year it is estimated at only 55 lakhs. The Honourable Minister estimates that next year we are going to be faced on account of this postcard habit with a deficit of Rs. 2.25 crores. I do not know if the estimates are well based; I for one would not concede that they are. After all there has got to be a certain amount of guessing in framing budgets. But even this cannot excuse what we have before us. If there was any correct budgeting we would not have found the difference in some cases of five times as much as the figures enters in the current year's budget. That being so, I am perfectly justified in saying that this is a guess-work which is absolutely incorrect and I cannot therefore agree that we are going to be faced with a deficit of Rs. 2.25 cores on account of the postcards. In any case I am inclined to think the Honourable Minister has erred on the side of being somewhat too pessimistic. I would say even now that the increase in the postal rates should be withdrawn.

If we examine the whole Budget, we will find that as far as the customs duties are concerned, as against our budgeted figure of revenue of Rs. 61 crores we actually got Rs. 91 crores, an increase of 50 per cent. Now we are budgeting only for Rs. 81 crores. There are items of import like machinery, tobacco, spirits and liquors where the honourable Minister has reduced the expected revenue by crores of rupees. For instance on the machinery item the budgeted figure for 1948-49 was only Rs. 2.50 crores. As against it we got Rs. 6.90 crores. Yet he is expecting only Rs. 4.50 crores. God knows for what reason! Probably he may have justification with respect to certain items but there are at least a dozen other items where he has cut down the expectations by lakhs of rupees during the next year. There are many items where there is going to be an increase in the duty. In spite of all this he has budgeted for reduced revenue over the revised figures for 1948-49. He has in my opinion presented a somewhat too pessimistic a picture than I consider either justifiable or warranted. If this aspect was kept in view, I am sure the honourable Minister would have saved himself the stringent criticism that the House felt compelled to level against him. If he had been more optimistic, I am sure the revenues are going to be far larger than he has budgeted for, he would have saved himself both the adverse criticism that he had to put up with and the need to bring forward the unpopular measures for raising the rate of postcard and other duties and taxes.

[At the stage, Mr. Speaker resumed the Chair.]

Sir, next I would like to say that so far as economy is concerned, the House was really disappointed. My friend Mr. Tyagi was in a very optimistic mood this morning when he suggested that even after passing the Budget the honourable Minister should be able to cut down the expenditure by Rs. 100 crores. I think that certainly is too high an expectation which cannot be expected to be fulfilled; but it should not be impossible for the honourable Minister to see that there are economies to the extent of at least Rs. 15 to 20 crores. (Mr. Mahabir Tyagi: "Do you want to keep the defence expenditure so high?") I am not in favour of keeping the defence expenditure so high. I am not in favour of keeping on people in service who are considered and can be declared to be superfluous. I for one would like economies effected all round, but to reduce the whole expenditure by as much as one-third of the total amount to obtain a hundred crores is I think too much of a good fortune to be expected at the hands of any Finance Minister. In any case this Budget does not bear any trace of an effort to enable economies. If both the possibility and urgent need of retrenchment and economy were borne in mind I am

[Dr. P. S. Deshmukh]

sure there should have been provision made for a lump sum reduction in the whole Budget by about Rs. 10 to 15 crores. In that case it would not have been necessary to increase these rates and taxes. The two things which I don't like very much are the rise in rates of postcards and the petrol duty.

Petrol consumption, and motoring are in the opinion of some people a luxury. So long as the railways are not in a position to meet all the transport needs of the country and so long as we find that as a whole the means of transport are highly unsatisfactory this rise in the petrol duty can not be very much of an advantage. So many things are held up on account of transport difficulties, so many troubles have arisen because of the lack of means of transport and this addition to the petrol tax is not likely to mitigate the evil but enhance it.

I would like to draw the attention of the House to an argument which was advanced by my friend Mr. B. Das. He does not like any money to be taken from the profits of the Railways for the General Revenues. I for one strongly object to it and I think it is a very good idea that the Railways should contribute to the General Revenues. In fact, I do not know why the honourable Minister has permitted the re-classification on the railways. By this he has thrown away crores of rupees revenue that would have accrued to the general finances. We know that at the present moment the third class rates have reached the limit whereas the rates charged for the inter class previously are now charged for the second class. If the classes were so altered as not to alter the rates of first and second class, I am sure much larger revenue would have accrued to the Central Exchequer. Many in this House may probably not share my view, but in any case if the finances were so bad the honourable the Finance Minister would have been fully justified in keeping on the classification that existed. And what have the Government earned by doing this. No one is satisfied nobody is thankful for this relief. In fact there is severe criticism of Government for this new classification which has caused so much dislocation and discomfort to the travelling public.

STATEMENT RE THE PROPOSED CONFERENCE OF DOMINION PRIME MINISTERS IN LONDON

The Honourable Pandit Jawaharlal Nehru (Prime Minister): With your permission, Sir, I should like to make a brief statement in regard to a matter which is attracting a great deal of public attention, and in which this House is greatly interested. This is in regard to the proposed Conference of Dominion Prime Ministers to be held in London next month.

The suggestion to hold such a Conference originated from the Prime Minister of the United Kingdom as he felt that personal talks between the Prime Ministers of the various Dominions of the Commonwealth would help to clear up the situation in regard to future constitutional arrangements. It is always a difficult matter to fix a date which is convenient for a number of persons on whom falls the burden of responsibility in their respective countries. Ultimately a date was fixed. It was not easy for me to think of leaving the country even for a brief period, but I decided, in consultation with my colleagues, to accept this invitation.

The Prime Minister of the United Kingdom is making the following statement in regard to this Conference in the House of Commons in London today:

"Commonwealth Prime Ministers will meet in London on April 21st. The Prime Ministers of Australia, New Zealand, South Africa, India, Pakistan and Ceylon will be able to attend. The Prime Minister of Canada is doubtful whether he will be able to come

PROPOSED CONFERENCE OF DOMINION PRIME MINISTERS IN LONDON 2087

himself. But, if not, Mr. Pearson, Secretary of State for External Affairs will represent Canada.

Matters not fully discussed at the October meetings of Prime Ministers, involving certain constitutional questions, will be considered at a short series of private meetings. They are expected to last a week."

I propose to leave India on the 19th of April, reaching London on the night of 20th April. I hope to be back in India by the beginning of May.

As has been indicated in the U. K. Prime Minister's statement, which I have just read out, the chief subject for discussion will be certain constitutional questions relating to the commonwealth. There has been some speculation in the Press about other subjects also being discussed at this Conference, but no other subject, so far as I know, has been included in the agenda. I need hardly add that the general line to be pursued by us at these talks in London will necessarily be in conformity with the policy which I have repeatedly laid before this House and the country.

The House is aware that the U. K. Prime Minister has sent a personal representative of his, Mr. Gordon Walker, Under Secretary of State for Commonwealth Relations in the United Kingdom, to Delhi for some preliminary conversations on this subject. I have already met Mr. Gordon Walker and expect to meet him again before he leaves Delhi.

Shri H. V. Kamath (C. P. and Berar: General): May I invite your attention, Sir, to the fact that my question on this subject yesterday remained unanswered, and I was in effect asked to await the honourable Prime Minister's statement this afternoon. May I, Sir, therefore request you to be so good as to let me proceed further with my question either now or on a subsequent occasion, say, the day after to-morrow? I leave it to your discretion and judgment.

Mr. Speaker: Yes. The honourable Member requested me yesterday. I am putting that question for oral answer on the 31st. It will come on that day.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Wednesday the 30th of March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Wednesday, 30th March, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS.

(See Part I)

11-45 A.M.

ELECTIONS TO STANDING COMMITTEES FOR MINISTRIES OF HOME
AFFAIRS AND INDUSTRY AND SUPPLY

Mr. Speaker: I have to inform the Assembly that the following Members have been elected to serve on the Standing Committees for the Ministries of Home Affairs and Industry and Supply:

I. *Standing Committee for the Ministry of Home Affairs.*—Pandit Balkrishna Sharma, Shri Deshbandhu Gupta, Shri R. K. Sidhva, Giani Gurmukh Singh Musafir, Pandit Mukut Bihari Lal Bhargava, Shri C. M. Poonacha, Shri Jainarain Vyas, Lala Achint Ram, Mr. Muhammad Ismail Knan and Dr. Y. S. Parmar.

II. *Standing Committee for the Ministry of Industry and Supply.*—Shri U. Srinivasa Mallayya, Shri Mohanlal Gautam, Shri T. A. Ramalingam Chettiar, Shri M. Ananthasayanam Ayyangar, Acharya J. B. Kriplani, Shri Ram Nath Goenka, Shri Bikram Lal Sondhi, Shri H. V. Kamath, Shri R. L. Malviya, and Mr. Homi Mody.

ELECTIONS TO STANDING COMMITTEES FOR MINISTRIES OF
STATES AND WORKS, MINES AND POWER, DEPARTMENT OF SCIENTIFIC
RESEARCH, STANDING FINANCE COMMITTEE AND COM-
MITTEE ON PUBLIC ACCOUNTS

Mr. Speaker: I have also to inform the Assembly that upto the time fixed for receiving nominations for the Standing Committees for the Ministries of States and Works, Mines and Power and the Department of Scientific Research, Standing Finance Committee and Committee on Public Accounts, 12 nominations in the case of the first, 10 nominations in the case of the second, five nominations in the case of the third, 14 nominations in the case of the fourth and 11 nominations in the case of the fifth were received. Subsequently two members in the case of the first withdrew their candidature. As the number of remaining candidates is thus equal to the number of vacancies in each of these committees, I declare the following Members to be duly elected.

I. *Standing Committee for the Ministry of States.*—Sreematty Anni Mascarene, Shri Sita Ram S. Jajoo, Shri H. R. Guruv Reddy, Mr. K. A. Mohamed, Shri Raj Bahadur, Shri V. S. Sarwate, Shri B. N. Munavalli, Shri A. V. Thakkar, Shri T. Siddalingaiya and Shri S. M. Ghose.

II. *Standing Committee for the Ministry of Works, Mines and Power.*—Shri Gokulbhai Daulatram Bhatt, Shri B. Das, Shri O. V. Alagesan, Shri Jaipal Singh, Shri K. N. Desai, Shri Basanta Kumar Das, Shri Kala Venkata Rao, Mr. Tajamul Husain, Shri Mihir Lal Chattopadhyay and Shri Harihar Nath Shastri.

[Mr. Speaker]

III. *Standing Committee for the Department of Scientific Research*.—Shri Satish Chandra, Srijut Kuladhar Chaliha, Shrimati Ammu Swaminadhan, Mr. E. John Philipose and Shri T. A. Ramalingam Chettiar.

IV. *Standing Finance Committee*.—Shri Surendra Mohan Ghose, Prof. N. G. Ranga, Pandit Thakur Das Bhargava, Shri B. Shiva Rao, Shrimati Renuka Ray, Shri U. Srinivasa Mallayya, Shri B. L. Sondhi, Shri M. Ananthasayanam Ayyangar, Shri Biswanath Das, Shri B. P. Jhunjhunwala, Shri Deshbandhu Gupta, Shri Ram Nath Goenka, Pandit Govind Malaviya and Shri S. V. Krishnamoorthy Rao.

V. *Committee on Public Accounts*.—Shri B. Das, Kazi Syed Karimuddin, Shri Krishna Chandra Sharma, Shri Upendranath Barman, Shri Mahavir Tyagi, Prof. Shibban Lal Saxena, Shri L. Krishnaswami Bharathi, Prof. N. C. Laskar, Shri R. Sankar, Shri Raj Bahadur and Prof. K. T. Shah.

FIXATION OF SATURDAY, THE 2ND APRIL, FOR OFFICIAL BUSINESS

Mr. Speaker: Before the House proceeds with the legislative business, I have to invite their attention to a request made to me, that I should fix Saturday the 2nd April for the transaction of official business as there is a great congestion of urgent official business. The Chief Whip is not here but I presume the House is not going to sit beyond the 7th.

Shri R. K. Sidhva (C.P. and Berar: General): Yes, Sir, that has been decided.

Mr. Speaker: I have no information to the effect that it is clearly understood that the House is not going to sit beyond the 7th.

Shri H. V. Kamath (C.P. and Berar: General): Is that question of sitting beyond the 7th still open?

Mr. Speaker: I have no information yet. That depends, of course, on the progress of business; and the allotment of Saturday is also a question connected with the question as to whether we should sit beyond the 7th or not. I should like to have information on that point.

The Honourable Dr. John Matthai (Minister of Finance): I should be able to give it in the course of the day, if I may.

Mr. Speaker: Yes, so that I may finally decide whether we allot Saturday or not. Of course, if Members want it and Government want it for their business, I shall not come in the way of allotting it. I shall exercise my discretion.

Shri H. V. Kamath: My only submission is that if we are sitting beyond the 7th, we may not have Saturday the 2nd, too for transacting official business.

Mr. Speaker: Therefore, I kept the question open. Let there be an official statement—it is better if it is made at 2-30 P.M. today.

The Honourable Dr. John Matthai: Yes, Sir. I shall make it at 2-30 P.M.

INDIAN FINANCE BILL—contd.

Mr. Speaker: The House will now proceed with further consideration of the following motion:

"That the Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949, as reported by the Select Committee, be taken into consideration."

Dr. P. S. Deshmukh (C.P. and Berar: General): Before I begin my speech, Sir, I would like to express my profound thankfulness to Providence for having saved the life of Sardar Patel yesterday almost by a miracle. I would not like to take any more of the time of the House on the point although there is so much that can be said with regard to Sardar Patel, what we owe to him and how indispensable he is for this new Indian Nation, at least for the next few years to come. (*Hear, Hear*).

Sir, when I closed my speech yesterday, I was replying to the contention of my honourable friend Mr. Das that no part of the income derived from the Railways should be taken over for General Administration. The Indian Railways, Sir, are our biggest national industry and if it is incapable of shouldering some part of the burden of the finances of this country we might, I think, well despair about rationalisation. Secondly, at least during the last eight or nine years the Railways have been maintained through unlimited sacrifices in the shape, especially, of sufferings and harassment, of the general public. To this dark cloud of unbearable inconveniences suffered for a prolonged time by the people, the only silver lining is that the Railways are contributing something to the General Revenues of the State. Otherwise, for all that we suffer, for all that the general public undergoes, there is no consolation whatever available to them. My complaint, in fact, is that the Railways have not been contributing a much larger share than they are doing at the present moment.

Sir, I have referred to the fact that the honourable the Finance Minister has not exercised a strict control on his colleagues. If he had done so, I am sure the whole lot of supplementary Demands with which he is going to come to this House would not have been necessary and that might have also saved us from the proposed taxation. Take for instance the question of the subsidies we are bearing because of the imported foodgrains. In my opinion, the bearing of these subsidies is wholly unnecessary, and in any case they have not given us any results. In fact, a good many of these foodgrains are imported at rates which are much lower than those prevailing in the country, and I have been told that in some Provinces at least these imported foodgrains are sometimes sold at higher rates than that at which they are imported. With the declaration that we are not going to import any more food after the year 1951, I hope the Finance Minister will take up the question of retrenchment in the Ministry of Food. That Ministry was created during war time and as is the case with all the Central Government Departments, every time a department is created it automatically grows with unprecedented speed. If we were to take into account the growth of the Food Ministry and the huge staff that there is in the Disposals Directorate, the honourable Minister could have easily and certainly saved us crores of rupees. He must impress upon the Ministers that more staff does not mean more efficiency. In fact, there are many instances, I am told on competent authority, where simply because of the fact that there are too many people in certain Departments, the efficiency instead of going up suffers.

There are one or two suggestions which I would like to make so far as other Departments are concerned, since I did not have an opportunity of speaking on those occasions. Along with the supplies of food that we are concerned about, our Government ought to be concerned about the mental development of our country also. Here we find that from foreign countries, especially Russia and the United States, thousands of books and pamphlets of all sorts are pouring in, and they are making it a point to sell them at the cheapest possible prices. This is a thing to which our Government should pay some attention, because all this propagandist literature is not suitable for Indian conditions and Indian needs. As against this, the Indian producers of books and periodicals are finding it very difficult to make any headway. They

[Dr. P. S. Deshmukh]

are working under great handicaps. I will give one instance. The newsprint which is sold in India at Rs. 750 per ton is sold in other parts of the world at £28-10-0. The world rate is $2\frac{1}{2}$ times less, according to my information. It is no use having many sub-editors and other members on the staff without any experience of journalism when there are no facilities provided for the journalists and publishers in the land.

Shri Deshbandhu Gupta (Delhi): May I know from the honourable Member as to wherefrom he has got this world rate of £28-10-0?

Dr. P. S. Deshmukh: This is absolutely correct. In fact there was a complaint made by the Journalists' Association in England where they were buying at the rate of £48 per ton and it was brought to the notice of the Government of Great Britain that instead of buying at the world rate of £28-10-0, they were asked to pay £48. So I would ask the honourable Minister to see that our authors and publishers who want to place their views before the country are not handicapped by the high price of paper and the high cost of printing.

So far as the Services are concerned, I would like to mention that there are many complaints—and most of them are justified—that provincialism and communalism prevail on the largest possible scale both in recruitment and promotions. These things have gone to appalling proportions, I am told. So it is as well that the attention of the Government is drawn to this so that they may put an end to this evil which is capable of considerable mischief.

As regards the new classification on Railways, I have already said, that large sums of money are needlessly lost to the Central Exchequer. And yet I do not see any intention anywhere of the saving in travelling allowances that should and must accrue to the Government. For instance, the present first class fare per mile is only 24 pies as against the 30 pies that was there. I am sure since first class and second class rates have gone down, a large saving must have accrued to the Government under this head; but we have not been able to see any indication of it anywhere, in the budget.

The country was very much concerned about capital not coming out for investment in new enterprises and government loans. I think this House has to take some responsibility for this state of affairs. Some of my friends, under the impression that capitalism is at the bottom of all evils, uttered threats and used strong language against our capitalists. I do not have a soft corner for the capitalists as such, and it is true that there is undue concentration of wealth in India in the hands of some 500 to 1,000 people. But there is a psychology behind investments and it is very probable that all of us may have to revise our views and our attitude if we want to help the Government to have greater sums in the Treasury to carry out the nation-building programme that they have in view.

Now referring to the proposed increase in the rate for post cards, it seems to me that there is no justification for it. The honourable the Communication Minister told us that, instead of giving a subsidy to civil aviation, we should give it indirect help. I welcome the offer of help to civil aviation. I do not agree with my friend Mr. Tyagi that civil aviation is a luxury and should be put down; but at the same time I deprecate this method of encouraging civil aviation. It is a well recognised principle among all nations that some sacrifice is justifiable when a scheme or plan has to be put into force in the interests of the country. It is better however to tell the nation what the Government are paying for the maintenance of a particular industry in the shape of subsidy rather than give help in this underhand way.

I hope that, in spite of the fact that the honourable Minister has not been able to economise in the past, he will see that the Ministries are not at liberty to spend crores and lakhs as they wish. In the past his Department has been a little too careful in small matters and very liberal in big matters. In many cases affecting travelling allowances, etc. where the amount involved is small, the papers go from Secretary to Secretary and Ministry to Ministry, while expenditure involving lakhs of rupees is passed without much comment. There are many instances where Government departments, with a little more care, could have saved lots of money.

In the case of Indian students who have gone for studies abroad, large additional funds were required and granted for their stay. Later on, when it was found that they could not get accommodation they were brought back by plane. This expenditure on plane journey was found to be less than the cost of their stay there.

Shri M. Ananthasayanam Ayyangar (Madras: General): I heard with great attention the speeches of both of my honourable friends Prof. K. T. Shah and Shri Khandubhai Desai for whom I have very great regard. Both of them have misunderstood the Budget and the financial proposals.

Mr. Khandubhai Desai was very frank. He said he did not understand what was meant by the expression 'capital formation'. He then went on to say that the abolition of Capital Gains Tax during this period would not improve the capital formation. My friend Prof. Shah was merely destructive in his criticism. I am yet to hear from him any constructive proposal. I did not see it either in his first speech or in his second speech. Sir, I do not want to create an alarm. But facts have to be faced. None of these friends of mine, nor even the House has really appreciated the situation at present. We passed a Budget the other day for an expenditure of 500 crores during the coming year—300 crores to be met from revenue and 200 crores from capital. Now, this capital expenditure of 200 crores has to be raised, in ordinary circumstances, by loan, because it is intended for development purposes. All that sum is not for expenditure during the next year. The expenditure will be spread over a long period of years. That is the object of raising capital by way of loans for such development purposes. Now, how is this sum of Rs. 200 crores to be raised? The honourable the Finance Minister intends raising only Rs. 17 crores out of these 200 crores in the open market by floating a loan. 67 and odd crores are to be got from conversion loans and 131 and odd crores by drawing upon the slender balances with the Reserve Bank of India.

That is the position to-day. What are our balances with the Reserve Bank to-day? In 1947/48 it was 366,79,00,000. At the end of January 1949 it came down to 215,95,00,000 and I am told it has now come down to 205 crores to-day. (Shri Ramnath Goenka: 'Less than that') Therefore the balance to our credit to-day is about 200 and odd crores. If during the year we are going to draw upon these balances to the tune of 131 crores, the balances left to our credit will be about 70 crores. (Shri B. L. Sondhi: '58 crores actually.') So we are in a dangerous margin. What will be our position next year? In the current year the Government of India wanted to float a loan to the tune of 150 crores in the market. It was able to get only 55 crores. That is why the Finance Minister prudently wants to raise only 17 crores in the open market. 55 crores has dwindled to 17 crores and we do not know what its fate will be. Is it at all possible for any Finance Minister next year at this time to come under the same circumstances and say with any confidence that he will be able to go to the capital market or to embark upon any development programme? I say with all respect, unless things change, until the money market improves, we will have to put a big full stop to our development programmes. Not only here but in the provinces also. The position in the provinces is not a

[Shri M. Ananthasayanam Ayyangar]

little better. Our position is much better than the provinces. What is the remedy? It is no good merely beating the air and say that the Finance Minister has changed his views and convictions and become overnight a capitalist. If the needs of the hour require it, I would ask him to become a *pucca* capitalist. If we change over to Socialist Regime absolutely where all industries, banks, insurance companies, etc. are taken over by the State, it is only from the right hand to the left hand. Still we have to draw money from the market. Therefore the position is appalling. Now we have no plan. It is only Mr. Shah here who wound up that Association which drew up an elaborate plan and the plan itself runs over 30 volumes and the plan is very ambitious and it will cost us, if we are to implement it, some thousands of crores of rupees. Even in the beginning we have no money. Does he say 'We shall start a Capital Levy'? It is not allowed in any country. I am sure with his knowledge as a Professor and outside as a Politician, he would not allow or advise a Capital Levy in this country. In exceptional circumstances soon after the war when war boom is still on, the money is mopped off in a particular year. Now as the Finance Minister said money is practically disappearing and we are going to face a slump very soon. Under those circumstances it is out of question. There is one other suggestion—it was not made on the floor of this House—as to why not change over from cheap money to dear money. Even that is unthinkable. If the Government of India comes in the market and pays five per cent instead of three per cent., no doubt money will come. But what will happen to bank rate and the further corners in the villages? What is the rate that will be allowed by the ordinary money-lender? Do you want it to soar to 30 and 40 per cent. and disturb their economy? Even that is unthinkable. What is the alternative? The Finance Minister has said 'Certainly I will try to induce these people to come back'. But there is unnecessarily a lurking suspicion in the minds of honourable Members here that money is shy or coercive but not dry. I want to submit that the money market seems to be more dry than shy because a man could not be shy. Even persons with *gosha* are trying to discard it. Now the pulse is felt by the value of Tatas Deferred and Indian Iron. Tatas ruling price was about 2300 some time ago in 1946/47 and now it has come down to 1478 and so the reduction is £40. Indian Iron which was at 60/- per share has now come down to 24/3. So the price of stocks and shares that were available was valued at 1300 crores previously and to-day on account of various circumstances, adventitious and otherwise, they have come down to 300 crores. The bank was loaning upto 90 per cent. on gilt-edged securities, 75 on Ordinary Securities and so if we assume that the industrialists were able previously to get 1000 crores for this 1,300 crores worth and used to carry on with that their transactions and also invest in Government loans and also for helping industries. But the same 1300 crores on account of the Liaquat Ali Khan's budget, on account of Pakistan separation and Kashmir problem and the Refugee problem, our talk inside and outside this House—we take a particular step and say this ought to be our Industrial Policy and the various Ministers go about saying that is not the policy, I am the policy dictator—all these unfortunate methods have reduced the 1300 crores capital to 300 crores. To-day the industrialists are not able to get more than 75 per cent. of this 300 crores. How are we going to make up? They are not able to get 250 crores. Do you say it is dry or shy? When hunger stalks the land there is no shyness. Have you heard in Bengal some of the girls when they were on the verge of starvation, they threw overboard their sex? Therefore let us not accuse them. We are on a critical stage and I am glad the Finance Minister threw overboard those principles which he was preaching of course as a Professor and also learnt as a Professor. When circumstances necessitated he has realised and come forward with a proper proposal. What are the concessions

he has shown? They are, for a period of five years, he will allow some depreciation more than ordinarily. Another is, from 0/15/6 he has reduced the super-tax to 0/14/-. I would go further and say 12 annas but let me not induce in the minds of my friends a longing for 12 annas. Fourteen is enough. Third is Capital Gains Tax. My friend Mr. Khandubhai Desai said how does Capital Gains Tax induce the formation of capital? There is an apprehension that currency alone is money. Currency is not money, that is an appreciation of currency. From 188 crores before war in 1938-39 it is 1200 crores to-day. Currency has no doubt increased 10 times but money has gone down. Money in a country is by cash bank credit not by currency. Currency is one and bank credit is another. To-day bank credit has shrunk. Security in Bank has come down from 1300 crores to 300 crores and bank credit has therefore shrunk to 25 per cent. My friend in Ahmedabad applies himself to wage-earners whose wages are still at the top. That is actually disturbing our economy. Let him go to villages. Therefore I say you must give every inducement for them to go to banks. Therefore property will appreciate in value, and that property will come out, and more and more money will move into the banks, more and more money will come into the market and in that way become available to the government and also to industrial concerns.

And then Sir, lastly—Sir, I know the honourable the Finance Minister is waiting and my eyes are on the clock, but I will not take long, I will finish in two or three more minutes. I ought not to transgress the rules myself. Lastly, Sir, there is another aspect which seems to be creating some difficulty—the Democles' sword which we ourselves forged some time back, the Income-Tax Tribunal. Now, these people might have made lot of profits during the war—enormous profits were made as a matter of fact. And they have evaded taxation during the war. And now we have set up this Commission which would not go either forward or backward. Sir, sometimes, if you want to make a donkey go forward, you have to push it backward. Of course, I am not comparing it. The analogy is not on all fours. But what is the use of keeping this Democles' sword? Assume that there is so much of hidden money. How are you going to draw it out? Assume they had not paid taxes. But what is the good? Let us allow that money to come out and let it be utilised in the industries. Again and again people are asking, if you allow depreciation, five years hence, how are you going to tax the money? I am sure my head is not so barren. I feel confident that when the money comes out, we can catch it. Indeed, except making a man into a woman, we can do everything else. By a mere bit of paper, we can say it is Rs. 25,000. or anything else we want. So Mr. Goenka need not be perturbed by the Capital Gains Tax. Therefore, I say, let us accept the various proposals that have been made. The money is there. And so far as the Income-tax tribunal is concerned, let them, within say, six months, compound it all and take something, and allow the money to come out into the open and be utilised by the industries. I say, once and for all, let us get rid of this idea that these are persons who have committed some heinous crime—murders or something of that sort. Let them rear up their heads once again.

And then, Sir, I am sorry that the honourable Finance Minister did not associate any one of us in the recent talks about the sterling balances. The sterling balances have been bundled up. Internally we have no money. That is the position. Externally, we have the money in the sterling balance. Let us raise on the security of this money, let us raise money in the United States of America; let the Government of the United Kingdom be the guarantors. Let us get into some such agreement, and let us get the necessary capital goods. Therefore, let these steps be taken immediately, and then internal money also will come out.

[Shri M. Ananthasayanam Ayyangar]

Lastly, so far as the Marshall aid is concerned, it has been asked by many, "Are we to go in for this aid? Are we to go with the begging bowl" and so on. But why not? We are talking of associations with the Commonwealth in some form or other. We were yesterday talking about some constitutional devices. What is the harm? We cannot be alone in the world. Therefore, if it is possible, let us get assistance from other countries also. England took so much loans from foreign countries, and now she is getting the Marshall Aid. Has England become a beggar? In a very short time England has regained her export trade and rehabilitated herself.

So I say, this is a problem which has to be attacked on all sides, not on one side.

And then, so far as the post-card is concerned, my honourable friend Mr. Kidwai committed a mistake by saying that he would carry all the mail by air. He ought to have said, we have to pay nine pies instead of six pies for a post-card because of the present crisis. As soon as the crisis is over, the cost also will come down. It is just for the emergency. And also, as against this increased cost, let him open two thousand rural post-offices in a short time. That will be propaganda enough all over the country. If necessary, I can go to the country at large and say that even though there is this increase in the cost of the post-card, you will have rural post-offices close at your doors. You will have the post-office savings banks, current deposits etc. etc. and so many other facilities. And our people will appreciate it. They are cultured enough to do that. After all culture does not mean the three R's. I am sure the bulk of the population will stand by the honourable Minister if only he comes with the right excuse for bringing forward these proposals.

There is then the income-tax limit of Rs. 3,500. Of course, people with large families, like myself would have been glad if the limit had been Rs. 5,000. But I am told the honourable Finance Minister has appointed a small committee consisting of my friend Pandit Thakur Das Bhargava and two others and I hope this committee will consider the question fully and that social justice will be done this year; and God is there for next year.

Srijut Kuladhar Chaliha (Assam: General): Sir, this is a subject which is technical and few people take interest in it. For the last 75 years there has been the jealousy of the provinces for having allocation of funds from the Centre. There were difficulties and in order to resolve them, two members of the Finance Department went to Australia to find out some means or solution. Their report was not available until yesterday evening and it was not circulated to the Members of this House. But anyway, I shall take up only the case of my province of Assam. Sir, I think from Assam the Centre has taken Rs. 75 crores and the allocation made to the province is so meagre that it has a very just grievance. And I shall tell you one thing. The other day, somehow or other, without consulting the Province, its jute export duty was reduced to 20 per cent from the 67½ per cent made under Sir Otto Niemeyer Award. The same is the case with tea and with other excise duties. Without consulting the province, the percentage of 67½ per cent has been reduced to 20 per cent—an injustice which can hardly be borne by the province. I think they have addressed the Centre about this injustice. They feel that Rs. 40 crores out of the Rs. 75 crores should be allotted to them, for the schemes approved by the Centre.

Sir, in the general pool we have Rs. 275 crores and it has to be distributed. Mr. Nehru and Mr. Adhikari went out to Australia and tried to find out and study the conditions there and see how the finances of the different States there

were adjusted and how the Centre was dealing with the matter. And they have now laid down certain fundamental propositions. They have found out that there in Australia they had incessant quarrels between the States and the Centre. Therefore in 1933 they instituted what was known as the Commonwealth Grants Commission. The object of the Commission was, first to receive applications made by the States to the Commonwealth for the grant of financial assistance. Secondly they deal with any matter referred to them on grants or financial assistance, by the Governor-General, and thirdly any matter referred by Parliament to the Commission regarding how financial adjustments should be made among the different provinces. Under these three heads applications are received and on receipt they start considering them on the basis of three criteria. Firstly, they see if a minimum of efficiency which the Centre wants the provinces to keep up is maintained. If they find that it is not maintained, they allow the application. Secondly, weaker states are given special grants, because they find that they are not able to function. not in a prosperous manner, but in a manner where normal requirements are satisfied. Thirdly, they also look into the financial position of the provinces and how they are affected by taxation. If the same principles are applied here, we will be able to arrive at a solution which will be just for distributing the Rs. 275 crores we have got. What is done now is that the Centre does not look into the sources of income; they merely take the area of collection. I find that almost 52 per cent of the income-tax and other excise collections are made in Bombay and Calcutta, although their population is 27 per cent. From Assam, I think all income-tax is collected at Calcutta, though the industries and firms are located in Assam. Therefore, a certain amount of injustice is perpetrated. A formula should be worked out taking into consideration the area plus population plus collection. I know it is difficult to arrive at a formula, but if we take these three things into account, we shall be able to arrive at a proper formula. Mr. Adhikari and Mr. Nehru have said that a Finance Commission should be tried in India, as a Commonwealth Grants Commission will not be suitable to our country. If such a Finance Commission is appointed and it takes into account the provinces, the area and the amount collected and also in cases where the provinces require certain things which they cannot get from the Centre, the Commission should recommend it to the Centre, so that there may be harmony between the provinces and the Centre.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar).] So I suggest that such a Commission should be established in India in the Centre to allocate the funds among the provinces. Otherwise, the jealousy will continue for ever and we will always feel that some people who have got better representatives, better judges and better advocates get money whereas provinces like Assam, Orissa, Bihar etc., do not get their due. Even in the present case, Assam is given only Rs. 30 lakhs, whereas Orissa is given Rs. 40 lakhs. We have not been able to understand how it is allocated and why we have been deprived immediately from 67½ per cent. to 20 per cent. I should like that the Finance Minister should look into this thing and set up a Finance Commission.

Now, there is another point. If a province is not able to use the sum allocated to it due to their inability to contribute an equal amount, it lapses and we do not get it at all. We have to beg the Centre again. In Australia, they keep it to the credit of the province and not only that, they send men from the Centre to see that the schemes and plans are properly worked out. I therefore suggest that our Central Government should have this Finance Commission and they should also have some sort of organisation—not a very expensive one—but one which will go and supervise and see that the money is spent for the objects for which it was allocated. I think if this suggestion

[Srijut Kuladhar Chaliha]

is accepted and the Commission is established and functions under the Finance Ministry, the injustice will be less acute than in the past. According to the advice of these gentlemen, the sum of Rs. 275 crores should be allocated taking into account the per capita income, per capita revenue and expenditure and the population and area. If this suggestion commends itself to the Finance Minister and allocations are made on that basis, our expectations will be realised and small provinces will not feel that bigger provinces knock off a larger share of the divisible pool.

I do not like to speak on subjects which have been so well dealt with by others regarding post-cards, but coming from the villages, I do feel that the increase will hit the poor people. I know, of course, the reason for the increase. But all the same, coming from remote distant villages, where postal services are rare, I feel that if it is at all humanly possible, the matter should be reconsidered.

As regards the "all-up" air mails, very few people will understand in the villages what is the benefit of carrying "all-up" mails and I feel that this enhancement to 2 annas is rather hard. (*An Honourable Member*: 'At least the Assamese would realise it.') Quite right. But we are thankful to the honourable Minister for having raised the taxable limit in respect of Joint Hindu Families to Rs. 5,000. We are thankful for the little mercy shown.

Having said this, I must say that we will give our best support to the honourable Minister, because he has done his best under very difficult circumstances. It is very difficult to get capital nowadays and even key industries are finding it difficult to get finance. So everywhere, as the Deputy Speaker has said, the money has dried up and gone somewhere and we are not getting money for new ventures or even for running the old industry in a proper way. So it was just right that we should give some inducement by abolishing the capital gains tax. Of course as a villager, we feel that it should not have been abolished. I am inclined to agree with Mr. Khandubhai Desai that he is voicing not only the views of the people, but he voices also properly the point of view of the villager.

Having said this, I thank you.

Shri B. P. Jhunjhunwala (Bihar: General): Mr. Deputy Speaker. It is very easy to criticise any budget which may be placed before the House. Any item can be taken and can be criticised. But if we had to take an overall view of the thing, I doubt whether there is anything in the budget which can be conscientiously criticized, barring an increased charge on Post-cards and Envelopes to be carried by ordinary mail, or whether it can conscientiously be said that the Finance Minister is becoming a capitalist or is unjust to the core.

Sir, I am looking at the budget from one point of view: namely, whether any tangible result on nation-building programme even in near future has been envisaged. I do not mind even if there is more expenditure than what has been allowed. The only point from which I want to look at the budget at present is whether the work done by the Government justifies this expenditure and this taxation. If the people are taxed more, if there is more expenditure and if the burning problems of the day are solved, then it does not so much matter to the country whether we have to pay more or whether we give something more to the secretariat staff or people here and there. But the grouse arises when we find that apart from the routine work there is nothing tangibly forthcoming to give us a hope that even in the near future we shall be able to fight the different burning problems of the day.

The first problem to fight is the inflation. Sir, I have been hearing the Finance Minister very carefully and all the Ministers on various subjects but I remain unconvinced that from what they have said there is any hope that in the near future we shall be able to fight this inflation. The most important thing necessary to fight inflation for the present is to produce in this country as much as possible such materials as are required for our day to day use and which are essentially necessary. Sir, when I look to this thing, I find that there is no assurance coming from any of the Ministers that we shall be able to produce all these articles and bring down the cost of living.

I was looking to the figure of the cost of living here compared with the cost of living in the United Kingdom. Sir, in the United Kingdom in May 1948, the cost of living figure was 112 while in India it was more than 325. Sir, I hear that the recent figure has still gone up in India, while in England, which has suffered so much from war, the figure of the cost of living is going down. The one thing which I have said is that our Government does not pay attention for more production of such materials which tell upon the cost of production and I have said when I was speaking on food problems and also on industry that it is possible to do it, with the available materials in this country of ours. The only thing required is that we have to change our approach. We have to feel convinced: we have to feel confident of our potentialities that we can do it and not to be sceptic about it. But the difficulty is that those who are at the helm of affairs have got some preconceived ideas and they cannot get rid of these ideas. They look only to the outside world and to all industrial developments; but as I have said before, and I say even now, unless we industrialise ourselves on the same basis as the other countries are doing, we cannot exist; and that problem we should not give up. But it does not follow that we should give up or we should not mind the problems which can be easily solved.

Sir, I was saying that we have got some preconceived ideas which we cannot get rid of. The other day when I was speaking on food, and when I was saying that with the available materials, and with ordinary and even old-time agricultural implements, and with the seeds and the power which these cultivators have got, we can produce, I make bold to say that even with those old types of implements which require ordinary repair and with the good seeds transported and made available to the cultivators production can be increased by 15 per cent. This was said even by a foreigner. I am just not remembering his name. He contended that the Government of India apart from looking to the big schemes, should pay attention to the small things and they will find that they will be able to increase their production by 15 per cent and there will be no necessity for importing foodgrains which is impoverishing our country.

When I raised this point, and when I gave him the instance of the experiment I had made in a field where all these things were properly given there was a produce, when compared with the adjoining field, of 15 per cent more. Nothing extraordinary was done. Only the proper seed was given as also the proper implements and bullocks to the cultivator. What the honourable Agriculture Minister said was that in addition to these things there was the intellect also. We seem to have a very poor opinion of our illiterate villagers. Illiterate though they are they possess more agricultural knowledge than the people whom you send to them to spread the result of your research in Delhi. These pre-conceived ideas in the mind of the people at the helm of affairs cannot be got rid of and hence these steps are not taken to improve the production.

I shall give another similar instance. These things might appear most ordinary but they go a great way in solving our food problem. I was looking

[Shri B. P. Jhunjhunwala]

through the report of the Ministry of Industry and Supply. It was said there that the production of sugar was greater and the reason given by them is that the cane price in 1947-48 was increased to Rs. 2. I could not understand this. When the price of Rs. 2 was announced all the cane had already been planted and there was no fresh cane planted. Only the available cane was there, though the cultivators got more for it. We have been telling every year the U.P. and Bihar Governments that if they want to properly organise the industry they should fix the cane prices in time before the planting, so that the people can take advantage of that. Instead of doing that they will do it just after the crop is ready and the result is that we do not get more production. The poor cultivators plant the cane in abundance for subsequent years because of the high price allowed on existing crop and then when there has been sufficient cane the Government comes in and reduces the cane price to Rs. 1/8 or 1/4 with the result that the cultivators are put to great loss, and the whole industry gets disorganised. As I was saying the authorities at the head take something into their heads it is very difficult for them to get rid of it, because of the superiority complex of their wisdom.

The other day when I was speaking on industry I pointed out to the honourable Minister that 4.5 crores had been spent till now and out of this the two most heavy items of expenditure were machinery and building. On that he said that 1.5 crores were spent. I requested the Minister to tell me how the 2.50 crores had been spent. Instead of replying that question he simply replied "In spite of my repeated assurances to the Member speaking he still thinks that there will be no production of fertilisers soon and he lightly said that the cost of production would increase to Rs. 200/- per ton from the estimated cost of Rs. 125/- per ton" and said that he was sorry for me. I do not mind if he was sorry for me but the proper thing to be explained was how those 2.5 crores have been spent and how the cost would increase from Rs. 125/- to Rs. 200/- which appeared to him ordinary thing but was a heavy permanent burden on the country. Any businessman or anybody at the head of affairs will keep the facts at his fingers' ends and explained how out of the 4 crores 1.50 crores were spent on this and 2.50 crores were spent on something else. This is the way in which things are being done. I am not saying this from the point of view of criticism or finding fault with anybody but, as I have said, we have inherited habit of keeping quiet on things and not trying to find the remedy—which it is difficult to remove before we find ourselves in the ditch, when it is too late to remove the same.

Last year when the Finance Bill was under discussion and the removal of the supertax on sterling and dollar companies was being discussed it was said that one of the reasons for removing that was that we were giving very substantial amounts to the tune of crores as a refund to such people who have got income below the taxable limit. This was a very substantial amount and by this amendment we were getting rid of it. I discussed this point with the authorities concerned and said that he was wrong in his estimate. I said that it was all right to have this amendment and to pass it in this way but then to come here again and reimpose some other tax will produce a very bad psychological effect upon the foreigners whose capital we require. When I put a question as to how much the amount of refund was, the answer came that it was only 20 or 25 lakhs and the Finance Minister this time had to come with a proposal to impose an additional capital tax of two annas, which I had suggested in my speech then. I do not say that this should not be imposed. My only point in bringing this matter up before the House is that the authorities concerned should in time realise and should not be over confident of their wisdom especially when something is pointed out to them as to what they are going to do in future, what will be its psychological effect and what other effect it will produce.

One point more and I have done. I am not committed either to the socialistic or the capitalistic point of view. The only thing needed, as the Deputy Speaker has pointed out, is as to how to produce more and the Government, whether it takes a socialistic or capitalistic view, should be strong and should not waver. The Finance Minister has removed the capital gains tax and he has given his reasons. Mr. Goenka and Mr. Khandubhai Desai opposed it. They had their own reasons. I am not going into the merits of it. The reason given by the Finance Minister that he wants to have capital formation and he wants to create confidence among the investors, so that they will save money and invest. But while meeting the argument the honourable Minister said if we find in the future that this tax is workable and we can realize it from those people then after two or three years we can reimpose it. I say you reimpose it or do whatever you like after two, three or four years, after we have made up our production. But why say it now? The psychological effect that the Minister has produced goes away.

With these remarks I support this Bill. As I have said, it is very easy to criticise, but before doing so we should look to the difficulties in which our Finance Minister is placed.

Mr. K. T. M. Ahmed Ibrahim (Madras: Muslim): Mr. Deputy Speaker, Sir, the consideration of the taxation measures of the Central Government and the Provinces will convince anyone that most of them are bound to act as a heavy burden on the common man, especially the lower and the middle class people. If we look into the proposed taxes of my Province and of the Central Government we find that almost all the necessities of life are proposed to be taxed. The only thing that is left out seems to be air and I do not know when that also will be taxed. Turmeric, chillies and everything is being taxed. Here the postal rates are sought to be enhanced. You, Mr. Deputy Speaker, said that the prices of all necessities of life have risen and therefore it does not matter if the villager pays half an anna more for the postal service. It is true that the prices of all necessities of life have risen. But what is the purchasing power of the villagers? Have this Government or the Provincial Governments done anything to increase substantially the purchasing power of the villagers? Have you done anything to improve substantially the standard of living of the villagers? It is true that the cost of living index rises from day to day, but how are these people to meet this rise in the cost of living? Has anything been done? Such being the case it is no argument to say 'after all you are paying more for these necessities of life; so you pay half an anna more for this also'. The postal service has in these days become one of the necessities of life and how are they, the poor people, to find this additional half an anna? What I would suggest is—and it has been suggested by other honourable Members also—increase the postal rates with regard to those who use the postal service for enriching themselves, for increasing their profits, that is by sending them by air mail; but so far as the surface mail is concerned, retain the old rates. It is no argument to say that since the villagers have to pay more for their necessities of life let them pay half an anna more for the postal service also. It is no argument. They are not able to find the wherewithal to obtain their necessities of life and it is not advisable and proper to tax them more for this also.

Next I would refer to the tax on the export of cloth. It has been said that this country has not been able to export in full to various countries the quota of cloth that has been allocated for the purpose. Still this export duty is being retained. Do we not want to earn more foreign currency to meet our expenses abroad? In that case should we not increase our exports? If we want to increase our exports the articles which we export must be able to

[Md. K. T. M. Ahmed Ibrahim]

compete with the articles which go to those countries from other foreign lands. If they are not able to stand competition surely you will not be able to export your goods. Looked at from this point of view it is absolutely necessary that this export duty on cloth should be removed. In this connection I would make a reference to the present plight of the handloom industry of this country, especially of my Province. The handloom industry has survived, developed and progressed not on account of internal consumption but on account of foreign trade. I would quote only one instance to show how the stoppage of foreign exports affects this industry. When during the last war, on account of Japan's aggression on Burma and Malaya the export of handloom cloth to those countries was stopped the weavers suffered heavily. They had not even the necessary means for their maintenance and the Madras Government had to make provision for them under the Famine Code.

Mr. Deputy-Speaker: Is not the export duty confined to mill-made cloth?

Mr. K. T. M. Ahmed Ibrahim: I am aware of it. I am urging on the Government to take steps to increase the export of handloom cloth.

Mr. Deputy-Speaker: The honourable Member may continue his speech after Lunch.

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

The Assembly reassembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. B. Mavalankar) in the Chair.

STATEMENT OF GOVERNMENT BUSINESS

The Honourable Shri Jawaharlal Nehru (Prime Minister and Leader of the House): Sir, regarding the duration of this session, so far as Government is concerned we should very much like to complete the work of this session by the 7th of April. If by any chance some very important work is left over and the House is so willing we are prepared to extend the period by two days. But we should like so to organise our work as to finish by the 7th.

Shri M. Tirumala Rao (Madras: General): May I know whether Government have any intention of further prolonging the session beyond the 7th—because the management of business is not in our hands?

The Honourable Shri Jawaharlal Nehru: It is not our intention.

Pandit Mukut Bihari Lal Bhargava (Ajmer-Merwara): May I know whether the Ajmer-Merwara Bill will be taken up in this session? It won't take more than one or two days.

The Honourable Shri Jawaharlal Nehru: I understand that the Ajmer-Merwara Bill is likely to take at least five days—may be six—and although we would like to take it up it is rather difficult to deal with it in this session.

Mr. Speaker: Practically the position is that we may have to extend the session by a couple of days if the state of Government business so requires, and in addition we should have Saturday also. That is what it comes to. Very well then, I will allot Saturday for official business.

Seth Govind Das (C.P. and Berar: General): May I know whether the Hindu Code Bill is going to be taken up in this session or in the next session, because on that the other Bills and the other work will depend?

Mr. Speaker: That is for the Government to consider. I am allotting it for Government business, and whatever business Government puts in, will

come up. If they put Hindu Code Bill it will come; if they don't, it will not come up.

Shri Mahavir Tyagi (U.P.: General): Are you taking Saturday also?

Mr. Speaker: That is the request made to me and I wanted to know about the possibilities of going beyond the 7th. If there was no possibility of going beyond the 7th, I should have said that we should sit on Saturday. But it seems there is a possibility both ways.

The Honourable Shri Jawaharlal Nehru: We should try our utmost to finish by the 7th—but I cannot rule out absolutely the possibility of going beyond that. I think in that event it might be desirable, if I may say so, to sit on Saturday.

Mr. Speaker: That is why I said in view of the possibilities of all the three days being required, there is no other alternative but to allot Saturday. We will sit on Saturday the 2nd April.

INDIAN FINANCE BILL—contd.

Mr. K. T. M. Ahmed Ibrahim: Sir, I was referring before Lunch to the necessity of helping the handloom industry. The other day the honourable the Finance Minister himself said that this industry will very soon have to face grave danger.

The Honourable Dr. John Matthai (Minister of Finance): I did not say that "it will very soon have to face grave dangers"—that is not my phrasing at all.

Mr. K. T. M. Ahmed Ibrahim: In effect it means that. I would like to know what steps Government have taken to prevent this industry from being destroyed. This industry, as I said, has survived on account of its foreign export trade. What are the steps that the Government has been taking to encourage the export of handloom cloth? Has their policy been consistent and uniform? On the other hand the policy of the Government towards this cottage industry has been halting and vacillating. Last year exports of handloom cloth to Pakistan were permitted, and hoping that that policy would continue weavers were manufacturing cloth which could be sold and which was in demand in Pakistan alone. But suddenly exports to that country were stopped with the result that there is an accumulation of cloth of the value of more than Rs. 5 crores which, as I said, can be sold only in Pakistan. It is true that recently there has been some relaxation with regard to this matter, and 5 crores yards of handloom cloth are allowed to be exported to Pakistan. But in actual practice nothing has been done and it is not possible now to export any yard of handloom cloth to that country. Now the handloom weavers are in a very difficult plight. They were getting yarn sufficient only for ten days in a month and with that yarn they were manufacturing the cloth with the hope of meeting their monthly needs with the income they would derive thereby. But even the cloth manufactured out of this ten days yarn has now accumulated. From this one can understand the miserable plight of the handloom weavers. Therefore I would appeal to the Government to take steps first of all to see that this accumulated stock is cleared and then to see that exports to other countries are also encouraged. They must be told definitely that they would be allowed to export to particular countries. The difficulty arises when there is a sudden change of policy. On account of this vacillating policy, on account of the fact that the policy is changed from time to time the poor handloom weavers have suffered a great deal and I would appeal to the Government to see that their suffering is put an end to by following a consistent policy which would ensure certainty to the industry.

In this connection I would also refer to a press note which was issued this morning regarding the export of sewing thread to Pakistan. On account

[Mr. K. T. M. Ahmed Ibrahim]

of the removal of control so far as sewing thread yarn is concerned, the spoolers who manufacture this thread are put to very great difficulties. Some of the agents and sub-agents are not selling at normal rate the yarn required for the purpose with the result that those who are engaged in manufacturing this thread are put to very great difficulty. They have made representations to the Provincial Government and also to the Provincial Textile Commissioner but their representations have not in any way been effective. This is a matter which the Central Government must consider seriously. Many of these spoolers who are engaged in manufacturing sewing thread are put to difficulty on account of the fact that this yarn has gone into the black market; it is not available to the spoolers who are engaged in this industry for a long time.

I shall now come to the tanning industry which is the third largest exporting industry in the whole of India and the largest exporting industry in the Province of Madras. This industry now suffers from troubles both internal and external—internal on account of the labour trouble. The House may be aware that during the past about two months there is strike going on in the several tanneries in Vanujambadi in North Arcot District. These tanneries have been manufacturing leather of a very high grade quality. The Madras Province produces the largest amount of leather in the whole world and the quality produced is the best in the whole world. It is therefore very necessary that sufficient steps should be taken to safeguard this industry from the intransigent and hostile attitude of labour.

Again, on account of certain inherent difficulties in the method of marketing that has been adopted by the industry, it is suffering a great deal. To find out new methods of marketing and also new fields for marketing the product of the industry, the Government of India sent a delegation in 1947 to the United Kingdom, America and certain countries of Europe. That delegation has submitted its report. I understand that it has made concrete proposals for the better protection of this industry and for effecting sales of the product of this industry in countries other than England. I would like to know whether any steps have been taken in pursuance of that report, whether that report has been considered by the Government and whether the proposals made therein have been accepted or rejected by the Government. This industry is, as I have said, the third largest exporting industry in the country and if it suffers it will surely react heavily on the economy of the Province and the country as a whole.

With regard to the mineral resources of the Province of Madras, I would like to add one word. It is now admitted that the mineral resources of Madras are very rich but they have not been properly surveyed. Whenever the attention of the Provincial Government is drawn to the matter, we are told that a proper survey could not be effected on account of the fact that the Government of India has not got the necessary personnel. Sir, this is a matter which should be looked into. Adequate steps should be taken to survey the mineral resources of the Province and to exploit such mines as have been discovered already. For example, lignite has been found in South Arcot, iron ore has been found in Sandur and Salem and aluminium ore, bauxite, etc. in Salem District. If these mineral resources are exploited the prosperity of the Province will advance by leaps and bounds. I do not know why the Government should be adopting a snail-slow policy with regard to this matter.

Another matter I would like to urge upon the Government and that is with regard to the contribution made by the Centre to the Provinces. So far as my Province is concerned, it has been suffering heavily on account of the very small contribution that is being made to it from the divisible portion of

the income-tax. Before partition, Madras and U.P. were getting 16 per cent. each. Now after partition, as a result of the Conference of the honourable the Finance Minister with the Provincial Finance Ministers, the proportion for Madras has been fixed at 18 per cent. while U.P. gets 19 per cent. The amount of income-tax collected from my Province exceeds more than twice or three times the income-tax collected from the U.P.; still the percentage which is given to Madras is less than what the U.P. gets. Is the percentage based on the amounts of collection from the Provinces or is it based on requirements? From both these points of view Madras deserves a larger percentage than the U.P., especially now when the prohibition scheme is being carried out and the zamindari abolition scheme is to be given effect to soon. Therefore, I urge that the right of Madras to a larger amount of contribution should be seriously considered by the Government.

Another point which I desire to urge is that on account of the situation in Malaya and Burma, several Indians in those countries, could not return to India during the last war. Those who came had to leave all their properties there and the Central Government gave allowances to these refugees and also to the dependants of those who could not return to India. Now I understand that in many districts the Madras Government is taking steps to collect the allowances paid to them, as a result of instructions received from the Central Government. Sir, those people have not begun life again, they have not the means of maintenance at all. How are they to repay these allowances? If their position is properly considered the Government must continue to pay them allowances until they settle down in life. Any way it would be impossible for them to repay the allowances already paid to them. I request the Government that the allowances paid to them be wiped out and if possible further allowances be paid to these unfortunate people who have left those countries and come here penniless leaving everything behind.

Pandit Mukut Bihari Lal Bhargava (Ajmer-Merwara): Mr. Speaker, Sir, the Finance Bill has been discussed for several days in this House. As it has emerged from the Select Committee it is almost of the same character as it was when we referred it to the Select Committee. The taxation proposals that stand incorporated in the Bill formed the subject-matter of comment by me at the stage of General Discussion and I do not, therefore, want to repeat the same arguments here. My impression then was, and now is, that the effect of the Budget, in spite of all that has been said for the merits and demerits of the proposals incorporated therein, is to make the rich richer and the poor poorer. The only relieving feature is the recommendation of the Select Committee to raise the exemption limit of the joint family units to Rs. 3,500 which the honourable the Finance Minister has kindly consented to further raise to Rs. 5,000. That is a relief that was long overdue and it will be welcomed throughout the country.

Leaving the taxation proposals here, as has been the tradition of the House on such occasion to ventilate the grievances of the constituencies, I feel it my duty to draw the attention of the Central Government to the miserable condition prevailing in my own Province. Whenever any question about material and moral advancement of the people in the sphere of education or health is raised on the floor of this House, always the reply is given by the Central Government and its Ministers that that is a Provincial subject. But may I ask whether it is not the duty of the Central Government to raise the material and moral standards of the peoples of the Centrally-administered areas of which Ajmer is one? It has always been very unfairly treated in every matter; in education, in health, it is one of the most backward territories of the country and still it gets the smallest attention that is being given by the

[Pandit Mukut Bihari Lal Bhargava]

Central Government. The whole of the budget which is spent on the Centrally-administered areas is being swallowed up by Delhi which is of course the pet child of the Central Government. Even in the present Budget, only Rs. 11 lakhs have been provided for education and health. It is a very poor sum. The condition of the dispensaries and hospitals in the Province of Ajmer-Merwara is miserable. The staff is inadequate, the medicines and the injection tubes are insufficient. This point had been raised by me several times on the floor of the House in the form of interpellations etc., but without any effect. I would like that, so far as this backward tract is concerned, the responsibility of the Central Government is direct. The Centre must devote its attention to it. It has been kept aloof from Rajputana geographically, historically and for political reasons and the Central Government cannot escape its responsibility for the moral and material backwardness of the people of this tract. I hope the matter will receive attention.

My other grievance is about the unfortunate condition of the peasantry. The peasantry of this unfortunate province has been downtrodden and has been subjected to centuries of oppression at the hands of the feudal chiefs. There is a very moderate piece of legislation which for the first time contemplates to give a certain degree of security of tenure, assessment of fair rent and the prohibition of illegal exactions by means of an amendment of the existing Tenancy Law. It was hoped that it will be brought on the Statute Book as early as possible. It has been on the anvil of the legislature for over a year and even in this session I was disappointed to find that it has been shelved. A number of civil and criminal cases connected with tenancy matters are there. There have been cases of riots and forcible ejectments and their number is swelling day by day. It is high time that the Government seriously considers this matter. If no timely action is taken the situation may get out of control. Even if it is not possible for the Government to bring up this legislation on the Statute Book in this session, I would seriously and respectfully request them to consider the advisability of promulgating the salient features of this Bill in the form of an Ordinance, because the circumstances are of an emergent character.

Leaving this matter at that I would like to point out to the Central Government to concentrate their attention on the question of the salt industry. The salt duty was abolished after a good deal of agitation. Because salt had always been in the forefront of our struggle for freedom, on the attainment of freedom salt duty was abolished and everybody in the country thought this action will make salt available to the people at a nominal price, or at cost of production. Unfortunately this anticipated result has not been achieved. The other day an honourable Member suggested the re-imposition of the salt duty. I would respectfully submit that it is nothing but a counsel of despair. In fact salt is such a vital commodity for the people that it is essential that it must be made available in abundant quantity to the people. Even today, unfortunately, we are not self-sufficient in salt. The total production during the year 1948 was about 600 lakhs of maunds and out of these, 155 lakhs of maunds were produced in Government factories and the rest in private owned factories. During the year 1948, we imported foreign salt to the extent of 117 lakhs of maunds costing no less than 287 lakhs of rupees. It is a pity that despite the insufficiency in production of salt, the Government are not taking adequate measures to make India self-sufficient in this vital commodity and are not giving due encouragement to those engaged in this trade and industry to make India self-sufficient in salt as soon as possible.

On 23rd April 1948 the Government of India issued a circular by which it was intended to encourage the free manufacture of salt in the country. It was

notified that any person or group of persons manufacturing salt over an area not exceeding 10 acres need not obtain any licence and that the provisions of the Salt and Excise Act of 1944 will not apply to them. Relying upon this notification, the people on the sea coast invested large sums of money in setting up small factories of the size of 10 acres. But, after seven months, a departmental clarification of the previous notification intended to encourage free manufacture of salt came in and whatever concession was given in the previous notification was withdrawn with the result that those who had invested large sums of money for the development of this small industry came to grief. The salt production by them had increased the total output by 20 per cent. and the article was in no way inferior to that produced in Government factories. But still we find that an Association in Tuticorin has submitted a representation which shows how this departmental clarification by the Government of India has caused surprise. Similarly, the production of salt in Dharangadhra, has been seriously jeopardised by the zonal scheme of distribution recently introduced by the Government of India. In Dharangadhra, salt to the tune of 1,00,000 tons per annum is being produced. But what you find is that, under the zonal scheme of distribution, 12,000 tons of salt only has been allocated for being despatched from Dharangadhra to the territory in Central India. From time immemorial, Bihar, Nepal, Nepal Terai, etc., were getting salt from Dharangadhra. This natural market for this salt has been closed and replaced by another artificial market in Central India. So the producers who have no less than 1,00,000 tons of salt in a year have to distribute only 12,000 tons of salt to Khandwa under this zonal scheme. The natural consequence of this arrangement will be great discouragement to the producers.

Similarly, in another place, we find that this monopoly system of district agents appointed by the Government has resulted in great hardship. During the last session of the Assembly, on 3rd February 1948, it was admitted by the Finance Minister in answer to a question that salt was being sold in some parts of the United Provinces at the rate of Rs. 3 per seer. It is indeed regrettable that a commodity which is being produced at 4 annas per maund is sold at the exorbitant price of Rs. 3 per seer. Unless and until this monopoly system of distribution is done away with and every person in the country is allowed freedom of importing salt from the producing area, the condition cannot possibly be improved. Salt is a very vital commodity not only for human beings. It is needed for cattle food and also for industrial purposes. It is parent substance for a number of industrial chemicals like sodium sulphate, caustic soda, etc. Therefore I would respectfully submit that the question of production and distribution of salt must be attended to by the Government and arranged on a scientific basis, and free manufacture of salt should be encouraged in every part of the country. The only restriction that should be placed is that it must be of such a quality that it should be fit for human consumption. Barring this, no other restriction should be placed on the manufacture of salt. Unless and until this step is taken, India will not be self-sufficient in salt. Even the quantity that we are consuming today is hardly sufficient for good living. Perhaps the consumption of salt per capita in India is the lowest in India. It is 8 lbs. per capita. I therefore submit that this matter will receive due consideration at the hands of the honourable the Finance Minister and the honourable Minister for Industries and Supplies.

Shri Deshbandhu Gupta: While speaking at an earlier stage on the Home Ministry cut I had described this year's budget as a compromise budget. I am glad that the honourable the Finance Minister has given further proof of his compromising spirit by agreeing to a long-standing demand of the Hindu Joint Families though partially; but, Sir, compromises are not always good. Some times they bring into glaring contrast certain injustices and I feel that while

[Shri Deshbandhu Gupta]

the honourable the Finance Minister has partially conceded this demand, it is not based on equity and justice. Judging from that point of view I find no justification for not applying the same principle to super-tax which he has now agreed to apply to income-tax. I am sure, judging purely from the point of view of equity and justice, he will agree that there can be half-way house in a matter like this. If it is just to give that concession to income-tax payers, it is equally just to give it to super-tax payers. But I am aware of his difficulties: I know that he has not only to see to the requirements of justice and equity but he has also to find the necessary finances for running the Government. I would not therefore press this demand at this stage and I also know that it will not be much use my doing so. But it will suffice for my purposes if the honourable the Finance Minister who has immortalised himself in a way by agreeing to the removal of a long-standing grievance of the Hindus realises the justness of the claim, and gives an assurance to this House that in the next budget he will see that full justice would be done to the Hindu Joint Family. I may say that really speaking it is not a concession it amounts merely to the removal of a long-standing grievance. (Pandit Thakur Das Bhargava: 'This is merely an attempt.') My friend Pandit Thakur Das Bhargava who has all along been fighting the battle of the Hindu Joint Families corrects me by saying that it is merely an attempt in this direction. I agree with him and stand corrected. There is another glaring example of injustice which I would like to point out for the consideration of the honourable the Finance Minister. I refer to the discrimination made against some industrial concerns in the matter of giving relief depreciation to them in respect of machinery plant imported and fitted by them prior to 1st April 1948 but after the termination of the war. I tried in vain in the Select Committee to persuade him to do justice to all such industrial concerns as were pioneers in industry and took the risk of importing new machinery and plant soon after the termination of war. The relief that he proposes to give by way of special depreciation on new machinery and plant is a big one and I may even say that it is a generous one. This applies to machinery and plant which is imported after 1st April 1948 and this concession is applicable for 5 years. I would like to know from the Finance Minister as to what particular sanctity is attached to 1st April 1948. As a matter of fact he will agree, that the prices of plant and machinery are now falling and those who imported machinery soon after the termination of war paid higher prices for them than those who have imported machinery and plant after April 1948 or will do so hereafter. Therefore it is only fair that the consideration shown in the case of machinery and plant imported after 1st April 1948 should apply to machinery and plant which were imported soon after the termination of war or say after 1st April 1946. There is no reason to my mind as to why those who paid higher prices for their machinery and plant and who in fact took the lead in getting new machinery and plant as soon as possible after the termination of war should be deprived of this relief which is now being given to other industrial concerns. I would like to impress the justness of this claim on the Minister even at this late stage and I hope if he will consider it from the point of view of equity and justice, he will agree that at least for three years if not for a period of five years, i.e., from 1st April 1948 those who imported machinery and plant after April 1946 should also be treated alike. Besides being fair this will give encouragement to those who always take lead in such matters and I can assure the Finance Minister that if he does so he will not have to repent for it. There is yet another point to which I want to invite the attention of the honourable the Finance Minister. I congratulate the Income-tax Department for having collected big arrears during this year—I

feel they do deserve our congratulations for collecting about 15 crores in an year. They have made a good job of it and while I congratulate them for that I wish to point out that in their drive for collection of arrears there have been instances where firmness has not been combined with courtesy. After all, Sir, the Income-tax Department is a revenue paying department and under the new set-up of things, we have got to make the people who pay income-taxes feel that they are not being unnecessarily harassed and that they are paying what is due to their own National Government, and that the National Government is not the same which its predecessor used to be. I would advocate the strongest measures for collection of arrears and of every pie of income-tax, but I would ask him to consider the desirability of calling Conferences of the authorities of Income-tax Department from time to time and impress upon them the necessity of showing the Income-tax payers due courtesy and consideration while dealing with them. By consideration I don't mean that they should not collect the full amount of money that is due but that they should be treated with courtesy. They should not be unnecessarily harassed and put to inconvenience—on account of the inefficiency of the Department, for instance—called from time to time for explaining the same points. Perhaps the Minister is aware that sometimes notices for the payment of arrears of three to four years are served but practically no time is given to them for making the payment. I have personal knowledge of cases where notices for collection of income-tax took about 10 days to reach the assessee after the orders had been passed and where they were required to deposit the tax for 3 to 4 years within a day or two. I think this causes unnecessary hardship and inconvenience to the people who are required to pay taxes not for the last time but who, we hope, will continue to pay taxes in the future as well. It appears that the Income-tax Department has not got the necessary staff for the purpose. The general efficiency in respect of serving notices and doing other such things is not upto the mark. I feel much of this hardship and the cause for complaint can be removed if the honourable Minister takes a lead in the matter and agree to call from time to time Conferences of big Income-tax Officers and impress upon them the desirability of dealing with the public in a different manner.

I congratulate my friend Mr. Ananthasayanam Ayyangar who has very strongly and in his own inimitable eloquent manner put the case, this morning, of those who have been sinners in the past. I am no advocate of the sinners and I hold no brief for them. But I feel that when a malady becomes general, it has to be treated in a manner different from the ordinary line of treatment. The Investigation Commission has been able so far to lay its hands only on 1,200 cases and it is not known whether even these cases the Commission will be able to deal with finally in an year or so. Sir, my own estimate is, and I think the House will agree with me in this, that cases of tax dodging are not in hundreds, but in thousands. When the question of appointing this Commission was discussed in the House, it was thought that this would prove to be a big boon, and that tax dodging would stop thereafter. But I think, and perhaps the honourable the Finance Minister will also agree with me, that our hopes have been belied. Not only has the Commission been able to investigate about half a dozen cases, but even in those cases the exchequer has not realised the dues so far. Therefore, let me, in all humility, suggest—and I agree with my friend Mr. Ayyangar in this—that some method should be found out to induce the flow of this black money into the proper channels of business and industry. Therefore, my suggestion is,—and that is not a new suggestion,—that for the past sins, some date line should be fixed and Government should come to a decision as to what percentage of the concealed money should be charged from those who assure that they will behave in future; they should then be given a chance, a dog's chance to begin with a clean slate.

[Shri Deshbandhu Gupta]

They should be asked to pay certain portion of the money that they have collected, during that time, at a flat rate of say, 50 per cent. or 60 per cent. or whatever percentage the Government might fix. I am sure that if the honourable the Finance Minister takes courage and follows this course, this will not only bring large amounts of money but will prove to be the best anti-inflationary measure. He will, in this way, get crores and crores of rupees in no time, without incurring any expenditure on collection. Moreover, this will put a stop to the corruption which has become almost a kind of second-nature to many people after the war. How many concerns are there—to-day—I ask which do not have double accountings—perhaps they can be counted on our fingers. Most of the Members of this House who have any connection with business or industry know and I am sure the honourable the Finance Minister himself knows it better than anybody else, that there is large number of firms and business houses, and individuals who had been corrupted during the war, are still maintaining double accounts. Although we have been in office for more than a year now, we have not been able to persuade such people to declare their gains and get their money to flow into the proper channels of business and industries. I therefore, appeal to the honourable the Finance Minister to give serious thought to this aspect of the question. He should not be scared away by slogans, or yield to people who do not take a realistic view of things, and who think that it is enough to call names to some people and be satisfied with the appointment of the Investigation Commission. I think it is time Government and the honourable the Finance Minister took courage in their hands and devised some such method as would bring crores and crores of rupees into the coffers of Government and also put a stop to the corruption which has become almost perpetual.

Sir, I do not wish to take any more time of the House. I hope that the points that I have placed before the House and before the honourable the Finance Minister will receive his due consideration, and that before long the people will feel that there has been a real change after the attainment of freedom in the atmosphere of the country and by next year, due to the steps taken by the honourable the Finance Minister present corruption would have disappeared.

Sardar Hukam Singh (East Punjab: Sikh): Mr. Speaker, Sir, at this far end of the debate, I will confine myself to only two or three observations. In the first place, let me deal with the loan programme of the Government. Our Finance Minister, and also his predecessor, so far as I can judge from the speech that he made here on the floor of the House, were moved by the motive that greater inducement should be given to industrialists to start new business and for surplus capital to flow into fresh industrial enterprises. It was felt even by Mr. Shanmukam Chetty, Sir, that the budget proposals of 1947-48 had retarded the growth of industries in our country and had impaired our industrial development. So with this idea, he formulated his budget proposals and gave certain concessions in income-tax, in excess profit tax and in the income-tax on small companies and so on. So far as loans were concerned, provision was made for Rs. 150 crores. But very little was actually subscribed—something like Rs. 30 to 40 crores. Therefore, this year, our Finance Minister having felt that the concessions given were not enough to induce industrialists to come into the field and start fresh business, in this Budget, has offered concessions to the industrialists, and I think the Government is justified in pursuing that path. Such high incidence of taxation can be justified in a country where industries are fully developed. But in a country where we have to start from the very beginning, certainly this incidence that we have in India is an impediment to the growth of industry. Therefore, we have

given further concessions this time. Rather it is said that Government has surrendered to the capitalists. We have abolished the capital gains tax. We have reduced the income-tax and super-tax and given increase in the depreciation allowances. Of course, this policy I do support. But I fail to understand one thing. We have given these concessions and our object is that capital should flow into the market, and fresh industries should be started, and also that we should get more capital in our public loans. This being so, there is no reason why we should provide only Rs. 75 crores, and that too, as one of the distinguished speakers said this morning, Rs. 68 crores might be converted and only Rs. 17 crores would be left with us. And I feel that the industrialists, after hearing these budget proposals have applauded these proposals and they have given it their appreciation and they have said that they have got what they wanted. And if this be true, then certainly I fail to understand why we should budget only for Rs. 17 or 18 crores loans. Either our Finance Minister has not got confidence in his own proposals, that they would go far enough and bring in that capital that he wants, or he has no faith in the industrialists, in their appreciation of his proposals or in their applause. If he has no confidence, or faith in them, then we need not give them this Rs. 6 crores to get about Rs. 17 or 18 crores. That might be withdrawn and instead, relief may be given to the poor man. Why should the poor man suffer for the sake of these industrialists, as they have not yet come to our aid. If he has no confidence in his own proposals, he ought to come out with further proposals so that our aims and objects might be achieved. This is one thing that I wanted to submit.

The second thing is about the commercial Departments. It was said here that our Railways are not yielding us the profits that they should. The profit that we have been told has come to the Indian Exchequer is only Rs. 4½ crores. The Honourable Minister for Railways told us that in addition to it there was the interest they had earned. Certainly, interest is there, but profit has to be counted after interest is paid. Whatever the nature of the concern, either Government or private, it should first take into account interest on its capital and then only profit is to be counted. Now, these concerns, may be they are utility services, are run on commercial basis. We have to see what is the reason for the profit being so small. There too, I may submit that the profit we are getting is only due to the fact that we are allowing so much overcrowding, we are not giving amenities to third-class passengers, therefore this profit is there. If we give them proper facilities and amenities, certainly this profit also would not be there. So the only alternative that we have is to reduce our expenditure, and that has not been done in this Budget.

The third thing that I want to stress is the road transport. I am convinced that any Government managed business or agency can never run as efficiently or for the good of the people as a privately owned enterprise. Leave aside these Railways. We might take the Delhi Transport Service, D.T.S. as they call it. We were told a few days ago that the monthly income of this Service was about 4½ lakhs and the expenditure was 3½ lakhs, but even in that expenditure, the capital investment, the interest, the depreciation, etc., has not been taken into account. If these things are also accounted for, the profit would be very little. Then, so far as private owners are concerned, they are allowed to charge six pies per mile as fare from the public. They supply proper amenities. But I want to submit that when the Government have declared that there is sufficient scope for private enterprise for the next five or ten years and they have assured the industrialists that they would not be touched for some years to come, this industry of bus-owners, of private operators in transport, are afraid of the Democles sword hanging over their head of its being nationalised. The provincial governments are pursuing

[Sardar Hukam Singh]

their programme of taking over this industry and what is the result? These persons are not replacing their old vehicles, amenities to the public are not being looked after, because they fear that this industry may be taken over in a very short time. I think the way in which the provincial governments deal with this matter can be made clear by an illustration of a fact which I read only yesterday. The East Punjab Government had placed an order and bought about 166 vehicles for their transport, and these vehicles have been lying there near the Jullundur Secretariat for about a year or even more and so far as the papers give out, the advice of the Central Government had been taken and they have been declared useless for service. 166 vehicles, probably worth about 16 lakhs have been kept there for over a year and then declared unserviceable because they had weathered storm, rain and sun for the whole of the time. This is the state of things, how the provincial governments deal with these matters. Public servants do not feel any sense of responsibility and unless a man has a feeling of ownership in an enterprise, he does not put his heart into it, and that is the trouble. Therefore, my request is, so far as transport is concerned, as we have given this assurance to other industries, so should Government—Provincial and Central—give a similar assurance that this industry will not be touched and will be allowed to carry on for a few more years. What is the advantage of it? Certain operators came to me. They give this undertaking that if the Government gives them a guarantee like this for another three years, they are prepared to pay one pie out of these six pies that they are getting, that is, one-sixth of their earnings, to Government Exchequer. Government would get all the money that they want and they would provide every amenity to the public, make travelling comfortable and do all the things that Government requires. Now, we have raised the duties on petrol, tyres and all these things. We are making travelling even dearer, but in spite of it, they are prepared to assure the Government that even if they are taxed, they are prepared to pay one-sixth of their gross earnings, which would bring a substantial amount to the Government.

The Honourable Dr. John Matthai: The discussion has ranged over practically all the general issues which have been raised in the course of the discussion on the General Budget at various stages and the discussion has covered also several of the points which were brought to the notice of my honourable colleagues in connection with the debates on the estimates of the various Ministries. What I propose to do, Sir, within the time at my disposal, is to refer very briefly to some of the more important considerations which have been raised in this debate.

One of the points raised is whether the procedure of setting up a Select Committee to examine the financial proposals is one which is desirable or sound. It is not a matter on which I can express any final opinion, because the final deciding authority is the House. But I think, from my experience of taking part in the proceedings of Select Committees on financial proposals, that while on the one hand there are disadvantages of the kind that my honourable friend Mr. Das referred to, there are at the same time certain advantages. The principal one is that it enables the representatives of Government and of the House to have a free informal, unfettered discussion of the considerations that underlie the Budget, and I do think at the end of it, although they are not able to resolve all the conflicts that exist between them, they are able to understand and appreciate each other's point of view. To that extent, I am in favour of this arrangement, but as I say, I have no right to express any final opinion at this stage.

Sir, a question was raised about the Income-tax Investigation Commission by several honourable Members. The position is that the Commission has

now done a great deal of spade work in connection with the methods adopted in practically all the cases that have been referred to it for evading taxes. Now that the general spade work has been completed, I feel that the progress of the work would be much greater hereafter. Meanwhile, we have already made provision by Ordinance for the voluntary settlement of these cases by agreement between the Commission and the parties.

I hope that the parties whose cases are before the Commission would take advantage of the provision that we have made, and it is my hope and my desire that some basis would be found which will be reasonable in the public interest and fair to the assessee—some basis on which as large a number of these cases as possible could be settled voluntarily.

Pandit Thakur Das Bhargava raised the question of the Hindu undivided family. Because the matter is coming up in the form of an amendment, and I have already stated Government's position with regard to the question of an exemption limit. I want to make it quite clear that this is a temporary relief and that any decision that we come to today is without prejudice to the decisions that we may take on a final and more comprehensive examination of the whole position. That comprehensive examination would involve two issues: one, whether the joint family is to be regarded as a special entity for income-tax purposes; and two, if so, what exactly is to be the basis and method of taxation.

My honourable friend, Mr. Naziruddin Ahmad raised the question of the salt duty. I do not want to go into the question of the salt tax, because I have no intention of re-introducing the salt duty. But there is a point that he made to which, in fairness to him and to the House, I should give a reply. He said that as soon as the duty was abolished instead of the price of salt coming down, exactly the contrary happened and the result has been so unexpected that that constitutes a sufficient argument for going back upon the decision. I think it is important to remember that the salt tax was removed at a time when economic conditions were greatly dislocated and all the disorganization that took place in the economic structure of the country necessarily reacted upon the salt industry at the time.

There is one more point I would like to mention. When the Interim Government took this decision, I was then, as Finance Member, largely responsible for this decision. The decision that we arrived at was based on two considerations: Firstly that the duty was to be abolished and secondly, along with the abolition of the duty, Government should take every possible step for expanding production of salt and for improving its quality. In pursuance of the second part of our decision we sent a special officer, with wide knowledge and experience of salt production to America and England to enquire into the possibilities of putting the salt industry on a more efficient basis. By the time these investigations were completed, the Finance portfolio of Government passed into the hands of the Muslim League section of the Coalition Government who had no particular interest in this matter. Therefore when the final decision was made and the matter was placed before the House, these considerations which were an essential part of the original scheme, were lost sight of. The duty having been abolished, the Finance Ministry lost interest in the question of salt. Salt however still remained a part of the Finance Ministry but no one was responsible for seeing that the salt industry was developed in the manner originally contemplated. That accounts for a large part of the disorganization that took place. My honourable colleague the Minister for Industry and Supply is very alive to this issue and I have not the slightest doubt that in a short time we should be in a position to put the salt industry on a more satisfactory footing.

[Dr. John Matthai]

Mr. Singhanian, who makes his rare appearances in this House, raised a number of points with regard to cash balances, bearer forms, the excise duty on cloth and foreign capital. All these issues have been discussed over and over again in this House when he did not care to be present, and I do not propose further to go over the ground again.

My honourable friend, Mr. Khandubhai quite rightly said that capital formation is entirely bound up with the question of production. I agree with him. Production is at the root of this problem. But I find that, when Mr. Khandubhai talks of production, he seems to have the idea that production is a matter that depends on the employer only. Production is equally the responsibility of the constituency that he represents, Labour and I wish occasionally that Mr. Khandubhai would make an appeal to labour in this country to do its part a little more effectively.

My honourable friend, Mr. Tyagi raised the question of economy in public expenditure. I am glad he did it because, while I know the limits to which we can carry this process of economising, I think it is all to the advantage of the Government, the House and the country, that this question should be brought to the fore and stressed as often as possible because that is the only way in which a democratic Government can be made to do its job properly. He said that next year I should not come up with any supplementary demands. That was his first suggestion. Secondly that within the next year, 1949-50 I should reduce public expenditure by Rs. 100 crores. I regret to say that I am not in a position to give an undertaking on either of these points. (Shri L. Krishnaswami Bharathi: 'At least to some extent'.) My honourable friend, Miss Mascarene made the point that there was to be no class distinction recognised in the present state of industrial production. I agree with her. That is a consideration that we ought to keep in mind a great deal more than we are inclined to do. This business of production, and industrial investment, and capital formation: all these have come to a critical stage where the only way in which we could handle them effectively is by the community regarding itself as a single entity for this purpose.

My honourable friend, Dr. Deshmukh asked me why the estimates of customs revenue for 1949-50 are on a lower scale. Well, our estimates of customs revenue are based on three considerations: First of all, what is the foreign exchange available: secondly, what is likely to be the internal demand: whether the demand has reached saturation point in certain lines: thirdly, what is going to be the reaction on indigenous production. We took all these three factors into account and the best estimates we could make have been embodied in the budget.

With regard to the question of general contribution to revenue, I think Prof. K. T. Shah raised the issue with regard to post offices. The general question that has been raised is whether it is right that Government, while running public utilities should use them for the purpose of revenue by taxation. It is a very difficult question to answer. But I think that if we are interested by gradual stages or rapid stages in nationalizing industries, the question of replacing the revenue that you are likely to get by way of taxation is one which we have to take into account. The problem in all its nakedness was raised in Russia where practically the whole industrial system is State-owned. What they do is to levy what is called a turnover tax: that is to say to fix the price of products of the nationalized industry at a level which will not only merely cover the cost of production, but something extra, as a contribution to the State.

I am grateful to the Deputy Speaker for his exposition of the present financial and monetary position. I could not improve on it. I am in agreement with him and that is the basis of the budget proposals that I made.

My honourable friend Mr. Chaliha raised the question of the allocation of grants and loans to provinces. The points that he raised are: first, what is to be the basis on which assistance from the Central Government is to be provided for provincial governments: secondly, what is to be the basis on which the provincial share of the income-tax is to be distributed among the various provinces: thirdly, what is to be the basis on which the provincial share of the export duty on jute is to be distributed among the provinces. These are all difficult questions. The Government of Assam, the province with which my honourable friend is directly concerned, have been writing rather strong letters to me. I am putting it very mildly. Other provinces have also been writing to me with equal vehemence. I am at present in a position where it is impossible for me to steer my course one way or the other and my own mind has been working rather in the direction that my honourable friend Mr. Chaliha has suggested, that probably the best way of finding a solution for this extremely difficult and almost intractable problem is to have something like a Finance Commission appointed which would set this question at rest, at any rate, for a period of years. I am not making any definite announcement. All that I want to indicate is that my mind is working along the direction that was suggested by Mr. Chaliha.

My honourable friend Mr. Jhunjhunwala asked me a question on inflation: "Why is it that in India the level of prices is so high and the cost of living is so high, whereas other countries like the U. K. are able to maintain their cost of living at a much lower level?" My friend Mr. Jhunjhunwala would not have raised that question if he had been in the habit of looking behind the figures that he see in these publications. I have been exercised a great deal in my own mind as regards the comparative position of India in the matter of the cost of living. I am in the habit of studying the figures contained in the monthly bulletin issued by the United Nations. They give the cost of living figures for nearly 60 countries. Out of these 60 countries I should say more than half have a cost of living, as compared with pre-war time, which is higher than ours. There are about 15 Asiatic countries included in it. Among those Asiatic countries there are three countries which have the lowest cost of living, more or less the same—Ceylon, Egypt and India. All the other countries have a higher cost of living than ours, so that I do not think on a comparative basis we have any reason to be seriously perturbed or worried. The inflation problem is a difficult problem and I do not want to minimise its importance but when Mr. Jhunjhunwala says that on a comparative basis we have to hang our heads in shame, I think he is going a little too far.

Taking the case of the United Kingdom there are three conditions that differentiate the position of the U.K. from the position of India. In the first place there is the vast amount of food subsidy 500 to 600 crores a year. And remember they have got all the productive equipment that they need for producing most of the consumer goods that they require which we have not. Remember also that it is a small country which makes it less difficult to enforce a system of control than in a vast country like ours. So that the difference between India and England is not quite so glaring as you might think it is from a superficial examination.

The other honourable Members who took part in the debate referred mostly to local problems and many of these problems are such as might well have

[Dr. John Matthai]

been raised when the estimates of the Ministries were under discussion. With regard, for example, to the position of certain industries, or the Centrally administered areas and so on, I am not in a position to answer them, because I am not directly concerned with these ministries.

Dr. P. S. Deshmukh: There was no time: there was no opportunity to speak.

The Honourable Dr. John Matthai: My honourable friend Mr. Deshmukh Gupta raised the question of giving retrospective effect to depreciation allowances. That point was raised by him in another place and I was not in a position to accede to it at the moment and today I am not in a position either to accept the suggestion. There is a certain amount of force in what he says but considering the financial limitations under which we are working today what we are concerned with is more incentive than equity and if incentive is the primary consideration, then it is the future rather than the past that ought to be our main consideration. It is, taking I regret to say, a practical but not necessarily an ethical point of view but I sometimes have to make compromises which I cannot very well defend.

My honourable friend Sardar Hukam Singh raised the question of the borrowing programme which I have suggested for 1949-50. If market conditions improve I propose to go in for a bigger loan than 85 crores. It does not in the least mean that because I have set a low figure I have no faith in my proposals. I have faith in my proposal and I do hope that the response will be better than the signs so far indicate. If that is so I do intend to make the fullest possible use of any improvement that may occur.

Mr. Speaker: The question is:

"That the Bill to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1949, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Speaker: There are two amendments which I believe the Government has accepted.

Some Honourable Members: There is only one.

Mr. Speaker: There is some amendment regarding export duty.

The Honourable Dr. John Matthai: That has already been incorporated in the revised Bill, Sir.

Mr. Speaker: What about the other amendments? Do honourable Members wish to move them?

Shri Lakshminarayan Sahu (Orissa: General): Yes, Sir.

Mr. Speaker: What I was considering about was the position about the agreed amendment which comes under the Third Schedule. I hope that by 5 P.M. we would have reached the Third Schedule, so that the amendment may be moved before 5 o'clock.

Pandit Thakur Das Bhargava (East Punjab: General): You may allow me to move the amendment without any speech, so that it may not be ruled out as out of time. If I get time later I shall make my speech.

Mr. Speaker: Instead of taking up any clause first out of turn, let us proceed clause by clause as far as we can and in case necessity arises, then preference might be given to the Third Schedule and the amendment can be moved.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar).]

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I do not wish to move my amendment but I wish to speak against the clause. I have already spoken in connection with the general discussion that I object to the tax being discontinued at this stage. The honourable Minister has kindly replied to the point but has not replied to the particular point of the discontinuance of the tax. The salt industry would not be put to a heavy strain. The tax is so nominal: it is 1/10th of a pie per head per day.

It is so nominal that it is never felt. Neither any addition nor any subtraction of the tax has any practical meaning whatsoever to the poor man's daily budget. I find that salt was taxed during the rule of our ancient Hindu Kings it was taxed also in the time of Muslim Kings and during the British period for a long time. So this is a tax with which India has been associated from time immemorial, and this is a tax which will be tolerated by all. If the tax is imposed and the amount collected is spent for the poor, it would be really for the benefit of the poor. The clause, as it is, means no benefit to the poor but benefit to the intermediaries. This point, I submit, has not been answered. Sir, I submit that this clause 2 should not be accepted.

The Honourable Dr. John Matthai: Sir, I oppose it.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Dr. P. S. Deshmukh: I had given notice of an amendment to clause 3: because I thought that the rates of postcards and envelopes should not be raised and that instead of that, if we are really short of revenues, the surcharge for their being carried by air should be raised. Even now, looking at the Schedule I feel considerable apprehension as to how the thing would be managed. For instance, the parcels are going to be carried at the rate of six annas per pound whereas if one were to travel by air one has to pay from here to Nagpur ten annas per pound. I am sure the Department will have many difficulties; I do not think the whole question has been at all thoroughly examined. I know it for a fact that the losses that would be incurred by the Railway Department have not at all been calculated; carrying of mails by air would make the Railways lose quite a bit. Then again, the whole load, I fear, would be absolutely unmanageable. Either the Department will have to be absolutely honest about their declaration and carry everything irrespective of cost or they will have to resort to cunning device. If you consider the newspapers which at present are carried from Madras to Delhi or Bombay to Calcutta at one pice per newspaper, I am absolutely certain it will either be unmanageable or it will not turn out to be at all profitable.

Sir, in spite of the fact that we want reconsideration of this question of enhancement of rates the Ministry does not find it convenient to withdraw this increase. I would at least appeal to the Ministry that no sooner they find that it is either unmanageable or that there is the principle of diminishing returns coming into operation, they will be bold enough to go back to the old practice of merely imposing a surcharge on those letters which go by air and not insist on this ill-thought-out and ill-considered scheme.

Sir, I do not oppose the clause but I would be very grateful if my remarks are borne in mind.

Shri Khurshed Lal (Deputy Minister of Communications): Sir, I think my honourable friend is under a misapprehension. All that was stated was that we shall carry by air all first-class mail. First-class mail includes letters and postcards. So far as parcels are concerned, we have maintained the old rates and it is always open to us to have a surcharge if we carry them by air. To that extent my friend has got it wrong. We only undertook to carry by air first-class mail and that too only wherever there was an air route.

Dr. P. S. Deshmukh: You have got discretion even in this matter? I feel

Shri Khurshed Lal: We have always got discretion under Section 7 of the Post Office Act and it is under that section that we have been having so far a surcharge on air mail.

श्री लक्ष्मी नारायण साहू : उपाध्यक्ष महाराज, मेरे मित्र डाक्टर पंजाब राव ने जो संशोधन का प्रस्ताव किया है मैं उसका समर्थन करता हूँ।

Dr. P. S. Deshmukh : I have not moved it.

मिस्टर डिप्टी स्पीकर : उन्होंने संशोधन का प्रस्ताव नहीं किया है।

श्री लक्ष्मी नारायण साहू : Still, I can speak on it.

इसके बारे में मैं यह कहना चाहता हूँ कि हम लोग बिज़नेसमैन को खुश करने की कोशिश करते हैं और हम लोगों को डर रहता है कि हम बिज़नेसमैन के साथ झगड़ा कर के कुछ नहीं कर सकते। हम लोगों ने अभी सुना है कि जिन क्लर्कों को इनवेस्टीगेशन कमीशन ने किया है उनको भी छोड़ा जा रहा है। जब हम यह सब काम बिज़नेसमैन को खुश करने के लिये करते हैं और गरीब से गरीब आदमी पर ज्यादा पैसा लगाते हैं, जो कि पोस्टकार्ड और लिफाफा लिखता है, जिस से कि एयरमेल के खर्चे को पूरा किया जाय, तो यह सब बहुत अच्छा नहीं लगता है। मैं कहना चाहता हूँ कि पोस्टकार्ड और लिफाफा का मूल्य जितना हो सके कम करना चाहिये। जब हम पोस्टकार्ड दो पैसा और लिफाफा एक आने को कर देंगे तो देश में बहुत आनन्द होगा और बहुत आदमी चिट्ठी लिखने लगेंगे। हम यह काम नहीं कर रहे हैं और हम कहते हैं कि हम देश की निरक्षरता को दूर करेंगे और साक्षरता बढ़ायेंगे। कैसे निरक्षरता दूर हो सकती है और साक्षरता बढ़ सकती है जब तक कि हमारे अर्थ सचिव इस बात को नहीं समझते हैं। हमारे बिज़नेसमैन हम को मदद नहीं देते हैं, वह हमारे साथ हाईड और सीक (hide and seek) का खेल खेल रहे हैं। वह छिप जाते हैं और हम उन को पकड़ने की कोशिश करते हैं। वह हमको लुभाते हैं कि हम कुछ पैसा और छोड़ दें। तो ऐसा करने से हम सब बरबाद हो जायेंगे। तो मैं अपने फाइनेन्स मिनिस्टर साहब से यह कहना चाहूंगा कि जो प्रिंसिपल वह एक दफा तै कर लें उस पर चलें। इनवेस्टीगेशन

कमीशन को पूरे फ़ोर्स से काम करने देना चाहिए। यह बहुत अच्छा नहीं लगता है कि जो चीज़ें एयरमेल से जायेंगी उन के लिये गरीब लोगों को पैसा देना पड़े। जिनकी चीज़ें एयरमेल से जायेंगी उन को तो पैसा नहीं देना पड़ता पर दूसरों को देना पड़ता है, यह अच्छा नहीं मालूम देता। इसीलिए मैं इतना कहता हूँ।

(English translation of the above speech).

Shri Lakshminarayan Sahu: Mr. Deputy-Speaker, Sir, I support the amendment moved by my honourable friend Dr. P. S. Deshmukh.

Dr. P. S. Deshmukh: I have not moved it.

Mr. Deputy-Speaker: He has not moved any amendment.

Shri Lakshminarayan Sahu: Still I can speak on it. In this connection, I would like to say this much that we people try to appease the businessmen and we are afraid that we cannot achieve any thing by displeasing them. We have been told just now that those cases which have been detected by the Investigation Commission are also being let off. When we do all this to please the businessmen and tax the poorest person to the maximum possible extent—the person who writes a post-card and letter—to make up the expenditure involved in the carrying of mails by air; then this does not look very nice. I would say that the price of the post-card and letter should be reduced to the maximum possible extent. When we lower the price of the post-card and letter to six pies and one anna respectively, then it will tend to give country-wide relief, and a great majority of the people will take to letter-writing. On the one hand, we are not doing this, and, on the other we assert that we shall wipe off illiteracy from the country. How can illiteracy be removed and literacy increased so long as our honourable the Finance Minister does not do anything about it? Our businessmen do not co-operate with us—they are playing with us the game of hide and seek. They hide themselves and we try to catch them. They prevail upon us to allow them some further remission. By following this course, all of us shall be ruined. Therefore, I would urge the honourable Minister to strictly follow the principle which he lays down once for all. The Investigation Commission should be allowed to work with full force. It does not look quite proper that the poor should be made to pay for those articles which will be carried by air. The persons whose articles will be carried by air have not to pay the money, but others will have to bear the burden. This is not proper. It is, therefore, that I urge this.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Mr. Naziruddin Ahmad: Sir, I beg to move:

"That part (j) of clause 4 of the Bill be omitted."

and

"That part (l) of clause 4 of the Bill be omitted."

Sir, these parts relate to enhancement of tax on photographic goods. I submit it is very unkind to enhance this tax.

The Honourable Dr. John Matthai: I have great personal sympathy with my honourable friend but he will appreciate my personal sympathy could not stand in the way of my public duty.

Shri Jaspal Roy Kapoor (U. P.: General): Could not Mr. Naziruddin be exempted from the operation of this tax?

Mr. Deputy-Speaker: In view of what the honourable Minister has stated, does the honourable Member wish to press his amendments?

Mr. Naziruddin Ahmad: Sir, I shall value his sympathy and would not like to press my amendments.

Mr. Deputy-Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5 and 6 were added to the Bill.

Sardar Hukam Singh: I move:

"That part (b) of clause 7 of the Bill be omitted."

Sir, no lengthy speech on my part is required in support of this motion. We are always complaining on the floor of this House that there is transport bottle-neck. We have not got sufficient transport and I am afraid that if this amendment is not adopted, we will be depriving the people of a large part of motor transport facilities. If the tax is as high as is proposed it would create hardship to the people. The poorer man will have to pay more for his journeys by road and his expenses will be raised.

Mr. Deputy-Speaker: Motion moved:

"That part (b) of clause 7 of the Bill be omitted."

The Honourable Dr. John Matthai: I do not accept the amendment. With regard to this duty on motor spirit and the duty on tyres, I have given very careful consideration to it. I understand what the honourable Mover has said about transport. The position is this: If you take the extent to which railway fares and freights have had to be raised in recent years, you will find that even after these duties are imposed, the extent to which the cost of road transport will be raised will be less than the increase in the railway fares. Even the level of railway fares and freights today is considerably below the general index number as compared with the level before the war, and the cost of road transport will still be below the railway fares. Therefore there is no case for this amendment.

Mr. Deputy-Speaker: The question is:

"That part (b) of clause 7 of the Bill be omitted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

श्री लक्ष्मी नारायण साहू: उपाध्यक्ष महोदय, मैं इतना कहना चाहता हूँ कि उड़ीसा को ज्यादा इन्कमटैक्स नहीं मिलता है और अभी जो शेयर मिलता है वह बहुत कम है। आप जानते हैं कि उड़ीसा में करीब २५ रियासतें मिल गई हैं।

मिस्टर डिप्टी स्पीकर: आप मेहरबानी करके अंग्रेजी में बोलते तो फाइनेंस

मिनिस्टर साहब खूब अच्छी तरह से समझ सकते ।

श्री लक्ष्मी नारायण साहू: इसलिये इस समय वहां पर जो स्टैन्डर्ड आफ लिविंग है वह बहुत कम है और इस से उड़ीसा का स्टैन्डर्ड आफ लिविंग कभी नहीं उठ सकता। उस की हालत बराबर गिर रही है। मैं इसलिये चाहता हूँ कि जो स्टेट्स इस समय उड़ीसा के साथ मिल गई हैं तो उन का हिस्सा अब बढ़ाना चाहिये। अगर आप उन का हिस्सा नहीं बढ़ायेंगे तो वहां का स्टैन्डर्ड आफ लिविंग नहीं बढ़ सकेगा और वहां के लोगों को कष्ट होगा और वह सब हम लोगों को अच्छा नहीं मालूम होगा। इसलिये मैं मिनिस्टर साहब से यह चाहता हूँ कि वह उड़ीसा का शेयर जरूर बढ़ायेंगे।

(English translation of the above speech).

Shri Lakshminarayan Sahu: Mr. Deputy-Speaker, Sir, I would like to say this much only that Orissa is not allocated an adequate amount of the Income-tax revenue and the share which it gets at present is quite meagre. You know that about 25 states have merged with Orissa.

Mr. Deputy-Speaker: If you kindly speak in English, the honourable Minister will be able to understand it fully well.

Shri Lakshminarayan Sahu: Therefore, the standard of living prevailing there is very low, and on account of this the standard of living of Orissa can never be raised. Its condition is deteriorating day by day. I, therefore, urge that now when States have been merged with Orissa, its proportionate share should be increased. If you do not increase its share, then the standard of living prevalent there cannot be ameliorated and its inhabitants shall be put to great difficulty, and all of us would dislike it. Therefore, I would request the honourable Minister to increase the share of Orissa.

Shri B. P. Jhunjhunwala: The only thing I want to say is that, though large profits are made in the Province of Bihar, the share of income-tax given to it is very little, because of the fact that the head offices of Messrs. Tata and Co. and other big industrialists carrying on business in Bihar are in Bombay or Calcutta. And as such these big industrial concerns which are established in Bihar and give huge profits are taxed in their head offices and so Bihar gets very little share of income-tax, though she is entitled to much more. I request the honourable the Finance Minister to consider this question favourably, and give the due share to Bihar.

Shri Arun Chandra Guha (West Bengal: General): Calcutta contributes a good portion of the income-tax and both from the point of view of collection and of the population, West Bengal should get a greater share of income-tax. I hope justice will be done to West Bengal.

Dr. Mono Mohan Das (West Bengal: General): During the general discussion of the Budget.....

Mr. Deputy-Speaker: The honourable Member will be very brief.

Dr. Mono Mohan Das: I will finish within ten minutes.

Mr. Deputy-Speaker: At the third reading stage, the honourable Member can speak on any point.

Dr. Mono Mohan Das: I do not want to speak at this stage, Sir.

The Honourable Dr. John Matthai: All these points which have been raised with regard to Orissa and West Bengal will be taken into consideration.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clauses 9, 10, 11 and 12 were added to the Bill.

Prof. K. T. Shah (Bihar: General): I beg to move:

"That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Letters', for the words 'two annas', the following be substituted:"

The Honourable Dr. John Matthai: If I may interrupt for a minute, I would point out that the House has accepted clause 3 of the Bill. The first Schedule is included therein.

Mr. Deputy-Speaker: We have now come to the First Schedule. Merely because clause 3 has been accepted it cannot be said that the First Schedule has been adopted. The honourable Member may move his amendment.

Prof. K. T. Shah: I beg to move:

(i) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Letters', for the words 'two annas', the following be substituted:

"One anna and six pies, provided that if any letter be marked in any way as intended by the sender to be carried by air-mail, a pre-paid surcharge of six pies for every tola or fraction thereof, shall be made."

Sir, my other amendments run more or less on the same principle, and, in order to save the time of the House, if you will permit me, I would move them all at once and make one speech.

Mr. Deputy-Speaker: The honourable Member may move all the amendments one after the other beginning with No. 19.

Prof. K. T. Shah: I beg to move:

(ii) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the second entry under the head 'Letters', for the words, 'one anna', the following be substituted:

"Six pies provided that if any letter be marked in any way as intended by the sender to be carried by air mail, a prepaid surcharge of six pies for every tola or fraction thereof, shall be made."

(iii) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, after the second entry under the head 'Letters', the following proviso be added:

"Provided that no letter or postcard which originates and is destined for the same place, or within the delivery radius of the same post office, or within a delivery radius of less than one hundred miles from a post office where there is an air-port, shall be deemed to be intended to be carried by air-mail, and no surcharge shall be levied or collected on any such letter on any account of the means of carriage adopted in that behalf."

(iv) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Postcards', for the words 'nine pies', the following be substituted:

"Six pies provided that if any postcard be marked in any way as intended by the sender to be carried by air-mail, a pre-paid surcharge of three pies per postward shall be made."

(v) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Postcards', for the words 'one and a half annas', the words 'one anna' be substituted."

Shri Lakshminarayan Sahu: Sir, I would like to move my amendment. I will not speak on it.

Mr. Deputy-Speaker: Yes, you may move it.

Shri Lakshminarayan Sahu: Sir, I beg to move:

"That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Postcards', for the words 'nine pies' the words 'six pies' be substituted."

Mr. Deputy-Speaker: Prof. Shah. Ever since the Budget was introduced we have been dealing with this question. Therefore on this matter as far as possible there will be very few speeches and the speeches shall be very short in duration.

Prof. K. T. Shah: Sir, I will follow your sage advice as persistently as I can.

Shri B. Das (Orissa: General): I would like the learned Professor to give us some idea of the financial implications of his amendments.

Prof. K. T. Shah: When the honourable the Finance Minister has not been able to supply us with statistics, it is impossible for me to give the statistics. I will however try to do what I can.

These are all amendments which follow the principles that I hold to be sacred, viz., that the public utility service of the kind of the Post Office should not be turned into a profit-making concern for the State. I was under the impression, and I confess I was led to that impression by remarks which fell from the Finance Minister himself, that this was a fore-runner of the probable scheme whereunder in the near future all first-class mails will be carried by air. It seems, however, from what the honourable the Minister for Communications was pleased to say yesterday, that I seem to have missed some points between the date the budget was presented and subsequent enlightenment that was given to this House by the honourable Ministers concerned in collaboration or otherwise. The point, however, that I am making is that because we had, in my opinion, not adequate equipment, adequate service and adequate carriers for this purpose, it would be improper, unjust, and unsupported by any grounds of substance, to make such a charge for a service that will really be available to all. I now find on the enlightenment that the honourable Minister for Communications has given that in effect this is not really an extra charge for extra service rendered but that it is simply to recoup what he considers to be a probable loss on the postcards. Now that is a matter on which on principle I cannot possibly agree with the honourable Minister. Because I do not think that a monopoly public service like the post offices should be regarded as a thing which must at every time the Finance Minister is unable to make both ends meet on account of lack of control or insufficient control over expenditure, he must have resort to the post card and such other poor men's privileges to be taxed in order that the delinquency of the Exchequer should be made good. It is bad enough to say that the post offices because it is running at a loss or because of the total finances of the country such a deficit should be made good by such a charge but it is worse in my opinion at least to say that every Department should be expected to make profit on its running. Even in business

[Prof. K. T. Shah.]

where there are several Departments every Department is not expected to make the same or a substantial profit on its running. I put it to the honourable the Finance Minister himself who has claimed—according to the Press—to have been a successful businessman himself—I will put it to him in a big concern like the Iron and Steel Co.—of which I believe he was once upon a time a Director—and elsewhere—is every Department at Jamshedpur and in Bombay and elsewhere to be regarded as successful only if it showed a surplus on its own account? If that is the practice in the businesshouses where he has been a prominent figure, I confess it is one of those matters of economic theories to which I still remain an unrepentant believer and cannot adopt a new theme that my honourable friend is putting before this House in the enthusiasm of everything new to be adopted. I am personally of opinion that by raising these charges you are not really going to solve either the difficulties of your budget or what is worse, to make the post offices what it is really intended to be. It is much better I venture to say that the post offices should make a loss on the aggregate and therefore utterly indifferent in each Department, Post Card, Letters, M.O.'s and V.Ps. It is utterly unnecessary to worry about the post offices in the aggregate making a loss if it renders the widest public service possible. I go further and say that the lower the charges you have, you will be able to get the greater turn over and therefore even if you have an increase in your cost of production, on the whole you can possibly be making profit. Therefore if you don't start with a move to make profit out of postages but with a view to increase and improve and widen your services and make it as widely accessible to all people, there is every hope that by the very fact of the reduction of the charge, you will be able to show a better turnover and therefore better and greater monetary surplus than you can expect otherwise. Sir it should not really be judged by the amount of profit in this matter.

Mr. Deputy-Speaker: The honourable Member need not repeat. There is no time.

Prof. K. T. Shah: I am very sorry but it seems to me that.....

Mr. Deputy-Speaker: The honourable Member himself said he is repeating.

Prof. K. T. Shah: If you wish me not to repeat these arguments even once, I shall try to go over these points. But the point I am further making is that in this particular instance since you are not going to render a greater service and you are making the additional charge frankly in order to fill up a gap, I think it is unjustified.

Shri Jaspat Roy Kapoor: The honourable Minister has also said that he will utilize the revenue realized therefrom for the purpose of opening new post offices in rural areas.

Prof. K. T. Shah: To which I also object. And therefore my particular amendment. If any one wants to have the luxury of sending his communication by air, by all means make him pay for the extra service that you render. There I see no objection. But to make a general increase without calling it a surcharge, is I think, highly objectionable. All the more so because we are not really exhausting all the directions in which economy could be made. If you had come and asked for this increase in an all-round description, because you have exhausted all the directions in which economies could be made I might have understood that, and however reluctantly, I might have even agreed to it. But as it is, I am by no means satisfied that you have exhausted all the directions in which economies could be effected, either in the Budget

as a whole or even in the work of the post-office, that you have made all the necessary economies and that it is now impossible to find any other means, and so you have come to ask for this increase. In fact, in the same Budget, you are making concessions, grant gifts to those who least need it, and who are the least thankful to you for making these concessions. Yet, you are paying these concessions to the capitalists, these remissions to the super-tax payers and so on, in order to make the rest of the country pay for it. I have not got the statistics which I was led to believe I would get. But if I remember correctly, the figure quoted yesterday was that about 80 crores of post-cards are being carried. The Minister said it was 820 millions. I will take it roughly as 80 crores of post-cards. At the rate of half an anna it comes to 40 crores annas which amounts to Rs. 2½ crores. Increase it by 50 per cent at one stroke and you make an increase of 1.25 crores of rupees. I say this is disproportionately high, not only in itself but in comparison with the reduction that you give to the super-tax payers. For 10 per cent reduction to them, you are here increasing the charge by 50 per cent; which on no canons of economy, of equity or justice, can I think be defended. Even with my last voice I will protest against this kind of muleting of the public on the ground that prices have increased and all that. You have increased the prices, and still you say therefore the people are better off and therefore they can jolly well afford to pay for the luxuries of others. You say that one particular department is not making a profit and you raise the charge on the post-card. This is highly objectionable. You cannot quote a single example in which post-offices in any liberal advanced country are being run on a profit-making basis, to bring in profit for the exchequer which otherwise finds itself in difficulties. Neither in the United States of America nor in England nor anywhere else in the world where postal traditions are much longer, can you find any such thing; nowhere else is this permissible, this frequent expedients of the Finance Minister. This, Sir, to my mind is a sad irony, that the last British Finance Minister in this country should restore the six pies post-card and the first Indian Finance Minister should undo it. This, Sir, is a tragedy which I cannot speak of in words. To me, it is not merely an anomaly but an exacerbating cruel irony, that our liberal Minister of Finance, our national Minister of Finance who professes to have such deep-seated sympathy—and I have no doubt about his sincerity and sympathy for the poor man, should at one stroke increase the cost of the post-card, without precedent, parallel or principle, and that too without rendering any extra service. Develop your post-offices, I say, develop your other services, and I am sure you will be able to get more than what you expect to get by this sudden, almost arbitrary increase in the postal rate. There is another instance—the carrying of money-orders. You have, as I pointed out on another occasion, a disproportionately heavy charge on the carrying of small sums by money-order which only affects the poor man. Why not have some method by which post-office savings bank accounts could be transferred by them? That will bring in by interest alone sufficient to make up this deficit, which you are thinking of meeting by increasing the charge on the post-card and by adding and adding to the cost of the charges. I think about 143 crores of rupees were carried by money-orders, according to the memorandum we received. If this much or even half of it had been deposited in the post-offices, and remittances made, you could have made much higher savings on interest alone at 1 per cent interest. It would have brought in one crore of rupees, and what is more, you will be rendering a greater service to the poorest class of people who will value it most. But apparently my words fall on deaf ears. There seems to be an impenetrable wall. Naturally as the saying goes, "None so blind as will not see, and none so deaf as will not hear." I have, however this satisfaction, I have the satisfaction of having raised my voice and registered my protest against this

[Prof. K. T. Shah.]
utterly indefensible, and uneconomic raising of postal charges. I therefore, Sir, commend my amendment to the House.

Mr. Deputy-Speaker: I shall now place the amendments before the House.

Amendments moved:

(i) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Letters', for the words, 'two anna,' the following be substituted:

'One anna and six pies, provided that if any letter be marked in any way as intended by the sender to be carried by air-mail, a pre-paid surcharge of six pies for every tola or fraction thereof, shall be made'."

(ii) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the second entry under the head 'Letters' for the words, 'one anna', the following be substituted:

'Six pies' provided that if any letter be marked in any way as intended by the sender to be carried by air-mail, a pre-paid surcharge of six pies for every tola or fraction thereof shall be made'."

(iii) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, after the Second entry under the head 'Letters' the following proviso be added:

'Provided that no letter or postcard which originates and is destined for the same place, or within the delivery radius of the same post office, or within a delivery radius of less than one hundred miles from a post office where there is an air-port, shall be deemed to be intended to be carried by air-mail, and no surcharge shall be levied or collected on any such letter on any account of the means of carriage adopted in that behalf'."

(iv) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Postcards', for the words 'nine pies' the words 'six pies' be substituted."

'Six pies provided that if any postcard be marked in any way as intended by the sender to be carried by air-mail, a pre-paid surcharge of three pies per postcard shall be made'."

(v) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the second entry under the head 'Postcards', for the words 'one and a half annas', the words 'one anna' be substituted."

(vi) "That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Postcards', for the words 'nine pies', the words 'six pies' be substituted."

Now the amendments and the clause are all open to discussion. Pandit Kunzru.

Pandit Hirday Nath Kunzru (U. P.: General): Mr. Deputy-Speaker, I oppose the proposed increase in the postal rates in the Finance Bill. I do so, Sir, first because the combined Posts and Telegraphs Department is not running at a loss. It is true that the surplus will be less next year than in the current year, nevertheless the Department will be working at a profit. It is not right to say that because one of the articles with which this Department deals namely, the postcard is not being sold at an economical price, therefore not merely the price of that article must be raised, but along with that, that of another article namely, the letter too. Sir, there are business concerns which combine two or three services. But if they are running as a whole at a profit, that is all that is expected of them. I doubt whether Government or the public would approve of the raising of the price of anything manufactured by a company that was dealing in three or four other articles also and was making a profit on the whole.

The second reason why I oppose the increase is that in no country in the world have the people been compelled to send their letters by air mail. Even in America, that compulsion is not applied. I do not see why Government

should go out of their way in this country to compel the unfortunate people who have to write letters to send them by air mail, especially when it is clear that a good proportion of the letters cannot be sent by air. This increase may be in the interests of the unfortunate company which, at the instance of the Communications Minister, is flying letters and postcards by night at a heavy loss, but it is certainly not in the interests of the public who have never demanded that all first class mail should be transported by air.

My third reason is that if the increase in the postal rate is not resorted to, no part of the deficit will be left uncovered. Government expect that the increase in the price of postcards and envelopes will yield a revenue of Rs. 2.84 crores. Let us see whether the Finance Minister may reasonably expect to get more money than this in the course of the year, money that he has not taken account of in his Budget.

Mr. Deputy-Speaker: Am I to understand the honourable Member to say that the original Schedule ought to be restored, that is, the surcharge of six pies in addition to two annas? I am not able to follow the honourable Member.

Pandit Hirday Nath Kunzru: Is the Chair putting me that question? My answer is that I stand for the present system.

The Honourable Mr. Rafi Ahmad Kidwai (Minister of Communications): May I point out that by accepting article 3, we have done away with the present system and substituted the new Schedule. Now, if the suggestion is that we should go back to the present system. I think it is inconsistent with the latest position.

Mr. Deputy-Speaker: I have already said that so far as the Schedule is concerned, we are committed to the Schedule by merely accepting clause 3. Therefore, the amendments are open to discussion and I only appeal to the honourable Member that all these matters have been said and under the existing rules guillotine will be applied at 5 o'clock and there are some more amendments to be moved. So I would appeal to the honourable Member to state any new points, if there are any. I will be the last person, having regard to the experience of the honourable Member, to suggest to him the way in which he should place matters before the House. A number of points have been thrashed out for a long time on this matter.

Pandit Hirday Nath Kunzru: I am sure the Chair will acknowledge that I have not taken a minute of the House either today or yesterday, but if the Chair still feels that the discussion should not go on, I will sit down.

Mr. Deputy-Speaker: The honourable Member should not misunderstand me. These matters were placed before the House by other Members. That is all I am saying. The honourable Member may go on. I would only request him to state his points and conclude.

Pandit Hirday Nath Kunzru: I am trying to be as short as possible. I was saying a little while ago that even if the increased postal rates were not agreed to by the House, there would be no uncovered deficit. The reason for it is this. The agreement arrived at at the International Wheat Conference in New York will enable Government to save a substantial sum of money over the subsidies given to the provinces in respect of the sale of wheat. I understand that the new rates will enable Government to save about Rs. 2½ crores. Then, Sir, the recommendations of the Economy Committee which, I am sure, will submit its final report to the Finance Minister very soon will enable Government to save a substantial sum. The previous Finance Minister budgeted for an interim saving of Rs. 2½ crores. I think we may safely assume that the eco-

[Pandit Hirday Nath Kunzru]

nomies that will result from the labours of the Economy Committee in the course of the next year will not be less than Rs. 3 crores. (Shri H. V. Kamath: 'We can only hope.') You will thus see that Government will, in the course of the year, get at least Rs. 5½ crores more, which is nearly double the amount that they expect to get from the increased postal rates.

Lastly, Sir, I would like to point out that the Income-Tax Investigation Commission, if it concludes even a portion of its work in the course of the next year, will enable Government to get a few crores more by way of income-tax. Nobody knows the total amount of income-tax that has been evaded, but considering the fact that in the opinion of the Government the problem was of such a magnitude as to require investigation by a Commission, I think we shall not be wrong in assuming that the Commission will enable us to realise a large sum that the Exchequer might have been defrauded of. I think, putting this additional revenue at a modest figure, it will not be less than three times the increase expected from the new postal rates. There are other ways too in which Government will get additional revenue, but I do not want to deal with them now. The new sources of income to which I have drawn attention are sufficient for my purpose, and I think that now the burden lies on the Government to show that unless this increase is allowed, the finances of the country or the financial solvency of the country will be jeopardized.

Sir, this is a very objectionable proposal. Even during the war and before that during the period of depression so far as I remember, the price of the envelope was never raised to two annas, but now when there is nothing in our financial situation to require this increase, this Government is compelling us to pay two pice more for each envelope. I think that this increase is utterly iniquitous and should therefore be opposed by every means in our power.

Mr. Deputy-Speaker: The question is:

"That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Letters', for the words, 'two annas', the following be substituted:

'One anna and six pies, provided that if any letter be marked in any way as intended by the sender to be carried by air-mail, a pre-paid surcharge of six pies for every tola or fraction thereof, shall be made'."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the second entry under the head 'Letters', for the words, 'one anna' the following be substituted:

'Six pies, provided that if any letter be marked in any way as intended by the sender to be carried by air mail, a pre-paid surcharge of six pies for every tola or fraction thereof, shall be made'."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, after the second entry under the head 'Letters', the following proviso be added:

'Provided that no letter or postcard which originates and is destined for the same place, or within the delivery radius of the same post office, or within a delivery radius of less than one hundred miles from a post office where there is an air-port, shall be deemed to be intended to be carried by air-mail, and no surcharge shall be levied or collected on any such letter on any account of the means of carriage adopted in that behalf'."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Postcards', for the words 'nine pies', the following be substituted:

'Six pies provided that if any postcard be marked in any way as intended by the sender to be carried by air-mail, a pre-paid surcharge of three pies per postcard shall be made'."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the second entry under the head 'Postcards', for the words, 'one and a half anna', the words 'one anna' be substituted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That in the First Schedule to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, against the first entry under the head 'Postcards', for the words 'nine pies', the words 'six pies' be substituted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That the First Schedule stand part of the Bill."

The motion was adopted.

The First Schedule was added to the Bill.

Mr. Deputy-Speaker: The question is:

"That the Second Schedule stand part of the Bill."

The motion was adopted.

The Second Schedule was added to the Bill.

Pandit Thakur Das Bhargava: Sir, I move:

"That in Part I-A of the Third Schedule to the Bill for the words, "The limit referred to in the above proviso shall be Rs. 3,500 in the case of every Hindu undivided family, and Rs. 3,000 in every other case", the following be substituted:

"The limit referred to in the above proviso shall be—

(i) Rs. 5,000 in the case of every Hindu Undivided Family which satisfies as at the end of the previous year either of the following conditions namely:—

(a) that it has at least two members entitled to a share on partition who are not less than 18 years of age; or

(b) that it has at least two members entitled to a share on partition neither of whom is a lineal descendant of the other and both of whom are not lineally descended from any other living member of the family; and

(ii) Rs. 3,000 in every other case'."

In moving this amendment, I want to make two or three things clear. The first thing has been made clear by the honourable the Finance Minister himself. This amendment does not commit those who want that the Hindu undivided family should not be taxed as such to any principle of taxation based on the lines of this amendment. Similarly, I must make it clear that it does

[Pandit Thakur Das Bhargava]

not commit the Government to anything at all. As the report of the Investigation Tribunal is coming before us for discussion, as the matter was referred to it by the previous Finance Minister, it is *sub judice* in a sense and the House and the honourable the Finance Minister and the country will go into the question and the question will be finally settled as to whether the Hindu Joint Family as such should be taxed, and if so, in what manner.

Now, this amendment is merely a symbolic gesture of the acceptance of the fact by the honourable the Finance Minister that today the Hindu undivided family is not being treated in the proper way. This amendment only touches families which are paying taxes on less than Rs. 5,000; so in regard to families who pay on more than Rs. 5,000, they are not touched. Therefore, I cannot justify this amendment. Similarly, except as a compromise this amendment does not speak about supertax. I gave notice of many amendments on other basis in respect of both income-tax and supertax but I am not moving any one of them as in the present financial condition of the country it is not a practical proposition to ask for relief on the basis of justice or logic or on the basis that H.U.F. has been unjustly treated for the last 90 years.

Now, I have been given to understand, even at present, that in regard to Hindu undivided families, the separate incomes of the members are separately assessed by the income-tax department. According to the law, they could even assess such incomes in a joint manner. But I am given to understand that in practice they are not doing so. I would therefore ask the honourable the Finance Minister to give us an assurance that this practice will continue, because if the income-tax people want to extort more money, they will care neither for the law nor the practice.

As regards the other aspects of this amendment, I would only submit that while making a Compromise we have taken good care to see that it does not give any sort of preference to a Hindu over a non-Hindu and therefore we have excluded even such Hindu undivided families who are paying income-tax on less than Rs. 5,000 also as could possibly abuse this concession. It contemplates two cases, firstly when there are two adult sharers and secondly when there are two sharers adult or otherwise provided they form the nucleus of separate branches. The essential condition is that the income of the family must be less than five thousand Rupees. Therefore this amendment so far as it goes, does not do full justice to the Hindu joint family: or what to speak of full justice, it does not do even the least possible justice so far as supertax is concerned. According to me it is not less than Rs. 20 crores which are being charged from the Hindu undivided family on a basis which cannot be justified and is not applicable to non-Hindus. For the last 90 years this has been the practice and Sir George Schuster, Sir Basil Blackett, Mr. Liaquat Ali Khan and Mr. Shanmukham Chetty have been telling us during the last twenty years that the Taxation Enquiry Committee will be appointed and it will go into the question and do justice. But such a Committee is not likely to be appointed soon. I must thank the honourable the Finance Minister that though by the acceptance of the amendment, he is not doing us even one-hundredth part of full justice, yet at the same time he is surely making a gesture—putting us on the road to justice. The acceptance of this amendment makes a breach as it were in the wall and commits the Government to see that the Hindu joint family is taxed properly in future because according to me the only remedy in this state of things in which we have been for such a long time is that the Hindu joint family is not taxed as such at all. I want that every Hindu, Christian, Muslim and every other person in the country should be treated on the same basis. I do not want this differentiation. This taxation on the Hindu undivided

family as such has been in the nature of a poll-tax. I do not want such a thing to continue any longer. Therefore by placing this amendment though I know I cannot justify it on principle or expediency but merely as a gesture I am accepting the proposition of the Department. I beg of the Finance Minister to give the assurance that I have requested him to make so that the position becomes absolutely clear.

Mr. Deputy-Speaker: Amendment moved:

"That in Part I A of the Third Schedule to the Bill for the words, 'The limit referred to in the above proviso shall be Rs. 3,500 in the case of every Hindu undivided family, and Rs. 3,000 in every other case', the following be substituted:

'The limit referred to in the above proviso shall be—

- (i) Rs. 5,000 in the case of every Hindu Undivided Family, which satisfies as at the end of the previous year either of the following conditions namely:—
 - (a) that it has at least two members entitled to a share on partition who are not less than 18 years of age; or
 - (b) that it has at least two members entitled to a share on partition neither of whom is a lineal descendant of the other and both of whom are not lineally descended from any other living member of the family; and
- (ii) Rs. 3,000 in every other case'."

Mr. Naziruddin Ahmad: Sir, I have a small drafting amendment.

Mr. Deputy-Speaker: To this?

Mr. Naziruddin Ahmad: Yes. It would be acceptable. I find that the words "Undivided Family" have been capitalized. The House has shown tendencies of a capitalistic nature. They should be spelt with small letters.

Apart from this, I strongly support the principle of this amendment. I feel that injustice was being done to joint Hindu families. For this reason I also agree to sign the joint dissentient minute in support of this amendment.

The Honourable Dr. John Matthai: With regard to the undertaking and assurance that Pandit Thakur Das Bhargava sought from me regarding the assessment of the separate income of members of joint families, I have not the slightest hesitation in making him the assurance on the lines that he indicated: that is to say, the separate incomes of the members of joint Hindu families will be separately assessed, and therefore the income of the joint family will be assessed in respect of the income derived from the common property of the joint family. That is the practice which we have followed under the principles underlying our income-tax law and it is our intention to continue this practice hereafter.

[Dr. John Matthai]

I am grateful to Pandit Bhargava for not pressing his other amendment in regard to supertax. He has rightly said that we are not in a position on financial grounds to consider it and may I repeat here what I said in the course of my reply to the general debate that the decision that we are taking today is both on my part and on Pandit Thakur Das Bhargava's part without prejudice to whatever decision the House may arrive at hereafter.

Mr. Deputy-Speaker: The question is:

"That in Part 1-A of the Third Schedule to the Bill for the words, 'The limit referred to in the above proviso shall be Rs. 3,500 in the case of every Hindu undivided family, and Rs. 3,000 in every other case', the following be substituted:

"The limit referred to in the above proviso shall be—

- (i) Rs. 5,000 in the case of every Hindu Undivided Family which satisfies as at the end of the previous year either of the following conditions, namely:—
- (a) that it has at least two members entitled to a share on partition who are not less than 18 years of age; or
 - (b) that it has at least two members entitled to a share on partition neither of whom is a lineal descendant of the other and both of whom are not lineally descended from any other living member of the family; and
- (ii) Rs. 3,000 in every other case."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That the Third Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Third Schedule, as amended, was added to the Bill.

Shri Lakshminarayan Sahu: Sir, I move:

"That in subclause (2) of clause 1 of the Bill after the words 'Provinces of India', the words 'and all acceding States' be added."

The Honourable Dr. John Matthai: To save the time of the House I may explain the point. The point is that this Act should apply to the provinces and the acceding States. Under the terms on which the acceding states have acceded, it is true that customs duties have been included in the matters covered by the Instrument of Accession but excise duties are not. So long as that is the position it is not possible for us to include acceding States here.

Shri Lakshminarayan Sahu: In view of the honourable Minister's explanation I do not want to press my amendment.

Mr. Naziruddin Ahmad: Sir I have an amendment for the omission of the word 'Indian' in clause 1.

The Honourable Dr. John Matthai: That has been the practice all along.

Mr. Naziruddin Ahmad: This was no doubt the practice all along. This was so so long as the British were here and that was to distinguish the Acts of India from other colonial Acts. Since the departure of the British we have discarded the word 'Indian' in our Acts. There are a large number of Bills pending before the House, for instance the Chartered Accountants Bill. We do not say the Indian Chartered Accountants Bill. The word 'Indian' is sufficiently understood.

Mr. Deputy-Speaker: Has the honourable Member considered the provincial Acts, such as the Madras Act, the Bombay Act, etc?

Mr. Naziruddin Ahmad: That is to distinguish them from the Acts of one province from another and from the Central Act. So far as we are concerned we have been consistently omitting this word in all other Bills. That is a relic of our past bondage of two hundred years.

The Honourable Dr. John Matthai: Sir, I do not accept it now but I will have the suggestion sent to my honourable colleague the Law Minister later on.

Mr. Deputy Speaker: That means next year, evidently.

The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. Deputy Speaker: The question is:

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

The Honourable Dr. John Matthai: Sir, I move:

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

Mr. Deputy Speaker: The question is:

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

The motion was adopted.

NEWS RE SAFETY OF THE HON'BLE SARDAR VALLABHBHAI PATEL AFTER AIR ACCIDENT NEAR JAIPUR

Mr. Deputy Speaker: I would like to inform the House that the Honourable Mr. Gadgil has just returned from Jaipur and has brought us the good news that our Deputy-Prime Minister is hale and hearty. By God's grace he has had a narrow escape. We thank Providence for having spared him and may he be spared for a long number of years to serve the country. He will soon be with us tomorrow. So let honourable Members be in good cheer.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Thursday, the 31st March, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES
(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)
Thursday, 31st March, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS
(See Part I)

11-30 A. M.

PAPERS LAID ON THE TABLE

AUTHENTICATED SCHEDULE OF AUTHORISED EXPENDITURE FOR 1949-50—

OTHER THAN RAILWAYS

The Honourable Dr. John Matthai (Minister of Finance): Sir, I lay on the table in pursuance of section 35 of the Government of India Act, 1935, as adapted, an authenticated schedule of authorised expenditure for the year 1949-50 in respect of expenditure other than Railways.

In pursuance of the provisions of sub-section (1) of Section 35 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, I, Chakravarti Rajagopalachari, Governor-General of India, do hereby authenticate by my signature the following schedule of expenditure from the revenues of the Dominion for the year 1949-50:

SCHEDULE

<i>Service, Administration or Area to which Demand relates</i>	<i>Amount (in thousands of rupees)</i>		
	<i>Voted</i>	<i>Charged</i>	<i>Total</i>
A.—EXPENDITURE MET FROM REVENUE.			
1. Customs	1,46,74	..	1,46,74
2. Central Excise Duties	3,45,78	..	3,45,78
3. Taxes on Income including Corporation Tax	1,87,06	..	1,87,06
4. Opium	1,04,77	..	1,04,77
5. Provincial Excise.	3,30	..	3,30
6. Stamps	1,06,21	2,86	1,09,07
7. Forest	35,10	..	35,10
8. Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works met from Revenue	12,15	91	13,06
9. Indian Posts and Telegraphs Department (including Working Expenses)	27,66,49	96,08	28,62,57
10. Cabinet	12,55	7,87	20,42
11. Constituent Assembly	8,00	..	8,00
12. Constituent Assembly of India (Legislative)	20,53	..	20,53
13. Ministry of Home Affairs	54,97	..	54,97
14. Ministry of Information and Broadcasting	98,67	..	98,67
15. Ministry of Law	8,24	..	8,24
16. Ministry of Education	33,76	..	33,76
17. Ministry of Agriculture	24,91	..	24,91
18. Ministry of Health	7,82	..	7,82

Service, Administration or Area to which
Demand relates

Amount (in thousands of rupees)
Voted Charged Total

A.—EXPENDITURE MET
FROM REVENUE.—*contd.*

19. Ministry of External Affairs and Commonwealth Relations	51,17	..	51,17
20. Ministry of Finance	94,50	..	94,50
21. Ministry of Commerce	60,72	..	60,72
22. Ministry of Labour	23,97	..	23,97
23. Ministry of Works, Mines and Power	12,05	..	12,05
24. Ministry of Communications	6,09	..	6,09
25. Ministry of Transport	36,91	..	36,91
26. Ministry of Food	46,29	..	46,29
27. Ministry of States	10,39	..	10,39
28. Ministry of Defence	35,82	..	35,82
29. Ministry of Industry and Supply	23,57	..	23,57
30. Ministry of Relief and Rehabilitation	10,00	..	10,00
31. Payments to other Governments, Departments, etc., on account of the administration of Agency Subjects and management of Treasuries	18,73	..	18,73
32. Audit	2,33,95	81	2,34,76
33. Administration of Justice	3,83	6,88	10,71
34. Jails and Convict Settlements	2	..	2
35. Police	30,64	..	30,64
36. Ports and Pilotage	42,73	..	42,73
37. Lighthouses and Lightships	9,32	..	9,32
38. Ecclesiastical	18	..	18
39. Tribal Areas	1,04,00	..	1,04,00
40. External Affairs	2,59,40	..	2,59,40
41. Survey of India	69,86	..	69,86
42. Botanical Survey	1,63	..	1,63
43. Zoological Survey	3,56	..	3,56
44. Geological Survey	36,65	..	36,65
45. Mines	15,38	..	15,38
46. Archaeology	28,71	..	28,71
47. Meteorology	84,97	..	84,97
48. Department of Scientific Research	85,92	..	85,92
49. Other Scientific Departments	1,81,40	..	1,81,40
50. Education	93,41	..	93,41
51. Medical Services	29,59	..	29,59
52. Public Health	69,05	..	69,05
53. Agriculture	88,83	..	88,83
54. Civil Veterinary Services	26,66	..	26,66
55. Industries and Supplies	3,91,95	..	3,91,95
56. Salt	1,29,50	2,40	1,31,90
57. Overseas Communication Service	76,42	2,50	78,92
58. Delhi Transport Service	63,68	1,52	65,20
59. Telephone Factory	6,60	1,91	8,51
60. Aviation	2,53,00	..	2,53,00
61. Broadcasting	1,82,32	..	1,82,32
62. Commercial Intelligence and Statistics	59,65	..	59,65
63. Census	7,00	..	7,00

Service, Administration or Area to which
Demand relates

Amount (in thousands of rupees)
Voted Charged Total

A.—EXPENDITURE MET
FROM REVENUE.—*concl'd.*

64. Joint-Stock Companies	4,57	..	4,57
65. Indian Dairy Department	8,17	..	8,17
66. Miscellaneous Departments	1,69,37	..	1,69,37
67. Currency	92,22	2,20	94,42
68. Mint	1,28,47	..	1,28,47
69. Civil Works	4,95,30	16,16	5,11,46
70. Central Road Fund	2,20,00	..	2,20,00
71. Territorial and Political Pensions	22,72	..	22,72
72. Superannuation Allowances and Pensions	2,40,46	4,88	2,45,34
73. Stationery and Printing	1,88,84	..	1,88,84
74. Miscellaneous	35,71,23	15	35,71,38
75. Expenditure on Refugees	9,85,17	..	9,85,17
76. Defence Services-Effective-Army	1,32,64,38	..	1,32,64,38
77. Defence Services-Effective-Royal Indian Navy	8,64,17	..	8,64,17
78. Defence Services-Effective-Royal Indian Air Force	13,69,41	..	13,69,41
79. Defence Services Non-Effective charges	13,41,31	2	13,41,33
80. Grants-in-aid to Provincial Governments	2,25,00	70,00	2,95,00
81. Miscellaneous Adjustments between the Central and Provincial Governments	62	..	62
82. Resettlement and Development	3,55,95	..	3,55,95
83. Civil Defence	1,74	..	1,74
84. Pre-Partition Payments	10,00,00	..	10,00,00
85. Delhi	1,85,73	43	1,86,16
86. Ajmer-Merwara	65,71	34	66,05
87. Panth Piploda	30	..	30
88. Andaman and Nicobar Islands	1,08,21	40	1,08,61
89. Relations with Indian States	51,29	..	51,29
Charged—Interest on Debt and other obligations and Reduction or Avoidance of Debt	..	39,29,34	39,29,34
Staff, Household and Allowances of the Governor General	..	17,85	17,85
Federal Public Service Commission	..	15,94	15,94
B.—EXPENDITURE MET FROM CAPITAL	34,95	..	34,95
90. Capital Outlay on Forests	28,82	..	28,82
91. Capital Outlay on the India Security Press	4,13,41	..	4,13,41
92. Capital Outlay on Indian Posts and Telegraphs (Not met from Revenue)	1	..	1
93. Indian Posts and Telegraphs—Stores Suspense (Not met from Revenue)	13,14,62	..	13,14,62
94. Capital Outlay on Industrial Development	2,92,00	..	2,92,00
95. Capital Outlay on Civil Aviation	96,00	..	96,00
96. Capital Outlay on Broadcasting	4,16	..	4,16
97. Capital Outlay on Currency	87,95	..	87,95
98. Capital Outlay on Mints	1,50,50	29	1,50,79
99. Delhi Capital Outlay	4,06,18	..	4,06,18
100. Capital Outlay on Civil works	..	..	..

Service, Administration or Area to which Demand relates	Amount (in thousands of rupees)	Voted	Charged	Total
B.—EXPENDITURE MET FROM CAPITAL—contd.		23	..	23
101. Commuted Value of Pensions	1	..	..	1
102. Payments to Retrenched Personnel	3,20,00	..	..	3,20,00
103. Defence Capital Outlay	7,89,60	..	..	7,89,60
104. Capital Outlay on Schemes of State Trading	33,41,56	..	..	33,41,56
105. Capital Outlay on Development		..	..	
106. Payments to Government of Pakistan for unique Institutions	92,02	..	..	92,02

C.—DISBURSEMENTS OF LOANS AND ADVANCES

107. Interest-free and Interest-bearing Advances	20,09,83	58,25,00	78,34,83
--	----------	----------	----------

C. RAJAGOPALACHARI,
Governor General of India.

NEW DELHI;
The 24th March, 1949.

ELECTION TO NATIONAL FOOD AND AGRICULTURE ORGANISATION LIAISON COMMITTEE

The Honourable Shri Jairamdas Doulatram (Minister of Food and Agriculture): Sir, I beg leave to withdraw the following motion moved by me on the 7th February 1949:

"That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct five members to serve for a period of three years on the National Food and Agriculture Organisation Liaison Committee constituted under the Resolution of the Government of India in the Ministry of Agriculture, No. F. 16-72/47-Policy, dated the 8th November 1948".

In asking leave to withdraw this motion I wish to explain the position briefly. Last time when this motion was moved a number of suggestions were made by the House with regard to changing the composition of the Liaison Committee. In view of those suggestions the Standing Advisory Committee of the Ministry of Agriculture met and considered the suggestions and the proposals which emerged as a result of discussions in the Standing Committee have been incorporated in the new constitution of the Committee. Under the new Constitution the Secretary will not be the Chairman of the Committee but the Minister of Agriculture will be the Chairman of the Committee. The number of members who will be elected has been increased from five to seven and when important matters have to be dealt with the Provincial Ministers of Agriculture and the Ministers of Agriculture of the Indian States will also be invited to the meetings.

(At this stage the Honourable Sardar Vallabhbhai Patel the Deputy Prime Minister entered the House.)

Mr. Speaker: It gives me great pleasure to accord hearty welcome to-day in this House to Sardar Vallabhbhai Patel. The excruciating anxiety and the intense suspense for his safety felt throughout the length and breadth of the country, for those two fateful hours on Tuesday night, have demonstrated what place he holds in the heart of everyone in the land. I am sure I am voicing the feelings of all, not only in this House, but the whole country when I say, we are all thankful to Providence for having saved his life, and we pray that he may be spared for us all, for long years and with robust health.

The Honourable Shri Jairamdas Doulatram: I was explaining that the changes which were suggested by the House have been incorporated in the new Constitution of the Committee. Therefore I will beg leave to withdraw this motion and then later on make a motion in terms of the recommendations made by the House and accepted by the Standing Committee and incorporated in the New Constitution for the Committee.

Mr. Speaker: I do not think I need read the motion. Has the Honourable Minister leave of the House to withdraw the motion?

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

The Honourable Shri Jairamdas Doulatram: Sir, I beg to move the following:

"That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, seven members to serve for a period of three years on the National Food and Agriculture Organisation Liaison Committee constituted under the Resolution of the Government of India in the Ministry of Agriculture No. F. 16-72/47-Policy, dated the 8th November, 1948 as amended by the Ministry of Agriculture Notification No. F. 16-72/47-Policy, dated the 10th March 1949".

Mr. Speaker: Motion moved:

"That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, seven members to serve for a period of three years on the National Food and Agriculture Organisation Liaison Committee constituted under the Resolution of the Government of India in the Ministry of Agriculture No. F. 16-72/47-Policy, dated the 8th November, 1948, as amended by the Ministry of Agriculture Notification No. F. 16-72/47-Policy, dated the 10th March, 1949".

Shri H. V. Kamath (C. P. and Berar: General): Sir, I have to say a word or two on this motion. I have regretfully to bring to your notice that a copy of the amended Government Resolution No. F.16-72/47-Policy, dated the 8th November, 1948, referred to by the honourable Minister, has not been circulated. It has not reached me anyway.

Shri B. L. Sondhi (East Punjab: General): We have not got it either.

Shri H. V. Kamath: On the last occasion when the first motion, which has been withdrawn today, was moved, the Resolution was circulated to members. In this case, we have not been supplied with the Government Resolution and without it, how can we proceed with the discussion on this motion? I do not know why the departure has occurred in this instance.

Mr. Speaker: Papers once circulated are not re-circulated over and over again.

Shri H. V. Kamath: That was a different Resolution. This is a new Resolution.

The Honourable Shri Jairamdas Doulatram: The changes have also been circulated.

Mr. Speaker: The question is:

"That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, seven members to serve for a period of three years on the National Food and Agriculture Organisation Liaison Committee constituted under the Resolution of the Government of India in the Ministry of Agriculture No. F. 16-72/47-Policy, dated the 8th November, 1948 as amended by the Ministry of Agriculture Notification No. F. 16-72/47-Policy, dated the 10th March, 1949".

The motion was adopted.

ELECTION TO STANDING COMMITTEE FOR ROADS

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): Sir, I move:

"That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, twelve members to serve, under the Chairmanship of the Minister for Transport on the Standing Committee for Roads for the year commencing 1st April, 1949. The Minister of State for Transport and the Government Chief Whip shall, in addition, be ex-officio members of the Committee".

Mr. Speaker: The question is:

"That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, twelve members to serve, under the Chairmanship of the Minister for Transport, on the Standing Committee for Roads for the year commencing 1st April, 1949. The Minister of State for Transport and the Government Chief Whip shall, in addition, be ex-officio members of the Committee".

The motion was adopted.

Mr. Speaker: I have to inform honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees, namely,—

	Date for nomination.	Date for election.
National Food and Agriculture Organisation } Liaison Committeeeee. Standing Committee for Roads.	1-4-49	4-4-49

The nominations for these Committees will be received in the Notice Office upto 12 Noon on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's room (No. 21) in the Council House between the hours 10-30 A.M. and 1 P.M.

ELECTIONS TO STANDING FINANCE COMMITTEE FOR RAILWAYS, CENTRAL ADVISORY COUNCIL FOR RAILWAYS AND CENTRAL COMMITTEE OF THE TUBERCULOSIS ASSOCIATION OF INDIA

Mr. Speaker: I have also to inform the Assembly that upto the time fixed for receiving nominations for the Standing Finance Committee for Railways, Central Advisory Council for Railways and the Central Committee of the Tuberculosis Association of India, eleven nominations in the case of the first; eight nominations in the case of the second and two nominations in the case of third were received. As the number of candidates is equal to the number of vacancies in each of these committees, I declare the following members to be duly elected:

I. *Standing Finance Committee for Railways.*—Shri Khandubhai K. Desai, Shri L. S. Bhatkar, Sriyut Rohini Kumar Chaudhuri, Mr. Frank Anthony, Pandit Lakshmi Kanta Maitra, Mr. Naziruddin Ahmad, Shri Jaspat Roy Kapoor, Shri R. K. Sidhva, Shri M. Tirumala Rao, Shri Arun Chandra Guha and Pandit Balkrishna Sharma.

II. *Central Advisory Council for Railways.*—Shri Sitish Chandra, Shri O. V. Alagesan, Prof. Shibban Lal Saksent, Shrimati Ammu Swaminandan, Shri B. N. Biyani, Shri Gokulbhai Daulatram Bhatt, Shri Moturi Satyanarayana and Shri Nandkishore Das.

III. *Central Committee of the Tuberculosis Association of India.*—Shri T. A. Ramalingam Chettiar, Dr. B. Pattabhi Sitaramayya.

DISPLACED PERSONS (LEGAL PROCEEDINGS) BILL

The Honourable Dr. B. R. Ambedkar (Minister of Law): Sir, I beg to move for leave to introduce a Bill to make special provision for the relief of displaced persons in respect of certain legal proceedings.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to make special provision for the relief of displaced persons in respect of certain legal proceedings."

The motion was adopted.

The Honourable Dr. B. R. Ambedkar: Sir, I introduce the Bill.

ESTATE DUTY BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg to present the Report of the Select Committee on the Bill to provide for the levy and collection of an estate duty in the provinces of India.

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1948-49

Mr. Speaker: We will now proceed with the Demands for Supplementary Grants.

Shri R. K. Sidhva (C. P. and Berar: General): Sir, I rise on a point of order. Section 36 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947 reads thus:

"If in respect of any financial year further expenditure from the revenues of the Dominion becomes necessary over and above the expenditure theretofore authorised for that year the Governor General shall cause to be laid before the Dominion Legislature a supplementary statement showing the estimated amount of that expenditure, and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein."

Now, as regards the last portion if you refer to Section 33 which has a bearing on Section 36, it reads thus:

"*Procedure in Financial matters.*—(1) The Governor General shall in respect of every financial year cause to be laid before the Dominion Legislature a statement of the estimated receipts and expenditure of the Dominion for that year, in this Part of this Act referred to as the annual financial statement."

Now, my relative objection is clause 33(2) (b) which says: "the sums required to meet other expenditure proposed to be made from the revenues of the Dominion."

Now, Sir, the procedure that has to be followed in the Supplementary Grants should be identical to that followed in the Annual Budget, that is to say, before the money is spent in the Supplementary Budget, the decision of the House has to be taken. As is clear from clause (b) "proposed to be made", no amount can be spent without the sanction of the Legislature. It may be argued that this has been the practice all along. But two wrongs do not make one right, Sir. I contend that the privilege of the House has been denied to express an opinion on this expenditure of Rs. 118 crores, which the House is now asked to endorse. I, therefore, seek your ruling on this important matter. No matter whether today is the last day, no matter what may happen if it is not passed today, it is a matter of privilege of the House and also a highly important legal matter. I expect that you will uphold the privilege and the right of the House, by giving your ruling that this expenditure before it has been incurred—which I do feel has been spent, because today is the last day, the 31st of March—before this money was spent, the House should have had an opportunity to scrutinise it and therefore the House has been denied the privilege that it is entitled to. I therefore desire your ruling on this matter.

Shri M. Ananthasayanam Ayyangar (Madras: General): I have heard both the points raised by my honourable friend, Mr. Sidhva. As regards Section 36 and Section 33 that he referred to from the Government of India Act, I would only submit that they relate to procedure and nothing else. That is as a budget estimate is placed before the House as recommended by the Governor-General, these Demands for Grants have also been recommended by him. The procedure for granting these Demands by the House, voting on Demands, etc., will follow the same procedure as is adopted for the procedure as laid down so far as the original Demands are concerned. They do not touch the other point as to whether the money should be spent.

The other point is that there are rules which have been framed under the Government of India Act which provide for supplementary or excess amounts. No economist or financier, or even a Finance Minister, however capable, can anticipate to the last pie what exactly will be the amount of expenditure that he will have to incur before the year is out and completed. Under these circumstances, some amounts will have to be spent in excess of and some below the estimated expenditure. Whenever amounts are spent in excess there is a provision that subsequently sanction has to be obtained for the excess expenditure necessitated under unforeseen circumstances and as such they have to come to this House, so far as there are new needs to be met, such as matters of policy which may arise in the course of the year—all these matters will be placed before the Standing Finance Committee, their approval obtained, the money spent, and a motion for formal sanction will be placed before this House.

Therefore, provision has been made for supplementary Demands under the rules. The rules have been framed under the Government of India Act and they have the same validity as sections of the Government of India Act.

Therefore, on neither of these grounds is this objection valid.

Shri B. Das (Orissa: General): These Demands are not excess Demands. Demands are excess when the year is over and the Public Accounts Committee draws attention of the House to them.

Regarding the supplementary Demands, we are following the old tradition of the former bureaucratic rulers who spent as they liked and they did not take the sanction of the House during the year in which the money was spent. Sir, we have no alternative but to sanction the Demands that are going to be placed, demand after demand today.

From next year, the salutary procedure that the Finance Minister should follow is that each Ministry should be made to follow up its expenditure. As soon as a Demand is going to be exceeded, he should in the Autumn Session of the House bring forward his supplementary budget estimates so that the House grants them before the money can be spent thereon. This practice is followed in the United Kingdom where the Treasury follows the course of expenditure and controls it. Although we have got a National Government and various national Ministries, still the Ministries have no tradition to follow up regarding the expenditure on each Demand. As a matter of fact, neither has our Treasury nor our Finance Ministry got any system of close financial control over expenditure. I do hope that from next year that practice will be introduced.

Mr. Speaker: I do not think I need be very long in giving the reason for over-ruling the point of order that has been raised by Mr. Sidhva. The answer has, in part, been supplied by what the Deputy-Speaker has stated. What Section 36 means is that the procedural part shall be as in the previous

sections. If the honourable Member were to refer to the language of sections 33 and 36, he will himself be able to find the difference and will be able to appreciate that the point of order really cannot arise. Section 33 speaks of a "statement of the estimated receipts and expenditure". There, of course, no expenditure is incurred. But they are estimates of expenditure and they are required to be placed before the House for its sanction.

Shri R. K. Sidhva: But see clause (b).

Mr. Speaker: I am coming to clause (b), namely "the sums required to meet other expenditure proposed to be made from the revenues of the Dominion". But these are estimates. Clause (b) is part of sub-section (2) which says "The estimates of expenditure embodied in the annual financial statement shall show separately..." So they are to be shown separately.

When we come to section 36, the section clearly says:

"If in respect of any financial year, further expenditure from the revenues of the Dominion becomes necessary over and above the expenditure theretofore authorised for that year,"

If any expenditure becomes necessary over and above what has been authorised then "the Governor-General shall cause to be laid before the Dominion Legislature a supplementary statement showing the estimated amount of that expenditure..." such statement is laid before the House.

Shri R. K. Sidhva: And the provisions of the preceding sections will apply?

Mr. Speaker: Yes. The further part is with regard to procedure.

The matter is further covered by the rules as pointed out by the Deputy Speaker. As regards the point of propriety which Mr. Das has raised it is a different matter. It is a matter of merits, into which I do not think I need go.

Shri R. K. Sidhva: But can the rule over-rule the Act?

Mr. Speaker: I have not studied the question as to whether the rules go contrary to the Act. I am not going to consider it. But here, we have estimates of expenditure that are found necessary to be incurred and they are coming before the House. I do not think there is any substance in that point of order.

So what I propose to do is to put in those Demands in respect of which there are cut motions.

Shrimati G. Durgabai (Madras: General): I do not intend to move the cut motion of which I have given notice but I wish to speak on it generally.

Shri R. K. Sidhva: So shall all these Demands be discussed or only those for which notice of cut motions has been given?

Mr. Speaker: I shall follow the procedure of placing before the House those Demands in respect of which cut motions have been put. Every Demand, of course, can be discussed if the House so likes. There is no question about it. But we have as many as 65 Demands and, if I were to put each Demand separately, we would hardly have the time to do it. Therefore, the procedure will be to have those Demands in respect of which motions will be moved.

In case the honourable Member does not wish to have any cut motions moved, then, of course I shall select the Demands, that the House may like to discuss, instead of discussing all the demands at the same time. I shall

[Mr. Speaker]

take those Demands one by one and at 5 o'clock I shall proceed to place the Demands before the House, without any further discussion. If I were to allow a general discussion, it would mean a general discussion of the same subjects which were discussed for fifteen days.

Shri Mahavir Tyagi (U. P.: General): Could you permit a question or two to be put to clarify points arising from speeches?

Mr. Speaker: The procedure will be this: let a particular Demand be selected. Then the honourable Member can raise questions in respect of that Demand. The honourable Minister could then reply and the Demand will then be put to the vote.

Pandit Hirday Nath Kunzru (U. P.: General): I want to have the position clarified with regard to the rights of the Members in the discussion of this important matter. You have told us that in case the Members who have given notice of cut motions decide not to move them, you will select the items that in your opinion the House might discuss profitably and that as regards the rest they will be put to the vote without any discussion. Is it permissible under the rules for the Speaker to prevent any member of this House from speaking on any of the Demands for Grants included in the list before us? The House may, generally speaking, be interested in certain matters only but there may be one or two other members who are interested in certain other items and I should like to know under which provision of the Government of India Act or of the Rules and Regulations made under it the Speaker can prevent any member of this House from expressing his opinion on the items in which he is interested. We are not discussing an ordinary Bill the amendments to which can be selected for discussion by the Speaker.

Mr. Speaker: There seems to be some misapprehension on the part of the honourable Member. I did not say that I am going to select any Demands for discussion. I clearly stated that such Demands in respect of which honourable Members wish to say anything will be selected by them and I shall place them before the House and in regard to the other Demands, I shall simply place them for the vote of the House. I was only making a suggestion. Possibly the honourable Member missed the first part of what I said.

Pandit Hirday Nath Kunzru: If that is the position it is clear that the thing depends on the wishes of the House and not of the Chair.

Mr. Speaker: I have already said so and I do not know how the honourable Member carried the misapprehension. However, it is good that he raised the question, so that the position is now clarified. I said members may select any particular Demand. After all, these Demands have to be put through within a certain time. I may make that position also very clear. Today is the last day of the financial year and in view of the necessity of finishing this business by today, it is desirable that we select certain Demands which the House would like to discuss and as regards others I may simply put them to the vote.

Pandit Hirday Nath Kunzru: With regard to the last point mentioned by you, Sir, I should like to say that if Government have to bring forward supplementary Demands to be met from revenue to the tune of 115 crores, it was their duty to place these Demands before us much earlier. They cannot come before us on the last day of the year and then invoke your assistance in order to complete the discussion that very day. I think this

is a procedure which we have every right to protest against. We are going to deal with supplementary Demands to the tune of 115 crores. Is there any justification whatsoever for putting these Demands on the last day of the year before the House? Why could not the Government have placed these Demands before us earlier?

Pandit Lakshmi Kanta Maitra (West Bengal: General): They had more important matters like the Hindu Code Bill!

Pandit Hirday Nath Kunzru: I do not care what other measures there were before the House. It is for the Government to regulate their own business and they cannot get rid of their responsibility in regard to so important an item by saying that they had other important matters to deal with. If they find that the present procedure does not give them sufficient time for the discussion on financial matters let the procedure be changed both in connection with the Budget and in connection with the supplementary Grants. But we have every right to demand that we should be given the fullest time for the discussion both of the Finance Bill and the supplementary Grants. I hope that you, Sir, as the guardian of the rights and privileges of this House will see that both the present procedure and practice are so modified as to give this House every opportunity of controlling the financial policy of the Government and the expenditure incurred by it.

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): There is one thing, Sir, which I should like to say. All these figures are shown in the Demands for Grants in the revised estimates. This is only a formality of coming for sanction. The budget estimate, the revised estimates and the estimates for 1949-50 are all shown in the Demands for Grants. It was open to every member to refuse to give any grant for 1949-50 on the ground that the Demands for 1948-49 have been exceeded. Therefore this is only a constitutional formality to come up for sanction. It is not intended as if.....

Honourable Members: No, no, no.

Pandit Hirday Nath Kunzru: May I ask you, Sir, whether, in connection with the discussion of the Budget or the Finance Bill for 1949-50, we would have been within our rights in considering the revised estimates for 1948-49 and saying that we refused to allow certain additional expenditure?

Shri R. K. Sidhva: Sir, I submit that the procedure followed by the Ministries is rather peculiar. We were supplied only day before yesterday at 9 P.M. with this book. This gives very meagre information, only two or three lines, under each Ministry and the expenditure under each Ministry is in lakhs of rupees and the total is 116 crores which we are asked to give them today and endorse the expenditure.

My honourable friend Mr. Santhanam said that this is only brought here as a formal thing. I cannot understand it. If that is so then why do you bring it before the House. We have passed the new expenditure for the coming year. This is for the current year. They have incurred the expenditure without our sanction and they want now our endorsement within a few minutes or a whole hour or a day. It would be unfair on our part to express our opinion on 116 crores of expenditure. It is not a small amount.

Again, I was trying to study this book as much as possible during the time at my disposal. I would have given the whole night to it but I find that there is no information. There are only three or four lines under each Ministry. If you go through it you will find that it relates to the salary of the staff, establishment allowances and other charges, and these come to lakhs of rupees.

[Shri R. K. Sidhva]

We seek your protection, Sir. You are the protector of this House. I do respectfully suggest to you, Sir, that you must tell the Ministry straight and frankly that it is not the procedure to come to the House and ask for its vote on 116 crores with so little time and information. My friend Mr. Santhanam if he had been in my place, I am sure he would have expressed himself in stronger terms. I do not want to quote his speeches but if you will allow me I am prepared to quote from his speeches as to what his line of action all along has been. Let the Ministry take the responsibility. To come to the House on the 31st of March and ask for the vote of the House for 116 crores is not fair.

My friend Mr. Tyagi wanted to put some questions but how many questions is he going to ask. Every item requires questions to be put and information sought. Therefore I submit, Sir, that you must be a little frank with the Ministers in this matter. We have to come to you, Sir, to place our grievances.....

Mr. Speaker: Instead of taking time in this discussion, let us utilise the time we have in going into the merits of the case. I should like to hear the Finance Minister about this point under discussion.

The Honourable Dr. John Matthai (Minister of Finance): Sir, I think the point that my honourable friend Mr. Kunzru raised is a valid one and I personally think that we ought to have been in a position to place these Demands before the House in sufficient time for the House to examine the basis on which the Demands are made. But the practical difficulties that stood in the way of the Ministry are briefly these.

All these supplementary Demands represent the excess of the revised estimates over the budget estimates. These revised estimates are not finalised until a little past the middle of February, so that the earliest date on which I can consider these Demands is the middle of February. But when it comes to the middle of February the Ministry is entirely occupied with the budget work. My time and the time of the Ministry are almost fully occupied with that work. It ought to be possible for us, in view of the importance of the matters involved in this, to arrange the time in such a way that the House would have more time than we are able to give them under the present procedure relating to supplementary Demands.

To some extent, therefore, I am prepared to accept the responsibility personally, because when the work in connection with the Budget for 1949-50 arose I was occupied for nearly nine days on end in this House with the Banking Bill, and having been my first Budget it became necessary for me to give more than the time which a more experienced Minister might have given to the Budget work of 1949-50.

I had another difficulty. There was a great deal of work that I had to place before the Standing Finance Committee. I managed to get as many meetings as the members of the Committee and I could find time for. All these matters had to be placed before the Standing Finance Committee. That of course meant a little more delay. But I quite admit the validity of the contention put forward by Pandit Kunzru and by Mr. Sidhva, and all that I can say is that when it comes to placing supplementary Demands again before the House I will see to it that the House is given sufficient time for examining them.

Shri H. V. Kamath (C. P. and Berar: General): In this connection, Sir, may I suggest that for the future at any rate we should not adhere to the

schedule that prevailed for the old Central Assembly in the days of the British regime, and that in Free India we should meet more frequently as in England and America and sit longer than we do today?

Mr. Speaker: In view of what has fallen from the honourable the Finance Minister, we may cut short this discussion. I can only state that we have, under consideration, the Rules of Procedure. The House knows that a Committee has been appointed and I had invited suggestions. There are suggestions in respect of financial matters which I myself have forwarded to Government and they are under their consideration. I think if we could come to some conclusions about the revision of Rules in respect of financial matters, very probably the points raised by honourable Members will be met by the revised Rules. I can assure honourable Members that I am myself very keen on this point and my proposals have followed the lines, some of which are indicated by honourable Members here.

So, without discussing this any further let us now go over and see what procedure we follow. I would like to ask whether any honourable Member wishes to move any cut motion. I find Shrimati Durgabai does not wish to move her cut motion.

Shrimati G. Durgabai: I do not intend to move my cut motion but I wish to speak on that particular Demand, that is Demand No. 34.

Shri R. K. Sidhva: I want to speak only on 57-A and not on 83.

Mr. Speaker: Are there any other Demands on which honourable Members would like to speak, so that I may put these Demands one after the other?

Pandit Hirday Nath Kunzru: I cannot find out the number of the Demand exactly.

Mr. Speaker: I shall first place Demand No. 34 and discussion on that Demand may go on. In the meanwhile, honourable Members may consider and let me know.

Pandit Hirday Nath Kunzru: I shall let you know later.

Mr. Speaker: Anyway, I take it that we are finishing this at 5 o'clock. I shall now place Demand No. 34.

DEMAND NO. 34—ADMINISTRATION OF JUSTICE

Mr. Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 2,46,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Administration of Justice'."

Shrimati G. Durgabai: Sir, I realise that the scope of the subject for my discussion today is very much limited and the supplementary Grant is asked by the Ministry on two or three items, that is Federal Court and also expenditure connected with the trial of offences under the Criminal Law Amendment Ordinance, 1943. I assure you that as far as possible I wish to confine myself to the limited scope I have already mentioned of this subject.

The House is aware that equality in the eye of the law and equal protection of laws are two cardinal principles of democracy. It is but right that they have formed a part of the Fundamental Rights Chapter of our new Constitution. Fundamental rights are justiciable rights and therefore they are enforced by courts of law. Any person on a breach or violation of his right can go to the courts and move the courts for the redress of his grievances.

[Shrimati G. Durgabai]

Even the right to move the Supreme Court is a Fundamental Right guaranteed by the Constitution. If these rights are to be real and effective and administration of justice is to be adequately done we have got to afford equal opportunities to all, rich and poor, high and low—to all equally. If these opportunities are not there then these rights have absolutely no meaning. If we judge it with this background the administration of justice today—how we have it in India—we have to say that justice as at present administered is very expensive and also very slow and uncertain. It is only a man with a long purse that could have recourse to the law courts today.

In the short time at my disposal I wish to state the reasons for this very expensive and very slow administration of justice. These are some of the reasons: the exorbitant court fee that is charged today is the first thing. Even for a special leave application to come to this Federal Court which is very soon becoming a Supreme Court we have been charged Rs. 250. And for the civil appeals a scale of *ad valorem* fee is being charged. Secondly there are the high expenses incurred in connection with securing legal assistance. Thirdly there is the dual system existing at some places like Bombay, Calcutta and Madras. Fourthly all the judgments, all the law reports and law text books are written in English which is not quite intelligible to the litigant public. Lastly there is a lot of delay in the disposal of these cases. Not only in the law courts but even in the Federal Court we have found that several appeals are pending and they require to be quickly disposed of. I suggest that the remedies could be found in two or three ways. One is that a simple system of laws could be found which can be handled with a robust commonsense. I understand that only seven per cent of the cases involve intricate questions of law; the others are either money suits or cases on facts. These cases could be handled by the local people with commonsense who are acquainted with the facts of the case.

I would also suggest that the State should sponsor a national legal service to assist persons of limited means. This service should assist people of limited means not only in the lower courts but also in the Federal and Supreme Courts. Britain has made remarkable progress in this direction. Their Legal Aid and Advice Act passed recently is a remarkable achievement of the Labour Government. I wish that our Provincial Governments do something similar, of course with such modifications as local conditions may require, to make this kind of facility available for all people.

The delay and high expenses involve are, in my opinion, due to this reason. There is so much confusion today in the existing laws. So much time of the Courts as also of the litigant public is taken up on account of their not being able to understand the Statute Law clearly. Our Evidence Act is a wonderful enactment but still certain modifications have got to be made. Even the Criminal Procedure Code has got to be modified in several ways. Sir Hari Singh Gour, when speaking here last, appealed and urged on the Law Minister for immediately appointing a Statutory Law Revision Committee. Periodical revision of Statute Law is recommended by the Committee of Macaulay. I understand a Committee was appointed and it did some good work, but later on, as Sir Hari Singh Gour put it, it died a natural death, but while answering a question of Sir Hari Singh I have heard the honourable Minister expressing full sympathy with the idea. He said he would certainly recommend that kind of a Committee to come into existence again to rectify and also clarify the Statute Law existing today. Therefore, Sir, I repeat and reiterate and remind him of this promise of Dr. Ambedkar to see that the Committee comes into existence. Sir, today serious anomalies and inconsistencies exist. The Indian Independence Act has also created a very curious position. A scrutiny of existing laws has got to be made. Various subsidiary

laws have got to be made. Adoption of laws has to be made in conformity with the re-distribution of powers executive and legislative. All this requires handling by an expert body, therefore there is all the more reason and justification for appointing this Law Revision Committee.

I have already stated that the administration of justice has become very costly. The common man must know that it is within his means to go to the law Courts with the knowledge that justice will be done within his means. I have already referred to the delay in disposals and the exorbitant court fees that are being charged. But there is another reason also for this, the absence of Resident Bar in the City where the Supreme Court or Federal Court is existing. The Honourable Mr. Gadgil is not here, but I would have urged upon him that in order to have a Resident Bar he should see that accommodation is made available to these people. Appeals have to be adjourned because lawyers have to come from mofussil stations. There is another reason also for the high costs, namely printing of records. This should be done away with. Sometimes nearly one or two years time is involved before the appeals could be printed and got ready. I would suggest that the papers printed in the lower courts should be made available or the typed copies could be made available.

I have to mention one point. I understand that here in the Federal Court there are nearly 52 appeals pending today because there is not adequate personnel. I would urge this upon the Government. There is only one sitting at present. There may be a second Bench also constituted immediately to have quicker disposal of these cases. I have also to bring to the notice of this House that there is no library worth the name attached to the Federal Court. We cannot really get any book that is useful to us.

Mr. Speaker: I might make the position clear to the honourable Member. I thought she will curtail her remarks but I find she is generally discussing the policy of the whole Administration. What is relevant to the supplementary Demand is not the policy—she had an opportunity of discussing the policy during the General Budget. The scope of discussion here is restricted to the particular expenditure for which sanction is sought. Therefore, honourable Members might restrict their remarks only to the additional expenditure incurred under the Demand and not go through the general policy of the Administration.

Shrimati G. Durgabai: With due respect, Sir, I submit that the Federal Court is one of the subjects for which a supplementary Grant is demanded. I am confining my remarks only to the working of the Federal Court. I stated that it is not quite adequate in view of the growing responsibility and the volume of work of this Court. I have practically finished my remarks on that.

There is one more subject, that is regarding the expenditure connected with the tribunals established under the Criminal Law (Amendment) Ordinance of 1943. I would have protested against incurring this expenditure any further but for the fact that I have noted from the report supplied to us that these tribunals are going to be wound up very soon. I am glad to hear that no further cases are allotted to these tribunals. These are war time tribunals. When the report gives us an idea that soon they are going to be wound up, that cases of bribery and corruption entrusted to these tribunals are perhaps fast decreasing, there is no further necessity for enlarging the scope of their work, or increasing their number. But I am very glad to hear that they are going to wind up very soon and that no further expenditure is going to be incurred on these tribunals. If there are any such cases left they can easily go to the common law Courts functioning for such cases.

[Shrimati G. Durgabai]

Sir, in conclusion I would urge upon the Minister to see that a national legal service on the lines suggested by me is established to give assistance to people of limited means. Something should be immediately done in that direction.

Dr. P. S. Deshmukh (C. P. and Berar: General). Sir, I wholeheartedly endorse the remarks made by my honourable friend Mrs. Durgabai so far as this Ministry is concerned. Of course, I bow to your ruling that the remarks should be confined only to the extra expenditure with which the demand is concerned. But since this Demand did not come up before this House for discussion, you will probably allow a certain latitude in indicating as briefly as possible what this Ministry would be expected to do for independent India.

The subject of revision of the procedure that obtains in India was one which was discussed previously namely last year and it was impressed upon the Ministry that it is time that we make efforts to evolve a more expeditious procedure by which the law's delays, if not eliminated, at least would be considerably diminished. Under the hope that this Demand would come up for discussion, I had given notice of a cut motion for discussion of the pre-trial system. The system, as has been pointed out by Mrs. Durgabai, has made tremendous progress in England and is producing excellent results in the U.S.A. It is not a revolutionary system inasmuch as it conforms fully with the existing laws or procedure and does not dislodge them. It only brings the parties to the real issue in the case most expeditiously without wasting time on adjournment and long and somewhat irrelevant statements and counter-statements of parties. I think, Sir, the people of India do desire and deserve a more expeditious system of law-giving and I am sure, Sir, that if the honourable Minister will pay attention to this fact, there will be considerable amount of good that could be achieved, because, we know, Sir, as a fact that there is considerable harassment of the litigant public under the present circumstances. I have two cases at present pending in the Nagpur High Court. They were started over ten years ago and yet it will probably take another four years before they are ripe for hearing and disposed of by the High Court. Both are cases of adoption and the plaintiffs are getting tired as they are getting old and cannot enjoy the property. One of them has no son and supposing he dies, the whole process of his adoption and the idea of saving the ancestors from damnation by performing the Shradha and other things for them would remain entirely unfulfilled. This is the situation not only so far as the Nagpur High Court is concerned, but everywhere, Sir, and this delay also brings about many other evil results.

Then, Sir, I would also like to point out that very soon we must put our shoulders to translating all these laws into the various Indian languages as well as one common Indian language. We have not decided the Indian language, but we will have to start making preparations, so that English is substituted in the law courts by that language at an early date. In my opinion law courts are and will be one of the principal means of giving real impetus to the study of Hindi and the other Indian languages. Otherwise, the medium of instruction that we want to change from English to the Indian languages will be indefinitely delayed. Unless we change the language of evidence the judgment at least in the Sessions Judges' Courts all over India and make it Hindi or Hindustani or whatever it is, it will take a long time before we adapt our languages to the needs of the Law Courts.

Then, I would like to point out that the procedure and the laws in force, not so much the laws, as the procedure, would probably bear a thorough examination in the light of our independence. I have a strong feeling that much of

the present procedure was very well suited to the needs of the British Governors of India. But so far as Free India is concerned, I am sure, Sir, that by amending the procedural law considerably, it would be possible to eliminate the delays the wide-spread evil of perjury and also to reduce the cost to the litigant public.

So far as the Federal Court is concerned, I hope the Government would not be slow to enlarge it. It is going soon to take the place of the Supreme Court of India. From that point of view also, it is necessary that we should enlarge the Federal Court, and we should also try and give every opportunity to the legal talent in the country to prepare itself for this important task of doing justice and upholding the Constitution of India.

Shri B. Das: Sir, I wish to inform the Treasury Benches that I wish to take up Demands Nos. 74 and 82-A.

Srijut Kuladhar Chaliha (Assam: General): I want to speak on Demand No. 74.

Mr. Speaker: That is a different matter, but the Demand is No. 74. I might inform honourable Members that I have got requests for taking up Demands Nos. 19 and 40, from Mr. Lakshminaryan Sahu and for Demand No. 41 from Thakkar Bapa.

Dr. P. S. Deshmukh: I would propose No. 83.

Mr. Speaker: I am taking the proposals in the order in which they have come to me.

Shri R. K. Sidhva: Sir, I want to discuss Demand No. 57-A—Delhi Transport Service.

Mr. Speaker: I think then, I should first call upon the honourable Law Minister to reply to Demand No. 34. I have to put it to vote. I thought the honourable Member wanted to speak on that.

Shri R. K. Sidhva: No, Sir.

The Honourable Dr. B. R. Ambedkar (Minister of Law): Sir, this item 'Administration of Justice' really belongs to the Home Ministry, because they are in charge of the subject, but I am sure, we must today at least spare the Sardar of the trouble that would be involved in replying to this debate. I am, therefore, taking the responsibility on my shoulders. I must also say that I have had no previous consultation with him and so, I do not know, whether I would be exactly representing the views of the Home Ministry on the subject that I am speaking.

Sir, this question of the law's delay is a long cry that we have been hearing in this country and the Government of India, if I remember correctly, at one time appointed a Committee—the Civil Justice Committee—and some of the recommendations made by that Committee were incorporated both in the Civil Procedure Code as well as in the Criminal Procedure Code with the object of avoiding delay in the matter of coming to conclusions so far as litigation was concerned. At the same time that unfortunately has not in any way softened the complaint which we are now hearing about the law's delay. In my judgment and I think both my honourable friends, Dr. P. S. Deshmukh and Shrimati Durgabai, who have had considerable experience of practice in the Courts will agree that much of the delay that takes place in litigation is really due to the clients themselves. So far as my experience goes, in law courts every client on an appointed day instead of coming prepared either with the witnesses or with the documents or some other *subpoena* that has been issued by the court, comes with nothing except a petition asking for a postponement. If the postponement is not granted, he either abandons his pleader thinking that he has no influence with the judge, because he has not been able to get the adjournment or postponement or he becomes thoroughly dissatisfied

[Dr. B. R. Ambedkar]

and the court has to consider whether in the interests of avoiding delay his application should be rejected. It may be that in view of the ignorance of our general mass of population they cannot be expected to be prepared with everything at the appointed time, and if they are not given time, even though their cause may be very just, it may be lost.

Secondly, so far as the procedural law is concerned, there is all the method and all the rules necessary for avoiding delay. If our people who want to litigate about matters of dispute were more expeditious, more efficient and more alert in collecting their evidence, they themselves would avoid a great deal of delay that takes place in the matter of litigation.

Dr. P. S. Deshmukh: What about the delays in the High Courts?

The Honourable Dr. B. R. Ambedkar: Well, the delays in the High Courts also to a large extent are due to this fact. My honourable friend probably does not know, as I happen to know, that many of our people believe in astrology. When they are told that their case is fixed on a particular date, they first go to the astrologer to find out whether that is an auspicious day, and if they find that it is not an auspicious day, they run up to Bombay and get in touch with the Office of the Registrar of the High Court, sometimes bribe the clerks heavily in order to take the case off the board on that particular day. I know many such cases. Therefore, we have done so far as procedural law is concerned to avoid delay.

Shrimati G. Durgabai: Is not delay due to the printing of the records which takes a very long time?

The Honourable Dr. B. R. Ambedkar: Well, I suppose, in view of the fact that the Privy Council has laid down that all cases which come to them must have the records printed, the High Court has to follow that rule. Probably the Supreme Court hereafter may follow a different rule, we cannot say.

With regard to the lower judiciary, there is certainly much room for improvement. I quite agree that our judicial stations so to say, the towns where the Sub-Judges sit are sometimes very far away from the villages, and the villagers have to incur large expenses for travelling from their villages to the places where they are situated. I have sometimes thought whether it would not be desirable for our Sub Judges or some others subordinate to the Sub Judges to go on what we may call circuit. You can have a circuit of six or seven villages which this man can visit from week to week, and hear the cases right in the villages. That, I think, is a feasible thing. I must say that that is a matter which is entirely within the power of the Provincial Governments. It is they who can re-organise the judiciary in terms of my suggestion if they think that that is a suggestion worth accepting.

With regard to the question of court fees, that again is a matter which is entirely within the purview of the Provincial Governments. If the Provincial Governments think that court fees are so fixed that they are beyond the capacity of the litigants, it is for them to lower the court fees and give relief to the litigant public in that manner. With regard to the question of legal aid, there is no doubt that there is a necessity for doing something in that behalf. As every one knows, the British Parliament has recently passed an Act making it a national responsibility to provide aid to a litigant who is unable to find money for his litigation. However valuable that step might be, it seems to me that having regard to the economic capacity of the people of our country, it would be perhaps impossible to place such a burden upon the

national revenues of the country. There is no doubt that some other method might be found whereby some amount of partial relief may be given to people who are indigenous and who have important questions of law to be settled.

Something was said with regard to the Law Revision Committee. It seems to me that there is a certain amount of misunderstanding about that matter. There is no doubt in England there is a Statute Law Revision Committee; but its function is a very limited one. I have with me the Statute Law Revision Committee Act passed in 1927. It is an Act which is passed from time to time by the Parliament. The object of the Statute Law Revision Act is to delete from the Statute book laws which have become spent, whose purposes have been served and which are not in force, and things of that sort. It is only to clear the dead wood, so to say, from the Statute book of laws which have become unnecessary. Here, I find that the Statute Law Revision Committee was appointed in 1921. Although the intention of the Government of India when they appointed that Committee was very much the same as embodied in the British Statute, it somehow took upon itself quite a different species of work namely to suggest to the Government certain laws which they themselves drafted. I do not know whether that sort of a thing is necessary. Because, the drafting of laws is entirely a matter for the Government and the drafting is entirely left to the draftsmen who are engaged in the Law Department. From that point of view, therefore, the Law Revision Committee does not appear to me very necessary unless it is found that the Law Department, by reason of the shortness of its personnel is not able to depute somebody whose duty would be to see what laws have been spent, what are unnecessary and what laws have gone out of force. However, I shall keep the suggestion in my mind when the Government has the time to deal with this question.

With regard to the Federal Court, the question has been raised that the number of Judges is small for the work that is now pending before the court. The question was also raised that the Federal Court is not equipped with a library such as a Federal Court should have. I have not the least doubt in my mind that the Government of India will never be callous to the requirements of the Federal Court and of its library equipment. I have no doubt that this matter will be discussed when the Federal Court will be converted into the Supreme Court. There is not a very long time between the transference of the Federal Court into the Supreme Court. Consequently, these reforms which have been suggested with regard to the personnel of the Federal Court and its library equipment can well be delayed until the formation of the Supreme Court. I have no doubt about it that the Government of India will bear in mind the requirements of the library, as well as the number of Judges that may be necessary to dispose of this work.

Mr. Speaker: I am putting the Demands to the House.

The question is:

"That a supplementary sum not exceeding Rs. 2,46,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'administration of justice'."

The motion was adopted.

Shri M. Tirumala Rao (Madras: General): I request you, Sir, to add Demand No. 11 also. I want to offer some remarks about the Constituent Assembly.

Shri M. Ananthasayanam Ayyangar: I submit, Sir, that Demands 74, 77, and 78 may be taken together and Demand No. 82-A separately.

Mr. Speaker: I doubt whether all this could be taken up. However, I am marking them in the order in which they have been proposed.

Dr. P. S. Deshmukh: I suggest that Demands Nos. 57-A and 83 may be taken together.

Mr. Speaker: Shall I place both of them together? Is Mr. Sidhva agreeable to this?

Shri R. K. Sidhva: I have no objection.

DEMAND NO. 57-A—DELHI TRANSPORT SERVICE

Mr. Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 45,58,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Delhi Transport Service'."

DEMAND NO. 83.—DELHI

Mr. Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 74,11,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Delhi'."

Pandit Hirday Nath Kunzru: Did you say, Sir, that Demands Nos. 74, 77 and 78 be discussed together? I did not hear it.

Mr. Speaker: Yes, Mr. Ananthasayanam Ayyangar made a request that Demands 74, 77 and 78 be discussed together and Demand No. 82-A separately.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar).]

Shri R. K. Sidhva: Sir, I am discussing Demand No. 57-A which is for Delhi Transport Service. This subject was not discussed at all either during the budget discussion or during the Demands for Grants. This Demand relates to an amount of Rs. 45,58,000 being the recurring expenditure on the Delhi Transport Service, which has been taken over on the 14th of May, last year from the G.N.I.T. I congratulate the Government for taking over this concern which was mismanaged and ill-administered by the private concern without any control. By the Government taking over the concern they have served two useful purposes, one is it has become the property of the State and it has come under State control and the second is the State has benefitted financially to a very great extent. I cannot tell exactly what the net profit would be. The honourable Minister would enlighten us but I am sure from the report and the figures that I read somewhere this concern is going to bring to our coffers a fairly good sum every year. So far therefore, Government's action in this direction to run this transport service is most welcome. I however warn the Ministry that after taking over this concern they should be very vigilant as regards its maintenance. In the days of G.N.I.T. the whole of the bus fleet came to a collapse for the main reason that there was no proper supervision or maintenance of the buses. These were ramshackle buses which are even now running as compared with our buses. Their bodies were constructed like an animal's cage and no consideration was given to the comfort of the passenger nor was any consideration paid regarding the heavy fares charged nor to the overcrowding of passengers which was everyday in the public of the city. The subject matter was receiving, I am glad, the attention of the Government and at one stage I was apprehending that Government was giving it to some other concern with some nominal share of the State but ultimately I am glad that that scheme did not prevail and Government took the entire concern. Now I find Government have immediately ordered for new buses and some have actually been put on the roads and some bodies are under construction and some are still on the way. So far so good.

But I have to state that from the manner in which I see the maintenance of these buses, if proper attention is not paid, the deterioration will come very soon and the entire capital will be wiped out. As far as I know there is no supervision and there is no responsible person to look after the fleet of transport services which is being run. Crores of rupees are invested and will be invested hereafter and unless we have an up to date workshop and garage together with efficient staff to look after its upkeep, its deterioration will come very soon. As it is I find that it is nobody's business to see that in what condition these buses go after an evening's work into the workshop or garage—if there is any—and in what condition they are brought out in the following morning. I therefore suggest to the honourable Minister that an efficient and responsible man should be sent immediately to Bombay. The Bombay State Bus Service is one of the most wonderful services that runs in the whole of India and I do not mind any expenditure that that officer might have to incur in this connection. If he is asked to stay there for a month, if he is really a responsible man and if he understands something of the transport services of Bombay, let him learn and let him see how the bus service runs there. There is, in other parts of India, nothing to compare with the body of the Bombay Buses. I do feel—I have seen in Calcutta—that some of the modern type of buses that have been introduced recently in Bombay are of the finest type like that in Switzerland. Unless a man is deputed he will not be able to understand what the service requires. He will be able to see how this service is done, what type of garage is kept, how maintenance is done and how conductors and inspectors are asked to check and treat the passengers with courtesy and also to see that there is no leakage in the traffic of the passengers. What I find to-day is there is a great deal of leakage in our passenger fares. Although some improvements may have been made and what is the improvement? At certain stations the passengers are asked to pay for the tickets on the roadside before alighting thinking that that would remove any kind of leakage. Actually it leads to delay. The passengers go to bus to minimise the time and they want rapid service. Some time is taken in giving them tickets on the roadside. I do not know whether the Minister has travelled by these buses. If he had done, he would have seen that much time is lost. It is not that the passengers alone lose time, it means waste of petrol and mileage and ultimately it will be a loss to the State. I therefore feel that there are no proper types of conductors. They have no uniforms, no bags to put in the amounts, there is no system of checking the ticket which is most important. Somebody turns his finger to indicate from what place to what place. Get punching machinery for tickets. Give them proper uniforms. Now nobody knows whether he is a conductor or an inspector or one of the passengers. There is no supervision. I should say and the stopping stations are not indicative and the buses are kept badly. Nobody knows here as to how to keep the buses. This is a necessity otherwise it will be a loss to State. It is no use merely purchasing new buses and placing orders and putting them on the road without seeing how they are being maintained and how its efficiency has been kept.

The second thing is now they have placed orders for petrol-run buses. I would request them to place future orders with the diesel oil. All Bombay buses are run with diesel oil as swiftly, most economically as petrol-run buses. The other day I put a question to the Minister whether our buses are run with diesel oil. Probably he did not know what it is and he was surprised. Whenever there is shortage of petrol, this trouble has never arisen in Bombay. They have run most efficiently. They have self-starters with diesel oil and therefore it would be economical and more profitable with diesel oil. I do not know whether the present engines could be converted into diesel oil engines. That experiment may be made because I am told hundreds of new types that

[Shri R. K. Sidhva] are already ordered are of the petrol type and we should see whether they could not be converted into diesel oil. Otherwise the orders may be cancelled and new orders placed for diesel oil engines. I am sure if anybody is sent to Bombay, he will surely recommend that that type of bus will be more economical, the best for the convenience of passengers and for the revenue. Then, Sir, I do not know whether it is advisable, I have not gone through it, but I think a small Board is also very necessary.

Shri M. Tirumala Rao: They have constituted a Board.

Shri R. K. Sidhva: Have they? If so, I have nothing to say. I suggest a small Board of three members, who may be officials, so that they may look after this thing. They should be men with some knowledge about transport service. The Minister has a lot of things to do, and although the ultimate responsibility is on him, in a matter like this where crores of rupees are invested, he should be assisted by a Board who would look after the day to day affairs. Who is looking after it at present, I want to know? Where is the office? I am told it is somewhere in Connaught Circus; some Traffic Manager is sitting there or some such thing. Nobody knows about it. The public must know about it. Where is your garage? Where is your workshop? All these things must be properly known. It is a public service and public must be well acquainted. Therefore, while I congratulate the Government, I submit that they should see that this service runs still more efficiently and brings in larger revenue than was the case during the G.N.I.T. days, when the G.N.I.T. squeezed the public without giving any return to the passengers.

As regards fares, I do submit that this matter requires consideration. Fares were fixed by the G.N.I.T. without any consideration. In Bombay where the best service is available, the fares are most reasonable and cheaper than here. Sometime ago a Press report said that the Ministry was considering this question. I do not know what stage this consideration has reached. Delhi is a place of distances. For a certain distance where one anna would be quite sufficient, they are charging something like two annas. The maximum is somewhere round about ten annas. From Lodi Road to Sabzi Mandi, if you take the fares together, it comes to eleven and a half annas which is certainly heavy. I have never seen cycle traffic of such magnitude as obtains in Delhi in any other city. Take even the largest populated city of Calcutta, or Bombay. There is not so much cyclist traffic there. Why is there so much cyclist traffic in Delhi? Because there is no transport facility. The clerks in the Secretariat have to come from miles and there is no facility; so they have to keep cycles and maintaining a cycle also costs something. There is no good bus service; there is bad service. Therefore, I do maintain that the fares should be reasonable; they should not be exorbitant. After all, buses are meant for the poor, small, middle class people, who work in office and who have to come from a far distance. From that point of view, of course keeping the margin of profit reasonable, the fares must be brought down. Has the honourable Minister given any consideration on this matter? If he has, I would like him to enlighten the House on the matter. This matter is agitating the passengers very much. They have given a little improved service. I do not say greatly improved service, but a little improved service. Some more buses have been introduced. But much remains to be done and this year they have to give very much more attention to this matter.

I repeat once again before I conclude my remarks, that somebody must be sent to Bombay for this purpose or let him be sent anywhere else the Minister likes, but Bombay is the best place. Unless somebody is sent there, nobody will be able to put this matter right. With these words, I conclude, Sir.

Shri M. Tirumala Rao rose—

Shri R. K. Sidhva: I have finished only Demand No. 57-A. The Honourable Speaker said that after this Demand No. 83 is also to be discussed. So I have to speak on Demand No. 83. I would not take much time.

Mr. Deputy-Speaker: The honourable Member may rise again after Lunch when the Speaker is in the Chair, and if he calls, he may speak.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Shri B. Das: May I enquire if the debates on these supplementary Demands will be closed today? If so you will have to allow us to move all the demands we want to discuss. Please set a time limit because Mr. Sidhva has only spoken on the first motion.

Mr. Speaker: I thought the honourable Members are aware by now that, in all such debates they should have consideration for other Members and limit their speeches to fifteen minutes at the maximum. Dr. Deshmukh took five to seven minutes. I now propose to put further Demands because a request has been received for Demands Nos. 19, 40, 41, 74, 74, 82-A, 83 11, 74, 77 and 82; and taken by groups they are I believe six. So I do not think I should allow speeches, longer than fifteen minutes. Mr. Sidhva's idea is to have a second speech. I cannot allow it. Both the Demands were taken up together to give him the chance of making a common speech.

Shri R. K. Sidhva: I did not get up.

Mr. Speaker: That is all right. So the question does not arise. I do not know whether Members wish to speak on the Demands on which Mr. Sidhva spoke.

Shri M. Tirumala Rao: With regard to Demand No. 57A I want a few minutes. With regard to the Delhi Transport Service, the time has come now when greater attention has to be bestowed because Government has taken over the service. Surely, Delhi's transport service is the worst in the whole of India. Compared with Calcutta, Bombay and Madras, Delhi is the fourth largest city, and I may say that Delhi's transport service charges are the highest and it provides the least amount of conveniences to the public. Probably in the days of stage coaches, there used to be three classes of travellers but there was no division for the classes. But at certain stages they used to ask first class people "sit tight in the coach"; second class people "get down and walk" and third class people "get down and push". Most of buses of the Delhi Transport Service are in such a rotten condition that they provide only amenities for third-class variety of people, where you have to get down and push. Corruption is rampant so much that the bus conductor will not issue a ticket till the last minute and at the time when you get out he stands at the door, collects the money from you without issuing you a ticket. I have observed this for some time and I have myself been a victim of such a system.

With regard to the expenses here: pay of officers, Rs. 19,300; pay of establishment rupees one lakh; allowances and honoraria—I may say that the word "honoraria" is an affliction which you find in regard to every department and most of the items covered by the supplementary Grants are for extra officers. It is strange how in spite of the rigid control which the Finance

[Shri M. Tirumala Rao]

Department is supposed to exercise over the rest of the departments, every department has managed to practise more or less civil disobedience against the Finance Department and incur large items of expenditure which are brought forward here as supplementary Demands.

Then again, the words "Miscellaneous and other charges" is a chronic thing. In the mofussil there used to be contingencies or charges of collectorate officers. There was an item for the cost of milk for the cat. Why is the cat reared up? It was in order to catch the mice that are destroying the records in the offices. That is one of the contingent items for maintaining a cat in the offices.

Shri B. K. Sidhva: What is the amount?

Shri M. Tirumala Rao: I have no idea of the amount. It depends on the cat! But there seems to be more active and more vociferous bipeds that creep into the expenditure columns of the Government by way of "Miscellaneous" expenses and in regard to which it is very difficult to get at the details.

I therefore request my honourable friend, Mr. Santhanam, to see how the present bus transport service is operating in the Madras City. I can say that it is one of the most comfortable and cheap services that has been organised by the Government. I have also seen the latest new buses now purchased by the Central Government for Delhi. A man of low height or of lesser height than myself cannot stand erect in the bus. (Interruption). Yes, you come and I will show you. When you stand the roof touches the head. In all the buses about 35 seats are provided and standing room for about 10 or 15 people in the corridors. There should be sufficient space between seat and seat in the corridor to enable there to be sufficient standing space for passengers during the peak hours. The model company run buses in Madras has one entrance and an exit at either end of the bus, with a comparatively broad corridor and with comfortable seats. I have seen the Bombay buses of which my friend Mr. Sidhva has spoken, though of course the number of buses plying in Bombay City is not sufficient for the volume of traffic demand for bus services. In Madras also they are improving a lot. They have built up a huge workshop. I have seen the workshop here at Rajghat where all the buses are sent. There is a huge amount of scrap and dustbins side by side with the buses, and once the buses are sent there, it is difficult to distinguish which is the dustbin, which is the bus and which is the scrap!

I submit, Sir, that Delhi with its growing needs and its population of nearly eleven lakhs, and with an influx of 4—5 lakhs of population and its long distance, is ill-served with transport. There is no poor man's transport except the terribly crowded dangerous tram which runs through Chandni Chowk and other overcrowded places. If trams also come under your control, the first thing you have to do is to abolish the trams in the Chandni Chowk, at least for hygienic purposes, because the tram is the worst carrier of disease because of their overcrowded and dirty condition. With regard to public safety, there is bound to be some accident or other for every tram that passes through Chandni Chowk and the honourable Minister must have been there recently, at least before he became a Minister. But he must now go there again and see the horrible conditions of the trams there.

There should be a comprehensive scheme. The distance between the Lodi colony at one end and the Kingsway colony at the other end of the city is a matter of 12 to 14 miles. The circular electrical railway that my friend Mr. Gadgil has in mind is still in the dreamland. For practical purposes you should connect the whole of Delhi by a fleet of 300 or 400 buses, well served by efficient conductors, good mechanics and engineers and above all an efficient managerial staff. For this you should invite some experts from Madras and ask them to draw up a scheme and you can see how it works. The famous G.N.I.T. bus service was known as the "Goes Never In Time" service and not as Gwalior Northern India Transport. People had to wait for hours together to go to their offices or return. They tell us that they had to spend at least two hours to catch a bus before they reached their homes in the evenings.

As regards other amenities I need not tell my honourable friend, for he has practical knowledge of these things. This is a Demand which was not included in the general budget before and as the expenditure is incurred I hope my honourable friend will bestow his best attention to see that the Delhi Transport Service is cheap and within reach of the middle and lower class people.

Dr. P. S. Deshmukh: Sir, there has been a sufficiently long discussion so far as the transport in Delhi is concerned. One is really staggered to see the condition of transport in the capital of India and it is but natural that we should draw the pointed attention of the Government and the honourable Minister in charge to the desirability and the necessity to alter the situation as early as possible. My friend Mr. Sidhva has suggested that some officer should be chosen and sent to Bombay to study the system of transport there. I think it would be far less costly if a Bombay officer is brought here and asked within three months to put the whole thing in proper order. I do not know what Madras has specialised in but so far as trams are concerned I think Calcutta has probably the best tram system. They are also sufficiently frequent and well managed. (Interruptions):

I have seen buses both in Calcutta and Bombay. I prefer the Bombay service. The staff is efficient and the fares are very reasonable. The fares in Delhi are absolutely exorbitant and should be reduced by half almost immediately. I do not know the exact figures of the working of the Delhi Transport system by Government. I am anxiously awaiting to see the results, economic and financial, during the time the Government has been working the service. I hope it shows a substantial profit and it is worthwhile making this a state organisation.

The next thing I would like to draw attention to is the lighting system in Delhi as well as its sanitation. So far as taxis are concerned the complaint I am sure is universal. I do not know why taxis in Bombay are so good. It is also the case in Calcutta and I do not see why in Delhi alone they should have lagged behind, I hope not merely for want of meters. There are innumerable cars available nowadays but the mere paucity of meters should not have held up the progress. Also it should be possible to manufacture this wretched little thing in India. I do not see any reason why it is not possible to do so. The taxis are in a hopeless condition. Whenever one approaches a taxi one has to prepare oneself to pay Rs. 12 to 15. Without that sum you can hardly stop in a taxi. (Interruptions). Then in many places the lighting system is very bad, as though the lights are put up to show the lamp posts only and not for lighting the road for the public. I think the whole system will have to be altered. The pillars will have to be replaced by those of some other kind so that the lights will hang down and shed their light on the road instead of looking upwards and lighting the sky without any benefit to any human being. As regards sanitation there is much that is to be desired.

I would like to make a suggestion so far as the transport of the whole country is concerned. There are innumerable vehicles with the Defence

[Dr. P. S. Deshmukh]

Ministry still lying uncared for in so many places and some of them are probably with the Minister for Industry and Supply. I do not think there is anything wrong or impractical in my suggestion, if I say that all these vehicles should be utilised for increasing the transport all over India. As we know the transport difficulties give rise to so many other evils, I think this suggestion ought to appeal to the honourable Minister. So long as the vehicles are in working condition they can always be available to anybody who wants them. What is the fun in keeping them under the sun, rain and wind for such a long time and allowing them to deteriorate. If we have a huge fleet of these transport vehicles throughout the country it will be of considerable assistance to the railways and to the nation. All the complaints that we make now regarding overcrowding and goods not being transported in time, etc., will disappear and we will also be utilising the wealth of the nation that is going to waste to a very considerable extent all over the country. The ugly and intolerable sight of these vehicles standing for years and years, absolutely uncared for, with their tyres on and with mud besmeared all over, makes me feel that the nation's wealth is being unnecessarily wasted. I would like the Government to make an investigation into this sorry state of affairs and see who is to be really blamed for wasting so much of good and useful material. It would be a very useful means of increasing our transport facilities and the whole nation would be grateful to the person who would tackle this question.

The Honourable Shri K. Santhanam: Sir, I do not think you would like me to take much time of the House. I propose merely to mention certain points which have been raised by my honourable friends so far as this Demand is concerned. This Demand arose simply because the decision to take over the G.N.I.T. was reached after the last Budget and could not be included in it. Therefore it is merely a normal expenditure. It is not an extra expenditure incurred beyond the budget. When the G.N.I.T. was taken over the Standing Finance Committee made a condition that as soon as possible a Statutory Corporation should be constituted. Steps have been taken to that effect and a Bill has been drafted and will be introduced. We would like to have the corporation going as early as possible. Meanwhile an Advisory Committee has been constituted to advise the transport authorities with reference to the working of the Delhi Transport Service. This committee consists of a students' representative, a representative of the press, a representative of the secretariat staff and also representatives of the merchants and it has been given wide functions to advise on all matters relating to the Delhi Transport Service.

Shri M. Tirumala Rao: Are there any ladies on that committee? In Madras they have taken one or two ladies for consultation and giving advice with regard to accommodation for ladies in the buses.

The Honourable Shri K. Santhanam: So far as ladies are concerned we have not given special representation, though they are entitled to come in as one of the representatives either as a student or as a journalist or in any other capacity.

The fares are being considered but in this connection I may inform the House that Delhi ought not to be compared either with Bombay, Madras or Calcutta, where the traffic is continuous. Here our buses have to carry traffic only for two hours in the morning and two hours in the evening. All the rest of the day they have to run without full load or empty. Therefore if we charge the same rates as Bombay the Central Government will have to subsidise heavily and if honourable Members of this Assembly are willing to sanction an amount of the order of 30 or 40 lakhs we can bring down the fares

to the Bombay level. Therefore we propose to keep the fares to the lowest possible level consistent with the commercial running of the Delhi Transport Service.

I shall give a few facts regarding the working of the buses. 189 buses were taken over from the G.N.I.T. out of which 55 had to be scrapped. Since May last 108 buses have been added and there are 93 more to be added in order to complete our programme during the coming year. Therefore when our programme is completed over 300 buses will be running in the City of Delhi which we consider to be adequate for the present needs. Last year there was a profit of Rs. 5.42 lakhs and in the coming year it is expected that there would be a profit of Rs. 12.2 lakhs. The capital invested so far is Rs. 51 lakhs. My honourable friend Mr. Sidhva will be interested to know there is already one diesel bus working in the Delhi Transport Service and 75 more diesel buses are to be ordered. We wanted to get more but they were not available in the country and we could not get them quickly from foreign countries. There will be 75 diesel buses put on the roads during the coming year. We have got four workshops, three for running repairs and one for heavy repairs. Since taking over, five new routes have been added and it is proposed to add two more routes in Delhi and twelve suburban routes. Thirteen lady conductors have been appointed and I hope as a result, courtesy towards passengers has greatly increased. If we find that the remaining male conductors do not take a lesson we will replace them all with ladies. My honourable friend Mr. Sidhva may be interested to know that punching machines have been ordered but there is delay in getting the machines. We shall introduce all the latest devices. I may inform him that our Manager has been to Bombay thrice. He has already acquainted himself with the working of the Bombay buses and we are trying to adopt all the improvements adopted in Bombay. I shall have no objection to sending him to Madras as advised by my honourable friend Mr. Tirumala Rao to see the working of the bus service there also.

Shri M. Tirumala Rao: He will greatly benefit by that.

The Honourable Shri K. Santhanam: I think many of the criticisms, especially of my honourable friend Mr. Tirumala Rao, must have been born of his experience of the G.N.I.T. which happily has come to an end. But I do not think that at present, except those sections of the population who have to come to the Secretariat between 10 and 11 and who have to return probably between 5 and 6, others have much complaint. The students have got very good service and they have no complaints whatsoever. The students get concession tickets for Rs. 10 a month. The ordinary public also have got concession tickets which comes to the whole fare less 25 per cent. We have also got special services—one service to Rajghat on Fridays and one bus has been put at the service of the Assembly Members to come from the Constitution House to the Assembly Chamber.

I hope the record which I have given will be considered reasonably satisfactory for the working of seven or eight months and I wish to invite those Members who are interested in it to go over and see things for themselves. I have instructed the General Manager of the D.T.S. to call on those Members, take them and show them the workshop and every other arrangement so that their criticism may not be wholly antedated.

About the other transport namely taxi, it is not really my concern but that of the Home Ministry which is responsible for the Delhi Administration. But I may inform honourable Members that meters are being fitted to all taxis. I think by now probably this fitting may be completed, or probably it will be

[Shri M. Ananthasayanam Ayyangar]

of the Military Accounts Department—an Accountant-General preferably—who must assist and prepare the estimates and then place them with technical knowledge and skill so that we are able to scrutinise the various estimates. This House has no time for scrutiny; even the Standing Finance Committee constituted of twenty members or so, which meets more often than any other Standing Committee of the House, even that Committee is not able to spare sufficient time. Therefore we recommended in the Standing Finance Committee that a sub-committee must be appointed to go into this question. I hope that the honourable the Finance Minister will see that before we disperse at the end of the Session, a sub-committee of the Standing Finance Committee is appointed for the purpose of scrutinising Defence Estimates. We will start off straightaway with the assistance of an officer of his Department and another who knows military expenditure and also a high official of the Defence Department.

Shri Mohan Lal Gautam (U. P.: General): Why not have a Sub-Committee of the Standing Committee for Defence?

Shri M. Ananthasayanam Ayyangar: Yes, I accept the suggestion of the honourable Member, but what I suggested was not a sub-committee of the Standing Committee for Defence alone—it is a sub-committee of the Standing Finance Committee assisted by one member from the Standing Committee for Defence. If one member of the Standing Defence Committee goes as an expert he may also be co-opted and become a member of the Sub-Committee.

As regards the delay in placing these matters before us, the honourable Minister gave us an assurance. But it is not as if all these matters came up for consideration at the same time. This Rs. 116 crores was not placed before him for consideration at one time. From time to time various Departments found the necessity to spend something more and they came up for consideration from time to time. When this Session commenced, why should not the Finance Minister have placed these matters before the Standing Finance Committee? As and when these supplementary Grants come to him, let them be placed piecemeal before the Standing Finance Committee. The Committee made the following suggestion:

"Supplementary Demands for Grants should be placed before the Committee as soon as possible after the presentation of the Budget to the Legislature so as to give the Committee greater time to examine the proposals; such Demands may be placed before the Committee piecemeal if all of them are not ready at the same time."

I will add that after placing those Demands which come up for consideration, piecemeal before the Standing Finance Committee, as and when the Standing Finance Committee dispose of these Demands, they may be placed piecemeal before this House. We met in February or towards the end of January and we go on till the first week of April. Before the 31st March let there be sufficient time for us to consider these Demands also.

Sir, in conclusion, I cannot say that these items for which Demands are made are not necessary. Apart from denying the grant of these Demands, we congratulate the honourable Minister for the successful way in which the police action in Hyderabad has been done. We also expect we will succeed finally and fully in Kashmir, that Kashmir will completely be with us, that the plebiscite will turn completely in our favour. I am whole-heartedly supporting these Demands, though with the observation that in future we must have an opportunity to scrutinise these Demands early enough and that they must be placed before us early in the Budget Session.

Shri B. Das: Sir, I am glad that the Standing Finance Committee had been able to discover the lacuna of irregularity in expenditure by the various

Ministries. Although we have got a national Government, it has not yet settled down to the principle that there should be parliamentary control and parliamentary sanction over expenditure. If our national Government was a democratic Government it would have been ashamed to bring before this House for sanction at the fag end of the Session an expenditure which they had illegally incurred, an expenditure of nearly Rs. 116 crores.

Sir, I rose to speak on this Demand because I wish to analyse Demand No. 74 amounting to Rs. 17,61,45,000 where the expenditure took a period of eight or ten months. Such expenditure was not anticipated even in January or February or March 1949. The Kashmir issue arose long ago. In August 1948 this House met, but the Defence Minister never thought it his duty to bring forward supplementary estimates before the House. Sir, the French Parliament has got a very salutary rule. It passed an Act whereby by the law of 10th August 1922, a Minister who incurs expenditure without the endorsement of a Controller is held civilly and criminally responsible. I may add no prosecution of a minister ever took place. Sir, I do hold the Treasury Benches responsible for spending money without the sanction of Parliament. Unfortunately as my honourable friend, Dr. John Matthai has already said that such practice was never observed in India under the former Government, but that happens to be the practice followed by the United Kingdom Government. The money is voted and the Controller of Accounts or whatever the particular designation of the Treasury officer is. I forget at the moment, he sees that the money is spent within the amount of sanction. When more money is required, the Treasury again brings it before the House of Commons and the House of Commons sanctions more expenditure. But this procedure has never been adopted here. Sir, in this way, we are making the institution of Audit a mere farce. The Auditor General has to see that money has been sanctioned by Parliament and money has been spent under the sanction of this House. A sum of Rs. 116 crores has been spent and this House is giving a general approval, and I will also give my sanction to this expenditure, but that creates a state of irregularity due to revolt of the various Ministries against the control of the Finance Ministry and against the treasury control. Let us hope that will be ended from today. Today is the 31st March; we are ending the old year. Let us hope from the next year, whenever any Ministry is going to exceed the amount sanctioned by this Legislature in time, it will go to the Finance Ministry and get their sanction, go to the Standing Finance Committee, get their sanction and get it ratified by this House. I would not like my friends in the Treasury Benches to follow the old, old traditions and make us feel that we are living in an age of bureaucracy and not of democracy. I am grateful to you, Sir, for certain observations that you made that the Committee which is examining the rules of procedure will examine under your chairmanship the whole question of financial control and rules will be so amended that there will be no laxity of treasury control over the various Ministries. Sir, rules as far as they go are all right, but what about practice? I had the opportunity of examining the finances of every Ministry. On going through the statements we find there is extravagance of expenditure in every Ministry, even though the Ministers themselves are supposed to control their respective Ministries.

Mr. Speaker: Order, order. In view of the shortness of time, may I suggest to the honourable Member that he need not dilate on that point. Enough has been said and even acknowledged by the Treasury Benches.

Shri B. Das: Sir, I do hope that the honourable Finance Minister will take us into his confidence and see whether the Government is functioning in

[Shri B. Das]

a democratic spirit without arrogating to themselves executive powers over expenditure and will accept the control of this House over financial sanction of our expenditure.

Pandit Hirday Nath Kunzru: Sir, the three Demands relating to the Defence Services amount to about 39½ crores, which is nearly one third of the expenditure voted by the House last year. I may go further and say that the total amount that we are asked to vote now by way of supplementary Grants is also about one third of the total expenditure voted by us. This shows that the position requires careful consideration both of the Defence Ministry and of the House. We know the reasons that have led to the increased expenditure on Defence. But I want to know whether the Defence Ministry and the Finance Ministry could not have foreseen many months ago that the expenditure would exceed the amount sanctioned by the House. The total amount of money would be spent on the Defence Services would be 100 crores. This would mean that roughly speaking about 13½ crores was spent every month and the whole of the money voted by the House must, therefore, have been very nearly exhausted by the end of December. Why was it then that we were not informed of the matter earlier?

In England the procedure is that every department reviews its expenditure in autumn and if it finds that the expenditure for the whole year is likely to exceed the amount sanctioned by Parliament, it informs the Treasury of the fact. The Treasury then scrutinises the request made for additional funds, by the department concerned, and sends up the matter to the Supply Committee of the House of Commons in February and March. I should like to know what is the procedure followed here in regard to the control of expenditure. Does the Finance Ministry satisfy itself and keep itself informed of the trend of the expenditure periodically? If so, what steps does it take to control it and at the same time to keep this House informed of the fact that the expenditure is likely to exceed the budget estimates? I am prepared to grant that however carefully the estimates may be prepared, there will be some difference between the actual expenditure and the Budget Demand but when there is likely to be a large variation between the budget figures of expenditure and the estimated actual expenditure, then I think the matter ought to be placed before us much earlier than is usually done.

Lastly, I should like to know under what authority the Auditor General pays money in excess of that sanctioned by the House? My honourable friend, Mr. B. Das has said that in England the Controller and the Auditor General will not allow any expenditure without the vote of the House of Commons. I myself do not know what the position in England is, but I take it that what my honourable friend Mr. Das has stated is correct. If that is so, are we to conclude that the executive here can by its own authority compel the Auditor General to pay money, not voted by the House or does the Auditor General in order to accommodate the Government himself act in a manner not warranted by the law? If the executive possess the power to authorise expenditure over and above that sanctioned by the House, then it might as well sanction the whole expenditure itself. It appears from what has happened that the control of the House over the expenditure is illusory. If the executive can by its own fiat compel the Auditor General to pay and if it can by its own decision add 33 per cent. to the expenditure voted by the House, the popular representatives cannot be supposed to have any real control over the finances of the country. If, however, the executive possesses no such control and the Auditor General advanced the money in an accommodating spirit, without the sanction of the law, he is obviously acting illegally. In either case, the matter is a serious

one, and I hope that the Finance Minister will explain the position to us so that we may be able to see whether any steps could be taken in order to tighten the control of this House over expenditure and to ensure that as far as possible, that is barring emergencies, no money is spent without the vote of this House.

The Honourable Dr. John Matthai: Sir, although the issue involved in this Demand is the question of expenditure with reference to the Defence Services, the problem that has been raised is a general problem of wider import. In the first place, I should like to say that I am entirely in agreement with the suggestions put forward by the Deputy-Speaker. The position is, frankly, unsatisfactory. There are two ways in which, I think, we can meet the requirements of the case. In the first place, I think, as soon as the Finance Ministry realises that the actual expenditure is going to exceed the expenditure for which the Legislature has given authority, the Finance Minister ought to inform the Standing Finance Committee. That, I regret to say, was not done; but it is my intention that it ought hereafter to be done. I agree also with the Deputy-Speaker that one way in which the control of the Standing Finance Committee over these matters could be made more effective is by constituting sub-committees which could specialise in the expenditure relating at any rate to the more important spending services. That, as far as the procedure which I propose to follow hereafter is concerned. But, I want, to say, what I said earlier today, that for the rather embarrassing situation in which the House has been placed by these formidable Demands being placed on them on the last day of the Financial year, to a large extent the responsibility is mine. Considering the difficulties in which I was placed when I took charge of the Ministry of Finance, at the end of September or early October, when the Government and the country were faced with the very urgent and difficult problems relating to inflation, practically all my time was taken up with the issues arising from those problems. It was only towards the end of the year that I was in a position to apply my mind to these other problems. Therefore, I say to a large extent, the responsibility for the present position, is mine.

As regards the general question which has been raised, there are really two aspects to it. There is, first of all, the question of estimating expenditure for budget purposes. There is, secondly, the question of keeping the Legislature and the Committees of the Legislature informed of the progress of expenditure. With regard to the first question, the year has been a very difficult and exceptional year. If the House will examine the figures relating to the various Supplementary Demands, the House will find that out of a total revenue expenditure of 88 crores, very nearly 75 to 80 crores is accounted for by expenditure of a very special and almost unforeseeable character. The defence services, the question of food subsidies, the question of refugees' relief and rehabilitation and pre-partition liabilities, these between them account for very nearly 75 to 80 crores. I am going to deal with these items later in order to explain to the House what precisely is the difficulty that arose. Now, if you leave these items out, what is left you will find bears a ratio to the estimated budget expenditure of somewhere about five per cent. The Deputy-Speaker was prepared to admit that ten per cent. would be a permissible ratio for discrepancies. If you make allowances for these unforeseeable factors, the margin left is only five per cent. I took the trouble to find out the corresponding discrepancy in the previous years and I found, making allowances for these unforeseeable factors, the estimate has not been too bad.

Of course, the House might ask even with regard to what one calls unforeseeable items of expenditure, "were they really so unforeseeable?" I would like to explain the position with regard to these items of expenditure.

[Dr. John Matthai]

Take, for example, defence. At the time the budget estimates for 1948-49 were framed, I think it is correct to say that the developments which actually occurred in relation to Kashmir, and the developments which occurred in regard to Hyderabad, the greater part of it, could not have been foreseen.

Pandit Hirday Nath Kunzru: Kashmir could have been foreseen.

The Honourable Dr. John Matthai: Not to the fullest extent; that is my point.

Pandit Hirday Nath Kunzru: You were too optimistic; that is clear.

The Honourable Dr. John Matthai: If you take the question of relief and rehabilitation, the question was in a state of flux at the time the budget estimates were framed.

Dr. P. S. Deshmukh: May I raise a point, Sir? I think this justification of unforeseeable character is not of so much consequence. — The real question which my honourable friend has asked to which we would like to hear the answer is, how, without the sanction of this House, did the Accountant General or the Auditor General make payments to this extent. That is the crux of the problem. What procedure is there by which the supervision of this House can be more effective? Otherwise, if you can spend 80 crores, you can as well spend 330 crores. That is the question on which we are more interested.

The Honourable Dr. John Matthai: My honourable friend has not correctly sized up the question. There are two sides to the problem. If the budget estimates were fairly correct, the question of unauthorised expenditure would not arise. If the question of unauthorised expenditure actually arose, then the question of procedure also becomes important. First, there is the question of estimating and secondly there is the question of procedure. I am now on the question of estimating. I would ask my honourable friend to be a little more patient.

If you take the question of relief and rehabilitation, at the time of budgeting, in February 1948, I do not think the Government had sufficient data for appreciating the extent to which the expenditure on relief and rehabilitation was likely to develop. A certain amount was foreseeable; but to the fullest extent it was not really possible on the data then available. Take the question of food subsidies; there is an excess of about thirteen crores.

Shri R. K. Sidhva: For the expansion of the Relief and Rehabilitation Ministry, there is an expenditure of 1,45,000. What has come in by way of expansion?

The Honourable Dr. John Matthai: I am explaining the overall position, which my honourable friend has not been following. The overall position is that under Relief and Rehabilitation, we are asking for a supplementary Demand for nine crores in excess of the authorised expenditure.

Shri M. Ananthasayanam Ayyangar: Mr. Sidhva has not noticed Demand No. 73 for rupees nine crores and odd.

The Honourable Dr. John Matthai: We may leave Mr. Sidhva alone for the time being.

Now on food subsidies what has happened is this. We are asking authority for extra expenditure of very nearly 12½ crores. What was done in the budget of 1948-49 was to provide food subsidies for the whole of the calendar year. Therefore into the estimate for 1948-49 the expenditure for nine months only was entered. Why they estimated the expenditure for

a calendar year is a little more than I can explain at present. But that is not the main point. The main point is that it was some time last October when the question of resuming control on food came up it was decided that the amount of subsidy that we gave to provinces should be raised from 2/3rd of the margin between import prices and indigenous prices to 3/4ths. It was also then that we decided that the States also should be given assistance to the extent of 50 per cent. That meant a considerable increase in expenditure which could not be foreseen at the time the budget was estimated.

With regard to pre-partition liabilities that was a matter which was under constant discussion between us and Pakistan Government. The original understanding was that these liabilities would be met currently by the two Governments but that somehow could not be achieved and ultimately a position was reached when we found in respect of most of the services that were rendered to the undivided Government they had to be met by us. It was really the obligation of Pakistan to meet their share of it but since most of these services were rendered to the undivided Government by our people, we felt it would be inflicting hardship on them if we delayed payments. Therefore in their interest we decided to accept the liability ourselves. A certain portion of it will ultimately go to Pakistan. Not that I am suggesting for a moment that the whole of the expenditure was unforeseeable but there was a very large part of it which was unforeseeable.

Now I come to the second question. As soon as the Government realised that expenditure was exceeding the sanctioned amount I admit straightaway it was the business of Government to have brought this to the notice of at least the Standing Finance Committee. That was not done and that was an omission.

Dr. P. S. Deshmukh: They should have got the sanction. Mere information will not do.

The Honourable Dr. John Matthai: It was impossible for us to bring definite proposals before the House because as I explained earlier the precise revised estimates could not be prepared till the beginning of the current financial year. You cannot bring a proposal before the House based on rough approximations.

Shri Mahavir Tyagi: When are they usually prepared every year? Was it an exceptional case this year or every time the difficulty arises?

The Honourable Dr. John Matthai: As a matter of fact the procedure followed this year is exactly the same as has been followed in the past. The reason why the House has been so excited over this matter and quite rightly is because of the scale of Supplementary Demands. That is really what has brought the thing to this pitch but the procedure that has been followed is precisely the procedure that has been followed in previous years. We do not get a clear picture of the revised estimates until somewhere about the middle of February. So I cannot bring definite proposals before February. By February we are right in the thick of the budget. That is really the problem. What is necessary is that the House and the Government and may I say, you, Mr. Speaker, should devise among ourselves some procedure which would make it possible for us to prevent unauthorised expenditure. I am not in a position at present to say what exactly is the procedure that we can follow but some procedure should be adopted which would prevent expenditure of this kind incurred by Executive without authority of the Legislature. That is absolutely essential and I will see to it that some procedure is devised which will make it impossible for a situation of this kind to recur. That is as far as I can carry the matter.

2170 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [31ST MARCH 1949]

Pandit Hirday Nath Kunzru: How does the Auditor General sanction the amount?

Shri R. K. Sidhva: Has he the authority to sanction the expenditure without sanction of this House more than the amount passed in the budgeted items?

The Honourable Dr. John Matthai: Am I to understand that I am asked, to speak for the Auditor General?

Pandit Hirday Nath Kunzru: I want to know whether there is any law authorising the Executive to instruct the Auditor General to make when necessary payments over and above the amounts sanctioned by this House or whether there is any law authorising the Auditor General to sanction the payment of excess expenditure in his discretion?

The Honourable Shri K. Santhanam: May I offer a suggestion?

Pandit Hirday Nath Kunzru: I want a reply from the Finance Minister.

The Honourable Shri K. Santhanam: I am not speaking as the Minister for Transport but I am speaking as a member of this House. I wish only to draw the attention of Pandit Kunzru that making a supplementary Demand does not mean the amounts have been paid. Large amounts are to be paid yet. They are due but not actually paid and the Auditor General comes in only at the time of payment.

Mr. Speaker: The position as I have understood it is this. It is not so much the question as to what amount is yet to be paid. Assuming the amount so paid is one rupee, still the question is how was it paid without the sanction of the House or was it paid in spite of the Auditor General. That is also a position which is not made clear in the questions put. The alternatives are: Either the Auditor General has some authority to pay; if so, what is that authority? Or he has no authority and therefore he has not sanctioned it.

The Honourable Dr. John Matthai: The position is that Government have incurred this expenditure in anticipation of the sanction of the Legislature.

Mr. Speaker: I think the position is quite clear. The subject may be one for comments but not for any further information. So I am placing these Demand before the House. As I have said in the morning, the question of the revision of the rules of procedure is under consideration and some sort of financial procedure will have to be settled and I have already made a reference to this aspect in the suggestions which I have sent to Government. I need not repeat again the same thing.

The question is:

"That a supplementary sum not exceeding Rs. 17,61,45,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Defence Services, Effective—Army'."

The motion was adopted.

Mr. Speaker: The question is:

"That a supplementary sum not exceeding Rs. 20,65,36,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Defence Services, Effective—Supplies and Stores'."

The motion was adopted.

Mr. Speaker: The question is:

"That a supplementary sum not exceeding Rs. 1,14,52,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Defence Services, Non-Effective Charges'."

The motion was adopted.

Mr. Speaker: Shall I now take up Demand No. 41? It relates to External Affairs. I am asking Thakkar Bapa. He wishes to discuss the tribal areas affairs, perhaps.

Shri A. V. Thakkar (Saurashtra): No, Sir, it refers to a different subject altogether.

Mr. Speaker: Then I will take 19 and 40.

Shri Ananthasayanam Ayyangar: May I request you to take up Demand No. 82-A—Pre-Partition Payments?

Mr. Speaker: If I were to do it, it will be for my own convenience.

Shri M. Ananthasayanam Ayyangar: Your convenience is the convenience of the House.

DEMAND NO. 82-A—PRE-PARTITION PAYMENTS

Mr. Speaker: Very well. I shall put 82-A.

Motion is:

"That a sum not exceeding Rs. 20,61,27,000 be granted to the Governor-General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Pre-Partition Payments'."

Shri M. Ananthasayanam Ayyangar: I am trying to take only items which cover large amounts. Just now we have disposed of Defence Services amounting to Rs. 39 crores. These pre-partition payments come to twenty and odd crores. On page 55 of the blue book that has been circulated to us, it is said: "This sum is required to meet expenditure during the current year on pre-partition liabilities initially met by India. Pakistan's share will be added to its partition debt to India." Now, I understand that this will be added to the Rs. 300 odd crores of debt which Pakistan owes to India. The arrangement seems to be that this debt will be paid to India over a period of fifty years in instalments. The property of refugees who have left Pakistan comes to Rs. 100 crores. When is Pakistan going to pay all this debt to us? Why should we add to this liability? Why should we not negotiate with them that at least Pakistan's share of these Rs. 20 crores should be paid to us immediately without adding to the partition debt which is really unfathomable. We paid some time ago Rs. 15½ crores towards their share of the salary that is to be paid to various officers here. We have undertaken to pay all that and hereafter recover the debt in instalments, in dribbles, from Pakistan. When we have undertaken so much liability ourselves, why should we not insist upon Pakistan somehow paying this money in cash? It may not be that all the Rs. 20 odd crores has to be paid by Pakistan. Their share is only 17 or 18 per cent. and will come to rupees five or six crores. Having regard to our deficit Budget, owing to which we have agreed to tax even some of our necessities such as cloth etc., why should we not insist upon cash payment of this rupees five or six crores? That is one aspect.

Secondly, I do not know if final arrangements have been made between ourselves and Pakistan regarding financial matters. If there are still outstanding matters to be settled, this House must be associated with such negotiations. Even with regard to such matters as Sterling Balances, International Monetary Fund, International Bank etc. Members of this Assembly have been associated in the talks. But so far as Pakistan is concerned, although this House has been very greatly agitated over the matter

[Shri M. Ananthasayanam Ayyangar]

and half or even three-quarters of the Question Hour is spent on it, still not one Member of this House has been associated with any of these talks with Pakistan. If any more conversations or talks are to take place between this Government and Pakistan regarding financial matters which are outstanding, I want this Government to give an assurance today that Members of this House from among the Standing Committees associated with each Ministry will be included in the talks. If they relate to Commerce Ministry, members of the Standing Committee attached to Commerce Ministry may be included. If they relate to Finance, members of the Standing Finance Committee may be associated. Otherwise, it will be doing injustice to this House, which alone is competent to put this Government in office and also to vote Grants for expenditure incurred by it. We are rather touchy about the way in which Pakistan is walking away with our dues. So far as these Rs. 20 crores are concerned, it must have been insisted that Pakistan must pay its share of rupees five or six crores in cash. They are not coming to reasonable terms. It is rather unfortunate that our sister Government is adopting such an attitude. Hereafter at least, I want the Finance Minister to give us an assurance, that if there are any further talks carried on on financial matters, he will associate members of the Standing Committees in those talks.

Pandit Thakur Das Bhargava (East Punjab: General): Has it been agreed that this part of the Pakistan's liability will be added on to the debt of Rs. 300 crores?

The Honourable Dr. John Matthai: May I explain? Out of this total of Rs. 20 and odd crores, it is only with regard to the payment of the services to the undivided Government that Pakistan has got to bear a share. This Rs. 20 crores is made up of Rs. 15 crores in payment of services and so on rendered to the old undivided Government. About rupees five crores is really the share of income-tax which we have got to pay to the parts of Bengal and Punjab which are now in India. That rupees five crores cannot be passed on to Pakistan. Therefore, it is only the first item, namely, services rendered to the undivided Government constituting Rs. 15 crores, in respect of which Pakistan has to share. There, their share would be 17½ per cent. Therefore, out of this Rs. 20 crores, it is only rupees three crores or so that the Pakistan Government has to pay. Originally the idea was that this expenditure would be incurred currently by the two governments, but the negotiations were prolonged and we found that the people who were going to suffer by the delay in payments were people in the Dominion of India to whom the payments were due. These rupees three crores are still under discussion but it looks as if it would go into the general debt settlement. What the total of that debt settlement would be we are not yet in a position to determine, but when a question was put to me during question hour a few weeks ago, I gave a rough estimate that it may be of the order of Rs. 300 crores and the payment of it would be spread over a period of 50 years beginning with 1952. That is the position.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar)]

Pandit Thakur Das Bhargava: However, as it appears that these rupees three crores have not been tacked on to Pakistan's debt to us, it may be just as well to ask the Pakistan Government to pay it in cash.

The Honourable Dr. John Matthai: As a matter of fact, we are making every effort to see that as much of this debt is paid in cash as possible, but if agreement on it is not reached at present, it is difficult for us to proceed. That is why we have come for this sanction.

I think you, Sir, raised another point with regard to the association of non-officials. I do not like to give any categorical assurance on this matter on behalf of the Government. I have no authority for doing so, because Government have not considered it but in view of the statement of the Prime Minister made the other day that the distinction between 'official' and 'non-official' has lost a good deal of its significance under the present set-up, I would like to have a little time for considering this matter.

Shri Mahavir Tyagi: Does that mean that when officials are taken into confidence we may be satisfied that they are as good as non-official members of this House and be content?

The Honourable Dr. John Matthai: In these Inter-Dominion Conferences which have been held so far, India has been represented by Ministers, and the whole question is whether the House is going to make a distinction between them and non-official members of the House.

Shri Mahavir Tyagi: No; but then after the Ministers went there and after they came back after negotiations, they did not take the Members of this House into confidence and tell them what actually happened. That is the complaint.

The Honourable Dr. John Matthai: As far as these Ministries are concerned, whether the matters have been placed before the Standing Committees attached to the various Ministries I am not aware, but I am prepared to look into this question and I will have the matter brought to the notice of the Honourable the Prime Minister.

Mr. Deputy Speaker: The question is:

"That a supplementary sum not exceeding Rs. 20,61,27,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of pre-partition payments."

The motion was adopted.

Mr. Deputy Speaker: The next two Demands are Nos. 19 and 40.

Dr. B. V. Keskar: Could we take up demand 41 also with these?

Mr. Deputy Speaker: The Minister wants that Demand No. 41 be taken up with Demands Nos. 19 and 40.

Shri Lakshminarayan Sahu (Orissa: General): I have no objection.

Mr. Deputy Speaker: I shall then take up Demands Nos. 19, 40 and 41.

DEMAND No. 19.—MINISTRY OF EXTERNAL AFFAIRS AND COMMONWEALTH RELATIONS

Mr. Deputy Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 12,82,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of External Affairs and Commonwealth Relations'."

DEMAND No. 40.—TRIBAL AREAS.

Mr. Deputy Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 36,16,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Tribal Areas'."

DEMAND No. 41.—EXTERNAL AFFAIRS

Mr. Deputy Speaker: Motion is:

"That a supplementary sum not exceeding Rs. 63,85,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'External Affairs'."

श्री लक्ष्मी नारायण साहू : माननीय उप-वाचस्पति जी, मैं पहिले एक्स-टर्नल एफेअर्स और कामनवैलथ रिलेशन्स के विषय में कहूंगा और फिर पीछे ट्राइबल एरियाज़ के बारे में कहूंगा।

हम देखते हैं कि हमारा खर्चा एक्सटर्नल एफेअर्स और कामनवैलथ रिलेशन्स पर बहुत बढ़ जाता है। हम लोग कहते हैं कि हम को आज़ादी मिल गई है इसलिए हम को सब देशों के साथ परिचय और सम्बन्ध होना चाहिये। इस लिए हम सब जगह जल्दी जल्दी एम्बैसेडर और दूसरे आदमियों को भेजते हैं। लेकिन मैं कहता हूँ कि जितने बड़े बड़े देश हैं जैसे अमरीका और इंग्लैण्ड वहाँ से उन देशों के इतने एम्बैसेडर हम लोगों के यहां आये हैं या नहीं जिन के साथ हमारा ताल्लुक है। मैं देखता हूँ कि हम लोगों ने बहुत से देशों के साथ सम्बन्ध बना लिया है, उन देशों के साथ भी जिन के साथ सम्बन्ध न रखने से भी काम चल सकता है और हम लोग सुनते थे कि हम लोग जो खर्च करते हैं वह उस स्टैंडर्ड तक नहीं आता है, इसलिये शायद हम लोगों के एम्बैसेडर को तकलीफ होती है। मैं कहना चाहता हूँ कि पहिले तो यह करना चाहिये कि इतनी जल्दी जल्दी सब जगह में एम्बैसेडर नहीं भेजना चाहिये। जहां नितान्त जरूरी हो वहां भेजना चाहिये, और जो एम्बैसेडर बन कर जाते हैं उन का ख्याल कैसा है यह भी देखना चाहिये। पहिले तो मैं एक किताब की ओर आप का ध्यान दिलाना चाहता हूँ। यूरोप लुक्स एट इंडिया। उस में से दो तीन बातें आप को सुना देना चाहता हूँ। उस से मालूम होगा कि उन की हिन्दुस्तान के बारे में और आप लोगों के बारे में क्या धारणा चली आती है। कुछ बदली होगी पर फिर भी कुछ कुछ वही भावना चली आती है। यह तो हम बार बार सुना करते थे कि ब्रिटिश एम्पायर में सूरज कभी नहीं डूबता। अभी तो ब्रिटिश एम्पायर सैट हो गया है। हम देखते हैं कि यूरोप के बड़े बड़े आदमियों का ख्याल हम लोगों की तरफ कैसा था। एवोडुबाएस लिखता है "Caste Hindu is a thief and a casteless Hindu is a rogue" और हैगल जो कि इतने बड़े दार्शनिक थे वह लिखते हैं "Instead of morality and rational thinking, India is a prey to superstitious beliefs and magic practices", मैं कहना चाहता हूँ कि हम लोगों के जो एम्बैसेडर होकर जाते हैं उन को भी ऐसा ख्याल है कि जो हमारा देश है वह बहुत नीचे गिरा हुआ है। मैं इसीलिए चाहता हूँ कि हम लोगों का जो एम्बैसेडर होकर जाय उस का ख्याल इस तरह का होना चाहिए कि जो इस देश का दर्शन है उसी के अनुसार वह

वहां व्यवहार करें। उन को ऐसा बरताव करना चाहिए कि दूसरे देश वालों को इंडिया की चीजें समझ में आवें। हम तो अभी देखते हैं कि जितने आदमी जाते हैं वह यह देखते हैं कि किस तरह हमारा स्टैंडर्ड यूरोपियनों के माफ़िक होगा और कहते हैं कि हम स्टैंडर्ड पर नहीं आ पाये हैं। इसलिये हमारा खर्च बढ़ जाता है। हम देखते हैं कि हमने जितने एम्बैसेडर भेजे हैं उन पर रुपया बहुत खर्च हुआ है, लेकिन हम नहीं जानते कि उन्होंने क्या काम किया है। जो रिपोर्ट एक्सटर्नल एफेअर्स और कामनवैलथ रिलेशन्स विभाग की तरफ से मिली है उस से पता नहीं चलता कि उनका क्या अचीवमेंट है। हम यह सुनते हैं कि फैशनेबिल रहने के लिये पैसा ज्यादा नहीं होता है और शायद बहुत फैशनेबिल होने के लिए ज्यादा पैसा मांगते हैं। वह हवाई जहाज़ों में उड़ते हैं और उड़ोयमान् जीव बन गये हैं। हम तो कहते हैं कि हम को स्वराज्य मिल गया है और हम इंडिपेंडेंट हो गये हैं, लेकिन मैंने एक दफा पहिले भी कहा था और फिर भी कहता हूँ कि अभी हमारे टाक्स चल रहे हैं कि हम ब्रिटिश कामन वैलथ में रहें या न रहें। हम देखते हैं कि साउथ अफ्रीका हमारे साथ क्या बरताव कर रहा है। आस्ट्रेलिया, यू० ए० ए०, कनाडा में हम लोगों के साथ वह बरताव नहीं किया जाता जो कि आदमी को आदमी के साथ करना चाहिये। यह जो एम्बैसेडर जाते हैं वह कैसे काम करते हैं यह हम लोगों को जानना चाहिये। हम को यह बात अच्छी नहीं लगती कि हमारे जो एम्बैसेडर वहां जायें वह भी इसलिये दारु पियें कि दूसरे देशों के लोगों के साथ ऐसा किये बिना ठीक काम नहीं चल सकता है। हम लोगों का दर्शन क्या है यह सब आदमियों को वहां बताना चाहिये। एक्सटर्नल एफेअर्स विभाग की यह पालिसी होनी चाहिये कि वह दूसरे देशों को बताये कि इंडिया का ख्याल क्या है। हम लोगों को सैल्फडिल्यूजन हो गया है और हम समझते हैं कि दूसरे देश कितने अच्छे हैं और हम कितने नीचे हैं। मैं टाल्सटाय से आप को यह सुनाना चाहता हूँ। उन्होंने सन् १९०७ में सी० आर० दास को एक चिट्ठी में लिखा था।

"It strikes me particularly in India that here is a physically and mentally highly gifted nation of 200 million inhabitants under the yoke of a small circle of complete strangers who from the point of view of morality and religion, are immeasurably inferior to those they have conquered."

तो मेरा कहना यह है कि जितना रुपया मांगा जाता है और जो भिन्न भिन्न देशों में सम्बन्ध स्थापित करने के लिये मांगा जाता है, उस के लिये हम मना नहीं करते, लेकिन हम को देखना चाहिये कि हमारे देश

[श्री लक्ष्मी नारायण साहू]

का जो स्टैंडर्ड आफ मारेलिटों है वह हमारे प्रतिनिधि बाहर जाकर दिखलाते हैं या नहीं। जब तक यह नहीं होगा तब तक हम लोगों का बड़ा अपमान होगा। अब तक लंडन हाई कमिशनर के यहां यूरोपियन आफिसर्स हैं। उन को जल्दी से जल्दी हटा देना चाहिये। यहां जितने आदमी दूसरे देशों से आते हैं वह अपने देशों से आदमी लाते हैं। यहां के आदमी वह नहीं लेते हैं। तो हम क्यों उन को वहां रखें। उन को हटा देना चाहिये। इस के बारे में बहस भी हो गई है।

हम लोगों का इन्डियन कल्चर है, तो जो हमारे बड़े बड़े आदमी योरोप और बड़े बड़े देशों में हैं उन को यह चाहिये कि वह हमारे इन्डियन कल्चर को बढ़ायें और इस के लिये वे ठीक रास्ता दूसरों को दिखायें। जैसे हमारे गांधी बाबा ने लंगोटी पहन कर हमारे कल्चर को बढ़ाया तो उस में उन का मान नहीं घटता। इसी तरह से हमारे रामानुज और परमहंस ने भी अपना दर्शन दिलाया। विदेशों में जाकर हमारे इस कल्चर को बढ़ाना चाहिये। हम लोगों ने विदेशों में जाकर वहां का कल्चर ग्रहण किया और अपने कल्चर को खो बैठे।

दूसरी बात जो मैं यह कहना चाहता हूं वह यह कि हमारे देश से बहुत से डेलीगेशन बाहर के मुल्कों में जाते हैं। हर मिनिस्ट्री से अलग अलग डेलीगेशन दूसरे देशों को जाते हैं तो मैं यह चाहता हूं कि एक्सटर्नल डिपार्टमेंट को यह चाहिये कि वह उन के बीच में एक योग-सूत्र हो। उन लोगों को एक ही प्रकार की हिदायत मिलनी चाहिये ताकि वह दूसरे देशों में जाकर हमारे देश की भलाई करें और श्रद्धा के साथ हमारे देश के बारे में बतलायें। यहां से वह एक ही साथ जाते हैं मगर वहां उन का आपस में ही परिचय नहीं होता है। तो इस बात की तरफ ज़रा ख्याल रखना चाहिये।

इस के बाद मैं ट्राइबल एरिया के बारे में कहना चाहता हूं। जहां तक ट्राइबल एरिया का सम्बन्ध है, आसाम की ट्राइबल एरिया है आबोर, नागा और लुशाई की ट्राइबल एरिया है, नाथ ईस्ट फ्रॉंटियर की जो ट्राइबल एरिया है उन के लिये हम कुछ पैसा रखते हैं। लेकिन उन लोगों की अच्छी तरह से सहायता करने के लिये, उन लोगों को साइकैलोजिकली यह मालूम हो जाय कि हमारे बारे में सब तरह का ख्याल करते हैं हम लोगों को वहां पर जाना चाहिये। हमारे यहां से दूसरे देशों के लिये पार्लियामेन्टरी डेलीगेशन जाते हैं और वहां की बातें सीख कर ले

आते हैं। मगर हमारे जो ट्राइबल एरिया के लोग हैं, जो एबोरजनल ट्राइबल एरिया है वहां पर अगर हम अपने पार्लियामेन्टरी डेलीगेशन भेजेंगे तो इससे हम लोगों को बहुत फायदा होगा। जो हम खर्चा करते हैं उन लोगों के लिये उसके बारे में भी हम को मालूम हो जायेगा और बहुत अच्छा सुधार हम देख कर कर सकेंगे। इस हाउस के मੈम्बरों को भी उनकी हालत के बारे में काफ़ी ज्ञान हो जायेगा। मैं यह चाहता हूं कि वहां पर जो ट्राइबल एरिया को जो एडमिनिस्ट्रेशन आफिसर हैं उस को वहां पर जाना चाहिये ताकि उन लोगों को यह ख्याल तो हो कि हमारी ख़्वाहिश के लिये आफिसर आते हैं।

ब्रिटिश गवर्नमेंट के ज़माने में जनता की ओर से किसी को जाने की वहां पर इज़ाज़त नहीं थी। मिशनरी लोग वहां पर प्रचार के लिये जाया करते थे। जब हमारी अपनी सरकार हो गई है हमारा ख्याल वहां पर जाना लाज़िमी है। अब हमारी सरकार को चाहिये कि वहां पर प्राइमरी एजुकेशन देना चाहिये और उन लोगों के लिये मैडीकल सहायता भी पहुंचानी चाहिये।

हिल टोप्स में जहां पर एबोरजिनल ट्राइबल रहा करते हैं तो मुझे वहां के लोगों से मालूम हुआ कि योरोपियनों से मिलकर वहां के लोगों को सिफलिस हो गई है और यह बीमारी करीब ६० और ६५ फ्री सदी लोगों को घायल कर चुकी है। तो मैं यह चाहता हूं कि उनको मैडीकल सहायता देने के लिये हर प्रकार की कोशिश करनी चाहिये।

एक बात मैं और कहना चाहता हूं और वह यह है कि जो ईस्टर्न फ्रॉंटियर के ट्राइबल के आदमी हैं, नागा, लुशाई वगैरा जो सब हैं और जो वेस्टर्न फ्रॉंटियर के ट्राइबल हैं, और पहाड़ में दूसरी जगह में जो tribes हैं, उन के लिये अलग अलग Heading रखना अच्छा नहीं मालूम होता है। यह तो सब ट्राइबल हैं। जैसा कि अभी उड़ीसा में हो गया है कि वहां पर जो उड़ीसा की स्टेटस थी वह और आगे का उड़ीसा उन सब को मिला कर करीब ३५ लाख एबोरजिनल हैं। वहां पर जो बैकवर्ड हरिजन हैं.....

Mr. Deputy-Speaker: So far as the supplementary Demands are concerned the scope for discussion is very limited. Under each demand if an expenditure has been incurred for a particular purpose, the honourable Member can only refer to the excess or abnormal expenditure relating to that item. He cannot go over the general question as to how the tribal area is to be improved, etc. That should have been done under the General Budget. No matter of policy can be raised now, unless the items relate to a new subject or service which

[Mr. Deputy Speaker]

was not contemplated in the old budget. If it is a case of an old service he cannot dilate upon the policy of that old service. This is mainly the cost of 20 additional platoons of Assam Rifles raised during the year.

श्री लक्ष्मी नारायण साहू : मेरे कहने का मतलब यह है कि यह जो अलग क्वार्टर एरिया के बारे में हैडिंग्स (headings) हैं वह नहीं होना चाहिये। सब आदिवासी tribal हैं इतना कह कर मैं सप्लीमेंट्री ग्रांट्स जो है उस को मंजूर करता हूँ।

(English translation of the above speech)

Shri Lakshminarayan Sahu: Sir, I shall speak in the first instance about the External Affairs and Commonwealth Relations and then about the Tribal Areas.

We notice that our expenditure over the External Affairs and Commonwealth Relations has gone up a great deal. We say since we have got freedom we should form contacts and relations with all countries. Hence, we make haste in sending ambassadors and other persons everywhere. But I ask have such big countries as America and England, with which we have relations, sent similar number of ambassadors here? I find that we have formed connections with several countries, even with those with whom we need not have had them and might easily do without. We used to hear that the expenditure made by us did not reach up to the requisite standard and that our ambassadors felt handicapped on that account. I want to say that in the first instance we should not be so hasty in sending ambassadors everywhere. We should send them only where it is indispensable and we must also see what views are held by persons who go out as ambassadors. I should, in the first instance, like to draw your attention to the book 'Europe looks at India'. I should like to relate a few things out of it to you. That would show what impression they are carrying about India and about you people. It might have changed a bit but still it continues to be somewhat similar. We used to hear it again and again that the sun never sets in the British Empire but the British Empire itself has gone down now. We see what opinion was held about us by the big ones in Europe. Abbe Dubois writes "Caste Hindu is a thief and a casteless Hindu is a rogue". And, Hegel, who was such a great philosopher, writes, "Instead of morality and rational thinking, India is a prey to superstitions, beliefs and magic practices." I want to ask whether those persons who go out as our ambassadors also have the idea that this country of ours is gone down to such low depths. That is why I want that the mental outlook of the person who goes out as our ambassador should be such that he might conduct himself there in consonance with this country's philosophy. They should behave in such a manner that people in other countries might understand India's attributes. At present we find that whatever people go out have a tendency to see by what means their standard might reach up to that of the Europeans. And, they say they have not been able to come up to that standard. That is why our expenditure mounts up. We see that we have had to spend a great deal on the ambassadors that we have sent out already, but we do not know what work they have done. The reports we have received from the External Affairs and Commonwealth Relations Department do not give any indication what their achievement is. We hear that they have not enough money to enable them to lead a fashionable life and that possibly they demand more money so as to be able to live more fashionably. They fly in airplanes and have become flying creatures. We say we have achieved *Swarajya* and that we have become independent, but, as I have remarked once before and would say again, we are still having talks as to whether we should or should not remain in the British Commonwealth. We see what treatment is being meted out to us by South Africa. In Australia, U.S.A. and Canada we are not ac-

corded the kind of treatment that a man should accord to man. We people should know in what manner do these ambassadors work. It does not appeal to us that our ambassadors should drink simply because they cannot pull on properly with the other people unless they do so. They all must show there what is the philosophy that we stand for. The External Affairs Department should have the policy to bring home to other countries the idea that India stands for. We people have come to suffer from a self-delusion so that we think how very superior other countries are while how low we are. I want to read out to you a passage by Tolstoy which he wrote in the course of a letter to C. R. Das in 1907:

"It strikes me particularly in India that here is a physically and mentally highly gifted nation of 200 million inhabitants under the yoke of a small circle of complete strangers who from the point of view of morality and religion, are immeasurably inferior to those they have conquered."

What I want to convey is this that we would not refuse the grants that are demanded—the grants demanded for the sake of establishing liaison agencies in the various countries—but we must see to it whether or not our representatives out there present a true picture of this country's standard of morality. Until that is done we people would be exposed to indignity. To this day there are European Officers employed in the office of our High Commissioner in London. They must be removed as early as possible. Whatever people come here from other countries bring with them men from their own countries. They do not take people from here. Why should, then, we keep them there? They should be removed. There has been a discussion too on that point.

We people have our Indian culture and hence, it is incumbent upon the eminent people we have in Europe and in other big countries to advance that culture and show the proper way in that direction to others. Our Gandhi Baba wore a loin cloth yet, with all that, he advanced our culture, without incurring any ignominy thereby. In the same way, our Ramanuja and our Parmahansa also propagated our philosophy. When we go to foreign countries we must propagate our culture there. We people went to foreign lands and imbibed their culture losing our own.

Another thing that I want to mention is this that a number of delegations proceed from our country to foreign countries. Separate delegations go to other countries from the various Ministries. I want that the External Affairs Department should serve as a link between them. All those people must receive the same kind of instructions so that on going to other countries they might be able to do good to our own and to talk about it with reverence in the presence of others. They sometimes proceed together from here but there they do not even get introduced amongst themselves. This is, therefore, a matter to be attended to.

Now, I want to speak about the tribal areas. As for the tribal areas, such as those of Assam, i.e., the Abor, Naga and Lushai tribal areas and the north-east frontier tribal area, we set apart some money for them. But, with a view to help those people properly and to bring it home to them psychologically that we have every kind of regard for them, we people should go there. Parliamentary delegations do go out from here to other countries and come back after learning their ways. We should, however, gain a lot by sending our parliamentary delegations to our people living in the tribal areas—the tribal areas inhabited by the aborigines. We would also come to know about the expenditure which we incur over those people and having seen it we should be in a position to make good improvements. Moreover, the members of this House would also come to have good knowledge about their condition. I want that the Administration Officer for the tribal area should go there so that they might at least have a feeling that officers come to look after them.

[Shri Lakshminarayan Sahu]

During the British regime nobody from amongst the public was permitted to go there. Missionaries went there for propagation of their faith. Now that we have come to have our own Government it is essential that we turn our attention to that side. Our Government should now provide for their primary education as also for medical aid to them.

I have learnt it from people living on hill tops inhabited by aboriginal tribes that the people there have got infected with syphilis as a result of contact with Europeans and that about 60 to 65 per cent of them have fallen a prey to this disease. I would like that no efforts be spared to render them medical aid.

There is one thing more that I wish to say. It does not look proper to have separate headings for the tribal people of the eastern frontier, such as the Naga, Lushai etc., and those on the western frontier and other tribes living in other places, on the hills. They are all tribal people. This is what has been done in Orissa recently. There are about 35 lakh aboriginals altogether in the Orissa States and the former province of Orissa. The backward Harijans there.....

Mr. Deputy Speaker: So far as the supplementary Demands are concerned the scope for discussion is very limited. Under each demand if an expenditure has been incurred for a particular purpose, the honourable Member can only refer to the excess or abnormal expenditure relating to that item. He cannot go over the general question as to how the tribal area is to be improved, etc. That should have been done under the General Budget. No matter of policy can be raised now, unless the items relate to a new subject or service which was not contemplated in the old budget. If it is a case of an old service he cannot dilate upon the policy of that old service. This is mainly the cost of 20 additional platoons of Assam Rifles raised during the year.

Shri Lakshminarayan Sahu: What I want to say is that there should not be a separate heading about these tribal areas. All *Adibasis* (Aboriginals) are tribal. Having said that I concede the supplementary grants.

Srijut Kuladhar Chaliha: Sir, the main thing is that Rs. 36,18,000 is demanded "mainly for the cost of the twenty additional platoons of Assam Rifles, raised during the year, special expenditure on air-lift at Agartala, grant of army scales of rations to the personnel of the Assam Rifles and the non-realisation of the lump cut for economy." The increase in Assam Rifles was known very long ago. It was not a sudden expenditure. This sum could have been provided for in the ordinary budget. You decided to increase the platoons of the Assam Rifles as far back as two years ago and it was approved. I do not understand why it should come here all of a sudden at the fag end of the year. Such expenditure could have been very easily provided for and could have been brought before the House six months ago. As such under ordinary circumstances we should have refused this expenditure. However under the extraordinary circumstances now we will have to approve of the expenditure, more so because the Finance Minister puts things in such an attractive way that you cannot oppose him. He disarms all opposition by the manner in which he puts things before us. If I want to oppose him I find it difficult for I feel that by the manner he puts them his arguments are right and mine are wrong. All the same we should be very careful in granting expenditure of this sort which was known for months before. As soon as Burma became independent it became necessary that the Assam Rifles should be increased. As such I do not see any reason why this should be brought in as a supplementary Demand for Grant. I trust that this will not be done in future so that the Finance Minister may not be put in an awkward position as he has been put during the whole of today.

Shri M. Tirumala Rao: Sir, I do not want to make a speech but rise only on a point of information. There seems to be a sort of sense of proportion observed by the External Affairs Department in exceeding the original Grant. They have taken 12 lakhs which is 1/3 of 36 lakhs. And for the External Affairs Department they have taken 63 lakhs from an original grant of two crores. I would like to have a little explanation regarding postage, telegrams and telephone charges, which come to Rs. 7,40,000. I am quite conscious that the External Affairs Department's activities have extended all over the globe in both the hemispheres. Still I am afraid they seem to have suspended the ordinary communication through post offices and air mail and all communications seem to have been carried on by telephone or telegraph. Otherwise this item would not have bloated to the extent of 7,40,000, unless the world is in a state of great difficulty, turmoil or war, when ordinary means of communication should be suspended and communication should be carried on through some code on the telephone or telegraph. This item needs some explanation.

With regard to "other charges". This is an invisible and inexplicable item which consumes a large portion of the budget.

Again I find under Prime Minister's Secretariat Rs. 48,700 towards pay of officers, Rs. 40,600 towards pay of establishments and Rs. 88,200 under other charges. I would like that some light is thrown on this matter also either by the Finance Minister or by the Deputy Minister.

With regard to Demand No. 41 my difficulty is enhanced there. On page 30 you find Other Charges Rs. 8,08,100. Other Expenses Rs. 6,17,500. and under item K. 3 Other Charges Rs. 7,21,500 etc. The Other Charges come nearly to Rs. 40 to 50 lakhs. We should like to see hereafter when they give these explanations at the foot of every Demand that some more light is thrown so that we need not take up the time of the House in asking these questions.

Shri A. V. Thakkar: Sir, when this booklet was placed in our hands I was under the impression that there has been some mistake in putting the terms "Supplementary Grants" as its title. Supplementary Grants are generally put before the House in the middle of the year whenever found necessary. But now that the matter has been fully explained by the honourable Finance Minister I do not wish to go into it.

Coming to the subject of External Affairs the excess under this one head has been over 30 per cent and not five per cent, as the Finance Minister explained, with regard to all other matters except Defence and Relief and Rehabilitation. It means that we are going rather fast in the matter of opening Embassies and Legations and High Commissioners' offices and all that. We should go slow. We are a poor country after all and we have not got enough money for self-development yet. We are not yet able to develop internally. Before we expand internationally let us expand nationally and do something towards our backward communities who number not less than 30 per cent of the total population of the country.

Shri Mahavir Tyagi: Sir, I am afraid I shall not be able to add much to the debate, but I want to impress upon the Deputy Minister for Foreign Affairs that taking account of all that we have achieved in foreign countries it looks to me quite admirable that we have won over to our side the press of foreign countries—the British press and also some of the important American press. But barring this paper sympathy—the sympathy of the press—I do not know whether we have achieved anything very concrete. In foreign relations the most important thing is security against war and making allies and friends with foreign countries; and one most important thing, with which we

[Shri Mahavir Tyagi]

come in contact in our day to day life, is our trade and commercial relations; and the third is the question of the security of our nationals outside. As far as the last thing is concerned I hope our Deputy Minister will agree that we have not had a very fair weather last year. Wherever there were Indians, after we got freedom, they were not happy. They were happy about us but not happy about themselves. So long as the British were here perhaps they had more sanctions, and perhaps on account of the fear of the British power our nationals were more secure. Does our honourable Minister realise that either unfortunate circumstances have happened or there were circumstances beyond our control that our nationals, everywhere practically, are in grief today except perhaps in England, about which I do not know, there our students and others might be happy. But in Africa, in Malaya, in Burma, in Ceylon, in the east, west and in the centre—no good news comes from any country. It is ultimately your responsibility to see that our kith and kin who are outside are happy. I submit they are not. I therefore want to bring on record and to bear on your mind the fact that your prime responsibility is to bring security and happiness to them. Our leadership and our country being known as the leader of Asia and the world does not help us a long way. It is only the strength of arm at home that will sustain us. It is all right the press talking 'India leads'. In what matter are you leading? Are you leading the nations even in bringing about peace? We are not. I am afraid. We do not count. Even in U.N.O. and at other places, wherever there came a case for voting, most of the countries where we had emissaries, Consuls-general and others never cared for our representations and they went their own way and on many occasions—and important ones—we also got defeats. So I address myself what have we done. I can understand and appreciate the idea of our becoming a leader of the world. But how does the leadership help us? We are not a fighting country. We are not a big Power like Britain or America. We are not aspiring even to balance other Powers. We have no race prejudice and we are not an Imperialist country. We have no aims on foreign countries. What does it matter to us whether those countries fight or they do not, except so far as our security is concerned which we must at all cost, secure. Otherwise, in their matters, why should we dabble? Our policy too is not very clear. To you, it is clear all right, because your relations are "diplomatic", therefore, you express yourselves in a diplomatic language. I can understand it, but the layman in this country must also know as to what your foreign policy is. We are members of the Commonwealth. It is all right that we are. But at the same time we are claiming everyday that we are neither on this bloc nor on that,—we are in the middle. Then again there is the talk of our co-operating with the British forces to fight together the Communist menace in the East and so many other things in the Press. We do not exactly know how our foreign relations stand. We have had no military alliances with anybody—not one so far. So what is there which our representatives are doing outside except propaganda? I assure you propaganda does help us but only when there is war. In peace time propaganda does not help so much as our actual existence at home helps us. In the matter of trade we have had our adverse balances. We have to pay and export and go on exporting so that we shall have nothing left with us. We have to export and also go on importing with our adverse balance of trade. In these circumstances I should submit that we must go slow.

We had quite a lot of pleasure because we had all the Asiatic countries here. But what could they do to us; I am not yet fully appreciative of our so called leadership especially in Asia, leaving apart the world. All the Asiatic countries came here. Did they agree to stand by us in time of peril? Are they going to be with us together? Are we really a Power in India? Can

they stand by us with big forces? When time comes, they will form their own independent alliances and we shall be left to our own resources. I submit that all these Conferences and other activities are all right when we are strong. The papers give us a good name and the British and American people and others talk well of us. But actually speaking it does not help us much. I do not want to take more time of the House. I only wanted to point out that with such Conferences we are not yet in a position to have the aspired leadership. Let us not hanker for a bigger leadership than what we deserve. The leadership will come to us; it will thrust itself on us if we are just strong enough to shoulder that leadership. So I would ask you and through you our honourable Prime Minister not to go much after foreign countries but to look more about Indian affairs at home. There was a suggestion which he made once and I would ask you, Sir, to remind him about that. He once thought of giving External Affairs to some other Minister—I do not know how—but he wanted to have these two namely External Affairs portfolio and the Prime Minister's portfolio separated.

Mr. Deputy Speaker: I am afraid all these matters do not arise on this supplementary Demand. They are general matters of policy.

Shri Mahavir Tyagi: All right, Sir.

So, I submit that more staff has been added in the External Affairs Ministry. It would have been better if this portfolio were separated so that this staff.....

Mr. Deputy Speaker: The staff will increase if the portfolios are separated.

Dr. P. S. Deshmukh: He is complaining that though the staff has increased the portfolios are not separated.

Shri Mahavir Tyagi: With regard to this Demand No. 41, there was nothing extraordinary which had happened. I could understand the Finance Minister if there were unforeseen circumstances and needs had cropped up, but in foreign countries no extraordinary needs cropped up. Why did we not envisage the expenditure of Rs. 63 lakhs at the beginning of the year? Enough care has not been taken at the time of annual budget, even in this Department which belongs to the honourable the Prime Minister. Even his secretariat has not been quite accurate in giving him approximate estimates. It would have been better if we did just as they do in England: They prepare their supplementary estimates in the month of July, and envisage the extra expenditure to be incurred in each Department. In my Province of U.P. the supplementary Demands are passed first; they are prepared, circulated and discussed before the budget is introduced. The Provinces are doing much better that way. So, I would suggest that the honourable the Finance Minister may really look into the question of changing the present rules whereby the extra expenditure comes up for sanction after the Budget has been passed.

I went to the Library to find out what the rules and regulations were about the framing of the Budget. I was given a pamphlet of three or four pages, but I could not get any Budget Manual. In the Provincial Assembly libraries, for instance in U.P., there is a big Budget Manual wherein it is mentioned on which dates the Secretaries are required to submit their extra demands, when it will reach the Finance Ministry, how the budget is to be prepared etc. There are clear regulations. I do not know if there are any here—if there are any, at least they were not available in the Library. If there are any, I would like to look into them and suggest what best can, in my opinion, be done. But from all the sides the House has supported the Demand made by my friend Mr. Das that these supplementary Demands must come in advance and nothing should be spent without the sanction of the House.

One more point, Sir, and I have finished. In Pakistan they have made a rule with regard to all those Government servants who got lifts from lower to higher grades because of foreigners going out and Hindus coming this way.

[Shri Mahavir Tyagi]

The rule is that one will get either his original basic pay which he was getting before freedom, plus 33 per cent, or the pay of the higher grade, whichever is less. This is the rule applied there. If Pakistan can apply that rule, we, being equally sovereign, can also apply it here. We have instances here where people, within these two years or so, have got double the pay. One getting Rs. 800 before is now getting Rs. 2,000. There is no limit to this. I must submit that if the public is to be satisfied on the question of expenditure in the Secretariat, there must be some such rules formulated whereby we can regulate as to how much a man can get extra within two years. A man's pay should not be suddenly doubled or made 300 or 400 per cent more. After all, there should be a limit to a man's rise, and if the man rises within two years to his highest limit, he will have no incentive to work for a better future. Therefore, I submit some such rules should be formulated and according to them our expenditure in service and in the Secretariat must be controlled. The same rule should apply to the services in the Foreign Affairs Ministry.

Shri Biswanath Das (Orissa: General): Sir, I do not agree with my honourable friend who has just spoken that ours is a small country. I do feel that ours is a great country. Our reputation is great and internationally we have achieved today in its short span of 1½ years what other countries have not been able to achieve in course of decades. But even a great country has its limitations and I agree with Thakkar Bapa in believing that we do need more bread than international reputation. It is in this view of the question that I would survey as briefly as possible the external policy with regard to these grants. Of course, in the course of our discussions today we very much miss the honourable the Prime Minister; we could have given impressions to him as to the feelings of the honourable Members of this House. But I have no hesitation to say that the Deputy Minister will please convey the feelings of this House.

Sir, in the course of an interpellation this morning, my honourable friend the Deputy Minister, on behalf of Government, admitted that even Ambassadors and Consuls have not been getting the necessary money needed by them. In the note that was circulated by the Defence Ministry a point has been made that they have not been able to supply the necessary military attaches to our Embassies. A new country like ours, if it has to get international reputation, will have to depend for that reputation more on the way in which we are able to defend ourselves. However philosophically big or great India may be, in the ways of modern warfare she is a pygmy before the giants. That being the position, military attaches should be posted in important countries like America and England. Of course, I certainly do not contemplate countries which have got iron curtains around them. But those countries in which we could have a peep as to the organisation or the resources or developments effected in the country, to those countries it will certainly be useful if we attach a military attache to our Embassies. But the note circulated by the Defence Department goes to show that even in important embassies, they have not been able to appoint trade attaches. My honourable friend the Commerce Minister seems to have a rival organization of his own in having a Trades General or a Trade Commissioner? The whole external policy looked from the point of finance—I am leaving diplomatic relations—seems to lay more stress on the question of quantity as against quality. Sir, I feel that that is a wrong policy and that policy needs mending. We are great and we are bound to be great. The future of the world rests with China and India. That being the position, we will have to prepare ourselves. I can see that position, but along with our preparation, we must have to proceed cautiously, keeping in view the security of the country and the needs of the country more than anything else.

Sir, having stated so far about the needs, I will go to the question of expansion of embassies. During the last one year, there has been expansion of embassies both in Europe and in America as also in countries of the Middle East and Near East. Sir, Europe is a country of small distances. I see no reason why we should have so many embassies in small countries like the Baltic States and also in small countries like Switzerland and Czechoslovakia. Cannot we apply the same principle that has been applied by the Commerce Ministry, namely, to have one man to take charge of the different small consulates? If not you may start consuls and....

Shri H. V. Kamath: On a point of correction, may I say that we have no embassies in the Baltic States?

Shri Biswanath Das: Yes, Sir. The Scandinavian countries.

Shri H. V. Kamath: It is not a Baltic State.

Shri Biswanath Das: It borders the Baltic Sea. You may call it the Scandinavian countries. It matters very little. I know and no correction is needed. Sir, in this view of the question, I feel that a general embassy or in one or two places in Europe and small consulates in different and small countries ought to suffice. The same applies equally well to America. We have opened an embassy in Argentina. How are we benefited? In the United Nations Committees every time the Argentine delegates speak and vote against us. Then look at the Middle East countries. We have got embassies in about two or three places. Why should you have in a small country like Persia consuls or agents in three different places besides an embassy? These are expensive matters; and I think a country which is struggling for its own existence and which has to stabilize its own independence has to go slow. I would, therefore cry, not halt, I would not say, but I would certainly called to go "slow" and in this view of the question, I would appeal to my honourable friend the Finance Minister to exercise his good offices to prevail with the honourable the Prime Minister.

Having stated so far about general embassies and small attaches, I come to the question of the sort of co-ordination between the Department of Commerce and the Department of External Relations. What is the sort of co-ordination you are having? Are you going to have layer upon layers? The Commerce Department will have a layer of its own with its Trade Agents and the External Affairs Department have another layer, sometimes having co-ordination with the other and sometimes "not". These are bound to be costly experiments and I think it will end in dissipation of much of our money and energy.

I would therefore beg of the honourable the Prime Minister to keep in his view the need not only of slow going, but also insisting upon a thorough co-ordination wherever possible. Let us train up a set of diplomats and along with it also a set of commercial attaches to work in the very embassy which we start in a State, so that.....

The Honourable Shri K. C. Neogy (Minister of Commerce): That is exactly what the present position is.

Shri Biswanath Das: Well, if that is exactly the present position, why then are you having a separate establishment for yourself, as the Trades General or Trades Commissioner in Europe? That does not explain the matter but creates enough puzzle for us.

We say that we have got our freedom from England, but are we really having our freedom? What is your expense in Britain? The annual bill that

[Shri Biswanath Das]

the High Commissioner has placed before you is about 50 or 55 lakhs. You are today having the whole Purchase Organization in Great Britain. I would reason with the External Relations Department to have the office shifted from England to India. Let this Purchase Organization's work be done here.

Shri M. Tirumala Rao: Do you mean that the High Commissioner's office should be abolished? What do you mean by shifting the office from England to India?

Shri Biswanath Das: If my honourable friend had followed me in full or had patience to hear me, he would not have come to this puzzle. I have never stated that the High Commissioner's office should be shifted from England to India. What I did say and continue to say is that the Purchase Mission that is located in England should be shifted to India. How they would benefit us? That freedom must be real and that freedom must be insisted. Why should the Purchasing Mission be located in England? If any British firm wants to supply us, let it apply; let us advertise and get so long as we want to purchase from England or any other country.

Having stated so far about the Purchasing Mission in England, I come to our embassy in Russia. Sir, we have given the best possible house. We have placed the Travancore House at the disposal of the Russian Embassy, but are we getting a part of the conveniences that we afford to the Russian Embassy? What is the great State of U.S.S.R. doing for us? Sir, our Embassy is put to the greatest and gravest inconvenience of having merely a few flats till recently but nothing compared with the accommodation that we have given to U.S.S.R. I think if diplomatic relations have to be kept up, each State should give corresponding conveniences to the State that gives them all the necessary conveniences. Sir, on the death of Mahatma Gandhi the feelings that were exhibited in U.S.S.R. have not been very happy. Referring to trade relations, I must say that ammonium sulphate that we purchased from Russia was at the maximum price paid to any country compared with the purchase price that we paid to England. Under these circumstances, I see very little reason in having an embassy opened so soon after our gaining of independence in the U.S.S.R. Sir, I learn that the other countries that are connected with the U.S.S.R. are also anxious to open embassies. They may be anxious and we may agree to invite them, but there is a time. I would plead with the External Relations Department to consider our financial aspect and the benefit that accrue to the country on the opening of an embassy before an embassy itself is opened. Sir, having stated so much,.....

Mr. Deputy-Speaker: I am sure the honourable Member would like to hear the honourable Minister say a few words in reply.

Shri Biswanath Das: Certainly. I shall finish, Sir.

Mr. Deputy-Speaker: Other members also may like to speak.

Shri Biswanath Das: I have a lot to say, Sir, because we did not get a chance during Budget debates to give vent to our feelings in matters relating to the External Affairs Department. The time allotted was hardly one day and as such, it was not possible for honourable Members to express themselves on the questions relating to the External Affairs Ministry. We are anxious to hear the Government point of view. Therefore, I take my seat.

Shri H. V. Kamath: Sir, I would not take more than two or three minutes

I am sorry I cannot agree with my honourable friend Mr. Biswanath Das in his view that we need not have opened an embassy in the U.S.S.R. I do not know from what considerations he has made this statement. Because, after having opened an embassy in Washington, we would have laid ourselves open to a lot of misunderstanding if we had spurned any approach from the U.S.S.R. We have already declared our policy as an independent if not a neutral policy.

so far as foreign affairs go and if we had opened an embassy in Washington and refused to open an embassy in the U.S.S.R., certainly it would have given rise to misunderstanding that we were somehow or other aligning ourselves with a particular power bloc.

Shri Biswanath Das: May I suggest, Sir, that I never stated that we should have refused to open an embassy in the U.S.S.R. All that I said is that there was no need for us to seek to open an embassy in the U.S.S.R.

Shri H. V. Kamath: It comes to the same thing.

Mr. Deputy-Speaker: I understood the honourable Member to say that such a big house as the Travancore House ought not to have been given to the Soviet Embassy.

Shri Biswanath Das: Equally so.

Shri H. V. Kamath: In effect, it comes to the same thing. I do not propose to refer to that again.

While I agree with my honourable friend Thakkar Bapa that we must pay more attention to prosperity at home than prestige abroad, yet, considering that distances and frontiers have now been annihilated and we are moving fast towards one world, I think we cannot afford to sit with folded hands, almost cutting ourselves off from the rest of the world. There are important centres, political, economic and otherwise in the world outside with whom we have got to establish contacts. The only point that we have to consider is with whom we should establish contacts and where priority must be given. I believe here to a certain extent our External Affairs Ministry is going to be guided by the recommendations of the Economy Committee, submitted to the Ministry recently. So far as the opening of new embassies is concerned, we are going at a rather slow pace. That is a welcome feature and I think next year when the budget is presented for the External Affairs Ministry, we shall not be confronted with such an increase as 30 per cent. of which my honourable and esteemed friend Thakkar Bapa complained.

I have only one point to make and that is this. Out of the amount which has been asked as supplementary Demand, it would be interesting to find out how much was applied to payments in connection with the various delegations and missions that we have sent abroad—naturally, that was not foreseen at the time when the last budget was presented—how many such missions and delegations were sent and how many might have been, if not avoided, at least cut short in their personnel. There were complaints early last year that certain delegations included all sorts of miscellaneous *personalia*, members, alternate members, delegates, advisers and various other categories.

Shri R. K. Sidhva: What is the meaning of alternate members?

Shri H. V. Kamath: He may very well refer to the Minister himself for enlightenment on this point.

There is one other point. It is a truism to say that foreign policy is a projection abroad of the policy at home and also that we must maintain a continuity in our foreign policy. At the same time, I may also say that we must also maintain as far as possible continuity in the tenure of our ambassadors abroad. So far as Washington is concerned, the tenure of our Ambassadors has been hardly continuous. Within the last 18 months or so, we have had frequent changes. The first ambassador came back perhaps in less than a year—or just over a year's time. Then we had no ambassador at all. We had only a Charge d' Affaires, which was hardly fair to a great power like the U.S.A. to represent our country through a Charge d' Affaires. After him, an ambassador

[Shri H. V. Kamath]

was posted who is now coming back to our country. This, to my mind, appears rather a bad precedent to set up, so far as our foreign appointments are concerned. I hope at least the new ambassador or rather ambassadress that is going to Washington now will stick to her post for a fairly good length of time and thereby save the expenditure on frequent postings, transfers and changes.

While I am on that subject, I may be permitted to state that I feel in my mind that a part of the—I would not say animus—hostility rather, criticism that we have incurred in the Soviet Press may be due to the fact that our ambassador has not been able to stay there continuously for the whole period. If she had stayed there continuously for a long period, I am sure by force of her personality, she would have been able to establish friendly relations with the Soviet Government.

Shri B. Das: Marshal Stalin never even gave her an interview.

Shri H. V. Kamath: I say precisely because she did not stay long enough in his capital. We find from the records that out of the 18 months.....

Mr. Deputy-Speaker: May I say to the honourable Member that we must confine ourselves to the Demand No. 41 or the Demands that have been moved, expansion of new embassies. In respect of Russia, it is not a new diplomatic mission. Therefore, the conduct of any ambassador or the manner in which he or she has been doing, these are not relevant to the financial proposal that is before us.

Shri H. V. Kamath: I was under the impression that we are considering the supplementary Demands in general.

Mr. Deputy-Speaker: I was only reminding the honourable Member that it was not a general discussion and that the honourable Member will confine himself to the relevant issues.

Shri H. V. Kamath: I was under the impression that we were considering the supplementary grants in respect of External Affairs in general.

Mr. Deputy-Speaker: No. We are on Demand Nos. 19, 40 and 41. It is not a general discussion.

Shri H. V. Kamath: Then, Sir, as regards the opening of new embassies, I have already stated that so far as new embassies are concerned, we are going slow. As regards the old embassies,.....

Mr. Deputy-Speaker: The honourable Member said he will take only two minutes.

Shri H. V. Kamath: I am concluding in one minute. As regards the old embassies, the other day the Prime Minister told us something about the foreign staff employed in our embassies. I suppose this must have entailed considerable expenditure by way of supplementary Demand. He said that there was a proposal to replace them as early as possible. The employment of foreign staff in our embassies abroad is undesirable from many points of view. Soon after the statement was made, I may tell you and the House that I was inundated with a number of letters from friends in this country saying that it was astounding for them to hear the Prime Minister say that suitable candidates are not available here, and, especially persons who are willing to go abroad on the terms on which foreigners have accepted these appointments. They say that they are willing to accept the appointments on ever a lesser pay than what is being paid to the foreigners who are serving abroad. I hope that the honourable Minister will bear this consideration in mind when he proceeds with the replacement of foreigners, very undesirable

and fateful foreigners in some cases, in our embassies and that this long felt change will be introduced very soon, and that all our embassies will be staffed by our nationals from top to bottom,—all our embassies, consulates and missions abroad.

Dr. B. V. Keskar (Deputy Minister of External Affairs): Sir, at the very outset I regret that the items of extra expenditure that we have put before the House are not more detailed so that many criticisms levelled by many friends here would have been satisfied. I hope that in the future we would be able to present more detailed and more thorough items so that they will be satisfied on what particular items the amounts have been spent. There have been criticisms of many types. I do not propose to reply to points of general policy as it would take too much time and the time at my disposal is short.

Mr. Deputy-Speaker: The honourable Minister will so adjust that at 5 o'clock we finish.

Dr. B. V. Keskar: What I find in all these discussions is there is a running vein of criticism which is common to most of the speeches and it is this. Their first point is we have opened unnecessary Embassies and secondly, there has been unnecessary expenditure in these Embassies. I take the first. It is hardly two years that this country is free. I do not think that any Member of this House would dispute that in a free country it is absolutely essential to have Embassies and Missions abroad. Without such Missions it is not possible for a free Nation to function in the International World anywhere. It is not a question of prestige, it is not a question of propaganda, it is not a question of leadership of Asia or of the world. It is a question of our existence in this world. Every country whether poor or rich has to have Missions in the world. Naturally I sympathise and appreciate the advice given by my honourable and respected friend Thakkar Bapa that we must go slow and that we must not spend too much money in such things when our country is poor. I really appreciate it. I say here to-day and I said sometime before that the complaint has always been from most of our Missions that they are very inadequately staffed, that they are not able to spend on many facilities which would increase their competence and efficiency simply because we cannot provide them with that much money. We have always been issuing warnings that they must spend less and less. But keeping in view this policy of economy we have always to see that we have got Missions in the world not only for the purpose of maintaining contact with the outside world for political purposes but also for our commercial purposes. We import from other countries and we export to other countries. How do honourable Members expect us to carry on that efficiently if we had no contacts all over the world. So I am sorry if I am not able to agree with my friends that we must have less Missions abroad or that we must have no Missions abroad.

With regard to extra expenditure that we have had to incur for which we are asking sanction, I would remind the House that the cost of extra expenditure of such items are for the opening of Embassies in important places like Paris, Cairo, Kabul, Turkey, New York and such other places. Here also I may be asked whether we could not have provided for them in the budget last year. I may say that it was not possible. We were free only for a year or less and it was not possible for us to see the rate of expansion that our Foreign Missions would take. We could not say how long it would take for us to establish Embassy in a particular country. It depends not only on our approaching the particular country but also on the particular country accepting to have a Mission from us. Well, the rate has exceeded our expectations. More and more countries have been eager to have contacts with us. In fact the complaint has been that many countries which have been insisting for

[Dr. B. V. Keskar]

the last so many months and even a year or more that we should have Missions established in their midst, we have no missionary from India. There are many countries which are—I should say—not only disappointed but very angry with us. There are countries which have got their representatives here and we have got no representative there. They have been pressing us continuously but we have been unable to satisfy them. We have only been able to assure them that as soon as possible we will have a Mission established in their country. So on the whole I am quite satisfied that we have tried to spend our money as economically as possible and we have tried to establish as many Missions as are only necessary for our International existence. I would say only this that even in the Missions as they are to-day we will make every effort that the greatest possible economy is exercised in expenditure and no money is wasted, and that greatest scrutiny of expenditure is made. Auditors are being appointed to look into the expenditure that is done in all these Embassies and Legations and Missions and we hope that in the grant that is made we will be able to make savings by more economical methods and greater scrutiny.

There was a point raised with regard to Tribal areas and Assam Rifles. I have only one word with regard to this. The expenditure on Assam Rifles for the exercise of which this grant is being asked was at the great insistence of the Governor of Assam who is our Representative with regard to Tribal areas in Assam. First he made a very insistent request and we turned it down saying that this was not necessary but later on we got a more insistent request saying that he will not be able to keep peace on the Frontier if they have not sufficient armed strength. We were therefore compelled to increase the strength of the Assam Frontier Rifles. Later on towards the end of the year there came another insistent demand that the strength that has been given was not sufficient and it should be further increased. So what I mean to suggest is that we were forced to increase the strength and personally I am satisfied that the Governor of Assam who is our representative there was doing what he considers best in the circumstances and this increase was justified.

With regard to the question of Europeans in the London High Commissioner's Office to which an honourable friend referred, there is a large number of Englishmen employed in the High Commissioner's Office. The question had come up here one day with regard to a supplementary question and it was then explained and I would only repeat what I said then that—we are taking steps to replace non-nationals in our establishments as quickly as possible. I assure honourable members that within a very short time they will find that there will be no non-nationals in our establishments abroad.

Mr. Deputy-Speaker: Demands Nos. 34, 57-A, 83, 74, 77, 78 and 82-A have been disposed of. I will now put all the other Demands to vote.

The question is:

"That the respective supplementary sums not exceeding the amounts shown in the third column of the Order Paper, except in the case of heads of Supplementary Demands Nos. 34, 57-A, 83, 74, 77, 78, 82-A be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of corresponding heads of Supplementary Demands entered in the second column thereof."

The motion was adopted.

[As directed by Mr. Deputy-Speaker the motions for Demands for Supplementary Grants which were adopted by the Assembly are reproduced below.—
Ed. of D.]

DEMAND No. 1.—CUSTOMS

"That a supplementary sum not exceeding Rs. 25,27,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Customs'."

DEMAND No. 2.—CENTRAL EXCISE DUTIES

"That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Central Excise Duties'."

DEMAND No. 3.—TAXES ON INCOME INCLUDING CORPORATION TAX

"That a supplementary sum not exceeding Rs. 10,64,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Taxes on Income including Corporation Tax'."

DEMAND No. 6.—STAMPS

"That a supplementary sum not exceeding Rs. 15,89,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Stamps'."

DEMAND No. 7.—FOREST

"That a supplementary sum not exceeding Rs. 5,32,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Forest'."

DEMAND No. 10.—CABINET

"That a supplementary sum not exceeding Rs. 1,82,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Cabinet'."

DEMAND No. 11.—CONSTITUENT ASSEMBLY

"That a supplementary sum not exceeding Rs. 4,06,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Constituent Assembly'."

DEMAND No. 13.—MINISTRY OF HOME AFFAIRS

"That a supplementary sum not exceeding Rs. 16,40,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Home Affairs'."

DEMAND No. 16.—MINISTRY OF EDUCATION

"That a supplementary sum not exceeding Rs. 1,24,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Education'."

DEMAND No. 19.—MINISTRY OF EXTERNAL AFFAIRS AND COMMONWEALTH RELATIONS

"That a supplementary sum not exceeding Rs. 12,82,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of External Affairs and Commonwealth Relations'."

DEMAND No. 20.—MINISTRY OF FINANCE

"That a supplementary sum not exceeding Rs. 5,00,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Finance'."

DEMAND No. 21.—MINISTRY OF COMMERCE

"That a supplementary sum not exceeding Rs. 12,43,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Commerce'."

DEMAND No. 24.—MINISTRY OF COMMUNICATIONS

"That a supplementary sum not exceeding Rs. 57,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Communications'."

DEMAND No. 25.—MINISTRY OF TRANSPORT

"That a supplementary sum not exceeding Rs. 5,79,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Transport'."

DEMAND No. 26.—MINISTRY OF FOOD

"That a supplementary sum not exceeding Rs. 16,08,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Food'."

DEMAND No. 27.—MINISTRY OF STATES

"That a supplementary sum not exceeding Rs. 4,33,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of States'."

DEMAND No. 28.—MINISTRY OF DEFENCE

"That a supplementary sum not exceeding Rs. 3,71,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Defence'."

DEMAND No. 29.—MINISTRY OF INDUSTRY AND SUPPLY

"That a supplementary sum not exceeding Rs. 1,70,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Industry and Supply'."

DEMAND No. 30.—MINISTRY OF RELIEF AND REHABILITATION

"That a supplementary sum not exceeding Rs. 1,45,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ministry of Relief and Rehabilitation'."

DEMAND No. 32.—PAYMENTS TO OTHER GOVERNMENTS, DEPARTMENTS
ETC. ON ACCOUNT OF THE ADMINISTRATION OF AGENCY SUBJECTS
AND MANAGEMENT OF TREASURES

"That a supplementary sum not exceeding Rs. 18,67,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Payments to other Governments, Departments etc. on account of the administration of Agency Subjects and management of 'Treasuries'."

DEMAND No. 33.—AUDIT

"That a supplementary sum not exceeding Rs. 38,75,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Audit'."

DEMAND No. 35.—JAILS AND CONVICT SETTLEMENTS

"That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Jails and Convict Settlements'."

DEMAND No. 36.—POLICE

"That a supplementary sum not exceeding Rs. 7,88,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Police'."

DEMAND No. 37.—PORTS AND PILOTAGE

"That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ports and Pilotage'."

DEMAND No. 38.—LIGHTHOUSES AND LIGHTSHIPS

"That a supplementary sum not exceeding Rs. 1,25,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Lighthouses and Lightships'."

DEMAND No. 39.—ECCLESIASTICAL

"That a supplementary sum not exceeding Rs. 33,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ecclesiastical'."

DEMAND No. 40.—TRIBAL AREAS

"That a supplementary sum not exceeding Rs. 36,16,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Tribal Areas'."

DEMAND No. 41.—EXTERNAL AFFAIRS

"That a supplementary sum not exceeding Rs. 63,85,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'External Affairs'."

DEMAND No. 42.—SURVEY OF INDIA

"That a supplementary sum not exceeding Rs. 8,78,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Survey of India'."

DEMAND No. 44.—ZOOLOGICAL SURVEY

"That a supplementary sum not exceeding Rs. 50,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Zoological Survey'."

DEMAND No. 48 A.—DEPARTMENT OF SCIENTIFIC RESEARCH

"That a supplementary sum not exceeding Rs. 4,57,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Department of Scientific Research'."

DEMAND No. 53.—AGRICULTURE

"That a supplementary sum not exceeding Rs. 72,35,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Agriculture'."

DEMAND No. 54.—CIVIL VETERINARY SERVICES

"That a supplementary sum not exceeding Rs. 6,30,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Civil Veterinary Services'."

DEMAND No. 55.—INDUSTRIES AND SUPPLIES

"That a supplementary sum not exceeding Rs. 5,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Industries and Supplies'."

DEMAND No. 57.—OVERSEAS COMMUNICATIONS SERVICE

"That a supplementary sum not exceeding Rs. 12,09,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Overseas Communications Service'."

DEMAND No. 57-B.—TELEPHONE FACTORY

"That a supplementary sum not exceeding Rs. 95,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Telephone Factory'."

DEMAND No. 59.—BROADCASTING.

"That a supplementary sum not exceeding Rs. 5,25,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Broadcasting'."

DEMAND No. 61.—CENSUS

"That a supplementary sum not exceeding Rs. 1,58,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Census'."

DEMAND No. 63.—INDIAN DAIRY DEPARTMENT

"That a supplementary sum not exceeding Rs. 79,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Indian Dairy Department'."

DEMAND No. 64.—MISCELLANEOUS DEPARTMENTS

"That a supplementary sum not exceeding Rs. 74,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Miscellaneous Departments'."

DEMAND No. 65.—CURRENCY

"That a supplementary sum not exceeding Rs. 2,71,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Currency'."

DEMAND No. 66.—MINT

"That a supplementary sum not exceeding Rs. 11,89,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Mint'."

DEMAND No. 67.—CIVIL WORKS

"That a supplementary sum not exceeding Rs. 11,50,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Civil Works'."

DEMAND No. 71.—STATIONERY AND PRINTING

"That a supplementary sum not exceeding Rs. 35,16,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Stationery and Printing'."

DEMAND No. 72.—MISCELLANEOUS

"That a supplementary sum not exceeding Rs. 12,98,45,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Miscellaneous'."

DEMAND No. 73.—EXPENDITURE ON REFUGEES

"That a supplementary sum not exceeding Rs. 9,11,32,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Expenditure on Refugees'."

DEMAND No. 82.—CIVIL DEFENCE

"That a supplementary sum not exceeding Rs. 1,08,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Civil Defence'."

DEMAND No. 84.—AJMER MERWARA

"That a supplementary sum not exceeding Rs. 26,68,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Ajmer Merwara'."

DEMAND No. 85.—PANTH PIPLODA

"That a supplementary sum not exceeding Rs. 17,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Panth Piploda'."

DEMAND No. 86.—ANDAMAN AND NICOBAR ISLANDS

"That a supplementary sum not exceeding Rs. 10,30,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Andaman and Nicobar Islands'."

DEMAND No. 87.—RELATIONS WITH INDIAN STATES

"That a supplementary sum not exceeding Rs. 7,63,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Relations with Indian States'."

DEMAND No. 92.—CAPITAL OUTLAY ON INDUSTRIAL DEVELOPMENT

"That a supplementary sum not exceeding Rs. 2,55,61,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Capital Outlay on Industrial Development'."

DEMAND No. 95.—CAPITAL OUTLAY ON CURRENCY

"That a supplementary sum not exceeding Rs. 5,90,11,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Capital Outlay on Currency'."

DEMAND No. 96.—CAPITAL OUTLAY ON MINTS

"That a supplementary sum not exceeding Rs. 4,83,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Capital Outlay on Mints'."

DEMAND No. 99.—COMMUTED VALUE OF PENSIONS

"That a supplementary sum not exceeding Rs. 1,17,23,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Commuted Value of Pensions'."

DEMAND No. 101.—DEFENCE CAPITAL OUTLAY

"That a supplementary sum not exceeding Rs. 11,34,08,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Defence Capital Outlay'."

DEMAND No. 102.—CAPITAL OUTLAY ON SCHEMES OF STATE TRADING

"That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Capital Outlay on Schemes of State Trading'."

DEMAND No. 103-A.—PAYMENTS TO GOVERNMENT OF PAKISTAN FOR UNIQUE INSTITUTIONS

"That a supplementary sum not exceeding Rs. 5,07,98,000 be granted to the Governor General to defray the charges which will come in course of payment during the year ending the 31st day of March, 1949, in respect of 'Payments to Government of Pakistan for Unique Institutions'."

The Assembly then adjourned till a Quarter to Eleven of the Clock on Friday, the 1st April, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES
(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS.)

Friday, 1st April, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS
(See Part I)

11-45 A.M.

ELECTION TO ALL-INDIA COUNCIL FOR TECHNICAL EDUCATION

آنریبل مولانا ابوالکلام آزاد : جناب میں تحریر کرتا ہوں کہ اس اسمبلی کو چاہیئے کہ اس طریقے سے جو آنریبل سپیکر منظور کریں - اپنی تعداد میں سے ۵ آدمیوں کو چنے کی کارروائی انجام دیں جو آل انڈیا کاؤنسل فار ٹیکنیکل ایجوکیشن کے میمبر قرار پائیں گے - اس میمبری کی معیاد تین برس کی ہوگی اور کاؤنسل کے دوبارہ بننے کی تاریخ سے شروع ہوگی اور یہ کارروائی گورنمنٹ آف انڈیا کے اس ریزولوشن کے مطابق کی جارہی ہے جو ۳۰ نومبر سنہ ۱۹۴۵ء کو منسٹری آف ایجوکیشن میں منظور کیا گیا تھا اور پھر جس طرح کہ اس میں ترمیمیں کی گئی تھیں

श्री महावीर त्यागी: जनाब, क्या मैं दरयाफ्त कर सकता हूँ कि इस टेक-नीकल एजुकेशन कमेटी का क्या काम होगा और आप का वह रिजोल्यूशन जिस के मुताबिक इस को कायम किया गया है वह रिजोल्यूशन क्या है किन किन मुआमलात में यह कमेटी काम करेगी और क्या क्या काम इस के सुपुर्द होगा। और इस कमेटी के मेम्बरान अलावा असेम्बली के कौन दीगर असहाब होंगे और किन तबकों से उन का तकर्रर होगा।

Mr. Speaker: He is not answering any question.

Motion moved:

"That the Members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker, five persons from among their number to be members of the All India Council for Technical Education for a period of three years to be reckoned from the date of re-constitution of the Council under the provisions of the Resolution of the Government of India in the Ministry of Education No. F.16-10/44-ElII, dated the 30th November, 1945, as subsequently amended."

آنریبل مولانا ابوالکلام آزاد : پوری تفصیل اس وقت بیان کرنا ضروری نہیں معلوم ہوتا کیونکہ ریزولوشن گورنمنٹ گزٹ میں چھپ چکا ہے اور اس میں یہ تمام تفصیلات موجود ہیں - اس کاؤنسل کے بنانے کا مقصد یہ تھا کہ ٹیکنیکل تعلیم کو

[مولانا ابوالکلام آزاد:]

اور آگے بڑھانے کے لئے اور اونچے درجہ پر لانے کے لئے ایک اعلیٰ درجہ کی ایجنسی پیدا کرنی چاہئے اس کا کاسٹکی تیرشن اس طرح کا بنایا گیا کہ پانچ ممبر اسٹبلٹی کے لئے جانے ہیں - ایجوکیشن ایڈوائزر گورنمنٹ آف انڈیا؛ ایک ایک نمائندہ پراونشیل گورنمنٹوں کا؛ 5 رپریزنٹٹو ریاستوں کے؛ چودہ نمائندہ انڈسٹری، کمرس اور لیبر وغیرہ کے؛ سینٹرل ایڈوائزی بورڈ آف ایجوکیشن کے دو ممبر؛ انٹر یونیورسٹی بورڈ کا ایک ممبر؛ دو ممبر اور گورنمنٹ آف انڈیا نامی نیت کرتی ہے جو دوسرے انٹریسٹس کو رپریزنٹ کرے ہیں - اس طریقے سے یہ بورڈ بنتا ہے۔

Mr. Tajamul Husain: Sir, there are two motions before the House; one as moved by the honourable the Minister for Education in Urdu and the other as read out by you in English. We want to know, Sir, which of the two is the original

Mr. Speaker: Both are originals.

श्री महावीर त्यागी : जनाब वाला, मैं यह तजवीज करना चाहता हूँ कि इस को अभी जल्दी न चुना जाय और इस के इन्तखाब करने से पेशतर यह बेहतर होगा कि अब तक इस बोर्ड ने क्या कार्रवाई की है वह हाउस के सामने आ जाय, क्योंकि यह मजमून मेरे लिए बिल्कुल नया है और मैं महसूस करता हूँ कि चूँकि इस में सबों के काफ़ी नुमाइन्दे हैं इसलिये इस पर भी ग़ौर कर लिया जाय कि क्या यह मुनासिब न होगा कि अलग अलग सबों की हुकूमतें इस तरफ़ खर्चा करें और तवज्जह करें और वही इन कामों को चलायें और इस वक़्त इस बड़ी कमेटी को बनाकर हम अपने ऊपर इतना बड़ा खर्चा न लें। अगर इन अमूर पर ग़ौर करने के लिए मिनिस्टर साहिब इस का कुछ दिनों के लिए मुत्तवी फरमावें तो बेहतर हो और हाउस ज्यादा अच्छी तरह जान सके कि इस कमेटी ने अब तक क्या किया है और क्या काम इस कमेटी के सुपुर्द किये जायेंगे। ताकि उस को मद्देनज़र रख कर हम लोग अपने मम्बरों को मुत्तख़िब कर सकें।

آنریبل مولانا ابوالکلام آزاد - میں نہیں سمجھتا کہ اس امتیج پر کارروائی دہی جا سکتی ہے - ۱۹ اپریل کو پچھائی کمیٹی کا زمانہ ختم چھو جائے گا - اور اس کے بعد نئی کمیٹی بنائی چاہئے۔ ہاؤس کے سامنے یہ سوال نہیں ہے کہ یہ کونسل آئندہ قائم رکھی جائے یا نہ رکھی جائے؟ صرف یہ سوال ہے کہ وہ اپنے حصہ کے پانچ ممبر چن دے۔

مسٹر تجمل حسین - اس بورڈ کے بنانے اور چلانے میں گورنمنٹ کا کتنا خرچا ہوگا۔

آنریبل مولانا ابوالکلام آزاد - میں بیان نہیں کر سکتا - لیکن اس بارے میں جو گورنمنٹ کے قاعدے بنے ہوئے ہیں اس کے مطابق ممبروں کو الؤنس دیا جاتا ہے۔

(English translation of the above speech)

The Honourable Maulana Abul Kalam Azad (Minister of Education)
Sir, I beg to move:

"That the Members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker, five persons from among their number to be members of the All India Council for Technical Education for a period of three years to be reckoned from the date of re-constitution of the Council under the provisions of the Resolution of the Government of India in the Ministry of Education No. F.16-10/44-EIII, dated 30th November, 1945, as subsequently amended."

Shri Mahavir Tyagi (U. P. General): Sir, may I know what will be the functions of this Technical Education Committee and what are the provisions of that Resolution under which this has been set up? What are the terms of reference of this Committee and what would be its functions? Who would besides the Members of this Assembly be the members of this Committee and nominated from what bodies?

Mr. Speaker: He is not answering any question.
Motion moved:

"That the Members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker, five persons from among their number to be members of the All India Council for Technical Education for a period of three years to be reckoned from the date of re-constitution of the Council under the provisions of the Resolution of the Government of India in the Ministry of Education No. F.16-10/44-EIII, dated 30th November, 1945, as subsequently amended."

The Honourable Maulana Abul Kalam Azad: It is not necessary to give full details at the moment because the Resolution has since been published in the Government Gazette and all these details are available therein. The object of the constitution of this Council was that a high class agency should be set up for the purpose of developing the technical education at a high standard. Its constitution provides for the nomination of five Members of the Assembly; the Educational Adviser to the Government of India; one representative from each of the Provinces; five representatives from States and fourteen members representing the Industry, Commerce, Labour etc.; two members of the Central Board of Education, one member of the Inter-University Board and two more members are to be nominated by the Government of India who represent other interests. This is the constitution of this Board.

Mr. Tajamul Husain (Bihar: Muslim): Sir, there are two motions before the House; one as moved by the honourable the Minister for Education, and the other as read out by you. We want to know, Sir, which of the two is the original.

Mr. Speaker: Both are originals.

Shri Mahavir Tyagi: Sir, I would suggest that this election should not be made so soon and before doing this, it would be better if a report of the activities of this Board is brought up before the House, because this is quite a new subject for me and I think that since it consists of many representatives from the Provinces; it should also be considered whether it will not be proper that each Provincial Government should spend money towards this direction and they should themselves manage these affairs and we should not incur this heavy expenditure by setting up such a large Committee at present. It would be better if the honourable Minister agrees to postpone

[Shri Mahavir Tyagi]

this for a couple of days so that we may consider these aspects and the House could acquire an adequate knowledge as to what work has been done by this Committee heretofore, and, what sort of work will be signed to this Committee, and thus enable us to elect the Members amongst ourselves after keeping all this in view.

The Honourable Maulana Abul Kalam Azad: I do not think if this can be postponed at this stage. The tenure of the previous Committee will expire on 29th of April and after that date a new Committee should be set up. The question before the House is not that whether this Council should be reconstituted or not. But the question is that it should elect five Members representing its quota.

Mr. Tajamul Husain: What expenses will be incurred by the Government in the constitution and working of this Board?

The Honourable Maulana Abul Kalam Azad: I cannot say. But the members are paid an allowance in accordance with the rules and regulations framed in this connection.

• **Mr. Speaker:** I am putting the motion to the House.

The question is:

"That the Members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker, five persons from among their number to be members of the All India Council for Technical Education for a period of three years to be reckoned from the date of re-constitution of the Council under the provisions of the Resolution of the Government of India in the Ministry of Education No. F.16-10/44-F.III, dated the 30th November, 1945, as subsequently amended."

The motion was adopted.

ELECTION TO COMMITTEE TO REVIEW CONVENTIONS RE SEPARATION OF RAILWAY FROM GENERAL FINANCE

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, nine Members to serve on the Committee, of which the Honourable the Minister of Transport and Railways and the Honourable the Minister of Finance will be *ex-officio* Chairman and member respectively, to review the working of the Convention adopted under the Central Legislative Assembly Resolution dated the 20th September 1924 for the separation of Railway from General finance, to examine the constitution and administration of the Railway Depreciation Reserve Fund, the Railway Betterment Fund and the Railway Reserve Fund as well as other ancillary matters and to make recommendations before the 31st December, 1949."

I do not wish to say anything much by way of commending this motion to the House. I dealt with this matter at some length in my speech on introducing the Railway Budget, and I gathered the impression that, in the course of the debate, the suggestion that I had made in my speech, namely that I would invite the House to set up a committee of this sort in the course of this Session, was well received. In implementation of the statement I made then, I move this motion.

Mr. Speaker: Motion moved:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, nine Members to serve on the Committee, of which the Honourable the Minister of Transport and Railways and the Honourable the Minister of Finance will be *ex-officio* Chairman and member respectively, to review the working of the Convention adopted under the Central Legislative Assembly Resolution dated the 20th September 1924 for the separation of Railway from General finance, to examine the constitution and administration of the Railway Depreciation Reserve Fund, the Railway Betterment and the Railway Reserve Fund as well as other ancillary matters and to make recommendations before the 31st December, 1949."

ELECTION TO COMMITTEE TO SEPARATION OF RAILWAY FROM GENERAL FINANCE 2201

Shri B. Das (Orissa: General): I did not come to the same conclusion as the Honourable Shri Gopalaswami Ayyangar on the discussions on the Railway Budget that the House wants to review the working of Convention by a Committee of this sort at an early date. Four days ago we discussed the report of the Indian Railway Enquiry Committee. On going over its recommendations I found that the Kunzru Committee has recommended that a Convention Committee need not be set up at an early date. On page 141 of the Report, they say: "We feel that owing to the uncertain factors involved in the present situation, it is not possible to make any recommendation in respect of a revision of the Convention which might not be rendered impracticable by future events."

I read it out the other day and I will read it again this morning. But this Resolution is asking the Committee to go into the question of the Railway Depreciation Fund also. Only three or four days ago we discussed that Railway Enquiry Committee Report. I want the House to note what the Committee says on page 148: "As in the present unstable conditions, no fixed principles can be laid down for making allocation to the Fund, we contented ourselves to recommending that an annual contribution to the Fund for the next five years be made at about 22 crores per annum." Even though I opposed that idea a few days earlier I support the recommendation that Rs. 22 crores every year be placed at the disposal of the Railway Minister for the Depreciation Fund for the next five years. I want the House to consider it and I hope my honourable friends Shri Gopalaswami Ayyangar and the Finance Minister will timely express their views whether the present is the opportune time when we can go into this question. Pandit Kunzru's report came out only a couple of months ago. If within these two months the conditions have become stable I will not object to this motion. But my reaction is that conditions have not become stable and have not returned to normalcy so that a committee of this House can give its final verdict on the question of the Depreciation Fund and on the Separation Convention.

Shri R. K. Sidhva (C. P. and Berar: General): I am rather surprised at the attitude of my honourable friend Shri B. Das. I do not know what he is driving at. The matter is simple. During the discussion of the Railway Budget the House advocated that the time has come to revise the Resolution of September 1924. It was a practically unanimous view. And the Railway Minister only wants that this question should be examined. Such being the case I do not know why Mr. B. Das thinks that the time has not yet come for taking up this question.

Mr. Speaker: What Mr. B. Das was saying was that he does not understand why it is thought that the time has come.

Shri R. K. Sidhva: It is rather depressing. After having said that the time has come for this, he now says that the time has not come. The honourable Minister has brought in the motion at the right moment, before the Session is concluded. If we are to wait till August for this, we will have only a few months to go into the matter. If this Committee is appointed now it will have sufficient time to examine the question from all aspects and come to decisions. I commend the motion for the acceptance of the House.

Pandit Hirday Nath Kunzru (U. P.: General): Mr. Speaker, I am afraid that as you have already said, Sir, Mr. Sidhva has criticised my honourable friend, Mr. Das without either hearing or understanding what he has said. Mr. honourable friend, Mr. Das has raised a very important point. The Indian Railway Enquiry Committee felt that an enquiry would be needed in connection with the separation of railway finances, the fixation of the amount that ought to be contributed to the Depreciation Fund and so on, but after considering the matter came to the conclusion that unless the

[Pandit Hirday Nath Kunzru]

course of trade and business generally and of prices was clearer than it was towards the end of last year or is now, an enquiry would yield no useful results. Any recommendations made by a Committee of the kind that is proposed to be appointed now may become inapplicable to the circumstances that may develop in the course of a year or two. It is obvious, Sir, that any Committee that examines the separation of the Railway from the General finances would have to go into the question of the amount that ought to be paid into the Depreciation fund. The exact amount that should be paid over a series of years would depend on future prices. I do not think anybody can say at the present time what will be the cost of the materials that the Indian Railways require, say the next year or the year after. I do feel, therefore, that the appointment of the Committee suggested by my honourable friend the Minister of Transport is rather premature. It is true that the House would like the matter to be settled. We all would like that we should come to a speedy conclusion on the subject, but the circumstances in which a sound conclusion can be come to do not exist at the present time. It seems to me, therefore, that the appointment of such a committee will not lead to any useful result. Now, we ask what is to be done if such a committee is not to be appointed? So far as the Depreciation Reserve Fund goes, Government may or Government can, if they feel next year that the prices have risen and that the contribution to it should be more than Rs. 22 crores, ask the Legislature to increase the contribution.

As regards the division of the surplus between the General finances and the Railways that again can be decided by *ad hoc* committees appointed by agreement between the Minister of Transport and the Minister of Finance. Such a thing has been done in the past and I see no reason why this arrangement should not be repeated in future. I think the consideration of these matters every year will be preferable for the time being to the appointment of a Committee that is meant to settle it finally.

Shri Khandubhai K. Desai (Bombay: General): Mr. Speaker, Sir, I have no intention to intervene in this debate, but I am compelled to do so after Pandit Kunzru has placed before this House, in my opinion, certain assertions without giving any reason whatsoever that the time is not opportune. He has not said why the time is not opportune.

Pandit Hirday Nath Kunzru: I referred to the course of trade, business and prices.

Shri Khandubhai K. Desai: Now particularly these remarks coming from him as one who has gone into the whole question of finances and placed before this House assertively that the financial conditions of our Railways are not very happy I feel the honourable the Minister for Railways would have failed and it would have been a dereliction of his duty had he not come before this Parliament to ask for a Committee to go into the question of the Depreciation Fund and other financial considerations with regard to the Railways. I had occasion to point out these things in various debates that our railway finances are in a very bad condition and the sooner it is done, it is better. I, therefore, wholeheartedly support the motion before this House, so that the report of the Committee which the honourable the Railway Minister is proposing will be before us much earlier, so that we will be able to take into consideration the report before the next Railway Budget is prepared. I support it, Sir.

Shri M. Ananthasayanam Ayyangar (Madras: General): Two points have been raised by my honourable friend Pandit Kunzru. Firstly, that the

prices are in an unsettled condition and until they settle down, there is no need to go into the enquiry of depreciation. Sir, I looked into this Blue Book that was circulated to us, the Report of the Railway Enquiry Committee. I do not know why this matter was not referred. On page 2 of this report the terms of reference refer only to economy in all branches of railway administration and any other means. Therefore, it does not appear either of these matters, the financial convention between the railway and the General Administration on the one hand and also the amount that is to be allocated for depreciation on a scientific basis and on an average basis and so on have not been directly referred. They have incidentally referred and given certain opinions which they have come to in respect of this matter.

So far as depreciation is concerned, I agree with him that the fluctuations of the market are so heavy that it may not be possible for us to ascertain what exactly the prices will be in two or three years, but my own impression is that the enquiry does not depend so much upon the prices as on what basis we have to ascertain the depreciation.

I was a member of this committee; two years ago a committee was appointed; before that another committee had been appointed. This matter has been considered from time to time for nearly three or four years now. We looked into this matter and before we concluded our deliberations, that committee was somehow dropped and hereafter there is a proposal to have a third committee. The point is this: Depreciation on what basis? Today we levy depreciation setting apart 1/60th of the capital at charge. There is a charge against this method; it is considered to be a blind method. 1/60th on what basis is set apart year after year? I know personally Mr. Guruswami, the President of the Railwaymen's Federation and he had been constantly attacking and threatening Government with strikes. Almost every year, there is a threat of a strike. There is a ballot; some unions take the ballot also in their favour and on what ground? It is that too much depreciation is allowed.

Secondly there is the allocation for depreciation on a scientific basis. The honourable Railway Minister is unable to answer it. You are unnecessarily giving away from Railway finances to the General Revenues. Therefore, it is absolutely improper. I would ask my honourable friend Pandit Kunzru to answer them. This Committee will certainly answer them for this reason. Then instead of a flat rate of 1/60th on the capital at charge, there is another method of trying to find the life of all these assets. One Mr. Sankara Ayyar who was the financial commissioner of these Railways and who had a long experience was specially deputed to go into this matter and find out the life of the various assets.

But unfortunately the previous Governments made it appear that they introduced very many good reforms in this country, but before they took one step, they would merely pay the man his salary and ask him to keep quiet and then pull him out after some time. So Sankara Ayyar did not proceed with the determination of the life of the assets. Now, the life of an engine is not going to change within four or five years. When a particular type of engine is brought, we will have to determine on a scientific basis what is its life—thirty years, forty years and so on. If such a scientific basis is approved by the Committee, we know that the depreciation should be, say, one-third if the life of the engine is thirty five years and so on. Or it may be done in a telescopic manner as is done in America, that is to say, to start with it may be one-thirty fifths and gradually go on reducing it until ultimately you come to the last year. These are the three ways of determining depreciation. Therefore, the question of prices does not come into this matter at all. My honourable friend, I fear, was not here.....

Pandit Hirday Nath Kunzru: This remark of my honourable friend is wonderful.

Shri M. Ananthasayanam Ayyangar: He will wait and see what further wonders I am going to achieve. Certainly, he thinks what we have been doing in this country, myself and persons belonging to my ilk, is wonderful. My friend has not forgotten that within a few years of agitation we did the wonder of obtaining freedom. Similarly, we expect to achieve more wonders in this country. So that, so far as wonder is concerned, I am not going to answer my friend. I leave him to be in the wonder land.

So far as prices are concerned, my honourable friend was not in this House; he was in the other House. I will even answer that point. When the European Member was here, I forget his name, the man who was last in charge of Railway Administration, the merchant from Calcutta, (An Honourable Member: "Benthall?")—Yes, Benthall: thank you for your suggestion—he said in his Budget speech about depreciation, what would happen to the replacement cost? At the time of purchase depreciation depends upon the purchase value, one-thirty-fifth, one-sixtieth or whatever it is of the original capital at charge, but if you replace it, the cost today is twice or thrice. I need not go into details. Even for that there is a solution. Whatever my honourable friend may think, by getting up into the air, diving into the sea, talking here and elsewhere, these things are not going to be achieved. He may wonder when we find a solution even for this. For the present, he may wonder what other things we are going to achieve or not going to achieve.

As regards the separation convention, I am very particular about finance. Day in and day out, even on the floor of this House, there are a number of people who are wedded to this. My friend says "Appoint an *ad hoc* committee". On what basis? *Ad hoc* basis? The Railway men complain, "Why are you taking away more to the general revenues?" If item after item of our national resources are brought under a socialist economy and they are managed by the State itself, we will lose all income-tax. What are we going to get and how is the State to be run? It is for that purpose, if not anything else, I want a committee to go into this and they should come out with their decision in this regard. It will then be time for us, after the Committee has gone into this matter, to say whether it is a waste or whatever it is. Instead of my honourable friend sleeping over it as some of his predecessors have done—I am not accusing my honourable friend Dr. Matthai who has been there only a short time, but some of the others who started similar committees and then dropped them in the middle,—I am sure my honourable friend will pursue this matter and if Pandit Kunzru with his experience has any objections let him come and place them before the House and it is for the House to accept or reject or modify the recommendations in such a manner as to make it acceptable. This is a welcome measure. It is not come a day too early. It is already late. I am glad he has introduced it now.

Shri Biswanath Das (Orissa: General): Sir, I heartily congratulate my honourable friend for this Resolution and I call it a very responsible and democratic method because he has chosen to come forward with a resolution so soon after the debate in this House which was practically unanimous on this question. My honourable friend Pandit Kunzru, for whom I have got a very high regard, wants to have, if at all, an *ad hoc* committee as and when required. On an important question like this, I would beg of him not to think of an *ad hoc* committee. The objection has been partly met by my honourable friend Mr. Ayyangar. Sir, the Government has to face fire both from the

railwaymen union and also from Members of this House. Both have to be humoured and explained. If that is to be done, it can only be done by a responsible body elected by Members of this House carrying the influence and prestige of the House.

Having stated so much about the committee which ought to be a committee of this House, I come to the question of its necessity. True it is that we have not been—at any rate speaking for myself,—I have not been able to do full justice to the voluminous Railway Inquiry Committee Report which was so late placed in our hands. I have my protests and I think I will be failing in my duty if I do not record them. We in this House have been working like school boys. Hardly have I worked so hard even as student in my lower classes. Sometimes I have to come at 9 o'clock and it is 6-30 p.m. when I return home. That being the position, is it possible for honourable Members of this House to go through a huge volume of 300 pages of printed matter which, for close attention, requires at least ten days? Unfortunately, all these reports have been placed in our hands during the session. We had the indigenous Medicine Enquiry Report which is equally a big volume and there are so many other reports of committees, standing committees and select committees. Under these circumstances, it is hardly fair to expect us to go through such a voluminous and import report of a very serious nature within so small a time. The very fact that it comes from so responsible a person as my honourable friend Pandit Kunzru goes to attach a very great importance to the report. We have regard for him and more regard for his recommendations which have come out of due deliberation. Under these circumstances, I do not say and I will never say that the report is useless or unnecessary or unfair or anything of the kind, but I do say that a committee such as this is necessary in the sense that Government has to come to some decision before the close of the current year, namely 1949-50. If that is to be done, how else could you expect Government to proceed, unless you the Government, taking into account the views expressed in the House, and come to decisions on the various points raised and recommended in the report. I think my honourable friend Pandit Kunzru will agree with us that instead of Government themselves coming to conclusions on each of these points, it is fair, necessary and desirable that they should have the co-operation, help and decision of a committee appointed by this House so as to give it prestige and influence and necessary backing of this House. Therefore, it is necessary.

Then, I come to the second reason why it is necessary. The Railway Convention that was presided over by late lamented Sir B. N. Sharma is one of about twenty four or twenty five years—nearly two *yugas* ago. It is all old history and there are many questions which have to be reviewed. Conditions have now entirely changed.

Wherefore all these call for review. The question is not confined only to the Railway Depreciation Fund and various other funds connected with the Railways, but also refers to certain other ancillary questions connected with these things. I have always been puzzled when I look into the various funds that you have in the Railways. I think the time has come when a simplification of the constitution of these funds is necessary.

Secondly, caution must be taken as to the amount of annual allotment that has to be made to these various funds.

I refer my honourable friend to the railway budget speech of the honourable Benthall. In his speech of 1946 he gave a glowing picture of the Railways. From his picture we thought that the recovery would be very early. No one hardly expected that the recovery would be so difficult, so continuous and so long. In fact, in the same speech he stated that it was not necessary to make very big purchases. As a matter of fact we now see that for the

[Shri Biswanath Das]

Railways big purchases are necessary, including engines. It becomes difficult under the circumstances to assess the life-time of the various items necessary to run your Railways. A newer approach to the question becomes necessary. Under these circumstances, I feel that the method of approach that has been decided by the Ministry is the right approach. Business questions have certainly their bearing. I should feel that after the enhancement of fees and fares, the business aspect of the question recedes into the background, because the Railways under the enhanced fees and fares are assured of a steady and substantial income. If business improves Railways are bound to improve and we will get more income. Sir, I have always claimed that Railways should contribute more to the general revenues. I do not agree at all with those friends who feel that Railways should have nothing to contribute to the general revenues.

These are very important questions which need discussion and deliberation and a committee of this nature is very necessary and desirable. I would therefore implore my honourable friend, Pandit Kunzru and my honourable friend Mr. B. Das not to oppose the motion.

Shri B. Das: I do not oppose the motion.

Shri Biswanath Das: I am glad and I equally understood him that this was not an opposition. He only wants to utter a word of caution. I take it that this is the position also taken up by Pandit Kunzru. Under these circumstances, I strongly support the motion and I feel that it is a very useful and necessary one.

Shri Mahavir Tyagi (U. P.: General): I admire the good intention of the honourable Minister for Railways for he has been prompted so soon after the budget discussion to bring in to practice what was suggested by the House. When I say the honourable the Minister of Railways, I include,—as in law man includes woman—in parliamentary parlance, the Minister of State. They are both anxious to bring into quick practice the suggestions made on the floor of this House for the improvement of their department. I know, Sir, they are very anxious to improve matters and hence this proposal. I welcome it. However I have a few remarks to make for their consideration for whatever they are worth. I hope they will consider them too.

Firstly, the Railway Enquiry Committee has finished its deliberations. I do not know how many lakhs have been spent on the committee which has submitted its report. In going through the report I find that it has at some places to a greater extent and at other places casually, reviewed also these questions and on some of them they have gone a good length and they have taken into consultation and discussion and confidence the experts of the Railways too. So practically the other committee will be more or less revising the same procedure. That is one of my views.

I have become very keen after the budget discussions to see that no extra money is spent on committees, deputations or missions—purchasing or diplomatic. I want expenditure to be spent directly in governmental matters under the administration and time and money should not be spent over consultations or discussions as far as we can avoid them.

So my one impression is that as the Committee which the honourable Minister is going to get appointed will go over the same field of enquiry which the Railway Enquiry Committee has already done. So why not consider those recommendations in the department and be content. Besides, the House has already provided you with the co-operation of so many of our

LECTION TO COMMITTEE re SEPERATION OF RAILWAY FROM GENERAL FINANCE 2207

honourable Members who can sit with you in the Railway Standing Committee and the Railway Finance Committee. After all, they are our accredited representatives. The honourable Ministers for Railways and Finance could sit with them for the purposes of this Committee. The Railway Finance Committee and the Railway Standing Committee could do the job better because they have been dealing with the department's needs and requirements. Why not extend the work of these Committees? Sit for a longer time and then discuss matters with them and make suggestions. I want to know if the appointment of this Committee can be avoided and the work done in the Standing Committee along with the Railway Finance Committee. If that is possible, then I think this Committee will not be necessary because it would mean a duplication of the work. If a new committee is appointed, all its findings and recommendations will have to be considered for final disposal by the Standing Committee.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar).]

So I would suggest that the Standing Committee take up the job and do the work. But I do not agree with my friend, Mr. Kunzru, that the matter should be postponed. It should be immediately done. I think the idea of a Finding Committee is good. If the work can be done otherwise, why go into the business of having a Committee? But if the honourable Minister feels that the Standing Committee will not do the work and he requires some more enquiry to be conducted, or an extensive going out into the country is necessary, then a committee has to be appointed, I will not mind the expense. I will agree with the appointment of the Committee. But, then there comes the question of the terms of reference. These were not the only salient points or questions discussed on the floor of the House. There were many other important questions which have been left out from the purview of this Committee. For instance, I would suggest if there be a Committee for Railways it should consider some concrete plans for the reform of the department, and the first question should be whether the Railways should be reorganised on a zonal basis or the same organization as it is today should continue.

This question of reorganisation will tell upon the finances one way or the other. If you are going ultimately to reorganise, why not include it in the terms of reference of this very Committee. If the Railways are reorganised on a zonal basis it will make a lot of difference.

Mr. Deputy Speaker: It was one of the terms of reference of the previous committee, which was asked to report as to whether and how economies could be effected on the various railway administrations. Therefore the Minister has brought forward this motion separately to look into this convention.

Shri Mahavir Tyagi: The wording of the motion is:

"To review the working of the Convention adopted under the Central Legislative Assembly Resolution dated the 20th September 1924 for the separation of Railway from general finance:

To examine the constitution and administration of the Railway Depreciation Reserve Fund and the Railway Reserve Fund as well as other ancillary matters....."

It is not for a reorganisation of the Railways that the Committee is to be appointed but to examine the Railway Depreciation Reserve Fund, as also, the Reserve Fund—and the Betterment Fund, unless you include under "ancillary matters", matters of vital importance like reorganisation of the Railways.

Shri M. Tirumala Rao (Madras: General): There is already a report on that submitted by the Kunzru Committee:

Shri Mahavir Tyagi: These matters are also discussed by that Committee. I thought that the honourable Minister wanted to take the House into his confidence and take advantage of the knowledge of honourable Members so that he may put into effect their suggestions. If only financial matters are involved the Finance Minister is also there and they would know what the effect of these measures will be. If we reorganise the Railways the Finance Minister will have to be asked to co-operate and for that another committee shall have to be appointed. So why don't you add this also in the terms of reference of this Committee, so that they can have an overall picture and all the financial considerations may be dealt with all together.

There was another idea of substituting the Railway Board with some statutory authority. That is also a vital question. That will also cause financial changes one way or the other. These are also questions which will have financial repercussions on the Railways. If a Committee is to be appointed will the honourable Minister take into consideration these questions and enlarge the field of reference of the Committee, so that there may not be any need of another committee to implement the suggestion.

As regards the appointment and the members of the Committee I not only support but welcome the idea.

The Honourable Shri N. Gopalaswami Ayyangar: Sir, I do not think I need take up much time in replying to this debate, which was perhaps more prolonged than I had anticipated on the very innocent motion of mine.

I think the main issue that has been raised is not so much the necessity for a Committee as the necessity for an enquiry into certain financial questions connected with the administration of Railways. Most honourable Members are agreed that such a committee is necessary. We must have definite, implementable recommendations from a Committee which could bestow its thought to a matter of this kind. The only thing that has come in the way is the report of the Indian Railway Enquiry Committee on this matter. So far as this particular committee is concerned I need only refer honourable Members to the fact that the Convention was adopted nearly a quarter of a century ago. At the time it was adopted it was intended that the working of this Convention should be reviewed practically every three years. An attempt was made in 1928 which proved abortive. We did not do anything at all till about 1942-43. And then we appointed a committee which only made a recommendation for the time being and we slipped into the present position of determining the question of the contribution to general revenues on a purely *ad hoc* basis.

Here I must correct my honourable friend, I mean you, Sir, when you seemed to imply that all the wickedness in not bringing into existence a committee of this sort was to be ascribed to people before Dr. Matthai and you seemed to give him an exemption—a sort of thing which he failed to do but which you were prepared to excuse. What I would like the House to remember is that during Dr. Matthai's time a committee was appointed for the purpose of reviewing this Convention and but for the fact that there was transfer of power in August 1947 and the old Legislative Assembly went out of existence we should have had that committee sitting for sometime. It would have made recommendations which if we had adopted, perhaps my motion today might not have been necessary.

What I wish to point out is that the necessity of reviewing the resolution which was adopted in 1924 has been felt throughout this long period of almost a quarter of a century and we have not reached any conclusion. We did expect that we would have some firm and definite recommendation from the Indian

Railway Enquiry Committee about this matter which might have rendered unnecessary the appointment of this Committee. But as it so happened the Indian Railway Enquiry Committee took the view that the present conditions are so uncertain that they would rather recommend that we should not attempt a review of the existing position for some years to come. However, so far as that is concerned Government are firmly of the view—and I am glad the House is with me in that matter—that this is a question which we cannot delay any longer. The question of placing railway finances on a satisfactory basis is too important to be postponed merely on the ground that conditions are uncertain. Conditions have been uncertain in the past and even if we reach, say within the next year or two, conditions which appear to be less uncertain we cannot altogether rule out the prospect of the conditions becoming uncertain once again after that. After all what is it that this Committee is intended to do? It is not going to say that so many crores of rupees should be paid into the Depreciation Reserve Fund and so many crores of rupees should be paid every year as a contribution to general revenues. No Committee is likely to say that. It will only examine the principles on which the amounts to be paid to these funds can be determined on a proper basis every year. It will not leave either the railway finances or the general finances in the uncertain position of not knowing what each could expect to get or to retain out of the railway revenues. That is really the matter which this Committee will have to tackle. I think that is a question which requires immediate tackling and I have suggested that the tackling should be done by a Committee of this House.

My honourable friend Mr. Tyagi raised a pertinent question as to why when Railways had the benefit of the advice and assistance from other Committees which had been constituted for the purpose of helping railway administration it should be necessary to appoint a separate Committee for going into this question. My first answer to that is that the problems that we shall remit to this new Committee are problems which concern not merely Railways but general finances, and it is necessary that the Committee that we constitute should be sufficiently representative to be able to understand and pronounce judgment upon the somewhat conflicting views that may be presented to it by those who espouse the cause of the general finances and those who would espouse the cause of railway finances. That is why we would not have a Committee whose duty it is to assist the Railways alone to constitute a Committee of this sort but we want the whole House to be represented on this Committee. And by the whole House I mean that portion of the House which is not peculiarly charged with the task of looking after Railways alone.

The second thing that he did ask is that I must consider the question of enlarging the terms of reference to this Committee so as to include matters which are not strictly financial but which are administrative—which are matters relating to the reorganisation of the whole of the railway administration and so on. I quite see the point that administrative decisions do have a bearing upon the financial position of the Railways. But there is a clear line which has to be drawn between what might be considered administrative aspects of railway administration and what might be considered to be purely financial questions. I consider that this Committee will deal not with those larger aspects of administration which are more administrative than financial: it should limit itself to those aspects which are more financial than administrative. That is the position I would like to place before the House.

I do not think there is really any other point which I need meet on this occasion. Mr. Das of course referred to the Depreciation Fund. I quite appreciate all that he said, but I think that after we receive the report of this

[Shri N. Gopalaswami Ayyangar]

Committee and after we get the principles on which the contribution to the Depreciation Fund should be made in the future and the Government and the House accept that position, his difficulties as regards the Depreciation Reserve Fund will disappear altogether.

Pandit Lakshmi Kanta Maitra (West Bengal: General): May I put one question, Sir? I want to know from the honourable Minister one definite thing. I think many Members are aware, and the honourable Minister is aware, that this is the third time that an attempt is made to have a Committee like this to go into the whole vexed question. The first one was at the time of Sir Edward Benthall, it was shelved; the second time it was in the Honourable Dr. Matthai's time in 1947;—a Committee was appointed to sit, it was shelved and nobody knew what happened to it. And now for the third time my honourable friend has come with this. I want to know if the honourable Minister is satisfied that at the present moment he has been able to get sufficient data to go into all these questions. I know the importance of the question. He must fix the principle of the Depreciation Fund, the Amortisation Fund, Renewals and so on and so forth. Most of these have been done in a haphazard way after partition and after the situation that has been created as a result of partition. Is the honourable Minister now in a position to be able to furnish the Committee full and necessary data by which accurate decisions could be arrived at?

The Honourable Shri N. Gopalaswami Ayyangar: My answer to that question is that when the Committee which was appointed on a motion by my honourable colleague here was about to set to work a great deal of material was collected by the Railway Board.

Pandit Lakshmi Kanta Maitra: I am told they had been taken away after partition. Most of the records are missing, that is what I am told.

The Honourable Shri N. Gopalaswami Ayyangar: I have seen printed copies of some of these papers myself. I do not think the Railway Board has now been incapacitated by loss of records from producing the kind of material that this Committee would require for its consideration. I can assure the honourable Member that all the material that he may require will be produced and the officers concerned would be set to work from now, and before the first meeting of the Committee we shall place as much material as it is possible to collect at their disposal. If more material is required by them after they meet that also will be collected. That is why I have fixed the period at something like nine months during which there will be some time for collection of additional material and the Committee also will have ample time to consider that material. I want this Report by December next because I want to use that Report for the purpose of fixing the Budget for the following year.

Mr. Deputy Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, nine Members to serve on the Committee, of which the Honourable the Minister of Transport and Railways and the Honourable the Minister of Finance will be *ex-officio* Chairman and member respectively, to review the working of the Convention adopted under the Central Legislative Assembly Resolution dated the 20th September 1924 for the separation of Railway from General finance, to examine the constitution and administration of the Railway Depreciation Reserve Fund, the Railway Betterment Fund and the Railway Reserve Fund as well as other ancillary matters and to make recommendations before the 31st December, 1949."

The motion was adopted.

Mr. Deputy Speaker: I have to inform honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees, namely:

	Date for nomination	Date for election
1. All India Council for Technical Education.	2-4-49.	5-4-49.
2. Committee to review the working of the Railway Convention.		

The nomination for these Committees will be received in the Notice Office upto 12 Noon on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's room (No. 21) in the Council House between the hours 10-30 A.M. and 1 P.M.

HINDU CODE—contd.

Mr. Deputy Speaker: The House will now proceed with the further consideration of the following motion moved by the Honourable Dr. B. R. Ambedkar on the 31st August, 1948, namely:

"That the Bill to amend and codify certain branches of the Hindu Law, as reported by the Select Committee, be taken into consideration."

Pandit Lakshmi Kanta Maitra (West Bengal: General): Sir, before you call upon my honourable friend Mr. Naziruddin Ahmad to continue his speech I feel constrained to bring to your notice once again the irregular manner in which this motion is being brought to this House from time to time. I think very few of us knew up till yesterday that this Bill was coming up again for consideration. As a matter of fact the House was under the impression that so heavy was the pressure of urgent government business that no day could be found for it. In fact several Members of this Parliament who came over here to participate in the deliberations on this subject went back under the impression that this matter was not going to be taken up again in this session. I can particularly mention an honourable Member, Pandit Govind Malaviya, who came over here and who wanted to speak for a very long period of time, and when he was assured that the matter was not coming up.....

Several Honourable Members: Assured by whom?

Pandit Lakshmi Kanta Maitra: Most people knew. It was not a case of ordinary business of this House. No single Member of Government stands up and says, "I give you an assurance that this will be discussed". Nothing like that. Everybody got the impression from Party talks and elsewhere that the matter was not going to come up at any rate in this session. (*Interruption*). That being so, if it is taken up now it will be showing very scant courtesy to the House. I feel this Bill is of such a controversial nature that I do not think that you should allow this Bill to be proceeded with in the way in which it is being done repeatedly in its different stages. Sir, it is for you to consider the point of view which I am placing before the House. The House is attenuated, and because the whole Budget discussion was over most Members were under that impression—and quite reasonably. When they had no idea of the change suddenly to spring a surprise by bringing in a motion like this at this late stage, of the session, is, I think, hardly fair.

An Honourable Member: We want your decision, Sir.

Mr. Deputy Speaker: But there is no point of order here.

Shri Mahavir Tyagi (U.P.: General): But then I want information as to how long the discussions are proposed to be held. There are friends in my Province who had requested me to inform them when the Hindu Code Bill comes for consideration. I could not inform them because I did not know whether the

[Shri Mahavir Tyagi]

Bill will be considered only for today or for tomorrow or any other day or till the end of the session. So, Sir, will you now be in a position to tell the House how long we are going to discuss this Bill so that if there is time for them to come, I might inform them.

Mr. Deputy Speaker: I am in full sympathy with what Pandit Maitra has said, but I do not find any way out of it. As far as I am aware—I have been here for a number of years in this Assembly—when any matter of such importance where a number of people are interested, comes up, the agenda for the next week would be at least read out on the previous Friday. I have been accustomed to some procedure. Evidently it was not expected that there would be time for this Bill, but it was put in when one day was extended and time found for today and tomorrow. That is why previous notice could not have been given. I believe the honourable Members would try to take as good advantage of it as possible by sending telegrams, etc. and get other Members. Therefore, so far as Mr. Tyagi is concerned, if he thinks that other Members outside are interested in the proceedings, I may say that the proceedings will be broadcast this evening or tomorrow morning and then they will come to know of it.

An Honourable Member: How can they come tomorrow?

Mr. Deputy Speaker: They can come by aeroplane! It is not for the Chair to decide how they can come. All that I can say is that on an important matter of this nature, certainly Government must have given proper notice; it is not as if Government could lose sight of this important matter. The general public is interested, a large number of the Members from the Provinces and States are not here. Even if they were here, it cannot be expected that everybody should be expected to read all the books and carry all the information for use at a moment's notice. These are the disadvantages but I am sure the honourable Members will try to do as best as they can of the opportunity. Nobody can guarantee how long the discussion will go—it may conclude this evening or go on till tomorrow.

Shri T. A. Ramalingam Chettiar (Madras: General): What is the programme for this Bill?

Mr. Deputy Speaker: It is entirely in the hands of the House. I do not think we can have a cut-and-dried programme. It is for the House to see whether it is necessary to continue discussion, and if there is sufficient debate to close it as early as possible.

Shri Mahavir Tyagi: Sir, I will put the question the other way round. May I know if there is any other Government Bill for the rest of the Session or this Bill is the only work before us, so that I can make out how long this Bill will go?

Mr. Deputy Speaker: As the honourable Member will see from the Order Paper, there is so much other work. This no doubt happens to be the first Bill for the day but tomorrow other Bills will come which are on the list. We need not spend any more time on this question.

Mr. Naziruddin Ahmad.

Shri B. Das (Orissa: General): Will you please fix a time-limit for speeches?

Mr. Deputy Speaker: I cannot fix any time-limit on a controversial matter of this kind. I shall try, so long as I am in the Chair—certainly the Speaker will do it better—to see that repetition is avoided. That is all that I can do, and I shall, to the best of my ability, avoid all irrelevant matters being brought in. Subject to this, I would like to give as much freedom as possible.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Mr. Deputy Speaker, it is a strange irony of fate that apart from the interrupted nature of the debates on this Bill, it has been decided by Government that the chequered career, of this Bill and the intermittent debate should, after an interval be seriously resumed on the All-Fools' Day. On the last occasion, when I pointed out that the Bill was sent to the Select Committee in a great hurry on the 9th of April last, some honourable member reminded us that 9th April was very near the 1st of April. Somehow or other this Bill is associated with the 1st of April. On this day, we are accustomed from time immemorial to deal with each other in a playful spirit. We issue bogus invitations, bogus marriages are announced and various other bogus things are done.

Shrimati Ammu Swaminadhan (Madras: General): Sir, has this got anything to do with the Hindu Code? Just now you said that no irrelevant matter will be allowed. Has all-fools' day anything to do with the Hindu Code?

Mr. Deputy Speaker: I have not heard the honourable Member sufficiently to come to a conclusion as to whether it is irrelevant or not.

Mr. Naziruddin Ahmad: Sir, I was merely emphasizing the unsatisfactory manner in which the Bill is being brought up from time to time. A Bill of this importance and magnitude requires that it should be sat over continuously by honourable Members.

Pandit Lakshmi Kanta Maitra: Spat over?

Mr. Naziruddin Ahmad: Sat over. Pandit Maitra thought "spat over". I did not mean that. I submit, Sir, a Bill of this magnitude requires that Members should sit over it continuously for a long time. The disadvantage of considering this matter at long intervals is that Members lose the thread of argument and it is very difficult for them to appreciate what has already been said so as to connect with what is said on each occasion. I submit, therefore, that this is not dealing seriously with the Bill or with the House.

On the last occasion when I was dealing with the history of this important legislation, I pointed out that the first mistake was committed in 1937 with the passage of the Hindu Married Women's Rights to property Act, 1937.

The mistake was to have rushed to the legislature and without sufficient consideration to have passed a Bill of that complicated nature. In fact, an honourable Member of that House at that time, Mr. Deshmukh, had a happy idea and without giving sufficient consideration to the subject, he came to the House and the House in a generous mood passed the Bill. By that Act, certain women were given the right of direct inheritance along with the sons, grandsons and great-grandsons. They were given independent right. They were not merely Hindu women's rights, but absolute, transferable and inheritable rights. Soon after that, a distinguished lawyer from Bengal—Mr. Rishindranath Sircar—drew attention to certain difficulties which would arise in connection with the Act. Mr. Rishindranath Sircar is a distinguished lawyer and author of a text book on the Hindu Married Women's Right to Property Act, and of connected Acts. He pointed out certain inherent difficulties which would arise in connection with the Bill, and in 1938, the Act had to be amended by Act XVI of 1938. The trouble, however, did not cease there and difficulties arose afresh. A further difficulty arose by the Act as it was amended in 1938. By the Act even as amended, right was given to the widow of the deceased, the son's widow, grand-son's widow and the great-grandson's widow and considerable difficulties arose as to the position of the daughter. In fact, there was a great deal of controversy and Mr. Sircar again pointed out the difficulties of the situation created so far as the daughter was concerned. This question was agitated throughout the country, and we find about half a dozen Bills were submitted to the Legislative Assembly to clarify the position of the daughter, to

[Mr. Naziruddin Ahmad]

give her also that right, along with the son, grandson, and the widows of the various persons. Those Bills were presented to the House and they were on the agenda. I believe experienced Members of this House, like Pandit Lakshmi Kanta Maitra will be able to recall the situation with which the Government was faced, when it had a large number of Bills before it—about six Bills. Sir Reginald Maxwell, the Home Member, at that time pointed out in the House that it was always a bad thing to rush legislation on social matters, without adequate consideration. And the difficulty was more and more increased as there were more and more legislations. He was, therefore, in full sympathy with the position taken by those members, and he agreed to have the matter examined properly, from every point of view, before legislation was undertaken. This led to the birth of the Rau Committee. That Committee prepared a Draft Bill and sent questionnaires to various people, and considered and analysed the answers and they prepared another Bill. But before proceeding any further with their work, they were met with an initial difficulty. They found that there was another blunder in connection with the Acts of 1937 and 1938. They were of opinion that the Act of 1937, as it was amended by the Act of 1938 did not apply to agricultural land. The difficulty arose in this way that the first Act of 1937 was passed by the Legislative Assembly when agricultural land was a subject no longer cognizable by the Centre.

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

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

The Assembly re-assembled after Lunch at Half-Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Sreematty Annie Mascarene (Travancore State): I wish to raise a point of order. May I know whether it is the duty of a Member of this House to attend the session of the legislature throughout?

Mr. Speaker: It is hardly a point of order. A member need not attend any discussion if he does not like to do so. But I will make one observation. If a member makes a speech in support of or in opposition to a Bill, it is his duty to remain present in the House to hear the reply.

Sreematty Annie Mascarene: If he is absent for a few days and then comes back and complains that he is not aware of the agenda of the House, can that be excused, Sir?

Mr. Speaker: He will be judged by his statement before the House.

Mr. Naziruddin Ahmad: Before we parted for Lunch today I was dealing with the first part of the history of this legislation. The Act of 1937 and the amending Act of 1938 led to difficulties with regard to the daughter and a large number of Bills were brought forward to clarify her position. At that stage the Government agreed to have the matter examined and appointed the Rau Committee. The Rau Committee soon found that the legislature had no jurisdiction to pass the Acts so far as agricultural land was concerned. The point arose in this way: Agricultural land was in the Legislative List of the Centre under the previous Constitution. The Bill was passed by the Lower House in March 1937 when it was functioning under the old Constitution. The Upper House passed it sometime in April when the new Constitution of 1935 had come into force. So, when the Bill was passed by the Upper House it had no jurisdiction to legislate for agricultural land. The amending Act of 1938 was passed when none of the Houses had this jurisdiction. These were capital blunders committed by the Legislature of the time. The Rau Committee referred the matter for opinion to the Federal Court. The Federal Court gave a ruling that the House had.....

The Honourable Dr. B. R. Ambedkar (Minister of Law): The history is wholly wrong.

Shri L. Krishnaswami Bharathi (Madras: General): How could the Rau Committee refer to the Federal Court?

Mr. Naziruddin Ahmad: Is it wholly wrong?

The Honourable Dr. B. R. Ambedkar: Yes, wholly wrong.

Mr. Naziruddin Ahmad: In what respect?

The Honourable Dr. B. R. Ambedkar: I will deal with it in my reply.

Pandit Lakshmi Kanta Maitra: He is substantially correct.

Mr. Naziruddin Ahmad: The Rau Committee reported to Government and the Governor-General referred the matter to the Federal Court. I was wrong only in a minute technical detail. I repeat: The Rau Committee referred the matter to the Federal Court through the appropriate channel—the Governor-General. Is that wrong? I was absolutely right and never wholly wrong. (Interruption).

Mr. Speaker: The honourable Member may proceed.

Mr. Naziruddin Ahmad: The point was thus referred by the Rau Committee to the Federal Court and they gave the ruling that the Legislature acted *ultra vires* so far as agricultural land was concerned. That was a capital blunder which was revealed at the time. As soon as the ruling of the Federal Court was known I came upon the scene. My connection with the Hindu Code is not casual or recent. I am in a position to show to the House that I took legal steps in connection with this legislation as far back as 1941. I was then a Member of the Bengal Legislature and I submitted a Bill even before the first report of the Rau Committee was out. As soon as the judgment of the Federal Court was known I introduced a Bill in the Bengal Legislature to apply the Act to Bengal so far as agricultural land was concerned. That was the first attempted legislation of the time in this connection in India.

Mr. Tajamul Husain (Bihar: Muslim): May I know from my honourable friend if at that time he was in favour of the Hindu Code Bill from what time did he change his mind?

Mr. Naziruddin Ahmad: The Hindu Code Bill was not even born at the time. At that time, like many others—many more famous men as far even as the topic was concerned, it turned out later that I had taken a wrong step. In fact I wanted to extend the Act to agricultural land in Bengal. That was the object of the Bill which I submitted to the Bengal Legislature. It was circulated for opinion throughout Bengal and a large body of public opinion was in favour of the Bill. Everybody at the time like me thought that that Bill was right.

Mr. Tajamul Husain: Sir, the honourable Member has not given his reasons why he changed his mind.

Mr. Speaker: That is not relevant at all. He may change his mind any number of times.

Mr. Naziruddin Ahmad: The Honourable Member should try to wait. The House will be pleased to note that the Bill was submitted by me in 1941, 14th July, and that a very large section of Hindu public opinion in Bengal was then in favour of it. Then the Bill was placed on the agenda for a Select Committee. I have got a copy of the agenda paper with me, dated 25th September 1942. I was then in a position to get it passed by the Bengal Legislature where the Hindu-Muslim Coalition party had a large majority. The Party by a majority

[Mr. Naziruddin Ahmad] had decided in favour of the Bill and it was going to be sent to a Select Committee. By that time, however, Hindu opinion had been sufficiently crystallised against the Bill. I was told that serious difficulties would arise if the Bill was passed. Many people, including myself, then realised that if the Bill was passed, the position of daughters and others would lead to chaos. In the meantime the Rau Committee report had been published and the Bill drafted by them was before the country. A large number of meetings were held in connection with it in 1941 and 1942. There was a meeting held in my native place of Burdwan and many similar meetings were held throughout Bengal condemning the main Bill. Though I had the requisite majority in favour of my Bill, I did not proceed with it as it was a matter affecting the Hindu community alone and it was opposed by them. I felt that it was no good passing a measure by sheer majority of persons who were not affected by it. I was never in favour of the Hindu Code Bill, though I was for a time in favour of my own Bill. This will I hope satisfy my Honourable friend Mr. Tajamul Husain. I asked the Hindu members to let me know what to do and they were against my Bill and so the Bill was dropped. I am not afraid in the least to make this admission that everybody thought and even the Rau Committee thought that a Bill foreshadowed by my Bill should be introduced to extend the Act of 1937 in every local legislature to Agricultural land. I also fell in line, but then I found this volume of Hindu opinion against my Bill. No Province has ever applied the Act of 1937 to agricultural land. Thenceforward, Sir, a large number of meetings have been held in Bengal and the Rau Committee Bill has been uniformly condemned.

Now with regard to this Rau Committee's report, they prepared a Bill, that is the "Hindu Code Bill—Part I intestate Succession" and that was introduced in the Central Legislative Assembly and that was sent to a very strong joint Select Committee of both Chambers of the Central Legislature. I have got a report of the Select Committee with me. It was very strongly supported on one side, but equally strongly opposed on the other, and this Bill as reported by the Select Committee came to the Legislature once again. The Rau Committee had in 1941 reported that the Hindu Code Bill should be taken up by compartments. It is a very important point and I wish to draw special attention to the fact that the Rau Committee actually reported that the Hindu law should be taken up by compartments, succession, marriage, guardianship and others. They said at page 23 of their report of 1941:

"The recommendation which we should like to stress most strongly is that relating to the preparation, in gradual stages, of a complete code of Hindu law beginning, as we have said, with the law of succession, to be followed by the law of marriage and in due course by the other topics of Hindu law. It is true that even these large groups are to some extent inter-connected; but it will be easier for the draftsman to see what he is doing if he deals, for example, with the whole law of succession than with isolated rules relating to the property rights of widows. This plan would also offer a better chance of agreed solutions on disputed points, for the larger the field, the more room there is for compromise. The aim should be, as far as possible, to arrive at agreed solutions and to avoid anything likely to arouse acrimonious controversy. This need not mean any real slowing down of the pace of reform; for true reform proceeds by persuasion rather than coercion." At page 11, they say:

"We do not suggest that all parts of the law should be taken in hand at once. The... law of succession... may be taken up first, then the law of marriage; and so on. After the law relating to each part has thus been reduced to statutory form the various Acts may be consolidated into a single Code."

That was the report and in pursuance of their report they submitted their Bill relating to the Hindu Code Part I, intestate succession. Before the Bill relating to succession as settled by the Joint Select Committee came up before the Assembly, the Joint Select Committee had itself recommended that it is no good passing this part alone, but that they should have a true picture of the entire Hindu Code as it will stand, as the different parts are inter-dependent and in this way, they recommended that this Bill should not be passed and a

truer and a more comprehensive view of the Hindu law should be taken. In their report the Select Committee say:

"We think that steps should be taken to resuscitate the Hindu law Committee and to encourage the formulation and enactment of the remaining parts of the proposed Code in the interval which is to lapse between the present Bill when passed comes into force. It may well be found that the present Bill will require before it is allowed to come into operation, readjustment and amendment in the light of the decisions taken in connection with the other branches of the Hindu Law."

So they recommended that the House and the country should have a fuller picture. The Hindu Law Committee which had been dissolved was thus revived and they were asked to give us a picture of the other branches of the Hindu Law. The first thing which they did was to produce another Bill, the "Hindu Code Part II—Marriage." The second Bill was produced by them and later on they produced the other parts. The point which I am trying to emphasise is that these were separate self-contained Bills. The law of Inheritance was absolutely self-contained and separate and was capable of being enacted separately. The law of Marriage also could be enacted separately. There are three other parts which were in separate parts though printed in one volume was circulated. Then after obtaining opinion, they introduced some changes also by way of supplement. The House will, therefore be pleased to note the real meaning and purpose of completely separate Bills printed in the same book as separate self-contained subjects with separate numbering. The Law Ministry, however, it seems mistook the purpose of the separate parts with separate numbering. In fact in the report of the Select Committee on the present Bill, the members of the majority say that separate numbering and separate parts was a thing unknown and purposeless, and therefore they wanted to blend the different parts into one complete whole with consecutive numbering. That is clearly mentioned in the report. That is the reason why they produced a Hindu Code which they thought was self-contained and more logically arranged. The purpose of the Rau Committee of separate enactments and their subsequent consolidation was entirely missed.

The first point, which I should like to take in this connection is that the changes made by the Departmental Committee set up by the Ministry of Law went beyond the purpose of the original Bill, or rather the different Bills. In fact the blending of the different parts of the original Bill into one is the thing which has created a lot of difficulties and has made confusion worse confounded. As was suggested by the Rau Committee, the better thing would have been to pass separate parts separately, so that there will be the least objection and the attention of the House as well as of the country could be focussed upon individual subjects, though they may have a comprehensive view of the entire Hindu Law. Now the blending of the different parts or Bills into one whole with running numbers has placed us in this difficulty that we find in the House that there is hardly any Member who has spoken; who is completely in favour of the consolidated Bill as it has emerged from the Select Committee. Some are in favour of the marriage provisions; others are in favour of the inheritance; with regard to guardianship and other things, there is the least objection. Separate Bills as in the original scheme would have simplified matters and reduced our troubles.

Pandit Lakshmi Kanta Maitra: Maintenance portion is the best; all the rest is rubbish.

Mr. Naziruddin Ahmad: Maintenance portion, as Pandit Maitra reminds us, is the least objected to. So if the parts were kept separate, then the House would have been in a position to deal more easily with individual subjects. The subject of maintenance is not controversial. It does not affect the religious structure of the society. It does not wound the religious feelings and age-long beliefs of the Hindus and it could have been passed at once. That was the reason for the separate treatment. But the Departmental Committee

[Mr. Naziruddin Ahmad]

rather, missed the purpose of the separate treatment and blended the whole thing into one.

Sir, I would point out that in the second Rau Committee report also, the Bill was prepared in different compartments, they repeated their advice that it should be taken up separately. The Bill was intended to be taken up in parts separately, and should be dealt with individually.

Mr. Tajamul Husain: Why don't you bring amendments to this effect?

Mr. Naziruddin Ahmad: My honourable friend by the interruption means to say "I shall mix up things in any way I like, and it is for you to bring suitable amendments to separate them." It is impossible. If you cook meat, fish and vegetables together and ask a vegetarian to separate them by means of an amendment and then take the vegetables alone, that would be to putting the cart before the horse. The Bill has mixed up distinct and separate categories of law into one complete whole.

Shri L. Krishnaswami Bharathi: No, no. There are separate chapters.

Mr. Speaker: The honourable Member is expressing his own view and other honourable Members will have an opportunity of expressing their own views. What is the good of interrupting? It will only prolong his speech.

Mr. Naziruddin Ahmad: The sections of one part have been lifted from that and placed in another part.

Shri L. Krishnaswami Bharathi: On a point of order, Sir. Am I not entitled to correct, when his statement that it has mixed up different chapters is open to correction?

Mr. Speaker: That way he will be entitled to correct again. There should be no interruptions. I think we are unnecessarily impatient. Whatever our views in respect of the Bill, for or against, we must give a patient hearing to the opponent and try to meet his points. I am going to give the fullest opportunity to every one. So let there be no interruptions.

Mr. Naziruddin Ahmad: I am very grateful for this direction. The point is that the definitions and other clauses in each part were absolutely separate. It is easy for any one who has the patience to compare the original Bill presented by Mr. Jogendranath Mandal to the House with the revised Bill to see the difference.

An Honourable Member: Who was Jogendranath Mandal?

Mr. Naziruddin Ahmad: He was the previous Law Member. If any one compares the old Bill presented by him and the present Bill, it would be easy to see that portions from different parts have been transplanted to other parts. The act seems to be absolutely *bona fide*, but it was not based upon a full appreciation of the purpose of the separate treatment of the subjects. In fact, the Select Committee was presented with a re-drafted Bill by the Ministry of Law. That I submit would be likely absolutely to mislead the Select Committee. It is this document which was printed on the 17th July 1948. It was prepared ready-made for the handy use of the Select Committee before it ever met and the Select Committee was presented with this Departmental Bill. I have already dealt with one point, that in this intermediate Departmental Bill a serious departure has been made, namely, different parts have been mixed up into one whole so to make it impossible to put separate parts back to their original shape. It can be done by a research student, not by Members of the House without any such tendencies or inclinations. I submit therefore that the first mistake was committed by the Departmental Committee in mixing up entirely separate subjects. This introduces a serious and unprecedented constitutional innovation.

Then, Sir, the Departmental Committee has introduced very serious changes in their Departmental Bill. It will be extremely important when we consider the bearing and the effect of this Departmental Bill on the proceedings of the Select Committee. The Departmental Bill, as I shall attempt to show introduced many very important changes, though I must point out that neither the honourable Minister for Law nor the Members of the Select Committee nor the Members of the House seem to be aware of the seriousness of the changes effected. In fact, the Minister for Law on the last occasion when he spoke in the present session in support of the motion for consideration pointed out the substantial changes made in the Bill. But he was careful to insist that all the changes had been made by the Select Committee. I took careful notes of his speech and this can be verified from the official reports. He pointed out with commendable thoroughness the departures made in the final Bill from the original Jogendranath Mandal's Bill. That shows that the honourable Minister was totally unaware of the serious changes made by his Department in the so called Bill submitted to the Select Committee. In fact, I asked a Short Notice Question of the honourable Minister as to whether the Departmental Committee had been authorised to make any substantial changes in the original Bill. The answer was that they had no such authority. On the other hand, the Minister for Law took the entire responsibility for the changes if any on himself. To a supplementary question of Mr. Ramnarain Singh the Minister for Law stated "I introduced no changes". In fact, the point was whether the Departmental Bill had made any substantial changes, and he made it absolutely clear that he had made no such changes and that the Select Committee alone had made the changes. The entire House seems to be of the opinion that the Select Committee made the changes and that no substantial changes were made by the Departmental Committee. On the last occasion when I was on my legs, I was repeatedly asked to point wherein the Departmental Committee had made substantial changes. It is important that I should refer to this, because it shows that the Members of the Select Committee or the House or even the Minister for Law was not aware of any substantial changes really made, and I submit therefore that if I can show that substantial changes were really made by the Departmental Committee and very rarely by the Select Committee. It would open up before the House important considerations. The Select Committee were given a ready-made new Bill and the assurance in the report of the Select Committee is that it contained no substantial changes and that the changes were re-arranging the clauses, their re-numbering and such formal changes as are purely of a drafting nature. This is the assurance we get in the report of the Select Committee. I would therefore like to point that those substantial changes were made by the Departmental Committee. It is not easy to trace the changes and I cannot blame any honourable Member for failing to notice them. I had to prepare a comparative chart, not of the numbers alone, but of the clauses and sub-clauses of the three Bills side by side. I asked for a copy of the Departmental Bill, but it was not supplied. I submit, Sir, that the Departmental Bill is a very important document and should be supplied to the Members. We have been supplied with a report of the evidence of witnesses before the Select Committee, but the most important document which played such a large part in the framing of the final Bill, has not been supplied. It was with the greatest difficulty that I have procured a copy, not from the Department, but through the courtesy of an honourable Member. Then, Sir, I prepared a comparative statement in parallel columns of the appropriate provisions of the original Bill and the corresponding provisions of the Departmental Bill and the final Bill, and I find it extremely difficult to explain the real significance of the changes except by reference to the comparative chart.

I am trying to get the Bills in parallel columns printed. I am sorry it could not be completed and it could not be placed in the hands of the Members for

[Mr. Naziruddin Ahmad]

their convenience. But I shall refer to the substantial changes made one by one. In doing so, I shall refer to the very important changes made by the Departmental Committee. It is on a consideration of the changes by the Departmental Committee that this point will be decided. I shall refer to the changes made by the Departmental Committee which has been officially denied by the Department and also unknown to the Members in the House. The House will be pleased to consider certain clauses of the original Bill.

It is in part I, clause 2, sub-clause (3) (a). The clause corresponding to this is clause 2 of the departmental Bill, sub-clause (2). The original Bill says:

"It shall be presumed until the contrary is proved that the whole of this Code applies to every person who is not a Muslim, Christian, Parsi or Jew by religion."

The original Bill was thus a mere rule of presumption. But in the departmental Bill it is no longer a rule of presumption but a positive rule of law. In the original Bill it was to be presumed that if a man was not a Muslim, Christian, Parsi or Jew he would be "presumed" to be a Hindu. That would not be a rule of law but a rule of presumption. In the Departmental Bill this is changed to stand like this:

"This Code also applies to any other person who is not a Muslim, Christian, Parsi or Jew by religion."

The difference between the two is that under the original Bill any man who is not a Muslim, Christian, Parsi or Jew, would merely be presumed to be a Hindu and would be presumed to be governed by this Act. In the Departmental Bill, it is said that

"the Code applies also to any one who is not a Muslim, Christian, Parsi or Jew."

I submit, Sir, this is introducing a substantial change. While it was a rule of presumption in the original Bill, it is now a positive rule and not one of presumption, that the Hindu law applies to any one not being Muslims, Christians, Parsis and Jews.

In the proviso it is said:

If it is proved that the Hindu law does not apply to anyone, the Hindu law will not apply."

I think it is most unsatisfactory way of stating things. The final Bill applies it to them and this with the proviso, has changed the law.

Sir, I submit that this has introduced a serious change. I am not concerned with the policy of the law. But I am concerned with the changes in the Departmental Bill of which the Select Committee seem to be unaware.

Then, Sir, coming to another part of the Bill. In the Departmental Bill.....

Mr. Tajamul Husain: May I have your permission to raise a point of order?

Mr. Speaker: Yes.

Mr. Tajamul Husain: My learned friend, Mr. Naziruddin Ahmad has been trying to show before the House that the Departmental Bill was considered by the Select Committee and not the original Bill and he does this after your finding of fact and ruling that the original Bill was considered by the Select Committee. I want to know your ruling now.

Mr. Speaker: I have been hearing his argument and I feel he is speaking in support of his amendment that the Bill be circulated for purposes of opinion and the other amendment is for recommitment to the same Select

Committee. Therefore, though my ruling stands, I think he is trying to make out a case that there has been such a substantial departure from the original Bill as introduced by Sjt. Jogendra Nath Mandal, both in the scheme as well as in the content, that it is necessary now to recirculate or recommit it to the same Select Committee. His point, as I have understood till now, is that the original scheme of the Rau Committee in the first Bill was that the various parts of law should be taken in different compartments. It was possible to separate one from the other, but in the present scheme, the whole having been made as an organic whole, it is difficult now to take certain parts that the people agree to and drop out other parts, with which the people do not agree. How far he is right is another matter. Therefore he says that it is necessary to recirculate the Bill for opinion. That is how I have understood the point till now. I do not think he is contradicting my ruling.

Mr. Naziruddin Ahmad: Not in the least. Sir, it will be too late in the day even to suspect that I have questioned your ruling. The ruling was on a point of law. It was very technical in nature. My point of order was based upon some assumptions which could not clearly be proved.

Mr. Speaker: The honourable Member may proceed with his argument.

Mr. Naziruddin Ahmad: I substantially agree that my point of view is that. But it is something more too. In fact, it is my purpose to show that if the honourable the Minister of Law, who is responsible for the Departmental Bill, and the Members of the Select Committee were not precisely aware of the substantial changes made in the Departmental Bill, can it be said that legally and also in fact they have substantially considered both? They technically considered both, but did they as a matter of fact adequately consider them? The question no longer arises as a matter of law on account of your ruling, the justice of which I respectfully accept. But the point I am stressing is that though they considered both, they were faced with the obvious difficulty that there was a Bill presented to them which was said to be a mere re-draft of the original Bill and a re-arrangement of things of the clauses, with the express guarantee that no substantial changes had been made and yet in fact substantial changes had been made. My point is that though technically the Select Committee consider both the original Bill and the Departmental Bill they did not and could not, as a matter of fact, give sufficient or adequate consideration to these undisclosed changes. My purpose is to make out a case for recommitment of the Bill to Select Committee or for circulation.

The next change made by the Departmental Committee of a substantial nature is in clause 2, sub-clause (4). The change introduced here was made by the Departmental Committee. The change is absolutely new and it was not in the original Bill and is a substantial change. This was introduced by the Departmental Committee in the Bill and not by the Select Committee. That is the most important point. The Departmental Bill provides:

"2(4). Notwithstanding anything contained in the Special Marriage Act of 1872 (III of 1872) this Code shall apply to all Hindus whose marriages have been solemnised, under the provisions of that Act prior to the commencement of this Code."

The original Bill did not contain anything like this and the original Bill left those who were married under the Special Marriage Act of 1872 to be governed by that Act. That is divorce, maintenance and other provisions applying to those who were married under that Act would be governed by the provisions of the Special Marriage Act, 1872, which are entirely different. How different from the present code is not very material. The present sub-clause now ever wants to make out that those marriages under the Special Marriage Act of 1872, which took place before the Code comes into force, would be governed not by the Special Marriage Act but by this Code. I submit that

[Mr. Naziruddin Ahmad]

this is a substantial departure or change introduced in the Departmental Bill and it was introduced by the Departmental Committee and was merely accepted by the Select Committee as a matter of course. This is a substantial change: whether it is good or bad, whether it is *bona fide* or not is not the point but a substantial change has been effected by the Departmental Committee and the Select Committee was not specifically informed of the change made. Though there are references to clauses of the original Bill, etc. given in the margin, still this sub-clause is absolutely new without any indication whatsoever that this was a change. Changes in sub-clauses have not been indicated. In fact in ordinary Bills coming out from a Select Committee all changes made by the Select Committee are either underlined or sidelined. The Select Committee has stated that this practice is unnecessary, because marginal references have been given. I submit that marginal reference is only to the clauses but this sub-clause (4) is absolutely new. The reference to this sub-clause is Part I, Section 6, page 2 and Schedule I, page 30. The change effected is neither indicated here either by reference or by suitable marking arrangement. At least it is a change of a substantial nature and the attention of the Select Committee was not in any manner specifically drawn to it, nor the nature of the change is indicated. That is change No. 2. I am dealing only with the more substantial and important changes. There are many. I hope at a future time to make available to Members as well as the public a publication which will clearly show the real changes introduced by the Department and the changes really introduced by the Select Committee. I again insist that the Select Committee made very few changes and most of the substantial changes introduced were made by the Drafting Committee.

I come to another part of the Bill. In the original Bill, Part I, clause 3, which deals with the operation of the Code in relation to previous customs and usage, it is provided:

"In regard to any matters dealt with in this Code its provisions shall supersede any custom or usage not hereby expressly saved."

The original Bill would supersede only "customs or usages" not thereby expressly saved—all customs not specifically recognised by the original Bill would be superseded. Let us look at the corresponding provisions in the Departmental Bill which also was accepted without question by the Select Committee. I may point out that the change was effected by the Departmental Committee and not by the Select Committee. In the Departmental Bill it is clause 4 which corresponds to clause 4 in the Final Bill. The marginal note is "over-riding effect of the code" which is much different but I lay no emphasis on this note as it is not part of the Bill. The Departmental Bill says:

"Save as otherwise expressly provided in this Code any text or rule or interpretation of the Hindu Law or custom or usage or any other law in force immediately prior to the commencement of this Act shall cease to have effect as respects any of the matters dealt with by this Code."

The verbal changes are not important but you will please consider that several important new matters have been introduced by the Departmental Committee. "Any text, rule or interpretation of Hindu law" and later on "any other law in force immediately prior to the commencement of this Code" are absolutely new. Let the House pause for a minute and consider the seriousness of the change. All custom and usage not specifically recognised by the original Bill would be absolutely gone. But the Departmental Bill would include also within its mischief any text, rule or interpretation of Hindu law. This is something which is entirely different from usage and custom. In fact any text of the sacred books, the *Vedas* and *Smritis* any rule or interpretation of the Hindu law, that is to say, all ruling of the High Court, the Federal

Court and the Privy Council, all authoritative expositions of the original Sanskrit texts or the interpretations by the highest judicial authorities must perish as also any other law in force immediately prior to the commencement of this Code. The sacred texts and the rich case law for over a century and a half would be abolished altogether by a stroke of the pen. "Any text, rule or interpretation of Hindu law" probably includes all things. "Any other law in force immediately prior to the commencement of this Code" would probably be included within the passage, but I submit that the Departmental Bill would try to illegalise, if I may be permitted to use the expression, all texts, interpretation of Hindu law or rule not specifically recognised by the Bill, and they will all be gone. I submit this is a substantial change.

Shrimati G. Durgabai (Madras: General): On a point of order, is the honourable Member within his rights to question the competency of your ruling? When he calls this Bill as the 'Departmental Bill' he is making very great insinuations against the Members of the Select Committee. The Members of the Select Committee have gone fully into the Bill and they have noted all the changes. He can no longer argue on the point by referring to it as the Departmental Bill. We want your ruling as to whether he is in order.

Mr. Speaker: I am afraid it is hardly a point for ruling. These are observations which, I appreciate, irritate some Members; but I do not think the honourable Member, when he uses the expression 'Departmental Bill' suggests thereby that the Members of the Select Committee did not consider the points. He is, as I have been noticing, using the expression 'Departmental Bill' for the sake of brevity instead of saying each time "the Bill which was drafted by the Department for the benefit of the Select Committee Members." I do not think it goes anything further than that and we should not read any meaning into it. 'Departmental Bill' is only a short phrase for that. As I once pointed out—I do not know whether the honourable Member was present—when another honourable Member of the House raised this point, the point that he is making out is that the changes made by the Select Committee are substantial. And if the changes are substantial then he is certainly within his right to say that the Bill should be re-committed or re-circulated. That seems to be the point though he is going his own way, doing so in a very elaborate way which he could do in a shorter time.

Shrimati G. Durgabai: My point is he is imputing ignorance to the Select Committee Members.

Mr. Naziruddin Ahmad: Not in the least. I am imputing, not ignorance, but carelessness naturally following from the Departmental Bill which gave them no clues to the changes. (*Interruptions*).

Mr. Speaker: Order, order.

Mr. Naziruddin Ahmad: I withdraw the expression "ignorance". But they were affected by a mistaken faith in the Departmental Bill. (*Interruption*). Even if this is not yet apparent to him I am sorry for the honourable Member that he is still suffering from the obsession.

Mr. Speaker: Let the honourable Member proceed on a different line; let him say that they should have given more attention to this subject.

Mr. Naziruddin Ahmad: That is what I mean. In fact for my argument I do not require any hard expression—I rely more upon reason than upon an expression. If I have used any expression which is hard, even if not unparliamentary, I withdraw it. The point is we shall again begin with. . . .

Mr. Speaker: He need not repeat it: he may proceed further.

Mr. Naziruddin Ahmad: The other point is that not merely have substantial changes been made without sufficient or any clear notice to the Select Committee. . . .

Shri L. Krishnaswami Bharathi: That is what we want to object to. He cannot say so. We knew it fully well.

Mr. Naziruddin Ahmad: If the honourable Minister for Law is unaware of the change and if honourable Members are repeatedly asking me to point out the substantial changes it shows that they are unaware of them and accepted the changes *bona fide* without knowing them. I think the changes were introduced by some over-zealous draftsman who thought of improving the Bill and he introduced some *bona fide* changes without realising that he was thereby making a new Bill altogether, and nobody saw through it.

The Honourable Dr. B. R. Ambedkar: I must really protest against this. It is a grave reflection on the Draftsman. My friend is almost suggesting that after the Select Committee had considered everything the Draftsman took it into his head to make changes in the Bill. I very strongly protest against it.

Shri L. Krishnaswami Bharathi: And we protest against the way in which he is insinuating against the Select Committee Members.

Mr. Speaker: Changes made after the Select Committee report?

The Honourable Dr. B. R. Ambedkar: That is what he is suggesting.

Mr. Speaker: He means "before."

Mr. Naziruddin Ahmad: Yes, Sir, I am absolutely certain that I said that the changes had been made before the Select Committee met.

Mr. Speaker: There appears to be some misapprehension.

The Honourable Dr. B. R. Ambedkar: I have no idea. If I understand my friend's speech it simply means that the Select Committee blind-foldedly signed the Report without going into anything, or it means that after the Select Committee had done its work the Draftsman took it into his head to introduce some changes. It cannot have any other meaning.

Mr. Naziruddin Ahmad: As to whether the changes were made *bona fide* or in a careless or *mala fide* manner it is not material for us to go into.

Mr. Speaker: The honourable Member's point is that changes which he believes to be substantial are made.

The Honourable Dr. B. R. Ambedkar: I am quite prepared to hear my friend setting out *seriatim* the changes which he thinks the Select Committee has made. Assuming that certain changes were made by the Select Committee I would like to know whether that in itself would be a sufficient ground for re-circulation.

Mr. Naziruddin Ahmad: Not at all: I never said that they were made by the Select Committee.

Mr. Speaker: What I was suggesting to the honourable Member was that assuming that certain changes which are of a substantial nature in his opinion have been made, his case is strong enough for pleading and he need not say whether the changes were made out of ignorance or *mala fides*. The Select Committee with an open mind and considering the whole thing could have made the changes. Still he thinks that they are of a substantial nature and, therefore, the Bill should be re-circulated. All people need not agree that these changes which he believes to be substantial are necessarily substantial. Opinions may differ.

Mr. Naziruddin Ahmad: The honourable Minister for Law said that it is for me to show what changes were made by the Select Committee. I have

been at pains to show that I am not drawing the attention of the House to changes made by the Select Committee at all. That is I believe the mistake which is haunting the mind of the honourable the Law Minister.

The Honourable Dr. B. R. Ambedkar: Nothing of the kind.

Mr. Naziruddin Ahmad: In fact he has been insisting that the changes were made by the Select Committee. The changes I have been mentioning so far are changes made not by the Select Committee but made by the Departmental Committee.

Mr. Speaker: Order, order, there the rub comes in. Whosoever made the changes so long as the Select Committee has accepted them they are changes by the Select Committee and not changes made by somebody else without the knowledge of the Select Committee. He need not make that kind of insinuation or assertion. By whomsoever they were made—even at the instance of a single Member or the Law Minister or the Drafting Committee or anybody else—he should proceed on the assumption that these changes are changes made by the Select Committee and he should proceed to show that they are substantial.

Mr. Naziruddin Ahmad: My difficulty is I cannot stop at that. The honourable the Law Minister insists that the changes were introduced by the Select Committee and not by the Drafting Committee. That would make it absolutely clear that the Select Committee faithfully and *bona fide* accepted the changes introduced by the Drafting Committee. If that is so the Select Committee did not apply its mind to it when accepting it, knowing it to be a change. If the Select Committee did not know, as the honourable the Law Minister does not know, that these changes were introduced by the Departmental Committee, they accepted technically, but not with full appreciation, all the changes made. That is the point which makes my case stronger. It is not merely the changes made by the Select Committee willingly but the changes made by them of a substantial nature without realising that they were accepting any changes which makes the case stronger. In fact, they obviously assumed that the Departmental Bill was a mere re-draft without any substantial change. This is corroborated by the fact that even the Law Minister supposes that I am pointing out changes made by the Select Committee. That is why I am constrained to argue that the Select Committee's attention was not specifically drawn to the changes. On the other hand they took the Departmental Bill as a substantial reproduction of the original Bill without any substantial change. I can say that without casting any reflection; we can always argue mistakes or oversights or *bona fide* errors. I need not put the point better than that.

Sir, I submit that the Members of the Select Committee or the Minister for Law need not be very sensitive about this. It is a matter of record. In fact, even the honourable the Law Minister admitted that he introduced no change and he assumes that I am pointing out changes made by the Select Committee. They have been adopted: as your ruling must be accepted, they must have accepted these changes. But the question I am pointing out is that the consciousness or the legal mind was not directed towards these because they were not aware of it. The honourable Minister insisted the other day on a question that the Departmental Committee introduced no substantial changes. The substantial changes are there and they were not indicated in the Departmental Bill. Therefore, there is no question of insinuation.

Mr. Speaker: Let us not go into that question again.

Mr. Naziruddin Ahmad: This is one substantial change. Sir, I thought I was treading on very solid ground. If any offence is meant to the Members of the Select Committee by pointing out obvious matters, I am very sorry.

Shri L. Krishnaswami Bharathi: You cannot insinuate against Members.

Mr. Naziruddin Ahmad: What insinuation? That they made mistakes? To err is human. I was only suggesting that the Members of the Select Committee were human beings.

Shri B. Das: On a point of order, Sir. Can the honourable Member go on pointing out the defects of the Select Committee for three months continuously. The point was raised and settled. Whether I accept his words or not is a different question, but the honourable Member cannot go on talking in the filibustering attitude which my friend Mr. Baijnath Bajoria took some years ago on my Bill to amend the Child Marriage Act. He quoted *shastras* and read from the *Mahabharata* and other books. Here the poor Select Committee is being hammered by my friend Mr. Naziruddin Ahmad for the last three months. This is not a law court. Sir, you ought to ask him to produce his views that the Hindu Code Bill should not be passed. Why should we go on interminably talking against the Select Committee? As the oldest Member of this House, I cannot understand it.

Mr. Speaker: The honourable Member may indicate only the substantial changes.

Mr. Naziruddin Ahmad: Yes, Sir.

Sir, I object to my speech being called a filibustering speech. I think the honourable Member goes a bit too far. It seems that he has locked up his mind absolutely and he is not in a mood to hear.

Sir, may I ask you to consider this and see if I am in the least irrelevant or wrong? Unless the change is substantial, palpably, obviously it rules out texts of the Hindu Law and rule of interpretation by the highest Courts. The original Bill did not contain anything of the sort and the change was introduced by the Departmental Committee. Is it not, in all fairness, a substantial change? Mr. Das cannot listen to legal matters. He is good in financial matters but in legal matters he is rapidly approaching his second childhood.

Shri B. Das: We are here to legislate. We are not here to understand the interpretation of lawyers or High Court Judges. (Interruption).

Mr. Naziruddin Ahmad: Sir, much depends on the substantial changes. Have not these been introduced by the Departmental Committee? On that issue the whole case depends. If it was introduced by the Departmental Committee and if it is a substantial change, then the Select Committee was not informed of it. It has been repeatedly made clear that the Select Committee considered the Departmental Bill and not the original Bill. If this is insinuation, I am sorry I shall have to discharge my duty faithfully but absolutely fearlessly though very respectfully. I submit the Select Committee was absolutely cajoled into believing that the Departmental Bill was a substantial reproduction of the original Bill, and even the honourable the Law Minister is persuaded to believe that there was no change. It is not insinuation, it is a fact. Who has made the changes? If it were the Law Minister, then he would have been aware of it. Is it somebody else? Then is it improper for me to point out that somebody else has made the changes? I say he has done it by mistake or *bona fide*. Would it be proper for me to suggest that

these changes were made fraudulently? I do not suggest anything of the sort. The only thing I could do is to assume that these things were done *bona fide*—just a little flourish of the pen to improve upon it. “Why merely rule out customary law? Let us abolish all the rulings of the Privy Council.”

Sir, criticism is proper. If any language I have used is improper, I withdraw it. But what about the criticism?

Shri L. Krishnaswami Bharathi: Let us hear the other points.

Mr. Naziruddin Ahmad: Why be anxious? Why not listen to this?

Mr. Speaker: Order, order. We cannot carry on the discussion of the Bill in this manner. There are Members who want to support the Bill and others who want to oppose it. Let everyone have his say in any manner he likes, without being offensive or speaking unparliamentary language. That is the only objection. Otherwise, at every stage there will be interruption and those who want to support the Bill will be the sufferers in the long run, because time will be spent in unnecessarily carrying on this kind of discussion. The honourable Member will have his say and if he says that the Select Committee did not give attention to this or that or that these points were not examined by the Select Committee, where is the ground for taking insult in that? He is perfectly entitled to say so. But he should not insinuate something else; that is what I have to guard against. But I believe he is entitled to express his views.

There is another point also to which I was going to invite the attention of the honourable Member. He says that because the Law Minister is unaware of a substantial change, therefore somebody else introduced the change. There is another aspect to it. If the point which he considers substantial is not considered by the Law Minister as substantial, then the honourable Law Minister is perfectly entitled to say that he is not aware of any substantial change. Therefore, it does not necessarily mean that some other party in ignorance or behind the back of the Minister, introduced it in the Select Committee. Let the points be substantial and let the controversy be limited to the question as to whether the points are substantial or not. That I believe is the chief point in dispute.

Mr. Naziruddin Ahmad: I stand subject to correction. It may have been done by the Law Minister without realising or without believing this to be a substantial change. But the matter is exactly where it was. These are substantial matters, whether introduced by the Law Minister consciously or by anyone else unconsciously, in any manner. It is not proper for us to argue on that. But by one stroke of the pen all texts, rules and interpretations of the Hindu Law have been abolished. The effect of this will be that all learned rulings of the Privy Council, the Federal Court and the High Courts are all gone, by one stroke of the pen. In fact, if this is not seriously interfering the original Bill, I do not know what is. There may be difference of opinions. But to one approaching the question absolutely impartially, and with a free mind, there would be no difficulty in agreeing with me that this is very serious interference with the Original Bill.

Shrimati G. Durgabai: Please speak of other substantial changes.

Mr. Naziruddin Ahmad: This is dealing very lightly with a very serious matter. But I say these are very serious changes which verge on interpolations, *bona fide* or *mala fide*, it does not matter.

[1ST APRIL 1949]

[Mr. Naziruddin Ahmad]

Then, Sir, the next change made by the Departmental Committee is to remove the definition of 'caste' in Part I, clause 5, sub-clause (b) which contained a definition of caste. This has been entirely omitted.

Mr. Speaker: What clause does the honourable Member refer to?

Mr. Naziruddin Ahmad: I am referring to Part I, clause 5, sub-clause (b) which has the definition of 'caste'.

Mr. Speaker: Is he referring to the original Bill?

Mr. Naziruddin Ahmad: Yes. And that definition has been entirely omitted in the Departmental Bill without any indication being given anywhere about this omission. There is a mere reference in the margin to the original clause. This sub-clause has been omitted, and there is no indication to be found of it. I submit, Sir, that the Select Committee's attention was not specifically drawn to this omission, and whether these are substantial matters or not, there cannot be much difference of opinion. At any rate the Select Committee was entitled to be told that these changes were made; whether these are substantial changes or not may vary from individual to individual. But the Select Committee was entitled to know that these changes were made. But they were not told.

And then we come to sub-clause (f) of the same clause and here we find that the definitions of *Gotra* and *Pravara* have been omitted. And then in sub-clause (j) the definition of *Stridhan* has also been omitted. Therefore the definition of Caste, the definition of *Gotra*, the definition of *Pravara*, and the definition of *Stridhan* are entirely omitted. What effect this would produce on the Bill, cannot be explained shortly on the floor of the House.

Shri A. Thanu Pillai (Travancore State): May I know from the honourable Member whether even if the definition is not of a term required in the law, it should be defined?

Mr. Naziruddin Ahmad: I think the honourable Member is not proceeding as cautiously as he should. In fact, whether a definition is wanted or not wanted is not the question. A definition was in the Bill and that was removed by somebody, without any authority. The Departmental Committee removed it, and the attention of the Select Committee, who was alone competent to remove it, was not drawn to this fact.

Shrimati G. Durgabai: The Select Committee takes full responsibility for it.

Mr. Naziruddin Ahmad: This was not considered by the Select Committee.

Shri M. Tirumala Rao (Madras: General): Are you sure that the compositor did not omit it?

Mr. Speaker: Those who interrupt can also be called obstructionists. If interrupted he will take longer time over it.

Shri L. Krishnaswami Bharathi: I may cut short further arguments by saying that the Select Committee's attention was actually drawn to all these things. The honourable Member is unnecessarily harping on this point, that the attention of the Select Committee was not drawn. But as a Member of the Select Committee I may say that all these points were fully considered, all aspects of the matter were considered by the Select Committee. Therefore the honourable Member need not go over this matter over and over again.

Mr. Speaker: I will say that even if the question has been fully considered, the honourable Member is perfectly within his right in giving his views. Honourable Members will see that he is making a case for re-committal of

the Bill to the Select Committee, and for this he has been putting forth his arguments. The Select Committee might have given full, adequate, proper, reasonable attention, but in his opinion, it has been inadequate. Therefore he is insisting that the attention given has been inadequate and the Bill should be re-committed to the Select Committee. That is the line of argument he is following; and if he is following that particular line of argument, he must maintain that stand. As regards the fact of adequacy just as the Select Committee Members cannot be absolute judges of the fact, as to whether the Bill was given proper or adequate attention, similarly, his judgment also is not final. But he is placing his opinion. Let us proceed on that basis. Otherwise there will be no end to this discussion.

Shri L. Krishnaswami Bharathi: I was only referring to the question of fact.

Mr. Speaker: It is a question of opinion. What the honourable Member supposes to be a question of fact, is actually a question of opinion. Adequacy of attention or not is a question of opinion and not merely a question of fact.

Mr. Naziruddin Ahmad: The question is the adequacy of consideration.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar)]

Mr. Naziruddin Ahmad: Sir, I have been interrupted almost continuously the other day, and again a series of interruptions are made to-day.

Pandit Lakshmi Kanta Maitra: I am supporting you all along.

Mr. Naziruddin Ahmad: There is my friend Mr. Bharathi. Is he right in telling the House what took place in the Select Committee? If so, I have equally strong authority, also from the Members of the Select Committee themselves to the contrary. It would be very wrong to compare one Member's statement with that of another and I would rather draw a veil on what happened in the Select Committee. The honourable Member need not assure us that the Select Committee has considered everything. If he is so sure, I am equally sure that for many reasons, adequate consideration could not be given.

Shri L. Krishnaswami Bharathi: I was talking only about myself.

Pandit Lakshmi Kanta Maitra: You could not understand things.

Mr. Naziruddin Ahmad: In fact, it is not the case of one man. It is the whole Select Committee and not a one-man affair. If one man has followed, it does not mean that others also have followed it.

Pandit Lakshmi Kanta Maitra: Yes, one swallow does not make a summer.

Mr. Naziruddin Ahmad: Exactly, "One swallow does not make a summer". If there is one man of the Select Committee who believed that no change was made, that would be enough to make out a case for re-committal of the Bill to the Select Committee. And I again submit that these are very serious changes. And then how many of them? My friends wonder how many changes there are. I can show them many, many such changes. Take the...

Shrimati G. Durgabai: In the meantime, on a point of information, may I ask whether the changes made by the Select Committee are absolutely binding on this House. Cannot the House accept the changes or reject them?

Mr. Naziruddin Ahmad: I submit with all respect that it is irrelevant to ask if the Select Committee's changes should be accepted or rejected by the House. The Select Committee can make any change and the House can

[Mr. Naziruddin Ahmad]

make further changes too. The House can make changes. There is no doubt about it. But the point is that the Select Committee for some reason did not or could not or failed or omitted to discharge its duties fully. If that is so, the right to go fully into the question rests with the House and it is for this reason that I appeal from the Select Committee to the larger House. There is of course the still larger house, the entire electorate of India. I now come to clause 7 of the original Bill. (Interruption). I think some Members have lost their heads.

Mr. Tajamul Husain: I must strongly protest against the statement that the Members have lost their heads. I raise this point of order seriously. He must withdraw it unconditionally.

Mr. Deputy Speaker: I think it was not necessary for the honourable Member to say all that.

Mr. Tajamul Husain: Let him withdraw it. Was he in order in making that statement? He has all along been making violent gestures against honourable Members.

Mr. Deputy Speaker: I do not think it is proper for the honourable Member to say that the Members have lost their heads. It detracts from the dignity of the House. At the time I must say this: I have been noticing one Member or other using language which may not be liked by the person addressed. There must be some amount of patience shown. There should not be interruptions either by the spoken word or by signs. Therefore when the honourable Member is turning over the pages of some of his papers, if they interrupt him he will miss it and their interruptions are likely to ginger him up.

Mr. Naziruddin Ahmad: Sir, I was told across the table that I had lost my head.

Mr. Deputy Speaker: The honourable Member has lost his thread--the thread of his argument.

Mr. Tajamul Husain: May I know whether he has lost his sacred thread?

Mr. Naziruddin Ahmad: I will proceed with my arguments, Sir.

Clause 2 of the original Bill gives the definition of 'son' thus 'Son' includes a *dattaka*, *Kritrima* or *godha* son, etc. but not a *dasiputra* and others. This has been entirely omitted in the Departmental Bill.

Shri L. Krishnaswami Bharathi: When an honourable Member reads out something, should he not do so correctly?

Mr. Naziruddin Ahmad: I find that this has been omitted. If it is anywhere in the definition or in any other part of the Bill, my attention may kindly be drawn to it.

Mr. Deputy Speaker: The honourable Member who just now interrupted the speaker has been again and again giving advice. Mr. Naziruddin Ahmad may be a bit slow in making the references he desires to make. He need not be interrupted.

Mr. Naziruddin Ahmad: I submit that the definition of 'son' has been omitted. If I am wrong, the mistake may be pointed out to me.

Dr. P. S. Deshmukh (C.P. and Berar: General): I think the honourable Member is wrong.

Mr. Deputy Speaker: If honourable Members go on interrupting in this way it will be impossible to conduct the business of the House in an orderly manner. Mr. Naziruddin Ahmad may go on without putting questions to other honourable Members.

Mr. Naziruddin Ahmad: As I said the definition of 'son' has been omitted as also the illustrations found in Part II, sub-clause (3) of clause 2 in regard to intestate succession. Four illustrations have been omitted. These are substantial changes. I am only trying to draw attention to the nature of the changes made. According to me these are omissions of a very serious nature. They are not omissions of a drafting nature. I am not questioning the right of the Select Committee to improve the Bill, or to make these omissions. These changes, however, were made not by the Select Committee but by the Drafting Committee and the attention of the Select Committee was not particularly drawn to these omissions.

Then I come to another important part of the Bill to show the very serious changes introduced by the Drafting Committee. In Part II, clause 4 of the original Bill, the list of heirs has been given. It says that the inheritable property of a male intestate shall devolve according to the rules laid down in this part: (a) upon the enumerated heirs referred to in section 5, if any; (b); if there is no enumerated heir, upon his agnates, if any; (c) if there is no agnate, upon his cognates, if any; and (d) if there is no cognate, upon the heirs referred to in section 10, if any.

Mr. Deputy Speaker: I do not know if the honourable Member has got a copy of the Hindu Code Comparative Tables, which was circulated to all honourable Members. The original Hindu Code as drafted by the Rau Committee has been revised in the Ministry of Law and the changes made have been indicated there. I would therefore suggest that the honourable Member need not labour this point. I think he has spent sufficient time over the first 4 P. M. point. I personally think that the point is sufficiently clear and of course illustrations can always be multiplied. If it is a point here and there, the House will take it into consideration. There are certain points which when made are sufficient in number. I agree they can be made clearer, but the changes made in the tables, are sufficient.

Mr. Naziruddin Ahmad: Sir, the list is neither complete nor accurate and does not indicate the changes made. In fact the remarks against the original clauses of the original Bill and as to the changes are extremely meagre. I have now come to a very important change, namely the inheritance. It has been so changed as to make it impossible to recognise with the new Bill or the departmental draft nor is it a substitute for the original Bill at all. I submit that with regard to the inheritance a larger number of changes had been made.

I shall show first of all that in clause 4 of the Bill in Part II (a) regarding the enumerated heirs; I am in a position to show that serious changes have been made in the enumerated list. In the original Bill was one and in the revised draft by the Departmental Committee they are completely different. The original arrangement has been made entirely topsy-turvy and then it is said that if there are no enumerated heirs the property devolves upon agnates. The definition of agnates is well-known. That was in the original Bill, but in the Bill as revised by the Departmental Committee the word 'agnate' is now very much restricted. So in case of the enumerated heirs failing the agnates, even the distant agnates would be entitled to be heirs according to the Hindu law, according to the Muslim law and every other law and that was according to the original Bill. But in the revised draft by the Departmental Committee the word 'agnate' has been seriously modified to be within certain degrees. So agnates which are beyond those degrees would have been entitled to inheritance under the old Bill, but under the Departmental Bill, they would be shut out. Similarly, cognates are also restricted in the Departmental Bill and this

[Mr. Naziruddin Ahmad]

is a substantial change as it eliminates the distant Agnates and distant cognates. Then, Sir, in clause (d) of 4, the words preceptor and others are entirely eliminated. The scheme of inheritance in clause 4 of Part II of the original Bill is changed at every step and very serious changes have been made and the enumerated heirs have been changed. The agnates have been restricted; the cognates have been restricted and the other clauses have been entirely eliminated. I can quite understand that these changes may be legitimately made on a full consideration by the Select Committee, but these were changes not by the Select Committee, but by the Departmental Committee and Members asked me "Tell us what are the changes made?"

Mr. Deputy Speaker: Am I to understand from the honourable Member that if the Select Committee Members all got up and they address themselves to that, will the honourable Member be thoroughly satisfied with what has been done by the Select Committee.

Mr. Naziruddin Ahmad: The point is that the Select Committee Members were not made aware of the changes.

Mr. Deputy Speaker: It serves no useful purpose. It is not a question of law whether this House has got jurisdiction over the Select Committee's piece of handiwork. It has been decided and sufficiently discussed to show that the Select Committee has looked into every one of the clauses to come to a conclusion. But on matters of substance, the old law has been widely changed. There is some substance in that. Those are the matters on which the honourable Member should address the House I do not say that all that has been said is out of place, but sufficient has been said.

Mr. Naziruddin Ahmad: To many Honourable Members sufficient has not been said. It is said that these are not substantial changes and I shall take care to point them out. The difficulty is that the changes are too numerous to ensure the attention of the House. In fact the changes are very serious and very various and very substantial and my point is that they were introduced, not by the Select Committee and whether they accepted them or not is a different matter. My thesis is that they were presented with a ready-made Bill with the assurance that no substantial changes had been made and so the attention of the Select Committee was not sufficiently drawn to that matter. Now, let us consider the actual changes in the list of inheritance. In fact in the original Bill the list of inheritance is to be found on pages 4, 5 and 6 in the body of the Bill. This has been bodily lifted from this place in the Departmental Bill and transported to the Seventh Schedule. While the other parts remain in the body of the text, the list of inheritance, strangely and for unaccountable reasons, removed. It is not very easy to compare the original list with the new list as it appears in the Seventh Schedule; there have been serious and substantial changes. The honourable Minister wanted to know what are the changes made.

The Honourable Dr. B. R. Ambedkar: I am quite aware of them. So far as I am concerned, you need not spend your labour in enlightening me at all.

Mr. Naziruddin Ahmad: If these are intentional changes, then what is the point in saying that no changes were made by the Drafting Committee, and that all the changes were made by the Select Committee, and for the Select Committee say: "We confined our attention to the Departmental Bill". Therefore, it follows that their attention was not drawn to this. It is a very simple conclusion.

The Honourable Dr. B. R. Ambedkar: Give it in your own way.

Mr. Naziruddin Ahmad: It seems to me that the honourable the Law Minister found himself in an inconvenient position and somehow or other, though the mistake is admitted, it is not done pointedly. In fact changes of a substantial nature were made. I was asked on the last day by the honourable Law Minister himself: "Let us know what are the changes made by the Drafting Committee", and now he says: "I know everything". Of course he must have studied them later on, but these changes are of a serious nature. They were introduced not by the Select Committee, but by the Departmental Committee and the question is how far the Select Committee did actually notice them. At least in the note of dissent Dr. Bakhshi Tek Chand says: "We confined our attention to the Departmental Committee Bill and not to the original Bill" because they were assured that in the Departmental Bill they did not introduce any substantial changes at all. So taking this into account, I do not know where to go. In fact, if that is not a serious irregularity and a matter requiring attention of the House, I do not know, what is. When the Department has committed an error of judgment, I think it is better and proper to admit it than to say: "I know all this but no changes were made; every change was made by the Select Committee" and when I say that the Select Committee did not make the changes and they were made by the Departmental Committee then it is said: "I know it". Then we ought to know where does the Department stand? If the Department makes a change.....

Shri B. Das: This is not a law court for us to hear point by point. The honourable Member should make a speech and sit down.

Mr. Deputy Speaker: The honourable member, Mr. Das made this statement when the Speaker was in the Chair. It is a law court in some sense and not a law court when he wants to impress upon honourable Members as if he is arguing a case in a court of law. In any case we ought not to interrupt him. That kind of talk ought to be avoided as far as possible.

Shri B. Das: We are talking among ourselves.

Mr. Deputy Speaker: The honourable Member has no right to talk when another honourable Member is on his legs and he ought not to disturb.

Shri B. Das: He is talking at us.

Mr. Deputy Speaker: You ought not to talk. No honourable Member has the right to talk while another honourable Member is speaking. He ought to listen and not cause noise in the House.

Shri B. Das: You understand the exasperation. I am ready to get out, but the honourable Member's speech should not exasperate Members of this House.

Mr. Deputy Speaker: This is wrong. No honourable Member's speech ought to be called exasperating, unless he uses bad language or unparliamentary language. We may or may not agree, but the honourable Member is putting his case before the House. Nobody has a right to dub an honourable Member's speech as exasperating.

Shri B. Das: I accept your verdict. But he used terms such as "fraudulent" about the Law Minister.

Mr. Deputy Speaker: The honourable Law Minister is sufficiently strong to take care of himself.

Mr. Naziruddin Ahmad: I beg to submit that the honourable Members should compare the original clause.

Mr. Deputy Speaker: Are there any matters of substance by which the honourable Member can induce the House to change its mind?

Mr. Naziruddin Ahmad: There are substantial changes. I shall have to point out these things. In fact, I shall have to go on enumerating a large number. The best thing is to admit the mistakes or listen patiently. I must enumerate all the points and if I repeat my argument or be irrelevant, I can be called to order. In Part II, clause 5, there is Class I. Sons, widows, daughters and so forth. A change has been effected in this by the Departmental Committee. Son of a predeceased son of predeceased son has been newly introduced in the corresponding part of Class I in the 7th Schedule in the Departmental Bill. In fact, the Schedule has been so far removed from its place in the original Bill that it is not easy to notice it unless the two Classes are placed side by side, to find out the change. In fact, the son of a predeceased son of a predeceased son did not find a place in the original, but it has been introduced in the Seventh Schedule of the revised Bill by the Departmental Committee.

Then we come to the other lists. The first in the list in the original Bill after the enumerated heirs in item No. 2 is daughter's son. In the Departmental Bill, the daughter's son has been brought further down. Then comes the father and the mother. According to the original Bill, the mother would have been entitled to inherit in preference to the father. Here the father and the mother have been placed together in the Departmental Bill and their order has been changed and whereas under the Departmental Bill they inherit together under the original Bill the mother would have inherited first to the exclusion of the father, and in the absence of the mother the father would have inherited. The daughter's son as has already been pointed out, has been brought down further in the Departmental list. It should be obvious to any one who cares to consider this matter that these are substantial changes.

Then we come to Class III of the original Bill. The brother's son's son who was first in the list of Class III in the original Bill has been entirely lost sight of in the Departmental Bill. If this was deliberate and intentional, then we would have got some indication of it in the report of the Select Committee or in the speeches. I want to know if this is a substantial change. It may not be substantial to a man who is not the brother's son's son, but to the brother's son's son, it is a substantial change, because in the absence of other heirs he would have been entitled to property.

Next in the list comes the sister. We have now the brother and the sister inheriting together in the Departmental Bill. The brother who was very high up in the list in the original Bill has now been transferred and brought down to Class III and is inheriting with the sister. (*Interruptions*)

Am I to stop my argument?

Mr. Tajamul Husain: The honourable Member has no right to speak to another honourable Member. I object to it very strongly, Sir.

Shri Lakshminarayan Sahu (Orissa: General): There is no quorum it seems.

Mr. Deputy Speaker: There is quorum.

Mr. Naziruddin Ahmad: Supposing a man dies leaving a brother and a sister. Under the original Bill the brother would have inherited, the sister would have been postponed; but under the Departmental Bill the brother and the sister inherit equally. The brother is now brought down on a line with the sister having been superseded by 11 others in the list. I submit this is introducing very substantial changes.

Then we come to brother's son. He was very high up, in Class I. He is by the Department brought down to Class III along with sister's son. If a man died leaving a brother's son and a sister's son, under the original Bill, the brother's son would have inherited, but under the Departmental Bill the brother's son and the sister's son inherit together. I submit these are very substantial changes.

Then I come to Class IV of the original Bill. In Class IV of the original Bill, a man dying leaving a father's mother and a father's father have been treated differently in the original Bill and the Departmental Bill. Between the father's mother and the father's father being the heirs under the original Bill, the father's mother would have been preferred; the father's father would have been postponed. But under the Departmental Bill both have been put together and they inherit together. I ask whether this is not a substantial change.

Then, Sir, we have a certain class of heirs in Class IV, items (1A), (1B), (1C) and (1D). These were introduced by an amendment of the original report by the Rau Committee. In the original Bill, if there was a father's widow and a brother's widow, the father's widow would have been preferred to the brother's widow. In the Departmental Bill the father's widow and the brother's widow inherit together. I submit this is a very substantial change—whether good or bad, it is not the point. Then coming to two other heirs in the supplementary list introduced by way of amendment of the Rau Committee brother's son's widow and brother's son's son's widow are entirely omitted in the Departmental Bill. In the original Bill they would have inherited one after the other. In the Departmental Bill they are omitted. There is nothing corresponding to this in the Departmental Bill.

Then coming to item 2, Class IV, the father's father is very low in the original Bill but he has been brought up very much higher in the list prepared by the Departmental Committee.

Then Sir, we come to the father's brother and also to father's sister. Father's brother is No. 3 in the list. Father's sister is sixth in the list. So in the original Bill, if there was the father's father and the others, the father's father would be preferred. Then comes the father's brother, father's brother's son, father's brother's son's son and then the father's sister. In the Departmental Bill the father's father and the father's sister have been brought together, the latter being brought higher up.

Then there is a large list of heirs which has been entirely omitted. Nos (4), (5), (7), (8) and (9) are heirs in the original Bill. They are nowhere in the Departmental Bill. They are entirely eliminated.

I know, Sir, that it is a tedious business to refer to this but I am discharging a duty and I undertook to supply every Member with a copy of the comparative statement which is in course of preparation. I shall ask the Members to verify each change and I shall be most glad if I am proved to be wrong.

The Honourable Dr. B. R. Ambedkar: I hope it shall be supplied free of cost.

Mr. Naziruddin Ahmad: If the Government thinks I am a charitable institution then I shall be glad to deserve the hope.

Mr. Deputy Speaker: Had it been supplied earlier all this time would have been saved!

Mr. Naziruddin Ahmad: The pity is that my printing press is worse than the Government printing press.

[1ST APRIL 1949]

Mr. Deputy Speaker: If the suggestion had been made to the honourable the Law Minister, he would have had it printed.

The Honourable Dr. B. R. Ambedkar: Certainly, I would have had it printed.

Mr. Naziruddin Ahmad: I have the manuscript ready. I shall be glad if the honourable the Law Minister would publish it.

The Honourable Dr. B. R. Ambedkar: Now it would be of no use because you have said the same thing on the floor of the House.

Mr. Naziruddin Ahmad: Now we come to Class V of the original Bill. By strange accident—I should be afraid to insinuate anything—everything in it has been omitted in the Departmental Bill. It contains nine classes of heirs and four other supplementary heirs. Thirteen heirs in Class V of the original Bill have been entirely omitted, whether by mistake...

The Honourable Dr. B. R. Ambedkar: Very deliberately!

Mr. Naziruddin Ahmad: But then why did the report of the Select Committee say that no substantial changes were made? If these were omitted deliberately, then the only point is whether these are substantial changes. The House has been assured by the honourable the Law Minister that no substantial changes were made. That these changes were made deliberately is now admitted. The question now therefore is whether these are substantial changes. But we have been assured that no substantial changes have been made.

The Honourable Dr. B. R. Ambedkar: That is a matter of opinion.

Mr. Naziruddin Ahmad: Then the question turns upon this: whether these are substantial changes. It may not be very important from the point of view of the law-giver but it may be important to the heir. If you disturb the order of heirship in the slightest degree, it is a substantial change. Up to this time we had been assured that the changes that were made were only of a drafting character. The report of the Select Committee is that the Department made no substantial changes. The report is so clear and emphatic and they emphasize the points so clearly, that they say no substantial changes have been made—only renumbering and some merely verbal changes were made and that for this reason that the usual method of indicating the changes by side-lining or under-lining the changes had not been adhered to in the Departmental or the Final Bill.

Now the question of questions at last boils down to this: Whether these are substantial changes? What is the test for this? Upsetting of heirs' lists is not a substantial change? I submit it is. If it is that I am arguing too much, arguing as if in a Law Court—if any honourable Member thinks it is so—then it seems that the seriousness of the changes has not been fully appreciated.

Mr. Tajamul Husain: Except by you!

Mr. Naziruddin Ahmad: It is very unfortunate that this should be appreciated only by one man! Of course there is a highly paid department and a highly qualified Law Minister, who is able to appreciate the slightest differences and I am sorry that I have had to undergo all the trouble and expenditure of time and money to find out and explain all this. It has not been a very easy matter and the difficulty was further enhanced by the fact that the Department which introduced all these changes could not make available to me a copy of their draft Bill. It was after a great deal of searching that I could procure a copy. So the search has been prolonged and the consideration has

been prolonged and it has been for me a very difficult matter. I do not mean to say that any other Member is not capable of appreciating it, but few have the time or the inclination to go through them. And why should they? Isn't it the duty and the obvious privilege of every Member—and I say this in defence of Members—to rely on the Ministry of Law, to rely upon the express guarantee in the Select Committee report that no substantial changes have been made? I think they would be fully justified and when an honourable Member said that none expect me knew this, I cannot blame him. The blame lies with the Department. Now, is that the end of these changes? By no means.

Come to Class V-A. It was introduced by the Rau Committee by an amendment of their earlier Bill. They have noted that this Class V-A should be introduced after Class V. Class V-A has been entirely omitted. I humbly suggest that it is an inadvertent omission, but inadvertent or intentional, it is absolutely damaging to the integrity of the Bill.

Then, Sir, we come to Class VI.

(Interruptions.)

Mr. Deputy Speaker: The honourable Member will go on.

Mr. Naziruddin Ahmad: Then we come to Class VI, items (1) and (2)—mother's mother and mother's father. The mother's mother would be preferred to mother's father under the original Bill but they have been put together in the Departmental Bill. So they now inherit equally together. In item (3) of Class VI, the mother's brother and mother's sister inherit—the latter after the former under the original Bill, but under the Departmental Bill they inherit together. Under items (4) and (5) mother's brother's son has been entirely left out in the Departmental Bill. Items (7), (8) and (9)—mother's sister's son, mother's brother's daughter, mother's sister's daughter are also entirely omitted.

Then item (3) in Class VI is also entirely omitted.

This concludes the list of inheritance in which there are no less than 20 transpositions, additions and omissions. Heirs have been entirely eliminated either intentionally or deliberately but this does not appear from the Select Committee's report. I have been repeatedly asked by honourable Members of the Select Committee in the House to point out where the differences lie. I do not want to blame any honourable Member for not noticing them. On account of the transposition or removal from their original places the changes would not be obvious. And there is the guarantee in the report of the Select Committee that there is no substantial change. These were changes through the Departmental Bill and may have escaped the attention of the Select Committee. At least their attention was not drawn to them in the Departmental Bill. There is a very respected and capable Member, Dr. Bakhshi Tek Chand who says in his minute of dissent that the Select Committee confined their attention to the Departmental Bill, because they were assured that no substantial changes had been made. I would ask Dr. Bakhshi Tek Chand whether his attention was drawn by the Department or Dr. Ambedkar to these things. These large omissions and transpositions of places would not have been noticed by any Member unless he goes through the laborious process of comparing the two like a laborious lawyer.

Dr. Bakhshi Tek Chand (East Punjab: General): I would like to draw the attention of my honourable friend to page 9 of the report where my note of Dissent is printed. I have given there some of the substantial changes, at any rate changes which I considered to be substantial—and because of which I had suggested that the Bill should be recirculated for eliciting public opinion or in any case recommitted to the Select Committee. At page 9 the broad

[Dr. Bakhshi T. K. Chand]

points on which changes had been introduced in the redrafted Bill, have been mentioned though not in such great detail as the honourable Member is doing today in his speech. It is not correct to say that no member of the Select Committee noticed them. Of course nobody had the industry or the patience which the honourable Member has, but the matter did not escape their attention. As he has mentioned my name I feel it my duty to bring this fact to the notice of the House. In the Note of Dissent I have referred to the changes in the order of inheritance which I considered to be substantial, and in regard to which I am in entire agreement with my honourable friend.

Mr. Naziruddin Ahmad: I am extremely grateful for this clarification. A respected member with the highest judicial experience thinks that these are substantial changes and he thought that they were so substantial that the Bill should be recirculated. That is the thing which I am asking for. There is at least one Member of the Select Committee who thought the changes to be substantial. He noticed them, but was his attention specifically drawn to them?

Pandit Thakur Das Bhargava (East Punjab: General): Mr. Balkrishna Sharma has also signed it.

An Honourable Member: He has had no judicial experience.

Pandit Lakshmi Kanta Maitra: He has had social experience.

Mr. Naziruddin Ahmad: Pandit Balkrishna Sharma is also of the same opinion. It is however enough to quote the name of Dr. Tek Chand. His authority and position will not be seriously enhanced by the addition of any other names. These respected Members felt that these are substantial changes and therefore thought that the Bill required recirculation. There are changes in other parts of the Bill which would require herculean labour to find out.

In view of these changes made by the Departmental Committee and in view of the weighty remarks of Dr. Tek Chand that these were very substantial changes I think the matter should not admit of any doubt that the Bill should be sent to the Select Committee to reconsider these changes or to recirculate it.

An Honourable Member: The same Select Committee.

Mr. Naziruddin Ahmad: I have no objection to the same Select Committee. It consisted of men absolutely good and true, men with judicial and legal experience and who are practical authorities on those branches of the law. In fact, all kinds of talents were represented in the Select Committee. I have the fullest confidence in the Select Committee and I have not lost my faith in it. My point is that these matters should be carefully scrutinised and each change carefully weighed and deliberately accepted. Substantial changes have been quietly and deliberately introduced. We are assured by the Law Minister and again by the Select Committee that no substantial changes have been made. On the one hand we have the opinion of the highest legal talent in the House saying that these are substantial changes and on the other, another legal luminary says that he has deliberately introduced these changes and at the same time, that he has introduced no substantial changes. That is the guarantee under the signature of Dr. Ambedkar himself. So the Select Committee is hopelessly divided within itself. If two such eminent authorities differ on a broad matter like this I think the matter requires reconsideration by the Committee and that is what I ask for. Though the Law Minister thinks that these were not substantial changes only an unsophisticated House would agree with him. A man's right to inherit is a substantial right. To

say that changes therein are not substantial changes would be to say something that is palpably and obviously wrong. I submit therefore that the changes being substantial and the guarantee being that no substantial changes have been made, on this ground alone the Bill should be sent back to Select Committee or for circulation with the positive direction that their attention should be directed towards these changes and they should consciously, intelligently, wilfully accept or reject them. There are other substantial changes.

Shri B. N. Munavalli (Bombay States): He is simply repeating the same arguments.

Mr. Deputy Speaker: I thought he had concluded that topic. If he has no other topic he may sit down.

Mr. Naziruddin Ahmad: I have other very serious changes. The point I would like to know is for how long the honourable Law Minister would insist on saying that there are no substantial changes.

Shri Khurshed Lal (Deputy Minister of Communications): Till you have finished.

Mr. Deputy Speaker: Does the honourable Member with his experience as a lawyer ever expect the mover of a Bill to admit that what he has done is wrong?

Mr. Naziruddin Ahmad: Sir, I bow down to this weighty observation of yours. But this is not a law court for us to take sides. It is a Legislative Assembly where we have no sides. We may express our opinions honestly but we do not take sides for the sake of fees: we are not committed to one side or another. I submit that in the Legislature, a Law Minister responsible to the Legislature should make it his duty to make an admission if he is wrong. I therefore have a faint hope that this accumulation of errors, of changes, would induce in a slight degree the Law Minister to admit that he had made substantial changes and thereby to make further progress of my argument absolutely unnecessary. But in view of the fact that the honourable the Law Minister stands to his gun like a good fighter—he has been a fighter all his life and he is famous for his grit and moral quality—as he stands to his gun, I have to submit to him more and more changes just with a faint hope to induce him ultimately to concede.

Shri Khurshed Lal: I do not wish to interrupt, but is it his intention to go on in this manner till he has made the Law Minister admit that he has made a mistake?

Mr. Deputy Speaker: Why the Law Minister alone? Possibly other Members also agree with him for he has carried the House with him.

Shri B. Das: How do you say so, Sir? We can howl him down.

Mr. Naziruddin Ahmad: It is not so very easy. Sir, I have been threatened with being howled down. I am yet to see a Member who can howl me down here—I have yet to see him. I respectfully invite anyone to howl me down. He will find that I do not even require the microphone to be heard in the House in the midst of howlings.

Mr. Deputy Speaker: I suggest that the challenge need not be accepted on the floor of the House!

Mr. Naziruddin Ahmad: He will not find it safe to challenge me outside the House.

Mr. Tajamul Husain: You did not like us to interrupt and therefore I want your permission first to seek a point of information. The point I want to know from my honourable friend is that today is the 1st of April. Is that the reason why he is taking up the whole day on this Bill?

Mr. Naziruddin Ahmad: That question should be addressed to the Honourable Law Minister for bringing the motion on the All Fools Day!

Mr. Deputy Speaker: Whether it applies to anyone or not let the honourable Member proceed with his speech.

Mr. Naziruddin Ahmad: Then we come to the next clause of Part II of the original Bill.

Dr. Mono Mohan Das (West Bengal: General): Sir, it appears the honourable Member is not prepared.

Mr. Naziruddin Ahmad: I could not catch the honourable doctor.

Mr. Deputy Speaker: He may go on. I hope he will conclude his speech at least today.

Mr. Naziruddin Ahmad: I do not know.

Mr. Deputy Speaker: I would only say that enough has been said so far on this point about changes of substance. After all it is not the honourable Minister in charge of the Bill who alone need be satisfied. He holds his point of view.

The Honourable Dr. B. R. Ambedkar: The House will decide.

Mr. Deputy Speaker: Yes, the House will decide it ultimately. Therefore the honourable Member need not take further time in driving it home to one individual Member however important he may be. He may try to carry the House with him. As I have already said, enough has been said in regard to the matter of substantial changes. I thought he was going to refer to other matters of substance like marriage, divorce, adoption. I do not think the honourable Minister would be dogmatic and I am sure that though in respect of this he may have strong views he would like to wait and see how far there are arguments on the other side, and he may be convinced. I thought the honourable Member would come to matters of substance. A long time has been spent on this point already.

Mr. Naziruddin Ahmad: I must frankly express my gratefulness to the Law Minister for listening to me so patiently. I submit that I have other points indicating changes which I shall show briefly.

Mr. Deputy Speaker: Leave along the changes. There are changes. I may put it this way. I am not letting down a secret and there is no secret from the House as I conceive. When a matter comes before the House after having been referred to Select Committee, the Select Committee might commit a mistake and it is open to the Members to say that it is wrong and the wrong has to be corrected. Except one or two matters as for example what each Member said in the Select Committee which ought not to be placed before the House as things are in a fluid condition and it would result in a disturbance and antipathy, I may say this. So far as the Select Committee is concerned any draft may be considered. The draft was of the Ministry here. At the outset it is said in Para. 2 of the Select Committee's report here:

"The draft Hindu Code, as introduced in the Legislature, did not receive any Departmental scrutiny prior to its introduction, and the Ministry of Law (which certainly includes the Minister of Law at its head), which had an opportunity to examine the Bill during the period between the end of the last session of the Legislature and the beginning of the present session, have now produced a revised draft....."

The draft was placed before the Select Committee and the ruling of the Speaker is that the original Bill that was sent to the Select Committee, along with the draft—which we will assume is the complete list of all the amendments which the Law Minister wanted to introduce—was all considered by the Select Committee. It is open to the honourable Member to say that the Bill and the clauses in it are wrong, that they upset society and that sufficient attention was not paid to the changes that were effected in the Select Committee to the original Bill. I think that would help the House to come to a conclusion regarding either the whole Bill or individual clauses in it on matters of substance. We have already spent a lot of time over this matter. It is necessary that on this matter there may be clarification and I do not think anyone here wants to dogmatise upon a particular matter.

The Honourable Dr. B. R. Ambedkar: I might say openly that I have not an empty mind but I have an open mind.

Mr. Deputy Speaker: That is what we expect.

Mr. Naziruddin Ahmad: I am very grateful to him. Sir, I come to another branch of the Bill. I would like to draw the attention of the House to clause 102 of the Departmental Bill which corresponds to clause 101 of the final Bill. This was introduced for the first time by the Departmental Bill. The Select Committee made some changes, but the Departmental Committee had introduced a serious change. It is provided in the Departmental Bill that if there was a male and a female in the same line, the male shall take double of the female. In the final Bill their shares are made equal. As regards the justice of the final Bill, it does not matter, but I submit this new introduction is a departure.

Mr. Deputy Speaker: Even if there are, say, 100 departures, is it necessary to exhaust all the 100 departures? Only some ten or fifteen—even these are many—by way of illustration will be enough. He may take a few departures and say that for these reasons the matter should be sent back to the Select Committee or sent round for eliciting public opinion. I thought the honourable Member concluded that portion referring to various items where there is a departure. There are departures and the list which has been circulated contains a list of departures extending over thirteen pages, though it does not state how the departures have been made.

Mr. Naziruddin Ahmad: Departures have not been noted.

Mr. Deputy Speaker: True, they have not been noted in the manner of departures. It is admitted there are departures but only some important items may be taken for the purpose of showing that on account of these departures the Bill should be sent to the Select Committee or to another Select Committee or that it must go round the country for opinion. I think we are taking too much time on this.

Shri B. Das: Sir, I said that all along.

Mr. Naziruddin Ahmad: I can quite appreciate the exasperation of one or two Members.

Shri B. Das: Sir, he is using the same word!

Mr. Naziruddin Ahmad: Sir, I draw attention of the House to clause 103 of the Departmental Bill which corresponds to clause 102.....

Mr. Deputy Speaker: I have already pointed out with reference to this item.....

Mr. Naziruddin Ahmad: This is an important matter.

Mr. Deputy Speaker: I can only suggest to the honourable Member. I cannot argue for him. I can only say that instances need not be multiplied. According to him there are a sufficient number of instances, but if he thinks he has forgotten one point which is more important than others then he may point it out.

Mr. Naziruddin Ahmad: Clause 103 of the Departmental Bill corresponding to clause 102 of the final Bill restricts the agnates to five degrees. The change restricts the heirship to five degrees only. In case there are no enumerated heirs, then according to the Hindu Law the property will go to the agnate, but the definition of agnate has been seriously curtailed and reduced to five degrees. In the next clause, clause 104 of the Departmental Bill corresponding to clause 103 of the final Bill, cognates are also similarly restricted to five degrees. This is a serious departure from the conception of the Hindu Law and from the original Bill. Any agnate, however distantly connected, would be an heir in the absence of preferential heirs. With regard to cognates also, in the absence of agnates any cognates, however distantly connected, would be heirs. So, with regard to cognates the change is entirely new. With regard to agnates it is a serious departure from the original clauses. They merely described that in the absence of enumerated heirs they go to agnates, and in the absence of agnates they go to cognates.

The Honourable Dr. B. R. Ambedkar: Cognates or agnates?

Mr. Naziruddin Ahmad: Cognates.

I submit these are serious changes. According to Dr. Ambedkar there are not serious because he has made the changes.

Shrimati G. Durgabai: Serious and substantial changes!

Mr. Naziruddin Ahmad: Substantial if you like. I think they are not merely substantial but also serious. *Serious* goes a degree further. In fact, this restricts the right of heirship of certain people.

Mr. Deputy Speaker: Is the honourable Member not closing at five? Enough has been said on this topic.

Mr. Naziruddin Ahmad: No, Sir. Not enough to convince some of the Members. I want to absolutely convince them.

Shri Khurshed Lal: Then you will have to argue till doomsday.

Mr. Deputy Speaker: If he has not been able to convince for five hours now, he will not be able to convince him at the end of another five hours.

Mr. Naziruddin Ahmad: The honourable the Law Minister has, though not a vacant mind, an open mind and he will in the long run be convinced.

An Honourable Member: He will ponder over your speech tonight.

Mr. Naziruddin Ahmad: Clause 10 of the original Bill has been entirely omitted in the Departmental Bill—absolutely forgotten. In fact in the Hindu law, as in the Muslim law, in the absence of enumerated heirs, in the absence of agnates, cognates, other unrelated heirs succeed. They are the preceptors, *acharyas*, *shishyas* and *sahabrahmacharis* and pupils under the same tutor, are the heirs. According to the Departmental Bill, the respect for *acharya*, respect for *sahabrahmachari* and consideration for them is entirely thrown overboard. This again is a serious change. The cumulative weight of these serious changes as well as many numerous others will I hope succeed in ultimately winning over the Minister of Law to my side.

Then we come to clause 109 of the Departmental Bill and 108 of the final Bill. This provision is absolutely new. In that clause some new heirs have been introduced which were not in the original Bill.

With regard to succession to *stridhan*, some changes have been made. And then in Part II, clause 14, where heirs stay together.....

Mr. Deputy Speaker: If the honourable Member is likely to conclude soon, 5 P.M. we will stay on for a few minutes more.

Mr. Naziruddin Ahmad: No, Sir.

Shrimati G. Durgabai: We will stay on for five minutes more, if the honourable Member will conclude.

Mr. Deputy Speaker: I shall leave it to the speaker.

The House now stands adjourned to 10.45 A.M. to-morrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock, on Saturday the 2nd April, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Saturday, 2nd April, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(No Questions: Part I not published)

ELECTION TO NATIONAL FOOD AND AGRICULTURE ORGANISATION
LIAISON COMMITTEE AND TO STANDING COMMITTEE FOR ROADS

Mr. Speaker: I have to inform the Assembly that upto the time fixed for receiving nominations for the National Food and Agriculture Organisation Liaison Committee and the Standing Committee for Roads, 7 nominations in the case of the first and 12 nominations in the case of the second were received. As the number of candidates is equal to the number of vacancies in each of these committees, I declare the following members to be duly elected:

I. *National Food and Agriculture Liaison Committee.*—Dr. P. S. Deshmukh, Sardar Bhopinder Singh Man, Shri K. Hanumanthaiya, Prof. N. G. Ranga, Shri Satis Chandra Samanta, Prof. N. C. Laskar and Shri Kala Venkata Rao.

II. *Standing Committee for Roads.*—Shri S. Nijalingappa, Dr. V. Subramaniam, Shri B. N. Munavalli, Shri C. M. Poonacha, Shri Ram Chandra Upadhyaya, Shri Kusum Kant Jain, Shri Kishorimohan Tripathi, Srijut Kuladhar Chaliha, Sardar Hukam Singh, Shri Krishna Chandra Sharma, Mr. T. J. M. Wilson and Lala Raj Kanwar.

TAXATION LAWS AMENDMENT BILL

The Honourable Shri K. C. Neogy (Minister of Commerce): Sir, I move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922, the Indian Finance Act, 1942, the Excess Profits Tax Ordinance, 1943, the Indian Finance Act, 1946, the Business Profits Tax Act, 1947, and the Taxation on Income (Investigation Commission) Act, 1947.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Income-tax Act, 1922, the Indian Finance Act, 1942, the Excess Profits Tax Ordinance, 1943, the Indian Finance Act, 1946, the Business Profits Tax Act, 1947, and the Taxation on Income (Investigation Commission) Act, 1947."

The motion was adopted.

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

INDIAN RAILWAYS (AMENDMENT) BILL

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Railways Act, 1890.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Railways Act, 1930."

The motion was adopted.

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

INFLUX FROM PAKISTAN (CONTROL) BILL

The Honourable Shri Mohan Lal Saksena (Minister of State for Relief and Rehabilitation): Sir, I beg to move for leave to introduce a Bill to control the admission into, and regulate the movements in, India of persons from Pakistan.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to control the admission into, and regulate the movements in, India of persons from Pakistan."

The motion was adopted.

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

HINDU CODE —contd.

Mr. Speaker: The House will proceed with the further consideration of the motion that the Bill to amend and codify certain branches of the Hindu Law, as reported by the Select Committee, be taken into consideration.

Shri Mahavir Tyagi (U.P.: General): May I know, Sir, till what time we will discuss this Bill, for there is some Government business and so we want to be sure as to how long the consideration of this Bill will take? Now filibustering is going on at this stage and all the Members are anxious to speak and they may not get any chance to speak for two or three days. I would like to know, Sir, as to how long they are going to discuss this Bill, for the present.

Mr. Speaker: It is difficult for me to say as to how long a particular Bill is going to be discussed. It much more depends upon the Members themselves. All I can say is that excepting perhaps one day, i.e., the 4th, I think all the days in the next week are allotted to Government business; and it is a matter for Government to say as to what Bills they want to bring or not to bring before the House and it depends on the priority with which they look upon the different measures.

Shri Mahavir Tyagi: May I through you, Sir, request that the Government might be pleased to take over urgent business first and leave the consideration of this Bill to the end or let us know definitely as to which Bills are to be taken, so that we can come prepared for the next Bills. We are anxious to participate in the discussion of the other Bills.

Pandit Lakshmi Kanta Maitra (West Bengal: General): Sir, the question raised by my honourable friend, Mr. Mahavir Tyagi has really got some importance. I quite appreciate the observation made by you just now that in such a matter the House decides how long a Bill should go on and this necessarily means that when there are a sufficient number of speakers and they want to continue for a sufficiently long time, they may continue. This is what I understand to be meaning of that observation. Of course, I quite see that it is not in the hands of the Chair to say how many days are going to be allotted. At the same time, I think, the Chair would realize how difficult it is for Members who want really to speak on this motion and debate it fully that they know at

east if any more Bills are going to be taken up during this session. I was submitting yesterday at the very beginning when this motion was taken up that most of the Members had the impression that this Bill was not going to be taken up again in this session. As a matter of fact when a Bill of this importance and magnitude, was to be brought again for consideration, we expected that sufficient notice would be given to the Members in time. It was not done. The whole importance of my contention arises in this way that if we are to know that this Bill will be discussed and that it will continue only up to day, we can understand, but if on the other hand we are given to understand that additional days would be provided in this session, it becomes another matter. Members who want to speak for, or against it, would not be able to come and participate in the discussion. We started yesterday and many honourable Members had already left, for instance, Mr. K. M. Munshi came here to speak on this motion and he went away and there were many Members who wanted to speak one way or the other on this important Bill and if the House could get to know through you—it is for you to say—it is possible for you to do so—that some additional days are going to be provided, that will be really helpful; otherwise, we do not now where we stand with regard to this important Bill.

Mr. Speaker: I should like to know if the honourable the Law Minister is in a position to enlighten us.

The Honourable Dr. B. R. Ambedkar (Minister of Law): The only thing that I can say is that this Bill will be debated. What would be the next stage, I am quite unable to say, because the question of the arrangement of the business of the Government is entrusted to a Committee of the Government, which is called "the Priorities Committee". That Committee have assigned these days to this Bill. This Committee will be meeting in the afternoon and be taking its own decision. I am unable to say anything further than that.

Pandit Lakshmi Kanta Maitra: In view of this, I would submit respectfully to the Chair that the Chair has sufficient inherent powers to see that this procedure is not adopted with regard to this Bill unless sufficient notice is again given, to the honourable Members when this motion comes, it is certainly within your competence to say: "I am not going to allow this motion to come, because that prejudices the right of honourable Members to participate in this important debate." That the honourable Minister cannot make up his mind, is exactly my grievance from the very beginning about the way in which the consideration of this Bill is taken up from time to time during this session. This itself has been a subject of great adverse comment on my part as well as other honourable Members. Even today the honourable the Law Minister is not in a position to say if any other day is going to be or not going to be allotted for this important Bill. If that is so, I hope you will sternly turn down any proposal brought at the end of this week if a motion for consideration of the Bill is brought on a very short notice.

Mr. Speaker: Any way that question is at present hypothetical. Today we are going on with the Bill.

Pandit Mukut Bihari Lal Bhargava (Ajmer Merwara): It is obviously very unfair that the Government are not able to make up their mind even today. On 30th March you were pleased to ask the Leader of the House as to what the position was. A specific question was put by Mr. Maitra as to whether the Hindu Code was going to be taken up or not. No answer to that query was given by the Government Bench with the result that on the 31st, for the first time, we knew that the Bill was going to be taken up. Mr. Chaudhuri who wanted to participate in the debate left for Assam on the presumption that this Bill would not come before the House. It is therefore obviously unfair to the Members that it should be brought up in this fashion. The Chair has ample power to protect the rights of Members.

Seth Govind Das (C.P. and Berar: General): You will remember that on that date the Leader of the House announced that very probably we would be adjourning on the 7th April. I raised the question whether the Hindu Code Bill was going to be taken into consideration in this session or not and you, Sir, said that it was not your business to say anything in that matter and that it was for the Government to arrange their business for the House. Now, at this fag-end of the session, when many Members are absent, it is not proper to proceed with a controversial Bill of this nature. I would join with the Members who have just spoken and submit that the protection of the rights and privileges of the Members of this House is your responsibility and you have that right vested in you. Therefore I would request you to say to the Government that at this fag-end of the session and without giving sufficient notice to Members it is not proper to proceed with this Bill. I would request you at least to adjourn the debate on the consideration stage of the Bill this evening, so that this business may be taken up in the next Session of the Assembly, when we meet in the autumn.

Mr. Speaker: Just at present the question is a hypothetical one, because the Law Minister does not say that he proposes to continue the debate. The question as to when, if at all, the consideration motion is to be discussed further, (*Interruption*) depends, as he said, upon the decision of the priority Committee. I shall try my best to see that all equitable and reasonable demands of Members for debate are acceded to as far as it lies in my power in the House. On the question of the arrangement of Government business, I think, it is a bit too much to ask me to interfere. The Government are the best judges of priority of their business. As regards this particular Bill, I do not think anything further need come from them, in view of what is said in the House. I believe they are responsive to the feelings of Members. I do not think we need go any further into this matter. We may proceed with the motion under consideration.

Shri H. V. Kamath (C.P. and Berar: General): May I know from you, Sir, who has the last word on the arrangement of business here?

Mr. Speaker: So far as Government business is concerned, it is the Government. I have nothing to do with the arrangement of business so far as priority is concerned.

Seth Govind Das: The ultimate authority rests with you. They can bring any business they want to put before the House. But, after all, the ultimate authority is yourself.

Mr. Speaker: At present, it suits the honourable Members to vest it in me. I think that responsibility is too great for me. I am not acquainted with all the details and the needs of the Government administration. I do not think I can interfere with their discretion to adjust their business in matters of this kind. The best way is for honourable Members to let the Government feel the pressure of their opinion. Then the things will be adjusted. All I can do is to see that a reasonable debate takes place. From that point of view I shall certainly do what I can.

Seth Govind Das: We are requesting the Government through you.

Mr. Speaker: There are many other channels for Members to do so.

Shri Arun Chandra Guha (West Bengal: General): We should be informed now as to when the House is going to be adjourned. If this is not done we would find it difficult to make arrangements for our business.

Mr. Speaker: As regards that, the position was made clear by me the other day. I requested the honourable the Prime Minister to give the information and he said that this may go on for a day or two. It is not possible for him also to say definitely, because there may be some urgent measure 11 A.M. which they might wish to put through, without stifling discussion. So that matter also rests with the Members. But I may say that we are not going to sit beyond the 9th April.

Shri Arun Chandra Guha: In that case, urgent matters may be taken up first.

Mr. Speaker: That is a matter of opinion as to urgency.

Maulana Hasrat Mohani (U.P.: Muslim): To remove this difficulty of Dr. Ambedkar I would make a suggestion. I think that any legislative measure involving social reform should not be made part of official business. I could understand a Bill of this kind involving social reform being introduced by Shrimati Durgabai or Shrimati Renuka Ray. To thrust an official Bill of this nature on an unwilling public is absolutely unreasonable. I would therefore invite my honourable friend to take courage in both hands and, realising that discretion is the better part of valour, postpone consideration of this Bill and withdraw the Official Bill leaving it to be sponsored at some future date by an ordinary Member who, in consultation with public opinion, may bring forward measures of this kind involving social reform.

Mr. Speaker: The honourable Member need not further argue the matter. It is enough he has made a suggestion.

Mr. Muhammad Ismail Khan (U.P.: Muslim): As the honourable Minister told the House, the priority for this Bill has to be determined by the Cabinet Committee. Surely we are entitled to know from him whether he is going to urge for priority for this Bill or not.

The Honourable Dr. B. R. Ambedkar: I do not wish to add anything. All that I want to say is that the Government has no intention of getting this Bill passed by a snap vote.

Mr. Speaker: Mr. Naziruddin will finish his speech now. I do not wish to impose a time limit on speeches. He has spoken the whole of yesterday and I believe had spoken for 48 minutes on the previous occasion. The time taken in all comes to 3 hours and 28 minutes, to be more exact. I am not measuring his speech by the length of time taken. What I would like him to do is to take into consideration the fact that the present is a general motion for taking the Bill into consideration. It will not, therefore, be either in order or proper to go into the details of every clause. The honourable Member's argument, as I understood it yesterday, is that there are some substantial changes made in the Bill and that, therefore, the measure has to be considered anew or that public opinion has to be consulted in the matter. For developing that argument he need not go into each and every clause of the Bill and suggest that every change made is a substantial change. He need only point out, by way of illustration, a few instances of really substantial changes made. I think that should be enough for the purpose of his argument at the present stage. When the Bill comes up for discussion clause by clause, he will have every facility to move any amendment he likes.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I am grateful to you for that suggestion. I dealt with substantial changes yesterday but today I shall confine myself to a few more substantial changes. (*Interruption*).

Mr. Speaker: There is one difficulty that I feel about interruptions. They distract attention from the original point and my hands are weakened in pulling up the speaker and bringing him up to the proper scope of relevancy in debate. If there are no interruptions, therefore, the matter will be shortened.

An Honourable Member: But it becomes very dull.

Mr. Speaker: Of course it gives relief from dullness but too much of it is dangerous for the House. Therefore let there be no interruptions or side remarks because they sidetrack the issue.

Mr. Naziruddin Ahmad: I shall confine myself, Sir, to a few more substantial changes introduced by the Departmental Draft. I shall turn to part III of the original Bill and draw attention to sub-clause (2) of clause 126 of the Departmental Bill which corresponds to sub-clause (2) of clause 124 of the Final Bill. It is a new sub-clause which introduces a new principle, namely, that any transfer of property would not defeat the right of maintenance paid therefrom. In fact, maintenance has been made a statutory charge on the property. Whether good or bad, it is a new matter which has been introduced not by the Select Committee but by the Departmental Committee.

Then turning to part III-A of the original Bill which deals with succession, clauses 1 and 2 which are important substantive provisions have been entirely omitted in the Departmental Bill and of course also in the Final Bill. I will not deal with them in detail but leave them for consideration by the Honourable Minister.

Then coming to clause 131 of the Departmental Bill (clause 130 of the final Bill), sub-clause (1) which deals with maintenance is a new matter which introduces a very substantial change. Again clause 133 of the departmental Bill (clause 132 of the final Bill) lays down certain tests; they introduce an innovation of a very substantial nature. Part (b) of sub-clause (2) of this clause is an innovation which corresponds to clause 6(1) of the original Bill, part III-A.

Then parts (g) and (h) of sub-clause (1), part III-A in the original Bill are also important provisions which have been entirely omitted in the Departmental Bill and also in the final Bill. Again parts (g), (h) and (i) of clause 133(2) of the departmental Bill are very important and are entirely new.

In part III-A the proviso to sub-clause (1) of the clause 6 in the original Bill has been omitted in the Departmental Bill rather unceremoniously. This is omission of a very important matter.

Sub-clause (2) of clause 134 of the Departmental Bill (clause 133 of the final Bill) deals with marriage expenses of an unmarried daughter. This is a new provision which was not in the original Bill.

Then I come to clause 7 of part III-A of the original Bill dealing with the maintenance of a widow residing outside the family house. This has been omitted in the departmental Bill and also in the final Bill.

Therefore in part III-A of the original Bill, there are sins of omission and commission of an important character. I refer to them because I wish to rely not only on the individual changes made but also on the cumulative effect of those changes.

Then I come to part IV of the original Bill dealing with marriage and divorce, corresponding to Part II of the departmental and final Bills. I shall deal only with the salient points. Provisions about marriage have been entirely and radically changed and require some detailed consideration. With regard to sacramental marriage the form of that marriage prevalent in Hindu society is well known. The original Bill left those forms to be applicable according to custom and social practice. There was no provision in the original Bill for registration of a sacramental marriage as a condition of the validity of the marriage. I shall try to show that the Departmental Bill has introduced such changes. They may be unconscious but the change to me appears to be that no marriage will

be valid unless it is registered. Registration has not been made optional as in the case of Muslims, but in this case by the Departmental Bill the optional character of the old formalities have been interfered with and the validity has been made subject to registration: otherwise, as I shall try to show, the marriage would be invalid.

The original Bill, Part IV dealt with this subject. In clause 2 it was laid down that there shall be two forms of Hindu marriage, namely, the sacramental marriage and the civil marriage. Leaving aside the civil marriage, with which I am not at present concerned, "there shall be two forms of Hindu marriage—sacramental marriage and civil marriage". That is what was provided in the original Bill. The forms were left to the well-known custom and well-known requirements of Hindu marriage and provide nothing for registration. The House will be pleased to consider the corresponding provisions in the Departmental Bill. The original Bill merely said that the sacramental form of marriage will be one of the forms of marriage. Details were left to the discretion of the parties.

In Clause 6 of the Departmental Bill which also corresponds to Clause 6 of the final Bill, the following provision is made:

"Save as otherwise expressly provided herein, no marriage between Hindus shall be recognised as a valid marriage unless it is solemnized either as a sacramental marriage or as a civil marriage in accordance with the provisions of this Part."

The original provision was that marriage might be performed in the sacramental form in the usual religious form well known to Hindu society, but in the departmental Bill it is said that no marriage shall be valid unless it is performed in accordance with this Part.

Let us consider the provisions of this Part. We come at once to another part of the Bill, namely, clause 6 of part IV of the original Bill corresponding to clause 9 of the departmental Bill as well as the final Bill. (An Honourable Member: 'Please note that Dr. Ambedkar is away.') Clause 9 deals with registration of sacramental marriage. In the original Bill it was stated:

"For the purpose of facilitating proof of sacramental marriage, rules may be prescribed for the entering of particulars relating to such marriages in such manner as may be prescribed in the Hindu Civil Marriage Certificate book kept under section 6 of this Chapter."

Babu Ramnarayan Singh (Bihar: General): On a point of information: may I know who is listening to the debate on behalf of the Government?

Mr. Speaker: There must be someone!

Shri L. Krishnaswami Bharathi (Madras: General): I am taking notes for him.

Mr. Naziruddin Ahmad: The Minister should, in courtsey, be here

Shri B. L. Sondhi (East Punjab: General): The Law Minister is there—just coming.

Mr. Naziruddin Ahmad: The original clause provided for rules made by the Government for the entering of particulars in a register for the purpose of facilitating proof: that is, it left the validity of marriage absolutely intact. It gave additional facility in the matter of proof that particulars of marriages might be registered in the Hindu Civil Marriage Certificate book and this could be provided by rules. This was only to facilitate proof. This was not a compulsory condition, nor any condition affecting the validity of the marriage. All that was laid down was a very usual rule, a very salutary rule, that particulars might be entered in a register and that might be prescribed in the rules. It would be only for the purposes of facilitating proof. It would not affect the validity

[Mr. Naziruddin Ahmad.]

of the marriage at all. In fact a marriage of which the particulars are not entered in this register would be perfectly valid, but registration would offer, or supply a ready-made method of proof of marriage, and a certified copy of the entry would be taken judicial notice of by a Court of law and much evidence would be dispensed with. But in the corresponding clause in the Departmental Bill, it is like this:

"For the purpose of facilitating the proof of any sacramental marriage, the Provincial Government may by rules provide (and here the sting comes at the tail)—

(a) That particulars relating to such marriages shall be entered in the Hindu Marriage Certificate book....."

In fact the compulsion is not yet complete, but only begins here.

Then, Sir, we come to clause (b) of the Departmental Bill. Sub-clause (3) of clause 6 of the original Bill says:

"The making of such an entry shall not be compulsory."

I shall ask you, Sir, to consider the corresponding language of the Departmental Bill. The original Bill—I shall repeat with your permission—is

"That the making of such an entry shall not be compulsory."

Shri Mahavir Tyagi: Does it mean that the married parties will go to the Registrar's House?

Mr. Naziruddin Ahmad: According to the original Bill, the making of such entries is not compulsory. That is absolutely clear. But let us consider the corresponding provision of the departmental Bill:

"The making of such entries shall be compulsory."

Shri Jaspat Roy Kapoor (U.P.: General): In which place?

Mr. Naziruddin Ahmad: I shall come to that later on. "Which place" is also mentioned. It is at very inconvenient places!

So the original law was that by rule particulars of marriages might be entered in a book for the purpose of facilitating proof, "but the entry shall not be compulsory". But in the revised clause in the departmental Bill, the particulars shall be entered and the making of the entries shall be compulsory in such cases.

And then, what is more, there is sub-clause (2) and clause 9 of the departmental Bill which reads:

"In making the rules under sub-section 1, the Provincial Government may provide that a contravention thereof shall be punishable with fine which may extend to Rs. 100/-."

The position is a little vague as to whether the compulsory character attaches to the registering officer or is addressed to the party. But more of this later on.

Shri Mahavir Tyagi: Which clause are you referring to?

Mr. Naziruddin Ahmad: Clause 9(2) of the Departmental Bill as well as to clause 9(2) of the final Bill. In fact it gives authority to the Provincial Government to impose a fine for not complying with it or even a vague suspicion that parties who fail to register or have them entered, will also come within the mischief of this provision. But the matter has not been left in doubt and it is clear later on.

Mr. Speaker: The validity of the marriage is not affected, in which case, where is the substantial change? It is only a matter of detail which, it would

be as well for the honourable Member to speak on, when we come to clause by clause consideration of the Bill.

Shri Mahavir Tyagi: It is a matter of importance, Sir. In that case it is a great change. The parties will have to be directed to the house of the Registrar instead of the House of the father-in-law.

Mr. Speaker: The scope of the present discussion is with reference to changes in the substantive law as proposed by the Rao Committee and as adopted by the Select Committee. A minor detail of registration is made compulsory. So far as validity of the marriage is concerned, it is not affected at all. I do not want any discussion on that. I do not say as to whether the change is desirable or not but for present purposes a discussion on that would be outside the scope.

Mr. Naziruddin Ahmad: I would like to refer to one or two sentences in that connection as well as on the final Bill. Clause 138—Power to make rules—(2), sub-clause (ii) reads:

"The cases and areas in which particulars of sacramental marriages shall be compulsorily entered, and the punishment for any contravention thereof;"

This provides for compulsory registration. I am coming to the question how it affects the marriage. (An Honourable Member: It is in the discretion of the provincial government.) It is in the discretion of the Provincial Government no doubt. But the Government is given a new power which it may enforce.

I come back again to clause 6 of the departmental Bill. It also corresponds to clause 6 of the final Bill.

"No marriage between Hindus shall be recognised as valid unless it is solemnised either as a sacramental marriage or as a civil marriage in accordance with the provisions of this Part."

According to the clause in the original Bill these formalities were not required. The "provisions of this Part" in the departmental Bill require compulsory registration of the marriage. In fact sacramental marriage and civil marriage are brought on a par with each other. In civil marriage of course registration is compulsory. The combined effect of the change of phraseology in clause 6 of the departmental Bill as well as the compulsory requirement of registration would make it appear that a marriage which is not registered—of which particulars are not entered which is made compulsory under this clause—would be an invalid marriage. No marriage shall be valid unless it is done in accordance with this Part.

Shri L. Krishnaswami Bharathi: Where is it?

Mr. Naziruddin Ahmad: That is my interpretation which is submitted for the consideration of the House. In fact it may be farthest from the mind of the honourable Law Minister to effect this result. He made it quite clear in his speech that the provisions relating to marriage are not compulsory but rather optional. It may be that the effect was unintended. But whether intended or not, the effect is the same: No marriage shall be valid unless it is performed in accordance with this Part, which also carries the liability of a fine for an omission. However reluctant the House or even the author of the Bill may be to put this interpretation, it is yet a question of interpretation and it is not a question of sentiment. The point is whether this interpretation is valid. If that is so, it introduces a very important change. To provide, though indirectly that a marriage would be invalid unless it is registered would be a dangerous proposition and it would lead to wholesale breaches of the law. The registering officer may live miles away from parties living in inaccessible regions, and at this stage of the civilisation of our country, especially for the backward people, this provision would be absolutely tyrannical and meaningless.

Shri L. Krishnaswami Bharathi: If you would permit me, Sir.....

Mr. Speaker: Let there be no discussion on the merits of the argument.

Shri L. Krishnaswami Bharathi: Only for the purpose of clarification that I rise.

Mr. Speaker: If we enter into clarification and further discussion, it would be an unending speech. The point is that the honourable Member is putting his interpretation. I have drawn his attention to the fact that, it does not affect the validity of the marriage. If he wants still to persist in that line of argument, let him do so. That will cut short the speech.

Shri L. Krishnaswami Bharathi: If you would permit me, Sir, there is only one point which he may clarify. The clause begins with the words "For the purpose of facilitating the proof of any sacramental marriage....."

Mr. Speaker: That point is quite clear to my mind. I put it to him though not in that form. I pointed out to him that this does not affect the validity of the marriage at all. Still he thinks it does. How can we go on convincing him? Let him proceed now. That would be the shortest way of having his say before us. Otherwise we shall have to discuss with him every provision in respect of which, he is giving his inferences. When honourable Members are hearing his speech in silence, it does not mean that they are accepting his interpretation. He may proceed to the next point now.

Mr. Naziruddin Ahmad: I come to clause 8 of the departmental Bill.

Mr. Speaker: It would be better if the honourable Member gives references to the final Bill as it is before the House and then point out the change. Otherwise I cannot follow. He is referring to three or four Bills.

Mr. Naziruddin Ahmad: I have been starting from the original Bill. Of course it is clause 8 in the final Bill also. In clause 4 of Part IV of the original Bill it is said:

"A sacramental marriage may be solemnised in accordance with the customary rites and ceremonies of either party thereto."

In the revised draft clause 8, sub-clause (1) says:

"A sacramental marriage shall not be complete and binding on the parties unless it is solemnised in accordance with such customary rites and ceremonies of either party thereto as are essential for such marriage."

Sir, I do not think it is a point of argument—this is by mistake. But, the point which I wish to submit is that I do not insist on this interpretation as a necessary logical consequence but I believe it is introduced unconsciously and there is a certain amount of doubt as to the validity of the marriages. I know that the feeling of every lawyer, judge and statesman would be against the invalidity of the marriage on this ground of registration. But that is political; the approach should be entirely legal and constitutional. What is the interpretation? If you do not perform your marriage in accordance with these new provisions the marriage will be invalid. It follows therefore, whether we agree with the justice of the provision or not, it follows to my humble mind that unless the particulars of the marriage are entered in the register the marriage itself would be invalid. I submit that for the consideration of the House.

I have already referred to the provisions in regard to the making of the entries, that the making of the entries shall be compulsory.

Mr. Speaker: That he has said; he need not repeat it.

Mr. Naziruddin Ahmad: Is it compulsory for the parties or for the registering officer?

Mr. Speaker: That is a matter of detail into which we need not go at present.

Mr. Naziruddin Ahmad: All right, Sir. (*Interruption*)

Mr. Speaker: Let there be no asides.

Mr. Naziruddin Ahmad: But, Sir, I have a quick ear and this is not conducive to good debate. My learned friend who is an experienced parliamentarian should not try to discourage speeches. He should forget that he was addressing the Old Council when the British were there. He should remember that he now belongs to a party which is ruling and I belong to no party at all but am an individual who is opposing.

Mr. Speaker: Let us not carry on this discussion.

Shri B. Das (Orissa: General): Do you want us to keep our mouths shut?

Mr. Speaker: Mr. Das. The remedy is open. We can afford to be deaf on such occasions and proceed further. I also hear many whispers when the debate is going on, but I do not take any notice of them.

Mr. Naziruddin Ahmad: Sir, you are in a more fortunate position.

Mr. Speaker: Let us now proceed. What is the next substantial point?

Mr. Naziruddin Ahmad: I now come to another part—Part V of the original Bill relating to Minority and Guardianship. Clause 3 thereof has been entirely omitted in the final and departmental Bill. I need not go into the details of the clause, but this is a substantial clause which has been omitted. That is introducing a serious change. There are other unimportant changes and I will not deal with them.

I now come to the Part relating to Adoption, that is Part VI of the original Bill. Clauses 1 and 2 thereof have been omitted. In departmental Bill clause 55—also clause 55(1) of the final Bill—there is a sub-clause (3) which is new. Then again in Part VI of the original Bill sub-clause (1) of clause 19 is omitted. A new clause has been introduced with entirely different conditions. In departmental Bill clause No 68, which also corresponds to clause 68 of the final Bill, sub-clause (1) is a new clause. And the Proviso to this sub-clause of clause 68 of both the Bills is also new. Then again sub-clause (3) of clause 19 of the original Bill with two conditions is entirely omitted in the final Bill. Sub-clause (5) of this clause again has been omitted. So also clause 21 of the original Bill—Part VI—has been omitted. Then again clause 25 of the original Bill in Part VI with two sub-clauses and two other parts, is entirely omitted.

I submit that these are most important changes made by the Departmental Bill. Although it is clear that some honourable Members of the Select Committee realise that there were substantial changes introduced in the departmental Bill that may have been a later realisation in view of the guarantee that no substantial changes have been made. In fact their attention may not have been specifically drawn to it and there is a danger that all these details may not have been fully considered by them. That would not have happened if they had confined their attention to the original Bill and proceeded clause by clause or if they had sat first and given a direction to the Department to prepare.....

Mr. Speaker: The honourable Member is again covering the same ground; he has covered it yesterday.

Mr. Naziruddin Ahmad: Sir, I do not wish to repeat the grounds. In these circumstances I submit that the simple point is that this is a very substantial matter which has prejudiced the fair and full consideration of the Bill by the Select Committee.

[Mr. Naziruddin Ahmad]

I do not wish to cast any aspersion on the Members of the Select Committee, but without a proper comparison of the clauses it would be extremely difficult for the Members of the Select Committee to follow all the changes.

We then come to the other matters in connection with this Bill. The question of inheritance is agitating the mind of the country for a long time. The position of the daughter is the most contentious provision of the Bill that I can think of. In fact, I was asked why it was that I was refusing to my Hindu sisters what I have given to my Muslim sisters. The reply is very simple. Under the Muslim Law, the daughter has been given a share. We are not permitted to question the wisdom of that Law; that Law has got to be taken along with various other circumstances, historical, social and others which justify that. There is a kind of justice which has been tolerated and accepted by the Muslim society for 1350 years. But our Hindu sisters have tolerated their lot for about three to four thousand years under a different system. A comparison between the two systems so far as the daughter's position is concerned, would not be quite relevant. In fact, the two systems of law approach the matter from different points of view and they depend upon different historical accidents. Under the Muslim Law, the system of inheritance was taken from the old Arabian customs. It arose out of obvious and inevitable circumstances. In Arabia there were no immovable properties, all was desert, and the properties consisted of movables. When a man died.....

Mr. Tajamul Husain (Bihar: Muslim): On a point of information, may I ask this. The honourable Member says that in Arabia there was no immovable property. What about the houses?

Mr. Naziruddin Ahmad: The question is needless. I will ask the honourable Member to read a very learned book of Von. Kremer, a German authority, on "The Orient Under the Caliphs". That book will give the desired information. There is a translation of it by the Late Mr. Khuda Baksh. It is the only book on the subject. It has dealt the entire subject from a specialist's point of view. I will humbly ask my honourable friend to read that book for further elucidation, but I am not concerned with giving the entire details of it in the House because that is not quite relevant.

I was submitting that my learned friend's question as to there being absence of immovable property does not really arise. Arabia consisted, certainly, of immovable property also but most people had no immovable property. (Interruption). No further interruption. I have been asked by the honourable the Speaker not to mind interruptions but it is difficult to close one's ears to what is happening.

An Honourable Member: Close your mouth.

Mr. Naziruddin Ahmad: I shall, as soon as I feel satisfied that I have discharged my duty and as soon as I feel that the majority do not want to hear me, I shall certainly do it.

Sir, in that book the whole history has been given. When a man died, he left a bedstead or some clothing or a horse or camel and things of that sort, and according to old Arabian customs they were divided among the near relatives. No trouble arose. The Qoran does not give any specific share to each individual. The present system of inheritance is a growth of the old Arab custom and amended and changed by Muslim doctors, especially by that great authority on Muslim Law, Abu Hanifa and others. I need not go into that. All that I was concerned in saying was that the Muslim approach is a matter of history. Whether good or bad is not to the point, and the fact that I oppose the share of the Hindu daughter is not because I am unwilling to give my Hindu sisters what I would give to my Muslim sisters. If what is good to a Muslim depends upon ancient customs and sentiments, what is good to a Hindu should also depend upon the ancient customs and sentiments of the Hindus. When

the Arabs conquered the areas surrounding the Mediterranean difficulties arose because they acquired immovable property. It is a matter of history that they felt the difficulty of a large number of shareholders inheriting the property leading thus to disruption. Then it was that the system of *wakf*, which we now find today, was thought of. Some passages in the Holi Book were developed by Muslim divines and they tried to develop the law of *wakf*. That was now they wanted to counteract the evil effect of division. In India the law of *wakf* was further developed by Indian courts and especially by the Privy Council and this to a large extent thwarted the application of the *wakf* law in domestic purposes. It is well-known that Mr. Jinnah, in 1913, brought a Bill in the House and got an Act passed—the *wakf* Act—which recognised the validity of certain *wakfs* which were regular in practice among the Muslims. This was an attempt to counteract the evil effect of infinitesimal divisions. The Muslim approach to the division of property is entirely different. The outlook of a Muslim is individualistic. In fact, the infinitesimal division induces in them separatist tendencies. Brothers do not live in the joint family for long; they quickly divide. We have seen a separatist tendency on a large scale in recent Indian history. So, the approach of a Muslim is individualistic whereas the approach of a Hindu is from the family point of view. The Hindu lives in a family. There the unit is the family and they approach the women's rights from the point of view of a family. The Muslim approach is different. In fact women in a Hindu family are not unequal to men, the question of inequality as has been pointed out does not really arise; they are equal to men in every way but each has a recognised part in the economy of the Hindu family. That is the way of approach of the question. Although I do not question the authority of this House to legislate on any matter, I question only the propriety of this House entering into this legislation without discussing and going into details of the system under which the Hindu civilisation has lived. The position of a Hindu widow should be considered from that angle and if on adequate consideration it appears that the system is rotten, it is for the Hindu society to change it. It is not for me to change it. It is up to me only to point out certain things which come to my mind as a Member of the Legislature; it is not my vote that will carry; the vote of the majority will carry. I have a duty to submit certain points as they appear to me. I submit therefore that the Hindu Law is not unjust to the female. It has done full justice to the female considering her as a part of the family system where she has a part to play. In fact, in this Legislature we have different parts to play. There is no question of inequality or discrimination. We have all parts to play. In these circumstances I submit that the position of the Hindu women has to be considered from this point of view. The division amongst Muslims has gone too far. How the share of a daughter leads to disruption of the family is worthy of consideration. As soon as a man dies, leaving sons and daughters, the daughters at once inherit their shares. They are married and in a majority of cases they are transported to different families. In fact, inter-marriage in Muslim law is a device to counteract infinitesimal division. There is again a provision that in case a person having a share transfers the property to an outsider, the original co-sharers have been given the right to re-purchase the share on payment of the price. But as every lawyer knows, a suit for pre-emption is hedged in with so many legal difficulties that it hardly succeeds. The *Wakf* is another attempt to counteract this tendency. The share to a Muslim daughter has not conduced to the solidarity of the family property.

Mr. Tajamul Husain: I do not wish to interrupt, but as it is a case of Muslim Law, I am interested in it. I want to know from my honourable friend whether he does not approve of the inheritance as enunciated under Muslim law?

Mr. Naziruddin Ahmad: I should submit that the question does not arise.

Mr. Tajamul Husain: It is for the Speaker to say whether it arises or not.

Mr. Naziruddin Ahmad: Even then, I shall not be drawn into a controversy over this. How the Muslim family deteriorates and disintegrates, is a matter of long experience to us, as also I believe to many lawyers like yourself. When a daughter is married, for some time family amity keeps them together, but a time comes when the daughter comes to her father's house and a misunderstanding arises between the daughter and the brother's wife. Women differ on more unsubstantial matters than men. They being more sensitive differ.

Shri Mahavir Tyagi: You are casting aspersions on women.

Mr. Naziruddin Ahmad: It is not casting aspersions. It is analysing their character. The sentimental nature of women makes them more attractive, more interesting and more loving. If women were as hard-hearted, as strong, as rugged, as we are, life would have been impossible. In fact, it is the beauty of feminine nature that they are so different from men. It is the union of two distinct types that makes life bearable and happy. So it is not by way of disparagement that I was making this remark.

When the daughter gets offended with her sister-in-law, she goes back to her husband and says "I want my share." Then the trouble begins sooner or later. It has happened in every home. The sister's husband comes to his brother-in-law and demands a share and it is refused and then he wants to sell the share to the brother. The brother of course would not be willing or able to pay the full price demanded, so this man goes to another man in the village and sells the property for a small cash and a promise of more after the trouble is over. Then some physical demonstration of new rights begins. A criminal or civil case follows. From ordinary injury

to murder, from registration proceedings to partition proceedings and so on. Lawyers will be thankful if this Bill is passed, because it will give them a considerable amount of business. Litigation begins and does not end in five or ten or twenty years. Litigation after litigation follows in bewildering succession and the whole village is rent with party factions. If there are only several brothers, they can live together and manage the properties together, although their wives may quarrel with each other. Brothers hardly quarrel. In this way the Hindu joint family system goes on. There is nothing inherently different between a Muslim family and Hindu family except in this. Muslims have been habituated to think of partition and individualistic life. The Hindu is habituated to joint and corporate life. Probably, very few of my esteemed Hindu friends can visualise the real difficulty that would arise out of the daughter's share. In fact, it is never a gain to the daughter. There is a corresponding loss to counterbalance the gain. Suppose out of a litigation and a share a daughter is enriched to that extent. She goes to her husband's house and has her own sons and daughters. All that she takes from her brother, her daughter will take from her sons. Instead of considering the women individually and separately, if we consider her as part of family life, then the gain is not counterbalanced by the loss. I submit that the daughter's share will introduce endless complications and litigation, quarrel and misunderstanding and what not. In fact, it is my unhappy experience that no prosperous Muslim family has lasted for three generations. This and other things make them paupers. The point is not whether the system is good or bad. Muslims have accepted it as part of their religion and will accept it so long as the majority do not think it is bad. So far as Hindus are concerned, they have accepted their system and unless the majority are convinced that that system under which they have been thriving and been made so prominent, a system which has outlived many ravages of foreign invasions, unless they are convinced that that system is bad, there should be no interference. My point is that comparison between the Hindu sister and Muslim sister would be

extremely dangerous, because their positions are not analogous and actually there are differentiating elements which arise from different histories, considerations and environments. Therefore, there is no simple analogy between the position of the Hindu sister and the Muslim sister. I think the effect of a daughter's share must be considered dispassionately in all conceivable aspects. It is not a net gain to the daughter herself. It leads to fragmentation. I would not have referred to this in detail but for the fact that on 9th April when the Bill was sent to Select Committee, I referred to this mischievous tendency and Mrs. Hansa Mehta expressed surprise that the daughter's share would lead to litigation or fragmentation of property. It is due to the fact that perhaps the mischief which we have experienced has fortunately not been experienced in the Hindu society. It is for this reason that there was a possibility of misunderstanding, and that is why I have referred to this matter. I submit, Sir, that the position of the daughter must be considered in the context of Hindu ideas and of Hindu families. Every one is affectionately disposed towards her. She is well married, and at the time of marriage various gifts are made, there is the dowry and besides that large properties too are sometimes given. And she is a welcome guest in her father's house. But if you give her a share, then the relations between the brothers and sisters will no longer be one of affection, but it will turn into one of business, one of hostile and clashing interests. In fact, love will be extinct, if the daughters' shares are allowed to penetrate the folds of Hindu society. Sir, these are some considerations which I believe should be considered dispassionately.

Shri Mahavir Tyagi: What is your experience?

Mr. Speaker: Order, order.

Mr. Naziruddin Ahmad: My experience is that we have become impoverished. If Hindu society thinks that impoverishment is a virtue they are welcome to accept the system. After all we hear talks of introducing a classless society of absolute equality. It will be the equality of poverty and indigence. But I do not complain of my system. And after all, this is not the place to discuss it. I only submit here that the whole subject must be considered deliberately by Hindu society and not merely viewed in the light of equality of brother and sister. That is too much of a slogan. We as serious legislators in this House should not be taken in by slogans. Here I have only given a slight hint on some of the aspects. There are many other matters but it is impossible for me to deal with all aspects. It may be that I have over-emphasised certain minor aspects, and left out others. But these are only a few observations which may make people think and not rush on, so far as the daughters are concerned.

And now comes the question of equality. Is not the woman sometimes superior to man in certain aspects? I believe that she is in many spheres superior. She is the mistress of the house. She is the mistress of her husband's soul, his purse, his property, his inclinations, his whims everything is controlled by her. I submit, therefore, that the woman should not consider herself as ignored, merely because she is not being given a share. In fact, her position is unassailable in the family. What woman is there who is not respected and loved in the family? Does she require anything personal? Does she require anything herself, apart from the welfare of her husband, of his brothers and of her children and the children of her brothers? That is the Hindu system. Whether it is good or bad, it is not for me to discuss.

An Honourable Member: Quite right.

Mr. Naziruddin Ahmad: It is for the Hindu community. It is for that community to say whether the system which has lasted for over four thousand years.....

Babu Ramnarayan Singh: More than that.

Mr. Naziruddin Ahmad: It is for them to say whether it is really so rotten and so rickety—to quote Dr. Ambedkar—that it requires overhauling, that it requires breaking up and re-setting, in fact whether a problem akin to that Relief and Rehabilitation has arisen in Hindu society. I feel that it is nothing of that sort. The problem is merely an intellectual upheaval. It is an abstraction of legal theory. It is an unnecessarily fine question of equality that is at the root of this division, of all this discussion and so much hostility. The whole thing is a simple affair. Are you satisfied with your family system? Does it give you satisfaction? Has that system saved you from the ravages of time?

Dr. Mono Mohan Das (West Bengal: General): And that has increased the number of Muslims in the country.

Mr. Speaker: Order, order.

The subject before us is not the structure of society. We are discussing only certain provisions in the Hindu Code. So let us not go into too many details or go on to other questions. Otherwise I will have to ask the honourable Member to discontinue.

Mr. Naziruddin Ahmad: If you allow shares, to the daughter, there will be wholesale evasions, and lots of cases relating to wills will come up. When the father dies, there will be wills. In fact, it will lead to lots of litigation. The sons will try to retain the property in their own hands and it may be that the dying father may be prevailed upon to execute a will under duress, or wills may be manufactured. Such things do happen. In fact, these are certain matters which have got to be considered.

Sir, then there is the general aspect of inheritance. In fact, this a matter which should be carefully considered.

Then I come to another part of the Bill, namely, marriage. In fact, with regard to monogamy, I submit that monogamy is good in theory, and good in practice also. And I also believe that numerous people would not have two wives. One is costly and troublesome enough. In fact, two wives would be a rarity. It is a rarity. I do not find two wives very common. It is extremely rare. It is only confined to very exceptional cases. Exigencies of political or economic conditions make it impossible for any one to marry two wives. But the point is whether we should try to introduce monogamy by legislation or by public opinion. There may be a tendency on the part of some men to marry two wives, not for the sake of caprice, but for the sake of having a son. According to the Hindus, a son is needed to save the father from a certain *Naraka*, called *Puth*. A person who saves you from *Puth* is called 'Puthra', the son. Otherwise the man goes to a certain hell called *puth*. It is a religious necessity according to the Hindus to have a son and to have a son means that if the wife is barren, he tries to marry another. It has happened within my experience, and it may be within the experience of many others that a second marriage of the husband has been brought about because the first wife is barren. I have seen very happy families, where the senior wife without a child actually induced or compelled the husband to marry a second wife, and the senior wife considered herself absolutely happy with the family. A similar belief that a son is desirable is also prevalent amongst the Indian Muslims in Bengal.

Mr. Tajamul Husain: I want to put a question for my information and for the information of other honourable Members: I understand that a Hindu father must have a son for his own salvation. Does a Hindu mother also require a son for her salvation? If she does, she should have the right of polyandry.

Mr. Speaker: We may have a fund of information outside the House. In the House, let us confine ourselves to the Hindu Code.

Mr. Naziruddin Ahmad: I submit, therefore that polygamy is not as dangerous as it is supposed to be in point of view of abstract logic and abstract legislation. It has got to be considered in a particular context. If there is a desire on the part of a Hindu husband to have a child and for that purpose to marry again, and if he cannot do so for the existence of the first wife, it may lead to divorce proceedings. The provision of monogamy and the prevention of a second wife during the lifetime of the first wife or during the existence of the marriage with the first wife may lead to divorces. We must not think it to be fanciful. In fact this has happened even in European countries in our history. Napoleon Bonaparte married a loving wife, Josephine. He had no children and Napoleon wanted a heir to the throne of the vast empire which he created by his own genius and what did he do? He divorced the first wife, although his love for her was intense, but the desire for a son and the perpetuation of the family got the better of him and he married a Princess and he thought by that princely alliance with the Princess of Austria he would consolidate his power for ever and he would be happy with both. This is a historical example.

The Honourable Dr. B. R. Ambedkar: What happened to Napoleon?

Mr. Naziruddin Ahmad: He died in St. Helena—an unhappy man.

The Honourable Dr. B. R. Ambedkar: If he had not desired the founding of an empire, he would have lived otherwise.

Mr. Naziruddin Ahmad: Sir, This is an example from history. If a Hindu is prevented from marrying for the purpose of a son, if he thinks that a son is necessary, and if he believes his wife would not give him the son, then he would think of some evasion. He will in many cases enter into a morganatic marriage. Can you prevent a man from entering into a morganatic marriage or to commit a technical crime in the full religious belief that what he is doing is just and proper according to his own conscience? This would be interfering with sentiments of a people deeply immersed in religious thoughts and religious beliefs. In these exceptional cases therefore the matter should not be dealt with by legislation, but rather on public opinion. Polygamy is dwindling from within and the process must not be artificially hastened in order to create evasions. Absolute prohibition of polygamy is a defect and a practical difficulty in the way of the Bill. If a man requires, a second wife, what prevents him from crossing over to Pakistan? (*Shri Mahavir Tyagi:* 'What about a second husband?') The second husband is also prevalent in some places. Mr. Tyagi is well aware of this. Polygamy would be prohibited in India and you will refuse to recognise it, but the man must have a son and what prevents him from bringing the married wife—the second wife married in Pakistan—to his house and it may be that the first wife may be consenting. Would you then pass a law which is against deep-rooted sentiments and beliefs of the Hindus. There are serious matters to be considered. This is hardly a subject for drastic legislation going against the very principles, the fundamental ideas of the Hindus. The matter should be very carefully considered before we should indulge in a drastic law of this kind and then there is the provision of a penalty, legal punishment in case of a second marriage. I submit that we should not pass a law which would not be popular with our masses, which would inevitably lead to violations and evasions. We know the fate of the Sarda Act. The first effect of the Sarda Act was that many

[Mr. Naziruddin Ahmad]

millions of ~~infantile~~ marriages were performed before the law would come into force. The first effect was to bring about the very mischief which it was the purpose of the law to prevent and then what is the story today. Supposing a man has a marriageable daughter, not up to the age standardized by the Sarda Act and suppose a suitable bridegroom is available, can you morally blame the father or the guardian if he contracts the marriage for the minor daughter? Would it be merely indefensible simply because it may offend against the theoretic legal sense or the political sense of the man? Current practices should not be made impossible all at once by law. Old practices are in consonance with the faiths and inclinations of the people. The Sarda Act has largely failed and public opinion is so strong in this respect that there is hardly any prosecution against the alleged violation of the Sarda Act today. In fact legislation had been imposed by way of amendment and there are some difficulties in the way of a complainant. The first difficulty is that he must deposit the costs, which will be forfeited in case he loses his case and other additional difficulties are put in the way. What has happened? Infantile marriages are still prevalent. Nobody supports infantile marriages, but it could not be stopped by criminal prosecutions or by force, unless it is supported and backed by popular sentiment. Amongst the upper educated classes infantile marriage is practically out of the question, but just look at the poor people. If unmarried girls of the poorer classes, not coming up to the marriageable age are to be left unmarried without the care and protection of a husband, it would not be a very safe thing to allow and it may be that many abuses and difficulties will arise if such girls are left without the protection of a husband. The result would be that if she is forced to wait till she attains the statutory age, a husband would not be readily available and she cannot be married readily, and this will lead to all sorts of abuses. I submit, Sir, that remembering the fate of the Sarda Act, we should also consider the idea of compulsory monogamy under all circumstances in all its rigour and without any reasonable exceptions. I think, Sir, the matter is one of serious practical consideration and not a matter of theories and slogans. I now come to the question of divorce. Divorce is not a panacea for all family unhappiness. There is hardly a man who does not have mis-understandings with his wife and there is hardly a family which does not suffer on this score. Life would be unbearable if the relation between husband and wife was all happiness. Such happiness would be no happiness. Unless happiness is punctuated by moments of unhappiness and quarrel, it will be no happiness. In fact it is these misunderstandings which are followed by re-union—*virah* and *milan* in our society—that conduces to happiness. So, misunderstandings are sometimes necessary. I am addressing these remarks to all experienced men. Only a lunatic would be happy all his life. If he is intelligent and has a personality there will be differences of opinion, but in the long run, the wife will prevail. Therefore if you leave the couple to live together for a time, misunderstandings will be blown away as the autumn clouds. I submit therefore that we should not hastily provide for divorce.

Now, the analogy of the Muslim custom is brought in. "A Muslim can divorce his wife, so, why should not the Hindu have the same right? A Christian can divorce his wife; why should not the Hindu do so too?" I may point out that the three systems are entirely different and differ radically in these matters. A Muslim is not free to divorce his wife for practical reasons. He has unrestricted right to divorce, but he has to find the necessary dower money which is usually far beyond his means, because even if it is worth only Rs. 10,000, his dower would be something like Rs. 50,000 or a lakh. It is expressly provided in the Muslim Marriage Law that dower is a check on the Muslim husband's unrestricted right of divorce. So there is a very effective practical check on every Muslim husband, however, dissatisfied he may

be with his wife, against divorcing his wife. In fact this is considered to be a sufficiently deterrent condition to prevent many bold husbands from attempting a divorce. If a Hindu husband is dissatisfied with his wife, we should allow some time for the dissatisfaction to blow away. If you widen the door and make divorce easy, the result will be the parties will rush to Court and bene-fit the very lawyers who are anathema to a section of the House. Those who have experience of divorce proceedings in Court know what sordid details are narrated there. They are such as should not be heard by any decent man. Adultery is to be proved to the letter, otherwise divorce will not be allowed. The unhappiness is so complete in divorced families that divorce is not a panacea for family unhappiness. If the Hindu wife or husband is given the right to rush to court, the effect will be that temporary misunderstandings which may be healed by lapse of time will result in life-long unhappiness. In attempting to remedy existing problems, you will only create many new problems.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar).]

If resort to Court is provided what will happen is that, the male will take advantage of this provision more than the female. It is sheer nonsense to suggest that an aggrieved woman would get relief in divorce proceedings, as it is very likely that she will be the victim herself. The husband will more often go to Court alleging this and that wrong mentioned in the Bill and get an *ex-parte* divorce. Those who know our society can imagine what possibility is there for a woman to go to Court and disprove the allegations made against her. Who will defend the case of a woman whom the husband wishes wantonly to discard? It is the man who will more often rush to Court. Then again, the tendency to rush to Court will be accentuated if the wife is barren and there is a desire to have a son by another marriage. Now, supposing a man gets divorce against his wife, what will happen to the woman? Where would she go? After being divorced, she would be without a husband, and without moral and physical means of livelihood? Who would be friend that woman? The sponsors of the Bill? I do not think they will come forward. Would she go to her brother? No. Has she not antagonised the brother by taking a share of the family property for the benefit of the husband who has discarded her? The result will be that her father's relations will be entirely apathetic to her sorrows. Then how will she maintain herself?

The Honourable Dr. B. R. Ambedkar: She will marry Naziruddin Ahmad

Mr. Naziruddin Ahmad: I do not think, Sir, that any divorced woman with any sense of taste in her, would select me. I think the honourable Minister would be a better selection.

Mr. Deputy Speaker: God forbid that any such thing should happen. Let us not make personal references.

Mr. Naziruddin Ahmad: It was not meant to be heard seriously by the Chair.

Mr. Deputy Speaker: But I am serious. The honourable Member invited that remark by the honourable Minister when he asked: "Where is that woman to go?"

The Honourable Dr. B. R. Ambedkar: As he was expressing so much commiseration, I suggested that for the benefit of his own mind.

Mr. Naziruddin Ahmad: I did not resent it. I fully enjoyed the joke. But jokes apart, I ask seriously and again, where she is to go? Take the case of a divorced European woman. She has resources. She is educated. She can get a job. She can be a shorthand-typist. She can get a job in one of our Embassies and can get a free lift in a plane and a pay as well as allowances. Such women are absolutely free. They can make friends with strangers. They are trained and accustomed to rely on themselves.

[Mr. Naziruddin Ahmad]

So a civilised European woman can stand on her own legs and her position is different from that of our women, not the advanced fashionable ones but poor unfriended women discarded by the husband and fathers' relations. It is not easy, as the Law Minister jocosely said, for a divorced woman to get a husband; even if she is willing, a suitable husband is not to be readily available. So her position would be extremely difficult and such women would be the worst victims of the system of divorce. Then allegations in Court would be too serious to be thought of. Proceedings in Court in such cases are sordid in the extreme and it would be impossible for us, in the present state of our society, to allow the husband and wife to rush to Court.

Then there is another aspect. There are among tribal and other people a kind of customary divorce which involves very simple formalities. They get divorced very cheaply and expeditiously; but if they are forced to go to Court it will mean that they could not do it for financial and other reasons and divorce, which they can get easily according to their own custom, will be forbidden to them. You want to complicate matters when you want to achieve uniformity. The law may be theoretically uniform but it will work hard against the poorer people. In the name of easy divorce people will rush to Court when time would have effected a reconciliation; domestic happiness will be shattered and the parties and society will then repent for ever. To impose this artificial law upon the simple ways of living of these poor people would be very hard; it will make things costly; every decree would have to be supported by a decision of the High Court and it would be a costly affair. Instead of all this I submit the parties should be left to themselves. To introduce divorce in this way, making the same for all classes of people in different stages of civilisation and training would be highly mischievous. It is customary for people here to quote Sanskrit slokas to support or strengthen their arguments. I will also attempt one.

*"Aja juddhe, hrishi sradhe, prabhate megharambarah,
Dampati kalahaschaiba; babharambhe laghukriah."*

When two goats fight, they stand on their hind legs and a severe impact of the horns seems imminent, but the actual clash is very slight; when a million *hrishis* meet for a *sradh* with great ceremony, only a minute quantity of food suffices, the thunder clap of the morning cloud looks menacing, but it ends in no heavy rain; and marital quarrels, though seriously and menacingly begun, end in nothing serious.

In Domestic quarrels natural and social forces should be allowed to work to bring about reconciliation.

Instead of divorce you should give them time. The question of divorce is not all one way traffic. It has got to be considered from every point of view. The honourable the Law Minister advanced a very novel argument that as 90 per cent. of the people are *Sudras* and these 90 per cent. of the people practise divorce, it is just meet and proper that the law of the majority should be made also applicable to the remaining 10 per cent. This is not legal logic. It is not acceptable. The Muslims are microscopic minority in India. Should that be a reason for converting all the Muslims into Hindus or imposing upon them the laws of the Hindus and to cremate their dead bodies, for example, according to the Hindu custom? Or take the other example. The Hindus are in a minority in Pakistan. Would the Hindus call it justice if the Muslim law is forced upon them—if according to the customs of the majority the Hindus are made to bury their dead? Therefore, the argument of the majority is nothing.

With regard to the statement that 90 per cent of the people have their system of divorce, the *Hindu* of Madras, in an editorial, said that so far as Madras is concerned it is a "damn lie" or something of the sort and that it is entirely inapplicable to the Scheduled Classes or the *Sudras* in Madras.

May I now speak from my experience in Bengal. There are many distinguished Members from Bengal, particularly Pandit Maitra. He will correct me if I am wrong. Is it the custom amongst the 90 per cent *Sudras* in Bengal

to.....
Pandit Lakshmi Kanta Maitra: That is sheer nonsense!

An Honourable Member: He is not a *Sudra*?

The Honourable Dr. B. R. Ambedkar: Maitra, a *Sudra*?

Mr. Naziruddin Ahmad: We live amongst them. Is it customary among the majority of the *Sudras* to resort to divorce?

Babu Ramnarayan Singh: In some cases.

Mr. Naziruddin Ahmad: Certainly. But that does not make it the rule of the 90 per cent *Sudras*. Some Assam Members whisper from behind that it is. I hope Assam grows tea and also divorce! But Bengal produces tea without divorce. I submit Sir, that the argument of the majority is based on a mistaken notion. The facts are not true. It may be that in Bombay it is very prevalent and for that reason the honourable the Law Minister might have been impressed with the applicability of the theory in other parts of India. Therefore, the assertion that 90 per cent of the people accept divorce is not based on facts, and even if it was true that should not be made applicable to those who do not observe that system. That argument would fail and should not be used to support the result. A system of straight divorce or a uniform divorce, through a uniform procedure and rule would produce hardship in those cases where a simple form of divorce is prevalent by custom, and would produce unhappiness and disruption in families where divorce is not prevalent. In these days of easy approach to the law Courts, it would be the wealthy classes that would seek the so-called advantages of this procedure rather than the poorer classes. Therefore, divorce, if it is to be provided, must be provided with the consent of the people. At any rate the second marriage may be permitted with the consent of the first wife under special circumstances. Polygamy is fast dying out and should not be stepped by legislation. This may lead to divorce proceedings, or a man may cross over to Pakistan or to Burma, or to Malaya or to other places and take a second wife and come back. So if society is not sufficiently advanced and educated and sufficiently alive to the need of monogamy and divorce, a provision of this nature would not be accepted by them and would lead to evasions in many cases. Court proceedings should not therefore be encouraged. Again, if divorce proceedings are frequent, it will lead to considerable amount of unhappiness.

Shri Khurshed Lal (Deputy Minister of Communications): May I know if divorce is so bad, then would the honourable Member support the abolition of divorce in Muslim law?

Mr. Naziruddin Ahmad: Although a Member of the Select Committee, the honourable Member was absent from the House when this matter was argued earlier. I think the honourable Member should concern himself more with further increase in the rate on postcards than intervening in the debate in a scrappy manner. This matter has already been very elaborately argued out in the absence of the honourable Member.

Shri Khurshed Lal: Is 'postcards' relevant in this?

Mr. Deputy Speaker: It is better that we divorce ourselves from 'postcards'!

Shri Ramnath Goenka (Madras: General): I think you should move for changing the *Shariat* Law!

Mr. Deputy Speaker: Let there be no personal remarks. One remark of such a nature always leads to another.

Mr. Naziruddin Ahmad: Removal of the *Shariat* Law would interfere with the existing law. The introduction of monogamy and divorce among the Hindus would be an interference with the existing law. Therein lies the difference between the two. In fact you must not readily interfere with accepted law and therefore the analogy of the Muslim law should not be applied.

Shri H. V. Kamath: Does he accept everything that exists or does he want a change in anything at all?

Mr. Deputy Speaker: The House is not concerned with changes other than in the Bill.

Mr. Naziruddin Ahmad: The question of change is an academic question. The question of changing the law has been as old as history. In fact there are temperaments who try to make changes simply because it is a change. They would effect a change on the mere ground that it is a change. There are others who will never agree to any change because any change is a innovation. This was discussed in a classical passage by Macaulay and he said that the best brains lie near the border line, between the two extremes. So a change in the law is not to be adopted merely for its own sake. Again, a strict adherence to the old law, irrespective of all considerations would be equally bad. The position is that you must march with the times and the overriding consideration would be that you must take the people with you. I am referring to moral right. Legal right we have. We have ample legal right to break any law we like and create any law we like. That legal right is assumed. I do not question it. But what moral right have you to effect a change.....

Babu Ramnarayan Singh: No.

Mr. Naziruddin Ahmad:.....affecting large classes of people—30 crores—without their consent? I am not here to oppose all changes. I am here to oppose any change which is not sanctioned by public opinion. What moral right have you to introduce drastic changes without their sanction?

Shri L. Krishnaswami Bharathi: We have got their consent: we represent them.

Mr. Naziruddin Ahmad: You then raise a very important constitutional question. This House was elected for the purpose of drafting the constitution.....

Mr. Deputy Speaker: I am afraid so far as the constitutional issue is concerned there is already a ruling by the Chair. This is a sovereign body which can legislate on anything. If the honourable Member has other grounds he can go on.

Mr. Naziruddin Ahmad: I do not dispute the authority of the House. We have the right to destroy the Hindu society or Muslim society and blend them into something new devoid of religion. That right is never for a moment in dispute. But the question is are the people behind this law?

Some Honourable Members: No, no.

Some other Honourable Members: Yes, yes.

Mr. Naziruddin Ahmad: I believe they are not behind the law, they are against it. (An Honourable Member: They are for it.) How do you know

they are for it? A matter of this gigantic magnitude should be placed before the electorate. That is the constitutional procedure. In fact the day before yesterday Mr. Osborne told us that he could not agree to add certain things unless the matters were specifically brought to the notice of the electorate and permission is given by them. In fact they cannot do any such thing. They consider themselves incapable of proceeding in a constitutional manner without the consent of the electorate. But we are so far advanced that we can afford to disregard the opinion of the electorate. In fact at one time it was argued that the dilatory method is meant to defeat the purpose. If there is any election the Hindu Code would not be passed. This session the argument has been entirely the reverse. They say that they have shown that the electorate is with us. It is with their sanction that we have brought this Bill. It is neither with their sanction nor with their consent that you have brought forward this legislation.

How did this law start? It was framed under the authority of a foreign government which was then desperately fighting for its own existence. English power was threatened with total extinction. It was a life and death struggle for the British. It was in these times that a Home Member, Sir, Reginald Maxwell appointed the Rau Committee. So the thing was conceived under the pressure of a global war when the existence of England was at stake. When the Bill was prepared it was introduced by Mr. Jogendra Nath Mandal, the Minister of Law of the Interim Government. At that time the country was being ravaged by destructive struggles, enormous loss of life and disturbance to public peace on an unprecedented scale, when the then Minister knew the temporary character of the tenure of his office, when his thoughts were already focussed on Pakistan and when he was no longer interested in the Bill, it was under those circumstances that the Bill was presented before the House. In fact Pakistan was more than a conception at that time: it was already a reality. It was at that time that the Bill was introduced in the Assembly.....

Mr. Deputy Speaker: I find that there are a number of people on the waiting list. The honourable Member has already taken one and a half days. When is he likely to conclude? Has he any idea himself?

An Honourable Member: In this House nobody has any idea.

Mr. Naziruddin Ahmad: Even the Law Minister has no idea. In fact this remark arose out of interruption. I may take some time.

Shri L. Krishnaswami Bharathi: How long? The House is anxious.

Mr. Naziruddin Ahmad: The House was entitled to know how long the Bill would be considered and there was no reply and therefore my position is more difficult.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Shri H. V. Kamath: Sir, there does not appear to be a quorum in the House.

Mr. Speaker: I think there is a quorum.

Mr. Naziruddin Ahmad: Sir, when we rose before Lunch I was dealing with the question as to whether it will be proper for this House to pass this legislation. With regard to the constitutional power of this House I have

[Mr. Naziruddin Ahmad]

no doubt that we are constitutionally competent to pass a law of this nature. The question really is whether we have the moral right, or whether it would be morally proper for us to pass this law. The whole question would be whether this House has been authorised directly or indirectly by our constituencies to agree to this law. Some honourable Members say that the people are behind the Bill. My impression is that the people are not behind the Bill. The number of objections which are already on record is great. I believe that objections are pouring into the Legislative Assembly Department and they are so numerous that they could not be classified or docketed or dealt with in any systematic manner. They are pouring in on a gigantic scale. That shows the intensity of public feeling. The question is whether we in a democratic society, in a Legislature constituted on a democratic basis, should pass the law without ascertaining the opinion of the public. As I was submitting the Bill owes its conception to an alien Government which was, at the time of its inception fighting for its own existence and was busy and otherwise occupied. The Bill was submitted to the House by a Minister of Law who was Minister of the Interim Government at a time when that Minister was contemplating a departure to Pakistan and had no interest in the Bill at all.

Shri H. V. Kamath: He is repeating what he said in the morning.

Mr. Naziruddin Ahmad: Now the present Bill was continued by the Honourable Minister, Dr. Ambedkar, when India was very much occupied with a large number of serious problems. It is evident, as it appears from the admission of the Minister of Law himself, that the present Bill was merely continued without any adequate thought. It was only when it was sent to a Select Committee that it occurred to the Minister of Law that the Bill had not been properly drafted, that it required amendments—whether substantial or not is a different matter, but it required amendments all through. So he himself set down to redraft the whole Bill. In fact the product of that Committee is a book called "The Hindu Code" which is almost exactly the same as the present revised Bill, and it purports to be "a Bill to amend and codify certain branches of the Hindu law" by "Dr. B. R. Ambedkar, Minister of Law". So what was a Bill submitted by Mr. Jogendra Nath Mandal was informally transformed into a Bill by Dr. Ambedkar. The point I was driving at is this that the Bill had not at any time received any consideration or any adequate consideration before the Government first tried to sponsor it. In fact as soon as it was apparent that the Bill was not properly drafted, that it required to be re-written wholesale and that it required to be changed in a large number of particulars, that was the moment to withdraw the Bill. But without withdrawing it the Minister of Law made numerous changes and presented a new Bill. This shows that the Bill was never considered in detail. If it is a fact that even the Government had to change its mind to make serious alterations in the body of the Bill it shows that the Government with its enormous resources were unable to accept it—much less has the country accepted it.

Now, Sir, the present Constituent Assembly was elected for a specific purpose.

Mr. Tajamul Husain: I am afraid the honourable Member is repeating the same thing.

Mr. Speaker: I do not know whether he said this.

Shri L. Krishnaswami Bharathi: He said it in the morning.

Mr. Naziruddin Ahmad: I had hardly begun it. This House was not elected for the purpose of passing this legislation.

Mr. Tajamul Husain: Sir, he said exactly this. It was in your absence.

Mr. Naziruddin Ahmad: Let me develop my point. The question is whether we had been authorised in this direction. In fact the authority of this House is based upon an indirect election; there was no direct election.

Shri H. V. Kamath: He said the same thing earlier and the Deputy-Speaker gave a ruling also, on the point.

Mr. Speaker: I leave it to the honourable Member, if he has said it because I do not know.

Mr. Naziruddin Ahmad: Sir, I want to elaborate it.

Mr. Speaker: Then, of course, no elaboration is necessary. He may go to the next point.

Mr. Naziruddin Ahmad: We rose at that time for Lunch.

Mr. Speaker: The point seems to be very clear and it does not require any elaboration that this House was not elected by direct election, that the election has been indirect, that it was elected for a specific purpose, namely of making a Constitution, and therefore it should not go into this kind of legislation at this stage—that is the point. It hardly requires any elaboration. If it is the idea of the honourable Member to carry on for a long time, I shall be unable to support him.

Mr. Naziruddin Ahmad: The point is that as soon as I began I was contradicted by Mr. Krishnaswami Bharathi.

Shri L. Krishnaswami Bharathi: On a point of personal explanation, Sir, I never opened my mouth at that time.

Mr. Speaker: Whether a particular Member asserts or denies a particular thing, it has no effect so far as the real fact goes. If he has authority he has, if he has not he has not. Mere assertion by one Member in one way or the other really does not make any difference. He may just state his point without going into detail.

Mr. Naziruddin Ahmad: The question is that it is not so obvious.

Mr. Speaker: It is obvious.

Mr. Naziruddin Ahmad: No, Sir, To Mr. Bharathi it is not obvious.

Mr. Speaker: The honourable Member need not care to convince one Member who refuses to be convinced. He is addressing the whole House. He should know the House consists of Members, who have some level of understanding.

Mr. Naziruddin Ahmad: It is not the understanding that I deny, it is the mind being locked up—that is the difficulty. Some people are unwilling to be convinced.

Mr. Speaker: They cannot be convinced. Let us not take our time to convince them. The honourable Member may take his next point.

Mr. Naziruddin Ahmad: You would be pleased, therefore, to consider that we have no moral authority to pass the law. In fact, the Government framed a Bill and then sent it out for circulation. I refer to appendix II at page 41 of the second Hindu Law Committee Report. "The Bill as framed by the Rau Committee was sent for circulation and the Bill was sent to a large number of public bodies and individuals of weight and authority and their opinion was sought". It is made absolutely clear in this notification dated 5th August 1944

[Mr. Naziruddin Ahmad]

that the Hindu Law Committee intend to revise the draft in the light of public opinion as elicited by them in writing and orally. This is very important and should supply a key to unravelling the present matter. The Bill was submitted for public opinion and it was clearly stated therein that the Bill would be revised in accordance with public opinion. What was the public opinion? The public opinion at one stage of the matter is contained in the "Written Statement submitted to the Hindu Law Committee, volumes I and II". I believe this opinion has never been adequately considered by the Members of the House or it was never considered by many Members of the House. When these opinions were received they were analysed and then oral evidence was also invited and a large number of witnesses were examined. That is to be found in the "oral evidence tendered to the Hindu Law Committee, dated 1945". These volumes, if analysed and carefully read, would show that public opinion which was consulted was very preponderatingly against the Hindu Code. Therefore, it follows that the Hindu Law Committee proceeded to adhere to their own views and revised the Bill here and there not in accordance with public opinion, but in spite of it. The effect of this evidence has been carefully analysed in the dissentient note by Dr. D. N. Mitter, the ex-Judge of the Calcutta High Court, who was also a Member. In fact, he was written an elaborate minute of dissent. I do not wish to go over this matter, but he has analysed this opinion under different headings, namely whether we should have codification or not, whether the marriage law should be changed, whether there should be divorce and so forth. He has analysed the opinions and the evidence, for and against under each head, and I submit his report deserves careful consideration at the hands of the House. The opinions are again classified according to Provinces as according to subjects. With regard to the effect of the evidence, according to Dr. D. N. Mitter the opinion on each point is preponderatingly against the Bill for codification, for divorce proceedings and for other matters. The opinion of the public was directly against the codification. These opinions and evidence are preponderatingly against the principles of the Bill. The Hindu Law Committee Report is only a majority report. It was definitely opposed by Dr. D. N. Mitter but the other Members thought it fit to stick to their original Bill amended in slight respects here and there, not according to public opinion, but according to their own ideas. I therefore submit that the Bill has been framed in direct defiance of public opinion. That is the basis upon which my argument stands. Though Mr. Krishnaswami Bharathi said that the public opinion is behind the Bill, I venture to submit that public opinion is against it.

An Honourable Member: Question.

Mr. Tajamul Husain: No, not at all. It is for the Bill.

Mr. Naziruddin Ahmad: So far as the written opinion is concerned, it is definitely against the Bill.

I submit, therefore, that public opinion has not been properly consulted as a democratic Government ought to do. In fact, this Bill is a negation of democracy and it is conceived under circumstances which no longer prevail today. A full-fledged democracy is now in operation and public opinion should be taken into account and followed in giving effect to legislative proposals. I submit, therefore, that so far as written opinion goes it is against the Bill, but what about the unwritten opinion? We have a large number of protests lodged in your own office and we hear of proceedings of large number of meetings. In fact, we had meetings in the very heart of this city. The meetings were largely attended and many honourable Members and also the honourable Minister for Law were invited. Some Members attended but the Minister for law did not.

Babu Ramnarayan Singh: He did not have the courage to attend.

Mr. Naziruddin Ahmad: He did not think it necessary to attend, because it seems to me that public opinion is not the criterion or his guide so far as this Bill is concerned. In fact, Dr. D. N. Mitter gave a clear analysis of the opinion. The honourable Minister for Law said that he would quote an earlier writing of Dr. D. N. Mitter to contradict him.

The Honourable Dr. B. R. Ambedkar: What did the honourable Member say, I did not follow?

Mr. Naziruddin Ahmad: That he would quote an earlier writing of Dr. D. N. Mitter to contradict his present report. We have his earlier writing as well as his later writing and I have considered both.

The Honourable Dr. B. R. Ambedkar: His later writing I have not seen. What is it?

Mr. Naziruddin Ahmad: Later writing is in the report.

The Honourable Dr. B. R. Ambedkar: That you call later writing. I thought it was something after this.

Mr. Naziruddin Ahmad: The question is what was his earlier writing and what was his present writing and is there any change and if so what. He had long ago written a pamphlet.

The Honourable Dr. B. R. Ambedkar: A pamphlet?

Mr. Naziruddin Ahmad: A book.

The Honourable Dr. B. R. Ambedkar: I thought you said pamphlet just now.

Mr. Naziruddin Ahmad: Give it any name you like. I do not quarrel with the name.

The Honourable Dr. B. R. Ambedkar: How big is that book? Have you any idea?

Mr. Naziruddin Ahmad: You will have it in the Library.

The Honourable Dr. B. R. Ambedkar: You called it a pamphlet. How big is that pamphlet?

Mr. Naziruddin Ahmad: If I am to be cross-examined, I should be put in the witness box and I will then answer.

The Honourable Dr. B. R. Ambedkar: I should like to know that my friend has ascertained the facts before he refers to them. If it is a pamphlet I should be very much surprised. The book is a book of 700 pages, somewhere about that.

Mr. Naziruddin Ahmad: The most important thing is not the size, but the view expressed therein.

The Honourable Dr. B. R. Ambedkar: Yes, what was the view?

Mr. Naziruddin Ahmad: The view expressed therein was that the rights of Hindu women should be better safeguarded and given better rights. I cannot repeat everything to the honourable Minister because I do not like to trouble the House and I do not like to speak louder than what I am doing. In the present opinion he has opposed the Bill and the honourable Minister evidently had his earlier writing in view and that is taken advantage of by the majority Members. I submit that the reason for the change of opinion

[Mr. Naziruddin Ahmad]

has been given by Dr. D. N. Mitter himself. If change of opinion is a crime, blind adherence to an opinion, although it is proved to be wrong, is a worse crime than change of opinion based on reason. Dr. Mitter clearly expressed an opinion in favour of giving more rights to women. I have read the passage in Appendix II that the Government gave an undertaking to the people that the Bill will be re-shaped in accordance with public opinion. That was the thing that troubled Dr. Mitter. In fact, he found that his individual opinion was far ahead of public opinion in India which was definitely against it. So he has referred to this passage in the notification declaring the intention of Government to change the law in accordance with public opinion. Dr. Mitter was faced with a volume of opinion against the Bill and he changed his opinion. This is a legislation which affects the whole country and it was this reason which induced him to go against the Bill, because this is the public opinion. There is no illogicality in giving up one's personal opinion in deference to public opinion. I believe the honourable Minister and other Ministers too have their personal opinions, but they have to subordinate them for the collective good. We have often heard Ministers speaking against their personal conviction. This is neither improper nor wrong. It is perfectly natural. Here Dr. D. N. Mitter had accepted a position of great public responsibility with the express object of ascertaining public opinion and changing and re-shaping the Bill in accordance therewith. I ask: is there anything improper if Dr. D. N. Mitter changed his opinion? He accepted a job, and what was it? To ascertain public opinion, and public opinion was against the Bill. He himself was present when the evidence was taken and there is one passage in the report on oral evidence which is very significant which has been specifically referred to. When the Committee was in Lahore and was sitting...

The Honourable Dr. B. E. Ambedkar: They were greeted with black flags?

Mr. Naziruddin Ahmad: No black flags; something more. A large number of ladies, thousands—I do not remember the exact number—I do not wish to trouble the House with the exact number.

Mr. Speaker: What year was it in?

Mr. Naziruddin Ahmad: It was in 1945 in connection with this enquiry. They went to Lahore and a large number of ladies came and absolutely blocked the progress of evidence. They said, "We do not want it. It is not to our benefit. It is against our idea."

Babu Ramnarayan Singh: Hear, hear.

Mr. Naziruddin Ahmad: In fact, the situation was so grave, that this gentleman when he was faced with the sad spectacle of thousands of ladies opposing the Bill, he could not proceed and it was difficult to repress them and their sentiment and so further evidence was absolutely stopped. This is what he has referred to. If he is guilty of inconsistency, he is certainly to be credited with some amount of honesty.

Babu Ramnarayan Singh: Hear, hear.

Mr. Naziruddin Ahmad: Does consistency lie in sticking to one's opinion although it is proved wrong? This is inconsistency. This is doggedness. This is neither good nor fair. This gentleman when he found that not only male opinion but female opinion was absolutely against him, he said he was also against it. Would it be fair or proper on anybody's part to quote that stray personal opinion of his? If so, one could quote writings and speeches

of the honourable Minister himself against him. This would not be fair. Every writing and speech has to be taken in the context. It may often happen that we have to act in public capacity and therefore, for that purpose, we have to sink our personal opinion. So Dr. Mitter acted patriotically and courageously in giving up his personal opinion in deference to the opinion of the public. In this Dr. Mitter performed a patriotic and obvious duty, and no blame should be attached to it. On the other hand, the other respected Members, what did they do? I do not wish to be hard upon them, but they all of them, though they promised that the Bill would be considered in the light of public opinion, they stuck to their own opinion, and actually taunted 3 P.M. Dr. Mitter for having changed his opinion. Is it to be, Sir, that we should never change our opinions? If that be so, then mankind would cease to be rational. We have got to change our opinions.

Mr. Speaker: Order, order. May I tell the honourable Member that on each point he need not necessarily go into the general principles and all the details. He may just invite attention to the point and then go to the next point; because if he carries on like this—he has now gone on for nearly two days—there will be no end to this discussion. And I do not propose to allow him to go on in this manner. He must bring his remarks to a close within a reasonable time, and I think another fifteen minutes would be quite reasonable.

Mr. Naziruddin Ahmad: I bow down to your decision. I hope, Sir, that these fifteen minutes will be entirely mine.

Mr. Speaker: Yes, he may finish by 3-15.

Mr. Naziruddin Ahmad: Next I want to emphasise the fact that we are a democratic body. We are working as a democratic body. We cannot say that democracy is unfit for our society. It is democracy that has brought us into being. That democracy was sufficient to wrest power from the British Government. That democracy is sufficient to empower us to frame our Constitution. And I say that democracy would be intelligent and competent enough to understand its own interests in the matter of the Hindu Law. Therefore there should be no shirking, no by-passing, no flouting of public opinion. Where is the harm in ascertaining public opinion? In fact, the Bill, I submit, has been mutilated. It has been interpolated upon. I do not mean to say there has been dishonest interpolations, but honest interpolations, but they are not the less interpolations. There have been interpolations in the Bible—honest interpolations. There are great authorities pointing out that fact. So, I say, there are interpolations in the Bill. The Bill, however, was presented to the Select Committee with the guarantee that there was no serious change, and that some changes made had been noted by the Members. Yet, is it possible, or practicable, Sir, for any one unaided to note all the changes? In fact, all these changes, it is impossible to take note of. And therefore, the Select Committee was told, and they were asked to take it, that the Departmental Bill was merely a reproduction of the original Bill, and that no substantial changes had been made, and therefore, they failed to note and consider the changes. That is not their fault. In these circumstances, the Select Committee, although they tried their best, unconsciously, I submit, they must have omitted to note many important changes, on account of the guarantee. And then, Sir, if that is so, if there are so many changes, and when these changes are substantial, then the guarantee given by the majority of the Select Committee that the Bill was not so changed as to require re-publication is only the usual guarantee. They said that the Bill had not been so altered as to require, under Standing Order 41 (5), any re-publication and that the Bill be passed as amended by the Select Committee. This is only the usual stock certificate. I ask in all seriousness, is it contended, in the light of the disclosures of changes made,

[Mr. Naziruddin Ahmad]

that the Bill has not been substantially altered? On the original Bill we have not got public opinion, and what public opinion we procured, was against it. We have, therefore, got to ascertain public opinion. And then, the Bill was sent to the various Provincial Governments for opinion. The opinions of the various Governments have not even been referred to in the House. They are collected and circulated to the Members. I shall, however, confine myself to the opinion of the Government of Bengal. I assert without fear of contradiction that in Bengal the opposition is the greatest. You propose to abolish the *Mitakshara* system of inheritance and do honour to Bengal by accepting their theory of family life. In Bengal you have the greatest objection.

An Honourable Member: Objection is from everywhere.

Mr. Naziruddin Ahmad: Of course, from everywhere there is objection, but the greatest objection is from Bengal. It is the most persistent, and so very authoritative. The whole of Bengal, including some educated and cultured ladies think that the Bill is not wanted there. In fact, many ladies like the wife of the late Sir Asutosh Mookerjee, the mother of Dr. Mookerjee, here, lady Ranu Mookerjee, wife of Mr. B. N. Mookerjee, and a host of other ladies have opposed this move.

Dr. Mono Mohan Das: Who are the other ladies please? Please name them also.

Mr. Naziruddin Ahmad: I have to respect the request of the Chair to finish soon. I cannot give my honourable friend preference over the request of the Chair. Sir, the names are there in the report. My honourable friend's request to name them shows that he has not read the report. It is a pity that this volume of opinion has not been read. It is a pity that the Department has not supplied the report to all. It is a pity that private Members have to undergo all the labour and expense to collect the information and to supply the House with the information. But the names are on record, and it is useless for any member to ask questions about facts which are on the record. It is a pity that I have got to refer to this matter.

Well, Sir, I was submitting that there is lot of opposition in Bengal. There are five High Court judges of the Calcutta High Court—and one of them now adorns the Federal Court—and they are against it. Their opinion is to be found in the Report also, and it is referred to in Dr. Mitter's report. Then there are ex-Judges of the Calcutta High Court. One of them is Mr. N. C. Chatterjee, and he is now a Judge of the High Court, and he was against it. The Hindu Mahasabha was then under the Presidentship of Dr. Shyama Prasad Mookerjee and it opposed the Bill, evidently, with the consent of the President, Dr. Mookerjee on a major matter like this. And then there is Dr. R. B. Paul, a distinguished jurist of continental fame, and he has opposed it. Their opinions are before us. In fact, in the face of all this opinion in Bengal, I am surprised that a Member from Bengal should have asked for names.

I submit, therefore, Sir, that the Bill should go out to the public for eliciting public opinion. If Hindu opinion is against it, why should you thrust upon it a law which is not wanted by them?

An Honourable Member: It is dictatorship.

Mr. Naziruddin Ahmad: Yes, it is sheer dictatorship. There is the fear that if it is sent to the public before the elections, possibly it will lead to complications. But do you know what complications will come up if you pass it before the elections? The illiterate people will get furious. This Bill will dislocate their lives. It is not easy for them to change their lives all at once

under the dictator's command. Even in Russia, Lenin did not go so quickly or remorselessly as we seem to be going here, in utter disregard of public opinion. There is in Russia a desire and a pretence to respect public opinion. But here there is no such thing. It is sheer dictatorship born of fear that if the Bill goes to the public it will be rejected. I find it is asserted that the public are in favour of it. If so, why not the public arm you with the authority to pass the law? Sir, it is injurious to the Hindus in general; it is injurious to the ladies in the larger interests and it is injurious to the public at large, and it is no use forcing your opinion upon an unwilling public. Had it not been a matter of personal interest any one is entitled to enforce his opinion, but having come here as the Minister of Law in a democratic Government and basing their authority on public opinion, is it fair and proper for them to flout that public opinion and to bypass it, to circumvent it or avoid it? It is a devious method, a circuitous course which is not warranted by any system of democratic Government. Why should you not go to the people if the law is favoured by them? Are the people so backward in their ideas that they will not be able to determine what is good or bad for them? The question is not what is good in the abstract, but what is good in the circumstances, and that depends on local conditions. There are certain practices which are considered to be good and there are others which are not and you make everybody uniform; you are trying to make all the people uniform. The honourable Minister for Law should try to make everybody as intelligent and as forceful as he is. Why should you stop at inequality; inequality is not bad. It is nature that there should be inequality in diversity. India is a big continent; it is composed of various provinces which are bigger than the continental countries and it has developed according to its own genius and each province has a distinct culture of its own and why should you by one stroke of the pen remove all this and make the law the same? In fact the great Hindu law-givers, they were extremely...

The Honourable Dr. B. R. Ambedkar: This is only a peroration and not an argument.

Mr. Naziruddin Ahmad: They had tolerance and they did not enforce their law by force. A study of *Manu Smriti* will show that he never enforced his law. He said that the law should be enforced subject to the custom of the locality. That will be found by any one who has read it and therefore, the Hindu law-givers did not like the law should be uniform. Their method of propagation of their law and their civilization was not by force, but rather by persuasion and they allowed free scope—I speak with authority, having read the whole thing; they allowed their law to spread on their own merit, not by their force. Local custom plays not only an important part now, but played an important part in the time of Manu and that is the reason why law is different today. It is an organic method according to local circumstances that leads to this difference of opinion. In fact differences are not bad. It is not a small country; it is a big country with all the attributes of a continent and this diversity as a matter-of fact should not be done away with without adequate and careful thought.

Sir, Mr. Kamath compared the present Bill to a new *Smriti*, Dr. Ambedkar's 138th *Smriti*. I think this is not a *smriti* at all. the *smriti* proceeds from the *srutis*. There is a pretence to agree with the principles of these *srutis*. This is a Bill which is not a *smriti*, but a new *Veda*. (Pandit Lalishmi Kanta Maitra: 'It is *vismriti*!') It is *Vismriti* i.e., forgetfulness of the past. All sacred laws and customs, rules, laws, decisions, principles of the Privy Council are brushed aside by one stroke of the pen by Dr. Ambedkar himself in defiance of the report of the Rau Committee. Everything is gone. It is *Vismriti* as Pandit Maitra with good humour suggests. It is, *vismriti*—absolute forgetfulness.

[Mr. Naziruddin Ahmad]

It is a new *Veda*. There are four *Vedas*, the *Sama Veda*, *Rig Veda*, the *Yajur Veda* and *Atharva Veda*. I think the new *Veda* should be called *Dr. Ambedkar Veda* and this is the fifth *veda* in utter defiance and disregard of all the four *Vedas* which it supersedes. Sir, I thank you.

Pandit Mukut Bihari Lal Bhargava: Mr. Speaker, Sir, we have been discussing the Hindu Code Bill from yesterday. We had discussed it in February also. Before I proceed to discuss the merits of this measure, which is admittedly of a highly controversial nature, which aims at the utter demolition of the structure of Hindu society, I would like to put on record my emphatic protest against the way in which the Government is pursuing this measure of vital importance, a matter of life and death to the Hindu Society. It is well known that this Bill was rushed through in the legislature almost on the last day, that is, on the 9th of April 1948, when it was not discussed even to the extent that a very ordinary measure is usually discussed in this House. Further, in this session, we find that instead of giving consistent consideration to this matter the Government on the plea of want of time due to the Budget session, wishes to rush this Bill through this House. I would ask respectfully, though humbly, is it fair to the House that a measure of this vital importance, an equal of which, I submit, has never been on the anvil of this legislature since its inception should be rushed through in this manner? However, it is for the Government to decide and I feel it my duty to sound a note of warning to the Government that it should pause and consider as to what is the haste and hurry about this matter, and why in preference to a number of very important and emergent measures, this Bill is being rushed through. I would ask what will happen to the Hindu Society if the Hindu society could survive the onslaught of centuries of foreign aggression and foreign rule? Will it die out of existence if this measure is not brought on the statute book? I submit, Sir, this unusual haste and hurry is due to the fact which was hinted by my learned friend Mr. Naziruddin Ahmad, that my honourable friend, the Law Minister is now sure that the public opinion of Hindus is behind the measure. I take courage even to submit, Sir, that the weight of public opinion is against the measure. What is the criterion to judge whether the public opinion is in favour of this measure or against it? The only criterion that can possibly be applied to is: What is the weight of opinion that has been on record? I should submit in all humility that the weight of opinion that was sounded by the Rau Committee was predominantly against every section of this measure. Consequently, Sir, without any fresh sounding of public opinion, it would be presumptuous on the part of any person, including the Law Minister, to claim that this measure has the support of public opinion in the country.

The question arises where is the necessity and what is the utility of the codification of Hindu law? Who demands the codification of Hindu law? We know, codification is essential only in two conditions. If on a particular point there is a serious conflict of judicial opinion, it becomes essential for the legislature to intervene and clarify the ambiguity. This is one condition. The other condition is that public opinion wants to have a change in the law. These are the only two conditions which could justify the attempt at codification of Hindu law. In this particular case, I would submit that neither of the conditions exist. So far as the main principles of the Hindu law are concerned, I venture to submit that they are well understood and well settled. In many text-books of Hindu law the principles of it as deducible from *Smritis* and *nibandhas* as finally interpreted and construed by the judicial courts in India, have been published. It will be quite obvious that on every intricate point of Hindu law there have been clear interpretations. It has been pointed out by the Law Minister, in his speech while moving for the consideration of this Bill, that Hindu society or the joint families as was originally conceived in Hindu law,

have by judicial opinions been shorn of their characteristics. But does this afford any justification for this Code? The judicial opinion of the Privy Council and of the High Courts have by now laid down the principles which are not open to any doubt at this stage. Whether it may be the powers of the *karta* or manager of a joint Hindu family when he happens to be a non-father, whether it may be the powers and functions of a manager of a joint Hindu family as father, his rights and powers stand well defined in Hindu law. The disputed doctrine of the pious obligation which for some time was the subject-matter of serious conflict of opinion between the different high courts and the Privy Council has also been settled. And we know what are the duties of the son and we know the extent of his liability for the debts of his father. Similarly in the sphere of marriage, etc. the Hindu law is quite definite. The question then arises, is there any opinion and overwhelming public opinion in the country which requires the Government to codify the Hindu law? My respectful submission is that there exists none and there is no justification for this attempt at codification of Hindu law.

So far as the history of codification goes, this is not the first time that an attempt has been made. I would respectfully invite the attention of the House to the various efforts that have been made during the British rule for the codification of Hindu law and submit that on each such occasion the matter was deferred and for very cogent and sound reasons. As early as 1833, a Commission was appointed by Royal Charter. In the year 1853 a Law Commission was appointed. The reports of these Commissions published in the year 1856 turned down the proposal for the codification of Hindu law on the ground that it would be a vain attempt and that it would stunt the growth and development of Hindu law. Similarly, in the year 1861 and again in 1921 the Secretary of State for India in the former case and the Governor-General of India with the sanction of the Secretary of State in the latter case appointed Law Commissions. Their decision on the point of codification was identical with the findings of the Law Commissions. On 23rd March 1921, one distinguished Member of this House tabled a non-official resolution requiring the appointment of a Commission for the purpose of codifying Hindu law. When that motion was debated in this House the Department of Law was in the hands of a very distinguished scholar on Hindu law and a jurist of eminence, I mean Dr. Tej Bahadur Sapru. The motion whether codification was essential or not, was necessary or not, would be to the good of Hindu society or not, was hotly debated. I would respectfully invite the attention of the House and of the honourable the Law Minister to the reply given on behalf of Government by Sir T. B. Sapru who was himself an authority on Hindu law. He pointed out that the codification of laws, of the personal laws of the community was not an easy matter, that it was a stupendous task and one which would entail the best energies of the best legal talents for centuries. He invited the attention of the House to the German Code which was drafted and codified after 50 years of labour, from 1834 to 1896 and to the fact that no less than three Commissions drafted the Code. He pointed out that it was not until 1896 that the final form of the German Code was reduced to writing and after a continuous hard struggle for and against codification between the two sections of eminent German jurists represented on the one hand by Savogry and on the other by Thebaut and that even then it took no less than 4 years. Thus, it was only in 1900 that the Code drafted after almost 50 years of continuous labour was sanctioned by the Imperial German Government. Similarly, Sir, the Swiss Code in the continent of Europe as well as the other Codes were the result of continuous efforts for a number of years by the best legal talents of the country. Compare those territories and their condition with the conditions of India and the ancient history of India and the continuous streams of law that have been flowing into the development of Hindu law from ancient times up to the present time. I would submit that it will be a vain effort to codify the Hindu law. It will be futile to

[Pandit Mukut Bihari Lal Bhargava]

attempt codification of the personal laws of the Hindus. What is the source of this law I would respectfully ask. It is obviously not human in the sense that no human power ever attempted to promulgate Hindu law. The sanction behind the law was not of a sovereign power but a moral sanction of learning and the result of meditation of the sages. It is difficult to trace its origin; the *smritikars*—138 as they are said to be—did not purport to create the law. They based their *smritis* on the *Vedas* and we know the *Rig Veda* is the oldest book in the world. Even Vigneshwar and Jimuta Vahana, the learned authors of the two main treatises which have held sway in India, did not attempt to codify the Hindu law or create new law for society; they only based their commentaries upon the *smritis*. And during the long years of British and Muslim rule what has been done is simply an interpretation of the well known principles of Hindu law. Now why should there be any codification of Hindu law? If the German and Swiss nations—which are so insignificant compared to India—took 50 or 60 years to bring about a satisfactory code to control their relations, why should we in India, where the origin and sources of Hindu law are shrouded in mystery, try to codify the law? We are told that it is sought to introduce uniformity in this land of diversities; the other reason advanced is that women in Hindu society have been subjected to age-long oppression and tyranny at the hands of men from which they have to be relieved. With regard to uniformity I submit that it has not been achieved in this present measure and cannot be achieved at all.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar.)] Even in regard to the law of succession, in cases where the rule of primogeniture exists by custom or in case of grants or *inams* they have said that the rules of succession as laid down in this measure would not apply. Similarly in clause 7 although marriage between *sapindas* has been prohibited, it is said that it will be subject to local custom and so allowed where it prevails by custom. So the ghost of uniformity which haunts the draftsman of this measure is still there, and the so-called freedom from slavery of women ends in nothing. I submit that those who want to deal with Hindu law and the place of women in Hindu society should look at the question not through Western glasses but through the glasses of our own civilisation. We must know how our own law-givers approached these very difficult and intricate questions. The views prevailing in eastern and western countries on these questions are diagonally opposite. Our life, we believe, has connection with our past life and will have connection with our future life; and therefore the rules of law will stand on a special footing. That is why our sages approached these questions from the point of view of the well-being of Hindu society as a whole. And in attempting to frame our law we have to keep in view the ideals that motivated our law-givers in framing the law in a particular manner. Unless we can do that we cannot appreciate its value.

Sir, I would not mind if the Law Minister had honestly declared that this measure stands on its own merits, moulded on his ideas of Hindu society as it now exists. But what has pained me is that he asserts that its provisions are in consonance with the accepted principles of Hindu law. It is well known that Satan can quote the Bible. I submit that every provision of this measure—whether in relation to marriage or divorce, adoption or inheritance—goes against the fundamental principles of Hindu law. Then the result that I envisage is not a very happy one. In fact every House in Hindu society will be converted into a hell in which there will be a quarrel between the brother and sister, between the husband and the wife and between the children and their father. The very fundamentals of Hindu society are sought to be demolished by this law. It is a question of vital concern and there must be a plebiscite on it or a referendum to find out whether public opinion in the country is in favour of this measure or against it.

I was submitting that there was no necessity for the codification of Hindu Law. The question then arises whether the uniformity that is sought to be achieved by the enactment of this law will be achieved if it is brought into force? What is our experience of the statutory law? The Government of India in the year 1923 appointed a Civil Justice Committee and that Committee after going through the various statutes made a recommendation that the Transfer of Property Act, the Contract Act, and the Law of Evidence should be modified and their revision should be taken in hand by the Legislature at an early stage. Has the Legislature found time for it? What is the result? The result is that the law is being administered in accordance with the provisions, which according to the authority itself, has outlived the utility for which they brought it into existence. That will be the condition if the Hindu Code is brought on the Statute Book and is made a rigid code upon which the rights of the people will depend. The Hindu law will lose its vitality, its elasticity, its adaptability to the prevailing conditions and will be reduced to immobile rigidity. May I know whether the object of reducing conflicts and of fighting differences of opinion will be achieved by the codification of Hindu Law? I dare to suggest it, will not and our experience of the various pieces of legislation leads one to support my conclusion.

Take for instance, the Hindu Law Remarriage Act which was enacted in 1871. Now, Sir, it is a very simple piece of legislation but has there been a unanimity of opinion in respect of the construction of the various provisions of that Act?

Shrimati G. Durgabai (Madras: General): Are you opposing the Widow Marriage Act also?

Pandit Mukut Bihari Lal Bhargava: I hope my friend will have the patience to hear me. We must learn tolerance and patience for opposite opinions. My point was that mere bringing in of an enactment does not lead to uniformity or to the resolution of a conflict of opinion. Even in the interpretation and the construction of the provisions of this Hindu Widow Remarriage Act of 1872, we find that there is a serious conflict of opinion between different High Courts about the construction of section 2. The question arises whether a woman who remarries according to customary law loses her rights in the property of her husband. This is the point, and we have the opinion of the Allahabad High Court and Oudh Chief Courts to the effect that merely because she remarries according to custom she does not lose her right in her previous husband's property. The other High Court has taken the other view. Similarly, in this Act there has been a serious conflict of opinion upon the interpretation of the simple word "sister". Some High Courts say that the word "sister" does not include a "half sister": while the Nagpur Chief Court, after an elaborate consideration of this word came to the conclusion that it is included. My submission is that in view of the above, the difficulty that exists today in the construction of the Hindu Law will not come to an end by the fact that the Hindu Code Bill is there.

Shri L. Krishnaswami Bharathi: Do you mean that the conflict should be permitted to continue?

Pandit Mukut Bihari Lal Bhargava: I say that even if this Bill becomes an Act, the conflict will be there and it will be open to the High Court to interpret its different provisions in a different way. The divergent opinion and the divergent points with regard to the Hindu Law will not be resolved because it will be open to the High Courts and to the Supreme Court to give their construction on any particular provision and the conflict is bound to arise as our experience of the previous legislation shows. My respectful submission is that it is a vain and futile attempt to codify the Hindu Law and any attempt in that direction is bound to deprive Hindu Law of its mobility, its elasticity and its vitality, which by no stretch of imagination is advisable in the present circumstances.

[Pandit Mukut Bihari Lal Bhargava]

My next point is a very important one. How did the present legislation originate and did the circumstances in which it originated justify its being pursued any further? I would respectfully invite your attention that in the year 1941 the Hindu Law Committee was appointed and it considered the question of the codification of Hindu Law by compartments and two Bills were prepared by this Committee. One was the Bill concerning the Intestate Succession of Hindus and the second was the law relating to Marriage. When these two Bills came before the Legislature there was a joint meeting of the two legislatures (at that time our Legislature was of a bi-cameral character) and it was decided that it would be better if the Hindu Law was enacted as a whole rather than by compartments, and with this object in view the present Rau Committee came into existence.

Now, Sir, when a lady Member addressed the House—of course a zealous enthusiast in favour of this piece of legislation—she said that this piece of legislation had been before the country for a number of years—say for 10 years, and the Rau Committee has examined thousands of witnesses and has had an extensive tour of the country. I respectfully submit that there was little truth in the declaration made by the lady because let us examine what was the quantum of evidence that was before the Committee. And what was the weight of that little quantum of evidence? The Rau Committee which came into existence on the 20th January 1944 drafted a Bill which was circulated to selected and distinguished lawyers for opinion. After their opinions had been received the Committee decided that the draft which they had originally prepared should be circulated throughout the country. The Bill was translated into Indian languages and about 6,000 copies were distributed. Opinions were invited on the 5th August 1944 and the opinions were to be submitted by the 31st December 1944. After the opinions had been received the Committee toured the country. I would like the House to note the extensiveness of the tour undertaken by this Committee. It visited the leading towns and cities of the provinces and as far as I remember it is not more than a dozen—Allahabad, Bombay, Calcutta, Poona, Patna, Lahore and others. This was the extensive tour of the Committee. What is the population of these few leading towns and cities as compared to the total mass of population of the country? Can the tour undertaken by this Committee for the purpose of examination of witnesses in these cities by any means give an indication of the real feeling of the country on this Bill?

What was the extent of the evidence recorded? Let us see. In all 121 witnesses and 201 associations represented by about 257 persons gave evidence. This was the total evidence taken. May I venture to ask a very pertinent question: Is this by any stretch of imagination sufficient evidence, considering the vastness of the country and considering the fact that the real India, the real Hindu India resides not in the cities but in the villages. They are agriculturists who represent 90 per cent. of the population. Can it be pretended by any stretch of imagination that the examination of witnesses by this Committee was in any way sufficient and commensurate with the vastness of the country and with the great divergences of opinion prevailing in the different provinces? I respectfully submit that it was not.

Let us further analyse the result of that evidence. My submission is that on every basic point which forms the basis of the present code the opinion was predominantly and overwhelmingly against any change. Look at for instance one basic doctrine that is propounded within the four corners of this piece of legislation—introduction of simultaneous heirship of sons, daughters, widows, etc.

Mr. Deputy Speaker: A widow is a simultaneous heir today under the existing law.

Shri L. Krishnaswami Bharathi: Even that he is opposing now. Perhaps he wants it to be repealed.

Pandit Mukut Bihari Lal Bhargava: For the introduction of simultaneous heirship of daughter with son the witnesses number only 78 and the number of those against was 215. Regarding conversion of widow's limited estate as a female heir into an absolute estate the opinions for were 49 and against 107. In case of divorce opinions for were 112 and against 119. In case of adoption and the changes that are introduced opinions for were 36 and against 93. On other points the opinions against change were overwhelmingly larger than for it. Where is the justification, I ask, for pursuing this legislation?

Some Honourable Members: No justification.

Pandit Mukut Bihari Lal Bhargava: It is claimed by a number of Members of this House that public opinion is overwhelmingly in favour of this piece of legislation.

Shrimati G. Durgabai: What about monogamy?

Pandit Mukut Bihari Lal Bhargava: I will come to that also at the proper stage. My submission is that if this is a democratic legislature, if this legislature claims to legislate in consonance with the predominant volume of public opinion in the country, the only course for it is to throw out this piece of legislation, because whatever public opinion there was in the country distinctly points out that it is against it. I am sorry I have not got with me the particular newspaper in which the opinion given by the Law Minister was published. It was a few days before we commenced the consideration of this measure in February and he took his stand not upon the quantum of evidence in his favour, nor upon the public opinion in his favour but upon its quality. That was an open admission by no other than the Law Minister himself that the weight of public opinion so far as number was concerned was against him. If it is a fact that a few individuals, however distinguished they may be, because they wish this legislation to be thrust upon the country, it cannot be accepted. The only criterion of public opinion is the public opinion taken by the Rau Committee. There is absolutely no other criterion upon which it is open to any Member of the House to say that public opinion is in favour of this piece of legislation and not against it. Similarly we are receiving a number of representations from different bodies.....

Babu Ramnarayan Singh: Daily.

Pandit Mukut Bihari Lal Bhargava: ... from different distinguished high courts and other civil judges also, from Bar associations in different parts of the country. As far as I have been able to go through the opinions very few persons, I find, favour the enactment of this piece of legislation and public opinion is overwhelmingly against it.

The next point is this. Even assuming that public opinion is not so far of a decisive character where is the necessity of pursuing this legislation in the present legislature? As has already been pointed out, and I will not repeat the argument, but I would respectfully submit that the present legislature is to frame the Constitution as also to legislate on emergent matters about which legislation is absolutely essential. It can by no stretch of imagination be asserted that the Hindu Code Bill is a piece of legislation that the Government should not pursue this piece of legislation in the teeth of public opposition in the country.

[Pandit Mukut Bihari Lal Bhargava]

I would now proceed with the examination and scrutiny of the various provisions incorporated in this piece of legislation. As I had remarked I feel—and I feel honestly—that the fundamentals of the provisions that stand incorporated in this piece of legislation are fatal to the existence of Hindu society as envisaged by our sages and therefore it is my painful duty to oppose this measure tooth and nail provision by provision. The question arises what are the basic changes that are sought to be brought about in Hindu society through the medium of this piece of legislation and how far those contemplated changes are in consonance with Hindu ideology and Hindu ideals. My respectful submission is this Hindu Code may well be styled as Islamic Code rather than a Hindu Code.

Shri A. Karunakara Menon (Madras: General): That is the reason why our friend Mr. Naziruddin Ahmad is opposing it.

Pandit Mukut Bihari Lal Bhargava: Of course this remark cannot apply to me. I feel as keenly as the learned member on it. Now, Sir, the main question is about the Second Part of this piece of legislation under the head Marriage and Divorce. These are incorporated in clauses 5 to 51. Let us see how far the type of marriage that is envisaged in these provisions of the Bill is akin to the Hindu conception of marriage. My respectful submission is that the show of a sacramental marriage provided in clause 7 of this Bill is of an absolutely different character than what is the conception and ideal of Hindu marriage. It is only a camouflage to conceal the real type of marriage that is envisaged. Otherwise the incorporation of the provisions in clauses 10 and 21 would not have been there. To Hindus—and I think there cannot be any dispute on this point—there is no two opinion on the subject. Of course if we aim to dare Hindu ideals and ideologies, if we intend to say good-bye to them, then it is another matter. To a Hindu the marriage is sacramental and as such indissoluble. It is a religious bond of unity between the couple. It is not a union for such purposes which may be brought to an end at any time. It is not a contractual relationship. It is a relationship that has got some spirituality about it. By no stretch of imagination can it be brought to an end by the sweet whim and caprice of any of the parties. That is the conception of Hindu marriage. I would challenge any *smṛiti* or citation of any scripture, so far as Hindu scripture is concerned, which would negative this idea of sacramental marriage and will propound any other sort of marriage that is understood by *smṛitis*. Therefore my submission is that so far as the provision about civil marriage in this Chapter on Marriage and Divorce as incorporated in clause 10 is concerned it is absolutely foreign to Hindu law and should not find a place therein. Civil marriage has been in vogue in this country ever since 1872 when Act III of 1872 came into force. It was further amended in the year 1929. Civil marriage as envisaged by that piece of legislation must continue. But it should not find any place whatsoever in the Hindu Code. I want to ask why should civil marriage find a place in the Hindu Code. Is it in consonance with any *smṛiti*? I ask this question because you claim that there is nothing revolutionary, nothing radical in this measure, and that in fact everything is just in accordance with Hindu conception, ideology and ideals. It is a pretension of a provision like clause 10 in this Bill, which envisages marriage of a civil type, is absolutely unknown and foreign to Hindu ideals. Previously I have asserted that this form of sacramental marriage is only a camouflage for the other type of marriage and it is quite obvious if a reference is made to the provisions of clauses 7, 10 and 21.

So far as clause 7 is concerned it lays the conditions for sacramental marriage. Here I respectfully invite the attention of the House to clause 6. This says that it will not be open to the parties to contract any marriage if they happen to be *sapindas*. If we proceed to clause 10 which lays down the requisite conditions of a valid civil marriage it omits the provision contained in sub-clause 6, of clause 7 therefrom and restricts it to the other five sub-clauses of clause 7. Thereby a marriage between *sapindas* is perfectly valid if it happens to be a civil marriage under clause 10. This is the difference or gap between the validity of the sacramental marriage and the validity of the civil marriage. What does clause 21 lay down? It says that it is open to the parties who have entered into a sacramental marriage of the type envisaged in clause 7 to later on go to the Registrar and ask him to register it as a civil marriage and the poor Registrar will have no option. What is the legal effect of these three provisions read together? Whatever sanctity is attached to the sacramental marriage is eliminated. Mind you, one of the requisite conditions of a valid sacramental marriage is that there should be no marriage between *sapindas*. This condition does not exist in section 10 and the poor registrar, in spite of the fact that the sacramental marriage was an invalid marriage because of this, has to register it as a civil marriage. Therefore, the camouflage, the curtain of a sacramental marriage is lifted here and the effect of invalidity, because it was a marriage between *sapindas* is circumvented by this device. I ask, is it in accordance with Hindu ideals of marriage? Will not all persons be inclined, wherever they choose, to celebrate a marriage between *sapindas*? They can do it as a sacramental marriage and subsequently go and cure the invalidity by undergoing civil marriage.

We come then to provisions of Section 9. It has been stated that even the sacramental marriage must be entered into a marriage certificate register and that if it is not so entered the defaulter may be punished under the law. As regards its validity, it is very doubtful whether it will be valid or not. Of course, the Rau Bill did not go so far. The Rau Bill left it at the option of the parties to either get an entry made in the register or not. The only object with which such a provision was incorporated in the Rau Bill was to facilitate the proof of marriage. But that object has been told good-bye in the present Bill. What is stated here is that it will be open to any Provincial Government to make the registration of sacramental marriages compulsory. The provision of section 6 says that a marriage, in order to be valid, must be in accordance with the provisions of the Bill. If not, then it is not a valid marriage. Therefore, the conclusion is irresistible from the reading of Sections 6, 7, 10 and 21 that any marriage which has not been registered by the married couple in the certificate register will be invalid. I respectfully submit, what are the legal consequences flowing from this sort of a provision? Are they not repulsive to the very ideal of Hindu society, to the very injunctions of the *shastras* which lay down that a marriage solemnly entered into is an indissoluble tie and cannot be brought to an end? Here if the married couple was foolish enough not to get an entry made to that effect in the register, their marriage will be invalid.

Coming to the next important provision in this Bill, that is, the provision regarding divorce. The question arises about past practice and we were quoted the *smṛitis* of Narad and Parasar by the honourable the Law Minister to prove that divorce did exist in the Hindu society. I respectfully submit what has been pointed out by Mr. Dwarka Nath Mitter, the dissenting Member of the Rau Committee, before whom these very scriptures were put forward; he has interpreted them not merely on his own knowledge of Sanskrit but upon the knowledge of learned pandits. He says that the only and the reasonable interpretation and construction of Narad and Parasar is that

[Pandit Mukut Bihari Lal Bhargava]

there can be a breaking of relationship only up to the betrothal stage, not after the actual marriage had taken place. Therefore, it is no use relying upon the *smritis* to establish the practice of divorce.

One of the arguments advanced by the honourable the Law Minister, and repeated by Pandit Thakur Das Bhargava, was that divorce already exists in 90 per cent of the Hindu society. According to Pandit Thakur Das Bhargava, not only in 90 per cent of the Hindu society but even in 95 per cent it exists. I would respectfully ask, if what you say is a fact, where is the necessity of enacting any piece of legislation on divorce? You are expected to legislate for the majority and not for a hopeless minority. The divorce of the form you have introduced in this piece of legislation will make the life miserable of the 90 or 95 per cent of the Hindu society amongst whom you say divorce already prevails, because according to the provisions of the present Bill it will be incumbent upon each party to the marriage, before it can resort to divorce, to go for the dissolution of marriage before a competent court of law. As has been pointed out by one of the gentlemen who wrote a dissenting note to this Select Committee Report, in most of the parts of the country among the agriculturists divorce is resorted to in a very simple manner by the execution of a deed of relinquishment or in any other manner, before the *panchayat* of the village. You must take into consideration the effect your legislation will have upon the agriculturists who form 90 per cent of your population. What will be the effect if clause 34 is brought on the Statute Book? Every couple, every Member, every party to the marriage will be compelled to knock at the door of the court of law, to go to the district court and also in appeal and till that takes place no divorce can come into effect. I submit this will not be to the advantage but to the great disadvantage of the overwhelming majority of people amongst whom you say the custom of divorce prevails. Therefore, by enacting provisions of this type you are not helping the hopeless minority of 5 per cent but you are putting to disadvantage the majority of 90 per cent. Therefore, until and unless your provisions undergo a drastic change and amendment they should not and ought not to be brought on the Statute Book. I now come to the question of adoption. Here also the learned author and the draftsmen of this Bill have ignored the fundamental conception underlying adoption in Hindu law. As far as my meagre knowledge goes, adoption is not recognised by any other law. In Muslim law it was in vogue by custom, but even that has been brought to an end by legislation. According to Hindu conception, the life of a Hindu is so inter-mixed and inter-mingled with his religious conceptions and religion that it is impossible to separate the two.

Shri H. V. Kamath: Is the honourable Minister for Law resting or meditating?

The Honourable Dr. B. R. Ambedkar: I am hearing the honourable Member.

Pandit Mukut Bihari Lal Bhargava: I was submitting that adoption in Hindu law rests upon religious belief which says that it is essential for the salvation of the soul of a departed man that he should have a son who may be able to give him oblations so as to make him attain *moksha*. So if you are going to legislate about adoption, you must keep in mind the underlying conception. Otherwise, you eliminate it. If you keep it, you keep the spirit underlying the doctrine of adoption. (An Honourable Member: 'What is the spirit?') What are the criteria you have fixed in this Bill for validity of adoption? While the Hindu law says that the eldest and the only son cannot be taken in adoption, instead of retaining that very salient principle, you want to reverse it and say that even the eldest and the only son can be adopted. (An Honourable Member: 'It is unfair.')

Babu Ramnarayan Singh: It is due to ignorance.

Pandit Mukut Bihari Lal Bhargava: It cuts at the very root of the conception of adoption, because according to Hindu law there must be the eldest or the only son to attend to the oblations for the departed natural father.

Similarly, what are the qualifications you have laid down in this Bill for a boy to be taken in adoption? The three conditions laid down are that his age must be below 15, he must not be married and he must be a Hindu. I would respectfully submit that by putting a provision like this, you are putting the Hindus in great trouble, because according to the well known conception and custom of Hindu society relating to adoption marriage is not a disqualification, nor is age a disqualification. Why, I ask, are you imposing these limitations? Has your experience of the administration of law in the past convinced you that these restrictions are necessary? As far as my meagre knowledge of law goes, there has been no case where any difficulty has arisen. In fact, law by custom has recognised the validity of the adoption of a married boy. Similarly, whatever his age may be, the adoption is valid. What are the difficulties experienced that make the change in the existing law necessary? It cannot be disputed that when you attempt any change you must have cogent reasons; otherwise, you must recognise the existing law.

Then, about the effect of adoption. You have given a good-bye to every well-established custom of Hindu law. The Rau Bill proposed that the effect of adoption would be to divest ownership of property vested within three years of the adoption. The present Bill goes further and it says that as soon as adoption takes place, there will be no question of divesting of property. From that date, half will go to the widow or the man and the other half to the boy. My respectful submission is: why do you want to bring in a novel doctrine of adoption? Where is the reason for it? Has any difficulty arisen in the past?

Then the question of disruption of the Joint Hindu family. To me it appears that a most vital and fundamental change is sought to be brought about. Why should the time-honoured institution of Joint Hindu family be an eye-sore to you? It has been said that the Joint Hindu family as it was originally conceived has been shorn of its true characteristics by a galaxy of case law. I admit. But if the institution of Joint Hindu family is an institution worthy of respect, then your duty is not to bring it to an end because it has been dilapidated in the days of foreign rule, but to legislate for removing the difficulties and defects that have cropped up in the Joint Hindu family institution and restore it to its previous position. We should have restored it to its previous vigour. That has not been done. I have not heard a word from the honourable the Law Minister pointing out any fatal defects that existed in the joint family system. His only point is that true characteristics have been shown off by case-law and therefore, the institution should be put an end to. I say it is a counsel of despair. That is a view which, at least I for myself cannot support. To me this joint family institution is an institution of which any nation in the world can well be proud of. It is an institution, Sir, which anticipated the socialistic and communistic form of society, centuries before our time. It is an institution, Sir, where even the invalid and the disabled members of the family have equal right to the corpus of the family. It is an institution which.....

Srijut Kuladhar Chaliha (Assam: General): It is not prevalent in Bengal.

Pandit Mukut Bihari Lal Bhargava: Bengal, as far as my meagre knowledge goes is partly governed by *Mitakshara* and partly by the *Dayabhaga* system.

An Honourable Member: No, all by *Dayabhaga* system.

Pandit Mukut Bihari Lal Bhargava: Therefore, Sir, my point was that the axe of legislation should not have been applied by the learned Law Minister to cut at the very root of the joint family tree, if it does not rest on such firm and solid foundations as it did at the time of our ancestors. Legislation should have been undertaken to protect it. In the time of the British, because we were subjected to foreign rule, and they were not at all interested in keeping intact our time-honoured institutions. In fact, they had contempt for them. When our own national government has come into power, is it too much to expect that they should attempt to revive and restore this time-honoured institution to its previous glory rather than destroy it. I submit, Sir, by this Bill, the Hindu Joint Family is being shattered to pieces. What the Rau Committee proposed was not so fraught with danger as what is proposed in the provisions of this Bill. I invite attention to clauses 86 and 87 of the present Bill. The Rau Committee in clauses 1 and 2 of Part III-A only laid down that on the demise of a coparcenar in the family, the right in the property will not devolve by survivorship but will be by succession. That is intended to keep intact the coparcenary for at least one generation. Even that was not tolerated or liked by the present Select Committee and some of its members, including the Law Minister, with the result that what sections 86 and 87 lay down is that there will be automatic disruption of every joint family existing in India, simultaneous with the enforcement of this Act.

Shri L. Krishnaswami Bharathi: There is difference between joint family and joint property.

Pandit Mukut Bihari Lal Bhargava: I am coming to that.

Pandit Lakshmi Kanta Maitra: They are trying to put you off the rails. You go on, please.

Pandit Mukut Bihari Lal Bhargava: The Bill provides in clauses 86 and 87 that no court of law will take cognizance of any claim on the basis of birth, on the day this Bill comes into force, and further, that every joint family will be deemed to have disrupted so that joint tenancy would be converted into tenancy in common, simultaneous with this legislation. But I ask, why do you want this? Is there any uncertainty in the law to-day, in the existing Hindu Joint Family law? I respectfully submit there is none. Everybody knows what is meant by coparcenary and what are the incidents of coparcenary property. Why do you want it to be partitioned? My respectful submission is that this is against what was provided even by the Rau Committee. And public opinion, scanty as it was, was taken not upon the Bill as it exists to-day, but upon the Bill as was drafted by the Rau Committee. Therefore there is absolutely no information why a point of such vital change in the structure of the Bill has been brought about.

Now, what are the advantages of a joint Hindu family? What are the advantages of having coparcenary property? I submit that.....

Shri B. N. Munavalli (Bombay States): Are there no disadvantages?

Pandit Mukut Bihari Lal Bhargava: Of course, there are disadvantages, if everybody wants to go on living in a selfish way, entirely for oneself, without any regard to their relatives. But if you look at society in the way in which the *Smritis* wanted us to, we should renounce something for others also, for the other members also, to sacrifice something to make the family a Joint Family then there is no disadvantage. There is every advantage and no disadvantage. My submission is that it cannot possibly be accepted by every Hindu Family.

One of my friends here reminded me that *Mitakshara* is not governing Bengal and Assam. But Sir, you must keep the whole country before you and.....

Pandit Lakshmi Kanta Maitra: The joint family is also there.

Pandit Mukut Bihari Lal Bhargava: You are dealing with a population of 300 millions—of 30 crores—and a population that is extending from Kashmir to Cape Comorin, a population that extends from Gujrat to the farthest end of the country. And you want to disrupt the status of the joint family system, and that will affect over-whelmingly vast population. Therefore, you must think thrice before doing such a thing as will disrupt such a vast population. In this legislation you want to disrupt the family. If it is decrepit, if it is dilapidated, if it is, as one of the Members said, in such a condition that we need not even shed tears about it, let it die a natural death. Why should you apply the axe of destruction and bring about its end?

Then Sir, I proceed to the question of inheritance. Now, here I have got the greatest grievance. As my friend Mr. Naziruddin Ahmad said, the Rau Committee Bill was substituted by a departmental committee Bill and in this departmental Bill innovations were introduced. Clause 94 lays down that property will be excluded from the rules of succession laid down in this Bill. It is in the original Rau Bill it was that every piece of Agricultural property will not be governed by the rules of Succession laid down there, because under the Government of India Act it is not within the purview and jurisdiction of the Central Government. The Rau Bill did not say that there will be any exception in the case of the Centrally Administered Areas, which are under the direct control and supervision of the Government of India.

Now, Sir, in the departmental Bill the words "in the Governors provinces" were introduced with the result that every agriculturist in my province of Ajmer-Merwara as also in the provinces of Delhi and Coorg, which are the Centrally Administered areas and even the agricultural property situated in these provinces will be governed by the rules of succession laid down here. Look at the anomaly that is sought to be perpetrated by this piece of legislation. The law that will govern the bulk of property will be absolutely different in the Governors Provinces, while it will be just the contrary in the Centrally Administered areas. Is it the uniformity which is aimed at by this unique piece of legislation? Whether this will be in consonance with the ideal of uniformity or it is the opposite of it, may I respectfully ask? My submission is that all the rules of Succession that you have laid down in the provisions of the Bill if they are applied to the agricultural property in my province—and I can speak with some knowledge of my own province and the people inhabiting my province—I submit the law will be obeyed more in infringement than otherwise, because the rules of succession that you have laid down are so contrary to the established usage and custom of the people that they will not accept them as a rule governing them, even at the risk of their lives. What are the rules of succession that you have incorporated in this Part VII Chapter 2 and Schedule VII. Are they in accordance with the accepted principles of Hindu law either as propounded by *Mitakshara* or by *Dayabhaga* and where is the indication of it? What is the basis you have taken for inheritance? You say it is 'natural love and affection'. So far as propinquity and consanguinity is concerned in the case of inheritance, one of the fundamental principles of Hindu Law is violated. One of the fundamental principles of succession in the Hindu law is that it depends upon the capacity and the liability of the descendants to offer

[Pandit Mukut Bihari Lal Bhargava]

shraddhas to their parents. This is the fundamental capacity which has to be taken into any law of inheritance. Of course, the view was that we are not going to care for Hindu Law; that is a different matter; then delete the word 'Hindu' from there, I have no objection, but if you are to incorporate the fundamentals of Hindu Law, the first thing that you have to take into consideration in the principles of inheritance, is the capacity and the liability of the descendants to offer *shraddhas* to their ancestors, and this is the basis of the *Dayabhaga*.

The Honourable Dr. B. R. Ambedkar: All of them can offer *shradda* for you and get the property.

Pandit Mukut Bihari Lal Bhargava: What is the reason for the promulgation of this novel Rule of succession? Brother and brother's son has been relegated to a very, very inferior position. Brother and brother's son comes after daughter's daughter, daughter's son, son's daughter. Is it in accordance with the accepted principles of Hindu Law? Is it likely to bring peace to the family (*Many voices:* 'No, no.') Will it not disrupt the family? Will it not create perpetual disturbance, discord in the members of the family? This is inconceivable. According to the Hindu society even today, though it has been the subject of outrage for centuries, even today there is love and affection between brother and brother. When I make certain observations, I keep the agricultural population in view. You go to any village and you will find that 9 out of the 10 families live jointly. The brother is living with brother. He is not separate and as soon as you give the right of inheritance to daughter's daughter, to daughter's son in preference to the brother or the brother's son my respectful submission is that the society will not tolerate or even if it tolerates, the peace and quiet that exists today will disappear in no time. Therefore, you have to be very wise before laying any novel rules of succession so contrary, so repugnant to the accepted principles of Hindu law.

Now, I come, Sir to the doctrine of bringing daughter in the category of simultaneous heir with son.

The Honourable Dr. B. R. Ambedkar: I thought he had said something about it. No elaboration is needed.

Pandit Mukut Bihari Lal Bhargava: Now, Sir, it has been argued that the daughter had a specific share in the inheritance of her father according to the scriptures and the reliance is placed upon Manu and Yajnavalkya, but my cursory knowledge of these Hindu law texts is that whatever share is allotted is in the case of an unmarried daughter and we have no objection at all, even today to allot any share to an unmarried daughter. The question arises even today, what is the position? Can anybody deny that? Not one daughter among thousands remains unmarried. The daughter is given, according to the status of the family, the best education, and is treated on the same footing as the sons. When her marriage takes place she is given a dowry according to the status of the family. On marriage her relationship to the brothers is not cut off. As far as my experience goes, she is invited for every function in the family and on occasions of marriage in her parent's family a quota is assigned to her according to custom. Can anyone say that resort to a court of law will bring peace and tranquillity in the home? Such a step will only aggravate the situation and the provisions in the Bill for resort to court are there to our utter shame. We do not want that our daughters and sisters should go to a court of law. It was never contemplated by our sages that they should seek the help of the law. The position assigned to our daughters in the family is of such a unique character that it is difficult to find a parallel to it anywhere. Even after marriage, as I was saying, the daughter has a

definite share in the family budget for festive occasions. The question was asked, whether she can go to a court of law to enforce her rights? Sir, if in a family the father or the brother of a girl is unmindful of his duties to her, he is looked down upon by the community. According to the well-established custom, every daughter of a family must be present at the time of her brother's marriage. I may tell honourable Members that there is a particular ceremony which must be performed by the sister and her husband before the bride and the bridegroom can enter the house. These are time-honoured customs. We give the daughters a definite position. What will you gain by giving her a share in the family property? One of the justifications for this reform is that there must be absolute equality between a son and a daughter. May I know is there any equality in fact? Is it not a sham equality that you are going to assign to the daughter? The conditions are absolutely different. The daughter has to go in due course to a different family. The son has not to go. These are the conditions inherent in the situation. Therefore, whatever law you make must be suited to the conditions and not in violation of them. If you make a law in violation of these conditions, the society will go to pieces.

Now, what is the percentage of property owners in Hindu society today? It is a very relevant question because, according to the existing custom not only the father has the moral obligation to arrange for the marriage of his daughter, but even the brother, whether he inherits any property or not, thinks it his moral duty to arrange for the marriage of his sister in the absence of his father.

Shrimati G. Durgabai: Do you think he would not discharge his moral duty if he allows his sister a share?

Pandit Mukut Bihari Lal Bhargava: The honourable Member is talking of a share, while I am talking of a family without property. What will become of the sister in such a family? You may go to any village or town. You will find cases where the father is dead and the unmarried sister is living with her brother. This brother thinks it his moral duty to arrange for the marriage of his sister and he even borrows money for this purpose. Unless and until he has discharged that sacred trust he never thinks of himself.

Mr. Deputy Speaker: Is the honourable Member likely to finish soon?

Pandit Mukut Bihari Lal Bhargava: I require one hour more, Sir.

Mr. Deputy Speaker: Then the House stands adjourned.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Monday, the 4th April, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES
(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Monday, 4th April, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS
(See Part I)

11.45 A.M.

ELECTIONS TO ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
AND TO THE COMMITTEE TO REVIEW WORKING OF RAILWAY
CONVENTION

Mr. Speaker: I have to inform the Assembly that upto the time fixed for receiving nominations for the All-India Council for Technical education and the Committee to review the working of the Railway Convention, five nominations in the case of the first and nine nominations in the case of the second were received. As the number of candidates is equal to the number of vacancies in each of those committees, I declare the following members to be duly elected:

I. *All India Council for Technical Education.*—Shri Biswanath Das, Prof. Yashwant Rai, Pandit Lakshmi Kanta Maitra, Mr. Mohammad Ismail Khan and Dr. P. S. Deshmukh.

II. *Committee to review the working of the Railway Convention.*—Shri M. Tirumala Rao, Pandit Thakur Das Bhargava, Shri M. Ananthasayanam Ayyangar, Shri Ramnath Goenka, Shri B. Das, Pandit Hriday Nath Kunzru, Shri R. K. Sidhva, Shri Mohan Lal Gautam, and Shri Khandubhai K. Desai.

DISPOSAL OF THE BUSINESS OF THE HOUSE

Mr. Speaker: We will now proceed to the legislative business.

Shri B. K. Sidhva (C. P. and Berar: General): Before you start with the business of the day, Sir, may I submit, the other day, the honourable the Leader of the House stated that as far as the Government is concerned, it was not necessary that the House should sit beyond the 7th. Today is the 4th. There are 26 Bills yet. I submit to you, Sir, that the House is entitled to know how long we are going to sit, which of the Bills are going to be disposed of within the 7th, and are we going to sit after the 7th. There are only three days more. I hope you will kindly enquire from the Leader of the House and find out for the benefit and information of the House.

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): The position, Sir, is this. Certain Bills must be gone through. If the House co-operates, the Bills will be gone through by the 7th. If they are not gone through, then it becomes incumbent to make a request to you to extend the session by a day or at the most two.

Mr. Speaker: That does not satisfactorily explain the position. The expression about the co-operation of the House is very vague. The Government must make it clear and say that these particular Bills must be gone through before the session ends. They must say which are the Bills which the Government want to put through and as regards the others, they may take their own course. The House is entitled to know this.

The Honourable Shri N. V. Gadgil: That statement will be made tomorrow.

An Honourable Member: Has the Priorities Committee met?

Mr. Speaker: Whatever that may be, he is going to make a statement tomorrow. Then the House will know definitely which Bills will be put through. That will have some effect on the co-operation also.

Shri Biswanath Das (Orissa: General): Sir, I was under the impression that we have always been co-operating and will always co-operate.

An Honourable Member: That is not in dispute.

Shri Biswanath Das: Since the question has been raised by the honourable Minister, may I know in what manner co-operation is required?

Mr. Speaker: I think we shall be going into an irrelevant debate on that question. That has been settled by my asking him to clarify the position in regard to the Bills which have to be put through.

Shri H. V. Kamath (C. P. and Berar: General): On a point of information, Sir, the Honourable Dr. Ambedkar stated on Saturday morning that the Government Priorities Committee was meeting in the afternoon and so naturally, we expected an announcement this morning. Now we are told that there will be an announcement tomorrow. I do not know the reason for procrastination on the part of Government.

Mr. Speaker: To settle the priority amongst the 26 or so Bills is one thing. To settle which particular Bills are to be put through is another thing. The honourable Member is referring to the latter question. We must know what Bills require to be put through, according to the Government. The two are entirely different questions.

Seth Govind Das (C. P. and Berar: General): Am I to take it, Sir, after the statement as to which Bills will be taken into consideration, even if those Bills are not disposed of, we shall adjourn on the 9th or we shall sit till all those Bills which are set forth for disposal are disposed of in this session? That is the real point.

Mr. Speaker: As I understood the position from the Leader of the House two or three days back, in any case, we are not sitting beyond the 9th. That is my understanding. We are not going to sit beyond the 7th if the specific Bills which the Government desire to put through are disposed of by the 7th.

Shri Deshbandhu Gupta (Delhi): Sir, before you take up the agenda, I submit, there are six Bills for introduction today. They come last. May I request you, Sir, if the movers of the other Bills have no objection, that these Bills may be taken up first, because it will take hardly two or three minutes for this.

Seth Govind Das: This question comes up before the House again and again. As far as a Government is concerned, they always introduce their Bills first, and other business comes afterwards. As far as non-official

members are concerned, they have to introduce them after the whole agenda is completed and sometimes, these Bills are not at all introduced. As my honourable friend Deshbandhu Gupta has just said, it hardly takes two or three minutes for each Bill to be introduced if they are given priority. If no member has objection, they may be taken up first.

Mr. Speaker: The real difficulty is about the Rules of Procedure, Rule 16. Honourable Members will see that priority is fixed by the Rules. I quite appreciate that Bills for introduction should be permitted first as it is more or less a formal business. But, that will be a matter for consideration. The Rules are being amended now and honourable Members may suggest changes so far as Rule 16 is concerned. Now, so far as Rule 16 is concerned, I have not got the power of suspending the Rule.

Pandit Thakur Das Bhargava (East Punjab: General): Sir, it is not that you are being requested to suspend Rule 16. If the other members who have got precedence in the list have no objection, then, there will be no objection to these Bills being introduced now.

Shri M. Ananthasayanam Ayyangar (Madras: General): May I say a word, Sir? It will create a very difficult precedent, for this reason. Now, there are already certain Bills which have passed the introduction stage, which are at the consideration stage and notice of motions for reference to Select Committee, etc., is being given. If these new Bills are allowed to come in now, they will begin to run the race with the others, and in the ballot, they will have a chance in preference to these Bills. Are we to go on adding new Bills without disposing of those Bills which have passed the initial stage? The position is like this. After one hundred members have tabled Bills and motions, the next man wakes up at a late hour and wants to run the race along with the others. It is not without so much of experience that this Rule has been so framed. Let the member come early; let him take proper steps. The man who sleeps ought not to be allowed to come in at a late hour and start running the race. There is wisdom in the Rule. Anyway, as the rule stands, we cannot go behind it today. Even otherwise, it would not be correct.

Pandit Thakur Das Bhargava: If all the members agree, there can be no objection.

Shri M. Ananthasayanam Ayyangar: I do not agree.

Pandit Thakur Das Bhargava: Let it be put to the House. I agree to the introduction of the Bills now.

Mr. Speaker: As he has pointed out, apart from the reason for the Rule, which will be considered when the Rules and the amendments are being considered. The chief difficulty now, is an unanimous agreement. Of course, in this case, the House does not seem to be unanimous, and the present case is out of the question. Even in the case of an unanimous agreement, honourable Members seem to forget that there are absent members. We must have some consideration for those who are absent. They are entitled to presume what the order of business will be adhered to and we cannot change the order in their absence, particularly when the question is covered by the Rules. I think the best course would be to consider whether the Rules should be amended or not, instead of proceeding on agreement as suggested.

Shri H. V. Kamath: One last point: are we to understand, Sir, that the Hindu Code Bill stands over till the next autumn session or for an extra ordinary session?

Mr. Speaker: I have no information; but, tomorrow we will get the information as he has promised to say what Bills the Government wish to carry on further in this session.

Shri T. A. Ramalingam Chettiar (Madras: General): Is it not open for a member to move that a particular subject be taken before the others, by means of a resolution? He can move a resolution even now that a particular item may be taken up first before the others.

Mr. Speaker: That is again a different matter. That would raise the question as to how far it is possible to change the order among the particular class of Bills. Among a particular class of Bills, which are grouped for purposes of priority, that question may be permissible and by common agreement it may be allowed; but, so far as different classes of Bills and the different stages at which they are, are concerned, I think, it is difficult to override the Rules.

INDIAN CATTLE PRESERVATION BILL

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

"That the Bill to preserve the milch and draught cattle of the country, be continued."

Mr. Speaker: The question is:

"That the Bill to preserve the milch and draught cattle of the country, be continued."

The motion was adopted.

CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL

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

"That the Bill further to amend the Child Marriage Restraint Act, 1929, (Amendment of Sections 3, 4, 5, 6, etc.), the Bill further to amend the Child Marriage Restraint Act 1929, (Amendment of Sections 2 and 4) and the Bill further to amend the Child Marriage Restraint Act, 1929, (Amendment of Section 10, 11 and 13), as reported by the Select Committee, be taken into consideration."

These three Bills have been consolidated into one Bill by the Select Committee that was appointed to consider these Bills. The report of the Select Committee is unanimous about these three Bills except in regard to a small question. The changes which these three Bills seek to make in the original Act of 1929 are three or four in number. In the first place, one of the provisions of the Bills seeks to make it compulsory for the Courts to give sentence of imprisonment, in regard to infringement of law under sections 4, 5 and 6. It seeks to enhance the punishment also from one to three months. It seeks to create discretionary power in section 3 to either give imprisonment for 15 days or give a sentence of fine. The other change which the Bill seeks to make is that the age of 14 is raised to 15 in the case of girls and in the case of boys from 18 to 20. The third innovation that the Bill seeks to make is that the offence is made cognizable and a Circle Inspector is only allowed to investigate such offences and the offence is made bailable; also in regard to procedure to previous provision with regard to bonds is done away with. In regard to the provisions of this Bill, the question regarding registration and bonds have been deleted by the Select Committee.

There is one other question, which is fairly material which has not been agreed by the Select Committee. In one of the Bills the proposal was that an amendment to the definition of the word 'child' be made in so far as a man of 45 years or more should not be allowed to marry a girl of less than 18

years. This has not been agreed to by the Select Committee. Now, Sir, since there are no amendments to this Bill, I do not want to take up the time of the House, because there are other important Bills before the House, and I will be very brief in speaking about these five changes. With regard to the first change, Sir, that is the change of age from 14 to 15 and 18 to 20, when the Bill was circulated, there was consensus of opinion in the country that these changes be made. The age of 14 when the Sarda Bill was enacted really went against the opinion of the orthodox people, who wanted to have the marriages solemnised before the girl attained puberty. That thing having been got over and the Rubicon having been crossed, there can be no object to amending the age to 15. Therefore, the general opinion in the country was that the age may be increased and similarly in the case of boys. What the effect of this amendment would be, I would leave the House to draw its own conclusions, because I had much to say before this Bill was referred to the Select Committee in regard to this matter and I do not wish to take up the time of the House by stating what advantages will accrue to the country at large as a result of these changes of all these ages. In regard to the clause dealing with imprisonment also I am very glad that the whole country has received this change in a manner which is very heartening.

12 Noon. Those who are serious about this matter and know about the extent of the evil are fully convinced that unless and until this change is made and the imprisonment made compulsory, the Sarda Act will remain a dead letter. It is therefore absolutely necessary that this imprisonment should be made compulsory.

As regards the question which is a very important question, that is of offences being made cognizable, there was a difference of opinion in the Select Committee, but the majority agreed to make it cognizable. Last time when this Bill was sent for circulation, our Deputy-Speaker took me to task for not having moved this particular amendment in 1929 and he was of opinion that unless and until this was made cognizable, it will not have the effect which those who wanted to see the child marriage abolished wanted to have and there were many other opinions received when the Bill went for circulation that this offence should be made cognizable. In the original Bill in 1946, I thought that people will not agree to make it cognizable as according to me the Police was not absolutely free from corruption and there would be interference in domestic affairs, but on re-consideration, and after seeing the opinion of many people and thinking over the question again I came to the view that unless and until this offence was made cognizable, we will not be able to cope with the situation. At present about 50 per cent. of the girls of the country are married below the age of fifteen. This was the opinion of the Age of Consent Committee in 1929. After that, there has been some change in regard to this and marriageable age has to an extent risen, but so far as the rural areas are concerned, and the backward communities are concerned, there is absolutely no doubt that at least 40 per cent. of the girls in the whole country are married before they attain the age of fifteen. If the marriages take place so early as that, there is absolutely no doubt in my mind that prepuberty consummation and consummation soon after puberty do take place. This is a very great crime and one is shocked to find that such heinous crimes are committed in our country.

Now, Sir, the question is, if you put these things in the balance, viz some interference in domestic matters and also the fact the police is not absolutely free from corruption, if we place these two things on one side of the scale and the other things viz prepuberty and soon after puberty consummations on the other side of the scale, I am certain that every person with a sense of responsibility would think that it is better to make the offence cognizable. The Select Committee have further agreed

[Pandit Thakur Das Bhargava]

to make it investigable by a Circle Inspector. So far as the Circle Inspectors are concerned, I can say from very long experience at the Bar that they are generally free from corruption. Now the police are not so corrupt as before. I know that the Circle Inspectors belong to a very responsible class; they are above the sub-Inspectors and they are generally free from corruption. When the offence is also bailable, the question becomes very simple whether the marriages has been solemnized and what the ages are and these questions in a majority of cases will be such as will admit of no doubt. Therefore, my submission is that when we have provided other safeguards in this Act, it will not be found that in these cases there will be some sort of domestic trouble etc.

In regard to cases generally so far as investigation is concerned, we have first of all provided that the Circle Inspector alone will investigate the case and secondly, in cases where complaint is brought, the previous provision that a preliminary investigation will be necessary have been kept up. That thing has not been changed, so that in cases of complaint, this will be a safeguard. The court will first hold a preliminary inquiry and after it has satisfied itself in a *prima facie* manner it will issue summons to call the accused. Similarly when the police will make an investigation and after the police are satisfied with the case, then alone the case will be brought to the court, so that there will be no chance of false cases. We have made a provision that so far as the bonds are concerned they are to be done away with and in view of the provisions under section 250 of the Criminal Procedure Code we have provided sufficient safeguards against false cases. Similarly so far as preliminary enquiry is concerned previously it was the practice for a first-class magistrate to make the enquiry. Now he will direct a second-class or third-class magistrate to make such inquiry.

This change is consequential and has been made. I therefore submit that, in regard to all the matters which have been decided by the Select Committee there is an improvement in the Bill. So far as the question of marriages between the ages of 45 and 15 is concerned, I have given notice of an amendment which I will move when the time comes. I do not want to take more time of the House.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Child Marriage Restraint Act, 1929, (*Amendment of Sections 3, 4, 5, 6, etc.*), the Bill further to amend the Child Marriage Restraint Act 1929, (*Amendment of Sections 2 and 4*) and the Bill further to amend the Child Marriage Restraint Act, 1929, (*Amendment of Sections 10, 11 and 13*), as reported by the Select Committee, be taken into consideration."

Shri V. S. Sarwate (Madhya Bharat): I have given notice of certain amendments. Will they be taken up after the general discussion?

Mr. Speaker: I have got with me a copy of his amendments. I may tell the honourable Member that they seem to be beyond the scope of the Bill and therefore not in order. First of all, his amendments are for amending certain sections of the original Act and not clauses in the Bill as it is coming before the House. Secondly they are not within the scope of the present Bill. But I am prepared to consider this matter when we come to the clause-by-clause stage. Then, he may urge whatever he has to say about these.

Dr. B. Pattabhi Sitaramayya (Madras General): Sir, I was a member of the Select Committee. We had a fairly good discussion upon several points that are comprised in the Select Committee Report. One point which occasioned keen difference of opinion was the question of making the offences cognizable. I was against it, but I have not written a Minute of Dissent for

the simple reason that I was ardently hoping that I might be able to persuade the Mover to accept that change himself, nor have I given notice of any amendment. Therefore I can only depend upon my hope that I can persuade the Mover to accept this change in the Select Committee Report.

To make this offence cognizable is to throw an apple of discord into society. Legislature is gradually encroaching upon the preserves of social authority. On a previous occasion, possibly when the Mover was introducing this Bill, I had stated that we must bring into existence some kind of Social Authority in the country which had really once existed. But the authority that has functioned in recent times did not want to interfere with social customs and manners for various reasons. The English people had firmly stood against the recognition of changes in social customs. That is what accounted for the Sarada Bill. The Punjab High Court had held post-puberty marriages illegal. In all self-governing countries the progress of law and custom would initiate social reform and, where there is a king, the king would set the example and the subjects would follow without questioning it. But, in this country, the king being an alien and there being no common points in regard to social customs and manners, there was necessarily a wide cleavage between authority and society; in other words, between law and public opinion.

You have three sanctions in society: law which enforces order by means of brute force; public opinion which is merely the individual conscience sublimated though the sublimated represents the greatest common measure of individual advancement in thought and progress. But individual conscience is the highest authority which transcends public opinion and law and reserve to itself the liberty of moving much farther than the collective opinion of society. In all these three stages India's progress had been obstructed and it became necessary for the Legislature to step into the affairs of Society. Really speaking, I said on that occasion, Sir, that we must bring into existence a kind of Social Authority of a sufficiently representative character which should initiate social legislation and when that legislation is so introduced, the political authority, namely the Legislature, should accept it almost entirely without any changes. I then quoted the example of the Economic Council of Germany where economic reforms were initiated and the Reichstag accepted them. I also quoted the example of the Ecclesiastical Council in England where the Church Council's recommendations are adopted by the House of Commons and the House of Lords without any change whatever. If that is so, it is time for us, to take stock of all circumstances and then go slowly just on the occasion of our having attained freedom, instead of using our new-born freedom for effecting social reforms of this kind in our land where we have varying degrees of heterodoxy. To hasten slowly in regard to social matters is not a bad procedure at all.

Now, with regard to this Bill I do not say that the House should wait till such Authority on Social matters is brought into existence. All that I say is that, as the Bill is only a slight widening of the bounds of marriageable age, we might adopt it gradually. We must be able to adopt these changes from the present limits of 14 to 18. We are progressing up to 15 and 20. The disparity of age between 20 and 15 is larger than the disparity of age between 14 and 18. I always thought that 18 was a poor lower limit for the bridegroom. That being so, I welcome this change to 20. But the main point is, who is to take notice of the breaches of this law. In my own town of Masulipatam there came into existence a voluntary body which took interest in social reform. In the early stages of its career it held the balance even between law and the law-breakers of society. They initiated prosecutions. They won the goodwill of the collector and were able to bring to book some of the

[Dr. B. Pattabhi Sitaramayya]

offenders. But, in course of time, richer people who committed breaches of the law come into the field and temptations came in the way. Then it so happened that the collector discovered that the good offences of those gentlemen in the interests of public progress were not altogether unselfish and promptly he turned the blind eye to the complaints of those people and the society thereafter became practically dead. For ten years now that society has been dormant. If these are the temptations that beset the path of a few gentlemen who with commendable and patriotic spirit, constituted themselves into a society for the maintenance and observance of social reform laws, what will be the position when the police is given authority to intervene in the matter? They will create havoc in society. I cannot believe that, after the establishment of independence, the police have suddenly changed so much in their moral character that you can rely upon that character for the proper enforcement of the law within the bounds of absolute correctness. It is wrong to arm the police force with power to intervene in social matters. It will be a weapon placed in their hands in order to persecute people and turn it to pecuniary gain to themselves.

I do not say that all the police are bad but if even 10 per cent. of the cases come into the hands of unscrupulous police it is a terrible tyranny for people in society. After all it is a pious wish that we express, namely, that all people should observe this law. We make this law knowing that it will not be observed; we know the strength of conservative society which tends to adhere to its old ways. While some of the so-called higher castes have taken to this law as a salvation to them to escape from the tyranny of child marriage, other people have not been touched by it at all and they proceed as if there were no such law. They are illiterate, uneducated. These uninitiated people are altogether unsophisticated; they do not know anything about the law and if the police are let loose upon these poor and helpless people in the villages there will be absolute misery for the people. I therefore hope the honourable Mover will not make this a question of prestige or of success already attained but will reconsider the position in view of the helplessness of the vast number of people in the villages who are liable to break this law in ordinary practice.

Of course it is wrong for us legislators to say that we are enacting a law when it is not going to be observed, but it is no use being blind to facts. We are trying to convert a nation of 30 crores of people to new standards of morality and propriety in regard to marriage laws; and in a country where marriage for the average man and woman is considered the proper thing, with the kind of public opinion that prevails here we should not deliberately create an instrument of tyranny and oppression in the hands of the police in regard to a new additional field of social activity. I therefore beg the honourable Mover to reconsider his position and, if possible, make this little concession.

Of course I am not slow in recognising the supreme necessity for introducing social reform. I need not repeat that I have been rather heterodox and even a heretic for the last 50 years of my life, ever since I was 19 years old. But I will say also that there is a hardship created in regard to this offence. Even if you make it cognizable I hope you will allow an interregnum of two years in order to enforce the cognisable portion of the law. I have a grandchild of 14; supposing I have fixed up her marriage; it is a bilateral affair and not a unilateral one and we have to reckon with the bridegroom's party. Suppose we have fixed the marriage day three months hence; in the meantime your law comes into force. It creates a difficulty and the other party is not willing to wait; and marriages cannot be merely postponed like the hearing of cases in law courts. Therefore I say there will be very many difficulties in the enforcement of this measure; but my difficulty primarily is one of avoiding tyranny being exercised over the village people.

श्री रामचन्द्र उमाध्याय : सभापति जी, मैं इस बिल का स्वागत करता हूँ मगर चन्द अलफज अर्ज करना चाहता हूँ। पं० ठाकुर दास भार्गव जी ने इस मुद्दे में जान डालने की कोशिश की है। इसमें शक नहीं कि मुद्दे में अगर जान आ जाय तो सारा देश इसका स्वागत करेगा। लेकिन इसमें मुझे दो तीन बातों की ओर ध्यान दिलाना है।

पहिली बात जो पं० ठाकुरदास भार्गव ने चाही है कि मेल की उम्र १८ साल के बजाय २० साल कर दी जाय। मैं अर्ज करूँगा कि इस उम्र को सारे समाज के लिए नियत करना एक बहुत कठिन काम है। यह हो सकता है कि शहरों में लिखे पढ़े लोग इन उम्र को २० के बजाय २१ वर्ष भी मान लें और शायद वह शहरों में कामयाब भी हो सकें। लेकिन देहातों में जहाँ पर पढ़ने और लिखने का बहुत कम इन्तजाम है और जहाँ पर ज्यादातर जनता बे-पढ़ी होती है वहाँ पर यह कहा जाय कि वह २० साल तक शादी करने तक के लिए इन्तजार करें बहुत ही नामुमकिन बात है। मैं समझता हूँ कि पंजाब में भी इसी तरह की दिक्कत का सामना पं० ठाकुरदास महसूस करते होंगे। इसलिए तमाम मुल्क के लिए १८ साल से २० साल उम्र रख देना यह बिल्कुल नामुमकिन चीज है। अगर आप इस मुद्दे को फिर से उठाना चाहते हैं तो मैं आपसे कहता हूँ कि इस समय उम्र १८ साल ही रहने दी जाय। अगर आपको उसको उठाना ही है तो उसको धीरे धीरे बढ़ाइए। जिस तरह से हमारा देश धीरे धीरे तरक्की कर रहा है उसी तरह से इसको भी बढ़ाइए।

मैं आपका ध्यान इस ओर भी दिलाना चाहता हूँ कि हमारे समाज में इस बात का पता लगाने के लिए कि किस शख्स की उम्र कितनी है, हमारी सरकार के पास कोई साधन नहीं है। जैसा कि आप अदालतों में देखते हैं कि किसी की उम्र को साबित करने का पहिला तरीका यह होता है कि मेडिकल सर्टीफिकेट से उसकी उम्र साबित की जाती है। अगर मेडिकल सर्टीफिकेट का ही सहारा लेना है तो मैं कह सकता हूँ और साबित कर सकता हूँ कि पं० ठाकुर दास भार्गव की उम्र ३० साल की है। तो मैं समझता हूँ कि यह साधन बिल्कुल गलत है।

दूसरा तरीका यह हो सकता है कि वर्थ और डेथ का रजिस्टर रखा जाय। मगर जब तक मुल्क भर में ऐसे रजिस्टर न रखे जाय यह उपाय भी बेकार है। तीसरा तरीका यह है कि ज़बानी शहादत हासिल की जाय। मगर इससे भी हमें कामयाबी हासिल नहीं हो सकती है। २० साल की उम्र रख देने पर हर शख्स इस कानून का मुजरिम होगा और एक दूसरे से हमदर्दी रखेगा और कभी गवाही नहीं देगा।

[श्री रामचन्द्र उपाध्याय]

अगर हमको इस चीज में कामयाबी हासिल करनी है तो हमको सारे देश में इसके लिए प्रचार करना होगा और पब्लिक ओपीनियन बनानी होगी। लोगों को यह बतलाना होगा कि वह कम उम्र में अपने लड़के और लड़कियों की शादी न करें। हमको शहरों में और गांवों में जाकर लोगों को इसके बारे में शिक्षित करना होगा कि हमें जल्दी शादी नहीं करनी चाहिए। मैं इस राय के खिलाफ हूँ कि इस कानून को काबिल दस्तन्दाजी पुलिस न बनाया जाय। फिर तो कानून बनाना ही बेकार है। यदि कानून का कुछ असर हो सकता है तो उसके काबिल दस्तन्दाजी पुलिस बनाने से ही हो सकता है।

लेकिन मैं थोड़ी देर के लिए यह भी मान लेता हूँ कि इसे काबिल दस्तन्दाजी आप सब मान लेते हैं। लेकिन पुलिस का साथ कौन देगा, साथ तो गांव के लोग ही देंगे। और अगर गांव के लोग या शहरों के लोग ऐसा साथ देने के लिए तैयार नहीं होते हैं तो उसकी क्या वकत होती है। तो हर हालत में जब कि लोग इस चीज के लिए तैयार नहीं हैं तो आप इस मसले को और पूरी तरह से विचार कर लें, और १८ साल से २० साल बढ़ाने पर जोर न दें।

हिन्दू कोड बिल के बहस के वकत भी ऐसे बहुत से सवाल आए थे जिससे साफ मालूम पड़ता है कि लोग अपने दफतरी में बैठे हुए समाज सुधार करने के लिए तैयार हो जाते हैं। लेकिन अम्बेदकर साहब ने गांव में जाकर लोगों की मेंटेलिटी को नहीं देखा, देश की मेंटेलिटी को नहीं देखा कि देश क्या चाहता है और क्या नहीं चाहता है। देश किस चीज के लिए तैयार है और किस चीज के लिए नहीं है। मगर भार्गव साहब ने तो देखा है इसलिए मैं ठाकुरदास भार्गव साहब के साथ होते हुए भी यह कहता हूँ ऐसी चीजों से पूरा काम चलने वाला नहीं है जब तक कि लोग इसमें साथ देने के लिए तैयार न हों।

अन्त में मैं आपका ध्यान, ठाकुरदास भार्गव साहब का ध्यान, इस ओर दिलाना चाहता हूँ कि यह बात मेरी समझ में नहीं आई, शायद वह समझा सकें, कि नाबालिग की डेफ़ीनीशन में बताया है कि "a minor is a person under eighteen years of age" और चाइल्ड की डेफ़ीनीशन में वह चाहते हैं कि यह बजाय १८ के २० साल कर दी जाय। लेकिन इस तरह से तो चाइल्ड मेजर हो जायगा। इस चीज की मैं अभी तक नहीं समझ पाया। इसलिए इस चीज को अगर वह जरूरी समझें तो उसमें तरमीम कर लें और अगर जरूरी न हो तो वह मुझे इसको समझा दें।

(English translation of the above speech.)

Shri Ram Chandra Upadhyaya (United State of Matsya): Sir, I welcome this Bill but wish to submit a few things. Pt. Thakur Das Bhargava has tried to infuse life in this dead thing. There is no doubt that if this dead thing were to come to life again then the whole country will welcome it. But I have to draw attention towards one or two points.

The first point relates to Pt. Thakur Das Bhargava's request for raising the age of consent from 18 years to 20 years. I would submit that it is very difficult to enforce this age limit for the entire society. It is just possible that the educated persons living in urban areas may agree to have 21 years instead of 20 years and it is also possible that they may be successful in the urban areas. But in the rural areas, where there are meagre arrangements for education and where the masses are generally illiterate, if it is asked of them to wait for 20 years for even performing the marriages then it would be highly improper to do so. I think Pandit Thakur Das must be experiencing and facing such difficulties in Punjab also. Therefore, it is highly improper to raise the age limit from 18 to 20 years for the whole country. If you wish to give life to this carcass then I ask you to let the age remain 18 years for the present. If you have to raise the age limit then increase it gradually. As our country is making gradual progress in the same way raise the age limit gradually. I wish to draw your attention towards this point also that our Government has got no means at her disposal to ascertain the age of a certain individual of the society. As you see in the law courts that in order to prove a certain person's age the first method that is adopted is that the age is proved on the basis of a medical certificate. If we have to fall back upon the medical certificate then I can say and prove that Pandit Thakur Das Bhargava's age is 30 years. So I think that this method is totally wrong.

Another method can be that a Births and Deaths register be maintained. But unless such registers are maintained throughout the whole country this method also is useless. The third method is that age may be established on the basis of oral evidence. But we cannot achieve success by this method also. By enforcing this 20 years age limit every one will become an offender under this law and so he will have sympathy with others and will never come forward to give evidence.

If we have to achieve success in this matter then we will have to give it the widest possible publicity throughout the whole country and will have to create public opinion. We will have to ask the people not to marry their sons and daughters in young age. We will have to go to towns and villages and educate the masses not to perform early marriages. I oppose the opinion that the offences committed against this law may not be made cognisable. Then it is useless to pass such laws if the law can have any effect then it can have effect only by making the offences committed under the law cognisable.

But for a little while I assume that you all agree to make it cognisable. But who would side with the police? The villagers are expected to give help. If the people living in towns and villages are not prepared to give help then what respect the law can command? Then in every case if the people are not prepared for this thing then you should give this matter a thorough consideration and do not press for this raising of the age limit from 18 to 20 years.

During the discussions on Hindu Code Bill many such points came up which clearly showed that the people get ready to introduce social reforms while sitting in their offices. But Dr. Ambedkar has not studied the mentality of the people living in rural areas. He has not studied the mentality of the country. He has not studied what the country wants or what the country does not want; for what things the country is prepared and for what things the country is not prepared? But Shree Bhargava has seen these things. Therefore, I, in spite of supporting Shree Thakur Das Bhargava, submit that such schemes cannot work successfully so long the people are not prepared to give them a lending hand.

In the end I wish to draw the attention of Shri Thakur Das Bhargava towards the fact that I have not been able to follow this point, perhaps he might

[Shri Ram Chandra Upadhyaya]

be able to explain it, that the definition of a minor has been laid down as follows, "a minor is a person under 18 years of age," and he wants that while defining a child the age limit be raised from 18 years to 20 years. But in this way a child will become a major. As yet I have not been able to understand this thing. Therefore if he thinks it to be of vital importance then he may make changes and if the changes be unnecessary then kindly explain to me this anomaly.

Shri M. Ananthasayanam Ayyangar (Madras: General): I welcome this Bill. I supported it before its reference to Select Committee. I am glad it has come through the Select Committee with modifications, except in one or two respects, which must be acceptable to the House. Even with regard to this there should be some difference of opinion and the honourable the Mover may consider the suggestions made by Dr. Pattabhi Sitaramayya.

Before coming to that, I shall explain why the provisions of this Bill increase the age limit in the case of boys from 19 to 20 and in the case of girls from 14 to 15 for marriage. This follows the Manu Code. Manu said that no male should marry before the age of 32. So far as girls are concerned, he felt that 15 would be a proper age. By the time she begets a child she should be 17 or 18. There will then be a number of children and they will be strong children. Our conception on marriage was for the purpose of not satisfying sexual desires but more for the purpose of creating a progeny for ourselves—a progeny healthy and strong so that they may take charge of the administration and continue the race. (Interruptions). Yes, take charge of the Government and all departments of public life and continue the race and the line. Therefore it is not merely a desire of one or the other coming together, however big or incompetent or incapable. No one has got a right to leave a liability behind him or her so that they may have to be maintained by the State or society. It is for that purpose that rules have been made restricting marriage. Monogamy is permitted and bigamy is prevented. Manu feels that a man before 30 will produce strong children, whereas if a woman is married late, she may not be able to produce children at all. Therefore he prescribes that 15 may be a proper age, or it may be even 18 but not after 18. Now 15 is not a bad age. The country has reconciled itself to whatever objections there may have been to raising the age to 14. But after the Sarda Act, marriages are celebrated with girls even at 17 or 18 because it is difficult to get bridegrooms. But before the Sarda Act there were no spinsters. It was the obligation of the parents, and in their absence of the eldest member of the family that the girl was married before she attained the age of puberty. That we should not have child marriages and create child mothers is a wholesome principle. Fourteen years of age was fixed as the age then. Therefore, 15 is not an upper limit. As a matter of fact girls today do not even get married at the age of 15. I have only one objection to making this offence a cognizable offence. It might be though I do not know, that Pandit Thakur Das Bhargava might have referred to the Deputy Speaker as having said that it must be made cognizable.

Pandit Thakur Das Bhargava: May I refer you to your speech at page 2822.

Shri M. Ananthasayanam Ayyangar: I am not disputing that statement. I do not say that I remember it. But I am suggesting this course. In this Bill imprisonment has been made a compulsory punishment. Before this Bill was introduced it is quite possible that I might have said so. I did want to make this Act rigorous. It should not be left to the individual sweet will to come in and blackmail and get some money. Nowadays people pay bridegroom prices and set apart marriage expenses. Before 18, the girl is given in wedlock. The marriage is not invalid in the old law, nor in the amendment; but

but persons are liable for punishment. But what is the punishment? It is Rs. 1,000. A man who is incapable of finding Rs. 1,000 is not going to pay. A man who can pay will set this apart for marriage expenses. I agree that some kind of imprisonment should be included so that the father can go to jail the moment he gets his daughter married. But I have some hesitation in making it a cognizable offence.

My friend, Thakur Das Bhargava, knows what is a cognizable offence. It is only the person who is interested who informs the police, of course in murder cases it is the duty of the police to go into the case but not so in the case of ascertaining the age. The girl may be tall and one will not be able to say whether she is 14 or 15. So it will not be easy to come to a conclusion even if the case is a cognizable one. The party who is interested will have to invoke the aid of the police and the police will then have an enquiry. My honourable friend, I hope, will consider this in the Bill. They say that it is still open to the party to file a complaint with the magistrate. But we do want to see that any Act passed by the Assembly is effective and does not get useless. Therefore, provision is made by way of imprisonment. Should we place one more weapon in the hands of officers? I suggest that it must be left to society at large.

So far as child marriage is concerned in the upper classes, I can talk with some knowledge and experience for my part of the country. With respect to Northern India, I do not know. Child marriages in our part of the country is a thing of the past. No child marriage takes place. We are coming to a stage where the girl will insist on the father going and getting a husband for her because after she has waited for 14, 15, 16, 17 or 18 years, she knows what it is to be a mother and therefore she insists on getting married. Therefore it is that child marriages in upper classes have disappeared. So far as lower classes are concerned, I do not think making it cognizable will be useful. There must be societies or associations organized for propaganda in villages. It must be left to them to put up proper cases before the Magistrate and to bring such cases to the notice of the Courts. So far as the provision making this a cognizable offence is concerned, I do not like that it should be so.

Then wisely, in the Select Committee, that clause saying that a man of 45 ought not to marry a girl below 18 has been done away with. It is said that our Ancients made experiments or researches in this field also. I do not want to repeat the shloka of Manu. It is to this effect that as you breed particular kinds of horses for racing and bulls for stud-bulls, likewise when men and women come together at the right time they will produce good children. If from a particular age a woman may not be able to beget children, and 45 is not a age for a man to marry because he would become impotent I may say that this provision has been given up in Select Committee and I hope my honourable friend will not threaten us with another Bill. It is for that reason that I was not prepared to give any preference to his Bill.

So far as registration of marriages is concerned, there is a provision in the Hindu Code, and if it is necessary we can certainly adopt that.

As regards the provision for preventing consummation, it is an idle dream. I do not know why Pandit Bhargava insists upon preventing the husband and wife from coming together or talking to each other. It would be an impossible feat.

Pandit Thakur Das Bhargava: That is a misconception. I am not standing between the husband and the wife if the age in both the Bills is the same, viz., 15.

Shri M. Ananthasayanam Ayyangar: I am glad that the Select Committee has not allowed this provision for preventing the consummation of marriage. I take exception only to this that the offence ought not to be made cognizable. Otherwise it is a wholesome measure. It is not too early. We have given

[Shri M. Ananthasayanam Ayyangar]

sufficient time to the country and to the community as a whole to get accustomed to this. In the usual course 15 years is the age already in vogue and therefore the provision is not oppressive. As regards punishment imprisonment has been made compulsory and it is a sufficient deterrent. I would request the Mover of the Bill not to insist upon making it a cognizable offence in the Bill. Sir, I support the motion for consideration.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar).]

चौधरी रणवीर सिंह : मैं बाबू ठाकुर दासजी के कानूनी ससविदे का समर्थन करने के लिये खड़ा हुआ हूँ। मैं यह समझता हूँ कि अगर इस कानून को एक डेड लैटर नहीं बनाना है तो इसके लिये निहायत जरूरी है कि आप इसको कागनिजेबल आफ़ेन्स करार दें। इस सिलसिले में यह कहा गया है कि कुछ सोसायटियाँ इस कानून को कामयाब बनाने में मदद कर सकती हैं। मैं आपको यह बताना चाहता हूँ कि जब शारदा ऐक्ट पास हुआ था तो तमाम देश के अन्दर बड़ा जोश था। मेरे पिता चौ० मातुराम जी ने शारदा ऐक्ट के तहत देश में सबसे पहले एक आदमी के खिलाफ़ दावा दायर किया था। उनके दिल में भी बड़ा जोश था जैसा कि आज मेरे दूसरे भाई समझते हैं, उनका भी यही ख्याल था कि कोई सार्वजनिक सोसायटी की मदद कारगर हो सकती। लेकिन एक केस लड़ने के बाद ही वह इस नतीजे को पहुँचे थे कि यह ख्याल बिल्कुल कारगर ख्याल नहीं था और इससे कोई फ़ायदा नहीं था।

दूसरी बात मैं एक देहात के रहने वाले की हैसियत से आपसे यह कहना चाहता हूँ कि अगर देहात में आपको इस कानून को कार्य रूप दिलाना है तो यह बिल्कुल जरूरी है कि यह कागनिजेबल आफ़ेन्स हो। देहात में एक किस्म का समझौता हो जाता है जिसके कारण और तक़रीबन, जैसा कि बाबूजी ने बताया है, ४० परसेंट बिलो एज (below age) शादियाँ होती हैं। यह बात बिल्कुल दुरुस्त है। वह इसलिये कि हर एक गांव में आपस में देहात में कुछ इस किस्म का रिश्ता होता है कि गांव की तक़सीम पानों में हो जाती है और पानों की ठोलों में। और उनके आपस के रिलेशन्स होते हैं। अगर फ़र्ज कीजिये कि मैं अपने लड़के और लड़की की शादी ठीक उमर के बाद करता हूँ लेकिन मेरे ठोले का दूसरा भाई हो सकता है कि ग़लती करे। तो उस ठोले के भाई की हैसियत की वजह से मैं स बात के लिये मजबूर होता हूँ कि गांव में अगर दूसरा या तीसरा आदमी कोई ग़लती करता है तो मैं उनके खिलाफ़ दावा दायर न करूँ क्योंकि कि मुझे ख्याल है कि मेरे भाई मुझे तंग कर देंगे कुनबा सामने आजायगा। इसलिये अगर इसको कागनिजेबल आफ़ेन्स नहीं बनाइयेगा तो यह नामुमकिन

चीज है कि यह कानून देहात में कारामद साबित होसके। एक बात यह भी है कि कागनिजेबल आफ़ेन्स में पुलिस ही वकील होती है और वकील का खर्चा पुलिस के जिम्मे होता है। नानकागनिजेबल आफ़ेन्स में जो आदमी खबर देता है उसीको अपना वकील करना पड़ता है और तमाम खर्चा उसी को बर्दाश्त करना होता है। इसलिये आप ख्याल कर सकते हैं कि जब किसी आदमी को कोई आर्थिक इंटेरेस्ट न हो तो कोई क्यों अपने आप से वकील खड़ा करके किसी के खिलाफ़ मुकदमा लड़ेगा। इसलिये मैं समझता हूँ कि, जैसा कि सभापति महोदय अपने अपने इलाके के बारे में बताया कि आज कुछ जातियों के पढ़ेलिखे आधमियों के लिये इसकी कोई खास आवश्यकता नहीं है क्योंकि वह तो शादियाँ इस एज के बाहर ही करते हैं। यह बात बिल्कुल सही है, उनके लिये इसकी कोई आवश्यकता नहीं है। लेकिन अगर कागनिजेबल आफ़ेन्स की आवश्यकता है तो उन्हीं के लिये है कि जो आज तक इस चीज पर राजी नहीं हुए हैं। और उन्हीं के उपर इसका असर पड़ेगा। यह अच्छा है कि देश में इसके लिये एटमासफ़ीयर पैदा किया जाय। लेकिन बहुत सारे ऐसे भी कायदे और कानून बने हैं जिनके बारे में एटमासफ़ीयर पहले नहीं बनाया गया था। इसलिये आपको तो यह देखना है कि यहां पर जो यह कानून है इससे देश का फ़ायदा होता है या नहीं। अगर देश का फ़ायदा होता है तो उसके अन्दर एक दिन के लिये भी देर नहीं करनी चाहिये। बल्कि सच तो यह है कि आम देहातियों के यह समझ में ही नहीं आता और न उनको पता होता है कि कागनिजेबल या नानकागनिजेबल दफ़ा होती क्या है। गांव में तो यह होता है कि जब किसी छोटी उम्र के लड़के या लड़की की शादी ऐसे समय होती है जब कि वहां थानेदार भी हो या मैजिस्ट्रेट भी हो और उनको कोई रोकता नहीं और न उनको कोई सज़ा देता है तो वे इसको बड़ा मजाक सा समझते हैं क्योंकि वह इसको तो समझता ही नहीं कि यह कोई जुर्म है जब तक यह कागनिजेबल आफ़ेन्स न हो तब तक पुलिस दस्तन्दाजी नहीं कर सकती। इसलिये मैं यह समझता हूँ कि अगर आप यह चाहते हैं कि यह कानून आनर हो, इसका कोई खास मतलब निकल सके और यह लाभ लोगों तक पहुँचे तो इसको जरूर कागनिजेबल आफ़ेन्स करार देना चाहिये।

आयु के बारे में जैसा कि मेरे एक राजस्थानी भाई ने कहा मैं उनसे सहमत नहीं हूँ। मैं समझता हूँ कि १८ या १९ या २० की आयु कोई बहुत ज्यादा आयु नहीं है। बीस की आयु लड़के के लिये और १५ की आयु लड़की के लिये अवश्य होनी चाहिये। इसलिये मैं बाबूजी के बिल का पूरे तौर पर समर्थन करता हूँ और मैं समझता हूँ कि इसकी अज़हद जरूरत है। और जो कागनिजेबल और नानकागनिजेबल की बात है उसके लिये यह बहुत जरूरी

[चौधरी रणवीर सिंह]

हैं कि यह कागनिजेबल हो। अगर आप चाहते हैं कि देहात के अन्दर लड़के लड़कियों की शादियां जो छोटी उम्र में होती हैं उनको आप रोकना चाहते हैं तो वह तभी रोक सकते हैं जब आप इसको कागनिजेबल आफेन्स करार दें।

(English translation of the above speech)

Ch. Ranbir Singh (East Punjab: General): I have stood up to support the Bill moved by Babu Thakur Dasji. I think that if you would not have this law turned into a dead letter it is very essential that you should declare the breach of this law to be a cognizable offence. It has been said in this connection that some societies could help in making this legislation effective. I would like to remind you that when the Sarda Act was passed there was a great deal of enthusiasm in the country. My father, Chaudhri Matu Ramji, was the very first in the country to institute a case against a person under the Sarda Act. He too had great zeal for it in the same way as some of my brothers have it today. He too was of the view that the help of some public society could prove effective. But, after having fought just one case, he came to the conclusion that this idea of his was not at all right and that it was all futile.

The other thing that I would say to you in the capacity of a villager is this that if you would like to have this law enforced in villages it is most essential that any contravention of this law be made a cognizable offence. A kind of compromise is struck in villages whereby, as stated by Babuji, nearly 40 per cent. of the marriages solemnised are below age. This is quite correct. It so happens that in the countryside a kind of relationship exists amongst the people living in a village that the village comes to be divided into *panas* and the *panas* into *thkolas* and they are all inter-related. If, for instance, I solemnise the marriage of my son or daughter after he or she has attained the proper age it might so transpire that another member of my *thkola* does the wrong thing. Now, as a member of that *thkola* I am under a constraint not to institute proceedings when another person in the village acts wrongly because I realize that the members of my brotherhood would make things difficult for me and that the entire family would stand up against me. Hence, if you do not make it a cognizable offence it is impossible for this law to work effectively in the villages. Moreover in the case of a cognizable offence the police itself is the prosecutor and the expenses incidental to the prosecution are borne by the police. In the case of a non-cognizable offence the person who lodges the information has to engage his own counsel and he alone has to stand the entire expense. You can, therefore, very well imagine that when a person has no pecuniary interest there is no reason why he should engage counsel at personal expense and prosecute a case against another person. You, Sir, have stated with respect to your own constituency that there is no particular need of it in the case of the educated members of certain communities, because they normally perform their marriages after a certain age-limit. It is true they have no need for it. If there is any need of the offence under this law being made cognizable it is for just those people who have not so far been able to reconcile themselves to its provisions and it is they upon whom it will have its effect. It is good that an atmosphere be created for it in the country but a number of laws and rules have been made already for which no atmosphere was created in advance. Hence, all that you have to see in the present case is whether or not this legislation will be conducive to the good of the country and if you find that it is so you must not defer it for a single day. The truth is that an ordinary villager does not know and is incapable of understanding the distinction between a cognizable and a non-cognizable offence. What happens in villages is this that when the marriage of a young boy or girl takes place under such circumstances that a sub-inspector is present or even a magistrate is present but

nobody checks them nor takes them to task they are inclined to regard it as great fun because they are unable to understand that it is an offence and unless it is a cognizable offence the police cannot intervene. Hence, I think that if you want that this law should be honoured, that it should serve a certain purpose and that the people should be benefited thereby the offence under it must be made a cognizable one.

With regard to age I do not agree with what has been stated by a brother from Rajasthan. I think that 18 or 19 or 20 is not much of an age. The minimum age for the boy must be twenty and that for the girl fifteen. Hence I give my full support to Babuji's Bill and I feel that it is badly needed. As for the controversy about the offence under it being made cognizable or non-cognizable it is imperative that it be made cognizable. If you want to put a stop to the practice of child marriage in villages you can do so only if you make it a cognizable offence.

Prof. Shibban Lal Saksena (U.P.: General): Sir, I heartily support this Bill which has been moved by my honourable friend Pandit Thakur Das Bhargava. Our learned Dr. Pattabhi Sitaramayya has voiced his objection to making the offence cognizable. As one who is very intimately connected with the masses in the villages and who has seen the havoc caused by early marriages, I feel that while there is substance in what Dr. Pattabhi has said we have to weigh two things. On one side there is the havoc which has been brought on account of this Act remaining a dead letter and early marriages continuing as they have continued so far and on the other there is the police having the chance of taking vengeance or using this weapon to make money from ignorant people. Between these two evils we have to make a choice. I personally feel that we cannot for very long postpone reforms just because the police who have to enforce them are corrupt. I think we are making efforts to make the police less corrupt and see that they are fit to carry out the laws of a free country. Very soon, I think, the police will improve and we will have a police of which we will be proud. I am afraid the present police is still the old police and we cannot expect the leopards to change their spots in a year or so. So when I have to choose between two evils, to see that this Act remains a dead letter or to see that the people are harassed by unscrupulous police, I still choose that this Bill should be passed as it is and this evil of early marriage is out-rooted. In 1929 this Act known as Sarda Act was passed. Twenty years have passed and if you see the statistics the number of prosecutions are very few.

As my honourable friend Ranbir Singh Choudhury was pointing out if this section relating to the offence being cognizable is taken away from this Bill who will care to spend the money and file a suit in a court and then pursue it in a court, making an enemy of the person who might be an influential person in the village and entering into a life-long feud? None will like to do it. I do not think there are men like my friend Pandit Bhargava in every village who will pursue the thing for twenty years whatever happens to them. Normally such persons do not exist in the villages. I therefore feel that the time has come when this offence must be made cognizable. Even in those cases wherein the police may harass people I think it will have a good effect in this way. The villagers are ignorant and this Act will not reach them. When one or two cases arise and when some unscrupulous police officer harasses one parent who has married his daughter at an early age then the result will at least be that in that locality and in at least hundred neighbouring villages nobody will dare to marry his daughter at an early age. So far the Act has been a dead letter. People are aware of the consequences but nobody cares. So even when an unscrupulous officer harasses a parent—even though the motive may not be good—the result will be that in that whole area, in that tehsil and at least in hundred neighbouring village nobody will dare to do it. For a year or two there will be hard cases, there will be cases where parents are the victims of vengeance. Still

[Prof Shibban Lal Saksena.]

I think that after a year or two people will become self-conscious and they will not marry their daughters at an early age. When once they come to know that if they do so it will result in their being landed into jail then the evil will be rooted out.

I personally feel that the health of the nation is more important than anything else and I hope this Bill which has now come to the stage of being passed will be passed today. It will be a great day in the annals of this country when this Bill is finally passed and I hope that it will be passed as it is. The learned doctor has warned us that we cannot ignore the warnings of elders. Still I feel that young men as we are we do not want that this reform should wait for long. I would rather take the risk of unscrupulous police harassing some people. I think it will put a great responsibility upon people to see that nobody harasses people unnecessarily. People will come out with such instances; when police harass people there will then be occasion to pursue those police officers who misuse the provisions of the Act, who try to eke out money by such things. And probably Government with its authority will be able to see that the police is not able to harass people and in a year or two this danger will go away. I therefore think that this Bill must be passed as it is.

If this important provision is taken away then the fate of this Act will be the same as was the fate of the Sarda Act and it will be a dead letter. Then the twenty years' labour which my honourable friend Pandit Thakur Das Bhargava has put in will be of no avail. I therefore feel that we should not be afraid of unscrupulousness of the police. We are hoping that soon the police will also change; we are also hoping that soon the mass consciousness will also rise. Then the people cannot be so easily harassed by the police and the police will be afraid of harassing them. Seeing things as they are, hoping that soon people will become strong enough to resist the unscrupulous actions of the police, hoping that the police will become better in our Free India, and also hoping that people will also learn the utility of this Act and will not insist on marrying their daughters at an early age I think that this should be passed as it is. There is no danger in making the offence cognizable and we should not be afraid of police unscrupulousness. If we fear police unscrupulousness we must not do so many things: we must not have rationing and all these other things. But we do all those things knowing that the police is unscrupulous and there is corruption. To say that merely because the police is unscrupulous we should not pass this great Act which is so essential for the health of the nation is not I think proper. I therefore think, although I have to disagree with elders like our Congress President and yourself, Sir, that the hope which inspires my honourable friend Pandit Thakur Das Bhargava, myself and other friends who have supported the Bill will see to it that people are not harassed.

My own feeling is that the villager has changed a lot of late. There is the Panchayat Act and with the Panchayats being formed and all these things coming into existence the police will not be able to have the sway over the villagers and harass them with this measure over their heads. We must take a bold stand and we must not whittle down this Act to become wholly useless and ineffective. We should pass this Bill as it is.

I hope that the warnings which our elders have given here will only help us to see that there is no harassment of people and we might have a review of the cases where people are harassed by the police and punish such officers so that they may not do such things in future. This is possible and it is not a thing which cannot be surmounted. But if we take out this section I am sure nobody will go to the court to file a case against the offender and enter into a family feud in the village. The provision is very good and the Bill must be passed as it is.

The age sought to be raised is not very high. It is only fifteen years. I think that even this is low for a country like ours and I think that sixteen years should be the minimum age for girls to be married. I hope that this fifteen years will be passed without any difficulty. I also hope that the Bill will be passed into an Act today and that the great efforts of my honourable friend Pandit Thakur Das Bhargava who has pursued it with such tenacity over a period of twenty years will be successful. Sir, I support the Bill.

Babu Ramnarayan Singh (Bihar: General): Sir, I heartily support the measure and congratulate my honourable friend Pandit Thakur Das Bhargava. This Child Marriage Restraint Act has a long history behind it. It was passed in the year 1929 in the fulfilment of a national need. At that time the Britishers were ruling in this country and we, Congressmen, under the leadership of our late lamented Pandit Motilal Nehru the Great were in the opposition. As a result of the combination of the Congress party and the Government party on this point the Bill was passed. At that time there was a great agitation in favour of the Bill and also some agitation against the Bill. The Bill was finally passed. But, Sir, as you know, and as everybody in the House knows, up till now this has remained a dead letter. It has done some good no doubt by way of propaganda. Sir, you said that in your part of the country it is a matter of pride to say that there is no child marriage in the upper class of society. So is the case, to some extent, in our part also, but that is only in a small circle where we have got education—in the rest of the society child marriage is going on as freely as before. So, this amendment is certainly necessary if we are anxious to stop this sort of marriage.

As regards making this a cognizable offence, you also have expressed your opinion, Sir, that this is not desirable at present simply because the police is not what it ought to be. If you are not going to make it cognizable, then there is no use of this amendment; not only that, I say there is no use of this Act itself. We may rather repeal this Act. In order to make this Act effective, we have to make it a cognizable offence. I know that the police up till now, instead of being a means of protection and service, is a means of oppression. I know it. But that is the case with the whole Government machinery, what to speak of the police? I am one of those who do not want to give any power to any Department of Government so long as it has not been declared to the satisfaction of the people that the Government is pure. I hold that view, and very strongly. But now, as the case is, we are doing so many things, we are passing so many Acts, we are giving so much power to the Government, then we may run this risk also. As others have stated, there may be some sort of difficulty to the people through the agency of the police only in one or two cases, but this will serve as a deterrent. As I said, up till now this Act has served in certain parts of the society as a propaganda; it has succeeded as a propaganda. But that propaganda, when this will be made a cognizable offence, will be very active propaganda, and I am sure child marriage will be a thing of the past. Therefore, I hold this view that it ought to be made a cognizable offence.

As regards the age, I agree. A male over 45 years of age must not marry a girl of 18 years of age. I am sorry I did not give any amendment to that, but I want, if you agree and the House agrees, that it ought to be so amended that a male above 45 years of age must not be allowed to marry a virgin. He may be allowed to marry a widow, there is no harm in that—rather it is necessary—but a male of the age of 45 and above must not be allowed to marry a virgin of any age.

With these words, I support this measure again, and I wish that this objection suggested by yourself and my friend Dr. Pattabhi should be overlooked and this measure should be unanimously passed.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

श्री लक्ष्मीनारायण साहू : वाचस्पति जी, मैं मित्रवर पंडित ठाकुरदास जी भागवत के संशोधन का समर्थन करता हूँ। लेकिन मैं पहले यह बात कहना चाहता हूँ कि इसको चाइल्ड मैरेज रिस्ट्रेंट ऐक्ट कहने से अच्छा नहीं होगा। मैं तो कहता हूँ कि इसे इन्डियन मैरेज ऐक्ट कहने से अच्छा होगा। जब हम चाइल्ड की उम्र इतनी बढ़ाते हैं तो वह चाइल्ड नहीं होता है। इसलिए मैं तो यह समझता हूँ कि इसे चाइल्ड मैरेज ऐक्ट कहने से अच्छा नहीं होगा।

दूसरी बात यह है कि हिन्दुस्तान में दो मत बराबर चले आते हैं। एक मत है कि सरकार जितनी समाज संस्कार की चीजें हैं उनमें हाथ न डाले। और एक मत है कि जब तक सरकार समाज सुधार का काम नहीं करेगी तब तक यह समाज उन्नति नहीं कर सकता। और इसीलिए हम देखते हैं कि गवर्नमेन्ट आगे का जो समाज था, और हिन्दू और मुसलमान समाज दोनों पर धीरे धीरे हाथ डाल रही है। क्योंकि यह जो मैरेज एज अभी बढ़ाई जाती है वह हिन्दू मुसलमान दोनों पर लागू होगी। इसलिए कोई ऐसा नहीं कह सकेगा कि मुसलमान का जो पर्सनल ला है, उसके ऊपर हाथ नहीं डाला या हिन्दू का जो पर्सनल ला है, उसके ऊपर हाथ नहीं डाला। गवर्नमेन्ट हाथ डालती है और धीरे धीरे वह समाज संस्कार के लिए कानून बनाए जाती है।

मैं एक बात और कहना चाहता हूँ कि एक मत ऐसा हो जाता है कि दुनिया में जैसे हिन्दुओं की, जो विवाह की रीति है वह बहुत खराब है। लेकिन यह मत ठीक नहीं। क्योंकि मैं देखता हूँ कि जहाँ बाल विवाह अब तक है, और था, उन सब जगहों में विवाह के दो तरीके थे। एक तो होता था निर्बन्ध जब लड़की लड़के की उम्र ठीक हो जाती थी तो उस वक्त उसकी रिमैरेज होती थी। यह तो मेरे अपने जीवन का अनुभव है। मेरी शादी तब हुई थी जब मैं दस बरस का था। लेकिन जो पहलें विवाह की बात मैं कहता हूँ वह विवाह है तो सही लेकिन असल में वह निर्बन्ध है — हम लोग उसको निर्बन्ध कहते हैं। लेकिन उसके बाद जब उम्र ठीक हो जाती है उस वक्त एक व्यवस्था की जाती है, उसको हम रिमैरेज कहते हैं या पुनर्विवाह। यह विवाह जो है वह ठीक विवाह है। और इसी लिए मैं कहना चाहता हूँ कि हम लोगों की जो पहले की रीति थी वह खराब थी ऐसा मैं नहीं कह सकूंगा खास कर उस टाइम को देखकर। अब हम लोगों का अपना हाल बदल गया है इसलिए हम दो विवाह, एक विवाह, और दूसरा

पुनर्विवाह नहीं रखना चाहते हैं। और इसी लिए हम आज मैरेज की एज जो है उसे बढ़ाना चाहते हैं। मैं तो कहूंगा कि आप यह जो मैरेज की एज धीरे धीरे बढ़ाते हैं, उसमें और तेजी करने से अच्छा होगा। लड़की की उम्र सोलह बरस और लड़के की कम से कम पच्चीस होनी चाहिए। यही आदर्श विवाह होगा पहले तो हमारे यहां ऐसा था कि जो बच्चे गु कुल में जाते थे वह पच्चीस बरस की उम्र तक वहीं पढ़ते थे। उसको ब्रह्मचर्य अवस्था कहा करते थे। उसके बाद ही गृहस्थ आश्रम होता था। आज तो वह व्यवस्था मिट गई है। अब ब्रह्मचर्य आश्रम नहीं है। और हम लोगों ने पढ़ने का, शिक्षा का प्रबन्ध भी पूरा नहीं कर लिया है। अब १०० में थोड़ा पढ़े लिखे आदमी ज्यादा से ज्यादा १२ या १३ होते हैं और सब अनपढ़ हैं। तो हम तो इसे जल्द से जल्द करना चाहते हैं।

इसके साथ साथ मैं चाहता हूँ कि गांव गांव में मौलिक शिक्षा होनी चाहिए। जब तक यह नहीं होगा तब तक हमारे मैरेज की एज ज्यादा बढ़ाने से असली प्रैक्टिकल मुसीबत आ जाती है, और वह मुसीबत यह है कि एक लड़के की उम्र शादी के लिए हो गई। बाप मा फ्रिक में पड़े। लेकिन उनके लिए कुछ काम नहीं है। गांव में जितनी काटेज इन्डस्ट्रीज थीं वह सब टूट गई, तो वे बेचारे कैसे जीवन बितायें। इसीलिए असली मुसीबत यह है। तो मैं चाहता हूँ कि जैसे हम लोग कोशिश करते हैं कि मैरेज की एज बढ़ा दें, तो उसके साथ साथ हम लोगों को यह सोचना चाहिए कि गांव में हर एक तरफ जो इन्डस्ट्रीज हैं उनको भी बढ़ा देंगे, और एजुकेशन, प्राथमिक शिक्षा कम से कम वाध्यतामूलक कर देनी चाहिए। तब तो यह समाज ठीक से चलेगा, नहीं तो बहुत सी अनमैरिड मदर्स हो जायेंगी, और यह एक दूसरी समस्या पैदा होगी। इस समस्या का मुकाबिला भी होना चाहिए तभी हम उचित विवाह की उम्र बढ़ा सकेंगे। उस समस्या को हल करना चाहिए और उसे प्रैक्टिकल तरह से देखना चाहिए, जब तक हम इसको नहीं देखेंगे तब तक हम कुछ नहीं कर सकेंगे। आज हम मैरेज की एज बढ़ाते हैं लेकिन विलायत में मैरेज की जो एज आफ कन्सेन्ट है वह लड़के के लिए चौदह बरस है

मि० तजम्मूल हुसैन : अब १४ बरस नहीं है, पच्चीस बरस है।

श्री लक्ष्मीनारायण साहू : और लड़की के लिए १२ बरस। मैं कहना चाहता था कि वहां कोई इतनी कम उम्र में विवाह नहीं करते हैं हां कोई कोई तो हो सकते हैं लेकिन ज्यादातर १४ बरस और १२ बरस में शादी नहीं करता। ऐसा भी मैं कहता हूँ कि हम लोगों का जो खयाल है कि लड़के की शादी करनी है आठ बरस में या नौ बरस में तो शायद उनके साथ भी यही होता है कि वह मैरेज

[श्री लक्ष्मीनारायण साहू]

की लाइफ़ लीड करते हैं, तो ऐसा नहीं है, यह झूठ बात है। जब तक लड़के की ज्यादा उम्र नहीं होती, जब तक लड़की की ज्यादा उम्र नहीं होती, तब तक दोनों को मिलने का मौका नहीं मिलता। मैं अपने जीवन को लेता हूँ। मेरी एज जब अट्ठारह बरस की हुई तब तक मैंने स्त्री का मुँह भी नहीं देखा था। शादी तो हो गई थी। आप लोग जिसे मैरेज कहते हैं ऐसी मैरेज तो मेरी दस बरस की उम्र में हो गई थी, लेकिन मैंने तो स्त्री का मुँह भी नहीं देखा था। इसी लिए मैं कहता हूँ कि यह हम लोगों का खयाल था कि जो निर्वन्ध मैरेज है जिसे हम लोग मैरेज कहते हैं और सैकेन्ड मैरेज जिसे हम रिमैरेज कहते थे, ऐसा दो विवाह नहीं रखेंगे। उसमें से एक हटा देंगे, दूसरा रखेंगे। और ठाकुर दास भार्गव जी लड़की की जितनी एज बना चाहते हैं मैं उससे भी ज्यादा बढ़ा दूंगा। और लड़के की १८ बरस नहीं २५ बरस कर देनी चाहिए। यह मैं चाहता हूँ। लेकिन साथ साथ उनको काम भी देना चाहिए और यह देखना चाहिए कि उनको कौन चीज़ देना चाहिए। जब तक यह नहीं होगा, तब तक देश की हालत बहुत खराब होती जायगी, ऐसा मेरा विश्वास है।

मैं और ज्यादा नहीं कहना चाहता हूँ, सिर्फ़ इतना ही कहना चाहता हूँ कि हम लोगों का जो स्टैण्डर्ड आफ़ morality का आइडिया था वह अच्छा था और उसे और बढ़ना चाहिए। और इसी लिए काटेज इन्डस्ट्रीज़ और कम्पलसरी एजुकेशन को भी बढ़ाना चाहिए। जब हम गांव गांव में शिक्षा देंगे तभी लड़की की उम्र शादी के लिए बढ़ाना ठीक होगा। मैं केवल इतना ही चाहता हूँ और भार्गव जी का जो संशोधन है मैं पूरे जोर से उसका अनुमोदन करता हूँ।

(English translation of the above speech.)

Shri Lakshminarayan Sahu (Orissa: General): Sir, I support the amending Bill brought forth by my friend Pandit Thakur Dasji Bhargava. But, I want to say, in the first instance, that it would not be proper to call it 'Child Marriage Restraint Act'. I should say it would be better to call it the 'Indian Marriage Act'. When we raise the age of a child so much he no longer remains a child. Hence, I think it would not be right to call it the 'Child Marriage Act.'

The other point is that there have always been two views in India. One view is that the Government should not interfere in matters pertaining to social tradition. The other view is that until the Government takes up the work of social reform this society cannot make any progress. Hence we find that the Government is gradually laying its hands on the old order of society—both Hindu and Muslim—because this raising of the age of marriage now proposed would apply to the Hindu and the Muslim equally, so that nobody will be able to say that the personal law of the Muslim or that of the Hindu has been left alone. The Government does interfere and slowly and gradually goes on enacting legislation for social reform.

I want to say one thing more. There is a view current that the Hindu custom pertaining to marriage is very bad. This view is, however, incorrect because I find that wherever the custom of child marriage existed or still exists the marriage ceremony has been divided into two parts. There was, in the first instance, *Nirbandh*, and when the boy and the girl attained proper age their remarriage was then performed. This is my own life's experience. My marriage took place when I was ten years old. The first marriage that I have spoken of is marriage no doubt but in reality it is *Nirbandh*—we people call it *Nirbandh*. When, however, subsequently the couple attain the proper age a ceremony is gone into which we call remarriage or *Punarvivah*. This latter kind of marriage is the marriage proper. That is why I want to say that I should not describe our former custom of marriage as bad, especially in view of those times. Now that our conditions of life have changed we no longer want to have two marriage ceremonies, viz., the marriage and the remarriage and that is why today we want to raise the age of marriage. I should even say that it would be better if you go a little quicker in this age-raising for marriage which you are now doing so slowly. The age of the girl should be sixteen and that of the boy at least twenty-five. That would be the ideal marriage. Our ancient practice used to be that those children who went to study at the Gurukul stayed there for study up to the age of twenty-five. It was known as the period of *Bramacharya*. It was followed by *Grihastha Ashram*. That system is no more. The *Bramacharya Ashram* does not exist any longer. We have not yet been able to make proper arrangements for education. At present the percentage of moderately literate persons is at the most 12 or 13; the rest are all illiterate. We should like to increase the speed.

I also desire that along with this there should be arrangements for basic education in each and every village. Unless we do that we would have to come up against a practical difficulty by raising the age of marriage. That difficulty is this. A girl has reached the age for marriage. The parents are feeling worried but they have no work. Whatever cottage industries existed in the villages have all broken down. How should those poor people then make their living? This, then, is the real handicap. I therefore, want that just as we are making efforts to raise the age of marriage we should also, alongside with it, find the ways and means to develop the village industries on all sides. And, we should make education, at least primary education, compulsory. If that is done our society would go on smoothly; otherwise, there would be a number of unmarried mothers and this would give rise to another problem. This problem must also be reckoned with for then alone shall we properly be in a position to raise the age for marriage. That problem must be solved and it must be viewed from a practical standpoint, for unless we do that we shall not be able to do anything. Today we are raising the age for marriage but the age of consent for marriage in Europe is fourteen in the case of a boy.....

Mr. Tajamul Husain (Bihar: Muslim): It is no longer fourteen but twenty-five.

Shri Lakshminarayan Sahu:and 12 in the case of a girl. I mean to say that no marriages are performed there at such an early age. There may be a case here and there but generally they do not marry below the ages of fourteen and twelve. I would also say that when we say that a boy is to be married at the age of eight or nine it does not imply that he is intended to lead a married life. Until the boy attains a higher age and until the girl attains a higher age the two are not given the opportunity to come together. Take my own case. I did not even see the face of my wife until I had attained the age of eighteen. The marriage had been solemnised. What you people call marriage had, in my case, been performed when I was just ten years old, but I had not as much as even glanced at my wife's face. That is why I say that we people used to think that we would not have those two kinds of marriage, that is the *Nirbandha* marriage, which we called the 'marriage' and the second

[Shri Lakshminarayan Sahu]

marriage which we called the 'remarriage', that we would abolish one of them and retain the other. I should like to raise the age in the case of a girl even higher than is proposed by Thakur Das Bhargavaji. And the age in the case of a boy should not be eighteen but should be made twenty-five. This is how I would have it. But, along with this, they must also be provided with work and it must also be seen what work they are provided with. Until that is done the conditions in the country would go from bad to worse. This is my belief.

I want to say no more but would say this much that the idea or standard of morality which we people possessed was good and should be improved upon. For the same reason impetus should also be given to cottage industries and compulsory education. It would be proper to raise the girls' age for marriage only when we extend the benefits of education to each and every village. That is all that I want and I give my full support to Bhargavaji's amending Bill.

Mr. Tajamul Husain: Sir, I have risen to support the Bill, although this Bill, in my opinion, does not go far enough.

At present, the marriageable age for a boy is 18. This Bill wishes to raise the age from 18 to 20. The marriageable age for a girl is 14 and that is sought to be raised to 16. In my opinion, Sir, there should be no marriage of a minor. A girl of 15 is undoubtedly a minor. I think it is absolutely wrong for the guardians to hand over their wards, whether a niece or a daughter, in marriage to somebody else whom she has never seen, whose age she does not know, whose age may be 50 and she may be only 15 years of age. Marriage should be a civil contract between a man and a woman. The man should choose his partner in life and the woman should choose her partner in life. Why should a third party, whether he be the father or grandfather, interfere in a matter like this, I fail to see.

The first thing that we should do, now that we are independent, is that we must give education to our boys and girls. A girl of 18 or 16 cannot be said to be mature in mind although she may be mature in body on account of the climate of this country. Let her have all the training that is requisite for a housewife and that training, in my opinion, cannot come before the age of 21. When the time comes, I will surely send my amendment that the age of the girls should not be under 21 and the age of the boy should not be under 25.

What do we find in foreign countries? Of course, we were at one time very advanced and cultured; but, nowadays we find the cultured people are across the seas. We have just now heard that in England a girl of twelve can marry. As far as I know, Sir,—I know because I am a lawyer—in England, a girl under 16 cannot have sexual intercourse even with her consent with a man. This is a serious offence and the man is liable to penal servitude for a number of years. Although the marriageable age in England is 16, no one will ever think of marrying at that age. A girl under 21 is treated as a mere child. No man will ever marry a woman unless the man is perfectly satisfied that he can support his wife and children. But, what happens here? There is a father and he has a girl of 15 or 16 years. He finds a boy of 20 or 30 years or something like that and gives her in marriage. The boy may be in the school and may not be able to pass his matriculation examination. He cannot get into Government service or take to trade. What would happen to his wife and children? He cannot support them.

This is a thing which we cannot now have in our country. We must become a great nation. We have no doubt about it that India is going to be the biggest country and a very powerful country; but it may take a little time. We

must have reforms; I am always in favour of reforms. I would therefore appeal to my orthodox friends, 'do not be so conservative now'. It was all right when we were under the rule of foreigners; we have forgotten our nationality. Now that we are independent, let us be free from everything that is bad. Do not give your girls in marriage. Give her education and training to become good housewives. Let her select her husband. I want she should be 21 years of age before marriage. She must be thoroughly educated so as to be able to choose her own partner in life. That is what we should do in India.

My next point is this. The Bill seeks to amend that instead of a fine in case of conviction, there should be simple imprisonment and fine. I think this should be done. A fine is not sufficient. There are rich people. They are not afraid of a fine; but they are afraid of imprisonment, even if it is simple imprisonment. If they are to pay a fine only, what does it matter. They can pay the fine and get their daughters married when they are very young. I say, Sir, that this amendment should be accepted, even though it is simple imprisonment.

Lastly, Sir, I feel that the offence should be made a cognizable one. It was not cognizable before and you will find in cases of this nature, that when it is not made cognizable, the police can take no action. At present unfortunately, I see many people in my own country are so illiterate that if they marry their daughter who is a young girl under the age of 12 nobody will go and make a complaint against them, because everybody is getting married in the same way. Therefore, I feel that the offence must be made cognizable. The Police must take up these cases even without complaint. Even if they receive information through a person or through some friends that offences have been committed under this Act, they should proceed without a complaint. I feel therefore the word 'cognizable' is very important, and I think, Sir, it should be non-compoundable. If the offence is compoundable the parties after committing the offence, the complaint and the accused, the prosecutor and the person who has been prosecuted, will always compound or compromise the case among themselves and then appear in court after a few hearings and say: 'We have made up our differences and the case may be withdrawn or may be struck off the files. This should not be allowed. A case of this nature must be non-compoundable and the parties should have actually no power to compromise their own cases. It must be left entirely to the State, to the Police to see when an offence had been committed that those who are guilty of it must be punished according to law.

Srijut Kuladhar Chaliha (Assam: General): In spite of the fact that we have very great respect for the views of our revered leaders Dr. Pattabhi Sitarayya and Mr. Ayyangar, it is very difficult to follow them in this matter whether the offence should be made cognizable or not. The history of British administration is a sad one and whenever we tried to legislate on social matters, they made it in such a way that it was more ineffective than we wanted it to be. It was always ineffective and they administered it in such a way that we could not make it effective in the country and it is one of the legislations that came on the statute book that remained absolutely dead from 1929 up till now, and we should now see that our consciences are to be roused and it should be made a cognizable one. There are many who are afraid lest it will be misused by some people. Therefore, it is a very wholesome provision that it should be enquired into by the Circle Inspector, who will have the advantage of consulting the District Magistrate and even if it is made cognizable a senior officer will have the advice of such persons who will not abuse power. Unless this is made cognizable, probably this statute will remain a dead letter again for another 20 years. We are trying to equal the great nations of the world.

[Srijut Kuladhar Chaliha]

When we go to the different foreign countries, when we hear of child marriage and other things, we hang our heads in shame. They point out many things which the British have very successfully and sedulously propagate it throughout the world that we have very bad social customs and we have a broken morality. We should try our best to come up to the proper level and we should be able to show to the world that our legislation is such that these things will not be neglected any further. Therefore, I think we should have no shilly shallying any more; so far we have been allowing the law to be broken and now the time has come, Sir, when we should see that the law is respected and no more treated as a dead-letter.

With these few observations, I should like to support the provision that the offence should be made cognizable and we should not be made the laughing stock before the world because we do not like to enforce the law.

It has been said very often that in so far as marital ties, legislation, habits or customs, we are so superstitious that we are ashamed if somebody talks to us in a foreign country. We should, therefore, move forward; we should not move slowly as we did before and I feel that this legislation has come at a very proper time and I support Pandit Bhargava's Bill entirely. With these few remarks, I support the Bill.

Shri V. S. Sarwate: Sir, I entirely agree with the principle underlying this Bill, which is the prevention of child marriage and premature motherhood. Therefore, the best thing would be to so word the Bill that this purpose alone would be served and the Bill would not be needlessly delayed. As an honourable friend has already said, the marriage has two phases; one is the solemnization of the marriage and the second is the consummation. So what ought to have and should have been prohibited and prevented is the consummation of the marriage, whereas this Bill is wider in its scope and also prohibits solemnization. Now, Sir, some disadvantages of this widening has already been pointed out by another honourable friend. So I would not now again deal with them.

I would only place before the House certain other considerations which have to be taken into account and one of the considerations is the present condition of society. One would observe that under conditions of society as at present constituted, especially in towns there are innumerable incitements to amorous sentiments. It has so many incitements to what is called bodily passion. Go to any cinema and there would not be a scene without a kiss or embrace or love song. Civilization has also come to mean lip sticks and face powders. Even in schools girl students would not like to go to school without painting their lips or whitening their faces. Is it not time for us to think seriously whether a stop has not to be put to all this? Normally speaking every young man and every young woman has sufficient attraction for each other and there need not be any artificial beautifiers. Therefore, it is incumbent on society, especially the mothers and parents to exercise an influence which would be in the other direction.

In this connection, I may point out that if the solemnization of the marriage is performed at an early date it has certain advantages. There is a sense of security, a feeling that one has got a life-long companion, which ought to prevent the necessity of these attractions being added. As far as individuals are concerned, the object of a marriage is to have a good companion, whose nature is compatible, whose nature is readjustable so that both can live happily. If this is the object of marriage, then it must be admitted that the child marriage, gives more opportunities for the achievement of that object. Further child marriage gives better scope for affection to grow, for affection arises out of companionship, out of association, the opportunity to serve and to be useful to each

other. These opportunities are greater and larger if marriages are performed early rather than late. As marriages are performed late in life, natures and their readjustability are lessening and lessening. So the readjustability of each other has a better chance when the married couple get united early and have been in association with each other for a longer time.

The foremost objection to child marriage is that it is not a love marriage, and that it is a puppet show whereas grown-up marriages are based on love and therefore, they have a better chance of being successful and being happy. Any cursory observation would show that this is not the case in society. Grown-up marriages are as unhappy as child marriages. What is required in marriage is affection and that affection grows out of association, as I told just now, whereas in the case of grown-up marriages, what is called love is really a strong sexual urge, which they call love. As regards sex matters probably Havelock Ellis is an authority and a quotation from his book would bear repetition. He says in his *Studies in the Psychology of Sex* at page 6 thus: "Wide observation supports the Hindu view that girls become fit to be mothers on the first onset of menstruation."

As regards love I would quote one passage which had been quoted a generation ago. Ellen Key a prominent leader of the feminine movement, advocating free love, free divorce and motherhood without marriage observes: 3 P.M. Sexual morality is impossible without early marriage. Postponement leads to prostitution, spread of venereal diseases and the evils of self-abuse and abstinence. In early marriages only, the highest form of love is possible. This may appear to be strange to some but it is the truth. For these reasons I would say that it would be better if the object underlying this Bill is made clear by the use of the word 'consummated' for the word 'solemnised'.

Mr. Naziruddin Ahmad (West Bengal: Muslim): I rise generally to support the Bill. But there are one or two matters which I think should not be passed without due consideration. There is a tendency in the House as well as outside to pass laws on mere sentiment. Laws are entirely practical subjects and we must look to their application in practical life. With regard to the high purpose which has actuated the author of the Bill I have nothing but praise and admiration. In fact, whatever subject Pandit Bhargava supports, he invests it with considerable authority and sanctity. It is therefore with considerable diffidence and with due respect for him that I would submit one or two points for careful consideration.

The marriageable age of the boy is being raised from 18 to 20. I have no objection to that. But as regards the attempt to raise the marriageable age of the girl from 14 to 15, I ask the House to carefully consider the implications. In fact 15 and 16 are the marriageable age in educated and respectable families. It is often even higher. The Members of the House belong to educated and respectable classes and therefore look at the problem from their experience. But I would ask the House to consider the age limit with regard to the poorer working classes. Girls of the poorer classes have to eke out a living by manual labour. To put the age-limit at 15 in their cases is not desirable and may be dangerous in certain cases. To allow a working class girl up to 15 years of age to go about without the protection of a husband, without the protection of wealth or education would be fraught with danger. You are preventing her from marrying till she is 15. It does not happen that immediately she attains her 15th years she gets a husband. She will have to wait probably a year or two or more. In the meantime she may be considered to be too old to be married. The result might be that in certain cases we would increase unmarried motherhood in our land among the poorer classes. We have to bear in mind the conditions of our society. Our people are not educated. It is necessary for the protection of society that all should be educated. We have not yet been able

[Mr. Naziruddin Ahmad]

to introduce even primary education everywhere. Eighty-seven per cent of our people are illiterate. Economically they are nowhere. Most people do not get even two meals. We are deficient in the matter of food. In this economic deficiency and illiteracy, the raising of the age limit from 14 to 15 in the case of girls in all cases would not be desirable. But the House is in a mood to proceed on the impulse of high sentiment and it is not possible to stem the tide of high sentiment in the House at this stage. I therefore submit my view and warn the House of the serious consequences of the age limit being raised in the case of the poorer classes. We must visualise the reality and must understand the conditions in which the poorer classes live. This is my view. I do not wish to move any amendment, but I submit my view for the consideration of the House.

Then, with regard to the punishment that is proposed, I feel that it is drastic. But I think that if we want to enforce the law, the punishment should be drastic. I therefore fully agree with clause 4 dealing with punishment. But then I have serious objections and serious misgivings with regard to clause 6 which makes the offence cognizable. Having been a lawyer for number of years and having observed the methods of the police for more than a quarter of a century from close quarters, I submit that this provision will be fraught of great danger. It was submitted that the Sarda Act has been a dead letter. To a certain extent it is so. In fact, prosecutions are rare. But it would not be proper or true to say that it has failed. It has already raised the age limit. The fear of prosecution has worked and this has acted in a large number of cases as a sufficient deterrent, though prosecutions are very rare. That shows that the people are not sufficiently advanced for such a reform. Now we want by this Bill to raise our social standard and civilization with the help of the rod and the whip and the Penal Laws. I submit that this would be too drastic a measure and that the remedy will be worse than the disease. Early marriage is an evil, but in certain cases it may be inevitable, especially in the case of the poorer classes. The effect of making the offence cognizable should be clearly understood and appreciated. Its effect would be that the police would have the right to make arrests without any warrant; and the consequence of a marriage would be that the bride and the bridegroom and their parents as also the priests and even the guests may be arrested; and it will not be confined to genuine cases only. If there is information that a girl immediately below 15 has been married that will at once set the police machinery in action. Although we have gained independence the police had not improved except in strength and in some cases, mischievous tendencies. They have shared our independence in that they are independent of all restraints. In fact they have become more powerful and in many cases a little more dangerous. The result of giving them this power would be to enable them to interfere in social matters where improvement should be left to public opinion. It is enough to make the offence punishable with imprisonment; that would be a sufficient deterrent. But to invest the police with indiscriminate and unrestricted powers would be absolutely and positively mischievous. Men who are accustomed to cases in criminal courts cannot fail to have noticed that in cases of riots and other similar offences, the police go to a village and effect wholesale arrests. Nothing, however, is on paper about a person being arrested. They are arrested only orally, that is, they are caught hold of, brought to the police and made to wait and then negotiations begin. And those who are lucky enough to please the police are released, and no record is kept. In this way a large number of innocent men are brought in and for fear of being arrested and sent to *hajat* they sometimes purchase immunity by the payment of money. In this case if we give this power to the police the result would be that a large number of people would be arrested. And even if a girl is 15

or above, that may not prevent wholesale arrests, and the new power would be fraught with the gravest consequences.

* I suggest, Sir, that social reform should be a matter partly for the Legislature and partly for society. We have not given our people sufficient education and enough food but we are very much liberal where inexpensive popularity is concerned. It is not enough to think in eloquent terms and feel great and magnanimous in regard to our laws and think that we have done justice. This social problem is largely economic, largely educational and largely a question of civilisation. I submit, therefore, that we must leave matters to society and must not grant unrestricted authority to the police in respect of family matters. It is enough that we have made the offence punishable with compulsory imprisonment and have made it also non-compoundable. That would be quite enough; in fact there is some sanction of law. Let this fear of punishment work as a deterrent, let the social forces also co-operate with it. It is not helpful to terrorise people into public morality; the result would be mischievous arrests, inquiries and searches on a large scale, and unhappiness and misery throughout the land. It may be that a section of lawyers who are now anathema to the House would be benefited; this would be another "lawyers' paradise," like the Hindu Code and—as is said—the new Constitution. In fact we must not multiply litigation and create trouble. The result would be to convert India into a vast prison house in which a very large number would be imprisoned. I submit that the law should proceed along with public opinion; public opinion should be an ally of law and law an ally of public opinion; they should go hand in hand for the public good. You must give the people education, clothing and food; otherwise these grandiose schemes will not improve matters. I have already said that I have great admiration and respect for the personality of the author and his high motives, but in these matters high motives often carry away their possessions, I submit this is a mischievous clause and should not be accepted.

With regard to the age limit of 15 years I have submitted that it will work as a hardship. It is said that in England the age limit is 20 or 21. But it is not correct; there the age limit is 16, as will be found in the Encyclopaedia Britannica, Vol. XIV, P. 952, as also in Halsbury's Laws of England, Vol. XVI, P. 564, where Art. 843 says: "Marriage between persons either of whom is under the age of sixteen is void." That is by the Act of 1929—the year of the Sarda Act—and it is 19 and 20 Geo. V, Ch. 36. Therefore even such an advanced country as England has not thought it necessary to raise the age to the point that we want to. Remembering the condition of the poorer classes I suggest that it should not be enhanced, and we should not be fired away by a desire for copying the West where they are proceeding cautiously.

Sir, I support the first reading of the Bill and ask the honourable Mover to consider the points that I have submitted.

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): Sir, I have listened with great interest the discussion on this motion. There are three definitely important points in the report of the Select Committee. One is about the raising of the age of the boy as well as of the girl. The second point is about the nature of the punishment. Whereas in the original Act the punishment is fine or imprisonment, what is being sought here is that the punishment will be substantial punishment plus fine. The third point is about the nature of investigation into offences under this Act. It is said that offences should be cognizable, bailable and non-compoundable.

I agree, Sir, that the intention of the honourable Member who is in charge of this Bill is undoubtedly good. I share his enthusiasm for social progress. I also share the view that now that this Government is a Government of the

[Shri N. V. Gadgil]

people, instead of taking a neutral attitude on such matters, the Government should take a definite and positive attitude. But in social matters, especially when they concern not a few, not a section, not a class here and there, but practically the whole community, it is only wisdom that we should move with a little caution.

In 1929 when the original Act was passed, the Government of the day, undoubtedly laid down a great principle. When it was sought to oppose this particular Bill by the orthodox section of the House, on the ground that this House had no jurisdiction to interfere in matters social and religious, it was definitely laid down that when there is a great and corroding evil and there is a promising remedy, it is the duty of the Government to remove it by legislation. Undoubtedly in the year 1929, the evil was very great and so great was it that even a foreign Government felt that it would be justified in interfering with what was obviously a social matter.

But things have definitely changed. In the course of the last 20 years, there has been a steady progress and understanding of this problem. No social reform can be abiding in its effect if it merely rests on fear and not on conviction. If honourable Members are anxious that people concerned should know that child marriage is a great evil, it is far better that it should be left to them to carry out this reform voluntarily than to make it a penal offence. In 1929 the original Bill was passed and then in the year 1936 there was an amendment, the amending Bill was brought by Mr. Lalchand Navalrai and a few days after, another Bill was introduced, and to some extent in a modified form was also passed. That credit went to my honourable and old friend, Mr. B. Das. The real remedy then, it was pointed out, was not to make the offence cognizable but provision should be made that a marriage in breach of the provisions of that Act would be considered invalid, null and void. That was a radical remedy. It was there pointed out that that was a radical remedy no doubt but not a promising remedy, and in the long run the consequences that would flow would be disastrous, the object of the social reformer would be frustrated. It was then agreed that the Bill was much in advance of public opinion and this particular provision was not pressed by the Congress Party which was then in opposition. But certain other matters were taken into consideration and one of them was that in the original Bill provision was made that if the marriage in contravention of the particular provisions of that Act was celebrated in British India, then only it was an offence. By the subsequent amendment, the jurisdiction became extra-territorial, in the sense that if the marriage against the provisions of this Act was celebrated at Chandernagore or in any territory outside British India it was also considered as an offence.

From stage to stage amendments have been effected always with a view to see that we are not considerably in advance of public opinion. The present position, Sir, is this. So far as the educated and upper classes are concerned, the problem is not of age of marriage: the problem is of marriage itself. I doubt whether girls are married even at 17 or 18. So that section of the community has practically little to gain from the contemplated piece of legislation. As regards the masses, what happened immediately after this original 1929 Bill was introduced, it will be very interesting to note, Sir, this was written by one of the newspapers from Bengal:

"A matrimonial wave is just passing over the country. Bride in embryo is being married to groom in the cradle. The Sarda Act is coming into force and the pig-tailed Pandits have sanctified juvenile marriage to stave off perdition. Poor girl just learning to suck the feeding bottle being carried over to the wedding bower. Urchins are being snatched from the arms of their playmates to don the grab of a groom. As an emergency

measure the elastic Pandits have issued an edict whereby have certified the month of Chaitra to be the proper season for matrimonial alliances. Our Pandits have extended the limits this year. We are sure before the 1st April comes on there will be hardly left single unmarried man or woman in India."

Now what is being sought by this Bill is to raise the marriageable age of the girl from 14 to 15. I do not pretend to say that those consequences which were referred to in one of the issues of *Liberty* will follow. But the point is: Will this remedy the evil? If it is a promising remedy, I would be the first man to agree. The problem, as I stated, is confined to the masses, and in the rural areas among the agricultural community, my own experience is that in the course of the last 20 years, gradually the age has been increasing. Now it is 9, 10, 11 and 12. In my part of the country even among the masses no more are girls married when they are three or four. The age has fairly increased. Suppose if we increase it to 15: it is not going to have any effect. The effect that will be abiding and sure will be secured only by the advance of public opinion. When they are economically poor they do not think of marriage. When they are a little better off, the main item of expenditure is marriage and the other item of expenditure is the *shraddha* celebration of parents.

Now, the evil as it was existent 20 years ago is not so great. Therefore, I cannot call it so great and corroding an evil as to require interference at this stage. I should rather think that we should let things move on quietly: let public opinion be reconciled from stage to stage and ultimately even without an Act of this kind we will have marriages at the proper ages.

So far as the attitude of the Government is concerned I want to make it quite clear that Government will not agree to the raising of the age either of the boy or the girl as it has been reported by the Select Committee. The age of the boy is being raised from 18 to 20, which is a jump of two years. A boy is considered to be a good recruit for the army when he has completed the 18th year but according to this provision he would not be good enough to be a husband. Though there may be difference of opinion, in this country a boy of 18 is a fairly grown up boy and those arguments of health and other cognate matters are, I think, not relevant. Under the Law he attains majority at 18 and this Bill will be interference with his civil rights. When a boy has completed his 18th year what is the justification for raising the age of consent to 20. One of my honourable friends here quoted Manu and said that a man is considered to be good enough for marriage when he is 32. A man is also considered to be the best man if he does not marry at all: that is also one of the injunctions of Manu. So far as the injunction regarding age is concerned one has to consider the injunction of nature; if the race is to continue, if the instinct of reproduction is supreme in the human race, then let us understand it and adjust it in a fair and equitable manner. So it is our view that the original age limit as in the Act of 1929 as amended up to date, viz., 18 and 14 for boys and girls respectively, should remain.

The second point is about the punishment. In one case the offence is punishable with simply imprisonment or fine. Here it is sought to make that anybody acting in contravention of certain provisions of this law will not only be fined but will also have to undergo simple imprisonment in one case of 15 days and in the other case upto three months. When the punishment was only a fine the parents of the bride and bridegroom looked upon it as an addition to the dowry. They will now say that going to jail is a matter of prestige and it will give them the opportunity also to defy the law or perform satyagraha. I remember when what was known popularly as the Sarda Act was on the legislative anvil Mohammad Ali openly declared that he would be the first to perform satyagraha so far as the provisions of that Bill were concerned. So it is a matter for consideration of the House whether to pass

[Shri N. V. Gadgil]

an Act the provisions of which are sure to be disobeyed and disregarded by a large section of the Community and would tend towards the creation of an undesirable atmosphere in the country or whether they should not move rather cautiously or slowly for sometime, educating public opinion all along and go on progressively realising the great objectives of social reform which we have in view.

Babu Ramnarayan Singh: What about the Hindu Code?

The Honourable Shri N. V. Gadgil: Wait and see. One of the greatest of social reformers, Justice Ranade stated that in matters of social reform you must hasten slowly. My honourable friend Mr. Ramnarayan Singh asked what about the Hindu Code. The Hindu Code is a compilation of all matters relating to Hindu law into one code. That is one aspect of the code. The second aspect is one of merit. As far as merits are concerned even in the speech that I made the other day I stated that you must agree that the daughter must have something.....

Pandit Thakur Das Bhargava: Why? Is public opinion in favour of this change?

The Honourable Shri N. V. Gadgil: Even on that occasion when my honourable friend pressed repeatedly I read out an extract from a resolution passed by the Dharma Nirnaya Mandal. This Dharma Nirnaya Mandal is a body which consists of great scholars and social reformers including Mahamahopadhyaya Kane, the Vice-Chancellor of the Bombay University. That resolution contained the considered opinions of these stalwarts, scholars and social reformers who gathered in a conference of all the social workers and representatives of all the social institutions in the Bombay Presidency. They passed a resolution that although some of the things in the proposed Hindu Code were not to their liking but inasmuch as they had been crying for this reform for over a quarter of a century, they thought they might take that risk and in the consideration stage it would not be impossible to adjust differences here and there.

So as far as I see there is nothing inconsistent in what I say now and what I said the other day. The point remains whether the punishment should be such (and it is a question for this House seriously to consider) that by passing this legislation it is bound to result in defiance and disregard of the law on a very large scale and whether the prevalence of such an atmosphere in the country is in the highest interests of the state. It is for this responsible House to consider this matter.

The third point was about the nature of investigation into offences under this law. So far as this particular point is concerned, after listening to the speech of the honourable Dr. Pattabhi Sitaramayya I should say that it is particularly a matter on which there should be no further discussion. How it will work in the country has been well illustrated in the speeches of some of the members just now. While the offence was non-cognizable men were not found wanting who in order to spite the nose of their opponents in the villages went out of their way to initiate proceedings and bring the bride and bridegroom into the court. To eliminate this evil a provision was made that some amount ought to be deposited and that the magistrate should be a first class magistrate or a Presidency Magistrate. But when you make the offence cognizable, even if you say that cognizance could be taken by a sub-inspector or a circle inspector, the usual charges will be made, viz., that if you give so much power to the police or the executive you can just imagine whether the chances of its abuse are not greater. So it is a serious matter and my own honest feeling is that if you make the offence cognizable you will be destroying the peace of the villages.

In elections now there are parties. Elections are being introduced into the small villages in province after province. There is legislation in provinces for the constitution of village panchayats not only for the purpose of managing their local affairs but for the purpose of doing some judicial work also. In some of the provinces the Acts have provided that civil cases up to a certain limit will be tried by the panchayats. They will also try some petty offences. I have never seen a general election without parties or without groups and without creating a warm atmosphere. Every one of us in the House, at any rate most of us, have very substantial experience of running elections. Election is a thing which turns friends into enemies and enemies into friends. When panchayats are to be elected in every village there will be at least two factions and the aftermath of the election does not end with the declaration of the election results. Sometimes the feud is considered practically hereditary or it remains for months together, if not for years. And if it happens that such provisions are made available to the goondas in villages I shudder to think what will happen to the peace of the villages. It is therefore definitely disastrous to have a provision as is contemplated in this Bill, viz., the introduction of a new section Section 9 (a). I should therefore in all humility, in all earnestness that I am capable of, request the honourable Members to seriously think about it. When the Hindu Code comes it will embrace all these points. Why do these things piecemeal here and there. This will be considered in much greater detail then.

Pandit Thakur Das Bhargava: Will the Hindu Code be applicable to Muslims and Christians?

The Honourable Shri N. V. Gadgil: Let us talk about Hindus: the Muslims and Christians will look after themselves.

This being the position I am constrained to say that it will not be in the best interests of the country to have this piece of legislation. At the same time if I had been convinced that the evil was so great and the remedy so promising the Government would certainly have come forward and given its support.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar)].

Shri B. P. Jhunjhunwala (Bihar: General): May we know whether the views expressed by the Honourable Member are the views of the Government?

Mr. Deputy-Speaker: I understand them to be the views of the Government.

The Honourable Shri N. V. Gadgil: Definitely. How could I express my personal opinion?

Dr. P. S. Deshmukh (C. P. and Berar: General): I am rather sorry that I am compelled to take the attitude this afternoon which I am going to take. I have always prided myself that I was a social reformer and I do not think my zeal for social reform has abated in any way. When my honourable friend made his long speech last time I did feel that there was a reasonable case made out by him. But now, especially after my sojourn in America, I have completely altered my views so far as this Bill is concerned. That has also strengthened my opinion which I have already held with regard to the Hindu Code and I hope the fact that the House does not approve of the increase of age limits will also persuade the House not to agree to the Hindu Code as a whole.

[Dr. P. S. Deshmukh]

The age limit for marriages was fixed for a very important purpose. The purpose was to stop child marriages. The original Act was intended to eradicate this evil and although the evil might not have been completely eradicated there has been considerable advance in the society as a whole. The present proposal before the House is for an increase of one year in the age of the marriage of girls. Before we accept this we must be thoroughly convinced that we are going by this legislation to achieve a purpose which will be of real benefit to the society at large and would not cause any avoidable harassment.

The present age limit is fourteen for girls. If we compare the development especially of girls in India and in colder countries we will find that the girls in India develop and mature far earlier than they do in colder climates. The honourable Member, Mr. Naziruddin Ahmad, has read out chapter and verse to prove that the age of sixteen is good enough even for a country like England not only for the girls but also for the boys. Even that should be quite sufficient to persuade us, at least for a number of years to come, to experiment only with the age of fourteen and eighteen and not to go ahead of it.

I referred to my visit to America and that was the most important point on which I was somewhat anxious to speak before the House. It may be that my observation is incorrect, that my inferences and conclusions are not absolutely well founded. But so far as I could see, so far as I could discern and from the information I could gather the impression conveyed to me was that in America at least they are fed up and tired of marriages at advanced ages. They are gradually but perceptibly coming to marry younger and younger. I met not less than twenty people who married girls who were only eighteen years of age and when they were of the age of twenty or twenty-one. Not only were the boys and girls happier but their parents, who in many cases were old and who had the experience of their own boys and girls having married at advanced ages, also expressed tremendous satisfaction. According to them marriages at younger ages not only led to more happiness but continued to be more affectionate towards them than was generally the case before. To my mind it is quite simple why this should be so. In England also we know the people are not satisfied with the state of affairs in the society. The number of divorces that take place is alarming and that is also the case in America. They are busy finding out a remedy because this has led to disruption of families and disruption of society which is a matter of the gravest concern to all. The American people—at any rate a very large section of them—think that the solution lies in the boys and girls marrying at an earlier age than they have been doing so far. If they marry at an unduly advanced age the consequence is that both the girl and the boy have some past and that does affect their happiness. (Interruption). It is a fact, Sir, and I am not stating anything from my imagination. These are things which one likes it or not actually do happen. After the first tide of love has subsided and the first impulse of love has evaporated facts connected with the past of each other begin to affect the affection and then the whole trouble in the family begins. Inevitably this leads in many cases to divorces. This is how we have the colossal number of divorces.

So far as India is concerned wherever the people marry at advanced ages the increase of one year in the age of marriage although it looks harmless will lead to many other problems. The very fact that we have the age of fourteen or the girl means that up to the age of fourteen the parents have to guard and maintain her. There are many people who are labourers who do not

know what to do with their girls till they are fourteen years of age because there are not even sufficient number of schools where they could send them. In many cases want of money prevents them from taking advantage even where the schools are there. Even the present age of fourteen is a sufficiently difficult problem for the poorer people of the country. Increasing it by one more year will not, I think, either add to the happiness of the poorer people or eradicate in any more extensive degree the evils in our society. I have already related the experience in other countries of marrying at very advanced ages and if we wish to learn by the experience of other people we should not go too fast in this matter.

I feel somewhat sorry about my honourable friend who has laboured on this Bill for such a long time—I am sure of his earnestness, I am sure he is actuated by the best of motives—and I am really sorry that I should find myself in disagreement with him. But I think the day has not yet come when we ought to go so fast because the world itself, and especially the western world, is coming more and more towards the ideals which we cherished but which we find are nowadays held to ridicule and contempt. There are many amongst us who think that the Hindu society has nothing good in it, that the joint family must be destroyed. On the other hand, if we go to foreign countries, we will find that they regard India as the only ray of hope of having a society that will be stable, that will have more family happiness than they have at the present moment. The whole of America, I find, is concerned about the lack of happiness in their families and in their societies, and they think that some day another Mahatma Gandhi will rise in India who will show them the proper way and they will follow the Hindu tenets, the Hindu principles of philosophy and social re-construction which will probably give them solace and satisfaction.

Pandit Thakur Das Bhargava: May I just beg of the honourable Member to tell me if he knows what were the views of Mahatma Gandhi with regard to the age of marriage?

Dr. P. S. Deshmukh: I am merely referring to him as a prophet born in India who gave a new philosophy to the world which is essentially oriental in nature, and not from the point of view of whether he agreed that 14½ years should be the age of marriage, or 14 years and 2 months or 15 years and 16 days or anything of that nature.

Now, with regard to the boys: I do not think it is necessary to raise the age to 20 because at the age of 18 the age of majority is completed, and if a boy is capable of looking after lakhs of rupees worth of property and is in a position to make legal and valid contracts of all kinds, then if my sponsors of Hindu Code want to make marriage more and more of a contract, why do you want to deny him the right to contract marriage? So far as Hindu law is concerned many enthusiasts are struggling to approximate as far as possible to the ideal of marriage being a contract and not to regard or keep it as a sacrament. If that is so and if we have given the boy of 18, perfect right to make any contract, why should it not be possible for him to perform this simpler contract of marriage? So, from that point of view also there is no need for this Bill at present. I hope my honourable friend instead of spending more time on this Bill will spare it for other Bills two of which stand in his own name. I am prepared to support one of them. (An honourable Member: "So very kind of you.")

With the object which I have just stated I do not wish to take any more time of the House. I am sorry the Honourable Mr. Gadgil took so much time on it; if he had said just that Government do not accept the Bill the whole thing would have been settled in a few minutes. Of course he did advance very

[Dr. P. S. Deshmukh]

cogent reasons for the view that he and the Government have taken. Sir, there are other important Bills. I myself have one Bill which I am very keen should get a chance today.

Pandit Thakur Das Bhargava: Sir, I have listened with great interest to the speeches delivered on this Bill, but surely I was not prepared to hear such views of the Government as have been just expressed in regard to this matter. It was simply a surprise to me. When the Bill was circulated, it was the Honourable Mr. Gadgil who supported the motion for circulation. When the Bill was referred to the Select Committee, Government did not take up this attitude which it has taken now. Why should the Government agree to circulation when they regarded that the basic principles of this Bill were not acceptable.

The Honourable Shri N. V. Gadgil: For eliciting public opinion.

Pandit Thakur Das Bhargava: If the Government elicit public opinion, Government should logically accept that opinion as true if the opinions are in favour of this Bill. I submit, Sir, when the Bill was referred to the Select Committee, I read out many opinions, and the public opinion which was received, was, I should say, almost conclusively in favour of this Bill. After having elicited that opinion, after accepting that opinion, after referring the matter to the Select Committee, now for the Government to come forward and say that they do not accept the same, is simply surprising.

Then again, I am very glad the Honourable Mr. Gadgil has spoken on behalf of the Government. As my friend has stated, if he had simply opposed the motion, we would have been in the dark. Now I believe Government will be consistent, to say the least, and when these observations which have been made by my honourable friend at this hour will be read out in the House at the time when the Hindu Code Bill comes back again, they will rue the day that they made these observations here.

Shri B. N. Munavalli (Bombay States): Why so much prejudice?

Pandit Thakur Das Bhargava: My friend says, why so much prejudice? I am in favour of the Hindu Code. I said it that day and I stand by the provisions which I supported in my speech. I know that the Hindu Code Bill is a landmark so far the codification is concerned, and there are certain provisions in it which I support, but at the same time I am not going to take up the attitude which the Government has taken. I am condemning that attitude.

Now, Sir, the thing which really breaks my heart is this, that the Government so far do not know how great is this evil in the country. I can understand that Mr. Gadgil may not know it, but the Government also do not know. That troubles me very much. I have been going about in the country with my eyes open; I accept that in the cities there has been some improvement, but I do not think that in the rural areas the improvement is very great. Even today at least 40 per cent of the girls in the country are married below the age of 15. When I think of what I saw in 1929, when I visualise that in this country there is pre-puberty consummation and consummation soon after puberty, I have nothing but to hang my head in shame. I am extremely sorry that our leaders do not realise the gravity of the evil. My regret is beyond expression. I cannot, as a matter of fact, express myself fully when I submit that it is too deplorable to think that the full effect of the evil is not realised. As the full effect of the evil is not realised, I can understand the stand taken by Government, but still when I think of the implications of what has

been stated by the Honourable Mr. Gadgil, my heart sinks. He says that the Hindu Code is acceptable because certain gentlemen, *mahamahopadhyayas*, have said that it is good. In this case, in 1929 when the Bill was on the anvil of the Legislature, I wired to Mahatma Gandhi to give us the benefit of his lead to the country and he said in reply that 25 for boys and 16 for girls is the proper age. I cannot think of any man greater than Mahatma Gandhi in this matter, and if this was his view, if we cannot live up to his standards at least we should, as far as possible, try to move in the direction indicated by him. But to say that 14 is the proper age is to go against the declared opinion of medical science in this country and abroad and is to fly away from the actual realities of life. Can you think of a stronger man or a more influential man or a more beloved man in this House than Sardar Patel? May I quote Sardar Patel against Mr. Gadgil? When the other Age of Consent Bill was coming up and he was in the chair in the Select Committee, he just asked me to accept 16 as the age of consent. I submitted 15 was sufficient; we are weak people. Sir, I know I am perfectly sure in my mind that had the whole matter been referred to Sardar Patel, these two Bills would have gone through. My difficulty is this. If in the other Bill we have got 15 as the age of consent, may I humbly ask whether it would be possible, whether it will be liked by public opinion in the country that this House should make 15 as the age of consent and 14 as the age of marriage? It is unthinkable. If the age of marriage is 14 we cannot have 15 as the age of consent without very great harassment to the people. My friend wants that the peace in the village should not be disturbed, but he wants to disturb the peace of the whole country because if 15 is the age of consent and 14 the age of marriage, I shudder to think what would happen to this country. I hope the Government, in that Bill also, will have the age of consent at 14. 97 per cent of the people were in favour of that Bill. The Report of the Select Committee is unanimous. How can I possibly accept the age of 14 in that Bill? I am at my wit's end when I understand that the Government are taking up this position regarding the age of 14.

As regards the other question of making this offence cognizable, I am glad that the Honourable Mr. Gadgil placed before us two conditions for concluding if this Bill should be got through. He said that if the evil is too great and the remedy is promising, there is a case for having that remedy. Sir, I may submit the evil is too great. If he wants to go with me to the country, I can assure him on this, he will simply be surprised when he comes to know that girls under the age of one and two are married. I have been giving such examples which have been coming to my notice, and any person in this House who has occasion to go to the villages will confirm me. In 1929 the figures were given that there were 3,96,000 widows below the age of 15. It is unfortunate that in the census of 1941 these figures are not given. Otherwise, I would have brought them to the notice of the House. I do not know what more evidence of the enormity of the evil the Government wants.

As regards the remedy, I am rather surprised that this Government which claims that it has done something to improve the position of the Police comes up and says that it should not be made cognizable. I can understand our revered Dr. Pattabhi or some other gentlemen who may have known only the black side of the Police saying that it is corrupt. But I cannot understand it of the Government. Why do you rely on the Police if it is corrupt. Scrap it if you cannot put your confidence in it. My humble submission is that so far as the Police is concerned, I can make bold to say that since our National Government took office, the Police has considerably improved. It is much less corrupt than it was before. My friend Mr. Naziruddin speaks with twenty five years of experience and tells us what happened during the riots. Well, as a practising lawyer for over forty years, I know what the Police is. A.

[Pandit Thakur Das Bhargava]

Circle Inspector is much more honest than a Sub-Inspector or a Head Constable. We are not entrusting this work to a Head Constable or a Sub-Inspector; if we did, it would be a different matter. Ultimately, the court has to decide. Only two questions have to be settled: if there was a marriage and what was the age. Where does the corruption of the Police come in here? I do not want to say that Government do not want to stop this evil, but at the same time, I must say they have not taken a realistic attitude.

Then, again, what is the harm if this offence is made cognizable and there is compulsory imprisonment? After all, when my friend talks of the opinion of Dr. Pattabhi, may I remind him that in regard to compulsory imprisonment, he is of the same opinion as myself? Both he and Dr. Tek Chand have agreed that imprisonment should be compulsory. He does not accept this opinion. Also when he speaks of Dr. Pattabhi's opinion, may I tell him that Dr. Rajendra Prasad had said that the Hindu Code should not be allowed to go on? So the opinion of a Congress President does not matter in one respect; but in another respect, the opinion of the President of the Congress matters.

There are three questions involved in this matter: age, cognizable and compulsory imprisonment. When Government have taken up the attitude they have done, it means that they do not want to proceed with the Bill; they want to kill the soul of this Bill. If Government will allow a free vote on this Bill, free vote of every Minister and every Member of this House, I will go on with the Bill, because I am firmly of the opinion that the country wants it, the House wants it and every member wants it. But since they are not allowing a free vote and they want to utilise their own votes to kill this Bill, I am sorry I have no option left but to adopt a course which is not consistent with the further progress of the Bill.

With regard to the rest of the members who took part in the debate, I will say a word or two before I finish. Dr. Pattabhi, except in the matter of making it cognizable, supports the Bill fully. Mr. Upadhyaya was also in favour of the Bill. Similarly your goodself supported the Bill except in the matter of its being cognizable. As I submitted in my opening speech, you were too pleased to make a remark against my poor self when this Bill was being referred to Select Committee on 2nd April 1947, and though you perhaps did not know, I took my cue from your speech. You were pleased to say:

"But since 1929, when this Act was passed, if the power was given to the police and this offence made cognizable for the last 7 to 10 years, then the community would have become accustomed to put off marriages to the age of 14 or 15. If the first daughter is not married before 14, they have crossed the bar not only in their family but in the entire community, because on account of orthodoxy or religious scruples they cannot marry after the age of puberty. If it is made a cognizable offence and the man is prevented from celebrating such a marriage with respect to the first daughter, then he has gone over to the other side and thereafter no principle of orthodoxy can stand in this way."

I am not saying that since you have not agreed today, therefore, you have no right to change your opinion.

Mr. Deputy-Speaker: I do not know if I will be right in explaining, sitting as I am in a different seat. But I would like to say that my objection was with respect to the cognizable portion only.

The Honourable Shri N. V. Gadgil: Now, I would request the honourable Member to read what the Honourable Mr. Chairman said in 1936. He opposed the Bill tooth and nail at that time. I mean the present Deputy-Speaker.

Pandit Thakur Das Bhargava: This is a world of change.

Mr. Deputy-Speaker: That was a different Bill. Merely because Marriage or Child Marriage is referred to one Bill is not the same Bill as another.

Pandit Thakur Das Bhargava: This was the very Bill I am quoting from.

Mr. Deputy-Speaker: I am referring to the Bill of 1936.

Pandit Thakur Das Bhargava: I am not in a mood to complain about this change. Change is the order of life and if you change your opinion, it is all right. I make a sporting offer again. If Government wants this evil to be crushed out of existence, the only way in which they can do it is to make it cognizable for three years and see what the result is. If you give compulsory imprisonment, then people will come to realize that it is a real offence. Uneducated people, illiterate people, will only know then.

One argument was used by Honourable Mr. Gadgil that economically it is not sound. May I refer again to his speech wherein he said that he went to the people and told them.....

An Honourable Member: That was an election speech!

Pandit Thakur Das Bhargava: I am proposing the very same thing which he said in his speech.

Now, Sir, with regard to the speeches of the other honourable Members, Chaudhury Ranbir Singh has supported me. Mr. Shibban Lal Saxena has given a very good speech and supported me. Mr. Ramnarayan Singh who usually does not support any measure which goes against the people, feels convinced that this is the only way in which this Bill can work. Mr. Tajamul Husain has supported. Mr. Chaliha has supported me. Mr. Naziruddin Ahmad, a great criminal lawyer that he is, is rather afraid and has become too conservative; he does not want to take any risks, but all the same, on the question of compulsory imprisonment, he has supported me. I find that Dr. Deshmukh is the only gentleman who has supported Mr. Gadgil in regard to the age. In regard to the age, I would request Government kindly to go through the report of the Age of Consent Committee—a product on which they spent something like Rs. 2,88,000 and at least read para. 358 of the report on which this Bill is based. On all other points, I can certainly accept a compromise. I can even accept an opinion which is adverse to my opinion. But I am afraid Government is certainly misguided in having 14 as the age. I am not agreeable to change my opinion unless they show that the entire medical science which says that no girl should be allowed to approach a husband unless she is 15, is wrong. But, I will never agree that the Government should take the age 14 as the proper age.

In regard to the age of 18, it is said that it is the recruitment age, and therefore, it is a good age for marriage. I do not think that there is any qualification like this in the case of recruitment. What has recruitment to do with eligibility for a marriage. Have we forgotten what our Vag Bhatta and Sushruta have said in this matter? In regard to the boy's age of 18 or 19 years, I will not be so dogmatic; but so far as the girl is concerned, I cannot compromise on this age of 14. It cannot be less than 15. But, since this is basically a matter of great importance, if the Government are not agreeable, I would humbly request you to this effect that so far as this Bill is concerned, it may be postponed to the next session. I shall proceed with the Bill clause by clause in the next session, because, I know that the Government will certainly take a different view if the Government will consider the point. It is unfortunate that the entire matter has not been gone into by the Government with the care that it deserves. It pains me, Sir, to say

[Pandit Thakur Das Bhargava]

all this. I cannot understand any Government in this world is capable of saying that 14 is the proper age of marriage for girls. Therefore, this is not the last word. I am optimistic. I know that the Honourable Mr. Gadgil is a patriot. I know that all the gentlemen on the Treasury Benches will take a different view when they come to consider in their moments of solitude that what they are doing is not good for the country. I therefore submit that at this stage this Bill may be allowed to be postponed.

Mr. Deputy-Speaker: I understood the Government to say that out of the three matters, so far as the age is concerned, 15 may be accepted; that imprisonment may stand; but only the offence ought not to be made a cognizable one. That is all. If so, will the honourable Member...

Dr. P. S. Deshmukh: They opposed everything.

Pandit Thakur Das Bhargava: So far as the age is concerned, will they agree to 15? Secondly, do they agree to compulsory imprisonment?

Shri Deshbandhu Gupta (Delhi): If that is the position of the Government, it may be left to the free vote of the House. If it is only the question whether the offence should be a cognizable one, a verbal amendment, at this stage, may be accepted and the Bill may be passed.

Pandit Thakur Das Bhargava: This is a very important matter. I would request you kindly to let us know the position. I do not want to take up this attitude against the Government. If the Government are agreeable to accept the age 15 for girls and make the offence compulsorily imprisonable, then, it is a case for us to consider what we should do.

Mr. Deputy-Speaker: Then, I shall put to vote the motion for consideration. I think the honourable Member has only made a suggestion, and he is not making a motion for withdrawal.

Pandit Thakur Das Bhargava: I withdraw that request, Sir.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Child Marriage Restraint Act, 1929, (Amendment of Sections 3, 4, 5, 6 etc.), the Bill further to amend the Child Marriage Restraint Act, 1929, (Amendment of Sections 2 and 4) and the Bill further to amend the Child Marriage Restraint Act, 1929, (Amendment of Sections 10, 11 and 13), as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: Then, we shall take up the amendments. Clause 2.

Dr. Bakhshi Tek Chand (East Punjab: General): Sir, clause 2 comprises two amendments, with regard to the age of the girl and the age of the boy. Will you put them to vote separately or together.

Mr. Deputy-Speaker: Yes; "for the words 'eighteen' and 'fourteen' the words 'eighteen' and 'fifteen' will be substituted."

Dr. Bakhshi Tek Chand: Will you take the vote separately for raising the age of the girl from 14 to 15 and of the boy to 20 in place of 18?

Mr. Deputy-Speaker: I do not think that is necessary. The honourable the Mover seems to have accepted the age for the boy as 18. He is more particular about the girl's age as 15. Is it the intention of the honourable

Member that clause 2 should read as follows:

"for the words 'eighteen' and 'fourteen' the words 'eighteen' and 'fifteen' shall respectively be substituted."

Pandit Thakur Das Bhargava: I agree to that amendment, Sir.

Mr. Naziruddin Ahmad: It should be formally moved.

Shri Deshbandhu Gupta: I shall move amendment formally, Sir.

Dr. Bakhshi Tek Chand: I move:

"That for clause 2 of the Bill, the following be substituted:

"2. In clause (a) of section 2 of the Child Marriage Restraint Act, 1929 (hereinafter referred to as the said Act), for the word 'fourteen' the word 'fifteen' shall be substituted."

That is all.

Pandit Thakur Das Bhargava: Sir, there is another amendment in my name to clause 2. I do not know what the attitude of the Government will be in regard to this.

Mr. Deputy-Speaker: Let me dispose of this amendment first.

Mr. Naziruddin Ahmad: I wish to speak on this amendment.

Mr. Deputy-Speaker: Let me place the amendment before the House. Amendment moved:

"That for clause 2 of the Bill, the following be substituted:

"2. In clause (a) of section 2 of the Child Marriage Restraint Act, 1929 (hereinafter referred to as the said Act), for the word 'fourteen', the word 'fifteen' shall be substituted."

Mr. Naziruddin Ahmad: I think the raising of the girl's age will work considerable hardship.

Mr. Deputy-Speaker: The honourable Member has said so.

Mr. Naziruddin Ahmad: I wish to make it known that this decision has been reached rather hastily. With regard to the boy, the age may have been increased. But, with regard to the girl, we are not facing facts. We are blinding ourselves to our own personal experience. I therefore oppose the amendment.

Mr. Deputy-Speaker: I shall now put the amendment to vote. So far as the other amendment is concerned, Pandit Thakur Das Bhargava may move it later.

The question is:

"That for clause 2 of the Bill, the following be substituted:

"2. In clause (a) of section 2 of the Child Marriage Restraint Act, 1929 (hereinafter referred to as the said Act), for the word 'fourteen', the word 'fifteen' shall be substituted."

Babu Ramanarayan Singh: Who has moved this amendment?

Mr. Deputy-Speaker: Dr. Bakhshi Tek Chand:

The motion was adopted.

Pandit Thakur Das Bhargava: In regard to this amendment, Sir, that is, a man over 45 years of age should not be allowed to marry a girl under 18 years, I do not know what the reactions of the Government would be.

The Honourable Shri N. V. Gadgil: That has been rejected by the Select Committee unanimously.

Pandit Thakur Das Bhargava: Since there is no time, I do not propose to move this amendment. But I reserve my right to bring forward another Bill in regard to this matter.

Mr. Deputy-Speaker: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Pandit Thakur Das Bhargava: Before the honourable Member, Mr. Sarwate, is allowed to move his amendment, may I raise a point of order, Sir? His amendment is out of order since the basic principle of the Bill itself is affected, whereas this is only an amending Bill and only certain sections have got to be amended. But he wants the amendment of the very Act, itself. He wants to say that instead of the word 'solemnization' the words "the consummation of marriage" to be substituted. This cuts at the very root of the previous Bill and therefore it is out of order.

Dr. P. S. Deshmukh: I support the amendment that has been moved.

Mr. Deputy-Speaker: The honourable Member has not moved any amendment. Pandit Thakur Das Bhargava has raised a point of order that this is not germane to the amending Bill. I would like to hear the honourable Member regarding this point of order.

Shri V. S. Sarwate: It is not against the object of the Bill. The object of the Bill, as I said before, is to prevent premature maternity.

Shri Deshbandhu Gupta: May I interrupt the honourable Member and remind the House that the honourable the Speaker had the same view this morning that this went against the very principle of the Bill.

Pandit Thakur Das Bhargava: He said so.

Mr. Deputy-Speaker: I am afraid there is a difference. Before the matter came up before him the Speaker felt that it might be his opinion. The matter has now come for consideration and has to be heard.

Shri V. S. Sarwate: As this is germane to the object of the Bill, there is nothing beyond the scope of the Bill and there is no irregularity in suggesting this amendment; it is perfectly within the four corners of the Bill.

Dr. P. S. Deshmukh: I rise to support the amendment.

Mr. Deputy-Speaker: Order, order. The honourable Member will kindly resume his seat.

Dr. P. S. Deshmukh: On this point of order, I submit that the contention is that this is a negative amendment. I strongly suggest that this is not the case because after all the intention of the honourable Member the Mover also is to stop child marriage, and early pregnancy etc., and that object is fulfilled. As a matter of fact, Sir, the way in which we are discussing this Bill is somewhat novel, because the Government absolutely clearly and unambiguously stated that it was not in favour of increase of any age whatsoever. So what we are trying to do now is by way of a compromise. So the Bill was completely killed. As a matter of fact, you have resurrected it and have brought it into existence by giving the honourable Member a chance to move his amendment for raising the age to 15. It would be in the fitness of things especially in view of what has occurred and in the view which has been held by Government as well as by the members of the House that this amendment ought to be allowed, because it does not negative, but substantially fulfils the purpose of the enactment.

Dr. Bakhshi Tek Chand: Regarding the point of order raised by Pandit Thakur Das Bhargava, the original Act—known as the Sarda Act—is styled: "Whereas it is expedient to restrain the solemnization of child marriage Bill". The Bill is to restrain the solemnization of marriages and not the consummation of marriages. With regard to solemnization, certain ages were fixed in the original Act. Pandit Thakur Das Bhargava by his amending Bill seeks to raise those ages and also to modify the punishment, as that was perfectly within the purview of the original Act and that of this Bill. Now my honourable friend, Mr. Sarwate says "omit all reference to 'solemnization' altogether and substitute the word 'consummation' in its place". This will be beyond the scope of the original Act as well as the amending Bill which Pandit Bhargava has moved, and I submit it is a very sound point of order which Pandit Thakur Das Bhargava has raised. If my honourable friend, Mr. Sarwate or any other member of this House wishes to introduce new legislation that marriages may be solemnised at any age but should not be consummated up to a particular age, he may bring a new Bill before the House and the House will consider it on its merits. So far as this amending Bill is concerned, I submit the substitution of the word 'consummation' instead of 'solemnization' can not be allowed. The amendments are out of order.

Mr. Deputy-Speaker: I agree with the point of order raised. The amendment seeks to alter the very nature not only of this Bill, but even of the original Act. The original Act was intended to restrain solemnization of child marriages as it is well known it is more difficult to prevent the consummation when once the marriage takes place and therefore the object will defeat itself and therefore it is restricted to solemnization. So far as this Bill is concerned, the amending Bill only relates to certain sections and in a particular manner and advantage cannot be taken of that amending Bill to introduce amendments to the original Act. These are matters which are not the subject matter of the amending Bill and on that also the honourable Member's amendments are out of order. Further in the order sheet the Honourable Mr. Sarwate wanted to substitute the word 'consummate' for the word 'solemnized' in the earlier section 2 which is the definite section. Now he has given that up. All the other clauses that follow are consequential namely, 3, 4, 5, 6. He has continued the same expression, namely for the word 'contract' the word 'consummate' shall be used. From the preface to his very amendment it has struck me that all his amendments would be lost without a definition of that kind and we cannot understand what 'consummation' is. The word 'solemnisation' will continue in the definition section and consummation will be there in the later sections and on these grounds, I rule his amendments as out of order, not only his amendment No. 3 but all the other amendments.

The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Mr. Deputy-Speaker: Clause 4. Pandit Thakur Das Bhargava's amendment is only consequential. I thought he gave it up. I suppose he is not moving it.

Pandit Thakur Das Bhargava: Not moving it.

Mr. Deputy-Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

The Honourable Shri N. V. Gadgil: The whole clause 6 goes.

Mr. Deputy-Speaker: The question is:

"That clause 6 stand part of the Bill"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Pandit Thakur Das Bhargava: Sir, I move:

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

I do not want to take up the time of the House but would beg of the House to kindly pass it as soon as possible.

Dr. P. S. Deshmukh: Referring to the way in which we have gone back on a decision which was more or less accepted, I wish to say that we have passed the whole thing in such a hurry. I am not sure if there are not incongruities in the way in which we have passed the various sections and since the attitude of the Government was made clear by the honourable Minister, Shri N. V. Gadgil, I think, Sir, the Bill should not be passed if necessary and if we think that any change is justified and the Government also agrees, there might be a fresh Bill which could be passed in one session. Therefore, I oppose the Bill.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

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

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, as reported by the Select Committee, be taken into consideration."

In regard to this Bill I have not to say much. The report of the Select Committee is unanimous and the report of the Age of Consent Committee is also absolutely unanimous on this point. Previously I could understand the Government's hesitation in agreeing to a Bill of this nature. But, since we have passed the other Bill and made the marriageable age 15, there is no point in not making the age of consent fifteen. So far as the powers of the husband are concerned, they are on the same level as they should be according to the accepted notions of the relations between husband and wife. Now, the age being the same, if we succeed in seeing that the marriageable age is observed, there will be no occasion for this Bill coming into operation against any person.

INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL 2335

In regard to this Bill there are two points to be noted in the report of the Select Committee. It did not agree to raise the age from 16 to 18 in regard to extra-marital relations. I am however of opinion on very good grounds that the age should be increased to 18. There is a large volume of opinion in favour of making it 18, instead of 16. For the purpose of sections, 366-A and 366-B the age is 18 and for the purpose of section 372 and 373 also the age is 18. The position is this: if a person entices away a woman or girl of the age below 18 and takes her to his home, then the law can be invoked against him under section 552. The girl can be set at liberty and the man punished under section 361 as amended by the Select Committee. But if a person goes to the ancestral house of a girl below 18 on being called and has intercourse with her he will not be guilty if the age is not increased to 18. So far as my amendment is concerned, I will see how the debate proceeds and then decide if I should move it. So far as the raising of the age from 13 to 15 goes, the report of the Select Committee is unanimous. And in this matter I have got the blessings of Honourable Sardar Patel also. When the Bill was sent to the country Sardar Patel told us that it was overdue, but he wanted the opinion of the country to be ascertained. When that opinion was received it was found to be 100 per cent. in favour. I do not want to take up the time of the House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, as reported by the Select Committee, be taken into consideration."

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): In this matter the decision of the Select Committee is almost unanimous and therefore I have nothing to say about it. As regards the point raised by Mr. Bhargava in his Minute of Dissent, I do not think the Government will be able to accept it at this stage. I do not think I need say anything more.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Pandit Thakur Das Bhargava: I do not propose to move my amendment to clause 3. I however reserve my right to bring it by another Bill.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 and 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Pandit Thakur Das Bhargava: I move:

"That the Bill, as amended be passed."

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

HINDU MARRIAGES VALIDITY BILL

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

"That the Bill to provide that marriages between Hindus, Sikhs, Jains and their different castes and sub-castes are valid, as reported by the Select Committee, be taken into consideration."

Sir, in so far as this Bill is concerned,.....

Mr. Deputy-Speaker: The honourable Member may go on slowly and audibly.

Pandit Thakur Das Bhargava: When this Bill was sent to the Select Committee the entire House supported it. There was not a single dissentient voice excepting one on the basis that the Hindu Code Bill was coming. My submission is that if this Bill is passed, it will pave the way for the Hindu Code Bill. The provisions in both are absolutely the same. Before this Bill was introduced, the Arya Marriage Validation Act under which a member of the Arya Samaj could marry any person even of a different caste was in force in India. In Punjab today there are marriages between Jains and Hindus and there is absolutely no objection to that and the off-spring of the union is allowed to inherit. In the society there is absolutely no criticism of such marriages. Among Sikhs and Hindus today marriages are being performed without any objection and society accepts such marriages as valid. The only question that remains is whether according to the tenets of the Hindu law such marriages are valid or not. In regard to marriages between different sections of the same caste we have already passed a law, as also in regard to sagotra marriages, etc. That is the present condition of the law. Now, what this Bill seeks to say is that if marriages between Hindus, Sikhs and Jains and between the different castes and sub-castes take place, they will be valid and shall be deemed to have always been valid. That is the only one provision. This is an enabling provision. It does not force any person to have form of marriage. It only gives him liberty to have such marriages.

I would remind the House that a Bill of this nature was moved by the late President Patel in 1921 on almost these very lines. Today we have proceeded further in the direction of social reform and today this is the demand of the country. The country demands a classless society and does not want any restrictions between castes and religions so that marriages between members of the different religions may be solemnised. Today if a person wants to marry a member belonging to some community or religion other than his own he has to take shelter under the Civil Marriages Act. After this Bill becomes an Act he need not have recourse to that Act. Certain restrictions and disabilities now exist in regard to such marriages and all of them will be removed under the provision of this Bill.

Since this Bill has received such a reception I do not want to expatiate on the advantages of such marriages. I can only say that Mahatma Gandhi recognised the need for this and he married his son in accordance with the principles laid down here. Swami Shirdhanand married all his children in castes other than in his own. Some of our other leaders have done so also. This is a Bill which will do good to our nation and this is a Bill of the first importance. After it is passed we will be able to say that we have given

effect to the principle of political equality in the Objective Resolution and other sections of the constitution whereas this measure if passed will constitute a Charter of social equality to all the different castes and religions.

Dr. P. S. Deshmukh (C.P. and Berar: General): Sir, I support this Bill. It is a reform which is long overdue and the House and the country will be grateful to the honourable Mover for bringing this Bill forward. There is a provision to give retrospective effect to the Bill which I think is absolutely necessary, and without which much of the benefit likely to follow from it would be lost. I therefore disagree with the note of dissent which you, Sir, have appended and I hope the provision about retrospective effect will be maintained.

As there are no amendments I suggest that we might save time by taking the whole Bill in a consolidated form and pass it.

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): Sir, this Bill has the support of Government, which only illustrates how very progressive Government is. As the Bill is only permissive and undoubtedly of a progressive character, it would be foolish in this year of grace 1949 to say that marriages between different sub-castes among Hindus are bad. I am particularly happy that it was given to Dr. Deshmukh to see the day when a Bill making marriage of this character valid has been put on the statute-book and declared valid because he was a pioneer in this respect. So I hope that before the clock strikes Five this Bill will be put on the statute-book.

Shri Raj Bahadur (United State of Matsya): Sir, it has been aptly said that the Bill is of a permissive and enabling nature. It is also agreed upon in all sides that it was long overdue, and it is only meet and proper that it should be passed now. I feel that in the process of unification of our nation such measures are a dire necessity. I believe that for the complete solidarity of our nation we must eliminate the caste system, root, stalk and branch as early as possible. We know how during the course of our long history the caste system and caste prejudices have come in the way of our progress. In fact it has accounted for our slavery which extended for centuries. So when I say that this Bill is only of a permissive character I also say that I consider it only as a beginning in the right direction. It is not an end in itself but only a means to an end. I hope to live to see the day when there will be passed a more effective and stronger piece of legislation by this House enforcing that no young man or woman should be able to marry in the so-called caste to which he or she happens to belong. Until that is done it is almost impossible to unify the nation. I may, perhaps be saying this far in advance of the proper time, but I can emphatically state that that is the feeling among most of the people of my generation. We know how we have suffered because of the baneful effects of the caste system, and it was high time that we should take some step in this direction. Hence I welcome this humble beginning in the form—or the present measure which is on the anvil of legislation. I hope we would very soon have another measure which will be still more effective in unifying our nation. The honourable Minister Mr. Gadgil said that Government's support of this Bill shows the progressive nature of Government. I know they are progressive but I want them to be still more progressive and bring in some stronger pieces of legislation, at their own initiative.

Sir, I welcome this measure and support it whole-heartedly.

Shri Prabhu Dayal Himatsingka (West Bengal: General): Sir, in your note of dissent you say that marriage must be defined. I do not see why it should be defined because everybody understands what marriage is. I should like to understand your note of dissent.

Mr. Deputy-Speaker: What I meant was the marriage between people of different castes before this law would not be valid. For such invalid marriage no form of marriage has been given. It cannot be said that because they belong to different castes it cannot become invalid but they could not have gone through any form of marriage prescribed for these people. Therefore whatever might be the form of marriage it should be valid under this law. In the Shastras they did not provide for these inter-caste marriages because they did not contemplate such marriages. Therefore whatever form of marriage was gone through, whether under the Hindu Codes or not should be made valid. I will now put the question:

The question is:

"That the Bill to provide that marriages between Hindus, Sikhs, Jains and their different castes and sub-castes are valid, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Pandit Thakur Das Bhargava: Sir, I move:

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

Mr. Deputy-Speaker: Motion moved:

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

Pandit Thakur Das Bhargava: Your view Sir, that since the form of marriage is not given here, it is doubtful whether any person will be able to take advantage of it is not right. My submission is that we know what the forms of marriage are. Any form of marriage recognised by Hindu Law as applicable to Hindus, Jains and Sikhs will be regarded as a valid marriage.

Mr. Deputy-Speaker: Not to all Hindus!

Pandit Thakur Das Bhargava: The Hindu Law applies to Sikhs and Jains equally. Please consult page 59 of Gaurs Hindu Code and pages 88-89 of Maynes' Hindu Code. A number of instances are given on these pages to show that Sikhs and Jains are bound by the same law as the Hindus. So far as the question of the form of marriage is concerned, this is not doubtful. What the Bill aims at is this: that no marriage will be invalid on the basis that the parties are Hindus, Sikhs, Jains, or their Castes and sub-castes. It must be a marriage according to forms known to Hindu Law. This Bill goes to show that if the marriage.....

Mr. Deputy-Speaker: On the other hand they say that that is no marriage at all. Take the case for adoption. Giving and taking is necessary. Now there is no adoption recognised amongst Muslims and they may bring in some law saying notwithstanding anything hitherto, there may be an adoption. But the essentials of adoption are not there. It is not provided for in the Muslim law. Here it is not contemplated that one caste may marry another caste.

No specified forms of marriage have been prescribed for such inter-caste marriages. Then what is the form of marriage that will be applicable? And if any particular form is not applicable it may not be considered a marriage at all.

Pandit Thakur Das Bhargava: Even today marriages take place between Jains and Hindus and Sikhs and there is no objection to such marriages. They are solemnized according to known principles and forms. After all the Hindu Law is not so barren as not to provide forms of marriages. Marriages are recognised as good among the sub-castes. But the marriages between Hindus and sub-castes were not previously valid. But since that was passed all these are recognised as good and the forms are as they were before. The House is fully aware how Mahabir Swami fought in his days for the eradication of castes. The Gurus of the Sikhs fought in the same way as Mahabir fought. Jains and Sikhs do not accept any caste distinction in theory. They cannot but accept it because they do not recognise any caste. So far as the Hindus are concerned, our ancient Shastras did not recognise any such caste based on birth. Did not Lord Krishna say:

चातुर्वर्ण्यं मया सृष्टं गुणकर्म विभाग

("I have created all the four castes according to respective quarters and actions"). This we have in the Gita. So we are reverting back to our own practices and we are not making any new change.

Today I feel very satisfied that we are doing the right thing and all those who have gone before us will feel satisfied that in this age when the National Government was in office, they accepted, promoted and recognised the validity of this Bill. Now where is the man in this country who will say that the Government are not taking absolutely a national view in all such matters? The passage of this Bill is an example of Swarnj in practice. I submit that the Government have done the right thing in accepting this Bill and again I congratulate the House, and I cannot finish my speech without again reminding the House of the great service which our President Patel, whose picture I find there, did in regard to this aspect of our marriage laws. He is the original mover of this Bill and if tradition allows, I would like to call this Bill the Patel Hindu Marriages Validity Bill.

Today we are in a position to pass this Bill without a dissentient voice. I once again congratulate the whole House because they have taken this Bill in the right spirit.

Shri B. Das (Orissa: General): I congratulate my friend, Pandit Thakur Das Bhargava for having gained the triple crown of having had, as a non-official member, three non-official Bills passed on the same day. My honourable friend Dr. Hari Singh Gour, I am glad to see is also present today. He has been the father of all such social reforms.

Pandit Thakur Das Bhargava: He is the virtual father of these Bills.

Shri B. Das: I do not know what will be the result of this Bill but I somehow feel in these days of liberty and licence in our youth a lot of mischief is liable to be done but not being a lawyer I do not worry my head over it. It is for my friends Pandit Thakur Das Bhargava and other lawyer friends like Pandit Mukut Bihari Lal Bhargava and others to settle the points of law that may arise hereafter. I once again congratulate Pandit Thakur Das Bhargava on his triple success.

Mr. Deputy-Speaker: If honourable Members want to finish this Bill today they must be quick and speak for one minute each.

श्री लक्ष्मीनारायण साहू : वाचस्पतिजी, मैं इस प्रस्तुत विधि का स्वागत करता हूँ। लेकिन स्वागत करते हुए भी मैं इतना ज़रूर कहूँगा कि अभी आज हिन्दू, सिख और जैन आदि कास्ट्स और सब कास्ट्स जो हैं उनमें जो शादी होगी वह शादी अनुमतिसूचक कर दी गई है। लेकिन मैं तो सोचता हूँ कि इसमें मुसलमान और क्रिश्चियन भी होते तो क्या हर्ज था। उनके इसमें आ जाने से मुझे और भी आनंद होता क्योंकि आज तो सभी चाहते हैं कि जात पात खत्म हो जाय। हम लोग चाहते हैं कि सारे हिन्दुस्तान में कोई भी हिन्दू मुसलमान इत्यादि नहीं रहे। सब इन्डियन हों। इस लिये मैं चाहता हूँ कि यह शब्दावली और भी जोड़ देते तो अच्छा होता।

(English translation of the above speech.)

Shri Lakshminarayan Sahu (Orissa: General): I welcome this Bill. While doing so, I should like to say that now when the marriages between Hindus, Sikhs and Jains and their different castes and sub-castes have been made valid; I think that there was no harm if the 'Muslims' and 'Christians' too had been included in this Bill. It would have given me great pleasure if they had been brought within the scope of this Bill, because to-day every body wants that the Caste System should be abolished. We want that none should be called as Hindu or Muslim etc. throughout the whole of India. Every one should be called an Indian. Therefore, I feel that it would have been much better if these words had also been included in this Bill.

Shri Deshbandhu Gupta (Delhi): I join my friend, Mr. B. Das in congratulating my friend Thakur Das Bhargava on the great service that he has rendered by putting forth these Bills with such vehemence. I wish to point out that it has been emphasized that this is an enabling Bill. I wish to emphasize that full advantage should be taken of this and I do hope the country will take the fullest advantage of it and that it will not remain an enabling Bill and that we will see that all castes and sub-castes will inter-marry and thus bring to an end the curse of the caste-system.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Tuesday, the 5th April, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS),
Tuesday, 5th April, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS.

(See Part I).

11-45 A.M.

CLOSING DATE OF THE ASSEMBLY SESSION

Shri H. V. Kamath (C.P. and Berar: General): Before we proceed to the next item on the agenda, may I venture to remind you, Sir, that we are still completely in the dark about the closing date of this Session?

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): There are three days left according to the schedule. The Government do not propose to ask for any more days for the Hindu Code. It is unnecessary waste of time and therefore we do not intend to make any further effort for its consideration this session. But the remaining items of business consist of 24 Bills which, though small, are of a very urgent character. If the House co-operates I am sure we can finish them all in scheduled time. Therefore I will appeal to the House to accord full co-operation. Let us finish this session in scheduled time.

Shri H. V. Kamath: Has the House failed to give true co-operation so far?

Mr. Speaker: Let us not use the time in discussing that question.

Shri B. K. Sidhva (C.P. and Berar: General): The Honourable the Leader of the House raised an important matter about the Questions and you told Mr. Das to see you in your chamber. My submission is that, as the question has been raised on the floor of the House, it may be discussed in the House and the Members' difficulties taken note of by the Leader of the House.

Mr. Speaker: That can be done in the Chamber. Such of the Members as want to make any suggestion are welcome to discuss the matter with me. Let us take this step as the first step in co-operation.

PAPERS LAID ON THE TABLE

- (1) REPORT OF ACTIVITIES OF DEPARTMENT OF EXPLOSIVES
- (2) REPORT OF COAL MINES STOWING BOARD.
- (3) REPORT ON THE ESTATE OFFICE.

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): I beg to lay on the table a copy of each of the following *Reports, namely:

- (1) A short Report on the activities of the Department of Explosives during the six years ending 31st March, 1947.
- (2) Annual Report of the Coal Mines Stowing Board for 1947-48, and
- (3) Report on the Estate Office, 1948.

*Not printed in the day's debates. Copies placed in the Library of the House.—
Ed. of D.

ELECTION TO CENTRAL TEA BOARD

The Honourable Shri K. C. Neogy (Minister of Commerce): I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two members from among themselves to be members of the Central Tea Board in terms of sub-sections (3) (iii) and (4) of Section 4 of the Central Tea Board Act, 1949."

This Act was passed by this House only a few days back and it has since received the assent of His Excellency the Governor-General. I do not think I need say anything more.

Mr. Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two members from among themselves to be members of the Central Tea Board in terms of sub-section (3) (iii) and (4) of Section 4 of the Central Tea Board Act, 1949."

The motion was adopted.

ELECTION TO CENTRAL ADVISORY BOARD OF ARCHAEOLOGY

آنریبل مولانا ابوالکلام آزاد: جناب! میں تجویز کرتا ہوں کہ اس اسمبلی کو چاہیے کہ ایسے طریقہ سے جو آنریبل اسپیکر تہیہ کر دیں دو ممبروں کو چننے کی کارروائی انجام دے۔ یہ چناؤ سنٹرل ایڈوائزری بورڈ آف آرکیالاجی کی ان دو جگہوں کے لئے کیا جائیگا جو سری رنگناتھ رام چندر دواکر اور سری ٹی۔ اے۔ آر۔ چیتیار کے رزائن کرنے کی وجہ سے خالی ہو گئیں۔

The Honourable Maulana Abul Kalam Azad (Minister of Education): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two members to serve on the Central Advisory Board of Archaeology in India constituted by the Government of India vice Shri R. R. Diwakar and Shri T. A. Ramalingam Chettiar resigned from the Board."

Mr. Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two members to serve on the Central Advisory Board of Archaeology in India constituted by the Government of India vice Shri R. R. Diwakar and Shri T. A. Ramalingam Chettiar resigned from the Board."

The motion was adopted.

Mr. Speaker: I have to inform Honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committee, namely:

	Date for Nomination	Date for election
1. Central Tea Board		
2. Central Advisory Board of Archaeo- logy.	6-4-1949	7-4-1949.

The nominations for these Committees will be received in the Notice Office upto 12 Noon on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's room (No. 21) in the Council House between the hours 10-30 A.M. and 1 P.M.

WEST GODAVARI DISTRICT (ASSIMILATION OF LAWS ON FEDERAL SUBJECTS) BILL

The Honourable Shri Satyanarayan Sinha (Minister of State): I beg to move for leave to introduce a Bill to assimilate certain laws in force in different parts of the West Godavari District of the province of Madras.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to assimilate certain laws in force in different parts of the West Godavari District of the province of Madras."

The motion was adopted.

The Honourable Shri Satyanarayan Sinha: I introduce the Bill.

INDIAN SUCCESSION (AMENDMENT) BILL

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): I beg to move for leave to introduce a Bill further to amend the Indian Succession Act, 1925.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Succession Act, 1925."

The motion was adopted.

The Honourable Sardar Vallabhbhai Patel: I introduce the Bill.

ESSENTIAL SUPPLIES (TEMPORARY POWERS) AMENDMENT BILL—concl'd.

Mr. Speaker: The House will now proceed with the further consideration of the following motion:

"That the Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946, be taken into consideration."

Shri Prabhu Dayal Himatsingka (West Bengal: General): On the last occasion when this Bill was being discussed I stated that in view of the existing provisions in the Essential Supplies Act it is not necessary that the Bill that has been introduced should be proceeded with or passed. As you know, the present Section 7, which is sought to be amended, provides that if there is any contravention of any order either on food stuffs or textiles, the accused shall be punishable with imprisonment which may extend to three years or with fine or with both and if the order so provides the article concerned shall be forfeited to His Majesty. What the honourable Minister seeks here is to change the word 'may' into 'shall'. He wants that wherever there is a contravention of the order, the court shall sentence the accused to imprisonment which may extend to three years and may also impose a fine. Therefore the intention is to take away the discretion that is left to the court. Here the amendment does not make any distinction or differentiation in the gravity of the offences. A violation of the control order as regards food supplies may be a minor offence in the nature of failure to file a return prescribed in time. Even in regard to this it is proposed that the court shall be bound to inflict imprisonment as a punishment irrespective of the nature of the offence. That is what I object to. If the honourable Minister thinks that the courts are not administering the present law as they should, that merely shows that public opinion is not strong enough to compel the court or induce the court to inflict the punishment of imprisonment. If the law be made so stringent that the court is left with no option, the tendency of the court would be to acquit the accused, unless the offence

[Shri Prabhu Dayal Himatsingka]

be of a very grave nature. If it is of such a grave nature the court is expected to and I am sure the courts do inflict the punishment of imprisonment. If the honourable Minister had quoted facts or given us the number of cases where punishments have not been adequate to the offence and offenders are being encouraged thereby one could understand. Nor has any attempt been made to distinguish about the nature of the offences. If you want to make a punishment deterrent or produce the desired effect on would-be offenders, the offences that have been made punishable and the severer punishments provided therefor should be made known to the people. What has been happening here is this. The law has been there for the last three years and not one single copy of the rules and regulations is available anywhere. As a matter of fact in August last in connection with the amendment relating to offences in textiles I raised the question and at that time the honourable Minister for Industries gave an assurance that he will see to it that the control orders are made available. I wrote a letter in the beginning of this session and, Sir, you will be surprised to know that the answer was that they were not still in a position to place it in the hands of the public who wanted it. The honourable Minister has written to say that

"A comprehensive manual containing the control orders or statutory orders and rules and important circulars has been compiled and is now in the press. The difficulty is that the Government Press is unable to undertake the work because it is fully occupied, and private presses are unable to undertake the job."

The Honourable Shri Jairamdas Doulatram (Minister of Food and Agriculture): May I know whether the reference of the honourable Member is to a letter from me or from the Minister of Industry and Supply?

Shri Prabhu Dayal Himatsingka: I wrote a letter to the Minister of Industry and Supply and I also made an enquiry from the Minister of Agriculture. My letter was sent to the Ministry of Industry and Supply and the reply I received is dated the 18th March from Mr. K. Sen, Jaisalmere House, Government of India, Ministry of Industry and Supply. This is the letter that I have read out from.

My submission is that if you really want to make the law effective you must make it known to the public. It is no use depending on the maxim that everybody is supposed to know the law. True that everybody is supposed to know the law but if the offence is committed you do not want to punish him for punishment's sake but to see that he does not commit the offence in future. If that is the intention of the Government, certainly they should take steps to make the provisions of the law known. It is not the punishment that will stop this kind of offences but it is the extensive information that is made known to the people.

Let us see what is happening today in the different provinces and states. A tussle is going on as to who should be the Minister or who should be in power. Nothing is being done to educate the people or bring to bear on the people a

12 NOON certain amount of moral pressure or persuasion to make them fall in line with the Government or co-operate with it. Persons who are engaged in governing the Provinces and States are engaged in quarrelling among themselves. Today's newspapers mention three different places where ministerial quarrel is going on. What can you expect from the general public when they find this state of things amongst persons who are expected to set an example to the public and lead them on to the right path. At any rate, what is needed is that we should educate the people. Let them know what their duties are. It is no use promulgating laws which will make the government a laughing stock, because in most cases the offenders go undetected. Very few cases are brought to book and such cases are for minor offences such as a man carrying five seers instead of four seers of rice or ten seers instead of nine. There are

different provisions and offences in different provinces. If a member coming to Delhi, thinks that rice is not available in Delhi, and has rice in his own house and he may start say from Bengal with five seers of rice. It may be all right when he started from Bengal but crossing the Bengal border and coming into Bihar it may be an offence to carry five seers of rice according to a law promulgated there. Further up it may not be an offence in U.P. and when he arrives in Delhi it may be an offence again. I am sure if honourable Members present in the House have to make arrangements for their food they may be violating the law every day in the matter of rice and wheat. If my honourable friend Mr. Sidhva, who has tabled an amendment that the punishment must be seven years and the fine must not be less than Rs. 10,000, is also of the same view he is welcome. If he thinks that the offences are committed by big businessmen or industrialists and on that basis he has tabled his amendment, he will be sorry, because as he will find from the figures given by the honourable Minister these offences are mostly of a trivial nature. I would therefore request the honourable Minister to consider whether there is any necessity for proceeding with this Bill.

Shri R. K. Sidhva (C.P. and Berar: General): Sir, I rise to support the provisions of this Bill. My honourable friend Mr. Himatsingka asked what was the necessity for the honourable Minister to bring an amendment to the original Act. He said that there was already a clause in the original Act empowering the infliction of a deterrent sentence on an offender. He probably forgets that that clause has not had the desired effect upon the offenders who have been systematically flouting the provisions of the law which is supposed to be stringent but is not so in fact. In this very session in reply to a question the honourable Minister for Industry and Supply revealed that commodities worth 35 Lakhs of rupees from the city of Delhi only were discovered in underground godowns and illegal export and import trade channels were operated on from Delhi. He stated also that most of the goods were cloth, food, potatoes and several other articles. He further stated.....

Pandit Thakur Das Bhargava (East Punjab: General): May I ask if the honourable Minister said anything about foodstuffs?

Shri R. K. Sidhva: Potatoes come under food stuffs. 3,500 maunds of potatoes, if it is food stuff and 400 maunds of rice, if it is food stuff. There were also a lot of cloth. It is not food stuff but certainly it is a second important necessity as my friend knows. In all, 260 cases were detected and some 400 persons were arrested of whom 337 were convicted. And what were the sentences that the magistrate gave? Fines from Rs. 20 to 4,000. I do not know how many were fined Rs. 4,000. To a supplementary question he was not able to give me the answer. The imprisonment ranged from the rising of the court to four months rigorous imprisonment. How many were sentenced to imprisonment till the rising of the court and how many for ten days or one month and how many for four months, I could not know in answer to a supplementary question.

This very fact shows that despite the original clause, the Magistrates have been very lenient in awarding sentences. My friend, Mr. Himatsingka, will realize the necessity of the honourable Minister bringing forward this amendment. Personally, I would go still further and make the maximum period of imprisonment seven years instead of three years. If my friend were to read what is happening in foreign countries as regards any infringement of the Control Act he would be surprised and staggered. In certain cases they were hanged and in certain other cases the offenders were transported for life. This is a matter in which the Government is deceived by a certain class of people. I cannot say whether it is by the rich class or not. I have never specified it. But in such matters, the time has come when these people should realize what an amount of dis-service to society they do by infringing the provisions of the

[Shri R. K. Sidhva]

Act. Despite the sentence being for three years, it has had no effect on them. They do not care. I have been advocating that unless you confiscate their property, they will not come to their senses. To them, money is more dear than going to jail for three to four years. An effort has been made in this Bill that the property involved should also be confiscated. I welcome it. Again, in this Bill, a little latitude is given to the Magistrate. If you see the provision in clause 7 which is contemplated to be amended, it reads: "the Magistrate may fine". It is stated in the original Bill that he should be imprisoned and also fined. But again it is left to the discretion of the Magistrate. In the event of his finding that there is justification for a fine, he can fine but he must give reasons for it.

I do not want to go into the discretion of trying Magistrates. Sometimes, there may be a trivial offence and certainly a man should not be punished for a trivial offence by imprisonment of a long or short duration. Therefore the Magistrate has been empowered with this latitude. But in this matter, every year, we are bringing forward some sort of an amendment to the original Act on Essential Supplies and our experience has not been very happy. Our experience has been that despite these amendments from time to time, the effect on it has not been very satisfactory and I shall not subscribe to the views of my honourable friend, Mr. Himatsingka that public opinion has not been ascertained by the Ministry. Nor do I agree with him that because there are many ministerial quarrels, therefore these things should be permitted to happen. I am rather surprised. Does he mean to say that because Ministries are quarrelling such offenders should be allowed to go free and violate the provisions of the Act? What has this to do with the Ministries? Ministerial quarrels go on in all countries. But the provisions of the law have to be obeyed. His is a lame excuse. It is true that Government should have resorted to propaganda to elicit public opinion. I can appreciate that. But that does not mean that because it has not been done, therefore people should infringe the provisions of the Act which have been framed for the betterment of society. I therefore welcome the provisions of the Bill and I think my amendment, which I shall move when the time comes, is none too early in effecting such a change, although it is merely of a minor nature.

One point, of course, I welcome: as I stated before, it relates to confiscation of property and that is a great thing. It will go a great way if this is done. Out of this Rs. 35 lakhs of goods I asked the honourable Minister as to how much was confiscated. He could not tell me, though I have learned that it was of a few thousands of rupees only. If such kind of property is detected, all of it should be confiscated to the State. There should be no consideration as far as that is concerned and I want that clause be more stringent because that will have a deterrent effect on the offenders. With these words, I give my fullest support to the provisions of this Bill.

Dr. P. K. Sen (Bihar: General): There is only one point on which I wish to offer one or two observations and also to support my honourable friend, Mr. Himatsingka's amendment. He recommends that discretion of the Court shall prevail and there should be no fixed hide-bound law which the Magistrate, or the Court concerned has to administer. My honourable friend, Mr. Sidhva, says: no, we want to punish them adequately and therefore there should be no change at all. Make it "shall", so that in every case there shall be imprisonment.

But I may say, with great respect to my honourable friend, Mr. Sidhva, that his view as regards punishment is antediluvian. At the present moment, everywhere in the civilized world, there is an endeavour to make the law adjustable to the individual by what is called 'individualization' and that can

only be done in our present system by leaving discretion in the hands of the Court concerned to modulate the punishment. You can have either imprisonment or fine, or both—just as you like: just as circumstances of the case would really dictate. If on the other hand, we say, no, in every case it is such a heinous offence that it must be met with imprisonment, we shall come to grief. As a matter of fact, every day we find from experience that you cannot get a seer of rice or even half a seer from the ration shops. Even today I heard that the ration shop had declared that from next week there shall be no rice at all in their stock. Under these circumstances a man may have to take to dubious ways to get what he wants for sustenance of his life. For such action he should not be liable to be punished with imprisonment for three years, with or without fine. I do submit that this would be a very inflexible way of administering punishment. Punishment should not be so rigid, inflexible and hide-bound. It has got to be modulated according to the circumstances of each case. Hence I feel that the amendment is worthy of our acceptance.

Pandit Thakur Das Bhargava: If you will be pleased to consider the provisions of the original Act, you will see that the executive is armed with very extensive powers. In regard to this, one of the provisions—clause 14—runs:

"No order made in exercise of any power conferred by or under this Act shall be called in question in any Court."

If you are pleased to consider along with this the provisions of section 3, which embraces in the first instance a general provision, you will find that it runs like this:

"The Central Government, so far as it appears to it to be necessary or expedient for maintaining or increasing supplies of any essential commodity, or for securing their equitable distribution and availability at fair prices, may by notified order provide for regulating or prohibiting the production, supply and distribution thereof and trade and commerce therein."

Nothing can be wider than this. Then when in the second clause this power was given a concrete form, even there it is divided into about eight or nine paras. and they too, are not specific. They are rather vague, indefinite, and one does not know what order may not be passed by any executive officer under them. But when you kindly see the range of these orders you will be pleased to note that they begin with the regulation "by licences, permits or otherwise the production or manufacture of any essential commodity" and they say that the order may provide "for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters" and also to

"produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto, as may be specified in the order..."

So that the range of orders which can be issued under clause 3 is of a peculiar kind and is very extensive in its scope. But unfortunately when we come to section 7, where the punishment is provided for all these crimes, one is reminded of the story: "Take ser bhaji take ser khaja, Andher nagari chopat raja". If a person does not give any information he should be sent to prison for three years. If a person does not obey a rule which may be made for the supply of an essential commodity to a city or village, even then he may be let off with a fine. The law should have been made more specific or at least the punishment should have been differentiated. It is a general rule of jurisprudence that when you invest a court with a certain power in respect of any offence, you must differentiate between the degrees of its heinous aspect, whether it is more or less. The courts are empowered to pass from a sentence of death by hanging to one of fine and there are 511 sections in the Indian Penal Code. Without such a differentiation will it be fair? I find in almost every Bill which comes before us this is the defect and nobody cares to define what sort

[Pandit Thakur Das Bhargava]

an offence it is and what sort of punishment should be given. This is not the first time that I am recording my protest against this kind of procedure.

In regard to this particular question I have tabled an amendment to section 7, Clauses (a) to (j). I have tried to define in respect of certain orders under particular clauses the quantum of punishment to be given. In regard to ordinary offences the court should not be able to give as much imprisonment as in the case of very serious kinds of offences. We must differentiate between clauses (a) to (j) and apportion the amount of imprisonment to each.

In regard to the particular provisions before the House there was a previous amendment of this Act which dealt with cotton fabrics (Act LXIV of 1948) and in similar terms the Act was amended. In regard to food stuffs similar amendments are sought to be made. My submission is that so far as these are concerned I do not find any great difference of opinion between those who have sent in amendments and the original section. After all the proposed provision does not say that in every case imprisonment is to be given. On the contrary if there is a case in which the circumstances call for a fine only, the court is empowered to impose it. So far so good. I do not question the propriety of a provision like this. I understand that in regard to offences relating to food stuffs it may be necessary to instil fear in the minds of those who violate the law. Therefore a provision enforcing compulsory imprisonment unless the alternative of fine is called for is necessary. I have no objection so far as this is concerned. My objection is to make a general rule of this nature in regard to all the crimes about food stuffs. It is not only unnecessary but also mischievous in the extreme. I know that persons who carry one or two seers of *atta* are *chalaned* by the police and they are dealt with under the law. Mr. Sidhva said that the courts imposed fines ranging from Rs. 20 to 4,000 and gave imprisonment from the rising of the court to four months. He was not able to examine those cases and so could not say that the sentences were not fair. It may be that the offences in relation to which these sentences were given were of a minor nature. He gave instances of 400 maunds of rice and 3,500 maunds of potatoes and it may be that the sentences of four months imprisonment or Rs. 4,000 fine were in respect of those cases. These are the two examples only. No case has been made out before the House with statistics as to why this amendment is necessary. It has not also been proved that the courts have been lenient in such offenders, or that they had not given proper sentences. Even the honourable Minister thinks that in cases like this he wants to see that the law is not infringed; so that people would know that imprisonment would be given in every case. I would respectfully request him to see that if such an innovation is made in regard to offences in respect of orders under (c), (d) and (f) of section 3 that imprisonment may be necessary to be given but in regard to other matters relating to giving information and statistics this may not be insisted upon. The principle of law, I submit, is that where you can use a twig you should not use a *lathi* and it applies to this also. Therefore I have given some amendments to the section and I would beg the honourable Minister to kindly see them from this angle.

As regards forfeitures I quite see that the law amply provides for it. Even section 7 provided for it. In regard to clause 3 I see that it is a bit too hard and at the same time, I submit, it is not fully workable. If you see the proviso to section 3 the words are: "unless it is proved that the owner thereof knew that the offence was being, or was to be or was likely to be, committed." It may so happen that the owner is staying in Calcutta and his lorry may be plied in Delhi. The owner is not supposed to know but the driver may know and he may be in collusion with a smuggler or any person who wants to violate the

law. If the owner is ignorant there is no reason why he should be convicted. As a matter of fact this clause goes too far and it may not be workable in practice. Some device should be found under which you may be able to catch the driver and not necessarily the owner. Under the provisions of the law today abettors are guilty and can be punished and there is no reason why you should have a provision like section 7(a) because in practice it will not work. The severity of the sentence cannot make up for your lack of vigilance. As Mr. Prabhu Dayal Himatsingka pointed out people are not even supplied with copies of these laws and people do not know in what way they have infringed the law. It is absolutely necessary that people should know what conduct on their part is penal. Unless they know this how can you expect them to behave in a legal manner. My humble submission is that instead of tightening these punishments you must tighten up your propaganda. You must see that people realise that it is an offence to behave in the manner indicated in the provisions of the Bill. This will give you better dividends rather than having seven years imprisonment or Rs. 10,000 fine which Mr. Sidhva was pleased to suggest. My final submission is that proper consideration should be paid to the apportionment of a fair amount of imprisonment in respect of the various offences mentioned in clause 3.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I regret I have to oppose the Bill altogether. With regard to the real purpose of this amending Bill there is in the House some justifiable confusion. The change proposed by clause 2 regarding punishment is merely to change an offence of one class into an offence of a different class altogether.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar.)]

Clause 2 tries to replace clause (b) of proviso to sub-section 1 of section 7 of the Essential Supplies (Temporary Powers) Act. I find that that Proviso was introduced by Act LXIV of 1948 very recently. That Proviso dealt with an offence relating to cotton textiles while this Bill tries to provide for an offence relating to food stuffs. So it is not changing merely the discretionary character of the sentence but rather changing the offence altogether. I do not know whether there was any other amendment to the original Act; this is what I have been able to collect from the Library. The original Proviso to Section 7 dealt with the contravention of an offence relating to cotton textiles. I find that all the orders under Section 3 of the original Act relate to cotton textiles. But this amendment will convert this Proviso from an offence against cotton textiles to an offence against food stuffs—a different offence altogether.

I beg to point out that in the original Act there was the provision of sentence of imprisonment which was compulsory and here also they want to make it compulsory. I submit that this would be entirely out of the question. If we accept this Bill the effect of this will be to convert almost every honest citizen into a criminal. The real disease or the real difficulty in this problem is shortage of food stuffs. That is the real cause of the crime. That again is accentuated by much mismanagement of the controls. In fact the offences relating to food stuffs are, as a matter of necessity, being committed openly without anybody being caught. You do not get food stuffs in the control shops or at the controlled prices. Food is such a thing that a man cannot live without it. Even clothing could be dispensed with for some time but not food. So, by the very failure of the control and by the absence of sufficient control over these controls, a man in need of food is forced to go to the black-market. Black-market is no longer a black-market: it is an open market. I am informed by a very eminent member of this House that rice is being sold at much

[Mr. Naziruddin Ahmad]

over control price in Paharganj openly and I am assured that every second shop is a black-market rice shop.

Pandit Thakur Das Bhargava: Why rice alone? Wheat etc. are also sold—all food grains.

Mr. Naziruddin Ahmad: There is open black-market for all food grains. In fact any honourable Member including the honourable Minister, if he likes, can go and find out for himself, offences being committed openly relating to food stuffs. So on a diagnosis, the disease is not the offence committed by the people; the disease is firstly the absence of food stuffs, and secondly the failure of the Government to make food stuffs available at control prices and at all places. The offence is only the symptoms of the disease. In order to check this offence the first thing one has to do is to make available sufficient food stuffs to the ordinary people and to make them available at the control prices. If anybody is to be punished, and if rigorous imprisonment is a desirable thing in this connection it should be awarded to those who are responsible for the situation. Can you, as a man of the world, as a man of sympathy, regard a person as a criminal who goes to save the life of his child to buy a little food stuff in the black-market? Can you have the heart to punish him? What will happen is, and what has happened all along from the British period down to the Independence regime is that the big dealers in the black-market are never caught and never touched. They will go scot-free as they are going scot-free. Nobody will be able or willing to catch hold of them. The result is that the small dealers who have to buy these food stuffs at higher prices than the control prices themselves and who have therefore to sell them at above control prices will be caught, and along with them will be caught also the buyers, the persons who are forced to go to the shops and buy food stuffs at a higher price.

You will be pleased to consider that if you make selling an offence you necessarily make buying also an offence. Buying in the black-market against the Food Control orders would be an offence of abetment. It is instigating or facilitating the commission of the offence by the dealer. It is defined in Section 107 of the Penal Code and the punishment section is Section 109—abetment of offences. An offence as defined in section 40, paragraph (2) of the Indian Penal Code is an offence not only under the Penal Code but also under any other law. Therefore it comes to this that a buyer who is morally innocent and helpless, for whom it is impossible for anyone to withhold his sympathy, will be regarded as an abettor, abetting the shopkeeper in selling above control prices and he will have to be punished; the Court will be forced to give him also to rigorous imprisonment. I ask in all fairness is this just and fair?

The real trouble is the failure of the food grain policy. I do not blame the Government. I have also my sympathy for the Government. It is not an easy proposition. The honourable Minister is doing his best. It is impossible for anyone to fail to recognize it. But then the Government has failed for various reasons and for this failure you are not going to punish those who are responsible for the failure, and the big dealers and the officers and others, but you are going to punish the small dealer and the helpless buyer who are not friends of the police. I submit this Bill will be mischievous in its effect if not in intention. There is a desire to punish offenders but the punishment will fall upon small fries and the purchaser, and it will ultimately recoil on the very public for whose benefit the Law is sought to be enacted. The result of this would be that open black-markets will be driven underground and people will have to go in secret, pay more, take greater risks and buy the same thing.

The same offence will be committed without the people being caught and the police however numerous they might be will not be able to check those offences.

The co-operation of the public in a large degree is necessary in this respect. It is not the punishment that will save us. It is not an ordinary offence against morality, against our national sense of justice, it is not theft or any such thing which deserve to be punished with the greatest amount of rigour. You cannot punish a man, for buying food, with imprisonment and a shop-keeper for selling it. The result would be that food will become more scarce. Food will be available but at higher prices than hitherto prevailing. In these circumstances economically it will have an effect reverse from what is intended. I think the entire food policy is behind this Bill, the entire food policy is under trial and the officers concerned with this are under trial and not those others who are the by-products of the situation. I submit, therefore, that the Bill should be withdrawn and this legislation should not be enacted.

Shri B. P. Jhunjhunwala (Bihar: General): Sir, the other day the honourable Minister of Agriculture, while introducing this Bill for consideration, said that this is a very small Bill and it should not take more than five minutes to vote on it and get it passed. Sir, if it had been shown that because of want of any such provision in the existing law the controls have not been made effective, then it certainly should not have taken more time but that is not done.

My honourable friend Pandit Thakur Das Bhargava quoted the saying: "*Andher nagari chopat raja, Take ser bhaji, take ser khaja*" and spoke on the various sections of the Bill with reference to that saying. I do not want to repeat all that as the time of the House will unnecessarily be wasted. Those sections and the punishment under which the people are made to suffer for minor offences are most unjust. Sir, subject to the above remark no punishment is too great if it is inflicted on the real offender.

The other day, when dealing with the question of inflation, the honourable Finance Minister said that one of the reasons why we cannot check inflation is that the administration of control in this country is not successful while in other countries it is successful. When these controls were introduced under the previous regime, I do not know whether they had any real intention of administering the controls or not. While speaking on a similar measure introduced by the honourable Minister for Industry and Supply, I had quoted several instances where black-marketing was being carried on and where the officers in charge, instead of catching hold of those black-marketers, did the contrary. I had quoted a particular instance which, though I am reluctant to repeat it is necessary to repeat. In the midst of a market where lakhs of rupees worth cloth was being sold at black-market rates, and it was an open secret that it was sold like that, the officer in charge who was trying to check black-marketing could not or did not catch any of those black-marketers. But one night, at dead of night, he went into the house of a widow who used to carry on her living by selling some saris among the ladies, purchasing them from the shops or from elsewhere, and he got hold of those saris and cited a case of black-marketing which he had detected. I had quoted several such instances, but I do not want to repeat them here. Instead of looking to those offenders who had been dealing in black-marketing, he simply, in order to multiply his cases, caught hold of these small cases. My conclusion is that either these officers are most incompetent or their conduct is questionable. This was the way in which the administration of control was being done before, but the instance which I gave to you now was with reference to the present regime.

[Shri B. P. Jhunjunwala]

Sir, while speaking on the previous measure, I had stated that I neither opposed nor supported it. I had been watching in several places and in several provinces as to how this control is being administered by the officers. I shall quote one instance. The other day a grain merchant of a sub-division was with me. He was relating a story that the Sub-Divisional Officer came to his town and called a meeting and warned the people about black-marketing threatening them with all sorts of things. The gentleman about whom I have spoken is a leading merchant of that place. When the meeting was over, the Sub-Divisional Officer met that merchant and told him, that the import of wheat in that place was prohibited and the merchant said, "Well, Sir, I have got so many bags of wheat with me and I am getting more. What to do?" The Sub-Divisional Officer said, "Well, carry on, these things are only for saying, and as a Government officer I have to do it. You kindly send one bag of wheat to my place also". These are the officers who are administering the controls.

In the previous regime there was some sort of friendship created between the administrative staff and the so-called big people who had vested interests. It still continues and has developed into a sort of natural affinity. I had thought that under the present regime it will change, but to my utter surprise and great pain I find that it has not changed. And officers who are addicted to such habits as in the instance I have quoted in the beginning, instead of being punished in any way are promoted.

How can you expect an improvement in the position simply by increasing the sentence or making it compulsory by means of this legislation, when you feel from the heart of your hearts that you cannot administer it? Instead of doing good, it demoralizes the people. It is not the case of only the small officers. Even in the teeth of public opinion that a particular person is of an undesirable or questionable conduct in regard to his business dealings, the highest authority gives him the permit or licence in preference to other honest men. When the high officer does it what can you expect from sub-ordinate staff. As my friend Mr. Naziruddin Ahmad pointed out, it is impossible for anybody to carry out your control. If a man goes and buys condensed milk in the black-market for his baby, will you punish him? If you punish him, what does it mean to the public? How do you protect them?

The Honourable Shri Jairamdas Doulatram: There is no control rate for condensed milk; it can be purchased in the bazar just as anything else.

Shri B. P. Jhunjunwala: That is merely by way of illustration.

The Honourable Shri Jairamdas Doulatram: You must give an illustration which is in accordance with facts.

Shri B. P. Jhunjunwala: What about sugar? What about rice? What about wheat?

Shri R. K. Sidhva: But sugar is not under control.

Shri B. P. Jhunjunwala: Well, what about rice? What about wheat? I am very surprised—not only surprised but pained—to find that when I quoted an instance inadvertently, the honourable Minister questions me saying that condensed milk is not under control. He knows full well that there are so many other articles which are under control and which are being sold in the black-market and we the consumers have to purchase them in the black-market. Dr. Sen was saying just now that the punishment to such purchasers should be light. I would like to know whether there is any Member

of the House here who has not purchased articles from the black-market, and whether we are prepared to be punished?

Shri L. Krishnaswami Bharathi (Madras: General): Nobody dare punish us!

Shri B. P. Jhunjunwala: That is my grievance. If you cannot administer the control, there is no meaning in putting up a mere show as the previous Government did. When we are not in a position to administer the control properly, the placing of such laws on the Statute Book and such things as permits, licences and others merely demoralizes the people. It was for this reason that Mahatma Gandhi said that it is in the interests of the country that these things must go in order to save the country from further demoralization.

Shri B. P. Jhunjunwala: Sir, I am reminded of a couplet:

"Evil is a monster of such fiendish mein.
As to be hated, is to seen,
Yet seen, too oft, familiar with its face:
We first endure, then pity then embrace."

Mahatma Gandhi saw this danger, and he advised us accordingly. Let us just introspect what our position is at present, towards what we are drifting. You cannot put your administrative machinery right; and you cannot catch hold of the real black-marketers—these two interests having developed affinity between themselves. Instead of that, in order to show to the public that you have so many cases, so many prosecutions, honest people are implicated. I shall give just one instance and then finish.

One merchant with whom some official got offended was prosecuted for selling some yarn, although under the then existing orders there was no case against him. Three members of his family were put in jail for one day. Then due to the intervention of the higher authorities, they were let out. This officer was of the standing of a District Officer, but even in such a case, no action was taken against such an officer. No way is being found to set right the administrative machinery and strike at their collusion with the actual black-marketers and actual offenders with whom they have developed a sort of natural affinity. In these circumstances, I would request the honourable Minister for Agriculture to think twice before going on multiplying these legislations which result in demoralizing people and making them criminal minded.

Several Honourable Members rose—

Mr. Deputy-Speaker: Has not enough been said about this? The Honourable the Home Minister wanted this Bill to be finished early and there are other Bills.

Shri L. Krishnaswami Bharathi: No, Sir. This is very important.

Mr. Deputy-Speaker: Mr. Krishnamoorthy Rao. He rose first.

Shri S. V. Krishnamoorthy Rao (Mysore State): I am rather surprised that there is so much opposition to this Bill.

Shri L. Krishnaswami Bharathi: It does not affect you.

Shri S. V. Krishnamoorthy Rao: In fact. . . .

Shri L. Krishnaswami Bharathi: On a point of order, Sir.

Shri S. V. Krishnamoorthy Rao: From the North Western districts of Mysore State from where I come...

Shri L. Krishnaswami Bharathi: On a point of order, Sir. May I know whether this Act affects Mysore State?

Shri S. V. Krishnamoorthy Rao: But this ordinance is enforced there. We have passed this ordinance.

Shri L. Krishnaswami Bharathi: This Ordinance does not apply.

Mr. Deputy-Speaker: What the honourable Member means is that a similar Ordinance is enforced there.

Shri T. A. Ramalingam Chettiar (Madras: General): That cannot be discussed here.

Mr. Deputy-Speaker: Is it not open to him to bring his experience to bear upon the working of this Act? A similar Act is in force in his State. Therefore, he is in order.

Pandit Thakur Das Bhargava: Before this Bill has been passed into law, I do not know how such an ordinance could apply there.

Shri S. V. Krishnamoorthy Rao: We have a similar ordinance in force there.

Shri L. Krishnaswami Bharathi: With compulsory imprisonment with a maximum of three years?

Mr. Deputy-Speaker: The honourable Member need not be disturbed. Is it not open to an honourable Member to draw upon his own experience of a similar piece of legislation? Why should he be interrupted?

Shri L. Krishnaswami Bharathi: I am not disturbing. Are we not entitled to know, for information, whether such a rule with three years compulsory imprisonment as maximum is in force in Mysore? Let him explain.

Mr. Deputy-Speaker: When a question is put, it need not be argumentative.

Shri S. V. Krishnamoorthy Rao: I beg to inform the House that an ordinance has been passed in Mysore that a magistrate should give imprisonment for such offences unless special reasons are shown.

Shri L. Krishnaswami Bharathi: How many years?

Shri S. V. Krishnamoorthy Rao: We are not concerned with the term of imprisonment. It all depends on the gravity of the offence. We blame the Government for not effectively checking black-marketing. We blame the Government that controls are not effective; we blame the Government for importing food stuffs to the tune of 130 crores. How can the controls be effective unless we give special powers to the Government to check black-marketing and smuggling? This Bill has been brought forward to place that Ordinance on the Statute Book. My learned friend quoted Mahatma Gandhi. Every one of us quotes Mahatma Gandhi. The Government did remove the controls; what happened after the removal of the controls? The Government was forced to re-impose the controls.

Babu Ramnarayan Singh (Bihar: General): Forced by whom?

Shri S. V. Krishnamoorthy Rao: By the merchants, by the black-marketers, and by the people who smuggle the food stuffs.

As long as we are short of supply, as long as we are compelled to import food stuffs from outside, I think the Government should have sufficient powers to enforce these controls. Nobody likes controls; I do not like the controls. But, the Government has thought that controls are necessary; as long as controls

remain in our country, I think sufficient powers should be given to check black-marketing and smuggling. We all know what sort of crisis we are passing through so far as food stuffs are concerned. Mr. Jhunjhunwala submitted to the House that vested interests should be caught hold of. I have tabled an amendment to the proviso to clause 3 that the burden of proving that the owner of the vehicle had no knowledge that the offence would be committed should be thrown on the owner himself, because in such offences, it is only the driver or the servant getting a small pay that is caught hold of and made the scape goat and the owner always escapes. No honest owner will lend his lorry or his vehicle for the commission of this offence unless he is a party to it. My learned friend suggested that the owner may be in Calcutta and some driver may be caught here. But, the person who is in Calcutta and who lends his lorry for the offence to be committed in Delhi, will always have some agent in Delhi who will be in control of his vehicles. If the substantive offence is proved, the presumption should be that the owner had knowledge that the offence would be committed.

Shri L. Krishnaswami Bharathi: Is the law the same in Mysore?

An Honourable Member: Is the offence committed by the agent?

Shri S. V. Krishnamoorthy Rao: The agent should be presumed to have had knowledge that the lorry is going to be used for the commission of the offence when the substantive offence is proved. What is the use of saying that the police must prove that the owner has knowledge of the offence? I know of instances where people have been caught hold of red-handed for smuggling of food stuffs, sugar and rice bags in lorries carrying charcoal and they have escaped with a mere fine. We cannot check this smuggling unless the real persons behind the commission of these offences are brought to book. Such provisions are necessary and I support the Bill in all its aspects.

Shri L. Krishnaswami Bharathi: He has not given his experience; we would like to know that.

Mr. Deputy-Speaker: To that extent he has obliged the House; there are others who want to speak.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock. Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Prof. Shibban Lal Saksena (U.P.: General): Sir, this Bill tries to give capital punishments for food offences. My experience of the working of the rationing laws in my province has been that the majority of the people who are arrested and convicted for these offences are poor people who carry small quantities of grain from one place to another for their own living and these people are put in prison and harassed. I have not yet known of any large number of really big merchants, who are really responsible for the black-market in these food grains being brought to book.

This Bill which we are passing and in which the punishment has been raised to three years and in which it has also been provided that the carriers by means of which this smuggling takes place should also be forfeited, will not achieve the desired result. I very much doubt if many lorries and other big vehicles will be confiscated. What will really happen is that many bullock carts of the kisans will be confiscated and they will be harassed. That is my practical experience from the interior of the Gorakhpur District where lies the border between the U.P. and Bihar and where I find many people carrying small quantities of grain for feeding their starving families.

[Prof. Shibban Lal Saksena]

Therefore, I am at a loss to know what to do, whether to support this Bill or not. The purpose is laudable, but I know from experience that it will not stop black-market, because the source at which the black-market begins is not affected by this Bill. I would not be exaggerating if I say that if every supply officer, in whose area black-market is found to exist, were held responsible for it and were given deterrent punishment, the black-market would stop. But by catching small people and giving them deterrent punishment, I do not think you will be really solving this problem.

I would have, in fact suggested that nobody who is found carrying small amount of grains, say upto 20 seers for consumption should be punished under this new law. That would at least save the people who commit these offences mostly out of ignorance and sometimes out of dire necessity. But the Bill will really be used against them in order to show that the number of convictions for food offences are so great. But if we analyse the cases we will find that no big fish has been caught and only the small people have been punished. Therefore, Sir, I am at a loss to know whether I can honestly support this Bill.

I really warn the Government that they will not be stopping the black-market by raising the punishment to three years. There must be some method by which they can attack the black-market at the root by purifying their own control department, which is charged with the duty of enforcing the food laws and unless they become more honest, and deterrent punishments are given to them for dishonesty, I do not think that this Bill will be very helpful.

Sir, I was the President during the year before last of the Rationing employees union in the U.P. All the rationing employees in the U.P. were members of the Union and they had their grievances about pay and other things. From direct knowledge therefor I can say that a premium is put on dishonesty in this department. Generally a corrupt officer wants his subordinates to be corrupt. Honest subordinates find it difficult to carry on and are very often dismissed as incompetent, or are victimised on false charges. Dishonest subordinates are seldom caught as they act in collusion with dishonest officers. Even if they are ever dismissed, they have already collected enough to fall back upon. There were cases where people who were dismissed had already earned several thousands, and sometimes even lakhs. Unless strong measures are taken that everybody who is enrolled in the supply department will have to give an inventory of all his assets and if and when he leaves that department and at intervals his assets will be checked to see that he has not made illegal gains, I do not think you can really control the black-market. Unless you have a service which is honest, which is really inspired by the ideal of administering these food laws with honesty, you cannot really eradicate the black-market.

Sir, we all know that the problem of food and its conservation is all important. We also know that our national plans could not be implemented because of our having to import 120 crores of rupees worth of grain from outside. In fact we have been promised that in 1951 we will not import food grains. The only thing possible, therefore, is that we must become self-sufficient during this period and for this purpose more than anything else, there should be scientific rationing all over the country. Things should be so ordered that no food is wasted and nobody is deprived of the required

quantity. If there is any scarcity, everybody should share it. That is what is being done in other countries. But in our country the position is such that many Members of the House have confessed to me that they themselves live on food got from the black-market. Who does not know that if a guest comes to his house he will have to purchase food from places from which they should not do. After this Bill is passed, every one of us will be liable to three years' imprisonment for feeding our guests in this manner. If honest and scientific rationing can be assured, everybody will help the Government in administering the food laws and in conserving and distributing the food that is available.

I, therefore, think that while I am afraid this Bill will not serve the purpose for which it is intended, viz., to stop black-markets, I cannot oppose it, but would urge that it should be used against the big black-marketers. I ask the Government that they should issue circulars to see that petty cases in which the poor peasants might be involved should not be dealt with severely, but that if big officials or black-marketers are caught and if people are found to violate the provisions of this Act for their gain, they should be awarded deterrent punishment. With these words I commend the motion to the House.

Shri Biswanath Das (Orissa: General): Sir, I rise to support the Bill, Administration in essence is based on *Danda* (punishment). No administration is possible without *Danda*. Even in Mahabharata Shanti Parva, Bhishma has said very clearly that society, Government and State rest on *Danda*. *Danda* is necessary, and where conditions are deteriorating from day to day, deterrent punishment is called for and necessary. In this view of the question I support the Bill. But I have my own doubts and difficulties.

Sir, from the view expressed by the honourable Mr. Gadgil yesterday in the course of the discussion of a very necessary and healthy social reform provision in the Bill, adumbrated by my honourable friend Pandit Thakur Das Bhargava, it was clear that the Government are not willing to entrust the police officers with necessary powers. I do not know how that very Government, who were not willing to entrust certain powers to police officials within certain limitations, can now come forward with this Bill leaving to the executive tremendous powers which are capable of misuse and of immense mischief. I for my part am prepared to undergo any suffering for the misuse of such powers by the executive, provided there is a way out of this *impasse*.

Sir, I must tell you that black-market is the child of speculation. Have you been able to stop speculation? The Scheduled Banks which are controlled by the Reserve Bank and the Imperial Bank are advancing millions and crores of rupees to the merchants. Go to any *mandi* you will find that they are indulging in speculation with the money advanced by these banks. If my honourable friend could stop this speculation he will find that the powers, that he seeks to have under this Bill, will be unnecessary. I repeat that black-market is the child of speculation. Do away with the very cause against which you are fighting directly and indirectly. I would therefore request my friend to persuade and prevail upon the honourable the Finance Minister to see if he could call upon the Reserve Bank, the Imperial Bank and the Scheduled Banks to prohibit speculation so that black-market could be put an end to very soon.

My difficulty is not about giving him the powers he wants. It is otherwise and it is born of experience. Let me state it. Control is imposed in the transport of food grains from village to village and from *taluk* to *taluk*. How are you going to work this? I have my paddy lands in a place five or ten miles away from my residence. I have to bring my paddy to my house. Does this transport not come under the provisions of this Bill? It does. While therefore I am earnestly trying to bring my paddy for my own use, I will be

[Shri Biswanath Das]

the object of misery and trouble. (Interruption) I do not mind three years or any period. That is a thing which needs consideration.

Sir, again, I have seen that there are different rates prevailing in different districts. There is a lot of difference between the prices prevailing in the district of Puri and those prevailing in my own district of Ganjam. People generally go in train with four or five rupees, purchase grains from one place and bring and sell them in another place. This is done under the very nose of the railway officials and the police. These things will not be possible under the provisions of this Bill I know and I am glad about it. But what are you going to do for equalisation of prices within a province? Are you going to restrict the movement of cereals within the province and within the districts? These are points which require examination.

There is a State called Mayurbhanj in the province of Orissa the areas of which are so inter-mingled with Balasore that you have to cross the borders of the State to go to the Province though you cultivate your own lands and you carry your own produce to your own place of residence. Even within a district, to bring your produce to your house you may have to cross the borders of another district. Are you going to stop this movement of food grains also? Where is the provision for protection in the Bill for such cases which are not really offences? It will be necessary for the *kisan* to harvest his crops and bring them home for his own use, for sale or for supply to the Government. What is to be done in such cases? What is to be done?

There are other difficulties of a similar nature. I have no objection to giving all the powers necessary but, as Mr. Saksena said, we find that very few rich or well-to-do people are booked and it is only the poor who have suffered. As a prisoner in jail for three long years it was my misfortune to find that for excise offences small people were always punished and we were getting information that the manufacture and sale of illicit liquor is going on merrily as before; and that also with the connivance of officials. How can you think of taking possession of motor vehicles when it is well known—unofficially of course—that exports outside the provinces are being done with the full knowledge and concurrence of the police? I have no objection to giving the powers wanted but people who really deserve to be punished should not be allowed to escape.

Sir, this is nothing but a repetition of the Ordinance except this that you want to take away also the vehicles and the containers along with the goods. We do not mind giving these powers and more if necessary. But do fight and fight well black-marketers. My complaint is that the path you have chosen is not the right path and will not help you or meet the requirements of the situation. It would however be unfair for us to refuse power and not to give you this warning.

Mr. K. T. M. Ahmed Ibrahim (Madras: Muslim): Sir, it has been conceded that with regard to things in short supply there must be control in order that the available quantity may be distributed among all sections of the population. Hence control is imposed for the good of the people, but I am afraid that the provisions of this Bill are bound to act in a contrary manner, as an engine of oppression of the common man, specially the rural population whose life will be made miserable.

It is sought to punish with imprisonment people guilty of contravention of orders relating to food. No offence relating to food has been exempted, and therein lies the difficulty in regard to this Bill. It is true that there are certain grave offences which have to be dealt with in a stringent manner for the purpose of effectively and successfully carrying out the policy of control. For example, in regard to procurement, we have to see that maximum procurement is made so that maximum quantity of food grains may be made available to all. But there

are many other orders which are contravened not for pleasure or for hoarding or for making large profits, but in order to meet the barest needs of human beings.

In these days of tight money market people cannot buy in the black-market for the mere pleasure of hoarding. We know that the quantity prescribed by the ration rules is not very often enough to keep the body and soul together upon, and so the common man is driven to the necessity of purchasing in the black-market whatever is needed for himself and his dependants. Secondly the quality of the food stuffs supplied in the ration shops is often so bad that people are not normally tempted to buy them; in very many cases they are unfit for human consumption. Therefore out of sheer necessity people are often forced to contravene some of these orders relating to food stuffs; further they are forced to do so because of the failure of Government to provide them with the barest necessities of life, which it is the elementary duty of Government to do.

That is how the difficulty arises. It is the duty of Government to give the people good food and thereby ensure their good health; but no one can say that the food now given to the common man is such as would keep him in good health. Therefore I say that Government also contribute to a certain degree to these breaches of orders by the common man. And the Government are tackling the question in the wrong way; they are attacking the symptoms and not the disease. The actual disease is that the ordinary citizen is not able to get the necessary amount of food grants that he requires; and it is this disease which has to be diagnosed and treated in the proper manner.

Of course Government have been trying their utmost to get food from outside and also to increase the production within the country through the Grow More Food Campaign. But their efforts have not been quite effective and successful so far. In order to stop this black-marketing and contravention of orders enough food grains have to be made available in the country. On account of the failure of the Government to do so the poor man suffers; the rich people are able to get all that they want in the shape of tinned foods etc. So the proper thing to do is to see that enough food of the proper quality is made available to the people.

Then about procurement it is said that the peasant and the farmer are not willing to surrender all the food grains that you want. That is true; but the reason for that is that the prices of all the necessities of life have gone up tremendously and the peasant has to purchase them with the money that he gets out of the sale of his grains. Therefore it is necessary that he should be paid the proper value for his grains; otherwise he is forced to sell his produce in the black-market. So the proper thing is that the farmer and the peasant must be paid an adequate price for their produce.

In this connection I must point out that the Government is not prepared to give our peasants even the price which they are prepared to give for the food grains which are imported from abroad. When you are prepared to pay a higher price for the food grains which you get from outside why cannot you pay the same price for the food grains produced in the country, so that our peasants can get the necessary money to purchase the necessities of life?

Therefore, I say that by this Bill the Government seeks to tackle the symptoms and not the disease. Besides, generally the ordinary man will suffer and his life will become miserable. He cannot see his children starve and so he purchases some food stuffs, and for this it is being proposed now to sentence him to imprisonment.

[Mr. K. T. M. Ahmed Ibrahim]

But I have no objection if certain grave and serious offences are made punishable, for example those with regard to procurements. I must reiterate that the prices offered by the Government, are not quite adequate. Still, in order to make the peasant part with the surplus food grains, we may make some stringent provision. But to make punishable with imprisonment a contravention of every food order, will make life miserable and instead of acting to the good of the people, will work as engines of oppression. Therefore, I submit, the provisions of this Bill should be confined to certain major offences, just as those relating to procurement.

Further even lawyers are not able readily to find out exactly the position regarding the food orders. Orders are promulgated from time to time and we have to search the Government Gazettes from page to page to find out the exact position in regard to particular matters. Such being the case, how can we expect the common man to know all these orders and act in such a manner as not to contravene the orders. It has been suggested in the Provincial Legislatures that the Government should publish every month the orders that would be in force during the month. Even that is not done.

Therefore such stringent provisions should not be made in this manner and they should at best be confined to certain major offences so that the ordinary man, the masses, the illiterate people may not be forced to suffer imprisonment for actions of a less grave nature which they are compelled to do in the circumstances I have already explained.

Babu Ramnarayan Singh: Many of us yet had to speak on the subject.

Mr. Speaker: There has now been sufficient discussion and no other Member has been able to catch my "legal" eye!

Babu Ramnarayan Singh: Will you listen to me? I rose several times.

Shri M. Tirumala Rao (Madras: General): This is an important Bill which has to be worked out by the Provincial Governments and there are so many lacunae in it.

Mr. Speaker: Whatever it may be, I do not want any further argument. I find that ten speakers have participated in the debate. The point is a very small one. The same arguments are being advanced by different speakers though, more or less in different languages. There should be a limit to such a debate.

Shri L. Krishnaswami Bharathi: How else can we bring the views of the House to the notice of Government?

The Honourable Shri Jai Ramdas Doulatram: I feel that on the whole I made a mistake in speaking very briefly when moving this Bill. Though the motive for that brief speech was to save the time of the House for the important and heavy agenda which was before it, I find that as a result of that brief speech, the contents of the Bill and the implications of the provisions have not been properly placed before the House. Let me first give a little history of this legislation.

When at the last session this same Bill was under amendment, it was a question of empowering the courts with regard to the breach of laws of control of cloth. At that time, this same Act, which is not a Provincial Act has been in operation for the last seven or eight years in one form or another: first in the form of Defence of India Rules, and then in the form of this Act since 1946: and the provinces have been administering this Act all these years. When control over cloth was reimposed last year, an amendment of this Bill

became necessary. At that time the amending Bill provided for compulsory punishment for three years for the breach of laws of control of cloth. There was no option left to the court to impose any penalty or fine. Whatever the paltry nature of the offence, the Legislature—this same Legislature—gave power to the same courts to impose nothing but a sentence of imprisonment, the maximum period of that imprisonment being three years. Some Members of the Assembly at that time asked what about food? What are you going to do to see that the control orders for food also get the same measure of support? At that time Government made it clear that when food control comes to be imposed, Government will take adequate steps to empower the courts. Food control was imposed in October. Soon thereafter, we issued an Ordinance empowering the courts to give punishment of imprisonment for three years. Realizing the difficulties and the imperfect character of our administration—which I frankly admit—I did not want that we should have the same provision with regard to food control as we had and as the Legislature also sanctioned for cloth control. So I made a provision giving power to the Court, in view of the circumstances of each case, to decide whether the sentence which it imposed would be of imprisonment or of fine. But because of the continuous criticism which has been voiced in the Legislature against the way in which courts imposed fairly light sentences by way of fine, we laid emphasis in this new Ordinance on imprisonment as the normal thing and placed on the Court the responsibility of explaining why in a particular circumstance they felt that the need of justice would be better met by a sentence or fine and not of imprisonment.

Let me therefore clear this misunderstanding. The court is not compelled or obliged by this Bill to impose a sentence of imprisonment whenever there is a breach of the food laws. The court has got to go into the circumstances of the case and if it finds that the ends of justice would be better served by merely imposing a sentence of fine then the court will record the reasons for imposing only a fine.

I find my honourable friend Mr. Naziruddin Ahmad, who created so much sympathy for very exceptional cases which he painted, has given notice of an amendment under which the court has no option except to impose a sentence of imprisonment. Under his amendment the court must sentence anyone who commits a breach of the food law to imprisonment, the maximum being three years. What I wish to place before the House is this. Let us so deal with the situation as on the one hand to see that the courts are encouraged and empowered to be fairly firm and strong in dealing with cases of breach of food laws and on the other hand let us not by anything that we say here create an atmosphere of sympathy for those who do break the food laws. We realise that in rural areas there might be conditions under which the circumstances of an offence by a particular individual are such that the court ought not to sentence him to imprisonment. Also it is a fact that this law has been in operation for six months: it is not that we are enacting a new law. We are only giving the form of law to an Ordinance which has been in operation for six months and during all those six months the amount of tyranny or oppression exercised, in my opinion, is not as it has been painted here. I believe there is quite a large number of cases, perhaps hundreds and thousands, of cases of poor people going about and functioning in their own way without any action being taken against them. I realise too that the administration of our laws is not perfect. There are many loopholes and many occasions when all that should be done is not being done. I realise too the anxiety of members who come from the provinces and who know the condition of things in the provinces. I understand their anxiety that in connection with the administration of these laws hardship should not be inflicted but at the same time justice should be done. The only way that I can think of is that while empowering the courts with the powers on which the members of this House have been usually insisting, we should take steps to see that the administration and

[Shri Jairamdas Doulatram]

at a particular moment, so far as the court is concerned its powers will remain as they are. But the orders can be changed.

Babu Ramnarayan Singh: Another question.

Mr. Speaker: Order, order. We are again dwindling into a sort of discussion with question eliciting information. All hypothetical questions of this type can be put endlessly. One can imagine very hard cases in which there will be cruelty by the enforcement of law. The honourable Minister has explained that sufficient discretion can be given to the courts and imprisonment is not compulsory. Let the court look to all the details. The court will decide whatever is just. Even if imprisonment is compulsory I do not see what prevents a court from not awarding only imprisonment till the rising of the court. That is what they may do. Therefore it is more or less a question which will be decided by taking into consideration each individual case. Any questions asking for information on that point will lead us nowhere so far as the substance of the provisions of the Bill are concerned. That is how I think about this and I do not think any questions are really called for.

Shri L. Krishnaswami Bharathi: There is one thing. It will be better if we know something about the working of this Ordinance in the six months. It will help us to know in how many cases there have been actual imprisonments. If the honourable Minister has received reports from the Provincial Governments as regards the working of the Ordinance in the six months it was in force he may enlighten us on this point.

The Honourable Shri Jairamdas Doulatram: I am afraid I have not got these figures from the Provinces in respect of the working of the Ordinance in the last five months. But Members are in touch with their Provinces and I suppose they also know how it has worked. No serious outcry has reached us so far. But in some Provinces there might have been some hardship.

Shri B. L. Sondhi: What about Delhi?

Shri L. Krishnaswami Bharathi: I only wanted information if he could give us.

Mr. Speaker: Even if he gives information it can be construed both ways—if there are more number of cases of imprisonment then it may be said that the oppression is very great, or it can be said that there are not sufficient number of cases. So let us proceed to the substance of the Bill rather than go into these details.

The question is:

"That the Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946, be taken into consideration."

The motion was adopted.

Mr. Speaker: We will now take up the Bill clause by clause. Honourable Members will now get an opportunity of putting further questions, and that will be more regular. I shall first try to clarify the ground and see what amendments are going to be moved. Of course, we have had a sufficient discussion of a general nature and therefore no further arguments are necessary in the matter of these amendments. I will see what are the amendments that are going to be moved.

Pandit Thakur Das Bhargava: I want to move Nos. 10 and 16 in the Consolidated List.

Shri R. K. Sidhva: I wish to move Nos. 6, 7 and 15. The others are consequential amendments.

Mr. Speaker: About consequential amendments he may tell me when we come to those amendments.

Mr. Naziruddin Ahmad: I am not moving any of my amendments.

Shri Prabhu Dayal Himatsingka: It is a small amendment but a necessary amendment and I therefore want to move No. 12.

Mr. Mohd. Tahir (Bihar: Muslim): I want to move Nos. 13 and 23.

Shri Biswanath Das: If the honourable Minister assures me that he will examine the question I do not want to move my amendment.

The Honourable Shri Jairamdas Doulatram: Yes, I will examine it.

Shri Biswanath Das: Then I am not moving it.

Mr. Speaker: There is an amendment by Seth Damoder Swarup.

Srijut Kuladhar Chaliha (Assam: General): It is a verbal amendment for substituting the words "the Indian Union" for the words "His Majesty".

Mr. Speaker: I do not know how far it is permissible legally.

Shri S. V. Krishnamoorthy Rao: I would like to move No. 22.

Mr. Speaker: So the amendments that are proposed to be moved are Nos. 6, 7, 10, 12, 13, 15, 16, 22 and 23 in the Consolidated List.

We shall now take clause 2. Amendment No. 6 standing in the name of Mr. Sidhva.

The Honourable Shri Jairamdas Doulatram: With regard to No. 6, this amendment means that both imprisonment and fine become obligatory.

Mr. Speaker: I may make one thing clear. The honourable Minister may reply at the proper time. Now he may just state which amendment he is going to accept—he may not state the reasons.

The Honourable Shri Jairamdas Doulatram: I am not accepting amendments Nos. 6, 7, 12, 13, 15, and 23. I am prepared to accept Nos. 10, 16 and 22. No. 23 is covered by No. 22, and so I am not accepting it.

Mr. Speaker: The position is that the honourable Minister is inclined to accept Nos. 10, 16 and 22. I take it that he has found the wording all right, but if necessary he will examine and change the wording to suit the language of the Bill.

Amendment No. 6, Mr. Sidhva. Does he object to have a fine of more than Rs. 10,000? I think he better drop the amendment.

Some Honourable Members: He is not willing to move it, Sir.

Shri R. K. Sidhva: All right, Sir.

Mr. Speaker: Very well, what about No. 7? That is about Rs. 10,000.

Shri R. K. Sidhva: No. 7 is harmless. The honourable Minister in his reply stated that he is inclined that the fine should be raised.

The Honourable Shri Jairamdas Doulatram: At present there is no limit to the fine—it can be Rs. 20,000. But your amendment says that it shall not be less than Rs. 10,000. If a poor man commits a breach of law, he cannot be fined less than Rs. 10,000.

Mr. Speaker: The honourable Member does not appear to be keen on moving it. We shall go to the next amendment. Pandit Thakur Das Bhargava, amendment No. 10.

Pandit Thakur Das Bhargava: Sir, I beg to move:

"That in clause 2 of the Bill, in part (i) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted:

"the ends of justice will be met in the opinion of the Court by a sentence of fine only."

When I submitted my amendments, I thought that it will be better if Section 7 were substituted by this amendment but on reconsideration I found that perhaps it may not be in order. At the same time I do not find any justification for me to attempt to amend the original section in this amending Bill. When I consider that I wanted to substitute the imprisonment to two years, I thought that two years is more than enough but after hearing the honourable Minister I am constrained to say that his reasoning seems to be correct and if the punishment is decreased it will have a bad psychological effect. So, I did not move amendment No. 1. But in regard to No. 10 as also in regard to the other amendments, if you permit me I may move them now, because they relate to clause 2. I will now move also No. 16.

Mr. Speaker: Yes.

Pandit Thakur Das Bhargava: Sir, I beg to move:

"That in clause 2 of the Bill, in part (ii) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted:

"such direction is not necessary to be made in respect of the whole or as the case may be a part of the property."

As I submitted during the motion for consideration, in my humble opinion the principle of this Bill is very sound. It gives the court full powers to award fine if it pleases, imprisonment if it pleases, but to start with the court must look to the enormity of the offence if possible in awarding imprisonment, and if this is not possible and if the ends of justice could be met with fine only then the court is armed with this power. I support the principle of this section. Only the wording is made better in these amendments, because these words are very unusual: "unless.....a sentence of fine is adequate and that imprisonment is not called for....."

Similarly, in regard to amendment No. 16, the present words will not convey the meaning as much as the words which I propose to substitute. The words are: "unless.....the direction should not be made....." These words do not lay the proper emphasis. The words "such direction is not necessary", mean that in every case this forfeiture shall happen unless the court finds that it is not necessary to do so. Therefore, the real principle and the real direction which the honourable Minister has in mind will be better implemented by the substitution of these words. Therefore I move these two amendments.

Mr. Speaker: I am consolidating the two and putting them as one amendment.

Amendment moved:

"That in clause 2 of the Bill, in part (i) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted:

"the ends of justice will be met in the opinion of the Court by a sentence of fine only."

and

That in clause 2 of the Bill, in part (ii) of the proposed clause (b) of the proviso to sub-section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted:

"such direction is not necessary to be made in respect of the whole or as the case may be, a part of the property."

Shri R. K. Sidhva: Sir, I am rather surprised at the attitude of the honourable Minister in accepting these two amendments. It nullifies the very object of this Bill if these amendments are accepted, more especially after his speech in reply to the debate on the motion for consideration, that he would like to see at least deterrent punishment to be given. He also stated that it would be misunderstood by the Court if the House is going to make any necessary changes. This is a fundamental change. I do not know whether the honourable Minister has realised the effect of this amendment if it is to be accepted.

What does it say? It says that the Magistrate can for certain reasons impose only fine. After all, magistrates are not immune from favouritism. He will merely say that the Legislature desires only fine to be imposed and he would not give any reason before inflicting any kind of punishment. If the original wording stands, he would consider that under the Act he shall have to give detailed reasons why he is not giving imprisonment and only fine.

Mr. Speaker: Order, order. I might make one point clear. So far as the second amendment is concerned, the words "unless for reasons to be recorded" are retained. They are not deleted.

The Honourable Shri Jairamdas Doulatram: In both of them, these words are retained.

Mr. Speaker: Yes, in both of them they are retained. So the court has to record the reasons.

Pandit Thakur Das Bhargava: And recording means recording in writing. There is no other way.

Shri R. K. Sidhva: But I understand you are removing the words "in writing".

Mr. Speaker: But the honourable Member will see that the court has to "record" and the record can only be in writing. So what it comes to is really a paraphrase put in a better manner.

Pandit Hirday Nath Kunzru (U. P.: General): How will the clause read if the amendment is accepted?

Mr. Speaker: It will read like this:

"sentence any person convicted of such contravention to imprisonment for a term which may extend to three years and may, in addition, impose a sentence of fine unless for reasons to be recorded the ends of justice will be met in the opinion of the Court by a sentence of fine only."

Shri M. Tirumala Rao: What is wrong with the original draft?

Shri Raj Bahadur (United State of Matsya): The words "is of the opinion" vests in a court a sort of discretion which must be there in every circumstance. If we eliminate these words, it would mean that we are divesting the court of this discretion. I think the words "in writing" should also be there. Obviously record need not necessarily mean record in writing. It may mean record in photography, pictures or the like.

Mr. Speaker: The honourable gentleman is spinning too fine. The honourable Minister may examine the wording. I think some inter change of words is necessary. It may be something like this:

"unless for reasons to be recorded the court is of opinion that the ends of justice will be met by fine only."

The Honourable Shri Jairamdas Doulatram: We can change it on those lines.

Shri R. K. Sidhva: The idea is very clear in the original wording. I do not know why the honourable Minister wants to make the change. He must explain to us.

The Honourable Shri Jairamdas Doulatram: Yes, I will explain why I agree to the change. If you will read the language of the original, you will find first of all that the words "in writing" are superfluous. When a thing has to be recorded it cannot be recorded verbally; it has to be recorded in writing. This was a mistake in drafting which was pointed out. With regard to the other portion, the wording in the original was "the court is of opinion that in the circumstances of the case a sentence of fine is adequate and that imprisonment is not called for". This was a repetition of the same idea. When a fine is adequate, obviously it means that a sentence of imprisonment would be excessive. It was pointed out that this was a repetition of the same thing and does not carry the thing further, so the amendment as it has been proposed is in a better legal form. "The ends of justice will be met" is the common expression which we use in judicial terminology. The original was prepared in the Department and since it was not quite so legalistic as the proposal made by Pandit Bhargava, I agreed to accept it. It makes absolutely no difference in substance. He has to record the reasons and he has to see that the ends of justice will be met by fine only.

Shri R. K. Sidhva: When you say that it shall be only fine, it makes a material change. It is not only the phraseology.

Mr. Speaker: I should not argue the matter on the merits with the honourable Member, but as a lawyer I think that it makes no change whatever and perhaps the alteration as suggested will make better reading. So, if the honourable Minister agrees, I would suggest that the clause may read as follows:

"unless for reasons to be recorded it is of opinion that a sentence of fine only will meet the ends of justice."

I think that makes very happy reading.

The Honourable Shri Jairamdas Doulatram: Yes, Sir. I accept it.

Shri R. K. Sidhva: With due deference to you, Sir, I would like to be enlightened. From a lawyer's point of view you said and I would not certainly contend it, but when you say that it makes no difference, I want to point out how it makes a difference. The original says:

"unless it is of opinion in the circumstances of the case that a sentence of fine only is adequate and imprisonment is not called for."

Now, Sir, the mention of the words "imprisonment is not called for" is very important. The court has to record reasons why imprisonment is not called for. If you ask these words to be deleted, and merely say that only fine will meet the ends of justice, he will not give the reasons for not awarding imprisonment. So I submit the original is more appropriate.

Mr. Speaker: The honourable Member will see that restricting the punishment to fine only is the same thing as not awarding imprisonment. The reasons for both are identical. Therefore, that ground is more widely covered, particularly in view of equitable considerations of each case, if this expression that "a sentence of fine only will meet the ends of justice" is used. I think this is a happy wording.

The Honourable Shri Jairamdas Doulatram: Yes, Sir. I agree.

Mr. Speaker: So, that was one part and the second part would be—instead of "record in writing" "record" will be substituted—this is how it will read:

"direct that any property in respect of which the order has been contravened shall be forfeited to His Majesty, unless for reasons to be recorded such direction is not necessary to be made in respect of the whole or as the case may be a part of the property."

Pandit Hirday Nath Kunzru: I think the words "it is of opinion" has to be inserted here. It has to be vetted in certain words.

Mr. Speaker: Yes. I think it will be better to say:

"unless for reasons to be recorded it is of opinion that such direction is not necessary to be made in respect of the whole, or, as the case may be, a part of the property."

Does the honourable Minister accept?

The Honourable Shri Jairamdas Doulatram: Yes, Sir.

Mr. Speaker: I will put these two amendments in the amended form.

The question is:

"That in clause 2 of the Bill, in part (i) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted:

"it is of opinion that a sentence of fine only will meet the ends of justice, and'."

The motion was adopted.

Mr. Speaker: The question is:

"That in clause 2 of the Bill, in part (ii) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for all the words occurring after the word 'recorded', the following be substituted:

"it is of opinion that such direction is not necessary to be made in respect of the whole, or, as the case may be, a part of the property'."

The motion was adopted.

Shri Prabhu Dayal Himatsingka: Sir, I move:

"That in clause 2 of the Bill, in part (ii) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, between the words 'contravened' and 'shall', the words 'or a part thereof' be inserted."

Sir, this is a small and consequential amendment, I should think. The section as it is reads as follows:

"direct that any property in respect of which the order has been contravened shall be forfeited to His Majesty unless for reasons to be recorded it is of opinion that such a direction is not necessary to be made in respect of the whole or as the case may be of a part of the property."

[At this stage Mr. Speaker vacated the Chair which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar).]

[Shri Prabhu Dayal Himatsingka]

My amendment seeks to add the words "or a part thereof". If the amendment is accepted.....

The Honourable Shri Jairamdas Doulatram: I accept that amendment, Sir.

Mr. Deputy-Speaker: Then, I will put the amendment.

The question is:

"That in clause 2 of the Bill, in part (ii) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, between the words 'contravened' and 'shall', the words 'or a part thereof' be inserted."

The motion was adopted.

Shri R. K. Sidhva: Sir, I shall move amendment No. 13.

Mr. Mohd. Tahir: Sir.....

Mr. Deputy-Speaker: Mr. Tahir also wants to move. His name stands first. He will move.

Mr. Mohd. Tahir: Sir, I beg to move:

"That in clause 2 of the Bill, in part (ii) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for the words 'His Majesty', the words 'Government of India' be substituted"

Mr. Naziruddin Ahmad: A similar amendment moved by me sometime ago was rejected.

Pandit Thakur Das Bhargava: This amendment was rejected in another Bill and the words "His Majesty" were retained.

The Honourable Shri Jairamdas Doulatram: I am not accepting the amendment; I shall give the reasons.

Mr. Deputy-Speaker: It is not likely to be accepted; why should it be pressed?

Mr. Mohd. Tahir: I wish to move it, Sir. This amendment of mine is more of a constitutional nature than a legal one. The clause as it exists at present, if accepted, will surely mean that the proprietary right of India still vests in the King of England, which position I am not prepared to accept. It is a different matter that we may have some friendly or economic relationship with the King of England. But, it does not mean that the proprietary right of our country should vest with His Majesty. Therefore, I press my amendment, Sir.

Mr. Deputy-Speaker: Amendment moved:

"That in clause 2 of the Bill, in part (ii) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for the words 'His Majesty', the words 'Government of India' be substituted."

The Honourable Shri Jairamdas Doulatram: Sir, I agree with the principle of the amendment. But, for certain legalistic and technical objections, I cannot accept it. As the House is aware, the words "His Majesty" are contained in the Government of India Act in more than one place. The words "His Majesty" occur because at present the constitutional relationship has not changed. We are still within the Commonwealth. Even if this amendment is accepted, in section 16 of this very Act, the word "Crown" will still be there. The fact is, even if the words "His Majesty" remain there, the owner of the property would be the provincial Government. But if the amendment

is accepted, the owner of the property will be the Government of India and not the provincial government. Whereas under the Act, all the fines would automatically go to the provincial government, by accepting this amendment, all the forfeited property will go to the Government of India. It is because of these technical difficulties that I am not accepting the amendment, though I accept the principle of it. The words occur in numerous Statutes and they will have to be removed one day and we will come forward with an amendment then.

Shri R. K. Sidhva: I want to speak, Sir.

Mr. Deputy-Speaker: Not necessary. This point has been brought up when almost every Bill comes up. Why should we spend more time on this?

Shri R. K. Sidhva: I want to say that this has been accepted in one Bill.

Mr. Deputy-Speaker: No, I will put the question straightaway.

Mr. Mohd. Tahir: One point of information, Sir.

Mr. Deputy-Speaker: No more information, please.

The question is:

"That in clause 2 of the Bill, in part (ii) of the proposed clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, for the words 'His Majesty', the words 'Government of India' be substituted."

The motion was negatived.

Mr. Deputy-Speaker: I will put clause 2.

The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Shri S. V. Krishnamoorthy Rao: Sir, I beg to move:

"That in clause 3 of the Bill, for the proviso to the proposed section 7A of the Essential Supplies (Temporary Powers) Act, 1946 the following be substituted:

"Provided that the Court trying an offence under this Act may exempt any such package, covering or receptacle or any such animal, vehicle, vessel or any other conveyance from being forfeited to the Government of India if it is proved that the owner thereof had no knowledge that the offence was being or was to be or was likely to be committed."

Sir, as the proviso now stands, the burden of proof is put on the prosecution to show that the owner had knowledge that the vehicle was or was likely to be used for the commission of the offence. When the substantive offence is proved under clause 7, I submit that the burden of proof should be on the owner to show that he had no knowledge, because in many of these cases, it is only the driver or the person who drives the cart that is punished.

Mr. Deputy-Speaker: I think the honourable Minister accepts the amendment. The amendment speaks for itself.

Mr. Naziruddin Ahmad: Here a small amendment is necessary, Sir. In this case he says "being forfeited to the Government of India" 4 P.M. and I think it should be "forfeited to His Majesty", if we are to keep up to the usual form.

If we have to reject Mr. Mohd. Tahir's amendment, I think we should introduce the words "His Majesty".

Shri S. V. Krishnamoorthy Rao: I accept that amendment.

Mr. Deputy-Speaker: Amendment moved:

"That in clause 3 of the Bill, for the proviso to the proposed section 7A of the Essential Supplies (Temporary Powers) Act, 1946, the following be substituted:

"Provided that the Court trying an offence under this Act may exempt any such package, covering or receptacle or any such animal, vehicle, vessel or any other conveyance from being forfeited to His Majesty if it is proved that the owner thereof had no knowledge that the offence was being or was to be or was likely to be committed."

Pandit Thakur Das Bhargava: Sir, the original section says: "The court shall declare that a person had a particular knowledge before it forfeits certain properties, receptacles etc." My honourable friend on the contrary wants that as soon as there is a conviction, the very fact of conviction is sufficient to bring home to the owner of that vehicle or animal that he himself is also guilty of the charge.

Shri S. V. Krishnamoorthy Rao: I am sorry, it is a rebuttable presumption. It does not mean that the owner is guilty of the charge.

Pandit Thakur Das Bhargava: Only my honourable friend has been kind enough to the owner in this respect that he gives him an opportunity to prove to the contrary. In all criminal cases the burden is always on the prosecution and I do not see why we should make an exception in this case. The honourable Minister wanted in his Bill that the burden should be on the prosecution and my honourable friend has come to his help and wants to say that the burden should be laid on the owner. He is in fact out-heroding Herod. My humble submission is that in all these offences relating to emergencies this has been the tendency and I have been always fighting against this tendency. If you will kindly see section 8 of the original Act, the words are:

"Any person who attempts to contravene or abets the contravention of any order made under section 3 shall be deemed to have contravened the order."

If the owner is in league with the person who is smuggling he is an abettor under section 8 and if the thing is proved against him, he will be punished like the principle and then, if the idea is that the owner is to be punished, he ought to be punished in person rather than in his property. If the case cannot be brought home to him, then he is quite innocent under the law.

It may happen that the owner who owns ten lorries is in Calcutta and he just pays a man who looks after. One lorry is being plied in Delhi and another in Muzzafarnagar and a third in Saharanpur. That man does not know what the driver is doing. In all criminal cases there can be no offence by agency. It is an accepted principle that if a driver or even his agent does intend to do something wrong then those persons are themselves liable and not the owner and it must be proved that the owner knew certain things before his property can be forfeited. This is the usual criminal law of this country and I do not know what is at the back of my honourable friend's mind. As a matter of fact when a person hires a lorry, the driver also does not necessarily know the purpose of the hiring unless he accepts a part of the profit, then only it can happen that a driver can also be implicated, but to speak of the owner who may not be present there, he cannot be prosecuted. If it can be proved that the owner knew, then he can be prosecuted, under section 8. No case has been made out for changing the burden of proof and putting it on the accused, which is, I should say, a very exceptional thing in criminal cases.

Shri Prabhu Dayal Himatsingka: Sir, I beg to oppose this amendment. It is a novel thing that we are proceeding with here. It should be the duty of the Legislature to protect the interest of the subject and in the present days

the powers of the Executive are more than what they were under the Defence of India Act. It is the duty of the Legislature to see that such powers are not extended, but rather kept within certain limits.

As my honourable friend, Pandit Thakur Das Bhargava has said, it will be a novel procedure of criminal jurisprudence to punish an owner or rather to throw the burden of proving his innocence on him instead of throwing the burden on the prosecution. I request the honourable Minister to think as to what extent he is going to by accepting this amendment. It may be very easy for him to have certain convictions, but this will lead to various complications. Of course, the trains all belong to the State now; otherwise, the honourable Minister for Railways will be deprived of his wagons every day. We do not know what is in contravention of certain laws and what is not, and all these things will have to be forfeited.

It is a very dangerous thing and I do hope that the honourable Minister will apply his mind and not simply accept an amendment like this.

Mr. Naziruddin Ahmad: I wish to support the amendment.

Mr. Deputy-Speaker: Some have supported and others have opposed it. I think the original itself is all right. Let us hear the honourable Minister.

The Honourable Shri Jairamdas Doulatram: I think we are unnecessarily debating this matter. I find that the amendment is placing too much responsibility of proof on the owner. Therefore, I am not accepting the amendment. I will accept the original wording.

Shri S. V. Krishnamoorthy Rao: Sir, I beg leave of the House to withdraw my amendment.

Mr. Deputy-Speaker: Has the honourable Member leave of the House to withdraw his amendment?

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

Mr. Mohd. Tahir. Sir, I beg to move:

"That in clause 3 of the Bill, in the proviso to the proposed section 7A of the Essential Supplies (Temporary Powers) Act, 1946, after the word 'knew', the words 'or had reasons to know' be inserted."

I hope that the honourable Minister in charge will duly consider this amendment and will accept it, because it will remove the difficulties that have been felt by several of our friends such as Pandit Thakur Das Bhargava. Supposing, for instance a lorry is plying at Delhi and the owner is at Calcutta. How is to be proved that the owner was in the knowledge of the offence that was committed in Delhi? Sir, knowledge is a mental condition and unless it is supported by circumstances and reasons, it is very difficult to prove that the man really had the knowledge and unless it is supported by circumstances and reasons the offence cannot be proved. Therefore, it is but necessary that this amendment should be accepted. If it is accepted, Sir, then the provision in the Bill will read as follows:

"Provided that no Court trying an offence under this Act shall declare any such package, covering, or receptacle or any such animal, vehicle, vessel or other conveyance forfeited to His Majesty, unless it is proved that the owner thereof knew or had reasons to know that the offence was being, or was to be or was likely to be, committed."

I, therefore, think that this amendment is - reasonable and should be accepted.

Mr. Deputy-Speaker: Does the honourable Minister accept the amendment?

The Honourable Shri Jairamdas Doulatram: No, Sir.

Mr. Deputy-Speaker: Amendment moved:

"That in clause 3 of the Bill, in the proviso to the proposed section 7A of the Essential Supplies (Temporary Powers) Act, 1946, after the word 'knew', the words 'or had reasons to know' be inserted."

Mr. Naziruddin Ahmad: I beg to support this amendment. The proviso as it stands, makes it possible to forfeit the property only on one condition that the Court is satisfied that the owner actually knew that the offence was being or was about to be committed. From a practical point of view it would be impossible while trying the accused to get evidence that the owner (a third person) knew that the offence was being committed. I submit that, at the trial, the owner is a third person in so far as the offence is committed by the drivers and others. I submit that if this condition is to be proved it would be as good as deleting the proviso altogether. The only object of the proviso is to drag in the owner, the real person who carries on the illicit trade with the knowledge or approval of others who are only scape goats. In the Motor Vehicles Act we have provision for awarding punishment to the owner in case the driver commits an offence. If a similar provision is not there in this Act you will let the real black-marketer escape and punish his dupes and intermediaries. If you want to tighten the proviso these words are necessary. Without these words the proviso will be of no use. The amendment of Shri Krishnamoorthy Rao also would strengthen the proviso. In these circumstances, the amendment should be accepted.

Pandit Thakur Das Bhargava: The object of the mover of this amendment is to make the hold on the owner more secure. After hearing Mr. Naziruddin Ahmad I realise that what he wants is that if a person is neglectful and does not properly instruct his agent, he should be punished for his negligence. He wants that the owner should be punished for not giving proper instructions. Now, what do these words 'or had reasons to believe' indicate? The principle of criminal jurisprudence is that unless a man is proved to be guilty he should be considered innocent. The Evidence Act also lays down that if there are very good grounds for a court to believe that a person knew, even without actual proof to that effect, it shall hold that he knew. If you put in these words 'or had reasons to know' even in the absence of good proof, a person could be found guilty. I submit that according to the true principles of criminal jurisprudence for a person being held guilty it is absolutely necessary that the guilt should be proved against him. 'Had reasons to know' is a weaker expression than the question of knowledge. We are providing for imprisonment and for forfeiture of property if it is proved that the person who owned the property knew true fact.

If my friend fears that the drivers, etc., will not be prosecuted, there is no ground for it. As I just read out from Section 8, they are guilty of abetment. Similarly, if the owner knew he will be guilty of abetment and all his property mentioned in the clause will be forfeited. Only in cases where it is actually proved that he actually did not know or had some suspicion but not enough suspicion, he will be allowed to go scot-free. I do not know what the Member wants when he says that we should further strengthen the law. It is not by strengthening the stranglehold that we will make a law successful. The conditions necessary for the success of the measure have already been indicated by the honourable Member who spoke earlier. I, therefore, oppose this amendment.

The Honourable Shri Jairamdas Doulatram: I oppose the amendment. The courts will have to infer from the circumstances the knowledge of the owner and take action.

Mr. Deputy-Speaker: The question is:

"That in clause 3 of the Bill, in the proviso to the proposed section 7A of the Essential Supplies (Temporary Powers) Act, 1946, after the word 'knew', the words 'or had reasons to know' be inserted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri Jairamdas Doulatram: Sir, I move:

"That the Bill, as amended be passed."

Mr. Deputy-Speaker: Motion moved:

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

Shri M. Tirumala Rao: Sir, I do not want to take up much time of the House. The Government have asked for drastic powers in this Bill and they have got them. But we must draw attention to the responsibility which lies on their shoulders as to how the various sections of the public and also the Government themselves have failed to effectively control black-marketing and also the various leakages that have been there from the very beginning with regard to food administration. It is not enough if the people are asked to have a moral conscience. You must also be careful about the moral conduct of the army of officers administering rationing and control throughout India. I may tell you of smuggling going on in my own part of the country. It goes on systematically in train between Thadepalligudem and Vizagapatam, a distance of 160 miles. Every day 150 half-bags of rice are carried openly by smugglers. It comes to 23 tons of rice. This goes from a surplus district to a deficit district. Nobody can check them. Nobody will control them. It is a daily business going on with the fullest co-operation of the police and the railway officials. It is only the railways that can transport such huge quantity. If you want to control this smuggling and transport you will have to take effective action under this Act against the railway officials.

Again, roundabout Bezvada there are hundreds of people coming everyday with small quantities of rice to the city and earning three or four rupees a day. It is a regular profession of some 400 people. The same thing is happening in the Madras city. I do not blame the people carrying on this business.

Another thing is that there are very many big people involved in smuggling. In the District of Guntur, a man practising the so-called learned profession, owning five or six lorries, regularly carries on this business between 8 p.m. and 5 a.m. His lorries laden with rice from surplus area go to deficit areas and the rice is sold there at black-market rates. The district officers and the police officers know this. They are friends of this person and they meet in the Officers' Club. This is happening with regard to particular classes. You know, Sir, that two lorry-loads of yarn were sent out from a mill belonging to a gentleman who is considered to be a very big philanthropist, a multi-millionaire and a

[Shri M. Tirumala Rao]

favourite of Government. He was caught redhanded but the police would not take the case to court. You are arming the magistrates with power but they must see that the big fish are caught and properly dealt with. It is not enough to have drastic powers in your statute-book; it requires a vigilant Government and a little moral conscience on the part of the people to make the provisions of this law successful. Government have undertaken to feed the people; my honourable friend Shrimati Ammu Swaminadhan was not able to catch the Speaker's eye, otherwise she could have said something about this. Today I could not get rice. Yesterday I sent my servant with a ration card; he told me there was no rice but there was enough of it in the black-market. Either we have to starve or get rice from unauthorised people in the black-market. These unauthorised sales are going on under the very nose of the Government of India, and I therefore request Government to see that the provisions of this Bill are properly worked until our difficulties are tided over.

Shrimati Ammu Swaminadhan (Madras: General): Sir, there are just one or two things that I want to say so that the honourable the Food Minister may try to make things better. Firstly, it is not enough to have all kinds of Ordinances and laws but Government should be more vigilant and see that these powers are properly exercised. My honourable friend Shri Tirumala Rao said just now that today in Delhi under the very nose of the Government of India you can get as much rice as you want; it is not called black-market rice but 'uncontrolled rice'. I did not know that there was any rice which was 'uncontrolled' but my servants tell me that whenever we cannot get rice in the ration shops we can get this 'uncontrolled' rice. I personally do not buy it because I do not want to encourage black-marketing but if this happens in Delhi how can you control it in far-away villages? It is no use blaming the officials in the villages; surely the Government of India should see that in Delhi itself these things do not happen. You can get charcoal, rice, *atta* and everything else in the black-market, only the poor people who cannot afford to pay black-market prices cannot get anything. And who are the people who are punished? It is always the poor man or woman who buys in small quantities to save their children from starvation. Recently, as a jail visitor, I went to the Vellore Women's Jail and I found that more than half the women prisoners there were those who were punished for buying or selling in the black-market. And how much rice were they buying or selling? They said it was a small quantity in each case. While rich people go scot-free and get all that they want it is the poor who are punished because they buy in the black-market out of sheer necessity to save their children from starvation. It is time Government saw that the proper people are punished and the black-market business is stopped for ever, instead of punishing one or two poor men and women. As long as the rich people go scot-free and can get all that they want this black-market is not going to stop. In the pavements of Delhi you can buy anything you want. If you cannot stop it here you cannot stop it in other parts of the country.

Sir, I support this Bill and hope that its provisions will be properly applied and not allowed to remain a dead letter.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

PAYMENT OF TAXES (TRANSFER OF PROPERTY) BILL

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg to move:

"That the Bill to make provision for the payment of taxes before transfers of property are recognised in certain cases, as reported by the Select Committee, be taken into consideration."

All that I want to do at this stage is to sum up very briefly the more important changes which have been made by the Select Committee in the original Bill. The main purpose of the changes that the Select Committee has made has been—if I may say so—to tone down the rigour and to narrow the scope of the original measure. The first change is that the Bill now operates only in respect of immovable property. The original Bill, as the House will remember, applied also to movable property with the exception of stocks, shares and securities. Secondly the Bill now applies only to transferors who are either evacuees or who are intending to leave the country to settle outside the country in the opinion of the Income-tax Officer, Custodian of Evacuee Property or the Collector. Originally, as the House will remember practically every transfer had to obtain a tax clearance certificate before a registration authority would register the document. Thirdly, in regard to taxes the operation of the Bill will be confined to transfers of immovable property which have been irregularly made and only with effect from the date on which the Ordinance came into operation, and not retrospectively from 15th August 1947 as in the original Bill. The fourth change is that there is provision made for appeal from the orders of the Income-tax Officer to the Commissioner of Income-tax. One other change that has been made by the Select Committee is to provide that any proceedings under the Ordinance would continue even after the expiry of the Ordinance.

These are the changes which have been made by the Select Committee. There is one statement in the Select Committee's report to which I should like to invite the attention of the House; it is in the second sub-paragraph of paragraph 2:

"In this connection some of us feel that a provision corresponding to section 44G of the Pakistan Income-tax Act requiring a tax-clearing certificate from every non-national leaving the country should be introduced into our law with immediate effect."

The Committee considered that it would not be suitable to put a provision of that kind into this Bill and so they suggested that separate provision should be made for it. This has been done in the Income-tax Amendment Bill which is now before the House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to make provision for the payment of taxes before transfers of property are recognised in certain cases, as reported by the Select Committee, be taken into consideration."

Kazi Syed Karimuddin (C. P. and Berar: Muslim): Sir, I move:

"That the Bill as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon by the 1st June, 1949."

It is recorded in the debate when this Bill was sent to Select Committee that the Honourable Mr. Neogy had stated that he had agreed to withdraw this Bill.

Shri R. K. Sidhva (C. P. and Berar: General): That is an old story.

Kazi Syed Karimuddin: Although an old story, it has to be repeated here to show that there is no foundation why this Bill should be brought before the

2378 CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [5TH APRIL 1949]

[Kazi Syed Karimuddin]

House. The reasons were not given by him and the only thing stated by him was.....

Mr. Deputy-Speaker: As I understand the position, the scope of the Bill is what has been agreed upon after its reference to Select Committee. I am sure this point must have been urged before reference to Select Committee and this point cannot be urged now unless there are certain things which the Select Committee have substantially changed. I think the honourable Member is basing his argument on the assurance that is supposed to have been given by the then Finance Minister that he would not press the Bill. But I am afraid that it is out of date.

The Honourable Shri K. C. Neogy (Minister of Commerce): That could not bar the progress of any measure for all time. I could not have meant that for all time to come no such legislation could be brought before the House.

Mr. Deputy-Speaker: The motion for circulation ought not to be a dilatory motion. If the honourable Member has any other substantial ground he may put it forward.

Kazi Syed Karimuddin: It was stated by Mr. Neogy that he had agreed to drop the Bill and no reasons were assigned.

Mr. Deputy-Speaker: It is exactly on that point that exception has been taken.

Kazi Syed Karimuddin: Sir, the honourable the Finance Minister in his speech today has stated that the Bill is now only applicable to those who want to leave this country and settle outside India. According to the statement of objects and reasons, the object of the Bill is to safeguard the loss of revenue in the case of persons who dispose of their properties with the intention of leaving India and settling somewhere else. But in the provisions of the original Bill there was no such mention. The provisions as they stood then, before the Bill was sent to Select Committee, contained no mention of the scope and the application of the provisions of this Bill being applicable to those who leave this country or who intend to leave or who want to settle down outside India. Therefore if the Select Committee has taken away the provisions of Clause 2 and has made it applicable only to those persons who intend to leave this country, then I submit that this is a substantial change, and this change was not authorised when the Bill was referred to the Select Committee. Consequently, it is necessary that the Bill should be circulated for public opinion. Because of the grievances made by several Members of the House that it was not working properly in the case of the majority community or in the case of those who were not leaving the country, the Select Committee reported that it should be only made applicable to those persons who were going to Pakistan or leaving India to settle down there.

Now there is another Bill which is before the House dealing with the rush of people coming from Pakistan. Now if the provisions of this Bill are accepted, the result will be that every Muslim who wants to dispose of his property here will be suspected by the Custodian or the Income-tax Officer or the Collector, and the result will be that in the case of every Muslim in this country who had no intention to go and settle down outside India, he will be a suspect and in his case a certificate will be necessary. Therefore, I contend that the honourable the Finance Minister has not looked to the grievances of those against whom this worked a hardship and these provisions have been made applicable to a particular community and as income-tax rules today are, the harassment will be very great; the corruption will be very great and it will be very difficult to get certificates from the Income-tax Officer.

Sir, the Custodian and the Collector are not given any special grounds on the basis of which they should make a report or issue a certificate that a man is leaving the country. It only depends on their sweet will and how they think of a particular person. The result is that as soon as a Muslim wants to alienate his property in this country, it will be presumed that he is leaving this country and a certificate will be necessary as prescribed in Section 3 of this Bill. Therefore, even in the case of those who want to dispose of their property, there should not have been any provision regarding a certificate issued by the Collector, the Income-tax Officer or Custodian. If, according to the provisions of section 4 you apply them to the Muslims of this country, it would be impossible for them to alienate their property even in case they do not want to leave the country but want to be here.

Therefore, the application of this Bill to a particular community will be to the detriment of that community and there is no justification for it because according to the Government people are coming from Pakistan to this country and very few people are going there from here. This Bill is the result of a similar Ordinance which Pakistan issued and my submission is that for a few people who are likely to come to India, such a sweeping Bill, affecting every Muslim in this country, should not have been brought forward.

Mr. Deputy-Speaker: Amendment moved.

"That the Bill as reported by the Select Committee be circulated for the purpose of eliciting opinion thereon by the 1st June, 1949."

Pandit Thakur Das Bhargava (East Punjab: General): This is a dilatory motion according to our rules. When a Bill emerges back from the Select Committee, if at that time a motion of this character is made it is a dilatory motion and unless there is a good ground given by the mover, the Chair is authorised not to allow this motion.

No ground has been given by the honourable the Mover of this motion. On the contrary the grounds that have been given are such as would stand in the way of a motion like this. He has read out to you from the objects of the original Bill that it was meant to safeguard the loss of revenue in the case of persons who dispose of their properties with the intention of leaving India. At the time of the consideration of the Bill, opinion was expressed in this House by many Members, including myself, that this Bill went beyond the scope of the objects mentioned in this Bill. Therefore when the matter was sent to the Select Committee it was just and proper that this Bill should have been amended in the manner it has come from the Select Committee. At this stage I will be guilty of want of gratitude to the honourable the Finance Minister if I do not submit to the House in what manner this objection was accepted by him.

Sir, it is unfortunate that those in charge of the Income-tax Department do not behave rightly towards the people of this country. As a matter of fact the income-tax department is an earning department. We want it to prosper. What will happen to the nation-building activities if those who have to pay evade payment. I admit therefore that every person who should pay should pay to the income-tax department what is due from him. If the income-tax department does its duty well I am sure they will earn twice the income they are earning today. At the same time it is no part of the duty of the income-tax people, that when they get an opportunity, to enact laws they should mulct the people in an illegal way. The object of the Bill was only to get revenue from those who wanted to go away from this country, if they had to pay tax. That was a laudable object. But with this handle they brought about a Bill by which every person was debarred from alienating his property, unless he paid his tax. By what they were doing perhaps they did not realise they were dislocating all business. People would not be allowed to transfer

[Pandit Thakur Das Bhargava]

their properties and get money. At the same time the price of properties was depreciated. As a matter of fact it was our national government that sought to do it. If the previous government had done a thing like this there would have been such a hue and cry that the Government would have come to know that the effect of the BFI was to their cost. When it came before the Select Committee the honourable Finance Minister stuck to his guns and told the income-tax people that this was not the manner in which they should be allowed to get more money. I congratulate him on that score. I further wish that the spirit of the honourable Finance Minister would imbue the income-tax department as well and they will become real servants of the people. We would then give them all our good will and wish them prosperity and expect them to behave towards the people of the country as their servants. The people on the other hand would consider them as their protectors who take from them their legitimate dues and do not try to extort money from them in an illegal manner, which is the complaint which my friend has made. Is the complaint right? He wants the Bill to be re-circulated even though the right thing has been done. I submit that he has made out no case for re-circulation to elicit public opinion.

My friend has made the complaint that this will act as a hardship towards the Muslim community. As a matter of fact so far as the Muslim community is concerned the Bill does not speak of the community at all but speaks of persons who want to go away and settle elsewhere. It is true that in fact it will apply to those people who want to go away and Hindus are not likely to go away. But what about Christians and Parsis who may want to go elsewhere and the Bill may also apply to people in other parts of the country. It is not discriminatory at all and it cannot apply to any Muhammadan who does not want to leave the country. If a Muslim stays here he is as much protected by the law as at present obtaining in India as any Hindu or any other person. I have not been able to understand how this Bill will create suspicion in the minds of Muslims who do not want to leave the country. My friend has drawn much more on his imagination than on actual facts.

My friend says that very few people are going and if that is so it will apply to very few people and where is the complaint then? On all these grounds this is a dilatory motion and should not be allowed to be made and should be over-ruled. If my friend persists in the motion the House will be well advised in throwing it out.

Mr. Deputy-Speaker: Is it necessary that we should have an elaborate discussion at this stage on the Bill?

Shri T. T. Krishnamachari (Madras: General): Sir, there are one or two matters on which I would like to speak, considering the fact that I spoke at length at the time this Bill was referred to a Select Committee and the fact that some heat was generated at that time because some honourable members found fault with the manner in which the ordinance is being administered. I am not a *persona grata* with the honourable Finance Minister as I believe he thinks that some of us are even beneath contempt. Nevertheless I think it is only fair for me to acknowledge that the Finance Minister was good enough to see the mistakes committed by his department and therefore co-operated with the members of the Select Committee in amending the Bill in such a manner that the abuses to which it lent itself have been now abrogated. This fact in itself evokes a note of warning which it would be well to take note of. I do not know if the members of the House are aware that several provincial governments had protested when the ordinance which this Bill seeks to confirm, in part at any date, was made applicable to some of the provinces, where the need for the application of the ordinance was not very great. I know for a fact that the Madras Government protested and the protest of course was not heeded. In the meantime the whole machinery of registration of

documents relating to urban property was brought to a standstill and there were many questions in the Madras Assembly as to what action the Madras Government had taken in the matter. Even now people are not aware that the ordinance has lapsed and this Bill which is to replace the ordinance is one which would not affect normal transfer of property in this country but would only affect those persons who dispose of their properties with the intention of leaving India and settling down elsewhere.

I have been asked by several people while I was in Madras whether the ordinance was still in force. The point is that when a measure of this sort is brought to replace the measure that has lapsed the inconvenience caused by the previous one still continues, because the Government have not gone a step further and publicised the fact that the amended measure would affect a limited class of persons and not all those whom the original measure affected. I would like to convey this particular request to the Government; that having seen as they have done in this particular case the evil of hasty legislation, whether by means of bringing a legislation proposal before the House and getting it passed or by means of using the emergency powers which they have in their hands,—having demonstrably seen the evils arising out of such measures—they should hesitate before bringing forward measures of this sort. Even before this particular measure was taken up the other Bill that was being discussed in the House this morning one observed that it has a painful feature of our day-to-day work, that the Government often comes forward with measures before the House which are rather sweeping in character, which had not been examined by their legal department, on which the collective wisdom of the Cabinet as a whole had not been brought to bear and on which the opinion of the provincial governments had not been ascertained and nevertheless people are exposed to risks resulting out of the hasty legislation merely because some Minister wants that in order that he should not be behind hand in regard to enforcement of a particular type of control he should have powers adequate or probably more than what is necessary.

I would make this request to Government that they take to heart the lesson of this particular ordinance and the Bill which seeks to replace it and see that in future no measure is brought before the House or is enacted by means of an ordinance, unless it is scanned and looked into by proper authorities and they should see that the department concerned should not exercise such powers as exceed the original intentions behind the measure. The honourable Finance Minister was good enough to admit that his department had more or less used these powers against people whom it was not originally intended to harass. What is the compensation to these people who have been put to loss, by way of delay in the transfers of property and the resultant loss in income and various other harassments, merely because some minion of Government, had misused those powers which were intended for a totally different purpose. I think in any other country where the laws are of such a nature as afford a remedy against Government, the public would have obtained that remedy by going to a court of law. But here we in this country accustomed as we are to centuries of oppression under foreign rule, accept anything that the Government does, right or wrong, the practice of dumb servility prevents our asserting our rights even under a popular Government. It is a popular government which has used the power (which the former government had often made use of) with a nonchalance. That is amazing without any consideration for the people or even enjoining their officers to see that the ordinance is not misused.

While I will oppose the motion made by my honourable friend Mr. Karimuddin I think that he has got a perfect right to feel that this measure operates against a particular community. I am afraid it is. The Hindu community

[Shri T. T. Krishnamachari]

in Pakistan will be affected by a similar measure there but that is merely because of the circumstances of the case. While, I perfectly sympathise with him I am afraid there is no way out of it. I think the Select Committee with the aid of the Chairman have made adequate provision to see that no person who is normally not likely to leave the country is affected which is all that could be done under the circumstances. Such care as we can take consistent with our own powers of imagining contingencies as will arise has been taken in this measure and I do hope that the honourable Finance Minister will give an assurance that he will ask the department to be very very careful and make use of the measure only in cases where the loss of revenue to government is reasonably large and not where it is a matter of few hundreds or thousands of rupees, so that people may be saved from harassment, even though it means a small loss of revenue to the Government. Subject to this I oppose the motion made by my honourable friend Kazi Karimuddin and support the original motion.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I beg to point out that although the difficulties are alleged now to have been removed, the difficulties as a matter of fact remain in the Bill as before. The trouble pointed out by many honourable Members in the House was that the operation of the Bill would not be confined to those who are trying to leave or who have left in order to evade Income-tax, but it would affect all and therefore it was sent to the Select Committee to cure those provisions. I will try to show that whatever may be the pious opinions expressed as to the removal of these difficulties the situation remains absolutely unchanged. If honourable Members look at clause 2—I shall not read it but give only the gist—it is said that this Act shall apply to those who on account of civil disturbances or other reasons leave or have left, or who in the opinion of the Income-tax officer or the Custodian of Evacuee Property have transferred their properties. Clause 2 which defines the purposes of this Act is absolutely clear.

Then comes the operative part, namely clause 3. Has the clear definition of the purpose in clause 2 been kept absolutely clear in clause 3? It is said that if a man 'to whom this Act applies' presents a deed for registration about his immovable properties then it should not be registered unless there is a certificate of a proper authority. The question is so far as the registering officer is concerned what does this expression "to whom this Act applies" really convey? In clause 2 it is said that this Act applies to certain persons. That is clear. But that is 'in the opinion of the Income-tax officer or the Custodian of Evacuee Property or the Collector'. But the persons who form the opinion are not the registration officer but some other person. Therefore the expression "to whom this Act applies" will not be clear at all or be self-explanatory to the registering officer. A man comes to a registering officer to have his document registered. It may be thought that if he is a man "to whom the Act applies", then of course the document should not be registered and the document will be refused unless the proper certificate of payment of Income-tax and other dues is produced. But how would a registering officer find out whether the transferer is a person to whom this Act applies? Although there has been an attempt to define the position in clause 2, so far as the operative part, namely clause 3 is concerned this definition has not been carried into effect. It may be clear to the Income-tax officer that a man owes something. It may be clear to the Custodian of Evacuee Property or the Collector that the man is leaving, he owes some Income-tax and other dues and that he has not paid them. But to a registering officer nothing would be known. It will be impossible for him to know that the man is leaving or that any tax is due from him or that the Act would apply to him. So far as he is concerned he

will think—"here is a man who is trying to register a document" and he will ask him: "Are you a person to whom this Act applies?" He will say 'No.' The registering officer will then say 'I do not take the responsibility, you better get the certificate'. So the position is even now exactly where it was. Although the Select Committee has attempted to clear the position, so far as the operative part of the Bill is concerned, the position is not at all clear.

I have an amendment which would be placed at the proper time. But I would ask the honourable Minister and the Members to consider the point that the hardship consists in the registering officer refusing to register unless the certificate is produced. This position in practice remains exactly where it was. The definition is there but it remains a pious wish and the registering officer will be left without any means to know, and the party will be left without any means to satisfy him, that he is not a person to whom the Act applies. In these circumstances I submit that clause 3 should require redrafting. That is all that I have to say.

Shri L. Krishnaswami Bharathi (Madras: General): I only rise to answer the speaker who just preceded me. He referred to the question as to how the registering officer can know this is a person to whom the Act applies. There is no difficulty at all. If my honourable friend Mr. Naziruddin Ahmad had carefully gone through part (ii) of clause 2 he would have known that. I would only like to invite his attention to this. Clause 2 reads:

"This Act shall apply to any person....."

(ii) who, in the opinion of any of the Income-tax authorities specified in sub-section (1)..... is likely to leave the Provinces of India with the intention of settling in any place outside the Provinces of India, and in respect of whom a declaration that he is a person to whom this Act applies has been received from any such Income-tax authority, Custodian of Evacuee Property or Collector by the registering officer of the area in which any property belonging to such person is situate."

Mr. Deputy-Speaker: That is only an alternative—"or". Part (i) is an independent one. Part (ii) is the second category. His objection is to the first category.

Shri L. Krishnaswami Bharathi: This does not apply to part (i). Part (ii) refers to a person named in the letter to the registering officer as a person to whom the Act applies. It is only such cases that clause 3 will apply. There is no difficulty. All other persons about whom the registering officer has not received any declaration stating that "this is a person to whom this Act applies" can have their documents registered. There is no difficulty in their cases.

Mr. Naziruddin Ahmad: What about sub-clause (i) of clause 2?

The Honourable Dr. John Matthai: With reference to the last point that was raised by Mr. Naziruddin Ahmad the position is this. There are two categories of people one of whom belongs to the definitely ascertainable class of evacuees defined in terms embodied in this Bill and the other are people in respect of whom prior notice has been received by the registering officer from the specified authorities. One is a definitely ascertainable class; the other is a category of people in respect of whom prior notice is received, so that in actual administration there is not likely to be any serious practical difficulty. It is quite conceivable that once this Bill comes into force the Collector of the district would supply the Registration Department with a list of the people who are described as evacuees, so that the question of administration may not create any difficulty.

[Dr. John Matthai]

With regard to what my honourable friend Mr. T. T. Krishnamachari said I quite appreciate that in matters of this kind we do run the risk of piecemeal and hasty legislation. When there is an emergency and an ordinance is issued to meet it, it is possible that sometimes due care and precaution is not taken. I quite appreciate the danger of the situation. In regard to the application of this Ordinance to provinces Mr. Krishnamachari referred to Madras. It was applied to Madras after the approval of the Madras Government had been obtained and that procedure was applied in every case where the ordinance was extended. It is not that the Central Government acted on its own responsibility in this matter.

With much of what Pandit Bhargava said I am in complete agreement. But I am afraid I do not altogether agree with some of the things he said about the Income-tax Department. They have a very difficult and thankless job. And I think they deserve a little more sympathy than Pandit Bhargava is prepared to extend to them.

Mr. Deputy-Speaker: I will put the amendment to the House.

The question is:

"That the Bill as reported by the Select Committee be circulated for the purpose of eliciting opinion there on by the 1st June, 1949."

The motion was negatived.

Mr. Mohd. Tahir (Bihar: Muslim): Sir, I want to speak.

Mr. Deputy-Speaker: Enough discussion has taken place on the amendment and also on the Bill. I am now putting it to vote.

The question is:

"That the Bill to make provision for the payment of taxes before transfers of property are recognised in certain cases, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Wednesday, the 6th April, 1949.

THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND
ANSWERS)

Official Report

Volume IV, 1949

(6th April, 1949 to 9th April, 1949)

Fourth Session

OF THE

CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE)

1949



CONTENTS

Volume IV.—6th April, 1949 to 9th April, 1949.

	PAGES.
WEDNESDAY, 6TH APRIL, 1949—	
Statement on Foreign Investments in India	2385—87
Election to the Standing Committee for Ministry of Food	2387
Election to the Committee to review the working of the Railway Convention	2387
Industrial Finance Corporation (Amendment) Bill—Introduced	2388
Industries (Development and Control) Bill—Referred to Select Committee	2388—2429
Statement of Business	2429—30
THURSDAY, 7TH APRIL, 1949—	
Elections to Central Tea Board, Central Advisory Board of Archaeology, Standing Committee for Ministry of Food and Committee to review working of Railway Convention	2431
Papers laid on the Table	2431—34
Point of order—Reference of the Industries (Development and Control) Bill to Select Committee without discussion on the statement made by Prime Minister on Foreign Investments.	2435
Indian Passport (Amendment) Bill—Introduced	2435
Registration of Foreigners (Amendment) Bill—Introduced	2435
Delhi Road Transport Authority Bill—Introduced	2435—36
Payment of Taxes (Transfer of Property) Bill—Passed as amended	2436—51
Public Companies (Limitation of Dividends) Bill—Passed as amended	2451—61
Merchant Shipping Laws (Extension to Acceding States and Amendment) Bill—Passed	2462—69
Influx from Pakistan (Control) Bill—Passed as amended	2470—80
Delhi Hotels (Control of Accommodation) Bill—Discussion on Motion to Consider—not concluded.	2480—81
FRIDAY, 8TH APRIL, 1949—	
Election to Standing Committee for Ministry of Labour	2483
Election to Standing Committee for Ministry of Industry and Supply	2483
Industries (Development and Control) Bill—Appointment of a Member to Select Committee	2484
Motions for Adjournment—Procedure <i>re</i> motions which are obviously inadmissible and on which no question of consent of the Speaker can arise—Motions not to be mentioned in the House.	2484
Delhi Hotels (Control of Accommodation) Bill—Passed	2484—2501
West Godavari District (Assimilation of Laws on Federal Subjects) Bill—Passed	2501—02
Displaced Persons (Legal Proceedings) Bill—Passed as amended	2502—04
Indian Tea Control (Amendment) Bill—Passed	2504—06
Indian Wireless Telegraphy (Amendment) Bill—Passed	2506—07
Bombay Port Trust (Amendment) Bill—Passed	2508—12
Indian Railways (Amendment) Bill—Referred to Select Committee	2512
Coal Mines Labour Welfare Fund (Amendment) Bill—Passed	2513—14
Dock Workers (Regulation of Employment) Amendment Bill—Passed	2514—15
Cinematograph (Amendment) Bill—Discussion on Motion to pass as amended—not concluded.	2515—43

SATURDAY, 9TH APRIL, 1949—	
Elections to Standing Committees for Ministries of Industry and Supply and of Labour	2545
Cinematograph (Amendment) Bill—Passed as amended	2545—49
Rubber (Production and Marketing) Amendment Bill—Passed	2549—51
Coffee Market Expansion (Amendment) Bill—Passed	2551—52
Repealing and Amending Bill—Passed	2552—53
Code of Civil Procedure (Amendment) Bill—Passed	2553—54
Chartered Accountants Bill—Passed as amended	2554—60
Indian Succession (Amendment) Bill—Passed	2560—62
Indian Passport (Amendment) Bill—Passed	2562—63
Registration of Foreigners (Amendment) Bill—Passed	2563

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Wednesday, 6th April, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

STATEMENT ON FOREIGN INVESTMENTS IN INDIA

The Honourable Shri Jawaharlal Nehru (Prime Minister and Leader of the House): By your leave, Sir, I would like to make a statement to the House. Some days ago my honourable colleague, the Minister for Industry and Supply, introduced a Bill before the House to provide for the development, regulation and control of certain industries. Sometime later today, I understand that he is going to make a motion to refer the Bill to a select committee.

Honourable Members will have noticed that no specific provision relating to participation of foreign capital in industries has been made in this Bill. We had thought at first that it would be necessary to make some specific provision, but we find on further examination that such regulation as is necessary can be secured through existing laws. The policy as regards participation of foreign capital has already been announced in broad terms in Government's resolution of the 6th April 1948. The stress on the need to regulate, in the national interest, the scope and manner of foreign capital arose from past association of foreign capital and control with foreign domination of the economy of the country. But circumstances today are quite different. The object of our regulation should therefore be the utilisation of foreign capital in a manner most advantageous to the country. Indian capital needs to be supplemented by foreign capital not only because our national savings will not be enough for the rapid development of the country on the scale we wish, but also because in many cases scientific, technical and industrial knowledge and capital equipment can best be secured along with foreign capital.

In this context, foreign investors would no doubt wish to have some clear indication of our policy on certain matters, like the repatriation of capital, the remittance of profits, and the treatment of foreign enterprise *vis-a-vis* Indian enterprise. I propose to make the policy of Government quite clear in this matter.

In the first place, I would like to state that Government would expect all undertakings, Indian or foreign, to conform to the general requirements of their industrial policy. As regards existing foreign interests, Government do not intend to place any restrictions or impose any conditions which are not applicable to similar Indian enterprise. Government would also so frame their policy as to enable further foreign capital to be invested in India on terms and conditions that are mutually advantageous.

[Shri Jawaharlal Nehru]

Secondly, foreign interests would be permitted to earn profits, subject only to regulations common to all. We do not foresee any difficulty in continuing the existing facilities for remittance of profits, and Government have no intention to place any restriction on withdrawal of foreign capital investments, but remittance facilities would naturally depend on foreign exchange considerations. If, however, any foreign concerns come to be compulsorily acquired, Government would provide reasonable facilities for the remittance of proceeds.

Thirdly, if and when foreign enterprises are compulsorily acquired, compensation will be paid on a fair and equitable basis as already announced in Government's statement of policy.

Government have stated before that, as a rule, the major interest in ownership and effective control of an undertaking should be in Indian hands. They have also stated that power will be taken to deal with exceptional cases in a manner calculated to serve the national interest. Obviously there can be no hard and fast rule in this matter. Government will not object to foreign capital having control of a concern for a limited period, if it is found to be in the national interest and each individual case will be dealt with on its merits. In the matter of employment of personnel, Government would not object to the employment of non-Indians in posts requiring technical skill and experience, when Indians of requisite qualifications are not available, but they attach vital importance to the training and employment of Indians even for such posts in the quickest possible manner.

I should like to add a few words about British interests in India which naturally form the largest part of foreign investments in India. Although it is the policy of the Government of India to encourage the growth of Indian industry and commerce (including such services like Banking, Shipping and Insurance) to the best of their ability, there is and will still be considerable scope for the investment of British capital in India. These considerations will apply equally to other existing non-Indian interests. The Government of India have no desire to injure in any way British or other non-Indian interests in India and would gladly welcome their contribution in a constructive and co-operative role in the development of India's economy.

Shri H. V. Kamath (C.P. and Berar: General): Sir, the honourable the Prime Minister has made a statement of tremendous significance and it inevitably raises several issues of serious import. A brief debate might have been desirable on this statement, but the pressure of legislative business on the limited time at our disposal rules out that possibility. I would therefore respectfully urge on you, Sir, as a special case, either to relax the rule, that you have adopted during all these months of not allowing questions on statements soon after they are made, or to devise some other method like, for instance, kindly seeing to it that short notice questions are answered on the subject. I am making this suggestion, because I think that the silence of the House on this vital matter is liable to be variously misconstrued, and I am sure we all agree that such a thing should not happen.

Mr. Speaker: As regards the first part, I regret I am unable to accept that. When a statement of importance is made, I think honourable Members must first study that statement carefully so as to understand its implications, before starting to put questions. That is one part of it. As regards the other part, let members study this particular statement and if they want to put any short notice questions on it, I shall consider the matter when the questions come to me, as to whether, in the first instance, they are admissible or not. If the questions are really very important and of an urgent nature, I will consider the matter and I am sure the Government will also be willing to meet the wishes of the House.

CONVENTION

Shri B. Das (Orissa: General): May I request, Sir, that copies of the statement be made available to Members within half an hour so that we can discuss the subject an hour later when Dr. Mookerjee's Bill is being considered.

Mr. Speaker: That can be done. I shall see that honourable members get copies of the statement as soon as possible.

Maulana Hasrat Mohani (U.P.: Muslim): When we are not allowed to put any questions are we entitled to express our disapproval of the whole thing?

Mr. Speaker: I might say in answer that the matter is not for debate now, and hence no question of approval or disapproval is involved.

ELECTION TO THE STANDING COMMITTEE FOR MINISTRY OF FOOD

The Honourable Shri Satyanarayan Sinha (Minister of State): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, one Member to serve on the Standing Committee on the subjects with which the Ministry of Food is concerned, until the end of the current financial year vice Pandit Govind Malaviya resigned."

Mr. Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, one Member to serve on the Standing Committee on the subjects with which the Ministry of Food is concerned, until the end of the current financial year vice Pandit Govind Malaviya resigned."

The motion was adopted.

ELECTION TO THE COMMITTEE TO REVIEW THE WORKING OF THE RAILWAY CONVENTION

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport): Sir, I beg to move:

"That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, one Member in place of Pandit Hirday Nath Kunzru who has resigned from the Committee recently elected by this Assembly to review the working of the Convention adopted under the Central Legislative Assembly Resolution dated the 20th September, 1924, for the separation of Railway from General finance, to examine the constitution and administration of the Railway Depreciation Reserve Fund, the Railway Betterment Fund and the Railway Reserve Fund as well as other ancillary matters and to make recommendations before the 31st December, 1949."

Mr. Speaker: The question is:

"That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, one Member in place of Pandit Hirday Nath Kunzru who has resigned from the Committee recently elected by this Assembly to review the working of the Convention adopted under the Central Legislative Assembly Resolution dated the 20th September, 1924, for the separation of Railway from General finance, to examine the constitution and administration of the Railway Depreciation Reserve Fund, the Railway Betterment Fund and the Railway Reserve Fund as well as other ancillary matters and to make recommendations before the 31st December, 1949."

The motion was adopted.

Mr. Speaker: I have to inform Honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees, namely:

	Date for nomination	Date for election
1. Standing Committee for the Ministry of Food.	6-4-1949	7-4-1949
2. Committee to review the working of the Railway Convention.		

[Mr. Speaker]

The nominations for these Committees will be received in the Notice office up to 3 p.m. to-day. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's room (No. 21) in the Council House between the hours 10-30 A.M. and 1 P.M.

INDUSTRIAL FINANCE CORPORATION (AMENDMENT) BILL

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg to move for leave to introduce a Bill to amend the Industrial Finance Corporation Act, 1948.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Industrial Finance Corporation Act, 1948."

The motion was adopted.

The Honourable Dr. John Matthai: Sir, I introduce the Bill.

INDUSTRIES (DEVELOPMENT AND CONTROL) BILL

The Honourable Dr. Syama Prasad Mookerjee (Minister of Industry and Supply): Sir, I beg to move:

"That the Bill to provide for the development, regulation and control of certain industries be referred to a Select Committee consisting of Shri Homi Mody, Shri M. Ananthasayanam Ayyangar, Dr. Bakshi Tek Chand, Shri Ramnath Goenka, Shri H. V. Kamath, Shri T. A. Ramalingam Chettiyar, Pandit Lakshmi Kanta Maitra, Shri Khandu Bhai K. Desai, Shri R. L. Malaviya, Shri V. C. Kesava Rao, Shriji Kuladhar Chaliha, Shri Prabha Dayal Himatsingka, Shri Biswanath Das, Shri Padampat Singhania, Shri Jaspal Roy Kapoor and the Mover, with instructions to report not later than the last working day of the first week of the next session, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, exactly this day last year, on the 6th of April, 1948, I had the honour of presenting before the House a statement of Industrial Policy of the Government of India. The House may well ask why it has taken just one 12 Noon year for the Government to come up before the House with its proposal to enact legislation for the purpose of implementing some of the important provisions of that statement. One of the main reasons was that we had not the constitutional power to legislate for some of the important matters which came within the purview of our statement of policy. The House will recall that in January last the Constitution Act was amended and we are now in a position to pass laws in relation to our new industrial policy as envisaged by the statement approved by the House.

Sir, the object of this Bill is to create a suitable legislative framework by virtue of which the industrial policy can be implemented. We have also proposed that the Industrial Disputes Act should be amended for the purpose of bringing within the purview of the Central Government the formulation of a centralised labour policy so far as the centralised industries are concerned. This Bill, I would say, constitutes a land-mark in the industrial legislation of India. It marks the beginning of a planning for the industrial development of this country. No doubt it is somewhat imperfect in its approach for there cannot be any planning for the whole country unless we take into account the needs of agriculture, of education, health and sanitation. I believe in the near future it will be possible for the Government of India to come before the House with proposals for a comprehensive planning which will add to the peace, prosperity and happiness of the people of this country. So far as industrial planning is concerned we have been proceeding with a certain amount of caution during the last few months. We have taken certain steps. They may appear

as steps taken individually, but I would submit that we have tried to move in as integrated a manner as possible for the purpose of securing the largest benefit to the people of this country.

There are some people who sometimes feel nervous when the word planning is uttered. But planning is nothing new even so far as this country is concerned. Previous to the war it was no doubt left to private enterprise to develop industries in such way as they chose; there was no overall policy of the government of the day. But the Indian National Congress appointed a National Planning Commission years ago, before Government contemplated the need for a systematic planning of the industrial and economic development of this country. Even apart from the valuable work which was done under the aegis of the Congress, the Government of India itself when Sir Ardeshir Dalal was Member in charge of development, placed an industrial policy before the Legislative Assembly of the day and indicated that some sort of planning was essential if India was really to emerge as an economically strong nation in this world. We have also a valuable Report from the Advisory Planning Board which made certain suggestions in this direction. Soon after we came into office on the 15th of August 1947 we summoned an Industries Conference in Delhi which was attended by Provinces, States, representatives of industry and labour, and we evolved our national policy which was duly placed before Parliament on 6th April last. I would therefore submit that we are not doing anything revolutionary today, we are not doing anything new today which need make anybody feel nervous. The policy of Government has already been decided and accepted by the House. What we propose to do is to implement that policy and to take certain powers which would make it possible for Government to discharge the obligations which must obviously fall upon any national government.

You will see from the Bill that the object is to select certain industries which we consider to be of all-India importance, and to provide a machinery for the purpose of securing their regulation and development. So far as the list of industries is concerned, I do not wish to take the House through the details; an opportunity will come before the Select Committee as also at a later stage when the justification for including those industries will obviously be debated upon. But you will notice, Sir, that there is one fundamental feature behind the preparation of that list. Whether you look at it from the point of view of the defence requirements of the country or from the point of view of utilisation of the vast raw materials that this country possesses, or from the point of view of the development of other industries for which certain basic industries must develop, the list of industries that we have included in the schedule is certainly capable of being fully justified. We do, however, realise that it may not be feasible for Government to regulate immediately all the industries that have been mentioned here. As you will see, we have provided for an exemption clause and if it appears to Government at any stage that exemption for a certain period may have to be given with regard to some industries, no doubt necessary action will be taken.

One important feature which the House will no doubt notice is that we have not included small industries. These industries do not touch the cottage, the small and the medium-size industries which, according to the present policy of the Government, must develop in this country on a regional basis and in accordance with an all-India planning. We have emphasised over and over again that while it is essential that India must have a number of heavy industries for the purpose of securing national development, at the same time the prosperity of the country will lie in the development of smaller and medium-sized industries which, on an economic basis, may be developed in various parts of the country adding to the wealth and prosperity of the common man.

[Dr. Syama Prasad Mookerjee]

So far as the powers that we propose to take are concerned, there have been some criticisms in some sections of the Press and among some sections of the industrialists that they are too wide and sweeping in character. I may very briefly indicate here the procedure that we have followed in preparing this Bill. We placed the outlines of this measure before the last meeting of the Industries Advisory Council which met in Delhi in January. At that meeting there were representatives of Provinces and States as also of industry and labour. Later on, we circulated a copy of this outline to all the Provinces in India and requested the Premiers to communicate to us the considered views of their Governments. We also selected a small team of industrialists and labour representatives including men like Mr. Homi Mody, Mr. Birla, Lala Shri Ram, Mr. Khandubhai Desai and Mr. Ashok Mehta. We discussed with them the provisions of the Bill as also the proposals underlying the Bill. I am not suggesting that all these persons and bodies that we consulted were a hundred per cent. in agreement with the proposals that I have the honour of bringing forward before the House today, but in any case there was a consensus of opinion that there must be some legislative enactment providing for development and regulation of important industries which from an all-India point of view had to be developed throughout the country. There were some differences with regard to details into which I need not enter here, but at the time that the Bill is considered by the Select Committee, and later on by the House, I may assure every section of interest represented here as also outside that any reasonable proposals which may be made by anybody will receive the most serious consideration of Government.

There are no two opinions today that basic industries must be centrally developed and regulated. The question arises: what sort of machinery should we set up for the purpose of ensuring that the industries do develop in a way that we like them to develop, at the same time Government does not interfere in the day-to-day working and create dislocation by such interference? Another important point which arises is what should be the role of Provinces in respect of the development of such industries. If the House will refer to the statement of policy which I placed before you on the 6th of April 1948, you will find that that statement refers to certain classifications of the important industries. We first indicated that there would be some industries which would be under State control, State ownership and State management—100 per cent. nationalised. There would be certain industries where, so far as the present undertakings are concerned, we will not interfere for a stated period, but so far as future development was concerned we would certainly prefer that they should develop under State ownership and management. Then we had a series of about 18 industries in respect of which we declared that we will allow scope to private enterprise, but it would be open to the State to establish any new industrial undertakings in respect of that sphere. That is a sphere which would be centrally regulated and controlled. Then we had the other undefined larger sphere of industrial activity which we left free to private enterprise altogether.

The House will find that we have made a very important change with regard to the structure of this Bill in the sense that we have not mentioned these categories separately. This was a matter which we considered very carefully amongst ourselves, the Ministers, as also the Provinces and representatives of industry. We felt that it would be much better to have a flexible scheme of licensing whereby it would be open to Government to start any new industrial undertaking if it was so advised, and at the same time to allow full scope to private enterprise to come and develop industry in accordance with a Centrally regulated policy. The whole structure of the scheme is that all industries which are at present functioning will be registered within a certain date. This

fact of registration means that it will give us complete information as regards the existence of the present industrial undertakings. This registration will apply to all industrial undertakings which may be in private hands or which may be in the hands of the Government.

With regard to new undertakings and substantial development of existing ones, we have laid down that there will be a system of licensing. Before any new industrial undertaking comes into existence, a licence will have to be taken out. Obviously it will not be necessary for the Central Government to take out a licence in respect of an industrial undertaking that it may itself establish, but at the same time I would like to assure the House and also people outside, that there is no intention whatsoever on the part of Government that there should be two different standards of approach with regard to industries which are in private hands and industries which may be in the hands of the Government. In other words, whatever policy that may be approved by Government, will apply equally to all industrial undertakings whether they are under private control or under State control. That, obviously, is the condition which many people will insist on Government accepting. We do not want any favoured treatment to industrial undertakings which Government may bring into existence; rather, we would like that the full floodlight of public opinion should fall on such industrial undertakings for, after all, Government will there be handling public funds and it will be open to Government to justify the successful working of such undertakings before the House as also before the public outside. This scheme of licensing will be done in accordance with the rules which will have to be framed under the Act. Obviously, it is not possible that the entire framework should be decided here and now embodied in the Bill. For this reason, rules have to be framed. But these rules should be framed in a manner which will secure that the opinion of provincial governments, the opinion of industries and the opinion of the House will also be reflected in the final preparation of these rules. We have suggested that while the rules will be framed after consultation with the Advisory Council, to which I shall presently refer, they should be placed before the House and within a certain period, it will be open to the House to make any changes that the House may choose to make and such changes will be binding on Government. We have deliberately made it flexible in this way. If we decide that every rule ought to come before this House and secure previous approval, it would become unworkable. On the other hand, if we said that the rules will never come before the House for discussion, that also would have taken away from the House its legitimate right to demand satisfaction in respect of matters of policy and even of administrative detail with regard to the industrial development of this country.

Now, so far as the Advisory Council is concerned, we have not indicated here what its composition will be. We are not prepared to accept a Council which will become more or less autonomous, a body sitting over the Government. The responsibility for giving effect to this Act must belong to the Government and the only authority which can change that Government will be the Legislature to which the Government is responsible. But Government cannot and should not act arbitrarily. We have therefore thought it desirable that this Advisory Council should come into existence. It should be a small business-like body including representatives of industries, labour and perhaps consumers, who may be in a position to speak with authority on questions which will come before the House. We have indicated in the Bill itself that with regard to the major questions falling within the purview of the Bill, consultation with the Advisory Council will be compulsory. It is not possible for me to indicate in the Bill definitely that the advice given by the Advisory Council will be binding, but I take it that if any Minister in charge of this Department overlooks the recommendation of an Advisory Council, obviously he will be called upon to explain why he did so, and he should be able to do so on grounds which can be justified not only before the Advisory Council but before the public at large.

[Dr. Syama Prasad Mookerjee]

So far as the powers that we have mentioned in the rules are concerned, you will see that we have taken the widest possible powers. We thought that these powers were necessary for the purpose of enabling Government to determine what the national industrial policy should be. If industrial undertakings are run properly and efficiently, there is no reason to suspect that any Government which is responsible to the House and to the country for the increasing betterment of the conditions of the people will act in an arbitrary way. At the same time, so far as the present powers of Government are concerned, the powers which we are now exercising under the Essential Supplies Act or under some other emergency legislations are of a sweeping character. We have not taken such large powers here. If necessary, amendment of the Act may be made later on, but we have simply indicated at this stage the sort of general powers that Government should take under the rules for the purpose of development, regulation and control of basic industries.

There is one clause here to which I would make a special reference. If you refer to clause 7, you will find under some circumstances it may be open to the Government to direct the control and management of a particular industrial undertaking. There is some misgiving in the minds of industrialists lest this power should be exercised arbitrarily. I may give this assurance, that this power can only be exercised in an emergency or in circumstances where Government feel convinced that an industrial undertaking which is dealing with a vital industry, in order to be protected, has got to be so taken over by Government for the time being. Government will not act in respect of this matter without previous consultation with the Advisory Council. In other words, the facts leading to such taking over will be placed before the Council which will include industrialists themselves. You will see from the wording of clause 7 that we have indicated that previous notice should be given calling upon the industrial undertaking to do certain things or not to do certain things. It is only on its failure to carry out the instructions of Government, where Government feels that interference becomes urgently called for, that Government will proceed in the manner indicated in clause 7.

I would also refer to the power which Government proposes to take under the clause dealing with delegation. You may rightly ask: Are all these powers to be overcentralised at Delhi? That is not the intention of Government. It would be necessary to decentralise the power which will be now vested under this law in the Central Government, and those powers may be delegated either to provincial governments or such authority or authorities as the Government may consider it fit and proper to constitute. But the power of delegation we have expressly made extremely wide in character for the purpose of the smooth working of the Act.

You will see next the provision with regard to penalty. There is none in the Government today and I believe there is none in the House also who would for a moment feel that we can either run an industrial undertaking or control and develop industry through police methods. That cannot be the intention or the policy of any Government. At the same time, there must be some penal clauses if there are breaches of the provisions of the law. We have indicated there that any prosecution order under the penal clause will be launched with the previous sanction of the Central Government or such authority as the Central Government may appoint. It is not our intention that with regard to these important industries which we are regarding as of all-India importance, the provincial governments will launch prosecutions following different standards and thereby create confusion. There must be a central policy and for that reason the protection that we have indicated in the Bill relates to powers to be given to the Central Government.

There is also the clause dealing with the vicarious liability of companies. When there are companies whose authorities are responsible for not carrying out the provisions of the law, the question arises as to who will be deemed responsible in the eye of the law. There are some legislative enactments where the vicarious liability vests in every director, manager or other officer. The House may recall that in the last few months protests have been received from various quarters in this country dealing with industry against such a provision. This matter we considered very carefully. So far as the technical liability is concerned, the company has to be made liable, but so far as the actual liability is concerned, if it is possible for the company to nominate some officer or director who will be deemed responsible for carrying out the provisions of the law, Government will not object. But, the Government would certainly insist that every company should declare the names of certain officers who will be responsible for carrying out the provisions of the law. If the company does that, then no question of any vicarious liability will arise so far as those companies are concerned. You will see, Sir, that we have also made a provision so far as the taking over of any industrial undertaking is concerned. It will be done only by the Central Government or by a Provincial Government with the previous concurrence of the Central Government. Thereby, we will make it possible that there will be no attempt on the part of particular provinces to act in any manner they like, but there will be an all round central policy, although it is quite possible and, in fact, it is desirable that in many cases the actual operational part should be left in the hands of the Provincial Government concerned.

I now come to the question of the Provincial Governments. We have received from Provincial Premiers letters with regard to the provisions of this Bill. Naturally, in some cases they do feel nervous that large powers should be taken over by the Central Government and the provinces may be placed in a more or less subordinate position. What is it that we are doing here? What we are doing is that we are laying down that there are certain industries in this country which can develop only if there is a centrally regulated policy. There are no two opinions in the country, and the provinces also agree, that a centrally regulated development is essential. So far as the provinces are concerned, what are the points in respect of which they may rightly feel nervous. They may ask, if any Provincial Government desires to start any industrial undertaking, will its case be considered by the Central Government in a fair and equitable way. We have indicated that that will depend on the circumstances in which such an industrial undertaking is brought into existence. I may just give an illustration, say, with regard to the steel works. We have before us now a proposal to establish two steel works which may go to produce about one million tons of steel per year. Now, supposing you leave it to a particular Provincial Government to decide where both of them or one of them will be located; obviously, it is not possible for the Provincial Governments to agree to the location. What will happen is, as is happening now, the Central Government will obtain information from all the provinces on points such as availability of raw materials, transport facilities, economic conditions and so on, and then, after consultation with the provinces, ultimately take the responsibility for deciding where the works will be located.

Another point which the provinces have raised is of some importance. They ask, if it is decided that say five industrial undertakings should be established with regard to one particular industry, will it be left open to the provinces to decide as to who actually will run those industrial undertakings within the province. There, obviously, if a new industrial undertaking is to come into existence in a province, the final permission should be given on the recommendation of the Provincial Government. It will really depend on the way in which

[Dr. Syama Prasad Mookerjee]

the whole scheme is worked in the months and years to come. It is not intended that the Central Government will act in a way which will ignore the needs of particular provinces, and ignore the importance of regional development of industries in this country. At the same time, when matters cannot be decided by one province, in particular, the only authority that can decide for all the provinces must be the Central Government. But, I can assure the House and through the House the Provinces as well that in the working out of this scheme, as we have ourselves laid down in clause 10, the policy of the Government will be to see that the Provincial Government is consulted and kept in the picture at every possible stage. This matter will be examined further when the Bill goes to the Select Committee.

Now, while dealing with the provinces, there is one other aspect which I would ask the House to bear in mind. You will see that this Bill deals only with the regulated development and control of the industries. We have not deliberately touched distribution of the finished goods, we have not deliberately touched control of prices. These are matters which we have not touched. We have only envisaged in this Bill the desirability of an all India planning for industrial development and also regulation of production of certain industries which are of all India importance. In other words, as the House remembers, according to our present Constitution, unless the Central Legislature passes laws with regard to distribution, fixation of prices and so on and so forth, the matter will remain in the hands of the provinces. But, with regard to the centrally regulated industries, if the Central Legislature passes laws with regard to these matters, then, the provincial laws will stand superseded. But, we have not touched that point yet. If we desire to take powers in respect of these spheres later on, we will have to consider the matter carefully, consult the provinces and come before the House only afterwards.

I take, Sir, lastly, the fears that may exist in the minds of the industrialists. As I have said, this Bill is not a surprise measure. This Bill is nothing new or revolutionary, although I regard it certainly as a measure of considerable importance which enables the Government to reach its goal by a process of evolution. What were the options which were left open to the Government? I know that there are extremists on both sides who may not be satisfied with this Bill. There may be industrialists who may feel that any interference on the part of the Government with regard to their activities will be prejudicial to their interests. Fortunately, the number of such industrialists is now extremely limited. When I find co-operation coming in the framing of this Bill from industrialists like Sir Homi Modi, Mr. Birla, and Shri Shri Ram, I take it that the principal industrialists of India to-day have come to attain a new consciousness. They have realised that in their own interests and of the country as a whole, they must completely identify themselves with the interests of the nation whose spokesman the Government certainly claims to be. At the same time, there will be some industrialists who may feel that the powers which are being taken over by the Government are too drastic in character. I would certainly welcome a discussion of this problem, if not to-day, later on, when the Bill comes back to the House from the Select Committee and I hope, Sir, that I shall be able to convince every critic of the soundness of the entire scheme. It is not intended at all to interfere with the activities of any *bona fide* and honest industrialist of this country. The House has accepted the policy of the Government that our industrial policy will be of a balanced type. We do not want to do away with the existing state of affairs completely. We do not want to create chaos and confusion. What we want is that these important industries should develop in this country not on a merely profit basis, but in a way which

will be calculated to advance the best interests of the people at large. The industrialists know as well as we do that left to themselves to-day, they can do nothing. They want raw materials; they want capital goods coming from foreign countries; they want technical assistance; they want to raise capital. Which industrialists are there in India to-day, who can stand up and say that unaided by Government, they can go ahead? They cannot. They have to come to Government at every step. It is therefore necessary that the Government, the industrialists and the interests represented by labour should combine in an all out effort for the purpose of strengthening the economic structure of this country.

So far as the criticisms from the other side are concerned, it is urged that the powers taken by the Government are too limited. When I find extremists on both sides criticising this Bill, I feel satisfied in my own mind that we have struck the right chord and that we are proceeding on lines which will be calculated to benefit the people as a whole.

Sir, it is not my intention to go further into the details to-day. Should, in the course of to-day's debate any other points are raised, I shall no doubt try to give replies to them but the only point which I would like to emphasise before I sit down is that I am fully conscious of the grave responsibilities that Government is taking in bringing forward this measure before the House. For I cannot ignore that the development of all these industries will depend not merely on the way in which industry and labour will react but also on the manner in which Government itself will discharge the obligations which it is taking upon itself under this Bill. In other words, it must be a new outlook on the part of Government as well. Government exists not for the purpose of merely criticising others, not for the purpose of creating obstacles but for sitting together with other interests and solving difficulties and obstacles. It will depend therefore on the machinery which Government succeeds in establishing, which will create confidence in the minds of industrialists, labour and the public and which will make it possible for Government to run that machinery efficiently and quickly. There is a lot of criticism made that whatever Government touches involves delay. There is a lot of criticism which is made that when Government touches anything, it creates new problems. Now obviously these are criticisms which we will have ourselves to remove. We are to look at the matter from a completely new angle of vision. We are trying to develop the resources of this country in the quickest time possible, pooling together all the available resources, no matter what may be the political ideology of parties or persons involved. It is an all out effort on the part of the present Government to give a call to all interests so that we may carry into effect the policy which we have already announced and I am sure that if that co-operation is forthcoming, we will be able to make a complete success of this measure.

Mr. Speaker: Motion moved:

"That the Bill to provide for the development, regulation and control of certain industries, be referred to a Select Committee consisting of Shri Homi Modi, Shri M. Ananthasavanam Ayyangar, Dr. Bakshi Tek Chand, Shri Ramanath Goenka, Shri H. V. Kamath, Shri T. A. Ramalingam Chettiar, Pandit Lakshmi Kanta Maitra, Shri Khandubhai K. Desai, Shri R. L. Malviya, Shri V. C. Kesava, Rao, Srijiut Kuladhar Chaliha, Shri Prabhhu Dayal Himatsingka, Shri Biswanath Das, Shri Paddampat Singhania, Shri Jaspat Roy Kapoor and the Mover, with instructions to report not later than the last working day of the first week of the next session, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Shri Harihar Nath Shastri (U.P.: General): I have great pleasure to offer my whole-hearted support to this Bill. As the honourable Minister has just said in the course of his speech, this Bill registers a landmark in the history of legislation in this country.

[Shri Harihar Nath Shastri]

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar).]

I feel, Sir, that this measure is the first concrete and practical step towards implementing the economic policy of this Government that has been announced several times during the course of the last two years. Reference has been made in the Bill in the Statement of Objects and Reasons to the Industrial Policy as announced by the Government on 6th April 1948. As you will find, Sir, the Government of India in their Resolution, dated the 6th April 1948, reiterated their resolve to establish a social order where justice and equality of opportunities shall be secured to all the people. As an immediate objective it was laid down that efforts would be made to promote a rapid rise in the standard of living of the people by exploiting latent resources of the country, by increasing production and by offering opportunities to all for employment in the services of the community. Again, repeated emphasis is put in the said Resolution on increase in national wealth and continuous increase in production. Now the question as to the extent to which the State should participate in industry is considered in the context of the above objective. I need not repeat, Sir, the policy that has been laid down in detail in the said Resolution, in which industries in this country are divided into three parts, *viz.*, one that would be exclusively in the hands of Government; secondly, those that in future shall be owned and controlled by Government; and thirdly, such industries as would be open to private enterprise. Now this Bill as has been stated by the Minister and as is clear from the Bill itself in regard to the planning and regulation of such basic industries a list of which is given in the schedule. Sir, it was about 10 weeks back that the first meeting of the Central Advisory Council of Industries was held in this Capital City where I had the privilege of representing the Labour interests of this country, and it was at that Conference that discussion took place regarding the advisability of bringing forward such a legislation. The matter was later on referred to a Committee of five persons and I believe that it is on the basis of the unanimous recommendations of that Sub-Committee that the present Bill has been conceived. There has been a certain degree of regulation in this country since the commencement of the last war in regard to regulation of industries in the form of controls. I myself have been a confirmed believer in the method of control but I felt and I feel now also that these controls did not succeed primarily due to two factors.

Firstly, this control took into account distribution, but the production aspect of industry was entirely untouched. The result was that in matters of production, it was the profit motive that was the prime consideration with the industries, and the consequent result was scarcity that the community experienced throughout the war and also during the post-war period up to this day. Now, Sir, the second thing that was not taken into account so far and which, I feel is largely responsible as an obstacle in the industrial progress of our country is the fact that while promulgating these controls, and while evolving the industrial policy of this country, one aspect was never taken into consideration; no account was taken in regard to the expenditure that was incurred by the industry from time to time. We find that, on the one hand, retrenchment of labour has taken place on grounds of economy, while, on the other hand, we find that the personnel managing the affairs of the company has been steadily increasing. They have been drawing fat salaries and allowances. They have been drawing commissions on sale, irrespective of the fact whether those companies make profit or they are losers. They have been drawing secret commissions on purchases and they have been making frivolous expenditure on various items, including entertainments. I

have felt all along that unless these aspects are taken into consideration, namely, unless along with distribution the production aspect of industry is regulated, and, secondly, unless the expenditure in the industry is properly regulated, neither the industrial progress of our country is possible, nor can any control be effective. I am glad, Sir, that in formulating the proposals that are embodied in this Bill, these aspects have been properly taken into account.

Now, Sir, I would, while commending this Bill for the acceptance of the House, and while offering my whole-hearted support to it, just point out a few things that appear to me to be a sort of omissions; and while doing so, I may assure the honourable Minister that I am not doing so, as he has used the term as an extremist on either side. One of the omissions that has particularly struck me is that according to section 10(2) of the Bill, matters have been laid down that would be dealt with by rules. Now, in those matters that are proposed to be dealt with by rules, it is not clear whether action can be taken against any undertaking under section 7 and section 12, in case such an undertaking disturbs the industrial peace by flouting the award of industrial tribunals, or by any other devices. This point needs clarification. As the House may be aware, the working class of this country has been subjected to great hardships, and one of the reasons why production in this country has been hampered is the discontent that labour has been experiencing, due to the short-sighted and unhelpful attitude of a large section of industrialists in this country. Why I am particularly perturbed at this moment, while the Bill is before the House is this. There are certain provinces in this country where there are labour laws and labour legislations, and according to those legislations, the Provincial Governments are competent to take over any undertaking that flouts the industrial awards or that disturbs the industrial peace of the country. There are provisions, and according to those provisions there have been occasions in certain provinces, where some undertakings have been actually taken over by the State, and handed over to other people to be managed on behalf of the Government. Now, I want to know what would be the position of such provinces, in regard to those industries, several of whom are included in this Bill? On the one hand, you are keeping it absolutely vague as to whether you propose to take over a particular concern or whether you propose to punish a particular undertaking if it flouts industrial awards, or if it disturbs the industrial peace of the country. And on the other hand, you are taking over such powers as are already vested in the provinces in regard to such matters. So I want this position to be made absolutely clear by the Government, because I feel that if the position is vague, and if, at the same time, the powers as are already vested with the Provincial Governments, are taken away from them, it will create a situation much worse than hitherto, for the working class of this country.

Again, Sir, in clause 13 it is laid down that there can be no prosecution for an offence under clause 12 except with the previous sanction of the Central Government. Also in clause 8 it has been laid down that no Government other than the Central Government can take over the management or control of any industrial undertaking except with the previous permission of the Central Government. I submit that if these clauses remain as they stand they might create difficult situations. There are occasions when in a particular undertaking it becomes necessary not only in the interest of labour but in the interest of the industry itself for prompt action to be taken with regard to that particular undertaking or industry; and if the previous sanction of Government becomes necessary complications may arise. So I suggest that the Provincial Governments may be left free to take all necessary action to meet the ends of justice or to meet a situation that may arise from time to time, and later on they may secure the sanction of the Central Government. I can assure the

[Shri Harihar Nath Shastri]

honourable Minister that I am not one who is enamoured of the Provincial Governments having large powers in regard to these industries. On the contrary I agree with him that these are basic industries of national importance and it will be conducive to the interests of the community as a whole if they are controlled by the Central Government. All the same I do feel that the difficulties I have pointed out should be taken into account and the Bill suitably amended, so as to meet the points I have enumerated. Sir, I support this motion.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock. Mr. Speaker (The Honourable Mr. G.V. Mavalankar) in the Chair.

Mr. Speaker: I understand that the statement made by the honourable the Prime Minister has been circulated to the Members. Those Members who have not yet got a copy of the Statement may get a copy from the Secretary at the Table.

Dr. P. S. Deshmukh (C.P. and Berar: General): The Bill before this House is a piece of legislation which is of immense and of the utmost importance to the country as a whole. As such one should not be surprised if it is found that there are strong likes and dislikes expressed with regard to the provisions of the Bill and there are wide differences of opinion. The pros and cons of the industrial policy of Government has been very clearly and very admirably explained by the honourable the mover of the Bill, and I think it is a correct description to say that the provisions made in this Bill seek to further that policy. The honourable Minister himself has admitted the fact that the Government is securing very large and wide powers, but in my opinion he has given a fair justification for all those powers which Government is seeking to take.

In the modern world, and for a country like India which is industrially and economically backward, it is necessary to take time by the forelock and strive to attain industrial progress as fast as and as early as possible. No fast progress from an economic or industrial point of view is possible unless there is some directing authority which has the necessary knowledge and the necessary technical skill as well as power and authority behind it. Under the present circumstances, therefore, it is inconceivable that in India we will have any other machinery or any other central authority than the Government itself.

We have often heard on the floor of this House honourable Members accusing Government that they have no plans, and we have also urged that under the present circumstances, we must have a planned economy. Now, all planning necessarily means controls. Controls in many respects are undesirable, but in some respects, and especially in the interests of speedier progress, I think controls are both essential and desirable. Therefore, if our efforts are to be of real value and of greater usefulness, there must be a driving force behind our policy of industrialization, and we must also be prepared to clothe that authority with the necessary powers. It is inconceivable that without such power and driving force, it will be possible for us to advance as rapidly as we desire. Therefore, Sir, I have no hesitation in saying that the Bill, so far as I am concerned, is a welcome measure.

It is true that there are many provisions in the Bill whose exact significance it is not possible to know at this stage. We do not yet know what will exactly be the attitude of Government in regard to any particular industry and to what extent and under what circumstances it will intervene and what would be the

exact results and repercussions of such intervention and operation of controls. Yet the necessity for having with the Government the powers of interference, supervision and control, is, I think, self-evident. It is therefore gratifying that the necessary Bill has been brought forward, and it is still more gratifying that the honourable Minister has taken an eminently reasonable attitude in keeping, and stating on the floor of this House specifically and with emphasis that he kept an open mind with regard to many details relating to the provisions in the Bill.

In my opinion, this Bill is a half-way house between nationalization and non-nationalization. Of course everything will depend now how the Bill is operated. Everything will depend as to how the Government is able to shape its policy. I for one believe that under our present circumstances a wholesale nationalization of industries is undesirable. Wholesale nationalization, in my opinion, can work successfully under two circumstances: one is in a country where there is no Government, or where there was not much of an efficient Government, and I have the case of Russia before me after the revolution. It can also be resorted to without much danger and with confidence that it will work efficiently in a country like England, where they have long-standing traditions: where there is a stable Government: where there is no want of technical skill and the efficiency of the administration is well established. We are somewhere midway between the two. We have a Government, but not yet as efficient a Government as we would desire, and, therefore, I do not recommend wholesale nationalization.

I think we have indulged sometimes in loose talk in advocating wholesale nationalization of our industries. It has already done considerable harm to the country as a whole. We have, after all, a very big industry which is nationalized and it has, in my opinion, not yet attained the efficiency I would like it to attain. I mean our National Railways. Therefore, on the one hand we are experimenting on a sufficiently large scale so far as nationalization is concerned and if we go further with this industrial policy which has been announced by the honourable Minister, the House and the country can realize that there is ample scope for establishing State-controlled and State-run industries. That being so, I think the House should not be so insistent on trying to see that every possible industry is taken over by Government, belongs to the Government and is controlled by it. A fair amount of scope should, in my opinion, be given in our country for private enterprise, and I think after the experience of the difficulties we are passing through, we should give the utmost possible encouragement to private enterprise. I lay considerable emphasis on this point especially because it does in no way obstruct our policy of developing State-owned industries. Some of the honourable Members sometimes speak as if private enterprise can be encouraged without the incentive of profit. That is denying human nature or denying if you would like to call it the defects of human nature. No person is going to indulge in any industrial activity or risk his well earned savings in an enterprise where he is not assured of the highest amount of profit. Therefore while on the one hand it is the Government's responsibility to see that exorbitant profits are not made, yet, on the other, such persons should be quite free to indulge themselves in and take up private enterprise and to have a free scope and earn a fair dividend on their investments. The Bill, in my opinion, really steers clear of both the pitfalls, on the one hand, of unnecessarily restricting the scope of private enterprise and on the other of not being ambitious enough to take industry after industry or factory after factory under its own control without seeing whether they can undertake the responsibility of conducting them in the best interests of the country as a whole.

[Dr. P. S. Deshmukh]

I am sure the Select Committee would modify in many respects the Bill as it has been presented to us. Section 7 could be modified and the Schedule also should be amended in order to find out if the Bill would not restrict too many industries which are in infancy and over which there need not be much control at the present moment.

Section 9, especially sub-clause (3), should also in my opinion undergo some alteration, because I feel that although the honourable Minister has provided that the Advisory Council shall be consulted in certain matters, I think the Council's authority over for the purpose of consultation may be slightly enlarged in the course of the discussions in the Select Committee.

While supporting the principles behind this legislation and approving of the policy enunciated by the honourable Minister I must caution him about one danger, *viz.*, the manner and the method of enforcing the provisions of the Bill will have to be very carefully worked out. Otherwise the remedy we are forging may prove worse than the disease. There is every likelihood that over-enthusiastic members of the Secretariat of the Ministry may in effect stifle the establishment of industries on merely hearing some prejudicial views expressed by certain interested persons or some competitors who do not like a particular industry being established in a particular place. That question will arise when we pass the enactment and when we see how the policy is being worked out and enforced. But I would like to see that Government interference in every case shall always be the minimum required, will be exercised only where it is absolutely necessary and in a manner that will not hamper industrial progress of the nation.

So far as the establishment of factories is concerned there should be ample latitude allowed to people who are coming forward for the establishment of those industries and not only the Provinces but the States should also be included and encouraged to do this. I have expressed my apprehensions of Government control because I know of an instance of a State which wanted to start a sugar factory which on the strength of some notification of the Government of India hampered the establishment of a sugar factory. That was a State in Central India where sugarcane can be grown most profitably and where sugar factories are rare. The result was that the State was unable to make much progress in starting the manufacture of sugar during war time when sugar was so badly needed everywhere. I am certain that by the time we pass the enactment and have the rules framed thereunder, with the supervision which has been conceded to this House and with the care which all honourable Members exercise so far as the policy of the Government is concerned, I think we can be fairly certain that we will not permit any abuses of the wide powers which the Government is taking. Sir, I support the Bill.

Prof. K. T. Shah (Bihar: General): Sir, I thank you for calling upon me to speak at this early stage, even though I am afraid I am not prepared to offer whole-hearted support, as it is called, to this Bill. My support can only be half-hearted, because, at this stage, I am not prepared to say that even the reference to the Select Committee need not be made. For I hope that at the Select Committee stage, substantial improvements and amendments will be made, which might make the Bill a little more acceptable than it is now.

My objection, however, to this Bill is founded on its own claims, as given in the Statement of Objects and Reasons and as contained in the Preamble and Title. If it is a measure, as the Bill claims to be, to implement the Industrial Policy of Government, then I am afraid it falls far short of its claims. There are a number of omissions in the Bill, there are a number of restrictions on the

scope of the Bill, and there a number of conditions imposed in the Bill which make its basic principle cost in a haze of limitations. This, in my opinion, will detract very seriously from the usefulness of the Bill to attain the Bill's own objective, as stated in the several places I have just mentioned.

If I heard the honourable Minister correctly, he based his main claim for commending this Bill on its being a part or earnest of a plan. I hold, however, that the essence of planning is a more comprehensive, co-ordinated, and integrated programme of development than this Bill, which is confined admittedly to certain industries only, can claim to be.

The objectives, moreover, of the Industrial Policy of the Government, as stated in the resolution of the 6th April last in this House, were much too wide to be included in this Bill. In fact they were even far more generously worded than is to be found in this Bill, even though I did not agree with those objectives and the *modus operandi* for carrying out those objectives given on that day.

As I shall shortly show, the omission or *lacunae* are, in my eyes, so great that much of the praise that would otherwise fall to the share of the author of this Bill will have to remain in suspension until the Bill re-emerges in an amended form from the Select Committee.

The Bill is a piecemeal legislation attempting to control certain industries. But the definition of control itself is not given. We are forced to infer, so to say, our own meaning of the nature and extent of the control that will be exercised from the several disjointed provisions of this Bill, so that whether you deduce the meaning of control under the Rules, or in the shape of Licensing of new concerns, or in the shape of Registration of existing industries, or in certain clauses relating to inspection, supervision, or penalties on those who infringe these rules or clauses, in all these collectively, as it were, the meaning of the control intended to be exercised is not stated at all anywhere clearly, as far as I can see in the Bill.

The title of the Bill has also undergone significant variations. In the italicised title at the top, in the title in sub-clause (1) of clause 1 and in the preamble, there is intriguing variation in wording. Somewhere it is spoken of as "regulation, development and control" of industries; elsewhere it is described as "development and control" of industries. Why "regulation" is omitted there I do not understand. In the preamble, also, there are certain changes or variations. I am making these points in the hope that the honourable Minister will give me credit, for every desire to be helpful; and, perhaps, if he sees his way to accept them, corrections might be made at the appropriate stage before the Bill becomes law. But that these omissions have taken place is, in my opinion, significant; and until I see that these are duly corrected, and the Bill is properly mutually integrated and co-operated, even in its own limited scope, I am afraid the Bill cannot claim whole-hearted support from a person like me.

As I reminded the House only a few minutes ago, even when the Industrial Policy was put forward here in this House, I was unable to agree at all with the policy as there laid out, because I felt it fell much short of what was to be expected of this Government and what this country urgently needs. It is possible that opinion may legitimately differ on this point. Nor am I prepared, at the present moment, to press my opinion too far. But I do feel that, whether one looks at the industries selected for special treatment under this Bill, or whether one looks at the industries left out of its concern; whether one considers the nature and objects on which for instance the rules will be framed, or considers the machinery which is to enforce the

[Prof. K. T. Shah]

Bill, one feels that the claim to carry out or "implement the industrial policy" declared a whole year ago runs very little chance of being fully met and honoured.

It is by itself a commentary on the methods of government, or rather the machinery of government, that while the foundation stone, so to say, of the Industrial Policy was laid in December 1947, its clear announcement was made in 1948, on April 6, and the first stage so to say of its implementation comes a whole year thereafter. I do not know, therefore, what will be the time limit within which the entire Industrial Policy will be given effect to, whether within the lifetime of this Legislature or the next, or the next further or at any time at all.

Taking it as it stands, I feel, this kind of piece-meal legislation makes one lose sight of the real ultimate objective. As I shall point out a little later, there are very many reasons why one must feel that even the limited objective that the Industrial Policy has prescribed for itself will not be carried out, even in the limited scope with which this Bill concerns itself.

I shall now pass on to what I consider the serious omissions in this Bill because of which I feel that the Bill cannot claim unexceptionable support from every quarter in this House. I would like the honourable Minister to consider what is the proportion of the national wealth that the industries he has selected for control, development and regulation produce, and what is the proportion of the population which will directly benefit so to say as consumers from these industries when fully developed. If one considers these industries in their proper proportion of the national economy, if one looks at these industries that are enumerated in the Schedule in relation to the proportion of the wealth they contribute to the sum total of the nation's wealth or the consumers they serve, I feel that the claims, somewhat exaggerated, made on behalf of the aims and objects will hardly be realised. For instance—made on behalf of the aims and objects will hardly be realised. For instance—and there perhaps the Minister would be justified in saying I am talking not quite relevantly—perhaps the greatest national industry, namely Agriculture, is wholly omitted. The definition of industry, as nowadays accepted under the regime of private capitalist enterprise, considers only that to be industry which is either organised by joint stock companies, or is able to produce certain dividends and profits for its capitalist owners. That which supports 75 per cent. of the country's population, that which produces perhaps 66 per cent. of the wealth of the country, does not find a place in the list of industries.

Even if you think that this is a matter of definition, which necessarily must limit our scope unavoidably, I would say that, even within the industries selected, so many are left out which should have found a place in the list, that the framers of the Bill do not seem to have before them some logical principle according to which they had selected the industries. (An Honourable Member: 'For instance?') I am coming to that. Be a little more patient with me. I am not going to talk without my book, even though I cannot read in this light.

The list of industries appears to me to have been selected *ad hoc*. Whosoever was able to put forward a claim has his claim honoured.

Take, for instance, a very important industry—it is of great value in nation-building—namely Cinema; not merely the cinema film production, or exhibition, but also the cinema industry as such, the production of apparatus part of it. Now, this is highly important in the educational machinery of a modern State with such arrears of education of the electorate to make up as

we have to. If you have left that out, you have given—and I do not quarrel with it—a proper place to your telephone, and telegraph equipment. (Some Honourable Members: "You have got control over it"). You have got control over it by means of the Advisory Committee in the Provinces and I will come to it later. But in regard to the production of the cinema material, the raw material with which the films are made, I am afraid you have given no place here. The objection, therefore, that there is control over it through the Film Censor Board, does not hold water. The nature of control there is not the "control" contemplated in this Bill; and, therefore, on that score those who object to my statement are I am afraid a bit out of court.

Take another industry, also of great educational value, namely the Printing Press and the printing machinery. I do not see any mention of these. Are these industries not essential for the nation-building of our country? I would most earnestly state that these are industries of such vital importance that their omission is highly significant, and does not allow those who have sponsored the Bill to claim that they are pursuing—even though piece-meal—the policy of increasing the national wealth in all the fullness of the meaning of that term. If by national wealth you only mean the sum total of only material objects; if by national wealth you mean only the increasing of the dividends of shareholders or filling the pockets of capitalists, I personally cannot agree. But if by national wealth you mean the well-being of the people, of all classes, in all states, in all aspects of their life and work, then I am afraid in this Bill you have very serious omissions, one part of which I have already illustrated, another part of which I am now going to illustrate and that again on the authority of the honourable Minister himself.

I know that that means that the omission is deliberate. I know that the omission will perhaps be rectified in one way or another, if not by control of this class of industries by control in some other way. I know that this form of control is necessary for the bigwigs, for the capitalist large scale industries, for the influential people who have their own way of getting round Government, or who have their own way of seeing that whatever happens to the industry at any rate their pockets are filled.

But what of those other items which are left out about which I made a mention just now. For instance take the case of Cottage Industries—they have been deliberately omitted I understand. I know that. But if anybody tells me that they are not an essential and an integral part in the building up of the national economy and in making the greatest contribution to the national economy, to the national wealth even in material form, then I am afraid his conception is rather limited. I am unable to tell you the exact proportion of the national wealth contributed by the small-scale or cottage industries. But let me tell you they need control, co-ordination, and assistance much more than perhaps the larger industries which will find their own way to get their own objective willy-nilly.

I started by saying that there was no clear definition of "control". By control is not meant only, necessarily, or exclusively just restriction or regulation. Control, at least as I understand it, would include, and quite justifiably, co-ordination, assistance and encouragement in every form. On that basis I should have thought that, in a comprehensive measure, which such a measure ought to have been, Cottage Industries should have found as good a place as any other. I might add, lest anybody should object to it, that there is in the Government resolution on the Industrial Policy, a very clear declaration of Government's solicitude for cottage industries; and, therefore, this is not one of the grounds in the indictment, if anybody should misunderstand me in this particular part. But I do feel that in the list of industries which

[Prof. K. T. Shah]

Another part or aspect of the omissions is in regard—again it is deliberate, I know—to the distribution side of the industry. If the controlled industries are to be controlled only for the benefit of the producer—and that generally means the capitalist owner,—then I am afraid it is very half-hearted measure; and so naturally cannot command unstinted support from people like me. The distribution side is to me much more important than the production side. It may be that if you have not a very large amount of wealth you may not have sufficient subsistence. I quite agree. But even if what we have is evenly and equitably shared amongst us all, it is much better—I am only giving my opinion—than to have an increase of wealth which will go perhaps to the lot of .1 or .01 per cent. of our countrymen, and the rest may go hang themselves. I feel, therefore, to leave out either Prices or Wages from the scope of control makes the control very lopsided. It will make the control operate only for the benefit of the proprietors, the owners, who seem to be most prominently considered from the point of view of this measure.

I have, Sir, no desire to be personal in any respect; but the very list of the names of Members of the Select Committee that you read out, is headed by an outstanding industrialist, as though the Minister himself cannot be so important as the industrialist. This is significant, in my opinion, that the only thing that counts, and the only inspiration will be perhaps some perspiration for the honourable Minister and others that.....

An Honourable Member: May I ask, Sir, is the order of names of importance?

Mr. Speaker: Order, order.

Prof. K. T. Shah: Sir, I am only giving you my reading of it. Possibly it is utterly unconscious. But the very unconsciousness is a manifestation of the sub-conscious working of the mentality of those in power. If you lay your finger on the raw spot, in many cases I dare say the nervous reaction will be very forcible. But while I am fully aware of this nervous reaction in certain quarters, I am saying this is only a symptom of the disease that the order of the list indicates as it was read out in the House.

As I started by saying, Sir, there is nothing personal in this. There is in this point nothing at all personal I have no doubt in my mind—I am perfectly willing to make this confession here and now—that the names in the Select Committee are of individuals as competent as could be found in this House to shape the Bill even as I would desire to shape it, if they would wish to do so. But the great importance seems to be attached, as far as I can read this Bill, to the owning class, to the proprietary class, and not so much to the consumer class, or for the matter of that, to the labour class. That is all the point I am making, for the moment in showing to you the omission with regard to wages, the omission with regard to labour conditions, the omission with regard even to price control, so that the consumers would not benefit very well or adequately from these things.

It is an ancient complaint of those who have opposed fiscal protection to industry, that while we may be quite willing to pay indirectly through the consumers the price for developing industries in our country, when the time comes for that industry which has developed to such a stage at which it could easily withstand outside competition and inside competition, and meet the country's needs at lower prices without going out of existence, the industrialists will not come forward of their own accord to reduce prices and meet the consumers. We have the classic example of the Sugar Industry of this country, which has enjoyed for years together 150 per cent. or 180 per cent. protection. And yet when it comes to a question of continuing protection, after 15 years, after the

industry has been able to supply the whole market of this country, after the very heavy and substantial sacrifices that the country has made in building up that industry, when you ask for a minor, very slight, reduction, they say, "No, no, this is not the time, when you should ask us to forgo protection even though you pay for it". They would at the same time claim freedom for export so that at the expense of the consumer they may build up the industry for the benefit of their pockets and export even while the country may starve for lack of that product.

Sir, my point, therefore, is that the Bill is defective not only because on the production side it has left out very large chunks of the industrial world from its purview, but on the distributive side still more so, because, as far as I can read the Bill there is hardly a provision which, without distortion or undue extension, can take into account these facts that I referred to. Neither wages nor labour conditions nor the rate of prices have been in any way mentioned as amongst the objects for which the control will be exercised—such control as may be.

Now let us come to the mechanism of control. Let us come also to the aims and objects with which it would be applied. The operative sections begin by requiring that all existing industries shall be registered. I take it they will be registered with all the details—though they have conveniently not been specified what those details would be; and that if in any case any detail leaves room for improvement, the controlling authority will see to it that it is brought up to a given standard. Then there is the Licensing of new industries which in my opinion is the most directly operative part of this Bill effectively to control industry. The Rules also will be made to grant or revoke licences. But the section which relates to Licensing, as I read it, does not give you all the details on which the licence will concern itself. It is worded, no doubt, in a very general way, so that if the controlling authority is so minded—I am free to admit—it will be able to exercise the widest possible measure of control through the licensing system. But the item in licensing which ought to be brought to the notice of the powers-that-be is in regard to, as they themselves say, the "size, technique, equipment", etc. What is exactly meant by size, I do not know. The definition of "size" is not given. Does the size mean the size of the buildings in which the industry is housed? Does the size mean the number of operatives who work it? Does size mean the number of machines which are there working or out of order?

Shri M. Ananthasayanam Ayyangar (Madras: General): I think it is capacity.

An Honourable Member: Economic value.

Prof. K. T. Shah: Economic value is used in another sense in the same Bill. As regards "capacity", it is also used in another place in the same Bill. Before you tell me that "size" means capacity, you must remember that these words have not been used as terms of Art, very accurate and strict definition and on the universally understood basis. Moreover, the term "capacity" itself needs to be defined. If you define one difficult term by another, then, logically speaking, you expose yourself to the same defect. That is to say, when I want to define the term "body" and you say that "body is corpus", then I say that you are only giving me one more unintelligible term for another intelligible thing. "Size" I can understand; "capacity" is a little more difficult for me to understand.

Shri B. L. Sondhi (East Punjab: General): It means economic unit.

Prof. K. T. Shah: Economic unit is so varying and uncertain and indefinite. If I may take my friend Mr. Sondhi as an authority for interpreting the mind of the honourable Minister on this subject, I am afraid "economic unit" is one

[Prof. K. T. Shah]

of the most unfortunate expressions he should have used, because it is so very vague. I claim to be something of an economist; but I would be hard put to it to be able to give you an all-time-true definition of an economic unit. The economic unit is so varying an idea that it varies from time to time, from place to place, from industry to industry. Therefore, do not give us one difficult term in explanation of another.

Mr. Speaker: Order, order. Let there be no interruptions. Otherwise, his arguments are prolonged and he goes into side issues.

Prof. K. T. Shah: Thank you very much. While not much worried about interruptions—some times they are helpful—I am deeply grateful for this advice to the House.

I was speaking of the absence of any definition of the words "control", "size", "equipment" and "technique" for which the Licence will have some condition. I was just now on the question of size. There is the fear, particularly of protected industry getting into what are in American language called "trusts", "monopolies", "syndicates", "cartels" which are all dangerous to the consumer. Undoubtedly, the consumer is not considered at all in this Bill. I see also no precaution taken, so far as this licensing clause is concerned, in regard to preventing that development of the size which we call in ordinary language "trustification". I remember, Sir, the National Planning Committee in one of its earliest sittings passed also what we called a "licensing" resolution. That licensing resolution was then aimed deliberately against the foreigner taking advantage of our protection, starting industries just by adding the word "India" in brackets—why brackets I do not know—after its ordinary name, and taking the fullest advantage of all the benefits that this country's fiscal policy legislation or administration could provide for him.

Investment in Indian industry of Foreign capital is a subject to which I attend a little later in regard to this Control Bill. But while on this question of the size, it is the one condition of any private industry, or rather industry of any country in private hands, that they shall be, at least within the country, competitive; that they shall be within the country able to give the best service, so to say, to the consumer. That can only be secured by the freest competition within the country itself. You may, in the interests of the national economy, in the interests of the future development of the country, grant a measure of protection to which I shall also refer a little later—a matter which does not find mention here. But while protecting your industries against foreign competition, while protecting your industries while they are in the stage of development so to say, if you don't consider the size to which individual units may grow, or what is worse, their combinations may grow, then you are exposing the consumer to the tender mercies of these great "masters" or "captains" of industry, as they are called, and nowadays equally also the labour force. For once there is a monopoly developed under such control and there grows up a monopoly of employment, the monopolistic employer will be able to dictate his own terms. Unless, therefore, this controlling measure, or any other measure of its kind, lays down very definite and stringent rules about protecting the interests both of the consumer and of the labour class, I am afraid the measure will suffer the taint of being one-sided, of being partial to the big business and hard capitalists.

Sir, I fear that in regard to size, equipment and technique, for which the licensing clause particularly concerns itself—there may be other conditions—I must earnestly urge that precautions be taken, that some provision be inserted, whereby the undue growth of monopolistic industry in the country will

be prevented. Monopolist industry in private hands—I am speaking only of private industry, please note—will be dangerous; and as such any tendency towards it ought to be stopped. The licensing clause should see to it that if an industry, for instance, is likely to get out of the control provided by this legislation, and either unduly breaks itself so as to make itself an uneconomic unit, or unduly strengthens and concentrates itself in the desire to be economic, then I hope the control or license machinery would be in a position to stop such developments, or at least control and regular such developments with a view to see that a fair level of industrial development is maintained.

Sir, we are to operate this control and license through a body called the "Advisory Council". The clause is very reticent about the constitution and functions of the Advisory Council. The nature and scope of its work are allowed to be inferred, either from the rules, or from some three or four items mentioned in the clause relating to the setting up of the Advisory Council. Without any desire to be disrespectful to anybody, may I say that the Advisory Councils will give little advice which will seldom operate. The advice of such bodies is accepted only in so far as it is agreeable. And when it is not agreeable, they just pass a resolution commending to the honourable Minister that the supplementary estimates, for example, were very excessive, and they hope that hereafter they will not be repeated.

That is all that the Advisory Councils can do. They cannot change the *fait accompli*. Usually, however, the permanent officials are so clever that they give us readily cooked meal which is like the tinned food from America. You have only to heat it and it is ready for eating. The Advisory Council has just to heat the material canned up ready for use by the Secretariat. And then, Sir, you can eat that spicy meal and feel yourself satisfied and go home.

The actual working of the Advisory Council has yet to be seen so far as concerns the provisions in this Bill. It is admittedly only advisory. The very first provision in the section is, to me, illuminating, that the Advisory Council has to revoke licences. It has nothing to do with granting licences, but it can revoke a licence. What a thankless task it would be to revoke a licence once granted? Is it intended that the Advisory Council should take up the washing of the dirty linen of Government by revoking a licence once given? Otherwise, I do not understand why this very cryptic, if I may say, order in which the rules—I mean the functions of the Advisory Committee—are suggested.

It is a dispensation of Providence, Sir,—I am not a very loud-mouthed believer in God, but at the same time, I cannot help recognising it is a dispensation of Providence—a very beneficent Providence—that my name has never even been thought of in connection with this Select Committee.

Shri T. A. Ramalingam Chettiar (Madras: General): May I propose his name, Sir?

Prof. K. T. Shah: I did not catch the interruption, otherwise I would answer it.

Mr. Speaker: Never mind the interruption. He may proceed.

Prof. K. T. Shah: While it is a privilege to serve on a Select Committee, people like me who are in the habit of finding faults in this manner are saved by this exclusion from the Select Committee from displeasing as many of their colleagues as may happen to disagree. What is more, not being on the Select Committee, I can reserve to myself a much greater freedom of dissecting, analysing, and cutting up the Bill when it comes again after the Select Committee stage. I therefore call it a dispensation of Providence that I am spared this rather dubious honour.

Shri H. V. Kamath (C.P. and Berar: General): You can write a minute of dissent.

Prof. K. T. Shah: Yes; a minute of dissent is also certainly a privilege. But, you are supposed to accept the principle; you are supposed to work within the frame-work of the Bill; you are supposed first to try and convince the other members. It is only when they refuse to be convinced against reason that you will have a chance of exhibiting yourself in a minute of dissent.

In the House, thanks to the rules, no time limit is imposed on speaking on a motion even for six hours, on a Bill when it comes from the Select Committee. We have had the same phenomenon in the House and I hope it will not be unparalleled.

The Honourable Dr. Syama Prasad Mookerjee: It will not be economic.

Pandit Hirday Nath Kunzru (U.P.: General): There is time limit on the Finance Bill coming from the Select Committee.

Prof. K. T. Shah: The Finance Bill has also its own considerations and limitations, into which I am not at present inclined to go.

While talking of the Advisory Council and its utility, may I point out that the machinery here designed is eminently suited to make the will of the permanent officials or the departmental demi-gods prevail over everything else. No less an authority than the former Lord Chief Justice of England has protested vigorously against what he calls the New Despotism; and that consists in departmental rules made in this manner. These Rules are supposed to be placed—I suppose it is stated here specifically—on the Table of the House; and if within 14 days nobody takes any notice of those Rules, or makes any motion, then, the Rules are taken to be adopted, even though nine out of ten members may not even have looked at them. Of course, it is their lookout; it is not the lookout of the permanent officials who prepare those rules very voluminously, and frighten you merely by the very size of the rules, so that, rather than exhibit your ignorance, you prefer to remain silent. Very often, silence is golden when speech is not even copper.

The clause relating to the Advisory Council has been cleverly drafted; and I do not know whether the Select Committee would be inclined to take in a suggestion for what I regard as an indispensable improvement in it. If the Advisory Council is really to do its proper business, that is to say, if it has to advise the Government with some hope that its advice would be adopted and acted upon, it must come at an earlier stage than the stage of revoking the licence. It must have some say in the initial stages. The rules are there, I am aware. But, the rules, I dare say, will be so framed as to give the Council little say in such matters. The Rules will also be prepared, in the first instance, at any rate, by the departmental experts. Those in authority who would come before us and speak before us will, of course, sponsor them, and will tell you what—I was going to say their masters' voice—what their servants' voice is. If a very painstaking member like Mr. Sidhva takes up the rules, microscopes them or ex-rays them, and comes before the House, very probably the business of the House would be so pressing that you would be looked upon as lacking in "co-operation" if you insist on taking up any time of the House on that. I am myself guilty of that now; but the importance claimed on behalf of this Bill by the honourable Minister himself is my authority and justification for taking the time of the House in the manner in which I have been doing on this Bill.

The Industrial Policy of Government has guaranteed, or, at any rate, has assured those who are to be their beneficiaries a ten years charter of exploitation of labour and consumer. If you operate these controls through such bodies as the Advisory Council, whose composition we do not know, whose terms of reference we do not know, I do not know whether that body would be responsible to this House, or whether this House would have any representation on it, whose mode of working we do not know, I am very doubtful

and hesitant about the utility of this organism is giving effect, in implementing, as the Statement of Objects and Reasons says the Industrial Policy of the Government. Mind you, I take my text from the Statement itself,—implementation of the objectives of the industrial policy. I feel on that touchstone, the effectiveness of the Advisory Council—merely because it is advisory—will be rather limited.

Unless and until I know the nature of that body, unless I have some idea of the composition of that body, some idea of its time and mode, its meeting, working, and procedure, the subjects that will come before it, I am afraid I will not be in a position to accord my whole-hearted support to such a provision. It is a matter on which I am prepared to suspend judgment for the time being; but it is a matter on which I cannot but sound a note of warning, and I trust the warning will not be utterly disregarded.

Next, I come to the Rules. It is curious, Sir, that the rules are provided for in some thirteen special sub-clauses. Thirteen is an unlucky number. I do not know why you should stop at (m). Of course you do not call it thirteen. I do not know whether it is deliberate or unconscious. But, I feel, Sir, that (a), (b), (c) right up to (m), are all items which do not indicate to me that the machinery would be very effective.

Shri T. T. Krishnamachari (Madras: General): They are not exhaustive.

Prof. K. T. Shah: I should have wished that some kind of omnibus clause (n) should have been added to make it at least safe from the unlucky number thirteen. However, we are in an age of enlightenment; we are rationalists, and do not believe in these superstitions. We are quite sure that the learned and honourable Minister is above these things. I therefore do not make a present of this idea to him. Let him take it if he likes; if he does not, let it be left over.

Scrutinising these items,—I hope I will not be trespassing on your patience too long,—one by one, I fear the rules do not amount to anything like able to provide a satisfactory measure of control being provided even on these twenty-five industries which have been selected for the benefit or advantage or otherwise of this measure. Here and there it is said that you may take over an industry. I am not quite sure whether what is meant is—I suppose that is what is meant—taking over a single industrial undertaking in a given industry, or the whole of the industry. I think the word "undertaking" is used. What is possibly intended is that a particular company, whose management having played ducks and drakes, has come to grief and therefore, the controlling authority would be helpful in taking it over.

If that is the intention, I am afraid the matter would be vitiated at the source. That is to say, if you think of taking over an industrial undertaking which has proved failure as if it was nationalisation, or taking it over for the benefit of the consumers or the country as a whole, then, I am afraid this particular machinery that is provided in the clause relating thereto, is not quite adequate, in my opinion, for that purpose.

The Industrial Policy we are committed to, whatever may be the disagreement of individuals, is a policy, I recognise, of allowing as much scope to private enterprise as possible, or as desirable, let me substitute the latter phrase. While accepting that policy, one cannot help pointing out that in so far as you have decided to control the industries, or even some of the industries, you must have control exclusively or predominantly in the interests not only of the owning classes. Your object should not merely be to increase the volume of production. Your test, your standard, your thermometer must not be merely how much the mere volume of production has been increased. A very amusing cartoon the other day in a famous weekly of this town has

[Prof. K. T. Shah]

shown that for the decline in the Price Index noticed by the aid of a microscope by Government's Economic Adviser of :1 per cent., several honourable Ministers are depicted there as dancing for joy. If this is the idea (*An honourable Member*: ".5 per cent"). For a figure of something like 390 or so a reduction of :1 or :2 is not much. It is sufficient, according to the cartoonist's idea, to send the honourable Ministers dancing for sheer joy. If that is the manner in which one is to judge the adequacy and effectiveness of the controls. I am afraid the objective—once more I quote the Bible—of "implementing the Industrial Policy" will not be achieved.

I take next the Inspectors that are supposed to be appointed under this Clause. I am not sure—reading the clause, as I do, though my reading may be defective, and I am open to correction—I am not sure that there is any intention to create something like a regular force of Inspectors, who will visit, investigate, supervise or in any way scrutinise the working of given industries; and who would then report either to the Advisory Council or the Controlling authority—whatever the appropriate machinery may be—the reasons and all the features where control should be exercised, and also suggest the nature of the controls.

There are certain regular Boiler or Factory Inspectors in this country. There are bank inspectors elsewhere—I don't know if they are not here also. These Inspectors will lose their utility, the inspecting staff will not really be able to do its duty, unless you make it very clearly evident not only what their place in the whole machinery is, also their functions and their status so that they may not be regarded merely as tale-bearers, merely as a sort of spies. They must be regarded as the watch-dogs on behalf of the public, who act on proper authority, and who should have sufficient power to see that the industry is working and conforming with the policy of the country or the legal requirements under this Bill.

Sir, unless and until the Inspectoral staff is so recruited, so formed and so authorised, given sufficient powers, I am afraid that part of the machinery provided in the Bill, intended to be directly operative, will not be very helpful.

Sir, there is another aspect yet to which I would like to draw the attention of this House before I sit down; and that is with regard to once again an aspect of control that is not referred to in this Bill at all. I take it that the control is not only to act as a restriction or impediment. Control, I think, to serve the main objective, may also be helpful. In fact the title of the Bill does provide for "*development*" of industries also. While there may be regulation, and while there may be supervision or control, there is also to be *development* of industries. Accordingly, the means by which the most effective means by which the industry can be assisted, any given industry or any establishment in an industry safeguarded and encouraged, should also have been noted, at least in this measure.

I trust I would not be told—perhaps I may be—I cannot guarantee—that this is entirely outside the scope of this Bill. You define the scope and you limit it. Then an essential point is brought up, and you say technically it is outside its scope. I hope that would not be the case here. I am referring to the measures of protection that every new industry in this country requires, if an adequate and optimum development of that industry is to be accomplished. Now, whenever one uses the term 'protection' one commonly thinks of fiscal protection in the shape of duties, on imported goods which are likely to compete adversely with home-made products. I am not thinking exclusively of that—though I am thinking of that also.

For that purpose we have a machinery called the Tariff Board which is an *ad hoc* creation. I think—I am speaking again under correction—it has not yet been made an integral and a permanent part of our Industrial Policy machinery. The Tariff Board functions only on the recommendation or rather reference by Government, not *suo motu*. The Tariff Board has no place, unless somebody interested in the industry brings it to the notice, and makes a *prima facie* case that the industry needs some protection. If the Tariff Board, after investigation, recommends, usually, the protection is in the nature of fiscal protection. When the Tariff Board investigates any case, it again is open to Government to accept or reject its recommendations, or implement in some manner partially. Now any machinery that you have of controlling the industry, if it is not co-ordinated with a similar machinery—I am going to say integrated with a similar machinery, which will also protect, foster, encourage and develop industries, I feel that the former machinery will be defective and unable to carry out its objective. Some place therefore, must be found, some mention at least must be made in this Bill if it is to be a really helpful control of industry, so that the industries may be properly developed as its title itself requires so that they can be protected and helped wherever necessary.

I now come to another factor in ensuring success of an Industry. We, Sir, have had an authoritative exposition of our national policy in regard to foreign capital. Sir, capital is a very important item and factor in the production of national wealth. The inclusion therefore of foreign capital or any capital and proper control and safeguard thereof is by no means an illegitimate function of Government. It is a perfectly legitimate function, I am willing to concede. But I don't feel convinced that we in India shall gain an unmixed blessing by the policy we heard enunciated this morning.

I trust I would not be charged with any irrelevancy when I bring in this matter while I am dealing with the machinery and methods of control which develop industries. Sir, we have had in the past, it is universally agreed a most bitter experience of foreign capital in this country. We have, Sir, in the past found innumerable ways by which the foreign capitalist in this country used to exploit the resources, not for the benefit of this country, but for his own class and his own country. We are told that those days have changed. I fully accept that proposition that those days have gone. We have now acquired supreme authority in our own country, and that there is no reason to doubt that that power and authority will be used in this country for the benefit of this country, primarily, if not exclusively. There is however one thing,—and I say this at the risk of being called parochial in my outlook, and narrow in my sympathies,—that foreign capital is not and can never be an unmixed blessing. For a country yet to be developed as we have to, it can not possibly be of unmixed benefit. Whether the capitalist is of brown complexion or white complexion, the capitalist is, of course, of the same brand every where. Therefore so far as the general outlook, the general tendency, the general objective of the capitalist is concerned,—I make no distinction between the white and the brown,—they are all birds of the same feather and must be tared with the same brush. Foreign capital, however, has defects and disadvantages which we have not quite realised, I venture to say, as we ought to. In the first place, foreign capitalist do not come to this country thousands of miles away from their lands and their fellows for our benefit. Whatever else capitalists are, they are not charitable. Even when they make charities, they are not charitable; they are making an investment in Heaven, and therefore they are expecting to make a handsome return on their investments. The capitalist, therefore, who comes from thousands of miles to this country is not coming in any desire to assist you. Primarily his object is to assist himself; and if incidentally we get benefit, well, that is really in the hope that further on he may get still better advantage. Gratitude, Sir, has been defined as a lively sense of favours

[Prof. K. T. Shah]

done, and a livelier one of more to come. So, this, of course, is true of capitalists' gratitude. They feel grateful to this country for allowing them a free hand; but they also hope that this will be continued in a geometrical progression so that, in times to come, they will recoup themselves for whatever risks or handicaps they are taking or working under now.

Let me briefly enumerate the dangers of foreign capital investment. In the first place, foreign capital, whether it is explicit or implicit, makes you dependent on others. If you attract or invite them to invest in your country—such capital will come to you in the form of their goods; you will for ever be tied to their apron strings. We are living in an age in which mass production of standardised articles has very much advanced. Once you commit yourself to one make of machinery, you will for ever be tied to that particular make for everything you want. You will have to get their machinery, their parts, their screws, their nuts, bolts, and all accessories. This is a commitment which those who open their arms freely to invite foreign capital do not quite realise. Of course, they agree to train up your technicians. They agree to share their patents with you. These are quite possible terms of agreement. I do not deny that. But the report of several Senate Committees in the United States will tell you how the A.E.G. managed to hoodwink American industrialists notwithstanding these agreements and succeeded in utilising their patents against the Americans themselves.

Sir, I have very high opinion of the intelligence of our Ministry, of their civil service, and of course, of the intelligence of this House, as well as of the capitalist class. But I am afraid, that once we commit ourselves to accept foreign capitalists, we will not be able to beat the Americans, perhaps not even the Germans. If Americans could be beaten by German ingenuity, I think it much more probable that we may be beaten by both, and by the Britishers also. The British, as we all know, had an empire over which the sun never set, and that for the good reason that God himself was afraid to trust the Englishman in the dark. The Englishman built up an empire by his diplomacy, by his enterprise, by his skill and by his abilities in other respects. And he now says with very charming alluring ways, that you should welcome them, not really for their benefit, but because we need their capital goods, to develop your industries. This is called a sense of world co-operation, and we must be really very cussed not to be able to understand, appreciate and honour the good intentions with which these people come to assist us in the development of our industries.

The capitalists will, I am sure, welcome them, because though the foreigner will have the lion's share, our capitalists will also profit to some extent.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar).]

Sir, another danger of foreign capital investment which is also not foreseen as it should be, I venture to submit, is in regard to entanglement that such capital brings in its wake, almost imperceptibly, and therefore, much more to be feared. Sir, I just now mentioned the risk of being committed to one form of equipment in the industrial sense. We become dependent on their capital goods, their machinery, their parts and accessories. But this other danger that I mention now is much more insidious, and much more invisible, and therefore much more to be feared. By the introduction of foreign capital by foreign countries, we may get involved in their political complications. We may wish, Sir, much as we like to keep aloof from international entanglements. But it is one thing to have such an intention, and it is another thing to implement it. In a world which is dominated by warring groups of the kind that are now in existence, in a world in which imperialistic nations of the two hemispheres are daily trying to steal a march one over the other, in a world in

which economic power is dominating politics and policies of principal countries, to say that we shall remain steadily aloof, may be a measure of our good intentions, an index of our resolve not to be involved in power politics; but if we allow ourselves to be dominated, even indirectly, even imperceptibly, or invisibly by their machineries, by their equipments,—and in however small a measure we may be indebted to them, imperceptibly and insensibly, we will drift in their wake; and we shall drift and be dragged so far that perhaps by the time the crisis comes we may not be able to see that we have drifted. And then it may be too late for us to retrace, too late for us to prepare to stand up to our rights. A political agreement would perhaps be our only recourse.

I do hope that I am not becoming a jeremiad or too much of a pessimist. But I have had a long-standing fear of this kind of untoward consequences coming from foreign capital. I am not so confident in our sovereign authority and our capacity to take steps when the occasion comes, to safeguard our interests against these foreign countries. Sir, I fully believe, as I said before, in our power and authority to do so. But whether the opportunity will be there is the point, whether at the time the crisis comes we shall be able to do so; whether the slow infiltration with which this foreign capital would build itself up and take root, as it were, in our most essential and vital industries would give us the opportunity to do so. I feel doubtful. I do not know what is the experience—and I am not prepared to take the vote of the industrialists on this question—I do not know what is the experience of other countries who have invited foreign capital in matters of this vital character. I feel therefore that in this Industries (Development and Control) Bill we would do well to have some provisions, some clauses which would see to it that, even if foreign capital enters into our industries, it does not develop any untoward tendencies, or concentrate itself in one place, so that we might avoid economic or political entanglements. If the Bill contains some such provision, then it would improve itself beyond recognition.

Sir, I know I have taken a fairly long time of the House. I am thankful to you Sir, for this and to the House for having listened to me. I have no desire to be a carping critic. I have in all good faith put forth some suggestions, and I trust they will not be called destructive criticisms, but hope they will be taken as suggestions which may be taken for what they are worth.

Mr. Deputy Speaker: Mr. Mody.

Shri R. K. Sidhva: (C.P. and Berar: General): May I know whether you are making a departure from the healthy procedure laid down by the Speaker that the Select Committee members will not be given preference over others?

Mr. Deputy Speaker: No but we may have an exception occasionally, and here is one, with reference to Mr. Mody.

Mr. Homi Mody (Bombay: General): Sir, I desire to say a few words in support of the motion for reference of this Bill to a Select Committee. I missed the greater part of my friend Prof. Shah's speech, but on principle, I oppose everything that he has said. I am going to argue entirely the other way about; but unlike my honourable friend, I propose to be brief, to the point and sweetly reasonable. My honourable friend the Minister for Industry gave me and some of my friends a certificate this morning, and I do not wish to jeopardise it by saying something which would make him think that he had been a little premature or hasty.

Industrialists in this country are in general agreement with the principle of the Bill. As was pointed out by the Industries Minister, I was one of those who were consulted and, with certain reservations, I gave my support to the idea underlying the Bill. My object today is merely to repeat the

[Mr. Homi Mody]

caution which I urged in my discussions with him. The reason why we are supporting the principle of this Bill is that there has been a great deal of indiscriminate expansion in the past and a lot of unequal treatment, as between province and province, of industrial interests; and it therefore became necessary, if planning were to become something more effective than merely an idea on paper, that the Centre should acquire a general control over Industry. But I am sure my honourable friend the Minister for Industry will not deny that any regulation or control that he wishes to institute has got to be in conformity with the principles which have been repeatedly enunciated from time to time by Ministers of Government. And while it is true that in the main the general principle laid down at the Industries Conference in Delhi in December 1947 is being sought to be followed, I am sure my honourable friend will appreciate what I have repeatedly urged on him in the course of these last few weeks that the actual powers that he is seeking to acquire are very sweeping in character, and that if these powers are strictly interpreted and applied, I am afraid private enterprise will be left only with the name. The profit motive may be allowed to be there, but in every other essential respect, the control of industry will pass into the hands of Government. Now I am not suggesting for a moment that that is the intention of Government or of the honourable Mover of the Bill. I am merely pointing out that the actual powers sought to be acquired are so sweeping that if he were so minded, he could do whatever he liked in the way of control and regulation of Industry. I do not want to go into details; I only want to draw attention to one or two points to illustrate what I have been saying. Take for instance clause 10. Amongst the various sub-clauses in clause 10(2), I will draw attention to sub-clause (b), namely,

"the regulation of the production of any industrial undertaking and the use of raw materials therein and the fixation of standards of production."

That can cover almost anything. Then take sub-clause (c):

"the issue of directions for prohibiting any industrial undertaking from resorting to any act or practice which might reduce its production capacity or economic value."

Now who is to determine all this? Apart from the consideration that on grounds of principle, I would object to vesting any authority with wide powers over free enterprise, the point that I would urge is that there must be adequate machinery if these powers are to be exercised wisely or with fairness. There are various other things in this clause, but I do not wish to deal with them. I only want to emphasise that very drastic powers, which seem to me to be wholly unnecessary for the purpose in view, have been sought to be acquired by the honourable Minister for Industry. If this is the first dose of industrial planning, I am constrained to say that it is a pretty stiff dose. The honourable Minister said there is no reason to be nervous. I am not exactly nervous, but if an armed burglar were to enter my room, I would require some sort of assurance about his intentions before I gathered up courage. And so, my reply to him would be, I should like to know exactly what the intentions of Government are before I can say how I am going to feel. I would also like to point out that this is not a question of confidence in any individual Minister or in the Government. I have said on previous occasions—and I repeat—that we have the fullest confidence in the integrity and ability of the present Minister for Industry and Supply, and I think the country as a whole, has got a large measure of confidence in him and in the present Government. But we are not dealing with individual Ministers nor even with Governments; we are dealing with policies which may be executed

from time to time by Governments that might come into power. And from that point of view, I must view with a considerable degree of apprehension the sweeping powers which are sought to be acquired under this Bill. My own suggestion would be to proceed gently, to take planning by easy stages and start with the minimum powers for regulating industrial activity and preventing haphazard development. There are very many questions like regionalisation of industry, location of industry in suitable sites, and the availability of raw materials which can be controlled and regulated by the centre to the great benefit of the country as a whole without trenching upon the day to day province of the industrialists. And my suggestion would be that this Bill should be the first step and not the complete whole that Government intend it to be, and as experience and confidence have been acquired, and confidence has also been inspired, and Governmental machinery has been made more adequate for the purpose, wider and wider powers may be sought. If and when that is done, it will be with the greatest good will and with a large measure of support from industrialists themselves.

My honourable friend the Prime Minister made an admirable statement on foreign capital this morning, a statement with which most of us are in substantial agreement. The whole idea of that statement was to inspire foreign capital with confidence so as to attract it in the interests of this country. The Prime Minister stated that Indian capital was not adequate enough and that it was necessary to do something in order to attract the foreign capitalist to this country, not only because of his capital but because of the technical resources which he would bring with him. That is admirable; but I am putting it to my honourable friend here whether the provisions embodied in this Bill are not likely to neutralise, to a certain extent, that admirable enunciation of policy and whether foreign capital would come to this country readily when it finds that industrial enterprise is likely to be severely regimented. Let us be practical. We are, after all, looking to one country primarily for furnishing us with the necessary capital and technical equipment. That country is wedded to the idea of free enterprise; that country abhors anything in the nature of State regimentation of industry. Therefore, Sir, I should like my honourable friend not to forget that aspect of the problem in dealing with this question.

Sir, I do not wish to say anything more. The Bill is going before a Select Committee; I have every hope that the Select Committee will modify it suitably and that my honourable friend will agree to such suitable modifications; and I also hope he will not think that he is not receiving the support that he should get from the industrial community in this country. I started by saying that industrialists as a rule are supporting the principle of the Bill; they are prepared to go very far in the implementation of the policy which Government have in mind; but the only point of difference between the industrialists and Government is that Government want to proceed too far and the industrialists would like to sound a note of caution.

Shri T. T. Krishnamachari: Sir, after having heard the honourable Mover and his very eloquent plea in support of this measure it is rather difficult for any person to find fault with the details of the Bill which the Mover sought to explain at great length. Nevertheless, as the House has witnessed, the various sections of the House did not lend their full support to this measure for certain reasons. The two speakers who spoke before me—Prof. Shah and Mr. Mody—represented two different and opposite angles from which the Bill is being looked at; and both of them gave only a qualified support to the measure.

One of them is a completely control-minded person who wanted greater control and over a wider field. The other was a person who held opposite

[Shri T. T. Krishnamachari]

views and he warned as against control and regimentation. There is also yet another side to this question: there are in fact two conflicting aspects on which the honourable Mover touched in making his motion for referring the Bill to a Select Committee: One was control and regulation of industries and the opposite of it and the other was the provincial aspect and the central aspect of this particular measure. In fact, within the few minutes at my disposal, I propose to touch on this rather than the control aspect.

As a student of Economics, as one who wants his country to prosper and that rapidly, I have no hesitation in my mind that this country can prosper only if there is well organized control and regimentation over every field of economic activity. I yield to none in my determination that this should come into being as soon as possible as otherwise we should be facing extinction.

4 P.M. But it is the manner in which that particular objective is to be approached that has to be decided before we accord full support to a measure of this nature.

On the subject of the conflict of interests between the provinces and the Centre, I would at once like to say that I am not one of those who oppose Central co-ordination, Central direction and Central planning. These I assert are primarily Central fields of activity, and in a country with so many provinces, with probably more provinces to come into being in the future and with more State Unions coming into being, it will be idle to expect any progress if all the provinces were to be given unilateral control over the field of economic activity and no less in the field of industrial expansion. But I would like to take the last portion of this Bill first and invite the attention of the House to that portion: to take the Schedule and the 25 items made up in the Schedule.

I do agree that the Central Government must have the powers to co-ordinate. In fact I was a very keen supporter of Article 60 of the Draft Constitution of this country which was passed by the Constituent Assembly the other day, and to the extent of my ability defended the provisions of that Article, which gives powers to the Central Government, where it finds it necessary, to take to itself such powers as are needed for the purpose of co-ordination, for the purpose of planning and such like necessities that would arise in the future. I would also say that I was a supporter of the amendment to the Constitution as it stands today the Government of India Act, in which my honourable friend the mover of this Bill took part the other day, but that does not mean that I wholeheartedly approve of the provisions of this Bill: much less what is contained in the Schedule.

I would like to ask my honourable friend: What have you left to the provinces? And in asking him that question I would also ask him to remember that my honourable friend, Mr. H. P. Mody violently objects to any power being given to the provinces in the field of industries. It does happen that vested interests today are unfortunately very suspicious of the motives and intentions of Provincial Governments. I am not an unqualified admirer of the activities of many Provincial Governments in this country, or perhaps for that matter, all of them. I do know that they are making a lot of mistakes. But the way to deal with them is not to take away the powers from them for being mischievous and bad boys, but rather to leave them some field of activity in which you would like them to operate and encourage them to act in that sphere at the same time exercising distant control and interfering only when necessary. My feeling in this matter is this. Placed as we are in this House, being able to take a complete picture of the future economy of the country as we want it, we are rather apt to err seriously on the side of giving more powers to the Centre which would in effect stifle any initiative

that is left to the provinces. I want the honourable Minister to look at it from that point of view. If he had started with a Schedule with seven or eight items—items on which he proposes to embark immediately, industries for which he has already been in negotiation with various firms indigenous or foreign, which he is going to sponsor and which are going to come into being within the next three or four years—I would give him that unqualified support. But does he envisage that the Central Government is going to act without the help of the provinces in all these twenty-five items covered by the Schedule? And what are the provinces going to do in this matter. You are giving them very few industries—not even pharmaceutical and drugs in which many of the provinces have already taken a lead. Even those industries are to be controlled in future by the Centre. Some kind of control over these industries will be necessary because of the Drug Control Act and the Pharmacy Act but not the type of control envisaged in this measure. So my appeal to the Select Committee would be to go slow, not in the sense indicated by Mr. Mody, but to go slow in interfering with the powers in the provinces: to give them some powers and initiative: to let them try to expand. Many provinces have schemes which they are not able to implement for reasons of finance or lack of talent or imagination. But they do have the wish to make a start. Many of them have started industrial financial corporations, similar to the one this Legislature brought into being last year and they do want to proceed with their plans for industrialisation. Therefore, what is the object of merely telling them that the centre has more or less decided to throw a blanket over their initiative in the field of industrial expansion. We leave very little to their initiative. But it seems that the centre proposes to tell them that if they are going to be good boys, with their tails between their legs and with their arms folded behind their backs, that they will permit the provinces to act in this field subject to the centre's powers of supervision and control. Is the honourable Member going to increase the revenue by rail traffic and air traffic by making more people come to Delhi than those that do so today? Actually, the centre of attraction is Delhi. It is increasingly different for air passages because business men are coming here in large numbers for permits or for permission for capital issue. What is the object of increasing it further by more or less attracting to yourself all possible powers?

There is another aspect of this question which I would like to mention, with due apologies to the Government, the Cabinet and to the honourable Minister himself. I do not think that as we are placed at present we are administratively competent in the Centre to handle all the subjects that my honourable friend envisages in the Schedule of this Bill. Actually, I would like to tell my honourable friend that within the limits of my information, he has not enough technical assistance in his own department for him to be able to judge correctly which industry he should negotiate, and how he should tackle the foreign experts and businessmen who come to him with offers of help. Placed as we are with all these limitations, I would suggest to him and the Select Committee to shorten the list covered by the schedule. If the provinces want to go ahead with industrial expansion let them. Ultimately the control, if you want to take it, will be always yours because you can always legislate and declare any particular industry to be one which comes within the scope of the Centre and you can legislate to obtain control over prices and distribution. These are imperfections which my friend Prof. K. T. Shah sees which can be remedied at a moment's notice. It wants a draftsman, the patience of the House and the time of one week to be made into law. So these imperfections are not of such a nature that they bar future development either in the matter of the Centre controlling distribution or prices, or even for that matter insisting on a certain amount of minimum production from these factories that are to be established. These powers are there. These powers have been safeguarded under Article 60 of the future Constitution. They have been

[Shri T. T. Krishnamachari]

safeguarded under the amendment of the Government of India Act as the Constitution stands today. So why hurry? Why do you want such drastic powers and such a long list of industries within your control which will only stifle the initiative of the provinces? I am sure that my honourable friend has secured the agreement of many provincial governments—agreements which have been given in a tardy manner. In this connection I would like to correct a statement that I made yesterday while charging another honourable Minister of having allowed his department to extend the scope of a particular ordinance to a particular province without the previous consent of the provincial Government. In fact I should have explained it more clearly, because I do know that the particular matter was referred to the public department of that province and the public department never referred the matter to either the revenue or finance department but indicated its consent straight away. The revenue department then found that this particular ordinance had been made applicable to the province and they sent a letter of protest, because they knew what the consequences would be. Similarly some premier or minister might have given a qualified support for the simple reason that he did not fully appreciate the implications of a measure of this nature, for such a measure will undoubtedly stifle the initiative of the province. The result of it all will be that ministers of the provincial government will then say to this Legislature that industrial expansion was not their job and that it was the duty of the Central Government. And that is a very dangerous weapon which you are putting into the hands of the provincial ministers, *viz.*, to go to the legislature and plead that this legislation is an excuse for their inaction. They will say "The Central Government have all the powers necessary for the purpose of industrial expansion and we have no power and so we shall not do anything." That is a very great danger. In a federal constitution such as ours is and will be, the responsibility in regard to such matters should be fairly and squarely placed on the provinces; except in so far as the Central Government can adequately discharge its responsibilities they cannot take unto themselves more powers than is absolutely necessary for the immediate future and leave the provinces to act in the particular field that is left open to them. I do feel that this is a matter on which both the Select Committee and the honourable Minister should exercise some more thought and if necessary narrow the field of the operation of the Bill.

With regard to the provisions I have something to say but before going into it I would like to say a few words about the statement made by the honourable the Leader of the House in regard to foreign capital and I think it has a relevance to this particular discussion. I must plead guilty to having been associated in the past, or if I may put it in our own vernacular it was my *purva karma*, to have been associated with industry and business in my past life, so to say. The fact of this association provided me with an opportunity to meet several people who are now interested in industries in India and who are likely to be interested in the future; when I was in England last summer. I must say this, which probably Mr. Mody will not like, that when the industrial policy of the Government of India was explained to those foreigners they expressed that the treatment accorded to industrialists in India or the possibilities envisaged in that industrial policy statement were far more liberal than anything provided for them in England.

Mr. Homi Mody: Who says that?

Shri T. T. Krishnamachari: Quite a number of them. I have met a number of people and explained the Industrial policy of the Government of India to them. That was the opinion that was expressed to me by many of them.

very many leading industrialists probably of equal eminence, if not greater than that which my honourable friend holds in this country.

Shri B. P. Jhunjhunwala (Bihar: General): What was the opinion expressed by the British industrialists?

Shri T. T. Krishnamachari: Their opinion was that the terms in which the industrial policy of the Government of India was couched were very liberal, in fact, far more liberal than what was offered to the industrialists in England today and the hopes that are held out for people who invest capital in this country are much greater than anything that they had in their own country. That was the view expressed by many of them. I do not think it is quite correct for my honourable friend Mr. Mody to say. "There it is: people are not likely to be induced to invest in industrial enterprises on account of the attitude of the Government."

Unfortunately there is one other objection that has been brought forward by my honourable friend Prof. K. T. Shah. Prof. Shah, with whom I am in agreement on very many matters, apparently feels that he cannot get over a particular prejudice that he has against foreign capital though he should realise that our circumstances are now changed and we can afford, since we have the stature, since we have the power and we have the influence to treat all people alike and not be afraid of anything that is likely to be done by foreigners against the interests of our country because we can at any time nip, any such conspiracy in the bud. I do agree that the central problem in regard to foreign capital is a problem which is the headache of the Finance Minister. That is the problem of the balance of payments and it is a problem not only for the Finance Minister of today but also of tomorrow. If we have to pay interest and dividends to foreigners who invest in this country such far in excess of our normal balance of trade, then will become a headache. But that is a matter which is more or less a self-operating mechanism. If industries are started in this country our dependence for imports on foreign countries is reduced to that extent and an adverse balance of trade becomes a favourable balance of trade. We can then without much difficulty allow a small portion of such favourable balance to be taken away by means of interest or dividends to the extent we might be willing to allow subject to the conditions that we impose on those foreign industrialists similar to what we impose on Indian industrialists.

There is another aspect that I would like my honourable friend Mr. Mody to consider. You, Sir, the other day are reported to have said that capital in this country has become dry I would like to improve on it and say that Indian capital has become calcified. I am afraid it will become non-existent before long, if things go on at this rate. What do the capitalists of this country want the Government to do? If they are not going to help the Government naturally they have to satisfy the people's demands and the only justification for the present government with all its imperfections to exist is that it want to raise the standard of living of the common man. If the Indian Capitalist will not help the Government, I think the Government is perfectly right in going to a foreigner, no matter what the terms are; so long as the ultimate interests of this country are not jeopardised. To the extent to which the Indian capitalist offers to come to help the Government to that extent foreign capital will automatically be discouraged. The germs of such discouragement are there in that statement. It is up to Mr. Mody and his friends to go back to Bombay and see that Government securities sell at par from tomorrow, that government loans are subscribed to very freely and that the flow of money through treasury bills is in the region of 20 crores every week, instead of its being nothing as at present. If he does that I think he has every right to castigate the Government and the Ministry and he can expect my support in that particular act of his if Government still then immediately in the future.

2420. CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) [6TH APRIL 1949]

[Shri T. T. Krishnamachari]

his class in helping to improve the standard of living of the common man in this country. You cannot have it both ways. Either you must completely help the Government with all your resources if necessary. In fact I would like the capitalists of this country to say to the Government "Well, you make a capital levy tomorrow, if you find that you do not have enough money to help to start new industries. We are prepared voluntarily to give up anything upto 25 per cent. of our capital." If there is such a gesture on their part the common people who have small hoards of Rs. 10, 20 or 50 will see that the capitalist has trust in the Government and therefore they may also trust the Government with their small savings.

Mr. Homi Mody: Are you prepared to take 25 per cent of my over-draft?

Shri T. T. Krishnamachari: On the other hand there are also capitalists like myself without even a bank account. But that is by the way. I do welcome the statement made by the Leader of the House. It was a considered statement which I think ought to place India on the map of the world as a country which is not afraid of foreign capital, which is prepared to treat the foreigner on the same terms as it treats the indigenous capitalist, provided he plays ball and I am afraid so far as the Indian capitalists are concerned it cannot be said that they are playing ball at the present time.

There is one reference which I would like to make in regard to clause 10 of the Bill. My honourable friend Prof. Shah to whom an adequate answer will undoubtedly be furnished by the Mover himself, has somewhat mistaken the scope of the enumeration of the various provisions under clause 10. He referred very rightly in this connection to that book "New Despotism" by Lord Hewart. I remember it very well for it was published in the days of my political apprenticeship. It was a very useful weapon against any government that used what was called Star Chamber legislative methods.

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport): It is ancient.

Shri T. T. Krishnamachari: It has been revived today and the honourable Minister was absent at that time. The report of the Parliamentary Committee that was appointed as a result was that these rule-making powers should be permitted but that there should be a general enumeration of the nature of those powers. The governments in India, both Central and Provincial, have not been slow to follow up that dictum of the Parliamentary Committee. The enumeration of the various prescribed powers has to be taken along with what precedes it that is "without prejudice to the generality of the foregoing power", which means the generality of that power is something all-embracing and the government could do anything under the rule-making power; but the sub-clauses merely specify possible contingencies which a harassed official in the secretariat imagines is likely to arise in the course of the implementation of the particular measure. So in effect it does not mean that the enumeration counts for either a lot or for nothing so long as the generality of the rule-making powers of the Government are there for doing anything that is necessary for implementing the provisions of the Bill. The only limitation on it happens to be that the Legislature is afforded an opportunity of having a say because the Rules will be placed before the House. That is all I have to say about the rule-making power.

But there is one particular provision in the Bill to which I would really object and that is in regard to clause 8. I do agree that Provincial Governments, as I said before sometimes go off the rails. But do not treat them

as bad boys and give them a slap on the cheek or something on the bottom and prevent them all the time from moving in a direction in which it would be very wise for them to move. I know some Provincial Governments want to start a lot of industries themselves, but, I think a specific mention of this nature is derogatory both to the Central and the Provincial Governments. I think the Central Government has got enough powers without taking any statutory power into itself to control the actions of the Provincial Governments. I therefore think the Select Committee and the honourable Mover would do well to leave this unsaid because impliedly it is always there. If the Central Government has powers for licensing all undertakings the power is always there. There will be a change of ownership if it is going to be taken over from a private person by a provincial Government and in that process the Central Government will have to be asked for the purpose of licence because it will be a fresh personality that will be taking over the undertaking. But to put a clause like this in the statute that Provincial Governments starting shall not be bad boys is, as I said, derogatory both to the Central Government and the Provincial Government.

With these observations and also with an expression of hope that the Central Government might, if it is disposed to do so, if between now and the time the Select Committee sits it invites the opinions of the various Provincial Governments on paper particularly in regard to the schedule, improve the scope of this Bill which I think has room for improvement, I support the motion.

Pandit Hirday Nath Kunzru: This Bill implements the Industrial Policy laid down by Government in the Statement published on the 6th of April 1948. That Statement did not deal with all the industries that were in existence in the country then or that could be started in the future. The Bill before us therefore could not be a comprehensive measure in the sense desired by my honourable friend Prof. K. T. Shah. But I am not at all sorry that the scope of the Bill is more limited than that of the Reports of the Planning Committee of which Prof. Shah was the Secretary. I think that the Bill so far as it goes takes sufficiently wide powers for the control of industry. But what I should like to know from the Minister of Industry and Supply is what is the actual programme that is going to be pursued by Government during the next few years. The Bill before us contains nothing that the Statement of 6th April 1948 did not. What we desired then and what we desire more eagerly to know now is what is the plan that will be followed by Government for the development of industries in this country. It is obvious that the resources of the Government both in respect of capital and technical skill being very limited as the honourable the Deputy Prime Minister pointed out the other day in Madras, they cannot develop even all those industries whose development under central regulation and control might be declared to be necessary. Government have from time to time let us know what they propose to do in regard to certain industries, for instance in regard to ship-building and the expansion of the iron and steel industry. But they have laid before us no co-ordinated programme which they propose to follow, say, during the next five years. It is not enough that we should have a fairly comprehensive measure of control over this. What we would like to know is what steps Government propose to take in practice in order to increase production in this country in certain essential respects, say, transport or food or any other such things. If this programme is limited to half a dozen things on which Government propose to concentrate we can know the direction that the efforts of the Government will take in the immediate future. Unless the honourable the Minister for Industry and Supply gives us some such indication of the policy of the Government I am afraid that the measure before us, even though it may be approved in principle by a majority of us, will not satisfy the country. In this respect we are now further off than we were when the report of the last Industrial Conference was published.

[Pandit Hirday Nath Kunzru]

To know what is the policy that Government propose to follow in connection with a large number of industries is not enough. Government used to follow such a policy in regard to the implementation of the recommendations of the Famine Inquiry Commission. Almost everything said by that Commission had their approval. In principle they agreed to such a large number of things that in practice they became totally ineffective. They have at last been forced to announce a policy that is somewhat more definite in that matter. I hope that the honourable the Minister of Industry and Supply will take a warning from what has happened in connection with the development of agriculture in this country and see that Government's plans with regard to the development of industry are not as nebulous as those relating to the "Grow more food" campaign were.

Sir, in order to carry out their policy, Government will need a large number of technically qualified men. The deficiency of technical personnel in this country is well-known. Their need will be felt in connection almost with every aspect of this measure. Take the question of location. How is the question of location to be determined? Our economists have been asking for a number of years that industries should be so developed that there may be no "black areas" in the country. Nevertheless, in order to know where a particular industry should be permitted to establish itself, mere executive control, if that is not fortified by proper technical advice, will not be enough and may even be harmful. I am all in favour of Government taking into account the important question of the location of industry in connection with the planning of industrial development in the future, but their intentions can be effectively carried out only when they receive adequate technical advice. I know that the Government have, during the last two years, sent a number of young men and others to England and America for technical training. I do not, however, know whether as soon as they come back they will be fit to shoulder the responsibility that the implementation of this measure before us will throw on Government. It is necessary for us to know, therefore, what steps Government propose to take in order to secure the technically trained personnel that they will require and also what steps Government propose to take to increase the number of persons who might be competent to act as their technical advisers in the very near future. I understand that the system of giving scholarships to young men for training abroad has for the time being been abandoned. Has my honourable friend the Minister of Industry and Supply thought of taking steps himself in order to remove the deficiency that I have just referred?

[At this stage Mr. Deputy Speaker vacated the Chair, which was then occupied by Pandit Thakur Das Bhargava (one of the Penal of Chairmen).]

Take again the question of Government participation in industry. A place may be allotted to a project, but whether Government should participate in that project is to be determined not by the general desirability of promoting the development of any particular commodity but by its prospects of being technically sound. I am sure that my honourable friend the Minister of Industry and Supply knows that some of the decisions of Government in regard to participation in private enterprise have not received the approval of the public. I do not want to mention any particular enterprise but from what I know I feel that the criticism of the decision of the Government was due to the belief—which was correct in the opinion of many technically capable men—that Government had not been properly advised before they took the decisions complained of. I think this is a very important matter and it is necessary that Government should be advised in regard to such matters not by executive officers or by pure scientists but by people with adequate business knowledge and technical training.

Sir, the Prime Minister referred this morning to the willingness of the Government to allow private capital to be invested in this country under certain conditions. Though the danger that foreign capitalists might try to obtain some control over the economy of this country is entertained by many persons whose opinion is entitled to respect, yet I do not see how in the present stage of development of this country we can do without the help of foreign capital and foreign technical personnel and equipment that will come with foreign capital. I should, however, like to know in what form foreign capital will be allowed to participate in the industrial development of this country. The Prime Minister spoke of the need for answering certain questions regarding the transmission of profits and the re-payment of capital. This statement shows that what is intended by Government is not merely the investment of foreign capital in this country, but of partnership with foreign capital. In any case, Government, before making up their minds on this subject, must have considered in which industries the assistance of foreign capitalists should be invited. There are certain industries that Government want to develop exclusively under their own ownership and control. No indigenous capital is to be employed in these industries and there is to be no partnership with Indian capitalists in regard to them. I take it, therefore, that foreign capitalists will be in the same position in this respect as Indian capitalists. What are then the other industries in which foreign capital will be welcomed by Government? I think the House and the country will expect Government to say something more on this point than was said by the Prime Minister this morning.

One more point before I bring my remarks to a close. Before the war, whenever the question of industrial planning was discussed, it was admitted on all hands that war-time controls would have to be continued and it was thought that control over the distribution and prices of manufactured goods would have to be retained in order to determine the flow of capital in proper channels. Now, I know that by taking the power to license new undertakings and to permit the expansion of existing ones, Government will be able to decide in which industries capital should be invested more than in others. Unless the price structure is such as not to place a premium on the investment of capital in certain industries, Government will find themselves in a serious difficulty in exercising the control that this Bill will place in their hands. In the first place, they will have to take upon themselves the odium of refusing probably many applications for licences in connection with industries that happen to be brought under control. In the second place, they will lay themselves open to criticism in regard to the choice of the agencies whose applications will be favourably considered by them. It is far better to have a proper price structure, so that all these difficulties might be got over easily. I know that Government's statement of industrial policy was issued at a time when the policy of de-control was in the air. That statement could not therefore deal with the distribution and price of industrial products. But as Government have happily grown wiser by experience and have changed their policy, it is I think incumbent upon them now to state what measures they propose to take now both in order to attract capital to all necessary undertakings and also to protect the interests of the consumers. My honourable friend, the Minister for Industry and Supply drew attention to the omission of this matter from the Bill, but he did not attempt to justify it. The amendment of the Government of India Act last December placed in the hands of the Central Government the power not merely to control production but also to control distribution and prices in regard to those industries whose development is declared by legislation to be necessary to be under central control. There is no reason, therefore, why the Bill should suffer from this omission. It is not necessary for Government to control the distribution and price of every commodity, but I submit that in view of the discussions that have taken place in the past and the recent amendment of the Government of India Act, 1935, it is necessary that this omission

[Pandit Hirday Nath Kunzru]

should be rectified. The Government can make rules with regard to this matter just as they will with regard to other matters. But, there seems no adequate justification for not referring to this matter at all in this Bill.

Sir, there are other important questions that this Bill raises. But I should like briefly to say that in regard to decentralisation to which the honourable Minister for Industry and Supply referred in the course of his speech, I agree, generally speaking with what fell from my honourable friend Mr. T. T. Krishnamachari and I think that the Central Government should exercise their control in such a manner as to throw as much responsibility as practicable on the provincial Governments in connection with the development of industries. General control is essential so that progress might take place in accordance with a certain well thought out pattern. But, when this has been done, the actual implementation of the policy should, in connection with small scale and medium sized industries, be left as largely as possible in the hands of the provincial Government. Their sense of responsibility and their sense of initiative should be encouraged so that a too heavy burden may not be thrown on the Central Government. I am sure that my honourable friend the Minister in charge of Industry and Supply is well aware of the importance of decentralisation. But, what I am anxious about is that decentralisation should not be brought about merely where it is absolutely necessary, but to as large an extent as possible. Subject to central control and guidance, the development of all industries that are of importance to the country as a whole should rest as largely as possible with the provincial Governments. With these remarks, I support the principles underlying the Bill and venture to express the hope that our future industrial development will be much more rapid and co-ordinated than it has unfortunately been in the past.

Mr. Chairman: The Honourable Dr. Mookerjee.

The Honourable Dr. Syama Prasad Mookerjee: Mr. Chairman, Sir,.....

Shri B. Das (Orissa: General): Sir, this is a very important Bill and we have not yet discussed it sufficiently. (*Interruption*). I am addressing the Chair and there need be no interruption. The honourable the Finance Minister, while introducing the Report of the Select Committee on the Finance Bill, stated that the honourable the Prime Minister will make a statement in this House on foreign investments in India. It was expected that this House will have an opportunity of discussing that matter. The whole point surrounding this Bill relates to that. We need thousands of crores of foreign capital to control and develop these 25 categories of industries. We have to examine all aspects of foreign investments. If you are to stop discussion on a measure like this, we have no chance of raising that question again after this Bill comes from the Select Committee, because we have committed ourselves to the principle of the Bill. I would request you not to close the debate now.

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, no motion for closure has been made. This is a matter in relation to the foreign investments. I would request you to allow further discussion of this matter.

Babu Ramnarayan Singh (Bihar: General): I want to address the House on this important matter.

Mr. Chairman: The time at the disposal of the House is very limited. We know there are so many Bills more to come. The point raised by the honourable Member Mr. B. Das is really a very important one. At the same time, this question of foreign investments, though relevant has not been put

in this Bill. It is a statement apart from it. If the House so wishes, the honourable Member can certainly request the leader of the House to give an opportunity for discussion before this is finally settled. But, as the time is very short, I have called upon the Honourable Dr. Syama Prasad Mookerjee to reply.

Shri B. Das: There are 25 Bills more. But this is a very important matter. Industry will need capital. Where will they get capital from, worth thousands of crores of Rupees?

The Honourable Dr. Syama Prasad Mookerjee: Sir, if I may say so with respect, as you have rightly pointed out, so far as matters arising out of the Prime Minister's statement are concerned, they may be relevant to the Bill which is under consideration, but they are quite apart from the Bill. If it is the wish of any member of the House to obtain further information, no doubt that opportunity may be given when the Bill will come back to the House from the Select Committee.

Shri Mahavir Tyagi (U.P.: General): I hope you won't bring it at the fag end of the session next time.

The Honourable Dr. Syama Prasad Mookerjee: The Report of the Select Committee is to come at the end of the first week of the next session; it would not come at the fag end of the next session.

I do not propose to make a long speech in answer to the criticisms which have been made, because, most of the suggestions which have been made by honourable Members will no doubt be considered by the Select Committee. I feel, Sir, thankful that honourable Members have extended their general support to the main principles underlying the Bill. There are just a few points which I shall briefly touch upon in my reply.

Pandit Harihar Nath Shastri referred to the question of taking over control of industrial undertakings for reasons arising out of awards of industrial disputes. If a reference is made to the relevant clause, it will appear that the powers given are really wide enough. If any such occasion arises, when an industrial undertaking has to be controlled for the reasons mentioned by the honourable Member, there is nothing in the Bill which would prevent the Government from doing so. In this connection, an important point was raised namely that the provincial Government should be given full power to take over this control in respect of industries which are centrally regulated. That point was also made out by my honourable friend Mr. T. T. Krishnamachari. If you look at clause 8, you will find that the provincial Government is not debarred from taking over this control. All that is stated is that it must be done with the previous approval of the Central Government. Obviously, that is a desirable precaution. If it is left to individual provinces to deal as they like with important industrial undertakings which the House considers should be centrally regulated, that would create a condition which will not be desirable from any point of view. It is not the provincial Government alone that is going to exercise this power; this Bill is going to be applied to the acceding States, which have already expressed their desire to come within the Indian Union so far as control of industries is concerned.

My distinguished friend Prof. Shah was good enough to extend his half-hearted support to this Bill. Usually; from him we receive whole-hearted opposition. In this case, at any rate, we are fortunate to receive half-hearted support and that I consider to be of some value. Apparently, he has misunderstood many of the provisions which he referred to. The main point which he made out was that this Bill was really intended to help the capitalist and proprietary class. But I believe, he must have changed his view after having

[Dr. Syama Prasad Mookerjee]

heard Sir Homi Mody, who felt that the powers which we were taking under this Bill were of a drastic character, which no capitalist or industrialist would look upon with equanimity. So far as Prof. Shah's desire to know as to what exactly control or regulation or development means, obviously it is not possible for us to define this exactly. If the honourable Member had read, as I presume he has read, clause 10 with a little care, then he will find that practically all that he is thinking of is included in clause 10 sub-clause (2). Under sub-clause (a) Government will have the power to require any industrial undertaking to take such steps as Government may consider necessary to stimulate the development of industry to which such undertaking relates.

5 P. M. Now that sub-clause only by itself is of so wide a character that it is not contemplated that any important point may arise which may not come within its purview. Further he must have noticed that in any case these 13 sub-clauses mentioned here are in addition to the general power which the Central Government has taken to make rules for any purposes covered under this Bill. Sir, Professor Shah also referred to the functions of the Advisory Council. Here again it is very difficult for me to understand what exactly he means. Does he want that this Advisory Council which will include mostly non-officials will more or less replace the Government of the day? Does he want that this Council on which the interests of industry will undoubtedly be predominantly represented, will dictate the policy of the Central Government? Obviously that cannot be his intention at any rate, whatever else's may be. All that we want is that the Advisory Council will be there to advise the Government on all matters arising out of this Bill. The bill provides for compulsory advice being taken by Government in relation to certain important matters, including making of rules. Professor Shah made a lot of power being given to the Advisory Council to express opinion when a license is revoked and not when license is granted. Well, that is deliberate. We don't want the Advisory Council to come and dictate to Government to whom license should be given but if a license is given under proper conditions and later on if conditions arise which make it incumbent upon Government to withdraw a license or to revoke it, then obviously the Advisory Council should be consulted and should have the opportunity of being satisfied that revocation is not being made without reason. Now so far as protection is concerned, undoubtedly protection to industries is a matter which is not covered under this Bill. That will be dependent on the general policy which Government will pursue. How the Government will function with regard to giving protection to industry, with regard to other matters in the field of fiscal relations etc. obviously are not matters which may form part of any legislative enactment; that will depend on the general policy of the Government, based on the circumstances prevailing from time to time. So far as fiscal matters go, as the House is aware, a Fiscal Commission is about to be appointed and no doubt after that Commission has reported matters which will be recommended by the Commission will be taken into consideration and acted upon by Government.

Now Professor Shah said a lot about foreign capital. I am not going into that question except to say this that the Prime Minister's statement makes this clear that there will be no discrimination either in favour of or against foreign investors. Neither will they get any special privilege nor will they be subjected to any special disabilities. The Prime Minister also made it abundantly clear that they will function in this country in accordance with the general industrial policy of the Government and the Industrial Policy is to-day being crystallised in respect of the operational side through this Bill. Sir, I do not share the fear and pessimism of Professor Shah that by allowing foreign investment in this country a situation may arise which may make history

repeat itself. We are a free country and can take care of our own interests. In every case license will have to be taken out, conditions will have to be examined and while we will give every opportunity to foreign investment to play its proper role in this country, naturally national interests will not be subordinated to the interests of any foreign investor. Sir, I shall not refer to Mr. Homi Mody's remarks as he has already left the House and I believe he was not expecting my replies to any of his remarks.

With regards to my friend Mr. T. T. Krishnamachari, the main point which he has touched upon is with regard to the power and initiative left to provinces. As I myself emphasised in my opening remarks to-day, this is a matter which will be examined by Government at every stage. After all these Provincial Governments also are our own. There is no question of any rivalry or of any antagonism between the Central Government and the Provincial Governments. We have received replies from the Provincial Premiers. I shall place those replies before the Select Committee. I am prepared to consider the suggestions which Mr. Krishnamachari has made and obtain further views of the Provincial Governments on the detailed provisions of the Bill. There is one misapprehension in his mind which I would like to remove. There is no question of a provincial government being deprived of its initiative to start any industrial undertaking. In fact if you refer to proviso to clause 5, you will find that a Provincial Government will not have to take any license but it has only to take the permission of the Central Government if it wants to start any industrial undertakings itself. Mr. Krishnamachari says, 'You reduce the list and throw greater responsibility on provinces'. I would just ask him to consider that that is not possible. If with regard to important industries you desire to have an all-India policy, then obviously the ultimate deciding authority must be the Central Government; but the Central Government will be there mainly to grant the license. Once the license is granted, then it will be open to the provincial governments to develop that industry in such manner as it deems fit, subject of course that it will be in accordance with the general planning in relation to that industry as approved by the Central Government. Now you look at these 25 industries. Mr. Krishnamachari says you reduce the list. It is not a question of reducing the list. Suppose a particular Government decides to have more cement factories; it goes ahead with its scheme and it places orders for capital goods from outside. Later on it appears that 4 or 5 other provinces are putting up cement factories, which it will be impossible for the country as a whole to maintain. Which is the authority barring the Central Government which can intervene and see to it that proper distribution is made? That applies with regard to all these important industries. Professor Shah said the list of industries has been prepared rather perfunctorily and more should be added. When asked by certain members he mentioned the omission of film industry. I did not know he had become a lover of film industry. Perhaps due to his advanced age he gets some relief by visiting some good films.

Prof. K. T. Shah: On a point of personal explanation, Sir.

The Honourable Dr. Syama Prasad Mookerjee: Sir, I withdraw the remarks. In any case I may inform Professor Shah that this list was prepared with considerable care. The film industry itself was suggested to be added at one stage but it was decided to drop it for the time being. As the House knows that under the recent Amendment of the Constitution Act Film Censoring has been brought under Central control and if it is necessary at a later stage to include film industry as an All-India industry, Government will make necessary changes. In fact a Committee is about to be appointed to examine the working of the film industry and also to consider how it should develop in the future. The other industry that he could think of was Printing Machinery. So far as printing presses are concerned, they will

[Dr. Syama Prasad Mookerjee]

require certain basic things which are covered in the list. One point which I would ask honourable Members to bear in mind is that this list mainly contains certain basic industries and if these industries are properly developed in this country, that will enable other industries to develop without any interference from anybody. It is essential that these basic industries should come into existence as soon as possible under Central regulation.

With regard to Pandit Kunzru's remarks, unfortunately what he said was not quite relevant. But I can tell him in brief that Government has definite plans for industrial development. In fact that was a point on which I spoke at considerable length during the budget discussions. What are our objectives? It is three-fold. Firstly, we are helping existing industries to produce to the maximum of their capacity. That is an objective which we have kept in view and we have a machinery within our Ministry which remains in touch with all industries and which gives them every possible help and assistance so that they may keep up to the maximum of their capacity. Secondly we try and see how far existing industries can develop their resources and increase their production; and further, what sort of assistance can be offered to them, in accordance with an over-all planning.

Thirdly the Government of India has undertaken to start a number of key industries. As honourable Members know there is first of all the iron and steel industry, where we are exploring how we can increase the existing production. We are also examining the possibilities of establishing two steel factories which will produce about one million tons. We have a scheme for the establishment of factory for the manufacture of heavy electrical machinery. We have just made a provisional agreement for the establishment of a machine tool factory which perhaps will be the biggest in the whole of Asia. We have a scheme for the manufacture of dry cables. The fertilizer factory is going ahead. The telephone factory in Bangalore is under construction. We have also the scheme for the manufacture of locomotives. We have a proposal for ship-building and also the manufacture of air-craft. Over and above all these we have a number of river valley projects which are already in hand. These, in brief, are the important schemes which the present Government since taking office, has in hand, and they are in various stages of progress.

So far as the warning of Pandit Kunzru regarding technical advice is concerned, we are fully aware of the need for such advice and we are getting the best possible advice for all our projects. In regard to each one of these schemes, we are having technical experts from different parts of the world, and after we get their reports, they are examined by our men and then we come to final conclusions.

Pandit Kunzru has quite rightly asked what steps Government is taking to see that we have the necessary technical personnel ready. This is a matter which we keep in view with regard to every undertaking. Whenever a particular project is approved and contract entered into with a foreign firm, we provide for selection of a batch of Indians to be sent out for technical training so that by the time the factory comes into existence, as many of the important posts can be held by Indians as possible.

Sir, Pandit Kunzru has asked whether we can give any idea as regards the industries in which help of foreign capital will be available or asked for. Obviously, experienced legislator as he is, he knows that it is hardly feasible for any Government to declare from the house-top what are the particular industries for which we are calling tenders from foreign capitalists. That is not how it is done. When foreign investors come here, they come in touch with us. Foreign experts are invited in other cases and they come and sit down with

us. We discuss matters. We sometime refer them to private industries here. We are trying to work out a scheme which, on the whole, will be of benefit to the country as a whole.

Lastly, certain remarks were made as regards absence of any provisions in the Bill for distribution and control of prices. That is the point which I myself emphasised in my opening speech. We are bringing the Bill forward mainly to see that production with regard to essential and basic industries reaches the proper level as soon as possible. We have not taken in hand here their distribution or fixation of prices. With regard to most of these industries, under the Essential Supplies Act, the Central Government has power to control distribution and prices. So there will not be any sudden crisis in the absence of such powers in the Bill. After the Bill comes into operation, after we consult the provinces with regard to their attitude, I am sure we will be able to come to a working agreement with the provinces so that the scheme for distribution and for fixation of prices is made in such a way that it will be fair to the industry as also to the consumers. If necessary later on we will have to ask for these powers also through another Bill.

All the other points raised will undoubtedly be considered by the Select Committee.

Babu Ramnarayan Singh: May I know whether cottage industry, especially *khadi*, has got any place in this Bill?

The Honourable Dr. Syama Prasad Mookerjee: As I explained while moving the Bill, this Bill relates only to factories, as the word factory is understood in the Factories Act, where twenty or more workers work. *Khadi* obviously does not come into the scope of this Bill, and it is not desirable that it should. May I, with your permission suggest that three more names be added to the Select Committee Members, who are specially interested in this Bill? They are Shri B. L. Sondhi, Prof. Shibban Lal Saksena and Prof. K. T. Shah.

Mr. Chairman: Then I will include these names in the motion. The question is:

"That the Bill to provide for the development, regulation and control of certain industries, be referred to a Select Committee consisting of Shri Homi Mody, Shri M. Ananthasayanam Ayyangar, Dr. Bakshi Tek Chand, Shri Ramnath Goenka, Shri H. V. Kamath, Shri T. A. Ramalingam Chettiar, Pandit Lakshmi Kanta Maitra, Shri Khandubhai K. Desai, Shri R. L. Malviya, Shri V. C. Kesava Rao, Srijiit Kuladhar Chaliha, Shri Prabhu Dayal Himatsingka, Shri Biswanath Das, Shri Padampat Singhania, Shri Jaspal Roy Kapoor, Shri B. L. Sondhi, Prof. Shibban Lal Saksena, Prof. K. T. Shah and the Mover, with instructions to report not later than the last working day of the first week of the next session, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

Mr. Chairman: Now the Prime Minister will make a statement about the future business of the House.

STATEMENT OF BUSINESS.

The Honourable Shri Jawaharlal Nehru (Prime Minister and Leader of the House): Two days ago I expressed the hope that we might be able to finish our legislative programme—at any rate, an important part of it—by the 7th afternoon. We are now at the end of the 6th, and we have not got through the greater part of it. The House undoubtedly has been working hard during these days. It has considered important measures, and it is not desirable to cut short debate on these measures; for instance on an important measure

[Shri Jawaharlal Nehru]

like the one just now passed. But the fact remains that about eighteen Bills still remain to be considered. Many of them perhaps will not take much time; some may. Any way, it seems quite impossible for us to dispose of them by to-morrow evening. So it has become inevitable I feel, that the House should sit for another two days, that is, up to the ninth.

Pandit Lakshmi Kanta Maitra (West Bengal: General): And not beyond.

The Honourable Shri Jawaharlal Nehru: No, not beyond the ninth. But it may have to sit for slightly longer hours on these days. I take it that on the eighth and ninth, there will be no questions, so there will be a little more time for consideration of legislative business.

Mr. Chairman: This matter has now to be communicated to the Speaker. He has to decide what to do. Intimation will be sent to Honourable Members later, by circulation.

The Assembly then adjourned to a Quarter to Eleven of the Clock on Thursday, the 7th April, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Thursday, 7th April, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

ELECTIONS TO CENTRAL TEA BOARD, CENTRAL ADVISORY BOARD OF ARCHAEOLOGY, STANDING COMMITTEE FOR MINISTRY OF FOOD AND COMMITTEE TO REVIEW WORKING OF RAILWAY CONVENTION

Mr. Speaker: I have to inform the Assembly that upto the time fixed for receiving nominations for the Central Tea Board, the Central Advisory Board of Archaeology, the Standing Committee for the Ministry of Food and the Committee to review the working of the Railway Convention, two nominations in the case of each of the first and second and one nomination in the case of each of the third and the fourth were received. As the number of candidates is equal to the number of vacancies in each of these committees, I declare the following members to be duly elected:

- I. *Central Tea Board*.—Shri C. M. Poonacha, Shri Upendranath Barman.
- II. *Central Advisory Board of Archaeology*.—Prof. Shibban Lal Saksena, Shri S. M. Ghose.
- III. *Standing Committee for the Ministry of Food*.—Sreematty Annie Mascarene.
- IV. *Committee to review the Working of the Railway Convention*.—Shri Mahavir Tyagi.

PAPERS LAID ON THE TABLE

AUTHENTICATED SCHEDULE OF AUTHORISED EXPENDITURE—OTHER THAN RAILWAYS

Supplementary Expenditure for 1948-49

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg to lay on the table in pursuance of section 36 of the Government of India Act, 1935, as adapted, read with sub-section (1) of section 35 thereof, an authenticated schedule of authorised supplementary expenditure for the year 1948-49 in respect of expenditure other than Railways.

In pursuance of the provisions of Section 36 of the Government of India, Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947 read with sub-section (1) of Section 35 thereof, I, Chakravarti Rajagopalachari, Governor General of India, do hereby authenticate by my signature the following schedule of supplementary expenditure from the revenues of the Dominion for the year 1948-49 :

SCHEDULE

	Amount (in thousands of rupees)		
	Voted	Charged	Total
<i>Service, Administration or Area to which Demand relates.</i>			
1. Customs	25.27	..	25.27
2. Central Excise Duties	1	..	1
3. Taxes on Income including Corporation Tax	10.64	..	10.64
4. Stamps	15.89	1.32	17.21
7. Forest	5.32	..	5.32
10. Cabinet	1.82	..	1.82
11. Constituent Assembly	4.06	..	4.06
13. Ministry of Home Affairs	16.40	..	16.40
16. Ministry of Education	1.24	..	1.24
19. Ministry of External Affairs and Commonwealth Relations.	12.82	..	12.82
20. Ministry of Finance	5.00	..	5.00
21. Ministry of Commerce	12.43	..	12.43
24. Ministry of Communications	57	..	57
25. Ministry of Transport	5.79	..	5.79
26. Ministry of Food	16.08	..	16.08
27. Ministry of States	4.33	..	4.33
28. Ministry of Defence	3.71	..	3.71
29. Ministry of Industry and Supply	1.70	..	1.70
30. Ministry of Relief and Rehabilitation	1.45	..	1.45
32. Payments to other Governments, Departments, etc. on account of the Administration of Agency Subjects and management of Treasuries.	18.67	..	18.67
33. Audit	38.75	3	38.78
34. Administration of Justice	2.46	1.11	3.57
35. Jails and Convict Settlements	1	..	1
36. Police	7.88	..	7.88
37. Ports and Pilotage	1	..	1
38. Lighthouses and Lightships	1.25	..	1.25
39. Ecclesiastical	33	..	33
40. Tribal Areas	36.16	..	36.16
41. External Affairs	63.85	..	63.85
42. Survey of India	8.78	..	8.78
44. Zoological Survey	50	..	50
48-A. Department of Scientific Research	4.57	..	4.57
53. Agriculture	72.35	..	72.35
54. Civil Veterinary Services	6.30	..	6.30
55. Industries and Supplies	5	..	5
57. Overseas Communications Service	12.09	1.40	13.49
57-A. Delhi Transport Service	45.58	62	46.20
57-B. Telephone Factory	95	38	1.33
59. Broadcasting	5.25	..	5.25
61. Census	1.58	..	1.58
63. Indian Dairy Department	79	..	79
64. Miscellaneous Departments	74	..	74
65. Currency	2.71	..	2.71
66. Mint	11.89	..	11.89
67. Civil Works	11.50	..	11.50
71. Stationery and Printing	35.16	..	35.16
72. Miscellaneous	12.98.45	15	12.98.60
73. Expenditure on Refugees	9.11.32	..	9.11.32
74. Defence Services—Effective—Army	17.61.45	..	17.61.45
77. Defence Services—Effective—Supplies and Stores	20.65.36	..	20.65.36
78. Defence Services—Non-effective Charges	1.14.52	..	1.14.52
82. Civil Defence	1.08	..	1.08
82-A. Pre-partition Payments	20,61,27	13,7	320,75,00

Service, Administration or Area to which Demand relates—contd.

	Voted	Charged	Total
83. Delhi	74.11	19	74.30
84. Ajmer-Merwara	26.68	..	26.68
85. Panth Piploda	17	..	17
86. Andaman and Nicobar Islands	10.30	2	10.32
87. Relations with Indian States	7.63	..	7.63
Staff, Household and Allowances of the Governor-General.	..	4.17	4.17
Federal Public Service Commission	..	5.20	5.20
92. Capital Outlay on Industrial Development	2,55,61	..	2,55,61
95. Capital Outlay on Currency	5,90,11	..	5,90,11
96. Capital Outlay on Mints	4,83	..	4,83
99. Commuted value of Pensions	1,17,23	..	1,17,23
101. Defence Capital Outlay	11,34,08	..	11,34,08
102. Capital Outlay on Schemes of State Trading	1	..	1
103-A. Payments to Government of Pakistan for Unique Institutions.	5,07,98	..	5,07,98

NEW DELHI;
The 6th April, 1949.

C. RAJAGOPALACHARI,
Governor General of India.

STATEMENT OF CASES IN WHICH LOWEST TENDERS HAVE NOT BEEN ACCEPTED BY
INDIA STORE DEPARTMENT, LONDON.

The Honourable Dr. Syama Prasad Mookerjee (Minister of Industry and Supply): Sir, I beg to lay on the table a copy of the half-yearly statement of cases in which the lowest tenders have not been accepted by the India Store Department, London.

HIGH COMMISSIONER FOR INDIA
INDIA STORE DEPARTMENT

ABSTRACT OF CASES in which tenders for stores demanded by the Central Government, other than the lowest complying with the technical description of the goods demanded, were accepted on the grounds of superior quality, superior trustworthiness of the firm tendering greater facility of inspection, quicker delivery, etc.

HALF YEAR ENDING 31ST DECEMBER, 1948

Cases in which the discrimination is between British Firms only

Stores ordered	Quantity	Contract Number	Name of Contractor	Amount of Contract	Lowest tender not accepted	Reason for acceptance
P. I. L. C. Cable	945 feet	H 1996/638/ 6-12-48	British insulated Cables Ltd.	£ s. d. 346 0 0 (British)	£ s. d. 317 15 0 (British)	The stores were required in satisfaction of a defence demand. As the Lower tenderer offered delivery in 42/44 weeks, the higher offer for delivery in 8 weeks was accepted.

Cases in which British tenders were set aside in favour of foreign tenders

Petrol tanks	Nos. 200	H. 2041/S. 6566/ 7-12-48	Soc. An des Ateliers de Construction de Familleu- reux.	Belgian Francs 14,121,000 (at 176.5 to the £. £80,005.13.4)	71,600 0 0 (British)	The lowest tenderer offered delivery by October 1949—May 1950. The prices were referred to the Railway Board, New Delhi, who instructed that the order be placed with the Belgian firm at the higher price, in view of the earlier delivery promised viz. 100 tanks in August and 100 in September 1949.
--------------	----------	-----------------------------	---	--	-------------------------	--

POINT OF ORDER

REFERENCE OF THE INDUSTRIES (DEVELOPMENT AND CONTROL) BILL TO SELECT COMMITTEE WITHOUT DISCUSSING IN THE STATEMENT MADE BY PRIME MINISTER ON FOREIGN INVESTMENTS:

Shri B. Das (Orissa: General): Sir, before the proceedings are begun, I wish to draw your attention to the fact that yesterday the House accepted the motion to refer to the Select Committee the Bill to provide for the development, regulation and control of certain industries. The very first principle underlying that Bill is to accept the Statement made by the honourable Prime Minister on the floor of this House with regard to foreign investments in India. Unfortunately the House could not discuss that important statement made by the honourable Prime Minister nor offer its views. We raised a point in the House at the last moment and the honourable Minister for Industry and Supply agreed that the House should find an opportunity to discuss the question of foreign capital invested in our industries. I would like to have your definite ruling whether by referring that Bill to the Select Committee, we are committed to the acceptance of foreign capital in India or whether the Government owes a duty to the House to bring forward definite contracts or agreements before they are entered into with foreign capitalists and take the sanction of this House before foreign capital is invested in India.

Shri R. K. Sidhva (C.P. and Berar: General): There is no reference to the capital in the Bill, Sir.

Mr. Speaker: The honourable Member has raised points, which I must study, and there is no immediate hurry about this ruling just at present. I will consider the matter and then say, whatever I have to say in the matter.

INDIAN PASSPORT (AMENDMENT) BILL

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): Sir I beg to move for leave to introduce a Bill to amend the Indian Passport Act, 1920.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Indian Passport Act, 1920."

The motion was adopted.

The Honourable Sardar Vallabhbhai Patel: Sir, I introduce the Bill.

REGISTRATION OF FOREIGNERS (AMENDMENT) BILL.

The Honourable Sardar Vallabhbhai Patel (Minister of Home Affairs and the States): Sir, I beg to move for leave to introduce a Bill to amend the Registration of Foreigners Act, 1939.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Registration of Foreigners Act, 1939."

The motion was adopted.

The Honourable Sardar Vallabhbhai Patel: Sir, I introduce the Bill.

DELHI ROAD TRANSPORT AUTHORITY BILL

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): Sir, I beg to move for leave to introduce a Bill to provide for the establishment and regulation of a Road Transport Authority for the promotion of a co-ordinated system of road transport in the Province of Delhi.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the establishment and regulation of a Road Transport Authority for the promotion of a co-ordinated system of road transport in the Province of Delhi."

The motion was adopted.

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

PAYMENT OF TAXES (TRANSFER OF PROPERTY) BILL.—*contd.*

Mr. Speaker: The House will now proceed with the consideration, clause by clause of the Payment of Taxes (Transfer of Property) Bill, 1949. Clause 2.

Mr. Mohd. Tahir (Bihar: Muslim): Sir, I beg to move:

"That after part (ii) of clause 2 of the Bill, the following new part be added:

'(iii) who, in the opinion of the District Magistrate, is a citizen of India and wants to transfer his immovable property on any other ground pertaining to public or his private affairs.'"

Sir, this Bill contemplates three kinds of transfer by three kinds of persons: firstly, by those who have left India and have settled in any other country; secondly transfer by one who leaves India and thirdly transfer by one who is likely to leave India to settle in any other country. Sir, I have felt some difficulty and, therefore, I have put this amendment for those persons, who, for all intents and purposes, are citizens of India. They are born as citizens of India and also they are to die as citizens of India. For instance, let me take the case of a Muslim, who is a citizen of India for all time to come and he wants to transfer his property. The question is whether such a vendor can obtain a certificate under this Bill. Sir, he cannot obtain such a certificate under this Bill unless he declares himself as one who is likely to leave India or has already left India. Therefore that class of persons will be put to great difficulty. The purchaser is not going to purchase a property unless he is satisfied about the clearance of the taxes. Therefore it is necessary that some provision should be made for those persons. Of course, under the letter of the law, every citizen who wants to transfer his property will not be affected. But in the existing circumstances of the country I am convinced that if a Muslim is going to transfer his property, no purchaser will believe him if he says that he is going to remain in India, although it is a fact that he is a citizen of India and is not going to leave the country. One might wish to transfer his property for financial reasons; or one might wish to transfer his property to charitable institutions; or one might wish to transfer his property because of his inability to manage it properly. In such cases it will be very difficult to transfer property without financial loss. I, therefore, appeal to the House to see that by means of legislation such persons are not put to difficulty and trouble.

Another reason I want to urge in support of my amendment is this: The Ordinance which was the forerunner of this Bill applied to all the citizens of India, whereas this Bill does not. Although the letter of the law does not say that, it applies to a particular section of the people of India or a particular section of a community. In its spirit it does apply to a particular section of the community or people of India, namely the Muslims. Therefore, I submit that unless my amendment is accepted, this law will be illegal and *ultra vires*. Because, Sir, you will not find any country on the surface of the earth where discriminatory legislation is passed. Such legislation is always illegal. Supposing we want to introduce prohibition in the country and we introduce in favour of one community and not in favour of another community: that would be discriminatory law and perfectly illegal.

Sir, the Constituent Assembly of India, which is the sovereign body of our country has already adopted a provision that there shall be a uniform civil law throughout the country. I put it to you to decide and give a ruling on the question whether this Bill does or does not come within the purview of the civil law. If it does come within the purview of the civil law as I think, Sir, it does, I will say that this is not a uniform law for the country. It is meant for a particular section and class and therefore it is *ultra vires*. In view of this I have submitted this amendment which I hope the House will receive with due consideration. The other day, when the motion for consideration of the Bill was under discussion and Mr. Karimuddin spoke on it, I found that many of the honourable Members expressed their view that in spirit the Bill applied to a particular community. Therefore, I think it is not proper. Some arrangement should be made to see that the class of citizens of India I have mentioned are not put to trouble and difficulties by this piece of legislation.

Mr. Speaker: Amendment moved:

"That after part (ii) of clause 2 of the Bill, the following new part be added:

'(iii) who, in the opinion of the District Magistrate, is a citizen of India and wants to transfer his immovable property on any other ground pertaining to public or his private affairs.'"

The Honourable Dr. John Matthai (Minister of Finance): I do not accept the amendment, Sir.

Maulana Hasrat Mohani (U.P.: Muslim): I beg to support Mr. Mohd. Tahir because I have seen the attitude of the Custodian here. I have got definite cases where he has taken advantage of these things. For example, I may say that there is 'Alamein', an electric press.

Mr. Speaker: I may invite the attention of the honourable Member to the fact that the Custodian does not come into the picture in the manner he is suggesting. He may restrict his remarks to what is found in the Bill and not go beyond the scope of the Bill.

Maulana Hasrat Mohani: What I want to submit is this. Anybody who wants to transfer his property has got to obtain a licence for doing so. For getting that licence he has, in some way or another, to get the opinion of the Custodian. The Custodians are always suspicious. They suspect that people who want to transfer their property will go to Pakistan or somewhere else. I support Mohd. Tahir in this respect, because anybody who is a *bona fide* resident in India may not be subjected to suspicion of this kind. A certificate of good intentions from a magistrate or a custodian or anybody else, one may not be able to get. I, therefore, fully support what fell from the lips of my friend Mr. Tahir.

Shri Prabhu Dayal Himatsingka (West Bengal: General): I feel that the honourable mover is labouring under a misapprehension as to the intentions of this legislation. There are two definite classes of persons who are intended to be affected by this legislation. My honourable friend wants to extend its scope to more classes of persons. I do not know if that is to an advantage to anybody, nor do I see what difficulty can be created in the way of a person who is a citizen of India desirous of transferring his property. Every person is either a tax-payer or not a tax-payer. If he is a tax-payer and has paid his tax, there will be no difficulty for him in getting the certificate required. If he is not a tax-payer he can easily satisfy the authorities. The purchaser does not run any risk. I do not see how the provisions under clause 2 can affect any citizen of any community in India.

Then, he suggested that this is a discriminatory legislation. There also, I do not see how he can make that suggestion or insinuation. This Act says that it will apply to a particular class of persons who have left or who want to leave.

[Shri Prabhu Dayal Himatsingka]

or regarding whom a certain declaration has been made and sent to the registering officer. Therefore, the position is quite clear. I hope that the Bill will be passed quickly because the delay is causing a lot of difficulty in certain provinces where registration has been held up because the officers do not know what the position is: the ordinance has lapsed and no new legislation has been enacted.

I oppose the amendment.

Pandit Thakur Das Bhargava (East Punjab: General): Sir, when I heard the honourable the mover of the amendment, I was rather surprised. As a matter of fact, when he wants to add a new part (iii) after part (ii) of clause 2, he wants to extend the scope of the Act. His complaint, as I understood him, was that this is a discriminatory piece of legislation. Instead of taking away part (ii) if he thinks it is objectionable, he wants to see that it applies to every Muslim, every Hindu, every Christian and every Sikh. He wants to lay an embargo on the disposal of property. We passed section 13 of the Constitution and in that we have enacted a fundamental right to the effect that every person shall be able to hold, acquire and dispose of his property. In fact, the right of disposal of property is a fundamental right. My friend wants that if parts (i) and (ii) are to remain, then, every citizen of India should be disabled from transferring property unless he obtains a certificate, etc. As I submitted on the day on which this Bill came up for consideration, the object of the original Bill was to see that taxes are collected from those who want to go away from India and settle elsewhere. As a matter of fact, it does not touch any Muslim of India if he wants to remain here. All the Muslims who want to live in India are on the same level as the Hindus. This is not discriminatory at all. In regard to those also who want to leave India for all time, and go away, it is not fair that they should go away without paying taxes which are legitimately due to the Income-tax Department. In fact, if we compare this legislation with the legislation which we have got in Pakistan, there is absolutely no comparison. The Pakistan authorities have gone a step further. In fact, even the Ordinance which this Bill seeks to replace was passed by the Pakistan Government first and then the Government of India passed that Ordinance just like the Ordinance of the Pakistan Government; but it was not on the same level. If today a person wants to go to Pakistan from here and dispose of his property, unless he disposes of his property and returns within 15 days, the man will not be allowed to return to India unless he pays the taxes. There is no such provision here, because we do not believe in retaliation. We have made our law quite consistent, quite fair that nobody can take any sort of exception to it.

In regard to the application of parts (i) and (ii) of section 2, also my submission is that there is absolutely no discrimination. If my friend wants to put part (iii) here, he has not realised the consequences. Now, it only applies to such people who want to leave India. If the amendment is accepted, it would apply to everybody. Nobody would be able to dispose of property; all business would be dislocated; all property would be depreciated in value. A lot of confusion would result if all the persons in this country are not allowed to transfer their property for good value without any certificate from the Income-tax authorities. So far, I have never seen such a restriction being placed on the citizens of this country. When this original Bill was referred to the Select Committee, it was brought into line with the intention of the framers of the Bill. I submit, Sir, that this amendment should at once be rejected by the House.

Kazi Syed Karimuddin (C.P. and Berar: Muslim): May I speak, Sir, opposing the amendment and also on the section?

Mr. Speaker: Yes.

Kazi Syed Karimuddin: When I argued that section 2 should not be enacted, I expected some reply from the honourable the Finance Minister. My chief ground in opposing section 2 was that it gives room for corruption. The honourable the Finance Minister in reply to the general discussion did not say a word about the points raised by me. There is another Bill pending on the agenda that there is influx of people coming from Pakistan, which means there are very few people who are going from here and all the travel is only one way. For a few people who are likely to leave this country and defeat the collection of income-tax, we are framing a law, the result of which will be that a large number of people will be harassed as they have been harassed in the past merely on the ground that there is a suspicion attached to the Muslims, because there was mass migration on a communal basis after August 1947. There is no doubt that it was on a communal basis that there was a mass migration. Hindus and Sikhs from Pakistan came this side and Muslims went that side. Therefore, the authorities interpreted that any Muslim in India wanting to alienate his property was likely to leave this country. Now, when the Government of India is of the opinion that a very few Muslims are going from here and a large number of Muslims are returning back to India, I do not think there is any reason why a discriminatory legislation like the present one should be enacted. The honourable Pandit Thakur Das Bhargava thought at the time of the general discussion and even today thinks that this is not a discriminatory measure at all. But, I maintain that it is a discriminatory measure. I do not say that this has been brought particularly to punish the Muslims. I do not maintain that point of view at all. But the result of this enactment would be that every Muslim who would like to alienate his property will be suspected as he has been suspected that he was likely to go to Pakistan or anywhere else. Therefore, with a view to avoid this, the provisions of section 4 would have been quite sufficient, if from the property that is to be sold or already sold the tax could be charged and could be realised as land revenue.

Pandit Thakur Das Bhargava: From the transferees?

Kazi Syed Karimuddin: From the property. You can proclaim to the whole world that the property has to be purchased subject to the payment of taxes. At the time when the purchaser wants to purchase this property, he should make enquiries. In every registration office, there should be a list, supplied by the Income-tax Department, showing the persons who are liable to Income-tax or what is the amount to be realised against them. If this section 2 is passed, then the Collector, the Custodian and the Income-tax officer will have very wide and arbitrary powers. The Collector will issue a certificate on information, which may be unfounded, that a man was likely to go away. What would be the result? What we have been impressing upon the House and the honourable the Finance Minister is not that he has any intention of penalising the Muslims of this country; that is not our point. Our point is that this has been subject of great harassment in the past, even in the case of Hindus, as you will find in the Minutes of dissent, and more in the case of the Muslims, who according to the authorities were likely to go away to Pakistan. Therefore, my submission is that if the collection can be made by any other provision, then, you should not have this discriminatory measure, and particularly section 2 should not be enacted.

It is said that in the past several people from here had gone away to Pakistan and they have not paid the taxes. Section 3 enacts that a certificate should be taken from the Income-tax officer in regard to the payment of the Income-tax. Again, there would be very great difficulties in securing the certificates. As my friend Mr. Tahir says, suppose a citizen of India who is a Muslim wants to alienate his property, and if a certificate is issued by the Collector without any foundation that he is likely to run away or he is a man

[Kazi Syed Karimuddin]

from whom a certificate should be demanded, then, he has to go to the Income-tax officer and a certain procedure has to be adopted before he can alienate the property. Therefore, my submission is that it should be proclaimed by law that the transferee should make inquiries about the property that is to be transferred, that is, about the title and whether income-tax has been paid, etc; and that property alone will be subject to income-tax. My honourable friend Pandit Bhargava is right in saying that the amendment of Mr. Tahir extends the scope of clause 2. If this amendment is accepted it will mean that everybody will have to take a certificate. Now under clause 2 those against whom no certificate is issued by the Custodian or by the Collector or by the Income-tax Officer may be able to sell the property although the transferee may insist on the production of a clearance certificate. But if this amendment is accepted it will enlarge the scope and perhaps every citizen of India will have to take a certificate.

Now, Sir, I expected at least an assurance from the Finance Minister that in the actual working of this clause 2 great care will be taken by Government to see that there is no unnecessary harassment. Even that assurance was not given. My honourable friend Mr. Krishnamachari has very well appreciated the argument that I advanced and also insisted that an assurance of that kind should have been given by the honourable Minister. For all these reasons I submit that this clause 2 if enacted will work to the great detriment of Muslims who have made India their homeland; and it is bound to be abused. This clause therefore should not be passed; it should only be provided that the property that is to be sold should be the subject matter of income-tax and a list should be supplied to the Registrar by the Income-tax Officer showing the income-tax of a person owning the property. Otherwise it will work as an engine of harassment and there will be wide scope for corruption. I hope the honourable Minister will withdraw this provision.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, my objection to clause 2 is based upon wider grounds. In fact when the Ordinance was promulgated and when the original Bill came before the House it was found that the Ordinance had created a good deal of difficulty and the Bill would simply repeat the process and be open to the same objection. The Bill was sent to the Select Committee with the specific request—unofficially expressed—that it should be so changed as not to bring all sorts of people within the mischief of the law but to restrict it to those who should really be affected by it. In order to be affected by it, there are two conditions to be answered, first, that they have taxes left unpaid, and secondly, that they are leaving. It is not merely the act of leaving that should bring a person within the mischief of the law but arrears of taxes. Now, clause 2 attempts to define the person to whom this Act shall apply. In clause 2(i) it is stated that the Act applies to such person as 'leaves' or 'has left'. This is very vague and it is difficult to find a distinction between the two expressions. Secondly, and alternatively, it applies to any person about whom a declaration is communicated to the Registering Officer that he is a person to whom the Act applies. This condition eliminated a large class and will not act as a hardship. By sub-clause (ii) it is definitely provided that the Registering Officer has to refuse registration of documents of persons against whom there is a declaration of applicability of the Act. So the law is that if a man goes to the Registering Officer he will register the document unless there is a declaration laid before him and communicated to him by the proper officer like the Custodian of Evacuee Property or the Collector. Therefore clause 2 (ii) removes a good deal of hardship and harassment. My difficulty is about clause 2(i) of which the intention is that it will apply to those who leave or have left India. It is to be considered in its practical application to clause 3 which says that the Registering Officer would refuse to register a

document executed by any 'person to whom this Act applies'. In fact the person to whom this Act applies, although attempted to be defined with apparent clarity, will not be quite intelligible to the Registering Officer. A man who may be out of the mischief of this law according to the Custodian or Collector, etc., may not appear to be so in the eyes of the Registering Officer. The Registering Officer should be satisfied that this is a person to whom the Act applies. If there is no declaration under clause 2 (ii) he is to take it that he is not a person to whom the Act applies. But what about clause 2(i) that he is a man who has left or is leaving? It is impossible for the Registering Officer to determine that he has not left or is not leaving. He will find that a man may have left or may be leaving and so according to clause 2(i) his document may be refused to be registered. I think the measure is not discriminatory but may work as a hardship for all classes of people. So the difficulty is not removed.

With regard to clause 2(ii) it is open to evasion. The Income-tax Officer or Custodian or Collector will send a declaration containing the list of persons to the Registering Officer of the locality. But a man is not bound to go to a particular Registering Officer. If he has properties in different places he has a choice of registering his document anywhere he likes. A man may have properties in Bengal as well as in Delhi; if he has any difficulty in Delhi he can go to Bengal and get the deed registered there. The Registering Officer of that place will have no declaration positively applying to him; and the person will go scot free in spite of the law. There are various ways of avoiding the registration law. It often happens that a man is at one place and he has no landed property. He may take a lease of some property—a house or a room. The leasehold interest from month to month is also transferable. So the man who is under a ban in Bengal will sell his property in Bengal in Delhi by inserting in the deed his leasehold interest in Delhi. In sub-clause (i) the description of the person to whom the Act applies is not quite clear. The Registering Officer would always be free to suspect that the man 'leaves' or 'has left'. There is nothing to prevent him. This will cause considerable hardship throughout India. Though there may not be a declaration against a man, yet he will be suspected of leaving or having left. I submit therefore that the clarification, attempted in clause 2 is not complete or effective. I therefore suggest that this clause requires redrafting. The honourable Minister should at any rate clarify the position, or this clause should be redrafted by his draftsmen.

The Honourable Dr. John Matthai: I appreciate the fear that is in the minds of certain honourable Members regarding the possible way in which this particular section might operate. If the amendment which has been moved is accepted, the effect of it would be, as Pandit Thakur Das Bhargava pointed out, to expand the scope of the Bill to precisely what it was in the original Bill. The whole point of referring this Bill to the Select Committee was that there was widespread apprehension in the House that with the wide scope there was in the original Bill there might be serious abuses and the Select Committee, after a good deal of thought narrowed it down.

Mr. Mohd. Tahir: If the amendment extends the scope of the Bill, will it not benefit Government revenue?

The Honourable Dr. John Matthai: I accept all suggestions that would expand Government revenue. But I would like to balance that consideration against the possibility of public interests of other kinds being jeopardised.

The real point is this. I think this is the minimum scope that the Bill must have if it is to serve the kind of purpose that we have in view. A reference has been made to the possibility of this Bill being operated in such a way as to affect one community more than another. It is just possible it may work in that way. But as Mr. Karimuddin himself pointed out, the mass migrations

[Dr. John Matthai]

which have taken place since partition have followed communal lines. It was inevitable in the circumstances and therefore the problems created by these mass migrations have to some extent also assumed a communal aspect. It is conceivable therefore that cases which may come within the mischief of this Bill might affect one community more than another. It is just possible. But it is my intention and the intention of the Government, that such abuses should be restricted as much as possible and it seems to me—I have given some thought to this—that by executive instructions to the authorities concerned, it is possible to provide that the Bill is made applicable only to those people to whom it is really intended to apply and there is no extension of the scope of the Bill to cases where the recovery of tax is not likely to be prejudicially effected.

Mr. Naziruddin Ahmad pointed out that as sub-clause (i) stands now, it would not be possible for the Registering Officer to distinguish between the class of persons intended to be covered and others. The terms in which this class of persons is described in this Bill are terms in which evacuees have been defined in various Acts of the Legislature and this is as precise a definition as we could get. When a person who belongs to the category covered by (i) presents his documents for registration, is an evacuee who has left, then registration would be sought on his behalf, and that straightaway gives an indication to the Registering Officer whether the particular person is an evacuee or not. If, however, he is an evacuee who has not actually left but is going to leave a certain amount of difficulty may arise. But it seems to me that we can by administrative measures provide against abuses of the kind which Mr. Naziruddin Ahmad contemplates. If we can instruct District authorities to prepare a list based on careful investigation of people who are likely to leave the country and settle outside, there will be no serious administrative difficulty. It is only with regard to a relatively small number of people that this particular danger may arise and by issuing clear executive instructions that only in those cases where there is clear evidence of intention to leave registration should be refused. If we do that, I think most of the mischief which is apprehended by our honourable friends here who moved it and supported it, will be avoided.

With regard to the class of people covered by sub-clause (ii), it is my intention to instruct the authorities concerned that a declaration that this Act applies to them should not be issued except on evidence based on investigation that these are people in whose case the operation of the Act would be justifiable. In any case, there is provision for an appeal—there was no provision for appeal in the original Bill—to the Income-tax Commissioner, and I am going to see that he would exercise every possible care to ensure that abuses of the kind contemplated by some honourable Members do not occur.

I think I have said enough to remove the fears which are present in the minds of honourable Members that this Bill might be operated in a discriminatory manner. That is far from my intention. The only purpose of this Bill is to see that where there are people who have left the country, or who are going to leave the country for settling outside, there is no loss of public revenue. Apart from that there is no object behind this Bill and the working of the Bill will be so regulated that that object and nothing else would be served by it.

Mr. Speaker: I will first put the amendment to the House.

The question is:

“That after part (ii) of clause 2 of the Bill, the following new part be added:

“(iii) who, in the opinion of the District Magistrate, is a citizen of India and wants to transfer his immovable property on any other ground pertaining to public or his private affairs.”

The motion was negatived.

Mr. Speaker: The question is:

“That Clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Naziruddin Ahmad: Sir, I move:

“That for clause 3 of the Bill, the following be substituted:

“3(1) No document required to be registered under clause (a) or clause (b) or clause (c) or clause (e) of sub-section (1) of section 17 of the Indian Registration Act, 1908 (XVI of 1908) which purports to transfer, assign, limit or extinguish any right, title, or interest in any immovable property, other than agricultural land, shall be registered by the officer appointed under the said Act if the Income-tax Officer of the area where the property is situate has certified that the transferor has failed to pay his taxes or has not made any satisfactory arrangement for the payment of his Income-tax.”

(2) The Income tax Officer of each area shall prepare a list of persons who are liable to pay income-tax and to whom the Act applies and who have not paid their income-tax or have not made satisfactory arrangements to pay the same.”

Mr. Speaker: I would suggest that all the amendments to this clause may be moved together. They practically cover the same ground.

Kazi Syed Karimuddin: Sir, I move:

“That in sub-clause (1) of clause 3 of the Bill,—

(i) parts (a), (b) and (c) be omitted; and

(ii) the following be added at the end:

“such person has or has not paid or has or has not made satisfactory provision for payment of all existing or anticipated liabilities under the Indian Income-tax Act, 1922, the Excess Profits Tax Act, 1940 or the Business Profits Tax Act, 1947.”

Explanation: Certification under this sub-section shall be in the form of a list of assessee supplied by the Income-tax Officer to the registering authorities of the area where the property is situate and over which he has jurisdiction.”

Mr. Mohd. Tahir: Sir, I move:

(i) “That in part (a) of sub-clause (1) of clause 3 of the Bill, after the word, brackets, and figures ‘(XXI of 1947)’, the words ‘and Municipal Acts’ be inserted”;

(ii) “that part (c) of sub-clause (1) of clause 3 of the Bill be omitted.”

Mr. Speaker: I shall now put all the amendments to the House. Both the clause and the amendments thereon are now open to discussion.

Amendments moved:

(1) “That for clause 3 of the Bill, the following be substituted:

“3(1) No document required to be registered under clause (a) or clause (b) or clause (c) or clause (e) of sub-section (1) of section 17 of the Indian Registration Act, 1908 (XVI of 1908) which purports to transfer, assign, limit or extinguish any right, title, or interest in any immovable property, other than agricultural land, shall be registered by the officer appointed under the said Act if the Income-tax Officer of the area where the property is situate has certified that the transferor has failed to pay his taxes or has not made any satisfactory arrangement for the payment of his Income-tax.”

[Mr. Speaker]

(2) The Income-tax Officer of each area shall prepare a list of persons who are liable to pay income-tax and to whom the Act applies and who have not paid their income-tax or have not made satisfactory arrangements to pay the same."

(2) "That in sub-clause (1) of clause 3 of the Bill,—

(i) parts (a), (b) and (c) be omitted; and

(ii) the following be added at the end:

"such person has or has not paid or has or has not made satisfactory provision for payment of all existing or anticipated liabilities under the Indian Income-tax Act, 1922, the Excess Profits Tax Act, 1940 or the Business Profits Tax Act, 1947.

Explanation: Certification under this sub-section shall be in the form of a list of assessee supplied by the Income-tax Officer to the registering authorities of the area where the property is situate and over which he has jurisdiction."

(3) "That in part (a) of sub-clause (1) of clause 3 of the Bill after word, brackets and figures '(XXI of 1947)', the words 'and Municipal Acts' be inserted."

(4) "That part (c) of sub-clause (1) of clause 3 of the Bill be omitted."

Mr. Naziruddin Ahmad: Sir, the object of my amendment is very simple. In fact the honourable Minister has clarified the situation to a great extent and removed the difficulties to a large extent. My difficulty is with regard to sub-clause (i) of clause 2 which remains the same. The Registering Officer will not be in a position to ascertain whether the Act applies to any person within the meaning of clause 2, sub-clause (i). Under sub-clause (ii) he would have a declaration before him and if there is no declaration he is not to act against the person concerned. But there is no written guarantee or any easy way of finding out so far as registration is concerned that sub-clause (i) of clause 2 does not apply, that is in fact he is leaving or has left. There will be no means of ascertaining the reality or genuineness of this condition. My amendment in one word seeks to clarify only one matter, namely that there are two conditions on which the Act is supposed to apply. One is that the person is a defaulter of income-tax and secondly that he is leaving or has left. I want to make refusal of registration under clause 3 conditional upon one condition, namely, that there is a list supplied to the registering officer that the man has failed to pay taxes or that he has failed to make satisfactory arrangement for the payment of his taxes and that the Act applies to him. I want to make the declaration under sub-clause (ii) of clause 2 also applicable to him. In fact there should be a declaration on two conditions, namely that the man is a defaulter and has not made satisfactory arrangement for the payment of his taxes and that the Act therefore applies to him; and that he has left or is leaving. If the certificate sent to the Registering Officer mentions both the conditions in one list or declaration then there will be no difficulty. I ask the honourable Minister to clarify the situation. It is only to bring the matter to his notice that I have suggested this amendment. I do not desire to carry it to a vote.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar.)]

Kazi Syed Karimuddin: Sir, I am very thankful to the honourable Finance Minister for his assurance. In this amendment which I have moved I have accepted the principle underlying Section 3. My submission is that a person not liable to pay income-tax should not be compelled to produce certificates. If the clause as it stands is accepted then that class of people who are not liable to pay income-tax will be required to produce certificates. A reference to this has been made by Prof. Ranga in his minute of dissent:

"Secondly I suggest that none whose name has not been on the list of Income-tax payees shall be expected to produce such a certificate, until and unless a specific demand to that effect by an income-tax officer. The burden of proving that anyone who has not been an income-tax payee that he may have to pay income-tax for the current year must be placed on the Income-tax Officer."

In this case the presumption will be that he is liable to pay income-tax unless he produced certificates that he is not liable to pay income-tax. Therefore, my submission is that this burden which is placed on a non-assessee is very great and it will also be open to harassment. I accept the principle underlying clause 3 but the form of certification will be as given in the Explanation:

"Certification under this sub-section shall be in the form of a list of assessee supplied by the Income-tax Officer to the registering authorities of the area where the property is situate and over which he has jurisdiction."

My submission is that if this amendment is accepted it would relieve the non-assessee of the burden which is thrown upon him under clause 3.

Mr. Mohd. Tahir: Sir, I should like to say a few words regarding my amendments. I strongly support the amendment moved by my friend Kazi Karimuddin. If his amendment is accepted I think my fear on account of which I had moved an amendment in clause 2 will be satisfactorily met with, because if a list of such assessee is present in the registration office, then any document which is presented for registration can be registered very easily. The registration officer will be able to see whether there is any tax due from the seller or not. It will also be to the satisfaction of the purchaser to know whether any tax with regard to that person is to be paid or not and the purchaser or any body will not make any serious objection and it will be of great help to every individual who wants to have his property transferred.

I would like to submit a few words regarding my first amendment which seeks to insert the words "and Municipal Acts". All dues under the Income-tax Act, the Excess Profits Tax Act and the Business Profits Tax Act are to be realised before the transfer is made. I want also that if a property is sold which situates in a municipal area then because the municipal tax is the first charge on such property therefore this tax should also be realised. I know that the realisation of this tax will not add anything to the purse of the Finance Minister, but still it will be of great help to the Provincial Governments and local bodies and I hope therefore that the Finance Minister will accept the amendment.

My second amendment seeks to omit part (c) of sub-clause (1) of clause 3. I want its omission because specific provision has already been made as regards the working of the Act. Under this part we are going to give certain discretionary power to the officer concerned and this in my opinion is nothing but an encouragement towards bribery and corruption. Therefore, I do not want that this part of the sub-clause should exist.

Pandit Thakur Das Bhargava: Sir, in regard to these four amendments which have been moved I fear that the real purport of this Act and the method in which the work under this Act should be done has not been properly appreciated. The persons to whom this Act applies are divided into two classes: number one those who leave or have left, and secondly those who are about to leave. In regard to persons who have left or who are leaving clause 2(i) applies. In regard to persons of the latter class—who are likely to leave part (ii) of the clause applies. In regard to part (ii) power has been given to the Custodian of Evacuee Property or the Income-tax Officer or the Collector that they can send a declaration to the registering officer and when that declaration is received the Act shall apply to them, because as a matter of fact these are the three classes of officers who are in touch with those to whom this Act applies.

In regard to part (i) this part will apply in the case of persons who have already left. There also they will be included in the list. But apart from the list if it is proved before the registration officer that part (i) applies to

[Pandit Thakur Das Bhargava]

a particular person then the Sub-registrar shall not have the right of registering the document unless the conditions are fulfilled and registration will be refused. This is the scheme of the Act.

Now, all these amendments want that the Custodian, the Income-tax Officer and the Collector may not have any power to send a declaration. As a matter of fact by moving these amendments they want to take away the effect of clause 2, whereas clause 2 has already been passed by the House. My humble submission therefore is that these amendments are out of order.

Kazi Syed Karimuddin: My amendment does not contemplate that.

Pandit Thakur Das Bhargava: I am coming to your amendment also. Legally speaking these amendments are out of order inasmuch as we have already passed clause 2.

The method in which this Act shall work is like this. A certificate has to be obtained and the certificate deals with three things. One is that such person is not liable to assessment under the Income-tax Act. My friends want that the words 'not liable to assessment' may be deleted. If a person has not been taxed and if he is liable to be taxed by having a taxable income, then he is liable to be called by the Income-tax Officer and his income is bound to be assessed. They want a list of persons who have already been taxed so that a list may be sent to the registering officer. The list of persons who are liable to assessment is not present with any Income-tax officer. How can he make such a list? It is out of question. It can be done only in respect of persons who have already been taxed. Part (a) refers to cases in which the assessment has not yet been made but who are potential assessee. In respect of them also the law wants that any person who wants to leave the country for the purpose of settling outside may not be allowed to go away unless he pays the taxes which are legitimately due from him. Similarly in regard to (c) also the position is the same because I should say that (c) is a sort of a clause which safeguards the rights of the Income-tax Department. I do not see how the movers of these amendments, when they are anxious even to enlarge the scope of this Bill, still claim that the certificate may not be on these lines. My honourable friend Mr. Tahir has moved an amendment that even a municipal tax should be included in the category of Income-tax. My humble submission is that if the municipal taxes are also to be tacked on to Income-tax it will constitute a real grievance to the people and it would place a real difficulty in the way of persons who are likely to leave. As a matter of fact the Income-tax Department does not want to do that. After all these sums will be very small and it is fair that we should allow these people to be harassed for non-payment of municipal taxes. As a matter of fact in the original Bill the wording of clause (c) was a bit wider, but the Select Committee has corrected it in the manner indicated by these lines and now the position is quite clear. Now (a), (b) and (c) are fool-proof and no person who has any liability to pay taxes can escape without paying those taxes and he has to get a certificate of this nature.

I do not think any sort of difficulty will be involved. It is very easy for a person to go and ask the Income-tax Officer or even the higher officers that the certificate may be given. And after the explanation of the Finance Minister that he wants to give executive instructions to the effect that the list will also be sent to the registering officer, the matter is still further simplified. If any person is aggrieved by not getting the certificate under clause (2), clause 5 of the Bill provides that an appeal can be made and the matter can be set right. I therefore submit that these amendments should be rejected.

The Honourable Dr. John Matthai: I agree with what Pandit Thakur Das Bhargava has said. In reply to the amendments moved by Mr. Naziruddin Ahmad and Mr. Karimuddin I do not think it is necessary for me to say anything in addition to what I have already said with regard to the last amendment. We have two definite categories here. One category is those evacuees who are a definitely ascertainable class because they are defined in terms of a definition which is well understood at present; further, most of them are people who have already left and therefore any application for registration would be made in the absence of the original transferor. With regard to the other class we insist upon a prior notice from certain specific authorities and without that prior notice the registering officer cannot refuse registration. It seems to me that we have made the position as easily workable from the administrative point of view as possible. In addition to that I repeat the assurance that I gave in reply to the original amendment that I am going to see that executive instructions are issued which would eliminate the abuses apprehended by honourable Members. I think that is sufficient reply to three of the amendments which have been moved.

With regard to municipal taxes I do not think it is within the competence of the Central Government to move in this matter. Further, as far as I know, unpaid municipal tax is a charge upon the property and therefore it is not necessary to make a provision of this kind. I am therefore unable to accept any of these amendments.

Mr. Naziruddin Ahmad: Sir, I beg leave to withdraw my amendment.

Mr. Deputy Speaker: Has the honourable Member leave of the House to withdraw his amendment?

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

Mr. Deputy Speaker: Then I will put Mr. Karimuddin's amendment to vote.

The question is:

"That in sub-clause (1) of clause 3 of the Bill,—

- (i) parts (a), (b) and (c) be omitted; and
- (ii) the following be added at the end:

"such person has or has not paid or has or has not made satisfactory provision for payment of all existing or anticipated liabilities under the Indian Income-tax Act, 1922, the Excess Profits Tax Act, 1940 or the Business Profits Tax Act, 1947."

Explanation: Certification under this sub-section shall be in the form of a list of assessee supplied by the Income-tax Officer to the registering authorities of the area where the property is situate and over which he has jurisdiction."

The motion was negatived.

Mr. Deputy Speaker: The question is:

"That in part (a) of sub-clause (1) of clause 3 of the Bill, after the word, brackets and figures '(XXI of 1947)', the words 'and Municipal Acts' be inserted."

The motion was negatived.

Mr. Deputy Speaker: The question is:

"That part (c) of sub-clause (1) of clause 3 of the Bill be omitted."

The motion was negatived.

Mr. Deputy Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 8 were added to the Bill.

Shri L. Krishnaswami Bharathi (Madras: General): Sir, I beg to move:

"That for clause 9 of the Bill, the following be substituted:

"9. *Effect of expiry of Ordinance XXI of 1948.*—The expiry of the Payment of Taxes (Transfer of Property) Ordinance, 1948 (XXI of 1948) shall not affect—

(a) the previous operation of, or anything duly done or suffered under, the said Ordinances; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Ordinance; or

(c) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced as if the said Ordinance had not expired."

Sir, this is only a substitution or amplification of Section 6 of the General Clauses Act, in a better form, so that there may not be any difficulty in the actual working of the measure. It is only a re-draft.

Mr. Deputy Speaker: The amendment speaks for itself.

Shri L. Krishnaswami Bharathi: I have submitted a minute of dissent wherein I have stated certain things. I am very glad that the Bill has been restricted to persons specified in the Bill—that was a serious objection we raised on the floor of the House that it applied to a large section of people—and I am very glad to record my sense of appreciation at the honourable Minister agreeing to our view. It is good that it has been restricted. But in the amended form I feel there are certain difficulties which must be cleared up and it is with that object in view that I have brought forward this amendment by way of clarification.

When the Ordinance was in force, cases have occurred where there has been registration of documents either through inadvertence of the registering authority or in collusion with the authority. While I am perfectly agreeable that the Bill should be applied to the restricted classes of persons, I certainly do not want that those who have committed a fraud on the Government by registering the documents and depriving the Government of its just dues, should not have been brought to book. At that time the Act applied to all classes of persons. Sir, there were three cases in Calcutta which have come to the notice of the authorities, where the amount involved is to the tune of Rs. 23 lakhs due from three persons; but they have registered their documents under what circumstances we do not know. Under clause 3 of the old Ordinance, Government have lodged a protest and the matter is pending. There is no knowing how many such cases have happened, therefore I am anxious that we must provide for such cases where the attention of Government has not been drawn to them. It is only to cover such cases where such irregularities have happened that you must give the necessary power to Government. With that view, I have brought forward this amendment. I tried to ascertain from the Income-Tax Department under what circumstances these three persons have registered the document to the extent of Rs. 23 lakhs. I find, that it is necessary to have this amendment.

The Honourable Dr. John Matthai: Sir, I have consulted my legal advisers on this point and I am advised that the effect of the amendment which has

been moved by Mr. Bharathi is the same as that of the existing Clause 9. What Mr. Bharathi's amendment does, as I am advised, is to clarify and amplify the implications of Clause 9 as it stands in the original Bill. Therefore, I accept it.

Shri T. T. Krishnamachari (Madras: General): Sir, I would like to oppose this amendment.

Mr. Deputy Speaker: I shall place it before the House.

Amendment moved:

"That for clause 9 of the Bill the following be substituted:

"9. *Effect of expiry of Ordinance XXI of 1948.*—The expiry of the Payment of Taxes (Transfer of Property) Ordinance, 1948 (XXI of 1948) shall not affect—

(a) the previous operation of, or anything duly done or suffered under, the said Ordinances; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Ordinance; or

(c) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced as if the said Ordinance had not expired."

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Mr. Speaker: The House was discussing Mr. Bharathi's amendment to clause 9.

The Honourable Dr. John Matthai: I would like to make a statement on that, if I may. When the discussion on Mr. Bharathi's amendment began just before the House adjourned for Lunch, I was asked by the Deputy Speaker to give my reactions to it and I said that as far as I was advised, this amendment would have the same effect as clause 9 in the original Bill. Since then, I have had further discussions and consultations not merely with my advisers but with others also and I am given to understand there is considerable room for doubt on that point. In view of the fact that I indicated my willingness to accept the amendment on the assumption that the meaning of section 6 of the General Clauses Act admitted of no doubt and since I now find that there is considerable room for doubt, I take the view that the best thing for the House to do is to retain clause 9 as it stands in the Bill as reported by the Select Committee.

Mr. Speaker: Does Mr. Bharathi press the amendment?

Shri L. Krishnaswami Bharathi: No, Sir. In view of what the honourable Minister said, I do not press it, but if I am permitted to say something.

Mr. Speaker: Does he wish to withdraw?

Shri L. Krishnaswami Bharathi: I would like to withdraw, but if I am permitted to speak while withdrawing I would like to say something, because the honourable Minister.....

Mr. Speaker: No explanations.

Shri L. Krishnaswami Bharathi: May I submit that the honourable Minister accepted or expressed his willingness to accept.....

Mr. Speaker: The honourable Minister has explained the whole position and I think in cases of doubt as to interpretations, it is better to go by the considered opinion of the Draftsmen. The honourable Member wishes to

[7TH APRIL 1949]

[Mr. Speaker]

have leave of the House to withdraw his amendment. Has he the leave to withdraw?

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

Mr. Speaker: The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clause 1 was added to the Bill.

Mr. Mohd. Tahir: Sir, I beg to move:

"That in the Preamble to the Bill, before the word 'property' the word 'immovable' be inserted."

The properties are of two kinds, namely, movable and immovable. This Bill is mainly directed towards the transfer of immovable property. I want to submit that the Preamble is that part of the Bill in the light of which the whole Bill is drafted and adopted, so that the sense of the Bill should be in the Preamble itself. In view of this, I think it is right of the Preamble itself to include the word "immovable" so that the true sense of the Bill is maintained in the Preamble. With these words, I hope the amendment will be accepted.

Mr. Speaker: Amendment moved:

"That in the Preamble to the Bill, before the word 'property' the word 'immovable' be inserted."

The Honourable Dr. John Matthai: I do not accept it, Sir, because all the clauses of the Registration Act referred to here cover documents which pertain entirely to immovable property. So it seems to be quite unnecessary.

Mr. Speaker: Does the honourable Member press the amendment?

Mr. Mohd. Tahir: No, Sir.

Mr. Speaker: The honourable Member wishes to have leave of the House to withdraw his amendment. Has he the leave to withdraw?

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

Mr. Speaker: The question is:

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

The Honourable Dr. John Matthai: Sir, I move:

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

Mr. Speaker: Motion moved:

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

Shri L. Krishnaswami Bharathi: Mr. Speaker, Sir, while I do attach great importance to what I stated. I certainly am not going to press my amendment, but I feel that I owe it to the House.....

Mr. Speaker: Order, order. That will be again taking an opportunity of speaking on an amendment which has been withdrawn. Really speaking, the scope of the Third Reading debate is limited to amendments made by the

House. This cannot be taken again at an opportunity for explaining what I did not allow the honourable Member to explain. If he has any other thing, he may speak.

Shri L. Krishnaswami Bharathi: Very well, Sir. There is one point which I would like to bring to your kind attention. I am in a peculiarly difficult position. When the honourable Minister expressed his willingness to accept the amendment.....

Mr. Speaker: Order, order. I am putting the proposition to the vote now.

Shri L. Krishnaswami Bharathi: Sir, I will say something on the general aspect.

Mr. Speaker: No, no.

The question is:

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

The motion was adopted.

PUBLIC COMPANIES (LIMITATION OF DIVIDENDS) BILL

The Honourable Dr. John Matthai (Minister of Finance): Sir, I beg to move:

"That the Bill to limit the dividends which may be paid by public companies, as reported by the Select Committee, be taken into consideration."

Sir, this is an absolutely unanimous report by the Select Committee. Only two changes have been made. One is with regard to the duration of the Act. The original Bill limited the duration of the Act to 31st December 1950. The Select Committee has reported that it should be 31st March 1950. The idea is that before the expiry of the year ending 31st March 1950, there should be a review of the working of this Act and if it is found that there has been during this period an improvement in regard to the inflationary conditions in the country, then there would be no question of extending the duration of the Act. I give an assurance to the House that if the position is easier next year so that it is not necessary to have an anti-inflationary measure of this kind, Government would have no intention of extending the duration of the Act.

The other point with regard to which a change has been made by the Select Committee is the position of public companies which come within the scope of section 23A(1) of the Income-tax Act. The provision in section 23(a)(1) of the Income-tax Act which obliges private companies to distribute not less than 60 per cent of the profit, applies also to public companies, in which the public are not substantially interested. It was, therefore found, since private companies were left out of the scope of the Bill, on the same ground it is necessary to leave out public companies to which section 23 A(1) of the Income-tax Act applies.

The Select Committee has made a suggestion in paragraph 4 of the Report, that if there are any profits which may be undistributed while this particular Bill is in operation, they should be put into a separate fund so that the surplus in excess of the limit prescribed by this Bill, is made available for distribution after the expiry of the Act. It was not possible in the opinion of the Select Committee to give statutory form to this suggestion. I accept the principle suggested by the Select Committee and I would like to make an appeal to the managements of companies to whom this Bill would apply, that a provision should be made on these lines.

[Dr. John Matthai]

Mr. T. A. Ramalingam Chettiar has given notice of an amendment; I have had discussions with him and I think I have satisfied him that it is unnecessary to move this particular amendment. The problem that worries him is, if within the period specified in the Bill, namely the 1st April 1946 to the 31st March, 1948, only one dividend has been declared in respect of a period of one year, would that be taken as the average limit for the purposes of this Act and determine the limit of dividend? That, of course, is the inevitable consequence of clause 5 of the Bill, that is to say, the amount distributed as dividend is to be divided by the period to which that distribution applies. If you apply that principle, inevitably it follows that there is only one dividend declared in respect of one year, that is the limit to which the dividend should be subject in respect of that company. So I would ask my honourable friend, Mr. Ramalingam Chettiar not to press his amendment and I shall see that necessary instructions are given. Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill to limit the dividends which may be paid by public companies, as reported by the Select Committee, be taken into consideration."

Srijut Kuladhar Chaliha (Assam: General): Sir, I do not understand why this Bill has been brought forward and it is perhaps for the fact that the Finance Ministry wants to get the satisfaction that they had something to do that will stop inflation in the country and they want to have the pleasant feeling of showing to the world that they are going to do something which will come as a surprise. On the contrary, I find that this measure will not stop inflation, but will create great hardship on the middle-class shareholders. It is really intended to harm the people who by their austerity and their abstinence built up small industries such as the Tea Estates in Jalpaiguri, the Tea Estates in Assam and other places in Bengal. In Jalpaiguri, I find the Tea Estate is run by two or three lawyers with a capital of Rs. 30,000. It is a public company. Barbers, shop-keepers, pan-wallas and bidi-wallas all subscribe and they entirely depend on the dividends and if 6 per cent is allowed on such incomes, probably they will have to starve. What they used to do in Jalpaiguri was in the first instance they started the concern with a capital of Rs. 30,000. After planting about one hundred acres, they go to the banks and borrow another Rs. 50,000 and after repaying that they again borrow another Rs. 50,000. But the real capital is shown as Rs. 30,000 but the actual capital invested is much more, perhaps 5 times more than the original capital. They purchase machinery which cost them another Rs. 50,000, but they show the ordinary capital as Rs. 30,000 and they declare a dividend of 400 or 500 per cent. I feel, therefore, that the small lawyers, brief-less lawyers and these poor middle-class men will be hard hit by this measure. What is the sum invested in the public companies? It is about 450 crores out of this Companies with a capital of 100 crores have been started after 1942 and they are possibly not paying any dividend at all and about 350 crores give a dividend of about 24 or 25 crores. If 6 per cent dividend is allowed to be distributed it will leave only 4 or 5 crores. Government by trying to get this 4 or 5 crores are actually depriving the poorer classes who entirely depend on their income in the shape of dividends which accrue on shares. I believe Calcutta, parts of West Bengal, Assam and other places and South India also will be affected by this measure. I find from a statement made by Mr. Narayanaswami that in Scindia Steam Navigation Company there are about 500 share-holders who have subscribed for less than 50 to 100 shares and even in the Bombay companies, the share-holders are worse off. (Shri T. T. Krishnamachari: 'They won't get any dividend.') So it seems that you are depriving the people who want the money most, and whose income ranges between Rs. 1,000 to Rs. 5,000. The prices are going high and these people have limited incomes and so far the

prices have not been brought down. The money is going to be left with the agents or banks. If the money is with the managing agents we know what they will do with it. If you want to stop inflation, then that money should not come into the market. On the other hand, this money will flow into the market in investments and inflation will go on. I cannot support on any ground whatever a Bill of this nature. I should think we should oppose it. Why it has been brought in at all in order to hit hard the middle and poor classes of people I do not know. I oppose the Bill. I hope Dr. Matthai will see that this is withdrawn. If this is not possible, if the Ministry stands on prestige and dignity then I think the amendment of honourable Member Mr. Naziruddin Ahmad to substitute the words and figures '30th day of April, 1949' for the words and figures '31st day of March, 1950' should be carried. That should satisfy the dignity of the Ministry and they should feel flattered that they have been able to get the Act extended to 30th April 1949. If they do not want it so extended, they should withdraw it. If they do not want to withdraw it, I would ask the House to support the face saving device contained in the amendment of Mr. Naziruddin Ahmad. I trust Dr. Matthai will accede to this request and do well to the middle and poor classes of the country. Alternatively he should withdraw this Bill which is unjust and unfair.

Kazi Syed Karimuddin (C.P. and Berar: Muslim): Mr. Speaker, I welcome the introduction of this Bill and its consideration. The object of it, according to me, is laudable. I do not agree at all with the reasoning of the previous speaker that the Bill should be condemned. The principle underlying the Bill is that the rich should not become richer, and the poor, poorer. My complaint against this Bill is that, according to its provisions, the period for which it will be in force is very short. The honourable the Finance Minister, in his opening speech, has given no reasons as to why the period has been limited. In the first part of the report, the Select Committee has stated that the views of the representatives of the Exchanges were heard, but we do not know what their views were. We do not know also why the Select Committee agreed to the curtailment of the period of its operation.

Another thing is that in Part I of the Report, the Select Committee says:

"We have anxiously considered whether the amount which, but for this Bill would have been distributed to share-holders of companies as dividend should not be segregated in a special fund, both as a safeguard against its being frittered away and also for the purpose of preserving it for ultimate disbursement to the share-holders."

And the Select Committee has expressed the hope:

"that those in charge of the direction of the affairs of the companies would realise their responsibility in this matter and give effect to the suggestion we have made above in the fullest possible measure."

Will they listen to their advice? I do not think. There should have been some provision by which a legal direction could have been prescribed that the funds which exceed the payment of dividends to the extent of 6 per cent. should either be kept in the concern for the expansion of the industry or should go to the National Government for starting some industries or to the shareholders. A mere expression of hope and faith in the directors will not do. I remember a couplet:

*'Hum ko un se wafa ki hai ummid.
Jo nahin jante wafa kya hai'.*

We expect faithfulness and fidelity from those who do not know what fidelity and faithfulness are. We, on the recommendation of the Select Committee, are going to trust those who live for profit and who die for profit. The directors in the charge of the companies cannot be trusted. Therefore this expression of hope in the report is nothing but an eye-wash. It is only to console the shareholders that their money will not be taken away. Therefore

[Kazi Syed Karimuddin]

I appeal to the honourable Minister to introduce a legal provision to keep that money intact either for expansion or to be taken away for the National Government for the creation of a new industry or to be kept in the name of the shareholders to be utilised for some other purpose.

My other objection to this Bill is the provision in clause 11. It says:

"The Central Government may, by order, exempt any company or class of companies from all or any of the provisions of this Act, or make any modification in the application of the said provisions to any company or class of companies."

I have no objection to a National Government possessing this power. But I expect even from this Central Government that they should embody in the Act itself the grounds on which they would exercise this arbitrary power. Under the existing provision they could suspend the application of this Bill in favour of any concern. The House must see to it that the grounds on which this action could be taken by the Central Government are stated in the Bill itself or in the rules. The exercise of this sort of arbitrary power would open the door to favouritism and there may be cases in which justice will not be done to all the shareholders or companies. Therefore my submission is that this Bill has been re-drafted by the Select Committee in a very half-hearted manner. The Bill should be amended in the way I have suggested.

Shri M. Ananthasayanam Ayyangar (Madras: General): I would say only a few words. Between the date when the Bill was introduced, and today, there has been a rapid change in the economic condition of the country that one wonders whether after all this Bill is at all necessary in the circumstances now prevailing. I have before me a note prepared by the Economic Adviser to the Government of India. He finds that there are definite deflationary symptoms on account of these:

- (1) The growing tightness of the money market;
- (2) the growing stagnation in the investment market;
- (3) the accumulation of stocks in the textile, sugar pharmaceutical and other industries;
- (4) the growing unemployment as indicated in the recent reports from the Labour Commissioner.

The prices no doubt are high and they are, if we read the cartoons of Shankar, only 5 points high. But I am sure high prices will go on. Wages and travelling allowances have been high and continue to be high. It will be impossible to reduce the wages and the artificially increased high wage level will continue, as also the high prices for sometime more. After some time the prices will have to come down. Therefore the question will be whether, in the circumstances now prevailing in the money market and the in-coming deflation and slump, public undertakings will not have to be started and more money pumped into the country for relieving unemployment. In this situation it was very wise on the part of the Select Committee and of the honourable Minister to rightly restrict the scope and effect of this Bill to one year only. In one year many things may happen. No doubt a number of witnesses appeared before the Select Committee and gave very valuable evidence. Then, the capital will include the bonus shares; the minimum rate of interest may be increased from 6 to 7½ per cent.; whatever is saved over and above six per cent. may be invested so as to avoid its being thrown into the market and increasing inflation. The main point is that the profits that are earned which may be of the tune of 12½ crores over a capital of 300 crores, that amount would go by way of dividends to the

shareholders. But, a large portion is taken away by the managing agent. There is no provision here insisting that the managing agent should not put that money into the market. Therefore, the object of this Bill is partly met by trying to restrict the dividends; it is not wholly met. After all, the entire quantum of dividends may not be more than four crores even according to the Finance Minister. In these circumstances, not plugging all the wholes, the Bill may not be very satisfactory or useful.

About the middle class people, the tabular statement which was circulated amongst us showing the percentage of shares held by all the classes of people, shows that more than 75 per cent of the shares are held by middle class people who make a living out of the dividends earned. Widows, orphans, minors, trust, charitable endowments and institutions have invested money in these shares. In these circumstances, we considered very deeply whether there was a need for prolonging it by some modification or to curtail the Bill as it is to one year. Ultimately we found that limiting it to one year will be useful, without the power of extending it to another year though it may be for one year in the first instance. Judging from the evidence that we had, with an economic slump staring in the face, we thought that even that power may not be necessary. I am sure that honourable the Finance Minister with his ability, and skill, will watch a thousand times the tendencies that are already in the market and in the country and not continue this Bill unless it is absolutely necessary beyond one year. As it is, the Bill would not seriously affect; the money is not going to be taken away from the companies or from the industries. It is only a saving in the interests of the shareholders themselves. They can put up with a temporary suspension for a period of one year. I welcome the report of the Select Committee and I support the motion for consideration.

Shri T. T. Krishnamachari: Mr. Speaker, Sir, I am afraid I am one of those who always have a grouse against the honourable the Finance Minister for not having taken all the steps possible, all the steps that he is aware of, to counter inflation in this country. But, after having heard my honourable friends today, I am afraid, I must entirely withdraw from that position. Because, I have seen the enormous difficulties the honourable the Finance Minister has to face even in respect of such an innocuous measure like the one that is before the House.

Sir, one of the main objects of my rising to speak on this motion is that unconsidered statements by very responsible legislators are often likely to do a lot of harm. I am afraid that a wholesale sweeping condemnation of this measure, whose value is largely psychological, is not likely to help the Government in meeting the forces that are anti-social and hinder the economic progress of this country. To begin with, I would like to assure my friend from Assam, Mr. Kuladhar Chaliha, that the Bill is not quite so bad as he thinks it is, for the reason that the middle class investor is not likely to lose a very large portion of his dividends if he has been receiving a fairly high dividend during the last two years. The last two years have been the peak years; in fact, the year before last was the peak year and the subsequent year was not quite so good; we have in this Bill struck the average of the two years. The middle class investor is ensured that if the company was making a profit, if the management wants to declare a liberal dividend, then, he will get the average of those two years, one being the peak year and the other which is slightly less so. To complain that this is a Bill which strikes at the meagre resources of the middle class investors in this country will not therefore be true. Of course, it is true: the other day when I was rummaging my papers, I had a whole basket full of papers relating to objections to this

[Shri T. T. Krishnamachari]

Dividend Limitation Bill, which I know, was just a pure and simple exaggeration by the vested interests who felt that the psychological effect that this Bill was creating in the market is great and had to be countered not because of any real factual adverse influence on the market.

There have been some criticism against the limitation of the operation of this Bill to one-year. Of course, the honourable the Finance Minister is quite competent to reply to this criticism; but as a non-official, I would like to state this. This question of dividend limitation raises a number of problems. In fact, in regard to private companies, in regard to certain public companies of a semi private character in its holdings, the Income-tax authorities insist on a very large percentage of the profits to be distributed so that the ultimate holders of the shares cannot take shelter under the limited taxation demands made on them by way of Income-tax and Corporation tax and evade payment of Super-tax. If this particular measure is going to be made applicable for a long time to come, the Government will at once be faced with another problem, namely, what is to happen to the undistributed portion of the profits on which the Government will not get its legitimate taxes. My honourable friend Mr. Ayyangar mentioned that there is a possibility of 12½ crores being distributed as dividends, and all of it will probably go into the hands of the shareholders. It would not. Actually the Government claims some portion of it by the imposition of Super-tax. The man who gets a dividend gets exemption, undoubtedly, in so far as Income-tax is concerned; but he is not exempted so far as Super-tax is concerned. If he pays super-tax by reason of the fact that the dividend is pooled with his other income, the Government get a portion of that money that is paid by way of dividends. Therefore, you cannot make this Bill applicable for all time to come without providing for some means by which the Government will take its own share of the undistributed portion of the profits. Any dividend limitation will ultimately result in reducing a portion of the Government revenue and therefore, this matter will have to be investigated at great length even from the Government point of view.

Secondly, as my honourable friend Mr. Ananthasaynam Ayyangar said, deflationary signs are there; but I am afraid the deflationary signs are there in a peculiar manner. They only affect certain types of our economic activity. The incomes of many people are still rising; the prices are rising; whereas the money market shows signs of deflation. I have no doubt that the honourable the Finance Minister will take a due note of the position. I do not think that deflationary signs could be induced, or have been induced or will be induced by a dividend limitation measure of this nature, which is really innocuous and which does not really affect a large portion of the money paid as dividends. As I said before I have taken the statistics of several companies from the Investors Year Book and pooled the two years income to see what the average will be. I found that in most cases, there may not be any appreciable diminution of the dividend if the average determines the amount of the dividend paid. The other factor is, limitation of dividends in regard to new companies is the most healthy thing that is possible in such cases. I wish there is a statute similar to what we have provided in the Banking Companies Act, namely that new companies must build up reserves, and until the time they build up certain reserves, they cannot declare more than six per cent dividend. This is a factor which goes to ensure that the dividend earner will get a steady dividend because reserves are built up and the solvency of his holding will depend largely on the stability of the company and its large reserves. I think in so far as this particular measure operates against the new companies declaring any dividend over six per cent, it is a very salutary measure. I feel I can assure

my honourable friend from Assam that the effect of it is largely psychological and is not real, and that the number of people that are likely to be put to harassment are very few and to a very small extent. It would not reduce perceptibly the income of those people who have shares in the tea estates if they have been receiving an appreciably good dividend the last year and the year before last. This cry of this measure affecting the middle class people, which is quite a powerful cry, which appears to be used by the vested interests, ought to be countered and nipped in the bud by responsible people in this House rather than this should be allowed to go on without being contradicted. That is the main reason for my interference in this debate. I would like, as a person who is not always on the Government side, but one who is quite willing to criticise the Government if need be to assure my friends here in this House and the people outside that this Bill is not affecting the middle classes to any appreciable extent,—it would have only a very infinitesimal effect,—and secondly, that in so far as limitation of dividends of new companies is concerned, that is going to build up healthy reserves. Lastly, this question of having a measure of this nature as a permanent measure for a long time has got to be considered. In fact in the United Kingdom there is a dividend limitation operating, not by means of statutory pressure but by means of the moral pressure of Government. Of course it has now come to a stage whether it is worth while exerting that pressure. People are thinking on those lines, but actually in the United Kingdom dividend limitation is in operation. There is an understanding between the Treasury and the bigger companies and these firms have voluntarily limited their own dividends. But again as I said this will raise the question of what is going to happen to the Government share of taxation that is due on the undistributed portion of the profits of companies, on which there is an enormous amount of literature in the market. These considerations make me feel bold to be able to assure this House and the people outside that this measure need not be considered as anything disastrous, that I am sure Government and the Finance Minister will examine the whole position within the time that is at their disposal, and by the time this Bill lapses a year hence they will either produce a more reasonable measure safeguarding the revenues of Government, safeguarding the interests of middle class investors and affording encouragement to new investors, if it is necessary for them to produce a measure at all. I am sure opposition to this is uninformed and one which a responsible House like this should cast aside without much hesitation. Sir, I support the motion before the House.

Mr. Naziruddin Ahmad (West Bengal: General): Sir, from a perusal of the debates at various times and the changes of opinion that have taken place in a short time in the House I find we are fighting with a shadow. In fact the slogan has been that we must fight inflation. Now what is inflation I do not understand. Inflation is a kind of ghost which the House thinks, must be killed. It reminds me of the story of a woman whose house was haunted by a ghost and who was told that the ghost would come at midnight she could kill it by beating it with an old broom. Now it so happened that her husband who was abroad, returned at midnight. He wanted to give her a pleasant surprise and returned at midnight and was entering the house with stealthy footsteps, but was beaten with the broom by his wife who mistook him for the ghost. In this case we want to kill the capitalists like the ghost. But somehow you cannot touch them and they slip through your fingers. You cannot get hold of the big tax-dodgers. There are persons whose cases are subject to inquiry by the income-tax investigation Commission. Somehow there was and is a feeling here that they will escape or you will effect a compromise with them. I do not wish to go far in this direction but why are we sacrificing principles? Somehow or other we are not sticking to high moral principles. I submit that in trying to kill

[Mr. Naziruddin Ahmad]

inflation and the capitalists we are killing the middle classes. I do not object to your killing the middle classes, killing the market and making the money market absolutely dry, except that is all one-sided punishment. According to the honourable Minister, the middle classes form 90 per cent. of the shareholders. If it is necessary in the interests of the country to take away a large part of their income these should not be the only persons who should suffer because every man must contribute towards killing inflation. I submit that on the same principle the salaries of Government servants and of Ministers, the allowances of Members, and the pay and allowances of all wage-earners in logic, must also be subject to a corresponding deduction. This one-sided deduction of income of middle class shareholders is extremely discriminatory. In fact it will kill the class of people who have paid money in expectation of some reasonable return and they are the only persons who are being victimised for their folly. A distinguished economist member of the House like Mr. Krishnamachari has, perhaps, in an unguarded moment stressed the fact that the shareholders have received very high dividends in the last two years. That is only an apparent state of affairs. There are many companies who have given during these peak periods 30, 40 or 50 per cent. and in one or two cases even 100 per cent. dividends. But he does not apparently realise the fact that it is not 30 or 50 per cent. on the investment of the present shareholders. These successful companies were started long ago. You are calculating dividend at 30, 40 or 100 per cent. at the issue prices. But does the House realise that these shares are freely bought and sold? They are bought on the basis of 5 per cent. or 4 per cent. income, and so people who have bought them get only 5 per cent. or 4 per cent. and in some cases only 3 per cent. on their investment. So in order to limit the dividend to a fixed standard, you are trying to prejudicially affect these very people and you are going to reduce their income much below 5 or 3 per cent. I submit that the whole scheme was based upon a misconception that you are punishing the capitalists. The misconception is no doubt gradually fading away but it is not completely gone; like the shadow of the ghost it still haunts the House. My honourable friend Mr. Chaliha can, I believe, read thoughts. I had given notice of an amendment to limit the operation of the Bill to April 1949 and he has rightly estimated my mind, namely. I think that there is the question of prestige of the Government; Government are out to kill the ghost; something must be done, though not very effectively. I believe I gave Government a convenient escape by which they could maintain their prestige and at the same time relieve the shareholders by 30th April 1949. I submit the whole question should be considered from a true angle as it is now beginning to be. The Honourable the Deputy-Speaker the other day and today made it clear that our policy is not doing any good. In fact it is not merely drying the capital market. The capital market is gone; there is an unfounded but widespread belief that the capitalists are somehow or other creating a scare, that there is enough money to go round and the people are not coming forward out of a mischievous motive. I submit that is not a fact. The capital is supplied by a large section of the middle classes from their small savings; the capitalists supply only a small part of the capital though they realise large profits from the public. They make large profits but you cannot touch their profits or the incomes of the managing agents. They take money in various ways but you cannot touch them. Then why strike the middle classes alone? Nothing will be gained by making them lose their income. Their confidence in the market is gone. If your industrial policy is to succeed money must flow from these people to industries, and for that you must allow them their income. I find that Government is now driven to go to the foreign market. That is the inevitable punishment. In fact your home market has gone dry and that is why you are driven to the foreign markets. I submit that instead of proceeding on false

PUBLIC COMPANIES (LIMITATION OF DIVIDENDS) BILL

2459

assumptions it is better to drop the Bill, and I show the honourable Minister a way out. He has no doubt considerably changed his opinion; the House has also changed its opinion. I admit the Bill is a great improvement on the past and a little more is needed to make it inapplicable after 1949. We have not yet made an expert study of the exact position of the market as to how it is reaching to our policy. We are proceeding on false assumptions of course much has been done and the little that remains will be done by accepting my amendment.

The Honourable Shri Satyanarayan Sinha (Minister of State): Sir, I move:

"That the question be now put."

Mr. Speaker: The question is:

"That the question be now put."

The motion was adopted.

The Honourable Dr. John Matthai: All the considerations that have been put forward in the course of this discussion were before the Select Committee, which represented every section of economic opinion in the House, and as I observed in my opening remarks, this is an unanimous report. This was the basis on which we were able to reconcile the differences of opinion among the different sections represented in the Select Committee and I think, Sir, that there is no better basis on which we can put forward the Bill for final acceptance of the House.

Shri Upendranath Barman (West Bengal: General): What will be the fate of the undistributed dividends after this Act expires a year hence? Will it attach to the respective shares so that the purchaser of shares will be entitled to the undistributed part of the dividend?

The Honourable Dr. John Matthai: It is very difficult for me to give a definite reply to that query, but the best that we can do in that matter is this. The Select Committee has made a suggestion, and I have endorsed the suggestion, that the management of companies to whom this Act applies, must make every effort to put the undistributed portion of the profits into a separate fund which will be available for distribution to the holders of shares on the expiry of the Act. We cannot go beyond that.

Mr. Speaker: The question is:

"That the Bill to limit the dividends which may be paid by public companies, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Speaker: Does the honourable Mr. Ramalingam Chettiar wish to move any of his amendments: if so I could put them all together?

Shri T. A. Ramalingam Chettiar (Madras: General): I do not intend to move them in view of the reference made by the Finance Minister but I would like to say a few words when we come to the clauses.

Mr. Speaker: Instead of putting the clauses separately to which he has tabled amendments, if he does not choose to put any of those amendments, I may as well put all the clauses.

Shri T. A. Ramalingam Chettiar: In that case I will make a statement and if the honourable Minister says he will issue proper instructions, I will not move any one of them.

Mr. Speaker: So I shall put clause 2 first.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Shri T. A. Ramalingam Chettiar: So far as the Bill is concerned, I think it is a very safe and equitable arrangement that has been made, namely, payment of 6 per cent. to new companies and the average of two years' dividend to the older companies. But in drafting the clauses they have not been very careful in bringing out exactly what they meant.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar.)]

They have provided the average of two years. They have given the period as 1st April 1946 to 31st March 1948. What has happened is that several companies gave their dividends in March 1946 and the next dividend was given in May 1947 and the third dividend in May 1948. I have got a list of 20 to 25 companies in the Madras province who have done so, because they feared that after the Budget of 1947 there may be very drastic changes in the taxation proposals and they did not want to take the risk of giving dividends before actually knowing what tax they would have to pay on those dividends. That was the reason why there was this difference in the dates of payments of dividends.

According to the statement made by the honourable Minister this morning, he is not anxious to take the average of two years. All that he wants is that within the period mentioned, if a dividend was declared, the period for which it was declared would be taken into consideration and that would be the average. I am quite satisfied with the arrangement that he proposes. I would have preferred that my first amendment to clause 3 was accepted. It says: "if dividend for only one year has been paid from the 1st day of April 1946 to the 31st day of March 1948, the dividend so declared and paid" shall be taken as the average. But the honourable Minister thinks that it need not be entered in the clause itself, and he has made a statement that his object is to work it in that way, and so he will send instructions to the officers concerned to work it in that way. I am quite satisfied with the statement but I was only anxious that in case next year he is going to extend this Act for a third year, probably then this sort of understanding may not be enough. That was my anxiety. In any case, if the matter comes up before the House again, he will make this quite clear.

As regards the statement made by some honourable members that the managing agents are left out in this Bill, I will only tell them that the Managing Agents are paying -/15/6 on the top slab and they will be paying -/14/- annas hereafter. So they are paying in the shape of income-tax and super-tax but not in the shape of Corporation tax under this Bill. So I will request the honourable the Finance Minister to send out instructions and also issue a communique that the intention is that whenever there was only one payment made within the period mentioned in the Bill, that dividend shall be taken as the average. I know some of the Auditors have taken a different view and some of the Income-tax officers have also taken that view. I pointed out to them 5(b) which I thought covered the case, but they were not satisfied. So I will ask the honourable the Finance Minister to issue a communique to the effect that what he intended was this and nothing more.

With these words, I submit, that I will not move the amendments that stand in my name. The other amendments only put the dates either before or after, to meet the case if he wanted the average of two years should be taken. When the single dividend paid is taken as the average, there is no necessity for the other amendments.

The Honourable Dr. John Matthai: There is no difference of opinion between Mr. Chettiar and myself. I will see that the position is made absolutely clear.

Mr. Deputy Speaker: I shall put all the clauses together.

The question is:

"That clauses 3 to 13 stand part of the Bill."

The motion was adopted.

Clauses 3 to 13 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. John Matthai: Sir, I move:

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

Mr. Deputy Speaker: Motion moved:

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

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, I rise to support this Bill. A great deal has been said by my friend Mr. Chaliha about barbers, briefless lawyers and panwalas. I might say at once that if there is any briefless barrister who is affected by the provisions of this Bill you may rest assure that he is either a capitalist himself or his son is a capitalist. If there is any barber who is affected by the provisions of this Bill I would warn honourable Members to take good care before they placed themselves under his razor. He is a man who has taken to the profession for ulterior motives and the moment you give your neck to him he may use his razor the wrong way. If there is any panwala who is affected you may rest assure that he is not a panwala but a prince in disguise. He has started the shop for selling pan not for any gain but to attract a certain class of customers and distribute his pan freely to them. That may be his only objective. On the other hand I see a very good advantage in this Bill. It enables the public limited companies which are always prone to be miserly in the matter of wages to labourers might be persuaded, since they cannot get larger dividends, to pay their labourers their due. Once they pay their labourers in a particular way those wages will remain for sometime. This is an advantage to the labourers.

Now and then when you go to collect subscriptions it is very difficult to collect them from the big industrialists, unless you take a few income-tax officers with you to help you in the matter. Or if you go to a village to collect some subscriptions you may not succeed unless you take a daroga with you or some Minister. Otherwise it would be very difficult to collect subscriptions. When the industrialists know that they will not get so much dividends they will try to earn something for their future life or the next world by paying more liberal subscriptions and thus save their souls. All those objections, after all, will be meaningless in view of the provisions laid down under section 11. In extreme cases as mentioned by my honourable friends, who are looking askance at the Bill, Government can always be trusted to make suitable exemptions.

With these words, Sir, I support the Bill.

Mr. Deputy Speaker: The question is:

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

The motion was adopted.

MERCHANT SHIPPING LAWS (EXTENSION TO ACCEDING STATES
AND AMENDMENT) BILL

The Honourable Shri K. C. Neogy (Minister of Commerce): Sir, I move:

"That the Bill to amend the Merchant Shipping Act, 1894, and to provide for the extension of the laws in force in the Provinces of India relating to merchant shipping to Acceding States and for certain other matters, be taken into consideration."

As indicated in the motion itself, the principal object of this measure is to extend the operation of the Indian Merchant Shipping Laws to the Acceding States. These laws had no application in the Acceding States prior to the promulgation of an ordinance sometime ago, under which some features of the merchant shipping laws were sought to be enforced in these States. That ordinance is about to expire and the principal object of this measure is to substitute this Bill in place of the expiring Ordinance. There are two other small points which have incidentally been covered by this Bill, to which I will refer later.

If honourable Members would turn to the text of the Bill they would find clauses 2 and 3, which go together in a sense, seek to extend the merchant shipping Acts of the British statute to the acceding States. Clause 4 again seeks to extend the statutes of the Indian legislature to these States. Now as matters stand we have no comprehensive law of our own on this subject and we have to depend upon the British statute for some very important provisions and whatever Indian laws have been passed are merely complementary in character. I admit that this is a very unsatisfactory state of things and I can tell the House that we have already appointed a special officer in the Ministry of Commerce to undertake a comprehensive revision of the whole law, so as to enable a self-contained legislation to be passed by the Indian legislature itself, which would do away with the necessity of our having to depend upon the British statute for certain purposes. I would therefore beg the House to remember that this is in the nature of a transitional measure and I hope they will not be too critical of certain features which find mention in this Bill and to which certain amendments have been proposed.

Coming to the two other points which I mentioned earlier, the first one relates to the performance of consular duties under the merchant shipping Acts and the British statute. So long as we had no consular officers of our own or even trade commissioners functioning at different ports of the world, the duties assigned to the consular officers under the British statute had to be performed with reference to Indian shipping by those officers. As we are gradually having our officers posted to the important ports of the world we propose, gradually again, to take over these duties ourselves.

The next point relates to the principle of national colours for the merchant navy. At the moment under the British shipping law what is called the Red Ensign, which is enforced in the case of the British merchant navy, has to be flown by the Indian ships as well. But we have seen to it that they do fly the Indian national flag along with it...

Shri R. K. Sidhva (C. P. and Berar: General): Not in all cases.

The Honourable Shri K. C. Neogy: In most cases. It is merchant shipping that I am talking to you about. We have not yet devised the national colours that we will be prescribing for our navy. As a matter of fact this has been the subject of discussion between the different authorities concerned. We have not merely to prescribe a distinctive flag for the merchant navy but also in course of time for the Indian Navy itself. I might remind the House that in the case

(2462)

of the United Kingdom and the other Commonwealth countries the merchant navy is to fly a distinctive national flag. It is not exactly the national flag but an adaptation of it. In the case of the United Kingdom the Union Jack which is the national flag of the United Kingdom, appears at the left top quarter on a red flag. The flag is threequarters red and on the top left-hand corner or quarter, as it is called, appears the Union Jack. That is the Red Ensign. This has been prescribed for the merchant navy of the United Kingdom. Likewise the other Dominions have prescribed specific national colours for their merchant navy. In our case it is under consideration whether we should not, following the example of the United Kingdom, prescribe a special national colour in which perhaps the National Flag will find a place at the corner of the flag as in the case of the British Red Ensign. But then this will have to take a little time because different authorities have to be consulted and we have not yet decided upon the exact form of the national colours that will have to be prescribed.

Sir, these are the provisions of this Bill and I hope that the amendments of which notices have been given by some of my honourable friends will not be moved because some of them I am afraid have been given notice of under some amount of misapprehension. Sir, I move.

Mr. Deputy Speaker: Motion moved:

"That the Bill to amend the Merchant Shipping Act, 1894, and to provide for the extension of the laws in force in the Provinces of India relating to merchant shipping to Acceding States and for certain other matters, be taken into consideration."

Shri R. K. Sidhva: Sir, I rise of course to support the provisions of this Bill. But I am not satisfied with the statement made by the honourable Minister while moving the Bill that in relation to our Act as well as in relation to our flag it will take some time, according to him. He said that an officer has been appointed to review the whole Shipping Act so as to bring it in conformity with the present conditions. It is now eighteen months that we have attained freedom. We are proud of our own navy—the Indian Navy as also the merchant navy—and we are very proud to see our own flag flying on these ships. In fact eighteen months has been too long a period for the Government for consideration and coming to a decision in this matter. Last year when this question was raised by means of an interpellation it was stated that "within a very short time" the decision will be taken. Today also no definite answer has been given to us. On the contrary the honourable Minister states it will still take long time. I do not understand why for the purpose of finding out a suitable flag for our Navy and also for our merchant navy there should be so much time lost. The honourable Minister gave us a description of the British Navy flag. It is a simple flag. Similarly within a very short time we could have decided on our flag and I see no reason whatever why there should be so much delay in this matter. Our flag should have been prescribed long long ago. We do not want to see the foreign flags flying when those ships come into our harbours. Without any kind of provision in the Act or any kind of regulation, under the ordinary Act when foreign ships come into our harbours they should hoist our own National Flag. That is the rule, but that is not strictly followed by all the foreign shipping companies. I have seen this in Bombay. Some foreign ships do hoist our flag no sooner than they came into our harbours, but others still fly the Union Jack. I hope the honourable Minister will pay attention to this matter which is rather serious and urgent and see that our flag is considered and prescribed very soon and the necessary enactment is made so that we may be proud of seeing our flag flying on all our ships.

Secondly as far as the Act is concerned of course he says that the whole Act is under revision and I do not therefore want to say anything further. As

[Shri R. K. Sidhva]

far as the other provisions are concerned it is merely under the existing conditions that certain amendments are sought to be made. But I do hope that that Act will also be expedited and that in the next session our own Act will be presented to this House. Only with regard to the flag I take really strong exception. As regards the Act I can understand that some time may be required although it is overdue, and if attention had been paid to it the Act also could have been presented to the House long ago. But as I have already said I do not mind that very much as I do in regard to the flag. I hope this matter will be borne in mind and the honourable Minister will see that our own flag is devised soon so that it may be hoisted on all the ships. I also feel that he should issue instructions to see that until our flag comes into existence our National Flag must be hoisted on all the ships—particularly foreign ships—when they come into our harbours. It is one of the conditions under the Shipping Act that whenever a ship comes into a harbour it must hoist the flag which belongs to that country. All along when any steamers belonging to any foreign country came they used to hoist the Union Jack flag. But now some of the shipping agents still continue to fly the Union Jack and ignore our flag though I do admit that some of the companies do fly our flag. Without any kind of standing or regular instructions or rule it seems to me they do not strictly follow the requirement under the Shipping Act which they should. Therefore there must be a rule or an Act that the violation of this provision is an offence and there should be penalty for it.

Sir, with these remarks I support the provisions of the Bill.

श्री लक्ष्मीनारायण साहू : उप वाचस्पतिजी मैं वाणिज्य मंत्री के इस बिल का समर्थन करता हूँ। परन्तु समर्थन करते हुए भी मैं दो चार बातें उन की दृष्टि में लाने के लिये उनसे अनुरोध करता हूँ। वाणिज्य मंत्री ने पहिले ही अपने भाषण में समझा दिया कि हम लोगों को कुछ समय लगेगा कि हम अपने जल पोतों में किसी तरह की पताका रख सकें। यह ठीक है। लेकिन मैं इतना ही कहना चाहता हूँ कि जैसा आनरेबल मिस्टर सिधवा ने कहा कि जब हम लोग सावरेन बाड़ी बन गये हैं और १८ महीने बीत गये हैं तब हमको क्या डर लगता है कि यह काम जल्दी नहीं करते। हम अभी भी, आज, इसी वक्त से, क्यों जो हम लोगों का झंडा है उस झंडे को पोत पर न उड़ावें? ऐसा हो सकता है कि किस तरह का झंडा वहां उड़ाने की जरूरत है उस को हम सोच विचार कर करें। लेकिन जब एक राष्ट्रीय झंडा हम लोगों का है तो उसी को हम अभी क्यों नहीं लगाते। उसी को लगा देने से जब सब जहाज समुद्र पर उस झंडे को लेकर चलेंगे तो सब को मालूम हो जायेगा कि यह देश स्वतन्त्रता पा चुका है और सब को, जो हिन्दुस्तान के रहने वाले हैं, इस से आनन्द भी होगा। इसी लिये मैं उन के ध्यान में यह लाना चाहता हूँ कि जितनी जल्दी हो सके वह पताका हम लोगों की उड़ाने का प्रबन्ध कर दें।

एक बात, मैं यह इस बिल में नहीं समझता कि यहां क्लॉज ३ में सबक्लॉज (iii) क्यों रखा जाय कि

(iii) at the end of section I, the following explanation shall be added namely :—

Explanation—The expression “British subjects” shall be deemed to include the Ruler and subjects of any of the Acceding states and the expression “Her Majesty’s dominions” add “dominions” shall be deemed to include all Acceding states.”

मेरी समझ में नहीं आता है कि इस को हटा देने से क्या खराबी हो जाती है। इस एक्सप्लेनेशन की क्या जरूरत है? इस को रखने से ऐसा मालूम होता है कि हम लोग अभी तक आजादी नहीं पाये हैं और हम लोग जो कहते हैं कि स्वतन्त्रता पाये हैं वह झूठी स्वतन्त्रता है, सच्ची नहीं है। इसका क्या सबब है कि हम इस को रखें? समझ लीजिये कि हम इसको हटा दें, तो हटा देने से उस का क्या रिपरकशन होगा यह वाणिज्य मंत्री से मैं जानना चाहता हूँ।

एक छोटी चीज और है। वह क्लॉज ५ में है : “Performance of consular duties under the Merchant Shipping Acts, 1894 to 1938.”

उसमें पांचवी लाइन पर जो ‘मे’ है उस शब्द को मैं ‘शैल’ करना चाहता हूँ, तो ‘शैल’ करने से ऐसा होगा :

“Where under the Merchant Shipping Acts, 1894 to 1938, as they extend to and operate as part of the law of India, anything is required or authorised to be done by, to or before British consular officer at any place outside India such thing shall (not may) be done in that place by, to or before such other officer as the Central Government may, by notification in the official Gazette, specify in this behalf.”

इस में वाणिज्य मंत्री जी को क्या आपत्ति है यह मैं जानना चाहता हूँ।

इस के सिवा मैं और कुछ नहीं कहना चाहता हूँ। यह अच्छी चीज है और इस को ग्रहण करना चाहिये।

(English translation of the above speech).

Shri Lakshminarayan Sahu (Orissa: General): Sir, I support the Bill moved by the honourable the Minister for Commerce. But while supporting this Bill I insist upon bringing to his kind notice a few facts. The honourable the Minister for Commerce has already mentioned in his speech that it would take us some time to have some sort of flag on our ships. This is right. But I wish to submit only so much that, as honourable Member Shri Sidhva has said, when we have become a sovereign body and some 18 months have elapsed why do we feel afraid that we do not accomplish this work at the earliest. Why should not we fly our own flag on our ships from now, from today from this very moment? It is possible that we may consider over the problem as to what kind of flag needs be flown there. But when we have our National Flag now why we do not fly that flag? When our ships will sail over all the

[Shri Lakshminarayan Sahu]

Oceans and seas with our flag flying it would be known to all that this country has attained independence, and all of us, who are the inhabitants of India, will also be highly pleased. Therefore I wish to bring this fact to his notice that he should at the earliest make such arrangements whereby our flag could be flown over our ships.

I do not understand one point in this Bill why the sub-clause (iii) of clause 3 which runs as follows be retained:

‘at the end of section 1, the following explanation shall be added, namely:

“Explanation—The expression “British Subjects” shall be deemed to include the Ruler and Subjects of any of the Acceding States and the expression “Her Majesty’s dominions” and “dominions” shall be deemed to include all Acceding States.”

I do not understand what harm comes to pass by its deletion. What is the necessity of this explanation? By retaining this explanation it appears that we have not yet attained independence and the thing that the people call independence is not a real one but an illusory one. What is the reason of our retaining it? Suppose we delete this then I would like to know from the honourable Minister what repercussions would be created by this action?

There is one small thing more, and that occurs in clause 5: “Performance of consular duties under the Merchant Shipping Acts, 1894 to 1938.” I wish to change the word “May” occurring in line 5 with the word “shall”, then by making this change from “May” to “Shall” the clause will run as follows:

“Where under the merchant shipping Acts 1894 to 1938, as they extend to and operate as part of the law of India, anything is required or authorised to be done by, to or before a British Consular Officer at any place outside India, such thing shall (not may) be done in that place by, to or before such officer as the Central Government may, by notification in the official Gazette, specify in this behalf.”

I wish to know what objection the honourable Minister has in this?

Except this I do not want to submit anything. This is a good suggestion and should be accepted.

The Honourable Shri K. C. Neogy: Sir, my honourable friend Mr. Sidhva has expressed his dissatisfaction at the time that has been taken in the matter of the revision of the law, apart from the question of the national colours for the Merchant Navy. So far as the Merchant Shipping Law is concerned, let me assure my honourable friend that it is a very, very complicated law. We have to look into international law, into the British laws on the subject, as also into our own laws—not one, several different pieces of legislation passed by the Central Legislature from time to time—in order to produce a comprehensive enactment. As a matter of fact, the officer concerned has been at work for some time and I am told that we may have to wait for about a year more before we can expect to get the first draft from him in this regard.

As regards the colours, as I have already told the House, pending our formal prescription of a flag for the Merchant Navy, the National Flag is being flown side by side with the Red Ensign of the United Kingdom. So far as the Indian ships are concerned, there is no question about it, there is no exception to this rule; they are definitely carrying our National Flag wherever they are going. But then we have to prescribe by law certain

colours in order to be able to enforce this particular rule on everybody concerned. That is the object with which one of the clauses has been put into this Bill.

Shri R. K. Sidhva: The question is of delay.

The Honourable Shri K. C. Neogy: Well, yes. This again, as I said, depends on so many other factors. For instance, I said that our own fighting Navy has to be consulted. As a matter of fact, they are taking a little time and whatever we do should be done comprehensively. What would be the colours for the Defence Navy and what would be the colours for the Merchant Navy?

As regards the point raised by my honourable friend Mr. Lakshminarayan Sahu that the explanation proposed in clause 3 does not appear to him to be absolutely essential, as I have already said, we should not be too critical in judging this measure. I know how distasteful it is to find ourselves described as British subjects still for certain purposes, but the fact remains that the Merchant Shipping Law with regard to very many important aspects is still to be had from the British Statute so far as India is concerned, and in the British Act it is a British subject that has to be the owner of a British ship and the ships that now ply even under the Indian Register are technically, for the purpose of the British Merchant Shipping Act, British ships. Therefore, we have to ring the Rulers and subjects of the acceding States within the description of “British subjects” for this limited purpose and we have to suffer this till our own comprehensive law is passed by this Legislature.

That is all that I need say. I may assure the House that because our technical advisers in the Law Ministry have advised us that this is the only correct way of going about the business, I had to accept the particular amendment to which exception has been taken by my honourable friend.

श्री लक्ष्मी नारायण साहू: मैं यह जानना चाहता हूँ कि जो एक्सप्लेनेशन है उस को हटा देने से क्या आपत्ति होती है।

Shri Lakshminarayan Sahu: May I know what would be the harm if this explanation is omitted?

The Honourable Shri K. C. Neogy: You may remove the explanation from this Bill, but so far as the present Indian ships are concerned, they are still being governed by the provisions of the Merchant Shipping Act which contains the substantive provision which is now sought to be reproduced here in a less objectionable form in the amended manner indicated in the explanation here. I wanted to tell you about the amendment itself. As a matter of fact, the wording of the original section 1 of Merchant Shipping Act (British Statute) of 1894 was different. It is by the British Nationality Act that some of the wording has been removed from that particular clause. The British statute as it stood before the date of our independence applied as it stood then. Any subsequent amendment undertaken by Parliament has no operation so far as this country is concerned. We have therefore sought to amend the particular provision in this section 1 which is relevant to this issue, and the amendment that we have sought to make is really to the British Statute in order to bring it into line with the form in which that provision now stands in the British Statute as a result of the British Nationality Act of 1948, which has no application to this country having been passed after the date of our independence. As a matter of fact, if my honourable friend were to compare the wording, he would find that there is a considerable difference in the position.

[Shri K. C. Neogy]

The other point which he has referred to is as regards the Consular officers. If my honourable friend's suggestion were to be accepted, I am afraid the Government of India would have to appoint a Consular officer at every port. We are not in a position to do so. Therefore, the matter has to be left in an elastic fashion that as and when it becomes possible for us to appoint Consular officers, or say even Trade Commissioners who might be authorised to act as Consular officers under our own Act or under even the British Act, as and when it becomes possible for us to appoint these officers we will be entrusting them with the Consular duties. Till then we have to depend upon the British Consular officers. That is the position. I don't think I need say anything more.

Shri Lakshminarayan Sahu: Still I want to know what objection is there if we remove the Explanation.

The Honourable Shri K. C. Neogy: If we remove the Explanation, you are merely adopting a law in respect of the States of India which will be different from the law which operates in the Provinces of India. That is the first point. The second point is, I am assured that if you remove the Explanation, then the law will be defective.

Mr. Deputy Speaker: It may not apply to the Acceding States at all. The object may be frustrated.

The Honourable Shri K. C. Neogy: It is intended that the law should govern the rulers and the subjects and the companies incorporated in the States and that can be done only if we have the Explanation.

Prof. Shibban Lal Saksena (U. P.: General): Can we not see to it that our own Bill is ready within six months?

The Honourable Shri K. C. Neogy: I can give my honourable friend the assurance that I will do my best to expedite it, but I am in the hands of experts.

Mr. Deputy Speaker: The question is:

"That the Bill to amend the Merchant Shipping Act, 1894, and to provide for the extension of the laws in force in the Provinces of India relating to merchant shipping to Acceding States and for certain other matters, be taken into consideration."

The motion was adopted.

Mr. Deputy Speaker: We shall now take the Bill clause by clause.

Clauses 2, 3 and 4 were added to the Bill.

Shri S. V. Krishnamoorthy Rao (Mysore State): Sir, I beg to move:

"That in clause 5 of the Bill, before the words 'such other officer', occurring in line 5 the words 'an Indian Consular Officer or' be inserted."

Para 3 of the Statement of Objects and Reasons says:

"With the attainment of India's new political status, it is desirable that Indian shipping should fly distinctive national colours, and that consular functions under the Merchant Shipping Acts formerly performed by British consular officers should, as far as possible, be performed by Indian consular officers."

So the very words 'Indian consular officers' have been omitted in the clause. I hope this will be accepted.

The Honourable Shri K. C. Neogy: It may be, as I said, that we will appoint an Indian consular officer, or we may be appointing some other

officer, for instance, a Trade Commissioner. I do not suppose it has improved the wording in any way. It is not necessary, but if my honourable friend insists upon it, it is a different matter. It is not at all necessary.

Shri S. V. Krishnamoorthy Rao: The very object of the Bill is to see that Indian consular officers perform these duties, or where Indian consular officers are not available, they may be performed by other officers authorised for the purpose. That is the purpose of my amendment. I only want to add "Indian consular officer". It should be acceptable to the honourable Minister.

Mr. Deputy Speaker: I hope the honourable Minister has no objection.

The Honourable Shri K. C. Neogy: I have no objection, but I do not consider it as an improvement.

Mr. Deputy Speaker: If he accepts, that will be some satisfaction. The question is:

"That in clause 5 of the Bill, before the words 'such other officer', occurring in line 5, the words 'an Indian Consular Officer or' be inserted."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

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

"That in sub-clause (1) of clause 6 of the Bill, the words 'what shall be' occurring in line two, be omitted."

This is a verbal amendment. I consider these words to be absolutely unnecessary. Nothing will be lost by their omission and the whole object of the sub-clause will remain as it is and the Central Government shall by notification be able to do what this sub-clause seeks to do in that case too.

The Honourable Shri K. C. Neogy: I am advised by my technical advisers that the form in which it stands is the proper form.

Pandit Thakur Das Bhargava: I do not press it.

Mr. Deputy Speaker: I shall put 6 and 7 together.

The question is.

"That clauses 6 and 7 stand part of the Bill."

The motion was adopted.

Clauses 6 and 7 were added to the Bill.

Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri K. C. Neogy: Sir, I move:

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

Mr. Deputy Speaker: The question is:

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

The motion was adopted.

INFLUX FROM PAKISTAN (CONTROL) BILL

The Honourable Shri Mohan Lal Saksena (Minister of State for Relief and Rehabilitation): Sir, I beg to move:

"That the Bill to control the admission into, and regulate the movements in, India of persons from Pakistan, be taken into consideration."

In making this motion, I take it that I need not take much time of the House. Honourable Members are aware that the permit system had been introduced some time in July because of the one-way traffic from W. Pakistan. More than a lakh of evacuees who had gone from India have come back to India and in view of our policy that those persons who had not left India and remain here—e.g. they have gone from East Pakistan to U. P.—are entitled to get back their property and to be reinstated, and in view of the fact that it was not possible to give effect to that policy, we had to introduce this permit system. We represented to the Pakistan Government that this one way traffic should be stopped and we must arrive at some arrangement by which as many persons as come here, the same number, may be allowed to go there, but it was not possible and therefore the permit system had to be introduced. Since the introduction of the permit system, although we have been able to check this influx inasmuch as the permanent permits have been reduced, yet we know that during the last eight or nine months at least about 40,000 persons have come to India and out of this number, about 8,000 have come on permanent basis and the rest have come on temporary basis.

Therefore, it is necessary in the interests of the rehabilitation of displaced persons that this permit-system should continue, and I hope the House will endorse the Bill that I am putting before it. Notice has been given of a number of amendments of which one or two I am prepared to agree to as they are more or less verbal amendments. As regards the others, I have already had a talk with the honourable movers of those amendments and I hope they will not move them. With these words, Sir, I move.

Mr. Deputy Speaker: Motion moved:

"That the Bill to control the admission into, and regulate the movements in, India of persons from Pakistan, be taken into consideration."

Shri R. K. Sidhva (C. P. and Berar: General): Sir, I can quite recognize the difficulty of the Government to see that the influx of undesirable persons do not infiltrate into our country from the foreign country and from that point of view, this Bill is certainly desirable. But the permit-system has brought about a great deal of hardship to *bona fide* persons who have to go from this country to the other and *vice versa* for *bona fide* business. As far as Western Pakistan is concerned it is more or less a communal State. In the whole of Pakistan hardly 2 lakhs of Sindhis live in Western Pakistan. For those two lakhs of Sindhis, apart from business, for marriage purposes and for other ceremonies and funerals, I know of instances when permits could not be had within a short period, 'immediately' I should say rather. On such occasions the permit system should be available within a moment's notice, but the system is so defective both at this end and on the other end that permits for ordinary purposes cannot be obtained at least for one fortnight. I know of instances where people had to stand in queue at the offices of the Permit Officer; they have to wait for a number of days to get the

(2470)

INFLUX FROM PAKISTAN (CONTROL) BILL

2471

permits and I know of cases where it has taken two months. I therefore desire that this permit system should be overhauled and Government should devise means by which *bona fide* persons may go without unusual delay.

As far as Eastern Pakistan is concerned, we know very well that the Bengalees both of the Western and Eastern Pakistan have common interests, and they have to go from one territory to the other. I am glad there is no permit system, but this Act is applicable to the whole of India and it may be applied at any time; I am glad it is not now and Government will see that unless a greater necessity arises, this permit-system should not be introduced. As I stated, I quite appreciate what the honourable Minister has stated that 40,000 people have come away. We do want to check that undesirable persons should not come in with a particular sinister motive and bad object. However, Sir, I feel that our Government have been proclaiming that they want to keep good relations with Pakistan. I want to know with this permit-system and the customs-cordon, how are you going to have cordial relations? That surpasses my comprehension. You are having so many conferences, and of course, I do not want to go into the details of the question, but what about the properties of evacuees, crores of rupees that have been left by them? Unless those things are settled amicably by both the Dominions, the cordial relations of which we have been talking so long and of which they have been talking so long, is not going to fructify. I, therefore, desire, Sir, and I myself wish that the relationship should be cordial, but if the relations are to be cordial on paper only, then it is a different matter and with all these restrictions that exist today, I think the time is too far off for cordiality. In reality, if you are merely saying that for purposes of propaganda, you may say so and that is a different matter.

With the suggestion about the improvement of this permit-system, I support the Bill and I hope that the honourable Minister will kindly bear in mind all these matters. I have also brought to his notice some of the instances where considerable delays have taken place, which Government themselves admit. In Bombay the Police Commissioner had to be approached for certain purposes and in a *bona fide* case in spite of the fact that he is an Indian subject, when he had to go for the disposal of his property to Pakistan, the permit was not very easily available. These are my grievances and I hope the Government will bear them in mind.

Shri Arun Chandra Guha (West Bengal: General): Sir, while giving my support to this Bill, I would like to point out something, particularly from the point of view of West Bengal and East Bengal. I agree that the Government of India should have some power to control the entry of people particularly from West Pakistan into India; but this permit-system has not been introduced so far as East Bengal and West Bengal are concerned; and as yet both these provinces though belonging to two different states are practically one economic unit. I can say that culturally also they form one unit. In the last Budget debate both the Finance Minister and the Minister for Commerce have admitted the necessity of having closer relations between the two states or the two Dominions; and the honourable Commerce Minister has even gone so far as to suggest having a Customs Union. I feel that both the Governments should move in such a way that there should be closer union, a customs union, a defence union and such sorts of things. For the time being, whatever powers may be necessary for the Government of India, I hope this system will not be introduced as far as the entry from East Bengal is concerned and it has not been enforced so far in West Bengal. I know there have been certain cases of *bona fide* people coming to India for

[Shri Arun Chandra Guha]

bona fide purpose and still they had to face certain handicaps and difficulties in getting the permits even though some have business matters to settle. I hope the Government of India will give proper directions that this permit-system may be used in such a way as to help these men if they really intend to bring about a closer union between the two States. With these few words, Sir, I commend this Bill for acceptance.

Mr. K. T. M. Ahmed Ibrahim (Madras: Muslim): Mr. Deputy Speaker, Sir, though the object of the Bill is stated to be to control the admission into and regulate the movements in India of persons from Pakistan, clause 3 of the Bill definitely points out that the provisions of the Bill will affect even citizens of this country even persons domiciled in India in this connection, I would like to say a few words. There have been some persons who went to Pakistan not with the intention of settling down there, but for some temporary stay there in connection with their business or to see friends or relatives or for other similar purposes, and when after their object is fulfilled, they desire to return to their homes they are faced with many difficulties. First of all, Sir, they find it difficult to get any sort of permit, as has been pointed out by my honourable friend, Mr. Sidhva, with the result that some of them would be satisfied if even a temporary permit is granted, not knowing the implications thereof; when they are told that they can get temporary permits easily, they at once apply for the temporary permits and come here. But when they reach their homes, they are told that unless they return within the period stated in the permits, they would be arrested and there are instances where people have been arrested in pursuance of the conditions of the temporary permit virtually for their having returned to their hearth and home. There are ever so many such cases and such persons are still kept in jails. In this connection Sir, even the Provincial Government has not the power to alter the terms of the permit even though they are satisfied that the person concerned belongs to India and has his permanent abode in India and has no intention of going to Pakistan, nor had he any intention to permanently settle there when he went there originally. Only recently, the Central Government has empowered the Provincial Governments to extend the period of stay for twenty days. Before that even this power, the Provincial Government had not.

Therefore I would request the Government that, in framing the rules under clause 4, they should see that persons who go to Pakistan or who have gone to Pakistan, not with the intention of settling down there but for *bona fide* business or other purposes, are not prevented from returning home. In this connection I would also like to urge on the Government that the cases of persons who have returned home on temporary permits should be favourably considered and on proper applications from them such temporary permits should be converted into permanent permits to enable them to continue to remain in their respective villages. As things stand at present, these temporary permit holders have to go to Pakistan before the expiry of the period mentioned in their permits and they find it impossible to apply for permits again without undergoing all the expenses and the trouble of returning to Pakistan. There are many such cases in my own province. In this matter when we approached the Provincial Government, they said that they have no discretion in the matter and that their hands are tied. Therefore I would urge upon the Government that in framing rules they should take into consideration all these difficulties and provide for such cases.

Another thing is that there are Indian citizens owning business in Pakistan and they have to go there in connection with their business. They did not know that the relationship between the two Dominions would be strained so soon. Some of them established business in Pakistan long before Partition took place; they have now to go there to supervise their business.

To tell them when they ask for temporary permits that they shall not return to India is very unjust and unfair. I know that very prominent persons have been told that if they went to Pakistan they would not be allowed to return. There are also persons whose sons or daughters or other relations are in Pakistan and they naturally desire to go there to see their ailing relations. They are told that they are free to go, but will not be allowed to return home. It is but meet and proper that such treatment should not be accorded to them. The rules should be framed in such a way that citizens on *bona fide* business or for other necessary purposes should be allowed to go there and return home without difficulty. This is a matter which I would urge upon the Government for its consideration. I hope that in view of the hardships that have been caused to the people, they would consider this matter seriously and favourably.

Another matter is that some persons are still kept in jail for the contravention of the rules regarding temporary permits; i.e., they did not go back to Pakistan within the period stipulated. Their cases also should be favourably considered. They are citizens of this country. They went there for temporary stay and when they desired to return here they were told that they could get only temporary permits. Now they are told that they must go back to Pakistan but they are not willing to go there. Their cases also deserve serious and favourable consideration.

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I listened to this debate with mixed feelings. When my friend Mr. Sidhva and my friends on the right made complaints on behalf of persons who have obtained permits, I listened with sympathy. But then can I forget why this Ordinance was issued by the Government and why we are replacing that Ordinance with this Bill? Lakhs of people from Western Pakistan tried to come to India, though the agreement between the Governments was that Muslims from Western Pakistan would not come back to the Punjab, etc. Now it is said that about a lakh of persons have come from Pakistan and that they have occupied lands in the Punjab. The agreement was that so far as the Punjab was concerned, the Muslims of the Punjab were to go away to Pakistan and Hindus and Sikhs were to come to India. In defiance and violation of that agreement about a lakh of people came and occupied lands in Gurgaon district. People are apt to forget these facts before they criticise the policy of the Government. It was all a one-way traffic. Our Government has been always trying to have the best relations with Pakistan. But what has Pakistan done? Those who criticise this Government should at least look at Pakistan. It is all right for them to ask for this or that facility for people of Pakistan. But let them see the position of people who have to go to Pakistan to sell their lands. They cannot enter Pakistan. I do not know much of the conditions in Eastern Pakistan. You must consult the feelings (in regard to this Bill and the Ordinance) of a Punjabee who is practically ruined and who wants to go to Pakistan and have a look at his own property and sell it according to the agreement. But none is allowed to enter there. If any person gathers up enough courage to go there and does not return within 15 days he will find himself in jail. These are the conditions there. I have the same feelings as Mr. Sidhva that both Pakistan and India should have very good relations. But it is all one-way traffic again. We want good relations with them; but do they want it? That is the simple question. When the relations between our two countries become better, there will be no need for the permit system and for customs barriers. But so long as our nationals are not allowed to go there, I submit that we should welcome this Bill and make it more strict. It is possible that spies may be coming from Pakistan and, noting certain things here, go back and report to his country. That is productive of mischief. We must face the realities. What do we find in the Bill?

Shri R. K. Sidhva: Nobody opposed the Bill.

Pandit Thakur Das Bhargava: I appreciate it. But I humbly request my friends to go to Pakistan and preach to Pakistan this noble feelings. We will certainly reciprocate all the good things they do to us. But, to ask us to do this thing and that and not ask them to do likewise, is again one-way traffic. We wish all prosperity to Pakistan. I do not grudge them that. I submit that this Bill is very apposite and we welcome it. But, the Bill is not sufficiently strict and sufficiently circumspect. After all, according to the provisions of the Criminal Procedure Code, section 54, every police officer has got a right to arrest a person when a cognisable offence is committed. But, under this Bill, when a cognisable offence is committed, a person below the rank of a Sub-Inspector will not be able to arrest the person. I do not see why we should make this difference so far as the ordinary law of the land is concerned. I can understand your making a law much more strict than the ordinary law of the land; but, where is the occasion for giving this concession. When you find that a stranger has come to the village, and it appears that the circumstances are suspicious, it is the ordinary duty of every village head man to get hold of that person and report to the police, whereas under this Act, there is no such provision.

Mr. K. T. M. Ahmed Ibrahim: Cannot a stranger be from any other province of India?

Pandit Thakur Das Bhargava: So far as India is concerned, we know that under the Constitution we have passed a law that all Indians are at liberty to go to any part of India and there can be no question of that. We are now concerned with persons who come from Pakistan, who are foreigners to us now. Either recognise them as foreigners or do not recognise them. If they are not foreigners to you, you may admit them into your homes. But as long as they are foreigners, I want to treat them as foreigners and not in any other manner. My submission is that there should be some provision whereby those persons when they come to India and surreptitiously reach their village, the village head man may be enjoined to inform the police so that the police may arrest those people. Otherwise, supposing a person comes, where will he go? Usually, so far as the Punjab is concerned, he will go either to Ambala District or Gurgaon District, occupy his old lands, etc., and then say, I am here since one year. This has been the position. They say, we never went there, we are here. After all, when all is said and done, the lands which the Muslims left here have to be distributed among the refugees; if you allow all this land again to be taken by these people, then, I submit, that this will not be just. People come to Delhi. What for do they come? Those that have gone have not got much of affection for India. They want to come, get hold of their lands, houses, etc., dispose of their lands and houses so far as the law allows them. I have no complaint against that if the Government allows that according to agreement. At the same time, they should not take advantage surreptitiously. Therefore, with a view to effect the necessary improvements, I have given notice of some amendments to see that the law which is now sought to be enacted is brought into line with the ordinary law of the land and I hope the honourable Minister will kindly look into the amendments and accept such of them as he thinks are good.

Mr. Deputy Speaker: Mr. Barman.

Srijiut Rohini Kumar Chaudhuri (Assam: General): Sir, there are barriers which prevent me from catching your eye.

Mr. Deputy Speaker: The honourable Member is visible even through the fan. I have called Mr. Barman.

Shri Upendranath Barman (West Bengal: General): Sir, so far as Western Pakistan is concerned, my honourable friend Pandit Bhargava has stressed the need for such a legislation there. So far as Eastern Pakistan and West Bengal are concerned, I have this objection. Is this law to be passed and operated throughout India or is it going to be operated part by part?

An Honourable Member: It does not apply to you at all.

Shri Upendranath Barman: My point is, so far as the Eastern Pakistan is concerned, we want some time so that we can adjust our relations. The condition of things is such; the boundry is most unscientific; it is extremely difficult to guard the frontiers. At the same time the people of East and West Bengal have to pass to each other's territory I think for every necessity of life. As it is said that it is going to be operated part by part, I have no serious objection for a legislation like this, provided that it is not applied now to Eastern Pakistan until and unless Eastern Pakistan applies such laws against us.

The Honourable Shri Mohan Lal Saksena: Sir at the very outset, I may say that so far as India is concerned, we have introduced the permit system with great reluctance. We tried to persuade the Pakistan Government to create conditions in Western Pakistan so that the traffic may be a two way one; failing that, we have introduced this. I should like to inform the House, that although Mr. Ibrahim has spoken, I would ask him to cite a single instance in which a person who has gone out on a temporary permit has not been allowed to come back and his property declared as evacuee property. On the other hand, we have such cases in Pakistan. One Dr. Mirchandani who was running a nursing home, came here on account of the death of a near relation. He came on a temporary permit basis; he had applied for extension to the Pakistan High Commissioner. All the same, his nursing home was declared as evacuee property and allotted to Dr. Querishi, who was condemned by the Punjab High Court and sentenced to death. It has been suggested that this Bill is intended to prevent spies from coming. So far as we are concerned I am sure, the Defence Ministry and the Home Ministry are quite strong enough to make arrangements with regard to that. The purpose of my Bill is simple. The entry of these persons interferes with our rehabilitation plans. Our Government has declared that in the case of those muslims who had not left India, who had gone to other parts of India, we are going to give back their properties. That makes all the difference. That is not so in Pakistan. When we felt that the trickle was small and it did not disturb our plans for rehabilitation, we did not object to that. Later, when we found that the influx was growing, we have had to introduce this system.

Mr. Sidhva has pointed out that there have been difficulties. Yes; there are bound to be difficulties. I think so far as he is concerned, he has to obtain permits not from the Government of India, but from the Pakistan High Commissioner here. He might have experienced difficulties. When he brought any case to our notice, we wrote to the Pakistan High Commissioner or the Pakistan Government. So far as we are concerned, we have tried to facilitate the return of those persons who had gone before the introduction of the permit system on business, after ascertaining and satisfying ourselves that they had not actually left India, but had gone on business. The honourable Members may see that so far at least 8,000 persons have been allowed to come back on a permanent permit. These are cases of those persons who

[Shri Mohan Lal Saksena]

had not gone with a view to settle there, but on a temporary visit and therefore, they were allowed to come back and get back their property. Similarly, in the case of marriage, illness of near relations in Pakistan, we freely give them permits and there is no danger of their not being allowed to come back, because, we are insisting on their taking a certificate from the District Magistrate and on the basis of that, we allow them to return. The object of the Bill is not to prevent Muslims from coming if they come here and do not disturb with our rehabilitation plans. But, that is not possible. You know we have been trying our best to persuade the Pakistan Government to agree to exchange of agricultural property on a Governmental basis. We have been trying to persuade them to exchange urban property on a Governmental basis, up to a certain value. So far, our efforts have been in vain. I am fully conscious of the fact referred to by Mr. Sidhva that in spite of our efforts in other directions to improve the relations between India and Pakistan, there is bound to be a great deal of bitterness and ill-feeling between the nationals of the two countries so long as the property question is not settled to the satisfaction of both sides.

I may assure the House once again that the object of the Bill is not to create difficulties so far as the nationals of India are concerned, Muslims or non-Muslims. If the Muslims want to go to Pakistan for some temporary work, they are freely given permits; there is no difficulty in their returning. But in regard to those who had gone to Pakistan with a view to settle there, and whose property has been declared evacuee property, we certainly object to their coming back and claiming the property because that is going to disturb our rehabilitation plans. With these words, I commend the motion to the House.

Mr. Deputy Speaker: The question is:

"That the Bill to control the admission into, and regulate the movements in, India of persons from Pakistan, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Pandit Thakur Das Bhargava: Sir, on clause 4 I gave notice of an amendment of which I will move only the latter part namely:

"That after part (c) of clauses of the following new part (d) be inserted:

"(d) making it obligatory upon the village headman, village accountant, village watchman, village police officer, or any other public servant or person belonging to any special class to forthwith communicate to the nearest Magistrate or the Officer in charge of the nearest police station, whichever is the nearer, of the entry, movement or presence of any person who contravenes section 3 or any provisions of any rule made under this section."

The Honourable Shri Mohan Lal Saksena: This is not necessary; it can be done under rules made under this clause.

Pandit Thakur Das Bhargava: Then I will not move it.

Mr. Deputy Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Pandit Thakur Das Bhargava: Sir, I move:

"That in sub-clause (2) of clause 5 of the Bill, the following be omitted; 'touching any point material to the object for which the statement is made or used'."

These words are used in clause 5. If a person makes a false statement which to his knowledge is false or which he does not believe to be true, then this question arises. In ordinary cases when such a case is brought to court, if there is a deliberate mis-statement in respect of a matter which according to the person who makes the statement is not material, but which according to the finding of the court may be material, then if these words are there it would mean that a person can make a deliberate mis-statement and yet escape the clutches of the law. So far as the ordinary provisions of the law are concerned, in sections 191 and 193 of the Indian Penal Code there is no such qualification that the untruth must be material. If we take the ordinary definition of perjury in section 193 any mis-statement to the knowledge of the person making it comes within the mischief of the law. But if there is an exception in regard to this class of persons, one can make a mis-statement and yet escape the law by saying that it was not material at all. It is of course for the court to see at the time of awarding punishment what punishment should be awarded. Perjury is proved to the hilt when mis-statement to the knowledge of the deponent is made. I therefore submit that these words should be taken out.

Mr. Deputy Speaker: Is it not for the court to decide whether it is material or not?

Pandit Thakur Das Bhargava: No, in section 193 it is not in the definition. But when they award some harsh punishment then to determine the grant—of punishment it is to be seen whether it is a material mis-statement or not.

The Honourable Shri Mohan Lal Saksena: Sir, to cut short the discussion I will accept the amendment because while giving punishment the court will consider whether it is material or not.

Mr. Deputy Speaker: The question is:

"That in sub-clause (2) of clause 5 of the Bill, the following be omitted:

'touching any point material to the object for which the statement is made or used'."

The motion was adopted.

Mr. Deputy Speaker: The question is:

"That Clause 5, as amended, stand part of the Bill"

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Pandit Thakur Das Bhargava: Sir, I move:

"That in sub-clause (1) of clause 6 of the Bill, the words 'not below the rank of sub-inspector' be omitted."

This amendment is very important from the legal point of view. Under section 54 of the Criminal Procedure Code every police officer has the right to arrest any person who is guilty of a cognisable offence. I do not see why in a case of this nature you wish to make an exception that any police officer below the rank of sub-inspector will not have the right to arrest a person guilty of a breach of this law, when a breach of the law is punishable with imprisonment for a year. I would like to see the law made still more stringent in this case and give every person the right to arrest a defaulter of this law and bring him to a police officer. But that would be a discrimination between an ordinary delinquent and this kind of delinquent, and the honourable Minister may be right in repeating it. If a person is a spy every person should have the right to arrest him; but if the honourable Minister is not prepared

[Pandit Thakur Das Bhargava]

to accept that principle in the present case, there is no point in making an exception here for those who violate the law. You must make these people liable to be arrested by any police officer. Sir, I move.

Mr. Deputy Speaker: Amendment moved:

"That in sub-clause (1) of clause 6 of the Bill, the words 'not below the rank of sub-inspector' be omitted."

The Honourable Shri Mohan Lal Saksena: Sir I do not accept it.

Mr. Deputy Speaker: The question is:

"That in sub-clause (1) of clause 6 of the Bill, the words 'not below the rank of sub-inspector' be omitted."

The motion was negatived.

श्री लक्ष्मी नारायण साहू: उपवाचस्पतिजी, इस क्लॉज में मैं देखता हूँ कि जो अरेस्ट आप करेंगे आप लिखते हैं एनी पर्सन without वारन्ट ठीक नहीं मालूम होता है। आप अरेस्ट करेंगे तो उसे वारन्ट दिखाइये और तब अरेस्ट कीजिये। मैं ऐसा इसलिये यह कहता हूँ कि यह गवर्नमेंट इतनी पावर ले लेती है सब जगह कि without वारन्ट अरेस्ट करने से ऐसा मालूम होगा यह सरकार अराजक हो गई है और सरकार की इतनी पावर नहीं है कि वह अपना काम ठीक तरह से चला सके। इसी लिये यह ज्यादा पावर ले लेती है।

पंडित ठाकुर दास भार्गव: क्या मेरे दोस्त को मालूम है कि आज हर एक पुलिस अफसर हर एक आदमी को जो ऐसा जुमं करता है कि उसे छः महीने की सजा हो सके बिना वारन्ट गिरफ्तार कर सकता है।

श्री लक्ष्मी नारायण साहू: गवर्नमेंट ने इतनी पावर ले ली है कि उसे बिना वारन्ट अरेस्ट नहीं करना चाहिये। गवर्नमेंट को बहुत ताकत नहीं लेना चाहिये। हम लोगों ने एक बिल पास किया है जिस में without वारन्ट पकड़ा जा सकता है।

श्री जसपत राय कपूर: अगर एक आदमी चोरी करता है और दूसरा आदमी जैसे सिपाही उसे देख रहा है फिर भी उसे बिना वारन्ट गिरफ्तार न किया जाय ?

(English translation of the above speech)

Shri Lakshminarayan Sahu (Orissa: General): Sir, I see that for the arrests that you would make under this clause it has been laid down that, 'any person can be arrested without warrant'; this does not seem proper. If you want to arrest any person then show him a warrant and then arrest him. I wish to submit this for the reason that if the Government assumes such powers as to arrest anybody without warrant then by this action it would appear as if the Government have become anarchial and do not hold enough power so as to perform her duties properly. For this reason only the Government assumes maximum power.....

Pandit Thakur Das Bhargava: Is my honourable friend aware of the fact that these days every police officer can without warrant arrest any person who commits such crimes for which he can be sentenced for 6 months?

Shri Lakshminarayan Sahu: The Government have assumed so much power that it should not make any arrests without warrant. The Government should not assume so much power. We have passed a Bill under which an arrest can be made without warrant.

Shri Jaspat Rai Kapoor (U. P. : General): If a person commits theft, and some other person such as a police constable sees him doing so, still may he not be arrested without warrant?

Mr. Deputy Speaker: I shall now put the clause to the vote. The question is:

"That Clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Pandit Thakur Das Bhargava: I do not know the reactions of the honourable Minister. If he does not accept my amendment, I will not move it.

The Honourable Shri Mohan Lal Saksena: I do not accept it for the simple reason that if you give powers to the Provincial Government, the rules framed may not be uniform. Therefore, the Central Government should frame the rules and give powers.

Mr. Deputy Speaker: We shall then take up the rest of the clauses together.

Srijut Rohini Kumar Chaudhuri: I want to speak on clause 7. I am thankful to you for giving me this opportunity to speak. I wanted to speak several times but as I said this terrible barrier is before me—this mike and that fan stopped me from speaking several times.

No one questions the utility of this Bill. But what I question is whether any action will be taken on the provisions of this Bill. There was an Ordinance in force for months, which was identical with this Bill. Has any action been taken in the case of people coming from Eastern Pakistan into Assam? I am not speaking of people forced to come into Assam. But there are lots of other people coming into Assam in defiance of the law. There is no officer there to find out whether these people are coming out of fear or for the sake of aggrandisement. Everyone knows that in India everyone is safe. But if you have any object in passing legislation, will you really take action accordingly? Has any machinery been set up to see whether permits have been taken by the large number of persons coming over here?

As regards exemption, I would say if you remove, under a false plea, persons who out of fear have come to Assam, then you forcibly remove them from Assam and send them back to Pakistan. That would be a most cruel act to commit. You have said in an early part that you could exempt in certain cases. Why should there be any particular exemption? Why not declare that those persons who out of fear, or due to operations, have come from Pakistan to India, they should have the right and the privilege of going back to Pakistan? If you want to have a legislation then see that it is effective and do not have it for the sake of pleasure. You had an Ordinance and you never acted on it. Then shall I be liable to removal when I am going from India to Assam and I have to go through Pakistan? Will there be any repercussions for this Bill or any reprisals because it so happens that the people of Assam are the only ones who have to pass through Pakistan to go to their homes.

The Honourable Shri Mohan Lal Saksena: I think the honourable Member has misapprehended the situation. I have already informed the House that the permit system does not apply to East Pakistan and there is no question of reprisal. If the honourable Member goes to East Pakistan he will not be required to take any permit because no permit system exists on the other side. We have the power and whenever necessary we might apply the Act. So far, we have been advised both by the Provincial Government concerned and our officers that it is not necessary and therefore the honourable Member need have no apprehension that if he goes through Pakistan he will be required to have a permit or that there will be any reprisal against him.

As regards the working of this ordinance, the honourable Member must be aware that since the introduction of this enactment of the Ordinance, we have been able to regulate entry into India from West Pakistan. In the three months preceding July, at which date this permit system came into force, nearly one lakh of Muslims had come over from West Pakistan. Since then our information is that about 40,000 have come, of whom 8,000 have come on a permanent permit and the others have come on temporary permits, which means that they will be going away and if they stay beyond the period for which the permits are granted they are liable to be arrested and externed from India. If they are not prepared to go out of India, then it is just possible they may be kept in jail here. But our policy is to arrest them and send them back to Pakistan.

Mr. Deputy Speaker: The question is:

"That Clauses 7, 8 and 9 stand part of the Bill."

The motion was adopted.

Clauses 7, 8 and 9 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri Mohan Lal Saksena: Sir, I move:

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

Mr. Deputy Speaker: The question is:

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

The motion was adopted.

DELHI HOTELS (CONTROL OF ACCOMMODATION) BILL

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

"That the Bill to provide for the control of accommodation in certain hotels in the Province of Delhi, be taken into consideration."

This is a very small Bill. Every Member of the House is aware that the accommodation position in Delhi is very acute. During the war there was an Ordinance, the rules which enabled officers to commandeer accommodation in the various hotels in Delhi. In 1947 it was thought it was not necessary to have this power and the Ordinance was allowed to lapse. But after the 15th August 1947 the situation developed in such a manner that it has now become absolutely necessary to commandeer accommodation in the various hotels in New Delhi and the Delhi Civil Station. What is sought in this Bill is that up to 25 per cent. of the accommodation in any hotel—the names of these hotels are given in the Schedule—will be commandeered by the Estate Officer and it will be called controlled accommodation in hotels. Having

DELHI HOTELS (CONTROL OF ACCOMMODATION) BILL

done that it will be open to the Estate Officer to see that no suite or room is vacant and that the utmost use is made of this accommodation. He is permitted under clause 4 to allow the management to give it to temporary residents. "Temporary residence" has been defined in clause 2 of the 5 P.M. Bill. Anybody who lives for a period of less than seven days is a temporary resident and the Estate Officer is also empowered to give this available accommodation to government officials and government allottees for any period of time and on such conditions as may be laid down in the order directing the management concerned.

Mr. Deputy Speaker, you well know how very difficult it is for the Government to secure accommodation at a short notice of three or four days. In the course of the last 18 months nearly 35 countries have established their embassies here. Innumerable trade missions, members of international conferences and goodwill missions, observers and all sorts of people are coming to visit this free country and it is up to us to make them as comfortable as possible, so long they come on missions which are intimately connected with the problems of this country. Whatever accommodation Government has in their own hostels is overfull and it is absolutely necessary that the power, in this Bill should be made available to Government. I therefore move that this motion be taken into consideration.

Mr. Deputy Speaker: Motion moved:

"That the Bill to provide for the control of accommodation in certain hotels in the Province of Delhi, be taken into consideration."

The Assembly then adjourned till a Quarter to Eleven of the Clock on Friday, the 8th April, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Friday, 8th April, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

No Questions: Part I not published.

ELECTION TO STANDING COMMITTEE FOR MINISTRY OF LABOUR

The Honourable Shri Satyanarayan Sinha (Minister of State): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the honourable the Speaker may direct, one member to serve on the Standing Committee on subjects with which the Ministry of Labour is concerned, until the end of the current financial year *vice* Shri Homi Mody resigned."

Mr. Speaker: The question is.

"That this Assembly do proceed to elect, in such manner as the honourable the Speaker may direct, one member to serve on the Standing Committee on subjects with which the Ministry of Labour is concerned, until the end of the current financial year *vice* Shri Homi Mody resigned."

The motion was adopted.

ELECTION TO STANDING COMMITTEE FOR MINISTRY OF
INDUSTRY AND SUPPLY

The Honourable Shri Satyanarayan Sinha (Minister of State): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the honourable the Speaker may direct, one member to serve on the Standing Committee on subjects with which the Ministry of Industry and Supply is concerned, until the end of the current financial year *vice* Shri Homi Mody resigned."

Mr. Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as the honourable the Speaker may direct, one member to serve on the Standing Committee on subjects with which the Ministry of Industry and Supply is concerned, until the end of the current financial year *vice* Shri Homi Mody resigned."

The motion was adopted.

Mr. Speaker: I have to inform honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees, namely:

	Date for nomination	Date for Election
1. Standing Committee for the Ministry of Industry and Supply.	8-4-1949	9-4-1949.
2. Standing Committee for the Ministry of Labour.		

[Mr. Speaker]

The nominations for these Committees will be received in the Notice Office upto 3 P.M. on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's room (No. 21) in the Council House between the hours 10-80 A.M. and 1. P.M. tomorrow.

INDUSTRIES (DEVELOPMENT AND CONTROL) BILL

APPOINTMENT OF A MEMBER TO SELECT COMMITTEE

The Honourable Shri Satyanarayan Sinha (Minister of State): Sir, I move:

"That Babu Ramnarayan Singh be appointed to the Select Committee on the Bill to provide for the development, regulation and control of certain industries, *vice* Shri Homi Mody, resigned."

Mr. Speaker: The question is:

"That Babu Ramnarayan Singh be appointed to the Select Committee on the Bill to provide for the development, regulation and control of certain industries, *vice* Shri Homi Mody, resigned."

The motion was adopted.

MOTIONS FOR ADJOURNMENT

PROCEDURE, *re* MOTIONS WHICH ARE OBVIOUSLY INADMISSIBLE AND ON WHICH NO QUESTION OF CONSENT OF THE SPEAKER CAN ARISE—MOTIONS NOT TO BE MENTIONED IN THE HOUSE.

Mr. Speaker: The House will now proceed with Legislative Business.

Maulana Hasrat Mohani (U.P.: Muslim): Sir, what about the adjournment motion of which I gave notice?

Mr. Speaker: I am thankful to the honourable Member for giving me this opportunity of expressing my views on this subject. The adjournment motion tabled by him and another honourable Member is of such a nature, and couched in such language, and groups together so many subjects, that it contravenes all possible rules. Henceforth, I must make it a point that all such motions which are against the rules should not be amended by me and should not even be mentioned in the House. In an obviously inadmissible motion of that type, no question of consent of the Speaker can arise and I am not going to mention the motion here. In similar motions which are submitted to me hereafter, I propose to follow the same procedure. Up to now the procedure in this House has been to mention every adjournment motion, before the House and then say whether the Speaker consents or not. But in motions of this kind I do not think I should take the time of the House and give undue publicity to notices of this type.

DELHI HOTELS (CONTROL OF ACCOMMODATION) BILL

Mr. Speaker: The House will now proceed to consider the Bill to provide for the control of accommodation in certain hotels in the province of Delhi.

Shri R. K. Sidhva (C.P. and Berar: General): Sir, this is a harmless Bill and I welcome it. But there are certain points which I should like the honourable Minister to clear up. The Bill relates to the accommodation of visitors to Delhi, and the Statement of Objects and Reasons refers to the gentleman's agreement between the Estate Officer and the management of the more important hotels in Delhi and New Delhi. This is the second gentleman's agreement; the first was with regard to cloth control and the industrialists broke it; in this case the agreement does not provide the

Estate Officer with adequate powers and the hotel-owners have flouted him. When Government leave it to the good sense of these people it is found that they are out to grab more and more money and then they break the agreement that has been arrived at.

Then apart from accommodation there is the question of charges. The Bill is silent about that. I understand there is some Ordinance or rules about it. I do not mind the charges that they make but it has its reaction on the other smaller hotels. The Taj Mahal Hotel in Bombay which is really a first-class hotel charges only Rs. 35 a day whereas the Imperial Hotel which is only a second-class hotel compared to it charges Rs. 50 a day. And this reacts on the smaller hotels. You cannot get accommodation anywhere these days for less than Rs. 10 a day. And what is the food they give? Under rules framed by Government they give only three courses,—soup, one side dish and dessert or ice cream. And still they make these high charges. I hope the honourable Minister will consider all these points and make the Bill a perfect one.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I am afraid I am not able to wholeheartedly support this Bill. There are certain aspects of it which deserve careful consideration, and I hope the honourable Minister will look into them and do the needful.

The centre of gravity of this Bill is the Estate Officer, a very big officer already armed with tremendous powers, powers which even Hitler did not possess. By this Bill it is proposed to further augment his super-abundant powers. There is no doubt dearth of accommodation in Delhi and the Government wants more accommodation for its guests and for its officers. There is no doubt dearth of accommodation. But I submit this is due to the somewhat slow, halting and hesitating building programme on the part of the Government. Much was expected in the way of building houses in Delhi after the attainment of Independence, but practically nothing has been done. In fact if the Government allowed private parties to build their own houses by allotting to them lands, we would have seen an end of the housing shortage to a large extent. Many of the Embassies find it difficult to accommodate themselves. They asked the Government to allot spaces to them, but in this respect the Government is proceeding in the old, dilatory British fashion. I submit the Government should take in hand urgently and energetically the programme for building houses. That way alone the shortage will cease. The present is just a kind of discrimination between different kinds of occupiers of space. If Government requisitions 25 per cent of the seats in hotels, it encroaches, to that extent, upon the convenience of the public. It is thus favouring certain Government guests and Government officials at the cost of the public at large. To that extent I think there is net loss, no net gain in the available living space, but considerable inconvenience will result to those who come to Delhi and find themselves absolutely stranded.

With regard to the various characters of the menu and the costs mentioned by my honourable friend Mr. Sidhva, I submit with respect that these are not quite relevant to the consideration of the present Bill. If their menus are not good the Government may interfere; if the charges are high there is a case for controlling the rates.

Pandit Lakshmi Kanta Maitra (West Bengal: General): If the cooking is bad?

Mr. Naziruddin Ahmad: If the cooking is bad, as Pandit Lakshmi Kanta Maitra asks, then of course the honourable Minister should try to improve the cooking. But bad cooking, bad menu and high charges should be no ground whatsoever for encroaching upon the available space in the hotels. These only obscure the simple issues under the Bill. This argument, I submit, is not quite relevant.

[Mr. Naziruddin Ahmad]

With regard to the various houses set apart for Members and Government officers, these houses—especially M.L.A. quarters—are occupied by many unauthorised persons—persons other than Members. Questions have been asked as to why they are allowed to go on occupying these quarters. Government do not however reply to the fullest extent to questions and supplementary questions are not answered whole-heartedly and somehow or other, a veil is drawn over the scene. In fact in this matter, some M.L.As. also are partially responsible along with the Government. I submit therefore that with regard to these houses a very strong and bold policy should be followed and the unauthorised persons should be removed. In that way alone we can make available a large amount of space for guests and officers of the Government. There is a class of guests of His Majesty for whom sufficient care is taken in the jails. But so far as other guests are concerned they could be accommodated in houses which could be vacated by the unauthorised persons. I think this halting building policy and this halting policy of refusing or neglecting to clear the Government quarters of unauthorised persons have created this situation.

With regard to the other activities of the Department the less said the better. Recently the floor of the Western Court was dug out and renovated at a large cost. I submit this was not very urgent and the money and energy could have been spared for other things. We have been given new furniture in place of the old and it was supposed that they were superior to the old. But the entire body of lodgers feel that the old furniture were better; the substitutes are definitely worse.

We are going to get rid of landlordism in India. "Landlords must go", is the slogan not only of the Government but of the public at large. In the Provinces landlords have been given notices to quit. That is our national principle. But so far as the Estate Office is concerned it is a big and powerful landlord's office. So the Government wants to remove landlordism from the country only to accumulate all the vices, all the powers, all the other accompaniments of absolute power in the hands of the powerful Estate Officer. I submit that the inconvenience to the people is not in the least removed. Only some discriminatory arrangement is made for certain classes of people whom the Government wishes to favour. Of course the Bill would be passed, but the best way to remove the shortage would be to build more houses and the quicker we take up the programme the better. The honourable Minister who, I submit most respectfully, is one of the most hard-worked, most sincere and the most deserving of all Ministers, has a warm heart but he has not readily accessible ears and eyes. I submit that he should look into these matters a little more personally, and if he looks into them personally. I am sure much of the grievances will be revealed and removed. I hear that some of the officers of our Legislative Department even have no houses to live in and have to move about here and there. I think that has also got to be looked into—not the cases of the big officials alone who can somehow or other shift for themselves.

With these few words I offer a qualified support to the Bill.

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, I wish to say a few conciliatory words to my honourable friend Mr. Sidhya. He was complaining of the high rates and also of the bad food. But does he remember that about two years ago such a hotel as is mentioned in the Schedule to this Bill was mainly reserved for Europeans, Princes and Nawabs and that men like me would have had no right to go there with sandals, dhoti and all this kind of thing? So the authorities are seeing that as a result of independence if we have achieved nothing else we have achieved this, that we have now

a free entry to this kind of hotels. Now, if men like me are going to swell in numbers in this kind of hotels something ought to be done, and the only thing which is possible to be done is to increase the rate of charges and at the same time worsen the quality of food. They do not fear that they will suffer for want of custom. So long as they are having a bar in their hotels there is no fear of losing the custom at all, and therefore they can safely raise the rates and at the same time worsen the quality of the food. But if my honourable friend would be more devoted to his fish and rice I suppose he will get much better value for the price elsewhere.

I also, like my honourable friend Mr. Naziruddin Ahmad, give only a qualified support to this Bill. I can quite understand that in an emergency a provision of this kind is necessary, but in normal times we should not encourage the Government in taking such measures. I have seen in my own Province that a circuit house which was meant for *bona fide* travellers was occupied by a Judge of the High Court for one year and Government would not build a quarter for him. Another Judge in Assam has been living like that for the last five months and Government has not built any quarter for him. All the dak bungalows which are intended for travellers are now full of Sub-Deputy Collectors, D.A.Cs. and you can see their children roaming about in the compounds of the dak bungalows. Government will not do anything to build houses but at the same time they are trying to take away the shelter which is now available. That is a sort of a thing which should not be encouraged. Now, in this City of Delhi there is, as far as I understand, no rest house; *bona fide* travellers do not find a place to live in. You are reserving certain seats only for Government servants or for other persons connected with Government; the ordinary travelling public will suffer. So, I say that instead of depending on such measures and taking away the private hotels and things of that kind, Government should, as soon as possible, try to arrange more accommodation.

Shri Deshbandhu Gupta (Delhi): Sir, I rise to support the motion for consideration, but I am afraid I cannot wholeheartedly support it. It is stated, and rightly stated, that an emergency ceases to be an emergency if it becomes permanent. Although my friend the honourable Mr. Gadgil has been taking personal interest in finding accommodation for Government servants and for the guests of the Government and also for other public purposes, I am sorry I cannot congratulate him on the progress made so far as the building of houses is concerned. As a matter of fact, the building of houses has been retarded during the last two years. When my friend first came before the House with a proposal to give him powers to requisition private houses for governmental purposes, the House was reluctant to do so. I had at that time pointed out that if wide powers are given to the local authorities for requisitioning houses the one result and the only one result of that would be that the building of houses will stop. I can assure him today, quoting example after example, that during the last one year the provisions of the Rent Control Act under which the local authorities have been requisitioning private houses have practically put a stop to all private building operations.

If you go into the history of that, you know that first of all we had made provision simply for the convenience of the Ambassadors. That was the thin end of the wedge. Then we were prepared to leave the requisitioning, so far as the Government of India was concerned, in the hands of the honourable Minister. It had to be extended to the local authorities and ever since that has been done I can tell him that today it is next to impossible for any private owner to put up new houses. If he were to go into the figures of the houses that have been requisitioned or of which orders of requisitioning have been

[Shri Deshbandhu Gupta]

served, he will be stunned. I can tell him from my own experience. I receive every day complaints from so many people. If a house is required for a Government servant drawing Rs. 300 a month, order is served indiscriminately on six or ten houses which may be of the rental of Rs. 300 a month. When these orders are indiscriminately served, those people approach the authorities—the underlings, of course—and then manage with them, so that out of the ten houses notice on which was served, nine are released, one or two are kept and then the process goes on, appeals go on, and all that, ultimately the authorities do not succeed in getting many houses, but the harassment to the landlord is out of all proportion. The rentals are also fixed arbitrarily with the result that the housing programme of people who were building houses inspite of the difficulties, who were getting building material at a much higher cost possibly in the blackmarket, their housing programme is stopped. The Government has not made it easier for the house-builders to get building material at controlled prices. The Improvement Trust has been demanding building material for the people who have brought a large number of plots from the Improvement Trust at fancy prices. The municipal programme is held up because they do not get their requirements in time and they cannot even put up the sweepers' houses. This, in short, is the present position so far as building operations are concerned. I am sorry to say that unless the Government takes a serious view of this aspect of the question and makes it possible for people to build more houses, the problem will not be solved. I had occasion to quote here examples from London where subsidies were given by Government for each house built. Here not only are subsidies not given, even building material is not available at controlled price. What is worse, today we do not give them building material and if one tries to build inspite of the difficulties, he has now to offer so many explanations even to the Income-Tax Department, although I hold no brief for those who have been building or spending out of blackmarket money. The fact is that the limited purpose of this Bill is to control accommodation. I would say that this is not the remedy. The remedy lies in providing more accommodation, building more accommodation.

The people of Delhi have been the worst sufferers after the partition, as our Deputy-Prime Minister admitted the other day in the House. Today, I wonder if my honourable friend is aware of the fact that there are several thousand plots of land, occupied unauthorised, sold by the Improvement Trust to the people of Delhi. The Improvement Trust has been realising big rentals from these people for the last two or three years. There is one condition under the lease that they cannot build any temporary structures on those plots of land. All these unauthorised structures have been put on those plots of land. Those who have occupied those plots forcibly are carrying on their trade there or even living there, but the owners cannot build temporary structures and they are made to pay big rentals every month to the Improvement Trust. The remedy that I would suggest is that the Government should make it possible for those people who own some land to put at least temporary structures on them. The condition of the leases on which these plots have been given to these people should be relaxed and it should be made possible for the owners to put up temporary structures. We have the experience of similar temporary structures. When all the plots in Connaught Place were built up during the war, I understand that orders were issued by the Government that their life should in no case be more than five years. We find today those houses after nearly ten years—our Constitution House and the Constitution Club are examples of the same. So, if temporary structures are allowed to be put on these plots of land, additional accommodation can be made available.

I am at one with Mr. Sidhva, although I have not heard his speech, so far as the general complaint against the hotels in Delhi is concerned. I can say there is much substance in that, but I am sorry to say that the Bill does not provide any relief in respect of those complaints. The standard of the hotels has gone down, the standard of the food and other conveniences has very much deteriorated, and I would have welcomed any provision in the Bill which would have helped to regulate or improve the standard. Of course that is not the object of the Bill and I can see that would not come in this Bill. But, Sir, the difficulty that I have pointed out is a real one. My honourable friend has extended the Rent Control Act by another notification for another two years and I am sure at this rate he will have to extend it further or come before the legislature again with another Bill of a similar nature. I would urge him and appeal to him that he should direct his energy towards the constructive side, make it possible for people to build more houses, rather than come with such legislations.

I find that this Bill is confined to the Notified Area Committee and New Delhi. There may be one or two big Hotels in Old Delhi also. Although I realize that accommodation for Governmental purposes is generally required in bigger hotels like the one mentioned in the Schedule, still Government may have power to extend it to Old Delhi also if it becomes necessary, so that for this purpose they may not have to come with an amendment of the Bill later on. There are one or two big Hotels in Old Delhi too and if necessary an additional clause might be added, so that that accommodation may also be used.

But I would urge upon the Government that we must place a limitation on the period. We should not give it for more than one year, so that Government may know that they cannot go on playing with the accommodation which is really reserved for outside people and their liability to provide accommodation for government servants should not work to the detriment of the general public. I would very much like that the operation of this Bill should be limited for one year.

With these words, I support the motion.

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): Sir, I am grateful to the honourable Members of this House who have offered criticism on this Bill. There are two points made out. One is that there is no provision in this Bill about the control of rent, and the other is that although this Bill is necessary, yet it is not the best remedy to meet the evil which it is proposed to meet under this Bill.

As regards the first point, I want to inform the honourable Members that Part IV of the Bombay Hotel Rent and Lodging Houses Rent Control Act, 1944, has been made applicable to the Municipalities of New Delhi and Delhi and to the Notified Area and the Delhi Civil Station. It is still in force. Section 30 of that Act empowers the Controller, who is the Deputy Commissioner in this instance to fix the fair rate to be charged for boarding, lodging and any other service provided in a hotel or lodging house. This power is adequate and hence no provision has been made in this Bill. Apart from this, I have already asked the Controller concerned to review the whole position, because I have received innumerable complaints and to give only one instance, I have been told that for 12 sandwiches Rs. 31 were charged in one of the hotels. So I have already decided to take up that point. I have also decided to see that the menu is properly revised and a fair return is given for the money paid.

[Shri N. V. Gadgil]

As regards the provisions of this Bill, the general question is really this: What shall Government do when there is short supply of any particular commodity or service? One is to increase it. That is evident. The other is to make the most rational use of whatever is available. This Bill simply attempts to make a rational use of the accommodation available, and honourable Members will see that provision has been made that not a single room lies vacant and if the Government does not require it, immediately the management of the particular Hotel will be given the authority to use it for the purpose of temporarily accommodating others.

My honourable friend Mr. Naziruddin Ahmad raised the question of building programme and he was not very much inclined to congratulate my Ministry. I only want to give him the facts. In the course of this year, the demand for accommodation for government servants has increased so much that it was impossible to build houses or flats in order to meet the requirements of every officer concerned. There are still 13,000 officers of all classes who require accommodation. In the course of the last twelve months, at least serious attempts have been made and some members of the honourable House have already seen the construction that is going on all over New Delhi and Delhi. By the end of September, about 200 flats for the officers, 2000 units for clerks and about 1200 units for Class IV officers will be available for accommodation. With the limiting factors that one has to meet in these days, I do not think that this is entirely a discreditable performance.

My honourable friend Mr. Deshbandhu Gupta has always utilised every opportunity in this House to speak something against the Rent Control Act.

Babu Ramnarayan Singh (Bihar: General): Hear, hear.

The Honourable Shri N. V. Gadgil: I have no objection, but when he makes a point that this particular Act had discouraged building, I only want to state that there has been shift in the agency or ownership of the building, but the total construction has increased. Probably, the House is aware that in the course of the last six months, about 2800 units have been put into use on behalf of the Relief and Rehabilitation Ministry in Delhi. Now, the House knows that the building material is limited and we have got to make the best use of it. Apart from the constructional activities of the Government, including the constructional activities of the Relief and Rehabilitation Ministry, there have been certain houses built in Delhi and near Delhi. The grievance of my honourable friend seems to be that there should be perfect freedom for any private individual to build in any way and anywhere he likes. Things are moving definitely to a situation in which today or tomorrow Government will have to undertake the obligation of accommodating not only its employees but members of the public as well. Now, if that is so, to what extent shall private enterprise be encouraged? As regards construction of hotels in New Delhi or Delhi, the Ministry made several attempts and we really wanted a first-class hotel to be built. We invited those who were in the line and offered every facility, but the condition they wanted was that Government should give them an assurance that the policy of prohibition would not be applied in the case of these hotels. That was rather too much for this Government and hence nothing tangible was done. However, the attempt has not been given up and we hope that very soon some enterprising, patriotic and prohibition-minded contractor will come and take up the job and provide hotel accommodation over and above the persons for whom this Bill has been mainly introduced.

I have nothing more to say. I have noted some of the comments made by honourable Members and the useful suggestions that they have made. All I can say is that although they are not so much relevant to the consideration of this Bill, yet they will be given due consideration at the hands of the Ministry. Sir, I move.

Shri R. K. Sidhva: About rates?

Mr. Speaker: He has already said; the honourable Member perhaps was not attentive.

The question is:

"That the Bill to provide for the control of accommodation in certain hotels in the Province of Delhi, be taken into consideration."

The motion was adopted.

Mr. Speaker: We shall now take up the Bill clause by clause.

श्री लक्ष्मी नारायण राहू : वाचस्पति जी, काम, खान और शक्ति (क्वर्स, माइन्स और पावर) के मन्त्री जी ने हम लोगों के सामने जो बिल रखा है उस का मैंने बहुत अच्छी तरह से अध्ययन किया है। लेकिन इस में मैं कुछ संशोधन देता हूँ। पहिला संशोधन यह है :

"That in part (f) of clause 2 of the Bill, for the word 'seven days', the words 'a month' be substituted."

यह परिवर्तन देने का मतलब यह है कि (f) में लिखा है कि—

"'temporary resident' means a person other than a Government allottee who is taken as a resident in a hotel for a period not exceeding seven days."

इस में कम से कम जो एक महीना रखा गया है उस का असर यह होगा कि...

Mr. Speaker: I find that similar amendments are tabled to clauses 4 and 8. I believe that there would be no further argument again when those clauses are moved. The principle is common to all.

श्री लक्ष्मी नारायण राहू : क्लॉज ४ में परिवर्तन करने का संशोधन इस

तरह से आता है :

"That in sub-clause (1) of clause 4 of the Bill, for the words 'seven days', occurring in line three, the words 'one month' be substituted."

यह सब संशोधन का मतलब यह है कि जो आदमी बाहर से आता है वह कुछ दिन-अरूर होटल में ठहरेगा तो उसको ज्यादा से ज्यादा दिन ठहरने के लिये सुविधा देनी चाहिये। सात दिन रह कर अगर उस आदमी को बाहर निकाल देंगे तो वह कहां जायेगा, इस के लिये भी हम को सोचना चाहिये।

इस बिल के जरिये स्टेट आफिसर को बहुत ज्यादा पावर दे दी गई है। इसलिये मेरा दूसरा संशोधन यह है कि इतनी पावर स्टेट आफिसर को नहीं देनी चाहिये। जैसा कि क्लॉज ४ के सब क्लॉज ३, ४ और ५ में, जो मेरे संशोधन आते हैं, उन से यह सब चीज हटा देनी चाहिये। यह जो प्रस्तुत विधि (बिल) है उस विधि (बिल) का लक्ष्य यह है कि:

"the object of the present Bill is to provide him with such powers under such conditions as will ensure that while Government exercise adequate control over available accommodation in private hotels, the legitimate interests of the management do not suffer."

इस बात को देखने के लिये क्या प्रबन्ध है कि मैनेजमेंट किसी प्रकार से सफ़र (Suffer) नहीं करेगा। इस बात के लिये मैंने एक संशोधन रखा है जिस से मैनेजमेंट सफ़र (Suffer) न कर सके और उन की रक्षा हो सके। इस संशोधन में कहा गया है कि ३ मेम्बरों की एक कमेटी हो, जिस में एक मेम्बर तो स्टेट आफिसर की तरफ

Pandit Lakshmi Kanta Maitra (West Bengal: General): If the cooking is

[श्री लक्ष्मी नारायण साहू]

से हो, दूसरा होटल वालों की तरफ से हो और तीसरा होटल में रहने वाले आदमियों की तरफ से हो। यह कमेटी खाने पीने का प्रबन्ध और कमरों को बांटने का भी प्रबन्ध अच्छी तरह से कर सकती है। इस तरह से तीनों के प्रतिनिधि इस कमेटी में रहेंगे तो काम अच्छी तरह से हो सकेगा और खाने पीने का भी प्रबन्ध अच्छी तरह से हो सकेगा।

मेरे और भी संशोधन हैं।

Mr. Speaker: The honourable Member seems to have misunderstood my suggestion. I did not want him to move all his amendments. This amendment says that so far as clause 2 is concerned, for the words "seven days", the words "a month" be substituted. There are identical amendments in respect of the further clauses, clauses 4 and 8. All that I wanted to say was that the argument in respect of this aspect of the Bill will be common to all these amendments. The other amendments which he proposes to move in respect of clauses 4 and 8 may be moved when we come to those clauses, not at this stage.

श्री लक्ष्मी नारायण साहू : समय कम है, इसलिये मैं चाहता हूँ कि मेरे जितने संशोधन हैं, मैं उन के बारे में कह दूँ।

Mr. Speaker: That will not be regular. He cannot speak in respect of clauses 4 and 8 when clause 2 is under consideration. He should restrict his remarks to clause 2 only.

श्री लक्ष्मी नारायण साहू : तो इस के बारे में मैं ज्यादा नहीं कहना चाहता हूँ। मैं इतना कह कर यह संशोधन खत्म करता हूँ।

(English translation of the above)

Shri Lakshminarayan Sahu (Orissa: General): Mr. Speaker, I have fully studied the Bill which the honourable Minister for Works, Mines and Power has placed before us. I would, however, propose some amendments to the same. I move the first amendment which is as follows:

"That in part (f) of clause 2 of the Bill, for the words 'seven days', the words 'a month' be substituted."

This change is proposed because part (f) contains the following:

"'temporary resident' means a person other than a Government allottee who is taken as a resident in a hotel for a period not exceeding seven days."

The effect of fixing the minimum period herein as one month would be that.....

Mr. Speaker: I find that similar amendments are tabled to clauses 4 and 8. I believe that there would be no further argument again when those clauses are moved. The principle is common to all.

Shri Lakshminarayan Sahu: The amendment seeking to modify clause 4 reads thus:

"That in sub-clause (1) of clause 4 of the Bill, for the words 'seven days' occurring in line three, the words 'one month' be substituted."

The idea behind all these amendments, is that a man who comes from outside is sure to stay at the hotel for some days. He must therefore be granted facilities for staying for the maximum possible number of days. Where will the man go if he is turned out after a stay of 7 days? We must consider that point.

Very great power has been vested in the Estate Officer under this Bill. Therefore my second amendment is that the Estate Officer should not be

invested with so much power. According to my amendments to sub-clauses 3, 4, and 5 of clause 4, all these provisions should be deleted. The aim of the present Bill is thus stated:

"The object of the present bill is to provide him with such powers under such conditions as well ensure that while Government exercise adequate control over available accommodation in private hotels, the legitimate interests of the management do not suffer."

What provision is there to ensure that the management would not suffer in any way? I have moved an amendment so that the management should not suffer and could be afforded protection. Under this amendment it has been proposed that there should be a committee consisting of three members, one representing the Estate Office, another representing the hotel owners and a third representing the hotel residents. This committee can very well attend to the messing arrangements as also the allotment of rooms. In this way, if the representatives of all the three interests are there in this committee work would proceed smoothly and it would also be possible to make satisfactory arrangements about the mess.

I have also other amendments to move.

Mr. Speaker: The honourable Member seems to have misunderstood my suggestion. I did not want him to move all his amendments. This amendment says that so far as clause 2 is concerned, for the words 'seven days' the words 'a month' be substituted. There are identical amendments in respect of the further clauses, clauses 4 and 8. All that I wanted to say was that the argument in respect of this aspect of the Bill will be common to all these clauses. The other amendments which he proposes to move in respect of clauses 4 and 8 he may move when we come to those clauses, not at this stage.

Shri Lakshminarayan Sahu: The time is short; therefore I want to say now what I have to say about all my amendments.

Mr. Speaker: That will not be regular. He cannot speak in respect of clauses 4 and 8 when clause 2 is for consideration. He should restrict his remarks to clause 2 only.

Shri Lakshminarayan Sahu: Then I do not want to say anything more about it and would close with this.

Mr. Speaker: Amendment moved:
"That in part (f) of clause 2 of the Bill, for the words 'seven days', the words 'a month' be substituted."

The Honourable Shri N. V. Gadgil: Sir, I cannot accept this amendment. The honourable Member has not understood clause 4 of this Bill. What is stated here is that up to twentyfive per cent. of the accommodation will be taken over and will be called controlled accommodation. If that controlled accommodation is not required immediately for government purposes, the Estate Officer will permit the management to give it to a temporary resident for a period not exceeding seven days. If the Estate Officer finds that he can release the accommodation for any further period, he will continually go on releasing it. The whole position is that the Government should see that accommodation is available when they expect a lot of people for whom they are under an obligation to provide accommodation. Seventyfive per cent. of the accommodation is always available for the management to accommodate temporary residents. The period may extend even to a year. The Bill has nothing to do with that. The Bill is confined only to twentyfive per cent. of the accommodation which will be controlled under the provisions of this Bill.

Mr. Speaker: The question is:
"That in part (f) of clause 2 of the Bill, for the words 'seven days', the words 'a month' be substituted."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Speaker: Shri Lakshminarayan Sahu, may move his amendments Nos. 5, 6 and 7. Amendments Nos. 3 and 4 are covered by the decision of the House just taken. He may, if he likes move them together for the deletion of sub-clauses (3), (4) and (5).

श्री लक्ष्मी नारायण साहू : क्लॉज ३ में मेरा संशोधन यह है कि :

"That in sub-clause (1) of clause 3 of the Bill, for the word 'twenty-five' the word 'twenty' be substituted."

इसमें ज्यादा दहस करने की बात नहीं है। २५ रखने से बहुत ज्यादा हो जायेगा और यह मैनेजमेंट करने वाले के लिये भी ज्यादा हो जायेगा और सुविधा होगी। इस लिये मैंने इस को २० रखा है और यह मैनेजमेंट के लिये भी अच्छा होगा।

(English translation of the above)

Shri Lakshminarayan Sahu: Sir, I move my amendment to Clause 3:

"That in sub-clause (1) of clause 3 of the Bill, for the word 'twenty-five' the word 'twenty' be substituted."

It is not necessary to have lengthy discussion on this point. By having 25 it will be too much. It will be too much for the managers also and so much inconvenience will be caused. Therefore I have placed it as 20 and this will suit the management also.

Mr. Speaker: Amendment moved:

"That in sub-clause (1) of clause 3 of the Bill, for the word 'twenty-five' the word 'twenty' be substituted."

आनरेबल श्री एन० वी० गैडगिल : मैं इस संशोधन को भी मंजूर नहीं करता।

The Honourable Shri N. V. Gadgil: I do not accept this amendment also.

Shri Lakshminarayan Sahu: Sir, I beg leave of the House to withdraw my amendment.

Mr. Speaker: Has the honourable Member leave of the House to withdraw his amendment?

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

Mr. Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Mr. Speaker: The honourable Member may move his amendments now, as I said. The substance of these amendments having been decided upon and rejected by the House, I do not think he can move amendments 3 and 4 for substitution of the words 'one month' in place of the words 'seven days'. He can move the other three amendments. He may move a consolidated amendment for deleting sub-clauses (3), (4) and (5).

श्री लक्ष्मी नारायण साहू : Sir, I beg to move:

"That sub-clauses (3), (4) and (5) of clause 4 of the Bill be omitted."

यह जो सब क्लॉज (३) है इस को हटा देना चाहिये। इस में स्टेट आफिसर को बहुत ताकत दी गई है। मेरी समझ में इतनी ताकत स्टेट आफिसर को देने से होटल के मैनेजर को बहुत दिक्कत में पड़ना पड़ेगा। इसलिये यह जो पावर सब क्लॉज (३), (४) और (५) में दी गई है उस को हटा देना चाहिए। इस को हटा देने से जो होटल चलाते हैं उन के लिये बहुत सुविधा हो जायेगी। नहीं तो हर बात में स्टेट आफिसर आ कर उन के हर एक काम में अपना पंजा रखेगा, जिस से होटल चलाने वाले को बहुत मुश्किल का सामना करना पड़ेगा। इसलिये मैं चाहता हूँ कि यह चीज हटा देनी चाहिये। मैं इस में इतना ही कहना चाहता हूँ।

(English translation of the above)

Shri Lakshminarayan Sahu: Sir, I beg to move:

"That sub-clauses (3), (4) and (5) of clause 4 of the Bill be omitted."

In this clause too much power has been vested in the Estate Officer. By vesting so much power in the Estate Officer I think the hotel managers will have to face great difficulties. Therefore the power that has been vested according to sub-clauses (3), (4) and (5) should be done away. By doing so the managers of the hotels will get much relief. Otherwise the Estate Officer will poke his nose into each and every matter with the result that the managers of the hotels will have to face a lot of difficulties. Therefore, I wish that this should be deleted. I wish to submit only so much.

Mr. Speaker: Amendment moved:

"That sub-clauses (3), (4) and (5) of clause 4 of the Bill be omitted."

The Honourable Shri N. V. Gadgil: Sir, I cannot accept deletion of sub-clause (3). This sub-clause enables the management to ask for a further extension and the only consideration that will weigh with the Estate Officer is the requirements of accommodation for Government officers or other persons for whom he is required to find accommodation and if he thinks he can, he will certainly extend the time. Therefore, I cannot accept this.

As regards the omission of sub-clause (5), I think the position will be worse if this clause is omitted. In that case the temporary resident will have to be thrown out immediately. In sub-clause (5) power is given that even after the service of notice, the temporary resident can stay for three days more. If this is deleted, the position becomes worse. In order to see that some equitable relief is given, this sub-clause has been framed and in the interest of the temporary residents, it ought to be there.

Mr. Speaker: The question is:

"That sub-clauses (3), (4) and (5) of clause 4 of the Bill be omitted."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Mr. Speaker: We can now take up clauses 5 to 8 of the Bill. As regards clause 8, I find Mr. Lakshminarayan Sahu has got an identical amendment.

Shri Lakshminarayan Sahu: I do not want to move that amendment.

Mr. Naziruddin Ahmad: Sir, I wish to speak on clauses 7 and 8.

With regard to sub-clauses (a) and (b) of clause 7, they are very drastic and dangerous in its nature. Sub-clause (a) empowers the Estate Officer to enter any hotel between sunrise and sun-set or authorise any officer subordinate to him to enter and inspect any hotel. Hotel includes also all rooms, including I believe bath-rooms. (An honourable Member: 'Hotel is a public place.') Sir, it puts no restriction upon the exercise of that authority. I submit, Sir, that the exercise of this power may lead to serious inconvenience to the residents and also trouble.

With regard to clause 8, a nominal right of appeal is given to the Manager or Proprietor of the Hotel. The proviso to sub-clause (1), however, seriously restricts the utility of this right of appeal altogether. It is said that no such appeal shall lie except on the ground that the provisions of this Act have not been complied with. All that is necessary to make it legal and absolutely final is only to formally comply with the provisions of the Act. Never mind whether it is *bona fide*, whether it is arbitrary, whether it is convenient or inconvenient. As soon as the Estate Officer thinks that he requires a room, he can at once give notice and take possession of it and there would be no appeal against his decision. The Bill gives him most arbitrary powers who might utilise them in a most tyrannical manner without any real right of appeal. In fact if the proviso is deleted, there will be some discretion in the appellate authority to give real relief in appropriate cases. It may be that the Estate Officer may on mistaken or meagre or incorrect information, pass orders, which may be highly inconvenient and unjust on the merits. To keep the proviso would seriously affect the hotel-keepers and it will also cause serious inconvenience to residents and visitors. These are the few things, which I wish to make.

Then coming to clause 9...

Mr. Speaker: I have not put in clause 9 yet.

Mr. Naziruddin Ahmad: Sir, I do not wish to argue the matter. I simply wish to point out the drastic nature of the penalty provided in clause 9. It makes the arbitrary power absolute.

The Honourable Shri N. V. Gadgil: The short reply to this is that if the provisions of this Bill are to be carried out thoroughly and efficiently, the power to enter and inspect must be there, because it is just there that abuses creep in. Whereas in the books, it will be shown that the room is kept by one person, as a matter of fact, more than two will be found there. That is the reason why this power is taken.

As regards the proviso in clause 8, my submission to this House is that this is a matter in which the Government of the day has to make up its mind. Take for example, Sir, the Government of the day has decided that a Conference on Indonesia should be called. Then it is the obligation of the Government to make provision for that. If the Court of Appeal is allowed to go into the merits, gates will be opened wider and the Court will decide whether it was in the interests of the country or not and whether the Conference should have been called or not. I think such a situation is bound to arise, if you go into the merits. Therefore provision is made that the grounds of appeal should only be restricted to the point whether the provisions of this Bill have been complied with or not, and I think that if this provision is deleted, the object of this Bill will be frustrated and the function which has to be discharged by the Executive will have to be given over to the judiciary of the land and this is not a desirable state of affairs.

Mr. Speaker: The question is:

"That clauses 5, 6, 7 and 8 stand part of the Bill."

The motion was adopted.

Clauses 5, 6, 7 and 8 were added to the Bill.

श्री लक्ष्मी नारायण साहू : मैं एक नया क्लॉज ए देना चाहता

हूँ । Sir, I beg to move:

"That after clause 8 of the Bill, the following new clause be inserted :

'8A. There shall be an Advisory Committee of three people representing the hotels, the Estate Office and the permanent boarders respectively, to assist the Chief Commissioner, Delhi.'

इस संशोधन के देने का मेरा मतलब यह है कि होटल का जो बन्दोबस्त है यह सब अच्छी तरह से चले और किसी को कोई आपत्ति भी नहीं रहे। इसीलिये जो होटल में रहते हैं उनका प्रतिनिधि, एस्टेट आफिस का एक प्रतिनिधि और जो होटल चलाते हैं उनका एक प्रतिनिधि यह तीनों प्रतिनिधि चोफ कमिश्नर की मदद करेंगे तो किसी को कुछ आपत्ति नहीं रहेगी।

(English translation of the above)

Shri Lakshminarayan Sahu: I wish to add a new clause 8A. Sir, I beg to move:

"That after clause 8 of the Bill, the following new clause be inserted :

'8A. There shall be an Advisory Committee of three people representing the hotels, the Estate Office and the permanent boarders respectively, to assist the Chief Commissioner, Delhi.'

By this amendment I mean only this that the management of the hotels may be run properly and nobody may have any complaints. Therefore, if one representative each of the permanent boarders, the Estate Office and the managements of the hotels assist the Chief Commissioner then nobody will have any complaints.

Mr. Speaker: Amendment moved:

"That after clause 8 of the Bill, the following new clause be inserted :

'8A. There shall be an Advisory Committee of three people representing the hotels, the Estate Office and the permanent boarders respectively, to assist the Chief Commissioner, Delhi.'

The Honourable Shri N. V. Gadgil: I do not accept the amendment.

Mr. Speaker: The question is:

"That after clause 8 of the Bill, the following new clause be inserted :

'8A. There shall be an Advisory Committee of three people representing the hotels, the Estate Office and the permanent boarders respectively to assist the Chief Commissioner, Delhi.'

The motion was negatived.

Mr. Speaker: The question is:

"That clause 9, 10, 11 and 12 stand part of the Bill."

The motion was adopted.

Clauses 9, 10, 11, and 12 were added to the Bill.

The Schedule was added to the Bill.

Shri Deshbandhu Gupta: Sir, I have made a suggestion to the honourable Minister that there should be time limit placed so far as the operation of this

[Shri Deshbandhu Gupta]

Bill is concerned. I could not move a regular amendment. But I would request him that the operation of the Bill should not in any case be more than two years. If he can accept one year that would be better. We have accepted that principle in the case of the Rent Control Act. I do not see any reason why the honourable Minister should not accept this suggestion by way of an amendment of which I have given notice. He may be pleased to accept it. The Act may be in force for two years. Let it not be for an indefinite period.

The Honourable Shri N. V. Gadgil: During War an Ordinance was promulgated to enable Government to take over accommodations. It was allowed to lapse. But situation became serious and hence this Bill. I can promise the honourable Member that if we find that this Act has become useless within six months Government will not make any use of it. But if we find it necessary to keep it in even for five years, we will have it for that period.

Mr. Speaker: The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

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

"That the Bill be passed."

Mr. Speaker: Motion moved:

"That the Bill be passed."

Dr. P. S. Deshmukh (C. P. and Berar: General): Sir, we have very expeditiously agreed to giving extensive powers to the Estate Officer and I am sure the honourable Minister has reason to feel satisfied, if not thankful to the House.

Before the Bill is passed into law, however, I would like to make a few observations with regard to the Estate office and its management and affairs. I am sorry to say that more than one Member of this House has got very very severe complaints to make so far as the Estate office administration is concerned in spite of the increasing willingness, good wishes and energy, etc and promises on the part of the honourable Minister to help members to get what they want. In spite of all these, we find that even honourable Members have been put to a good deal of harassment. Honourable Members of this House may not probably be distinguished from ordinary citizens, but the point is that if the honourable Members of the House can be insulted with impunity and can be harassed without any redress for months and months, what must be the difficulties of an average citizen or refugee? This is the question I would like to ask the honourable Minister. Sir, while we agree that the Estate Officer should have wide powers I would impress upon the honourable Minister that there is necessity for stricter supervision. I do not find fault with any individual officer or with the honourable Minister. But something is extremely wrong so far as the Estate office is concerned. There are innumerable complaints which are well-founded and which are justified and which have not been rectified for months and months. So far as my own personal experience is concerned, I would not like to refer to it as it is an individual case. That would not be fair. But I would like to say to the honourable Minister that if this is the way in which honourable Members of

the House are going to be treated, I think nobody can have any respect either for his Department or for the Ministry or for himself. *(Interruption)* If my honourable friend and other members of the House would like to know the details I would give them. There are more than three members who have been victimized to my knowledge.

Mr. Speaker: The honourable Member could not go into those details.

Dr. P. S. Deshmukh: I was myself trying to avoid it, Sir. The grievance is certainly of a very grave nature. Not only I myself but many others have been left completely at the mercy of the Estate Office.....

Mr. Speaker: The honourable Member need not go into that.

Dr. P. S. Deshmukh: I will very briefly refer.....

Mr. Speaker: Not to that particular instance.

Dr. P. S. Deshmukh: I will only state the result. It was due entirely to the inefficiency of the Estate Office that I had to leave the bungalow allotted to me. I am also supposed to be continuing to pay rent, even when I am not occupying the House. What I object to most is that we have no remedy to stop even the calumny and the defamation which are going on of the honourable Members of this House by those people who have taken advantage of the Estate Office and their officers. This calumny arose out of the fact that our names have been stated in answer to a question and published in journals as people who have rented their houses to somebody and as if we had taken some *pugri*.

Mr. Speaker: The honourable Member is again going into something which is not allowed.

Dr. P. S. Deshmukh: These things cannot be set right without personal attention and, I am afraid that attention is not being paid. The case of Mr. Poonacha is worse. He has been most shabbily treated. No words can be sufficient to condemn the way in which he was harassed.

So, Sir, I have no objection to giving the authorities these powers. I only say that they must be well used. I am told the situation described by me arose owing to certain humanitarian circulars having been issued by high placed persons. This is another side of the whole question concerning the Estate Officers. But whatever that be, it must be seen that justice is done to everybody and there is no harassment. It is said that there are certain circulars which prohibit the Estate Office.....

Mr. Speaker: The honourable Member is again going into details at this third reading. His point is that the Estate Officer has been armed with very wide powers and that the Honourable Minister should be careful to see that those powers are not exercised arbitrarily or in a manner harassing others.

Dr. P. S. Deshmukh: But he would not be convinced of the necessity for close supervision unless he knows all the facts.

Mr. Speaker: He may be informed of these at a convenient place, not in the House, otherwise it will be discussion of an individual case where the other side has no opportunity of replying to the honourable Member.

Dr. P. S. Deshmukh: If that is the support which you are also inclined to give I do not wish to take any more time of the House. I hope the honourable Minister will kindly look into it personally and recognising that honourable Members who come here do so, not to fight out their cases in courts of law or to go to the District Superintendents of Police for protection, but for the country's cause, see that they are provided with proper accommodation and not harassment.

Babu Ramnarayan Singh: Sir, I will take only a few minutes and no more. We are passing legislation after legislation giving the Government unlimited powers in all spheres of life. If my honourable friend Mr. Gadgil is to personally make use of those powers, I would not be reluctant to give him such powers. Who does not know that these powers are going to be exercised by others and exercised not in the manner in which they ought to be used.

Sir, in the name of providing accommodation much mischief is being done here in Delhi. Lots of lands have been taken from the peasants some 13 or 14 years ago and no accommodation has been built thereon. The land is lying fallow and in some cases the tenants have been paid the price thrice. So in the name of providing accommodation a lot of mischief has been done in this very town of Delhi. Yet the Government are asking for more powers in this respect. Large powers have been given to the Estate Officer. There was a time when every week an officer used to come and make enquiries about our conveniences. For the past two years no officer has seen us on this mission.

Mr. Speaker: This is not an occasion for ventilating personal grievances against the Estate Officer. The relevancy consists only in the fact whether the Estate Officer is capable of exercising his powers in a proper manner without harassing other people and whether he should be trusted with the powers that are being given under this Bill in connection with hotels. That is how the relevancy of the management by the Estate Officer comes in. However, this is not the occasion for airing all sorts of grievances against management by the Estate Officer.

Babu Ramnarayan Singh: I am not talking in a detailed manner. I was only referring to matters as far as the exercise of the powers is concerned. The powers are now given for the convenience of the people concerned and here we say that the powers are to give occasion for mischief to the people and not any advantage to the people. I was only referring to that. This was also referred to by another honourable Member. Even we the Members of the Assembly are not properly dealt with. For the past two years no officer came to us to enquire about our conveniences and whenever we wrote anything to the enquiry office I do not think it is properly looked into. However I must say that recently I made a lot of complaint and this has been attended to I can say that this is after two years.

There are some hotels under the direct management of the Government. I hear a lot of complaints from those hotels, though I am not personally concerned with them. Food is not properly catered nor properly served. Not only that, though Government gives people accommodation there is a contractor in every hotel to manage it.

Mr. Speaker: I think the honourable Member is going beyond the scope of the Bill.

Babu Ramnarayan Singh: Only one sentence, Sir. The boarders are forced to take meals given in the hotels.

Mr. Speaker: Order, order. The honourable Member is going beyond the scope of the Bill. He will close his speech.

WEST GODAVARI DISTRICT (ASSIMILATION OF LAWS ON FEDERAL SUBJECTS) BILL 2501

The Honourable Shri N. V. Gadgil: Sir, on the assumption that all that has been said is strictly relevant to the consideration of this Bill I propose to reply very shortly. As has been well said by my honourable friend Dr. Deshmukh that we have been always kind in helping honourable Members, I might say that I have always interpreted the rules liberally in favour of Members and wherever I could not help the only justification was that certain legal consequences that would follow were so terrible, that it was absolutely necessary on my part to interpret the rules strictly.

The difficulty about certain Members being charged rent although they were not or are not in occupation is this. Their kindness in sharing their accommodation with the refugees has been abused by the latter. In fact if I took eviction proceedings straightaway and throw them on the streets I would be perfectly justified. But there is such a thing as a human approach to a problem. (Interruption.) I am doing my best to see that no Member is made to pay illegally. Not only this I give an assurance that in regard to those who have been made to pay for a period during which they did not occupy the quarters I shall take steps to recover the corresponding amounts from those who were in actual occupation. If I succeed the money will be repaid. If we do not succeed, the House will I am sure take a liberal view of the position.

Dr. P. S. Deshmukh: No, Sir. What is this liberal view?

Mr. Speaker: The honourable Minister may proceed.

The Honourable Shri N. V. Gadgil: As regards the complaint about Government hostels raised by Babu Ramnarayan Singh the position is that a contractor can only be expected to take a big contract on the understanding that those who live there will board there. That is the position. But even there wherever I found hard cases I have made exceptions. It is not in every case that I go strictly by the rule and wherever I am convinced that there is a justification for departure from the rules I have done so and shall continue to do so.

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

WEST GODAVARI DISTRICT (ASSIMILATION OF LAWS ON FEDERAL SUBJECTS) BILL

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

"That the Bill to assimilate certain laws in force in different parts of the West Godavari District of the Province of Madras, be taken into consideration."

This is a very small Bill. In June 1948 the Governor General passed an order called the Madras Partially Excluded Area (Cesser) Order, by which 37 villages which previously formed part of a partially excluded area in the West Godavari District of the Province of Madras were transferred to the ordinary administration of that Province with effect from 1st July, 1948. This transfer, however, did not mean that the laws which are available for the rest of the area of Madras were immediately available for this area also. In order to achieve this result something by way of legislation here in the Centre as well as in the provinces is necessary. This Bill is confined to Federal Subjects; as far as items in the provincial and concurrent lists are concerned a similar legislation will be soon introduced in the province of Madras. That is the only object of this Bill. It is a non-controversial measure. Sir, I move.

Mr. Speaker: The question is:

"That the Bill to assimilate certain laws in force in different parts of the West Godavari District of the Province of Madras, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That Clauses 1 to 4 stand part of the Bill."

The motion was adopted.

Clauses 1 to 4 were added to the Bill.

The Schedule was added to the Bill.

The Title and the Preamble were added to the Bill.

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

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

DISPLACED PERSONS (LEGAL PROCEEDINGS) BILL

The Honourable Shri Mohan Lal Saksena (Minister of State for Relief and Rehabilitation): Sir, I move:

"That the Bill to make special provision for the relief of displaced persons in respect of certain legal proceedings, be taken into consideration."

Due to the unavoidable absence of Dr. Ambedkar, I am making this motion. As stated in the Statement of Objects and Reasons, in addition to certain reliefs which have already been given to the displaced persons by an earlier Act by this House, this Bill provides for certain other reliefs. Firstly, it is in regard to the restoration of *ex-parte* orders passed dismissing a suit or the restoration of certain applications dismissed for default. Provision is made in this Bill for giving relief to the judgment debtors in regard to payment. As honourable Members must be aware there is a large number of displaced persons who have either taken loans from the Government or from other parties and they have set up certain businesses, and if a decree is executed on whatever assets they have been able to accumulate or attach, they will be again thrown out altogether. Therefore, it is proposed that discretion should be given to courts to exempt the judgment debtors or to fix up instalments in case of execution of these decrees. There is a provision to postpone insolvency proceedings against displaced persons where necessary and execute decrees passed before the 15th August 1947 by courts now situated in Pakistan in favour of persons now residing in India. As honourable Members must be aware Pakistan is foreign territory and as such a decree passed in a foreign territory cannot be executed in India. But by this Bill it is provided that where a judgment debtor and decree holder, both happen to be displaced persons and residing in India, such a decree may be executed irrespective of the fact that Pakistan is foreign territory. This Bill was placed before the Standing Committee for the Law Ministry and it has been approved and I hope the House will accord its approval to this Bill.

Mr. Speaker: The question is:

"That the Bill to make special provision for the relief of displaced persons in respect of certain legal proceedings, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

DISPLACED PERSONS (LEGAL PROCEEDINGS) BILL

Pandit Thakur Das Bhargava (East Punjab: General): I have given notice of certain amendments that the proviso be deleted, but instead of deleting the proviso, with your permission I beg to move the following amendment:

"That in the Proviso to clause 3 of the Bill, for the words 'could not return to India in time for making the application' the words 'has subsequently returned to India' be substituted."

I hope the honourable Minister will kindly accept this amendment because by accepting this amendment he gives a right to certain persons mentioned in the proviso and those persons will be able to take advantage of his amendment in an efficient manner. Now in the proviso as it stands, I feel that the person whom the law wants to favour will apply and go to the court, but the court will not be able to give relief as the words "could not return to India in time for making the application" will be construed strictly. The law at present stands like this: that in any application for setting aside an *ex-parte* decree, a person has a right to apply within 30 days of the decree or within such time as the Courts think he has sufficient cause for not applying. If the law is taken as it stands at present, then this applicant whom the law wants to favour will be in such a position that he shall have to explain for every day after his return to India after August 1947. Now it is one year and eight months ago, and for him to explain every day's delay will be difficult. So if the law wants to give him a concession, these words will certainly entitle him to get the concession and the object of the law will be fulfilled.

Therefore, in moving this Amendment, I request the honourable Minister kindly to accept it.

Mr. Speaker: Amendment moved:

"That in the Proviso to clause 3 of the Bill, for the words 'could not return to India in time for making the application' the words 'has subsequently returned to India' be substituted."

I understand that he is not going to move the first part of the amendment with reference to the main paragraph.

Pandit Thakur Das Bhargava: No, Sir.

The Honourable Shri Mohan Lal Saksena: I accept the amendment.

Mr. Speaker: The question is:

"That in the Proviso to clause 3 of the Bill, for the words 'could not return to India in time for making the application' the words 'has subsequently returned to India' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That Clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Mr. Speaker: Is the honourable Member going to move his amendments?

Pandit Thakur Das Bhargava: I do not propose to move any of these amendments.

Mr. Speaker: The question is:

"That Clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5, 6, 7 and 8 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri Mohan Lal Saksena: Sir, I move:

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

Mr. Speaker: The question is:

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

The motion was adopted.

INDIAN TEA CONTROL (AMENDMENT) BILL

The Honourable Shri K. C. Neogy (Minister of Commerce): Sir, I move:

"That the Bill further to amend the Indian Tea Control Act, 1938, be taken into consideration."

I venture to think that this Bill does not raise any question of principle. It is concerned with three separate points which are of a technical character. The law itself which is sought to be amended by this Bill is likely to expire a year hence. Therefore I hope that no questions of principle would be raised in the discussion on this particular measure. The notes on clauses explain the objects with which this Bill has been promoted. The first point which is dealt with in clause 2 relates to the definition of the "owner of a tea estate". The owner of the land is not necessarily the owner of the tea estate. We wanted to make it quite clear that the reference to the owner of a tea estate will mean the owner of the garden and not of the land of the garden which may be leased out.

Clause 3 relates to certain permissions for expansion in tea cultivation which were granted but not utilised in respect of a particular period. These permissions have lapsed and the intention is to revalidate these licenses.

The other point is with reference to the process of classification of tea gardens. In a particular case in Assam a tea garden instead of being acquired by Government under the Land Acquisition Act was purchased by way of private treaty. The question arose whether the privilege of replacement would be granted to the owner of this garden, unless a specific provision of this kind were made, namely that acquisition under private treaty would qualify for purposes of privilege of replacement and that clause under the Land Acquisition Act is not essentially for this particular purpose.

These are the three principal points. Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Indian Tea Control Act, 1938, be taken into consideration."

Srijut Kuladhar Chaliha (Assam: General): Sir, I find some difficulty with regard to the definition of the owner in the clause, where it says:

"with reference to a tea estate or garden, or a sub-division thereof, the possession of which has been transferred by lease, mortgage or otherwise, means the transferee so long as his right to possession subsists."

My difficulty arises not as regards lease or mortgage but by the use of the words "or otherwise". Sometimes we find that owners had exchanged preliminary letters in order to facilitate business. They even inform the Tea Licensing Committee before actual transaction of business or receiving any advance of money or execution of formal documents. Sometimes it happens that over-intelligent people in Calcutta and other interests and agencies involve people in long-drawn out cases. I myself was involved in such a case for five or six years and I had to engage the best of lawyers, like Sir S. M. Bose, Mr. S. R. Das, Mr. G. C. Das and Mr. A. K. Sarkar, all of whom have become judges. After six years I got out of it through the intervention of Sir Roopen Mitter who advised the other party to compromise the suits. The word "otherwise" is very dangerous in its implication. The preliminary letters which are sent to the Licensing Committee in order to have the negotiation formally confirmed afterwards should not be acted upon at once. The Licensing Committee should have confirmation letters by reference to the owner. I was myself involved in a very difficult case like this, simply because I sent a letter in anticipation that the other transactions would be fulfilled duly which the agents never did and kept me hanging in the air for seven years in the Calcutta High Court. The word "otherwise" gives a very big loophole. I would submit to the honourable Minister that we should not be outwitted by very clever lawyers and Box and Cox Companies. A reference should be made to the owner of the tea estate or of the owner of the land whether the letters which they have made over to the agents are going to be carried out and whether they should act upon the letters. If a confirmation is received subsequently, say after 15 days, there and then only the Licensing Committee should record the fact only. Small owners have been tricked out of existence in many cases by utilising the export quotas and getting all advantages by keeping up false correspondence and thereby huge profits have been made by dishonest companies. My suggestion is that it should be made clear to the Licensing Committee that when letters are forwarded by the agents or banks a reference shall be made to the owners of the tea estates before it is acted upon. If this is done the owners will be safeguarded and will not fall into the hands of smart lawyers and solicitors. In order to protect the small owners I trust the Licensing Committee should be directed to act very cautiously and in every case it should be referred to the proprietors.

As regards the term "worn out" it has become classical. The tea bushes after 60 years or so begin to die and become worn out. The omission of the word is one to bring it in consonance with the international agreement, but it does not improve our position. The meaning of the word "worn out" as the Industry understands it should still exist, even though the word is dropped to bring the Bill in line with the Agreement. Special direction should be given to the Licensing Committee that it is understood in exactly the same meaning as it has been understood all the time by the tea owners. Therefore in case of replacement there should not be any handicap.

If any tea land is acquired by the Government by private treaty, they should allow the company or estate to plant an equal quantity of land in another area. This is a welcome provision but I should like to utter a caution. We poor estate owners are who come from villages are outwitted by clever lawyers and firms and agencies in Calcutta and even in this House we are outwitted very often. Therefore I hope the Minister will see that the simple estate owners in Assam are protected properly and I look to him for such protection.

I am not moving my amendments. I have already withdrawn them. I sent an intimation only.

The Honourable Shri K. C. Neogy: Sir, I have no difficulty in giving specific assurances on both the points which have been raised by my honourable friend Mr. Chaliha. In the first instance, with regard to the definition of owner, we

[Shri K. C. Neogy]

do propose to send down instructions to the licensing officer more or less on the lines that have been suggested by my honourable friend. But if still there be any ground for further intervention on the part of the Central Government we should always be prepared to receive suggestions from my honourable friend and others who may be interested in the tea industry.

As regards the other point the question of the omission of the words "worn out" my honourable friend has correctly stated the position, that this amendment has been necessitated by the fact that the expression does not occur in the International Agreement, to which this control Act merely gives a legal cover. It does not mean that in future there will be any departure from the practice that has been followed so far in this behalf.

As regards my honourable friend's apprehensions about the legal difficulties that may arise hereafter in the interpretation of the law relating to the Tea Control generally, I can again assure him that if any aspect of the matter which requires intervention on the part of the Central Government by virtue of the authority that it derives from the existing law is brought to my notice it will surely receive the best attention. And if the necessity is proved of even amending the law I should always be prepared to consider such a necessity.

Sir, that is all that I have to say.

Mr. Speaker: The question is:

"That the Bill further to amend the Indian Tea Control Act, 1938, be taken into consideration."

The motion was adopted.

Mr. Speaker: We shall now take the Bill clause by clause. Is the honourable Member Mr. Krishnamoorthy Rao moving his amendment?

Shri S. V. Krishnamoorthy Rao (Mysore State): No, Sir. I have discussed the matter with the honourable Minister.

Mr. Speaker: The question is:

"That clauses 1 to 4 stand part of the Bill."

The motion was adopted.

Clauses 1 to 4 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri K. C. Neogy: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

INDIAN WIRELESS TELEGRAPHY (AMENDMENT) BILL

Shri Khurshed Lal (Deputy Minister of Communications): Sir, I beg to move:

"That the Bill further to amend the Indian Wireless Telegraphy Act, 1933, be taken into consideration."

This is a very simple measure. It seeks to achieve two objects. The first is to extend the Indian Wireless Telegraphy Act to the whole of India, that is to the acceding States also. It does not extend to the States today and we

are now seeking to extend it to the Acceding States. The other object which it seeks to achieve is to enhance the penalty for the possession of unlicensed transmitters. The position today is that whether you have a receiving set or a transmitter for which you have not got a licence the penalty is a fine of Rs. 100 for the first offence and Rs. 250 for a subsequent offence.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar).]

This penalty obviously is very inadequate for the possession of unlicensed transmitters. It appears that a number of people after the termination of the war have acquired wireless transmitters from various Army authorities—and foreigners particularly—which are now being used for the purpose of speculation. This is also dangerous from a security point of view. Therefore, while the penalty for the possession of an unlicensed receiving set may continue to be what it is, the penalty for the possession of an unlicensed transmitter should be enhanced and it may be imprisonment up to three years and a fine of Rs. 1,000.

Then the procedure for search as at present contained in the present law is very defective. A search can take place only during the hours of sunrise and sunset and that too after a warrant from the Magistrate. That actually hampers the discovery of illegal transmitters and it is therefore proposed that power should be given to officers who may be specially authorised by the Central Government in this behalf. Sir, I move.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Indian Wireless Telegraphy Act, 1933, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clauses 2 to 6 stand part of the Bill."

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Shri Khurshed Lal: Sir, I move:

"That the Bill be passed."

Mr. Deputy-Speaker: Motion moved:

"That the Bill be passed."

Prof. N. G. Ranga (Madras: General): I am glad this Bill has been introduced and it is being passed so quickly. I wish to warn the Ministry concerned about the wrongful use that many subversive political parties are making of many of these transmitters. Therefore they should try to search and wherever there are these unlicensed transmitters have them ferreted out. If they concentrate only on the so-called speculators who use it for passage of information from one to the other and leave out the political parties which are utilising these transmitters they will be neglecting their duty. I therefore sincerely hope that the Ministry will pay special attention to this aspect of the problem and try to make use of this Bill when it is passed into an Act in order to safeguard the security of the state.

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

BOMBAY PORT TRUST (AMENDMENT) BILL.

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): Sir, I beg to move:

"That the Bill further to amend the Bombay Port Trust Act, 1879, be taken into consideration."

Sir, this is a very simple Bill. Under the existing law there is no power to the Bombay Port Trust to auction goods which are lying in its custody without being removed by the owners. There has been recently great congestion in the port of Bombay due to various causes. Owing to the loss of Karachi a lot of traffic had to be diverted to the Bombay port. In many cases the merchants have used the space in the port as private godowns. They have been trying to sell their goods outside, and till they manage to sell them they do not clear them from the port, so much so that the port has become very congested and as a result the American Conference Lines have put up the freight rates by 25 per cent and the whole country has to pay the penalty. This is a purely permissive Bill. It does not make anything obligatory. It gives the Bombay Port Trust the power to sell goods under certain contingencies. Under the Proviso to section 64A anyone who pays all the rates and charges payable shall be entitled to keep the goods for two months. Till two months are over the Port Trust will have no power to do anything. After that they will have to give notice, and after due notice if nothing happens they will be empowered to sell it by auction. If no charges are paid at all that means the consignee has not cared to claim his goods and the Port Trust authorities are empowered to give notice after one month.

In order to avoid hard cases part (3) has been put in. "The Central Government may, by notification in the official Gazette, exempt any goods or class of goods from the operation of this section".

My honourable friend Mr. Sidhva has given notice of an amendment to the effect that if goods cannot be removed owing to the difficulties of wagons not being available or other hardships they should not come under the mischief of this Bill. I fully appreciate the point and that is why this sub-clause (3) has been put in. But the amendment as framed by him will defeat the object of the Bill altogether. So I regret I cannot accept the amendment. But I am prepared to give this clear assurance that we shall issue instructions to the Bombay Port Trust to see that this power of auction is used only where the person concerned has refused to remove it through negligence or mere intransigence. If he is not able to remove it owing to reasonable causes, then we shall ask the Bombay Port Trust to be indulgent to him and see that he does not suffer. I hope, after this assurance, there will be no difficulty in passing this Bill.

Pandit Thakur Das Bhargava (East Punjab: General): And if he does not remove the goods because wagons are not available?

The Honourable Shri K. Santhanam: Clause 3 is intended to cover that, and we will issue clear instructions for cases where the wagons are not available. This is conditional, because a Bombay merchant who is bound to keep the goods in his own godown cannot simply say that because he is thinking of sending them to Cape Comorin and wagons are not available, he is entitled to keep the goods there. Suppose it is an upcountry merchant, then it is a real case of hardship and we shall see that all such cases are duly covered by our instructions.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Bombay Port Trust Act, 1879, be taken into consideration."

(2508)

BOMBAY PORT TRUST (AMENDMENT) BILL

2509

Shri R. K. Sidhva (C. P. and Berar: General): While moving the Bill for consideration, the honourable Minister has given reasons why he has been compelled to bring forward this measure. I entirely agree with what he has stated, that the merchants in Bombay generally want to take undue advantage of allowing the goods to remain in the Port Trust because there is a scarcity of private godowns in Bombay and that that has caused congestion in the docks. To that extent I am prepared to accept his viewpoint. But this has been the practice for a number of years, it is not a new thing, because in Bombay all along for want of space no new godowns have been constructed. At the same time the fact that due to loss of Karachi most of the cargo is going to Bombay is also correct.

But on the other side it cannot be forgotten why these *bona fide* companies are compelled to keep their goods there which they could remove if transport was available. That is the point I am stressing. The other day, I made a grievance during question time—I cannot make any grievance, I can only seek information during question time—and stated that the Bombay Port Trust had failed in reconstructing godowns which had been gutted in the explosion in 1944. No steps were taken to rebuild them and the floor area to that extent has been lost. They were simply waiting for a better time to have the prices of steel come down. That is the foresight with which the Bombay Port Trustees are working. My complaint is that our Government took no steps in directing the Bombay Port Trust to see that cost or no cost new accommodation should be provided. After all the Bombay Port Trust gets plenty of money and they should have constructed these godowns. If they had done it earlier they would have had no trouble today. There were one-storey godowns and *kutchha* construction has been put up with one-fourth of the floor area of the original.

As far as availability of wagons is concerned, I can tell the honourable Minister that a large number of consignees have been obliged to pay demurrage. It is no pleasure to them to pay money from their pockets to the Port Trust when they were prepared to remove these goods from the Port Trust area as quickly as possible. In 1946 the demurrage amount which the Port Trust got was Rs. 4½ lakhs. In the previous year it was Rs. 1.17 crores. May I ask whether it is a pleasure for them to pay that much money? Complaint after complaint has been made by the merchants saying that these demurrages had been taken from them without any transport facility being provided. The result has been that the prices have been put up and ultimately the consumer has to pay; the merchant is not going to bear this 1.17 crores. Due to the fault of the Government, for many reasons, particularly the shortage of wagon supply, this demurrage went to the Port Trust coffers with the result that the Port Trust Budget which would have been otherwise deficit was surplus this time. It is this fleeced money which has brought a surplus to the Port Trust.

Coming to the supply of wagons, let me say this. I myself visited the place on the 30th January before coming here to attend this session. I went to the Chairman of the Bombay Port Trust who sent the Harbour Master along with me; we went to the docks and what I say now is the version of the Harbour Master. I saw the position with my own eyes and I want to bring it to the notice of the honourable Minister as far as the wagon position is concerned. On the 30th January, there were salt bags for 1,000 wagons; one thousand wagon-loads of salt was lying there for three months. 400 wagon-loads of bobbins meant for textile machinery lying there for two months for want of wagons. 400 wagon-loads of dates coming from Basrah—formerly they used to go to Karachi—and lying there for 2½ months for want of wagons. Apart from these, there were 600 wagon-loads of general cargo. This is the information which I was given, and I saw the thing with my own eyes. Sir, salt is

[Shri R. K. Sidhva]

scarce in the country today. In the summer season salt will melt if it is not removed. A whole godown was full of salt and there was no wagon available to remove it. Then, dates are a good substitute for use by workers; they have been coming in loads and loads to Karachi and diverted to Bombay; they were lying in piles and no efforts were made to remove them. This is the condition regarding wagon supply and yesterday I was told by the honourable Minister that the wagon position is very satisfactory! Sir, I don't know what is the position today in the Bombay Port but as far as it was these two months ago, I can vouchsafe for this statement which I have made. The honourable Minister may refer to the Harbour Master who was with me; I went with him in the car and we had a survey of all these things.

May I ask, when the wagons are not available, do you want to compel these merchants to pay the demurrage? For your fault, is it fair, is it just, is it right? Therefore, I had sent in an amendment that if wagons are not available the goods should not be auctioned. The clause which says that the goods will be auctioned is a severe clause. By all means auction in the case of people who utilise the Port Trust godowns for their private purpose. I have no sympathy with them. But when it is a case of want of wagons, why should they be penalised for no fault of theirs? They pay all charges and yet their goods will be auctioned! That is why I sent in an amendment. The honourable Minister finds a little difficulty in accepting my amendment and therefore he stated that he will issue instructions or orders. That is something for me. If really, from the constitutional point of view, he does not find his way, which he ought to if he really wants to, and he is bent upon saying that he cannot accept my amendment, the justification for which I hope he realises, and if he merely says that he will issue orders to the Port Trust authorities regarding goods for which *bona fide* payment has been made and the consignees were ready to take delivery but could not do so for want of wagons, then I shall have to be satisfied with the lesser of the two evils. This is a lesser evil which I am prepared to accept. I am not pleased with it but I cannot help it. The honourable Minister says he cannot help it. But I hope he will bear in mind the figures I have given. The commodities which I have mentioned are articles of food—salt, dates, etc. Only by the way I quoted bobbins because that was part of the machinery for our cloth. These essential articles are lying there. It is no pleasure for anybody to keep them there. The country clamours for more salt. The price of salt in certain places is eight annas a seer. Is it a pleasure? Has the Minister given any attention to this matter? I have accepted his statement, similarly he must also accept my *bona fides* in this matter and come to the rescue of *bona fide* merchants and thus prove that Government is reasonable and just and will not allow the Port Trust to fleece these merchants. When the Bill is passed, I hope he will immediately issue instructions, so that no undue advantage will be taken of the provisions we have passed, by the Port Trust authorities. When these goods are ready to be taken delivery, yet for want of wagons, if they were not taken delivery of, these people cannot be penalised for no fault of their own. It may be that an excuse may be put forward, "Who is going to prove that the wagons were not supplied?" Yes, this matter is contentious and the Railway or Port Trust Authorities may ask the merchants to prove in writing that wagons were not supplied although they were available. It is really a difficult point, but after all, if Government's intention is honest, of which I have no doubt, then a *via media* can be found, some agency can be devised whereby it could be proved that wagons were supplied and delivery was not taken or that wagons were not supplied at all and delivery could not be taken. As I have already proved by facts and figures, 1½ crores of rupees

were forcibly realised from the merchants for no fault of their own. I hope therefore that the honourable Minister will very sympathetically consider this matter and issue very strong instructions to the Port Trust in this matter.

The Honourable Shri K. Santhanam: Sir, there is no question at all of doubting the *bona fides* of my honourable friend. Nor am I in the least inclined to question his facts. In fact, his own facts are the justification for this Bill. If there was not so much congestion, there would have been no need at all for this Bill. His arguments show that it is much more profitable for the Bombay Port Trust to keep these goods and claim demurrage rather than put them to auction. So when they can earn a lot of money, they are not likely to put them to auction at all, and it is only to deal with those merchants who deliberately and to some extent maliciously use the Bombay Port simply as a private convenience that we want this Bill. They go about trading in the whole country; they do not even care to reveal themselves to the Port Trust and let their goods lie without letting the Port Trust know what to do with them and periodically they also pay the charges so that the ordinary law may not come into operation. It is only to deal with such cases that this has to be brought into force.

There is also one other point about wagons. It is true that there has been difficulty about wagons. The honourable Member knows why. We did not create all the conditions, and nobody can create wagons out of nothing. Even if we had the wagons, the Port Trust Railway is designed to carry only a certain load. We cannot load more than a given load in the Port Trust Railway and there may be circumstances in which we may ask the merchants to take the goods and load them at some other station, say Karnak Bunder. Now, the merchants say "Either give us wagons at Bombay Port Trust or we won't load it anywhere else." They are entitled to say that normally—I do not deny—but under the existing difficulties, we want co-operation in all possible ways and that co-operation can only be had from the private vested interests when we have the power conferred by this Bill. That is why we want this Bill. I again repeat my assurance that we will give very clear and categorical instructions that no honest businessman should be penalised on account of this Bill. I hope the House will approve of the Bill.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Bombay Port Trust Act, 1879, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: We shall now take the Bill clause by clause.

The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

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

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

INDIAN RAILWAYS (AMENDMENT) BILL

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): Sir, I move:

"That the Bill further to amend the Indian Railways Act, 1890, be referred to a Select Committee consisting of Shri Gokulbhai Daulatram Bhatt, Pandit Thakur Das Bhargava, Dr. Bakshi Tek Chand, Shri Satis Chandra Samanta, Srijut Rohini Kumar Chaudhuri, Shri Sita Ram S. Jajoo, Shri M. Ananthasayanam Ayyangar, Shri R. K. Sidhya, Shri Khandubhai K. Desai, Mr. Naziruddin Ahmad, Shri Krishna Chandra Sharma, and the Mover, with instructions to report on or before the last working day of the first week of the next session and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, I do not know if the House would like me to take much time over this Bill. In the Statement of Objects and Reasons, a clear and comprehensive analysis of the provisions has been given. In fact, there are only two major points to be considered with reference to this Bill. One is procedural. Many articles are now sent by owner's risk and the consignor has to execute a separate big document full of all kinds of particulars. The law at present provides two risks, owner's risk and railway risk. Now more than 90 per cent. of the goods which may be sent under both risks are sent by owner's risk and the present Bill provides that it is only when he sends them by railway risk he will have to execute the form; otherwise, he would ordinarily be presumed to have sent by owner's risk. That is one thing.

The second point is about the Claims. Commissioners to deal with compensation claims promptly when an accident occurs. In fact, this part of the Bill was part of the Bill creating the Railway Rates Tribunal, but the Select Committee considered that certain points concerning that Bill required fuller consideration and suggested that it may be taken up. This consideration has been given, and those provisions have been incorporated. As a result of these provisions, we expect that within a few weeks of an accident, if people unfortunately have lost their lives, at least their sons and wives will have compensation; in the case of those who have sustained injuries or lost their limbs, they will receive compensation. As I am moving for reference to a Select Committee consisting of able lawyers, I am sure that every clause will be subjected to careful scrutiny and I think the fuller discussion may be taken up after the Bill emerges from the Select Committee. Sir, I move.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Indian Railways Act, 1890, be referred to a Select Committee consisting of Shri Gokulbhai Daulatram Bhatt, Pandit Thakur Das Bhargava, Dr. Bakshi Tek Chand, Shri Satis Chandra Samanta, Srijut Rohini Kumar Chaudhuri, Shri Sita Ram S. Jajoo, Shri M. Ananthasayanam Ayyangar, Shri R. K. Sidhya, Shri Khandubhai K. Desai, Mr. Naziruddin Ahmad, Shri Krishna Chandra Sharma, and the Mover, with instructions to report on or before the last working day of the first week of the next session and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

Shri T. T. Krishnamachari (Madras: General): Since no Ministers are here, I suggest that the House may now be adjourned.

The Honourable Shri Satyanarayan Sinha (Minister of State): We may adjourn now till 2-30.

Mr. Deputy-Speaker: The House stands adjourned till 2-30 in the afternoon.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

COAL MINES LABOUR WELFARE FUND (AMENDMENT) BILL

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

"That the Bill to amend the Coal Mines Labour Welfare Fund Act, 1947, be taken into consideration."

I have nothing to add, Sir, to what has been said in the Statement of Objects and Reasons of this amending Bill. It is a very simple measure, and I hope the House will unanimously accept it.

Mr. Speaker: Motion moved:

"That the Bill to amend the Coal Mines Labour Welfare Fund Act, 1947, be taken into consideration."

Shri Harihar Nath Shastri (U. P.: General): Sir, in according my formal support to this formal motion that has just been made by the honourable Minister, I take this opportunity of offering my congratulations to him for the successful working of the Coal Mines Labour Welfare Fund Act since it has been in operation. There is no doubt that labour in the Coal Mining Industry has been greatly benefited by amenities provided under this Act.

Coming to the question of the provision of housing amenities to labour in the Coal Mining Industry, this question has been on the forefront for several years, particularly after the commencement of the War, and the Trade Unionists in this country have been urging on the Government to give priority to this important matter. To the extent that this question has been tackled in the mining area, the honourable Minister deserves congratulations, but I should like to observe, Sir, that the progress that the Act in regard to the provision of housing amenities has made, is rather slow. It was some three or four years back when there was an ordinance under which this Welfare Fund was being operated in the mining area, when the Government of India decided that two townships of 5,000 each in Bihar and one township of 5,000 in Bengal would be constructed for labour in the mining area and although four years have since then elapsed, the idea has not yet materialised. I am glad to note that recently the Ministry of Labour has set a target of constructing 50,000 houses in the coal mining areas within the next five years, and I do hope that the idea will materialise and that steps will be taken to expedite it, so that the target that has been set by the Ministry may bear fruit and materialise. In this very connection I take this opportunity to once again draw the attention of the honourable Minister to the general question of industrial housing in this country. Without taking any more time of the House, I would appeal to him to pay his most earnest consideration to this question about which there have been repeated commitments by the Government of India and by his Ministry in particular.

The Honourable Shri Jagjivan Ram: I may assure the House Sir, that my Ministry is equally anxious to expedite the housing scheme not only for the workers in the coal fields but for other Industrial labour as well. As the House is aware, only a few days ago, in reply to an interpellation, I informed that we have practically finalised a scheme for general industrial housing and it will be announced in a few days. As far as building material is available, the Government will make available the necessary funds to the provincial Governments and approved employers for the construction of houses for industrial workers. I can assure the House once more that the Government are anxious to do this, because they are convinced that if we have to increase production we have to see to the housing accommodation of the industrial workers as well. So in the interests of increased production, we are going to expedite the question of housing industrial workers. I hope the House will accept my assurance.

Mr. Speaker: The question is:

"That the Bill to amend the Coal Mines Labour Welfare Fund Act, 1947, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That clauses 1 and 2 stand part of the Bill."

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri Jagjivan Ram: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

DOCK WORKERS (REGULATION OF EMPLOYMENT) AMENDMENT BILL

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

"That the Bill to amend the Dock Workers (Regulation of Employment) Act, 1948, be taken into consideration."

This Bill is also a very simple measure and the intention of the Bill has been made clear in the Statement of Objects and Reasons. After the passing of this Act we appointed a committee to go into the question of decasualisation of the workers in Bombay Docks. It was a tripartite committee consisting of representatives of the employers and dock-labourers and our Chief Labour Commissioner was the Chairman of it. A scheme was formulated by that committee. It was examined by the Government and approved. The difficulty arose when we found that a statutory body to give effect to or implement that scheme could not be constituted under the Act as it stands at present. So this small amendment became necessary in order to constitute a corporation or statutory body to implement the scheme. Hence this amendment.

Mr. Speaker: The question is:

"That the Bill to amend the Dock Workers (Regulation of Employment) Act, 1948, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That clauses 1 and 2 stand part of the Bill."

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri Jagjivan Ram: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

CINEMATOGRAPH (AMENDMENT) BILL.

The Honourable Shri R. R. Diwakar (Minister of State for Information and Broadcasting): Sir, I move:

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

This is a very small amendment of the Cinematograph Act of 1918, as amended in 1934. The reason for this amendment is that today film censorship, which is provincial permits the passing or restricting or banning films without taking into consideration whether a particular film is good enough for universal exhibition or fit only for adults or fit for children only. No such discrimination can be made by the film censors today. Therefore it was found necessary that in order to discriminate between films which may be suitable for adults but may not be suitable for children or adolescents, some legislation of this kind should be passed. This matter was then examined and provincial Governments were consulted. The provincial Governments thought that this provision was necessary but that if they were to pass this kind of legislation there would be different provisions in different provinces and certain anomalies would arise. Honourable Members know that film censorship though provincial today is sought to be made a central function and at the last meeting of the Constituent Assembly an amendment was moved to the Government of India Act by which this Parliament is now authorised to pass legislation of this kind. But that may come later. Even before that, as it is, in order that some discrimination may be made between films which are suitable for adults and not suitable for children and adolescents, this amendment is considered necessary and, in order that it may be uniform in all the Provinces, this Bill has been moved in this Parliament. It is needless for me to emphasise the necessity for such a Bill. What now happens is that when a film comes before a film censor, if there are even very small portions which are not very suitable for being seen by children and adolescents, then the whole film is banned. Thus an otherwise artistic and good film has to go by the board; there is no discrimination which can be exercised today under the present law. That is the main reason why this amendment is being moved here empowering the provincial Censors and Censor Boards to go into the matter and see if a particular film is suitable for the whole population or only for adults. That power is sought to be given by this amendment. I may here explain also that this whole film industry is growing in importance and there are a number of different aspects to this industry. But the scope of this particular Bill is very restricted and there is no intention of expanding that scope so far as this amendment is concerned. But since the whole film industry is an important one and as I see from the number of amendments tabled that honourable Members are also taking a keen interest in the matter,

[Shri R. R. Diwakar.]

I am alive to the situation and a thorough inquiry is going to be made into the film industry from all points of view. It is then that this House may go into the different aspects of the question, as regards the length of time that a film should be shown, the length of the film and a number of other considerations which may come in. As I glance at the amendments tabled here, I see that a number of amendments are of that nature. It is natural that these amendments are placed before the House; but I beg to submit that since the object of this particular amendment is very restricted and one-pointed, it is better that we concentrate upon this one single aspect, postponing the consideration of other aspects to the occasion when a more comprehensive Bill is to be introduced in this House. We shall have ample opportunity at that time to go into the whole matter when the inquiry committee makes its own recommendations on different aspects and a suitable Bill is framed in terms of those recommendations. Therefore I should like to request honourable Members to see that we restrict ourselves to consider this one single important aspect and leave the matter there.

Now the main considerations which weigh with us at the time we see a film are these. Some people would say that if it is a bad and unsuitable film we should completely ban it; why make a discrimination between a film which is suitable for adults only and not suitable for children and adolescents? But as we look at the films that are coming up and also as we look at the law that exists in some of the foreign countries we see that a discrimination is made. In fact in a number of other things also we make this discrimination between children and adolescents on the one side and adults on the other. In clubs or in dance halls or some such other places membership is restricted only to adults. So, it is on the same principle but for a greater number of considerations that this amendment has been introduced here. For instance, among films there are what are called horrific films where bloody scenes of murder or sudden catastrophes, such as fire or thunder occur. Now adults can very easily stand these, and possibly sometimes in the course of a story all these have to be shown. But if such films are shown to children and adolescents. They may act on the tender nervous system and emotional structure of younger people and therefore they may be said to be unsuitable for children and adolescents. Then there might be crime films which glorify crime and make a robber or somebody a hero for the time being; possibly at the end he is punished and real retribution follows the crime that he has committed. It might happen that in the course of showing a film, children and adolescents might be impressed only by the glorification part of it but might not catch the latter part, i.e., the retribution part of it. Thus it might be said that such a film may be suitable for adults but it is certainly not suitable for children and adolescents. That is another illustration.

Then there is another type where not only crimes but details of crimes are shown. We have experience that many a time children pick up these details and try to imitate them, whereas it might be that for adults who have grown and who are not amenable to take impressions so easily or whose fibre may be a little tougher this may not be unsuitable. Not that I advocate these films being shown to adults. If they are not good for adults or grown-up men they should of course be banned; there is provision under the film censorship powers to ban them. But I am making a distinction where certain things might be suitable or might be not very harmful to adults but which would be positively harmful to children and adolescents.

Then the same may be said of what are called sexy or sex films where passionate love-making is shown on the screen. In this matter also it depends upon the taste and upon the customs and manners of certain countries as to which of such films should be shown, how far people should go and should not go. All these are matters which are dictated by what may be called social

customs and social privileges and social opinions of the particular times and of the particular countries. But I wanted to make a distinction between certain matters which may be shown to adults and which adults may stand but which children and adolescents positively cannot stand. In the same way there might be certain problems which might be beyond the comprehension of children and adolescents. It is no use showing these films to them and trying to exercise their minds beyond the state of comprehension which they have reached. I may cite here certain geological films, for instance, of what might be called palaeobotany of which a research station was recently opened by the Prime Minister. Some such subjects might be beyond the comprehension of children and it is no use showing these to them. I may also cite films of astronomical mathematics or such other films. Then there might also be certain parts in films, where respect for general morality or good conduct or sense of justice is likely to be undermined. In the case of adults whose opinions are to a certain extent formed and who are not likely to misunderstand, to them these films might be shown. But where respect for morality and justice are likely to be undermined even partially on the screen, they should be completely banned so far as children and adolescents are concerned.

These are the real reasons why we should not show certain films to children. But unless we empower the censors to ban them they cannot do it today under the law as it stands. Therefore when the industry as well as the provincial Governments were consulted in this matter, the different film associations in different parts of India were practically unanimous in saying that such a provision is necessary, and the provincial Governments too agreed to such a provision. That is why this thing has been taken up and this amendment has been moved in this House.

Now I may also say a few words about the types of amendments that have been proposed, so that honourable Members may have occasion to see that it may not be very relevant or useful here to discuss those amendments 3 P.M. and that they might well be postponed to a day when a more comprehensive Bill is bound to come before this House after due enquiry has been made into that industry. There is the question for instance of the hours when films ought to be shown. There is an amendment which says that any film or cinema show should not run for more than 2 hours. There is also another amendment which says that films should be shown to children and adolescents only during the day and not at night after nine o'clock. Some such amendments are there. My plea is that all these amendments are good in themselves. They ought to be considered but then they do not fall into line with the particular amendment of the Act that has been moved now and the purpose of which is a restricted one.

Then there is the question of age. In this Bill I have put 18 years as the age, including children and adolescents. In certain other countries, like Denmark, Australia and England especially from where we could get details about such provisions, the age has been put down as 16. There are a number of amendments saying that the age should be raised to 21. Some of them of course say that the age should be brought down to 16. There were some honourable Members who said that the age should be 25. But taking into consideration all these different suggestions, I think that so far as our country is concerned—the type of education and the type of understanding that our children have—18 is a very reasonable age. It is also said to be the age of discretion. It has nothing to do with the age of 21 for instance, which is the age for franchise. In our Constitution an adult is described or defined as one who has attained the age of 21. We have nothing to do with the exercise of votes or the understanding which may be necessary for voting purposes. Here we are more concerned with what is called the power of understanding or the power of discretion. So 18 may be said to be the age of discretion, and therefore I would request honourable Members to think

[Shri R. R. Diwakar.]

about this provision and not to press the amendments as regards changing the age.

Then there is the question of the responsibility of showing any restricted film to children of the age of 18 or below. In all cases where such provisions exist, so far as we have studied those provisions, the responsibility is on the exhibitors. Of course, certain rules might be framed and certain precautions may be taken by the exhibitors whereby they may be able to prove their *bona fides*, but ultimately the responsibility does lie on the exhibitors and on nobody else. To put the responsibility on anybody else would be going against the very principle on which the Cinematograph Act has been framed. It will be going out of the way and out of the line, and therefore whatever provision we make we have to make it in accordance with the original Cinematograph Act as it stands, and therefore that is also an important consideration.

These are a few of the considerations which I place before the House in moving for the consideration of this Bill. Sir, I move.

Mr. Speaker: Motion moved:

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

Shrimati G. Durgabai (Madras: General): I have great pleasure in supporting the Bill which has just been moved by the honourable Minister, which seeks to restrict the exhibition of films which are considered to be not suitable for children and adolescents. Sir, under the law as it exists today, there is no discrimination of any kind made between one film and the other. All sorts of films are shown to all alike. There are certain films shown today which are very harmful. The honourable Minister has described some of the bad features of the films that are shown today. Films of horror, films of crime and also films with a sex appeal are being shown and no doubt they produce very harmful effects on the children, especially on the impressionable age of these children. So there is a great need to restrict the exhibition of these films to a certain class.

I have already stated that according to the law as it exists today, the authorities who are in charge of certifying the films are not empowered to restrict the exhibition of these films to one particular class only. This Bill if passed would enable them to restrict the films to one particular class by introducing a system of two certificates: that is Certificate "A" and Certificate "U." Certificate "A" restricts the films only to persons above 18 and Certificate "U" gives a license for unrestricted use of these films.

No doubt, Sir, today we are banning some kinds of very harmful films for children and adolescents. Of course we approve of this, but our responsibility does not end there. We have got to give very good substitutes in the place of these films. We must take note of this. We are taking away certain films from the purview of the children. But we have to educate the children also through films. Therefore, we have to realize that we have a great responsibility to give very good films—good from the point of view of all-round development of these children. To-day the radio and the film are the two very powerful factors which can shape the future of the coming generations of our country. Therefore these two—that is the radio and the film—have got to play a great part, and the honourable Minister who is presiding over this Department has got to take every care to see that good films are supplied to these children. We have the Films Division working under his able leadership and this Division working under his Ministry has very good equipment and the honourable Minister also has promised that he will give nearly 50 to 60 good films by next year. I am afraid that the private

people who have taken to produce these films may not care to produce these films with educational and cultural value because they say that they have no market for these films and they cannot make any profit because films of an educational and cultural nature do not attract many. Therefore they cannot market them properly. It is therefore the Government's duty to come to the rescue and see that in the Films division good films are produced from the educational point of view. I ask the honourable Minister to see that the Films Division works very actively and the authorities who are in charge of running it will take every care to see that the films are supplied to every theatre, so that they are shown all over India.

I would also urge upon the honourable Minister that this Films Division of his Ministry should be advised and guided by a body of experts with regard to the particular subjects on which films should be taken. This Films Division should have the guidance of that committee of experts who have made a special study of the subjects. For instance children are educated in several methods. The Montessori system has done some good research work and they know how to develop the child's brain and psychology. Therefore with a body of experts who have made a special study the Films Division would do well and these films will be very good substitutes for those children from whose purview we are taking away a very great number of other films. Not only by banning but by giving substitutes I think this Bill could aim at very good results and achievements.

Shri Mahavir Tyagi (U. P. General): Sir, after the promises given by the honourable Minister there remains little to be said. He has himself practically apologised before the House by saying that the Bill was only a simple amendment just to pave the way for the main Bill which will be coming. I am glad the honourable Minister is conscious of the great position which cinematograph occupies in society today. He will soon bring a full-fledged measure to put it right. I feel heartened about it.

This is an occasion when I cannot help expressing myself. I feel that the greatest injury is being done today to the nation by cinematograph and therefore I cannot let this occasion pass without bringing on the record of this House my feelings about it.

There are two types of psychology today prevailing in the country. There is a section of people who feel that all foreign ideas are progressive and should be adopted by us. They are enamoured of them. There are others who feel that we must stick to our old civilisation, culture and moral values. Between these two sections our Government could not make up their mind as to what we have to give through these organs of propaganda. I have also been to cinema houses a few years ago, not now. I do not know if they have made any progress now. I see every evening quite a good part of the nation stands in a queue before cinema houses in every city. They stand for hours in queue and tickets are not easily available. And when they come out I see urchins, small boys and girls come out with some cinema songs ringing in their ears and dancing on their lips. I know of my childhood when I heard the first song sung in the village Sangit Party. I was a villager and when I heard it I jumped about and sang it. Songs first heard always ring in the ears and it is therefore that our first education came to us in songs and we attribute a lot of good to music, song and poetry. When I see these youngsters coming out of cinemas and singing songs I find the songs are not only vulgar but also have a demoralising effect on the children. If Government were to look into the sort of songs propagated through the cinemas then alone they would know the danger or poison which they are spreading throughout the country. In fact up till now only one thing has been done and I do not know on what grounds. I saw the old Cinematograph Act and I find that there was an arrangement of

[Shri Mahavir Tyagi]

censoring films under that Act, so that the healthy and better ones would be allowed to be exhibited and the rest are not to be given any licence. I do not know how far this will be of any benefit to the people. What is sought to be done is that in place of the words "suitable for public exhibition" the words "suitable for unrestricted public exhibition or for public exhibition restricted to adults" shall be substituted. It all depends upon the machinery which is set up for circulating the films. It also depends upon the basis of the instructions issued. I would for my part prefer that this work should be given to the Education Ministry, because the cinemas are more a part of education than recreation from my point of view and it is through recreation also that education is imparted. It should have been better if some educational authority were put in charge of censoring films, for it is on the Ministry of Education that the duty of seeing that our culture, civilisation and progress are maintained devolves. In the old days servicemen used to censor films in their own way. However the films which are exhibited today are a sad commentary upon the machinery which is censoring them. The present type of censor films are foisting new values, new fashions and new morals on our people. We are having a bad substitute for our old mode of life. If that is the criterion or standard that the Government applies, then I am afraid this Bill will be of little avail. Up till now I do not know how many films were rejected on the ground that they were not proper to be exhibited to ladies, or small youngsters, because in India for a long time past moral grounds had nothing to do with the stopping of films. If those were the grounds then demoralising films would not be exhibited as they are done today. There must be some other consideration. I do not know what is the percentage of films rejected and I am very doubtful if films are rejected in good numbers. By changing the words "suitable for public exhibition" to "suitable for unrestricted public exhibition or for public exhibition restricted to adults" we are now relaxing the rule. We say that those films which are suitable for unrestricted public exhibition will be permitted which means that all which had been permitted till now shall remain on the list approved as "unrestricted" and those which had been rejected may find place in the list of "restricted" ones. Now somehow or other people have taken it that adults have a sort of freedom to go anywhere and do anything they choose, as if adults are not impressionable. I am sure that the number of films and the standard of films which are permitted today after censoring, have been permitted as innocent because children also could go and see them. If you are going to have films particularly for adults my fear is that even worse films will be permitted under the heading 'U' because they will be shown to adults only—and adults are considered to be above the line of any demoralising effect. Therefore the provisions of this Bill I am afraid may be misused to allow still worse films to creep into the cinema houses and have a worse effect. Because you are now separating children from adults and giving the latter "healthy education". Through films, the adults would be left free to see whatever they like to and a boy of 18 or my daughter of 18 will also be free to go to these more filthy films which will now be allowed—because there will be no danger of children getting impressed! So I am doubtful—and I am very strong in my conviction—that this Bill will not give you any advantage from that point of view, and I would request the honourable Minister not to insist on this. What does it matter after all if they go on without this measure for a few months more? But don't allow more dirty ones to come in. If parents want licence to see such films which are to be kept away from children and want them to be shown to them exclusively, you can deny them the licence altogether rather than bring this Bill. I am sure this Bill does not do much good.

It is said that children get easily impressed and, as I said, the belief is that adults do not get impressed. My feeling is that impression is always the same whether it is auditory or visual and it impresses both children and adults equally.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar)].

The only difference is that while children always acknowledge that they have received an impression, good or bad, from outside, adults in their arrogance, though they get impressed in the same manner from outside, pretend that they owned the impression and pose as if it was their own internal film and refuse to acknowledge the outside impression which they really receive. Otherwise the impression is always the same. For everyone, whether boy, parent or child, from the time the baby is born up till he is old, the impressions go on affecting and man is nothing without affections. Man is but his impression which he has gathered all through his life—a bundle of impressions and ideas. So it is the very reality of man so to say or the very content of man that is influenced by cinemas and radios. I submit that we have done enough harm by allowing so much of freedom to bad films to go into the cinema house and impress themselves on society.

In fact cinemas up till now are running from the motive of profit-making. It is profit-making everywhere and even in the cinema field films are allowed to be exhibited because some people have invested money—and it is an industry which is productive or whatever it is called, it must return profits to the investors. Every industry must thrive and the cinema industry must also therefore thrive, therefore cinema films must be encouraged! Irrespective of the fact whether they are good or bad. If I had my way I would not allow this industry to go into the hands of any private individual. I would not allow people to make money at the cost of our morals—by making or unmaking them—because the cinema is nothing if it does not make or unmake our morals. No recreation remains as it is: every recreation goes directly into one's brain. It is the cinema which creates an atmosphere which changes our civilisation.

Everyday I hear very big people in India saying that the world is shrinking, closing down, and distances are being reduced. I quite understand and I see that through the radio and quick means of communication the world, as it is said, is shrinking and I admit that physical space is being fast annihilated and perhaps the world may shrink and shrink and become either a zero or a point. But one thing remains, so long as the world exists—geographically it may shrink and become one integrated unit, but psychologically, or say, historically there must be distinction between men and men and between people and people. Every set of people live in their own civilisation and culture. So long therefore as we do not agree to allow our culture to become hybrid, so long as we do not agree to give away or forget our historical past, the world will exist compartmentally amongst people holding strongly to their own respective cultures and civilisations. After Swaraj, I submit, now was the time that we did something to strengthen our own culture and make it grow and encourage the old values which we have so long cherished; now was the time that we had made some progress in the line of our culture, language and our civilisation. Now, Sir, what is the cinema doing?

Culture originates from songs—the songs which our Sages sang. Our music is now being spoiled by cinema films. If I had my way I would declare it as illegal that *Bhairav* should be sung wrongly. If you like your music to remain, you have to protect it and it is time that we protected it because it is the most precious music and the best of the world. If I had my way, if I had a Swaraj of my liking, I would have enacted that a man who sings *Bhairav*

[Shri Mahavir Tyagi]

wrongly shall be prosecuted and penalised. Nobody has a right to spoil our music. It is pure art and if we begin to spoil our music like that we lose our art. We are protecting monuments—stone monuments. The honourable Maulana Abul Kalam Azad and his Department will come in the way if I were to break an idol or a monument of the old days. But you don't protect this greatest monument, music. The cinemas are spoiling our music. I submit our music is losing both its tune and tone, it is becoming prosaic. Poetry is becoming prose. You just see the songs sung in the cinema.

Mr. Deputy-Speaker: Does the honourable Member say that the difference in music produces a change in morality?

Shri Mahavir Tyagi: Yes, Sir, because it is the songs which give us the *darshan* of God. You cannot reach God by using material means; song is the only means in your possession to reach God because song is art, song is the language of the soul and you express your devotion through songs. Music was therefore valued in our civilisation and the *Vedas* were nothing if they were not music.

I submit that these cinemas are doing a great injury to our old treasure of music, poetry and art.

Now, take the drama. Our nation was the first pioneer in drama. We had the first drama played, and other nations copied drama from us—we gave the idea of drama to the world. We were the first to write one.

Mr. Deputy-Speaker: I am afraid the Bill is confined to the differential treatment between adult films and non-adult films.

Shri Mahavir Tyagi: The Government policy with regard to the exhibition of cinema films is under consideration and I submit, Sir, that it is doing a severe injury to our most precious art and literature which we treasured and therefore I hope I am not irrelevant. Drama is our oldest art. The first dramas in the world were written in India. But the standard of drama is also getting spoiled by these cinemas. Need we only see that the cinema pictures should be such that they don't physically affect our nerves, our auditory nerves or our visual nerves or other nerves? Is that all we have to see? No. We have to see whether the cinema is contributing to progress in our art, music and morals or whether it is spoiling them. But this is a consideration which is not taken into account. So, I say no question of children and adults arises here. No distinction need be made in the pictures. I will have one cinema for everybody. Why do these adults want a cinema house separate for themselves? When the mother and father want to go to a place alone leaving their children behind, be sure, Sir, there is something wrong there. It is always in the society of children that they are better. Why do you leave your children behind? Because you want to do something which you do not like your children to see and don't want your children to know that. I would therefore oppose the idea of mother and father going astray. If the parents were to go alone to a picture, where will they leave their children? I tell you, under the scheme of separate cinemas for adults, very few will go to a cinema because even today it is the children that carry their parents to cinemas. So only the children's cinemas will be seen and the ambition of the Ministry will fail because the cinemas for adults will remain empty because the children will not go there as no children will be permitted, and a father would not like to go to a cinema without his children. So the other films will not run. From that point of view, I am sure this is bound to fail. Sir, adults and children cannot be separated in India. Families go together. So, why not have a healthy cinema which the whole family will enjoy and appreciate and which the parents may make

their children appreciate? I remember when I saw a *sangeet* party for the first time. They arranged a sort of a drama, *Harischandra*. I am proud of those impressions which I have of that village life. My parents and all of us were there. We were looking at ideal relations between wife and husband and mother and daughter. Then we see the *Ramayana*. We always see the *Ramlila*. There we do not feel tired; it gives us all the pleasure of an ideal life of family. When Lakshman was hit by the arrow, we see how the brother wails for him and we see how Sita loves her husband. It is those old stories which have given us life. How do wife and husband love each other. It is not because of the oaths and pledges which we have taken on the altar, but because we inherit and cherish a conception of this relationship—a conception which we have taken from the behaviour of our forefathers. It is only because of man's habit to emulate. Through emulation we live. The ancient epics still exist with us. Therefore, when we see good theatres or cinemas containing good stories we emulate them, we copy them and that is how we develop our character. Everybody recognises his wife as Rama recognised Sita. That is the position, that is the ideal conception of relationship which has been given to us by our forefathers. Man proceeds on analogies. From the beginning till he dies, it is analogies that guide him.

Sir, it is the mode of life and not the form in which a nation lives. That mode is affected by these cinema films. Up till now the affect of films was only visual but now it is auditory also. Man, as far as his impression goes, is either primarily visual or auditory. Some children are auditorily better impressed and therefore they can remember songs better. There are other types of children who cannot remember things because auditorily they are not so receptive as visually, so they remember the pictures more. And this cinema today is both visual and auditory. Therefore, I submit it is doubly impressive and it requires double care to see that it does not inject any poisonous and demoralising influence among the people. Queues of people are found standing every evening before the cinema houses just to drown themselves in the dirty pool of demoralization and degradation. That is the position which we are facing today. It is a great problem. I would therefore submit that it should not be so lightly treated. I am waiting for that Bill which my honourable friend has just promised. I have great hope in him; amongst us all, I must submit, he is a greater moralist—I am only a talker, but he is in practice a moralist. I have fullest confidence that he will bring forward a measure which will really be effective.

An Honourable Member: Now, something about the Bill!

Mr. Deputy-Speaker: He has said enough.

Shri Mahavir Tyagi: I thought it was a general discussion about the Bill.

Mr. Deputy-Speaker: Of course, but that does not mean it should be out of the scope of the Bill.

Shri Mahavir Tyagi: Sir, all that arises out of the Bill.

Then, in this Bill it is mentioned that "adults" for the purpose of this Bill will be above 18 years of age. Between 18 and 19 there is not much of a difference. As I was telling you, I can permit you to show even vulgar films to small children because they cannot appreciate the vulgarity of it, but to a boy or girl of 18 or 19 it is dangerous to show such films. I say the age of 5, 6, 10 or 12 is impressionable all right, but the age of 19 is not only impressionable, it is excitable, it is provokable and I tell you it is inflammable. That age is more dangerous for such vulgar films, so it will not do to have that age limit.

[Shri Mahavir Tyagi]

Do you mean to say that all those boys and girls who are above 18, are above doubt for immunity? It is they who are liable to commit the biggest sins. I submit that it is always men above 18 who commit the most heinous types of sins. So, I would say, 'Physician, heal thyself'. It is the adults themselves who really need more restrictions on their recreation than the younger ones.

So, about this age also I have a serious objection. Even if it be a decision of the Party or of the House, I shall raise my voice against it so that after its failure, when you come with your second measure, I might say that I did not agree with the measure and the means sought to achieve the landable objective. I want a complete enactment just to control this industry with a view to make it a means to emphasise moral values.

With these words, I beg to oppose this Bill because it is half-hearted and does not take us into progress at all. I request the honourable Minister to go the whole way in the matter and not stay by these small efforts. My request to him is that either he may withdraw it or it may be sent to a Select Committee or the question may be considered in the next session when he brings forward a bigger enactment. With these words, I oppose the motion.

Shri Moturi Satyanarayana (Madras: General): I am not a habitual film-goer. Till about three years ago, I would have seen hardly four or five films, but during the last three or four years I had some experience of censoring films, and from what I have been able to see during this period, I get confirmed in the belief that this measure which is before us will not at all give any kind of satisfaction in meeting the situation. The basis for bringing this measure seems to be that in foreign countries there are two sets of films, one intended for children and one intended for adults. Some people seem to have advised that the same division should be adopted in our country also. The situation in foreign countries is quite different and they are able to make a division between children, adolescents and adults. We need not go into the merit of that question. But as it is, if this Bill is passed and two certificates are given, one "A" and another "U", what will happen is that in the theatres two types of films will be shown, one meant for children and one meant for adults. In this connection, there are two or three things which I would like to place for your consideration.

It is said here that adult means a person of 18 years and above. What will happen in the case of a wife who is fifteen years old and a husband who is twenty or twenty-one years old? If they both want to go to a film, what will be the position of the people in charge of the theatre? Will they drive away the wife saying "No, you are not an adult," and will the husband have to send her back home and see the film alone? If a film is at all harmful, it is harmful to a person who is seventeen years, be it a woman or a man. Therefore, it is very difficult for the authorities to make any distinction whether a particular film is harmful to a person who is below 18 years or above 18 years.

As has been mentioned in the very wise speech made by my honourable friend, Shri Mahavir Tyagi, the basis of the whole Bill in making this differentiation is to take away from the scope of children a film which is likely to influence them wrongly. This means that adults are not likely to be influenced by such vulgar films. Now, the difficulty today is that there are a large number of films, the general effect of which either on adults or adolescents is not at all good. What is required is therefore a complete change, a complete improvement in a constructive manner of the whole film production. It may be asked, "Who is to do it?" What control have Government got? If Government want to control, they must take the whole film production under their

control and give constructive guidance to the film producers and make them realize that these raw films that are being produced and the theatres that are showing these films are having a very great effect on the morals and education of the people and therefore, with the help of constructive suggestion and guidance, better films should be produced for the well being of these people. Instead of doing that, if Government bring forward a half-hearted measure like the present one, probably it will not help much; on the other hand, this division into adults and children may make the position worse. Many a time have I seen that when we point out to these film producers that a particular close-up or a particular scene is likely to demoralize people, they argue, "Oh, it won't harm children, it won't harm women, it won't harm adults." That is how they argue. So instead of giving two kinds of licences, which may probably be utilised for producing films which will be more vulgar than what they are today, we must tackle the problem in a different way. I had a personal talk with the Minister in charge and I told him, "Let this wait till you are going to bring a fuller measure in order to control and give guidance to the film producers." This would alone ensure that better films are produced.

Another fact which I want to bring to his notice is this: Is it possible to control people who are below 18 years of age from seeing these films when they are exhibited in the public theatres? Just imagine what an amount of police force would be required for the purpose of preventing them from going to these films. If you take the statistics, you will find that most of the people who go to films are between the ages of 14 and 18. In my own opinion, their number would not be less than 40 per cent. Now, these 40 per cent. of the people are mostly of the school-going—not even school-going, but college-going—type. You know the trouble that is created generally by boys between the ages of 14 and 18 in colleges. All those people, when they are told that a particular film is not to be seen by them, they will start a new *satyagraha* and probably a huge police will have to be posted at the theatres in order to suppress this *satyagraha*. I therefore, ask why this measure should be undertaken. What exactly is the way in which we can use these films for better purposes? I have not seen any purpose stated in the Bill. Instead of adopting this division, if you give help to producers to bring out better films which will be uniformly good, either for children or for adults, irrespective of age, standard, education or culture or sex, that would be much better. Therefore, I submit that it is better that this Bill is withdrawn or referred to a Select Committee with a view to making it a fuller measure, so that we may have a kind of film Censor Board or a Bill which will be useful uniformly to all people. In foreign countries I understand there is no censorship. Censorship is voluntarily imposed on themselves by the producers. There is a general Producers' Code in which what is harmful and what is not harmful is all described in detail and which producers are supposed to observe. Each producer has to observe what is contained in that Code and produce films which will be useful and highly educational. They observe it and censorship is removed. In our country also, we must see that our film producers do it. If they do not do it, we must take the whole film production into the hands of the Government itself. That is what I would very much like and that would be to our ultimate good.

Another thing that I would like to place before you for consideration is that the films, such as are produced today not only contain vulgar matter—What we may call sex matters—but other things also which are very harmful to children, viz., crime, violence, theft and several other crimes. All these things are likely to produce such a great impression on our children that probably they would get shocked. If that is accepted, is it not equally harmful to

[Shri Moturi Satyanarayana]

women? The minds of the women are as sensitive as the minds of the children. Therefore, why should a distinction be made between children and women? Therefore no distinction at all should be made. If you want, you can make a distinction between the classes of people that go to a particular cinema. If you want to encourage valour and heroism in the minds of the military people, let separate films be produced and shown to the military people. If you want to encourage a particular type of education, let separate films be produced and shown to that particular class of people. As it is, today instructional films are produced and shown; information films are produced and shown. These films may be specially shown to school-going children. But the films that are produced for public exhibition should be such that they should be capable of producing uniform effect on everybody, that they will go a long way in rebuilding our nation and make a large contribution to our moral emancipation.

With these words, Sir, I request that this Bill may not be insisted on to be passed by this House and that it may either be postponed or referred to a Select Committee so that we may have a fuller measure and a more useful Act.

Prof. N. G. Ranga (Madras: General): I am sure the House is grateful to my two honourable friends Mr. Tyagi and Mr. Satyanarayana for having made it recognise the importance of the Bill that is before us for discussion and also the very great influence indeed that cinema has come to have upon our social life and upon educational system.

Sir, there is very great force in what Mr. Tyagi said when he maintained that we should not make this artificial distinction and which is very difficult indeed to be enforced. Mr. Satyanarayana is certainly right when he says that you will be obliged to maintain a large army of policemen at cinema houses in order to prevent those who are below 18 years of age from going in. Indeed, it would only prove another source of income to our policemen and another source of harassment not only to the cinema goers but also to the cinema proprietors and various other people connected with this industry. Therefore I do deplore that this mischance should have come to my honourable friend, Mr. Diwakar, that he should have had to come to this House for the first time with a Bill of this kind, a Bill which really does not rise to the status of a Bill at all. Sir, my honourable friend has said that he is extremely anxious to get this thing passed so that within the next five or six months our children may be prevented from getting demoralised. If our children had not been completely demoralised till now, they can certainly be expected to be looked after by their parents during the next six months and there is no reason why this House should be hustled into passing this Bill in this very short time. Secondly, Sir, as everybody has come to recognise in this House as well as in the country, cinema has become one of the most important educational agencies of this age. Therefore it is the special responsibility of the State to see that through cinema such type of education is imparted to our people as will prove to be a progressive force as also raise the spiritual, social, cultural and moral standards of our people. My honourable friend, Mr. Tyagi, has done right in drawing our attention to the great influence that *Ram Lila* and various other performances have come to have upon the impressionable minds of our people, children, adolescents and adults, through the ages. It is therefore our duty to see that this industry is controlled, regulated and developed under the special direction and care of the Government. I am sorry to find, Sir, that more than a year and six months ago the idea was mooted that there should be a Central Censorship Board. A year ago there was a Bill brought forward before this House when an assurance was given by the Government that such a Board would come to

be established. The Standing Advisory Committee of this House for this Department had definitely made the recommendation that such a Board should be established. Till now, no action has been taken. Indeed, I am told on very good authority that very little action has been taken in pursuance of this Act which was passed by this House a year ago. Sir, it is true that there are a number of Provincial Censorship Boards. But there should be a Central Censorship Board. It is the duty of that Board first of all to satisfy itself that any film that is sought to be produced and exhibited does not do violence to our general conception of morals and other standards of life in this country, secondly that it contributes to the educational as well as the moral progress of our people and thirdly that it will increase not only the quantity but also the quality of the education that is being made available to our people. From these three points of view, the Central Censorship Board should examine every film and then only pass it. After having done that, it would be the duty of the Provincial Censorship Board to further scrutinise it. You may be wondering why there should be any Provincial Boards at all. As everyone knows, our social life and ideas differ from province to province. Because of this, the Provincial Censorship Board concerned should be given a certain amount of latitude in order to scrutinise these films and satisfy itself that the films that are sought to be exhibited in any particular province are suited to the people of that particular province. Having said this, I would like my honourable friend, Mr. Diwakar, to remember that there is much truth in what my honourable friends have already said. How can you expect a boy or girl between 14 and 18 years of age to be influenced by these films in a different way from those who are above 18 years of age? In other countries, once there is a thing like this, one can easily expect the parents not to indulge in their children going in for films which are meant only for adults. But the parents there have much less control over their children than parents have over their children in this country. Therefore this distinction is absolutely useless even in those countries and it would be much more so in this country.

Thirdly, it is true that there can be two sets of films, one to cater to a certain class of people in order to prepare them for certain avocations. These are educational films and also scientific films. The other is for entertainment—song hits and stories—and general education. You can make a distinction between these two. You can produce films such as are suited to children below 18 years of age and specially exhibit them in schools and colleges and make their exhibition even free as our earlier dramas and theatres were free in our own villages. Now as for the general films you could leave them as at present to private industry; there is not much harm, but then you will have to take care, Sir, to see that there is not much profiteering.

I do not wish to go into the subject now, because on another occasion 4 P. M. when my honourable friend will try to introduce a general Bill, a bigger and more satisfactory Bill to tackle the problems of this great industry, that would be the occasion both for this House as well as for individual members to discuss it at greater length. One thing must be realized, Sir, that this Bill at present is not ended. This does not go anywhere at all to meet the situation and it may only create more mischief and not produce any benefit and I strongly suggest to my honourable friend not to stand on any *Izzat* but to make a handsome gesture and withdraw this Bill, and in that way avoid worsening the situation, which is really every day going very bad.

Dr. P. S. Deshmukh (C.P. and Berar: General): Sir, this is undoubtedly a very entertaining subject and my honourable friend, Mr. Tyagi had certainly added very much to the entertainment. Sir, I have the misfortune once again to take a somewhat different view from what some members seem to hold. I however agree that the Bill should be withdrawn. I would also request the honourable Minister to withdraw the Bill, but for somewhat different reasons. For some of the reasons, of course, I agree with my honourable

[Dr. P. S. Deshmukh]

friend, Prof. Ranga and others, but I look at it from the point of view of the cinema industry. I hope honourable members do not misunderstand me and think that I am an industrialist and therefore, that I am holding a sort of a brief on their behalf. I think, Sir, it is probably the experience of many people, looking at the lucrative nature of this profession of cinema going and other things that it may be possible for some of us to at least get high profits and high salaries which is possible for the cinema actors today. That is not, however, the way in which I look at it; I look at it from the point of view of the cinema industry and while considering the Bill from that point of view, I do not agree that the time has come when Government should take the whole industry under its care as has been suggested. I fully agree that it is time and it is in fact a little late that the Government have not taken up the work of producing educational films because visual instruction can be far more effective than any other kind of education and if the Government had really tackled this problem seriously, it should have been possible to achieve greater results. I also agree with Prof. Ranga that the Central Censorship Board ought to have been brought into being by now, so that the very necessity of this Bill would have been probably diminished. After all, Sir, I have a high regard for the technical skill as well as for the way in which the films are produced in our country. It may be that there are films now and again which depict some features which are not very healthy for the adults in this country, and for those children who are below the age of 14, but on the whole, Sir, I think our cinema producers have produced successfully good films which have contributed a great deal to the advancement of the art of singing as well as photography and other ancillary arts. For instance, whereas in the American and British films there is hardly a single film in which the heroine and the hero do not kiss each other at least half a dozen times, but so far as the Indian films are concerned, such things are absolutely absent. There is no member of this House who can appreciate the scenes of the heroes and heroines coming together so close.

Then, Sir, amongst the bad effects of even Government controlling the whole industry or taking it over as I thought my honourable friend Mr. Tyagi would have foreseen it, his love heroine Sita and his love hero Harish Chandra would probably very rarely find a place, if the industry is taken over by Government. It is more possible that the present manufacturers will like and depict the life of Buddha and I do not know if my honourable friend has seen the *Ram Rajya*—I am sure he has seen that cinema—and then he would like to produce more films of *Ram Rajya* itself because of better music and probably lesser noise in that film (Shri Mahavir Tyagi: "That is one film that I like also".) There is a film, "The Tukka Ram" which I am sure my honourable friend will like and there are good many films which are really a very high credit to our industry and I do not think it would be correct to hamper their work, because legislation like this, is likely to do considerable harm both to the industry as well as dislocate the law and order as has been suggested by some honourable friends.

Then I would suggest the constitution of a good censorship Board, not with a large number of people, because I am afraid in one of the Boards there are about 12 members and each vies with another in cutting the length of the film. If one cuts four feet, the others say they will cut 10 feet and so the whole film is mutilated. I do not want to take a one-sided view of the whole affairs and we must look at the matter in its totality and then alone can remove the portions which are likely to do definite harm. So from this point of view, Sir, I think neither the Government control of this industry is desirable nor would this Bill worded as it is be practicable. There would be many difficulties and many bad results are likely to flow from it. I would not be surprised if the enrolment in the high schools and colleges falls as a result

of this legislation, because what is the fun in going to school or to a college, if you cannot go to a cinema? It would not be worth while going to the colleges at all because films are one of the principal attractions of a young man going to the college.

Then, Sir, about the excitable nature or the excitement that it creates. My honourable friend said that some of the films are very excitable, but I think this objection is not valid against many of our own films and I do not know whether my honourable friend chose exactly those films which happened to be more exciting than others.

Then, Sir, from the point of view of the industry, the Act will be unworkable; there would be a lot of frivolous prosecutions both of the boys as well as of the cinema-owners and proprietors and this enmity would not be at all in consonance with the public peace and tranquility. The honourable Prime Minister, Sir, we know, does not like the cinemas very much. In fact, he declared that he will see that not a single cinema house is erected. Fortunately Sir, people do not seem to take him so seriously and it is most gratifying to see that there are good many cinema houses still existing in the country. I do not take the view that the cinema should be condemned. I think the remedy lies somewhere in a happy compromise between the two. It is far better to produce special films for children going to schools and leave the responsibility on the guardians to see that they do not attend bad films. After all what are the guardians and parents there for, if they do not know what is good for their children and what is not. As my friend Mr. K. M. Munshi said the other day, we are flooding the country with legislation, I fear that criticism is apt in this case. Although I do not agree with him in his general observation, I certainly think that this Bill is of that nature which seeks to create offences which it will be very difficult for us to administer and will therefore result in evil consequences.

An Honourable Member The question be now put.

Mr. Deputy-Speaker: The question is:

"That the question be now put."

The motion was adopted.

The Honourable Shri R. R. Diwakar: I am very glad that some of my friends here have contributed to the debate on this important subject. But at the same time I must point out that some of the speeches made, at least parts of them, were not made with the realisation that the point at issue is a very small one. Of course it might be that I have come before the House with a very small point, but then there is a history about it. This Bill was ripe for introduction as long ago as the 31st August of last year. Since then it has been there and I am now responsible for introducing it.

Shri Mahavir Tyagi: You are holding another man's baby?

The Honourable Shri R. R. Diwakar: I have made it clear that before this amendment was introduced, all the provincial Governments were consulted and the industry itself was consulted. After all this history it is that this Bill has come before the House. Therefore I pleaded from the very beginning that we should restrict our consideration and discussion to this one point, postponing all other considerations to a later date when, after a full enquiry of this industry we shall have recommendations before us and then in terms of those recommendations a more comprehensive Bill would be brought in.

One point that was raised related to central censorship. I submit that no Act has been passed here as regards central censorship as such. What has been passed is an amendment of the Government of India Act and that too was by the Constituent Assembly in its last session. Not more than four or

[Shri R. R. Diwakar]

five months have elapsed since then. That amendment authorised this Parliament to legislate regarding central censorship and therefore suitable legislation would be framed and brought before this House to bring central censorship into operation. This is the exact position. There is no meaning in saying that Central Censorship law was passed.

Prof. N. G. Ranga: Is it not a fact that the Standing Committee has stated that it should be constituted?

The Honourable Shri R. R. Diwakar: It can be constituted only by law and power to make that law was obtained only three or four months ago. After that power was taken, suitable legislation has to be framed and it has to come before the House. That is the whole position. Therefore, rather than looking at it from this perspective, it is no use looking at it as something which is overdue. In one sense it may be overdue, but so far as the procedure is concerned, it is there and it has to be followed. We cannot but submit to the procedure that has been laid down.

Now, I may classify the objections raised and the arguments advanced under three types: One is total rejection of a Bill of this kind altogether.

Prof. N. G. Ranga: Withdrawal is the best.

The Honourable Shri R. R. Diwakar: Mr. Tyagi stands for the total rejection of the Bill altogether. I have not much to say about it, because that is a matter for the House to decide.

As regards the argument that he advanced I do not think I yield to any one regarding the value of our culture and so on. At the same time I could not shut my eyes to the remark that what is called modern civilization, and modern methods of spreading ideas are inherently opposed to our ancient culture and high and noble ideas. On the other hand, I would plead with every one who stands for Indian culture to see that every modern method and *media* is utilised properly for the spreading of those ideas and culture and also establishing the greatness of Indian culture. We can neither run away from broadcasting stations nor can we run away from newspapers, authors and printing presses today. If there are some bad films, well I can say there are bad books and bad newspapers as well. That being so, since we are not condemning journalism wholesale or authorship wholesale or printing presses wholesale, there is no meaning in picking and choosing a particular industry like the film industry and saying that whatever is produced by the industry is rotten and is demoralising. If this is demoralising us, I do not see why we should not condemn all literature as demoralising and lots of things written by the journalists. So I think there is no meaning in singing out this industry for condemnation. We are all here for bettering the conditions. Those conditions can be bettered in two ways, one in a negative way, another in a positive way. The Bill before us is of the former type. It is a negative way. Censorship is only of a negative type. All censorship for the matter of that is negative. However, highly placed the censors may be, however intelligent the censors may be, and whatever high standards the censors may set before themselves, still censorship after all is an act of negation, saying 'Don't do this.' But there is a positive way and that positive way can be taken up only when there is a full enquiry into the whole subject. For this we have to wait a little. That is the situation so far as the positive way is concerned. Now, when we are on the negative way, namely censorship, when there have been demands from provincial Governments as well as from the industry and other people, naturally we should try to see in what way we

can improve the negative manner in which we are going about in this matter. So far as the positive way is concerned I am at one with everyone in the House in saying that a very high type of films should be produced and if necessary the Government also should come into the field and try to see that the best possible educative films are produced. I am very thankful to some of my friends who said that this line should be taken up. Even our Films Division could do it. No doubt at present there are limitations of personnel, etc. and also limitations on the purpose for which documentary film section exists. We are not trying to produce only educational films, but that does not mean that something should not be done in that line. I am one with those honourable members who want to take up that line and see that not only the film industry but all *media* of knowledge, information and entertainment are improved to the best possible extent so as to make them a source of strength to the nation. But that does not mean that we should meanwhile sit with folded hands. We shall have to do something and that something is along a certain line that has been followed in this matter and we are at a particular stage of that development. Therefore it is that I have brought this Bill and I think it should not only be considered but also passed so that it might be a step in the right direction. If this is a step in the right direction—which is the main question—a delay of three or four months would not matter as regards other steps to be taken.

Now as regards the difficulties it has been said that so many policemen will be required and so on. I do not think that that is a valid objection. In fact no policemen will be required at all; it is not a cognisable offence. It is only when a complaint is made and brought to the notice of the court that the wheels of law will move. So, to say that it will give the police a source of income is to scandalise the police, which is not a good thing to do.

Shri M. Tirumala Rao (Madras: General): The point is that it will be a temptation put before the police.

The Honourable Shri R. R. Diwakar: It might be very delicate language but the meaning is quite plain, and I would not be prepared to accept any such remarks. So I think that that fear is baseless. In view of these facts I would request that this Bill—small as it is—should not be postponed but should be passed as one step in the right direction.

There was one very important consideration, namely, what if a particular film is bad for adults it is bad for all. I think abstractly speaking these matters can be argued at any length but what does commonsense say? In ordinary life when we allow certain things to adults we do not allow the same things to younger people and children and adolescents. It is from that point of view that we have to look at these things. Then about age, what may be good for a man of 19 may not be good for a man of 18. These arguments lead us to what is called *anubastha prasanga* i.e., confusions, anarchy. Somewhere we have to lay down rules and say that a man of 21 is good enough to give a vote at an election. Why not 21½ or 20? But some such line has to be drawn and it is to be drawn either from the point of view of past traditions, or from the point of view of psychological tests or from the point of view of impressionability. In modern days, psychology has advanced so far that apart from what is called the physical age each man has what is called a psychological age. If we take these things into consideration, I do not think it would be easy for us even to take one step in any direction. Therefore in a rough and ready manner and according to old traditions we have taken 18 years as the age of discretion and that age of discretion is the line which should divide an adult from a child or an adolescent. That is how this particular line has been drawn and if a line is to be drawn I think it should be drawn in this manner.

Shri Mahavir Tyagi: Why not make a distinction between married and unmarried?

The Honourable Shri R. R. Diwakar: There will be greater difficulty about bachelors! Some of my friends argue that something which is shut off from children is really something which might be very bad. Still I think every man and woman and every adult does shut out certain things from children! So I do not think there is any sense of sin in the parents when they shut out children from certain activities of theirs or certain parts of the house and so on at certain times of the day! These things are there and so we have to take a commonsense view. But what I want to impress on the House is that a full and complete inquiry is in the offing, and when that comes all the different aspects of the question like age, the time and length of the film, the length of the trailer, types of films, etc., will be before the House. Therefore, I commend this motion to the House as a step in the right direction.

Shri H. V. Kamath (C.P. and Berar: General): Sir, on a point of clarification, in the event of a film being shown to unauthorised audiences among whom are children and adolescents, if a complaint is made will doctors be dragged in to certify the age of the children or adolescents.

Pandit Thekur Das Bhargava: The question of age is common to many civil and criminal matters. The age of majority, the age of marriage, abductions, kidnapping, succession and guardianship has to be determined and when cases come to court the doctors certify the age.

Mr. Deputy-Speaker: In railway trains children below three are not charged, and they do not bring in doctors every time.

Shri H. V. Kamath: That is why I asked that question. What does the Minister say?

Mr. Deputy-Speaker: It is common knowledge and need not be answered.

Shri H. V. Kamath: Not so common, Sir.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

श्री लक्ष्मी नारायण साहू: माननीय उप वाचस्पति जी, आज यह जो बिल हमारे सामने आया है, उस के क्लॉज दो में में एक ऐसा संशोधन करना चाहता हूँ—

"That in clause 2 of the Bill, in the proposed amendment to section 2 of the Cinematograph Act, 1918, for the word 'eighteenth' the word 'twenty-first' be substituted."

उप वाचस्पति जी, मेरे पास उम्र बढ़ाने के लिये जो कारण हैं वह मैं संक्षेप में यहां देता हूँ। पहिले तो यह जो बिल आया है, उस का जो लक्ष्य है और जो कारण दिये गये हैं उस में यह बतलाया गया है कि:

In order to prohibit and restrict the exhibition of unsuitable films to young persons of impressionable age and to ensure maximum circulation of any films, it is necessary to distinguish between adult audiences on the one hand and children and adolescents on the other."

यह लक्ष्य जो है उस का जो मतलब है उस से भी मैं सहमत नहीं हूँ। यह ठीक है कि:

"In order to prohibit and restrict the exhibition of unsuitable films to young persons of impressionable age....."

यह तो ठीक है लेकिन फिर यह बतलाया गया है कि "टु एन्शियर मैनिशम सकुलेशन आफ आल फ़िल्म्स" इसे बढ़ाने के लिये इतनी कोशिश करेंगे। मैं तो इसके खिलाफ़ हूँ क्योंकि इस देश में अभी भी बहुत आदमी हैं जो कहते हैं कि जो सिनेमा है या चित्रपट है जिसे हम देखते हैं वह देखना हराम है। चित्रपट नहीं देखना चाहिये एक ऐसा मत है और दूसरा मत यह कहता है कि जो चित्रपट हम देखेंगे तो सब देखेंगे, पूरा देखेंगे, जिसे जन समाज में सब आदमी पसन्द कर सकते हैं, टुकड़े कर के किसी को नहीं देखेंगे। मेरे मित्र सत्य नारायण जी ने कहा है कि जो स्पेशल फ़िल्म है, उस के लिये कुछ करना चाहिये। कोई वैज्ञानिक फ़िल्म है, कोई कल्चरल फ़िल्म है, जो बड़े बड़े आदमी समझ सकेंगे, उन के लिये यह जो स्पेशल फ़िल्म्स होती हैं, उन के लिये कोई बात नहीं है। लेकिन और जो फ़िल्म होंगी वह सब समाज के लिये होनी चाहियें क्योंकि बाल बच्चे सब साथ में, पिता माता के साथ में, जायेंगे। अगर बाल बच्चों को अकेले छोड़ कर माता पिता दूसरी जगह जायेंगे तो यह ठीक नहीं है। इसलिये मैं कहता हूँ कि जब १८ वर्ष से २१ वर्ष तक की उम्र ज्यादा कर दी जायेगी तब वहां कुछ सिनेमाग्रह होंगे जिस में वह सिनेमा देख सकते हैं। अब यदि दूसरे आदमियों के लिये सब सिनेमा होंगे तो इस के बारे में मैं इतना ही कहना चाहता हूँ कि उन लोगों के लिये जो उम्र ब्रह्मचर्य के लिये होती थी वह पच्चीस वरस तक थी और पच्चीस वरस के बाद हम लोग शादी इत्यादि किया करते थे। अब भी मैं कहता हूँ कि यह सब ठीक है। लेकिन अब जो नया तरीका आ गया है, इस समय जो हम लोगों की सिविल लाईजेशन है उस में हम ऐसा नहीं मानते।

फिर मंत्री जी ने कहा कि आदमियों को साइकोलोजिकल एज एक है और फ़िजियोलोजिकल और होती है। इस के लिये हमें क्या करना है यह बरा मुश्किल है। मैंने देखा है आदिवासियों में सब नग्न रहते हैं, बहुत युवती लोग हैं वह भी नग्न रहती हैं। यदि यहां कोई नग्न औरत हम देखें तो मन में पाप उठता है, लेकिन वहां की जो आशुहवा है, उन पहाड़ों में सभी लोग ऐसे रहते हैं कि उन के बीच में कोई नग्न औरत आ जाय तो उन के मन में खराब भाव नहीं पैदा होता। मैं ने उन लोगों में काम किया है, इसलिये देखा है। बड़ी शंका पैदा होती है कि शायद हम लोग खराब हो जायेंगे। उन लोगों को सहायता पहुंचाने के लिये हम जाते हैं इस लिये हम कपड़ा देते हैं। ओढ़ने के लिये कपड़ा देते हैं। लेकिन मैं कहता हूँ कि यह साइकोलोजिकल चीज है। इस को खयाल में रखना चाहिये। १८ वर्ष से २१ वर्ष जब हम करेंगे तो हम लोग सावधान ज्यादा हो जायेंगे और फिर लड़के की लिखने पढ़ने की उम्र ज्यादा हो जायेगी। तब क्या छोटे छोटे बाल बच्चों की शादी हो जायेगी। अब

[श्री लक्ष्मी नारायण साहू]

बाल बच्चों की शादी भी ठाकुरदास जी ने वन्द कर दी । हम चाहते हैं कि बाल बच्चे एम० ए० तक पढ़ें और जब एम० ए० तक पढ़ेंगे तो उन की उम्र कितनी ज्यादा हो जायेगी । १६ वर्ष में मैट्रिक पास कर सकते हैं, उस के बाद ४ वर्ष में बी० ए०, बीस वर्ष हो गए, और दो वर्ष में एम० ए० । इस तरह से २२ वर्ष हो गये । तो जो ब्रह्मचारी नहीं बनेगा उस का लिखना पढ़ना ठीक से नहीं होगा । इसलिये उन्हें २१ वर्ष तक तो ब्रह्मचारी होना ही चाहिये । जब तक यह नहीं होगा तब तक हमारा देश ठीक नहीं होगा । हमारा देश तो डरपोक हो गया है और उस की ताकत भी कम हो गई है । इसलिये हम ऐसा प्रवन्ध करेंगे कि जिस से हम में ताकत होगी । हम डरपोक नहीं रहेंगे । मैं इसलिये चाहता हूँ कि जब हम फ़िल्म बनायेंगे तो सब के लिये एक तरह की फ़िल्म बनायेंगे और दूसरे आदमियों के लिये, ऐडल्ट्स के लिये, विशेष आदमी के लिये विशेष प्रकार की । लेकिन जब १८ से २१ वर्ष करेंगे तो जो सेक्सुअल साइन्स है उस को भी दिखा सकते हैं, और जो सेक्स के बारे में इतनी अड़चन आती है उन को भी दिखा सकते हैं । तो जो चीज़ हम छिपाना चाहते हैं वह २१ वर्ष के बाद दिखाना चाहिये । लेकिन १८ वर्ष में क्या होता है, १८ वर्ष में बच्चा लड़का ही है । १८ वर्ष से ज्यादा जब तक नहीं होगा तब तक यह ठीक नहीं है । इसीलिये मैं कहना चाहता हूँ कि कम से कम १८ वर्ष से २१ वर्ष कर देना चाहिये ।

(English translation of the above speech)

Shri Lakshminarayan Sahu (Orissa: General): I wish to move an amendment to clause 2 of the Bill that is before us. Sir, I move:

"That in clause 2 of the Bill, in the proposed amendment to section 2 of the Cinematograph Act, 1918, for the word 'eighteenth' the word 'twenty-first' be substituted."

Sir, I here give in brief the reasons that I have for the increase of the age-limit. In the first instance in the aims and objects of the Bill before us it has been mentioned that:

"In order to prohibit and restrict the exhibition of unsuitable films to young persons of impressionable age and to ensure maximum circulation of any films, it is necessary to distinguish between adult audiences on the one hand and children and adolescents on the other."

I do not agree also with the idea behind this aim. It is true that:

"In order to prohibit and restrict the exhibition of unsuitable films to young persons of impressionable age....."

This is quite correct but after this it is laid down, "to ensure maximum circulation of all films", i.e., we will make full efforts to develop it. I am opposed to this because even today there are many people in this country who say that it is forbidden for them to see the cinema or whatever is shown on the screen. Some hold the opinion that cinemas should not be seen, while some say that whatever pictures we would see, we will see them complete in all respects and not mutilated ones. My honourable friend Shri Satyanarayan has said that we should do something for special kinds of films. Some films are of scientific nature and some are cultural. I do not want to say anything about the special films that are meant for the cultured audiences.

but the other films should be for the whole of the society because children also will go to see them along with their parents. It would not be proper if the parents would go to other places leaving the children alone. For this reason I submit that if the age would be raised from 18 to 21 then there would be some cinema houses where they would be able to see pictures. But if all the cinemas will be for all the people then in this connection I wish to submit only so much that for children the period for *brahmcharya* used to be up to 25 years of age and we used to perform marriages, etc., after this 25 years of age. I say that for the present time also this is true. But in this new age, in the present civilization we do not think so.

Then the honourable the Minister has said that in the human beings the psychological and physiological ages differ from one another. It is difficult for us to decide what we have to do in this respect. I have seen that among the *adibasis* all the people remain naked, many grown up women also remain naked. If we see any naked women here our thoughts become sinful. But therein the climatic conditions that are found in the fastness of those mountains nearly everybody lives in such a manner that if some naked women happen to come before them no sinful thoughts arise. I have worked among those people and I have seen all this. We entertain grave doubts that perhaps we also will become corrupted. We go to render help to them and we give them clothes for covering their bodies. But this is a psychological problem and we should keep this fact in mind. If we would raise the age limit from 18 to 21 the children would become more sensible and the children's years of study will also increase. Then will the children of tender age be married. Pandit Thakur Das Bhargava has now stopped child marriages also. I wish that the children should read upto M.A. standard and what their age would be when they would read upto M.A.? They can pass Matric at the age of 16, then after four years B.A. that is at the age of 20, and then after 2 years M.A. In this way their age would be 22 years. So anyone who would not remain *brahmcharya* would not be able to get proper education. Therefore they must remain *brahmcharies* upto 21 years of age. So long this is not done the condition of our country will not become better. Our country has become cowardly and her power has also decreased. Therefore we would make such efforts whereby we would become powerful. We will not remain cowards. Therefore I wish that when we will produce films we will make similar films for all, and for others, for adults and for special persons we will produce special films. But if we would raise the age limit from 18 to 21 we can show them sex films too and can also show them the intricacies of the sexual side of life. Then the things which we want to conceal should be shown after the age of 21. But what happens during these 18 years? Up to the age of 18 a child remains a child. It is not proper to show him these things till he is not above 18 years of age. Therefore I wish to submit that the age limit should at least be raised from 18 to 21 years.

Mr. Deputy-Speaker: Amendment moved:

"That in clause 2 of the Bill, in the proposed amendment to section 2 of the Cinematograph Act, 1918, for the word 'eighteenth' the word 'twenty-first' be substituted."

The Honourable Shri R. R. Diwakar: I am sorry I cannot accept it.

Mr. Deputy-Speaker: The question is:

"That in clause 2 of the Bill, in the proposed amendment to section 2 of the Cinematograph Act, 1918, for the word 'eighteenth' the word 'twenty-first' be substituted."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Shri Prabhu Dayal Himatsingka (West Bengal: General): Sir, I move:

"That in clause 3 of the Bill, in the proposed sub-section (2A) of section 5 of the Cinematograph Act, 1918, between the words 'not' and 'exhibit', the word 'knowingly' be inserted.

You will find from this clause that the condition is sought to be inserted in every license that certain films are not to be shown to persons of a certain age. The question is, if the owner of the house has done everything that is possible for him, and by putting in advertisements, that people of a particular age are not to be admitted, and he has done everything else that may be needed of him, would you still throw the burden on him if somebody below the prescribed age enters the house against his wishes, or rather without his knowledge?

Mr. Deputy-Speaker: Then there is no *mens rea*. He is not responsible.

Shri Prabhu Dayal Himatsingka: That is what my amendment seeks to suggest if you will say, "will not knowingly exhibit..." If that is agreed to, it will be all right.

The Honourable Shri R. R. Diwakar: I am not prepared to accept it, Sir.

Mr. Deputy-Speaker: There are a number of amendments. I do not know how many are likely to be accepted by the honourable Minister. For the convenience of the House it would be better if the honourable Minister would indicate what amendments are likely to be accepted by him.

The Honourable Shri R. R. Diwakar: I am accepting only one amendment which is a technical one and that is to clause 1, *viz.*, that in sub-clause (1) of clause 1 of the Bill, for the figures '1948', the figures '1949' be substituted.

Shri Prabhu Dayal Himatsingka: I do not want my amendment to be put to the House.

श्री लक्ष्मी नारायण साहू : उप वाचस्पति जी, जो मेरा संशोधन है, वह इस प्रकार है :

"That in clause 3 of the Bill, after the proposed sub-section (2A) of section 5 of the Cinematograph Act, 1918, the following new sub-section be inserted:

"(2B) There shall be separate cinema houses for children and adolescents and the cinema shows shall be shown in the day time."

अब हम लोग देख सकते हैं कि हमारे लिये सिनेमा से बुरे भाव को हटाना बहुत मुश्किल होगा। इसलिये मैं चाहता हूँ कि इस भय से छुट्टी पाने के लिये हम लोग अलग अलग सिनेमा बना दें। कुछ सब आदमियों के लिये, कुछ adolescents और चाइल्ड के लिये। अलग अलग करने से पुलिस प्रबन्ध से छुटकारा मिलेगा। और इसीलिये मैं चाहता हूँ कि इस संशोधन को ग्रहण कर लेना चाहिये।

दूसरी जो चीज मैं ने दी है जिस में मैं कहता हूँ कि "सिनेमा शोज़ शैल वी शोन इन डे टाइम" वह इसलिये कि जो बच्चे ज्यादातर स्कूल में पढ़ते

हैं उन को रात को सिनेमा में नहीं जाना चाहिये। ऐसा मालूम होता है कि दिन में जो चीज लोलुप नहीं मालूम होती वह रात में मालूम होती है। रात में लोलुपता अधिक होती है, इसलिये वह रात में जायेंगे वहाँ चित्रपट मंचंद्रालोक विभित सब देखेंगे और रात में ज्यादा देर करके घर लौटेंगे। और दाखू भी पी कर आयेंगे, क्योंकि गवर्नमेन्ट ने सब जगह पूरा प्रबन्ध कर दिया है इस का। ऐसा मैं ने देखा है, इसलिये मैं चाहता हूँ कि जो लड़के छोटी उम्र के हैं उन्हें रात में सिनेमाग्रह नहीं जाना चाहिये। कम से कम यह तो होता ही है कि वह सिनेमा जाने के लिये पैसा माँ-बाप से लेते हैं, बदमाशी के लिये भी लेंगे, दाखू पीने के लिये, तम्बाकू खाने के लिये, पान खाने के लिये या और चीज खाने के लिये। इस से भी पैसा बरबाद होता है और उन में भी खराबी पैदा होती है। इसलिये मैं चाहता हूँ कि हमें कम से कम इतना तो करना ही चाहिये।

(English translation of the above speech)

Shri Lakshminarayan Sahu: Sir, I move:

"That in clause 3 of the Bill, after the proposed sub-section (2A) of section 5 of the Cinematograph Act, 1918, the following new sub-section be inserted, namely:

"(2B) There shall be separate cinema houses for children and adolescents and the cinema shows shall be in the day time."

Now we can see that it would be difficult for us to remove the bad effects from the cinemas. Therefore I wish that in order to dispel this fear we may have separate cinemas. Some cinemas should be for all, some for adolescents and some for children. By having separate cinema houses we will also be free from police control, and for this reason I wish that the amendment may be accepted.

The second point mentioned by me wherein I have laid down that "the cinema shall be shown in day time" has been given for this reason that the children who mostly read in schools must not go to cinemas in night shows. It seems that the things which do not appear cupidious in the day time become cupidious in the night time. Cupidity is always more in the night, so they would go to the night shows, would see everything on the screen and will come back to their houses quite late. They will also come back drunk because everywhere the Government have made full arrangements for it. I have seen this thing, therefore I wish that the children of tender ages should not go to see cinema in the night shows. At least it happens so that they extort money from their parents for going to cinemas, and so they will ask money for dissoluteness, and similarly they will extort money for drinking wine, for smoking, for chewing betels and for other eatables also. In this way not only the money is wasted but the children also acquire bad habits. Therefore I wish that so much at least should be done.

Mr. Deputy-Speaker: I am not sure if the amendment is not out of order. The whole Act is not being amended but only certain sections are taken in a particular manner and amendments are sought to be made. So amend-

[Mr. Deputy-Speaker]

ments can only be tabled to amend the amendments proposed. However, I will put it to the House.

The question is:

"That in clause 3 of the Bill, after the proposed sub-section (2A) of section 5 of the Cinematograph Act, 1918, the following new sub-section be inserted:

'(2B) There shall be separate cinema houses for children and adolescents and the cinema shows shall be in the day time.'"

The motion was negatived.

Shri Jaspat Roy Kapoor rose—

Mr. Deputy-Speaker: The honourable Minister has said that he is not prepared to accept any amendments.

Shri Jaspat Roy Kapoor (U. P.: General): I will make one attempt to persuade the honourable Minister of State to accept my amendment. I would like to move only the alternative amendment of mine. I move:

"That in clause 3 of the Bill, after the proposed sub-section (2A) of section 5, of the Cinematograph Act, 1918, the following new-sub-section (2B) be inserted:

'(2B) The following conditions shall also be inserted in every licence:

That the licensee shall not exhibit, or permit to be exhibited, any film in such place between the hours of 9 P.M. and 6 A.M. to any person who is not an adult."

I am not moving my other amendments because the honourable Minister has said that the scope of this Bill is a restricted one and that the object is only to cover one aspect, which is the protection of the interests of children, and young boys and girls. But even this aspect is not fully covered and no adequate protection will be given to children and young boys and girls unless this amendment of mine is also accepted. In this Bill it is said that there shall be two kinds of films A and U—A for adults and U for all. That is all right so far as it goes but I think from the point of view of the health and morals of the children and boys and girls it is very necessary that the time of the exhibition of 'U' films should also be restricted. It would be readily admitted by everybody that it is against the interests of the health of the young boys and girls if they are allowed to keep awake till midnight or 1 A.M. or 2 A.M. in the morning. This is a necessary amendment and this restriction must be imposed on the licensees. From the point of view of morality also, as has been pointed out by my honourable friend Mr. Sahu, it is necessary that children and young boys and girls should not be permitted to stay out of their homes till late hours in the night. They would generally go alone though they can also go in their parents' company, but as things are they would not generally go with their parents. If they are allowed to go to late shows they are likely to go astray. For these reasons I would submit that this amendment should be accepted and I would earnestly appeal to the honourable Minister to kindly accept it. Already he has heard a lot of criticism against the Bill. If he accepts at least this amendment many of the Members who have severely criticised the Bill would feel obliged to him and after the Bill is passed they would not be sorry as they would be if the Bill is passed without amendment being accepted by him. I would request the honourable Minister to kindly accept this amendment at least.

The Honourable Shri R. R. Diwakar: Sir, I have very patiently heard the speech in favour of the amendment but I have again to submit that this will introduce a number of complications which are not really visualised by the amendment before the House. Therefore, it is with great regret that I have to say that I cannot accept the amendment.

As regards the criticism against the Bill I have heard that also very patiently but all the criticism was not against this particular Bill or its provisions but against a number of other things which are not really before the House.

Mr. Deputy-Speaker: Does the honourable Member press his amendment?

Shri Jaspat Roy Kapoor: No, Sir, I am not pressing it.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Shri B. N. Munavalli (Bombay States): Sir, I beg to move:

(i) "That in part (i) of clause 4 of the Bill, in the proposed amendment to sub-section (1) of section 7 of the Cinematograph Act, 1918, after the word 'adults', the words 'and children in arms, below the age of five', be inserted."

(ii) "That in part (ii) of clause 4 of the Bill, in the proposed amendment to sub-section (2) of section 7 of the Cinematograph Act, 1918, after the word 'adults', the words 'and children in arms, below the age of three', be inserted."

Sir, in this Bill children and adolescents are restricted from seeing certain films but it is not described children and adolescents of what age. Certain films are restricted to adults. If this amendment is not accepted many mothers with children of the age of five or below are also likely to be debarred because the small children are always with the mothers and we see that the mothers always go with the small children in their arms. If they are not allowed to take their children it will not be possible for them also to see these films. So I was prompted to move this amendment and I hope that the honourable Minister will accept it.

The Honourable Shri Satyanarayan Sinha (Minister of State): I suggest that the honourable Minister should be requested to accept the amendment with a slight modification namely "three years" instead of "five years."

The Honourable Shri R. R. Diwakar: If it is three years I can accept it.

Mr. Deputy-Speaker: Amendments moved:

(i) "That in part (i) of clause 4 of the Bill, in the proposed amendment to sub-section (1) of section 7 of the Cinematograph Act, 1918, after the word 'adults', the words 'and children in arms, below the age of three', be inserted."

(ii) "That in part (ii) of clause 4 of the Bill, in the proposed amendment to sub-section (2) of section 7 of the Cinematograph Act, 1918, after the word 'adults', the words 'and children in arms, below the age of three', be inserted."

Shri Jaspat Roy Kapoor: Sir, I want to oppose this amendment. I would earnestly request the honourable Minister to consider first of all whether he should really accept this amendment, because I think it will be very much against the interests of the children. Small children of the age of one, two and three should not be taken to the cinema house which will spoil their eyesight at such early age. And then there will be confusion in the cinema itself when they begin to cry. That is also one aspect of the question. Mothers who have children of the age of one, two or three years should not be anxious to go to cinemas but should rather devote all their time to the proper bringing up of those children. It will be positively injurious to the health of the children if we accept this amendment. I therefore urge on the honourable Minister to consider this aspect of the question a little more seriously. As he has said that he is thinking of bringing in a comprehensive Bill in about six months' time it might be time enough then to consider all these questions seriously. Just on the spur of the moment to say 'yes' or 'no' to an important amendment which is fraught with such serious consequences is not desirable. I have nothing more to say on this.

Shri H. V. Kamath (C. P. and Berar: General): There is one other point. If the mother of the child which is under three happens to be under eighteen and the child refuses to go without the mother, what will happen?

Shri Mahavir Tyagi: I have to point out one thing. In case children below three are permitted the result would be that parents would go with their small children below three—it may be the third child, but the first two children will be left behind and there will be a queue of such children crying hoarse “mother has gone in”.

Mr. Deputy-Speaker: The question is:

“That in part (i) of clause 4 of the Bill, in the proposed amendment to sub-section (1) of section 7 of the Cinematograph Act, 1918, after the word ‘adults’, the words ‘and children in arms, below the age of three’ be inserted.”

The motion was adopted.

Mr. Deputy-Speaker: The question is:

“That in part (ii) of clause 4 of the Bill, in the proposed amendment to sub-section (2) of section 7 of the Cinematograph Act, 1918, after the word ‘adults’, the words ‘and children in arms, below the age of three’ be inserted.”

The motion was adopted.

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

“That in part (iii) of clause 4 of the Bill, in the proposed sub-section (2A) of section 7 of the Cinematograph Act, 1918, for the words ‘to grant’, occurring in line 2, the word ‘granting’ be substituted.”

I have not much to say about it. I leave it to the honourable Minister to accept or reject it.

The Honourable Shri R. R. Diwakar: I have consulted lawyers about this particular thing. “Granting” is not suitable here in this particular context. “Authority to grant” is one thing and “authority granting” may mean something else. It may mean “after granting”—that will be the implication of using the word “granting”. Therefore I think the wording should stand as it is.

Pandit Thakur Das Bhargava: The appeal will only lie after a certificate has been granted...

Mr. Deputy-Speaker: It is an appeal against refusal to grant. Evidently “to grant” is qualifying the word “authority” and not the action of the authority in granting or refusing.

Pandit Thakur Das Bhargava: “To grant” is wrong.

Mr. Deputy-Speaker: It is an authority who is appointed to grant or refuse the certificate. It is better to leave it as it is. Is the honourable Member pressing the amendment?

Pandit Thakur Das Bhargava: No, Sir.

Mr. Deputy-Speaker: The question is:

“That clause 4, as amended, stand part of the Bill.”

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Pandit Thakur Das Bhargava: Sir, I move:

“That after clause 4 of the Bill, the following new clause be added:

“5. *Amendment of section 8, Act II of 1918.*—In clause (b) of sub-section (2) of section 8 of the said Act, for the words “suitable for public exhibition”, the words “suitable for unrestricted public exhibition or for public exhibition restricted to adults” shall be substituted.”

This is a consequential amendment. It is not an amendment by itself.

5 P.M. Since the object of the Bill is to differentiate between two classes of films it is necessary that we should make section 8 quite explicit. It is with that view that I have moved this amendment.

The Honourable Shri R. R. Diwakar: I am not accepting it. There is no necessity of adding this as it is quite clear.

Pandit Thakur Das Bhargava: Then I am not pressing it.

The Honourable Shri R. R. Diwakar: Sir, I move:

“That in sub-clause (1) of clause 1 of the Bill, for the figures ‘1948’, the figures ‘1949’ be substituted.”

Mr. Deputy-Speaker: The question is:

“That in sub-clause (1) of clause 1 of the Bill, for the figures ‘1948’, the figures ‘1949’ be substituted.”

The motion was adopted.

Mr. Deputy-Speaker: The question is:

“That clause 1, as amended, stand part of the Bill.”

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri R. R. Diwakar: Sir, I move:

“That the Bill, as amended, be passed.”

Mr. Deputy-Speaker: Motion moved:

“That the Bill, as amended, be passed.”

Shri Mahavir Tyagi: Sir, I want to say a few words.

Shri R. K. Sidhva (C. P. and Berar: General): Sir, it is 5 o'clock now. The office has sent us an invitation of importance for 5-30. We might take up the Bill tomorrow.

Mr. Deputy-Speaker: The House is concerned primarily with its business. The honourable Member, Mr. Tyagi may go on.

Shri Mahavir Tyagi: The Bill which we have considered just now and which the honourable Minister has asked us to pass finally, will be a bad piece of law, when these clauses as considered are put into action. In the first place it will have a bad economic effect on the film industry. Up till now, every film used to attract a certain proportion of population as visitors. In every audience, I take it that at least half are below the age of 18 and half over 18 at present. That is my estimate. Now, after passing this measure every film will have at least half of its audience eliminated. (An honourable Member: “No, no.”) You may say, “No, no”, but you can't say no to mathematics. So, half the audience will not visit these pictures. The income of the cinema houses will be halved immediately. In the case of films for children, adults would mostly not go to them because they would have no interest. If they go it would be only for fun's sake. But then those films will not be of the present standard of their liking and they will be tasteless

[Shri Mahavir Tyagi]

for them and will not be attracting adult people very much. So, economically, every film produced will not get its proper return, and your industry is bound to fail.

Mr. Deputy-Speaker: The producers will take care of themselves.

Shri Mahavir Tyagi: Yes, Sir, but I as a legislator and as a Member of Parliament have to see that the industry does not die out. I am the guardian of the industry too. While I am a guardian of children, I am a guardian of the interests of those industrialists also. So, I say in their interest that this is a wrong measure. It will do a great harm to them. Their income will at once be halved.

The next point is that there will be disturbances and riots before every cinema house. You have asked the owner of the cinema to restrict the show to people above 18, and he will object to minor students being allowed. There are, say, 100 students coming who are either matriculates or in high schools. They will say they are 19 or 20 and the owner will say, "No, no, I can't allow you". They will say *inquilab zindabad* and break the glasses and doors. So there will be a problem. Even now, when tickets are sold out and there is no accommodation, the gates are sometimes broken open. In the films meant for adults, the children will have legitimate inquisitiveness and they will say there is something special in it so they must see it. That is human nature. They will be very anxious to go in and look or peep into that cinema house. The natural tendency will be to smuggle in. The result will be there will be disturbances and you will have to give them over to the police. There will be always a danger of the house being set on fire or raided. I tell you this will be the result and this is my prophesy. The police will have to be posted everywhere for safety measures.

Shri R. K. Sidhva: How long are we sitting?

Shri Mahavir Tyagi: Sir, I am in your hands.

Mr. Deputy-Speaker: After all much has been said on this Bill. We took a number of hours over it. If any substantive amendment has been made it is better to refer to it. No doubt it is up to the honourable Member to persuade the House to throw out the Bill. Under these circumstances, the honourable Member will kindly restrict his remarks to one or two sentences and then we can proceed.

Shri Mahavir Tyagi: I will respect your wishes, Sir, but I assure you I was not at all light in my criticism, I was very serious.

Mr. Deputy-Speaker: I have never said so, I always take the honourable Member at his words.

Shri Mahavir Tyagi: I only wanted to bring it on record that I for one am of the opinion that this measure is very ridiculous. It will create difficulties both economic and administrative, economic to the industry and administrative to the police and others.

From the family point of view, it will be very impractical if only children of three are allowed with the parents. If there are three children to each couple of parents and two are left behind there would be crowds of small boys and girls round about the cinema house who will cry out their hearts and say "Where have you gone mummy? Why have you left me out? How long will you make me wait?" So, I tell you it will not be a popular measure. It will invoke no enthusiasm in the country and there will be no popular response to

it. It will be of no use except that it will be bringing a lot of criticism against the Parliament if we pass it. I would therefore still insist and recommend that it may be kept in abeyance or be withdrawn or postponed till the final measure comes up.

Shri H. V. Kamath *rose*—

Mr. Deputy-Speaker: There has been enough discussion.

Shri H. V. Kamath: I don't think so, Sir.

Mr. Deputy-Speaker: All right, Mr. Kamath.

An Honourable Member: We can sit tomorrow, if necessary tomorrow night.

Mr. Deputy-Speaker: There are three or four Bills for tomorrow. If honourable Members are prepared to sit tomorrow night what prevents us sitting today?

Prof. N. G. Ranga: There is an important engagement in another place where most of us have to be.

Mr. Deputy-Speaker: Mr. Kamath wants to speak for a long time?

Shri H. V. Kamath: I think I will take 15 minutes.

Mr. Deputy-Speaker: Then the House will stand adjourned.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Saturday, the 9th April, 1949.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES
(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Saturday, 9th April, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(No Questions: Part I not published).

ELECTIONS TO STANDING COMMITTEES FOR MINISTRIES OF
INDUSTRY AND SUPPLY AND OF LABOUR

Mr. Speaker: I have to inform the Assembly that upto the time fixed for receiving nominations for election of one Member to each of the two Standing Committees for the Ministries of Industry and Supply and Labour, one nomination in the case of each of these Committees was received. As the number of candidates is equal to the number of vacancies in each of these committees, I declare the following Members to be duly elected:

I. *Standing Committee for the Ministry of Industry and Supply.*—Srijut Rohini Kumar Chaudhuri.

II. *Standing Committee for the Ministry of Labour.*—Shrimati Renuka Ray.

CINEMATOGRAPH (AMENDMENT) BILL.—Contd.

Mr. Speaker: The House will now proceed with the Legislative Business. The following motion was under discussion:

“That the Bill further to amend the Cinematograph Act, 1918, as amended, be passed.”

Shri H. V. Kamath (C.P. and Berar: General): Mr. Speaker, I am sure the House would have very much wished that the honourable the Minister of State for Information and Broadcasting might have selected some other Bill for his maiden performance in this House. This is the first Bill he is piloting through this House and it is a matter of the deepest regret and not a little pain that it should have evoked so much, I would not say opposition, but so much criticism. The criticism is not entirely unfounded, nor is it unjustified. To my mind, the Bill, especially as amended yesterday afternoon, is a classic instance of how not to legislate, what legislation should not be like, and if that be the case with the first Bill that my esteemed friend is piloting through this House, I am really sorry.

The Bill as it was, before the amendment, was not satisfactory enough, as has been pointed out by my honourable friends Mr. Mahavir Tyagi, Dr. Punjabrao and Mr. Satyanarayana. After the amendment, it has made confusion worse confounded, at any rate so far as domestic and social life is concerned. The Minister of State stated yesterday that there was a very comprehensive measure which was under his active consideration. I would have certainly desired that he might have waited for a more auspicious day when he could have brought forward that more comprehensive and more positive measure. Where was the hurry, why this haste, in seeing this measure through? As a matter of fact, we know that this Bill was introduced in this House last August, but for various reasons the House could not proceed with it and we are taking it up today, April, about nine months later. Surely, the Minister could have waited

[Shri H. V. Kamath]

for another nine months or even a year when that more comprehensive measure would have been ready, which would have perhaps embraced all the various facts of the Cinematograph industry and cognate matters. That would have been far more welcome. There were repeated and insistent requests yesterday to the Minister to withdraw this Bill, but unfortunately the Minister was not in a mood to do anything of the kind and he proceeded further. It is my view that the acceptance of the amendment would make the Bill a butt of ridicule and the laughing stock of most sensible persons.

The Bill as it was presented originally contained the following in the Statement of Objects and Reasons:

"In order to prohibit the unrestricted exhibition of unsuitable films to young persons at an impressionable age and to ensure maximum circulation of all films, it is necessary to distinguish between adult audiences on the one hand and children and adolescents on the other."

That means to say, that the original Bill contemplated two categories: one of persons above 18—because adult is defined as "a person who has completed his 18th year"—and another of persons below 18. The Bill as amended visualises two categories: one of persons above 18 up to whatever age man may live up to plus persons below three, and another of persons between 3 and 18. Section 4 would read, after the acceptance of the amendment, that any film suitable for public exhibition restricted to adults would be also good enough for children in arms under the age of 3. I fail to see why this amendment regarding babies in arms under the age of 3 commended itself to the Minister. If it was intended that babies in arms under the age of 3 are fond of seeing films, I suppose it won't be considered as tenable by anybody. If the argument is that mothers cannot leave their little babies at home whenever they go to pictures, then as I said yesterday, the difficulty would arise that the mother who is under 13 cannot herself go to a picture which is restricted to adults, because even according to Pandit Thakur Das Bhargava's latest Act, the marriageable age has been raised only to 15, not 18. My friend the honourable Minister stated yesterday that if the age of 18 is regarded as suitable for exercising franchise, then why should not the same thing be applied here?

I think comparison is not always proper and it is sometimes odious. We passed a Bill only the other day fixing one age for boys and another for girls, so far as marriage is concerned. In case a mother of sixteen or eighteen has a baby under three; which is natural and quite probable, the father might like to go to a picture, the baby can go if it is under three, but the mother cannot. It will lead to domestic disputes if the father alone goes to a picture, perhaps with his little child but without the mother because she is under eighteen. This will create unnecessary difficulties so far as domestic life is concerned. I do not think that domestic life in this country is very happy as it is, and we should not introduce more complications by way of this very harmless entertainment of cinemas.

Srijut Rohini Kumar Chaudhuri (Assam: General): What authority has the honourable Member got to speak of babies and mothers?

Shri H. V. Kamath: I can understand the argument, "Close down all cinemas". There is a story told about an eminent Bengali professor. He was opposed to all cinemas and theatres, and he was very truthful, devoted to truth. He would never allow anybody to go to pictures. One fine evening he was walking along the streets of Calcutta when a boy from some high school or college ran after him and asked him, "Could you tell me where the picture house is?" The professor was very wild. He said, "I do not know, go away", though probably he knew where it was. But hardly had he gone a few paces when he

realised that he had told a lie. He called the boy back and told him, "*Jani, kintu bolibona*". It means, "I know but I will not tell you". That kind of attitude I can understand. I understand that Bernard Shaw also is of the same opinion, that theatres and cinema houses are stuffy places where you lose your health and suffer in consequence. He prefers open air entertainment. (Interruption).

Mr. Speaker: Let there be no interruption; but the honourable Member must remember that this is the third reading of the Bill. He should not try to extend his arguments by giving stones. He seems to go in the strain as if this is the first reading of the Bill.

Shri H. V. Kamath: I bow to your ruling. As this amendment was not before the House during the first reading, I only wanted to speak on this particular amendment which has to my mind, made the Bill more or less an object of ridicule. It shows a false reading of psychology to say that children under three can be shown these films which are—to use the Minister's words—horrific, sexy and crime, while children above three could not be shown these films. The reading of psychology is that films which are sexy or about crime have a far greater effect on persons between the ages of 18 and 25 than on little children of six, eight or twelve. I can understand a classification of people, say, between fifteen and twenty-five, because it is they who are liable to be affected by the sort of films described as horrific, sexy or crime.

The other point that I want to make is that the Minister said some days ago that Government was going to constitute a Central Censorship Board. At present there are Provincial Censorship Boards. These Provincial Censorship Boards certify that a particular film is suitable or not suitable for universal exhibition. Until there is a Central Censorship Board, there is no use bringing in these legislations piecemeal, authorising the Provincial Censorship Boards to deal with films as they like, because a film banned in one province, may be passed for exhibition in another province and people can always cross the border to see a picture where it is being shown, the forbidden fruit being somewhat tempting.

The last point, Sir, that I want to make is that it is necessary to see that censorship as such has got to be avoided as far as we can. At best it is a necessary evil. Let me give my experience to show that censorship as it is done today defeats the very purpose for which it is intended. There was the instance of one of the books of Rabindranath Tagore which was banned, called "*Red O banders*". Because the word "red" there, they thought that it had something to do with communism. If you will permit a personal reminiscence, when in 1935 I returned after a short visit to the U.S.S.R., the police at Bombay seized many of my books. Among the books confiscated was Plato's "*Republic*" because the word "*Republic*" was there. There was a catalogue of vegetarian restaurants in Europe, printed in German. They could not understand what it was about. So they seized that also. Then there was another book called "*Socialism in Great Britain*" written by Hugh Dalton, lately Labour Minister. Because the word "*socialism*" was there, that book also was seized. More than a dozen books were seized and ultimately when the matter went up to the Police Commissioner, he returned most of the books and confiscated only one, it was "*A handbook of Marxism*" by Emile Burns. It was sold openly in London, but in India it was taboo, and so that book was confiscated. I am not wholly against censorship, but as I said, where it is not intelligent censorship, it fails in its very purpose and so far as films are concerned, I fail to see how a particular film could be definitely described as a crime or horror or sex picture. Recently I saw in the papers that the Bombay Government had decided to cut out film bits showing drink scenes. There are certain films which show the evil effects of drink, and ultimately the effect of the drink on the man or the family and the moral about it is good; but a not

[Shri H. V. Kamath]

very intelligent censor might cut this out. "*Ekachi Pyala*"—a play in Marathi which shows the evil effects of drink, if that is put on the screen the censorship authority may say that it should be excised. A very good picture like *Chitrareka*, that showed the life of a *yogi* and the life of a *bhogi* and ultimately the *bhogi's* life was shown as tending towards the same goal as the life of the *yogi* and in different ways they approached the same ultimate goal, but if a censor is going to apply his scissors to it before he applies his mind, if he thinks "Here is a man drinking a goblet of wine", then he will cut it out of the picture.

Then, Sir, unless and until we have the Central authority it would not be wise to move in haste; I find that there are two authorities in the Bill, the original and the appellate authority in every province, but all this would have been avoided if Government had decided to bring a comprehensive measure for constituting a Central Censorship Board to decide which films are to be exhibited. I personally would have desired this end—Universal exhibition or no exhibition. We can certainly produce films which can be seen by adults, by children, youngsters, adolescents and by women alike, but from political point of view or any other to restrict the exhibition of films like these will defeat the very purpose. It will introduce complications and difficulties from the domestic point of view, from the social point of view and it won't have the desired psychological effect and I think it will be impracticable. Every time that a complaint is made that so and so is showing a film to adolescents and children above three and not under three, somebody will have to lodge the complaint in court and the manager or the proprietor will be dragged into the court and the audience too will be brought into it, along with doctors to certify the age.

Mr. Speaker: I think the honourable Member is going into unnecessary details. I asked him to be relevant to the point and to be short. He has taken about 25 minutes by now.

Shri H. V. Kamath: I will require one minute to conclude.

Mr. Speaker: He will finish then in one minute.

Shri Mahavir Tyagi (U.P.: General): May I know whether it will be in order to impress now at this stage for the postponement of the passing of the Bill?

Mr. Speaker: It will not be now in order. The motion is there.

Shri H. V. Kamath: So, Sir, I would in the end appeal to the honourable Minister once again to stay his hand, if that be possible at this stage, and we should all await that more auspicious day when he will after great meditation and contemplation bring forward a more comprehensive measure before this House, and also constitute a Central authority for censorship of films—a very intelligent authority composed of wise and eminent persons in the field of education, arts and letters who will properly deal with every film that comes before them. I do hope the Minister will reconsider the whole issue and try to postpone or to stay his hand or to withdraw this Bill, if it be not too late.

The Honourable Shri R. R. Diwakar (Minister of State for Information and Broadcasting): Mr. Speaker, Sir, I have nothing much to say in reply to what has been said about the Bill in the third reading. In fact, I have replied to most of the arguments in my earlier speeches, and therefore, what I now want to point out is only one important thing, and that is, this is not a Bill which has been sprung as a surprise, but the Standing Advisory Committee has given its full consent to it. All the Provincial Governments who have to deal

with these matters at first hand have shown their anxiety that there should be some such provision. Then the industry itself has come forward with suggestions that there should be some such distinction and discrimination between films which can be shown to the whole of the population or films which can be restricted only for the adult population. Then there are progressive countries which have deeply thought over the matter and have better experience so far as this matter is concerned, and have legislation to this effect. In addition to all these things, many eminent thinkers in our own country have approved of this kind of distinction not only in this matter, but also in matters of education, in matters of literature and so on. That being the case, when I am here with this Bill before the House, I think I am in good company. If at all the whole lot looks ridiculous in the eyes of some of the honourable Members, well, I have cast my lot with them. So with these few words and with only one reference as regards the child in arms, I would finish. That particular amendment is really a thing which is permissive. There is no obligation that a child of three in arms should go to the cinema, because, constituted as our society is, it is very difficult for parents to leave the children at home. They have no governesses or nurses or any such arrangement by which they can leave their children at home. So when that is the case, when these children are allowed along with their parents, I do not think that it is going absolutely out of the way. On the other hand, in some other countries, so far as this particular matter is concerned, even if children and adolescents go along with their parents, well, they are exempted from this particular provision in those countries. I have not gone so far and I have said that only where it might be a kind of difficulty or hardship for the parents to leave their children behind, while they themselves want to go, that permission has been given and it is only the acceptance of that arrangement and nothing more than that. With these few words, I commend that this Bill be passed.

Shri H. V. Kamath: On a point of information, may I ask whether there is any country in the world where there is such a piece of legislation linking adults and children under three in one category?

Mr. Speaker: I think under the guise of information, further arguments are being carried on. The honourable Member may search for the information elsewhere.

Shri Moturi Satyanarayana (Madras: General): What will happen to those films which have already been censored and will they be re-classified?

The Honourable Shri R. R. Diwakar: Yes. They can be reclassified.

Mr. Speaker: The question is:

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

The motion was adopted.

RUBBER (PRODUCTION AND MARKETING) AMENDMENT BILL

The Honourable Dr. Syama Prasad Mookerjee (Minister of Industry and Supply): I beg to move:

"That the Bill to amend the Rubber (Production and Marketing) Act, 1947, be taken into consideration."

The object of this Bill is to amend the Indian Rubber Act, 1947 so as to secure representation of labour. At present this Board consists of 23 representatives, 10 represent rubber growers, 8 rubber manufacturers, one rubber dealer and the rest are nominated by the Central Government and the Governments of Madras, Travancore and Cochin. It was pointed out to us that it would be desirable to have some representatives of labour on this Board. The reasons why this was urged are obvious and I need not dilate upon them. We

[Dr. Syama Prasad Mookerjee]

consulted the Labour Ministry as also the Rubber Board and there was an agreement that this would be a desirable step to take. At first we thought that we would have only one representative of labour; but then it was pointed out to us that both for the purpose of representing the different classes of labour working in this industry, as also for the purpose of representing the different organisations, it would be desirable to have three representatives on the Board to represent labour. The object is to enable Government to nominate these three representatives. We will consult the Ministry of Labour as also the Governments of Madras, Travancore and Cochin.

This is a non-controversial measure. It is nothing exciting like the film industry and I hope it will receive the unanimous and immediate support of the House.

Mr. Speaker. Motion moved:

"That the Bill to amend the Rubber (Production and Marketing) Act, 1947, be taken into consideration."

Srijut Kuladhar Chaliha (Assam: General): Sir, I think the Bill is a very harmless one, but it has within itself the possibilities of improving the rubber industry. In Assam there was an experimental station where rubber trade was going on very successfully for a very long time with Bhutan hills. If it is possible to explore the possibilities of expanding rubber cultivation in those areas it would be very helpful. I would suggest therefore that if possible a representative from Assam should be nominated to this Board. If the amendment given notice of by Srijut Berman is accepted it will be possible to include one representative from Assam, a person who has personal knowledge of the possibilities of rubber production there. Formerly there was a lot of rubber coming from the Bhutan hills and it has been lost to us. I do not know how and why this trade which was there till 1920 was lost to us. If a nominee from Assam is taken in, probably this market can be explored and rubber from Bhutan and from the Arakan hills can be obtained. With these few words I support the motion.

Prof. N. G. Ranga: (Madras: General): I am very glad that this principle of providing representation for labour has at last come to be accepted so far as this particular marketing board is concerned. I trust that the Labour Minister will take steps to see that with regard to tea and coffee marketing boards also similar principles are adopted and adequate representation given to labour.

My honourable friend the Minister in charge said that he increased the representation for labour in view of the rival or competing labour unions functioning amongst the workers. I wish to suggest that it is a very dangerous precedent to adopt. It does not matter how many labour unions are there. So long as there are workers employed in the rubber industry they should be provided a certain quota of representation and within that quota it should be possible for all the workers employed therein to develop their own organisation the most representative one, and thus qualify themselves for that representation. If it is not possible for the Government to make up their minds as to which one of them is the most representative labour organisation, then they ought to be prepared to hold regular election among the workers who are on the registers and give them an opportunity to elect their representatives. I hope the honourable Minister will keep this point in mind and see to it that every mushroom labour union is not given representation, but on the other hand effective representation is duly provided to workers in the only democratic process that is possible in the present circumstances.

Babu Ramnarayan Singh (Bihar: General): I support the measure and the viewpoint of Professor Ranga that the labour representatives must be regularly elected.

The Honourable Dr. Syama Prasad Mookerjee: Two points have been urged before the House. Mr. Chaliha asked for representation from Assam. So far as the provinces are concerned, as I said just now, we have representatives from Madras, Travancore and Cochin. These are the three main producing areas at present in India. I quite sympathise with the honourable Member's view point that every possible step should be taken to ensure that rubber may be grown in other areas also in the Indian Union. That is a matter which is also being investigated by the Council of Agricultural Research, a representative of which body is a member of this Board. It is not necessary to elect a Member of the Legislature from Assam on the Rubber Board in order to ensure greater rubber production in Assam. This will have to be taken up separately and considered. If any representation is received from the Assam Government in regard to this I shall certainly have the matter enquired into and I shall ask the special officer to contact the Assam Government to find out what possibilities there are for growing rubber in that area.

Srijut Kuladhar Chaliha: There was a big market formerly in Assam doing a lot of business. The possibilities of reviving that trade should be explored.

The Honourable Dr. Syama Prasad Mookerjee: These are matters which will be examined. If it is a question of marketing, that will depend upon other considerations and for which special representation is not necessary.

With regard to labour, I quite agree that we will have to avoid the possibility of rival organisations within one area competing for representation on this Board. We were persuaded to accept three nominees because we were told that at the initial stage it would be desirable to have different areas and interests represented. But I am prepared to examine that matter in due course and see that it does not lead to the strengthening of any unhealthy rivalry among competing labour organisations.

Mr. Speaker: The question is:

"That the Bill to amend the Rubber (Production and Marketing) Act, 1947, be taken into consideration."

The motion was adopted. ...

Clauses 1 and 2 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. Syama Prasad Mookerjee: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

COFFEE MARKET EXPANSION (AMENDMENT) BILL

The Honourable Dr. Syama Prasad Mookerjee (Minister of Industry and Supply): Sir, I move:

"That the Bill further to amend the Coffee Market Expansion Act, 1942, be taken into consideration."

The object of the amendment proposed is to implement a Resolution from the Coffee Board asking for Government sanction to contribute a donation of

[Dr. Syama Prasad Mookerjee]

Rs. 95,000 to the Gandhi Memorial Fund. It was pointed out by the Law Ministry that the Resolution could not be implemented unless the Act was suitably amended. I may assure the House that no pressure at all was put upon the Board and this was a spontaneous recommendation which the Board made. And having received the recommendation we thought it was the duty of Government to make suitable legislative change so that the voluntary contribution which the Board desire to make may become effective. It is not necessary to make any speech in support of this; I hope it will be accepted by the House.

Mr. Speaker: The question is:

"That the Bill further to amend the Coffee Market Expansion Act, 1942, be taken into consideration."

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. Syama Prasad Mookerjee: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

REPEALING AND AMENDING BILL

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

"That the Bill to repeal certain enactments and to amend certain other enactments, be taken into consideration."

In this Bill there are two Schedules. In the first Schedule there are embodied those enactments which are now obsolete, and under the provisions of Section 6A of the General Clauses Act they have been included. In the Second Schedule there are certain enactments in which certain amendments have become necessary on account of certain changes that have come into existence. For example, the Chief Court in Oudh is no longer in existence. These amendments are merely of a formal character and nothing substantial is being done. Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill to repeal certain enactments and to amend certain other enactments, be taken into consideration."

Shri R. K. Sidhva (C.P. and Berar: General): Sir, I should like to have information in regard to the Second Schedule, whether these amendments proposed are in accordance with amendments made in this House. For instance, there is an amendment of the Employment of Children Act, 1938 where a change is sought to be made in section 3C. I find similar changes proposed in other enactments which are very recent. I hope the honourable Minister will give us clearly the reason for these changes.

Mr. Speaker: That will be found in the Notes on Clauses.

The Honourable Shri N. V. Gadgil: That is just what I was going to say. With regard to section 3C of the Employment of Children Act it has been made

clear in the Notes on Clauses that this has become necessary because of certain amendments in the Indian Factories Act. The same is true of other amendments. These are of a purely formal character.

Mr. Speaker: The honourable Member will notice that in each case of amendment which requires explanation, some explanation is given in the Notes on Clauses. He will find it on page 5. Of course it is not required in respect of each and every amendment but amendments which require some explanation are stated there.

The question is:

"That the Bill to repeal certain enactments and to amend certain other enactments, be taken into consideration."

The motion was adopted.

Clauses 1 to 4 were added to the Bill.

The First and the Second Schedules were added to the Bill.

The Title and the Preamble were added to the Bill.

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

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

CODE OF CIVIL PROCEDURE (AMENDMENT) BILL

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

"That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration."

This is a very simple Bill and the necessity for this arose out of some proceedings taken against Government in the case of an award passed in the Calcutta High Court. Under section 82 some time is given for Government to comply with the decree. What happened was that this was an award under the Arbitration Act, and it was interpreted by the Calcutta High Court that section 82 only applied to those cases in which there was notice under section 80 of the Civil Procedure Code. Therefore any award under the Arbitration Act or any order under the Land Acquisition Act was not covered by the provisions of section 82, with the result that as soon as the award was declared the successful party could attach the furniture and some other property of Government. Now I think in ordinary experience this is too much and Government should be given an opportunity to have some time to comply with the directions in any decree passed. Therefore this Bill provides that in all cases in which an award or an order or decree has been passed against Government, the same provisions which are in section 82 should be made applicable. From that point of view sub-clauses (a) and (b) of clause 2 have been provided. This is an inoffensive Bill and I have nothing further to say. Sir, I move:

Shri S. V. Krishnamoorthy Rao (Mysore State): My amendments are only recasting amendments, provided they are acceptable to the Minister.

Mr. Speaker: Are they acceptable?

The Honourable Shri N. V. Gadgil: I do not accept them.

Shri S. V. Krishnamoorthy Rao: Therefore, I am not moving them.

Mr. Speaker: There is an amendment by Mr. Naziruddin Ahmad but it is only for a change from small to capital letters.

Mr. Naziruddin Ahmad (West Bengal: Muslim): On account of the convention I am not moving my amendment.

Mr. Speaker: I think Pandit Thakur Das Bhargava has an amendment.

Pandit Thakur Das Bhargava (East Punjab: General): I am not moving it as the honourable Minister is not prepared to accept it.

Mr. Speaker: The question is:

"That Clauses 1 and 2 stand part of the Bill."

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

The Title and the Preamble were added to the Bill.

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

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

CHARTERED ACCOUNTANTS BILL

The Honourable Shri K. C. Neogy (Minister of Commerce): Sir, I move:

"That the Bill to make provision for the regulation of the profession of accountants, as reported by the Select Committee, be taken into consideration."

The Select Committee has made certain important alterations in the provisions of the original Bill and I desire to say a few words dwelling upon some of the more important of these amendments. First and foremost, I should like to draw the attention of the House to a new clause in Clause 4, namely sub-section (3), which seeks to extend the qualification for registration to a class of persons who are not at present qualified to be registered as Accountants under the Auditor's Certificate Rules. The Committee was impressed by certain representations which had been received from an Association of Accountants who hold a Government diploma in accountancy, but are not permitted to practise as Auditors under the rules that I have referred to because of certain lack of practical experience as Articled Clerk. We have made provision that subject to these persons fulfilling certain conditions that might be prescribed by the Central Government, they would be qualified for registration under this new measure.

Likewise, another body of persons, namely those who hold degrees in Commerce from the universities of India, made representations to Government that their case might be similarly treated.

While we were considering that particular request, my honourable friend, Mr. Sidhva, gave notice of an amendment, which is numbered 6 in the consolidated list of amendments, seeking to expand this particular concession to other persons who may have passed an examination recognised as equivalent to the Government Diploma in accountancy, subject of course to their satisfying the same conditions as would apply in the case of G.D.As. I am prepared to accept this amendment so as to enable this class of persons also to

be qualified for registration, subject to fulfilment of the conditions that I have mentioned.

A third category of persons has been brought to our notice, namely Certified Auditors practising in the Acceding States. This law will be extended to the Acceding States as much as to the provinces of India. But in the Acceding States at the present moment, under their own rules, there are accountants privileged to practise as Registered Accountants these rules being analogous to the rules that now operate in the provinces. We are not quite satisfied that these persons conform to the standards which have been laid down in the British Indian provinces for Registered Accountants, but at the same time we recognise that we should not do anything that might interfere with the practice of accountancy which these persons have been following in the past under the laws of the Acceding States themselves. Therefore, we have decided to accept the two amendments that my honourable friend, Mr. T. T. Krishnamachari has given, notice of and which appears in the supplementary list as Nos. 2 and 3. The effect of these two amendments is that those accountants who are at present authorised to practise as Registered Accountants under the laws of the Acceding States, will continue to exercise that right in their respective States, although they may not be fully qualified according to the standards that we are now laying down.

The second provision is that just as in the case of G.D.As. and other accountants to whom I have referred and who would be given a chance for qualifying themselves for registration, such opportunities would also be extended to this category of accountants on similar conditions.

These three provisions would have the effect of considerably expanding the scope for persons who are doing the work of accountancy or who have qualified themselves, at least on the theoretical side, only if they complied with the conditions that Government propose to prescribe in this behalf after consulting all the various interests and experts. Of course, each case will have to be perhaps dealt with on merits having regard to the nature of the theoretical training and the practical experience which may have been gained by each candidate for such special treatment.

There is one other amendment which I should like to mention in this connection and that appears as No. 1 in the supplementary list in the name of my honourable friend, Mr. T. T. Krishnamachari. In the Bill as it stands the right to entertain articled clerks would belong to practising Chartered Accountants only that is to say, those who are not actually practising—of course they would not be entitled to be called Chartered Accountants—would not be entitled to have articled clerks. But in this amendment a special case is sought to be made in the interests of the profession itself: that is to say we are likely to be short of the necessary number of accountants that this country may need, and the amendment that my honourable friend suggests would have the effect of expanding the opportunities for practical training to persons who may not find it possible to be articled to practising Chartered Accountants but who at the same time may find it possible to be an apprentice or an assistant to a non-practising accountant who would be an Associate or a Fellow of the Institute of Chartered Accountants properly so called but who may be employed as a paid assistant to a firm or to an individual chartered accountant. In other words, we are looking to the substance of the thing. If an articled clerk gets an opportunity of getting the necessary practical training, this training may be taken not merely directly under a practising chartered accountant but also under a qualified accountant who may not be technically a practising chartered accountant but who may be employed as a paid assistant to a chartered accountant or to a firm of chartered accountants.

I had better now refer to a rather important amendment which the Select Committee has made and that is to be found in clauses 20 and 21 regarding

[Shri K. C. Neogy]

removal from the register. In the original Bill it was left to the Council to hold the enquiry and give a decision as regards any case in which any misconduct may justify the removal of the name of an accountant from the register of this body. In that provision in the original Bill there was an appeal provided for to the High Court in all such cases, though the initial order would have been passed by the Council itself. There was, however, an important exception and that related to income-tax proceedings, it being laid down that where anybody was suspected to be guilty of any malpractice in connection with income-tax proceedings, then the matter would be inquired into by the Government itself and the decision of the Government would of course be subject to appeal to the High Court in the same manner as a decision of the Council itself. The Select Committee have altogether changed these provisions. In the first instance, the Council is now to be authorised merely to hold an enquiry and to forward the findings of the Council to the High Court. That is to say the final decision would, in every case, be that of the High Court and not that of the Council itself. Secondly, the special provision that was made in regard to income-tax proceedings has been done away with and in place of it what we have done is to make it obligatory on the part of the Council to inquire into a matter, if the Central Government had made any complaint in that connection. But here again the decision would have to be given virtually by the High Court and the Council will merely forward its findings to the High Court.

These, Sir, are all the provisions and also the substance of some of the amendments I am prepared to accept, to which special reference is needed.

Shri R. K. Sidhva (C.P. and Berar: General): What about the amendment to the clause on apprentices?

The Honourable Shri K. C. Neogy: I am coming to that. Before I conclude I should like to give an assurance to this House in regard to the question of the refund of the premia which would be payable by the article clerks to the accountants. I understand that some of my honourable friends are anxious that there should be some understanding that the premia would be refunded in every case. As a matter of fact I am in a position to give the undertaking that by the rules that will be framed under this law we would provide that the premia would be returned in full on satisfactory completion of Articles. I think, in view of what I have stated, my honourable friend Mr. Sidhva would not find it necessary to move his amendment.

As I have already stated I am going to accept one of his amendments but there is another of a more or less formal character which also I should be accepting and that is the amendment to clause 1, proposed by my honourable friend Mr. Sidhva.

Mr. Speaker: Motion moved:

"That the Bill to make provision for the regulation of the profession of accountants, as reported by the Select Committee, be taken into consideration."

Shri S. V. Krishnamoorthy Rao (Mysore State): Sir, one question I would like to ask. I am glad that the honourable Minister has made the position very clear and has stated that sub-section (iii) of clause 4 covers G.D.As. and the accountants from acceding States that, "fulfil such conditions as the Central Government may specify in this behalf". He also gave us an assurance that each case will be considered on its own merits. Will this apply to the period of articles also?

The Honourable Shri K. C. Neogy: I think so: that is what is intended.

Shri S. V. Krishnamoorthy Rao: If that is so I do not propose to make any speech.

Mr. Speaker: The question is:

"That the Bill to make provision for the regulation of the profession of accountants, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Speaker: I should like to know which of the amendments are going to be moved by honourable Members.

Pandit Thakur Das Bhargava (East Punjab: General): I do not propose to move any of the amendments to any of the clauses.

Shri S. V. Krishnamoorthy Rao: Nor do I, Sir.

Shri T. T. Krishnamachari (Madras: General): Sir, I beg to move:

"That to sub-clause (2) of clause 2 of the Bill the following *Explanation* be added:

Explanation.—An associate or a fellow of the Institute who is a salaried employee of a chartered accountant or a firm of chartered accountants shall, notwithstanding such employment, be deemed to be in practice for the limited purpose of the training of article clerks."

In view of the fact that the honourable Minister has explained the reason why he is willing to accept this amendment I think the House will not expect me to make a speech on it.

Mr. Speaker: Amendment moved:

"That to sub-clause (2) of clause 2 of the Bill, the following *Explanation* be added:

Explanation.—An associate or a fellow of the Institute who is a salaried employee of a chartered accountant or a firm of chartered accountants shall, notwithstanding such employment, be deemed to be in practice for the limited purpose of the training of article clerks."

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): Sir, this amendment requires one explanation. Now the number of apprentices which any chartered accountant can take is regulated by the rules. As the amendment stands it looks as if a man who is in employment can take an apprentice apart from the chartered accountant or firm of chartered accountants in which he is employed. It is not intended. What is intended is that his presence also will be counted in the number of apprentices which the chartered accountant or firm of chartered accounts in which he is employed, can take. It should be made clear so that there may be no misunderstanding. Otherwise he cannot take a proper apprentice when he has no work of his own. That would be impossible.

Shri T. T. Krishnamachari: The position is that a man who is employed in a firm of chartered accounts will be guided by that firm as to whether he can take an article clerk or not. He cannot take an article clerk apart from the policy of the firm in this regard. I am sure in actual practice no such contingency similar to what my honourable friend Mr. Santhanam is visualising can possibly happen.

The Honourable Shri K. C. Neogy: Sir, I accept the amendment.

Mr. Speaker: I have not been able to follow the amendment exactly on its merits. I take it that the honourable Minister has examined the wording to see that it fits in with his intention.

The Honourable Shri K. C. Neogy: It does. The details will have to be provided for in the rules.

Mr. Speaker: The question is:

"That to sub-clause (2) of clause 2 of the Bill the following *Explanation* be added:

Explanation.—An associate or a fellow of the Institute who is a salaried employee of a chartered accountant or a firm of chartered accountants shall, notwithstanding such employment, be deemed to be in practice for the limited purpose of the training of articled clerks."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

Shri R. K. Sidhva: Sir, I beg to move:

"That in part (iii) of sub-clause (1) of clause 4 of the Bill, after the words 'Government Diploma in Accountancy', the following be inserted:

'or an examination recognised as equivalent thereto by the rules for the award of the Government Diploma in Accountancy.'"

Sir, I am very thankful to the honourable Minister for having accepted this amendment as that would really give relief to so many of the concerns who would otherwise have been affected. Sir, I move.

Mr. Speaker: The question is:

"That in part (iii) of sub-clause (1) of clause 4 of the Bill, after the words 'Government Diploma in Accountancy', the following be inserted:

'or an examination recognised as equivalent thereto by the rules for the award of the Government Diploma in Accountancy.'"

The motion was adopted.

Shri T. T. Krishnamachari: Sir, I move:

"That after part (iii) of sub-clause (1) of clause 4 of the Bill, the following new part be inserted:

'(iii) (a) any person who, at the commencement of this Act, is engaged in the practice of accountancy in any Acceding State and who, although not possessing the requisite qualifications to be registered as an accountant under the Auditors' Certificates Rules, 1932, fulfils such conditions as the Central Government may specify in this behalf;'"

This is again a matter which has been explained by the honourable Minister. It merely facilitates those auditors who are practising in an Acceding State and who fulfil the necessary conditions becoming members of the Institute. I move.

Mr. Speaker: The question is:

"That after part (iii) of sub-clause (1) of clause 4 of the Bill, the following new part be inserted:

'(iii) (a) any person who, at the commencement of this Act, is engaged in the practice of accountancy in any Acceding State and who, although not possessing the requisite qualifications to be registered as an accountant under the Auditors' Certificates Rules, 1932, fulfils such conditions as the Central Government may specify in this behalf;'"

The motion was adopted.

Mr. Speaker: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clauses 5 and 14 were added to the Bill.

Shri R. K. Sidhva: Sir, I do not wish to move my amendment but only want to say something on it. The amendment relates to a very important matter affecting apprentices. Although my amendment is not acceptable to the honourable Minister I am very glad that he has given a definite undertaking here that he will see that the fees will be refunded and that their interests will be safeguarded. That serves my purpose and I hope the honourable Minister will do the needful. Under these circumstances I do not feel that there is any justification for me to move my amendment.

The Honourable Shri K. Santhanam: As a Member of the Expert Committee I insisted that only if the Accountants agree to such a provision we would sponsor the Bill and they readily accepted it in the Ooty Meeting. It has already been incorporated in the Rules which will be promulgated.

Mr. Speaker: The question is:

"That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clauses 16 and 31 were added to the Bill.

Shri T. T. Krishnamachari: Sir, I move:

"That after clause 31 of the Bill, the following new clause be inserted:

'31A. Act not to affect right of accountants to practice as such in Acceding States.— Nothing contained in this Act shall affect the right of any person who, at the commencement of this Act, is entitled to engage himself in the practice of accountancy in any Acceding State under any law in force in that State to continue to engage himself in the practice of accountancy in that State after the commencement of this Act.'"

Sir, this again has been dealt with by the honourable Minister and it needs no further explanation.

Mr. Speaker: The question is:

"That after clause 31 of the Bill, the following new clause be inserted:

'31A. Act not to affect right of accountants to practice as such in Acceding States.— Nothing contained in this Act shall affect the right of any person who, at the commencement of this Act, is entitled to engage himself in the practice of accountancy in any Acceding State under any law in force in that State, to continue to engage himself in the practice of accountancy in that State after the commencement of this Act.'"

The motion was adopted.

New Clause 31A was added to the Bill.

Mr. Speaker: The question is:

"That clause 32 stand part of the Bill."

The motion was adopted.

Clause 32 was added to the Bill.

The Schedule was added to the Bill.

Shri R. K. Sidhva: Sir, I beg to move:

"That in sub-clause (2) of clause 1 of the Bill, for the words 'as respects', the words 'with respect to' be substituted."

Sir, it should be "with respect to" and not "as respects" as appearing here.

Mr. Speaker: The question is:

"That in sub-clause (2) of clause 1 of the Bill, for the words 'as respects', the words 'with respect to' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clauses 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri K. C. Neogy: Sir, I move:

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

Mr. Speaker: The question is:

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

The motion was adopted.

INDIAN SUCCESSION (AMENDMENT) BILL

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

"That the Bill further to amend the Indian Succession Act, 1925, be taken into consideration."

Sir, it is a very simple Bill. Succession certificates granted by District Judges from Acceding States are recognized by the courts in India but not the certificates granted by the District Judges from the territory of Hyderabad. What the Bill provides is that this will also be the case with regard to certificates granted by the District Judges in the Hyderabad territory. Sir, I move.

Mr. Speaker: The question is:

"That the Bill further to amend the Indian Succession Act, 1925, be taken into consideration."

The motion was adopted.

Mr. Speaker: We take up the clauses now.

Maulana Hasrat Mohani (U.P.: Muslim): Sir, I want to oppose this Bill.

Mr. Speaker: He can oppose the clauses now. The motion for consideration has already been carried.

Maulana Hasrat Mohani: I do not want to oppose any clause. I have to suggest that if some change is made in the Preamble of the Bill, it may not be necessary at all to oppose the Bill.

Mr. Speaker: My point is that if he has nothing to suggest in respect of the clauses and has only to make suggestions with reference to the Preamble, he may speak when I put the Preamble to the House.

Maulana Hasrat Mohani: It will be useless to express my views at that time; I want to express them here and now.

Mr. Speaker: All right.

Maulana Hasrat Mohani: Sir, I am sorry that I have most reluctantly to come forward to oppose this Bill. Not that I don't appreciate the motive

behind this Bill which is to remove certain difficulties, but in my opinion, this Bill is quite unnecessary. My reason for saying that is that as far as Section 382 of the Act is concerned, there was no mention there of any Acceding State. It was at the instance of the Governor-General, according to the rules adopted in the Constituent Assembly, that certain changes were introduced but otherwise the whole section remains as it was. Now, we find, on closely reading this section, that it introduces three parties: the first is the Indian Government, the second is the Acceding State, and the third are foreign States.

"Sir, my submission is that there can be no half-way house between an Acceding State and a foreign State. What is the real fact? The Nizam or the Hyderabad Government has not as yet signed the Instrument of Accession, and as such Hyderabad remains in the position of a foreign State. I do not object if you introduce a change and say that we place Hyderabad State in the same category because it is the lookout of the Indian Government to say that they will accept any succession declaration whether made by a foreign Government or by the Government of Hyderabad. What I object to is the wording of this Bill. It says:

"In section 382 of the Indian Succession Act, 1925, after the words 'an Acceding State', the words 'or the State of Hyderabad' shall be inserted."

And then in the Statement of Objects and Reasons it says:

"This is causing considerable inconvenience to the public and it is therefore necessary that Hyderabad should in this respect be put in the same position as the Acceding States."

Shri R. K. Sidhva (C. P. and Berar: General): What are his grounds for opposition?

Maulana Hasrat Mohani: My ground is that it is not necessary to have this wording that Hyderabad should be put in the same position as the Acceding States. There is a suspicion in my mind that by introducing these words you are thrusting this on the Hyderabad State without their consent. Therefore, what I want to suggest is this. We know that the Hyderabad Government is now in quite a conciliatory mood. It has expressly declared that it is not opposed to any of the things proposed by the Indian Government. They have got no foreign relations. The Nizam has voluntarily ended his *Sarj-e-khas* system and the *jagirdari* system. He has also accepted that he will henceforth act as a democratic Ruler with an elected Cabinet. There remains nothing in which we can expect any opposition from the Nizam. Therefore, if we want to be in a conciliatory mood, we can also say after the words, "an Acceding State", also, "the State of Hyderabad". If we say that, I will be able to co-operate in this matter. I am sure they will be agreeable to this and that they will have no objection to it. When Hyderabad has agreed to throw in their rights with the Indian Government on other bigger matters, I don't think there is any difficulty in saying this. Also, there is no harm if we do use some such words. Therefore, what I appeal and what I suggest is this. If we add these few words. "The State of Hyderabad is agreeable to co-operate with us" it at once removes that difficulty. Otherwise, it may appear that we are bringing the Hyderabad State in the same category as Acceding States over its head. We know that the State is agreeable to act according to our wishes and they have actually agreed to do so and co-operate in every matter. If we add these few harmless words, I think it will only be conceding something necessary. It will also be quite consistent with the attitude of my friend Sardar Patel for whom I give my expression of appreciation on his attitude towards Hyderabad. His attitude has been generous and very conciliatory

[Maulana Hasrat Mohani]

and in a way very magnanimous. I am sorry he is not here, otherwise I would have appealed to him directly and told him that as he has been so very generous to the Nizam's Government and the Nizam, if we add a few words after the.....

Mr. Speaker: The honourable Member is now repeating it for the third time.

Maulana Hasrat Mohani: If these few words are inserted then I support this Bill. But if they are not put in then I am sorry I have to oppose this Bill altogether because as I have said before there is no half-way house between an Acceding State and a foreign State. We cannot make something of a hybrid and say it is neither an Acceding State nor a foreign State. What is it then? Therefore if you accept my suggestion I have no objection and I will fully support this Bill. Otherwise, I am sorry that I have to oppose it categorically.

Shrimati G. Durgabai: rose—

Mr. Speaker: I do not think any explanation is necessary.

The Honourable Shri N. V. Gadgil: I would have been surprised if the Maulana had not made the speech which he has made. I will ask him to reconcile himself to what is inevitable and what is going to be inevitable. The Hyderabad State is not at present included in the Indian Succession Act. The attempt now by this Bill is to include it, because its exclusion is causing great hardship to the people and the State belongs to the people and not to the Nizam.

Maulana Hasrat Mohani: I accept but.....

Mr. Speaker: Order, order. No reply.

The question is:

"That clauses 1 and 2 stand part of the Bill."

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

The Title and the Preamble were added to the Bill.

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

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

INDIAN PASSPORT (AMENDMENT) BILL

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

"That the Bill to amend the Indian Passport Act, 1920, be taken into consideration."

This is also a simple Bill. It has become necessary in order to have complete security in the Indian territory and the only intention is to include the Acceding States by the provisions of this Bill. Sir, I move.

Mr. Speaker: The question is:

"That the Bill to amend the Indian Passport Act, 1920, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That clauses 1 to 5 stand part of the Bill."

The motion was adopted.

Clauses 1 to 5 were added to the Bill.

The Title and the Preamble were added to the Bill.

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

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

REGISTRATION OF FOREIGNERS (AMENDMENT) BILL

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

"That the Bill to amend the Registration of Foreigners Act, 1939, be taken into consideration."

The object of this Bill is similar to the object of the Bill that has just been passed by this House, namely, to secure complete security and to have the registration of foreigners who may be living in the Acceding States. This is a simple measure. Sir, I move.

Mr. Speaker: The question is:

"That the Bill to amend the Registration of Foreigners Act, 1939, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

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

The motion was adopted.

Clauses 1 to 6 were added to the Bill.

The Title and the Preamble were added to the Bill.

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

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

Mr. Speaker: That brings the session to a close, and I heartily thank the Members for all the co-operation that they have given to me.

The Assembly then adjourned sine die.

INDEX
TO
CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES
(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)
VOLUMES, I TO IV — 1ST FEBRUARY, 1949 TO 7TH APRIL, 1949

A

ABDUR ROUF, SYED—

Election of — to Standing Committee for Ministry of Health. 1911.

ACCOUNTANTS—

See "Chartered Accountants Bill" under "Bill(s)".

ACHINT RAM, LALA—

Budget, General—

Demand(s) for Grant(s)—

Central Road Fund. 1579-80.
Delhi Transport Service. 1579-80.
Ministry of Transport. 1579-80.

Budget, Railways—

Demand(s) for Grant(s)—

Railway Board—

Motion to reduce the Demand—

General corruption on Railways. 746.
Insufficient provision of amenities to passengers. 764-68.

Election of — to Standing Committee for Ministry of Home Affairs. 2039.

Election of — to Standing Committee for Ministry of Relief and Rehabilitation. 2039.

Motion *re* Relief and Rehabilitation Situation. 1927-35, 1961.

Seaward Artillery Practice Bill. 250, 253, 256.

ADJOURNMENT, MOTION(S) FOR—

Fast by Prof. Shibban Lal Saksena—disallowed. 675.

Procedure *re* — which are obviously inadmissible and on which no question of consent of the Speaker can arise—Motions not to be mentioned in the House. 2484.

ADMINISTRATION OF JUSTICE—

Demand for Grant. 1638, 2147-53.

AGRICULTURE—

Demand for Grant. 1601-36.

Demand for Supplementary Grant. 2193.

Election to National Food and Agriculture Organisation Liaison Committee. 2138-39, 2245.

AGRICULTURE, MINISTRY OF—

Demand for Grant—

Motion to reduce the Demand—co-ordination with provinces and failure to meet shortage of food. 1601-37.

Election to Standing Committee for —. 1996-97, 2038.

AIR ACCIDENT(S)—

News *re* safety of the Honourable Sardar Vallabhbhai Patel after — near Jaipur. 2133.

AIRCRAFT ACT, INDIAN—

Notification *re* rules framed under the —, 1934—laid on the table. 1507-09.

AIZAZ RASUL, BEGUM—

Budget, General—

Demand(s) for Grant(s)—

Agriculture. 1624-25.
Archaeology. 1537-40.
Botanical Survey. 1624-25.
Capital Outlay on Forests. 1624-25.
Civil Veterinary Services. 1624-25.

AIZAZ RASUL, BEGUM—contd.Budget, General—*contd.*Demand(s) for Grant(s)—*contd.*

Education—

Motion to reduce the Demand—transfer of colleges in Delhi to the University Area. 1537-40.

Forests. 1624-25.

Indian Dairy Department. 1624-25.

Ministry of Agriculture—

Motion to reduce the Demand—

Co-ordination with Provinces and failure to meet shortage of food. 1624-25.

Stoppage of foodgrains import from foreign countries. 1624-25.

Ministry of Education. 1537-40.

Ministry of Food—

Motion to reduce the Demand—food shortage and policy. 1624-25.

Other Scientific Departments. 1537-40.

Survey of India. 1624-25.

Zoological Survey. 1624-25.

Budget, Railways—

General discussion. 667-69.

Business of the House—

Time for study of Budget Papers. 990.

Election of — to Standing Committee for Ministry of External Affairs. 1911.

Election of — to Standing Committee for Ministry of Information and Broadcasting. 1993.

Indian Finance Bill—

Motion to refer to Select Committee. 1738-40.

Resolution *re*—

Failure of Grow More Food Campaign. 180-82.

Serving of rice in non-vegetarian hotels. 180-82.

AJMER-MERWARA—

Demand for Grant. 1450-88.

Demand for Supplementary Grant. 2194.

See also "Ajmer-Merwara Tenancy and Land Records Bill" under "Bill(s)".

See also "Delhi and Ajmer-Merwara Land Development Bill" under "Bill(s)".

ALAGESAN, SHRI O. V.—

Banking Companies Bill. 446-47, 498, 564.

Budget, General—

General discussion. 1089-91.

Demand(s) for Grant(s)—

Capital Outlay on Civil Works. 1350-51.

Civil Works. 1350-51.

Delhi Capital Outlay. 1350-51.

External Affairs. 1255-57.

Geological Survey. 1350-51.

Irrigation (including working expenses), Navigation, Embankment and Drainage Works—met from revenue. 1350-51.

Mines. 1350-51.

Ministry of External Affairs and Commonwealth Relations. 1255-57.

Ministry of Works, Mines and Power. 1350-51.

Stationery and Printing. 1350-51.

Tribal Areas. 1255-57.

Election of — to Central Advisory Council for Railways. 2140.

Election of — to Standing Committee for Ministry of Works, Mines and Power. 2089.

Indian Finance Bill—

Motion to refer to Select Committee. 1695-98.

Protective Duties (Miscellaneous Provisions) Bill—

Motion to consider to pass as amended. 1868.

Seaward Artillery Practice Bill. 253-54.

AMBEDKAR, THE HONOURABLE DR. B. R.—

Budget, General—

Demand for Supplementary Grant—

Administration of Justice. 2151-53.

Code of Civil Procedure (Amendment) Bill—

(Amendment of Section 82)—

Motion for leave to introduce. 347.

Displaced Persons (Legal Proceedings) Bill—

Motion for leave to introduce. 2141.

Hindu Code—

Motions to consider as reported by the Select Committee, to re-circulate and to recommit to Select Committee. 346, 618, 821, 823-46, 869, 894, 906, 912-16, 919, 932, 1004-05, 1018, 1026-27, 1030, 2247, 2249, 2261, 2263, 2265, 2271-72, 2275, 2284, 2288.

Hindu Marriages Validity Bill—

Motion to refer to Select Committee. 426.

Indian Bar Councils and the Legal Practitioners (Amendment) Bill. 415.

Indian Judicial Procedure Bill—

Motion to refer to Select Committee. 408, 412-13.

Motion *re* election to Committee to review convention *re* separation of Railway from General Finance. 2215, 2232-33, 2235-36, 2240-42.

Motor Vehicles (Amendment) Bill. 417.

Prevention of Free or Forced or Compulsory Labour Bill—

Motions to refer to Select Committee and to circulate. 400-01.

Repealing and Amending Bill—

Motion for leave to introduce. 989.

AMERICA, UNITED STATES OF—Statement *re* locomotives imported from — and Canada. 937-40.**AMRIT KAUR, THE HONOURABLE RAJKUMARI—**

Budget, General—

Demand(s) for Grant(s)—

Medical Services. 1510, 1518-22.

Ministry of Health—

Motion to reduce the Demand—improvement of conditions of Nursing Services. 1510, 1518-22.

Public Health. 1510, 1518-22.

Motion *re* election to Central Committee of Tuberculosis Association of India. 1771.**ANDAMAN AND NICOBAR ISLANDS—**

Demand for Grant. 1450-88.

Demand for Supplementary Grant. 2195.

ANTHONY, MR. FRANK—

Budget, General—

Demand(s) for Grant(s)—

Aviation. 1584-86, 1594-95, 1599.

Capital Outlay on Civil Aviation. 1584-86, 1594-96, 1599.

Capital Outlay on Indian Posts and Telegraphs (not met from Revenue). 1584-86, 1594-96, 1599.

Defence Capital Outlay. 1206-07, 1220.

Defence Services, Effective Army. 1206-07, 1220.

Defence Services, Effective Royal Indian Air Force. 1206-07, 1220.

Defence Services, Effective Royal Indian Navy. 1206-07, 1220.

Defence Services, Non-Effective Charges. 1206-07, 1220.

Indian Posts and Telegraphs Department (including working expenses). 1584-86, 1594-96, 1599.

Indian Posts and Telegraphs—Stores Suspense (not met from Revenue). 1584-86, 1594-96, 1599.

Medical Services. 1510-12, 1522.

Meteorology. 1584-85, 1594-96, 1599.

ANTHONY, MR. FRANK—contd.**Budget, General—contd.**

Demand(s) for Grant(s)—contd.

Ministry of Communications—

Motion to reduce the Demand—proposed increase in postal rates. 1584-86, 1594-96, 1599.

Ministry of Defence. 1206-07, 1220.

Ministry of Health—

Motion to reduce the Demand—improvement of conditions of Nursing Services. 12, 1522.

Overseas Communications Service. 1584-86, 1594-96, 1599.

Public Health. 1510-12, 1523.

Telephone Factory. 1584-86, 1594-96, 1599.

Budget, Railways—

General discussion. 683-87, 691.

Demand(s) for Grant(s)—

Procedure re Cut Motions on Demands. 719-20.

Railway Board—

Motion to reduce the Demand—General Administration with particular reference to economy. 774, 809-13.

Election of — to Standing Finance Committee for Railways. 2140.

Motion re Report of Indian Railway Enquiry Committee. 2017-21, 2032-33.

Nomination of — to Panel of Chairmen. 477.

Resolution re—

Failure of Grow More Food Campaign. 200-02.

Serving of rice in non-vegetarian hotels. 200-02.

APPROPRIATION TO DEPRECIATION FUND—

Demand for Grant—Railway Budget. 819.

ARCHAEOLOGY—

Demand for Grant. 1523-57.

ARCHAEOLOGY, CENTRAL ADVISORY BOARD OF—

Election to —. 2342, 2431.

ARMY—

See "Indian Army (Amendment) Bill" under "Bill(s)".

See also "Territorial Army Bill" under "Bill(s)".

ARTILLERY PRACTICE BILL—

See "Seaward —" under "Bill(s)".

ASAVA, SHRI GOKAL LAL—

Election of — to Standing Committee for Ministry of Relief and Rehabilitation.

ASSAM—

Resolution re census of —, West Bengal and East Punjab. 107-11.

AUDIT—

Demand for Grant—General Budget. 1402-47.

Demand for Grant—Railway Budget. 818.

Demand for Supplementary Grant—General Budget. 2192.

Demand for Supplementary Grant—Railway Budget. 957-69.

AVIATION—

Demand for Grant. 1584-1600.

AYYANGAR, SHRI M. ANANTHASAYANAM—**Banking Companies Bill—**

Motion to consider as reported by the Select Committee. 327-34.

Consideration of clauses. 360, 362, 367-68, 372, 500-02, 549-51, 553-54, 592-94, 596.

Motion to pass as amended. 609-10.

AYYANGAR, SHRI M. ANANTHASAYANAM—contd.**Budget, General—****Demand(s) for Grant(s)—**

Agriculture. 1609-11.

Botanical Survey. 1609-11.

Capital Outlay on Forests. 1609-11.

Civil Veterinary Services. 1609-11.

Forest. 1609-11.

Indian Dairy Department. 1609-11.

Ministry of Agriculture—

Motion to reduce the Demand—

Co-ordination with Provinces and failure to meet shortage of food. 1609-11.

Stoppage of foodgrains import from foreign countries. 1609-11.

Ministry of Food—

Motion to reduce the Demand—Food shortage and Policy. 1609-11.

Survey of India. 1609-11.

Zoological Survey. 1609-11.

Demand(s) for Supplementary Grant(s)—

Defence Services, Effective —Army. 2163-64, 2168.

Defence Services, Effective—Supplies and Stores. 2163-64, 2168.

Defence Services—Non-Effective charges. 2163-64, 2168.

Pre-partition Payments. 2171-72.

Budget, Railways—

General discussion. 650.

Business of the House—

Disposal of the Business of the House. 2293.

Child Marriage Restraint (Amendment) Bill—

Motion to consider as reported by Select Committee and to pass as amended. 2302-04.

Criminal Tribes (Repeal) Bill—

Motion to consider. 414-15.

Election of — to Committee to review the working of the Railway Convention. 2291.

Election of — to Standing Committee for Ministry of Industry and Supply. 2089.

Election of — to Standing Finance Committee. 2090.

Indian Bar Councils and the Legal Practitioners (Amendment) Bill. 415.

Indian Finance Bill—

Motion to refer to Select Committee. 1707, 1709-13.

Motion to consider as reported by Select Committee. 2048, 2093-96.

Indian Tariff (Second Amendment) Bill. 77-82.

Industries (Development and Control) Bill—

Motion to refer to Select Committee. 2405.

Loans from International Monetary Fund. 5-6.

Mangrol and Manavadar (Administration of Property) Bill. 242.

Motion re—

Election to Committees to review convention re separation of Railway from General Finance. 2202-04.

Elections to Standing Advisory Committees. 1755-58, 1765.

Payments to Taxes (Transfer of Property) Bill—

Motions to consider and to refer to Select Committee. 36-41.

Prevention of Free or Forced or Compulsory Labour Bill—

Motions to refer to Select Committee and to circulate. 406-07.

Protective Duties (Amendment) Bill. 263-64.

Protective Duties (Miscellaneous Provisions) Bill—

Motions to consider and to pass as amended. 1820-27, 1832, 1861, 1867.

AYYANGAR, SHRI M. ANANTHASAYANAM—concl'd.

Public Companies (Limitation of Dividends) Bill—

Motion to consider as reported by Select Committee. 2454-55.

Railways (Transport of Goods) (Amendment) Bill—

Motions to consider and to pass. 1773-75, 1781.

Resolution *re*—

Failure of Grow More Food Campaign. 159-63.

Serving of rice in non-vegetarian hotels. 159-63.

See also "Ruling(s)".

AYYANGAR, THE HONOURABLE SHRI N. GOPALASWAMI—

Budget, General—

General discussion. 1076.

Budget, Railways—

Authenticated Schedule of Authorised Expenditure—laid on the Table—

Expenditure for 1949-50—laid on the table. 1751-53.

Supplementary Expenditure for 1948-49. 1751-53.

Presentation of Railway Budget. 513-30.

General discussion. 646, 649, 672, 680, 682, 713-17.

Demand for Grant—

Railway Board—

Motion to reduce the Demand—

General Administration with particular reference to economy. 780-81, 786, 814-16
820.

Insufficient provision of amenities to passengers. 752.

Demand(s) for Supplementary Grant(s)—

Appropriation to Depreciation Fund. 962-63, 965-67.

Audit. 962-63, 965-67.

Construction of New Lines. 962-63, 965-67.

Miscellaneous Expenditure. 962-63, 965-67.

Open Line Works—Additions. 962-63, 965-67.

Payments to Indian States and Companies. 962-63, 965-67.

Railway Board. 962-63, 965-67.

Withdrawal from Reserve. 962-63, 965-67.

Working Expenses—Administration. 962-63, 965-67.

Working Expenses, Miscellaneous Expenses. 962-63, 965-67.

Working Expenses—Operating Staff. 962-63, 965-67.

Working Expenses, Operation (Fuel). 962-63, 965-67.

Working Expenses—Repairs and Maintenance. 962-63, 965-67.

Business of the House—

Time table for the day's Business. 477.

Industries (Development and Control) Bill—

Motion to refer to Select Committee. 2420.

Motion *re*—

Election to Central Advisory Council for Railways. 1770-71.

Election to Committee to review convention *re* separation of Railway from General
Finance. 2200, 2208-10, 2387-88.

Election to Standing Finance Committee for Railways. 1770-71.

Report of Indian Railway Enquiry Committee. 2013-17, 2029, 2035-38.

Motor Vehicles (Amendment) Bill. 418-19.

Railways (Transport of Goods) (Amendment) Bill—

Motion for leave to introduce. 577.

Report of Indian Railway Enquiry Committee—laid on the Table. 1703.

Statement *re* locomotives imported from U.S.A. and Canada. 937-40.**AZAD, THE HONOURABLE MAULANA ABUL KALAM—**

Budget, General—

Demand(s) for Grant(s)—

Archaeology. 1542-56.

AZAD, THE HONOURABLE MAULANA ABUL KALAM—cont'd.Budget, General—*cont'd.*Demand(s) for Grant(s)—*cont'd.*

Education—

Motion to reduce the Demand—transfer of colleges in Delhi to University Area.
1542-56.

Ministry of Education. 1542-56.

Other Scientific Departments. 1542-56.

Hindu Code—

Motion to consider as reported by Select Committee, to re-circulate and to re-commit to
Select Committee. 859, 865.Motion *re*—

Election to All India Council for Technical Education. 2197-2200.

Election to Central Advisory Board of Archaeology. 2342.

B**BALDEV SINGH, THE HONOURABLE SARDAR—**

Budget, General—

Demand(s) for Grant(s)—

Defence Capital Outlay. 1170-76, 1218-23.

Defence Services, Effective—Army. 1170-76, 1218-23.

Defence Services, Effective—Royal Indian Air Force. 1170-76, 1218-23.

Defence Services, Effective—Royal Indian Navy. 1170-76, 1218-23.

Defence Services, Non-Effective Charges. 1170-76, 1218-23.

Ministry of Defence. 1170-76, 1218-23.

Seaward Artillery Practice Bill. 248-58.

BANERJEE, SHRIMATI PURNIMA—

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to
Select Committee. 942, 949.**BANKING COMPANIES BILL—**

See "Bill(s)".

BANKING COMPANIES (LEGAL PRACTITIONERS' CLIENTS' ACCOUNTS) BILL—

See "Bill(s)".

BAR COUNCILS AND THE LEGAL PRACTITIONERS (AMENDMENT) BILL—

See "Indian —" under "Bill(s)".

BARMAN, SHRI UPENDRA NATH—

Budget, General—

General discussion. 1092-94.

Demand(s) for Grant(s)—

Audit. 1440-41.

Capital Outlay on Currency. 1440-41.

Capital Outlay on Development. 1440-41.

Capital Outlay on India Security Press. 1440-41.

Capital Outlay on Industrial Development. 1440-41.

Capital Outlay on Mints. 1440-41.

Capital Outlay on Schemes of State Trading. 1440-41.

Central Excise Duties. 1440-41.

Commuted Value of Pensions. 1440-41.

Currency. 1440-41.

Customs. 1440-41.

Defence Capital Outlay. 1217-18.

Defence Services, Effective—Army. 1217-18.

Defence Services, Effective—Royal Indian Air Force. 1217-18.

Defence Services, Effective—Royal Indian Navy. 1217-18.

Defence Services, Non-Effective Charges. 1217-18.

Grants-in-aid to Provincial Governments. 1440-41.

Interest Free and Interest Bearing Advances. 1440-41.

Ministry of Defence. 1217-18.

Ministry of Finance. 1440-41.

Mint. 1440-41.

Miscellaneous. 1440-41.

BARMAN, SHRI UPENDRA NATH—contd.**Budget, General—contd.****Demand(s) for Grant(s)—contd.**

- Miscellaneous adjustments between the Central and Provincial Governments. 1440-41.
- Miscellaneous Departments. 1440-41.
- Opium. 1440-41.
- Payments to Government of Pakistan for unique Institutions. 1440-41.
- Payments to other Governments, Departments etc., on account of the Administration of Agency Subjects and Management of Treasuries. 1440-41.
- Payments to Retrenched Personnel. 1440-41.
- Pre-Partition Payments. 1440-41.
- Provincial Excise. 1440-41.
- Resettlement and Development. 1440-41.
- Stamps. 1440-41.
- Superannuation Allowances and Pensions. 1440-41.
- Taxes on Income including Corporation Tax. 1440-41.
- Territorial and Political Pensions. 1440-41.
- Election of — to Central Tea Board. 2431.
- Election of — to Committee on Public Accounts. 2090.
- Election of — to Standing Committee for Ministry of Agriculture. 1996.
- Hindu Marriages Validity Bill—

Motion to refer to Select Committee. 426.

Influx from Pakistan (Control) Bill—

Motions to consider and to pass as amended. 2475.

Public Companies (Limitation of Dividends) Bill—

Motion to consider as reported by Select Committee. 2459.

Resolution re—

- Failure of Grow More Food Campaign. 159, 188-90.
- Serving of rice in non-vegetarian hotels. 159, 188-90.

BENGAL—

See "West Bengal".

BHARATHI, SHRI L. KRISHNASWAMI—**Banking Companies Bill. 498, 504-06.****Budget, General—**

General discussion. 1044, 1070, 1073.

Budget, Railways—

General discussion. 643, 654, 680, 691, 704, 713-14.

Demand for Grant—**Railway Board—**

Motion to reduce the Demand—

- General Administration with particular reference to economy. 818.
- General corruption on Railways. 741, 744.

Demand(s) for Supplementary Grant(s)—

- Appropriation to Depreciation Fund. 961.
- Audit. 961.
- Construction of New Lines. 961.
- Miscellaneous Expenditure. 961.
- Open Line Works—Additions. 961.
- Payments to Indian States and Companies. 961.
- Railway Board. 961.
- Withdrawal from Reserve. 961.
- Working Expenses—Administration. 961.
- Working Expenses—Miscellaneous Expenses. 961.
- Working Expenses—Operating Staff. 961.
- Working Expenses—Operation (Fuel). 961.
- Working Expenses—Repairs and Maintenance. 961.

Business of the House—

Time-table for the day's Business. 477.

Election of — to Committee on Public Accounts. 2090.

Election of — to Standing Committee for Ministry of Commerce. 1859.

Essential Supplies (Temporary Powers) (Amendment) Bill. 2353-55, 2360, 2364.

BHARATHI, SHRI L. KRISHNASWAMI—contd.**Hindu Code—**

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 828, 843, 847, 851-52, 885, 895, 899-900, 906, 915, 917, 922, 930, 941, 950-151, 955, 996, 1000, 1013, 1020, 1023, 1025, 2251, 2253-54, 2266-69, 2279, 2281, 2286.

Indian Finance Bill—

Motion to refer to Select Committee. 1708, 1728-31.

Motion to consider as reported by Select Committee. 2071.

Motion re—

Election to Committee to review convention re separation of Railway from General Finance. 2215, 2218, 2224-30.

Payments of Taxes (Transfer of Property) Bill—

Motions to consider and to refer to Select Committee. 36-37, 49-50.

Motion to consider as reported by Select Committee. 2383.

Consideration of Clauses. 2448-49.

Motion to pass as amended. 2449-51.

Resolution re—

- Extension of period mentioned in Sections 2 and 3 of India (Central Government and Legislature) Act, 1946 as adapted. 1795-98, 1803-07.
- Failure of Grow More Food Campaign. 114, 125, 129, 153, 199, 200, 207, 209.
- Serving of rice in non-vegetarian hotels. 114, 125, 129, 153, 199-200, 207, 209.

BHARGAVA, PANDIT MUKUT BIHARI LAL—**Banking Companies Bill—. 494.****Budget, General—**

General discussion. 1054-57, 1092.

Demand(s) for Grant(s)—

- Ajmer-Merwara. 1474-76.
- Andaman and Nicobar Islands. 1474-76.
- Audit. 1436-38.

Cabinet—

Motion to reduce the Demand—

Policy re Subversive Organisations. 1474-76.

Capital Outlay on Currency. 1436-38.

Capital Outlay on Development. 1436-38.

Capital Outlay on India Security Press. 1436-38.

Capital Outlay on Industrial Development. 1436-38.

Capital Outlay on Mints. 1436-38.

Capital Outlay on Schemes of State Trading. 1436-38.

Census. 1474-76.

Central Excise Duties. 1436-38.

Civil Defence. 1474-76.

Commuted Value of Pensions. 1436-38.

Currency. 1436-38.

Customs. 1436-38.

Delhi. 1474-76.

Grants-in-aid to Provincial Governments. 1436-38.

Interest Free and Interest Bearing Advances. 1436-38.

Jails and Convict Settlements. 1474-76.

Ministry of Finance. 1436-38.

Ministry of Home Affairs—

Motion to reduce the Demand—

Policy re Military or Semi-Military Organisations established by Provincial Governments. 1474-76.

Mint. 1436-38.

Miscellaneous. 1436-38.

Miscellaneous Adjustments between the Central and Provincial Governments. 1436-38.

Miscellaneous Departments. 1436-38.

Opium. 1436-38.

Panth Piploa. 1474-76.

BHARGAVA, PANDIT MUKUT BIHARI LAL—contd.**Budget, General—contd.****Demand(s) for Grant(s)—contd.**

- Payments to Government of Pakistan for Unique Institutions. 1436-38.
- Payments to other Governments, Departments etc., on account of the Administration of Agency Subjects and Management of Treasuries. 1436-38.
- Payments to Retrenched Personnel. 1436-38.
- Police. 1474-76.
- Pre-Partition Payments. 1436-38.
- Provincial Excise. 1436-38.
- Resettlement and Development. 1436-38.
- Stamps. 1436-38.
- Superannuation Allowances and Pensions. 1436-38.
- Taxes on Income including Corporation Tax. 1436-38.
- Territorial and Political Pensions. 1436-38.
- Election of — to Standing Committee for Ministry of Communications. 1859.
- Election of — to Standing Committee for Ministry of Home Affairs. 2089.

Hindu Code—

- Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 618, 831, 849-50, 2247, 2276-89.
- Indian Finance Bill. 2116.

BHARGAVA, PANDIT THAKUR DAS—

Banking Companies Bill. 435-36, 440, 442, 461-62, 500, 502, 512.

Bombay Port Trust (Amendment) Bill. 2508.

Budget, General—

General discussion. 1085, 1154.

Demand(s) for Grant(s)—

- Audit. 1426-29, 1442, 1444.
- Capital Outlay on Currency. 1426-29, 1442-44.
- Capital Outlay on Development. 1426-29, 1442, 1444.
- Capital Outlay on India Security Press. 1426-29, 1442, 1444.
- Capital Outlay on Industrial Development. 1426-29, 1442, 1444.
- Capital Outlay on Mints. 1426-29, 1442, 1444.
- Capital Outlay on Schemes of State Trading. 1426-29, 1442, 1444.
- Central Excise Duties. 1426-29, 1442, 1444.
- Central Road Fund. 1577.
- Commercial Intelligence and Statistics. 1370.
- Commuted Value of Pensions. 1426-29, 1442, 1444.
- Currency. 1426-29, 1442, 1444.
- Customs. 1426-29, 1442, 1444.
- Defence Capital Outlay. 1179-90.
- Defence Services, Effective—Army. 1179-90.
- Defence Services, Effective—Royal Indian Air Force. 1179-90.
- Defence Services, Effective—Royal Indian Navy. 1179-90.
- Defence Services, Non-Effective Charges. 1179-90.
- Delhi Transport Service. 1577.
- Grants-in-aid to Provincial Governments. 1426-29, 1442, 1444.
- Interest Free and Interest Bearing Advances. 1426-29, 1442, 1444.
- Joint Stock Companies. 1370.
- Lighthouses and Lightships. 1370.
- Ministry of Commerce. 1370.
- Ministry of Defence. 1179-90.
- Ministry of Finance. 1426-29, 1442, 1444.
- Ministry of Transport. 1577.
- Mints. 1426-29, 1442, 1444.
- Miscellaneous. 1426-29, 1442, 1444.
- Miscellaneous Adjustments between the Central and Provincial Governments. 1426-29, 1442, 1444.
- Miscellaneous Departments. 1426-29, 1442, 1444.
- Opium. 1426-29, 1442, 1444.
- Payments to Government of Pakistan for unique Institutions. 1426-29, 1442, 1444.
- Payments to other Governments, Departments etc., on account of administration of Agency Subjects and Management of Treasuries. 1426-29, 1442, 1444.
- Payments to Retrenched Personnel. 1426-29, 1442, 1444.

BHARGAVA, PANDIT THAKUR DAS—contd.**Budget, General—contd.****Demand(s) for Grant(s)—contd.**

- Ports and Pilotage. 1370.
- Pre-Partition Payments. 1426-29, 1442, 1444.
- Provincial Excise. 1426-29, 1442, 1444.
- Resettlement and Development. 1426-29, 1442, 1444.
- Stamps. 1426-29, 1442, 1444.
- Superannuation Allowances and Pensions. 1426-29, 1442, 1444.
- Taxes on Income including Corporation Tax. 1426-29, 1442, 1444.
- Territorial and Political Pensions. 1426-29, 1442, 1444.

Budget, Railways—**Demand(s) for Grant(s)—****Railway Board—**

- Motion to reduce the Demand—General Administration with particular reference to economy. 802-09.

Demand(s) for Supplementary Grant(s)—

- Appropriation to Depreciation Fund. 962.
- Audit. 962.
- Construction of New Lines. 962.
- Miscellaneous Expenditure. 962.
- Open Line Works—Additions. 962.
- Payments to Indian States and Companies. 962.
- Railway Board. 962.
- Withdrawal from Reserve. 962.
- Working Expenses—Administration. 962.
- Working Expenses—Miscellaneous Expenses. 962.
- Working Expenses—Operating Staff. 962.
- Working Expenses—Operation (Fuel). 962.
- Working Expenses—Repairs and Maintenance. 962.

Business of the House—

- Disposal of the —. 2293.

Chartered Accountants Bill—

- Motions to consider as reported by Select Committee and to pass as amended. 2557.

Child Marriage Restraint (Amendment) Bill—

- Motion for extension of time for presentation of report of Select Committee. 158, 1641-42.
- Presentation of Report of Select Committee. 1859-60.
- Motion to consider as reported by Select Committee and to pass as amended. 2294-96, 2302-03, 2323, 2325-34.

Cinematograph (Amendment) Bill. 2532, 2540-41.

Code of Civil Procedure (Amendment) Bill—

- Motions to consider and to pass. 2554.

Code of Criminal Procedure (Amendment) Bill—

- (Amendment of sections 4, 29A, etc.). 428.

Displaced Persons (Legal Proceedings) Bill. 2503.

Election of — to Committee to review the working of the Railway Convention. 2291.

Election of — to Standing Committee for Ministry of Defence. 1859.

Election of — to Standing Finance Committee. 2090.

Essential Supplies (Temporary Powers) (Amendment) Bill—

- Motion to consider. 2345, 2347-49, 2350, 2354.
- Consideration of clauses. 2364, 2366, 2372, 2374.

Hindu Code—

- Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 825, 831, 843-46, 849, 878-924, 929, 1024, 1026, 2238.
- Point of order on motion to consider as reported by the Select Committee. 614-18.

Hindu Marriages Validity Bill—

- Motion to refer to Select Committee. 419-23, 427-28.
- Motion for extension of time for presentation of Report of Select Committee. 940.
- Presentation of Report of Select Committee. 1859.
- Motions to consider as reported by Select Committee and to pass as amended. 2336-39.

BHARGAVA, PANDIT THAKUR DAS—contd.**Indian Finance Bill—**

- Motion to refer to Select Committee. 1644, 1648-57.
- Motion to consider as reported by Select Committee. 2048, 2056-59, 2105-07.
- Consideration of clauses. 2129-31.

Indian Judicial Procedure Bill—

- Motion to refer to Select Committee. 408-09, 413-14.
- Motion for extension of time for presentation of Report of Select Committee. 990, 1860.
- Indian Penal Code and the Code of Criminal Procedure (Amendment) Bill—**
 - Motion for leave to continue. 389.
 - Motion to refer to Select Committee. 389, 391.
 - Presentation of Report of Select Committee. 1641.
 - Motions to consider as reported by the Select Committee and to pass as amended. 2334-35.
- Influx from Pakistan (Control) Bill.** 2473-74, 2476-79.
- Merchant Shipping Laws (Extension to Acceding States and Amendment) Bill.** 2469.
- Motion *re* relief and rehabilitation situation. 1912, 1961.
- Nomination of — to the Committee on Petitions. 477.
- Nomination of — to Panel of Chairmen. 477.
- Payment of Taxes (Transfer of Property) Bill—**
 - Motions to consider and to refer to Select Committee. 28-30, 43, 46, 56.
 - Motion to consider as reported by Select Committee. 2379-80.
 - Consideration of clauses. 2438-39, 2445-46.

Protective Duties (Amendment) Bill. 265.**Protective Duties (Miscellaneous Provisions) Bill.** 1833, 1842, 1843., 1848-57.**Resolution *re*—**

- Failure of Grow More Food Campaign. 119-20, 136, 146, 150, 155, 165-78.
- Serving of rice in non-vegetarian hotels. 119-20, 136, 146, 150, 155, 165-78.
- Seaward Artillery Practice Bill. 250-52, 255-57.

Tea Committee for India Bill—

- Motion to refer to Select Committee. 223-26.
- Consideration of clauses. 1895-99.

BHATKAR, SHRI L. S.—**Budget, General—****Demand(s) for Grant(s)—**

- Agriculture. 1619-22.
- Botanical Survey. 1619-22.
- Capital Outlay on Forests. 1619-22.
- Civil Veterinary Services. 1619-22.
- Forests. 1619-22.
- Indian Dairy Department. 1619-22.
- Ministry of Agriculture—

Motion to reduce the Demand—

- Co-ordination with Provinces and failure to meet shortage of food. 1619-22.
- Stoppage of foodgrains import from foreign countries. 1619-22.

Ministry of Food—

- Motion to reduce the Demand—Food Shortage and Policy. 1619-22.
- Survey of India. 1619-22.
- Zoological Survey. 1619-22.

Election of — to Standing Finance Committee for Railways. 2140.**BHATT, SHRI GOKULBHAI DAULATRAM—****Election of — to Central Advisory Council for Railways.** 2140.**Election of — to Standing Committee for Ministry of Labour.** 1998.**Election of — to Standing Committee for Ministry of Works, Mines and Power.** 2089.**BILL(S)—****Ajmer-Merwara Tenancy and Land Records Bill—**

- Extension of time for presentation of Report of Select Committee. 25.
- Presentation of Report of Select Committee. 1641.

BILL(S)—contd.**Banking Companies—**

- Presentation of Report of Select Committee. 25.
- Motion to consider as reported by the Select Committee. 275-306, 307-45, 347-57.
- Consideration of clauses. 357-87, 434-75, 478-513, 533-76, 577-96.
- Motion to pass, as amended. (Passed as amended). 597-613.

Banking Companies (Legal Practitioners' Clients' Accounts) Bill—**Introduced.** 1703.**Bombay, Calcutta and Madras Port Trusts (Constitution) (Amendment) Bill—****Assent of H. E. the Governor General.** 3.**Bombay Port Trust (Amendment) Bill—****Introduced.** 1641.**Motions to consider and to pass. (Passed)** 2508-12.**Bombay Public Security Measures (Delhi Amendment) Bill—****Assent of H. E. the Governor General.** 3**Cantonments (Amendment) Bill—****Assent of H. E. the Governor General.** 3.**Census Bill—****Assent of H.E. the Governor General.** 3.**Central Silk Board Bill—****Assent of H. E. the Governor General.** 3.**Chartered Accountants Bill—****Motion to refer to Select Committee.****(Referred to Select Committee).** 25-27.**Presentation of Report of Select Committee.** 990.**Motions to consider as reported by Select Committee and to pass as amended.****(Passed as amended).** 2554-60.**Child Marriage Restraint (Amendment) Bill—****Extension of time for presentation of Report of Select Committee.** 158, 1641-42.**Presentation of Report of Select Committee.** 1859-60.**Motions to consider as reported by Select Committee and to pass as amended.****(Passed as amended).** 2294-2334.**Cinematograph (Amendment) Bill—****Motion to consider.** 2525-43.**Consideration of clauses.** 2532-41.**Motion to pass as amended.****(Passed as amended).** 2541-43, 2545-49.**Coal Mines Labour Welfare Fund (Amendment) Bill—****Introduced.** 533.**Considered and passed.** 2513-14.**Coal Mines Provident Fund and Bonus Schemes Bill—****Assent of H. E. the Governor General.** 3.**Code of Civil Procedure (Amendment) Bill—****Introduced.** 347.**Considered and passed.** 2553-54.**Code of Criminal Procedure (Amendment) Bill—****(Amendment of Sections 4, 20A etc.)****(by Pandit Thakur Das Bhargava)****Motion to refer to Select Committee—not moved.** 428.**Code of Criminal Procedure (Amendment) Bill—****(Amendment of Section 488)****(by Shri R. K. Sidhva)****Considered and passed.** 429-30.**Code of Criminal Procedure (Amendment) Bill—****(Amendment of Sections 503, 505, etc.)****Introduced.** 1169.**Considered and passed as amended.** 1998-2000.

BILL(S)—contd.

- Coffee Market Expansion (Amendment) Bill—
Introduced. 1109.
Considered and passed. 2551-52.
- Continuance of Legal Proceedings Bill—
Assent of H. E. the Governor General. 3.
- Criminal Law (Removal of Racial Discrimination) Bill—
Introduced. 1315.
Considered and passed. 2012-13.
- Criminal Tribes (Repeal) Bill—
(by Shri M. Ananthasayanam Ayyangar)
Motion to consider—allowed to stand over. 414-15.
- Delhi and Ajmer-Merwara Land Development Bill—
Assent of H. E. the Governor General. 3.
- Delhi Hotels (Control of Accommodation) Bill—
Introduced. 1998.
Considered and passed. 2480-81, 2484-2501.
- Delhi Road Transport Authority Bill—
Introduced. 2435-36.
- Dentists (Amendment) Bill—
(by Shri R. K. Sidhva)
Motion to consider—not moved. 430.
- Diplomatic and Consular Officers (Oaths and Fees) Bill—
Assent of H. E. the Governor General. 3.
- Displaced Persons (Institution of Suits) Bill—
Assent of H. E. the Governor General. 3.
- Displaced Persons (Legal Proceedings) Bill—
Introduced. 2141.
Considered and passed as amended. 2502-04.
- Dock Workers (Regulation of Employment) Amendment Bill—
Introduced. 719.
Considered and passed. 2514-15.
- Durgah Khawaja Saheb (Amendment) Bill—
Assent of H. E. the Governor General. 3.
- Electricity (Supply) Bill—
Assent of H. E. the Governor General. 3.
- Essential Services (Prevention of Strikes) Bill—
Introduced. 876-77.
Withdrawn. 1164-67.
- Essential Supplies (Temporary Powers) (Amendment) Bill, 1948—
Assent of H. E. the Governor General. 3.
- Essential Supplies (Temporary Powers) Amendment Bill—
Introduced. 773.
Motion to consider. 1908-09, 2343-64.
Consideration of clauses. 2364-75.
Motion to pass as amended. (Passed as amended) 2375-76.
- Estate Duty Bill—
Extension of time for presentation of Report of Select Committee. 157-58, 1067-68.
Presentation of Report of Select Committee. 2141.
- Exchange of Prisoners Bill—
Assent of H. E. the Governor General. 3.
- Factories Bill—
Assent of H. E. the Governor General. 7

BILL(S)—contd.

- Gandhi National Memorial Fund Donations (Companies) Bill—
Assent of H. E. the Governor General. 3.
- Governor General's Salary (Exemption from Taxation) Bill—
Introduced. 719.
Considered and passed. 2000-12.
- Hindu Code Bill—
Points of Order on motion to consider as reported by the Select Committee. 614-21, 821-24.
Point of Order on amendment for circulation of Bill as reported by Select Committee. 844-49.
Motions to consider, as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 821-71, 877-936, 941-56, 991-1030, 2211-43, 2246-89.
Non-inclusion of — in Order Paper. 1751.
- Hindu Marriages Validity Bill—
(by Pandit Thakur Das Bhargava)
Motion to refer to Select Committee (Referred to Select Committee). 419-28.
Extension of time for presentation of Report of Select Committee. 940-41.
Presentation of Report of Select Committee. 1859.
Motions to consider as reported by Select Committee and to pass as amended. (Passed as amended). 2236-40.
- Imperial Library (Change of Name) Bill—
Assent of H. E. the Governor General. 3.
- Income-tax and Business Profits Tax (Amendment) Bill—
Assent of H. E. the Governor General. 3.
- Indian Army (Amendment) Bill—
Assent of H. E. the Governor General. 3.
- Indian Bar Councils and the Legal Practitioners (Amendment) Bill—
(by Shri M. Ananthasayanam Ayyangar)
Motion to consider—not moved. 415.
- Indian Cattle Preservation Bill—
(by Seth Govinddas)
Continued. 2294.
- Indian Cotton Cess (Amendment) Bill—
Assent of H. E. the Governor General. 3.
- Indian Emigration (Amendment) Bill—
Introduced. 24.
Considered and passed. 258-60.
- Indian Finance Bill—
Introduced. 987.
Motion to refer to Select Committee. (Referred to Select Committee). 1642-1702, 1703-50.
Presentation of Report of Select Committee. 1875.
Motion to consider as reported by Select Committee. 2039-86, 2090-2116.
Consideration of clauses. 2116-33.
Motion to pass as amended. (Passed as amended). 2123.
- Indian Income-tax (Amendment) Bill—
Assent of H. E. the Governor General. 3.
- Indian Judicial Procedure Bill—
(by Pandit Thakur Das Bhargava)
Motion to refer to Select Committee. (Referred to Select Committee). 408-14.
Extension of time for presentation of Report of Select Committee. 990, 1860.
- Indian Matrimonial Causes (War Marriages) Bill—
Assent of H. E. the Governor General. 3.
- Indian Merchant Shipping (Amendment) Bill—
Assent of H. E. the Governor General. 3.

BILL(S)—contd.

- Indian Navy (Discipline) Amendment Bill—**
Assent of H. E. the Governor General. 3.
- Indian Passport (Amendment) Bill—**
Introduced. 2435.
Considered and passed. 2562-63.
- Indian Penal Code and the Code of Criminal Procedure (Amendment) Bill—**
(Amendment of Sections 361, 375 etc.)
(By Pandit Thakur Das Bhargava)
Motion for leave to continue. 389.
Motion to refer to Select Committee (referred to Select Committee). 389-91.
Presentation of Report of Select Committee. 1641.
Motion to consider as reported by Select Committee and to pass as amended.
(passed as amended). 2334-36.
- Indian Railways (Amendment) Bill—**
Introduced. 2245-46.
Motion to refer to Select Committee (referred to Select Committee). 2512-15.
- Indian Railways (Second Amendment) Bill—**
Assent of H. E. the Governor General. 3.
- Indian Registration (Amendment) Bill—**
Assent of H. E. the Governor General. 3.
- Indian Succession (Amendment) Bill—**
Introduced. 2343.
Considered and passed. 2560-62.
- Indian Tariff (Amendment) Bill—**
Assent of H. E. the Governor General. 3.
- Indian Tariff (Second Amendment) Bill—**
Motion to consider. 55-65, 69-94.
Consideration of clauses. 94-97.
Motion to pass as amended (Passed as amended). 97.
- Indian Tea Control (Amendment) Bill—**
Introduced. 347.
Considered and passed. 2504-06.
- Indian Telegraph (Amendment) Bill—**
Assent of H. E. the Governor General. 3.
- Indian Wireless Telegraphy (Amendment) Bill—**
Introduced. 1169.
Considered and passed. 2506-07.
- Industrial Finance Corporation (Amendment) Bill—**
Introduced. 2388.
- Industries (Development and Control) Bill—**
Introduced. 1784.
Motion to refer to Select Committee (Referred to Select Committee). 2388-2429.
Appointment of Babu Ramnarayan Singh to Select Committee. 2434.
- Influx from Pakistan (Control) Bill—**
Introduced. 2246.
Motions to consider and to pass as amended (passed as amended). 2470-80.
- Mangrol and Manavadar (Administration of Property) Bill—**
Introduced. 24.
Considered and passed as amended. 227-43.
- Merchant Shipping Laws (Extension to Acceding States and Amendment) Bill—**
Introduced. 1315.
Motions to consider and to pass as amended (passed as amended). 2462-69.
- Mines and Minerals (Regulation and Development) Bill—**
Assent of H. E. the Governor General. 3.

BILL(S)—contd.

- Motor Vehicles (Amendment) Bill—**
Motion to consider—withdrawn. 415-19.
- Payment of Taxes (Transfer of Property) Bill—**
Motions to consider and to refer to Select Committee (Referred to Select Committee). 27-56.
Presentation of Report of Select Committee. 347.
Motion to consider as reported by Select Committee. 2377-84.
Consideration of clauses. 2436-50.
Motion to pass as amended.
(passed as amended). 2450-51.
- Prevention of Free or Forced or Compulsory Labour Bill—**
Motions to refer to Select Committee and to circulate (circulated). 395-407.
- Protective Duties (Amendment) Bill—**
Introduced. 25.
Considered and passed. 260-62, 263-66.
- Protective Duties (Miscellaneous Provisions) Bill—**
Introduced. 1509.
Considered and passed as amended. 1803-57, 1860-72.
- Public Companies (Limitation of Dividends) Bill—**
Introduced. 24.
Motions to consider and to refer to Select Committee. (Referred to Select Committee.) 97-106, 214-16.
Extension of time for presentation of Report of Select Committee. 478.
Presentation of Report of Select Committee. 675.
Motions to consider as reported by Select Committee and to pass as amended. (Passed as amended). 2451-61.
- Public Debt (Central Government) Amendment Bill—**
Introduced. 157.
Considered and passed. 273-75.
- Railways (Transport of Goods) Amendment Bill—**
Introduced. 577.
Considered and passed. 1772-83.
- Registration of Foreigners (Amendment) Bill—**
Introduced. 2435.
Considered and passed. 2563.
- Repealing and Amending Bill—**
Introduced. 989.
Considered and passed. 2552-53.
- Reserve Bank (Transfer to Public Ownership) Bill—**
Assent of H. E. the Governor General. 3.
- Resettlement of Displaced Persons (Land Acquisition) Bill—**
Assent of H. E. the Governor General. 3.
- Rubber (Production and Marketing) Amendment Bill—**
Introduced. 434.
Considered and passed. 2549-51.
- Scheduled Securities (Hyderabad) Bill—**
Introduced. 157.
Considered and passed. 266-73.
- Seaward Artillery Practice Bill—**
Introduced. 24.
Considered and passed as amended. 248-58.
- Societies Registration (Amendment) Bill—**
(by Shri R. K. Sidhva)
Introduced. 430.
- Taxation Laws (Amendment) Bill—**
Introduced. 2245.

BILL(S)—contd.

Taxation on Income (Investigation Commission) (Second Amendment) Bill—
Assent of H. E. the Governor General. 3.

Tea Committee for India Bill—

Introduced. 24.

Motion to refer to Select Committee—

(Referred to Select Committee). 216-27.

Presentation of Report of Select Committee. 990.

Motion to consider as reported by Select Committee. 1872-1888.

Consideration of clauses. 1888-1907.

Motion to pass as amended—

(Passed as amended). 1908.

Territorial Army Bill—

Assent of H. E. the Governor General. 3.

United Provinces Provincial Armed Constabulary (Extension of Laws) Bill—

Introduced. 25.

Considered and passed. 243-48.

West Godavari District (Assimilation of Laws on Federal Subjects) Bill—

Introduced. 2343.

Considered and passed. 2501-02.

Workers' Provident Fund Bill—

(by Shri R. K. Sidhva)

Motions to refer to Select Committee and to circulate (circulated). 392-95.

BIYANI, SHRI B. N.—

Election of — to Central Advisory Council for Railways. 2140.

BOMBAY, CALCUTTA AND MADRAS PORT TRUSTS (CONSTITUTION) (AMENDMENT) BILL—

See "Bill (s)".

BOMBAY PORT TRUST (AMENDMENT) BILL—

See "Bill (s)".

BOMBAY PUBLIC SECURITY MEASURES (DELHI AMENDMENT) BILL—

See "Bill(s)".

BONUS SCHEME BILL—

See "Coal Mines Provident Fund and —" under "Bill(s)".

BOTANICAL SURVEY—

Demand for Grant. 1601-36.

BRAJESHWAR PRASAD, SHRI—

Budget, General—

Demand(s) for Grant(s).

External Affairs. 1252-53, 1258.

Ministry of External Affairs and Commonwealth Relations. 1252-53, 1258.

Tribal Areas. 1252-53, 1258.

Election of — to Standing Committee for Ministry of Communications. 2038.

Election of — to Standing Committee for Ministry of Education. 2039.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 998.

Mangrol and Manavadar (Administration of Property) Bill. 233, 236.

Resolution re—

Failure of 'Grow More Food' campaign. 121, 187-88.

Serving of rice in non-vegetarian hotels. 121, 187-88.

BROADCASTING—

Demand for Grant. 1638.

Demand for Supplementary Grant. 2194.

Motion re information and — talked out. 1961-96.

BUDGET, GENERAL—

Authenticated Schedule of Authorised Expenditure—other than Railways—laid on Table—

Expenditure for 1949-50. 2135-38.

Supplementary Expenditure for 1948-49. 2431-34.

Presentation of General Budget for 1949-50, 969-87.

General Discussion of General Budget. 1035-66, 1068-1107, 1109-64.

Demand(s) for Grant(s)—

Administration of Justice. 1938.

Agriculture. 1601-36.

Ajmer-Merwara. 1450-88.

Andaman and Nicobar Islands. 1450-88.

Archaeology. 1523-57.

Audit. 1402-47.

Aviation. 1584-1600.

Botanical Survey. 1601-36.

Broadcasting. 1638.

Cabinet. 1449-88.

Capital Outlay on Broadcasting. 1638.

Capital Outlay on Civil Aviation. 1584-1600.

Capital Outlay on Civil Works. 1316-61.

Capital Outlay on Currency. 1403-47.

Capital Outlay on Forests. 1601-37.

Capital Outlay on India Security Press. 1403-47.

Capital Outlay on Indian Posts and Telegraphs (not met from revenue). 1584-1600.

Capital Outlay on Industrial Development. 1403-47.

Capital Outlay on Mints. 1403-47.

Capital Outlay on Schemes of State Trading. 1404-47.

Census. 1450-88.

Central Excise Duties. 1401-47.

Central Road Fund. 1575-82.

Civil Defence. 1450-88.

Civil Veterinary Services. 1601-36.

Civil Works. 1316-61.

Commercial Intelligence and Statistics. 1363-99.

Commuted Value of Pensions. 1404-47.

Constituent Assembly. 1637.

Constituent Assembly of India (Legislative). 1637.

Currency. 1402-47.

Customs. 1401-47.

Defence Capital Outlay. 1170-1223.

Defence Services, Effective Army. 1170-1223.

Defence Services, Effective Royal Indian Air Force. 1170-1223.

Defence Services, Non-Effective Charges. 1170-1223.

Defence Services, Effective Royal Indian Navy. 1170-1223.

Delhi. 1450-88.

Delhi Capital Outlay. 1316-61.

Delhi Transport Service. 1575-82.

Department of Scientific Research. 1638.

Ecclesiastical. 1638.

Education—

Motion to reduce the Demand—

Transfer of Colleges in Delhi to the University Area. 1523-57.

Expenditure on Refugees. 1638.

External Affairs. 1225-64.

Forest. 1601-36.

Geological Survey. 1315-61.

Grants-in-aid to Provincial Governments. 1403-47.

Indian Dairy Department. 1601-37.

Indian Posts and Telegraphs Department (including working expenses). 1583-1600.

Indian Posts and Telegraphs Stores Suspense (not met from revenue). 1584-1600.

Industries and Supplies. 1265-1314.

Interest-free and interest-bearing advances. 1404-47.

Irrigation (including working expenses), Navigation, Embankment and Drainage Works met from Revenue. 1315-61.

Jails and Convicts Settlements. 1449-88.

BUDGET, GENERAL—*contd.*Demand(s) for Grant(s)—*contd.*

Joint Stock Companies. 1363-99.
Lighthouses and Lightships. 1363-99.
Meteorology. 1584-1600.
Mines. 1316-61.

Ministry of Agriculture—

Motion to reduce the Demand—

Co-ordination with provinces and failure to meet shortage of food. 1601-37.
Ministry of Commerce. 1363-99.

Ministry of Communications—

Motion to reduce the Demand—

Proposed increase in postal rates. 1584-99.

Ministry of Defence. 1170-1223.

Ministry of Education. 1523-57.

Ministry of External Affairs and Commonwealth Relations. 1225-64.

Ministry of Finance. 1402-47.

Ministry of Food—

Food Shortage and policy. 1606-37.

Stoppage of foodgrains import from foreign countries. 1605-36.

Ministry of Health—

Motion to reduce the Demand—

Improvement of Conditions of Nursing Services. 1510-23.

Ministry of Home Affairs—

Motion to reduce the Demand—

Policy re Military or Semi-Military Organisation established by Provincial Governments. 1449-88.

Ministry of Industry and Supply. 1265-1314.

Ministry of Information and Broadcasting. 1637.

Ministry of Labour—

Motion to reduce the Demand—

Unity of Trade Unions Organisations. 1557-74.

Ministry of Law. 1637.

Ministry of Relief and Rehabilitation. 1638, 2192.

Ministry of States. 1488-1506.

Ministry of Transport. 1575-82.

Ministry of Works, Mines and Power. 1315-61.

Mint. 1402-47.

Miscellaneous. 1403-47.

Miscellaneous adjustments between the Central and Provincial Governments. 1403-47.

Miscellaneous Departments. 1402-47.

Opium. 1401-47.

Other Scientific Departments. 1523-57.

Overseas Communication Service. 1584-1600.

Panth Piploda. 1450-88.

Payments to Government of Pakistan for Unique Institutions. 1404-47.

Payments to other Governments, Departments etc., on account of the Administration of

Agency Subjects and Management of Treasuries. 1402-47.

Payments to Retrenched Personnel. 1403-47.

Police. 1450-88.

Ports and Pilotage. 1363-99.

Pre-Partition Payments. 1403-47.

Provincial Excise. 1401-47.

Public Health. 1510-23.

Relations with Indian States. 1488-1506.

Resettlement and Development. 1403-47.

Salt. 1265-1314.

Stamps. 1402-47.

Stationery and Printing. 1316-61.

Superannuation Allowances and Pensions. 1402-47.

Survey of India. 1601-36.

Taxes on Income including Corporation Tax. 1401-47.

BUDGET, GENERAL—*contd.*Demand(s) for Grant(s)—*contd.*

Telephone Factory. 1584-1600.

Territorial and Political Pensions. 1402-47.

Tribal Areas. 1225-64.

Zoological Survey. 1601-36.

Demand(s) for Supplementary Grant(s)—

Administration of Justice. 2147-53.

Agriculture. 2193.

Ajmer-Merwara. 2194.

Andaman and Nicobar Islands. 2195.

Audit. 2192.

Broadcasting. 2194.

Cabinet. 2191.

Capital Outlay on Currency. 2195.

Capital Outlay on Industrial Department. 2195.

Capital Outlay on Mints. 2195.

Capital Outlay on Schemes of State Trading. 2195.

Census. 2194.

Central Excise Duties. 2191.

Civil Defence. 2194.

Civil Veterinary Services. 2193.

Civil Works. 2194.

Commuted Value of Pensions. 2195.

Constituent Assembly. 2191.

Currency. 2194.

Customs. 2191.

Defence Capital Outlay. 2195.

Defence Services, Effective—Army. 2162-70.

Defence Services, Effective—Supplies and Stores. 2162-70.

Defence Services, Non-Effective—Charges. 2163-71.

Delhi. 2154-62.

Delhi Transport Service. 2154-62.

Department of Scientific Research. 2193.

Ecclesiastical. 2193.

Expenditure on Refugees. 2194.

External Affairs. 2173-93.

Forests. 2191.

Indian Dairy Department. 2194.

Industries and Supplies. 2193.

Jails and other Convict Settlements. 2192.

Lighthouses and Lightships. 2193.

Ministry of Commerce. 2191.

Ministry of Communications. 2192.

Ministry of Defence. 2192.

Ministry of Education. 2191.

Ministry of External Affairs and Commonwealth Relations. 2173-91.

Ministry of Finance. 2191.

Ministry of Food. 2192.

Ministry of Home Affairs. 2191.

Ministry of Industry and Supply. 2192.

Ministry of States. 2192.

Ministry of Transport. 2192.

Mint. 2194.

Miscellaneous. 2194.

Miscellaneous Departments. 2194.

Overseas Communications Service. 2193.

Panth Piploda. 2195.

Payments to Government of Pakistan for unique Institutions. 2195.

Payments to other Governments, Departments etc., on account of the Administration of Agency subjects and management of treasuries. 2192.

Police. 2192.

Ports and Pilotage. 2192.

Pre-Partition Payments. 2171-73.

Relations with Indian States. 2195.

Stamps. 2191.

Stationery and Printing. 2194.

BUDGET, GENERAL—*concl'd*Demand(s) for Supplementary Grant(s)—*cont'd.*

Survey of India. 2193.
 Taxes on Income including Corporation Tax. 2191.
 Telephone Factory. 2193.
 Tribal Areas. 2173-93.
 Zoological Survey. 2193.

BUDGET, RAILWAY(S)—

Authenticated Schedule of Authorised Expenditure—Railways—
 Expenditure for 1949-50. 1751-53.
 Supplementary Expenditure for 1948-49. 1751-53.
 Presentation of Railway Budget. 513-30.
 General discussion of Railway Budget. 623-74, 676-717.

Demand(s) for Grant(s)—

Appropriation to Depreciation Fund. 819.
 Audit. 818.
 Capital Outlay on Vizagapatam Port. 820.
 Construction of New Lines. 819.
 Miscellaneous Expenditure. 818.
 Open Line Works—Additions. 819.
 Open Line Works Betterment Fund (Passenger Amenities). 820.
 Open Line Works—Replacements. 819.
 Open Line Works—Revenue. 819.
 Payments to Indian States and Companies. 819.

Railway Board—

Motion to reduce the Demand—

General Administration with particular reference to Economy. 773-813.
 General corruption on Railways. 720-48.
 Insufficient Provision of amenities to Passengers. 748-71.

Working Expenses—Administration. 818.

Working Expenses — Miscellaneous Expenses. 819.

Working Expenses — Operating Staff. 819.

Working Expenses — Operation (Fuel). 819.

Working Expenses — Operation other than Staff and Fuel. 819.

Working Expenses — Repairs and Maintenance. 819.

Demand(s) for Supplementary Grant(s)—

Audit. 957-68.
 Construction of New Lines. 958-68.
 Miscellaneous Expenditure. 957-68.
 Open Line Works—Addition. 958-68.
 Railway Board. 956-68.
 Withdrawal from Reserve. 958-68.
 Working Expenses — Administration. 957-68.
 Working Expenses — Appropriation to Depreciation Fund. 958-68.
 Working Expenses — Miscellaneous Expenses. 958-68.
 Working Expenses — Operating Staff. 958-68.
 Working Expenses — Operation (Fuel). 958-68.
 Working Expenses — Repairs and Maintenance. 958-68.

BUSINESS OF THE HOUSE—

Cancellation of meeting of the Assembly for 2nd March. 989.
 Closing date of the Assembly Session. 2341.
 Disposal of the —. 2291-94.
 Fixation of Saturday the 2nd April for official Business. 2010.
 Non-inclusion of Hindu Code in Order Paper. 1751.
 Statement of Business by the Honourable Shri Jawaharlal Nehru. 2102-03, 2429-30.
 Time table for the day's business. 477.

BUSINESS PROFITS TAX (AMENDMENT) BILL—

See "Income Tax and —" under "Bill(s)".

C

GABINET—

Demand for Grant—

Motion to reduce the Demand—

Policy re subversive organisations. 1449-88.

Demand for Supplementary Grant. 2191.

CALCUTTA AND MADRAS PORT TRUSTS (CONSTITUTION) (AMENDMENT) BILL—

See "Bombay, —" under "Bill(s)".

CANADA—

Statement re locomotives imported from U.S.A. and —. 937-40.

CANTONMENTS (AMENDMENT) BILL—

See "Bill(s)".

CAPITAL OUTLAY ON BROADCASTING—

Demand for Grant. 1638.

CAPITAL OUTLAY ON CIVIL AVIATION—

Demand for Grant. 1584-1600.

CAPITAL OUTLAY ON CIVIL WORKS—

Demand for Grant. 1316-61.

CAPITAL OUTLAY ON CURRENCY—

Demand for Grant. 1403-47.

Demand for Supplementary Grant. 2195.

CAPITAL OUTLAY ON FORESTS—

Demand for Grant. 1601-37.

CAPITAL OUTLAY ON INDIA SECURITY PRESS—

Demand for Grant. 1403-47.

CAPITAL OUTLAY ON INDIAN POSTS AND TELEGRAPHS (NOT MET FROM REVENUE)—

Demand for Grant. 1584-1600.

CAPITAL OUTLAY ON INDUSTRIAL DEVELOPMENT—

Demand for Grant. 1403-47.

Demand for Supplementary Grant. 2195.

CAPITAL OUTLAY ON MINTS—

Demand for Grant. 1403-47.

Demand for Supplementary Grant. 2195.

CAPITAL OUTLAY ON SCHEMES OF STATE TRADING—

Demand for Grant. 1404-47.

Demand for Supplementary Grant. 2195.

CAPITAL OUTLAY ON VIZAGAPATAM PORT—

Demand for Grant. 820.

CATTLE PRESERVATION—

Statement on report of Cattle Protection and Preservation Committee. 1807-08.

See also "Indian Cattle Preservation Bill" under "Bill(s)".

CENSUS—

Demand for Grant. 1450-88.

Demand for Supplementary Grant. 2194.

Resolution re — of Assam, West Bengal and East Punjab. 107-11.

CENSUS BILL—

See "Bill(s)".

CENTRAL EXCISE DUTIES—

Demand for Grant. 1401-47.

Demand for Supplementary Grant. 2191.

CENTRAL EXCISES AND SALT ACT—

See "Excises and Salt Act, Central."

CENTRAL ROAD FUND—

Demand for Grant. 1575-82.

CENTRAL SILK BOARD BILL—

See "Bill (s)".

CESS—

See "Indian Cotton Cess (Amendment) Bill" under "Bill(s)".

CHAIRMAN, PANEL OF—

Nomination of the —. 477.

CHALIHA, SRIJUT KULADHAR—

Banking Companies Bill. 460, 541-42, 567-68, 591.

Budget, General—

Demand(s) for Grant(s)—

Aviation. 1599.

Capital Outlay on Civil Aviation. 1599.

Capital Outlay on Civil Works. 1337-38.

Capital Outlay on Indian Posts and Telegraphs (not met from Revenue). 1599.

Civil Works. 1337-38.

Delhi Capital Outlay. 1337-38.

External Affairs. 1249-51, 2180.

Geological Survey. 1337-38.

Indian Posts and Telegraphs Department (including working expenses). 1599.

Indian Posts and Telegraphs—Stores suspense (not met from Revenue). 1599.

Irrigation (including Working Expenses), Navigation, Embankment and Drainage

Works—met from Revenue. 1337-38.

Meteorology. 1599.

Mines. 1337-38.

Ministry of Communications—

Motion to reduce the Demand—

Proposed increase in postal rates. 1599.

Ministry of External Affairs and Commonwealth Relations. 1249-51, 2180.

Ministry of Works, Mines and Power. 1337-38.

Overseas Communications Service. 1599.

Stationery and Printing. 1337-38.

Telephone Factory. 1599.

Tribal Areas. 1249-51, 2180.

Budget, Railways—

General discussion. 696, 710-13.

Demand for Grant—

Railway Board—

Motion to reduce the Demand—

Insufficient provision of amenities to passengers. 770.

Business of the House—

Non-inclusion of Hindu Code in Order Paper. 1751.

Child Marriage Restraint (Amendment) Bill—

Motions to consider as reported by Select Committee and to pass as amended. 2315-16.

Code of Criminal Procedure (Amendment) Bill—

Motions to consider and to pass as amended. 1999.

Election of — to Standing Committee for Ministry of Health. 1911.

Election of — to Standing Committee for Roads. 2245.

Election of — to Standing Committee for the Department of Scientific Research. 2090.

Essential Supplies (Temporary Powers) (Amendment) Bill. 2365.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 2285.

Indian Finance Bill—

Motion to refer to Select Committee. 1694-95, 1746.

Motion to consider as reported by Select Committee. 2096-98.

Indian Tea Control (Amendment) Bill. 2504-05.

CHALIHA, SRIJUT KULADHAR—*contd.*

Public Companies (Limitation of Dividends) Bill—

Motion to consider as reported by Select Committee. 2452-53.

Resolution re Extension of period mentioned in sections 2 and 3 of India (Central Government and Legislature) Act, 1946 as adapted. 1797.

Rubber (Production and Marketing) Amendment Bill. 2550-51.

Tea Committee for India Bill—

Motion to consider as reported by Select Committee. 1873-77, 1881.

Consideration of Clauses. 1907.

CHANNIAH, SHRI T.—

Election of — to Standing Committee for Ministry of Education. 2039.

CHARTERED ACCOUNTANTS BILL—

See "Bill(s)"

CHATTOPADHYAY, SHRI MIHIR LAL—

Budget, General—

General discussion. 1082-85.

Election of — to Standing Committee for Ministry of Communications. 1859.

Election of — to Standing Committee for Ministry of Works, Mines and Power. 2089.

Hindu Code—

Motions to consider as reported by the Select Committee, to re-circulate and to re-commit to Select Committee. 1026.

Indian Finance Bill—

Motion to refer to Select Committee. 1647, 1663.

CHAUDHURI, MR. ABDUL MATIN—

Condolence on the death of —. 1-3.

CHAUDHURI, SHRIMATI KAMALA—

Indian Finance Bill—

Motion to refer to Select Committee. 1683-93.

Election of — to Standing Committee for Ministry of Health. 1911.

CHAUDHURI, SRIJUT ROHINI KUMAR—

Banking Companies Bill—

Consideration of clauses. 364-65, 368-69, 371-72, 385, 434-35, 441-42, 452, 458-59, 460-61, 463, 465-66, 472-74, 479, 491-95, 534, 562-63 571-72, 574-75, 585-86, 588.

Motion to pass as amended. 608, 610-13.

Budget, General—

Demand(s) for Grant(s)—

Aviation. 1592-93.

Capital Outlay on Civil Aviation. 1592-93.

Capital Outlay on Civil Works. 1345-47.

Capital Outlay on Indian Posts and Telegraphs (not met from Revenue). 1592-93.

Civil Works. 1345-47.

Commercial Intelligence and Statistics. 1389-90.

Defence Capital Outlay. 1209-12.

Defence Services, Effective—Army. 1209-12.

Defence Services, Effective—Royal Indian Air Force. 1209-12.

Defence Services, Effective—Royal Indian Navy. 1209-12.

Defence Services, Non-Effective Charges. 1209-12.

Delhi Capital Outlay. 1345-47.

External Affairs. 1260-61.

Geological Survey. 1345-47.

Indian Posts and Telegraphs Department (including working expenses). 1592-93.

Indian Posts and Telegraphs—Stores Suspense (not met from Revenue). 1592-93.

Irrigation (including working expenses), Navigation, Embankment and Drainage

Works met from Revenue. 1345-47.

Joint-Stock Companies. 1389-90.

Lighthouses and lightships. 1389-90.

Meteorology. 1592-93.

Mines. 1345-47.

Ministry of Commerce. 1389-90.

CHAUDHURI, SHRIJUT ROHINI KUMAR—*contd.*Budget, General—*contd.*Demand(s) for Grant(s)—*contd.*

Ministry of Communications—

Motion to reduce the Demand—

Proposed increase in postal rates. 1592-93.

Ministry of Defence. 1209-12.

Ministry of External Affairs and Commonwealth Relations. 1860-61.

Ministry of Works, Mines and Power. 1345-47.

Overseas Communications Service. 1592-93.

Ports and Pilotage. 1389-90.

Stationery and Printing. 1345-47.

Telephone Factory. 1592-93.

Tribal Areas. 1260-61.

Budget, Railways—

General discussion. 649-52, 671.

Cinematograph (Amendment) Bill. 2546.

Delhi Hotels (Control of Accommodation) Bill. 2486-87.

Election of — to Standing Committee for Ministry of Industry and Supply. 2545.

Election of — to Standing Finance Committee for Railways. 2140.

Indian Emigration (Amendment) Bill. 260.

Indian Finance Bill—

Motion to refer to Select Committee. 1706.

Indian Tariff (Second Amendment) Bill. 92.

Industries (Development and Control) Bill—

Motion to refer to Select Committee. 2424.

Influx from Pakistan (Control) Bill. 2474, 2479.

Motion *re* Relief and Rehabilitation situation. 1925, 1941.

Payment of Taxes (Transfer of Property) Bill—

Motions to consider and to refer to Select Committee. 52-53.

Prevention of Free or Forced or Compulsory Labour Bill—

Motions to refer to Select Committee and to circulate. 405-06.

Protective Duties (Miscellaneous Provisions) Bill. 1857, 1860-61.

Public Companies (Limitation of Dividends) Bill—

Motion to consider as reported by Select Committee.

Motion to pass as amended. 2461.

Resolution *re*—*Census of Assam, West Bengal and East Punjab.* 107-09, 111.

Failure of Grow More Food Campaign. 118, 120-21, 182-85, 208.

Serving of rice in non-vegetarian hotels. 118, 120-21, 182-85, 208.

Scheduled Securities (Hyderabad) Bill. 273.

Tea Committee for India Bill. 1893, 1904, 1907-08.

United Provinces Provincial Armed Constabulary (Extension of Laws) Bill. 244-45.

CHETTIAR, SHRI T. A. RAMALINGAM—

Banking Companies Bill—

Motion to consider as reported by the Select Committee. 313-18, 332.

Consideration of clauses. 474.

Budget, General—

General discussion. 1040-45, 1157-1162.

Demand(s) for Grant(s)—

Agriculture. 1631-33.

Audit. 1410.

Botanical Survey. 1631-33.

Capital Outlay on Currency. 1410.

Capital Outlay on Developments. 1410.

Capital Outlay on Forests. 1631-33.

Capital Outlay on India Security Press. 1410.

Capital Outlay on Industrial Development. 1410.

Capital Outlay on Mints. 1410.

Capital Outlay on Schemes of State Trading. 1410.

Central Excise Duties. 1410.

Civil Veterinary Services. 1631-33.

CHETTIAR, SHRI T. A. RAMALINGAM—*contd.*Budget, General—*contd.*Demand(s) for Grant(s)—*contd.*

Commuted Value of Pensions. 1410.

Currency. 1410.

Customs. 1416.

Forest. 1631-33.

Grants-in-aid to Provincial Governments. 1410.

Indian Dairy Department. 1631-33.

Interest Free and Interest Bearing Advances. 1410.

Ministry of Agriculture—

Motion to reduce Demand—

Co-ordination with Provinces and failure to meet shortage of food. 1631-33.

Stoppage of foodgrains import from foreign countries. 1631-33.

Ministry of Finance. 1410.

Ministry of Food—

Motion to reduce the Demand—Food shortage and policy. 1631-33.

Mint. 1410.

Miscellaneous. 1410.

Miscellaneous adjustments between the Central and Provincial Governments. 1410.

Miscellaneous Departments. 1410.

Opium. 1410.

Payments to Government of Pakistan for unique institutions. 1410.

Payments to other Governments, Departments, etc., on account of the Administration of Agency Subjects and managements of Treasuries. 1410.

Payments to Retrenched Personnel. 1410.

Pre-Partition Payments. 1410.

Provincial Excise. 1410.

Resettlement and Development. 1410.

Stamps. 1410.

Superannuation allowances and Pensions. 1410.

Survey of India. 1631-33.

Territorial and Political Pensions. 1410.

Zoological Survey. 1631-33.

Business of the House—

Disposal of Business of the House. 2294.

Election of — to Central Committee for the Tuberculosis Association of India. 2140.

Election of — to Standing Committee for the Department of Scientific Research. 2090.

Election of — to Standing Committee for Ministry of Industry and Supply. 2089.

Essential Supplies (Temporary Powers) (Amendment) Bill. 2354.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 842-907, 2211.

Indian Finance Bill—

Motion to refer to Select Committee. 1708.

Indian Tariff (Second Amendment) Bill. 86, 93.

Industries (Development and Control) Bill—

Motion to refer to Select Committee. 2467.

Protective Duties (Miscellaneous Provisions) Bill. 1829.

Public Companies (Limitation of Dividends) Bill—

Motion to consider as reported by Select Committee. 2459-60.

Resolution *re* extension of period mentioned in sections 2 and 3 of India (Central Government and Legislature) Act, 1946 as adapted. 1803.

CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL—

See "Bill(s)".

CINEMATOGRAPH (AMENDMENT) BILL—

See "Bill(s)".

CIVIL DEFENCE—

- Demand for Grant. 1450-88.
- Demand for Supplementary Grant. 2194.

CIVIL VETERINARY SERVICES—

- Demand for Grant. 1601-36.
- Demand for Supplementary Grant. 2193.

CIVIL WORKS—

- Demand for Grant. 1316-61.
- Demand for Supplementary Grant. 2194.

CLIENT(S)—

- See "Banking Companies (Legal Practitioners' 'Clients' Accounts) Bill" under "Bill(s)".

COAL MINE(S)—

- Report of — Stowing Board—laid on the Table. 2341.
- See also "Coal Mines Labour Welfare Fund (Amendment) Bill" under "Bill(s)".
- See also "Coal Mines Provident Fund and Bonus Schemes Bill" under "Bill(s)".

CODE OF CIVIL PROCEDURE (AMENDMENT) BILL—

- See "Bill(s)".

CODE OF CRIMINAL PROCEDURE—

- See "Code of Criminal Procedure (Amendment) Bill" under "Bill(s)".
- See also "Indian Penal Code and the Code of Criminal Procedure (Amendment) Bill" under "Bill(s)".

COFFEE MARKET EXPANSION (AMENDMENT) BILL—

- See "Bill(s)".

COLLEGES—

- Demand for Grant—Education—
- Motion to reduce the Demand—
- Transfer of Colleges in Delhi to University Area. 1523-57.

COMMERCE, MINISTRY OF—

- Demand for Grant. 1363-99.
- Demand for Supplementary Grant. 2191.
- Election to Standing Committee for —. 1859.

COMMERCIAL INTELLIGENCE AND STATISTICS—

- Demand for Grant. 1363-99.

COMMITTEE(S)—

- to examine Rules of Procedure and Conduct of Business. 107.
- Election to — to review convention re separation of Railway from General Finance. 2200-11, 2291, 2387-88, 2431.
- Election to National Food and Agriculture Organisation Liaison —. 212-13, 2138-39.
- Motion re report of Indian Railway Enquiry —. 2013-38.
- See also "Public Accounts Committee".
- See also "Standing Committee(s)".
- See also "Standing Finance Committee".

COMMITTEE ON PETITIONS—

- Nomination of the —. 477.

COMMUNICATIONS, MINISTRY OF—

- Demand for Grant—
- Motion to reduce the Demand—
- Proposed increase in postal rates. 1583-99.
- Demand for Supplementary Grant. 2192.
- Election to Standing Committee for —. 1859, 1997, 2036

COMMUTED VALUE OF PENSIONS—

- Demand for Grant. 1404-47.
- Demand for Supplementary Grant. 2195.

COMPANIES (LIMITATION OF DIVIDENDS) BILL—

- See "Public —" under "Bill(s)".

CONSTITUENT ASSEMBLY—

- Demand for Grant. 1637.
- Demand for Supplementary Grant. 2191.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)—

- Demand for Grant. 1637, 1937.

CONSTRUCTION OF NEW LINES—

- Demand for Grant—Railway Budget. 819.
- Demand for Supplementary Grant—Railway Budget. 958-68.

CONSULAR OFFICERS (OATHS AND FEES) BILL—

- See "Diplomatic and —" under "Bill(s)".

CONTINUANCE OF LEGAL PROCEEDINGS BILL—

- See "Bill(s)".

CONTROL(S)—

- Resolution re extension of period mentioned in sections 2 and 3 of India (Central Government and Legislature) Act, 1946 as adapted. 1784-1805.

CORRUPTION—

- Demand for Grant—Railway Board—
- Motion to reduce the Demand—
- General corruption on Railways. 720-48.

COTTON CESS (AMENDMENT) BILL—

- See "Indian —" under "Bill(s)".

CRIMINAL LAW—

- See "Criminal Law (Removal of Racial Discrimination) Bill" under "Bill(s)".

CRIMINAL TRIBES (REPEAL) BILL—

- See "Bill(s)".

CURRENCY—

- Demand for Grant. 1402-47.
- Demand for Supplementary Grant. 2194.

CUSTOMS—

- Demand for Grant. 1401-47.
- Demand for Supplementary Grant. 2191.

D

DAMODAR VALLEY CORPORATION—

- Budget of — laid on the Table. 940.

DAS, DR. MONO MOHAN—

- Budget, Railways—
- Demand for Grant—Railway Board—
- Motion to reduce the Demand — General administration with particular reference to economy. 798-99.
- Election of — to Standing Committee for Ministry of Food. 1911.
- Election of — to Standing Committee for Ministry of Health. 1911.
- Hindu Code—
- Motions to consider as reported by Select Committee, to recirculate and to recommit to Select Committee. 860, 866, 878, 895, 907, 951, 999, 1021, 2240, 2260, 2274.
- Indian Finance Bill. 2121.
- Resolution re—
- Failure of Grow More Food Campaign. 111-13, 208-09.
- Serving of rice in non-vegetarian hotels. 208-09.
- Tea Committee for India Bill. 1891-93, 1900, 1904-06.

DAS, SHRI B.—

- Banking Companies Bill—
- Motion to consider as reported by the Select Committee. 294, 303-06, 307-10, 320.
- Consideration of clauses. 468, 572-73, 575-76, 577-79, 588.
- Motion to pass as amended. 604-05, 607, 612.

DAS, SHRI B.—*contd.*

Budget, General—

General discussion. 1040, 1061, 1070, 1081, 1106, 1139.

Demand(s) for Grant(s)—

Audit. 1414-16.

Capital Outlay on Civil Works. 1323-27, 1348, 1359.

Capital Outlay on Currency. 1414-16.

Capital Outlay on Development. 1414-16.

Capital Outlay on India Security Press. 1414-16.

Capital Outlay on Industrial Development. 1414-16.

Capital Outlay on Mints. 1414-16.

Capital Outlay on Schemes of State Trading. 1414-16.

Central Excise Duties. 1414-16.

Civil Works. 1323-27, 1348, 1359.

Commercial Intelligence and Statistics. 1369.

Commuted value of pensions. 1414-16.

Currency. 1414-16.

Customs. 1414-16.

Defence Capital Outlay. 1192.

Defence Services, Effective — Army. 1192.

Defence Services, Effective — Royal Indian Air Force. 1192.

Defence Services, Effective — Royal Indian Navy. 1192.

Defence Services, Non-Effective Charges. 1192.

Delhi Capital Outlay. 1323-27, 1348, 1359.

External Affairs. 1259.

Geological Survey. 1323-27, 1348, 1359.

Grants-in-aid to Provincial Governments. 1414-16.

Industries and Supplies. 1276, 1278.

Interest Free and Interest Bearing Advances. 1414-16.

Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works — met from Revenue. 1323-27, 1348, 1359.

Joint Stock Companies. 1369.

Lighthouses and Lightships. 1369.

Mines. 1323-27, 1348, 1359.

Ministry of Commerce. 1369.

Ministry of Defence. 1192.

Ministry of External Affairs and Commonwealth Relations. 1259.

Ministry of Finance. 1414-16.

Ministry of Industry and Supply. 1276, 1278.

Ministry of Works, Mines and Power. 1323-27, 1348, 1359.

Mints. 1414-16.

Miscellaneous. 1414-16.

Miscellaneous Adjustments between the Central and Provincial Governments. 1414-16.

Miscellaneous Departments. 1414-16.

Opium. 1414-16.

Payments to Government of Pakistan for unique institutions. 1414-16.

Payments to other Governments, Departments, etc., on account of the Administration of Agency Subjects and Management of Treasuries. 1414-16.

Payments to Retrenched Personnel. 1414-16.

Ports and Pilotage. 1369.

Pre-Partition payments. 1414-16.

Provincial Excise. 1414-16.

Resettlement and Development. 1414-16.

Salt. 1276, 1278.

Stamps. 1414-16.

Stationery and Printing. 1323-27, 1348, 1359.

Superannuation Allowances and Pensions. 1414-16.

Taxes on Income including Corporation Tax. 1414-16.

Territorial and Political Pensions. 1414-16.

Tribal Areas. 1259.

Demand(s) for Supplementary Grant(s)—

Defence Services, Effective — Army. 2164-66.

Defence Services, Effective — Supplies and Stores. 2164-66.

Defence Services, Non-Effective Charges. 2164-66.

External Affairs. 2188.

Ministry of External Affairs and Commonwealth Relations. 2188.

Tribal Areas. 2188.

DAS, SHRI B.—*contd.*

Budget, Railways—

General discussion. 623-27, 650, 697, 715.

Demand for Grant—Railway Board—

Motion to reduce the Demand—

General administration with particular reference to economy. 785.

Insufficient provision of amenities to passengers. 763, 769-70.

Election of — to Committee on Public Accounts. 2090.

Election of — to Committee to review the working of the railway convention. 2291.

Election of — to Standing Committee for Ministry of Works, Mines and Power. 2089.

Foreign investments in India. 2387.

Hindu Code—

Motion to consider as reported by Select Committee to re-circulate and to re-commit to

Select Committee. 824-44, 851, 934, 947, 994, 1012, 2212, 2226, 2233, 2239, 2241, 2255.

Hindu Marriages Validity Bill—

Motions to consider as reported by the Select Committee and to pass as amended. 2339.

Indian Finance Bill—

Motion to consider as reported by Select Committee. 2045-48, 2065.

Consideration of clauses. 2123.

Indian Tariff (Second Amendment) Bill. 70, 75-77.

Industries (Development and Control) Bill—

Motion to refer to Select Committee. 2424-25.

Loans from International Monetary Fund. 5-6.

Motion re—

Election to Committee on Public Accounts. 1767-68.

Election to Committee to review convention re separation of Railways from General

Finance. 2201, 2206.

Elections to Standing Advisory Committees. 1758-60.

Report of Indian Railway Enquiry Committee. 2024-26.

Nomination of — to the Committee on Petitions. 477.

Papers laid on the Table—

Procedure regarding printing of —. 1067.

Payment of Taxes (Transfer of Property) Bill—

Motions to consider and to refer to Select Committee. 38, 45-47.

Protective Duties (Amendment) Bill. 263-64.

Protective Duties (Miscellaneous Provisions) Bill—

Motions to consider and to pass as amended. 1817-20, 1846, 1848, 1867.

Public Companies (Limitation of Dividends) Bill. 101-04.

Public Debt (Central Government) Amendment Bill. 274.

DAS, SHRI BASANTA KUMAR—

Budget, General—

Demand(s) for Grant(s)—

Aviation. 1588-90.

Capital Outlay on Civil Aviation. 1588-90.

Capital Outlay on Indian Posts and Telegraphs (not met from Revenue). 1588-90.

Indian Posts and Telegraphs Department (including Working Expenses). 1588-90.

Indian Posts and Telegraphs—Stores Suspense (not met from Revenue). 1588-90.

Industries and Supplies. 1290-91.

Meteorology. 1588-90.

Ministry of Communications—

Motion to reduce the Demand—

Proposed increase in postal rates. 1588-90.

Ministry of Industry and Supply. 1290-91.

Overseas Communications Service. 1588-90.

Salt. 1290-91.

Telephone Factory. 1588-90.

Election of — to Standing Committee for Ministry of Relief and Rehabilitation. 2039.

Election of — to Standing Committee for Ministry of Transport (other than Roads).

2039.

Election of — to Standing Committee for Ministry of Works, Mines and Power. 2089.

Motion re Relief and Rehabilitation situation. 1952-54.

DAS, SHRI BASANTA KUMAR—*contd.*Resolution *re*—

- Failure of Grow More Food Campaign. 120, 186-87
- Serving of rice in non-vegetarian hotels. 120, 186-87

DAS, SHRI BISWANATH—

Budget, General—

General Discussion. 652-54.

Demand(s) for Grant(s)—

- Defence Capital Outlay. 1202-06, 1223.
- Defence Services, Effective—Army. 1202-06, 1223.
- Defence Services, Effective—Royal Indian Air Force. 1202-06, 1223.
- Defence Services, Effective—Royal Indian Navy. 1202-06, 1223.
- Defence Services, Non-Effective Charges. 1202-06, 1223.
- Ministry of Defence. 1202-06, 1223.
- Demand(s) for Supplementary Grant(s)—
 - External Affairs. 2184-86.
 - Ministry of External Affairs and Commonwealth Relations. 2184-86.
 - Tribal Areas. 2184-86.

Business of the House—

- Disposal of the Business of the House. 2292.
- Time for study of Budget papers. 990.
- Election of — to All India Council for Technical Education. 2291
- Election of — to Standing Finance Committee. 2090.
- Essential Supplies (Temporary Powers) (Amendment) Bill—
 - Consideration of clauses. 2365.
 - Motion to consider. 2357-58.
- Indian Finance Bill—
 - Motion to refer to Select Committee. 1750.
- Indian Tariff (Second Amendment) Bill. 93.
- Mangrol and Manavadar (Administration of Property) Bill. 237-38.
- Motion *re* election to committee to review convention *re* separation of Railway from General Finance. 2204-06.
- Protective Duties (Amendment) Bill. 269.
- Resolution *re*—
 - Extension of period mentioned in Sections 2 and 3 of India (Central Government and Legislature) Act, 1946, as adapted. 1789-91, 1804-05.
 - Failure of Grow More Food Campaign. 136-39.
 - Serving of rice in non-vegetarian hotels. 136-39.
- Tea Committee for India Bill—
 - Motion to consider as reported by the Select Committee. 1881-82, 1887.

DAS, SHRI NANDKISHORE—

- Election of — to Central Advisory Council for Railways. 2140.
- Election of — to Standing Committee for Ministry of Food. 1911.
- Election of — to Standing Committee for Ministry of Labour. 1998.

DAS, SHRI SANTANU KUMAR—

Budget, General—

General discussion. 1097-1100.

DEATH—

- Condolence on the — of—
 - Chaudhuri, Mr. Abdul Matin. 1-3.
 - Gounder, Mr. Vellingri. 1-3.
 - Hydari, Mr. Akbar. 1-3.
 - Mudaliar, Mr. Muthuranga. 263.
 - Naidu, Shrimati Sarojini. 1031.
 - Natesan, Shri G. A. 1-3.
 - Rafi, Mian Mohd. 873.
 - Roy, Shri Kiran Shankar. 675.
 - Sapru, Dr. Tej Bahadur. 1-3.
 - Shafi Daudi, Mr. M. 1-3.

DECLARATIONS OF EXEMPTION—

— under the Registration of Foreigners Act, 1939—laid on the Table. 431-33.

DEFENCE CAPITAL, OUTLAY—

- Demand for Grant. 1170-1223.
- Demand for Supplementary Grant. 2195.

DEFENCE, MINISTRY OF—

- Demand for Grant. 1170-1223.
- Demand for Supplementary Grant. 2192.
- Election to Standing Committees for —. 1859.

DEFENCE SERVICES, EFFECTIVE — ARMY—

- Demand for Grant. 1170-1223.
- Demand for Supplementary Grant. 2162-70.

DEFENCE SERVICES, EFFECTIVE—ROYAL INDIAN AIR FORCE—

- Demand for Grant. 1170-1223.

DEFENCE SERVICES, EFFECTIVE—ROYAL INDIAN NAVY—

- Demand for Grant. 1170-1223.

DEFENCE SERVICES, EFFECTIVE—SUPPLIES AND STORES—

- Demand for Supplementary Grant. 2162-70.

DEFENCE SERVICES, NON-EFFECTIVE CHARGES—

- Demand for Grant. 1170-1223.
- Demand for Supplementary Grant. 2163-71.

DELHI—

- Demand for Grant. 1450-83.
- Demand for Supplementary Grant. 2154-62.
- Demand for Grant—Education—
 - Motion to reduce the Demand — Transfer of colleges in Delhi to University area. 1523-57.

See also "Bombay Public Security Measures (Delhi Amendment) Bill" under "Bills"

DELHI AND AJMER-MERWARA LAND DEVELOPMENT BILL—

See "Bill(s)".

DELHI CAPITAL OUTLAY—

- Demand for Grant. 1316-61.

DELHI HOTELS (CONTROL OF ACCOMMODATION) BILL—

See "Bill(s)".

DELHI ROAD TRANSPORT AUTHORITY BILL—

See "Bill(s)".

DELHI TRANSPORT SERVICE—

- Demand for Grant. 1575-82.
- Demand for Supplementary Grant. 2154-62.

DEMANDS FOR GRANTS—

See "Budget, General".

DENTISTS (AMENDMENT) BILL—

See "Bill(s)".

DEPARTMENT OF SCIENTIFIC RESEARCH—

- Demand for Grant. 1638.
- Demand for Supplementary Grant. 2193.

DEPUTY SPEAKER, MR.—

See "Ruling(s)".

DESAI, SHRI KHANDUBHAI K.—

Budget, General—

General discussion. 1085-87.

DESAI, SHRI KHANDUBHAI K.—contd.
Budget, General—contd.
Demand(s) for Grant(s)—

Audit. 1432-34.
 Capital Outlay on Currency. 1432-34.
 Capital Outlay on Development. 1432-34.
 Capital Outlay on India Security Press. 1432-34.
 Capital Outlay on Industrial Development. 1432-34.
 Capital Outlay on Mints. 1432-34.
 Capital Outlay on Schemes of State Trading. 1432-34.
 Central Excise Duties. 1432-34.
 Commuted Value of Pensions. 1432-34.
 Currency. 1432-34.
 Customs. 1432-34.
 Grants-in-aid to Provincial Governments. 1432-34.
 Interest Free and Interest Bearing Advances. 1432-34.
 Ministry of Finance. 1432-34.
 Mint. 1432-34.
 Miscellaneous. 1432-34.
 Miscellaneous Adjustments between the Central and Provincial Governments. 1432-34.
 Miscellaneous Departments. 1432-34.
 Opium. 1432-34.
 Payments to Government of Pakistan for unique Institutions. 1432-34.
 Payments to other Governments Departments etc., on account of Administration of Agency Subjects and Management of Treasuries. 1432-34.
 Payments to Retrenched Personnel. 1432-34.
 Pre Partition payments. 1432-34.
 Provincial Excise. 1432-34.
 Resettlement and Development. 1432-34.
 Stamps. 1432-34.
 Superannuation allowances and pensions. 1432-34.
 Taxes on Income including Corporation Tax. 1432-34.
 Territorial and Political pensions. 1432-34.

Budget, Railways—

General discussion. 690, 697-98.
 Election of — to Committee to review working of Railways convention. 2291.
 Election of — to Standing Committee for Ministry of Labour. 1998.
 Election of — to Standing Committee for Ministry of Works, Mines and Power. 2008.
 Election of — to Standing Finance Committee for Railways. 2140.

Indian Finance Bill—

Motion to consider as reported by Select Committee. 2064-67.

Motion re—

Election to Committee to review convention re separation of Railway from General Finance. 2202.

Report of Indian Railway Enquiry Committee. 2021-23.

Protective Duties (Miscellaneous Provisions) Bill. 1830-31.

Public Companies (Limitation of Dividends) Bill. 103-05.

Resolution re extension of period mentioned in Sections 2 and 3 of India (Central Government and Legislature) Act, 1946 as adapted. 1795-96.

Tea Committee for India Bill—

Motion to refer to Select Committee. 220-21.

DESHMUKH, DR. P. S.—
Budget, General—
Demand(s) for Grant(s)—

Agriculture. 1630-31.
 Audit. 1414.
 Botanical Survey. 1630-31.
 Capital Outlay on Civil Works. 1317, 1321-22.
 Capital Outlay on Currency. 1414.
 Capital Outlay on Developments. 1414.
 Capital Outlay on India Security Press. 1414.
 Capital Outlay on Industrial Development. 1414.
 Capital Outlay on Forests. 1630-31.
 Capital Outlay on Mints. 1414.

DESHMUKH, DR. P. S.—contd.
Budget, General—contd.
Demand(s) for Grant(s)—contd.

Capital Outlay on Schemes of State Trading. 1414.
 Central Excise Duties. 1414.
 Civil Veterinary Services. 1630-31.
 Civil Works. 1317, 1321-22.
 Commuted Value of Pensions. 1414.
 Currency. 1414.
 Customs. 1414.
 Delhi Capital Outlay. 1317, 1321-22.
 Forest. 1630-31.
 Geological Survey. 1317, 1321-22.
 Grants-in-aid to Provincial Governments. 1414.
 Indian Dairy Department. 1630-31.
 Industries and Supplies. 1300-02.
 Interest Free and Interest Bearing Advances. 1414.
 Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works—met from Revenue. 1317, 1321-22.
 Mines. 1317, 1321-22.

Ministry of Agriculture—
Motion to reduce the Demand—

Coordination with Provinces and failure to meet shortage of food. 1630-31.
 Stoppage of foodgrains import from foreign countries. 1630-31.

Ministry of Finance. 1414.

Ministry of Food—

Motion to reduce the Demand — food shortage and policy. 1630-31.

Ministry of Industry and Supply. 1300-02.

Ministry of Works, Mines and Power. 1317, 1321-22.

Mints. 1414.

Miscellaneous. 1414.

Miscellaneous adjustments between the Central and Provincial Governments. 1414.

Miscellaneous Departments. 1414.

Opium. 1414.

Payments to Government of Pakistan for unique Institutions. 1414.

Payments to other Governments, Departments etc., on account of the Administration of Agency Subjects and Management of treasuries. 1414.

Payments to retrenched personnel. 1414.

Pre-Partition Payments. 1414.

Provincial Excise. 1414.

Resettlement and Development. 1414.

Salt. 1300-02.

Stamps. 1414.

Stationery and Printing. 1317, 1321-22.

Superannuation Allowances and Pensions. 1414.

Survey of India. 1630-31.

Taxes on Income including Corporation Tax. 1414.

Territorial and Political Pensions. 1414.

Zoological Survey. 1630-31.

Demand(s) for Supplementary Grant(s)—

Administration of Justice. 2150-52.

Defence Services, Effective—Army. 2168-69.

Defence Services, Effective—Supplies and Stores. 2168-69.

Defence Services, Non-Effective Charges. 2168-69.

Delhi. 2159-60.

Delhi Transport Service. 2159-60.

External Affairs. 2183.

Ministry of External Affairs and Commonwealth Relations. 2183.

Tribal Areas. 2183.

Budget, Railways—

General discussion. 634-36.

Demand(s) for Supplementary Grant(s)—

Request for more time for the discussion. 957.

Child Marriage Restraint (Amendment) Bill—

Motions to consider as reported by Select Committee and to pass as amended. 2225-26, 2330, 2332, 2334.

DESHMUKH, DR. P. S.—*Cntd.*

Cinematograph (Amendment) Bill. 2527-29.

Delhi Hotels (Control of Accommodation) Bill—

Motions to consider and to pass. 2498-2501.

Election of — to All India Council for Technical Education. 2291.

Election of — to National Food and Agriculture Organisation Liaison Committee. 2245.

Election of — to Standing Committee for Ministry of Agriculture. 1996.

Election of — to Standing Committee for Ministry of Transport (Other than Roads). 2039.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 2230.

Hindu Marriages Validity Bill—

Motions to consider as reported by Select Committee and to pass as amended. 2337.

Indian Finance Bill—

Motion to consider as reported by Select Committee. 2049, 2071, 2084-86, 2091-93, 2116.
Consideration of clauses. 2117-19.

Industries (Development and Control) Bill—

Motion to refer to Select Committee. 1658-61, 2398-2400.

Motion *re* Information and Broadcasting. 1974.

Protective Duties (Miscellaneous Provisions) Bill—

Motion to consider and to pass as amended. 1831, 1833-35, 1861.

Resolution *re*—

Extension of period mentioned in sections 2 and 3 of India (Central Government and Legislature) Act, 1946 as adapted. 1791-93.

Failure of Grow More Food Campaign. 190-92.

Serving of rice in non-vegetarian hotels. 190-92.

DESTRUCTIVE INSECTS AND PESTS ACT—

Notification under — 1914 laid on the table.

DHARAM PRAKASH, DR.—

Election of — to Standing Committee for Ministry of Information and Broadcasting. 1998.

Election of — to Standing Committee for Ministry of Transport (Other than Roads). 2039.

DIPLOMATIC AND CONSULAR OFFICERS (OATHS AND FEES) BILL—

See "Bill(s)".

DISPLACED PERSONS (INSTITUTION OF SUITS) BILL—

See "Bill(s)".

DISPLACED PERSONS (LAND ACQUISITION) BILL—

See "Resettlement of —" under "Bill(s)".

DISPLACED PERSONS (LEGAL PROCEEDINGS) BILL—

See "Bill(s)".

DIVIDEND(S)—

See "Public Companies (Limitation of Dividends) Bill" under "Bill(s)".

DIWAKAR, THE HONOURABLE SHRI R. R.—

Cinematograph (Amendment) Bill—

Motion to consider 2515-18, 2529-32.

Consideration of clauses. 2535-36, 2538-41.

Motion to pass as amended. 2548-49.

Motion *re* Information and Broadcasting. 1961-65, 1971, 1972, 1975, 1983-96.

DOCK WORKERS (REGULATION OF EMPLOYMENT) AMENDMENT BILL—

See "Bill(s)".

DURBAN—

Statement by Prime Minister on disturbances in —, South Africa. 67-69.

DURGABAI, SHRIMATI G.—

Banking Companies Bill. 557-562, 581-82.

Budget, General—

Demand(s) for Grant(s)—

Archaeology. 1529-31.

Aviation. 1596.

Capital Outlay on Civil Aviation. 1596.

Capital Outlay on Indian Posts and Telegraphs (not met from Revenue). 1596.

Education—

Motion to reduce the Demand—Transfer of Colleges in Delhi to the University Area. 1529-31.

Indian Posts and Telegraphs Department (including Working Expenses). 1596.

Indian Posts and Telegraphs—Stores Suspense (not met from Revenue). 1596.

Meteorology. 1596.

Ministry of Communications—

Motion to reduce the Demand—Proposed increase in postal rates. 1596.

Ministry of Education. 1529-31.

Other Scientific Departments. 1529-31.

Overseas Communications Service. 1596.

Telephone Factory. 1596.

Demand for Supplementary Grant—

Administration of Justice. 2147-50, 2152.

Budget, Railways—

Demand for Grant—Railway Board—

Motion to reduce the Demand — General corruption on Railways. 720-23, 748.

Cinematograph (Amendment) Bill. 2518-19.

Election of — to Standing Committee for Ministry of Information and Broadcasting. 1998.

Election of — to Standing Committee for Ministry of Law. 2039.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 860, 866, 878, 889, 895, 902, 906, 922, 991-95, 999, 1011-12, 2223, 2227-29, 2242-43, 2279, 2281, 2285.

Indian Finance Bill—

Motion to refer to Select Committee. 1720-22.

Indian Judicial Procedure Bill—

Motion to refer to Select Committee. 410-11.

Loans from International Monetary Fund. 6.

Motion *re* Information and Broadcasting. 1969-71.

Nomination of — to Panel of Chairman. 477.

Resolution *re*—

Failure of 'Grow More Food' campaign. 124-26, 155.

Serving of Rice in non-vegetarian hotels. 124-26, 155.

DURGAH KHAWAJA SAHEB (AMENDMENT) BILL.—

See "Bill(s)".

DUTY(IES)—

See "Estate Duty Bill", under "Bill(s)".

See also "Protective Duties (Amendment) Bill" under "Bill(s)".

See also "Protective Duties (Miscellaneous Provisions) Bill" under "Bill(s)".

E

EAST PUNJAB—

Resolution *re* census of Assam, West Bengal and —. 107-11.

ECCLESIASTICAL—

Demand for Grant. 1638.

Demand for Supplementary Grant. 2193.

ECONOMY—

Demand for Grant—Railway Board—
Motion to reduce the Demand—General administration with particular reference to economy. 774-818.

EDUCATION—

Demand for Grant—
Motion to reduce the Demand—Transfer of colleges in Delhi to University Area. 1523-57.

EDUCATION, MINISTRY OF—

Demand for Grant. 1523-57.
Demand for Supplementary Grant. 2191.
Election to Standing Committee for —. 2039.

ELECTION(S)—

— to—
All India Council for Technical Education. 2197-2200, 2291.
Central Advisory Board of Archaeology. 2342, 2431.
Central Advisory Council for Railways. 1770-71, 2140.
Central Committee of Tuberculosis Association of India. 1771, 2140.
Central Tea Board. 2342, 2431.
Committee on Public Accounts. 213-14, 347, 1767-70, 2089-90.
Committee to review Convention re separation of Railway from General Finance. 2200-11, 2291, 2387-88, 2431.
National Food and Agriculture Organisation Liaison Committee. 212-13, 2133-39, 2245.
Standing Advisory Committees. 1753-67.
Standing Committee for Department of Scientific Research. 2089-90.
Standing Committee for Ministry of Agriculture. 1996-97, 2038.
Standing Committee for Ministry of Commerce. 1859.
Standing Committee for Ministry of Communications. 1859, 1997, 2038.
Standing Committee for Ministry of Defence. 1859.
Standing Committee for Ministry of Education. 2039.
Standing Committee for Ministry of External Affairs. 1911.
Standing Committee for Ministry of Food. 1911, 2387, 2431.
Standing Committee for Ministry of Health. 1911.
Standing Committee for Ministry of Home Affairs. 2089.
Standing Committee for Ministry of Industry and Supply. 2089, 2483-84, 2545.
Standing Committee for Ministry of Information and Broadcasting. 1998.
Standing Committee for Ministry of Labour. 1998, 2483, 2545.
Standing Committee for Ministry of Law. 2039.
Standing Committee for Ministry of Relief and Rehabilitation. 2039.
Standing Committee for Ministry of States. 2089.
Standing Committee for Ministry of Transport (other than Roads). 2039.
Standing Committee for Ministry of Works, Mines and Power. 2089.
Standing Committee for Roads. 2140, 2245.
Standing Finance Committee. 1767, 2089-90.
Standing Finance Committee for Railways. 1770-71, 2140.

ELECTRICITY COMMISSION, CENTRAL—

Report of—laid on the table. 1067.

ELECTRICITY (SUPPLY) BILL—

See "Bill(s)".

EMIGRATION (AMENDMENT) BILL—

See "Indian —" under "Bill(s)".

ESSENTIAL SERVICES (PREVENTION OF STRIKES) BILL—

See "Bill(s)".

ESSENTIAL SUPPLIES—

Resolution re extension of period mentioned in sections 2 and 3 of India (Central Government and Legislature) Act, 1946 as adapted. 1784-1805.

ESSENTIAL SUPPLIES (TEMPORARY POWERS) (AMENDMENT) BILL—

See "Bill(s)".

ESTATE DUTY BILL—

See "Bill(s)".

ESTATE OFFICE—

Report of the—laid on the table. 2341.

EXCHANGE OF PRISONERS BILL—

See "Bill(s)".

EXCISES AND SALT ACT, CENTRAL—

Notification under the —, 1944—laid on the table. 873-76.

EXPENDITURE ON REFUGEE(S)—

Demand for Grant. 1638.
Demand for Supplementary Grant. 2194.

EXPLOSIVE, DEPARTMENT OF—

Report of activities of—laid on the table. 341.

EXTERNAL AFFAIRS—

Demand for Grant. 1225-64.
Demand for Supplementary Grant. 2173-93.

EXTERNAL AFFAIRS, MINISTRY OF—

Election to Standing Committee for—. 1911.

EXTERNAL AFFAIRS AND COMMONWEALTH RELATIONS, MINISTRY OF—

Demand for Grant. 1225-64.
Demand for Supplementary Grant. 2173-91.

F

FACTORIES BILL—

See "Bill(s)".

FAST—

Motion for adjournment re—by Prof. Shibban Lal Saksena. 675.

FINANCE BILL, INDIAN—

See "Indian Finance Bill" under "Bill(s)".

FINANCE, MINISTRY OF—

Demand for Grant. 1402-47.
Demand for Supplementary Grant. 2173-91.

FOOD—

Demand for Grant—

Ministry of Agriculture—

Motion to reduce the Demand—Co-ordination with provinces and failure to meet shortage of—. 1606-37.

Ministry of Food—

Motion to reduce the Demand—Food shortage and Policy. 1606-37.

FOOD AND AGRICULTURE ORGANISATION—

Election to National—Liaison Committee. 212-13, 2138-39, 2245.

FOOD GRAINS—

Demand for Grant—

Ministry of Food—

Motion to reduce the Demand—

Steppage of food grains import from foreign countries. 1605-36.

Resolution re serving of rice in non-vegetarian hotels. 111-56, 159-209.

FOOD, MINISTRY OF—

Demand for Grant—

Motion to reduce the Demand—

Food shortage and policy. 1606-37.

Steppage of food grains import from foreign countries. 1600-36.

Demand for Supplementary Grant. 2192.

Election to the Standing Committee for—. 1911, 2387, 2431.

FOODSTUFFS—

Resolution re—

Failure of Grow More Food Campaign. 111-56, 159-209.

FORCED LABOUR—

See "Prevention of Free or Forced or Compulsory Labour Bill" under "Bill(s)".

FOREIGN INVESTMENT(S)—

Statement on—in India. 2385-87.

FOREIGNERS—

See "Registration of Foreigners (Amendment) Bill" under "Bill(s)".

FOREST—

Demand for Grant. 1601-36.

Demand for Supplementary Grant. 2191.

G

GADGIL, THE HONOURABLE SHRI N. V.—

Budget, General—

Demand(s) for Grant(s)—

Capital Outlay on Civil Works. 1316-23, 1356-61.

Civil Works. 1316-23, 1356-61.

Delhi Capital Outlay. 1316-23, 1356-61.

Geological Survey. 1316-23, 1356-61.

Irrigation (including Working Expenses), Navigation, Embankment and Drainage works—met from Revenue. 1316-23, 1356-61.

Mines. 1316-23, 1356-61.

Ministry of Works, Mines and Power. 1316-23, 1356-61.

Stationery and Printing. 1316-23, 1356-61.

Business of the House—

Disposal of Business of the House. 2291-92.

Child Marriage Restraint (Amendment) Bill—

Motions to consider as reported by Select Committee and to pass as amended. 2319-23, 2326, 2328, 2331, 2334.

Code of Civil Procedure (Amendment) Bill. 2553-54.

Delhi Hotels (Control of Accommodation) Bill—

Motion for leave to introduce. 1998.

Motions to consider and to pass. 2480-81, 2489-90, 2493-98, 2501.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 1007-1010, 1015-20.

Hindu Marriages Validity Bill—

Motions to consider as reported by Select Committee and to pass as amended. 2337.

Indian Passport (Amendment) Bill. 2562-63.

Indian Succession (Amendment) Bill. 2560-62.

Papers laid on the Table—

Budget of Damodar Valley Corporation. 940.

Reports of Printing and Stationery Department, Petroleum Division, Geological Survey of India, Indian School of Mines and Applied Geology and Central Electricity Commission. 1067.

Report of activities of Department of Explosives. 2341.

Report of Coal Mines of Stowing Board. 2341.

Report of Estate office. 2341.

Payment of Taxes (Transfer of Property) Bill—

Motions to consider and to refer to Select Committee. 44.

Registration of Foreigners (Amendment) Bill. 2563.

Repealing and Amending Bill. 2552-53.

Resolution re—

Extension of period mentioned in sections 2 and 3 of India (Central Government and Legislature) Act, 1946 as adapted. 1793-95.

GADGIL, THE HONOURABLE SHRI N. V.—*contd.*

Seaward Artillery Practice Bill—

Motion for leave to introduce. 24.

West Godavari District (Assimilation of Laws on Federal Subject) Bill. 2501-02.

GANDHI NATIONAL MEMORIAL FUND DONATIONS (COMPANIES) BILL—

See "BILL(S)".

GAUTAM, SHRI MOHANLAL—

Banking Companies Bill. 459-60.

Budget, General—

General Discussion. 1119-30.

Demand(s) for Grant(s)—

Defence Capital Outlay. 1195-1202.

Defence Services, Effective—Army. 1195-1202.

Defence Services, Effective—Royal Indian Air Force. 1195-1202.

Defence Services, Effective—Royal Indian Navy. 1195-1202.

Defence Services, Non-Effective Charges. 1195-1202.

Ministry of Defence. 1195-1202.

Demand(s) for Supplementary Grant(s)—

Defence Services, Effective—Army. 2164.

Defence Services, Effective—Supplies and Stores. 2164.

Defence Services, Non-Effective Charges. 2164.

Election of—to committee to review working of Railway convention. 2291.

Election of—to Standing Committee for Ministry of Defence. 1859.

Election of—to Standing Committee for Ministry of Industry and Supply. 2089.

Hindu Code—

Motion to consider as reported by Select Committee to re-circulate and to re-commit to Select Committee. 858, 864, 899, 908.

Point of order on motion to consider as reported by the Select Committee. 614.

GENERAL BUDGET—

See "Budget, General".

GEOLOGICAL SURVEY—

Demand for Grant. 1315-61.

Report of — of India—laid on the table. 1067.

GHOSE, SHRI SURENDRA MOHAN—

Budget, General—

General discussion. 1149-51.

Election of—to Central Advisory Board of Archaeology. 2431.

Election of—to Standing Committee for Ministry of States. 2089.

Election of—to Standing Finance Committee. 2090.

GODAVARI DISTRICT, WEST—

See "West Godavari District (Assimilation of Laws on Federal Subjects) Bill" under "Bill(s)".

GOENKA, SHRI RAM NATH—

Budget, General—

General discussion. 1071-74.

Demand(s) for Grant(s)—

Commercial Intelligence and Statistics. 1371-74.

Joint Stock Companies. 1371-74.

Lighthouses and Lightships. 1371-74.

Ministry of Commerce. 1371-74.

Ports and Pilotage. 1371-74.

Budget, Railways—

Demand(s) for Supplementary Grant(s)—Audit. 961.

Audit. 961.

Construction of New Lines. 961.

Miscellaneous Expenditure. 961.

Open Line Works—Additions. 961.

GOENKA, SHRI RAM NATH—contd.**Budget, Railways—contd.****Demand(s) for Supplementary Grant(s)—contd.**

- Payments to Indian States and Companies. 961.
- Railway Board. 961.
- Withdrawal from Reserve. 961.
- Working Expenses—Administration. 961.
- Working Expenses—Appropriation to Depreciation Fund. 961.
- Working Expenses—Miscellaneous Expenses. 961.
- Working Expenses—Operating Staff. 961.
- Working Expenses Operation (Fuel). 961.
- Working Expenses—Repairs and Maintenance. 961.
- Election of—to committee to review the working of Railway convention. 2291.
- Election of—to Standing Committee for Ministry of Industry and Supply. 2089.
- Election to Standing Committee for Ministry of Information and Broadcasting. 1998.
- Election of—to Standing Finance Committee. 2090.

Hindu Code—

- Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 2265.

Motion re Information and Broadcasting. 1971-75, 1980.**GOUNDER, MR. VELLINGIRI—**

- Condolence on the death of —. 1-3.

GOVERNOR GENERAL, H. E. THE—

- 's Assent to Bills. 3.

GOVERNOR-GENERAL'S SALARY (EXEMPTION FROM TAXATION) BILL—

- See "Bill(s)".

GOVIND DAS, SETH—

- Banking Companies Bill. 385-86.

Budget, General—**Demand(s) for Grant(s)—**

- Agriculture. 1626-29.
- Botanical Survey. 1626-29.
- Capital Outlay on Forests. 1626-29.
- Civil Veterinary Services. 1626-29.
- External Affairs. 1236-38.
- Forest. 1626-29.
- Indian Dairy Department. 1626-29.
- Ministry of Agriculture—
- Motion to reduce the Demand—
- Co-ordination with Provinces and failure to meet shortage of food. 1626-29.
- Stoppage of foodgrains import from foreign countries. 1626-29.
- Ministry of External Affairs and Commonwealth Relations. 1236-38.
- Ministry of Food—
- Motion to reduce the Demand—Food shortage and Policy. 1626-29.
- Survey of India. 1626-29.
- Tribal Areas. 1236-38.
- Zoological Survey. 1626-29.

Budget, Railways—

- General discussion. 627-33, 690-92, 714.

Business of the House—

- Disposal of the Business of the House. 2292-93.
- Election of—to Standing Committee for Ministry of External Affairs. 1911.

Hindu Code—

- Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 834, 851, 853-66.

Indian Cattle Preservation Bill—

- Motion to continue. 2294.

Indian Finance Bill—

- Motion to consider as reported by Select Committee. 2055.
- Motion re elections to Standing Advisory Committees. 1763.
- Scheduled Securities (Hyderabad) Bill. 270-71.

GRANTS-IN-AID TO PROVINCIAL GOVERNMENTS—

- Demand for Grant. 1403-47.

GROW MORE FOOD CAMPAIGN—

- Resolution re failure of —. 111-56, 159-209.

GUHA, SHRI ARUN CHANDRA—**Banking Companies Bill—**

- Motion to consider as reported by the Select Committee. 342-44.

Budget, General—**Demand(s) for Grant(s)—**

- Audit. 1429-32, 1444.
- Capital Outlay on Civil Works. 1329-31.
- Capital Outlay on Currency. 1429-32, 1444.
- Capital Outlay on Development. 1429-32, 1444.
- Capital Outlay on Mints. 1429-32, 1444.
- Capital Outlay on India Security Press. 1429-32, 1444.
- Capital Outlay on Industrial Development. 1429-32, 1444.
- Capital Outlay on Schemes of State Trading. 1429-32, 1444.
- Central Excise Duties. 1429-32, 1444.
- Civil Works. 1329-31.
- Commuted Value of Pensions. 1429-32, 1444.
- Currency. 1429-32, 1444.
- Customs. 1429-32, 1444.
- Delhi Capital Outlay. 1329-31.
- Geological Survey. 1329-31.
- Grants-in-aid to Provincial Governments. 1429-32, 1444.
- Interest free and interest bearing advances. 1429-32, 1444.
- Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works—met from Revenue. 1329-31.
- Mines. 1329-31.
- Ministry of Finance. 1429-32, 1444.
- Ministry of Works, Mines and Power. 1329-31.
- Mint. 1429-32, 1444.
- Miscellaneous. 1429-32, 1444.
- Miscellaneous adjustments between the Central and Provincial Governments. 1429-32, 1444.
- Miscellaneous Departments. 1429-32, 1444.
- Opium. 1429-32, 1444.
- Payments to Government of Pakistan for unique Institutions. 1429-32, 1444.
- Payments to other Governments, Departments etc., on account of Administration of Agency subjects and Managements of Treasuries. 1429-32, 1444.
- Payments to Retrenched Personnel. 1429-32, 1444.
- Pre-Partition Payments. 1429-32, 1444.
- Provincial Excise. 1429-32, 1444.
- Resettlement and Development. 1429-32, 1444.
- Stamps. 1429-32, 1444.
- Stationery and Printing. 1329-31.
- Superannuation allowances and Pensions. 1429-32, 1444.
- Taxes on income including Corporation Tax. 1429-32, 1444.
- Territorial and Political Pensions. 1429-32, 1444.

Budget, Railways—**Demand for Grant—Railway Board—**

- Motion to reduce the Demand—General Administration with particular reference to economy. 882-84.

Election of—to Standing Committee for Ministry of Commerce. 1859.**Election of—to Standing Committee for Ministry of Information and Broadcasting. 1998****Election of—to Standing Finance Committee for Railways. 2140.****Indian Finance Bill—**

- Motion to refer to Select Committee. 1718-20.
- Consideration of clauses. 2121.

GUHA, SHRI ARUN CHANDRA—contd.

Influx from Pakistan (Control) Bill—

Motions to consider and to pass as amended. 2471-72.

GUHA, SHRI G. S.—

Budget, General—

Demand(s) for Grant(s)—

Aviation. 1590-92.

Capital Outlay on Civil Aviation. 1590-92.

Capital Outlay on Indian Posts and Telegraphs (not met from Revenue). 1590-92.

Commercial Intelligence and Statistics. 1385-86.

Indian Posts and Telegraphs Department (including Working Expenses). 1590-92.

Indian Posts and Telegraphs—Stores Suspense (not met from Revenue). 1590-92.

Joint Stock Companies. 1385-86.

Lighthouses and Lightships. 1385-86.

Meteorology. 1590-92.

Ministry of Commerce. 1385-86.

Ministry of Communications—

Motion to reduce the Demand—proposed increase in postal rates. 1590-92.

Overseas Communications Service. 1590-92.

Ports and Pilotage. 1385-86.

Telephone Factory. 1590-92.

Budget, Railways—

General discussion. 695-96.

Election of—to Standing Committee for Ministry of External Affairs. 1911.

Election of—to Standing Committee for Ministry of Communications. 1859.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 2248-49.

GUPTA, SHRI DESHBANDHU—

Budget, General—

General discussion. 1092, 1141-45.

Demand(s) for Grant(s)—

Ajmer-Merwara. 1457-65, 1483.

Andaman and Nicobar Islands. 1457-65, 1483.

Archaeology. 1546, 1548, 1553-54.

Cabinet—

Motion to reduce the Demand—Policy re subversive Organisations. 1457-65, 1483.

Census. 1457-65, 1483.

Civil Defence. 1457-65, 1483.

Delhi. 1457-65, 1483.

Education—

Motion to reduce the Demand—Transfer of the colleges in Delhi to the University Area. 1546, 1548, 1553-54.

Jails and Convict Settlements. 1457-65, 1483.

Ministry of Education. 1546, 1548, 1553-54.

Ministry of Home Affairs—

Motion to reduce the Demand—Policy re military or semi-military organisations established by Provincial Governments. 1457-65, 1483.

Other Scientific Departments. 1546, 1548, 1553-54.

Panth Piploda. 1457-65, 1483.

Police. 1457-65, 1483.

Budget, Railways—

Demand for Grant—Railway Board—

Motion to reduce the Demand—General corruption on Railways. 723-31.

Business of the House—

Disposal of the Business of the House. 2292.

GUPTA, SHRI DESHBANDHU—contd.

Child Marriage Restraint (Amendment) Bill—

Motions to consider as reported by Select Committee and to pass as amended. 2330-32.

Delhi Hotels (Control of Accommodation) Bill—

Motions to consider and to pass. 2487-89, 2497-98.

Election of—to Standing Committee for Ministry of Home Affairs. 2089.

Election of—to Standing Finance Committee. 2090.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 833-843.

Hindu Marriages Validity Bill—

Motion to refer to Select Committee. 424.

Motions to consider as reported by the Select Committee and to pass as amended. 2349.

Indian Finance Bill—

Motion to refer to Select Committee. 1649, 1655, 1746.

Motion to consider as reported by Select Committee. 2092, 2107-10.

Payment of Taxes (Transfer of Property) Bill—

Motions to consider and to refer to Select Committee. 32-34, 41.

Resolution re—

Census of Assam, West Bengal and East Punjab. 111.

Failure of Grow More Food Campaign. 140, 142, 146, 150.

Serving of rice in non-vegetarian hotels. 140, 142, 146, 150.

GURUNG, SHRI ARI BAHADUR—

Election of—to Standing Committee for Ministry of Defence. 1859.

H

HANUMANTHAIYA, SHRI K.—

Banking Companies Bill—

Motion to consider as reported by the Select Committee. 319.

Budget, General—

General discussion. 1109-12.

Demand(s) for Grant(s)—

Agriculture. 1625, 1634.

Audit. 1416-18.

Botanical Survey. 1625, 1634.

Capital Outlay on Civil Works. 1319.

Capital Outlay on Forests. 1625, 1634.

Capital Outlay on Currency. 1416-18.

Capital Outlay on Development. 1416-18.

Capital Outlay on India Security Press. 1416-18.

Capital Outlay on Industrial Development. 1416-18.

Capital Outlay on Mints. 1416-18.

Capital Outlay on Schemes of State Trading. 1416-18.

Central Excise Duties. 1416-18.

Civil Veterinary Service. 1625, 1634.

Civil Works. 1319.

Commuted Value of Pensions. 1416-18.

Currency. 1416-18.

Customs. 1416-18.

Delhi Capital Outlay. 1319.

Forest. 1625, 1634.

Geological Survey. 1319.

Grants-in-aid to Provincial Governments. 1416-18.

Indian Dairy Department. 1625, 1634.

Interest Free and Interest Bearing Advances. 1416-18.

Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works—met from Revenue. 1319.

Mines. 1319.

Ministry of Agriculture—

Motion to reduce the Demand—

Co-ordination with Provinces and failure to meet shortage of food. 1625, 1634.

Stoppage of food grains import from foreign countries. 1625, 1634.

HANUMANTHAIYA, SHRI K.—*contd.*

Budget, General—*contd.*

Demand(s) for Grant(s)—*contd.*

Ministry of Finance. 1416-18.

Ministry of Food—

Motion to reduce the Demand—Food shortage and Policy. 1625, 1634.

Ministry of States. 1502.

Ministry of Works, Mines and Power. 1319.

Mint. 1416-18.

Miscellaneous. 1416-18.

Miscellaneous Adjustments between the Central and Provincial Governments. 1416-18.

Miscellaneous Departments. 1416-18.

Opium. 1416-18.

Payments to Government of Pakistan for unique Institutions. 1416-18.

Payments to other Government Departments, etc., on account of the Administration, of Agency Subjects, and Management of Treasuries. 1416-18.

Payments to Retrenched Personnel. 1416-18.

Pre-partition Payments. 1416-18.

Provincial Excise. 1416-18.

Relations with Indian States. 1502.

Resettlement and Development. 1416-18.

Stamps. 1416-18.

Stationery and Printing. 1319.

Superannuation Allowances and Pensions. 1416-18.

Survey of India. 1625, 1634.

Taxes on Income including Corporation Tax. 1416-18.

Territorial and Political Pensions. 1416-18.

Zoological Survey. 1625, 1634.

Budget, Railways—

General discussion. 694.

Election of — to National Food and Agriculture Organisation Liaison Committee. 212-13, 2245.

Election of — to Standing Committee for Ministry of Communications. 1859.

Election of — to Standing Committee for Ministry of Food. 1911.

Hindu Marriages Validity Bill—

Motion to refer to Select Committee. 422-23, 428

Indian Finance Bill—

Motion to refer to Select Committee. 1719.

Loans from International Monetary Fund. 5.

Tea Committee for India Bill—

Motion to refer to Select Committee. 223-25.

HASRAT MOHANI, MAULANA—

Budget, General—

General Discussion. 1151, 1160.

Demand(s) for Grant(s)—

Archaeology. 1548, 1555.

Education—

Motion to reduce the Demand—Transfer of colleges in Delhi to the University Area. 1548, 1555.

Ministry of Education. 1548-1555.

Ministry of Labour—

Motion to reduce the Demand—Unity of Trade Union organisations. 1564.

Other Scientific Departments. 1548, 1555.

Budget, Railways—

General discussion. 624, 638, 640, 641, 687.

Election of — to Standing Committee for Ministry of Education. 2039.

Election of — to Standing Committee for Ministry of Labour. 1998.

Essential Services (Prevention of Strikes) Bill. 877, 1165-66.

Foreign investments in India. 2387.

HASRAT MOHANI, MAULANA—*contd.*

Hindu Code—

Motions to consider as reported by the select committee, to re-circulate and to re-commit to Select Committee. 995-97, 2249.

Indian Succession (Amendment) Bill. 2560-62.

Mangrol and Manavadar (Administration of Property) Bill. 228-39, 241.

Motion re election to Committee on Public Accounts. 1768.

Payment of Taxes (Transfer of Property) Bill. 2437.

Scheduled Securities (Hyderabad) Bill. 268-70, 272.

HEALTH, MINISTRY OF—

Demand for Grant—

Motion to reduce the Demand—Improvement of conditions of Nursing Services. 1510-25.

Election to Standing Committee for —. 1911.

HIMATSINGKA, SHRI PRABHU DAYAL—

Banking Companies Bill—

Motion to consider as reported by the Select Committee. 339-40.

Consideration of clauses. 378, 381, 386.

Budget, General—

Demand(s) for Grant(s)—

Industries and Supplies. 1282-84.

Ministry of Industry and Supply. 1282-84.

Salt. 1282-84.

Budget, Railways—

Demand for Grant—Railway Board—

Motion to reduce the Demand—General Administration with particular reference to Economy. 794-95.

Cinematograph (Amendment) Bill. 2536.

Election of — to Standing Committee for Ministry of Commerce. 1859.

Essential Supplies (Temporary Powers) (Amendment) Bill—

Motion to consider. 1909, 2343-45.

Consideration of Clauses. 2365, 2369-70, 2372-73.

Hindu Code—

Motions to consider as reported by Select Committee to re-circulate and to recommit to Select Committee. 828.

Hindu Marriages Validity Bill—

Motions to consider as reported by the Select Committee and to pass as amended. 2337.

Payment of Taxes (Transfer of Property) Bill. 2437.

Protective Duties (Miscellaneous Provisions) Bill. 1827-30.

Railways (Transport of Goods) Amendment Bill. 1779-80.

Tea Committee for India Bill—

Motion to refer to Select Committee. 220.

HINDU CODE—

See "Bill(s)".

HINDU MARRIAGES VALIDITY BILL—

See "Bill(s)".

HOME AFFAIRS, MINISTRY OF—

Budget, General—

Demand for Grant—

Motion to reduce the Demand—Policy re Military or semi-Military organisations established by Provincial Governments. 1449-88.

Demand for Supplementary Grant. 2191.

Election to Standing Committee for —. 2089.

HOSSAIN IMAM, MR.—

Budget, Railways—

Demand for Grant—Railway Board—

Motion to reduce the Demand—Insufficient provision of amenities to passengers. 761-63.

Election of — to Standing Committee for Ministry of Commerce. 1859.

Protective Duties (Miscellaneous Provisions) Bill. 1825, 1838, 1842-43.

HOTEL(S)—

Resolution *re* serving of rice in non-vegetarian —. 111-56, 159-209.
See also "Delhi Hotels (Control of Accommodation) Bill" under "Bill(s)".

HUKUM SINGH, SARDAR—

Budget, General—

General discussion. 1063-65.

Demand(s) for Grant(s)—

Agriculture. 1604, 1606-07.

Ajmer-Merwara. 1471-74.

Andaman and Nicobar Islands. 1471-74.

Botanical Survey. 1604, 1606-07.

Cabinet—

Motion to reduce the Demand—Policy *re* Subversive Organisations. 1471-74.

Capital Outlay on Forests. 1604, 1606-07.

Census. 1471-74.

Civil Defence. 1471-74.

Civil Veterinary Services. 1604, 1606-07.

Delhi. 1471-74.

Forest. 1604, 1606-07.

Indian Dairy Department. 1604, 1606-07.

Jails and Convict Settlements. 1471-74.

Ministry of Agriculture—

Motion to reduce the Demand—

Co-ordination with Provinces and failure to meet shortage of food. 1604, 1606-07.
 Stoppage of food grains import from Foreign countries. 1604, 1606-07.

Ministry of Food—

Motion to reduce the Demand—Food shortage and Policy. 1604, 1606-07.

Ministry of Home Affairs—

Motion to reduce the Demand—Policy *re* Military or semi-Military organisations established by Provincial Governments. 1471-74.

Panth Piploda. 1471-74.

Police. 1471-74.

Survey of India. 1604, 1606-07.

Zoological Survey. 1604, 1606-07.

Election of — to Standing Committee for Ministry of Relief and Rehabilitation. 2039.

Election of — to Standing Committee for Roads. 2245.

Indian Finance Bill—

Motion to consider as reported by the Select Committee. 2110-12.

Consideration of clauses. 2120.

Motion *re* Relief and Rehabilitation situation. 1949-52, 1958-59.

Payment of Taxes (Transfer of Property) Bill—

Motions to consider and to refer to Select Committee. 50-51.

HYDARI, MR. AKBAR—

Condolence on the death of —. 1-3.

HYDERABAD—

See "Scheduled Securities (Hyderabad) Bill" under "Bill(s)".

I

IBRAHIM, MR. K. T. M. AHMED—

Election of — to Standing Committee for Ministry of Transport (Other than Roads). 2039.

Essential Supplies (Temporary Powers) (Amendment) Bill. 2358-60.

Indian Finance Bill—

Motion to consider as reported by Select Committee. 2101-05.

Influx from Pakistan (Control) Bill. 2472-73, 2474.

IMPERIAL LIBRARY (CHANGE OF NAME) BILL—

See "Bill(s)".

IMPORT(S)—

Demand for Grant—Ministry of Food—

Motion to reduce the Demand—Stoppage of food grains import from foreign countries. 1605-36

Statement *re* Locomotives imported from U. S. A. and Canada. 936-40.

INCOME-TAX—

See "Governor-General's Salary (Exemption from Taxation) Bill" under "Bill(s)".

See also "Indian Income-tax (Amendment) Bill" under "Bill(s)".

See also "Income-tax and Business Profits Tax (Amendment) Bill" under "Bill(s)".

See also "Taxation on Income (Investigation Commission) (Second Amendment), Bill" under "Bill(s)".

INDIA—

Statement on foreign investments in —. 2385-87.

INDIA (CENTRAL GOVERNMENT AND LEGISLATURE) ACT—

Resolution *re* Extension of period mentioned in Sections 2 and 3 of —, 1946, as adapted. 1787-1805.

INDIAN ARMY (AMENDMENT) BILL—

See "Bill(s)".

INDIAN BAR COUNCILS AND THE LEGAL PRACTITIONERS (AMENDMENT) BILL—

See "Bill(s)".

INDIAN CATTLE PRESERVATION BILL—

See "Bill(s)".

INDIAN COTTON CESS (AMENDMENT) BILL—

See "Bill(s)".

INDIAN DAIRY DEPARTMENT—

Demand for Grant. 1601-37.

Demand for Supplementary Grant. 2194.

INDIAN EMIGRATION (AMENDMENT) BILL—

See "Bill(s)".

INDIAN FINANCE BILL—

See "Bill(s)".

INDIAN INCOME-TAX (AMENDMENT) BILL—

See "Bill(s)".

INDIAN JUDICIAL PROCEDURE BILL—

See "Bill(s)".

INDIAN MATRIMONIAL CAUSES (WAR MARRIAGES) BILL—

See "Bill(s)".

INDIAN MERCHANT SHIPPING (AMENDMENT) BILL—

See "Bill(s)".

INDIAN NAVY (DISCIPLINE) AMENDMENT BILL—

See "Bill(s)".

INDIAN PASSPORT (AMENDMENT) BILL—

See "Bill(s)".

INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL—

See "Bill(s)".

INDIAN POSTS AND TELEGRAPHS DEPARTMENT (INCLUDING WORKING EXPENSES)—

Demand for Grant. 1583-1600.

- INDIAN POSTS AND TELEGRAPHS—STORES SUSPENSE (NOT MET FROM REVENUE)—
Demand for Grant. 1584-1600.
- INDIAN RAILWAYS (AMENDMENT) BILL—
See "Bill(s)".
- INDIAN RAILWAYS ENQUIRY COMMITTEE—
See "Committee(s)".
- INDIAN REGISTRATION (AMENDMENT) BILL—
See "Bill(s)".
- INDIAN SUCCESSION (AMENDMENT) BILL—
See "Bill(s)".
- INDIAN TARIFF (AMENDMENT) BILL—
See "Bill(s)".
- INDIAN TEA CONTROL (AMENDMENT) BILL—
See "Bill(s)".
- INDIAN TELEGRAPH (AMENDMENT) BILL—
See "Bill(s)".
- INDIAN WIRELESS TELEGRAPHY (AMENDMENT) BILL—
See "Bill(s)".
- INDUSTRIAL FINANCE CORPORATION OF INDIA—
Additional Regulations of — laid on the Table. 17-18.
— Employees' Provident Fund Regulations, 1948—laid on the Table. 1641.
See also "Industrial Finance Corporation (Amendment) Bill" under "Bill(s)".
- INDUSTRIES AND SUPPLIES—
Demand for Grant. 1265-1314.
Demand for Supplementary Grant. 2193.
- INDUSTRIES (DEVELOPMENT AND CONTROL) BILL—
See "Bill(s)".
- INDUSTRY AND SUPPLY, MINISTRY OF—
Demand for Grant. 1265-1314.
Demand for Supplementary Grant. 2192.
Election to Standing Committee for —. 2089, 2483-84, 2545.
- INFLUX FROM PAKISTAN (CONTROL) BILL—
See "Bill(s)".
- INFORMATION AND BROADCASTING—
Motion re Information and Broadcasting. 1961-96.
- INFORMATION AND BROADCASTING, MINISTRY OF—
Demand for Grant. 1637.
Election to Standing Committee for —. 1998.
- INSECTS AND PESTS ACT—
Notifications under Destructive —, 1944—laid on the Table. 211-12.
- INSTRUMENT(S) OF ACCESSION—
Revised — executed by Raj Pramukhs of State Unions—laid on the Table. 6-17.
- INSURANCE RULES—
Further amendments to —, 1939 — laid on the Table. 18-24.
- INTERESTS FREE AND INTEREST BEARING ADVANCES—
Demand for Grant. 1404-47.
- INTERNATIONAL MONETARY FUND—
Statement by the Honourable Dr. John Matthai re loans from —. 4-6.
- IRRIGATION (INCLUDING WORKING EXPENSE), NAVIGATION, EMBANKMENT AND DRAINAGE WORKS—MET FROM REVENUE—
Demand for Grant. 1315-61.

ISMAIL KHAN, MR. MUHAMMAD—

- Condolence on the death of Shrimati Sarojini Naidu. 1034.
Election of — to All India Council for Technical Education. 2291.
Election of — to Standing Committee for Ministry of Home Affairs. 2089.

Hindu Code—

- Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 2249.

Indian Finance Bill—

- Motion to refer to Select Committee. 1644.

JAFAR IMAM, SAIYID—

- Election of — to Standing Committee for Ministry of Food. 1911.

JAGJIVAN RAM, THE HONOURABLE SHRI—

Budget, General—

- Demand for Grant—Ministry of Labour. 1558, 1560.
Motion to reduce the Demand—Unity of Trade Union Organisations. 1569-74.

Coal Mines Labour Welfare Fund, (Amendment) Bill—

- Motion for leave to introduce. 533.
Motions to consider and to pass. 2513-14.

Dock Workers (Regulation of Employment) Amendment Bill—

- Motion for leave to introduce. 719.
Motions to consider and to pass. 2514-15.

Hindu Code—

- Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 855, 863, 869-921.

Papers laid on the Table—

- Convention and recommendations of International Labour Conference, Thirtieth Session, 1947—laid on the Table. 531-33.

JAILS AND CONVICT SETTLEMENTS—

- Demand for Grant. 1449-88.
Demand for Supplementary Grant. 2192.

JAIN, SHRI AJIT PRASAD—

Budget, General—

- Demand for Grant—
Archaeology. 1532-37.
Commercial Intelligence and Statistics. 1376-78.

Education—

- Motion to reduce the Demand—Transfer of Colleges in Delhi to University Area. 1532-37.

- Joint-Stock Companies. 1376-78.
Lighthouses and Lightships. 1376-78.
Ministry of Commerce. 1376-78.
Ministry of Education. 1532-37.
Other Scientific Departments. 1532-37.
Ports and Pilotage. 1376-78.

JAIN, SHRI KUSUM KANT—

- Election of — to Standing Committee for Roads. 2245.
Motion re Information and Broadcasting. 1981-83.

JAIPAL SINGH, SHRI—

- Election of — to Standing Committee for Ministry of Works, Mines and Power. 2089.

JAIPUR—

- News re safety of Honourable Sardar Vallabhbhai Patel after air accident near Jaipur. 2133.

JAIRAMDAS DOULATRAM, THE HONOURABLE SHRI—

Ajmer-Merwara Tenancy and Land Records Bill—

- Motion for Extension of time for presentation of Report of Select Committee. 25.
Presentation of Report of Select Committee. 1641.

JAIRAMDAS DOULATRAM, THE HONOURABLE SHRI—*contd.*

Budget, General—

Demand(s) for Grant(s)—

Agriculture. 1602-04, 1623, 1633-35.
 Botanical Survey. 1602-04, 1623, 1633-35.
 Capital Outlay on Forests. 1602-04, 1623, 1633-35.
 Civil Veterinary Services. 1602-04, 1623, 1633-35.
 Forest. 1602-04, 1623, 1633-35.
 Indian Dairy Department. 1602-04, 1623, 1633-35.

Ministry of Agriculture—

Motion to reduce the Demand—

Co-ordination with Provinces and failure to meet shortage of Food. 1602-04, 1623, 1633-35.
 Stoppage of Food Grains import from Foreign Countries. 1602-04, 1623, 1633-35.
 Food shortage and policy. 1602-04, 1623, 1633-35.
 Survey of India. 1602-04, 1623, 1633-35.
 Zoological Survey. 1602-04, 1623, 1633-35.

Essential Supplies (Temporary Powers) Amendment Bill—

Motion for leave to introduce. 773.
 Motion to consider. 1908-09, 2344, 2352, 2360-64.
 Consideration of Clauses. 2365, 2367-71, 2373-75.
 Motion to pass as amended. 2375.
 Motion *re* Election to National Food and Agricultural Organisation Liaison Committee. 212-13, 2138-39.
 Notifications under Destructive Insects and Pests Act, 1944—laid on the Table. 211-12.
 Resolution *re* Failure of Grow More Food Campaign. 114, 121-29, 136, 159-60, 202-08.
 Resolution *re* serving of rice in non-vegetarian hotels. 114, 121-29, 136, 159-60, 202-08.
 Statement on Report of Cattle Protection and Preservation Committee. 1807-08.

JAJOO, SHRI SITARAM S.—

Budget, General—

Demand(s) for Grant(s)—

Aviation. 1599.
 Capital Outlay on Civil Aviation. 1599.
 Capital Outlay on Indian Posts and Telegraphs (not met from Revenue). 1599.
 Indian Posts and Telegraphs Department (including Working Expenses). 1599.
 Indian Posts and Telegraphs Stores Suspense (not met from Revenue). 1599.
 Industries and Supplies. 1303-05.
 Meteorology. 1599.
 Ministry of Communications—
 Motion to reduce the Demand—Proposed increase in postal rates. 1599.
 Ministry of Industry and Supply. 1303-05.
 Ministry of States. 1496-97.
 Overseas Communications Service. 1599.
 Relations with Indian States. 1496-97.
 Salt. 1303-05.
 Telephone Factory. 1599.

Budget, Railways—

General discussion. 704-06.

Election of — to Standing Committee for Ministry of Commerce. 1859.

Election of — to Standing Committee for Ministry of States. 2069.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 860, 866, 933.

JHUNJHUNWALA, SHRI B. P.—

Banking Companies Bill. 381-82, 445, 484, 485, 497, 569, 572.

Budget, General—

Demand(s) for Grant(s)—

Capital Outlay on Civil Works. 1347-48.
 Civil Works. 1347-48.
 Delhi Capital Outlay. 1347-48.
 Geological Survey. 1347-48.
 Industries and Supplies. 1291-93.

JHUNJHUNWALA, SHRI B. P.—*contd.*Budget, General—*contd.*Demand(s) for Grant(s)—*contd.*

Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works—met from Revenue. 1347-48.

Mines. 1347-48.

Ministry of Industry and Supply. 1291-93.

Ministry of Works, Mines and Power. 1347-48.

Salt. 1291-93.

Stationery and Printing. 1347-48.

Budget, Railways—

Demand for Grant—Railway Board—

Motion to reduce the Demand—General Administration with particular reference to Economy. 795-97.

Child Marriage Restraint (Amendment) Bill—

Motions to consider as reported by Select Committee and to pass as amended. 2323.

Election of — to Standing Finance Committee. 2090.

Essential Supplies (Temporary Powers) (Amendment) Bill. 2351-53.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 849-950.

Indian Finance Bill—

Motion to consider as reported by the Select Committee. 2098-2101.

Consideration of Clauses. 2121.

Industries (Development and Control) Bill—

Motion to refer to Select Committee. 2419.

Protective Duties (Miscellaneous Provisions) Bill—

Motions to consider and to pass as amended. 1868.

Resolution *re*—

Failure of Grow More Food Campaign. 197-99, 205.
 Serving of rice in non-vegetarian hotels. 197-99, 205.

JOGENDRA SINGH, SARDAR—

Election of — to Standing Committee for Ministry of Agriculture. 2038.

Election of — to Standing Committee for Ministry of Defence. 1859.

JOINT STOCK COMPANIES—

Demand for Grant. 1363-99.

JUDICIAL PROCEDURE BILL—

See "Indian —" under "Bill(s)".

K

KAMATH, SHRI H. V.—

Banking Companies Bill. 385-86, 453, 506, 554-55, 561-62, 565, 567.

Budget, General—

General discussion. 1133-37.

Demand(s) for Grant(s)—

Aviation. 1595-96, 1598.

Capital Outlay on Civil Aviation. 1595-96, 1598.

Capital Outlay on Indian Posts and Telegraphs (not met from Revenue). 1595-96, 1598.

Capital Outlay on Civil Works. 1319.

Civil Works. 1319.

Delhi Capital Outlay. 1319.

External Affairs. 1246-48, 1260-62.

Geological Survey. 1319.

Indian Posts and Telegraphs Department (including Working Expenses). 1595-96, 1598.

Indian Posts and Telegraphs—Stores Suspense (not met from Revenue). 1595-96, 1598.

Industries and Supplies. 1312.

Irrigation (including Working Expenses), Navigation, Embankment and Drainage

Works—met from Revenue. 1319.

Medical Services. 1512-14, 1521.

KAMATH, SHRI H. V.—*contd.*Budget, General—*contd.*Demand(s) for Grant(s)—*contd.*

Meteorology. 1595-96, 1598
Mines. 1319.

Ministry of Communications—

Motion to reduce the Demand—Proposed increase in postal rates. 1595-96, 1598.
Ministry of External Affairs and Commonwealth Relations. 1246-48, 1260-62.

Ministry of Health—

Motion to reduce the Demand — Improvement of conditions of Nursing Services.
1512-14, 1521.

Ministry of States. 1498.

Ministry of Industry and Supply. 1312.

Ministry of Works, Mines and Power. 1319.

Overseas Communications Service. 1595-96, 1598.

Public Health. 1512-14, 1521.

Relations with Indian States. 1498.

Salt. 1312.

Stationery and Printing. 1319.

Telephone Factory. 1595-96, 1598.

Tribal Areas. 1246-48, 1260-62.

External Affairs. 2185-89.

Demand(s) for Supplementary Grant(s)—

Ministry of External Affairs and Commonwealth Relations. 2185-89.
Tribal Areas. 2185-89.

Budget, Railways—

General discussion. 642, 689.

Demand(s) for Grant(s)—

Procedure *re* cut motions. 720.

Railway Board—

Motion to reduce the Demand—

General corruption of Railways. 740-44, 746-47.
Insufficient provision of amenities to passengers. 754-55, 771.

Demand(s) for Supplementary Grant(s)—

Request for more time for the discussion of —. 957.

Audit. 957, 964.

Construction of New Lines. 957, 964.

Open Line Works-Additions. 957, 964.

Payments to Indian States and Companies. 957, 964.

Railway Board. 957, 964.

Withdrawal from Reserve. 959, 964.

Working Expenses—Administration. 957, 964.

Working Expenses—Appropriation to Depreciation Fund. 957, 964.

Working Expenses—Miscellaneous Expenses. 957, 964.

Working Expenses—Operating Staff. 957, 964.

Working Expenses—Operation (Fuel). 957, 964.

Working Expenses—Repairs and Maintenance. 957, 964.

Business of the House—

Cancellation of Meeting of the Assembly for 2nd March. 989.

Closing date of the Assembly Session. 2341.

Disposal of the Business of the House. 2292-93.

Cinematograph (Amendment) Bill—

Motion to consider. 2532.

Consideration of Clauses. 2540, 2543.

Motion to pass as amended. 2545-49.

Election of — to Standing Committee for Ministry of Defence. 1859.

Election of — to Standing Committee for Ministry of Industry and Supply. 2089.

Foreign investments in India. 2386.

Governor General's Salary (Exemption from Taxation) Bill. 2000-05, 2007, 2010-12.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 831, 841-42, 850, 910, 934-36, 941-50, 993, 1000, 1002, 1004, 1010-11, 2248, 2266-69, 2284.

KAMATH, SHRI H. V.—*contd.*

Indian Emigration (Amendment) Bill. 58-59

Indian Finance Bill—

Motion to refer to Select Committee. 1643, 1661-62, 1668, 1722, 1733-34, 1739.

Motion to consider as reported by Select Committee. 264

Industries (Development and Control) Bill—

Motion to refer to Select Committee. 2407.

Loans from International Monetary Fund. 6.

Motion for Adjournment *re* fast by Prof. Shibban Lal Saksena. 675

Motion *re*—

Election to National Food and Agriculture Organisation Liaison Committee. 213, 2139.

Elections to Standing Advisory Committees. 1761-64.

Relief and Rehabilitation situation. 1912.

Prevention of Free or Forced or Compulsory Labour Bill—

Motions to refer to Select Committee and to circulate. 398-99, 401, 407.

Protective Duties (Miscellaneous Provisions) Bill. 1823, 1832.

Resolution *re*—

Failure of Grow More Food Campaign. 121, 208.

Serving of rice in non-vegetarian hotels. 121, 208.

Tea Committee for India Bill—

Motion to refer to Select Committee. 218.

Motion to consider as reported by the Select Committee. 1882-85.

Consideration of Clauses. 1894, 1899-1901.

United Provinces Provincial Armed Constabulary (Extension of Laws) Bill. 243-44, 247-48.

LAPOOR, SHRI JASPAT ROY—

Budget, Railways—

General discussion. 698-702, 713.

Demand for Grant—Railway Board—

Motion to reduce the Demand—General Administration with particular reference to Economy. 812.

Cinematograph (Amendment) Bill. 2539-39.

Election of — to Standing Committee for Ministry of Relief and Rehabilitation. 2079.

Election of — to Standing Finance Committee for Railways. 2140.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 821-22, 852, 2252.

Point of Order on motion to consider as reported by Select Committee. 614-15.

Indian Finance Bill—

Motion to refer to Select Committee. 1663-66, 1727.

Consideration of Clauses. 2120, 2124.

Influx from Pakistan (Control) Bill. 2478-79.

Motion *re*—

Relief and Rehabilitation situation. 1941-44.

Report of Indian Railway Enquiry Committee. 2026-29.

KARIMUDDIN, KAZI SYED—

Banking Companies Bill—

Consideration of Clauses. 482, 551-52, 558-62, 569-70.

Budget, General—

General discussion. 1077-79.

Demand(s) for Grant(s)—

Audit. 1422-24.

Capital Outlay on Currency. 1422-24.

Capital Outlay on Development. 1422-24.

KARIMUDDIN, KAZI SYED—contd.**Budget, General—contd.****Demand(s) for Grant(s)—contd.**

Capital Outlay on India Security Press. 1422-24.
 Capital Outlay on Mints. 1422-24.
 Capital Outlay on Schemes of State Trading. 1422-24.
 Capital Outlay on the Industrial Development. 1422-24.
 Central Excise Duties. 1422-24.
 Commuted Value of Pensions. 1422-24.
 Currency. 1422-24.
 Customs. 1422-24.
 Defence Capital Outlay. 1191-92.
 Defence Services, Effective—Army. 1191-92.
 Defence Services, Effective—Royal Indian Air Force. 1191-92.
 Defence Services, Effective—Royal Indian Navy. 1191-92.
 Defence Services, Non-Effective Charges. 1191-92.
 Grants-in-aid to Provincial Governments. 1422-24.
 Industries and Supplies. 1278, 1281-82.
 Interest Free and Interest Bearing Advances. 1422-24.
 Ministry of Defence. 1191-92.
 Ministry of Finance. 1422-24.
 Ministry of Industry and Supply. 1278, 1281-82.
 Ministry of States. 1497-98.
 Mint. 1422-24.
 Miscellaneous. 1422-24.
 Miscellaneous Adjustments between the Central and Provincial Governments. 1422-24.
 Miscellaneous Departments. 1422-24.
 Opium. 1422-24.
 Payments to Government of Pakistan for unique Institutions. 1422-24.
 Payment to other Governments, Departments etc., on account of the Administration of Agency Subjects, and Management of Treasuries. 1422-24.
 Payments to Retrenched Personnel. 1422-24.
 Pre-Partition Payments. 1422-24.
 Provincial Excise. 1422-24.
 Relations with Indian States. 1497-98.
 Resettlement and Development. 1422-24.
 Salt. 1278, 1281-82.
 Stamps. 1422-24.
 Superannuation Allowances and Pensions. 1422-24.
 Taxes on Income including Corporation Tax. 1422-24.
 Territorial and Political Pensions. 1422-24.
Budget, Railways—
 General discussion. 643-46.
 Election of — to Committee on Public Accounts. 2090.

Payment of Taxes (Transfer of Property) Bill—

Motion to consider as reported by Select Committee. 2377-79.
 Consideration of Clauses. 2438-40, 2443-45, 2446.

Public Companies (Limitation of Dividends) Bill—

Motion to consider as reported by Select Committee. 2453-54.

KESKAR, DR. B. V.—**Budget, General—****Demand(s) for Grant(s)—**

Agriculture. 1625.
 Botanical Survey. 1625.
 Capital Outlay on Forests. 1625.
 Civil Veterinary Services. 1625.
 Forest. 1625.
 External Affairs. 1257-62.
 Indian Dairy Department. 1625.
 Ministry of Agriculture—

Motion to reduce the Demand—

Co-ordination with Provinces and failure to meet shortage of food. 1625.
 Stoppage of foodgrains import from foreign countries. 1625.

KESKAR, DR. B. V.—contd.**Budget, General—contd.****Demand(s) for Grant(s)—contd.**

Ministry of External Affairs and Commonwealth Relations. 1257-62.

Ministry of Food—**Motion to reduce the Demand—**

Food shortage and policy. 1625.
 Survey of India. 1625.
 Tribal Area. 1257-62.
 Zoological Survey. 1625.

Demand(s) for Supplementary Grant(s)—

External Affairs. 2189-90.
 Ministry of External Affairs and Commonwealth Relations. 2189-90.
 Tribal Areas. 2189-90.

KHURSHED LAL, SHRI—**Hindu Code—**

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 2239, 2242, 2265.

Indian Finance Bill. 2118.

Indian Wireless Telegraphy (Amendment) Bill—

Motion for leave to introduce. 1169.
 Motions to consider and to pass. 2506-07.

KIDWAI, THE HONOURABLE MR. RAFI AHMAD—**Budget, General—****Demand(s) for Grant(s)—**

Aviation. 1591, 1593-99.
 Capital Outlay on Civil Aviation. 1591, 1593-99.
 Capital Outlay on Indian Posts and Telegraphs (not met from Revenue). 1591, 1593-99.
 Indian Posts and Telegraphs Department, (including Working Expenses). 1591, 1593-99.
 Indian Posts and Telegraphs—Stores Suspense (not met from Revenue). 1591, 1593-99.
 Meteorology. 1591, 1593-99.

Ministry of Communications—

Motion to reduce the Demand—Proposed increase in postal rates. 1591, 1593-99.

Overseas Communication Service. 1591, 1593-99.
 Telephone Factory. 1591, 1593-99.

Indian Finance Bill—

Motion to consider as reported by Select Committee. 2069-73.
 Consideration of Clauses. 2137.

Papers laid on the Table—

Notification re Rules framed under the Indian Aircraft Act, 1934. 1507-09.

KRIPALANI, ACHARYA J. B.—**Budget, General—**

General discussion. 1130-33.
 Election of — to Standing Committee for Ministry of Industry and Supply. 2089.

KRIPALANI, SHRIMATI SUCHETA—**Hindu Code—**

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 866-71.

KRISHNAMACHARI, SHRI T. T.—**Banking Companies Bill—**

Motion to consider as reported by Select Committee. 280-89.
 Consideration of Clauses. 358, 362-63, 364, 367, 373, 374, 378, 381, 383, 386-87, 434-35, 437-38, 448-52, 466-67, 470, 472, 474, 475.

KRISHNAMACHARI, SHRI T. T.—contd.**Chartered Accountants Bill—**

Motions to consider as reported by Select Committee and to pass as amended. 255-59.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 1023.

Indian Finance Bill—

Motion to refer to Select Committee. 1643.

Indian Tariff (Second Amendment) Bill. 64-65, 69-73, 92, 94.

Industries (Development and Control) Bill—

Motion to refer to Select Committee. 2409, 2413-21.

Motion re—

Election to Committee on Public Accounts. 1769.

Election to National Food and Agriculture Organisation Liaison Committee. 213.

Payment to Taxes (Transfer of Property) Bill—

Motion to consider and to refer to Select Committee. 37, 39-45, 54, 56.

Motion to consider as reported by Select Committee. 2380-82.

Consideration of Clauses. 2449.

Prevention of Free or Forced or Compulsory Labour Bill—

Motions to refer to Select Committee and to circulate. 401.

Protective Duties (Miscellaneous Provisions) Bill. 1826.**Public Companies (Limitation of Dividends) Bill—**

Motion to consider as reported by Select Committee. 2455-57.

Resolution re—

Failure of Grow More Food Campaign. 207, 209.

Serving of rice in non-vegetarian hotels. 207, 209.

Seaward Artillery Practice Bill. 254.**Tea Committee for India Bill—**

Motion to refer to Select Committee. 219, 221-22.

KUNHIRAMAN, SHRI P.—

Election of — to Standing Committee for Ministry of Communications. 1859.

Election of — to Standing Committee for Ministry of Transport (other than Roads). 2039.

KUNZRU, PANDIT HIRDAY NATH—**Banking Companies Bill. 582-83.****Budget, General—**

General discussion. 1035-40, 1161.

Demand(s) for Grant(s)—

Ajmer-Merwara. 1458, 1465-68, 1487.

Andaman and Nicobar Islands. 1458, 1465-68, 1487.

Archaeology. 1529, 1531-32, 1556.

Cabinet—

Motion to reduce the Demand—Policy re subversive organisations. 1458, 1465-68, 1487.

Census. 1458, 1465-68, 1487.

Civil Defence. 1458, 1465-68, 1487.

Delhi. 1458, 1465-68, 1487.

Education—

Motion to reduce the Demand—Transfer of Colleges in Delhi to the University Area. 1529, 1531-32, 1556.

Jails and Convict Settlements. 1458, 1465-68.

Ministry of Education. 1529, 1531-32, 1556.

Ministry of Home Affairs—

Motion to reduce the Demand—Policy re military or semi-military organisations established by Provincial Governments. 1458, 1465-68, 1487.

Other Scientific Departments. 1529, 1531-32, 1556.

Panth Piploda. 1458, 1465-68, 1487.

Police. 1458, 1465-68, 1487.

KUNZRU, PANDIT HIRDAY NATH—contd.**Budget, General—contd.****Demand(s) for Supplementary Grant(s)—**

Defence Services, Effective—Army. 2166-68, 2170.

Defence Services, Effective—Supplies and Stores. 2166-68, 2170.

Defence Services, Non-Effective Charges. 2166-68, 2170.

Budget, Railways—

General discussion. 677-79.

Code of Criminal Procedure (Amendment) Bill. 1998.

Election of — to committee to review the working of the Railway Convention. 2291.

Election of — to Standing Committee for Ministry of Defence. 1859.

Election of — to Standing Committee for Ministry of External Affairs. 1911.

Essential Supplies (Temporary Powers) (Amendment) Bill. 2367, 2369.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 846-48.

Indian Finance Bill—

Motion to consider as reported by Select Committee. 2042, 2048-49.

Consideration of Clauses. 2126-28.

Industries (Development and Control) Bill—

Motion to refer to Select Committee. 2408, 2421-24.

Motion re—

Election to committee to review convention re separation of Railway from General Finance. 2201-02, 2204.

Report of Indian Railway Enquiry Committee. 2031-35, 2038.

Resolution re—

Failure of Grow More Food Campaign. 125, 178-80, 206, 208-09.

Serving of rice in non-vegetarian hotels. 125, 178-80, 206, 208-09.

L**LABOUR CONFERENCE, INTERNATIONAL—**

Convention and recommendations of —, Thirtieth Session, 1947—laid on the Table. 531-33.

LABOUR, MINISTRY OF—**Demand for Grant—**

Motion to reduce the Demand—Unity of Trade Union Organisations. 1557-74.

Election to Standing Committee for —. 1998, 2483, 2545.

LABOUR WELFARE—

See "Coal Mines Labour Welfare Fund (Amendment) Bill" under "Bill(s)".

LAND ACQUISITION BILLS—

See "Resettlement of Displaced Persons (Land Acquisition) Bill" under "Bill(s)".

LAND DEVELOPMENT BILLS—

See "Delhi and Ajmer-Merwara —" under "Bill(s)".

LAND RECORDS BILL—

See "Ajmer-Merwara Tenancy and —" under "Bill(s)".

LARI, Mr. Z. H.—

Election of — to Standing Committee for Ministry of Relief and Rehabilitation. 2039.

LASKAR, PROF. N. C.—

Election of — to Committee on Public Accounts. 2090.

Election of — to National Food and Agriculture Organisation Liaison Committee. 2245.

LAW, MINISTRY OF—

Demand for Grant. 1637.

Election to Standing Committee for —. 2039.

LEGAL PRACTITIONER(S)—

See "Banking Companies (Legal Practitioners' Clients' Accounts) Bill" under "Bill(s)".

See also "Indian Bar Councils and the Legal Practitioners (Amendment) Bill" under "Bill(s)".

LEGAL PROCEEDINGS—

See "Continuance of Legal Proceedings Bill", under "Bill(s)".

LIGHTHOUSES AND LIGHTSHIPS—

Demand for Grant. 1363-99.

Demand for Supplementary Grant. 2193.

LOAN(S)—

Statement by the Honourable Dr. John Matthai *re* — from International Monetary Fund. 4-6.

LONDON—

Statement *re* proposed conference in — of Dominion Prime Ministers. 2086-87.

M**MADRAS PORT TRUST—**

See "Bombay, Calcutta and Madras Port Trust (Constitution) (Amendment) Bill" under "Bill(s)".

MAITRA, PANDIT LAKSHMI KANTA—

Banking Companies Bill—

Consideration of Clauses. 546-49, 570-71, 579-82, 594.

Motion to pass as amended. 607-09.

Budget, General—

Demand(s) for Grant(s)—

Central Road Fund. 1582.

Commercial Intelligence and Statistics. 1369, 1370.

Delhi Transport Service. 1582.

Joint-Stock Companies. 1369-70.

Lighthouses and Lightships. 1369-70.

Ministry of Commerce. 1369-70.

Ministry of Transport. 1582.

Ports and Pilotage. 1369-70.

Delhi Hotels (Control of Accommodation) Bill. 2485.

Election of — to All India Council for Technical Education. 2291.

Election of — to Standing Finance Committee for Railways. 2140.

Hindu Code—

Motions to consider as reported by Select Committee, to recirculate and to re-commit to Select Committee. 952, 955-56, 995-1015, 1023, 1025, 2211, 2215, 2217, 2223, 2238, 2246-47, 2265, 2286-87.

Indian Finance Bill—

Motion to refer to Select Committee. 1706.

Motion *re*—

Election to Committee to review convention *re* separation of Railway from General Finance. 2210.

Relief and Rehabilitation situation. 1923-27, 1941-42, 1956-57.

Protective Duties (Miscellaneous Provisions) Bill. 1864.

Railways (Transport of Goods) Amendment Bill—

Motions to consider and to pass. 1778, 1781.

Tea Committee for India Bill. 1877.

MALAVIYA, PANDIT GOVIND—

Election of — to Standing Committee for Ministry of Food. 1911.

Election of — to Standing Finance Committee. 2090.

MALVIYA, SHRI R. L.—

Budget, General—

Demand(s) for Grant(s)—

Industries and Supplies. 1293-99.

Ministry of Industry and Supply. 1293-99.

Salt. 1293-99.

Election of — to Standing Committee for Ministry of Industry and Supply. 2089.

MALLAYYA, SHRI U. SRINIVASA—

Election of — to Standing Committee for Ministry of Communications. 1859.

Election of — to Standing Committee for Ministry of External Affairs. 1911.

Election of — to Standing Committee for Ministry of Industry and Supply. 2089.

Election of — to Standing Finance Committee. 2090.

MAN. SARDAR BHOPINDER SINGH—

Budget, General—

Demand(s) for Grant(s)—

Ministry of States. 1491-95, 1499-1501.

Relations with Indian States. 1491-95, 1499, 1501.

Election of — to National Food and Agriculture Organisation Liaison Committee. 2245.

Election of — to Standing Committee for Ministry of Relief and Rehabilitation. 2039.

Hindu Code—

Motions to consider as reported by the Select Committee, to re-circulate and to re-commit to Select Committee. 948.

Motion *re* Relief and Rehabilitation situation. 1922, 1944-49, 1954, 1960-61.

Resolution *re*—

Failure of Grow More Food Campaign. 139-42.

Serving of rice in non-vegetarian hotels. 139-42.

MANGROL AND MANAVADAR (ADMINISTRATION OF PROPERTY) BILL—

See "Bill(s)".

MARRIAGE(S)—

See "Child Marriage Restraint (Amendment) Bill" under "Bill(s)".

See also "Hindu Marriages Validity Bill" under "Bill(s)".

MASCARENE, SHRIMATTY ANNIE—

Budget, General—

General discussion. 1103-05.

Demand(s) for Grant(s)—

Medical Services. 1514-16.

Ministry of Health—

Motion to reduce the Demand—Improvement of conditions of Nursing Services. 1514-16.

Public Health. 1514-16.

Budget, Railways—

General discussion. 669-71.

Election of — to Standing Committee for Ministry of States. 2089.

Election of — to Standing Committee for Ministry of Food. 2431.

Hindu Code—

Motions to consider as reported by the Select Committee, to re-circulate and to re-commit to Select Committee. 942, 1008.

Indian Finance Bill—

Motion to consider as reported by Select Committee. 2055, 2073-75.

Motion *re* election to Committee to review convention *re* separation of Railway from General Finance. 2214.

MATTHAI, THE HONOURABLE DR. JOHN—

Banking Companies Bill—

Presentation of Report of Select Committee. 25.

Motion to consider as reported by the Select Committee. 275-80, 282, 352-57.

Consideration of Clauses. 357-58, 360-61, 363, 365-67, 369-70, 373, 374-80, 383, 436-37, 439, 440-43, 445-52, 457, 462-64, 468, 470-75, 478-83, 485, 494-95, 497-98, 500-13, 534-39, 541-44, 546-49, 553, 555-60, 563-65, 568-69, 573-76, 586-88, 591-94, 596, 613.

Banking Companies (Legal Practitioners' Clients' Accounts) Bill—

Motion for leave to introduce. 1703.

Budget, General—

Presentation of General Budget. 969-87.

General discussion of General Budget. 1039-40, 1042, 1073, 1155-64

MATTHAI, THE HONOURABLE DR. JOHN—*contd.*Budget, General—*contd.*

Demand(s) for Grant(s)—

- Audit. 1404-14, 1434, 1442-45.
- Capital Outlay on Civil Works. 1327.
- Capital Outlay on Currency. 1404-14, 1434, 1442-45.
- Capital Outlay on Development. 1404-14, 1434, 1442-45.
- Capital Outlay on India Security Press. 1404-14, 1434, 1442-45.
- Capital Outlay on Industrial Development. 1404-14, 1434, 1442-45.
- Capital Outlay on Mints. 1404-14, 1434, 1442-45.
- Capital Outlay on Schemes of State Trading. 1404-14, 1434, 1442-45.
- Central Excise Duties. 1404-14, 1434, 1442-45.
- Civil Works. 1327.
- Commuted Value of Pensions. 1404-14, 1434, 1442-45.
- Currency. 1404-14, 1434, 1442-45.
- Currency. 1404-14, 1434, 1442-45.
- Delhi Capital Outlay. 1327.
- Geological Survey. 1327.
- Grants-in-aid to Provincial Governments. 1404-14, 1434, 1442-45.
- Interest Free and Interest Bearing Advances. 1404-14, 1434, 1442-45.
- Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works met from Revenue. 1327.
- Mines. 1327.
- Ministry of Finance. 1404-14, 1434, 1442-45.
- Ministry of Works, Mines and Power. 1327.
- Mint. 1404-14, 1434, 1442-45.
- Miscellaneous. 1404-14, 1434, 1442-45.
- Miscellaneous adjustments between the Central and Provincial Governments. 1404-14, 1434, 1442-45.
- Miscellaneous Departments. 1404-14, 1434, 1442-45.
- Opium. 1404-14, 1434, 1442-45.
- Payments to Government of Pakistan for unique Institutions. 1404-14, 1434, 1442-45.
- Payments to other Governments, Departments etc., on account of the Administration of Agency Subjects and Management of Treasuries. 1404-14, 1434, 1442-45.
- Payments to Retrenched Personnel. 1404-14, 1434, 1442-45.
- Pre-Partition Payments. 1404-14, 1434, 1442-45.
- Provincial Excise. 1404-14, 1434, 1442-45.
- Resettlement and Development. 1404-14, 1434, 1442-45.
- Stamps. 1404-14, 1434, 1442-45.
- Stationery and Printing. 1327.
- Superannuation Allowances and Pensions. 1404-14, 1434, 1442-45.
- Taxes on Income including Corporation Tax. 1404-14, 1434, 1442-45.
- Territorial and Political Pensions. 1404-14, 1434, 1442-45.

Demand(s) for Supplementary Grant(s)—

- Defence Services, Effective—Army. 2167-70.
- Defence Services, Effective—Supplies and Stores. 2167-70.
- Defence Services, Non-Effective Charges. 2167-70.
- Pre-Partition Payments. 2172-73.

Estate Duty Bill—

- Motion for extension of time for presentation of Report of Select Committee. 157-58, 1063.
- Presentation of Report of Select Committee. 2141.

Indian Finance Bill—

- Motion for leave to introduce. 987.
- Motion to refer to Select Committee. 1642, 1695, 1703-04, 1712, 1727, 1742-50.
- Presentation of Report of Select Committee. 1875.
- Motion to consider as reported by Select Committee. 2040-44, 2047-49.
- Consideration of Clauses. 2103, 2112-16, 2116-17, 2119-20, 2122, 2131-33.
- Motion to pass as amended. 2123.

Industrial Finance Corporation (Amendment) Bill—

- Motion for leave to introduce. 2388.

Motion re—

- Election to Committee on Public Accounts. 213, 1767, 1769-70.
- Election to Standing Finance Committee. 1767.

MATTHAI, THE HONOURABLE DR. JOHN—*contd.*

Papers laid on the Table—

- Additional Regulations of Industrial Finance Corporation of India. 17-18.
- Authenticated schedule of authorised expenditure—other than Railways—
 - Expenditure for 1949-50. 2135-38.
 - Supplementary Expenditure for 1948-49. 2431-33.
- Industrial Finance Corporation of India Employees Provident Fund Regulations, 1943. 1641.
- Notifications under the Central Excises and Salt Act, 1944. 873-76.
- Report of Rehabilitation Finance Administration for half year ending 31st December 1948. 1639-41.

Payment of Taxes (Transfer of Property) Bill—

- Motions to consider and to refer to Select Committee. 27-28, 30, 36, 40, 53-56.
- Presentation of Report of Select Committee. 347.
- Motion to consider as reported by Select Committee. 2377, 2383-84.
- Consideration of Clauses. 2437, 2441-42, 2447, 2448-50.

Public Companies (Limitation of Dividends) Bill—

- Introduced. 24.
- Motions to consider and to refer to Select Committee. 97-100, 106, 216.
- Motion for extension of time for presentation of Report of Select Committee. 478.
- Presentation of Report of Select Committee. 675.
- Motion to consider as reported by Select Committee. 2451-52, 2459.
- Consideration of Clauses. 2461.
- Motion to pass as amended. 2461.

Public Debt (Central Government) Amendment Bill—

- Motion for leave to introduce. 157.
- Motions to consider and to pass. 273-75.

Statement by — re loans from International Monetary Fund 4-6.

MATRIMONIAL CAUSES (WAR MARRIAGES) BILL—

- See "Indian —" under "Bill(s)".

MAVALANKAR, THE HONOURABLE MR. G. V.—

- See "Ruling(s)".

MEDICAL SERVICES—

- Demand for Grant. 1510-23.

MEHTA, SHRI BALWANT SINHA—

Budget, General—

Demand for Grant—Ministry of Labour—

- Motion to reduce the Demand—Unity of Trade Union Organisations. 1566-69.
- Election of — to Standing Committee for Ministry of Education. 2039.

MEHTA, SHRIMATI HANSA—

Hindu Code—

- Motions to consider as reported by the Select Committee, to re-circulate and to re-commit to Select Committee. 949, 1008.

MEHTA, SHRI SRI NARAIN—

- Election of — to Standing Committee for Ministry of Information and Broadcasting. 1998.

MENON, SHRI A. KARUNAKARA—

Budget, General—

Demand(s) for Grant(s)—

- Aviation. 1586-88.
- Capital Outlay on Civil Aviation. 1586-88.
- Capital Outlay on Indian Posts and Telegraphs (not met from Revenue). 1586-88.
- Indian Posts and Telegraphs Department (including Working Expenses). 1586-88.
- Indian Posts and Telegraphs—Stores Suspense (not met from Revenue). 1586-88.
- Meteorology. 1586-88.

MENON, SHRI A. KARUNAKARA—*contd.*Budget General—*contd.*Demand(s) for Grant(s)—*contd.*

Ministry of Communications—

Motion to reduce the Demand—Proposed increase in postal rates. 1586-88.

Overseas Communications Service. 1586-88.

Telephone Factory. 1586-88.

Budget, Railways—

General discussion. 702-04.

Election of — to Standing Committee for Ministry of Agriculture. 1996.

Hindu Code—

Motions to consider as reported by the Select Committee, to re-circulate and to re-commit to Select Committee. 1008, 1021, 2282.

MERCHANT NAVY TRAINING COMMITTEE—

Interim report of — laid on the Table. 675.

MERCHANT SHIPPING (AMENDMENT) BILL—

See "Indian —" under "Bill(s)".

MERCHANT SHIPPING LAWS (EXTENSION TO ACCEDING STATES AND AMENDMENT) BILL—

See "Bill(s)".

METEOROLOGY—

Demand for Grant. 1584-1600.

MILITARY ORGANISATION(S)—

Demand for Grant—Ministry of Home Affairs—

Motion to reduce the Demand—Policy re military or semi-military organisations established by Provincial Governments. 1465-88.

MINES—

Demand for Grant. 1316-61.

MINES AND MINERALS (REGULATION AND DEVELOPMENT) BILL—

See "Bill(s)".

MINT—

Demand for Grant. 1402-47.

Demand for Supplementary Grant. 2194.

MISCELLANEOUS—

Demand for Grant. 1403-47.

Demand for Supplementary Grant. 2194.

MISCELLANEOUS ADJUSTMENTS BETWEEN THE CENTRAL AND PROVINCIAL GOVERNMENTS—

Demand for Grant. 1403-47.

MISCELLANEOUS DEPARTMENTS—

Demand for Grant. 1402-47.

Demand for Supplementary Grant. 2194.

MISCELLANEOUS EXPENDITURE—

Demand for Grant—Railway Budget. 818.

Demand for Supplementary Grant—Railway Budget. 957-68.

MISRA, SHRI YUDHISTHIR—

Election of — to Standing Committee for Ministry of Transport (other than Roads). 2039.

MODY, MR. HOMI—

Banking Companies Bill—

Motion to consider as reported by Select Committee. 310-13, 314.

Consideration of Clauses. 450-51, 455, 459, 471-72, 482, 496, 500, 507, 509, 510, 535, 542-43, 546, 549, 556, 558-59, 581, 587.

MODY, MR. HOMI—*contd.*

Budget, General—

General discussion. 1112-16.

Demand(s) for Grant(s)—

Industries and Supplies. 1276-78.

Ministry of Industry and Supply. 1276-78.

Salt. 1276-78.

Election of — to Standing Committee for Ministry of Industry and Supply. 2089.

Election of — to Standing Committee for Ministry of Labour. 1998.

Indian Finance Bill—

Motion to refer to Select Committee. 1706-10, 1747.

Industries (Development and Control) Bill—

Motion to refer to Select Committee. 2413-15, 2418, 2420.

Loans from International Monetary Fund. 6.

Payment of Taxes (Transfer of Property) Bill—

Motions to consider and to refer to Select Committee. 34-36.

Public Companies (Limitation of Dividends) Bill. 102.

MOHAMED, MR. K. A.—

Budget, Railways—

Demand for Grant—Railway Board—

Motion to reduce the Demand—General Administration with particular reference to Economy. 787-88.

Election of — to Standing Committee for Ministry of States. 2089.

MOHD. TAHIR, MR.—

Payment of Taxes (Transfer of Property) Bill. 2436, 2441, 2443, 2445, 2450.

Election of — to Standing Committee for Ministry of Agriculture. 1996.

Essential Supplies (Temporary Powers) (Amendment) Bill. 2365, 2370, 2373.

MONETARY FUND—

See "International—".

MOOKERJEE, DR. H. C.—

Election of — to Standing Committee for Ministry of Information and Broadcasting. 1998.

Election of — to Standing Committee for Ministry of Labour. 1998.

MOOKERJEE, THE HONOURABLE DR. SYAMA PRASAD—

Budget, General—

General discussion. 1144.

Demands(s) for Grant(s)—

Industries and Supplies. 1265-72, 1275, 1292, 1301, 1306-14.

Ministry of Industry and Supply. 1265-72, 1275, 1292, 1301, 1306-14.

Salt. 1265-72, 1275, 1292, 1301, 1306-14.

Coffee Market Expansion (Amendment) Bill—

Motion for leave to introduce. 1109.

Motions to consider and to pass. 2551-52.

Industries (Development and Control) Bill—

Motion for leave to introduce. 1784.

Motion to refer to Select Committee. 2388-95, 2408, 2424-29.

Papers laid on the Table—

Annual Report of Indian Standards Institution. 211.

Resolution re—

Extension of period mentioned in sections 2 and 3 of India (Central Government and Legislature) Act, 1946 as adapted. 1784-88, 1790, 1792, 1803-05.

Rubber (Production and Marketing) Amendment Bill—

Motion for leave to introduce. 434.

Motions to consider and to pass. 2549-51.

MOTION(S)—

- Information and Broadcasting—Talked out. 1961-96.
 Relief and Rehabilitation situation—Talked out. 1911-61.
 Report of Indian Railway Enquiry Committee.—Talked out. 2013-38.

MOTION(S) FOR ADJOURNMENT—

See "Adjournment, Motion(s) for".

MOTOR VEHICLES (AMENDMENT) BILL—

See "Bill(s)".

MUDALIAR, MR. MUTHURANGA—

Condolence on the death of —. 263.

MUNAVALLI, SHRI B.N.—

Budget, General—

Demand(s) for Grant(s)—

- Commercial Intelligence and Statistics. 1378-79.
 Joint-Stock Companies. 1378-79.
 Lighthouses and Lightships. 1378-79.
 Ministry of Commerce. 1378-79.
 Ministry of States. 1495-96.
 Ports and Pilotage. 1378-79.
 Relations with Indian States. 1495-96.

Budget, Railways—

Demand for Grant—Railway Board—

Motion to reduce the Demand—Insufficient provision of amenities to passengers. 759-60.

Child Marriage Restraint (Amendment) Bill—

- Motions to consider as reported by Select Committee and to pass as amended. 2326.
 Cinematograph (Amendment) Bill. 2539.
 Election of — to Standing Committee for Ministry of States. 2089.
 Election of — to Standing Committee for Roads. 2245.

Hindu Code—

Motions to consider as reported by the Select Committee, to re-circulate and to re-commit to Select Committee. 1010, 2239, 2286.

MUNSHI, SHRI K. M.—

Hindu Marriages Validity Bill—

Motion to refer to Select Committee. 423-24, 427.

Indian Finance Bill—

Motion to refer to Select Committee. 1731-35.
 Motion re Information and Broadcasting. 1975-79.

MUNSHI, SHRI PRANLAL THAKORLAL—

Election of — to Standing Committee for Ministry of Relief and Rehabilitation. 2039.

MUSAFIR, GIANI GURMUKH SINGH—

Budget, General—

Demand(s) for Grant(s)—

- Capital Outlay on Civil Works. 1351-56.
 Civil Works. 1351-56.
 Delhi Capital Outlay. 1351-56.
 Geological Survey. 1351-56.
 Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works—met from Revenue. 1351-56.
 Mines. 1351-56.
 Ministry of States. 1498-1502.
 Ministry of Works, Mines and Power. 1351-56.
 Relations with Indian States. 1498-1502.
 Stationery and Printing. 1351-56.

Budget, Railways—

General discussion. 655-61.

Election of — to Standing Committee for Ministry of Home Affairs. 2069.

Election of — to Standing Committee for Ministry of Relief and Rehabilitation. 2039.

N

NAIDU, SHRIMATI SAROJINI—

Condolence on the death of —. 1031.

NAND LAL, MASTER—

Budget, General—

Demand(s) for Grant(s)—

Ajmer-Merwara. 1477-81.

Cabinet—

Motion to reduce the Demand—Policy re subversive organisations. 1477-81.
 Census. 1477-81.

Civil Defence. 1477-81.

Delhi. 1477-81.

Ministry of Home Affairs—

Motion to reduce the Demand—Policy re military or semi-military organisations established by Provincial Governments. 1477-81.

Panth Piploda. 1477-81.

Police. 1477-81.

Demand for Supplementary Grant—

Andaman and Nicobar Islands. 1477-81.

Budget, Railways—

Demand for Grant—Railway Board—

Motion to reduce the Demand—General Administration re with particular reference to Economy. 788-93.

Election of — to Standing Committee for Ministry of Communications. 1859.
 Election of — to Standing Committee for Ministry of Food. 1911.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 825.

NATESAN, SHRI G. A.—

Condolence on the death of —. 1-3.

NAVY (DISCIPLINE) (AMENDMENT) BILL—

See "Indian —" under "Bill(s)".

NAZIRUDDIN AHMAD, MR.—

Banking Companies Bill—

Motion to consider as reported by Select Committee. 323-26.
 Consideration of Clauses. 357-58, 361, 365-67, 373-79, 385, 437-39, 442-43, 446-52, 461, 464, 467-68, 469-71, 474, 478, 481, 482-83, 497-512, 535-46, 548-53, 550-62, 564-68, 571, 584-85, 587, 592-95.
 Motion to pass as amended. 597-604-07.

Budget, General—

General discussion. 1038.

Demand(s) for Grant(s)—

External Affairs. 1248-49.

Ministry of External Affairs and Commonwealth Relations. 1248-49.
 Tribal Areas. 1248-49.

Budget, Railways—

Demand for Grant—Railway Board—

Motion to reduce the Demand—
 General Administration with particular reference to Economy. 813-15.
 General corruption on Railways. 745, 747.

Child Marriage Restraint (Amendment) Bill—

Motions to consider as reported by Select Committee and to pass as amended. 2317-19, 2331.

Code of Civil Procedure (Amendment) Bill. 2554.

Delhi Hotels (Control of Accommodation) Bill. 2485-86, 2496.

Election of — to Standing Finance Committee for Railways. 2140.

NAZIRUDDIN AHMAD, MR.—contd.**Essential Supplies (Temporary Powers) (Amendment) Bill—**

Motion to consider. 2349-51.

Consideration of Clauses. 2365, 2371, 2373-74.

Governor General's Salary (Exemption from Taxation) Bill. 2009-10.**Hindu Code—**

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 824, 843-44, 846, 848-49, 850, 877-78, 925, 926, 950, 1000, 1016, 1020-30, 2213-43, 2249-76.

Indian Emigration (Amendment) Bill. 260.**Indian Finance Bill—**

Motion to consider as reported by Select Committee. 2059-62.

Consideration of Clauses. 2117, 2119-20, 2131, 2132.

Indian Judicial Procedure Bill—

Motion to refer to Select Committee. 413.

Indian Tariff (Second Amendment) Bill. 94, 97.**Mangrol and Manavadar (Administration of Property) Bill.** 241-43.**Motor Vehicles (Amendment) Bill.** 418.**Payment of Taxes (Transfer of Property) Bill—**

Motions to consider and to refer to Select Committee. 30.

Motion to consider as reported by Select Committee. 2380-82.

Consideration of Clauses. 2440, 2443-44, 2447.

Prevention of Free or Forced or Compulsory Labour Bill—

Motions to refer to Select Committee and to circulate. 404-05.

Public Companies (Limitation of Dividends) Bill—

Motion to consider as reported by Select Committee. 100-01, 2457-59.

Resolution re—

Failure of Grow More Food Campaign. 199-200.

Serving of rice in non-vegetarian hotels. 199-200.

Scheduled Securities (Hyderabad) Bill. 272-73.**Seaward Artillery Practice Bill.** 248-49, 252, 258.**Tea Committee for India Bill—**

Motion to consider as reported by Select Committee. 1830.

Consideration of Clauses. 1838, 1890, 1901-02, 1906.

NEHRU, THE HONOURABLE SHRI JAWAHARLAL—**Budget, General—**

General discussion ——. 1076.

Demand(s) for Grant(s)—

External Affairs. 1225-36, 1262-63.

Ministry of External Affairs and Commonwealth Relations. 1225-36, 1262-63.

Tribal Areas. 1225-36, 1262-63.

Condolence on the Death(s) of—

Dr. Tej Bahadur Sapru. 1-3.

Mr. Abdul Matin Chaudhari. 1-3.

Mr. Akbar Hydari. 1-3.

Mr. M. Shafi Daudi. 1-3.

Mr. Vellingiri Gaunder. 1-3.

Shri G. A. Natesan. 1-3.

Shrimati Sarojini Naidu. 1031-34.

Essential Services (Prevention of Strikes) Bill. 1064-67.**Indian Emigration (Amendment) Bill—**

Motion for leave to introduce. 24.

Motions to consider and to pass. 258-60.

Motion re Elections to Standing Advisory Committees. 1753-54, 1765-66.**Statement of Business.** 2102-03, 2429-30.**Statement on disturbances in Durban, South Africa.** 67-69.**Statement on Foreign investments in India.** 2335-86.**Statement re proposed conference in London of Dominion Prime Ministers.** 2086-87.**NEOGY, THE HONOURABLE SHRI K. C.—****Budget, General—****Demand(s) for Grant(s)—**

Commercial Intelligence and Statistics. 1363-71, 1391-99.

Joint-Stock Companies. 1363-71, 1391-99.

Lighthouses and Lightships. 1363-71, 1391-99.

Ministry of Commerce. 1363-71, 1391-99.

Ports and Pilotage. 1363-71, 1391-99.

Demand(s) for Supplementary Grant(s)—

External Affairs. 2185.

Ministry of External Affairs and Commonwealth Relations. 2185.

Tribal Areas. 2185.

Chartered Accountants Bill—

Motion to refer to Select Committee. 25-27.

Presentation of the Report of Select Committee. 990.

Motions to consider as reported by Select Committee and to pass as amended. 2554-57, 2560.

Indian Tariff (Second Amendment) Bill. 56-62, 85-97.**Indian Tea Control (Amendment) Bill—**

Motion for leave to introduce. 347.

Motions to consider and to pass. 2504-06.

Merchant Shipping Laws (Extension to Acceding States and Amendment) Bill—

Motion for leave to introduce. 1315.

Motions to consider and to pass as amended. 2462-63, 2466-69.

Motion re Election to Central Tea Board. 2342.**Payment of Taxes (Transfer of Property) Bill—**

Motions to consider and to refer to Select Committee. 55.

Motion to consider as reported by Select Committee. 2378.

Papers laid on the Table—

Further amendments to Insurance Rules, 1939. 18-24.

Interim Report of Merchant Navy Training Committee. 675.

Protective Duties (Amendment) Bill—

Motion for leave to introduce. 25.

Motions to consider and to pass. 260-61, 265-66.

Protective Duties (Miscellaneous Provisions) Bill—

Motion for leave to introduce. 1509.

Motions to consider and to pass as amended. 1808-11, 1814, 1816, 1817, 1820-22, 1842, 1844, 1861-69, 1872.

Taxation Laws (Amendment) Bill—

Motion for leave to introduce. 2245.

Tea Committee for India Bill—

Motion for leave to introduce. 24.

Motion to refer to Select Committee. 216-18, 226-27.

Presentation of Report of Select Committee. 990.

Motion to consider as reported by Select Committee. 1872-73, 1882, 1884-89.

Consideration of Clauses. 1889-90, 1892, 1904-07.

Motion to pass as amended. 1807.

NIJALINGAPPA, SHRI S.—

Election of — to Standing Committee for Roads. 2245.

NURSING SERVICE(S)—

Demand for Grant—Ministry of Health—

Motion to reduce the Demand—Improvement of conditions of Nursing Services. 1510-21.

O

OPEN LINE WORKS—ADDITIONS—

- Demand for Grant. 819.
- Demand for Supplementary Grant. 958-69.

OPEN LINE WORKS—BETTERMENT FUND (PASSENGER AMENITIES)—

- Demand for Grant. 820.

OPEN LINE WORKS—REPLACEMENTS—

- Demand for Grant. 819.

OPEN LINE WORKS—REVENUE—

- Demand for Grant. 819.

OPIUM—

- Demand for Grant. 1401-45.

OTHER SCIENTIFIC DEPARTMENTS—

- Demand for Grant. 1523-57.

OVERSEAS COMMUNICATION SERVICE—

- Demand for Grant. 1534-1600.
- Demand for Supplementary Grant. 2193.

P

PANEL OF CHAIRMEN—

- Nomination of the —. 477.

PANTH PIPLODA—

- Demand for Grant. 1450-88.
- Demand for Supplementary Grant. 2195.

PAPERS LAID ON THE TABLE—

- Additional regulations of Industrial Finance Corporation of India. 17-18.
- Annual Report of Indian Standards Institution. 211.
- Budget of Damodar Valley Corporation. 940.
- Convention and recommendation of International Labour Conference, Thirtieth Session, 1947. 531-33.
- Further amendments to Insurance Rules. 18-24.
- Industrial Finance Corporation of India Employees Provident Fund Regulations, 1948. 1641.
- Interim Report of Merchant Navy Training Committee. 675.
- Notifications of exemptions under the Registration of Foreigners Act, 1939. 431-33.
- Notification re rules framed under the Indian Aircraft Act, 1934. 1507-09.
- Notification under Central Excises and Salt Act, 1944. 873-76.
- Notifications under Destructive Insects and Pests Act, 1914. 211-12.
- Partition proceedings. 1169.
- Report of Central Electricity Commission. 1067.
- Report of Geological Survey of India. 1067.
- Report of Indian Railway Enquiry Committee. 1703.
- Report of Indian School of Mines and Applied Geology. 1067.
- Report of Petroleum Division. 1067.
- Report of Printing and Stationery Department. 1067.
- Report of Rehabilitation Finance Administration for half year ending 31st December. 1639-41.
- Revised Instruments of Accession executed by Raj Pramukhs of State Unions. 6-17.
- Statement of cases in which lowest tenders have not been accepted by India Store Department, London. 2433-34.

PATI, SHRI LAI MOHAN—**Budget, Railways—****Demand for Grant—Railway Board—**

- Motion to reduce the Demand—General administration with particular reference to economy. 797-98.
- Election of — to Standing Committee for Ministry of Transport (other than Roads). 2039.

PATEL, THE HONOURABLE SARDAR VALLABHBHAI—**Budget, General—****Demand(s) for Grant(s)—**

- Ajmer-Merwara. 1451-57, 1481-87.
- Andaman and Nicobar Islands. 1451-57, 1481-87.
- Cabinet—
- Motion to reduce the Demand—Policy re Subversive Organisations. 1451-57, 1481-87.
- Census. 1451-57, 1481-87.
- Civil Defence. 1451-57, 1481-87.
- Delhi. 1451-57, 1481-87.
- Jails and convict settlements. 1451-57, 1481-87.
- Ministry of Home Affairs—
- Motion to reduce the Demand—Policy re military or semi-military organisation established by Provincial Governments. 1451-57, 1481-87.
- Ministry of States. 1489, 1502-06.
- Panth Piploda. 1451-57, 1481-87.
- Police. 1451-57, 1481-87.
- Relations with Indian States. 1489, 1502-06.

Business of the House—

- Closing date of Assembly Session. 2341.
- Code of Criminal Procedure (Amendment) Bill—
- (Amendment of Section 488) (by R. K. Sidhva). 429.
- Code of Criminal Procedure (Amendment) Bill—
- (Amendment of sections 503, 505, etc.)
- Motion for leave to introduce. 1169.
- Motions to consider and to pass as amended. 1998-2000.
- Criminal Law (Removal of Racial Discriminations) Bill—
- Motion for leave to introduce. 1315.
- Motions to consider and to pass. 2012-13.
- Criminal Tribes (Repeal) Bill. 415.
- Governor-General's Salary (Exemption from Taxation) Bill—
- Motions to consider and to pass. 2000, 2010-12.
- Indian Penal Code and the Code of Criminal Procedure (Amendment) Bill—
- Motions to consider as reported by Select Committee and to pass as amended. 2335.
- Indian Passport (Amendment) Bill—
- Motion for leave to introduce. 2435.
- Indian Succession (Amendment) Bill—
- Motion for leave to introduce. 2343.
- Mangrol and Manavadar (Administration of Property) Bill—
- Motion for leave to introduce. 24.
- Motions to consider and to pass as amended. 227-28, 232, 236, 239-43.
- News re safety of — after air accident near Jaipur. 2133.

Papers laid on the Table—

- Declarations of Exemptions under the Registration of Foreigners Act, 1939. 431-33.
- Partition proceedings. 1196.
- Revised Instruments of Accession executed by Rajpramukhs of State Unions. 6-17.
- Registration of Foreigners (Amendment) Bill—
- Motion for leave to introduce. 2435.
- Resolution re—
- Census of Assam, West Bengal and East Punjab. 109-11.
- Failure of Grow More Food Campaign. 161.
- Serving of rice in non-vegetarian hotels. 161.
- Scheduled Securities (Hyderabad) Bill—
- Motion for leave to introduce. 157.
- Motions to consider and to pass. 266-68, 272-73.

PATEL, THE HONOURABLE SARDAR VALLABHBHAI—contd.

United Provinces Provincial Armed Constabulary (Extension of Laws) Bill—
 Motion for leave to introduce. 25.
 Motions to consider and to pass. 243, 246-48.

PARMAR, DR. Y. S.—

Budget, General—
 Demand(s) for Grant(s)—
 Ministry of States. 1489-90.
 Relations with Indian States. 1489-90.

Budget, Railways—

General discussion. 706-08.
 Election of — to Standing Committee for Ministry of Home Affairs. 2089.

PASSPORT (AMENDMENT) BILL—

See "Indian —" under "Bill(s)".

PAYMENT OF TAXES (TRANSFER OF PROPERTY) BILL—

See "Bill(s)".

PAYMENTS TO GOVERNMENT OF PAKISTAN FOR UNIQUE INSTITUTIONS—

Demand for Grant. 1404-47.
 Demand for Supplementary Grant. 2195.

PAYMENTS TO INDIAN STATES AND COMPANIES—

Demand for Grant—Railway Budget. 819.
 Demand for Supplementary Grant — Railway Budget. 958-68.

PAYMENTS TO OTHER GOVERNMENTS, DEPARTMENTS ETC., ON ACCOUNT OF THE ADMINISTRATION OF AGENCY SUBJECTS AND MANAGEMENT OF TREASURIES—

Demand for Grant. 1402-47.
 Demand for Supplementary Grant. 2192.

PAYMENTS TO RETRENCHED PERSONNEL—

Demand for Grant. 1403-47.

PENAL CODE (AMENDMENT) BILL—

See "Indian Penal Code and the Code of Criminal Procedure (Amendment) Bill" under "Bill(s)".

PETITIONS, COMMITTEE ON—

Nomination on —. 477.

PETROLEUM DIVISION—

Report of — laid on the table. 1067.

PHILIPPOSE, MR. E. JOHN—

Election of — to Standing Committee for the Department of Scientific Research. 2090.
 Election of — to Standing Committee for Ministry of Commerce. 1859.

PILLAI, SHRI A. THANU—

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 2228.

POKER, MR. B.—

Business of the House—

Cancellation of Meeting of the Assembly for 2nd March. 989.
 Election of — to Standing Committee for Ministry of Law. 2039.

POLICE—

Demand for Grant. 1450-88.
 Demand for Supplementary Grant. 2192.

POONACHA, SHRI C. M.—

Budget, General—

Demand(s) for Grant(s)—

Defence Capital Outlay. 1192-95.
 Defence Services, Effective—Army. 1192-95.
 Defence Services, Effective—Royal Indian Air Force. 1192-95.
 Defence Services, Effective—Royal Indian Navy. 1192-95.
 Defence Services, Non-Effective—Charges. 1192-95.
 Ministry of Defence. 1192-95.

Election of — to Central Tea Board. 2431.
 Election of — to Standing Committee for Ministry of Defence. 1859.
 Election of — to Standing Committee for Ministry of Home Affairs. 2089.
 Election of — to Standing Committee for Roads. 2245.

PORT TRUST BILL—

See "Bombay Port Trust (Amendment) Bill" under "Bill(s)".
 See also "Bombay, Calcutta and Madras Port Trusts (Constitution) (Amendment) Bill" under "Bill(s)".

PORTS AND PILOTAGE—

Demand for Grant. 1363-99.
 Demand for Supplementary Grant. 2192.

POSTAL RATE—

Demand for Grant—Ministry of Communications—
 Motion to reduce the Demand—Proposed increase in Postal Rates. 1584-99.

POTAL, SHRI RAMPRASAD—

Election of — to Standing Committee for Ministry of Food. 1911.

PRAKASAM, SHRI T.—

Banking Companies Bill—

Motion to consider as reported by the Select Committee. 334-39.

Budget, General—

General discussion. 1050-54.

Demand(s) for Grant(s)—

Agriculture. 1607-09.
 Botanical Survey. 1607-09.
 Capital Outlay on Forests. 1607-09.
 Civil Veterinary Services. 1607-09.
 Forests. 1607-09.
 Indian Dairy Department. 1607-09.

Ministry of Agriculture—

Motion to reduce the Demand—

Co-ordination with Provinces and failure to meet shortage of food. 1607-09.
 Stoppage of foodgrains import from foreign countries. 1607-09.

Ministry of Food—

Motion to reduce the Demand—Food shortage and policy. 1607-09.
 Survey of India. 1607-09.
 Zoological survey. 1607-09.

Budget, Railways—

General discussion. 673-74

Indian Finance Bill—

Motion to refer to Select Committee. 1644-46.

PRE-PARTITION PAYMENTS—

Demand for Grant. 1403-47.
 Demand for Supplementary Grant. 2171-73.

PREVENTION OF FREE OR FORCED OR COMPULSORY LABOUR BILL—

See "Bill(s)".

PRIME MINISTERS' CONFERENCE—

Statement *re* proposed Conference in London of Dominion Prime Ministers. 2086-87.

PRINTING AND STATIONERY DEPARTMENT—

Report of — laid on the table. 1067.

PRISONERS BILL—

See "Exchange of —" under "Bill(s)".

PROCEDURE, RULES OF—

Committee to examine — and Conduct of Business. 107.

PROTECTIVE DUTY(IES)—

See "Protective Duties (Amendment) Bill" under "Bill(s)".

See also "Protective Duties (Miscellaneous Provisions) Bill" under "Bill(s)".

PROVIDENT FUND—

Industrial Finance Corporation of India Employees' Regulations, 1948—laid on the Table. 1641.

See also "Coal Mines Provident Fund and Bonus Schemes Bill" under "Bill(s)".

See also "Workers' Provident Fund Bill" under "Bill(s)".

PROVINCE(S)—

Demand for Grant—Ministry of Agriculture—

Motion to reduce the Demand—Co-ordination with Provinces and failure to meet shortage of food. 1606-37.

PROVINCIAL ARMED CONSTABULARY—

See "United Provinces Provincial Armed Constabulary (Extension of Laws) Bill" under "Bill(s)".

PROVINCIAL EXCISE—

Demand for Grant. 1401-47.

PUBLIC ACCOUNTS COMMITTEE(S)—

Election to —. 213-14, 347, 1767-70, 2089-90.

PUBLIC COMPANIES (LIMITATION OF DIVIDENDS) BILL—

See "Bill(s)".

PUBLIC DEBT (CENTRAL GOVERNMENT) AMENDMENT BILL—

See "Bill(s)".

PUBLIC HEALTH—

Demand for Grant. 1510-23.

PUBLIC SECURITY MEASURES (DELHI AMENDMENT) BILL—

See "Bombay —" under "Bill(s)".

PUNJAB—

See "East Punjab".

R**RACIAL DISCRIMINATION—**

See "Criminal Law (Removal of Racial Discrimination) Bill" under "Bill(s)".

RAFI, MIAN MOHD.—

Condolence on the death of —. 873.

RAGHU VIRA, DR.—

Election of — to Standing Committee for Ministry of Education. 2039.

RAILWAY BOARD—

Demand for Grant—Railway Board—

Motion to reduce the Demand—

General administration with particular reference to economy. 774-818.

General corruption on Railways. 720-43.

Insufficient provision of amenities to passengers. 748-71.

Demand for Supplementary Grant—Railway Board. 957-68.

RAILWAY BUDGET—

See "Budget, Railways".

RAILWAY ENGINES—

Statement *re* locomotives imported from U.S.A. and Canada. 937-40.

RAILWAY FINANCE—

Election to Committee to review convention *re* separation of Railway from General Finance: 2200-11, 2291, 2387-88, 2431.

RAILWAY PASSENGERS—

Demand for Grant—Railway Board—

Motion to reduce the Demand—Insufficient provision of amenities to passengers. 748-71.

RAILWAYS (AMENDMENT) BILL—

See "Indian—" under "Bill(s)".

RAILWAYS, CENTRAL ADVISORY COUNCIL FOR—

Election to —. 1770-71, 2140.

RAILWAYS ENQUIRY COMMITTEE, INDIAN—

Report of — laid on the table. 1703, 2013-38.

RAILWAYS, STANDING FINANCE COMMITTEE FOR—

Election —. 1770-71, 2140.

RAILWAYS (TRANSPORT OF GOODS) AMENDMENT BILL—

See "Bill(s)".

RAJ BAHADUR, SHRI—

Budget, General—

Demand(s) for Grant(s)—

External Affairs. 1253-55.

Ministry of External Affairs and Commonwealth Relations. 1253-55.

Tribal Areas. 1253-55.

Budget, Railways—

Demand for Grant—Railway Board—

Motion to reduce the Demand—

General corruption on Railways. 740.

Insufficient provision of amenities to passengers. 756-58, 770-71.

Election of — to Standing Committee on Public Accounts. 2090.

Election of — to Standing Committee for Ministry of States. 2089.

Essential Supplies (Temporary Powers) Amendment Bill. 2367.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 856, 863, 936.

Hindu Marriages Validity Bill—

Motion to consider as reported by the Select Committee and to pass as amended. 2337.

Indian Finance Bill—

Motion to refer to Select Committee. 1701-02, 1704-06.

RAJ KANWAR, LALA—

Election of — to Standing Committee for Roads. 2245.

RAJ PRAMUKH(S)—

Revised Instruments of Accession executed by — of State Unions — laid on the table. 6-17.

RAMAIAH, SHRI V.—**Budget, General—****Demand(s) for Grant(s)—**

Ministry of States. 1490-91.

Relations with Indian States. 1490-91.

Election of — to Standing Committee for Ministry of Information and Broadcasting. 1998.

RAMNARAYAN SINGH, BABU—

Banking Companies Bill. 460-61, 463, 467, 567.

Budget, General—

General discussion. 1161.

Demand(s) for Grant(s)—

Ajmer-Merwara. 1472-73.

Andaman and Nicobar Islands. 1472-73.

Audit. 1414.

Cabinet—Motion to reduce the Demand—Policy *re* subversive organisations. 1472-73.

Capital Outlay on Civil Works. 1317.

Capital Outlay on Currency. 1414.

Capital Outlay on Developments. 1414.

Capital Outlay on India Security Press. 1414.

Capital Outlay on Industrial Developments. 1414.

Capital Outlay on Mints. 1414.

Capital Outlay on Schemes of State Trading. 1414.

Census. 1472-73.

Central Excise Duties. 1414.

Civil Defence. 1472-73.

Civil Works. 1317.

Commercial Intelligence and Statistics. 1369-70.

Commuted Value of Pensions. 1414.

Currency. 1414.

Customs. 1414.

Defence Capital Outlay. 1221.

Defence Services, Effective—Army. 1221.

Defence Services, Effective—Royal Indian Air Force. 1221.

Defence Services, Effective—Royal Indian Navy. 1221.

Defence Services, Non-Effective Charges. 1221.

Delhi. 1472-73.

Delhi Capital Outlay. 1317.

External Affairs. 1261.

Geological Survey. 1317.

Grants-in-aid to Provincial Governments. 1414.

Industries and Supplies. 1267.

Interest Free and Interest Bearing Advances. 1414.

Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works—met from Revenue. 1317, 1339-41.

Jails and Convicts Settlements. 1472-73.

Joint Stock Companies. 1369-70.

Lighthouses and Lightships. 1369-70.

Mines. 1317.

Ministry of Commerce. 1369, 1370.

Ministry of Defence. 1221.

Ministry of External Affairs and Commonwealth Relations. 1261.

Ministry of Finance. 1414.

Ministry of Health—

Motion to reduce the Demand—Improvement of conditions of Nursing Services. 1520.

Ministry of Home Affairs—Motion to reduce the Demand—Policy *re* military or semi-military organisations established by Provincial Governments. 1472-73.

Ministry of Industry and Supply. 1267.

Ministry of Works, Mines and Power. 1317.

Mint. 1414.

Miscellaneous. 1414.

RAMNARAYAN SINGH BABU—contd.**Budget, General—contd.****Demand(s) for Grant(s)—contd.**

Miscellaneous adjustments between the Central and Provincial Governments. 1414.

Miscellaneous Departments. 1414.

Opium. 1414.

Panth Piploda. 1472-73.

Payments to Government of Pakistan for unique Institutions. 1414.

Payments to other Governments, Departments etc., on account of the Administration of Agency Subjects and Management of Treasuries. 1414.

Payments to Retrenched Personnel. 1414.

Police. 1472-73.

Ports and Pilotage. 1369-70.

Pre-Partition Payments. 1414.

Provincial Excise. 1414.

Public Health. 1520.

Resettlement and Development. 1414.

Salt. 1267.

Stamps. 1414.

Stationery and Printing. 1317.

Superannuation Allowances and Pensions. 1414.

Taxes on Income including Corporation Tax. 1414.

Territorial and Political Pensions. 1414.

Tribal Areas. 1261.

Medical Services. 1520.

Budget, Railways—

General discussion. 688, 694.

Demand for Grant—Railway Board—

Motion to reduce the Demand—General administration with particular reference to economy. 799-801.

Demand(s) for Supplementary Grant(s)—

Appropriation to Depreciation Fund. 959.

Audit. 959.

Construction of New Lines. 959.

Miscellaneous Expenditure. 959.

Open Line Works—Additions. 959.

Payments to Indian States and Companies. 959.

Railway Board. 959.

Withdrawal from Reserve. 959.

Working Expenses—Administration. 959.

Working Expenses—Miscellaneous Expenses. 959.

Working Expenses—Operating Staff. 959.

Working Expenses—Operation (Fuel). 959.

Working Expenses—Repairs and Maintenance. 959.

Child Marriage Restraint (Amendment) Bill—

Motion to consider as reported by the Select Committee. 2309, 2322, 2331.

Delhi Hotels (Control of Accommodation) Bill. 2500.

Election of — to Standing Committee for Ministry of Agriculture. 1996.

Election of — to Standing Committee for Ministry of Health. 1911.

Essential Supplies (Temporary Powers) (Amendment) Bill. 2354, 2360, 2363-64.

Governor General's Salary (Exemption from Taxation) Bill. 2009.

Hindu Code—

Motions to consider as reported by the Select Committee, to re-circulate and to re-commit to Select Committee. 822, 847, 947, 950-53, 996-99, 1011, 1018, 2251, 2260, 2265-66, 2271-72, 2281, 2285.

Indian Finance Bill—

Motion to refer to Select Committee. 1646-48, 1732, 1735-36, 1743, 1746, 1749.

Industries (Development and Control) Bill—

Appointment of Babu Ramnarayan Singh to Select Committee. 2484.

Motion to refer to Select Committee. 2424, 2429.

Motion *re* Relief and Rehabilitation situation. 1924.

Protective Duties (Amendment) Bill. 262.

RAMNARAYAN SINGH, BABU—contd.**Protective Duties (Miscellaneous Provisions) Bill—**

Motions to consider and to pass as amended. 1822, 1828, 1831-32, 1849, 1854, 1865, 1867.

Resolution re—

Extension of period mentioned in Section 2 and 3 of India (Central Government and Legislature) Act, 1946 as adapted. 1793, 1802-05.

Failure of Grow More Food Campaign. 207.

Serving of rice in non-vegetarian hotels. 207.

Rubber (Production and Marketing) Amendment Bill. 2551.

Tea Committee for India Bill—

Motion to refer to Select Committee. 222-23.

Motion to consider, as reported by Select Committee. 1893-94.

RANBIR SINGH, CH.—**Budget, General—****Demand(s) for Grant(s)—**

Capital Outlay on Civil Works. 1331-37.

Civil Works. 1331-37.

Delhi Capital Outlay. 1331-37.

Geological Survey. 1331-37.

Irrigation (including Working Expenses), Navigation, Embankment and Drainage works—met from Revenue. 1331-37.

Mines. 1331-37.

Ministry of Works, Mines and Power. 1331-37.

Stationery and Printing. 1331-37.

Budget, Railways—**Demand for Grant—Railway Board—**

Motion to reduce the Demand—General corruption on Railways. 731-38.

Child Marriage Restraint (Amendment) Bill—

Motions to consider as reported by the Select Committee and to pass as amended. 2304-07.

Election of — to Standing Committee for Ministry of Agriculture. 1996.

Election of — to Standing Committee for Ministry of Transport (other than Roads). 2039.

Hindu Code—

Motions to consider as reported by the Select Committee, to re-circulate and to re-commit to Select Committee. 955.

Hindu Marriages Validity Bill—

Motion to refer to Select Committee. 426-27.

Indian Finance Bill—

Motion to refer to Select Committee. 1675-82, 1749.

Resolution re—

Extension of period mentioned in Sections 2 and 3 India (Central Government and Legislature) Act, 1946 as adapted. 1798, 1801.

Failure of Grow More Food Campaign. 143-52.

Serving of rice in non-vegetarian hotels. 143-52.

Tea Committee for India Bill. 1902-04.

RANGA, PROF., N. G.—**Banking Companies Bill—**

Motion to consider as reported by the Select Committee. 278, 282, 286, 312, 318-23, 330, 462-63, 480, 496, 504.

Budget, General—

General discussion. 1081, 1084, 1091-92, 1139.

Demand(s) for Grant(s)—

Agriculture. 1611, 1632.

Botanical Survey. 1611, 1632.

RANGA, PROF., N. G.—contd.**Budget, General—contd.****Demand(s) for Grant(s)—contd.**

Capital Outlay on Civil Works. 1358.

Capital Outlay on Forests. 1611, 1632.

Civil Veterinary Services. 1611, 1632.

Civil Works. 1358.

Commercial Intelligence and Statistics. 1368-69.

Defence Capital Outlay. 1206.

Defence Services, Effective—Army. 1206.

Defence Services, Effective—Royal Indian Air Force. 1206.

Defence Services, Effective—Royal Indian Navy. 1206.

Defence Services, Non-Effective Charges. 1206.

Delhi Capital Outlay. 1358.

External Affairs. 1238-41, 1259.

Forest. 1611, 1632.

Geological Survey. 1358.

Indian Dairy Department. 1611, 1632.

Industries and Supplies. 1270, 1277-78.

Irrigation (including Working Expenses), Navigation, Embankment and Drainage

Works—met from Revenue. 1358.

Joint-Stock Companies. 1368-69.

Lighthouses and Lightships. 1368-69.

Ministry of Agriculture—

Motion to reduce the Demand—Stoppage of foodgrains import from foreign countries. 1611, 1632.

Ministry of Commerce. 1368-69.

Ministry of Defence. 1206.

Ministry of External Affairs and Commonwealth Relations. 1238-41, 1259.

Ministry of Food—

Motion to reduce the Demand—Food shortage and Policy. 1611, 1632.

Ministry of States. 1493.

Ministry of Industry and Supply. 1270, 1277-78.

Ministry of Labour—

Motion to reduce the Demand—Unity of Trade Union Organisations. 1558, 1560, 1564-66.

Ministry of Works, Mines and Power. 1358.

Mines. 1358.

Ports and Pilotage. 1363-69.

Relations with Indian States. 1498.

Salt. 1270, 1277-78.

Stationery and Printing. 1358.

Survey of India. 1611, 1632.

Tribal Areas. 1238-41, 1259.

Zoological Survey. 1611, 1632.

Cinematograph (Amendment) Bill—

Motion to consider. 2526-27, 2530.

Consideration of clauses. 2543.

Election of — to National Food and Agriculture Organisation Liaison Committee. 2245.

Election of — to Standing Advisory Committee. 1758-61.

Election of — to Standing Committee for Ministry of External Affairs. 1911.

Election of — to Standing Committee for Ministry of Food. 1911.

Election of — to Standing Finance Committee. 2090.

Indian Finance Bill—

Motion to refer to Select Committee. 1649, 1655, 1661-62, 1717-19, 1721, 1734-38.

Indian Tariff (Second Amendment) Bill—62-64.**Indian Wireless Telegraphy (Amendment) Bill—**

Motions to consider and to pass. 2507.

Loans from International Monetary Fund. 5.

RANGA, PROF., N. G.—contd.**Payment of Taxes (Transfer of Property) Bill—**

Motion to consider and to refer to Select Committee. 30-32, 56.

Protective Duties (Miscellaneous Provisions) Bill—

Motions to consider and to pass as amended. 1814, 1818, 1822-23, 1871.

Public Companies (Limitation of Dividends) Bill. 106.**Public Debt (Central Government) Amendment Bill. 274-75.****Railways (Transport of Goods) Amendment Bill. 1774.****Resolution re—**

Failure of Grow More Food Campaign. 126, 129-33, 207-09
Serving of rice in non-vegetarian hotels. 126, 129-33, 207-09.

Rubber (Production and Marketing) Amendment Bill—

Motions to consider and to pass. 2550.
Tea Committee for India Bill. 1902.

RAO, SHRI B. SHIVA—**Budget, General—**

General discussion. 1060-63.

Demand(s) for Grant(s)—

Defence Capital Outlay. 1207-09.
Defence Services, Effective—Army. 1207-09.
Defence Services, Effective—Royal Indian Air Force. 1207-09.
Defence Services, Effective—Royal Indian Navy. 1207-09.
Defence Services, Non-Effective Charges. 1207-09.
External Affairs. 1244-46.
Ministry of Defence. 1207-09.
Ministry of External Affairs and Commonwealth Relations. 1244-46.
Tribal Areas. 1244-46.

Budget, Railways—**Demand for Grant—Railway Board—**

Motion to reduce the Demand—General Administration with particular reference to economy. 774-77, 818.

Election of — to Standing Committee for Ministry of Defence. 1859.**Election of — to Standing Committee for Ministry of External Affairs. 1911.****Election of — to Standing Finance Committee. 2090.****Resolution re—**

Failure of Grow More Food Campaign. 163-65.
Serving of rice in non-vegetarian hotels. 163-65.

RAO, SHRI KALA VENKATA—**Budget, General—****Demand(s) for Grant(s)—**

Agriculture 1622-23.
Botanical Survey. 1622-23.
Capital Outlay on Civil Works. 1326-29.
Capital Outlay on Forests. 1622-23.
Civil Veterinary Services. 1622-23.
Civil Works. 1326-29.
Delhi Capital Outlay. 1326-29.
Forest. 1622-23.
Geological Survey. 1326-29.
Indian Dairy Department. 1622-23.
Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works—met from Revenue. 1326-29.
Mines. 1326-29.

Ministry of Agriculture—**Motion to reduce the Demand—**

Co-ordination with Provinces and failure to meet shortage of food. 1522-23.
Stoppage of foodgrains import from foreign countries. 1622-23.

RAO, SHRI KALA VENKATA—contd.**Budget General—contd.****Demand(s) for Grant(s)—contd.****Ministry of Food—**

Motion to reduce the Demand—Food shortage and Policy. 1622-23.

Stationery and Printing. 1326-29.**Survey of India. 1622-23.****Zoological Survey. 1622-23.****Election of — to National Food and Agriculture Organisation Liaison Committee. 2245.****Election of — to Standing Committee for Ministry of Food. 1911.****Election of — to Standing Committee for Ministry of Works, Mines and Powers. 2089.****RAO, SHRI M. TIRUMALA—****Banking Companies Bill—**

Consideration of Clauses. 548, 573.
Motion to pass as amended. 597-600.

Budget, General—

General discussion. 1068-71.

Demand(s) for Grant(s)—

External Affairs. 1251-52.
Industries and Supplies. 1267.
Ministry of External Affairs and Commonwealth Relations. 1251-52
Ministry of Industry and Supply. 1267.
Salt. 1267.
Tribal Areas. 1251-52.

Demand(s) for Supplementary Grant(s)—

Delhi. 2156-61.
Delhi Transport Service. 2156-61.
External Affairs. 2181, 2186.
Ministry of External Affairs and Commonwealth Relations. 2181, 2186.
Tribal Areas. 2181, 2186.

Budget, Railways—

General discussion. 690-91.

Demand for Grant—Railway Board—

Motion to reduce the Demand—Insufficient provision of amenities to passengers. 748-51, 769, 771.

Demand(s) for Supplementary Grant(s)—

Appropriation to Depreciation Fund. 959-61, 967.
Audit. 959-61, 967.
Construction of New Lines. 959-61, 967.
Miscellaneous Expenditure. 959-61, 967.
Open Line Works—Additions. 959-61, 967.
Payments to Indian States and Companies. 959-61, 967.
Railway Board. 959-61, 967.

Withdrawal from Reserve. 959-61, 967.

Working Expenses—Administration. 959-61, 967.

Working Expenses—Miscellaneous Expenses. 959-61, 967.

Working Expenses—Operating Staff. 959-61, 967.

Working Expenses—Operation (Fuel). 959-61, 967.

Working Expenses—Repairs and Maintenance. 959-61, 967.

Cinematograph (Amendment) Bill. 2531.**Election of — to Committee to review the working of the Railway Convention. 2291.****Election of — to Standing Committee for Ministry of External Affairs. 1911.****Election of — to Standing Finance Committee for Railways. 2140.****Essential Supplies (Temporary Powers) (Amendment) Bill—**

Motion to consider. 2360, 2362.
Consideration of clauses. 2367.
Motion to pass as amended. 2375-76.

Hindu Code—

Motions to consider as reported by the Select Committee to re-circulate and to re-commit to Select Committee. 1010.

Point of order on the motion to consider as reported by the Select Committee. 618.

RAO, SHRI M. TIRUMALA—contd.**Indian Finance Bill—**

Motion to refer to Select Committee. 1711-12, 1725-28.

Motion to consider as reported by Select Committee. 2068.

Motion re—

Election to Committee to review convention re separation of Railway from General Finance. 2207.

Election to Standing Advisory Committees. 1763.

Protective Duties (Miscellaneous Provisions) Bill. 1823-24, 1838-40.

Railways (Transport of Goods) Amendment Bill—

Motions to consider and to pass. 1782.

Resolution re—

Failure of Grow More Food Campaign. 131, 152-55.

Serving of Rice in Non-vegetarian Hotels. 131, 152-55.

Tea Committee for India Bill. 1906.

RAO, SHRI S. V. KRISHNAMOORTHY—

Banking Companies Bill. 369, 501, 512-13, 543, 583.

Budget, General—**Demand(s) for Grant(s)—**

Commercial Intelligence and Statistics. 1380-83.

Joint-Stock Companies. 1380-83.

Lighthouses and Lightships. 1380-83.

Ministry of Commerce. 1380-83.

Ministry of Industry and Supply. 1278-81.

Ministry of Works, Mines and Power. 1326-29.

Ports and Pilotage. 1380-83.

Salt. 1278-81.

Chartered Accountants Bill—

Motions to consider as reported by Select Committee and to pass as amended. 2556-57.

Code of Civil Procedure (Amendment) Bill—2553.

Election of — to Standing Committee for Ministry of External Affairs. 1911.

Election of — to Standing Finance Committee. 2090.

Essential Supplies (Temporary Powers Amendment) Bill. 2353-55, 2365, 2371-73.

Indian Finance Bill—

Motion to consider as reported by Select Committee. 2071.

Indian Tea Control (Amendment) Bill. 2506.

Loan from International Monetary Fund. 6.

Merchant Shipping Laws (Extension to Acceding States and Amendment) Bill. 2468-69.

Nomination of — to Committee on Petitions. 477.

Nomination of — to Panel of Chairmen. 477.

Protective Duties (Miscellaneous Provisions) Bill. 1865.

Public Companies (Limitation of Dividends) Bill—

Motions to consider and refer to Select Committee. 214.

Seaward Artillery Practice Bill. 249, 251-52, 254-57.

RAO, SHRI V. C. KESAVA—**Budget, General—**

General discussion. 1100-01.

Demand(s) for Grant(s)—

Ajmer-Merwara. 1476-77.

Andaman and Nicobar Islands. 1476-77.

Cabinet—

Motion to reduce the Demand—Policy re subversive Organisations. 1476-77.

Census. 1476-77.

Civil Defence. 1476-77.

Delhi. 1476-77.

Ministry of Home Affairs—

Motion to reduce the Demand—Policy re Military or semi-Military Organisations established by Provincial Governments. 1476-77.

RAO, SHRI V. C. KESAVA—contd.**Budget, General—contd.****Demand(s) for Grant(s)—contd.**

Panth Piploda. 1476-77.

Police. 1476-77.

Election of — to Standing Committee for Ministry of Education. 2039.

Election of — to Standing Committee for Ministry of Labour. 1998.

RAY, SHRIMATI RENUKA—

Banking Companies Bill. 385.

Budget, General—

General discussion. 1079-83.

Election of — to Standing Committee for Ministry of External Affairs. 1911.

Election of — to Standing Committee for Ministry of Labour. 2545.

Election of — to Standing Finance Committee. 2090.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 841, 849-51, 857, 864, 884, 891, 899, 903, 925-29, 995, 997-99, 1010, 1020-21, 1025.

Resolution re—

Failure of Grow More Food Campaign. 133-35.

Serving of rice in Non-vegetarian hotels. 133-35.

REDDY, SHRI H. R. GURUV—**Budget, General—****Demand(s) for Grant(s)—**

Agriculture. 1625-26.

Archaeology. 1556.

Botanical Survey. 1625-26.

Capital Outlay on Forests. 1625-26.

Civil Veterinary Services. 1625-26.

Education—

Motion to reduce the Demand—Transfer of the colleges in Delhi to the University Area. 1556.

Forest. 1625-26.

Indian Dairy Department. 1625-26.

Ministry of Agriculture—

Motion to reduce the Demand—Co-ordination with Provinces and failure to meet shortage of food. 1625-26.

Stoppage of foodgrain import from foreign countries. 1625-26.

Ministry of Education. 1556.

Ministry of Food—

Motion to reduce the Demand—Food shortage and policy. 1625-26.

Other Scientific Departments. 1556. ...

Survey of India. 1625-26.

Zoological Survey. 1625-26.

Election of — to Standing Committee for Ministry of States. 2089.

REGISTRATION (AMENDMENT) BILL—

See "Indian —" under "Bill(s)".

REGISTRATION OF FOREIGNERS ACT—

Declarations of Exemptions under the —, 1939-laid on the Table. 431-33.

REGISTRATION OF FOREIGNERS (AMENDMENT) BILL—

See "Bill(s)".

REHABILITATION—

Motion re Relief and — situation. 1911-61.

REHABILITATIONS FINANCE ADMINISTRATION—

Report of — for half year ending 31st December 1948—laid on the Table. 1639-41.

RELATIONS WITH INDIAN STATES—

Demand for Grant. 1488-1506.

Demand for Supplementary Grant. 2195.

RELIEF AND REHABILITATION, MINISTRY OF—

Demand for Grant. 1638.
Demand for Supplementary Grant. 2192.
Election to Standing Committee for —. 2039.

REPEALING AND AMENDING BILL—

See "Bill(s)".

RESETTLEMENT AND DEVELOPMENT—

Demand for Grant. 1403-47.

RESERVE BANK (TRANSFER TO PUBLIC OWNERSHIP) BILL—

See "Bill(s)".

RESETTLEMENT OF DISPLACED PERSONS (LAND ACQUISITION) BILL—

See "Bill(s)".

RESOLUTION(S)—

Census of Assam, West Bengal and East Punjab—withdrawn. 107-11.
Extension of period mentioned in sections 2 and 3 of India (Central Government and Legislature) Act, 1946, as adapted. 1784-1805.
Failure of Grow More Food Campaign withdrawn. 111-56, 159-209.
Serving of rice in non-vegetarian hotels withdrawn. 111-56, 159-209.

REQUISITIONING—

Resolution *re*—

Extension of period mentioned in Section 2 and 3 of India (Central Government and Legislature) Act, 1946, as adapted. 1784-1805.

RICE—

Resolution *re* serving of rice in non-vegetarian hotels. 111-56, 159-209.

ROAD(S)—

Election to Standing Committee for —. 2140, 2245.

ROAD TRANSPORT AUTHORITY BILL—

See "Delhi —" under "Bill(s)".

ROY, SHRI KIRAN SHANKAR—

Condolence on the death of —. 675.

RUBBER (PRODUCTION AND MARKETING) AMENDMENT BILL—

See "Bill(s)".

RULES OF PROCEDURE—

Committee to examine — and conduct of Business. 107.

RULING(S)—

— by Mr. Speaker (The Honourable Mr. G. V. Mavalankar)—

Adjournment, Motion(s) for—

Referring to the notice of a Motion for the adjournment of the Business of the House given by Maulana Hasrat Mohani Mr. Speaker observed that the motion was couched in such language, and grouped together so many subjects, that it contravened all possible rules. In future all such motions which are against the rules will not be amended and will not even be mentioned in the House. 2484.

During the course of a Debate Pandit Balkrishna Sharma addressed Prof. K. T. Shah as "cantankerous crank" on which Shreematty Annie Mascarene raised a point of order. Mr. Speaker observed that "cantankerous" was not unparliamentary and for the word "crank" he was not sure. 2055.

Hindu Code—

On a point of order by Pandit Thakur Das Bhargava, on the motion to consider the Hindu Code as reported by Select Committee, Mr. Speaker ruled: on the facts, as disclosed by records, I am clear that the Select Committee had given full and due consideration to the substantive provisions of the Bill that was referred to them and the motion is competent and in order. 618-21.

RULING(S)—*contd*

— by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar)—

Hindu Code—

On a point of order as to the rights and privileges of the Members of the House, raised by Shri Jaspat Roy Kapoor on the motion to consider the Hindu Code as reported by Select Committee Mr. Deputy-Speaker ruled that the Assembly being a sovereign legislature could pass any legislation. To another point of order by the same Member he further ruled that so far as the Chair and the House are concerned, since no direction had been given debarring certain Members from attending the Assembly the House is competent to pass the legislation in their absence. 822.

On a point of order raised by Shri V. S. Sarwate that for purposes of the Hindu Code the provision regarding publication as laid down in Rule 20 have not been satisfied and secondly as the states that have been merged or have acceded to the Indian Union do not have any representation in this House, the House is not competent to legislate for them, Mr. Deputy-Speaker ruled out the point of order on the grounds that the scope of the Bill was confined only to the Provinces of India and it was highly problematic whether it would be extended to the acceding states. It was also not obligatory to send the Bill for circulation unless a motion was accepted by the House. 823.

On a point of order raised by Shri B. Das against Mr. Naziruddin's amendment for re-circulation of Hindu Code as reported by Select Committee, Mr. Deputy-Speaker ruled that there was no such precedent when such amendments for re-circulation have been ruled out of order as dilatory and as such he would not like to throttle to discussion and allowed the amendment. 848-49.

S

SAHU, SHRI LAKSHMINARAYAN—

Banking Companies Bill. 509-10, 535, 588-90.

Budget, General—

Demand(s) for Grant(s)—

Agriculture. 1604-05.

Audit. 1418-22.

Aviation. 1597-98.

Botanical Survey. 1604-05.

Capital Outlay on Civil Aviation. 1597-98.

Capital Outlay on Currency. 1418-22.

Capital Outlay on Development. 1418-22.

Capital Outlay on Forests. 1604-05.

Capital Outlay on India Security Press. 1418-22.

Capital Outlay on Indian Posts and Telegraphs (not met from Revenue). 1597-98.

Capital Outlay on Industrial Development. 1418-22.

Capital Outlay on Mints. 1418-22.

Capital Outlay on Schemes of State Trading. 1418-22.

Central Excise Duties. 1418-22.

Civil Veterinary Services. 1604-05.

Commuted Value of Pensions. 1418-22.

Currency. 1418-22.

Customs. 1418-22.

Forests. 1604-05.

Grants-in-aid to Provincial Governments. 1418-22.

Inadian Dairy Department. 1604-05.

Indian Posts and Telegraphs Department (including Working Expenses). 1597-98.

Indian Posts and Telegraphs—Stores Suspense (not met from Revenue). 1597-98.

Industries and Supplies. 1284-89.

Interest Free and Interest Bearing Advances. 1418-22.

Meteorology. 1597-98.

Ministry of Agriculture—

Motion to reduce the Demand—

Co-ordination with provinces and failure to meet shortage of food. 1604-05.

Stoppage of foodgrains import from foreign countries. 1604-05.

Ministry of Communications—

Motion to reduce the Demand—Proposed increase in postal rates. 1597-98.

Ministry of Finance. 1418-22.

SAHU, SHRI LAKSHMINARAYAN—contd.**Budget, General—contd.****Demand(s) for Grant(s)—contd.****Ministry of Food—**

Motion to reduce the Demand—Food shortage and policy. 1604-05.
Ministry of Industry and Supply. 1284-89.

Ministry of Labour—

Motion to reduce the Demand—Unity of Trade Union organisations. 1557-61, 1574.
Mint. 1418-22.

Miscellaneous. 1418-22.

Miscellaneous Adjustments between the Central and Provincial Governments. 1418-22.
Miscellaneous Departments. 1418-22.

Opium. 1418-22.

Overseas Communication Services. 1597-98.

Payments to Government of Pakistan for unique Institutions. 1418-22.

Payments to other Governments, Departments etc., on account of the Administration of Agency Subjects and Management of Treasuries. 1418-22.

Payments to Retrenched Personnel. 1418-22.

Pre-Partition Payments. 1418-22.

Provincial Excise. 1418-22.

Resettlement and Development. 1418-22.

Salt. 1284-89.**Stamps. 1418-22.**

Superannuation Allowances and Pensions. 1418-22.

Survey of India. 1604-05.

Taxes on income including Corporation Tax. 1418-22.

Telephone, factory. 1597-98.

Territorial and Political Pensions. 1418-22.

Zoological Survey 1604-05.**Demand(s) for Supplementary Grant(s)—**

External Affairs. 2174-80.

Ministry of External Affairs and Commonwealth Relations. 2174-80.

Tribal Areas. 2174-80.**Child Marriage Restraint (Amendment) Bill—**

Motion to consider as reported by the Select Committee. 2310-14.

Cinematograph (Amendment) Bill. 2532-37.**Delhi Hotels (Control of Accommodation) Bill—**

Motions to consider and to pass. 2491-95, 2497.

Election of — to Standing Committee for Ministry of Education. 2039.

Hindu Marriages Validity Bill—

Motions to consider as reported by the Select Committee and to pass as amended. 2340.

Indian Finance Bill—

Motion to refer to Select Committee. 1669-73, 1707.

Consideration of clauses. 2116, 2118-21, 2123, 2132.

Influx from Pakistan (Control) Bill. 2478-79.

Merchant Shipping Laws (Extension to Acceding States and Amendment) Bill. 2464-68.

Protective Duties (Miscellaneous Provisions) Bill. 1829, 1844-48.**Railways (Transport of Goods) Amendment Bill—**

Motions to consider and to pass. 1782.

Tea Committee for India Bill—

Motion to consider as reported by Select Committee. 1877-80.

Consideration of clauses. 1888, 90, 1892-93, 1899, 1905.

SAKSENA, PROF. SHIBBAN LAL—**Banking Companies Bill. 365, 380-81.****Budget, General—****Demand(s) for Grant(s)—**

Ajmer—Merwara. 1468-71.

Andaman and Nicobar Islands. 1468-71.

Audit. 1434-36.

Aviation. 1598.

SAKSENA, PROF. SHIBBAN LAL—**Budget, General—contd.****Demand(s) for Grant(s)—contd.****Cabinet—**

Motion to reduce the Demand—Policy re subversive organisations. 1468-71.

Capital Outlay on Civil Aviation. 1598.

Capital Outlay on Currency. 1434-36.

Capital Outlay on Development. 1434-36.

Capital Outlay on India Security Press. 1434-36.

Capital Outlay on Indian Posts and Telegraphs (not met from Revenue). 1598.

Capital Outlay on Industrial Development. 1434-36.

Capital Outlay on Mints. 1434-36.

Capital Outlay on Schemes of State Trading. 1434-36.

Census. 1468-71.

Central Excise Duties. 1434-36.

Civil Defence. 1468-71.

Commercial Intelligence and Statistics. 1386-89.

Commuted Value of Pensions. 1434-36.

Currency. 1434-36.

Customs. 1434-36.

Delhi. 1468-71.

Grants-in-aid to Provincial Governments. 1434-36.

Indian Posts and Telegraphs Department (including Working expenses). 1598.

Indian Posts and Telegraphs—Stores suspense (not met from Revenue) 1598.

Interest Free and Interest Bearing Advances. 1434-36.

Jails and Convict Settlements. 1468-71.

Joint-Stock Companies. 1386-89.

Lighthouses and Lightships. 1386-89.

Meteorology. 1598.

Ministry of Commerce. 1386-89.

Ministry of Communications—

Motion to reduce the Demand—Proposed increase in postal rates. 1598.

Ministry of Finance. 1434-36.

Ministry of Home Affairs—

Motion to reduce the Demand—Policy re—military or semi-military organisations established by Provincial Governments. 1468-71.

Ministry of Labour—

Motion to reduce the Demand—Unity of Trade Union Organisations. 1563-64.

Mint. 1434-36.

Miscellaneous. 1434-36.

Miscellaneous adjustments between the Central and Provincial Governments. 1434-36.

Miscellaneous Departments. 1434-36.

Opium. 1434-36.

Overseas Communication Service. 1598.

Panth Piploda. 1468-71.

Payments to Government of Pakistan for unique Institutions. 1434-36.

Payments to other Governments, Departments, etc., on account of administration of

Agency Subjects and Management of Treasuries. 1434-36.

Payments to Retrenched Personnel. 1434-36.

Police. 1468-71.

Ports and Pilotage. 1386-89.

Pre-Partition Payments. 1434-36.

Provincial Excise. 1434-36.

Resettlement and Development. 1434-36.

Stamps. 1434-36.

Superannuation Allowances and Pensions. 1434-36.

Taxes on Income including Corporation Tax. 1434-36.

Telephone Factory. 1598.

Territorial and Political Pensions. 1434-36.

Child Marriage Restraint (Amendment) Bill—

Motion to consider as reported by Select Committee. 2307-09.

Election of — to Central Advisory Board of Archaeology. 2431.

Election of — to Central Advisory Council for Railways. 2140.

Election of — to Committee on Public Accounts. 2090.

Essential Supplies (Temporary Powers) (Amendment) Bill. 2355-57.

SAKSENA, PROF. SHIBBAN LAL—*contd.*

Indian Finance Bill—

- Motion to refer to Select Committee. 1722-25.
- Merchant Shipping Laws (Extension to Acceding States and Amendment) Bill—
- Motions to consider and to pass as amended. 2468.
- Motion for adjournment *re fast* by —. 675.
- Motion *re* Relief and Rehabilitation situation. 1959.
- Protective Duties (Amendment) Bill. 262.
- Protective Duties (Miscellaneous Provisions) Bill. 1811-16, 1828, 1869-72.
- Railways (Transport of Goods) Amendment Bill. 1777-80.
- Resolution *re*—
- Extension of period mentioned in sections 2 and 3 of India (Central Government and Legislature) Act, 1946 as adapted. 1794.
- Seaward Artillery Practice Bill. 251.
- United Provinces Provincial Armed Constabulary (Extension of Laws) Bill. 245-46.

SAKSENA, THE HONOURABLE SHRI MOHAN LAL—

Displaced Persons (Legal Proceedings) Bill—

- Motions to consider and to pass as amended. 2502-04.
- Influx from Pakistan (Control) Bill—
- Motion for leave to introduce. 2246.
- Motion to consider and to pass as amended. 2470, 2475-80.
- Motion *re* Relief and Rehabilitation situation. 1911-17, 1942, 1954-61.

SALT—

- Demand for Grant. 1265-1314.
- Notifications under the Central Excises and Salt Act, 1944—laid on the Table. 873-76.

SAMANTA, SHRI SATIS CHANDRA—

Budget, General—

- Demand(s) for Grant(s)—
- Central Road Fund. 1577-78.
- Commercial Intelligence and Statistics. 1379-80.
- Delhi Transport Service. 1577-78.
- Joint Stock Companies. 1379-80.
- Lighthouses and Lightships. 1379-80.
- Ministry of Commerce. 1379-80.
- Ministry of Transport. 1577-78.
- Ports and Pilotage. 1379-80.

Budget, Railways—

- Demand for Grant—Railway Board—
- Motion to reduce the Demand—Insufficient provision of amenities to passengers. 754-56.
- Election of — to National Food and Agriculture Organisation Liaison Committee. 2245.
- Election of — to Standing Committee for Ministry of Agriculture. 1996.
- Election of — to Standing Committee for Ministry of Transport (others than Roads). 2039.

SANKAR, SHRI S.—

Budget, Railways—

- General discussion. 708-10.
- Election of — to Committee on Public Accounts. 2090.

SANTHANAM, THE HONOURABLE SHRI K.—

Banking Companies Bill. 513.

Bombay Port Trust (Amendment) Bill—

- Motion for leave to introduce. 1641.
- Motion to consider and to pass. 2508, 2510.

Budget, General—

- Demand(s) for Grant(s)—
- Central Road Fund. 1581-82.
- Delhi Transport Service. 1581-82.
- Ministry of Transport. 1581-82.
- Demand(s) for Supplementary Grant(s)—
- Delhi. 2160-62.
- Delhi Transport Service. 2160-62.

SANTHANAM, THE HONOURABLE SHRI K.—*contd.*

Budget, Railways—

- General discussion. 635, 657, 660, 687-95, 703.
- Demand for Grant—Railway Board—
- Motion to reduce the Demand—
- General administration with particular reference to economy. 796-815.
- General corruption on Railway. 744-47.
- Insufficient provision of amenities to passengers. 768-71.
- Demand(s) for Supplementary Grant(s)—

- Audit. 959, 962.
- Appropriation to Depreciation Fund. 959, 962.
- Construction of New Lines. 959, 962.
- Miscellaneous Expenditure. 959, 962.
- Open Line Works—Additions. 959, 962.
- Payments to Indian States and Companies. 959, 962.
- Withdrawal from Reserve. 959, 962.
- Railway Board. 959, 962.
- Working Expenses—Administration. 959, 962.
- Working Expenses—Miscellaneous Expenses. 959, 962.
- Working Expenses—Operating Staff. 959, 962.
- Working Expenses—Operation (Fuel). 959, 962.
- Working Expenses—Repairs and Maintenance. 959, 962.

Chartered Accountants Bill—

- Motions to consider as reported by Select Committee and to pass as amended. 2557, 2559.

Delhi Road Transport Authority Bill—

- Motion for leave to introduce. 2435-36.

Hindu Code—

- Point of Order on motion to consider as reported by the Select Committee. 616-17.

Indian Finance Bill—

- Motion to refer to Select Committee. 1712.

Indian Railways (Amendment) Bill—

- Motion for leave to introduce. 2245-46.
- Motion to refer to Select Committee. 2512.

Motion *re*—

- Election to Standing Committee for Roads. 2140.
- Report of Indian Railway Enquiry Committee. 2025.

Payment of Taxes (Transfer of Property) Bill—

- Motions to consider and to refer to Select Committee. 36.

Railways (Transport of Goods) Amendment Bill—

- Motions to consider and to pass. 1772-73, 1780-83.

SAPRU, DR. TEJ BAHADUR—

- Condolence on the death of —. 1-3.

SARWATE, SHRI V. S.—

Budget, Railways—

Demand for Grant—Railway Board—

- Motion to reduce the Demand—General administration with particular reference to economy. 773, 784-87.

Child Marriage Restraint (Amendment) Bill—

- Motions to consider as reported by the Select Committee and to pass as amended. 2896, 2316-17, 2332.

Election of — to Standing Committee for Ministry of Commerce. 1859.

Election of — to Standing Committee for Ministry of States. 2089.

Hindu Code—

- Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 822-23, 852, 929-34.

Tea Committee for India Bill—

- Motion to refer to Select Committee. 219.

SATISH CHANDRA, SHRI—**Budget, General—****Demand(s) for Grant(s)—**

Agriculture. 1611-13.
 Botanical Survey. 1611-13.
 Capital Outlay on Civil Works. 1348-50.
 Capital Outlay on Forests. 1611-13.
 Civil Veterinary Services. 1611-13.
 Civil Works. 1348-50.
 Delhi Capital Outlay. 1348-50.
 Forest. 1611-13.
 Geological Survey. 1348-50.
 Indian Dairy Department. 1611-13.
 Irrigation (including working expenses), Navigation, Embankment and Drainage Works—met from Revenue. 1348-50.
 Mines. 1348-50.

Ministry of Agriculture—**Motion to reduce the Demand—**

Co-ordination with Provinces and failure to meet shortage of food. 1611-13.
 Stoppage of foodgrains import from foreign countries. 1611-13.

Ministry of Food—**Motion to reduce the Demand—food shortage and policy. 1611-13.**

Ministry of Works, Mines and Power. 1348-50.
 Stationery and Printing. 1348-50.
 Survey of India. 1611-13.
 Zoological Survey. 1611-13.

Budget, Railways—**General discussion. 671-73.**

Election of — to Central Advisory Council for Railways. 2140.
 Election of — to Standing Committee for the Department of Scientific Research. 2090.

SATAYANARAYANA, SHRI MOTURI—**Banking Companies Bill—**

Motion to consider as reported by Select Committee. 340-42.

Budget, General—**Demand(s) for Grant(s)—**

Audit. 1424-26.
 Capital Outlay on Currency. 1424-26.
 Capital Outlay on Development. 1424-26.
 Capital Outlay on India Security Press. 1424-26.
 Capital Outlay on Industrial Development. 1424-26.
 Capital Outlay on Mints. 1424-26.
 Capital Outlay on Schemes of State Trading. 1424-26.
 Central Excise Duties. 1424-26.
 Central Road Fund. 1575-76.
 Commuted Value of Pensions. 1424-26.
 Currency. 1424-26.
 Customs. 1424-26.
 Delhi Transport Service. 1575-76.
 Grants-in-aid to Provincial Governments. 1424-26.
 Interest Free and Interest Bearing Advances. 1424-26.
 Ministry of Finance. 1424-26.
 Ministry of Transport. 1575-76.
 Mints. 1424-26.
 Miscellaneous. 1424-26.
 Miscellaneous Adjustments between the Central and Provincial Governments. 1424-26.
 Miscellaneous Departments. 1424-26.
 Opium. 1424-26.
 Payments to Government of Pakistan for unique Institutions. 1424-26.
 Payments to other Governments, Departments etc., on account of Administration of Agency Subjects and Management of treasuries. 1424-26.
 Payments to Retrenched Personnel. 1424-26.
 Pre-Partition Payments. 1424-26.
 Provincial Excise. 1424-26.
 Resettlement and Development. 1424-26.

SATAYANARAYANA, SHRI MOTURI—contd.**Budget, General—contd.****Demand(s) for Grant(s)—contd.**

Stamps. 1424-26.
 Superannuation Allowances and Pensions. 1424-26.
 Taxes on Income including Corporation Tax. 1424-26.
 Territorial and Political Pensions. 1424-26.

Budget, Railways—

General discussion. 646-49.
 Cinematograph (Amendment) Bill. 2524-26, 2549.
 Election of — to Central Advisory Council for Railways. 2140.
 Election of — to Standing Committee for Ministry of Education. 2039.

SCHEDULED SECURITIES (HYDERABAD) BILL—

See "Bill(s)".

SCHOOL OF MINES, INDIAN—

Report of — laid on the Table. 1067.

SCIENTIFIC RESEARCH, DEPARTMENT OF—

Election to Standing Committee for —. 2089-90.

SEAWARD ARTILLERY PRACTICE BILL—

See "Bill(s)".

SEN, DR. P. K.—**Budget, Railways—****Demand(s) for Grant(s)—**

Ajmer-Merwara. 1468-69.
 Andaman and Nicobar Islands. 1468-69.

Cabinet—

Motion to reduce the Demand—Policy re subversive organisations. 1468-69.

Census. 1468-69.

Civil Defence. 1468-69.

Delhi. 1468-69.

Jails and Convicts Settlements. 1468-69.

Ministry of Home Affairs—

Motion to reduce the Demand—Policy re Military or Semi-Military Organisations established by Provincial Governments. 1468-69.

Panth Piploda. 1468-69.

Police. 1468-69.

Election of — to Standing Committee for Ministry of Health. 1911.

Essential Supplies (Temporary Powers) (Amendment) Bill. 2346-47.

SERVICES (PREVENTION OF STRIKES) BILL—

See "Essential —" under "Bill(s)".

SETH, SHRI DAMODER SWARUP—

Election of — to Standing Committee for Ministry of Labour. 1998.

SHAFI DAUDI, MR. M.—

Condolence on the death of —. 1-3.

SHAH, PROF. K. T.—**Banking Companies Bill—**

Motion to consider as reported by Select Committee. 289-303.

Consideration of Clauses. 359-62, 363-64, 370-71, 375, 378-80, 382-86, 439-40, 444, 448, 451-57, 464-65, 469, 475, 478-80, 483-90, 496-97, 595-96.

Motion to pass, as amended. 600-04.

Budget, General—

General discussion. 1045-50.

Demand(s) for Grant(s)—

Capital Outlay on Civil Works. 1341-43.
 Civil Works. 1341-43.
 Delhi Capital Outlay. 1341-43.

SHAH, PROF. K. T.—contd.**Budget, General—contd.****Demand(s) for Grant(s)—contd.**

Geological Survey. 1341-43.

Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works—met from Revenue. 1341-43.

Mines. 1341-43.

Ministry of Works, Mines and Power. 1341-43.

Stationery and Printing. 1341-43.

Election of — to Committee on Public Accounts. 347, 2090.

Governor-General's Salary (Exemption from Taxation) Bill—

Motions to consider and to pass. 2005-08.

Indian Finance Bill—

Motion to consider as reported by Select Committee. 249-55.

Consideration of Clauses. 2122-26.

Indian Tariff (Second Amendment) Bill. 82-85.

Industries (Development and Control) Bill—

Motion to refer to Select Committee. 2400-13, 2427.

Public Companies (Limitation of Dividends) Bill—

Motion to consider and refer to Select Committee. 214-16.

SHAH, SHRI CHIMANLAL CHAKUBHAI—

Election of — to Standing Committee for Ministry of Law. 2039.

SHARMA, PANDIT BALKRISHNA—

Election of — to Standing Committee for Ministry of Home Affairs. 2089.

Election of — to Standing Committee for Ministry of Information and Broadcasting. 1998.

Election of — to Standing Finance Committee for Railways. 2140.

Indian Finance Bill—

Motion to consider as reported by Select Committee. 2054-55, 2068.

Motion re Information and Broadcasting. 1965-69, 1988, 1994.

Tea Committee for India Bill. 1885.

SHARMA, SHRI KRISHNA CHANDRA—

Banking Companies Bill. 542, 552, 556-67, 570, 588.

Budget, General—

General discussion. 1065-66.

Demand(s) for Grant(s)—

Audit. 1438-40.

Capital Outlay on Currency. 1438-40.

Capital Outlay on Development. 1438-40.

Capital Outlay on India Security Press. 1438-40.

Capital Outlay on Industrial Development. 1438-40.

Capital Outlay on Mints. 1438-40.

Capital Outlay on Schemes of State Trading. 1438-40.

Central Excise Duties. 1438-40.

Commercial Intelligence and Statistics. 1374-75.

Commuted Value of Pensions. 1438-40.

Currency. 1438-40.

Customs. 1438-40.

Grants-in-aid to Provincial Governments. 1438-40.

Interest Free and Interest bearing Advances. 1438-40.

Joint-Stock Companies. 1374-75.

Lighthouses and Lightships. 1374-75.

Ministry of Commerce. 1374-75.

Ministry of Finance. 1438-40.

Mint. 1438-40.

Miscellaneous. 1438-40.

Miscellaneous Adjustments between the Central and Provincial Governments. 1438-40.

Miscellaneous Departments. 1438-40.

Opium. 1438-40.

Payments to Government of Pakistan for Unique Institutions. 1438-40.

SHARMA SHRI KRISHNA CHANDRA—contd.**Budget, General—Contd.****Demand(s) for Grant(s)—contd.**

Payments to other Governments, Departments etc., on account of the Administration of Agency Subjects and Management of Treasuries. 1438-40.

Payments to Retrenched Personnel. 1438-40.

Ports and Pilotage. 1374-75.

Pre-Partition Payments. 1438-40.

Provincial Excise. 1438-40.

Resettlement and Development. 1438-40.

Stamps. 1438-40.

Superannuation Allowances and Pensions. 1438-40.

Taxes on Income including Corporation Tax. 1438-40.

Territorial and Political Pensions. 1438-40.

Budget, Railways—**Demand for Grant—Railway Board—****Motion to reduce the Demand—**

General corruption on Railway. 738-40.

Election of — to Committee on Public Accounts. 2090.

Election of — to Standing Committee for Roads. 2245.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 858, 865, 1020.

SHASTRI, SHRI HARIHAR NATH—**Budget, General—**

General discussion. 1105-07.

Demand(s) for Grant(s)—

Audit. 1415.

Capital Outlay on Currency. 1415.

Capital Outlay on Development. 1415.

Capital Outlay on India Security Press. 1415.

Capital Outlay on Industrial Development. 1415.

Capital Outlay on Mints. 1415.

Capital Outlay on Schemes of State Trading. 1415.

Central Excise Duties. 1415.

Commuted Value of Pensions. 1415.

Currency. 1415.

Customs. 1415.

External Affairs. 1242-44.

Grants-in-aid to Provincial Governments. 1415.

Interest Free and Interest bearing Advances. 1415.

Ministry of External Affairs and Commonwealth Relations. 1242-44.

Ministry of Finance. 1415.

Ministry of Labour—

Motion to reduce the Demand—Unity of Trade Union Organisations. 1558, 1560-63.

Mint. 1415.

Miscellaneous. 1415.

Miscellaneous Adjustments between the Central and Provincial Governments. 1415.

Miscellaneous Departments. 1415.

Opium. 1415.

Payments to Government of Pakistan for unique Institutions. 1415.

Payments to other Governments, Departments, etc., on account of the Administration of Agency Subjects and Management of Treasuries. 1415.

Payments to Retrenched Personnel. 1415.

Pre-Partition Payments. 1415.

Provincial Excise. 1415.

Resettlement and Development. 1415.

Stamps. 1415.

Superannuation Allowances and Pensions. 1415.

Taxes on Income including Corporation Tax. 1415.

Territorial and Political Pensions. 1415.

Tribal Areas. 1242-44.

SHASTRI, SHRI HARIHAR NATH—contd.**Budget, Railways—**

General discussion. 640-43.

Coal Mines Labour Welfare Fund (Amendment) Bill. 2513.

Election of — to Standing Committee for Ministry of Labour. 1998.

Election of — to Standing Committee for Ministry of Works, Mines and Power. 2089.

Industries (Development and Control) Bill—

Motion to refer to Select Committee. 2395-98.

Motion re—

Report of Indian Railway Enquiry Committee. 2028.

SHIPPING LAWS (EXTENSION TO ACCEDING STATES AND AMENDMENT) BILL—

See "Merchant ——" under "Bill(s)".

SIDDALINGAIYA, SHRI T.—

Election of — to Standing Committee for Ministry of States. 2089.

SIDDAVEERAPPA, SHRI H.—**Budget, General—**

General discussion. 1102-03.

Demand(s) for Grant(s)—

Agriculture. 1618-19.

Botanical Survey. 1618-19.

Capital Outlay on Forests. 1618-19.

Civil Veterinary Services. 1618-19.

Forests. 1618-19.

Indian Dairy Department. 1618-19.

Ministry of Agriculture—**Motion to reduce the Demand—**

Co-ordination with Provinces and failure to meet shortage of food. 1618-19.

Stoppage of Food Grains import from foreign countries. 1618-19.

Ministry of Food—

Motion to reduce the Demand—Food shortage and policy. 1618-19.

Survey of India. 1618-19.

Zoological Survey. 1618-19.

Election of — to Standing Committee for Ministry of Agriculture. 1996.

Hindu Code—

Motions to consider as reported by the Select Committee, to re-circulate and to re-commit to Select Committee. 953-56.

SIDHVA, SHRI R. K.—**Banking Companies Bill—**

Motion to consider as reported by the Select Committee. 344-45, 348-52.

Consideration of clauses. 480, 511, 584.

Bombay Port Trust (Amendment) Bill. 2509-11.

Budget, General—

General discussion. 1081-82.

Demand(s) for Grant(s)—

Audit. 1443, 1445.

Aviation. 1594, 1596, 1598.

Capital Outlay on Civil Aviation. 1594, 1596, 1598.

Capital Outlay on Civil Works. 1360.

Capital Outlay on Currency. 1443, 1445.

Capital Outlay on Development. 1443, 1445.

Capital Outlay on India Security Press. 1443, 1445.

Capital Outlay on Indian Posts and Telegraphs (not met from Revenue). 1594, 1596, 1598.

Capital Outlay on Industrial Development. 1443, 1445.

Capital Outlay on Mints. 1443, 1445.

Capital Outlay on Schemes of State Trading. 1443, 1445.

SIDHVA, SHRI R. K.—contd.**Budget, General—contd.****Demand(s) for Grant(s)—contd.**

Central Excise Duties. 1443, 1445.

Civil Works. 1360.

Commuted Value of Pensions. 1443, 1445.

Currency. 1443, 1445.

Customs. 1443, 1445.

Defence Capital Outlay. 1176-79, 1194, 1206, 1212.

Defence Services, Effective—Army. 1176-79, 1194, 1206, 1212.

Defence Services, Effective—Royal Indian Air Force. 1176-79, 1194, 1206, 1212.

Defence Services, Effective—Royal Indian Navy. 1176-79, 1194, 1206, 1212.

Defence Services, Non-Effective Charges. 1176-79, 1194, 1206, 1212.

Delhi Capital Outlay. 1360.

External Affairs. 1261.

Geological Survey. 1360.

Grants-in-aid to Provincial Governments. 1443, 1445.

Indian Posts and Telegraphs Department (including Working Expenses). 1594, 1596, 1598.

Indian Posts and Telegraphs—Stores Suspense (not met from Revenue). 1594, 1596, 1598.

Industries and Supplies. 1270, 1305-07.

Interest Free and Interest bearing Advances. 1443, 1445.

Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works met from Revenue. 1360.

Meteorology. 1594, 1596, 1598.

Mines. 1360.

Ministry of Communications—

Motion to reduce the Demand—Proposed increase in Postal Rates. 1594, 1596, 1598.

Ministry of Defence. 1176-79, 1194, 1206, 1212.

Ministry of External Affairs and Commonwealth Relations. 1261, 2187.

Ministry of Finance. 1443, 1445.

Ministry of Industry and Supply. 1270, 1305-07.

Ministry of Labour—

Motion to reduce the Demand—Unity of Trade Union Organisations. 1573-74.

Ministry of Works, Mines and Power. 1360.

Mint. 1443, 1445.

Miscellaneous. 1443, 1445.

Miscellaneous Adjustments between the Central and Provincial Government. 1443, 1445.

Miscellaneous Departments. 1443, 1445.

Opium. 1443, 1445.

Overseas Communications Service. 1594, 1596, 1598.

Payments to Retrenched Personnel. 1443, 1445.

Payments to other Governments, Departments, etc., on account of the Administration of Agency Subjects and Management of Treasuries. 1443, 1445.

Payments to Government of Pakistan for Unique Institutions. 1443, 1445.

Pre-Partition Payments. 1443, 1445.

Provincial Excise. 1443, 1445.

Resettlement and Development. 1443, 1445.

Salt. 1270, 1305-07.

Stamp. 1443, 1445.

Stationery and Printing. 1360.

Superannuation Allowances and Pensions. 1443, 1445.

Taxes on Income Including Corporation Tax. 1443, 1445.

Telephone Factory. 1594, 1596, 1598.

Territorial and Political Pensions. 1443, 1445.

Tribal Areas. 1261.

Demand(s) for Supplementary Grant(s)—

Defence Services, Effective—Army. 2168, 2170.

Defence Services, Effective—Supplies and Stores. 2168, 2170.

Defence Services, Non-Effective Charge. 2168, 2170.

Delhi. 2154-58.

Delhi Transport Service. 2154-58.

External Affairs. 2187.

Tribal Areas. 2187.

Budget, Railways—

General discussion. 679-83, 689, 691-92, 694, 713, 717.

SIDHVA, SHRI R. K.—*contd.*

Demand for Grant—

Railway Board—

Motion to reduce the Demand—

- General administration with particular reference to economy. 789, 818, 820.
- General corruption on Railways. 744, 746.
- Insufficient provision of amenities to passengers. 752, 768-70.

Demand(s) for Supplementary Grant(s)—

- Request for more time for the discussion. 956-57.
- Appropriation to Depreciation Fund. 961-65, 967.
- Audit. 961-65, 967.
- Construction of New Lines. 961-65, 967.
- Miscellaneous Expenditure. 961-65, 967.
- Open Line Works—Additions. 961-65, 967.
- Payments to Indian States and Companies. 961-65, 967.
- Railway Board. 961-65, 967.
- Working Expenses, Repairs and Maintenance. 961-65, 967.
- Withdrawal from Reserve. 961-65, 967.
- Working Expenses—Administration. 961-65, 967.
- Working Expenses, Miscellaneous Expenses. 961-65, 967.
- Working Expenses—Operation (Fuel). 961-65, 967.
- Working Expenses—Operating Staff. 961-65, 967.

Business of the House—

- Closing date of Assembly Session. 2341.
- Disposal of the Business of the House. 2291.
- Time table for the day's Business. 477.

Chartered Accountants Bill—

- Motions to consider as reported by Select Committee and to pass as amended. 2556, 2558-59.

Cinematograph (Amendment) Bill. 2541-42.

Code of Criminal Procedure (Amendment) Bill—

- (Amendment of Section 488). 429-30.

Delhi Hotels (Control of Accommodation) Bill—

- Motions to consider and to pass. 2484-85.

Dentists (Amendment) Bill. 430.

Election of — to Standing Committee for Ministry of Home Affairs. 2089.

Election of — to Standing Finance Committee for Railways. 2140.

Election of — to the Committee to review working of Railway Convention. 2291.

Essential Supplies (Temporary Powers) (Amendment) Bill—

- Motion to consider. 2345-46, 2352, 2362.
- Consideration of clauses. 2364-65, 2367-68, 2370-71.

Hindu Code—

- Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 843, 850, 854, 862, 909, 942, 1021.

Hindu Marriages Validity Bill—

- Extension of time for presentation of report of Select Committee. 940.

Indian Finance Bill—

- Motion to refer to Select Committee. 1643, 1701, 1716, 1721, 1725, 1734, 1740-42, 2044, 2054, 2073.

Indian Judicial Procedure Bill—

- Motion to refer to Select Committee. 413.

Indian Succession (Amendment) Bill. 2561.

Indian Tariff (Second Amendment) Bill. 62, 73-75, 91.

Industries Development and Control Bill—

- Motion to refer to Select Committee. 2413.

Influx from Pakistan (Control) Bill. 2470-71, 2474.

Loans from International Monetary Fund. 5.

Mazdoor and Manavadar (Administration of Property) Bill. 228, 238.

Merchant Shipping Laws (Extension to Acceding States and Amendment) Bill. 2462-64, 2467.

SIDHVA SHRI, K. K.—*concl'd.*

Motion re—

- Election to Committee to review Convention re separation of Railway from General Finance. 2201.
- Elections to Standing Advisory Committee. 1762-64, 1766.
- Election to Committee on Public Accounts. 1768.
- Information and Broadcasting. 1972.
- Relief and Rehabilitation situation. 1917-23, 1955.
- Report of Indian Railway Enquiry Committee. 2029-31.
- Motor Vehicles (Amendment) Bill. 415-19.
- Nomination of — to the Committee on Petitions. 477.
- Payment of Taxes (Transfer of Property) Bill—
- Motions to consider and to refer to Select Committee. 37, 45-47, 51, 54.
- Motion to consider as reported by Select Committee. 2377.
- Prevention of Free or Forced or Compulsory Labour Bill—
- Motions to refer to Select Committee and to circulate. 395-97, 406, 407.
- Protective Duties (Amendment) Bill. 261-62.
- Protective Duties (Miscellaneous Provisions) Bill—
- Motions to consider and to pass as amended. 1840-44, 1862-65, 1869.
- Public Companies (Limitation of Dividends) Bill. 104-05.
- Railways (Transport of Goods) Amendment Bill. 1775-77, 1780-83.
- Repealing and Amending Bill. 2552.

Resolution re—

- Census of Assam, West Bengal and East Punjab. 111.
- Extension of period mentioned in sections 2 and 3 of India (Central Government and Legislature) Act, 1946, as adapted. 1786-89, 1794, 1797.
- Failure of Grow More Food Campaign. 113-18, 122, 185, 209.
- Serving of rice in non-vegetarian hotels. 113-18, 122, 185, 209.
- Seaward Artillery Practice Bill. 250.
- Societies Registration (Amendment) Bill—
- Motion for leave to introduce. 430.
- Tea Committee for India Bill—
- Motion to refer to Select Committee. 223.
- Workers' Provident Fund Bill—
- Motions to refer to Select Committee and to circulate. 392-95.

SINGHANIA, SHRI PADAMPAT—

- Election of — to Standing Committee for Ministry of Commerce. 1859.

Indian Finance Bill—

- Motion to consider as reported by Select Committee. 2063-64, 2066.
- Protective Duties (Miscellaneous Provisions) Bill. 1815.

SINHA, SHRI DIP NARAYAN—

Resolution re—

- Failure of Grow More Food Campaign. 192-97.
- Serving of rice in non-vegetarian hotels. 192-97.

SINHA, THE HONOURABLE SHRI SATYANARAYAN—

Budget, General—

- Demand(s) for Grant(s)—
- Industries and supplies. 1278.
- Ministry of Industry and Supply. 1278.

Budget, Railways—

- General discussion. 657, 660.
- Demand(s) for Grant(s)—
- Procedure re cut motions. 720.
- Demand(s) for Supplementary Grant(s)—
- Appropriation to Depreciation Fund. 965.
- Audit. 965.
- Miscellaneous Expenditure. 965.

SINHA, THE HONOURABLE SHRI SATYANARAYAN—*contd.*Budget, Railways—*contd.*Demand(s) for Supplementary Grant(s)—*contd.*

- Open Line Works—Additions. 965.
- Payments to Indian States and Companies. 965.
- Railway Board. 965.
- Withdrawal from Reserve. 965.
- Working Expenses—Administration. 965.
- Working Expenses—Miscellaneous Expenses. 965.
- Working Expenses—Operating Staff. 965.
- Working Expenses—Operation (Fuel). 965.
- Working Expenses—Repairs and Maintenance. 965.
- Cinematograph (Amendment) Bill. 2539.

Essential Services (Prevention of Strikes) Bill—

Motion for leave to introduce. 876-77.

Governor-General's Salary (Exemption from Taxation) Bill—

Motion for leave to introduce. 719.

Indian Finance Bill—

Motion to refer to Select Committee. 1643.

Industries (Development and Control) Bill—

Motion for appointment of Babu Ram Narayan Singh to Select Committee. 2484.

Motion *re*—

- Election to Standing Committee for Ministry of Agriculture. 1997.
- Election to Standing Committee for Ministry of Communications. 1997.
- Election to Standing Committee for Ministry of Food. 2337.
- Election to Standing Committee for Ministry of Industry and Supply. 2483-34.
- Election to Standing Committee for Ministry of Labour. 2483.
- Information and Broadcasting. 1961.

Prevention of Free or Forced or Compulsory Labour Bill—

Motions to refer to Select Committee and to circulate. 397, 406, 407.

Public Companies (Limitation of Dividends) Bill—

Motion to consider as reported by Select Committee. 2459.

Resolution *re*—

- Failure of Grow More Food Campaign. 156.
- Serving of rice in non-vegetarian hotels. 156.

West Godavari District (Assimilation of Laws on Federal Subjects) Bill—

Motion for leave to introduce. 2343.

Workers' Provident Fund Bill—

Motions to refer to Select Committee and to circulate. 395.

SITARAMAYYA, DR. B. PATTABHI—

Banking Companies Bill. 542.

Budget, General—

General discussion. 1116-19.

Child Marriage Restraint (Amendment) Bill—

Motions to consider as reported by the Select Committee and to pass as amended. 2296-98.

Election of — to Central Committee for the Tuberculosis Association of India. 2140.

Election of — to Standing Committee for Ministry of Commerce. 1859.

SOCIETIES REGISTRATION (AMENDMENT) BILL—

See "Bill(s)".

SONDHI, SHRI B. L.—

Banking Companies Bill—

Motion to consider as reported by the Select Committee. 322, 332.

Consideration of clauses. 369, 484, 503, 507-08, 512, 542, 551, 586-87.

Budget, General—

General discussion. 1072-73, 1937-40.

SONDHI, SHRI B. L.—*contd.*Budget, General—*contd.*

Demand(s) for Grant(s)—

Archæology. 1542, 1550.

Audit. 1410.

Aviation. 1597.

Capital Outlay on Indian Posts and Telegraphs (not met from Revenue). 1597.

Capital Outlay on Civil Aviation. 1597.

Capital Outlay on Civil Works. 1322, 1330, 1342, 1346, 1359.

Capital Outlay on Currency. 1410.

Capital Outlay on Developments. 1410.

Capital Outlay on India Security Press. 1410.

Capital Outlay on Industrial Development. 1410.

Capital Outlay on Mints. 1410.

Capital Outlay on Schemes of State Trading. 1410.

Central Excise Duties. 1410.

Civil Works. 1322, 1330, 1342, 1346, 1359.

Commuted Value of Pensions. 1410.

Currency. 1410.

Customs. 1410.

Delhi Capital Outlay. 1322, 1330, 1342, 1346, 1359.

Education—

Motion to reduce the Demand—Transfer of colleges in Delhi to the university area. 1542, 1550.

Geological Survey. 1322, 1330, 1342, 1346, 1359.

Grants-in-aid to Provincial Governments. 1410.

Indian Posts and Telegraphs Department (including Working Expenses). 1597.

Indian Posts and Telegraphs—Stores Suspense (not met from Revenue). 1597.

Industries and Supplies. 1272, 1281, 1284.

Interest Free and Interest bearing Advances. 1410.

Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works—met from Revenue. 1322, 1330, 1342, 1346, 1359.

Meteorology. 1597.

Mines. 1322, 1330, 1342, 1346, 1359.

Ministry of Communications—

Motion to reduce Demand—Proposed increase in postal rates. 1597.

Ministry of Education. 1542, 1550.

Ministry of Finance. 1410.

Ministry of Industry and Supply. 1272, 1281, 1284.

Ministry of Industry and Supply. 1272, 1281, 1284.

Ministry of Works, Mines and Power. 1322, 1330, 1342, 1346, 1359.

Mint. 1410.

Miscellaneous. 1410.

Miscellaneous Adjustments between the Central and Provincial Governments. 1410.

Miscellaneous Departments. 1410.

Opium. 1410.

Other Scientific Departments. 1542, 1550.

Overseas Communication Service. 1597.

Payments to other Governments, Department etc., on Account of the Administration of Agency subjects and Management of Treasuries. 1410.

Payments to Government of Pakistan for unique Institutions. 1410.

Payments to Retrenched Personnel. 1410.

Pre-Partition Payments. 1410.

Provincial Excise. 1410.

Resettlement and Development. 1410.

Salt. 1272, 1281, 1284.

Stamps. 1410.

Stationery and Printing. 1322, 1330, 1342, 1346, 1359.

Superannuation Allowances and Pensions. 1410.

Taxes on Income including Corporation Tax. 1410.

Telephone Factory. 1597.

Territorial and Political Pensions. 1410.

Budget, Railways—

General discussion. 686, 690-92, 700, 713.

SODHI SHRI, B. L.—contd.

Budget, Railways—contd.

Demand for Grant—Railway Board—

Motion to reduce the Demand—General Administration with particular reference to economy. 778.

Insufficient provision of amenities to passengers. 771.

Business of the House—

Time table for the day's Business. 477.

Election of — to Standing Committee for Ministry of Industry and Supply. 2089.

Election of — to Standing Finance Committee. 2090.

Hindu Code—

Motions to consider as reported by the Select Committee, to re-circulate and to re-commit to Select Committee. 949, 1014, 2251.

Indian Finance Bill—

Motion to refer to Select Committee. 1647, 1722.

Indian Tariff (Second Amendment) Bill. 80.

Industries (Development and Control) Bill—

Motion to refer to Select Committee. 2405.

Motion re—

Information and broadcasting. 1972-73.

Relief and Rehabilitation situation. 1911.

Payments of Taxes (Transfer of Property) Bill—

Motions to consider and to refer to Select Committee. 35, 50.

Protective Duties (Miscellaneous Provisions) Bill. 1824, 1831, 1845, 1846, 1848.

Railways (Transport of Goods) Amendment Bill. 1781.

Resolution re—

Extension of period mentioned in Sections 2 and 3 of India (Central Government and Legislature) Act, 1946, as adapted. 1788.

Failure of Grow More Food Campaign. 131, 199, 208.

Serving of rice in non-vegetarian hotels. 131, 199, 208.

SOUTH AFRICA—

Statement by Prime Minister on disturbances in Durban, —. 67-69.

SPEAKER, MR.—

See "Ruling(s)".

STAMPS—

Demand for Grant. 1402-47.

Demand for Supplementary Grant. 2191.

STANDARDS INSTITUTIONS, INDIAN—

Annual Report of — laid on the Table. 211.

STANDING COMMITTEE(S)—

Elections to Standing Advisory Committees. 1753-67.

Election to — for Department of Scientific Research. 2089-90.

Election to — for Ministry of Agriculture. 1996-97, 2038.

Election to — for Ministry of Commerce. 1859.

Election to — for Ministry of Communication. 1859, 1997, 2038.

Election to — for Ministry of Defence. 1859.

Election to — for Ministry of Education. 2039.

Election to — for Ministry of External Affairs. 1911.

Election to — for Ministry of Food. 1911, 2387, 2431.

Election to — for Ministry of Health. 1911.

Election to — for Ministry of Home Affairs. 2089.

Election to — for Ministry of Industry and Supply. 2089, 2483-84, 2545.

Election to — for Ministry of Information and Broadcasting. 1998.

Election to — for Ministry of Labour. 1998, 2483, 2545.

Election to — for Ministry of Law. 2039.

Election to — for Ministry of Relief and Rehabilitation. 2039.

Election to — for Ministry of States. 2089.

Election to — for Ministry of Transport (other than Roads). 2039.

Election to — for Ministry of Works, Mines and Power. 2089.

Election to — for Roads. 2245, 2140.

STANDING FINANCE COMMITTEE—

Election to —. 1767, 2089-90.

STANDING FINANCE COMMITTEE FOR RAILWAYS—

See "Railways, Standing Finance Committee for".

STATE(S)—

See "Merchant Shipping Laws (Extension to Acceding States and Amendment) Bill" under "Bill(s)".

STATE UNIONS—

Revised Instruments of Accession executed by Raj Pramukhs of — laid on the Table. 6-17.

STATES, MINISTRY OF—

Demand for Grant. 1488-1506.

Demand for Supplementary Grant. 2192.

Election to Standing Committee for —. 2089.

STATIONERY AND PRINTING—

Demand for Grant. 1316-61.

Demand for Supplementary Grant. 2194.

STORES DEPARTMENT, INDIA—

Statement of cases in which lowest tenders have not been accepted by —, London—laid on the Table. 2433-34.

STRIKES—

See "Essential Services* (Prevention of Strikes) Bill" under "Bill(s)".

SUBRAMANIAM, DR. V.—

Budget, General—

Demand(s) for Grant(s)—

Central Road Fund. 1579.

Delhi Transport Service. 1579.

Ministry of Health—

Motion to reduce the Demand—Improvement of conditions of Nursing Services. 1516-19.

Ministry of Transport. 1579.

Public Health. 1516-18.

Medical Services. 1516-18.

Demand(s) for Supplementary Grant(s)—

Delhi. 2162.

Delhi Transport Service. 2162.

Budget, Railways—

General discussion. 661-62.

Election of — to Standing Committee for Ministry of Health. 1911.

Election of — to Standing Committee for Roads. 2245.

Tea Committee for India Bill—

Motion to refer to Select Committee. 221.

SUBRAMANIAM, SHRI C.—

Banking Companies Bill. 560.

Budget, General—

General discussion. 1057-60, 1083.

Demand(s) for Grant(s)—

Capital Outlay on Civil Works. 1344-45.

Civil Works. 1344-45.

Commercial Intelligence and Statistics. 1390-91.

Delhi Capital Outlay. 1344-45.

Geological Survey. 1344-45.

Industries and Supplies. 1270.

Irrigation (including Working Expenses), Navigation, Embankment and Drainage works met from Revenue. 1344-45.

SUBRAMANIAM, SHRI C.—*contd.*Budget, General.—*contd.*Demand(s) for Grant(s)—*contd.*

Joint Stock Companies. 1390-91.

Lighthouses and Lightships. 1390-91.

Mines. 1344-45.

Ministry of Commerce. 1390-91.

Ministry of Industry and Supply. 1270.

Ministry of Works, Mines and Power. 1344-45.

Ports and Pilotage. 1390-91.

Salt. 1270.

Stationery and Printing. 1344-45.

Election of — to Standing Committee for Ministry of Agriculture. 1995.

Election of — to Standing Committee for Ministry of Law. 2039.

Indian Finance Bill—

Motion to refer to Select Committee. 1666-69.

Indian Judicial Procedure Bill—

Motion to refer to Select Committee. 411-12.

SUBVERSIVE ORGANISATION(S)—

Demand for Grant—Cabinet—

Motion to reduce the Demand—Policy *re* subversive organisations. 1465-88.

SUCCESSION (AMENDMENT) BILL—

See "Indian —" under "Bill(s)".

SUNDER LALL, SHRI—

Election of — to Standing Committee for Ministry of Communications. 1859.

Election of — to Standing Committee for Ministry of Health. 1911.

SUPERANNUATION ALLOWANCES AND PENSIONS—

Demand for Grant. 1402-47.

SURVEY OF INDIA—

Demand for Grant. 1601-36.

Demand for Supplementary Grant. 2193.

SWAMINADHAN, SHRIMATI AMMU—

Budget, General—

General discussion. 1087-89.

Election of — to Central Advisory Council for Railways. 2140.

Election of — to Standing Committee for the Department of Scientific Research. 2090.

Essential Supplies (Temporary Powers) Amendment Bill. 2376.

Motion *re* Election to Committee to review Convention *re* separation of Railway from General Finance. 2213.

T

TAJAMUL HUSAIN, MR.—

Banking Companies Bill. 557, 559-60, 563, 565.

Budget, General—

General discussion. 1154-55.

Demand(s) or Grant(s)—

External Affairs. 1241-42.

Ministry of External Affairs and Commonwealth Relations. 1241-42.

Tribal Areas. 1241-42.

Budget, Railways—

General discussion. 629, 633, 636-40.

Demand for Grant—Railway Board—

Motion to reduce the Demand—

General Corruption on Railway. 740, 745-46.

Insufficient provision of amenities to passengers. 751-54.

TAJAMUL HUSAIN, MR.—*contd.*

Child Marriage Restraint (Amendment) Bill—

Motions to consider as reported by the Select Committee and to pass as amended. 2311, 2313-15.

Election of — to Standing Committee for Ministry of Works, Mines and Power. 2089.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 847, 851-52, 858, 864, 868-69, 883, 889, 892, 899, 901-02, 904, 907, 908, 909, 916, 932, 947-49, 951, 2256-57, 2261, 2268-70.

Motion *re*—

Election to All-India Council for Technical Education. 2198-2200.

Election to Committee to review Convention *re* separation of Railway from General Finance. 2215, 2218, 2220, 2230, 2234, 2236, 2240.

TARIFF (AMENDMENT) BILL—

See "India —" under "Bill(s)".

TAXATION—

See "Payment of Taxes (Transfer of Property) Bill" under "Bill(s)".

See also "Taxation Laws (Amendment) Bill" under "Bill(s)".

See also "Income-Tax".

TAXES ON INCOME INCLUDING CORPORATION TAX—

Demand for Grant. 1401-47.

Demand for Supplementary Grant. 2191.

TEA BOARD—

Election to Central —. 2342, 2431.

TEA COMMITTEE FOR INDIA BILL—

See "Bill(s)".

TEA CONTROL (AMENDMENT) BILL—

See "India —" under "Bill(s)".

TECHNICAL EDUCATION, ALL-INDIA COUNCIL FOR—

Election to —. 2197-200, 2291.

TEK CHAND, DR. BAKSHI—

Child Marriage Restraint (Amendment) Bill—

Motions to consider as reported by the Select Committee and to pass as amended. 2330-31, 2335.

Election of — to Standing Committee for Ministry of Relief and Rehabilitation. 2039.

Election of — to Standing Committee for Ministry of Relief and Rehabilitation. 2039.

Hindu Code—

Motions to consider as reported by the Select Committee, to re-circulate and to re-commit to Select Committee. 2237-38.

Hindu Marriages Validity Bill—

Motion to refer to Select Committee. 425.

Motion *re*—

Election to Committee on Public Accounts. 1770.

Relief and Rehabilitation Situation. 1935-41, 1954-55, 1958.

TELEGRAPH (AMENDMENT) BILL—

See "Indian —" under "Bill(s)".

TELEPHONE FACTORY—

Demand for Grant. 1584-1600.

Demand for Supplementary Grant. 2193.

TENANCY AND LAND RECORDS BILL—

See "Ajmer-Merwara —" under "Bill(s)".

TENDER(S)—

Statement of cases in which lowest — have not been accepted by Indian Store Department, London—laid on the Table. 2433-34.

TERRITORIAL AND POLITICAL PENSIONS—

Demand for Grant. 1402-47.

TERRITORIAL ARMY BILL—

See "Bill(s)".

THAKKAR, SHRI A. V.—**Budget, General—**

Demand(s) for Grant(s)—

Archæology. 1540-42.

Education—

Motion to reduce the Demand—Transfer of Colleges in Delhi to University Area 1540-42.

Ministry of Education. 1540-42.

Ministry of Labour—

Motion to reduce the Demand—Unity of Trade Union Organisation. 1562.

Ministry of States. 1502.

Other Scientific Departments. 1540-42.

Relations with Indian States. 1502.

Demand(s) for Supplementary Grant(s)—

External Affairs. 2181.

Ministry of External Affairs and Commonwealth Relations. 2181.

Tribal Areas. 2181.

Budget, Railways—

General discussion. 676-77.

Election of — to Standing Committee for Ministry of Education. 2039.

Election of — to Standing Committee for Ministry of States. 2089.

Indian Finance Bill—

Motion to refer to Select Committee. 1716-18, 1737.

Prevention of Free or Forced or Compulsory Labour Bill—

Motions to refer to Select Committee and to circulate. 399-400.

TRADE UNION(S)—

Demand for Grant—Ministry of Labour—

Motion to reduce the Demand—Unity of Organisations. 1557-74.

TRANSFER OF PROPERTY—

See "Payment of Taxes (Transfer of Property) Bill" under "Bill(s)".

TRANSPORT—

See "Delhi Road Transport Authority Bill" under "Bill(s)".

See also "Railways (Transport of Goods) Amendment Bill" under "Bill(s)".

TRANSPORT, MINISTRY OF—

Demand for Grant. 575-82.

Demand for Supplementary Grant. 2192.

Election to Standing Committee for —. 2039.

TRIBAL AREAS—

Demand for Grant. 1225-64.

Demand for Supplementary Grant. 2173-93.

TRIPATHI, SHRI KISHORIMOHAN—**Budget, Railways—**

General discussion. 663-64.

Election of — to Standing Committee for Ministry of Agriculture. 1996.

Election of — to Standing Committee for Roads. 2245.

Indian Finance Bill—

Motion to refer to Select Committee. 1673-75.

TUBERCULOSIS ASSOCIATION OF INDIA—

Election to Central Committee of the —. 1771, 1789, 2140.

TYAGI, SHRI MAHAVIR—

Banking Companies Bill. 445.

Budget, General—

General discussion. 1074-77.

Demand(s) for Grant(s)—

Ajmer-Merwara. 1454, 1458.

Andaman and Nicobar Islands. 1454, 1458.

Audit. 1415, 1428, 1442-43.

Aviation. 1588, 1594, 1597, 1599.

Cabinet—

Motion to reduce the Demand—Policy re Subversive Organisation. 1454, 1458.

Capital Outlay on Civil Aviation. 1588, 1594, 1597, 1599.

Capital Outlay on Currency. 1415, 1428, 1442-43.

Capital Outlay on Development. 1415, 1428, 1442-43.

Capital Outlay on India Security Press. 1415, 1428, 1442-43.

Capital Outlay on Indian Posts and Telegraphs (not met from Revenue.) 1588, 1594, 1597, 1599.

Capital Outlay on Industrial Development. 1415, 1428, 1442-43.

Capital Outlay on Mints. 1415, 1428, 1442-43.

Capital Outlay on Schemes of State Trading. 1415, 1428, 1442-43.

Census. 1454, 1458.

Central Excise Duties. 1415, 1428, 1442-43.

Civil Defence. 1454, 1458.

Commuted Value of Pensions. 1415, 1428, 1442-43.

Currency. 1415, 1428, 1442-43.

Customs. 1415, 1428, 1442-43.

Delhi. 1454, 1458.

Grants-in-Aid to Provincial Governments. 1415, 1428, 1442-43.

Indian Posts and Telegraphs—Stores Suspense (not met from Revenue). 1588, 1594-97, 1599.

Indian Posts and Telegraphs—Stores Suspense (not met from Revenue). 1588, 1594-97, 1599.

Industries and Supplies. 1267-68, 1273-75.

Interest Free and Interest bearing Advances. 1415, 1428, 1442-43.

Jails and Convicts Settlements. 1454, 1458.

Medical Services. 1514.

Meteorology. 1588, 1594, 1597, 1599.

Ministry of Communications—

Motion to reduce the Demand—Proposed increase in postal rates. 1588, 1594, 1597, 1599.

Ministry of Finance. 1415, 1428, 1442-43.

Ministry of Health. 1514.

Ministry of Health—

Motion to reduce the Demand—Improvement of conditions of Nursing Services. 1514.

Ministry of Home Affairs—

Motion to reduce the Demand—Policy re Military or Semi-Military Organisation established by Provincial Governments. 1454, 1458.

Ministry of Industry and Supply. 1267-68, 1273-75.

Mint. 1415, 1422, 1428, 1442-43.

Miscellaneous. 1415, 1428, 1442-43.

Miscellaneous Adjustments between the Central and Provincial Governments. 1415, 1428, 1442-43.

Miscellaneous Departments. 1415, 1428, 1442-43.

Opium. 1415, 1428, 1442-43.

Overseas Communications Service. 1588, 1594, 1597, 1599.

Panth Piploda. 1454, 1458.

Payments to Government of Pakistan for Unique Institutions. 1415, 1428, 1442-43.

Payments to other Governments, Departments etc., on account of the Administration of Agency Subjects and Management of Treasuries. 1415, 1428, 1442-43.

Payment to Retrenched Personnel. 1415, 1428, 1442-43.

Police. 1454, 1458.

TYAGI, SHRI MAHAVIR—contd.**Budget, General—contd.****Demand(s) for Grant(s)—contd.**

Pre-Partition Payments. 1415, 1428, 1442-43.
 Provincial Excise. 1415, 1428, 1442-43.
 Public Health. 1514.
 Resettlement and Development. 1415, 1428, 1442-43.
 Salt. 1267-68, 1273-75.
 Superannuation Allowances and Pensions. 1415, 1428, 1442-43.
 Stamps. 1415, 1428, 1442-43.
 Taxes on Income including Corporation Tax. 1415, 1428, 1442-43.
 Telephone Factory. 1588, 1594, 1597, 1599.
 Territorial and Political Pensions. 1415, 1428, 1442-43.

Demand(s) for Supplementary Grant(s)—

Defence Services, Effective—Army. 2169.
 Defence Services, Effective—Supplies and Stores. 2169.
 Defence Services, Non-Effective Charge. 2169.
 External Affairs. 2181-84.
 Ministry of External Affairs and Commonwealth Relations. 2181-84.
 Pre-Partition Payments. 2173.
 Tribal Areas. 2181-84

Budget, Railways—

General discussion. 637, 639.

Demand for Grant—Railway Board—

Motion to reduce the Demand—
 General administration with particular reference to economy. 772-82, 817.
 General corruption in Railways. 744.
 Insufficient provision of amenities to passengers. 770-71.

Cinematograph (Amendment) Bill—

Motion to consider. 2519-24, 2529, 2531.
 Consideration of Clauses. 2540-43.
 Motion to pass as amended. 2548.
 Election of — to Committee on Public Accounts. 2090.
 Election of — to Committee to review working of Railway Convention. 2431.
 Election of — to Standing Committee for Ministry of Communications. 1859.
 Election of — to Standing Committee for Ministry of Defence. 1859.

Hindu Code—

Motions to consider as reported by Select Committee, to re-circulate and to re-commit to Select Committee. 832, 844-45, 917, 932-33, 1025, 2211-12, 2246, 2252-2253, 2258-59.

Hindu Marriages Validity Bill—

Motion to refer to Select Committee. 425.

Indian Finance Bill—

Motion to refer to Select Committee. 1662, 1713-16, 1745.
 Motion to consider as reported by Select Committee. 2061, 2067-69, 2073.

Indian Tariff (Second Amendment) Bill. 62.**Industries (Development and control) Bill—**

Motion to refer to Select Committee. 2425.

Motion re—

Election to All-India Council for Technical Education. 2197-2200.
 Election of — to Committee of Review Convention re separation of Railway from General Finance. 2206-08.
 Motion re Information and Broadcasting. 1961, 1974, 1978-81.
 Motor Vehicles (Amendment) Bill. 417.

Payment of Taxes (Transfer of Property) Bill—

Motions to consider and to refer to Select Committee. 47-49, 54.

Prevention of Free or Forced or Compulsory Labour Bill—

Motions to refer to Select Committee and to circulate. 401, 402-04.

Protective Duties (Miscellaneous Provisions) Bill. 1841.**Resolution re—**

Failure of Grow More Food Campaign. 143, 149, 207-08.
 Serving of rice in non-vegetarian hotels. 143, 149, 207-08.

U**UNITED PROVINCES PROVINCIAL ARMED CONSTABULARY (EXTENSION OF LAWS) BILL—**

See 'Bill(s)'.

UPADHYAYA, SHRI RAM CHANDRA—**Budget, General—****Demand(s) for Grant(s)—**

Agriculture. 1613-18.
 Botanical Survey. 1613-18.
 Capital Outlay on Forests. 1613-18.
 Civil Veterinary Services. 1613-18.
 Forest. 1613-18.
 Indian Dairy Department. 1613-18.

Ministry of Agriculture—**Motion to reduce the Demand—**

Co-ordination with Provinces and failure to meet shortage of food. 1613-18.
 Stoppage of foodgrains import from foreign countries. 1613-18.

Ministry of Food—

Motion to reduce the Demand—Food shortage and Policy. 1613-18.

Survey of India. 1613-18.
 Zoological Survey. 1613-18.

Child Marriage Restraint (Amendment) Bill—

Motions to consider as reported by Select Committee and to pass as amended. 2299-2302.
 Election of — to Standing Committee for Ministry of Transport (other than Roads). 2039.

Election of — to Standing Committee for Roads. 2245.

Indian Finance Bill—

Motion to consider as reported by Select Committee. 2075-84.

VAIDYA, SHRI VINAYAKRAO B.—

Election of — to Standing Committee for Ministry of Health. 1911.

VEERABAHU, SHRI M. C.—**Budget, General—****Demand(s) for Grant(s)—**

Commercial Intelligence and Statistics. 1383-84.
 Joint-Stock Companies. 1383-84.
 Lighthouses and Lightships. 1383-84.
 Ministry of Commerce. 1383-84.
 Ports and Pilotage. 1383-84.
 Election of — to Standing Committee for Ministry of Commerce. 1859.

V**VIJAIVERGIYA, SHRI RADHAVALLABH—****Budget, General—**

General discussion. 1151-54.
 Election of — to Standing Committee for Ministry of Food. 1911.
 Election of — to Standing Committee for Ministry of Information and Broadcasting. 1998.

VIJAYAVARGIYA, SHRI GOPIKRISHNA—**Budget, General—****Demand(s) for Grant(s)—**

Ajmer-Merwara. 1473.
 Andaman and Nicobar Islands. 1473.

Cabinet—

Motion to reduce the Demand—Policy re Subversive Organisation. 1473.

Census. 1473.

Civil Defence. 1473.

VIJAYAVARGIYA, SHRI GOPIKRISHNA—contd.

Budget, General—contd.

Demand(s) for Grant(s)—*contd.*

Defence Capital Outlay. 1212-17.

Defence Services, Effective—Army. 1212-17.

Defence Services, Effective—Royal Indian Air Force. 1212-17.

Defence Services, Effective—Royal Indian Navy. 1212-17.

Defence Services, Non-Effective Charges. 1212-17.

Delhi. 1473.

Jails and Convicts Settlements. 1473.

Ministry of Defence. 1212-17.

Ministry of Home Affairs—

Motion to reduce the Demand—

Policy re Military or Semi-Military organisations established by Provincial Governments. 1473.

Panth Piploda. 1473.

Police. 1473.

Budget, Railways—

General discussion. 664-67.

Election of — to Standing Committee for Ministry of Defence. 1859.

Election of — to Standing Committee for Ministry of Labour. 1998.

Indian Finance Bill—

Motion to refer to Select Committee. 1698-1701.

Loans from International Monetary Fund. 6.

Protective Duties (Miscellaneous Provisions) Bill—

Motions to consider and to pass as amended. 1871.

VELAYUDHAN, SHRIMATI DAKSHAYANI—

Budget, General—

General discussion. 1094-96.

Budget, Railways—

Demand for Grant—Railways Board—

Motion to reduce the Demand—Insufficient provision of amenities to passengers. 760-61.

Election of — to Standing Committee for Ministry of Health. 1911.

Nomination of — to Committee on Petitions. 477.

Prevention of Free or Forced or Compulsory Labour Bill—

Motions to refer to Select Committee and to circulate. 407.

Resolution re—

Failure of Grow More Food Campaign. 125.

Serving of rice in non-vegetarian hotels. 125.

VYAS, SHRI JAINARAIN—

Election of — to Standing Committee for Ministry of Home Affairs. 2089.

Mangrol and Manavadar (Administration of Property) Bill. 238-39.

W

WEST BENGAL—

Resolution re Census of Assam — and East Punjab. 107-11.

WEST GODAVARI DISTRICT (ASSIMILATION OF LAWS ON FEDERAL SUBJECTS) BILL—

See "Bill(s)".

WILSON, MR. T. J. M.—

Budget, General—

General discussion. 1082.

Election of — to Standing Committee for Roads. 2945.

WIRELESS TELEGRAPHY (AMENDMENT) BILL—

See "Indian —" under "Bills".

WITHDRAWAL FROM RESERVE—

Demand for Supplementary Grant—Railway Budget. 958-68.

WORKING EXPENSES, ADMINISTRATION—

Demand for Grant—Railway Budget. 818.

Demand for Supplementary Grant—Railway Budget. 957-68.

WORKING EXPENSES—APPROPRIATION TO DEPRECIATION FUND—

Demand for Grant—Railway Budget. 819.

Demand for Supplementary Grant—Railway Budget. 958-68.

WORKING EXPENSES—MISCELLANEOUS EXPENSES—

Demand for Grant—Railway Budget. 819.

Demand for Supplementary Grant—Railway Budget. 958-68.

WORKING EXPENSES—OPERATION (FUEL)—

Demand for Grant—Railway Budget. 819.

Demand for Supplementary Grant—Railway Budget. 958-68.

WORKING EXPENSES—OPERATION OTHER THAN STAFF AND FUEL—

Demand for Grant—Railway Budget. 819.

WORKING EXPENSES—OPERATING STAFF—

Demand for Grant—Railway Budget. 819.

Demand for Supplementary Grant—Railway Budget. 958-68.

WORKING EXPENSES—REPAIRS AND MAINTENANCE—

Demand for Grant—Railway Budget. 819.

Demand for Supplementary Grant—Railway Budget. 958-68.

WORKS, MINES AND POWER, MINISTRY OF—

Demand for Grant. 1315-61.

Election to Standing Committee for —. 2089.

WORKERS PROVIDENT FUND BILL—

See "Bill(s)"

YASHWANT RAI, PROF.—

Budget, General—

General discussion. 1145-49.

Demand(s) for Grant(s)—

Archaeology. 1523-29.

Education—

Motion to reduce the Demand—Transfer of Colleges in Delhi to the University.

Area. 1523-29.

Ministry of Education. 1523-29.

Other Scientific Departments. 1523-29.

Election of — to All India Council for Technical Education. 2291.

Election of — to Standing Committee for Ministry of Education. 2039.

Z

ZOOLOGICAL SURVEY—

Demand for Grant. 1601-36.

Demand for Supplementary Grant. 2193.